**HC Reply Against BIFR.doc**

BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No. : \_\_\_\_\_\_

Petitioner

Versus

Respondents

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

Respectfully Sheweth:

Preliminary Submissions/Objections:

1. That no fundamental or constitutional right whatsoever of the petitioner has been infringed and as such the writ petition is not maintainable. The judgment passed by the Ld. Tribunal below is correct in law and there is no perversity or legal ambiguity in the same so as to call for judicial review by this Hon'ble Court. The petitioner has raised altogether new pleas and brought out new facts in the present writ petition, which are not permissible until and as long the same have been raised before the Ld. Tribunal below and adjudicated upon by the Ld. Tribunal. \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Reply on Merits

1. That the contents of this para of the Writ Petition are not denied to the extent that the petitioner is a citizen of India. However, it is submitted that the petitioner is not entitled to file or maintain this writ petition before this Hon'ble Court.

2. That the contents of this para of Writ Petition are wrong and denied. \_\_
3. That the contents of this para of Writ Petition are wrong and denied. \_\_
4. That the contents of this para of Writ Petition are wrong and denied. \_\_
5. That the contents of this para of Writ Petition are wrong and denied. \_\_
6. That the contents of this para of Writ Petition are wrong and denied. \_\_
7. That the contents of this para of Writ Petition are wrong and denied. \_\_
8. That the contents of this para of Writ Petition are wrong and denied. \_\_
9. That the contents of this para of Writ Petition are wrong and denied. \_\_
10. That the contents of this para of Writ Petition are wrong and denied. \_\_
11. That the contents of this para of Writ Petition are wrong and denied. \_\_
12. That the contents of this para of Writ Petition are wrong and denied. \_\_
13. That the contents of this para of Writ Petition are wrong and denied. \_\_
14. That the contents of this para of Writ Petition are wrong and denied. \_\_
15. That the contents of this para of Writ Petition are wrong and denied. \_\_
16. That the contents of this para of Writ Petition are wrong and denied. \_\_
17. That the contents of this para of Writ Petition are wrong and denied. \_\_

It is, therefore, most respectfully prayed that the writ petition is lacking in material substance and is false, frivolous and vexatious and this writ petition deserves to be dismissed and may kindly be dismissed in the interest of justice with costs. Such other orders as deemed fit and proper in the facts and circumstances of the case may kindly also be passed in favour of the replying respondent.

Chennai

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

Through, Advocate

**BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.: \_\_\_\_\_\_\_

Petitioner

Versus

Respondents

Affidavit in support of reply

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

1. That the accompanying reply has been drafted under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_ of preliminary submissions 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 correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed here at Chennai this \_\_\_\_\_\_\_.

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_ in CWP No.: \_\_\_\_\_\_

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Reply to application under Section 151 of CPC

Respectfully Sheweth:-

Preliminary Objections/Submissions:

1. \_\_\_\_\_\_\_

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

Reply on Merits

1. That the contents of this para of the application are matter of record. \_\_\_\_\_\_\_

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

3. That the contents of this para of the application are matter of record. \_\_\_\_\_\_

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

In view of above submissions, it is most respectfully submitted that the application deserves to be dismissed and may kindly be dismissed in the interest of justice. Such other orders may also be passed in favour of the replying respondent as deemed fit and proper in the facts and circumstances of the case.

Chennai

Respondent/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_\_

Petitioner/Non-Applicant

Versus

Respondents/Applicants

Affidavit in support of reply to the application under Section 151 of CPC

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 the Preliminary Submission/Objections and paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the reply on merits 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, no part of it is false and nothing material has been concealed therein.

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

**HC Reply Writ against Tribunal Judgement**

BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.: \_\_\_\_\_

Petitioner

Versus

Respondents

Reply on behalf of the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the Civil Writ Petition filed under

Articles 226/227 of the Constitution of India.

Respectfully Sheweth:

Preliminary Submissions/Objections:

1. That no fundamental or constitutional right whatsoever of the petitioner has been infringed and as such the writ petition is not maintainable.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_

2. That the Writ Petition is not maintainable and the petitioner has no locus stand to file the Writ Petition. \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reply on Merits

1. That the contents of this para of the Writ Petition are not denied to the extent that the petitioner is a citizen of India. However, it is submitted that the petitioner is not entitled to file or maintain this writ petition before this Hon'ble Court. \_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

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

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

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

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

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

10. That the contents of this para of the Writ Petition are wrong and denied. \_\_

11. That the contents of this para of the Writ Petition are wrong and denied. \_\_

12. It is, therefore, most respectfully prayed that the writ petition is lacking of material substance and is false, frivolous and vexatious and this writ petition deserves to be dismissed and may be dismissed in the interest of justice with costs.

Chennai

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

Through, Advocate

**BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.: \_\_\_\_\_\_

Petitioner

Versus

Respondents

Affidavit in support of reply on behalf of the replying respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_to the Writ

Petition

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

1. That the accompanying reply has been drafted under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_ of preliminary submissions and paras 1 to \_\_\_\_\_ of the reply on merits are correct and true to the best of my knowledge and contents of paras \_\_\_\_\_ to \_\_\_\_\_\_ are correct as per the legal advice.

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

Deponent

**HC Reply Writ Petition**

BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.: \_\_\_\_\_

Petitioner

Versus

Respondents

Reply on behalf of the respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the Civil Writ Petition filed under Articles 226/227 of the Constitution of India.

Respectfully Sheweth:

Preliminary Submissions/Objections:

1. That no fundamental or constitutional right whatsoever of the petitioner has been infringed and as

such the writ petition is not maintainable. \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. That the Writ Petition is not maintainable and the petitioner has no locus stand to file the Writ

Petition. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Reply on Merits

1. That the contents of this para of the Writ Petition are not denied to the extent that the petitioner is a

citizen of India. However, it is submitted that the petitioner is not entitled to file or maintain this writ

petition before this Hon'ble Court. \_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

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

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

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

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

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

10. That the contents of this para of the Writ Petition are wrong and denied. \_\_

11. That the contents of this para of the Writ Petition are wrong and denied. \_\_

12. It is, therefore, most respectfully prayed that the writ petition is lacking of material substance and is

false, frivolous and vexatious and this writ petition deserves to be dismissed and may be dismissed in

the interest of justice with costs.

Chennai

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

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

Through, Advocate

**BEFORE THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.: \_\_\_\_\_\_

Petitioner

Versus

Respondents

Affidavit in support of reply on behalf of the replying respondent No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the Writ Petition

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

1. That the accompanying reply has been drafted under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_ of preliminary submissions and paras 1 to \_\_\_\_\_ of the reply on

merits are correct and true to the best of my knowledge and contents of paras \_\_\_\_\_ to \_\_\_\_\_\_ are

correct as per the legal advice.

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 here at Chennai this \_\_\_\_\_\_. Deponent

**HC Reply Writ Transfer**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.: \_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List of Events

Dates\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Events \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chennai

Petitioner

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE WRIT, ORDER OR DIRECTIONS

Chennai

Petitioner

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

Through, Advocate Respectfully Sheweth;

1. That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned is entitled to file and maintain the present writ petition before this Hon'ble Court.

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

**GROUNDS**

3. That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other :-

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

(b) That the Tribunal has mis-appreciated the evidence on record and mis-applied the provisions of law.

(c) That a breach of the rules of natural justice has occurred in connection with the making of the decision by the Hon'ble Tribunal below.

(d) That procedures that were required to be observed in connection with the making of the decision were not observed.

(e) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the Tribunal did not have jurisdiction to make the decision.

(f) \_\_\_\_\_ That the decision was not a authorised by the enactment in pursuance of which it was purported to be made.

(g) That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.

(h) That decision incurred an error of law whether or not the error appear on the record of decision.

(i) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the decision was induced or affected by fraud;

(j) That there was no evidence or other material to justify the making of the decision.

(k) That the decision was otherwise contrary to law.

(l) Taking an irrelevant consideration into account in the exercise of power.

(m) That the Tribunal below has Failed to take relevant consideration into account in the exercise of a power.

(n) That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of powers for a purpose other than a purpose for which the powers is conferred.

(o) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of discretionary powers in bad faith.

(p) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a personal discretionary powers at the discretion or behest of another person.

(q) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a discretionary powers in accordance with a rule or policy without regard to the merits of the particulars case.

(r) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ An exercise of powers that is unreasonable that no reasonable person could have so exercised the powers.

(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a power in such a way that the result of the exercise of the powers is uncertain.

(t) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ any other exercise of a power in a way that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ abuse of powers.

(u) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision was required by law to reach that decision only if a particular matter was established and there was no evidence or other material [including facts of which he was entitled to take notice] from which he could reasonably be satisfied that the matter was established or

(v) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision based on the existence of particular fact and that fact did not exist.

(w) That the order of the Hon'ble Tribunal below is against the well-settled principles of law laid down by the Hon'ble Apex court and this Hon'ble Court in catena of cases.

3. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

4. That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

5. That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a) Quash the impugned order \_\_ ;

(b) Direct the respondents \_\_ ;

(c) Call for the record from the Hon'ble Tribunal below for perusal by this Hon'ble court and setting aside the impugned order of the Hon'ble Tribunal below \_\_;

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

(e) Allow the cost of this writ petition to the petitioner, and;

(f) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

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

Chennai

Petitioner

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

WP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

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

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

2. That the contents of paras 1 to \_\_\_\_\_ of the accompanying writ 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 correct and no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion dispensed with and writ petition be listed immediately.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules

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

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

2. That the contents of paras 1 to 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 no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicant

Application Under Section 151 of CPC for \_\_\_\_\_\_

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_\_\_\_

4. It is, therefore, prayed that this application may be allowed and \_\_\_\_\_\_\_ in the interest of justice. Such other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble court in the facts and circumstances of the case.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Section 151 of CPC.

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

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

Deponent

**Under Order 7 Rule 13 [1] C.P.C.**

List of Documents Filed By Plaintiff/Defendant

In The Court of :Hon'ble High Court of TN at Chennai

Versus

Date of Hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Suit For : CWP \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Production :\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Counsel for Plaintiff/Defendant

**HC Writ Against Tribunal Order**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.: \_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List of Events

Dates\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Events \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

Chennai

Petitioner

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE WRIT, ORDER OR DIRECTIONS

Chennai

Petitioner

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

Through, Advocate Respectfully Sheweth;

1. That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned

is entitled to file and maintain the present writ petition before this Hon'ble Court.

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

**GROUNDS**

3. That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other :-

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

(b) That the Tribunal has mis-appreciated the evidence on record and mis-applied the provisions of law.

