**Application sat reply**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

MA No. \_\_\_\_\_\_\_ in OA No. \_\_\_\_\_\_

Applicants

Versus

Respondents/Non-Applicants

Reply to the Application under Rule 8 (3) of TN Administrative Tribunal Rules filed by the applicant

Respectfully Sheweth :

Preliminary Objections/Submissions:

1. That the present application is misconceived and is not maintainable at all. \_\_\_\_\_\_\_\_\_\_\_\_

Reply on Merits:

1. That the contents of para 1 of the application as stated are wrong and denied. \_\_\_\_ \_\_\_\_\_
2. That the contents of para 2 of the application as stated are wrong and denied. \_\_\_\_\_\_\_\_\_\_
3. That the contents of para 3 of the application as stated are wrong and denied. \_\_\_ \_\_\_\_\_\_
4. That the contents of para 4 of the application as stated are wrong and denied. \_\_\_\_ \_\_\_\_\_
5. That the contents of para 5 of the application as stated are wrong and denied. \_\_\_\_ \_\_\_\_\_\_
6. That the contents of para 6 of the application as stated are wrong and denied. \_\_\_\_ \_\_\_\_\_\_

7. It is, therefore, most humbly prayed that this application is mis-conceived and deserves to be dismissed and may be dismissed 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.

Chennai

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

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

Through, Advocate

Verification:

I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to \_\_\_\_\_\_ of Preliminary Submissions and paras 1 to \_\_\_\_\_\_\_\_\_\_ of the reply on merit to the MA are correct and true and no part of it is false and nothing material has been concealed therein.

Verified here at Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicants

Versus

Respondents/Non-Applicants

Affidavit

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_ of Preliminary Objections/Submissions and paras 1 to \_\_\_\_\_\_\_\_\_\_ of the reply on merit of the accompanying reply to the 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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

 **Application sat withdrawl**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicants/Applicants

Versus

Respondents/Non-Applicants

Application under Rule 8 (3) of TN Administrative Tribunal Rules for withdrawal

 of OA with liberty to file fresh OA.

Respectfully Sheweth :

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

2. That the applicant wants to with draw the above OA due to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. It is, therefore, most humbly prayed that this application may kindly be allowed and the applicant may be allowed to withdraw the present OA with liberty reserved to file fresh OA 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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicants

Versus

Respondents/Applicants

Affidavit

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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-\_

Deponent

**Application under Rule 8 (3) of**

**TN Administrative Tribunal Rules**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE

M.A. No.\_\_\_\_\_\_ of 2009 in O.A. No. \_\_\_\_\_\_\_2009

Applicants

Versus

Respondents

Application under Rule 8 (3) of TN Administrative Tribunal Rules

Respectfully Sheweth :

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

2. That the applicant could not place on record the document \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the same was not available with the applicant at the time of filing OA. The ibid document is necessary for being placed on record for adjudicating the matter.

3. It is, therefore, most respectfully prayed that the this application may kindly be allowed and the document (Annexure A-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) 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.

Coimbatore

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

M. A. No. \_\_\_\_\_\_ of 2009 in O.A. No. \_\_\_\_\_\_2009

Applicants

Versus

Respondents/Non-Applicants

**Affidavit**

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 3 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 Coimbatore this the \_\_\_\_\_\_

Deponent

 **Application Under Rule 8 (3) of TN State Administrative Rules 1987 for impleading**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE

MA No.:\_\_\_\_\_\_\_\_\_\_\_\_ of 2009 in OA No.:\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicants/Non-Applicants

Versus

Respondents/Applicants

Application under Rule 8 (3) of TN Administrative Tribunal Rules for condonation of delay in filing of \_\_\_\_\_\_\_\_ .

Respectfully Sheweth :

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

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. That filing of reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is essential for adjudication of the matter in interest of justice. The present applicant could not file the reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within the stipulated time.

4. It is, therefore, most humbly prayed that the reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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.

Coimbatore

Applicant

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

Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 4 of the above application are correct and true and no part of it is false and nothing material has been concealed therein.

Verified here at Coimbatore this \_\_\_\_\_\_.

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

MA No.:\_\_\_\_\_\_ of 2009 in OA No.: \_\_\_\_\_\_

Applicants

Versus

Respondents/Applicants

Affidavit

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 Coimbatore this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

 **Application under Section 19 of the Central Administrative Tribunals Act**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicants

Versus

Respondents

Application under Section 19 of the Central Administrative Tribunals Act

Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

Details of application:

1. Particulars of Orders Against Which this Application is Made:

That this application is made against the impugned inaction of the respondents whereby they are not allowing the Ration Allowance to the applicants in accordance with the provisions of Govt of India instructions1 (Annexure A-1).

2. Jurisdiction of Tribunal:

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance.

3. Limitation:

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

4. Facts of the Case:

(4.1) That the applicants herein are working or have worked with the respondent department at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the capacity of ministerial staff, ie; as UDCs, AIs, Stenos and Peons etc. and all of the applicants have common grievance in as much as the respondent department is not allowing the Ration Allowance on the analogy the same is being granted to the Executive Staff in pursuance to the Govt instructions2 (A-1), despite the fact that the applicants as well as the executive staff are working at the similar locations under the similar circumstances and for the similar working hours and the nature of duties of both the categories are same and similar.

(4.2) That the Govt of India has issued instructions (A-1) vide para 3 of which for some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.

(4.3) That accordingly the location where the present applicants are working or have worked, the same has been accordingly categorized as Category \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Annexure A-2) for extending all the benefits as envisaged under the above instructions (A-1). However, the respondent department has drawn irrational and unreasonable classification between the categories of Ministerial and Executive staff working at the same place under the same and similar circumstances for grant of Ration Allowance in as much as the Ration Allowance is being granted to the Executive staff whereas the same has been denied to the Ministerial Staff and this classification drawn by the respondent department is a figment of their imagination without having any nexus to the object sought to be achieved by the Govt of India vide Annexure A-1.

(4.4) That it is respectfully submitted that this arbitrary action of the respondent department was challenged by the staff of the same department at :\_\_\_\_\_\_ before the Hon'ble Central Administrative Tribunal, :\_\_\_\_\_\_ Bench in two OAs1, copies of the decision of the same are annexed herewith as (Annexure A-3) and (Annexure A-4) for kind perusal of your Lordships.

(4.5) That it is also pertinent to submit herewith that in pursuance to (A-3 & A-4), the respondent No. 2 has moved the case vide communication dated :\_\_\_\_\_\_ (Annexure A-5) to the respondent No. 1, for issuance of necessary orders authorizing grant of Ration Allowance to the applicants therein. In all morality, the respondent department should have now granted the benefit to all others similarly situated persons without putting them through the rigours of litigation.

(4.6) That the applicant No. 1 as well as the other few applicants have also moved application to the respondent department on \_ :\_\_\_\_ (Annexure A-6) to extend the similar benefit to them in view of (A-3 & A-4), but without any fruitful results. Hence this OA.

5. Grounds for Relief:

That 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 other:

(5.1) That the impugned action of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants is malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice.

(5.2) That the respondent department can not draw classification on fictional basis amongst the similarly placed employees and such a classification is arbitrary and illegal and bears no nexus with the object sought to be achieved by categorizing the places under category 'B' or 'C' for grant of all the benefits to all the persons working under those categorized locations. Such a discriminatory classification is not permissible under the law.

(5.3) That para 3 of Annexure A-1 permits the head of departments to grant more concessions than those already prescribed in Annexure-I of the ibid letter. It no where permits the Head of Department to even curtail these concessions. Once a place has been categorized in category 'B' or 'C', the concessions are equally to be granted without curtailing the ones already mentioned in Annexure-I. Head of Department can grant more than those concessions under special circumstances and cannot curtail those already enumerated in Annexure-I.

(5.4) That the applicants were legitimately expecting that the concessions enumerated in Annexure-I of the ibid letter will be equally extended to them.

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

(5.6) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases.

6. Details of Remedies Exhausted:

That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order.

7. Matters not Previously Filed or Pending with any Other Court:

The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them.

8. Reliefs Sought:

That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs:

(a) Quash the impugned inaction of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants, being arbitrary, malafide, discriminatory and illegal;

(b) Direct the respondents to grant the Ration Allowance to the applicants wef issuance of the A-1, ie; wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:\_\_\_\_\_\_ along with arrears and interest @ 18% pa with all other consequential benefits;

(c) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this application to the applicant.

(e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

9. Interim Orders:

No interim orders are being prayed for at this moment.

10. N.A.

11. Particulars of Postal Order Towards Application Fees:

1. Postal Order Nos.:

Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Issuing P.O. : :\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

3. Amount Rs : 50/- [Rs fifty only]

4. Payable at : :\_\_\_\_\_\_

12. List of Enclosures:

As per index.\_\_\_\_\_\_\_

Chennai

Applicants

\_\_\_\_\_

Through, Advocate

**Verification:**

I, :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Chennai

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

Applicant

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

UOI and others

Respondents

**Affidavit**

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 12 of the O.A. 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 Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicants

Versus

Respondents/Non-applicants

M. A. under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987

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 a common nature of relief has been 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.

Chennai Applicants

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

Verification:

I,:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_ \_\_\_are true on legal advice and that have not suppressed any material fact.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents/Non-applicants

Affidavit

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

1. That I am duly authorized 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 Chenai this the:\_\_\_\_\_\_

DEPONENT

Annexure A-1

No. \_\_\_\_\_\_\_\_

Government of India

Cabinet Secretariat,

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

Date:-\_\_\_\_\_\_\_\_\_\_\_\_\_

To:

The Director (Planning)

Directorate General of Security,

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

Subject: Grant of concessions to the staff of SSB, SFP, CIOA and Directorate of Accounts.

Sir,

I am directed to convey the sanction of the President to the grant of concessions mentioned in the Annexure-I to the various categories of staff of SSB, SFF, CIO and Directorate of Accounts subject to the restrictions indicated therein on the pattern of the Research & Analysis Wing of this Secretariat.

2. These orders will take effect wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. For some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.

4. For the purpose of House Rent Allowance concessions to the various categories of staff, the deputation of posts as listed in Annexure 'A' toe the Cabinet Secretariats' Order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, will also be applicable in respect of the staff of SSB, SFF, CIOA and Directorate of Accounts.

5. This issues with concurrence of the Ministry of Finance vide their UO No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ read with UO No. \_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_.

Yours faithfully,

Encl: Annexure-I & II

Sd/-

(\_\_\_\_\_\_\_\_)

Deputy Secretary (SR)

Copy to:-

1. \_\_\_\_\_\_\_\_, Director, SSB.

2. \_\_\_\_\_\_\_\_, PVSM, IG SBB.

3. \_\_\_\_\_\_\_\_, Dy. Director of Accounts.

4. \_\_\_\_\_\_\_\_, CIOA

5. \_\_\_\_\_\_\_\_, Director (IF)

6. \_\_\_\_\_\_\_\_, Dy. Director of Accounts (SW)

7. Order File.

True Copy of Original Document

Annexure A-5

COURT CASE/MOST IMMDT

DIRECTORATE GENERAL OF SECURITY

OFFICE OF THE DIRECTOR : SSB

Subject: OA No. \_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_

Deputy Registrar, CAT, \_\_\_\_\_\_\_\_has forwarded a certified copy of judgment dated \_\_\_\_\_\_\_\_ passed by the Bench of Hon'ble Tribunal CAT, \_\_\_\_\_\_\_\_. A copy of the judgment is enclosed along with a copy of OA No. \_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_.

2. Hon'ble CAT, \_\_\_\_\_\_\_\_ has directed the respondents to pay ration allowance to the applicants of OA No. \_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_ wef \_\_\_\_\_\_\_\_ onward within four months from the date of receipt of this order.

3. Respondent was declared category 'B' station with effect from \_\_\_\_\_\_\_\_for the purpose of various concession vide this Directorate order No. \_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ with reference to Cabinet Secretariat order No. \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_.

4. As the payment of ration allowances are to be made to the applicants within \_\_\_\_\_\_\_\_ months from the date of receipt of CAT, \_\_\_\_\_\_\_\_ order, Cabinet Secretariat are therefore, requested to issue necessary orders, authorising to drawl of ration allowances to all the \_\_\_\_\_\_\_\_ applicants posted in \_\_\_\_\_\_\_\_ Division with effect from \_\_\_\_\_\_\_\_onward. In this connection also kindly refer to this Directorate UO No. \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ and even number \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_, requesting issue of orders for the grant of ration allowance to all non-executive personnel posted in Category 'B' & 'C' stations.

Encls: As above.

(\_\_\_\_\_\_\_\_)

Joint Deputy Director (FA)

Cab. Secretary (\_\_\_\_\_\_\_\_)

SSB Directorate UO No. \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_

True Copy of the Original Document

**Cat Application early hearing**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicant

Versus

Respondents

Reply to MA

Respectfully Sheweth:

Preliminary Submissions/Objections:

1. That the present MA is not maintainable at all. \_\_

Reply on Merits:

1. That the contents of this para of MA are wrong and denied. \_\_

2. That the contents of this para of MA are wrong and denied. \_\_

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

4. That the contents of this para of MA are wrong and denied. \_\_

5. That the contents of this para of MA are wrong and denied. \_\_

6. That the contents of this para of MA are wrong and denied. \_\_

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

8. That the contents of this para of MA are wrong and denied. \_\_

9. That the contents of this para of MA are wrong and denied. \_\_

Chennai

Replying Respondent No. \_\_

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**Cat Application reply**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

Contempt Petition No.:\_\_\_\_\_\_\_\_\_\_\_\_ of 2004 in O. A. No: \_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner/Applicant

Versus

Respondents/Condemner

Civil Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 read with Rules 18 of the Central Administrative Tribunals (Contempt of Court Rules) 1986 and Section 12 of the Contempt of Courts Act, 1971 for punishing the condemners/respondents for having willfully and deliberately disobeyed and not complied with the orders/directions passed by this Hon'ble Tribunal Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

1. That the petitioner filed an OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_ titled as \_\_\_\_\_\_\_\_\_\_\_Vs \_\_\_\_\_\_\_\_\_\_\_ before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to pass the orders on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Annexure C-1) directing the respondents \_\_\_\_\_\_.

