**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 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 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 instructions already exists in Handbook on Personnel Matters Vol-I, Chapter 16, page 543 and clause 16.29 providing that DPCs should meet at regular annual intervals for the preparation of selection list and where no such meeting is held in any year, the appointing authority should record a certificate that there were no vacancies to be filled during the year. Where, however, for reasons beyond control DPC could not be held in any year(s) even though the vacancies arise during that year (or years),the first DPC that meets thereafter should follow the following procedure:-

(i) Determine the actual number of regular vacancies that arose in each of the previous year/years immediately and the actual number of regular vacancies proposed to be filled in the current year separately.

(ii) Consider in respect of each of the years those officials only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.

(iii) Prepare a 'select list' for each year starting with the earliest year onwards.

(iv) Prepare a consolidated select list by placing the select list of earlier year above the one for the next year and so on."

(d) That the applicant was legitimately expecting that the respondent department while ordering the promotions to the next posts will adhere to the rules, instructions and law which lays that the posts will be filled up on the year to year basis and only those candidates will be considered against the vacancy of the particular year in accordance with the rules applicable in that particular years who are in zone of consideration in that particular year.

(e) That while ordering the promotions the seniority assigned to the applicant has totally been ignored. The very purpose of assigning the seniority has totally been ignored and kept in abeyance and the seniority thus has become illusory only.

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

(g) 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 \_\_\_\_\_ ;

(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 operation of the impugned order A-\_\_\_\_\_\_\_ may kindly be stayed.

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 the 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

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