(c) That a breach of the rules of natural justice has occurred in connection with the making of the decision by the Hon'ble Tribunal below.

(d) That procedures that were required to be observed in connection with the making of the decision were not observed.

(e) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the Tribunal did not have jurisdiction to make the decision.

(f) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the decision was not a authorised by the enactment in pursuance of which it was purported to be made.

(g) That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.

(h) That decision incurred an error of law whether or not the error appear on the record of decision.

(i) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the decision was induced or affected by fraud;

(j) That there was no evidence or other material to justify the making of the decision.

(k) That the decision was otherwise contrary to law.

(l) Taking an irrelevant consideration into account in the exercise of power.

(m) That the Tribunal below has Failed to take relevant consideration into account in the exercise of a power.

(n) That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of powers for a purpose other than a purpose for which the powers is conferred.

(o) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of discretionary powers in bad faith.

(p) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a personal discretionary powers at the discretion or behest of another person.

(q) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a discretionary powers in accordance with a rule or policy without regard to the merits of the particulars case.

(r) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ An exercise of powers that is unreasonable that no reasonable person could have so exercised the powers.

(s) \_\_\_\_\_\_ an exercise of a power in such a way that the result of the exercise of the powers is uncertain.

(t) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ any other exercise of a power in a way that \_\_\_­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ abuse of powers.

(u) \_\_­­­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision was required by law to reach that decision only if a particular matter was established and there was no evidence or other material [including facts of which he was entitled to take notice] from which he could reasonably be satisfied that the matter was established or

(v) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision based on the existence of particular fact and that fact did not exist.

(w) That the order of the Hon'ble Tribunal below is against the well-settled principles of law laid down by the Hon'ble Apex court and this Hon'ble Court in catena of cases.

3. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

4. That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

5. That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a) Quash the impugned order \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

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

(c) Call for the record from the Hon'ble Tribunal below for perusal by this Hon'ble court and setting aside the impugned order of the Hon'ble Tribunal below \_\_;

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

(e) Allow the cost of this writ petition to the petitioner, and;

(f) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

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

Chennai

Petitioner

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

WP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the accompanying writ 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 correct and no part of it is false

and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion dispensed with and writ petition be listed immediately.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules

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

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

2. That the contents of paras 1 to 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 no part of it is false

and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicant

Application Under Section 151 of CPC for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_\_\_\_

4. It is, therefore, prayed that this application may be allowed and \_\_\_\_\_\_\_ in the interest of justice. Such other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble court in the facts and circumstances of the case.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Section 151 of CPC.

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 no part of it is false

and nothing material has been concealed therein.

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

Deponent

**Under Order 7 Rule 13 [1] C.P.C.**

List of Documents Filed By Plaintiff/Defendant

In The Court of :Hon'ble High Court of TN at Chennai

Versus

Date of Hearing: \_\_\_\_\_\_\_ Suit For : CWP \_\_\_\_\_\_\_

Date of Production :\_\_\_\_\_\_\_

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

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

Counsel for Plaintiff/Defendant

 **HC Writ Compensation**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List Of Events

Dates \_\_\_\_\_\_

Events \_\_\_\_\_\_

chennai

Petitioner

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE \

WRIT, ORDER OR DIRECTIONS TO THE RESPONDENTS

Chennai

Petitioner

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

Through, Advocate

Respectfully Sheweth;

1. That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned

is entitled to file and maintain the present writ petition before this Hon'ble Court.

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

**GROUNDS**

3. That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other :-

(a) That such an act of omission and commission on the part of the respondent whereby they have \_\_\_\_\_\_, is illegal, arbitrary, malafide, discriminatory, and against the well-established principles of natural justice as well as violative of the mandatory provisions of the Constitution of India.

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

(c) \_\_\_\_\_\_\_That the term dependent has been defined in The Employees' State Insurance Act, 1948 as under:- "[(6A) 'dependent' means any of the following relatives of a deceased insured person, namely: -
(i) A widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter;

(ia) A widowed mother;

(ii) If wholly dependent on the earnings of the insured person at the time of his death, a legitimate or adopted son or daughter who has attained the age of eighteen years and is infirm;

(iii) If wholly or in part dependent on the earnings of the insured person at the time of his death, -

(a) A parent other than a widowed mother,

(b) A minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or adopted or illegitimate if married and a minor or if widowed and a minor;

(c) A minor brother or an unmarried sister or a widowed sister if a minor,

(d) A widowed daughter-in-law,

(e) A minor child of a pre-deceased son,

(f) A minor child of a pre-deceased daughter where no parent of the child is alive, or

(g) A paternal grand-parent if no parent of the insured person is alive;"

(ii) That the word "dependent" has similarly been defined in The Workmen's Compensation Act, 1923 vide Section 2 (c).

(d) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the petitioner is entitled for compassionate appointment even when his brother who is in employment but living separately right since the lifetime of his deceased father and is in no way supporting the family of the deceased employee.

(e) \_\_\_\_\_ That the object of Clause 5 (c) of the instructions is to mitigate the financial difficulties of the family of the deceased employee. The same object cannot bee annulled simply because one son of the deceased employee is already in service and in no way supporting the family of deceased employee. Such condition runs contradictory to the object behind the scheme. The Clause 5 (c) is reproduced hereunder:-

"5. Eligibility:-

(c) In all cases where one or more members of the family are already in Government service or in employment of Autonomous bodies/Boards/Corporations etc; of the State/Central Government, employment assistance should not under any circumstances be provided to the second or third member of the family. In cases, however, where the widow of the deceased Government servant represents or claims that her employed sons/daughters are not supporting her, the request of employment assistance should be considered only in respect of the widow. Even for allowing compassionate appointment to the widow in such cases the opinion of the Department of Personnel and Finance Department should specifically be sought and Finance Department should specifically be sought and the matter finally decided by the Council of Ministers"

(f) \_\_\_\_\_\_That the law in this regard is well-settled as has been laid down in this regard by the Hon'ble High Court of TN in CWP 635/1984 decided on 20.05.1985, wherein the Hon'ble High Court of TN while dealing with almost the similar situation has held in the penultimate paragraph that "Aravindan had submitted that liberty should be reserved to the respondent to take action afresh against the petitioner in accordance with law. We do not think, on the facts and in the circumstances of the case, such liberty should be reserved. The petitioner was first employed in August 1981. Her services were terminated in June 1984 but the termination order was withdrawn and she continued in service till the impugned order was passed on October 31, 1984. She has thus served for about 3 1/4 years. Her conduct has been above reproach since she is not shown to have suppressed the material fact regarding the employment of her two brothers. Her version that the brothers were living separately and were not maintaining her and her widowed mother given out at the very first stage was not only duly verified by the Pradhan of the Gram Panchayat and the Executive Magistrate but has not been fond to be incorrect on the basis of any proper inquiry held so far. Even in the return it is not stated that upon any inquiry independently made by the respondent the version is found to be incorrect, although the petitioner has re-asserted on oath the same version in the petition. The case apparently is not covered by the relevant instructions governing the recruitment procedure having regard to the definition of the word "family". The petitioner has to support herself and her mother who widowed eleven years back when the petitioner's father died in a motor accident. Having regard to all the circumstances, we are of the view that the petitioner should be spared of any further agony and trouble and that the chapter must be treated as closed."

(g) \_\_\_\_\_That the similar view has been taken by the Hon'ble High Court of TN in CWP No. 326 of 1992 decided on 04.01.1993 while dealing with above provision in the penultimate para has held that:- "We have gone through the matter carefully with the kind help extended by the learned counsel for the parties. We have noticed that Shri. Hari Dass is, of course, the son of the deceased but he has been living separately from Shri Devi and her other issues. He was in the service of the Corporation even while the deceased was alive. The fact as to his separate living gains support from the certificate of Pradhan Gram Panchayat, Satrol (Annexure-PE), affidavit of Shri Devi (Annexure PC) and affidavit of Hari Dass (Annexure PD). If these affidavits are read with the definition of 'family' contained in Rule 2 (e) (ii) of the Municipal Employees (Conduct) Rules, 1970, it is absolutely clear that a son who is living separate from the family is not a member of the family. Even otherwise, the facts of this case, as already notices above, demonstrate quite clearly that Hari Dass was living separately and was in employment while the deceased was also in the employment of the respondent-Corporation. The widow of the deceased has also supported it and wants the present petitioner employed in the Corporation. So are the affidavits of other relations. Same is the position explained in Supplementary Rules, Section IV, Division II, SR 2(8). The view we have taken, has also been taken by the Karnatka High Court in 1992 (1) Labour Law Journal 129, Raja (K) Vs Karnatka Electricity Board."

(h) \_\_\_\_\_\_\_That in the last para of the above judgment the Hon'ble High court has held that "The result of the aforesaid discussion is that this writ petition is allowed and the respondent Corporation is directed to employ the petitioner to the service of the Municipal Corporation against a post which is in consonance with his qualifications. In case no vacancy is available, the same be created to employ the petitioner. We allow the respondent Corporation three months time for this purpose."

(i) \_\_\_J \_\_That the similar view has been taken by the Hon'ble High Court of Chennai in case Monica Devi Vs LIC (1993 (3) Service Cases Today), Santosh Tuli Vs UOI (1995 (4) SCT 267), Hon'ble High Court of TN in Chhabi Sood Vs Chairman, Tamil Nadu Gramin Bank (1994 (3) SCT 724/725), Hon'ble Karnatka High Court in Shusheela B Bhakta Vs Karnatka State Road Transport Corporation (1995 (3) SCT 382), Hon'ble Jammu & Kashmir High Court in Anwar Farooqi Vs UOI (1998 (3) SCT 794/795).

(j) \_\_\_\_\_\_That the underlying object of the policy framed by the state government dated 18.01.1990 is to provide employment assistance to the dependents of Govt. servants, who die while in Govt service, leaving their families in indigent circumstances as has been stated at outset of the policy. In the instant case too the family of the deceased employee was left in indigent condition by his death. His elder son has already severed his relations with his father and other family members during his lifetime. The wife of the deceased employee is illiterate and not in a position to serve in the respondent department. It is further submitted that the separation of brother of the petitioner is not being used as ploy by the petitioner for getting the appointment on compassionate basis but he is actually living separately since life time of the deceased employee due to restrained relations with the family and he is in no way supporting the family of the deceased employee and in this respect the overwhelming evidence was already brought before the respondent department and this tribunal.

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

(l) 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.

3. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

4. That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

5. That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a) Quash the impugned order \_\_\_\_\_\_\_;

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

(c) Direct the respondents to produce all the relevant records along with reply for perusal by this Hon'ble court;

(d) Allow the cost of this writ petition to the petitioner, and;

(e) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

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

Chennai

Petitioner

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_ of the accompanying writ 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 correct and no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it

is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the

interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion

dispensed with and writ petition be listed immediately.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

C. M. P. No.: \_\_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules.

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

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

2. That the contents of paras 1 to 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 no part of it is false

and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Application Under Rule 4 of the Writ Rules for Ad interim orders

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it

is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ

petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_\_\_

4. It is, therefore, prayed that this application may be allowed and \_\_ in the interest of justice. Such

other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble

court in the facts and circumstances of the case.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

C. M. P. No.:\_\_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application Under Rule 4 of the Writ Rules.

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

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

2. That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of

my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false

and nothing material has been concealed therein.

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

Deponent

**In the High Court of TN at Chennai**

Mention Memo

1. Number & Nature of case: \_\_\_\_\_\_\_

Vs

2. Party seeking posting:

Petitioner/Appellant

3. Name of Advocate of :

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

party seeking posting.

4. Name of Advocate :

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

appearing for the opposite party

5. Mention for:

Motion/Admission/Orders.

6. Reason for the mention: \_\_\_\_\_\_\_\_

7. Date on which posting is sought: \_\_\_\_\_\_\_\_\_

Chennai

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

Advocate

**HC Writ Disability Pension**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List Of Events

Dates:\_\_\_\_\_\_

Events :\_\_\_\_\_\_

Chennai Petitioner

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

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.::\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Civil Writ Petition Under Article 226/227 Of The Constitution Of India For Appropriate Writ, Order Or Directions To The Respondents

Chennai

Petitioner
\_\_\_\_\_\_

Through, Advocate

Respectfully Sheweth;

1. That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned is entitled to file and maintain the present writ petition before this Hon'ble Court.

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

3. That the petitioner was enrolled in the Indian Army on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The petitioner was allotted Army No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The petitioner was initially engaged for \_\_\_\_\_\_\_ years of service and with the passage of time the petitioner would have earned promotion upto the rank of Subedar Major and Honorary ranks and he would have thus served upto 32 years of service in the Army.

4. That the petitioner was undergoing very hard and strenuous basic training successfully and to the entire satisfaction of his superiors and the instructors. The petitioner had all the traits and capabilities of becoming a good soldier and serving the nation. The petitioner had very successfully completed \_\_\_\_\_ months basic training.

5. That the medical authorities after carrying out investigations diagnosed the disease of the petitioner as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and placed the petitioner in the lower medical category \_\_\_\_\_\_ on \_\_\_\_\_\_ vide Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and as a result of which the petitioner was invalided out of the Military Service, without offering him an opportunity either to give his willingness or unwillingness for retention in the Army against the sheltered or alternative appointment and show cause against his invalidment out of the service in accordance with the rules and regulations governing the subject matter.

6. That thereafter the petitioner was invalided out of service w.e.f. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ barely after \_\_\_\_\_ months \_\_\_\_\_ days of service without paying any invalidment benefits, ie; invalid/disability pension to the petitioner, which is admissible to him under the rules and regulations. The petitioner was intimated to his utmost surprise and dismay by the respondent vide Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that he is not entitled to the Disability Pension. The petitioner has thereafter preferred an appeal against the said rejection vide Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which has been acknowledged as having been received by the respondents vide Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. But, unfortunately, the respondents do not seem to be paying any heed towards the representation of the petitioner even after more than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ months have elapsed.

7. That the medical authority vide Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has advised the petitioner to take medicines up to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years of service, meaning thereby that the petitioner was fit to be retained in the service and his disease was curable within the period of three years.

8. That the petitioner not feeling satisfied with the findings and recommendations of the military medical authorities got himself checked up at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The medical authorities has opined that the petitioner has \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, meaning thereby that the petitioner has been cured of the disease and is thus fit to be taken back and retained in the Army. The report of the Medical Authorities of is Annexed as Annexure P-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**GROUNDS**

9. That Your Lordship's humble petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst others, each one of which is without prejudice to and independent of other :-

(a) That the impugned action of the respondents whereby \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is arbitrary, malafide, illegal, unjust, against the Art 14, 16 and 19 of the Constitution of India as well as against the natural justice and dehors the rules and regulations.

(b) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_That it would not be out of place to mention here that the petitioner had no similar type of episode either before or thereafter or during the course of admission in the military hospital for investigations for about 66 days.

(c) That the petitioner was found fit to join the Army at the time of his enrollment by the military medical authorities. Now it does not lie in their mouth to say to the contrary. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Moreover there is no history of the disease in the family or relation of the petitioner.

(d) That otherwise also the percentage of disability as assessed by the military medical authorities is of moderate degree, meaning thereby that the petitioner should have either been placed in category BEE or at the most in category CEE in accordance with the Army Order No. 146 of 1977 and retained him by giving him the Sheltered Appointment or the alternative appointment as provided for under the provisions of Army Order No. 46 of 1980 which provides that the efforts should be made to provide alternative employment in their own trade/category commensurate with their medical categorisation. And the Order further provides that ordinarily, permanent low medical category personnel will be retained in service till completion of 15 years service in the case of JCOs and 10 years in the case of OR [including NCOs]. The respondents have taken no efforts to provide the alternative sheltered appointment to the petitioner. This provision has been made with the intention so that the soldier can earn a normal service pension after 10 years of service. Here it would not be out of place to mention that the Hon'ble Supreme Court has ordered sheltered appointment even to the blind persons in the case Anand Vs Tamil Nadu State Transport Corpn reported in AIR 1991 SC 1003 and in another case titled as Kishan Lal Vs Union of India reported in 1988 [3] SLJ [CAT] 272 the sheltered appointment was ordered to the blind persons.

(e) That as per para 143 of Regulations for the Army 1987, an ex-serviceman who has been medically boarded out without any disability pension or those whose disability pensions have been re-assessed below 20% by the Re-survey Boards, will be eligible for re-enrollment. Since the medical authorities were well aware that the disability of the petitioner is below 20% and the petitioner will not be paid any disability/service pension consequent to invaliding out of service, there was no reason for invaliding out the petitioner. Notwithstanding, the respondents deserves to be issued directions for re-enrollment of the petitioner w.e.f \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ie; the date of invaliding out with all the consequential benefits and rectify their wrong actions.

(f) That the medical authorities have based their view on imagination, conjectures and surmises rather than on sound and substantial medical grounds and findings. The placing of the petitioner in medical category \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ EEE was based on the extraneous considerations, ie, the petitioner was a recruit, even though the petitioner had completed substantial period of training. Had the petitioner not been a recruit the recommendations of the medical authority would have been quite different and favourable. The respondents can not draw distinction for granting alternative sheltered appointments on the basis of ranks, which otherwise will be violative of Articles 14 and 16 of the Constitution of India.

(g) That the respondents have acted in a mechanical manner and have not cared to apply their mind to the facts and circumstances of the case. The petitioner has been reduced to non-entity by the action of the respondents and the petitioner has been rendered a pauper by depriving him of his livelihood just because of arbitrary, discriminatory and unmindful action of the respondents at the prime of his age. The petitioner has been denied his rights of life, liberty and livelihood.
(h) That assuming but not admitting or conceding that the petitioner has correctly been invalided out of service, then the petitioner is entitled for the invalid/disability pension along with the service pension as the disease of the petitioner is attributable to military service and aggravated by the military service. The disease of the petitioner has a direct causal connection with the service conditions as the disease has been precipitated by the hard and strenuous training of the military and the same is directly responsible for on-set of the disease.

(i) That the Entitlement Rules for Casualty Pensioner Awards, 1982 provides for the invalid/disability pension. The Rule 4 of the Rules of 1982 lays down that invaliding from service is a necessary condition for grant of a disability pension. An individual who, at the time of his release under the Release Regulations, is in a lower Medical category than that in which he was recruited will be treated as invalided from service. JCOs/ORs and equivalent in other services who are placed permanently in a medical category other than 'AYE' and are discharged because no alternative employment suitable to their low medical category can be provided, as well as those who having been retained in alternative employment but are discharged before the completion of their engagement will be deemed to have been invalidated out of service.

(j) That the rule 5 of the Rules of 1982 further provides that the approach to the question of entitlement to casualty pensioner awards and evaluation of disabilities shall be based on the presumptions that a member is presumed to have been in sound physical and mental condition upon entering service except as to physical disabilities noted or recorded at the time of entrance and in the event of his subsequently being discharged from service on medical grounds any deterioration in his health which has taken place is due to service. Here it would not be out of place to mention that the petitioner was thoroughly medically checked up by the respondents before enrolling him into the Army.

(k) That the Rule 9 of the Rules of 1982 provides that the onus to prove the conditions of entitlement shall not lie upon the claimant. The claimant shall receive the benefit of any reasonable doubt. The Rule 14 amplifies and clarifies that the cases in which it is established that the conditions of military service did not determine or contribute to the onset of the disease but influenced the subsequent courses of the disease, will fall for acceptance on the basis of aggravation, ie; the disease in the case of the petitioner has been aggravated by the service conditions. The rule further clarifies that a disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service, if no note of it was made at the time of the individual's acceptance for military service. Here it would be pertinent to mention that the petitioner was thoroughly medically checked up by the respondents before enrolling him into the Army. Now it does not lie in their mouth to say to the contrary.

(l) That the law with regard to causal connection of disease with the service has been laid down by this Hon'ble Court in the case ----------------- Vs Union of India reported in 1995 [2] Sim LC 118. It is also settled law that the disease on the basis of which a sepoy was discharged is normally deemed to be attributable to Army Service if no note of it was made at the time of enrollment in Army vide 1992 (3) SLR (P & H) 662. This position of law has further been confirmed in the following judgments, ie; -------------------------- Vs UOI reported in 1992 [3] SLR (P&H) 758, ------------------------ Vs UOI reported in 1992 (6) SLR (P&H) 749, ----------------- Vs UOI reported in 1991 (5) SLR (P&H) 476, Ex ------------------------ Vs UOI reported in 1991 (5) SLR (P&H) 459, ----------------- Vs UOI reported in 1991 (6) SLR (P&H) 468, ----------- Vs UOI 1991 (5) SLR (P&H) 190 etc.

(m) That it is settled law by the Hon'ble Supreme Court and this Hon'ble Court that the pension is a property of a government servant and is of a recurring nature and denial of pension is a recurring injury. The action of the respondent is thus violative of the provision of the Art 300-A of the Constitution of India inasmuch as the petitioner has been deprived of right without due process of law and in grave violation of the principles of natural justice.

(n) That the whole action of the respondents have been taken in hot haste simply with a view to deprive the petitioner of his legitimate rights just because he was a recruit.

3. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

4. That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

5. That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a) Quash the impugned orders P \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(b) Direct the respondents to re-enroll the petitioner in the Army w.e.f \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ie, the date of invaliding out with the full salary and other consequential benefits as the petitioner has been invalided out arbitrarily, discriminately and in utter violation of the constitutional rights and natural justice and for no fault of his; OR;

(c) Direct the respondents to grant to the petitioner Disability Pension as well as the Service Pension as admissible under the law/rules, as the petitioner has contacted the disease which has become cause for his invalidment, during the course of training and service and is attributable to and aggravated by the service conditions, with interest @ 18% p.a. and other consequential benefits;

(d) Direct the respondents to produce all the relevant records, more particularly the medical records, for perusal by this Hon'ble court;

(e) Allow the cost of this writ petition to the petitioner, and;

(f) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

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

Chennai

Petitioner

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

Through, Advocate

**THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_ of the accompanying writ 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 correct and no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.: \_\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion dispensed with and writ petition be listed immediately.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules.

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

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

2. That the contents of paras 1 to 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 no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Application Under Rule 4 of the Writ Rules for Ad interim orders

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_

4. It is, therefore, prayed that this application may be allowed and \_\_ in the interest of justice. Such other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble court in the facts and circumstances of the case.

Chennai

Petitioner/Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application Under Rule 4 of the Writ Rules.

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

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

2. That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of my knowledge.

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

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

Deponent

**Under Order 7 Rule 13 (1) CPC**

List of Documents Filed By Petitioner

In The Court of: Hon'ble High Court of TN at Chennai

Versus

Date of Hearing: \_\_\_\_\_\_ Suit For : CWP

Date of Production : \_\_\_\_\_\_

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

Counsel for Plaintiff/Defendant

In the High Court of TN at Chennai

Mention Memo

1. Number & Nature of case: \_\_\_\_\_\_ \_\_\_\_\_\_ Vs \_\_\_\_\_\_

2. Party seeking posting: Petitioner/Appellant

3. Name of Advocate of : \_\_\_\_\_\_, Advocate party seeking posting.

4. Name of Advocate : \_\_\_\_\_\_ appearing for the opposite party

5. Mention for: Motion/Admission/Orders.

6. Reason for the mention:\_\_\_\_\_\_

7. Date on which posting is sought:\_\_\_\_\_\_

Chennai

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

Advocate

 **HC Writ Ex service man extended benefits**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No:\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE WRIT, ORDER OR DIRECTIONS TO THE RESPONDENTS

Chennai

Petitioner

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

Through, Advocate

Respectfully Sheweth;

(1) That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned is entitled to file and maintain the present writ petition before this Hon'ble Court.

(1) That \_\_

**GROUNDS**

(2) That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other: -

(a) That such an act of omission and commission on the part of the respondent whereby they have \_\_\_\_\_\_\_\_\_\_, is illegal, arbitrary, malafide, discriminatory, and against the well-established principles of natural justice as well as violative of the mandatory provisions of the Constitution of India.

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

(c) That the impugned act of the respondent is against the well settled principles of law laid down by the Hon'ble Supreme Court and this Hon'ble court in catena of cases.

(3) That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

(4) That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

(5) That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs:-

(a) Quash the impugned order \_\_;
(b) Direct the respondents \_\_
(c) Direct the respondents to produce all the relevant records along with reply for perusal by this Hon'ble court;
(d) Allow the cost of this writ petition to the petitioner, and;
(e) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

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

Chennai

Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No:\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

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

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

2. the contents of paras 1 to \_\_\_\_\_\_ of the accompanying writ 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 correct and no part of it is false and nothing material has been concealed therein.

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion dispensed with and writ petition be listed immediately.

Chennai

Applicant

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_of 2004 in CWP No:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules.

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

1. the accompanying application has been prepared under my instructions.

2. the contents of paras 1 to 3 of the accompanying application are correct and true to the best of my knowledge.

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

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

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_of 2004 in CWP No: \_\_\_\_\_\_of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Application Under Section 151 of CPC for Ad interim orders

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_

4. It is, therefore, prayed that this application may be allowed and \_\_ in the interest of justice. Such other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble court in the facts and circumstances of the case.

Chennai

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

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_ of 2004 in CWP No:\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application Under Section 151 of CPC

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

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

Deponent

**BEFORE THE HON'BLE HIGH COURT OF 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

**Writ Civil**

WRIT OF CERTIORARI IN THE HON’BLE HIGH COURT AT\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Original Civil Jurisdiction) Writ Petition No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_ , 20 \_\_\_\_\_\_\_\_\_ A \_\_\_\_\_\_\_\_\_ Petitioner; Versus 1. State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. Drug Controller \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 3. Appellate Authority \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Respondents. Petition under Article 226 of the Constitution for the issue of a writ of certiorari. To The Hon’ble the Chief Justice and his companion Judges of the Hon’ble High Court of Judicature. The abovenamed Petitioner begs to submit as under :

1. That the Petitioner is a stockist and dealer in drugs and carries on his business in the name and style of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. That the Petitioner held a drug dealer’s licence No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. dated \_\_\_\_\_\_\_\_\_\_\_\_\_ and has been carrying on this business for the last six years.

3. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Petitioner received a notice from Respondent No. 2 to show cause why his licence should not be cancelled for selling substandard and spurious drugs. He was also required by the notice to produce his licence before Respondent No. 2.

 4. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Petitioner submitted his explanation to the show-cause notice submitting that he did not sell any substandard or spurious drugs and that he sold only drugs in their original containers obtained from reputed drug manufacturers. He expressed his inability to produce the licence as the same had been submitted to the Civil Surgeon for renewal.

5. That without giving proper consideration to the pleas raised by the Petitioner Respondent No. 2 passed an order dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cancelling the Petitioner’s licence.

 6. That, thereupon, the petitioner preferred an appeal against the order of Respondent No. 2 to Respondent No. 3.

 7. That by order dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Respondent No. 3 dismissed the appeal. 8. That the Petitioner has no other remedy but to approach this Hon’ble Court. 9. That the orders of Respondents No. 2 and No. 3 are void and illegal for the following amongst other—\_\_\_\_\_\_\_\_\_\_

 REASONS (i) Because the orders of respondents Nos. 2 and 3 are vitiated as they have acted in violation of the principles of natural justice.

 (ii) Because both respondents Nos. 2 and 3 have placed great reliance on the report of the Central Drugs Laboratory dated \_\_\_\_\_\_\_\_\_ which report was never disclosed to the Petitioner and which the Petitioner was not given any opportunity to meet.

(iii) Because the authorities have been influenced by the failure of the Petitioner to produce the licence but have themselves failed to consider the Petitioner’s explanation that the licence had been submitted to the Civil Surgeon for renewal.

(iv) Because respondents Nos. 2 and 3 have not applied their minds to the facts and circumstances of the case. (v) Because the impugned orders violate the fundamental right of the Petitioner to carry on his trade and business guaranteed by Article 19(1)(g) of the Constitution. It is, therefore, most respectfully prayed that a writ, direction or order in the nature of certiorari be issued quashing the order of Respondent No. 2 dated \_\_\_\_\_\_\_\_\_\_\_ and the order of Respondent No. 3 dated\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Petitioner.) Dated\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WRIT OF CERTIORARI**

IN THE HON’BLE HIGH COURT AT\_\_\_\_\_\_\_\_\_

(Original Civil Jurisdiction)

Writ Petition No\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_ , 20 \_\_\_\_\_\_\_\_\_

A \_\_\_\_\_\_\_\_\_ Petitioner;

Versus

1. State of \_\_\_\_\_\_\_\_\_

2. Drug Controller \_\_\_\_\_\_\_\_\_

3. Appellate Authority \_\_\_\_\_\_\_\_\_ Respondents.

Petition under Article 226 of the Constitution for the issue of a writ of certiorari.

To

The Hon’ble the Chief Justice and his companion Judges of the Hon’ble High Court of Judicature.

The abovenamed Petitioner begs to submit as under :

1. That the Petitioner is a stockist and dealer in drugs and carries on his business in the name and style of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. That the Petitioner held a drug dealer’s licence No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. dated \_\_\_\_\_\_\_\_\_\_\_\_\_ and has been carrying on this business for the last six years.

3. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Petitioner received a notice from Respondent No. 2 to show cause why his licence should not be cancelled for selling substandard and spurious drugs. He was also required by the notice to produce his licence before Respondent No. 2.

4. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Petitioner submitted his explanation to the show-cause notice submitting that he did not sell any substandard or spurious drugs and that he sold only drugs in their original containers obtained from reputed drug manufacturers. He expressed his inability to produce the licence as the same had been submitted to the Civil Surgeon for renewal.

5. That without giving proper consideration to the pleas raised by the Petitioner Respondent No. 2 passed an order dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cancelling the Petitioner’s licence.

6. That, thereupon, the petitioner preferred an appeal against the order of Respondent No. 2 to Respondent No. 3.

7. That by order dated \_\_\_\_\_\_\_\_\_\_\_\_ Respondent No. 3 dismissed the appeal.

8. That the Petitioner has no other remedy but to approach this Hon’ble Court.

9. That the orders of Respondents No. 2 and No. 3 are void and illegal for the following amongst other—

REASONS

(i) Because the orders of respondents Nos. 2 and 3 are vitiated as they have acted in violation of the principles of natural justice.

(ii) Because both respondents Nos. 2 and 3 have placed great reliance on the report of the Central Drugs Laboratory dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which report was never disclosed to the Petitioner and which the Petitioner was not given any opportunity to meet.

(iii) Because the authorities have been influenced by the failure of the Petitioner to produce the licence but have themselves failed to consider the Petitioner’s explanation that the licence had been submitted to the Civil Surgeon for renewal.

(iv) Because respondents Nos. 2 and 3 have not applied their minds to the facts and circumstances of the case.

(v) Because the impugned orders violate the fundamental right of the Petitioner to carry on his trade and business guaranteed by Article 19(1)(g) of the Constitution.

It is, therefore, most respectfully prayed that a writ, direction or order in the nature of certiorari be issued quashing the order of Respondent No. 2 dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the order of Respondent No. 3 dated\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

(Petitioner.)

Dated\_\_\_\_\_\_\_\_\_

**WRIT OF PROHIBITION**

IN THE HON’BLE HIGH COURT OF JUDICATURE AT\_\_\_\_\_\_\_\_\_

(Original Civil Jurisdiction)

Writ Petition No\_\_\_\_\_\_\_\_\_. of \_\_\_\_\_\_\_\_\_20 \_\_\_\_\_\_\_\_\_

 Mr …………………………………………..Resi …………………………………………….………………Petitioner.