2. That it is apparent from the above directions passed by this Hon'ble Tribunal that the order was comprehensive, unambiguous and clear in directing the respondents/condemners to \_\_\_\_\_\_\_\_\_\_\_

3. That the above orders of this Hon'ble Tribunal were personally served by the applicant on the condemner on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Service of the above orders were complete on the condemners. Despite this the condemner has not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That it is evident from the foregoing that in this way the condemner has committed contempt of this Hon'ble Tribunal for which the condemner deserves to be punished severely in accordance with the law in the interest of justice.

5. That the condemner has purposely, willfully and knowingly disobeyed the sacrosanct orders of this Hon'ble Tribunal, thereby have conducted himself in the most reprehensible and unbecoming manner showing scant regard to the orders of this Hon'ble Tribunal which conduct on the part pf the condemner is palpably, manifestly and gravely contumacious and makes the condemner liable to be dealt with in accordance with the law and punished severely for willfully, deliberately and intentionally flouting, defying and disobeying the supreme authority of this Hon'ble Tribunal.

6. That it is apparent from the material placed on record that no iota of doubt is left regarding the condemners having scant regard and utter disregard to the sacrosanct orders of this Hon'ble Tribunal, and the condemner is prima facie guilty of the contempt of the Tribunal for having deliberately and willfully disobeyed the orders of this Hon'ble Tribunal and the condemner deserves to be dealt with and punished in accordance with the law as by such unbecoming act of the condemner, the condemner has tended to lower the authority of this Hon'ble Tribunal and tended to interfere with the due process of the judicial proceedings and administration of justice.

7. That interest of justice demands that the condemner is dealt with and punished severely in accordance with law for the willful, deliberate and intentional disobedience of the orders of this Hon'ble Tribunal.

8. It is, therefore, most respectfully prayed that My Lords be pleased to punish the condemner in accordance with law and direct the condemner to comply with the orders of this Hon'ble Tribunal dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ immediately\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_ in the interest of justice. Such other orders be also passed in favour of the petitioner as deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

Chennai Applicant

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

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Contempt Petition No.: \_\_\_\_\_\_\_\_\_\_\_\_\_ of 2004 in O. A. No:\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant

Versus

Respondents

**Affidavit in support of contempt petition**

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

1. That the accompanying contempt petition has been prepared under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_ of the contempt petition 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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**FORM NO. III**

**(See Rule 13 (b) (i)**

CHARGE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

Contempt Petition (Civ/Cr) No.: \_\_\_\_\_\_\_of 2004 in OA No. :\_\_\_\_\_\_\_

Petitioner

Versus

Respondents/Condemners

Central Administrative Tribunal, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Bench, hereby charges you \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as under:-

That you, on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and thereby committed the contempt of this Tribunal punishable

under Section 17 of Administrative Tribunal Act 1985, within our cognizance.

You are hereby directed to be tried by this Tribunal for the aforesaid charge.

(Signature of the Hon’ble Member)

The charge was read over and explained to the alleged condemner and his plea was recorded as under:-

Condemner No. 1:

1. Do you plead guilty to the charge?

Answer:

2. Do you have anything else to say?

Answer:

Signature of the alleged Condemner

Signature of the Hon’ble Member/s Presiding over The Bench

Condemner No. 2:

1. Do you plead guilty to the charge?

Answer:

2. Do you have anything else to say?

answer:

Signature of the alleged Condemner

Signature of the Hon’ble Member/s Presiding over The Bench

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Contempt Petition No: \_\_\_\_\_\_\_\_\_\_\_\_of 2004 in OA No.: :\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner

VERSUS

Respondents

KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named PETITIONER do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the PETITIONER in the above mentioned case, to be all following acts, deeds and things or any of them that is to say:

1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision.

2. To present Complaints, Pleadings, O.A., M. A. Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages.

3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause.

4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

5. To employ and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises.

AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We here up to set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accepted

Advocate Client

**Cat Contempt**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

Contempt Petition No.:\_\_\_\_\_\_\_\_\_\_\_\_\_ of 2004 in O. A. No: \_\_\_\_\_\_\_\_\_\_\_

Petitioner/Applicant

Versus

Respondents/Condemner

Civil Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 read with Rules 18 of the Central Administrative Tribunals (Contempt of Court Rules) 1986 and Section 12 of the Contempt of Courts Act, 1971 for punishing the condemners/respondents for having willfully and deliberately disobeyed and not complied with the orders/directions passed by this Hon'ble Tribunal Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

1. That the petitioner filed an OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ titled as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Vs \_\_\_\_\_\_ before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to pass the orders on\_\_\_\_\_\_\_ \_\_ (Annexure C-1) directing the respondents \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2. That it is apparent from the above directions passed by this Hon'ble Tribunal that the order was comprehensive, unambiguous and clear in directing the respondents/condemners to \_\_\_\_\_\_

3. That the above orders of this Hon'ble Tribunal were personally served by the applicant on the condemner on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Service of the above orders were complete on the condemners. Despite this the condemner has not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That it is evident from the foregoing that in this way the condemner has committed contempt of this Hon'ble Tribunal for which the condemner deserves to be punished severely in accordance with the law in the interest of justice.

5. That the condemner has purposely, willfully and knowingly disobeyed the sacrosanct orders of this Hon'ble Tribunal, thereby have conducted himself in the most reprehensible and unbecoming manner showing scant regard to the orders of this Hon'ble Tribunal which conduct on the part pf the condemner is palpably, manifestly and gravely contumacious and makes the condemner liable to be dealt with in accordance with the law and punished severely for willfully, deliberately and intentionally flouting, defying and disobeying the supreme authority of this Hon'ble Tribunal.

6. That it is apparent from the material placed on record that no iota of doubt is left regarding the condemners having scant regard and utter disregard to the sacrosanct orders of this Hon'ble Tribunal, and the condemner is prima facie guilty of the contempt of the Tribunal for having deliberately and willfully disobeyed the orders of this Hon'ble Tribunal and the condemner deserves to be dealt with and punished in accordance with the law as by such unbecoming act of the condemner, the condemner has tended to lower the authority of this Hon'ble Tribunal and tended to interfere with the due process of the judicial proceedings and administration of justice.

7. That interest of justice demands that the condemner is dealt with and punished severely in accordance with law for the willful, deliberate and intentional disobedience of the orders of this Hon'ble Tribunal.

8. It is, therefore, most respectfully prayed that My Lords be pleased to punish the condemner in accordance with law and direct the condemner to comply with the orders of this Hon'ble Tribunal dated \_\_\_\_\_\_\_\_\_ immediately \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the interest of justice. Such other orders be also passed in favour of the petitioner as deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

Chennai Applicant

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

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Contempt Petition No.: \_\_\_\_\_\_\_ of 2004 in O. A. No:\_\_\_\_\_\_\_

Applicant

Versus

Respondents

Affidavit in support of contempt petition

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

1. That the accompanying contempt petition has been prepared under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_ of the contempt petition 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 Chennai this the \_\_\_\_\_\_\_.

Deponent

**FORM NO. III**

**(See Rule 13 (b) (i)**

CHARGE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

Contempt Petition (Civ/Cr) No.: \_\_\_\_\_\_\_\_\_\_\_of 2004 in OA No. :\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner

Versus

Respondents/Condemners

Central Administrative Tribunal, \_\_\_\_\_\_\_ Bench, hereby charges you \_\_\_\_\_\_\_as under:-

That you, on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and thereby committed the contempt of this Tribunal punishable

under Section 17 of Administrative Tribunal Act 1985, within our cognizance.

You are hereby directed to be tried by this Tribunal for the aforesaid charge.

(Signature of the Hon’ble Member)

The charge was read over and explained to the alleged condemner and his plea was recorded as under:-

Condemner No. 1:

1. Do you plead guilty to the charge?

Answer:

2. Do you have anything else to say?

Answer:

Signature of the alleged Condemner

Signature of the Hon’ble Member/s Presiding over The Bench

Condemner No. 2:

1. Do you plead guilty to the charge?

Answer:

2. Do you have anything else to say?

answer:

Signature of the alleged Condemner

Signature of the Hon’ble Member/s Presiding over The Bench

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Contempt Petition No: \_\_\_\_\_\_of 2004 in OA No.: :\_\_\_\_\_\_

Petitioner

VERSUS

Respondents

KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named PETITIONER do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the PETITIONER in the above mentioned case, to be all following acts, deeds and things or any of them that is to say:

1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision.

2. To present Complaints, Pleadings, O.A., M. A. Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages.

3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause.

4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

5. To employ and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises.

AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We here up to set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Accepted

Advocate Client

|  |  |
| --- | --- |
| **Cat daily wager temprary status**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAIO. A. No:\_\_\_\_\_\_\_\_/:\_\_\_\_\_\_\_\_\_/:\_\_\_\_\_\_\_\_Applicant VersusRespondents Application under Section 19 of the Central Administrative Tribunals ActChennai Applicant \_\_\_\_\_\_ Through, Advocate Respectfully Sheweth: Details of application: 1. Particulars of Orders Against Which this Application is Made: That this application is made against the action, rather inaction of the respondents whereby they are not conferring the temporary status on the applicant wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ie; on completion of 206 days in a given calendar year and not granting other consequential benefits as prayed for herein below. The application is also against the arbitrary and unconstitutional clause in the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993 (A-1). 2. Jurisdiction of Tribunal: That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance. 3. Limitation: That the applicant further declares that the application is within the limitation period as prescribed in section 21 of the Central Administrative Tribunals Act 1985. 4. Facts of the Case: (4.1) That the applicant submits that he was initially engaged by the respondent department as \_\_\_\_\_\_\_\_\_\_\_\_\_ wef \_\_\_\_\_\_\_\_\_\_ (A-2 & A-3) in the exigencies of service initially for spell of one months thereafter giving extensions of 29 days and in such manner the applicant has completed more than 206 days in any given year as per the details annexed as Annexure A-4. It is humbly submitted that the applicant was engaged to perform the duties of regular nature and the applicant was recruited against the existing permanent post. (4.2) That ever since the appointment of the applicant, the applicant is performing his duties with the utmost devotion and sincerity to the entire satisfaction of his superior officers. (4.3) That it is also pertinent to mention here that the appointment of the applicant is against the permanent sanctioned post and the sanction for the said post is being granted by the competent authority from time to time (A-5). It is also respectfully submitted that the duties being performed by the applicant are same and similar to the duties of the regular hands. (4.4) That with the efflux of time the applicant has got vested rights to be conferred upon a temporary status in accordance with the rules and regulations and thereafter to be granted consequential benefits as well as to be regularized. (4.5) That accordingly the applicant as well as the other similarly situated persons have applied on :\_\_\_\_\_\_ (A-6) to the respondent department to grant temporary status as well as other consequential benefits. The said representation of the applicant was further routed to the appropriate authority by the respondent department. (A-7). (4.6) That however, the competent authority has turned down the representation of the applicant on \_\_\_\_\_\_\_\_\_\_\_\_\_ (A-8) and other similarly situated persons with the objection that the temporary status could be granted to only those casual workers who were in employment on the date of issue of the OM (A-1). (4.7) That it is also pertinent to submit here with that in the meantime some of the similarly situated persons have filed an OA No. :\_\_\_\_\_\_\_\_\_ titled as :\_\_\_\_\_\_\_\_\_\_\_ Vs :\_\_\_\_\_\_\_\_\_\_\_, wherein this Hon'ble Tribunal was pleased to direct the respondents to consider the representations of the applicants therein. As such the applicant was also waiting for the outcome of the consideration of the representations of those applicants. (4.8) That it is also pertinent to submit herewith that the respondent department has conferred benefits envisaged as under the annexure A-1 to the similarly situated persons at :\_\_\_\_\_\_\_\_\_ (A-9) and at :\_\_\_\_\_\_ (A-10). Thus the applicant can not be discriminated upon in such manner for grant of temporary status as well as the other consequential benefits. 5. Grounds for Relief: That 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 other: (5.1) That the clause 3 of the impugned OM (A-1) and the impugned orderA-8 are malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice. (5.2) That the clause 3 of the Scheme (A-1) is arbitrary and unconstitutional and ultravires to the extent it makes the scheme applicable only to those casual labourers who were in employment on the date of issuance of the said scheme, ie; :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.. (5.3) That the impugned cut-off date is unconstitutional and ultra vires and creates unreasonable classification between the Casual Labourers and has no nexus with the object of granting temporary status to the similarly situated casual labourers so as to avoid their exploitation and unfair labour practice. (5.4) That the respondent Union of India has created distinction between the Casual Labourers which is not based on any intelligible differentia which can distinguish Casual Labourers grouped together for the purpose of extending the benefits under the Scheme and has no nexus with the object of stopping unfair labour practice sought to be achieved, by the Scheme of 1993. (5.5) That the differentia on which the classification is founded is lacking in rational relation to the object sought to be achieved by the impugned scheme and the order under challenge. (5.6) That the impugned clause does not sub serve the purpose sought to be achieved. (5.7) That the classification in the impugned definition is against well settled principles laid down by the Hon'ble Supreme Court and other Hon'ble High Courts and this Hon'ble Tribunal in catena of cases. (5.8) That otherwise also it was incumbent upon the respondents to review and revise the it strength position of regular and permanent employee as the applicant has continued for a considerably long period justifying his regularization against the regular post which is existing in the respondent department as is clear from A-5. (5.9) That the respondent Union of India to is arbitrarily not amending or relaxing the provision of the Clause No. 4 under the provisions of clause No. 11 of the said Scheme, so as to make it applicable to all casual employees/labourers who have been engaged after the date of issuance of this scheme so as to bring the scheme in consonance with the Articles 14 and 16 of the Constitution of India; (5.10) That the respondents are stopped due to their own act, deed and conduct. The principle of promissory Stopple applies against the respondents. (5.11) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases. 6. Details of Remedies Exhausted: That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order. 7. Matters not Previously Filed or Pending with any Other Court: The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them. 8. Reliefs Sought: That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs: (a) Quash the impugned action of the respondents whereby they are not conferring the temporary status on the applicant wef \_\_\_\_\_\_\_\_\_\_\_\_\_, being arbitrary, malafide, discriminatory and illegal; (b) Direct the respondents to confer temporary status on the applicant wef \_\_\_\_\_\_\_\_\_\_\_, ie; on which date the applicant has completed more than minimum requisite numbers of days; (c) Direct the respondents to pay wages at daily rates with reference to the minimum of the pay scale (including DA, HRA and CCA and taking into account the benefits of increments at the same rate as applicable to a Group D employee for calculating pro-rata wages for every one year of service) for a corresponding regular Group D officials wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_ along with arrears and interest thereon @ 18% pa till realization of the whole payments; (d) Direct the respondents grant the leave to the applicants on a pro-rata basis at the rate of one days for every 10 days of work as well as maternity/paternity leave; (e) Direct the respondents to treat the applicant at par with the Group D employees wef\_\_\_\_\_\_ \_\_ after granting temporary status wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and counting three years there from; for the purpose of contribution to the General Provident Fund and also pay festival advance etc; (f) Direct the respondents to pay productivity linked bonus to the applicant; (g) Quash the Clause 3 of the Department of Personnel & Training Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993 to the extent it is made applicable to the casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate officers, "on the date of issue of these orders", being arbitrary, irrational and unconstitutional by applying the principle of severability; (h) Direct the respondents to regularize the services of the applicant against the regular Group D posts against they are working for considerably long number of years; (i) Direct the respondent Union of India to amend or relax the provision of the Clause No. 4 under the provisions of clause No. 11 of the said Scheme, so as to make it applicable to all casual employees/labourers who have been engaged after the date of issuance of this scheme so as to bring the scheme in consonance with the Articles 14 and 16 of the Constitution of India; (j) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal; (k) Allow the cost of this application to the applicant. (l) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent . AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY. 9. Interim Orders: No interim orders are being prayed for at this time. 10. N.A. 11. Particulars of Postal Order Towards Application Fees: 1. Postal Order Nos.:\_\_\_\_\_ Dated:\_\_\_\_\_\_ 2. Issuing P.O. : :\_\_\_\_\_\_ 3. Amount Rs : 50/- [Rs fifty only] 4. Payable at: :\_\_\_\_\_\_ 12. List of Enclosures: As per index. Chennai Applicants \_\_\_\_\_\_ Through Advocate **Verification:**I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not suppressed any material fact. Verified here at Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Applicant **BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**O. A. No: \_\_\_\_\_\_/:\_\_\_\_\_\_\_\_/:\_\_\_\_\_\_\_\_Applicant VersusRespondents **Affidavit**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 12 of the O.A. 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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ . Deponent **BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**M. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No:\_\_\_\_\_ /:\_\_\_\_\_\_/:\_\_\_\_\_\_Applicants VersusRespondents/Non-applicants M. A. under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987Respectfully 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. Chennai Applicants \_\_\_\_\_\_ Through, Advocate **Verification:**I, \_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_\_ are true on legal advice and that have not suppressed any material fact. Chennai Applicant \_\_\_\_\_\_ Through, Advocate **BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**M. A. No: \_\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_Applicant VersusRespondents/Non-applicants Affidavit I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:- 1. That I am duly authorized 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 Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. DEPONENT **BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**M. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_Applicants VersusRespondents/Non-applicants M. A. under Rule 4 (5) (b) of Central Administrative Tribunal (Procedure) Rules 1987Respectfully 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 members of the applicant association 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. through their Association 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 through their Association. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case. Chennai Applicants \_\_\_\_\_\_\_ Through, Advocate **Verification:**I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_\_are true on legal advice and that have not suppressed any material fact. Chennai Applicant \_ Through, Advocate **BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**M. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_ in O. A. No:\_\_\_\_\_\_\_/:\_\_\_\_\_\_/:\_\_\_\_\_\_Applicant VersusRespondents/Non-applicants AffidavitI, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:- 1. That I am duly authorized 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 Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. DEPONENT  |  |

