

भारत सरकार, रक्षा मंत्रालय
रक्षा सम्पदा महानिदेशालय

रक्षा संपदा भवन,

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रक्षा सम्पदा संगठन
Defence Estates Organisation

No: 14/MISC/Policy/ACQ-II/DE/Vol-III/RMS-69206

Dated 03 March, 2023

To

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

SUB:- SOP for regular monitoring of Court cases.

Please refer to this Dte General letter Nos.:-

- (a) 701/643/R&D/L&C/85 dated 14.04.1986
- (b) 14/MISC/Policy/ACQ-II/DE dated 17.09.2009
- (c) 14/PCC/ACQ-I/DE/12 dated 21.09.2012
- (d) 14/MISC/Policy/ACQ-II/DE dated 27.09.2013
- (e) 14/MISC/Policy/ACQ-II/DE dated 17.06.2014
- (f) 14/MISC/Policy/ACQ-II/DE/Vol-III/RMS-69206 dated 11.08.2022
- (g) 14/Misc/E-SAMIKSHA/ACQ/DE/ dated 25.08.2022
- (h) 14/MISC/Policy/ACQ-II/DE/Vol-III/RMS-69206 dated 01.02.2023
- (i) 56/15/Misc/DGDE/Coord/2023/Vol-III dated 14.02.2023

2. Detailed instructions have been issued from time to time for regular monitoring of court cases, timely submission of proposals for seeking opinion of LA(Def) on court orders, and follow up actions by the concerned DEOs/Dte. DE. It has also been emphasized that the contempt cases and execution cases also need to be attended/monitored with utmost care as per instructions issued.

3. Instructions relating to deletion of name of Cabinet Secretary from the array of respondents in litigation/court cases, were forwarded earlier vide the Dte Gen letter at 1(g) referred above for your perusal and compliance and ready reference.

4. It has been noticed in a few cases that the DEOs have not been passed adhering to the instructions scrupulously and adverse orders have been issued against Govt. of India and senior officers in some cases.

5. It is reiterated that the primary responsibility of defence/follow up of the cases on behalf of the UOI rests with the DEOs & CEOs. It is the duty of the DEOs/CEOs to ensure that the written statements/counter affidavits/appeals etc in the cases are filed timely and court cases are properly defended by the Govt. Counsel. All actions like prior briefing of the counsel/Ld. ASG, attendance during the hearing, ensuring timely service of dasti notices, obtaining stays etc. (wherever required) need to be taken scrupulously to ensure that the cases are well defended.

6. In all Contempt and Execution cases, immediate action is required to be taken by the DEO/CEO for briefing the counsel/Ld. ASG, filing counter affidavits and obtaining stay orders to avoid any adverse/unpleasant orders against Union of India and /or senior officers. Ministry of Defence has also directed that in cases where any adverse order against Union of India is anticipated, it must be ensured that such cases are defended by Ld. Law officers (Addl. SG and above).

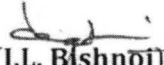
7. Further, it has also been instructed that the LIMBS Portal for effective monitoring of the litigations as institutionalized by the Ministry of Law, be regularly updated by field offices. A weekly review of LIMBS cases by the field officers and nodal officers of the Directorate is mandatory. It is pertinent to note that updated status/hearing of court cases is available on the official Web Sites of the Court concerned. Therefore, DEOs/ADEOs/CEOs may monitor the updated status/hearing of court cases in various Courts including Hon'ble Supreme Court at their level in order to take prompt action in each case.

8. It is imperative that court case monitoring system be strengthened in the Principal Dtes and DEO circles/Cantonment Boards (CBs). The primary responsibility for monitoring the courts cases will rest with the appointed Nodal officer of the Dte. DE and the DEOs/CEOs who shall maintain close supervision in this regard. DEOs & CEOs should also appoint Nodal Officers.

9. As already instructed all contempt cases and execution cases shall be monitored by PDs DE at their level regularly and periodic report be sent to Dte. General as per instructions in force.

10. The names of the Nodal officers in the Dte. and Nodal officers in the DEO circles and Cantonment Boards be forwarded to this Dte. General (ACQ & HRG Wing) immediately.

11. This issues with the approval of DGDE


(J.L. Bishnoi)
Asst. DG(AR&H)
For Director General
Defence Estates

Copy to:-

All ADGs in DGDE
Director Nidem
AU&RC