

From

The Chief Secretary to Government, Haryana.

To

1. All the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana.
2. All the Heads of Departments and Divisional Commissioners, Rohtak, Gurgaon, Hisar and Ambala Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners and Sub Divisional Officers(Civil) in Haryana State.
5. All the Managing Directors of Boards/Corporations/Punlic undertaking of the State.
6. All the Registrars of the Universities of the State.

Through RA
Ramesh Luthra
Supdt. GS-I

Dated Chandigarh, the 20th May, 2011

Subject: Instructions regarding attending the Legal Notice/Notice of Demand and their prompt disposal.

Sir,

The matter has been has been examined by the State Government and after careful consideration and with a view to fix responsibility and reduce the litigation, following immediate steps should be taken for disposal of notices/representations.

Section 80 of the Code of Civil Procedure provides that no suit shall be instituted against the Government or against public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months, a public notice in writing has been delivered to or left at the office of the officer authorized by the Government in this behalf or the Secretary to the Government or Collector of the District. After receipt of notice the following procedure, as laid down in para 18.3. and 18.4 of the Law Department Manual should be followed :-

"18.3 (1) When notice of an intended suit is given, under the provisions of section 80 of the Code of Civil Procedure, the officer to whom it is delivered or the head of the office at which it is left shall forthwith endorse, or cause to be endorsed, on the notice --

- (a) the date of receipt,
- (b) the manner of delivery,
- (c) the date of endorsement, and
- (d) the signature of the officer making the endorsement, and shall thereupon proceed as hereinafter provided.

(2) *If the notice is served upon an officer other than an officer specified in section 80 of the Civil Procedure Code, that officer shall forthwith transmit it, in original, to the Deputy Commissioner or head of the department concerned.*

(3) *If the notice is served on a Secretary to the Haryana Government, that officer shall forward it, to the Deputy Commissioner or head of the department concerned.*

(4) *If the notice served on or forwarded to the Deputy Commissioner under the provisions of sub-rule (2) of this rule that officer shall-*

- (a) *if the subject matter of the threatened suit is connected with district administration and within his control, or is unconnected with any particular department-proceed in the manner hereinafter in these rules provided.*

(b) if the subject matter of the threatened suit is connected with a department not within his control-forward the notice in original, to the head of the department concerned, in order that he may so proceed.

(5) In every case in which the officer on whom a notice is served, transmits it, in original to any other officer, he shall retain a certified copy of the notice and of the endorsement made thereon, and place the same on record.

18.4 (a) The district or departmental officer concerned shall, immediately on receiving any notice of an intended suit, proceed to enquire into the matter and to consider the claim put forward and to decide, or move the proper authority to decide, whether any and, if so, what steps should be taken to adjust the claim (whether in whole or in part) or whether the claimant should be left to take such legal action as he may deem proper."

In accordance with paras 5.1 and 5.2 of the State Litigation Policy, the following steps need to be taken for disposal of notices:-

"5.1 As soon as 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.

5.2 Large number of cases comes before the Hon'le High Court wherein grievances are that legal notice/representations are not being decided or are delayed by the Government. Generally Hon'ble High Court directs Govt. to decide the representation within a specific time. If Govt. disposes of the notice at the first instance, it would reduce the burden of the Court."

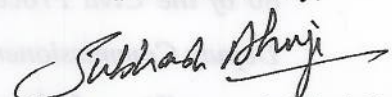
If the notice is received by the authority competent to dispose off the same at the fag end of the period of two months mentioned in the notice then the said authority shall give an interim reply mentioning that the date when notice was received in their office and also mentioning the date by which the said notice shall be disposed off, which shall in no case be later then a period of two months from the date of receipt of notice in office of competent authority.

If at any stage, it is found that there is delay in disposal of the legal notices, then the responsibility shall be fixed and disciplinary proceedings should be initiated against the person causing delay.

It is further emphasized that notice should be replied by passing a detailed speaking order and after taking into consideration all the grounds mentioned in the notice.

These instruction may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,



Under Secretary General Administration,
for Chief Secretary to Government Haryana

INTERNAL CIRCULATION

SIO, NIC, Haryana for hosting on the Chief Secretary website and sending by e-mail to recipients.