**Cat rejoinder**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI OA No.: \_\_\_\_\_\_\_\_\_\_\_ Applicant Versus Respondents Rejoinder on behalf of applicant to the reply filed by the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Respectfully Sheweth:

REPLY TO PRELIMINARY OBJECTIONS/SUBMISSIONS:

 1. That the contents of this para of preliminary objections are wrong and denied. \_\_

2. That the contents of this para of preliminary objections are wrong and denied. \_\_

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

4. That the contents of this para of preliminary objections are wrong and denied. \_\_ Rejoinder to Reply on Merits 1. Calls for no rejoinder. 2. Calls for no rejoinder. 3. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.1) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

 (4.2) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.3) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

 (4.4) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.5) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.6) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

 (4.7) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.8) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.9) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.10) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.11) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.12) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(4.13) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

 (5.1) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.2) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.3) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.4) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.5) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

5.6) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.7) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.8) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

 (5.9) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.10) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.11) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

(5.12) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

6. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

7. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

8. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

9. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated. \_\_

10. Calls for no rejoinder.

 11. Calls for no rejoinder.

12. alls for no rejoinder. Chennai

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

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI OA No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Applicant Versus Respondents Affidavit in support of rejoinder.

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

1. That the accompanying rejoinder has been prepared under my instructions. 2. That the contents of paras 1 to \_\_\_\_\_ of the reply to preliminary objections and the contents of 1 to 12 of the rejoinder to the reply of the accompanying rejoinder 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, no part of it is false and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_\_\_\_

Deponent

**Cat rejoinder**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicant

Versus

Respondents

Rejoinder on behalf of applicant to the reply filed by the respondent No. \_\_.

Respectfully Sheweth:

REPLY TO PRELIMINARY OBJECTIONS/SUBMISSIONS

1. That the contents of this para of preliminary objections are wrong and denied.

2. That the contents of this para of preliminary objections are wrong and denied.

3. That the contents of this para of preliminary objections are wrong and denied.

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

Rejoinder to Reply on Merits

1. Calls for no rejoinder.

2. Calls for no rejoinder.

3. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

(4.1) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

(4.2) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

(4.3) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

(4.4) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

(4.5) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

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(5.1) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

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(5.11) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

\_
(5.12) That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

6. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

7. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

8. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

9. That the contents of this para of reply is wrong and denied and the contents of the corresponding para of OA are reasserted and reiterated.

10. Calls for no rejoinder.

11. Calls for no rejoinder.

12. alls for no rejoinder.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

Affidavit in support of rejoinder.

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the reply to preliminary objections and the contents of 1 to 12 of the rejoinder to the reply of the accompanying rejoinder 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, no part of it is false and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_\_\_\_

Deponent

**Cat reply 1**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicant

Versus

Respondents

Application under Section 19 of the Central Administrative Tribunals Act

Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

Details of application:

1. Particulars of Orders Against Which this Application is Made:

That this application is made against the order of the respondent \_\_

2. Jurisdiction of Tribunal:

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance.

3. Limitation:

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

4. Facts of the Case:

(4.1) That the applicant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. Grounds for Relief:

That 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 other:

(5.1) That the impugned order \_\_ is malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice.

(5.2) hat the respondents are estopped due to their own act, deed and conduct. The principle of promissory Estopple applies against the respondents.

(5.3) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases.

6. Details of Remedies Exhausted:

That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. Matters not Previously Filed or Pending with any Other Court:

The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Reliefs Sought:

That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs:

(a) Quash the impugned order \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being arbitrary, malafide, discriminatory and illegal;

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

(c) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this application to the applicant.

(e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

9. Interim Orders:

It is, therefore, most respectfully prayed that during the pendency of this O.A. the operation of impugned order A-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may kindly be stayed in the interest of justice.

10. N.A.

11. Particulars of Postal Order Towards Application Fees:

1. Postal Order Nos:\_\_\_\_\_\_\_

dated:\_\_\_\_\_\_\_

2. Issuing P.O. : \_\_\_\_\_\_\_

3. Amount Rs : 50/- [Rs fifty only]

4. Payable at : \_\_\_\_\_\_\_

12. List of Enclosures:

As per index.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my

personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not

suppressed any material fact.

Verified here at Chennai this\_\_\_\_\_\_

Chennai

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

Applicant

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

Affidavit

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 12 of the O.A. 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 Chennai this the \_\_\_\_\_\_

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_/\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_

Applicants

Versus

Respondents/Non-applicants

MA under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987

Respectfully Sheweth:

1. That the applicants have filed the above mentioned OA jointly.

2. That on perusal of the above OA 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 OA 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.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_are true on legal and that have not suppressed any material fact.
Verified here at Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_\_/\_\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_\_/\_\_\_\_\_\_\_/\_\_\_\_\_\_\_

Applicant

Versus

Respondents/Non-applicants

Affidavit

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

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

2. That the accompanying MA has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the MA 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 Chennai this the\_\_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_\_/\_\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_\_ /\_\_\_\_\_\_\_/\_\_\_\_\_\_\_

Applicants

Versus

Respondents/Non-applicants

MA under Rule 4 (5) (b) of Central Administrative Tribunal (Procedure) Rules 1987

espectfully Sheweth:

1. That the applicants have filed the above mentioned OA jointly.

2. That on perusal of the above OA and documents attached therewith it is amply evident that all the members of the applicant association 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 OA through their Association 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 through their Association. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Chennai

Applicant

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

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_ are

true on legal advice and that have not suppressed any material fact.

Verified here at Chennai this \_\_\_\_\_\_\_.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No: \_\_\_\_\_\_ /\_\_\_\_\_\_ in OA No:\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_

Applicant

Versus

Respondents/Non-applicants

**Affidavit**

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

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

2. That the accompanying MA has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the MA 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 Chennai this the \_\_\_\_\_\_

Depone**nt**

**Cat reply**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

O. A. No: \_\_\_\_\_\_\_

Applicant

Versus

Respondents

Reply on behalf of the Replying Respondent Nos.\_\_\_\_\_\_\_

Respectfully Sheweth:

PRELIMINARY OBJECTIONS/SUBMISSIONS

1. That the \_\_\_\_\_\_\_

REPLY ON MERITS:

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

2. Calls for no reply.

3. Calls for no reply.

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

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

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

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

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

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

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

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

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

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

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

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

4.12 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. The applicant has not exhausted all the remedies available to him

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.

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

10. Calls for no reply.

11. Calls for no reply.

12. Calls for no reply.
It is, therefore, most respectfully prayed that the OA is false, frivolous and vexatious and bereft of merits and therefore the same deserves to be dismissed and may kindly be dismissed with cost in the interest of justice.
Chennai
Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

O. A. No.: \_\_\_\_\_\_

Applicant

Versus

Respondent

**Affidavit**

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 objections and paras 1 to 12 of 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 correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

M. A. No.: \_\_\_\_\_\_of \_\_\_\_\_\_ in O. A. No.: \_\_\_\_\_\_

Applicant

Versus

Respondent

Application under Rule 4 [4] of Administrative Tribunal Rules for condonation of delay in filing the reply.

Respectfully Sheweth :-

1. That the applicant has filed above O. A. in this Hon'ble Tribunal.

2. That this Hon'ble court was pleased to grant time to file the reply. However, the respondent could not file the reply within the stipulated period as the respondent had to collect certain information/records. The delay in filing the reply is neither intentional nor willful.

3. It is, therefore, most respectfully prayed that this application may be allowed and the delay in filing the reply may kindly be condoned and the reply filed along with be allowed to be placed on record in the interest of justice. Such other orders be also passed in favour of the applicant as deemed fit and proper in the facts and circumstances of the case.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

M. A. No.: \_\_\_\_\_\_of \_\_\_\_\_\_in O. A. No.: \_\_\_\_\_\_

Applicant

Versus

Respondent

Affidavit.

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 3 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, no part of it is false and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_.

Deponent

**Cat standard application**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

Applicant

Versus

Respondents

Application under Section 19 of the Central Administrative Tribunals Act

Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

Details of application:

1. Particulars of Orders Against Which this Application is Made:

That this application is made against the order of the respondent \_\_

2. Jurisdiction of Tribunal:

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance.

3. Limitation:

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

4. Facts of the Case:

(4.1) That the applicant\_\_\_\_\_\_\_

5. Grounds for Relief:

That 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 other:

(5.1) That the impugned order \_\_ is malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice.

(5.2) hat the respondents are estopped due to their own act, deed and conduct. The principle of promissory Estopple applies against the respondents.

(5.3) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases.

6. Details of Remedies Exhausted:

That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order. \_\_\_\_\_\_\_

7. Matters not Previously Filed or Pending with any Other Court:

The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them. \_\_\_\_\_\_\_

8. Reliefs Sought:

That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs:

(a) Quash the impugned order \_\_\_\_\_\_ being arbitrary, malafide, discriminatory and illegal;

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

(c) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this application to the applicant.

(e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

9. Interim Orders:

It is, therefore, most respectfully prayed that during the pendency of this O.A. the operation of impugned order A-\_\_\_\_\_\_ may kindly be stayed in the interest of justice.

