**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 inaction of the respondent department whereby they have created no promotional avenues for the applicant and the applicant will have to retire in the cadre of \_\_\_\_\_ in which he was initially appointed.

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 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 \_\_\_\_\_

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 at the time of arguments, each one of which is without prejudice to and independent of others :-

(a) That the impugned inaction of the respondent whereby they have provided no promotional avenues to the applicant 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 Hon'ble Apex court has held that reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and foster the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to be degenerate and stagnation kills the desire to serve properly. The Hon'ble Apex court has given directions in appropriate cases to provide at least two promotional opportunities to the employees by appropriate amendments of rules.

(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 action of the respondent department whereby they have not created promotional avenues for the applicant arbitrarily, malafide and illegally;

(b) Direct the respondents to create at least two promotional avenues for the applicant in the cadre;

(c) Direct the respondent department to consider the applicant for further promotion after creating two promotional avenues at least after 8 years and 16 years of service and grant all the consequential benefits to the applicant with arrears and interest @ 18% pa;

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

(e) Allow the cost of this OA;

(f) 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:

At this stage no interim directions are prayed for.

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 \_\_\_\_\_\_.

Deponent

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

OA 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 | A-1  |   |   |
| 6 | A-2 |   |   |
| 7 | A-3 |   |   |
| 8 | A-4  |   |   |
| 9 |   | Power of Attorney |   |

Shimla Applicant

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