

No. 14/MISC/Policy/ACQ-II/DE

Govt. of India, Min of Defence
Dte General Defence Estates
Raksha Sampada Bhawan
Ullandbatar Marg
Delhi Cantt:- 110010
Dated:- 17 June 2014

22/A
31/A
176/A
107/A

To

The Principal Director, DE
Ministry of Defence
Central /Southern/ Western/Eastern/Northern/South Western Command
Lucknow/Pune/Chandigarh/ Kolkata/Jammu/Jaipur

SUB: MONITORING OF COURT CASES, CHARGED HEAD CASES AND TIMELY FILING OF APPEALS, SLPS ETC.

Reference this Dte General letter of even No. dated 27.09.2013 where by certain instructions were issued for monitoring Court cases and timely filing of appeals in the Hon'ble Courts.

2. In a recent meeting with LA (Defence), Ministry of Law & Justice, it has been pointed out that proposals for seeking opinion of LA (Defence) for filing appeals (RFA/FAO/LPA/SLP etc.) and payment under Charged Head are either submitted late or some times without enclosing supporting/mandatory documents which are essential for processing the cases resulting in undue delay and avoidable financial implications.

3. Detailed instructions have already been issued on the subject for regular monitoring of Court cases, timely submission of proposals for seeking the opinion of LA (Defence) on Court orders and follow up action by the concerned DEOs/Dte DE. However, it has been observed that many of our appeals are getting dismissed on the grounds of delay since the proposals/notes seeking opinion of LA(Defence) are being received late from the Dte DE/DEOs. One of the frequently mentioned reasons for such delay is non receipt of the information/copy of the order/opinion of the Govt. Counsel in time.

4. In this connection it may be appreciated that it is the primary responsibility of DEOs to defend/follow up the cases on the behalf of the UOI and ensure that cases are filed and properly defended by the Govt Counsel in the Court by taking all actions like prior briefing of the Counsel, attendance during the hearing, ensuring service of dasti notices etc. (whenever required) on time.

5. In the light of the above, the following guidelines are issued for strict adherence by the field offices and also at Dte level while forwarding such cases to this Dte General with immediate effect :-

(i) A mechanism be put in place and meticulously followed for updating and monitoring Court cases as already instructed vide this Dte General letter No. 14/MISC/Policy/ACQ-II/DE dated 17.09.2009 (copy enclosed).

(ii) As and when any case is decided, copy of the Court order may be obtained at the earliest. Since obtaining certified copy may take some time, uncertified copy may be obtained from the website of the concerned Court, wherever possible. The concerned Govt. counsel should be requested to make available the certified copy of the Court order along with his legal opinion at the earliest.

(iii) The proposal for obtaining opinion of LA(Defence) should be strictly prepared as per the instructions already issued vide this Dte General letter No. 14/MISC/POLICY/ACQ-II/DE dated 12.06.2006 (copy enclosed). It should be ensured that not more than one week time is taken to prepare and submit a proposal after the receipt of the Court order. Whenever more than 7 days are taken for submitting the proposal, explanatory note giving reasons for the delay will be required to be recorded in the remarks column of the report. The proposal should be self explanatory to avoid any query by this Dte General/ Dte DE.

(iv) In order to ensure that the current instructions are strictly adhered to, it is also advisable to notify one officer in your Dte who will monitor all such cases at his level and submit the report on monthly basis to this Dte General. The name of the officer notified for the purpose should be intimated to this Dte General.

Charged Head Cases

6. Speedy disposal of cases pertaining to payment of enhanced compensation under charged Head or conversion of Suspension Head to Charged Head is also desirable and should be given utmost priority. It has been pointed out by Ministry of Law that cases for payment of enhanced compensation under Charged Head are kept pending for couple of months or so at DEOs/Dte level. It increases Govt. liabilities in the form of interest. In the present situation it is advisable that every possible effort be made to forward such cases to this Dte General at the earliest. To process the Charged Head cases some mandatory documents as per Appx-A are required to be submitted with the Charged Head proposal.

7. It appears that despite repeated instructions by this Dte General, no monitoring mechanism has been devised by the Directorates DE to ensure timely submission of proposals for filing appeals and obtaining sanction for payment of enhanced compensation under Charged Head after the litigations attained finality. It is also pertinent to mention that the Charged Head cases which are forwarded to this Dte General are not properly scrutinized at Dte DE level resulting in unnecessary correspondence without any fruitful results.

8. In view of above it is requested that the instant instructions be circulated down to all field offices for strict compliance.

G. S. Rajeswaran
(G.S. Rajeswaran)
Addl. Director General
For Director General
Defence Estates

Encl. as stated

Copy for information to:-

Internal:-

All Addl. DGs

713