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

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

Applicants

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 applicants are aggrieved by the impugned action of the respondents whereby they are not paying the arrears of enhanced wages to the applicants and withholding the same arbitrarily and illegally.

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 applicants submit that the applicant Nos. 1 to \_\_\_\_\_\_\_ were initially engaged as Daily Waged worker in the respondent department w.e.f from different dates. \_\_\_\_\_Some of them have since been regularised. The applicants were working with the respondent department during the relevant period for which the present claim is being laid down.

6.2 That the respondent state had enhanced the daily wages to Rs. \_\_\_\_\_\_ per day wef \_\_\_\_\_\_, which rates were equally applicable to all the departments through out the state and accordingly the instructions were issued by the respective head of departments to their subordinate offices and the subordinate offices further disseminated these instructions to their sub-offices. It is pertinent to submit herewith that the applicants were working with the respondent department at the time and during the period these wages were enhanced.

6.3 That even some of the daily paid labourers have approached this Hon'ble Tribunal and the Labour court for payment of arrears of duly earned wages and they were granted arrears accordingly by this Hon'ble Tribunal and the Labour court. This Hon'ble Tribunal has already passed orders in OA No. \_\_\_\_\_\_ titled as \_\_\_\_\_\_ Vs \_\_\_\_\_\_,

GROUNDS

6.4 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 action of the respondents 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 respondent can not discriminate with the applicants in the matter of payment of enhanced wages. The wages are the property of the applicants under Article 300-A of the Constitution of India and the same cannot be withheld except in accordance with law.

(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 action of the respondents whereby they are not paying the arrears of enhanced wages to the applicants, the impugned action being arbitrary, malafide and illegal;

(b) Direct the respondents to pay to the applicants the arrears of enhanced wages @ Rs. \_\_\_\_\_\_ per day wef \_\_\_\_\_\_ onwards alongwith interest @ 18% pa till the date of payment;

(c) Direct the respondents to produce all the relevant documents alongwith their 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.

8. Interim Orders, If Prayed:

No interim is prayed for at this moment.

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**

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

Applicants

Versus

Respondents

Affidavit in support of O.A. under Section 19 of the 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 \_\_\_\_\_\_.

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

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

Applicant

Versus

Respondents

**Index**

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

Shimla Applicant

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

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

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

Applicants

Versus

Respondents

Application Under Rule 4(4)(a) of HP Administrative (Procedure) Rules 1986 for permission to file joint application

Shimla Applicants

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

Respectfully Sheweth :

1. That the Original applicants have filed O. A. in this Hon'ble Tribunal jointly.

2. That from perusal of the relief sought by the original applicants, it is evident that all the applicants have common cause which adversely affect the interests of the present applicants.

3. That the interest of justice demands that the present applicants are allowed to file the present OA jointly in the interest of justice.

4. It is, therefore, most humbly prayed that the present applicants may kindly be allowed to file the present OA jointly in the interest of justice. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Shimla Applicants

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

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL H.P. AT SHIMLA**

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

Applicants

Versus

Respondents/Applicants

Affidavit in support of application under Rule 8 {3} of Administrative Tribunal Rules

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

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 4 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 and no part of it is false and nothing material has been concealed therein.

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