

From

The Chief Secretary to Government, Haryana.

To

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

Dated Chandigarh, the 9<sup>th</sup> April, 2018.

**Subject:- Conduct of cases in High Court- Attendance of responsible officers regarding.**

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Sir/Madam,

I am directed to invite your attention to Government letter No. 62/30/95-6GS1, dated 12.4.2004 on the subject noted above wherein it was directed to depute a responsible officer for court cases, who is able to make a responsible statement before the Hon'ble High Court and maintain a close liaison with the State Counsel and to brief them a day before the date of hearing. Your attention is also invited to Government instructions issued vide letter No. 62/26/2002-6GSI dated 8.3.2010 and others issued from time to time, vide which they were directed to comply with the directions of the Hon'ble High Court in letter and spirit so that the undesirable litigation is avoided, thereby saving time and money of the Government. It was also directed that immediate steps be taken to ensure that all such representations/claims of employees are decided within the stipulated period in pursuance to the directions of the Hon'ble High Court by the Competent authority by passing a detailed speaking order giving cogent reasons, in support of his/her decision. In the event of any non-compliance in addition to the Nodal Officer, the Head of Department would also be held responsible for any lapse on his part and strict disciplinary action will be initiated against him.

2. The Advocate General, Haryana has pointed out that very junior level officials of the Government are coming to assist/brief the Law Officers concerned and are usually unable to provide proper information to the Court during the court's proceedings. He has informed that recently, in COCP No. 2372 of 2017 titled as R.S.Dhull Vs D.S.Dhesi & Anr the Hon'ble High Court has taken a serious view of this lapse and passed a detailed order on 1.3.2018. The operative part of the order is reproduced as under:

**"Keeping in view the observations made above, a copy of this order be sent to Chief Secretary Haryana as well as Punjab with a direction that in contempt petitions some responsible Officer should be present and not the Clerk / Assistant to assist the State counsel. In some of the cases the undertaking is given by learned State counsel in Court on instruction of assistant or clerk."**

Apart from the above, the operative part of the observation made by the Hon'ble Court while passing order dated 1.3.2018 is also reproduced as under:

**"On earlier two occasions Chief Secretary, Haryana as well as Punjab were called because of non-compliance of the orders passed in many contempt petitions for a long unexplained delay. In pursuance of directions the detailed instructions/directions were issued to all Head of the Departments of both the State but still the compliance of the orders is not being made well in time even after passing specific directions in contempt petitions. The contempt petitions are being treated like writ petitions as time is sought for filing replay on many occasions and even then compliance is not made."**

3. The Hon'ble High Court has specifically mentioned that the purpose of issuing instructions is frustrated when the orders are not being complied with well in time. Such tendency on the part of the respondent authorities not only increases unnecessary litigation but precious time of the Court is also wasted. The respondent authorities do not bother to

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comply with the directions issued by the Hon'ble Court and court cases are being taken in very casual manner. The Hon'ble Court, showing great displeasure towards such inaction on the part of the departments, has referred the issue again to Chief Secretary for doing needfull in this situation.


4. In view of observation made by Hon'ble High Court, the Government has considered the matter at length and taken serious view of this lapse on the part of the departmental authorities. Accordingly, they are directed again that in proceedings relating to any contempt petition an officer of Prosecution Department not below the rank of ADA or Departmental Officer not below the rank of Deputy Director shall invariably be present in the High Court. The Head of Department will ensure that State Counsels are properly briefed a day before the date of hearing. He will also ensure that responsible officer is deputed to attend the court cases, who is able to make responsible statement before the Hon'ble court. Further, the orders passed by the Hon'ble Courts especially in the contempt petitions may be complied with in time bound manner without any delay. The Nodal Officer of the department deputed for court cases will ensure each notice, summon, time bound direction or court's order issued by the Hon'ble Court is brought to the notice of Head of Department immediately, who will be responsible for its compliance within time frame. On account of non-compliance the cost, if any, imposed by the Hon'ble Court mandatory be recovered from the erring/delinquent official.

5. You are, therefore, directed again to ensure full compliance of these instructions in true letter & spirit. The court's matters must be taken on top priority. These instructions may be brought to the notice of all concerned for its strict Compliance. Any lapse may be viewed seriously.

Yours faithfully,

  
Superintendent, General Services-1,  
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Additional Chief Secretaries and Principal Secretaries to Government Haryana for information and necessary action.

  
Superintendent, General Services-1,  
for Chief Secretary to Government Haryana.

To

All the Additional Chief Secretaries and Principal Secretaries  
to Government Haryana.

U.O.No.62/14/2018-6GS1

Dated Chandigarh, the 9<sup>th</sup> April, 2018