10. N.A.

11. Particulars of Postal Order Towards Application Fees:

1. Postal Order Nos:\_\_\_\_\_\_\_

dated:\_\_\_\_\_\_\_

2. Issuing P.O. : \_\_\_\_\_\_\_

3. Amount Rs : 50/- [Rs fifty only]

4. Payable at : \_\_\_\_\_\_\_

12. List of Enclosures:

As per index.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Verified here at Chennai this\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chennai

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

Applicant

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

Affidavit

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 12 of the O.A. 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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_/\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_

Applicants

Versus

Respondents/Non-applicants

MA under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987

Respectfully Sheweth:

1. That the applicants have filed the above mentioned OA jointly.

2. That on perusal of the above OA 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 OA 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.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_are true on legal

and that have not suppressed any material fact.

Verified here at Chennai this \_\_\_\_\_\_

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_\_/\_\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_\_/\_\_\_\_\_\_\_/\_\_\_\_\_\_\_

Applicant

Versus

Respondents/Non-applicants

Affidavit

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

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

2. That the accompanying MA has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the MA 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 Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No.: \_\_\_\_\_\_\_/\_\_\_\_\_\_\_ in OA No.:\_\_\_\_\_\_\_ /\_\_\_\_\_\_\_/\_\_\_\_\_\_\_

Applicants

Versus

Respondents/Non-applicants

MA under Rule 4 (5) (b) of Central Administrative Tribunal (Procedure) Rules 1987

Respectfully Sheweth:

1. That the applicants have filed the above mentioned OA jointly.

2. That on perusal of the above OA and documents attached therewith it is amply evident that all the members of the applicant association 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 OA through their Association 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 through their Association. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_ are true on legal advice and that have not suppressed any material fact.

Verified here at Chennai this \_\_\_\_\_\_\_.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

MA No: \_\_\_\_\_\_ /\_\_\_\_\_\_ in OA No:\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_

Applicant

Versus

Respondents/Non-applicants

**Affidavit**

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

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

2. That the accompanying MA has been drafted under my instructions.

3. That the contents of paras 1 to 4 of the MA 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 Chennai this the \_\_\_\_\_\_

Deponent

**Cat temp status to daily wages**

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

 Applicants

 Versus

 Respondents

Application under Section 19 of the Central Administrative Tribunals Act

Chennai

Applicant

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

Through, Advocate

Respectfully Sheweth:

Details of application:

1. Particulars of Orders Against Which this Application is Made:

That this application is made against the impugned inaction of the respondents whereby they are not allowing the Ration Allowance to the applicants in accordance with the provisions of Govt of India instructions1 (Annexure A-1).

2. Jurisdiction of Tribunal:

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal and it is competent to issue the directions to the respondents for full compliance.

3. Limitation:

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

4. Facts of the Case:

(4.1) That the applicants herein are working or have worked with the respondent department at \_\_ in the capacity of ministerial staff, ie; as UDCs, AIs, Stenos and Peons etc. and all of the applicants have common grievance in as much as the respondent department is not allowing the Ration Allowance on the analogy the same is being granted to the Executive Staff in pursuance to the Govt instructions2 (A-1), despite the fact that the applicants as well as the executive staff are working at the similar locations under the similar circumstances and for the similar working hours and the nature of duties of both the categories are same and similar.

(4.2) That the Govt of India has issued instructions (A-1) vide para 3 of which for some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.
(4.3) That accordingly the location where the present applicants are working or have worked, the same has been accordingly categorized as Category \_\_ (Annexure A-2) for extending all the benefits as envisaged under the above instructions (A-1). However, the respondent department has drawn irrational and unreasonable classification between the categories of Ministerial and Executive staff working at the same place under the same and similar circumstances for grant of Ration Allowance in as much as the Ration Allowance is being granted to the Executive staff whereas the same has been denied to the Ministerial Staff and this classification drawn by the respondent department is a figment of their imagination without having any nexus to the object sought to be achieved by the Govt of India vide Annexure A-1.

(4.4) That it is respectfully submitted that this arbitrary action of the respondent department was challenged by the staff of the same department at :\_\_\_\_\_\_ before the Hon'ble Central Administrative Tribunal, :\_\_\_\_\_\_ Bench in two OAs1, copies of the decision of the same are annexed herewith as (Annexure A-3) and (Annexure A-4) for kind perusal of your Lordships.

(4.5) That it is also pertinent to submit herewith that in pursuance to (A-3 & A-4), the respondent No. 2 has moved the case vide communication dated :\_\_\_\_\_\_ (Annexure A-5) to the respondent No. 1, for issuance of necessary orders authorizing grant of Ration Allowance to the applicants therein. In all morality, the respondent department should have now granted the benefit to all others similarly situated persons without putting them through the rigours of litigation.

(4.6) That the applicant No. 1 as well as the other few applicants have also moved application to the respondent department on \_ :\_\_\_\_ (Annexure A-6) to extend the similar benefit to them in view of (A-3 & A-4), but without any fruitful results. Hence this OA.

5. Grounds for Relief:

That 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 other:

(5.1) That the impugned action of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants is malafide, arbitrary, discriminatory and issued in utter violation of rules, regulations, and is violative of Article 14 and 16 of the Constitution of India and natural justice.

(5.2) That the respondent department can not draw classification on fictional basis amongst the similarly placed employees and such a classification is arbitrary and illegal and bears no nexus with the object sought to be achieved by categorizing the places under category 'B' or 'C' for grant of all the benefits to all the persons working under those categorized locations. Such a discriminatory classification is not permissible under the law.

(5.3) That para 3 of Annexure A-1 permits the head of departments to grant more concessions than those already prescribed in Annexure-I of the ibid letter. It no where permits the Head of Department to even curtail these concessions. Once a place has been categorized in category 'B' or 'C', the concessions are equally to be granted without curtailing the ones already mentioned in Annexure-I. Head of Department can grant more than those concessions under special circumstances and cannot curtail those already enumerated in Annexure-I.

(5.4) That the applicants were legitimately expecting that the concessions enumerated in Annexure-I of the ibid letter will be equally extended to them.

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

(5.6) That the impugned order of the respondents is also against the well settled principles laid down by the Hon'ble Supreme Court of India and this Hon'ble Tribunal in catena of cases.

6. Details of Remedies Exhausted:

That the applicant has exhausted all the remedies available to him. Moreover, the matter being of urgent nature, the applicant has no other way but to approach this Hon'ble Tribunal for speedy and efficacious remedy for staying and quashing the impugned order.

7. Matters not Previously Filed or Pending with any Other Court:

The applicant further declare that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made in any court, other authority or any other Bench of this Hon'ble Tribunal. No such application, writ petition or suit is pending before any of them.

8. Reliefs Sought:

That in view of the facts in para 4 above and the grounds in para 5 supra, your Lordship's humble applicant prays for the following reliefs:

(a) Quash the impugned inaction of the respondent department whereby they are not allowing \_\_ Ration Allowance to the applicants, being arbitrary, malafide, discriminatory and illegal;

(b) Direct the respondents to grant the Ration Allowance to the applicants wef issuance of the A-1, ie; wef \_\_ :\_\_\_\_\_\_ along with arrears and interest @ 18% pa with all other consequential benefits;

(c) Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this application to the applicant.

(e) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

9. Interim Orders:

No interim orders are being prayed for at this moment.

10. N.A.

11. Particulars of Postal Order Towards Application Fees:

1. Postal Order Nos.:

Dated:\_\_\_\_\_\_\_

2. Issuing P.O. : :\_\_\_\_\_\_

3. Amount Rs : 50/- [Rs fifty only]

4. Payable at : :\_\_\_\_\_\_

12. List of Enclosures:

As per index.\_\_\_\_\_\_\_

Chennai

Applicants

\_\_\_\_\_

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Chennai
\_\_\_\_\_\_\_

Applicant

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

UOI and others

Respondents

**Affidavit**

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 12 of the O.A. 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 Chennai this the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Deponent

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicants

Versus

Respondents/Non-applicants

M. A. under Rule 4 (5) (a) of Central Administrative Tribunal (Procedure) Rules 1987

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 a common nature of relief has been 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.

Chennai Applicants

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

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of para 1 to \_\_\_\_\_\_\_\_ are true on legal advice and that have not suppressed any material fact.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents/Non-applicants

**Affidavit**

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

1. That I am duly authorized 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 Chenai this the:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEPONENT

Annexure A-1

No. \_\_\_\_\_\_\_\_

Government of India

Cabinet Secretariat,

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

Date:-\_\_\_\_\_\_\_\_\_\_\_\_\_

To:

The Director (Planning)

Directorate General of Security,

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

Subject: Grant of concessions to the staff of SSB, SFP, CIOA and Directorate of Accounts.

Sir,

I am directed to convey the sanction of the President to the grant of concessions mentioned in the Annexure-I to the various categories of staff of SSB, SFF, CIO and Directorate of Accounts subject to the restrictions indicated therein on the pattern of the Research & Analysis Wing of this Secretariat.

2. These orders will take effect wef \_\_\_\_\_\_\_\_.

3. For some of the concessions the various hardship locations have been categorized as 'B' & 'C' stations as indicated in Annexure-II to this letter. However, if the Heads of the Departments feel at certain times that certain locations or assignments have become specially hazardous and there is a specific increase in the threat to the personnel and/or premises, they can determine on merits the criteria of hardship and the period for which such locations may be categorized as belonging to category 'B' & 'C' stations after recording the reasons in writing.

4. For the purpose of House Rent Allowance concessions to the various categories of staff, the deputation of posts as listed in Annexure 'A' toe the Cabinet Secretariats' Order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_, will also be applicable in respect of the staff of SSB, SFF, CIOA and Directorate of Accounts.

5. This issues with concurrence of the Ministry of Finance vide their UO No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ read with UO No. \_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_.

Yours faithfully,

Encl: Annexure-I & II

Sd/-

(\_\_\_\_\_\_\_\_)

Deputy Secretary (SR)

Copy to:-

1. \_\_\_\_\_\_\_\_, Director, SSB.

2. \_\_\_\_\_\_\_\_, PVSM, IG SBB.

3. \_\_\_\_\_\_\_\_, Dy. Director of Accounts.

4. \_\_\_\_\_\_\_\_, CIOA

5. \_\_\_\_\_\_\_\_, Director (IF)

6. \_\_\_\_\_\_\_\_, Dy. Director of Accounts (SW)

7. Order File.

True Copy of Original Document

Annexure A-5

COURT CASE/MOST IMMDT

DIRECTORATE GENERAL OF SECURITY

OFFICE OF THE DIRECTOR : SSB

Subject: OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Registrar, CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_has forwarded a certified copy of judgment dated \_\_\_\_\_\_\_\_ passed by the Bench of Hon'ble Tribunal CAT,\_\_\_\_\_\_ \_\_\_\_\_\_\_\_. A copy of the judgment is enclosed along with a copy of OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_\_\_\_\_\_.

2. Hon'ble CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has directed the respondents to pay ration allowance to the applicants of OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_\_ titled \_\_\_\_\_\_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_\_\_\_\_ wef \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ onward within four months from the date of receipt of this order.

3. Respondent was declared category 'B' station with effect from \_\_\_\_\_\_\_\_\_\_\_\_\_for the purpose of various concession vide this Directorate order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_ with reference to Cabinet Secretariat order No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_.

4. As the payment of ration allowances are to be made to the applicants within \_\_\_\_\_\_\_\_ months from the date of receipt of CAT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ order, Cabinet Secretariat are therefore, requested to issue necessary orders, authorising to drawl of ration allowances to all the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ applicants posted in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Division with effect from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_onward. In this connection also kindly refer to this Directorate UO No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ and even number \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_, requesting issue of orders for the grant of ration allowance to all non-executive personnel posted in Category 'B' & 'C' stations.

Encls: As above.

(\_\_\_\_\_\_\_\_)

Joint Deputy Director (FA)

Cab. Secretary (\_\_\_\_\_\_\_\_)

SSB Directorate UO No. \_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_

True Copy of the Original Document

 **Condonation of delay in filing of OA.**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE

MA No.\_\_\_\_\_\_ of 2009 in OA No.:\_\_\_\_\_\_\_\_ of 2009

 Applicant

 Versus

 Respondents/Non-Applicants

Application under Section 21 (3) of the Administrative Tribunals Act condonation of delay in filing of OA.

Respectfully Sheweth :

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

2. That on perusal of the contents of OA, its grounds and the documents annexed therewith it is evident that the applicant has a plausible case in his favour and the balance of convenience is also in favour of the applicant. The OA is likely to succeed.

3. That however, there has been delay in filing the OA due to the reasons \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. But for these good and sufficient reasons, the applicant would have come before this Hon'ble Tribunal within the stipulated time. However, it is submitted that the applicant stands to gain nothing by delaying the matter. No harm or prejudice will be caused to the respondent if the delay in filing the OA is condoned in the interest of justice.

4. It is, therefore, most humbly prayed that the present application may kindly be allowed and the delay in filing the OA may kindly be condoned 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.

Coimbatore

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

MA No.\_\_\_\_\_\_ of 2009 in OA No.\_\_\_\_\_\_ of 2009

 Applicant

 Versus

 Respondents

**Affidavit**

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 \_\_\_\_\_\_\_ 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 Coimbatore this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

 **For condonation of delay in filing of \_\_\_\_\_\_\_\_**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE

MA No.:\_\_\_\_\_\_ of 2009 in OA No.:\_\_\_\_\_\_

 Applicants/Non-Applicants

 Versus

 Respondents/Applicants

Application under Rule 8 (3) of TN Administrative Tribunal Rules for condonation of delay in filing of \_\_\_\_\_\_\_\_ .

Respectfully Sheweth :

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

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. That filing of reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is essential for adjudication of the matter in interest of justice. The present applicant could not file the reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within the stipulated time.

4. It is, therefore, most humbly prayed that the reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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.

Coimbatore

Applicant

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

Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 4 of the above application are correct and true and no part of it is false and nothing material has been concealed therein.

Verified here at Coimbatore this \_\_\_\_\_\_.