Versus

1. State of \_\_\_\_\_\_\_\_\_

2. ………….., Inspector-General of Police \_\_\_\_\_\_\_\_\_

3. ……………….., Inspector of Police \_\_\_\_\_\_\_\_\_ Respondents.

Petition under Article 226 of the Constitution for the issue of a writ of prohibition.

To

The Hon’ble the Chief Justice and his companion Judges of the Hon’ble High Court.

The above named Petitioner begs to submit as under :

1. That he was appointed a Sub-Inspector of Police in the State of \_\_\_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_

2. That he served the State in various capacities, to wit as \_\_\_\_\_\_\_\_\_. in \_\_\_\_\_\_\_\_\_at \_\_\_\_\_\_\_\_\_and as \_\_\_\_\_\_\_\_\_in \_\_\_\_\_\_\_\_\_at\_\_\_\_\_\_\_\_\_

3. That while he was stationed at \_\_\_\_\_\_\_\_\_and serving as \_\_\_\_\_\_\_\_\_, he was served with a charge-

sheet dated \_\_\_\_\_\_\_\_\_a copy whereof is filed herewith.

4. That enquiry into the said charges was made by Respondent No. 3 from \_\_\_\_\_\_\_\_\_to \_\_\_\_\_\_\_\_\_who submitted a report dated \_\_\_\_\_\_\_\_\_to Respondent No. 2 finding the charges mentioned in the charge-sheet above-mentioned to be proved.

5. That according to Rule \_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_the charges aforementioned could not be enquired into except by an officer of the rank of Superintendent of Police of \_\_\_\_\_\_\_\_\_Division or with the approval of Respondent No. 2 of another Division in the State of \_\_\_\_\_\_\_\_\_

6. That on \_\_\_\_\_\_\_\_\_the Petitioner received a notice from Respondent No. 2 to show cause why he should not be dismissed from service.

7. That the aforesaid enquiry was illegal and ultra vires. Respondent No. 2 had no jurisdiction to take into consideration the said enquiry or pass any order on the basis thereof. The so-called inquiry was held by a person not duly authorised to do so.

8. The holding of a departmental inquiry by a Superintendent of Police is a condition precedent, a fact which must exist before Respondent No. 2 can assume jurisdiction or authority for the purpose of passing the final order of dismissal under Rule \_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_ against the Petitioner.

It is therefore, most respectfully prayed that a writ direction or order in the nature of prohibition be issued to the respondents prohibiting them from proceeding further with the disciplinary proceedings on the basis of the enquiry report of Respondent No. 3.

dated \_\_\_\_\_\_\_\_\_

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

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

(Advocate for the Petitioner.)

**Writ Petition format**

 **file Writ under Article 226 and 227 to challenge order passed by Central Administrative Tribunal against OA of Petitioner.**

SYNOPSIS

1. That the present Writ Petition under Article 226 read with 227 of the Constitution of India is against the order dated \_\_\_\_\_\_\_\_\_\_\_\_\_ passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred as 'Hon'ble Tribunal') in OA No. \_\_\_ of 20\_\_ vide which the Hon'ble Tribunal has disposed of the OA on the basis of an interim order passed by this Hon'ble Court on \_\_\_\_ in Writ Petition (C) No. \_\_\_ of \_\_\_ titled \_\_\_\_\_ & Ors \_\_\_\_\_ & Ors.

2. That in the said Petition it was wrongly mentioned that Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, one of the Batch mates of the Petitioner, has done \_\_\_ course. In fact he has done \_\_\_\_\_\_\_ Course (the same course done by the Petitioner) from \_\_\_\_\_ and his candidature for the post of Primary teacher in MCD was rejected with a remark 'overage' without giving age relaxation as per the direction of this Hon'ble Court in Sachin Gupta and Ors Vs. Delhi Subordinate Services Selection Board, Writ Petition.

3. That the Hon'ble Tribunal while disposing of the OA failed to consider the fact that the above said Writ Petition was filed by concealing the fact that disputes regarding educational qualification was already settled by this Hon'ble Court vide order dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in. The copy of the said order was in the file of the Hon'ble Tribunal, but without considering it and on the basis of wrong statement given by the respondents that Mr. \_\_\_\_\_\_\_\_\_\_\_\_ had done \_\_\_\_ course, the Hon'ble tribunal disposed of the Original Application filed by the Petitioner.

4. The Hon'ble Tribunal also failed the appreciate that Writ Petition No. \_\_\_\_\_\_\_\_ of 20\_\_\_ is barred by Res Judicata as all the disputes regarding educational qualification i.e. ETE, Diploma in Education and equivalent courses had been settled by this Hon'ble Court in \_\_\_\_\_\_ (supra) which was attained finality after the Hon'ble Supreme Court allowed the Review Petition filed by Mr. \_\_\_\_\_.

5. Brief facts about the case are that pursuant to the Advertisement No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Delhi Subordinate Services Selection Board (DSSSB), the petitioner had applied for the post of Primary Teacher in Municipal Corporation of Delhi (MCD) (Post Code \_\_\_\_) under OBC Category and appeared for Written Examination held on \_\_\_\_\_\_\_\_\_\_\_\_\_. She had secured \_\_\_\_\_ marks but her candidature was not considered for the said Post and her name was displayed in the rejection list published on \_\_\_\_\_\_\_\_ with a remark of "overage".

LIST OF DATES AND EVENTS

18.03.\_\_ Maximum age limit for appointment to the post of Assistant Teacher \_\_\_ were \_\_ years for male and \_\_ Years for Female.

08.05.\_\_\_ Respondent No. 1 issued a notification and amended Recruitment rules for appointment to the post of Assistant Teachers in NCT of Delhi and MCD and prescribed the maximum age limit as 27 years for male as well as females.

07.11.20\_\_ Respondent No. 2 issued advertisement No. \_\_\_\_\_ for the post Teacher (primary) in MCD under the Post Code \_\_\_\_. The Petitioners applied.

20.07.20\_\_ The Ld Tribunal directed the Respondent to herein finalise the amendments in the RRs by applying classification of the post of enhancement of the age.

02.02.20\_\_ The Petitioner appeared in the examination.

08.07.\_\_ Result of the said written Test was published and the Petitioner had secured \_\_ marks (Cut off \_\_).

05.12.20\_\_ Government issued an office order No. \_\_\_ in which the Petitioner's name was shown not eligible on the ground of "overage".

10.12.20\_\_ Petitioner made representation to the authority appraising the fact that the Petitioner is fully entitled to get age relaxation as per Hon'ble Delhi High Court Judgment in \_\_\_\_\_\_.

July 20\_\_ Petitioner filed O A No. \_\_ of 20\_\_ with the Hon'ble Tribunal, being aggrieved by the office order No. \_\_\_and Rejection Notice dated \_\_\_ and challenged the order to an extent she is affected on the ground of "overage".

03.10.20\_\_ The Hon'ble Tribunal disposed of OA No. \_\_\_\_ of 20\_\_ with a liberty to the applicant to seek re-consideration of the O.A after the disposal of the Writ Petition (C) No. \_\_\_ of 20\_\_ by this Hon'ble Court.

 Hence the Present Petition

IN THE HIGH COURT OF AT

WRIT PETITION NO\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                     .......    PETITIONER

VERSUS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ & ORS                         .......    RESPONDENTS

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES OF THE HON'BLE HIGH COURT OF DELHI.

THE PETITIONERS ABOVE NAMED

WRIT PETITION UNDER ARTICLE 226 READ WITH 227 OF THE CONSTITUTION OF INDIA AGAINST THE JUDGMENT AND ORDER DATED \_\_\_\_\_\_\_ PASSED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL IN OA NO. \_\_\_ OF \_\_.

MOST RESPECTFULLY SHOWETH:
1. That the present Writ Petition under Article 226 read with 227 of the Constitution of India is against the order dated \_\_\_\_\_\_\_\_\_\_\_\_\_ passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred as 'Hon'ble Tribunal') in OA No. \_\_\_ of 20\_\_ vide which the Hon'ble Tribunal has disposed of the OA on the basis of an interim order passed by this Hon'ble Court on \_\_\_\_ in Writ Petition (C) No. \_\_\_ of \_\_\_ titled \_\_\_\_\_ & Ors \_\_\_\_\_ & Ors. A copy of the order dated 03.10.20\_\_ passed by the Hon'ble Central Administrative Tribunal in O.A. No. \_\_\_ of 20\_\_ is annexed and marked as Annexure P-1 (Pages \_\_\_\_\_\_\_\_\_).

FACTS LEADING TO FILING OF THE PRESENT PETITION

2. Brief facts necessary for deciding the Present petition are as follows:

(i) That Petitioner has done \_\_\_\_\_\_\_\_\_\_\_\_\_ in the year \_\_\_\_\_from \_\_\_\_\_\_.

(ii) That pursuant to the Advertisement No. \_\_\_ of 20\_\_ of DSSSB the Petitioner had applied for the Post of Primary Teacher in \_\_\_\_, Post Code \_\_\_ and participated in the selection process, Roll No. \_\_\_\_. She got \_\_\_ Marks. Despite the applicant having secured more marks than the cut-off marks (\_\_) for OBC category, she has not been considered for appointment on the ground of being 'overage'. In the rejection order No. \_\_ dated 05.12.20\_\_, the applicants name figures at Sr. No. \_\_.

(iii) The Petitioner had challenged the impugned rejection order No. \_\_ dated \_\_\_\_ in the Central Administrative Tribunal by way of O.A. No.

A copy of entire CAT Record of O.A. No. \_\_\_/\_\_\_ filed by Petitioner with the Central Administrative Tribunal is annexed herewith and attached as Annexure P-3 (Pages \_\_\_\_\_\_\_\_\_).

(iv) Pursuant to the notices issued, the respondents entered appearance and filed replies, to which the Petitioner has filed separate rejoinders.

(v) That after hearing these submission of the Respondents, the Hon'ble Central Administrative Tribunal on 03.10.20\_\_, disposed of the OA filed by the Petitioner with the following observations/Directions:

(vi) That the Hon'ble Tribunal did not try to verify the facts from the records which show that \_\_\_\_\_\_\_\_\_\_\_had done Diploma in Education from Bhopal which is the same qualification of Petitioner.

(vii) That since the dispute regarding equivalence of educational qualification was already settled; the Hon'ble Supreme Court in the Judgment used the word "\_\_" just to represent the educational qualification.

(viii) That the Respondents have wrongly twisted the facts in such a way that Mr. \_\_\_\_\_\_\_\_\_ had done \_\_\_\_ course not Diploma in Education from Bhopal, hence his Review Petition was allowed.

