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

O.A. No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the H.P. Administrative Tribunals Act, 1985

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

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 -0-

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 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) \_\_\_\_\_\_

(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 Annexure A- \_\_\_\_\_\_ issued arbitrarily, malafidely and illegally by the respondents;

(b) Direct the respondents \_\_\_\_\_\_ ;

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

(d) Allow the cost of this O.A.;

(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:

(a) That it is apparent from the grounds of O.A and documents attached therewith that the applicant has prima facie a very good case and the O.A. is bound to succeed.

(b) That balance of convenience is clearly in favour of making of an interim order restraining operation of impugned order during the pendency of O.A.

(c) That there is not even slightest likelihood of prejudice to the public interest if the impugned order is stayed.

(d) That if the impugned order is given effect the applicant will suffer grave irreparable loss and injury which cannot be compensated in terms of money, and filing of this O.A. will become infructuous.

(e) It is, therefore, most respectfully prayed that during the pendency of this O.A., the operation of the impugned order may be stayed 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, Advocates

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

O.A. No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Affidavit in support of O.A. under Section 19 of the H.P. Administrative Tribunals Act 1985.

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

1. That the accompanying O.A. 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**

O.A. No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

**Index**

|  |  |  |  |
| --- | --- | --- | --- |
| Sl No | Annx | Particulars of Documents | Pages |
| 1 |  | Court Fees | [I] |
| 2 |  | Memo of Parties | 1 |
| 3 |  | O.A. | 2 |
| 4 |  | Affidavit |  |
| 5 | A-1 |  |  |
| 6 | A-2 |  |  |
| 7 | A-3 |  |  |
| 8 | A-4 |  |  |
| 9 |  | Power of Attorney |  |

Shimla Applicant

\_\_\_\_\_\_ Through, Advocates

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

M.A. No:\_\_\_\_\_\_ /2004 in

O.A. No:\_\_\_\_\_\_ /2004

Applicants

Versus

Respondents/Non-applicants

M.A. under Rule 4 (4) (a) of HP Administrative Tribunal (Procedure) Rules 1986

Respectfully Sheweth:

1. That the applicants have filed the above mentioned O.A. jointly.

2. That on perusal of the above O.A. and documents attached therewith it is amply evident that all the applicants have common cause of action and common nature of relief prayed for by them and are desirous of joining in a single application as they have a common interest in the matter.

3. That interest of justice demands that the applicants are allowed to file the O.A. in the jointly in the interest of justice.

4. It is therefore, most respectfully prayed that this application may be allowed in the interest of justice and the applicants may be allowed to file the present OA jointly. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Shimla Applicants

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

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

M.A. No:\_\_\_\_\_\_ /2004 in

O.A. No:\_\_\_\_\_\_ /2004

Applicant

Versus

Respondents/Non-applicants

Affidavit in support of M.A. under Rule 4 (4) (b) of HP Administrative Tribunal (Procedure) Rules 1986

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

1. That I am duly authorised by the other applicants to file the present MA and am fully conversant with the facts of the case.

2. That the accompanying M.A. has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the M.A. are correct and true to the best of my knowledge.

4. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_ .

DEPONENT