**Before The Hon'ble State Administrative Tribunal At Shimla**

O. A. No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

APPLICATION UNDER SECTION 19 OF THE H.P. ADMINISTRATIVE TRIBUNALS ACT, 1985

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

RESPECTFULLY SHEWETH:

1. PARTICULARS OF THE APPLICANT:

As given in the Memo of Parties.

2. PARTICULARS OF THE RESPONDENTS:

As given in the Memo of Parties.

3. IMPUGNED ORDER:

That the applicant is aggrieved by the impugned order issued by the respondents dated \_\_\_\_\_\_ whereby the applicant has been ordered to be transferred from his present place of posting ie; \_\_\_\_\_\_ to \_\_\_\_\_\_ vide Serial No. \_\_\_\_\_\_ of the impugned order which is annexed as Annexure A-1.

The impugned order has been issued by the respondents arbitrarily and malafidely in asmuchas the respondents have lost sight of the fact that the applicant has served only for period of \_\_\_\_\_\_ months at his present place of posting. As a matter of fact the impugned order has been issued in malafide and colourable exercise of administrative powers, which facts are elaborately narrated in para 6 below, and there was no justified or bonafide cause to transfer the applicant in hot haste manner except malafide reasons/to adjust the respondent No. \_\_\_\_\_\_ . The impugned order is illegal, unjust and issued in utter violation of principles of law settled by the Hon'ble Supreme Court and this Hon'ble Tribunal in catena of cases, and against the professed norms {State of UP Vs. Ashok Kumar Saxena and another} laid down in the Transfer Police. Such frequent transfers put unnecessary burden on the government exchequer and public money, besides putting the individual to unnecessary harassment.

The said impugned order is arbitrary, illegal, malafide, violative of the Constitutional Rights and natural justice and issued in colourable exercise of power.

4. JURISDICTION:

That the applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:

That the applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

(6.1) That the applicant submits that \_\_\_\_\_\_

GROUNDS

(6.2) That feeling aggrieved by such an arbitrary, malafide, discriminatory and illegal actions of the respondents, the applicant seeks the indulgence of this Hon'ble Tribunal on the following grounds amongst others, which may be taken during the course of arguments, each one of which is without prejudice to and independent of others :-

(a) That the impugned order \_\_\_\_\_\_ issued by the respondent is arbitrary, malafide, illegal, ultra vires, against the Articles 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(b) That vide Annexure A-1, the petitioner has been ordered to be transferred by the respondents vice the respondent No. \_\_\_\_\_\_ , during ban on the general transfers and without condoning the short stay by the competent authority. Moreover, the transfer order is lacking bonafide and is not disclosing any public interest. The said impugned order has been issued just to adjust/accommodate the respondent No. \_\_\_\_\_\_ .

(c) That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(d) That the impugned order is against the well settled principles of the law as laid down by the Hon'ble Supreme Court and this Hon'ble Tribunal in catena of cases.

7. RELIEFS SOUGHT:

That the applicant, therefore, prays that your Lordship be pleased to issue an appropriate writ, orders or directions to grant the following reliefs in favour of the applicant in the interest of justice:-

(a) Quash the impugned order A- \_\_\_\_\_\_ issued arbitrarily, malafidely and illegally by the respondents;

(b) Direct the respondents \_\_\_\_\_\_ ;

(c) Direct the respondents to produce all the relevant documents alongwith reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this O.A.;

(e) Pass such other order or directions as deemed fit and proper in favour of the applicant.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

8. INTERIM ORDERS, IF PRAYED:

It is most respectfully prayed, that during the pendency of this O. A. the operation of the impugned order \_\_\_\_\_\_ qua the applicant may be stayed in the interest of justice.

9. DETAILS OF REMEDIES EXHAUSTED:

That the applicant submits that since the matter being of an urgent nature, there is no other alternative speedy and efficacious remedy available to him except to approach this Hon'ble Tribunal.

10. MATTER NOT PENDING WITH ANY OTHER COURTS ETC.

That the applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other Authority or any other bench of this Hon'ble tribunal.

11. PARTICULARS OF COURT FEES:

Court fees worth Rs. 50/- is attached herewith.

12. DETAILS OF INDEX:

An index containing the details of the documents to be relied upon is enclosed herewith.

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

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Affidavit in support of O.A. under Section 19 of the H. P. Administrative Tribunals Act 1985.

I,\_\_\_\_\_\_, do hereby solemnly, affirm and declare as under :-

1. That the accompanying O.A. has been prepared under my instructions.

2. That the contents of paras 1 to 12 of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_ .

DEPONENT

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

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**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

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Court Fees Rs. 50/-

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