3. GROUNDS:

A. Because the Hon'ble Tribunal failed to appreciate that a Division Bench of this Hon'ble court by its Judgment dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_ v. \_\_\_\_\_\_\_\_\_\_\_, held that a candidate who had completed ETE course from Delhi is to be given age relaxation as per the decision in \_\_\_\_\_\_\_\_\_\_, the same age relaxation should be provided to the persons who are identically placed in terms of educational qualifications.

B. Because the Hon'ble Tribunal failed to appreciate that the Petitioners in Writ Petition (C) No. \_\_\_\_ of 20\_\_ have concealed the fact

C. Because the Hon'ble Tribunal did not consider all these facts while disposing of O.A No. \_\_\_\_ of 20\_\_ which resulted violation of rights guaranteed to the Petitioners under Article 14 and 16 of the Constitution of India.

4. That the petitioners submit that no other petition against the impugned order has been filed by the petitioner.

5. That the petitioners do not have no other efficacious alternative remedy than to file the present writ petition.

PRAYERS

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue an appropriate Writ quashing the impugned order dated 03.10.20\_\_ passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi, in Original Application No. \_\_\_ of 20\_\_.

b) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

THROUGH;

COUNSEL FOR THE PETITIONERS

New Delhi

Dated: \_\_.\_\_.20\_\_

**Writ Petition to High Court under Article 226 of Constitution of India seeking appropriate Writ for Fundamental Right,**

filed in High Court for direction against violation of fundamental right.

You file Writ Petition under Article 226 of the Constitution when your fundamental rights are affected. While filing the Writ Petition, necessary copies of documents needs to be annexed. Format of Writ Petition seeking direction from the High Court against the Government authority is given below. It can be downloaded in MS Word format also, so that you can prepare it on the basis of draft Writ Petition. There are five writ petition types in the Indian constitution, which you can file either before the High Court such as:

1. Habeas Corpus

2. Mandamus

3. Prohibition

4. Certiorari

5. Quo Warranto

SYNOPSIS

1. The Petitioners are filing the present Writ Petition under Article 226 of the Constitution of India Praying inter alia for issuing Writ of Mandamus and other appropriate Writ for directing the Respondent No. 1 to Release Respondent No. 4 from the premises of Respondent No. 5, seeking direction to Respondent No. 1 inquire into the incident of keeping Respondent No.4 in confinement by Respondent No. 5 in an illegal building without basic amenities and in un healthy conditions, conduct proper medical tests on Respondent No. 4 and also seeking Direction to Respondent No. 4 to take care of ailing Petitioners at their old age and provide maintenance to them under Section 4 of Maintenance of Parents and Senior Citizens Act 2007.

2. That the petitioners are Senior Citizens aged \_\_ and \_\_ years and Parents of Respondent No.4, \_\_\_\_\_\_\_\_\_\_\_\_\_, who has been staying in the Premises of Respondent No. 5 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ since July 20\_\_. The Petitioners being senior citizens need the support of Respondent No. 4 to take care of their health, necessities etc.

3. That the Petitioners have strong doubts on the Respondent No. 5 kept their Respondent No. 4 under the influence of drugs or any other substance.

4. That Respondent No. 4 is an Engineer and was earning Rs. 24 Lakh a year and when she joined Respondent No.5. The Petitioners have strong doubt that Respondent No. 5 has trapped her for the sake of bank deposit.

5. That the Respondent No. 4 categorically told on \_\_\_\_\_\_ through phone that she is not interested to talk to the Petitioners as they are not left hope on her and continuously raising the issue in Court, government authorities, Media and Police stations.

6. That as per Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Children are obliged to maintain a senior citizen to the needs of such citizen so that senior citizen may lead a normal life.

7. That as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be filed in Tribunal, but due to the Peculiar situation in this matter, as the Respondent No. 4 is confined in the Ashram of Respondent No.5, the Petitioners are approaching this Hon'ble Court for Justice.

LIST OF DATES AND EVENTS

2016 Respondent No.4 stayed and studied Masters in Commerce. She started working for an approximate salary package of Rs. 24 lakhs a year.
July 2016 Respondent No.4 came back to India and started staying in without intimating her parents.

2016-19 Petitioner No.2 made several complaints to Police and government authorities for return of their daughter. But there was no action on the part of the authorities.

15.1.20\_\_ Respondent No.4 categorically told to the Petitioners on Mobile phone that she is not willing to meet or talk to them as they are continuously maligning the Respondents No. 5 by making complaints to Police and approaching Media. She has told to the Petitioners that since this Hon'ble court expressed helplessness in the pending PIL, nothing will happen to the Respondents No. 5.

\_\_.02.20\_\_ Hence the instant Writ Petition

IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF:

A B C                     ... PETITIONERS

VERSUS

XYZ                     ... RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING INTER ALIA FOR ISSUING WRIT OF MANDAMUS AND OTHER APPROPRIATE WRIT FOR DIRECTING THE RESPONDENT NO. 1 TO RELEASE RESPONDENT NO. 4 FROM THE PREMISES OF RESPONDENT NO. 5, SEEKING DIRECTION TO RESPONDENT NO. 1 INQUIRE INTO THE INCIDENT OF KEEPING RESPONDENT NO.4 IN CONFINEMENT BY RESPONDENT NO. 5 IN AN ILLEGAL BUILDING WITHOUT BASIC AMENITIES AND IN UN HEALTHY CONDITIONS, CONDUCT PROPER MEDICAL TESTS ON RESPONDENT NO. 4 AND ALSO SEEKING DIRECTION TO RESPONDENT NO. 4 TO TAKE CARE OF AILING PETITIONERS AT THEIR OLD AGE AND PROVIDE MAINTENANCE TO THEM UNDER SECTION 4 OF MAINTENANCE OF PARENTS AND SENIOR CITIZENS ACT 2007.

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the

Petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. The Petitioners are filing the present Writ Petition under Article 226 of the Constitution of India Praying inter alia for issuing Writ of Mandamus and other appropriate Writ for directing the Respondent No. 1 to Release Respondent No. 4 from the premises of Respondent No. 5, seeking direction to Respondent No. 1 inquire into the incident of keeping Respondent No.4 in confinement by Respondent No. 5 in an illegal building without basic amenities and in un healthy conditions, conduct proper medical tests on Respondent No. 4 and also seeking Direction to Respondent No. 4 to take care of ailing Petitioners at their old age and provide maintenance to them under Section 4 of Maintenance of Parents and Senior Citizens Act 2007.

2. That Petitioner No. 1 is \_\_ years old mother of Respondent No.4 and is a House wife.

3. That Petitioner No. 2 is father of Respondent No. 4 and he is \_\_ years old.

4. That Respondent No. 4, is the daughter of Petitioner No. 1 and 2.

5. That the Petitioners being retired senior citizens need the support of their daughter as they do not have sons, no other person, to take care of their health, necessities etc. Petitioner No. 1 is suffering from various ailments like joints pain on legs, tooth pain which require root canal treatment and other old age problems. Petitioner No.2 is facing high blood pressure, heart related health issues and he requires regular medical check-up. The Petitioners are running pillar to post to get their constitutional rights. They have approached Delhi Police and Central Government to handover their daughter to them, but no action has been taken by the authorities against the Respondent No. 5, to release their daughter.

6. That the Petitioners have strong doubts on Respondent No. 5, that his team kept their daughter under the influence of drugs or any other substance.

7. It is submitted that the Petitioners have only one daughter Respondent No. 4 is living in the premises of Respondent No. 5 in Delhi, India and she deserted her senior citizen parents at their old age.

8. That as per Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Children are obliged to maintain a senior citizen to the needs of such citizen so that senior citizen may lead a normal life. Extracts of Section 4 of the Act is as under:

"4. Maintenance of parents and senior citizens.-(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, shall be entitled to make an application under section 5 in case of-

(i) parent or grand-parent, against one or more of his children not being a minor;

(ii) a childless senior citizen, against such of his relative referred to in clause (g) of section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.

(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property."

True copy of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is annexed herewith and marked as Annexure P-1.

9. That as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be file in Tribunal, but due to the Peculiar circumstances in this matter as the Respondent No.4 is confined in the Building of Respondent No. 5 the Petitioners are approaching this Hon'ble Court for Justice.

10. That on April \_\_\_\_ the Petitioners filed complaint with Station House Officer, Police Station \_\_\_\_\_\_\_\_\_\_\_ New Delhi requesting appropriate action in securing their daughter safely from the centre. Copy of the letter dated April 1, 2016 sent by the Petitioners to SHO, \_\_\_\_\_\_\_\_\_\_\_ Police Station is annexed herewith and marked as Annexure P-2.

11. That on April \_\_\_\_\_the Petitioners wrote to the Delhi Commission for women, ITO, New Delhi requesting them to take appropriate action in securing their daughter safely from the centre and help in restoring peace to the family on humanitarian ground. Copy of the letter dated April \_\_\_\_ sent by the Petitioner to Delhi Commission for Women is annexed herewith and marked as Annexure P-3.

12. That Respondent No. 3 not yet arrested Respondent No. 5 against whom several serious criminal cases are registered by CBI. The Financial transactions of Respondent No. 5 are also needs to be verified by a competent authority. Because even after the hiding of founder of the Respondent No. 5, it has been running un interruptedly in an illegal/un authorised building and getting all kind of financial, strategic support.

13. That being aggrieved, the Petitioner has no other alternative remedy but to approach this Hon'ble Court and invoke Article 226 of the Constitution of India on the following amongst other grounds which are urged hereinafter without prejudice to each other.

GROUNDS
That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

A. Because the Petitioners being retired/ senior citizens need the support of their daughter as they do not have sons and no other person to take care of their health, necessities etc. The Petitioners are running pillar to post to get their constitutional rights. They have approached Delhi Police and Central Government to handover their daughter to them, but no action has been taken by the authorities against Respondent No. 5 to release their daughter.

B. Because the Petitioners have strong doubts on Respondent No. 5 kept their daughter under the influence of drugs or any other substance.

C. Because the Petitioners have only one daughter, Respondent No. 4 is living in the Ashram and she deserted her senior citizen parents. The Petitioners have no other close relatives to look after them.

D. Because as per Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 the Application for maintenance should be file in Tribunal, but due to the Peculiar situation in this matter as the Respondent No. 4 is confined in the Ashram of Respondent No. 6 the Petitioners are approaching this Hon'ble Court for Justice.

14. That the Petitioners have no other efficacious remedy except to approach this Hon'ble Court by way of this Petition under Article 226 of the Constitution of India.

15. That the Petitioners have not filed any other petition, claim, suit or preceding in any court or tribunal throughout the territory of India regarding the matter in dispute.

