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

**WRIT PETITION (CIVIL) NO. OF 20\_\_**

**IN THE MATTER OF:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**PETITIONER**

**VERSUS**

MUNICIPAL CORPORATION & ORS………**RESPONDENTS**

**AFFIDAVIT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, S/O \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged \_\_\_\_\_\_\_, Occupation \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and state as follows :-

1. I submit that originally I was appointed as \_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_ in the year \_\_\_\_\_\_\_\_\_\_\_\_\_, and thus being a servant of \_\_\_\_\_\_\_\_\_\_, I am governed by the rules and regulations, service conditions, facilities and benefits for which the \_\_\_\_\_\_\_\_\_\_\_ employees are entitled too. However, the \_\_\_\_\_\_\_\_\_\_\_ was transferred to \_\_\_\_\_\_\_\_\_\_\_ in the year \_\_\_\_\_\_\_\_\_\_ but neither myself nor our Union had been a consenting party to such a transfer of undertaking. Though there was a demand by the Corporation that I should execute an agreement opting for the miles and regulations of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I never executed any agreement since I was not inclined to opt for the same.

2. Thus I am governed by the rules and regulations and the service conditions which are applicable to the employees of the \_\_\_\_\_\_\_\_\_\_.

3. I, further submit that I was on Assistant Engineer duty as AE at \_\_\_\_\_\_. On \_\_\_\_\_\_ I night inspected a shelter at \_\_\_\_\_\_\_\_\_\_\_constructed for homeless people and raise objection for using substandard material for it. On raising objection, the contractor threatened me and said that I will throw you out from this department. I have reported it to the senior management.

4. That to my surprise I received an order of suspension dated \_\_\_\_\_\_\_\_passed by the respondent along with the charge memo, dated \_\_\_\_\_\_ by proceedings \_\_\_\_\_ No\_\_\_\_\_\_ on the ground that I have asked bribe from the Contractor.

5. That the suspension order was passed without giving me an opportunity to explain my side.

6. That the said suspension order dated \_\_\_\_\_\_\_\_ proceedings dated \_\_\_\_\_\_ are not sustainable on the following among other Grounds :

i. The respondent has no competency or authority to initiate the present action and hence the proceedings are without jurisdiction.

ii. The respondent even has denied natural justice to the Deponent.

7. Under these circumstances, I have no other alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India.

8. Earlier I have not filed any suit, writ, or appeal either before this Hon'ble Court, or before any other Court of Law or authority, regarding the subject matter of the present Writ Petition.

9. That I have read and understood the content of Writ Petition. I have read and understood the contents of the accompanying synopsis & List of Dates at Pages \_\_\_\_ to \_\_\_\_\_\_, Writ Petition at Pages \_\_\_ to \_\_\_\_, Para \_\_\_\_ to \_\_\_\_, Grounds \_\_\_\_ to \_\_\_\_ and all accompanying Applications. I state that the facts therein are true and correct to the best of my knowledge and belief. I further state that the Annexures annexed to the Writ Petition are true copies of their respective originals.

10. Under these circumstances, it is just and necessary in the interests of Justice that this Hon'ble Court may be pleased to –

a. To issue a Writ of Quo Warranto , or any other appropriate writ, order or direction, calling for the records pertaining to the proceedings No. \_\_\_\_\_\_\_dated \_\_\_\_\_\_ issued by the respondent, and quash the same as illegal, arbitrary and unconstitutional ;

b. To suspend the operation of the Proceedings No \_\_\_\_\_\_\_ dated \_\_\_\_\_ issued by the respondent, pending the disposal of the above Writ Petition ;

and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise I will be put to irreparable loss, hardship and damage.

**DEPONENT**

**VERIFICATION:**

Verified at New Delhi on this \_\_\_ day of \_\_\_\_\_\_\_ 20\_\_ that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it is false nor anything material has been concealed therefrom.

**DEPONENT**

**Writ of Quo Warranto**

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. For instance, a court could declare S. 81 of the Mental Health Act, 1987 that permits use of mentally ill patients for experimentation to be violative of the fundamental rights of the mentally ill and therefore illegal and void. 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.

These apart, a writ petition could seek other writs, orders and directions which the Court may fashion in response to the facts placed before it.