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

MA No.:\_\_\_\_\_\_ of 2009 in OA No.: \_\_\_\_\_\_

Applicants

Versus

Respondents/Applicants

**Affidavit**

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 Coimbatore this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

**Rejoinder to the reply filed by the replying respondent No. \_\_\_\_\_\_ to the MA**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

 Applicants

 Versus

 Respondents/Non-Applicants

Rejoinder to the reply filed by the replying respondent No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the MA

Respectfully Sheweth :
Reply to Preliminary Objections/Submissions:
1. That the contents of this para of reply are wrong and denied. \_\_

2. That the contents of this para of reply are wrong and denied. \_\_

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

4. That the contents of this para of reply are wrong and denied. \_\_

Rejoinder to the Reply on Merits:

1. That the contents of para 1 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

2. That the contents of para 2 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

3. That the contents of para 3 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

4. That the contents of para 4 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

5. That the contents of para 5 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

6. That the contents of para 6 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

7. That the contents of para 7 of the reply so far as it does not admit of the contents of corresponding para of the application are wrong and denied and the contents of corresponding para of the application are re-asserted and reiterated. \_\_

8. It is, therefore, most humbly prayed that this application deserves to be allowed and may kindly be allowed 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.

Chennai
Applicant
\_\_\_\_\_\_
Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to \_\_\_\_\_\_ of reply to Preliminary Submissions/objections and paras 1 to \_\_\_\_\_\_ of the rejoinder to reply on merits are correct and true and no part of it is false and nothing material has been concealed therein.
Verified here at Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

 Applicants

 Versus

 Respondents/Non-Applicants

**Affidavit**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :-
1. That the accompanying rejoinder to the reply to the application has been prepared under my instructions.
2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_ of the reply to the Preliminary Objections/Submissions and paras 1 to \_\_\_\_\_\_ of the rejoinder to the reply on merit of the accompanying rejoinder 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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Rules 1987 for impleading the applicant**

 **as respondent in OA No. \_\_\_\_\_**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT COIMBATORE

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

 Applicant/Non-applicant

 Versus

 Respondents/Non-applicants

Proposed Respondent/Applicant

Application Under Rule 8 (3) of HP State Administrative Rules 1987 for impleading the applicant as respondent in OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_ titled as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Coimbatore

Applicant
\_\_\_\_\_\_

Through, Advocate

Respectfully Sheweth :

1. That the Original applicants have filed OA in this Hon'ble Tribunal which is pending adjudication.

2. That from perusal of the relief sought by the original applicant, it is evident that if the same is allowed it will adversely affect the interests of the present applicant and the original applicant has intentionally chosen not to implead the present applicant as respondent so as the original applicant can obtain favourable orders from this Hon'ble tribunal by suppression of material facts.

3. That the interest of justice demands that the present applicant is allowed to join as a respondent in the above OA and the original applicant is directed to supply the copies of OA and all other documents to the present applicant so as to enable the present applicant to defend its interest properly and assist this Hon'ble tribunal to adjudicate upon the matter properly.

4. That it is further submitted that the filing of reply on behalf of the present applicant is essential for proper adjudication of the matter in interest of justice. And therefore, the present applicant be allowed to file the reply within reasonable period of time.

5. It is, therefore, most humbly prayed that the present applicant may kindly be allowed to be impleaded as respondent, and the original applicant be directed to give the copies of OA, MA and all other documents, and the present applicant be allowed reasonable period to file the reply to the same in the interest of justice. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Coimbatore Applicant

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

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

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

 Applicants

 Versus

 Respondents/Applicants

**Affidavit**

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 Coimbatore this the \_\_\_\_\_.

Deponent

**Rules for exemption to file the translation**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE

MA No.:\_\_\_\_\_\_ of 2009 in OA No.:\_\_\_\_\_\_

Applicants/Non-Applicants

Versus

Respondents/Applicants

Application under Rule 8 (3) of TN Administrative Tribunal Rules for condonation of delay in filing of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

Respectfully Sheweth :

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

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. That filing of reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is essential for adjudication of the matter in interest of justice. The present applicant could not file the reply/rejoinder \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within the stipulated time.

4. It is, therefore, most humbly prayed that the reply/rejoinder \_\_\_\_\_\_ 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.

Coimbatore

Applicant
\_\_\_\_\_\_

Through, Advocate

**Verification:**

I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 4 of the above application are correct and true and no part of it is false and nothing material has been concealed therein.

Verified here at Coimbatore this \_\_\_\_\_\_.

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

MA No.:\_\_\_\_\_\_ of 2009 in OA No.: \_\_\_\_\_\_

 Applicants

 Versus

 Respondents/Applicants

**Affidavit**

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 Coimbatore this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

 **Rules for setting aside ex-parte orders**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT COIMBATORE

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

Applicant/Non-applicant

Versus

Respondents/Non-applicants

Proposed Respondent/Applicant

Application Under Rule 8 (3) of TN State Administrative Rules 1987 for impleading the applicant as respondent in OA No. \_\_\_\_\_ titled as \_\_\_\_\_\_

Coimbatore

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

Respectfully Sheweth :

1. That the Original applicants have filed OA in this Hon'ble Tribunal which is pending adjudication.

2. That from perusal of the relief sought by the original applicant, it is evident that if the same is allowed it will adversely affect the interests of the present applicant and the original applicant has intentionally chosen not to implead the present applicant as respondent so as the original applicant can obtain favourable orders from this Hon'ble tribunal by suppression of material facts.

3. That the interest of justice demands that the present applicant is allowed to join as a respondent in the above OA and the original applicant is directed to supply the copies of OA and all other documents to the present applicant so as to enable the present applicant to defend its interest properly and assist this Hon'ble tribunal to adjudicate upon the matter properly.

4. That it is further submitted that the filing of reply on behalf of the present applicant is essential for proper adjudication of the matter in interest of justice. And therefore, the present applicant be allowed to file the reply within reasonable period of time.

5. It is, therefore, most humbly prayed that the present applicant may kindly be allowed to be impleaded as respondent, and the original applicant be directed to give the copies of OA, MA and all other documents, and the present applicant be allowed reasonable period to file the reply to the same in the interest of justice. Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Coimbatore

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT COIMBATORE**

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

 Applicants

Versus

Respondents/Applicants

**Affidavit**

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 Coimbatore this the \_\_\_\_\_.

Deponent

**Sat against disciplinary action**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

OA Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 \_\_\_\_.

The said impugned action 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:

(a) That the facts leading to filing of the present case and the relevant facts are furnished hereunder in chronological order for the convenience of this Hon’ble court: -

----------------------------------------------------------------------------------------------------------

(b) That \_\_\_\_\_\_\_

**GROUNDS**

(c) 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: -

(i) That the impugned action of the respondent is arbitrary, malafide, illegal, ultra vires, against the Article 39 (d) read with 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(ii) That\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_

(iii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That as per the settled principle of law, the alleged misconducts pertaining to the period prior to the promotion of the applicant stands condoned. As such the misconducts in Articles of Charges Nos. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cannot be made grounds for punishment of the applicant. The Disciplinary Authority was prejudiced against the applicant and due to malafide intention and for the extraneous reasons has awarded impugned punishments on the applicant.

(iv) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_\_), the applicant was served with charge sheet by the Disciplinary Authority for the following four charges:-

(v) \_\_\_\_\_\_\_\_\_That the applicant submits that on \_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_) the applicant has prayed for copy of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ mentioned in the Annexure A-III with the Charge Sheet so as to enable the applicant to submit his written statement of defense as sought for by the Disciplinary Authority.

(vi) \_\_\_\_\_\_\_\_\_\_\_\_ That it is against well established principles of law, rules and regulations that the person who happens to be witness cannot be appointed as Presenting Officer and vice versa.

(vii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That the applicant submits that on \_\_\_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_) the applicant made a representation to the Disciplinary Authority with a copy of the same endorsed to and got received on the same date by the Inquiry Officer, praying therein that the applicant is entitled to seek assistance of a defense assistant in his disciplinary case as per the relevant provisions and therefore the applicant may be granted permission to engage Defense Assistant, Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is an advocate. It was also stated therein that Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has also consented to assist the applicant in the afore-mentioned case in the inquiry. It was obligatory on the part of the Disciplinary Authority to allow Defense Assistant to the applicant and further proceedings could be proceeded only after the Defense Assistant has been allowed to the applicant.

(viii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That the applicant further submits that the said charge sheet was further amended on \_\_\_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_\_) without affording the opportunity to the applicant to file reply to the said amendment. The Disciplinary Authority has not observed the mandatory principles of law, rules and regulations to seek the further written statement from the applicant with regard to the amended charge sheet.

(ix)\_\_\_\_\_\_\_\_\_\_ \_\_\_\_That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Annexure A-\_\_\_\_\_\_\_) the applicant made a detailed reply to the show cause notice, raising therein various legal objections to the enquiry. Non-consideration of those points is indicative of non-application of mind by the Disciplinary Authority.

(x) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That the penalty of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ imposed by the Disciplinary Authority on the applicant is disproportionate to the alleged misconduct and shocking the conscience as well as indicative of arbitrariness and malafide intention on the part of the Disciplinary Authority.

(xi) \_\_That the Applicant further submits that on \_\_\_\_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_\_\_\_\_\_\_\_\_\_) the applicant applied to the Disciplinary Authority to supply day-to-day proceedings of order sheet, witnesses examined in the inquiry and other documents related to inquiry placed on the file so that the applicant could file the appeal. The Disciplinary Authority has flatly denied the same to the applicant on \_\_\_\_\_\_\_\_\_\_\_ (Annexure A-\_\_\_\_\_\_\_\_\_\_\_\_\_). The applicant submits that such denial amounts to denial of natural justice to the applicant and such an action on the part of the respondent Disciplinary Authority is against the well-settled principle of law, rules and regulations.

(xii) \_\_\_\_\_\_That the inquiry officer is stated to have conducted the hearings in the case on \_\_ without any Defense Assistant having been allowed to the applicant and without giving notice to the applicant, which is against the provisions of Rule 14 of the CCS (CCA).

(xiii) \_\_\_\_\_\_\_\_ That the applicant has thus been deprived of his legitimate rights of cross-examining the witnesses and put his own defense and give defense witnesses. The witnesses were thus examined at the back of the applicant without affording opportunity to the applicant to establish the veracity of their false statements. The witnesses were tutored on the behest of the Disciplinary Authority as they all are the subordinates of the Disciplinary Authority.

(xiv) \_\_\_\_\_\_\_\_\_\_\_That the applicant was legitimately expecting that after the application of the applicant for Defense Assistant is decided by the Disciplinary Authority, the further disciplinary proceedings will be proceeded in accordance with the law.

(xv) \_\_\_\_\_\_\_\_\_\_\_That the defense of the presenting officer was recorded in utter violation of Rules

14 (15) of CCS (CCA) Rules 1965, which interalia provides that Presenting Officer appointed in a case cannot be examined as a witness at the enquiry.

(xvi) The Disciplinary Authority was required to entrust the enquiry to the Director Departmental Enquiries HP Govt as per State Govt. orders vide notification No. Per(AP-II)(A)(3)1/79/PET dated 22.10.1997 (Annexure A-\_\_) and 01.07.1999 (Annexure A-\_\_). Vide Annexure A-\_\_, it is clearly envisaged that:-
“All fresh inquiries in disciplinary proceedings to be initiated against Gazetted Officers (Class-I & Class-

II) will be entrusted to the Commissioner Departmental Enquiries and those against the Non-Gazetted Officers/officials will be entrusted to the Director of Departmental inquiries.”

(xvii) \_\_\_\_\_\_\_That it is apparent from the above that the Disciplinary Authority has purposely and malafidely violated the above instructions of the state Government.

(xviii) \_\_\_\_\_\_That the day to day proceedings including copies of depositions of witnesses and the written briefs of the Presenting Officer were not supplied to the applicant as required under Rule 14 Note 6 of CCS (CCA) Rules 1965.

(xix) \_\_\_\_\_\_That the Disciplinary Authority has not indicated the proposed penalty in the show cause notice which is mandatory requirement.

(xx) \_\_\_\_\_\_That the Inquiry Officer has never served the applicant with the notice of ex-parte proceedings, which was obligatory on the part of the Inquiry Officer. It is mandatory under the Government Instructions that the notices of all hearings should be served on the accused or communicated to him unless the first notice says that the inquiry will continue from day to day.

(xxi) \_\_\_\_\_\_\_That the respondents have not even afforded opportunity to the applicant to see the relevant record being used against the applicant before starting of inquiry. Neither has the applicant been supplied with the Presenting Officer's briefs.

(xxii) \_\_\_\_\_\_\_\_\_\_\_ That the punishment as awarded by the Disciplinary Authority is not competent as much as the Disciplinary Authority is not the appointing authority of the applicant.

(xxiii) That the conclusions arrived at by the disciplinary authority is not reasonably borne from available material/evidence.

(xxiv) \_\_\_\_\_\_That the Charge sheet has been issued by the incompetent authority. No tenable oral or documentary evidence was brought on record before the Disciplinary Authority. Disciplinary Authority has based its decision on extraneous matters. Similarly the Appellate Authority has rested its decision on the extraneous matters. The Appellate Authority has not applied its own mind. The appellate authority has not supplied the copy of comments sought for from the department to the applicant and thus the decision of the appellate authority has been prejudiced and vitiated.

(xxv) \_\_\_\_\_\_That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(xxvi) \_\_\_\_\_\_\_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 \_\_\_\_\_ being arbitrary, malafide and illegal;
(b) Direct the respondents to \_\_\_\_\_;
(c) Allow the cost of this O.A.;
(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:

It is prayed that during the pendency of this OA, the operation of the impugned order A-\_\_\_\_\_\_ 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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Case No: \_\_\_\_\_\_ of 2004

Petitioner

VERSUS

Respondents

KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_PETITIONER/RESPONDENT do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PETITIONER/RESPONDENT in the above mentioned case, to be all following acts, deeds and things or any of them that is to say:

1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision.