PRAYERS
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ of Mandamus or any other appropriate Writ to Respondent No. 1 to immediately release of Respondent No. 4, daughter of Petitioners from the custody of Respondent No. 5;

b) Issue an appropriate Writ to the Respondent No. 4 to take care of her ailing parents, give maintenance to them as per Section 4 of Maintenance of Parents and Senior Citizens Act 2007;

c) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS DUTY BOUND SHALL EVERY PRAY.

THROUGH

ADVOCATES FOR THE PETITIONERS

**Writ Petition of Habeas Corpus to High Court under Article 226 of Constitution to release a person, Quash order and pay compensation.**

The word habeas corpus literally means to have a body. A writ of habeas corpus is in the nature of an order upon the person who has detained another to produce the latter before the court, in order to let the court know on what ground he has been confined and set him free if there is no legal justification for the imprisonment.

Sample format of Writ of Habeas Corpus to High Court is given below. This is only body of the Writ Petition. Please include other details also:

IN THE HIGH COURT OF DELHI AT NEW DELHI

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. OF 2020

(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

\_\_\_\_\_\_ S/O \_\_\_\_\_\_\_\_\_\_\_

AGED ABOUT \_\_\_\_ YEARS

RESIDENT OF \_\_\_\_\_\_\_\_\_\_

THROUGH \_\_\_\_ S/O \_\_\_, AGED

 \_\_\_\_\_
YEAR AS NEXT FRIEND                                                        PETITIONER

VERSUS

1. STATE GOVERNMENT
HOME DEPARTMENT
DELHI                                                                            RESPONDENT NO. 1

2. DISTRICT MAGISTRATE
TEES HAZARI COURT
NEW DELHI                                                                     RESPONDENT NO. 2

3. SUPERINTENDENT
TIHAR JAIL
NEW DELHI                                                                     RESPONDENT NO. 3

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING INTER ALIA FOR ISSUING WRIT OF HABEAS CORPUS TO RESPONDENT NO. 1, 2 AND 3 THEREBY QUASHING THE IMPUGNED ORDER AND DIRECTING THE RELEASE OF THE PETITIONER AND GRANTING REASONABLE COMPENSATION TO THE PETITIONER

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India praying inter alia for issuing writ of habeas corpus to respondent no. 1, 2 and 3 thereby quashing the impugned order and directing the release of the petitioner and granting reasonable compensation to the petitioner.

2. That the petitioner resides in \_\_\_\_\_\_\_\_\_ and has been a law abiding citizen of India.

3. That on \_\_\_day of\_\_\_\_, the Petitioner was arrested and detained for a period of 2 months in the Tihar Jail, New Delhi, wherein the Respondent No. 3 is the Superintendent, with an order passed by the Respondent No.1 dated \_\_\_under the National Security Act, 1980. A copy of the order by the Respondent No. 1 has been annexed herewith as Annexure 1.

4. That, on the date of getting detained and arrested in the Tihar Jail. The Petitioner was not informed about the grounds of his detention by Respondent No. 3.

5. That after Ten days of getting arrested and detained, the Petitioner was informed of his ground of arrest and detention.

6. The report of the ground of detention was furnished to the Petitioner in English, which is not understood by the Petitioner.

7. The Petitioner's father is interested in the release of the Petitioner from the detention.

8. That the Petitioners have no other efficacious remedy except to approach this Hon'ble Court by way of this Petition under Article 226 of the Constitution of India.

9. That the Petitioners have not filed any other petition or preceding in any court or tribunal throughout the territory of India regarding the matter.

10. Therefore, the order by Respondent No. 1 dated\_\_\_\_\_\_, is illegal, arbitrary and with lack of jurisdiction because of the following grounds given below:-

GROUNDS
That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

a. Because the grounds of detention were furnished to the Petitioner after prolonged delay.

b. Because the Petitioner's detention is violative of Article 21 of the Indian Constitution.

c. Because the grounds of detention of the Petitioner was given in English, which is not comprehensible for the Petitioner.

d. Because he grounds of detention is very arbitrary and vague.

PRAYERS

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ of Habeas Corpus to the Respondent 1 to 3 thereby quashing the impugned order;

b) Issue an appropriate Writ Directing release of the Petitioner;

c) Issue appropriate Writ granting reasonable compensation to the Petitioner;

d) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

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

FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER

DRAWN ON:
Drawn by:

New Delhi
Date:

OTHER INFORMATION, DOCUMENTS TO BE INCLUDED WITH WRIT PETITION

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition

8. Application for exemption from filing certified copies, dim and small font annexures with affidavit.

9. Vakalatnama on behalf of the petitioner.

Writ Petition of Mandamus to High Court under Article 226 of Constitution to quash termination order, Reinstate Petitioner and pay back wages.

Format of Writ Petition seeking mandamus to the High Court under Article 226 of the Constitution.  Download Format.

A writ of mandamus is a direction to an authority to either do or refrain from doing a particular act. For instance, a writ to the Police Department to to strictly enforce Traffic Rules under the Acts. For a mandamus to be issued, it must be shown:

a) That the authority was under obligation, statutory or otherwise to act in a particular manner;

b) that the said authority failed in performing such obligation;

c) that such failure has resulted in some specific violation of a fundamental right of either the petitioner or an indeterminate class of persons.

Sample and brief format of Writ of Mandamus to High Court is given below. This is only body of the Writ Petition. Please include other details also:

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL (EXTRA-ORDINARY) JURISDICTION

WRIT PETITION (CIVIL) NO. OF 20\_\_
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:
1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
S/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                         PETITIONER

VERSUS

1. ABC Company Ltd
having its registered office at\_\_\_\_\_
Through its Chairman\_\_\_\_                                                 RESPONDENT NO. 1

2. The Managing Director
ABC Company Ltd                                                             RESPONDENT NO. 2

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING INTER ALIA FOR QUASHING THE IMPUGNED ORDER DATED \_\_\_\_PASSED BY RESPONDENT NO.1 AND REINSTATING THE PETITIONER IN SERVICE WITH ALL CONSEQUENTIAL BENEFITS INCLUDING BACK WAGES

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

THE PETITIONER MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India praying inter alia for quashing the impugned order dated \_\_\_\_ passed by Respondent No. 1\_\_\_\_\_\_ and reinstating the petitioner in service with all consequential benefits including back wages.

2. That the petitioner is a citizen of India and is therefore entitled to enjoy all the rights guaranteed by the Constitution of India.

3. That respondent No. 1 is a company registered under the Companies Act, 2013 having its registered office at\_\_\_\_\_\_\_\_\_.

4. That respondent No. 2 is the Managing Director of the Company with powers of Appointment, termination and manage all day to day affairs of the Company.

5. The respondent-company is wholly owned by the Government of India and is, thus, an instrumentality of state is given in Article 12 of the Constitution.

6. That the petitioner was working as \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with respondent-company and was appointed on \_\_\_\_\_\_\_. He has been a diligent employee and been discharging his duties and obligations according to the employment norms and applicable rules of the Respondent Company.

7. That on\_\_\_\_\_ respondent No. 2 issued the impugned order dated\_\_\_\_\_ terminating the services of the petitioner without giving an opportunity to be heard to the Petitioner. The petitioner came to be relieved of his duties on \_\_\_\_\_\_. A copy of the impugned order is annexed hereto and marked as ANNEXURE-1.

8. The Petitioner states that the order of the termination of the service of the Petitioner was passed without following the due process of the principle of nature justice.

9. That the Petitioner has been discharging his duty as an employee according to the Respondent Company norms and therefore has not committed any act which would constitute as misconduct.

GROUNDS
10. That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

a. Because the petitioner being a permanent employee of the respondent-company his services could not be terminating without holding an enquiry under the rules applicable to the employees of the company.

b. Because the termination of the Petitioner is against the principle of natural justice as the Respondent was not given opportunity to heard.

d. Because the impugned order is arbitrary and contravenes Article 14 and Article 21 of the Constitution.

11. That the Petitioners have no other efficacious remedy except to approach this Hon'ble Court by way of this Petition under Article 226 of the Constitution of India.

12. That the Petitioners have not filed any other petition or preceding in any court or tribunal throughout the territory of India regarding the matter.

PRAYERS
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ of Mandamus to the Respondent 1 with a direction for quashing the impugned order and reinstating the Petitioner in service with all consequential benefits including back wages;

b) Issue an appropriate Writ Directing the Respondents to pay Cost to the Petitioner;

c) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

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

FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER

DRAWN ON:
Drawn by:

New Delhi
Date:

OTHER DOCUMENTS TO BE INCLUDED WITH WRIT PETITION OF MANDAMUS

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition

8. Application for exemption from filing certified copies, dim and small font Annexure with affidavit.

9. Vakalatnama on behalf of the petitioner.

Writ Petition seeking Writ of Prohibition from High Court under Article 226 of Constitution to prohibit Respondents from proceeding with disciplinary action.

Format of Writ Petition seeking Writ of Prohibition from the High Court under Article 226 of the Constitution.  Download Format.

A writ of prohibition issues to prevent a judicial authority subordinate to the High Court from exercising jurisdiction over a matter pending before it. This could be on the ground that the authority lacks jurisdiction and further that prejudice would be caused if the authority proceeds to decide the matter. Where the authority is found to be biased and refuses to rescue, a writ of prohibition may issue.

Sample format of Writ of Prohibition to High Court is given below. This is only body of the Writ Petition. Please include other details also:

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL (EXTRA-ORDINARY) JURISDICTION

WRIT PETITION (CIVIL) NO. OF 20\_\_
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

1. Mr. \_\_\_\_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_
Resident of \_\_\_\_\_\_\_\_\_                                                     PETITIONER

VERSUS

1. \_\_\_\_\_ Company Ltd
New Delhi                                                                     RESPONDENT NO. 1

2. Manager Accounts
Accounts Department
\_\_\_\_Company Ltd
New Delhi                                                                     RESPONDENT NO. 2

3. The Chief Executive Officer
\_\_\_\_\_ Company Ltd
New Delhi                                                                     RESPONDENT NO. 3

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING FOR DIRECTION OR ORDER IN THE NATURE OF PROHIBITION TO THE RESPONDENTS, PROHIBITING THEM FROM PROCEEDING FURTHER WITH THE DISCIPLINARY PROCEEDING ON THE BASIS OF THE ENQUIRY REPORT OF RESPONDENT NO. 2.

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

THE PETITIONER MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India Praying for direction or order in the nature of prohibition to the respondents , prohibiting them from proceeding further with the disciplinary proceeding on the basis of the enquiry report of respondent No. 2.

2. That, the Petitioner was appointed as the Accounts Executive of Respondent No.1, a Government Company, having its registered office at \_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_.

