

**No.62/58/2020-6GS-1**

From

The Chief Secretary to Government, Haryana

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Heads of Departments,
3. The Managing Directors/Chief Administrators of all the Boards/Corporations/Institutions in the State of Haryana.
4. All the Divisional Commissioners in Haryana.
5. All the Deputy Commissioners and Sub-Divisional Officer (Civil) in Haryana.
6. The Registrars of all the Universities in the State of Haryana.

Dated Chandigarh, the 7<sup>th</sup> January, 2021

**Subject:- Legal Notice for Non-Compliance/Implementation of Haryana State Litigation Policy, 2010 and instructions issued with respect to it, in its true letter and spirit.**

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Sir/Madam,

I am directed to invite your attention to Government letter No. 62/34/2011-6GS-I, dated 20.05.2011, No. 62/31/2015-6GS-I, dated 17.05.2016 and 08.05.2017 on the subject noted above vide which it was directed that the orders of the Hon'ble High Court should be complied with forthwith in letter and in spirit so that undesirable litigation is avoided. Further, it was also directed that as soon as any Representation/Legal notice is served upon asking for relief, the same should be decided expeditiously in accordance with the relevant rules/instructions by passing a detailed speaking order as per para 5.2.1 of Haryana State Litigation Policy 2010.

2. It has been observed that above said instructions and para 5.2.1 of the State Litigation Policy are not being complied with in letter and in spirit. It has been observed that the cases of service matters relating to relief are not being disposed off by the competent authorities as per provision in the rules/instructions/policy decisions pertaining thereto. When the employees do not get any reply from the Government Authorities, they are compelled to approach the Courts.

3. Further, it has also been observed that in most of cases, the Courts give directions to pass speaking orders on the representations/legal notices in time bound manner but the same are decided by the competent authorities by passing cursory non-speaking orders of two or three lines. Due to the same, the affected persons again approach the Hon'ble Court by way of filing contempt petition and consequently, another round of litigation generates. The Courts are seized with cases from such type of litigants whose only concern is to get an appropriate order from the Government on their representation or legal notice.

4. The Haryana State Litigation Policy was introduced to transform Government into an Efficient and Responsible Litigant. The policy reflects the resolve of the State Government to bring about a visible and enduring qualitative and quantitative improvement in the manner in which litigation is perceived, managed and conducted in the State. It embodies the national concern that pendency and delays in our learned courts should be reduced proactively by the Government. There have been multiple occasions when the Hon'ble Courts have brought to the notice of the Government that the provisions contained in Haryana State Litigation Policy are not being

implemented by the departments. The para 5.2.1 of Haryana State Litigation Policy says that 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. But despite the repeated directions, the representations/legal notice are neither attended to nor detailed speaking orders are being passed even by the senior officers upto Administrative Secretaries level.

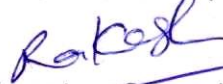
5. In view of the above, it is re-iterated that henceforth court matters and pursuant time bound directions of Hon'ble Courts must be complied within letter and in spirit within prescribed period so as to minimize the scope of filing of contempt petitions against State. Further, the provision contained in para 5.2.1 of Haryana State Litigation Policy, 2010 must be complied with in letter and in spirit.

6. In order to prompt disposal of representations/legal notice/demand notice, it has been decided that every legal notice/notice of demand or representation served upon the department shall be marked to the ADA/DDA or Legal Officer of department concerned instead of ground level officials. He/She will be personally responsible to ensure that the same is promptly attended to and appropriate reply is given to the incumbent as per rule/instructions/policy decisions within a maximum period of one month or as prescribed by the Court. However, he/she may seek assistance of dealing official/officer subordinate, if required, in this regard. Apart from this, court matters and pursuant time bound directions also must be complied with in letter and in spirit and within the prescribed period so as to minimize unnecessary litigation and filing of contempt petitions against the State. In case the departments are not in a position to abide by the directions issued by the Court within the stipulated time due to administrative reasons, they must file an appropriate application before the Court concerned seeking extension of time.

7. All the Administrative Secretaries are requested to set up an effective mechanism in their respective departments to avoid unnecessary litigation and effective implementation of State Litigation Policy. The Head of Department will ensure the implementation of the Haryana State Litigation Policy, 2010 and compliance of Court orders/directions for disposal of representations/notices within stipulated time by passing detailed speaking orders. It must be further ensured that the costs imposed by the Hon'ble Court on account of failure of prompt disposal of representations/court notices within stipulated time are mandatorily recovered from the erring/delinquent officer(s) so that the State do not suffer.

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

Yours faithfully,



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

