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

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

Applicant

Versus

Respondents

Reply on behalf of the respondent No. \_\_\_\_\_\_\_\_

Respectfully Sheweth :

Preliminary Submissions/Objections:

1. That the present OA is not maintainable at all. \_\_\_\_\_\_The applicant has not joined all the necessary and proper parties. Therefore, the OA is bad for non-joinder of necessary parties.

2. That the applicant has concealed the material fact that the replying respondent has already joined on \_\_\_\_ at GPS \_\_\_\_ as \_\_\_\_ after being appointed. \_\_\_\_It is also submitted that the applicant has voluntarily offered to work gratis free as Water Carrier in GPS \_\_\_\_ wef \_\_\_\_ and this vests no legal or constitutional right in favour of the applicant to claim for his being appointed permanently. It is also pertinent to submit herewith that the applicant is a \_\_\_\_son of \_\_\_\_ and is possessing good landed property and other source of income. On the other hand the replying respondent is a \_\_\_\_destitute lady as her husband is\_\_\_\_\_ and she is getting no financial help from \_\_\_\_ and has no other source of income. The replying respondent has \_\_\_\_\_ children to take care of. The appointment of the replying respondent is perfectly in consonance with the \_\_\_\_Rule 12 of the Scheme for appointment of the Part Time Water Carriers. The replying respondent also belongs to \_\_\_\_\_OBC.

3. That the principle of falsus uno falsus omnibus applies against the applicant. \_\_

4. That the applicant has got no indefeasible right in his favour. \_\_

5. That the applicant has no locus standi to file the present OA.

6. \_\_\_\_\_That the OA is also bad for non-disclosure of better particulars. The particulars have been purposely concealed. The applicant has not come with clean hands and therefore, the principle of suppressio veri suggestio falsi applies against the applicant. The applicant has purposely made mis-representation of facts. \_\_\_\_\_

7. \_\_\_\_\_\_That the applicant has not exhausted alternative remedies, which is mandatory requirement before coming before this Hon'ble Tribunal. The matter is not of urgent nature so as to approach this Hon'ble Tribunal without first exhausting the alternative remedies. No irrevocable or irreparable loss has been caused to the applicant neither any interim stay order was involved. Therefore, the OA is premature and deserves to be dismissed on this account alone.

8. That the OA is hit by gross delay and laches and is not maintainable. \_\_\_\_\_

9. That the OA is also not maintainable as all the applicants have different causes of action. Therefore, OA is bad for mis-joinder of cause of actions. \_\_\_\_

10. That the selection and appointment of the applicant has been done by duly constituted selection committee in accordance with the rules governing the matter. No malafide has been attributed to any of the member of the selection committee and as such there is no other ground available to the applicant to challenge the selection of the replying respondent. The applicant has taken chance to appear before the selection committee and after failing to make it he cannot now approbate and reprobate.

11. That without prejudice to above, \_\_\_\_\_\_. As per the Water Carrier Scheme the replying respondent scores marks as under viz-a-viz the applicant:-

**S.No. Qualification Applicant Respondent**

**- Distance \_\_ \_\_**

**(for \_\_ KMs (For \_\_ KMs)**

**- Land Donation \_\_ \_\_**

**- SC/ST/OBC \_\_ \_\_**

**- Un-employment \_\_ \_\_**

**- Marks in Viva \_**

**Total Marks \_\_ \_\_**

12. From foregoings, it is amply evident that the replying respondent has scored more marks than the applicant and has thus correctly been selected. \_\_\_\_

Reply on Merits:

1. That the contents of this para of OA calls for no reply.

2. That the contents of this para of OA calls for no reply.

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

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

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

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. \_\_

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

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

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

12. That the contents of this para 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 \_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL HP 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.: \_\_\_\_\_\_\_\_

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

Deponent

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

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

Applicant

Versus

Respondents

**Index**

|  |  |  |  |
| --- | --- | --- | --- |
| Sl No | Annx | Particulars of Documents | Pages |
| 1. |  | Reply | 1 |
| 2. |  | Affidavit |  |
| 3. | R-1 |  |  |
| 4. | R-2 |  |  |
| 5. | R-3 |  |  |
| 6. | R-4 |  |  |
| 7 |  | MA for Condonation |  |
| 8 |  | Affidavit |  |
| 9 |  | Power of Attorney |  |

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

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