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

OA No.: \_\_\_\_\_

Applicant

Versus

Respondents

Reply on behalf of the respondent No. \_\_\_\_\_\_\_ to OA filed under Section 19 of the Administrative Tribunals Act

Respectfully Sheweth :

Preliminary Submissions/Objections:

1. That the applicant has not come with clean hands before this Hon'ble Tribunal as he has not disclosed the factum of joining of the replying respondent on \_\_\_\_\_\_. He has also purposely concealed his incumbency, which is as under:-

\_\_\_\_\_\_\_\_\_\_

2. That the present OA is not maintainable at all. No indefeasible right of the applicant has got infringed by the impugned order. It is well-settled law by now that the transfer is a matter of administrative discretion and prerogative of the employer. It is not a condition but an incidence of service and the administrative guidelines do not confer any legal or vested right in a Govt employee for challenging his or her transfer. The law in this regard is well settled and reported in 1995 (4) SCT 225 & 1998 (3) SCC 303. Therefore, the impugned transfer order is neither unauthorised nor without jurisdiction and nor malafide or violative of any statutory/mandatory rules and as such the same does not suffer from any vice and the impugned order was well within the prerogative of the respondent state, which is not liable to judicial scrutiny. On the contrary, the applicant has not come with clean hands before this Hon'ble Tribunal. \_\_

Reply on Merits:

1.2. Admitted.

3. That the contents of this para of OA are wrong and denied. \_\_

4& 5. Admitted.

6. That the contents of this para of OA are wrong and denied.

(a) That the contents of this sub-para of OA are wrong and denied. \_\_

(b) That the contents of this sub-para of OA are wrong and denied. \_\_

(c) That the contents of this sub-para of OA are wrong and denied. \_\_

(d) That the contents of this sub-para of OA are wrong and denied. \_\_

(e) That the contents of this sub-para of OA are wrong and denied. \_\_

(f) That the contents of this sub-para of OA are wrong and denied. \_\_

(g) That the contents of this sub-para of OA are wrong and denied. \_\_

(h) That the contents of this sub-para of OA are wrong and denied. \_\_

(i) That the contents of this sub-para of OA are wrong and denied. \_\_

(j) That the contents of this sub-para of OA are wrong and denied. \_\_

(k) That the contents of this sub-para of OA are wrong and denied. \_\_

(l) That the contents of this sub-para of OA are wrong and denied. \_\_

(m) That the contents of this sub-para of OA are wrong and denied. \_\_

(n) That the contents of this sub-para of OA are wrong and denied. \_\_

(o) That the contents of this sub-para of OA are wrong and denied. \_\_

(p) That the contents of this sub-para of OA are wrong and denied. \_\_

7. That the contents of this para of OA are wrong and denied. \_\_\_\_\_\_

8. That the contents of this para of OA are wrong and denied. It is respectfully submitted that the applicant has obtained ex-parte interim orders by suppression of material facts and as such the interim orders passed by this Hon'ble Tribunal deserves to be vacated and may kindly be vacated in the interest of justice with costs on the applicant. \_\_\_\_\_\_

9. to 12. That the contents of these paras of OA are wrong and denied.

Shimla Replying Respondent No. \_\_\_\_\_

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

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

OA No: \_\_\_\_\_\_

Applicant

Versus

Respondents

Affidavit in support of reply filed by the replying respondent No. \_\_\_\_\_\_

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

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

2. That the contents of paras 1 to \_\_\_\_\_ of the Preliminary submission and paras 1 to 12 of the reply on merits are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is true, 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 H.P. AT SHIMLA**

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

Applicants/Non-Applicants

Versus

Respondents/Applicant

Application under Rule 8 (3) of HP Administrative Tribunal Rules for condonation of delay in filing of reply on behalf of the Replying Respondent

Respectfully Sheweth :

1. That the above mentioned OA is filed in this Hon'ble Tribunal by the original applicants.

2. That this Hon'ble Tribunal was pleased to grant time to file the reply to the above OA. The replying respondent/applicant could not file the reply within the stipulated period as the replying respondent had to collect certain records. The delay in filing of the reply is neither intentional nor willful.

3. That filing of reply is essential for adjudication of the matter in interest of justice. The replying respondent could not file the reply within the stipulated time.

4. It is, therefore, most humbly prayed that the delay in filing of the reply may kindly be condoned and the reply may kindly be taken on record in the interest of justice. Such other order may also be passed as deemed fit and proper in the facts and circumstances of the case.

Shimla Replying Respondent No.\_\_\_\_\_/Applicant

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

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

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

-2-

Applicants

Versus

-3-

Respondents/Applicants

Affidavit in support of application under Rule 8 (3) of HP 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 \_\_\_\_\_.

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

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

Applicants/Non-Applicants

Versus

Respondents/Applicants

Application under Rule 8 (3) of HP Administrative Tribunal Rules for vacation of interim orders dated \_\_\_\_\_ and releasing of due and admissible salary

Respectfully Sheweth :

1. That the above mentioned OA is filed in this Hon'ble Tribunal by the original applicants.

2. That the original applicant has obtained interim orders from this Hon'ble Tribunal by suppression of material facts. There is neither balance of convenience in favour of the original applicant nor there is prima facie case in his favour.

3. That \_\_\_\_\_\_\_

4. That interest of justice demands that the interim orders passed by this Hon'ble Tribunal on \_\_\_\_\_ may kindly be vacated. In case the interim order is allowed to continue, the respondent/applicant will suffer irreparable loss and injury, which cannot be compensated in terms of money. The respondent applicant is not getting any salary since \_\_\_\_\_ and is facing grave financial hardship.

5. It is, therefore, most humbly prayed that this application may kindly be allowed and the interim order passed by this Hon'ble Tribunal on \_\_\_\_\_ may kindly be vacated and the respondent department may kindly be directed to release due and admissible salary to the applicant/respondent in the interest of justice. Such other order may also be passed as deemed fit and proper in the facts and circumstances of the case.

Shimla Applicant

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

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

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

Applicants

Versus

Respondents/Applicants

Affidavit in support of application under Rule 8 (3) of HP 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 5 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 \_\_\_\_\_.

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

OA No: \_\_\_\_\_\_\_\_

Applicant

Versus

Respondents

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Shimla Replying Respondent No. \_\_\_\_\_

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