

LH/18/18  
U/A

**No. 14/MISC/Policy/ACQ-II/DE**  
Govt. of India, Min of Defence  
Dte General Defence Estates  
Raksha Sampada Bhawan  
Ulaanbaatar Marg  
Delhi Cantt.-110010

Dated : 17 Sep 2009

To

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

Director, DE  
South Western Command, Jaipur

**Subject : MONITORING OF COURT CASES AND TIMELY FILING OF APPEALS/SLPs**

Detailed Instructions exist on the subject of the requirement of regular monitoring of Court cases, timely submission of proposal for seeking opinion of LA (Defence) on Court orders and follow up of the same by the Defence Estates Officers concerned till the opinion is received and appeals filed wherever approved. However, it has been observed that despite these instructions, many of our appeals are getting dismissed on the ground of delay, mainly because of the reason that the proposals for filing appeals etc. are being received late from the DEOs. One of the frequently cited reasons for such delays is the non receipt of the information/copy of the order/ opinion of the Govt. counsels in time.

2. In this connection, it should be impressed upon all the Defence Estates Officers that the primary responsibility of defence/follow up of the cases on behalf of the UOI rests with the Defence Estates Officers themselves. It is the duty of the Defence Estates Officer to ensure that the cases filed/defended by the UOI are properly defended by the Govt. counsel in the Court and for this purpose, all actions like prior briefing of the counsel, attendance during the hearing, ensuring service of dasti notices etc. (wherever required), payment of processing fees etc. should be taken in time.

3. For the above purpose, it is imperative that the Defence Estates Officer maintains the upto date data base with regards to all the pending Court cases in all Courts. This is especially necessary with regards to the cases pending in the High Courts, as in the High Court, due to periodic changes of the panel of the Govt. counsels, there is possibility of losing track of the cases. In order to ensure maintenance of upto date data base, following steps should be taken :-

✓ **A. Maintenance and updating of Court Cases Monitoring Register.**

(i) Every Defence Estates Officer should maintain separate Court Case Monitoring Register for recording the court cases pertaining to his circle for each Court, i.e. lower Courts, High Court and Supreme Court. The title of the case, case no., the scheme of acquisition from which the case has arisen,

27

the brief of the order which is challenged, name of the Govt. Counsel defending the case, the name of the Court where the case is listed, details of interim orders, time to time developments, the brief of the final order with date, date of its receipt etc. should be recorded in this register.

(ii) In order to ensure that upto date information with regards to all the pending cases is recorded in the register, the Senior Central Govt. Standing Counsel/ Asstt. Solicitor General of the High Court and all the existing panel counsels should be contacted to prepare list of cases being dealt with by them.

(iii) This should be matched with the data of Court cases existing with the Defence Estates Office to ensure that no case, which is pending in the High Court is left unaccounted for.

(iv) A system may be developed in each DEO office to verify from the Court/Govt. Counsels each week as to whether any of their cases are listed for hearing in the ensuing week. For this purpose, DEO may detail his representative to the Court or may develop an internal system to check the High Court website at the end of each week to ascertain whether cases pertaining the concerned DEO office has been listed for the ensuing week. If it is found that the cases are listed, then the concerned Govt. counsel should be personally contacted for briefing.

(v) 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 web 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.

#### **B. Maintenance of Court Order Follow Up Register.**

(i) It is necessary that the Defence Estates Officer maintains a register for monitoring the follow up actions on the orders of the Court, where the date of issue of the order, date of receipt of the uncertified and certified copy of the order, date of submission of the proposal to the Principal Director etc. are recorded. It should be ensured that not more than one weeks time is taken to prepare and submit a proposal after the receipt of the Court order. In case of delay in receipt of certified copy of the order from the Court, proposal may be initiated even with uncertified copy of the order. The proposal should be self contained to avoid queries by the higher head quarters. After sending the proposal, DEO should constantly follow up the case, till a decision is received by him as to the further course of action. Once the decision is received, this fact should be entered in the register.

(ii) If implementation of the order is advised, the follow up action required to be taken should be recorded with the time limit granted by the Court for implementation of the order. Once the order is implemented, an entry to that effect should be made in the register.

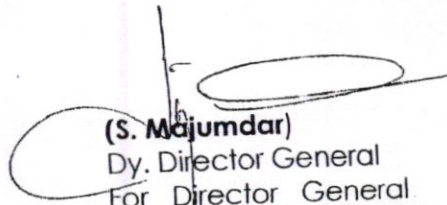
(iii) If filing of further appeal is advised, this fact should be recorded in the follow up register. Further action regarding filing of appeal etc. should be recorded in the Court cases register. While recording this in the follow up

register, the relevant page and vol. no. of the court case register should also be mentioned to enable easy linking of the case in future. Similarly, in the Court Cases register also the linked page and vol. no. of the follow up register should be recorded as and when any case is transferred to or from the follow up register.

4. If any other information is considered relevant, the same can also be entered in the aforementioned registers. Where Court Case/follow up registers are already maintained, suitable modifications may be made to cater for the data as has been mentioned in the previous paragraph.

5. Every entry in each of the above two registers should be personally verified by the Defence Estates Officer with his dated initial recorded against each entry. He should also personally check the register every week to ensure that necessary actions have been taken in each case. A monthly report regarding the fresh entries made in both the registers and action taken thereon may also be obtained by the Principal Director concerned from every DEO. These registers may be seen by the Inspecting Officers at the time of their inspection of the Defence Estates Offices.

5. In view of the urgency of the matter, it is requested that all the DEOs should be directed to complete the above work of updating their data base and preparation of the Court Cases Monitoring Register and Court Order Follow up Register within a period of one month. The compliance report in this regard with regards to all the DEOs under your jurisdiction may please be furnished by 30 Oct 2009 positively.

  
(S. Majumdar)  
Dy. Director General  
For Director General  
Defence Estates

Internal copy to:-

Acq 1-A Section  
Acq 1-B Section

255