2. To present Complaints, Pleadings, O.A., M. A. Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages.

3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause.

4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

5. To employ and instruct any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises.

AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We here up to set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the \_\_\_\_\_\_

Accepted

\_\_\_\_\_\_Advocate

Client

**Sat application 1**

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI

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

 Applicant

 Versus

 Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 \_\_.

The said impugned action 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:

(a) That the facts leading to filing of the present case and the relevant facts are furnished hereunder in chronological order for the convenience of this Hon’ble court: -

(b) That \_\_

GROUNDS

(c) 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: -

(i) That the impugned action of the respondent is arbitrary, malafide, illegal, ultra vires, against the Article 39 (d) read with 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(ii) That \_\_\_\_\_\_

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 \_\_\_\_\_ being arbitrary, malafide and illegal;

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

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

(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:

It is prayed that during the pendency of this OA, the operation of the impugned order A-\_\_\_\_ 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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**

Case No:\_\_\_\_\_ of 2004

Petitioner

VERSUS

Respondents

KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named \_\_PETITIONER/RESPONDENT do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the \_\_ PETITIONER/RESPONDENT in the above mentioned case, to be all following acts, deeds and things or any of them that is to say:

1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision.

2. To present Complaints, Pleadings, O.A., M.A. Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages.

3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause.

4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

5. To employ and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises.

AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We here up to set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the \_\_\_\_\_

Accepted

Advocate Client

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| --- | --- | --- |
| **Sat application 2**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAIO. A. No:\_\_\_\_\_ of 2004Applicant VersusRespondents Application Under Section 19 of the Administrative Tribunals Act, 1985Chennai 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The said impugned action 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: (a) That the facts leading to filing of the present case and the relevant facts are furnished hereunder in chronological order for the convenience of this Hon’ble court: - (b) That \_\_ GROUNDS (c) 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: - (i) That the impugned action of the respondent is arbitrary, malafide, illegal, ultra vires, against the Article 39 (d) read with 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice. (ii) That \_\_\_\_\_\_ 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 \_\_\_\_\_\_\_\_\_ being arbitrary, malafide and illegal; (b) Direct the respondents to \_\_\_\_\_; (c) Allow the cost of this O.A.; (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: It is prayed that during the pendency of this OA, the operation of the impugned order A-\_\_\_\_ 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. Chennai Applicant \_\_\_\_\_\_ Through, Advocate **BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**O. A. No: \_\_\_\_\_ of 2004Applicant VersusRespondents **Affidavit**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 Chennai this \_\_\_\_\_. Deponent **BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL TN AT CHENNAI**Case No:\_\_\_\_\_ of 2004Petitioner  VERSUSRespondents KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named \_\_PETITIONER/RESPONDENT do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the \_\_ PETITIONER/RESPONDENT in the above mentioned case, to be all following acts, deeds and things or any of them that is to say: 1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision. 2. To present Complaints, Pleadings, O.A., M.A. Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages. 3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause. 4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case. 5. To employ and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so. AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises. AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing. AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid. IN WITNESS WHEREOF I/We here up to set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the \_\_\_\_\_ Accepted Advocate Client  |

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**Sat appoint anganwadi selection not as per rules**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 \_\_

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

6.2 That the respondent department while calling the applicant for interview has sought for the following documents, which were duly produced by the applicant:-

(i) School Certificates (For Educational qualifications)
(ii) Certificate of permanent residence of \_\_\_\_\_\_\_\_\_\_\_\_,

(iii) IRDP Certificate

(iv) Certificate indicating that the applicant belonged to the same village and distance certificate

(v) Affidavit indicating that there is none in the Govt / Semi-govt service from the family of the applicant.

(vi) Certificate of Caste/Tribe.

(vii) Experience Certificate of any type.

6.3 That \_\_\_\_\_

GROUNDS

6.4 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 A-\_\_\_\_\_\_\_ 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) That the respondent state has formulated guidelines on \_\_\_\_\_\_ for selection/appointment of Anganwadi Workers under Integrated Child Development Scheme Programmer in pursuance to Civil Review Petition No. \_\_\_\_\_\_ in CWP No. \_\_\_\_\_\_ of \_\_\_\_\_\_ filed by \_\_\_\_\_\_ dated \_\_\_\_\_\_ as under:-

(i) Specific guidelines for selection/appointment be formulated which interalia, should contain specific guidelines for awarding head wise marks, ie; for Educational Qualifications, Experience etc by the Selection Committees as also specifying the authority by whom relaxation, if any, can be given.

(ii) The Selection Committee should be chaired by the representative of the Director of Welfare, who should be from outside of the ICDS Project area.

(iii) The Selection made by the Selection Committee should be monitored at the Directorate level with a view to ensuring that the selection is made in accordance with the law/guidelines.

(c) That the respondent department has not conducted selection in consonance with the above guidelines.

(d) That the respondent department while calling the applicant for interview has sought for the following documents, which were duly produced by the applicant:-

(i) School Certificates (For Educational qualifications)

(ii) Certificate of permanent residence of \_\_\_\_\_\_,

(iii) IRDP Certificate

(iv) Certificate indicating that the applicant belonged to the same village and distance certificate

(v) Affidavit indicating that there is none in the Govt/Semi-govt service from the family of the applicant.

(vi) Certificate of Caste/Tribe.

(vii) Experience Certificate of any type.

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

(f) 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-\_\_\_\_\_\_\_\_\_\_ whereby the respondent department has selected the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_, being issued arbitrarily, malafide and illegally by the respondents;

(b) Direct the respondents to select and appoint the applicant against the post of Anganwadi Worker on the basis of merits \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with all the consequential benefits;

(c) Direct the respondents to produce all the relevant documents along with their 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:

(a) That it is most respectfully prayed that during the pendency of this OA the operation of the impugned order/action \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the respondents whereby they are going to appoint the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, may kindly be stayed during the pendency of this OA 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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**Sat appoint compensiate**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the TN Administrative Tribunals Act, 1985

Chennai

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 permitting the applicant to appear in the interview to be held on \_\_\_\_\_\_\_\_\_\_\_ for the post of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the applicant is also aggrieved by the action of the respondent Employment Exchange whereby they have not sponsored the name of the applicant for the above post despite the fact that juniors to the applicant have been sponsored.

The said impugned action is arbitrary, illegal, malafide, violative of the Articles 14 and 16 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:

1. That the applicant submits that \_\_\_\_

**GROUNDS**

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 action of the respondents whereby they are not permitting the applicant to appear in the said interview 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 impugned action of the respondents whereby they are not permitting the applicant to appear in the said interview is against the well settled law by the Hon'ble Supreme Court in Excise Superintendent Malkapatnam Krishna District Vs KBN Visweshwara Rao and others, wherein the Hon'ble court has held that "restricting the selection only to the candidates sponsored by employment exchange is not proper and in addition to requisitioning the names from employment exchange, names should also be called for by publication in newspapers, having wide circulation and display on office notice boards or announcement on radio, Television and employment news bulletins. Such a procedure would subserve fair play envisaged by the Articles 14 and 16 of the Constitution of India.

(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 action of the respondents whereby they have not sent interview call letters to the applicant arbitrarily, malafidely and illegally;

(b) Direct the respondents to permit the applicant to appear in the said interview;

(c) Direct the respondents to produce all the relevant documents along with their 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 the said interview being held by the respondents on \_\_\_\_\_ may kindly be stayed during the pendency of this OA or in the alternative the respondents may kindly be directed to permit the applicant to appear in the said interview provisionally in the meantime.

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.

Chennai

Applicant

\_\_\_\_\_

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**Sat appoint panchayat wrongful termination**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 respondent No. 3, (Annexure A-1) whereby he has directed the respondent No. 4 to sponsor the name of some other candidate for the post of Gram Panchayat Sahayak at Gram Panchayat Satog and terminate the services of the applicant arbitrarily and illegally.

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

6.2 That the respondent state vide its notification No. \_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_ has authorized Gram Panchayat Assistant's post to the respondent No. 4 Panchayat, to be filled in by the concerned Gram Pradhan. (Annexure A-2)

6.3 That now the respondent No. 3 vide letter No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (A-1) has informed the respondent No. 4 that while appointing the Gram Panchayat Assistants the special care be taken that the candidate for the above post should not be a father, grand father, in-laws, uncle, son, daughter, grand-son, brother, nephew, brother-in-law or sister-in-law, wife, sister, son-in-law of any of the officials/members of the Panchayat.

GROUNDS

6.4 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 A-1 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) That the applicant has been selected and appointed in accordance with the provisions laid down in A-2 after following the due process. The provisions of A-2 cannot be over-ridden by an executive order A-1 and the A-1 is thus ultra vires. Moreover, no such embargo can be imposed by the respondent No. 2 or 3 on the appointment of the applicant as it clearly violates the provisions of Articles 14 and 16 of the Constitution of India.

(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 issued arbitrarily, malafidely and illegally by the respondents;

(b) Direct the respondents to permit the applicant to continue in service as Gram Panchayat Sahayak and send the applicant for the training in accordance with the provisions of A-2;
(c) Direct the respondents to produce all the relevant documents 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:

It is, therefore, most respectfully prayed that during the pendency of the OA the operation of A \_\_\_\_\_ may kindly be stayed and the respondents be restrained from terminating the service of the applicant and the respondents be further restrained from selecting and appointing any other candidate in place of the applicant.

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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_.

Deponent

Annexure A-2/T

No. \_\_\_\_\_\_

Office of Block Development Officer

Development Block \_\_\_\_\_\_, \_\_\_\_\_\_; \_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_\_\_\_.

To:

Pradhan Gram Panchayat\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subject: Directions regarding appointment of Gram Panchayat Sahayak

In compliance to the Director, Rural Development and Panchayati Raj Department vide his office letter No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, you are hereby informed that you will take special care while appointing Gram Panchayat Sahayak that the candidate is not father, grand father, in-laws, uncle, son, daughter, grand-son, brother, nephew, brother-in-law or sister-in-law, wife, sister, son-in-law of any of the officials/members of the Panchayat and should not be aged more than 58 years of age.

Assistant Commissioner (Development) & Block Development Officer

Development Block \_\_\_\_\_\_.

Endst No. \_\_\_\_\_\_ dated \_\_\_\_\_\_

Copy forwarded to: Gram Panchayat & Development Officer, Gram Panchayat \_\_\_\_\_\_\_ with the instructions that he will send the information to the undersigned after confirming from the Parivar Register.

Assistant Commissioner (Development) & Block Development Officer

Development Block \_\_\_\_\_\_.

True Translation

Annexure A-2/T

True Translation

Government of \_\_\_\_\_\_

Rural Development Department

No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_.

Notification

1.0 WHEREAS after the bringing into force the Tamil Nadu Panchayati Raj Act, 1994, in accordance with the 73rd amendment of the Constitution, the process the grant more powers and responsibilities to the Panchayati Raj Organisations, and as a result of this the powers and responsibilities of 15 departments have been transferred to the Gram Panchayats, because the number of the Gram Panchayats is far more than the availability of the Gram Panchayat and Development Officials in the Department and therefore the Panchayat Assistant Scheme to grant the services of part-time persons to the Gram Panchayats was under consideration.

1.1 Therefore, the Government of Tamil Nadu has taken this decision that 50% of the Gram Panchayats notified by the Government of Tamil Nadu, which comes to 1461, one Gram Panchayat Sahayak can be appointed on contract on the following conditions:-

I. The minimum qualification of the candidate should be matriculate.

II. The candidate should belong to the same Gram Panchayat.

III. For this work, the panchayat will appoint only such mature person who has knowledge of working in that area and does not consider this only as a means of employment.

IV The minimum age limit will be 18 years.

V. Such person only should be appointed as Assistant who can spare time to do the work of that Panchayat.

2.0 The Selection Process and Appointment.

2.1 For the appointment of Gram Panchayat Assistant, the concerned Gram Panchayat will ask for the applications from the eligible candidates and this notice will be displayed on the notice board of the Gram Panchayat.

2.2 The application should be on the plain paper stating educational qualification and other qualifications etc. The selection and appointment of the Gram Panchayat Sahayak will be done by the concerned Gram Panchayat.

2.4 If the selected candidate does not report on duty within 10 days, then the next candidate in the Waiting List will be selected.

2.5 The candidate appointed under this scheme will be part-time employee of the concerned Gram Panchayat and he will be known as the Gram Panchayat Sahayak of the concerned Gram Panchayat.

2.6 The selected candidate will be issued appointment letter by the Pradhan of the concerned Gram Panchayat. One copy of the appointment letter will be forwarded to the concerned Block Development Officer for his record.

2.7 The appointment of the Gram Panchayat Assistant will be on the basis of contract initially for one year, which will be renewed from time to time by the concerned Gram Panchayat after evaluating the work proficiency of the candidate.

2.8 The Gram Panchayat will have complete administrative control over the Gram Panchayat Assistant. In case of any negligence/irregularity in duty, the Gram Panchayat will take disciplinary action against him. If the work of the Gram Panchayat Sahayak is not found satisfactory, then his services will be terminated by the Gram Panchayat after giving him opportunity of personal hearing.

2.9 The Gram Panchayat Assistant appointed under this scheme will work for 3 hours in the office of the Gram Panchayat. The time schedule will be fixed for him by the concerned Panchayat.

3.0 The Duties of Panchayat Assistant

The Gram Panchayat Assistant will carry on the work and responsibilities given by the concerned Gram Panchayat, like:-

1. Assistance in the Work of Gram Panchayat and Development Officer

(a) In preparation of records of Gram Panchayat.

(b) In maintenance of the Pariwar and Marriage Register.

(c) In issuance of Birth-Death, IRDP or marriage certificates.

(d) In collection of fees/penalty and in giving the copies of the decisions etc taken by the panchayat in accordance with the rules.

(e) In writing the proceedings of the Gram Panchayat/Sabha meetings and in giving the copies of resolutions of these meetings to the concerned.

