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MOST IMMEDIATE/FAX

No 76/40/Court Case/WC/Delhi/3/C/DE/2016

Government of India

Ministry of Defence

Dte Gen Defence Estates

Raksha Sampada Bhawan

Ulaan Baatar Marg

Delhi Cantt.

Dated 29 April, 2016

To

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

Sub : Filing of Court Cases against Union of India by Cantonment Boards

It has recently come to notice that a Cantonment Board had filed a Writ Petition in a High Court against Union of India amongst others regarding payment of service charges by Railway authorities. The Hon'ble High Court had observed that it would be appropriate for the Cabinet Secretariat to make an endeavour to resolve the same. Accordingly, the matter was discussed in a meeting chaired by the Cabinet Secretary and it was desired to look into the circumstances under which the case was filed against UoI by the Board.

2. It may be stated that the policy of the Govt as contained in GoI, MoD(ML&C) Dte letter No. 141/5/ADM/L&C dated 07.01.1977 is for the MoD not to enter into litigation when public sector undertakings, statutory bodies are involved and settle inter-departmental differences by mutual discussions. Courts too have tended to take the same view.

3. Though Cantonment Boards are not Government Departments but as statutory bodies constituted under the Cantonments Act, 2006 they are substantially funded, regulated and controlled by the Govt. It is, therefore, desirable that disputes between Cantonment Boards and other Central Govt. deptts. are settled by mutual discussion/reconciliation rather than by resorting to litigation. It would be appropriate that Cantonment Boards do not file court cases against UoI/other Central Govt. Deptts. etc. without obtaining specific approval of the Govt.

4. Please advise CEOs under your jurisdiction accordingly.



(G. Vijaya Bhaskar)
Deputy Director General (Cantts & Coord)
for Director General Defence Estates

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