**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 action of the respondents whereby they are not relieving the applicant in pursuance to his transfer order dated \_\_\_\_\_ (Annexure A-\_\_\_\_\_) despite the fact that the applicant has completed his normal tenure of two winters and three summers at his present place of posting as the applicant is serving at present place of posting since \_\_\_\_\_.

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

(6.2) the applicant submits that his present place of posting is a difficult area vide Chapter 21 of Hand Book on Personnel Matters, Vol II at page 653.

(6.3) That as per para 21.4 (iii) of the Hand Book at page 651 the tenure of posting of officers/officials in difficult areas shall be two winters and three summers. The applicant submits that he has completed his tenure of two winters and three summers at his present place of posting.

(6.4) That as per the para 21.4 (v) of the said Hand Book at page 652, on completion of prescribed tenure, ie; two winters and three summers, an officer/official can give option for transfer to 5 stations of his choice and while transferring such officer/official he should, as far as possible, be posted according to his option. The applicant submits that he has also given his choice of posting.

(6.5) That \_\_\_\_\_\_

GROUNDS

(6.6) 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, each one of which is without prejudice to and independent of others :-

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

(c) 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) Direct the respondents to relieve the applicant from his present place of posting without the condition of substitute joining before or in the alternative the applicant may kindly be ordered to be deemed to have been relieved immediately;

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

(c) Allow the cost of this OA;

(d) 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:

 \_\_No interim order is prayed for at this moment.

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

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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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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