3. That Respondent No. 1 Company is discharging public functions and financed by the State of \_\_\_\_\_\_\_\_\_, and is a "State" under Article 12 of the Indian Constitution. Therefore, this petition against the Company is amenable before this Honbl'e Court.

4. The Petitioner has served the Company as Accountant for the period of 2 years before being promoted as the Accounts Executive. The Petitioner has been a diligent employee of the Company since the date of his appointment.

5. That, on \_\_\_\_\_, while serving as Accounts Executive, he was served with a disciplinary notice stating his inefficiency in performance. Copy of the disciplinary Notice is Annexed herewith and Attached as Annexure P1.

6. The enquiry into the said charges was made by the Accounts Manager of the Company. On the basis of the report of Respondent No. 2 which was send to the Respondent 3 a show cause notice dated \_\_\_\_\_\_\_\_\_ was sent to the Petitioner, stating why he should not be dismissed from service. A copy of the said show cause notice is Annexed herewith and attached as Annexure-P2.

7. That according to the Company Rules, the enquiry into the disciplinary charges is to be only made by the third party enquiry officer. The enquiry was made by a person not duly authorized to do so, i.e. Respondent No.2.

GROUNDS
8. That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

i. Because the procedure adopted by the Company in initiating disciplinary proceedings is against the Company's rules i.e. Rule \_\_\_\_\_and regulations.

ii. Because the enquiry report of the Respondent No. 2 is not valid as he is the Reporting Manager of the Petitioner. The Petitioner had filed Complaint to the Management of the Company against Respondent No. 2 on \_\_\_\_\_\_ with corruption allegation and siphoning of funds. So Respondent No. 2 has personal enmity to the Petitioner due to reporting of his corruption case to the management.

iii. Because the Respondent No. 2 does not have the jurisdiction to prepare an enquiry report as per the Company's Rules and Regulations.

PRAYERS
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ in the nature of Prohibition to the Respondents Prohibiting them from proceeding further with the disciplinary proceeding on the basis of the enquiry report of Respondent No.2;

b) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

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

FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER

DRAWN ON:
Drawn by:

New Delhi
Date:

OTHER INFORMATION, DOCUMENTS TO BE ATTACHED WITH WRIT PETITION

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition

8. Application for exemption from filing certified copies, dim and small font annexures with affidavit.

9. Vakalatnama on behalf of the petitioner.

Writ Petition seeking Writ of Certiorari in High Court under Article 226 of Constitution to quash order of an order.

Format of Writ Petition seeking Writ of Certiorari in the High Court under Article 226 of the Constitution.  Download Format.

A writ of certiorari is a direction to an authority to produce before the Court the records on the basis of which a decision under challenge in the writ petition has been taken. By looking into those records, the Court will examine whether the authority applied its mind to the relevant materials before it took the decision. If the Court finds that no reasonable person could come to the decision in question, it will set aside (quash) that decision and give a further direction to the authority to consider the matter afresh.

Sample format of Writ of Certiorari to High Court is given below. This is only body of the Writ Petition. Please include other details also:

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 20\_\_
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

1. Mr. \_\_\_\_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_
Resident of \_\_\_\_\_\_\_\_\_                                                     PETITIONER

VERSUS

1. State of \_\_\_\_\_
Pollution Department                                                      RESPONDENT NO. 1
Through its Secretary

2. South Delhi Municipal Commissioner
New Delhi                                                                     RESPONDENT NO. 2

3. Pollution Control Department
New Delhi                                                                     RESPONDENT NO. 3

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING FOR DIRECTION OR ORDER IN THE NATURE OF CERTIORARI TO THE RESPONDENTS AND QUASH ORDER DATED\_\_\_ PASSED BY THE RESPONDENT NO. 3.

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

THE PETITIONER MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India Praying for direction or order in the nature of Certiorari to the respondents and quash order dated \_\_\_\_\_\_ passed by respondent No. 3.

2. That, the Petitioner is a Law abiding Citizen of India and residing the above address.

3. That the Petitioner runs a Coffee Shop in the name and style of Sit and enjoy at \_\_\_\_\_\_, New Delhi.

4. The Petitioner has obtained all necessary licenses and permission from the State and local authorities according to the applicable laws of India for conducting his business.

5. That Petitioner held a \_\_\_\_\_\_ License No. \_\_\_\_\_\_dated\_\_\_\_, and has been carrying on this business for the last ten years and has gained a good reputation for his service in India. A copy of the \_\_\_\_ License has been annexed hereunder as ANNEXURE P1.

6. The Petitioner on \_\_\_\_\_ received a notice from the Respondent No. 3 to show cause and give explanation that why should not his license be revoked for polluting the environment through effluents from Coffee House. The notice also required the Petitioner to produce the license before the Respondent No. 3. A copy of the notice has been annexed hereunder as ANNEXURE P2.

7. The Petitioner pursuant to the notice dated\_\_\_\_, submitted his explanation, wherein he stated that he did not pollute the environment from running the coffee shop and effluents from coffee shop is very limited and directly processing it.

8. Thereafter, the Respondent No.3, cancelled the \_\_\_\_\_\_\_\_ license of the Petitioner without giving proper consideration to the submission of the Petitioner by order dated \_\_\_.

8. The Petitioner aggrieved by the impugned order of the Respondent has approach this Hon'ble Court.

9. The Petitioner submits that the order dated \_\_\_\_\_\_by Respondent No. 3 are arbitrary and void amongst other.

GROUNDS
8. That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

A. Because Respondent No. 3 have issued cancellation order in violation of the principle of natural justice.

B. Because Respondent No. 3 have not applied their minds to the facts of the case.

C. Because order dated\_\_\_\_ by issued by Respondent No. 3 is in violation of Article 19(1)(g) of the Indian Constitution.

PRAYERS
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ in the nature of Certiorari to the Respondents and quash order dated \_\_\_\_ passed by Respondent No.3;

b) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

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

FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER

DRAWN ON:
Drawn by:

New Delhi
Date:

OTHER DOCUMENTS TO BE ATTACHED WITH WRIT OF CERTIORARI PETITION

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition including impugned order and relevant other orders

8. Application for exemption from filing certified copies, dim and small font annexures with affidavit.

9. Vakalatnama on behalf of the petitioner.

Writ Petition seeking Writ of Quo Warranto in High Court under Article 226 of Constitution to cancel illegal appointment order and remove person illegally appointed.

Format of Writ Petition seeking Writ of Quo Warranto in the High Court under Article 226 of the Constitution.  Download Format.

A petition seeking a writ of quo warranto questions the legal basis and authority of a person appointed to public office. For instance, the appointment of a member of a Railway Board not qualified to hold the post can be questioned by a writ of quo Warranto and appointment nullified if found to be illegal.

A writ of declaration issues to declare an executive, legislative or quasi- judicial act to be invalid in law. A petition seeking such declaratory relief must also necessarily seek certain consequential relief. For instance, immediate discontinuance of the illegal practice and appropriate remedial compensation.

Sample format of Writ of Quo Warranto to High Court is given below. This is only body of the Writ Petition. Please include other details also:

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 20\_\_
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

1. Mr. \_\_\_\_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_
Resident of \_\_\_\_\_\_\_\_\_                                                     PETITIONER

VERSUS

1. \_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_ College

New Delhi
Through its Principal                                                              RESPONDENT NO. 1

2. The Chairman

University Grant Commission

New Delhi                                                                             RESPONDENT NO. 2

3. Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Professor

\_\_\_\_\_\_\_\_\_\_\_ College                                                           RESPONDENT NO. 3
New Delhi

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING FOR DIRECTION OR ORDER IN THE NATURE OF QUO WARRANTO TO THE RESPONDENTS AND REMOVE RESPONDENT NO. 3 FROM THE POST OF ASSISTANT PROCESSOR.

To,
The Hon'ble Chief Justice of High Court,
And His Companion Judges of the
Hon'ble High Court of Delhi.

The humble petition of the
Petitioner above named.

THE PETITIONER MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is filing the present writ petition under article 226 of the constitution of India Praying for direction or order in the nature of Quo Warranto to the respondents and remove Respondent No. 3 from Assistant Professor Post.

2. That, the Petitioner is a Law abiding Citizen of India and residing the above address.

3. That the Petitioner has approached this Hon'ble Court seeking issuance of a writ in nature of a Quo Warranto against Respondent No. 3, questioning his appointment and for his consequent removal from the post of the Assistant Professor.

4. That, on\_\_\_\_\_\_\_\_\_\_, the Respondent No. 3 has been appointed as Assistant Professor with \_\_\_\_\_\_\_\_\_\_\_\_\_ College. Copy of Appointment letter is attached herewith and marked as Annexure P1.

5. That Respondent No. 3 has not qualified NET examination and not eligible to appoint as Assistant Professor as per the UGC Regulations to appoint as Assistant Professor. His appointment is in violation of Section \_\_\_\_ of UGC Act and UGC Notification Dated \_\_\_\_\_\_. Copy of relevant sections of UGC Act and UGC Notification dated \_\_\_\_\_ is attached herewith and marked as Annexure P2.

6. The Petitioner aggrieved by the impugned Appointment order of the Respondent No. 1 has approach this Hon'ble Court.

9. The Petitioner submits that the order dated \_\_\_\_\_\_by Respondent No. 1 is in Violation of UGC Act and UGC Notification regarding qualification of teachers to be appointed in colleges.

GROUNDS
8. That the present Writ Petition is being filed on the following, amongst other, grounds without prejudice to each other;

A. Because the appointment order dated \_\_\_\_\_\_ is in violation of UGC Act.

B. Because Respondent No. 3 has not cleared National Education Test examination, hence he is not eligible to be appointed as Assistant Professor in a Government College under UGC.

C. Because UGC Notification dated\_\_\_\_ clearly states that a Person qualified NET examination only can be appointed as Assistant professor in a College.

D. Because the appointment is illegal and unsustainable in law as the eligibility conditions are totally ignored / violated.

PRAYERS
In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ in the nature of Quo Warranto to the Respondents to remove Respondent No. 3 from the Post of Assistant professor;

b) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

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

FILED BY:

(\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
ADVOCATE FOR THE PETITIONER

DRAWN ON:
Drawn by:

New Delhi
Date:

DOCUMENTS TO BE ATTACHED WITH WRIT  PETITION OF QUO WARRANTO

1. Notice of motion

2. Urgent application

3. Court fee

4. Certificate

5. Synopsis & list of dates

6. Memo of parties

7. Annexure to the Petition including impugned appointment / other order and relevant documents

8. Application for exemption from filing certified copies, dim and small font annexures with affidavit.

9. Vakalatnama on behalf of the petitioner.