**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 dated \_\_\_\_\_ whereby the applicant has been ordered to be transferred from his present place of posting ie; \_\_\_\_\_ to \_\_\_\_\_ vide Serial No. \_\_\_\_\_ of the impugned order which is annexed as Annexure A-\_\_\_\_\_, despite the fact that the applicant is a daily waged employee and he cannot be transferred to such a distant place.

4. JURISDICTION:

That the applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:

That the applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

(6.1) That the applicant submits that he joined service with the respondent department as daily waged \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ and ever since the applicant has been discharging his duties to the entire satisfaction of his superiors with the best of his abilities.

(6.2) That on \_\_\_\_\_\_

(6.3) \_\_\_\_\_\_That the applicant has not been relieved till the date of filing of present OA. \_\_\_\_\_The private respondent has also not joined in place of the applicant.

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

(6.5) 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 to permit the applicant to serve at his present place of posting in the same capacity till his regularisation;

(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 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-\_\_\_\_\_\_ qua the applicant may kindly 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, 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**

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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

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Shimla Applicant

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