

**No. 62/43/2021-6GS-I
HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
GENERAL SERVICES-I BRANCH**

Dated Chandigarh, the 10th August, 2021

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Heads of Departments
3. All the Managing Directors/Chief Administrators of Boards/Corporations in the State of Haryana.
4. All the Divisional Commissioners of the State.
5. All the Deputy Commissioners in the State of Haryana.
6. The Registrars of all the Universities in the State of Haryana.

Subject: - CWP No.13305 of 2021 and 11 other connected cases- DIVISIONAL FOREST OFFICER VS JAGEEP SINGH AND ANR- delay in filing Writ Petitions regarding.

I am directed to invite your attention to the Government letter No. 62/49/2018-6GS-I, dated 28.11.2018 vide which it was directed to take adequate precaution in filing appeals within the prescribed period of limitation. Unnecessary delay in movement of file should be strictly avoided as such delay is not condonable. It was also conveyed that irresponsible attitude towards filing of such appeals with delay on the part of officer/official shall be viewed seriously and action shall be initiated against the delinquent/s. The State Govt. has also notified a Litigation Policy for efficient and effective monitoring of Court cases.

2. However, it has come to the notice of the Government that these instructions are not being complied with in letter and in spirit. The instant writ petition cited above came up for hearing on 23.07.2021 and during the course of hearing, the Hon'ble High Court has been constrained to observe that the instant petition has been filed after a delay of 4½ years which is unacceptable. Taking a serious note of the matter, the Hon'ble High Court has passed the following directions: -

"It has been noticed that the State or its officials delay the filing of the appeals and the writ petitions involving huge public money. However, the State does not take any step to curb such practice. Hence, the Chief Secretary, Haryana, is requested to file an affidavit explaining the reasons for the delay and the steps he proposes to take in order to monitor and regulate the working of its officials."

3. The above instance reflects a irresponsible and casual approach on the part of the concerned Officers of the Forest Department which has resulted in a delay of 4½ years in filing of appeal. Such lackadaisical attitude not only adversely reflects upon the efficiency of Government but also disentitles the appellants from seeking the benefit of Section 5 of the Limitation Act, 1963.

C. P. Singh

4. Government has taken a serious view of this delay and it is reiterated that henceforth adequate precaution/vigil should be observed in filing appeals within the prescribed period of limitation. Appeal against any decree or order must be decided immediately and delay in movement of files for seeking opinion for filing appeals and sanction thereof must be avoided.

5. All Administrative Secretaries are therefore directed to develop a mechanism in the departments under their administrative control which ensures that Court matters are dealt in an **URGENT** mode and appeals are filed within the prescribed time limit.

6. A model workflow to be followed by all the Heads of Department and Administrative Secretaries while dealing with the court cases, particularly those cases in which replies have not been filed, appeal/review/revision/writ etc. has to be filed and compliance of court direction(s) is to be made is as under:-

- i. As per State Litigation Policy every department shall have one Senior Administrative Officer with legal background who shall be designated as Nodal Officer. It shall be his/her duty to ensure that there is no delay on the part of the department while conducting cases in different courts. He shall be assisted by District Attorney/Deputy District Attorney/Assistant District Attorney working in the department.
- ii. The Nodal Officer shall submit a fortnightly report to the Head of the Department (HoD) of court cases, particularly those cases in which replies have not been filed, appeal/review/revision/writ etc. has to be filed and compliance of court direction(s) is to be made. HoD after reviewing the same shall give necessary directions and ensure timely action by the concerned Branch/Officer.
- iii. Similarly, the HoD shall submit a list of all such cases to the Administrative Secretary for his/her review on a monthly basis.
- iv. The minutes of review meetings held by the HoD and Administrative Secretary shall be submitted to the Chief Secretary on a regular basis. It shall be the duty of the Administrative Secretary to put up the agenda for a quarterly meeting of court cases at the level of Chief Secretary. Any laxity in this regard will be viewed seriously.
- v. In every case, the responsibility for delay in filing appeal/revision/review or writ petition shall be jointly of the HoD and the Administrative Secretary.
- vi. The Nodal Officer and HoD shall have to ensure that data of every court case is fed into the Litigation Management Software so that effective and proper monitoring can be done.

C. P. S.

- vii. In case of laxity, a fact finding inquiry shall be got conducted by the HoD and necessary disciplinary action must be initiated against the delinquent official under intimation to Administrative Secretary and Chief Secretary. The HoD shall put up details of such cases in the monthly meeting to be held under the Chairmanship of Administrative Secretary as well as before the Chief Secretary in every quarterly meeting.
- viii. In case, where an officer or official is held responsible after inquiry/disciplinary proceedings, an adverse entry in his or her annual confidential record of that particular year shall be accordingly made.
- ix. Further, if Administrative Department wishes to file an appeal in the matter he/she may seek opinion of AG Haryana/Legal Remembrancer to Govt. Haryana. The Advocate General, Haryana, Legal Remembrancer, Haryana or the District Attorney, as the case may be shall tender their opinion within 10 working days, and thereafter, the department concerned will take immediate steps for filing appeals in the Hon'ble District Courts/High Court or the Apex Court within the prescribed period of limitation.

These instructions may be brought to the notice of all concerned for strict and immediate compliance.



Chief Secretary to Government, Haryana

Endst. No. 62/43/2021-SS-I

Dated Chandigarh, the 10th August, 2021

A copy is forwarded to the following for information and necessary action:-

1. The Advocate General, Haryana, Chandigarh.
2. The Chief Principal Secretary Chief Minister, Haryana, Chandigarh.
3. Legal Remembrancer and Administrative Secretary, Law & Legislative Department, Haryana, Chandigarh.



Chief Secretary to Government, Haryana