


Govt of India, Ministry of Defence
Directorate General Defence Estates
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NO: 14MISC/E-SAMIKSHA/ACQ/DE

Date: 25 Aug, 2022

To,

The Principal Directors
Defence Estates
Central/Southern/Northern/Eastern/Western/South-Western Command,
Lucknow/Pune/Jammu/Kolkata/Chandigarh/Jaipur

Sub: Deletion of the name of Cabinet Secretary from the array of respondents in Litigation/Court Cases - reg.

MoD has been forwarding letters from Cabinet Secretariat of the OA/WP/CP as the case may be, along with the Notice with the request to defend the case on behalf of the Union of India and to get the name of Cabinet Secretary who is not directly concerned with the subject of the case, deleted from the list of respondents.

2. In this connection, directions have been issued vide Govt of India, Ministry of Law and Justice, New Delhi OM No. F 29(6)/2015-Judi dated 08.05.2022. Wherein, details for the guidance of the Administrative Ministries have been stated therein. It is also stated that, once the Govt counsel is engaged, the Ministry/Department will get an application drafted in consultation with the Government Counsel to implead itself as a respondent (in case it has not already been impleaded as respondent) and also to seek deletion of the name of Cabinet Secretary from the array of respondents, incorporating a prayer to the Hon'ble Court/Tribunal on the following lines:

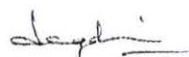
“ It is submitted that the President of India has formulated two sets of Rules under Article 77(3) of the Constitution of India for convenient transaction of Business of the Union. Under the Govt. of India (Allocation of Business) Rules, 1961, Business of the Govt of India is allocated by assigning one or more Departments in the charge of Minister. Under the Govt of India (Transaction of Business) Rules, 1961, the business of the Department is disposed of by or under the general or special directions of the Minister-in-charge (Ref: Rule 3). In short, the business allocated to Ministry/Department is disposed of by the Minister-in-charge after following the Rules cited above. Therefore, the name of Cabinet Secretary, to whom the subject matter of the instant petition is not allocated, may be deleted as a Respondent....”

3. In view of the above, it is requested that DEOs/CEOs/ADEOs in your jurisdiction may be directed to monitor all cases and ensure that name of Cabinet Secretary may be got

Asst DACC

24/8
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removed from the litigation at initial stage itself and they scrupulously follow all instructions with respect of defence of cases to safeguard Govt. interest.


(J.L. Bishnoi)
Asstt DG (AR&H)
for Director General
Defence Estate

Copy to:-

All DEOs/CEOs/ADEOs

INTERNAL

(LAND/ CANTT./ VIGILANCE/ COORD/ADM)