

From

The Chief Secretary to Government, Haryana.

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Heads of Departments, Commissioner, Ambala, Hisar, Gurgaon and Rohtak Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners in the State of Haryana.
5. The Managing Directors/Chief Administrators of all the Boards/Corporations in the State of Haryana.
6. The Registrars of all the Universities in the State of Haryana.

Dated Chandigarh, the 8th May, 2017.

Subject:- Regarding taking decisions on the Representations/Notices-communication of decision taken to the people concerned-passing speaking orders regarding.

Sir/Madam,

I am directed to invite your attention to the Government letter No. 62/26/2002, dated 2.5.2002, dated 8.3.2010 and letter of even number dated 17.8.2016 on the subject noted above vide which it was conveyed that the directions of the Hon'ble High Court may be complied with in true letter and spirit within prescribed time, so that undesirable litigation is avoided, thereby saving time and money of the Government. Further, immediate steps shall be taken to ensure that all representations/notices and claims of employees/persons are decided within the stipulated period by the Competent authority by passing a speaking order giving cogent reasons.

2. The Hon'ble High Court during the course of hearing in CWP No. 6108 of 2017-Nitu Rani Vs State of Haryana & ors has passed following directions on 23.03.2017:-

"Having regard to the above facts and legal position in respect of issuance of adverse order without notice and in not passing reasoned order necessary refresher course is required to the statutory authorities. Therefore, State of Haryana may consider for necessary arrangement for giving refresher course to the officers who are passing orders without compliance to Article 14 and also orders are being passed arbitrarily without assigning reason/s."


3. The Hon'ble Court has further brought to the notice of the State Government that instructions referred above are not being complied with in true letter and spirit. Most of contempt petitions are being filed on account of non-compliance of the order/direction of the Hon'ble Court. While disposing of these

contempt petitions the Hon'ble Court issue certain directions to the authorities to decide the representations/notices. But the grievance of the petitioners is always that their representations/claims have been rejected by the competent authorities by giving two or three lines order without assigning reasonable grounds/reasons. Aggrieved with this, the effected person again approach the Hon'ble Court by way of filing another contempt petition, consequently, another round of litigation generates. The Hon'ble Courts have shown great displeasures on many occasions towards such tendency at the part of State Administrative functionaries by passing adverse order and imposing cost and during the course of hearing Counsels for the State are facing embarrassing situation in the Court. Even the usual directions e.g. disposal of the representations/notice of demand are not being complied within stipulated time by the departments.

4. The State Government has viewed the matter seriously. Accordingly, it is again directed that court matters and pursuant time bound directions must be complied with in letter and spirit and within prescribed period so as to minimize the unnecessary litigation and filing of contempt petitions against the State. You are further directed to set up an effective mechanism for immediate compliance of order/directions of Hon'ble Courts so as to avoid unnecessary rounds of litigation. As soon as any representation/Legal notice is served upon any department asking for a relief, the same should be decided expeditiously in accordance with the relevant rules/ instructions and by **passing a detailed speaking order as per para 5.2.1 of Haryana State Litigation Policy 2010.**

5. The Nodal Officers concerned shall be personally responsible to ensure that every legal notice/notice of demand for justice is promptly attended to and an appropriate reply is given to the persons concerned. It has further been decided that the Head of Department shall also be held responsible for non-compliance or non-implementation of the Court orders/directions for disposal of representations/notices of the employees/persons within stipulated time.

6. These instructions may be brought to the notice of all concerned for strict compliance. Any violation thereof will be viewed seriously by the Government.


Under Secretary General Administration,
for Chief Secretary to Government Haryana.

