**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 order issued by the respondents \_\_

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 he was initially engaged as Daily Waged \_\_\_\_\_ on \_\_\_\_\_ and ever since he has completed 240 days in each calender year.

6.2 That the applicant has completed \_\_\_\_ years of service on \_\_\_\_\_, which entitled the applicant for regularisation of his service in accordance with the instructions in this regard with all the consequential benefits.

6.3 That the respondent department however, has regularised the services of the applicant wef \_\_\_\_\_ (Annexure A-\_\_\_\_\_) as against \_\_\_\_ and has allowed the applicant benefits of seniority, salary etc wef \_\_\_\_\_, which an action on the part of the respondents are wrong and illegal.

6.4 That other similarly situated persons \_\_\_\_, have been given benefits of reglarisation alongwith all the consequential benefits wef \_\_\_\_\_.

GROUNDS

6.5 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 \_\_\_\_\_\_\_

(c) That the pay of the applicant is property as envisaged under Article 300-A of the Constitution of India and the same cannot be withheld in this manner. Fixation of pay etc is a recurring cause of action.

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

(e) 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, malafide and illegally by the respondents;

(b) Direct the respondents \_\_\_\_\_\_ with arrears and interest thereon @ 18% pa from the date of amount falling due till the date of realisation with all the consequential benefits;

(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 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:

That it is most respectfully prayed that during the pendency of this OA, the operation of the impugned order dated \_\_\_\_\_, A-\_\_\_\_\_ may kindly be stayed \_\_\_\_\_ and the respondents may kindly be restrained from making recovery from the applicant 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

Verification:

I,\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 12 of above OA are correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Verified here at Shimla this \_\_\_\_\_\_.

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

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

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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**

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

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Shimla Applicant

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