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

OA No.:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Shimla Applicant

\_\_\_\_\_\_ Through, Advocate

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 action rather inaction of the respondents whereby they are not granting UGC scale to the applicant and also not deeming the applicant as Pandit/Lecturer.

4. Jurisdiction:

That the applicant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:

That the applicant further declares that the application is within the limitation.

6. Facts of the Case:

6.1 That the applicant submits that he was initially appointed as \_\_\_\_\_Shashtri on regular basis by the respondent department on \_\_\_\_\_.

6.2 That the applicant is possessing the qualifications of \_\_Vayakaranacharya, MA (Sanskrit) and M. Phil.

6.3 That the applicant was transferred by the respondent department to Sanskrit College \_\_\_\_\_ against the vacant post of Pandit/Head Pandit on \_\_\_\_\_ being duly qualified to hold the said post.

6.4 That the applicant is eversince continuing at Sanskrit College \_\_\_\_\_ and discharging his duties with the best of his abilities.

6.5 \_\_\_\_\_That it is also pertinent to submit herewith that even the Vice Chancellor, \_\_\_\_\_\_ University has given his approval under powers vested in him under \_\_\_\_\_\_ University First Ordinances 39.5 (b) read with Ordinance 38.5 B (d) for temporary appointment of the applicant as Vayakarancharya on \_\_\_\_\_\_ (Annexure A-\_\_\_\_\_).

6.6 That it is pertinent to submit herewith that ever since the appointment of the applicant, he has been discharging the duties same and similar to the Lecturer/Pandits. The applicant is possessing the requisite qualifications for the said post and is fully eligible for being appointed against the said post.

6.7 That the applicant is entitled to the benefit as has been given to other similarly situated persons by this Hon'ble Tribunal vide OA No. \_\_\_\_\_\_ titled as \_\_\_\_\_\_ Vs \_\_\_\_\_\_. One of the relief sought in the said OA was that the applicant and other similarly situated persons may be declared to have been appointed as Pandits/Lecturers in Sanskrit Colleges with all consequential benefits. As such, the applicant being similarly situated person, is entitled for all the benefits granted in the said OA.

6.8 That the applicant has apprehensions that the respondent department with a view to deprive the applicant of the benefits may transfer out the applicant from Sanskrit College to the schools.

6.9 That it is pertinent to submit herewith that the rules of UGC are applicable since \_\_\_\_\_\_ and Sanskrit Pathshalas are deemed as Colleges since \_\_\_\_\_\_ and those who possessed the qualifications of Acharya or MA were treated as lecturer (Annexure A-2\_\_).

6.10 That the Central Government has issued a notification in 1964 made applicable by the respondent State in 1967 all the teachers possessing the qualifications of MA in the Sanskrit College were deemed Lecturers and given the pay scale of Lecturers. This has been the practice in past and till now and the applicant has been legitimately expecting that the applicant will also be given the similar benefits. Accordingly, the applicant has applied for the scale of UGC on the principle of equal pay for equal work and the case of the applicant was forwarded by the Principal of Sanskrit College, \_\_\_\_\_ on \_\_\_\_\_\_ but nothing has been heard about the same till date.

6.11 That \_\_\_\_\_\_

GROUNDS

6.12. 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 at the time 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 the respondents have made artificial division between TGT/Shashtris/Sanskrit Teachers and the Pandits/Head Pandits/Lecturers though all are discharging similar functions.

(c) That \_\_\_\_\_\_

(d) That the applicant was initially appointed against a vacant regular and sanctioned post. The post for the regularisation of the service of the applicant is available.

(e) That the qualification for the regular post is same and similar as possessed by the applicant.

(f) That the work being performed by the applicant is the same or work of similar nature in asmuch as the skill, effort and responsibility required are the same and being performed under the similar working conditions.

(g) That the nature of duty of the applicant is same and similar as that of the regular counterparts. Rather more duties are being extracted from the applicant.

(h) That there is qualititative and quantitative commonality in the nature of work being performed by the regular counterparts (Pandits/Head Pandits) and by the applicant.

(i) That the applicant is entitled to the salary equal to his Pandits/Head Pandits performing the same, similar and equal duties in accordance with the principles of law settled by the Hon'ble Apex court and this Hon'ble Tribunal in catena of cases.

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

(k) 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) Direct the respondents to deem the applicant as Pandit/Lecturer from the date he was transferred to Sanskrit College and permanently absorb as such;

(b) Direct the respondents to give all the consequential benefits to the applicant as has been given to the other similarly situated persons in OA No. \_\_\_\_\_\_ titled as \_\_\_\_\_\_ Vs \_\_\_\_\_\_ ;

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

(d) Allow the cost of this OA;

(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 OA, the respondents may kindly be directed to maintain the status quo qua the applicant so as not to effect any change in his status as Shashtri Teacher working in Sanskrit College, till further orders 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, Advocate

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

OA No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Affidavit in support of OA under Section 19 of the Administrative Tribunals Act 1985.

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

1. That the accompanying OA 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 \_\_\_\_\_\_.

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

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**Index**

|  |  |  |  |
| --- | --- | --- | --- |
| Sl No | Annx | Particulars of Documents | Pages |
| 1 |   | Court Fees | [I] |
| 2 |   | Memo of Parties  | 1 |
| 3 |   | OA | 2 |
| 4 |   | Affidavit  |   |
| 5 | A-1  |   |   |
| 6 | A-2 |   |   |
| 7 |   | Power of Attorney |   |

Shimla Applicant

\_\_\_\_\_\_ Through, Advocate