

SPECIMEN FORM OF A WRIT OF MANDAMUS

IN THE HIGH COURT OF..... AT.....

CIVIL ORIGINAL (EXTRA-ORDINARY) JURISDICTION

CIVIL WRIT PETITION NO..... OF 200...

IN THE MATTER OF:

1. -----

S/o..... R/o_____

PETITIONER

1. XYZ Company Ltd

having its registered office at.....

Through its Chairman_____

2. Managing Director of the above Company

RESPONDENT

May it please the Hon'ble Chief Justice of the High Court of..... and His
Lordship's companion Judges.

THE PETITIONER MOST RESPECTFULLY SHOWETH:

1. That the petitioner is a citizen of India and is therefore entitled to enjoy all the rights guaranteed by the Constitution of India.
2. That respondent No. 1 is a company registered under the Companies Act, 2013 having its registered office at.....
3. The respondent-company is wholly owned by the Government of India and is, thus, an instrumentality of state as given in Article 12 of the Constitution.
4. That the petitioner was an employee of the respondent-company, having been appointed as a _____ on _____ and has been a diligent employee and been discharging his duties and obligations according to the employment norms and applicable rules of the Respondent Company
5. That on..... respondent No. 2, herein without giving an opportunity to be heard to the Petitioner, abruptly issued the impugned order dated..... terminating

the services of the petitioner and the petitioner came to be relieved of his duties the same day.
A copy of the impugned order is annexed hereto and marked as ANNEXURE-1.

6. 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
7. 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.
8. The impugned order is being assailed on the following, amongst other.
 - a. That 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. The termination of the Petitioner is against the principle of natural justice
 - c. That the impugned order is otherwise also erroneous and unsustainable
 - d. That the impugned order is arbitrary and contravenes Article 14 of the Constitution.
 - e. That the petitioner has not filed any petitioner other proceedings relating to the matter at this petition in any other court.

PRAYER

In the facts and circumstances stated above the Petitioner prays that a direction be issued for quashing the impugned order and reinstating the Petitioner in service with all consequential benefits including back wages. It is further prayed that the respondent be burdened with costs.

PETITIONER

THROUGH

COUNSEL

MR.....

DATED.....