(f) In preparation of voter lists during the elections.

II. Assistance of the

(a) In issuance of Ration cards.
(b) In issuance of summons in civil/criminal matters to the concerned.

II (a) In other matters entrusted by the Gram Panchayat.

3.2 Every Gram Panchayat Assistant will inform to the to the concerned Gram Panchayat & Development Officer the works given under the provisions of Panchayati Raj Act. The Gram Panchayat & Development Officer will also inspect the work of the Gram Panchayat Assistant.

4.0 Honorarium

4.1 Every Gram Panchayat, where the Gram Panchayat Assistant has been appointed , will give to the Gram Panchayat Assistant an honorarium of Rs. 600/- per month out of the aid given by the state government.

4.2 Where the Panchayat feels that the services of the Gram Panchayat Sahayak are to be taken for more time, then the concerned panchayat will pay him more from its own resources.

5.0 Training

5.1 The Gram Panchayat Assistants appointed by the Gram Panchayat will be given minimum 30 days training by the Panchayati Raj Department.

5.2 If any selected candidate does not participate in the training given by the Panchayati Raj Department, then the appointment letter issued by the concerned Gram Panchayat will be canceled.

6.0 Selection of Gram Panchayats for appointment of Gram Panchayat Assistants

6.1 Every Panchayat Samiti will keep in view that the Gram Panchayats under where the Gram Panchayat and Development Officers are appointed, the decision to appoint the Gram Panchayat Assistants will be taken under this scheme only for those Panchayats the population of which is less and will be given to the Panchayat Sahayaks. Such Development Blocks where the number of panchayats is odd, ie; 39, 41, 59, 61 etc. two panchayats will be handed over to the Gram Panchayat & Development Officers, and in one Panchayat the Gram Panchayat Assistant will be appointed. Under no circumstances the number of Panchayats should be more than half of the total number of the Panchayats. For the appointments of Gram Panchayat Sahayaks, the union of the Panchayats will be only once and under no circumstances will not be changed or repeated under any circumstances.

7.0 Removal of Difficulties

If there is any difficulty in implementation of this scheme, the state government will make appropriate amendments to remove the same.

By the order of
(------------------------)

Commr.-cum-Secretary (Rural Development)

Government of Tamil Nadu

Endst No. \_\_\_\_\_\_ dated \_\_\_\_\_\_.

Copy to:-

1. All Gram Panchayat Pradhans, Development Block \_\_\_\_\_\_.

2. All Gram Panchayat & Block Development Officers, Development Block, \_\_\_\_\_\_

Assistant Commissioner, (Development) & Block Development Officer, \_\_\_\_\_\_

True Translation

**Before the Hon'ble State Administrative Tribunal at Chennai**

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

Applicant

Versus

Respondents

Court Fees Rs. 50/-

Chennai

Applicant

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

Through, Advocate

**Sat appoint promotion contact**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the T.N. Administrative Tribunals Act, 1985

Chennai

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 where by they have replaced the services of the applicant as contract teacher by transferring another teacher on promotion vide Annexure A-\_\_\_\_\_\_\_\_\_\_, which is against the decision laid down by the Hon'ble Apex court and this Hon'ble court in catena of cases that the contract teachers can be replaced only by regularly appointed new hands through the Commission against the same vacancy.

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 was initially engaged as a contract teacher against the sanctioned vacant post at Govt. Sr. Sec. School \_\_\_\_\_\_\_\_\_\_\_ wef \_\_\_\_\_\_\_\_\_\_\_ (A-1). The said contract was valid upto \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and renewable on the termination of the said contract.

(6.2) That it is submitted that the post against which the applicant was initially engaged is still vacant as no regular hand on fresh appointment through commission has joined as yet. The applicant was working in the winter/summer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ closing school. It is also submitted that the applicant is also not being paid salary for the vacations/holidays/fictional breaks.

(6.3) That it is also submitted that the appointment of the applicant against the said post was through a proper procedure and the applicant fulfilled all the conditions and minimum requisite qualification for the said post in accordance with the R&P Rules. The qualification of the applicant is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which is the minimum requisite qualification for the said post.

(6.4) That the Full Bench of this Hon'ble Tribunal has adjudicated upon the matter on \_\_\_\_\_\_\_\_\_\_ as regards replacement of the contract teachers in the OA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ titled as Vijay Shetty Vs State of TN and others and has held as under:-

"In view of it we hold that the petitioners are entitled to continue till the time they are replaced by regularly appointed persons in accordance with R&P Rules."

(6.5) That the Hon'ble Apex Court in Raj Bala Vs State of Tamil Nadu has also held as under:-

"After hearing learned counsel for the parties, we allow the writ petition and direct the respondents to continue the petitioners in service until persons regularly selected by the Punjab Public Service Commission are appointed to the posts presently held by the petitioners and join these posts. These petitioners who have been appointed to posts in leave vacancies will continue in these posts until the employees who have proceeded on leave return and join these posts.

We dispose of this writ petition by ordering that subject to one clarification that State of Punjab would not be permitted to terminate the services of any of the petitioners by transferring a regular recruit from another institution to any institution where any of the petitioners may be serving. Termination would be had only when direct recruits through the Public Service Commission are recruited to such posts."

(6.6) That \_\_\_\_\_

 **Grounds**
(6.7) 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 of the respondent whereby they have terminated the services of the applicant by transferring a teacher on promotion against the applicant wef \_\_ and not permitting the applicant to continue till the regular hand comes on fresh appointment through the HP State Public Service Commission 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 applicant was appointed against the permanent sanctioned post which is still vacant. The applicant was discharging his duties to the entire satisfaction of his superiors, students and public men.

(c) That the applicant was made to sign a contract on the dotted lines. The applicant who is highly qualified man and facing grave financial problem had no option but to sign the one-sided contract in obedience to the command given to him in the appointment letter/Contract, with the underlying threat of loosing the job in case he had not signed on the dotted lines. Thus the respondent exerted undue influence on the applicant to sign the contract on the dotted line and is thus violative of the law. The applicant was not in a position to bargain against the respondent state which is far mightier than an unemployed applicant and in a position to dictate its unconscionable terms on the applicant. But the applicant bonafidely believed that no undue advantage will be taken of signing the one-sided contract and he will be allowed to continue and regularized in due course of time. Moreover, the format prescribed by the respondents is not sustainable in the eyes of law and is against the well settled principles of law.

(d) That it is submitted hat there is a vast difference in the bargaining power of the applicant as compared to the respondents. The applicant being an un-employed and desperate youth could not have been subjected to such unconscionable conditions of terminating his services at the whims. Unconscionable conditions confounded in dotted line agreement/contracts cannot be enforced against the weaker party, ie the applicant. This proposition of the law has been settled by the Hon'ble Apex Court and this Hon'ble Court in catena of cases. Such a practice is reminiscent of an archaic practice of "Hire and Fire", which is highly reprehensible and condemnable and has been deprecated by the Hon'ble Supreme Court and this Hon'ble Court.

(e) That it is also a settled law that beginning of service in the government is contractual but thereafter the appointee acquires status and his rights are no longer determined by the contract of the parties. Moreover, offering a job on contract is an indigenous device adopted by the respondents to out reach the law laid down in this regard and to deprive the incumbents from claiming regularization and other benefits which would accrue to him with the efflux of time. Moreover, the Personal Hand Book vide chapter 16.35 specifically provides that all other appointments made dehors R & P Rules will be treated as abhor appointments.

(f) That the applicant is also entitled for the salary for the winter/summer vacations and holidays at par with the regular hands on the same and similar post.

(g) That the impugned order has been issued without assigning any reasons and is non-speaking order. Thus, it is clearly indicative of the arbitrariness of the respondent's action. The impugned order is null and void.

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

(i) 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 action of the respondents whereby they have terminated the services of the applicant by transferring a teacher on promotion against the post of the applicant wef \_\_ and not permitting the applicant to continue in service till the regular hand joins on fresh appointment through TN State Public Service Commission, being arbitrary, malafide and illegal;

(b) Direct the respondents not to give notional/fictional breaks to the applicant for the period(s) of summer/winter vacations and other holidays and the applicant may be held to be entitled to arrears for the period of winter/summer vacations and holidays;

(c) Direct the respondents to re-engage the applicant at the same place against the same post with immediate effect with all the consequential benefits and protect the seniority etc of the applicant;

(d) Direct the respondents to produce all the relevant documents along with their reply for perusal by this Hon'ble Tribunal;

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

(f) 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 prayed that during the pendency of OA the impugned order/action of the respondents be stayed and the respondents may be ordered to re-engage the applicant at the same place against same post and pay the salary for the vacation period to the applicant.

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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Sat appoint selection 100 per cent reserve**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 of the respondents whereby they have selected and appointed the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Para Teacher Primary for GPS \_\_\_\_\_\_\_\_\_\_\_.

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 he has applied for the post of Para Teacher Primary in Govt Pry School \_\_\_\_\_\_\_\_\_\_\_\_\_, under Block Primary Education Officer \_\_\_\_\_\_\_ and under Gram Panchayat \_\_. The applicant also belongs to the same Gram Panchayat.

6.2 The applicant possesses the following qualifications and certificates which were duly annexed along with the application and the last date of submissions of application was \_\_\_\_\_:-

- Matriculation \_\_% marks A-\_\_

- Plus Two \_\_% marks A-\_\_

- BA \_\_% marks A-\_\_

- MA \_\_%marks A-\_\_

- B. Ed. \_\_% marks A-\_\_

- SC A-\_\_

- ST A-\_\_

- OBC A-\_\_

- Handicap A-\_\_

- Widow A-\_\_

- Land Donation A-\_\_

- Ex-Servicemen A-\_\_

- IRDP A-\_\_

6.3 That the interview for the said posts were held at \_\_\_\_ on \_\_\_\_ in which the applicant along with the respondent No. \_\_\_\_ and other candidates participated. \_\_\_\_

6.4 That the marks are to be allocated in the manner prescribed in the Vidya Upasak Yojna, as per which the applicant viz-a-viz Respondent No. \_\_\_\_ scores the marks as follows:-

S.No. Qualification Applicant Respondent

- Plus Two \_\_ \_\_

(50) (for \_\_% marks) (For \_\_% marks)

- BA & above \_\_ \_\_

(10)
- \_\_ \_\_ \_\_

(One Year Teaching Course)

(5)

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

(5)

- Handicap/Widow/ESM \_\_ \_\_

(5)

- IRDP \_\_ \_\_

(5)

- Un-employed \_\_ \_\_

(5)

- Marks in Viva \_\_ \_\_

(15)

Total Marks \_\_ \_\_

6.5 That from above it is amply evident that the applicant scored more marks than the respondent No. \_\_ due to higher academic qualifications and standard. However, there are 15 marks for viva which are to be given by the Chairman and the members (------------------------).

6.6 That \_\_\_\_\_

**GROUNDS**

6.7 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 orders of selection and appointment issued by the respondent department are 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 respondent State has formulated TN Primary Assistant Teacher (PAT) Scheme 2003 on the lines of Vidya Upasak Yojna-2001 for selection/appointment of Para Teachers with the underlying rationale that "task of universalisation of Elementary Education is gigantic keeping in view the tough geographical conditions in TN and the non-availability of trained teaching man power. The trained teachers available in the urban and other developed areas are not willing to serve in the remote places as a result of which most of our schools in such areas are without teachers.

(c) \_\_That as is evident from the above, the Scheme envisages maximum of 6 marks for Graduate and above. As such where one of the candidate is barely graduate and the other candidate is MA or above, the marks are to be given differently for both, ie; the candidate possessing qualification higher than BA is to be given more marks and a simple graduate is to be given lesser marks out of 6 marks. It is also pertinent to submit herewith that simple graduate qualifies for no post of teaching, whereas on the contrary a candidate possessing MA qualifies to be appointed as Lecturer in 10+2 Schools and as such also different marks are to be given for BA and MA or higher qualifications, which was not done in the instant case and thus the action of the selection board is arbitrary, illegal and contrary to the objective of the Yojna.

(d) That the allocation of marks is totally wrong, arbitrary and illegal and has no nexus with the rationale and objective of the Yojna. The rationale and objective is to recruit best available teachers. \_\_However, by allocating marks for handicapped and ST/OBC, the end result will be that there will be 100% recruitment of the candidates belonging to these categories. Such an allocation of marks is unconstitutional and ultra vires.

(e) That the respondent department has not conducted selection in consonance with the above guidelines.

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

(g) 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 selection and appointment order A-\_\_ whereby the respondent department has selected the respondent No. \_\_, being issued arbitrarily, malafide and illegally by the respondents;

(b) Direct the respondents to select and appoint the applicant against the post of Primary Assistant Teacher on the basis of merit \_\_, with all the consequential benefits;

(c) \_\_Quash the TN Primary Assistant Teacher (PAT) Scheme 2003 to the extent it allocates marks for ST/handicapped persons as it will bring about undue un-equilibrium in recruitment as there will be 100% induction of the persons belonging to the categories of SC/handicapped;

(d) Direct the respondents to produce all the relevant documents along with their reply for perusal by this Hon'ble Tribunal;

(e) Allow the cost of this OA;

(f) 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:

That it is most respectfully prayed that during the pendency of this OA the operation of the impugned order/action of selection and appointment \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the respondents whereby they are going to appoint the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, may kindly be stayed during the pendency of this OA 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.

Chennai

Applicant

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

Through, Advocate

**Verification:**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents of paras 1 to 12 of the above OA are correct and true and no part of it is false and nothing material has been concealed therein.

Verified here at Chennai this \_\_\_\_\_\_.

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 **Sat Appoint Selection Panchayat Favouritism**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the T.N. Administrative Tribunals Act, 1985

Chennai

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 respondent No. 4, (Annexure A \_\_) whereby he has appointed the respondent No. 5 as Gram Panchayat Sahayak, being his relative in as much as the respondent No. 5 is \_\_\_\_\_\_\_\_\_\_\_ of the respondent No. 4.

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

6.2 That the respondent state vide its notification No. \_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_ has authorized Gram Panchayat Assistant's post to the respondent No. \_\_\_\_\_ Panchayat, to be filled in by the concerned Gram Pradhan. (Annexure A-2)

6.3 That the respondent No. \_\_\_\_\_ vide letter No. \_\_\_\_\_ dated \_\_\_\_\_ (A-1) has even specifically informed the respondent No. 4 that while appointing the Gram Panchayat Assistants the special care be taken that the candidate for the above post should not be a father, grand father, in-laws, uncle, son, daughter, grand-son, brother, nephew, brother-in-law or sister-in-law, wife, sister, son-in-law of any of the officials/members of the Panchayat. The main reason behind the A-1 is to avoid nepotism and favouritism and ensure transparency and fair play in the matter of appointment as Gram Panchayat Sahayaks. The above instructions are therefore in keeping with the Articles 14 and 16 of the Constitution of India.

**GROUNDS**

6.4 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 action of the respondent No. 4 whereby he has selected and appointed the respondent No. 5 as Gram Panchayat Sahayak 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 applicant has not been selected and appointed in accordance with the provisions laid down in A-2 after following the due process.

(c) That the action of the respondent No. 4 in selecting and appointing the respondent No. 5 as Gram Panchayat Sahayak is bereft of transparency and fair play and smacks of nepotism and favouritism.

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

(e) 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 issued arbitrarily, malafidely and illegally by the respondents;

(b) Direct the respondent No. 4 to select and appoint the applicant for the post of Gram Panchayat Sahayak and send the applicant for the training in accordance with the provisions of A-2;

(c) Direct the respondents to produce all the relevant documents 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:

It is, therefore, most respectfully prayed that during the pendency of the OA the respondent No. 4 be restrained from continuing the respondent No. 5 in service as Gram Panchayat Sahayak.

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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_.

Deponent

Annexure A-2/T

No. \_\_\_\_\_\_\_

Office of Block Development Officer

Development Block \_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_.

To:

Pradhan Gram Panchayat\_\_\_\_\_\_\_

Subject: Directions regarding appointment of Gram Panchayat Sahayak

In compliance to the Director, Rural Development and Panchayati Raj Department vide his office letter No.\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_, you are hereby informed that you will take special care while appointing Gram Panchayat Sahayak that the candidate is not father, grand father, in-laws, uncle, son, daughter, grand-son, brother, nephew, brother-in-law or sister-in-law, wife, sister, son-in-law of any of the officials/members of the Panchayat and should not be aged more than 58 years of age.

Assistant Commissioner (Development)
& Block Development Officer
Development Block \_\_\_\_\_\_\_
Endst No. \_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_

Copy forwarded to: Gram Panchayat & Development Officer, Gram Panchayat \_\_\_\_\_\_\_\_\_\_\_ with the instructions that he will send the information to the undersigned after confirming from the Parivar Register.

Assistant Commissioner (Development)

& Block Development Officer

Development Block \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

True Translation

Annexure A-2/T

True Translation

Government of \_\_\_\_\_\_\_

Rural Development Department

No. \_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_

Notification

1.0 WHEREAS after the bringing into force the Tamil Nadu Panchayat Raj Act, 1994, in accordance with the 73rd amendment of the Constitution, the process the grant more powers and responsibilities to the Panchayat Raj Organisations, and as a result of this the powers and responsibilities of 15 departments have been transferred to the Gram Panchayats, because the number of the Gram Panchayats is far more than the availability of the Gram Panchayat and Development Officials in the Department and therefore the Panchayat Assistant Scheme to grant the services of part-time persons to the Gram Panchayats was under consideration.

1.1 Therefore, the Government of Tamil Nadu has taken this decision that 50% of the Gram Panchayats notified by the Government of Tamil Nadu, which comes to 1461, one Gram Panchayat Sahayak can be appointed on contract on the following conditions:-

I. The minimum qualification of the candidate should be matriculate.

II. The candidate should belong to the same Gram Panchayat.

III. For this work, the panchayat will appoint only such mature person who has knowledge of working in that area and does not consider this only as a means of employment.

IV The minimum age limit will be 18 years.

V. Such person only should be appointed as Assistant who can spare time to do the work of that Panchayat.

2.0 The Selection Process and Appointment.

2.1 For the appointment of Gram Panchayat Assistant, the concerned Gram Panchayat will ask for the applications from the eligible candidates and this notice will be displayed on the notice board of the Gram Panchayat.

2.2 The application should be on the plain paper stating educational qualification and other qualifications etc. The selection and appointment of the Gram Panchayat Sahayak will be done by the concerned Gram Panchayat.

2.4 If the selected candidate does not report on duty within 10 days, then the next candidate in the Waiting List will be selected.

2.5 The candidate appointed under this scheme will be part-time employee of the concerned Gram Panchayat and he will be known as the Gram Panchayat Sahayak of the concerned Gram Panchayat.

2.6 The selected candidate will be issued appointment letter by the Pradhan of the concerned Gram Panchayat. One copy of the appointment letter will be forwarded to the concerned Block Development Officer for his record.

2.7 The appointment of the Gram Panchayat Assistant will be on the basis of contract initially for one year, which will be renewed from time to time by the concerned Gram Panchayat after evaluating the work proficiency of the candidate.

2.8 The Gram Panchayat will have complete administrative control over the Gram Panchayat Assistant. In case of any negligence/irregularity in duty, the Gram Panchayat will take disciplinary action against him. If the work of the Gram Panchayat Sahayak is not found satisfactory, then his services will be terminated by the Gram Panchayat after giving him opportunity of personal hearing.

2.9 The Gram Panchayat Assistant appointed under this scheme will work for 3 hours in the office of the Gram Panchayat. The time schedule will be fixed for him by the concerned Panchayat.

3.0 The Duties of Panchayat Assistant

The Gram Panchayat Assistant will carry on the work and responsibilities given by the concerned Gram Panchayat, like:-

1. Assistance in the Work of Gram Panchayat and Development Officer

(a) In preparation of records of Gram Panchayat.

(b) In maintenance of the Pariwar and Marriage Register.

(c) In issuance of Birth-Death, IRDP or marriage certificates.

(d) In collection of fees/penalty and in giving the copies of the decisions etc taken by the panchayat in accordance with the rules.

(e) In writing the proceedings of the Gram Panchayat/Sabha meetings and in giving the copies of resolutions of these meetings to the concerned.

(f) In preparation of voter lists during the elections.

II. Assistance of the

(a) In issuance of Ration cards.

(b) In issuance of summons in civil/criminal matters to the concerned.

II (a) In other matters entrusted by the Gram Panchayat.

3.2 Every Gram Panchayat Assistant will inform to the to the concerned Gram Panchayat & Development Officer the works given under the provisions of Panchayat Raj Act. The Gram Panchayat & Development Officer will also inspect the work of the Gram Panchayat Assistant.

4.0 Honorarium

4.1 Every Gram Panchayat, where the Gram Panchayat Assistant has been appointed , will give to the Gram Panchayat Assistant an honorarium of Rs. 600/- per month out of the aid given by the state government.

4.2 Where the Panchayat feels that the services of the Gram Panchayat Sahayak are to be taken for more time, then the concerned panchayat will pay him more from its own resources.

5.0 Training

5.1 The Gram Panchayat Assistants appointed by the Gram Panchayat will be given minimum 30 days training by the Panchayat Raj Department.

5.2 If any selected candidate does not participate in the training given by the Panchayat Raj Department, then the appointment letter issued by the concerned Gram Panchayat will be canceled.

6.0 Selection of Gram Panchayats for appointment of Gram Panchayat Assistants

6.1 Every Panchayat Samiti will keep in view that the Gram Panchayats under where the Gram Panchayat and Development Officers are appointed, the decision to appoint the Gram Panchayat Assistants will be taken under this scheme only for those Panchayats the population of which is less and will be given to the Panchayat Sahayaks. Such Development Blocks where the number of panchayats is odd, ie; 39, 41, 59, 61 etc. two panchayats will be handedover to the Gram Panchayat & Development Officers, and in one Panchayat the Gram Panchayat Assistant will be appointed. Under no circumstances the number of Panchayats should be more than half of the total number of the Panchayats. For the appointments of Gram Panchayat Sahayaks, the union of the Panchayats will be only once and under no circumstances will not be changed or repeated under any circumstances.

7.0 Removal of Difficulties

If there is any difficulty in implementation of this scheme, the state government will make appropriate amendments to remove the same.

By the order of
(--------------------)
Commr.-cum-Secretary (Rural Development)
Government of Tamil Nadu
Endst No. \_\_\_\_\_\_ dated \_\_\_\_\_\_.

Copy to:-

1. All Gram Panchayat Pradhans, Development Block \_\_\_\_\_\_.

2. All Gram Panchayat & Block Development Officers, Development Block, \_\_\_\_\_\_

Assistant Commissioner, (Development) & Block Development Officer, \_\_\_\_\_\_

True Translation

**Sat Appoint Selection Without Eligibility**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

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

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Chennai

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 of the respondents whereby they have selected and appointed the respondent No. \_\_ as Part Time Water Carrier in GPS \_\_ despite not being eligible.

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 has applied for the post of Part Time Water Carrier in Govt Pry School \_\_, under Block Primary Education Officer \_\_ and under Gram Panchayat \_\_. The applicant also belongs to the same Gram Panchayat and the distance of the applicant's residence from the School is only \_\_.

6.2 The applicant possesses the following qualifications and certificates which were duly produced before the Selection Committee on the date of interview as called for by them:-

- Matriculation \_\_\_\_\_% marks A-\_\_\_\_\_\_\_

- Plus Two \_\_% marks A-\_\_

- SC A-\_\_

- Handicap A-\_\_

- Land Donation A-\_\_

- IRDP A-\_\_

- Un-employed Family A-\_\_

6.3 That the interview for the said posts were held at \_\_ on \_\_ in which the applicant alongwith the respondent No. \_\_ and other candidates participated. \_\_

6.4 That the marks are to be allocated in the manner prescribed in the Part Time Water Carrier Scheme, as per which the applicant viz-a-viz Respondent No. \_\_ scores the marks as follows:-

S.No. Qualification Applicant Respondent

- Distance \_\_ \_\_

(\_\_ mtrs from School) (\_\_ Mtrs)

- Land Donation \_\_ \_\_

- SC \_\_ \_\_

- Un-employed Family \_\_ \_\_

- Marks in Interview \_\_ \_\_

Total Marks \_\_ \_\_

6.5 That from above it is amply evident that the applicant scored more marks than the respondent No. \_\_. However, there are 7 marks for viva which are to be given by the Chairman and the members in the following manner:-

Marks Given

to applicant

(a) SDM (Chairman) 2 \_\_

(b) BPEO 2 \_\_

(c) Pradhan 2 \_\_

(d) CHT 1 \_\_

6.6 That \_\_

**GROUNDS**

6.7 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 orders of selection and appointment issued by the respondent department are 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 respondent State has formulated Part Time Water Carrier Scheme for selection/appointment of Part Time Water Carrier.

(c) That the respondent department has not conducted selection in consonance with the above guidelines.
(d) That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(e) 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 selection and appointment order A-\_\_ whereby the respondent department has selected the respondent No. \_\_, being issued arbitrarily, malafide and illegally by the respondents;

(b) Direct the respondents to select and appoint the applicant against the post of Part Time Water Carrier on the basis of merits \_\_, with all the consequential benefits;

(c) Direct the respondents to produce all the relevant documents alongwith their 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:

That it is most respectfully prayed that during the pendency of this OA the operation of the impugned order/action of selection and appointment \_\_ of the respondents whereby they are going to appoint the respondent No. \_\_, may kindly be stayed during the pendency of this OA 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.

Chennai

Applicant

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

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

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

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_.

**Sat appointment interview only**

**to employment exchange**

BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the TN Administrative Tribunals Act, 1985

Chennai

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 permitting the applicant to appear in the interview to be held on \_\_ for the post of \_\_ and the applicant is also aggrieved by the action of the respondent Employment Exchange whereby they have not sponsored the name of the applicant for the above post despite the fact that juniors to the applicant have been sponsored.

The said impugned action is arbitrary, illegal, malafide, violative of the Articles 14 and 16 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:

1. That the applicant submits that \_\_\_\_

**GROUNDS**

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 action of the respondents whereby they are not permitting the applicant to appear in the said interview 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 impugned action of the respondents whereby they are not permitting the applicant to appear in the said interview is against the well settled law by the Hon'ble Supreme Court in Excise Superintendent Malkapatnam Krishna District Vs KBN Visweshwara Rao and others, wherein the Hon'ble court has held that "restricting the selection only to the candidates sponsored by employment exchange is not proper and in addition to requisitioning the names from employment exchange, names should also be called for by publication in newspapers, having wide circulation and display on office notice boards or announcement on radio, Television and employment news bulletins. Such a procedure would subserve fair play envisaged by the Articles 14 and 16 of the Constitution of India.

(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 action of the respondents whereby they have not sent interview call letters to the applicant arbitrarily, malafidely and illegally;
(b) Direct the respondents to permit the applicant to appear in the said interview;

(c) Direct the respondents to produce all the relevant documents along with their 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 the said interview being held by the respondents on \_\_\_\_\_ may kindly be stayed during the pendency of this OA or in the alternative the respondents may kindly be directed to permit the applicant to appear in the said interview provisionally in the meantime.

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.

Chennai

Applicant

\_\_\_\_\_

Through, Advocate

**BEFORE THE HON'BLE TN STATE ADMINISTRATIVE TRIBUNAL AT CHENNAI**

OA No:\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

**Affidavit**

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 Chennai this the \_\_\_\_\_\_.

Deponent