

“हर काम देश के नाम”

Through Website



रक्षा लेखा महानियंत्रक
Controller General of Defence Accounts
उलान बटार रोड़, पालम, दिल्ली छावनी - 110010
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No.AN/Legal/Court Cases/Misc Circular

Dated: 09.03.2021

To

All Nodal Offices,
All PCsDA/PCsA (Fys)/CsDA/CsFA (Fys)

Subject: Avoid delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court.


Please find enclosed herewith a copy DO letter bearing No. J-12012/5/2016-Judl.(Part) dated 09.02.2021 received from the Department of Legal Affairs, Ministry of Law & Justice addressed to the Secretaries to the Government of India regarding sensitization of the Ministry/ Department/ Organisations for adhering to the period of limitation while preferring any SLP/ Civil Appeals before the Hon'ble Supreme Court of India alongwith the copies of DO letters dated 13.11.2020 & 25.11.2016 from the Department of Legal Affairs, Ministry of Law & Justice & Cabinet Secretariat Rashtrapati Bhawan respectively for information and strict compliance. The letter is self-explanatory.

2. It is requested vide the ibid stated DO letter dated 09.02.2021 to scrupulously follow the time lines while preferring filing of any SLP/ Civil Appeals before the Supreme Court of India so as to avoid any delay thereby, ensuring that the interests of UoI is duly safeguarded.

3. Further, a DO letter dated 03.03.2017 bearing No. SG/03/Gen/2017/12 received from the Solicitor General of India addressed to

“हर काम देश के नाम”

the Cabinet Secretary circulated vide HQrs Office letter of even No. dated 22.06.2017 regarding timely compliance of the Court orders is hereby again circulated for adherence and strict compliance.


(Ganesh Kumar Baranwal)
Sr. Dy. CGDA (AN)

Copy to:

1. All Admin Sections (Local)


For information and similar action
please.

2. AT – Pension (Local)

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3. IT & S Section (Local)

With a request to upload the
Circular on the CGDA website.


(KSP Srivastava)
Accounts Officer (AN)

अ. कुमार मेंदीरत्ता
Anoop Kumar Mendiratta



सचिव
विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA
February 9, 2021

D.O No.J-12012/5/2016-JudI.(Part)

Dear Secretary,

Kindly refer to D.O. letter of even number dated 13.11.2020, *inter-alia*, requesting that the time lines referred in Cabinet Secretariat's D.O.No.403/1/52016-CA.V dated 25.11.2016 be scrupulously followed in a time bound manner, to avoid any delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India (copy enclosed).

2. In this context, attention is invited to orders recently passed by the Supreme Court of India, taking a serious view of the delay in filing Appeals. (*viz.*, SLP (Civil) Diary No(s). 25547/2020, Union of India & Ors. versus Radhey Shyam dated 28.01.2020, SLP (Civil) Diary No(s). 28554/2020, Union of India & Ors. versus R. Jayasankaran dated 01.02.2021, SLP (Criminal) Diary No. 24676/2020 Union of India Vs. Jitendra dated 08.01.2021, SLP (Criminal) Diary No. 24723/2020, Narcotics Control Bureau Regional Bureau at Jodhpur Vs. Nepal Singh Meena & Anr. dated 08.01.2021). In all the cases, the Hon'ble Supreme Court, while dismissing the SLPs on the ground of delay in filing SLPs has deprecated the casual manner in which the petitioners have approached the Hon'ble Court for condonation of delay without any cogent or plausible grounds, and has imposed costs to be recovered from the officers responsible for the delay in filing appeals/SLP.

3. Besides above, in SLP (Civil) Diary No. 19846/2020, Union of India Vs. Central Tibetan Schools Admin & Ors. vide Order dated 04.02.2021, the Hon'ble Supreme Court while dismissing the SLP as time barred has also imposed a cost of Rs. 1 lac to be recovered from the concerned officers and observed that the officers responsible must be made accountable. It was further directed that a copy of this order be placed before the Law Secretary, Govt. of India and Secretary, Ministry of Human Resource Development to look into the matter personally not only making them accountable for compliance but also to ensure that the Hon'ble Supreme Court is not faced with such matters in future.

4. Considering the repeated directions passed by the Hon'ble Supreme Court from time to time, it is imperative for the Ministries/Departments to ensure that the SLPs/appeals are preferred within the period of limitation as prescribed by law.

5. I am, therefore, to again request you that all the officers concerned of your Ministry/Department/Organisations under your administrative control, be sensitized for adhering to the period of limitation while preferring any SLP/appeal and also the timelines issued in this regard as conveyed vide letter

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Office of the FA (DS)
Diary No. 4185
Date: 12/11/2021

Law Secretary
16/09/21

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Diary No. 4185
Date: 12/11/2021


28450A01/191
23/2/2021

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dated 13.11.2020 be scrupulously followed, so as to ensure that the interests of UOI is duly safeguarded.

With warm regards,


Yours sincerely,


(Anoop Kumar Mendiratta)

All Secretaries to the Government of India

Copy to :

1. Cabinet Secretary, Cabinet Secretariat, New Delhi
2. Ld. Attorney General for India, Supreme Court of India, New Delhi.
3. Ld. Solicitor General for India, Supreme Court of India, New Delhi.
4. All Addl. Solicitors General for India


(Anoop Kumar Mendiratta)

अनूप कुमार मेंदीरत्ता
Anoop Kumar Mendiratta



सचिव
विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

D.O.No. A-12012/5/2016-Judl.(Part)

Dated: 13.11.2020

Dear Secretary,


Kindly refer to this Department's O.M. of even number dated 4.7.2018 constituting a Committee in the Department of Legal Affairs, at the instance of Cabinet Secretariat, to identify/review all pending as well as fresh Civil Appeals/SLPs of Ministries/Departments in which the issues involved have already been settled by the courts.

2. Now, Cabinet Secretariat has requested vide I.D. No. 403/1/5/2019-TS dated 09.11.2020 to issue instructions for guidance of all the Ministries/Departments that while referring a proposal to the Department of Legal Affairs to examine the feasibility of filing SLPs/CAs before the Hon'ble Supreme Court, similar cases/issues, if any, which have already been decided by the Supreme Court, shall clearly be highlighted by the Administrative Ministry/ Department in their referring note. This shall enable this Department/law officer to keep in perspective such similar cases/issues, while rendering advice/opinion in the matter.

3. I am, therefore, to request you to direct all the concerned officers of your Ministry/Department/organization under your administrative control to highlight the similar cases/issues which have already been decided by the Hon'ble Supreme Court prior to referring the file for opinion of the Department of Legal Affairs for filing of SLPs/CAs. Also the time lines referred in Cabinet Secretariat's D.O. No. 403/1/5/2016-CA.V dated 25.11.2016 be scrupulously followed in a time bound manner, to avoid any delay in filing of SLP/Civil Appeal (copy enclosed).

With warm regards,

Yours sincerely,



(Anoop Kumar Mendiratta)

All Secretaries to the Government of India.

Copy to: Cabinet Secretariat, New Delhi w.r.t. their I.D. No. 403/1/5/2019-TS dated 09.11.2020.

Copy for information to:

1. Ld. Attorney General for India
2. Ld. Solicitor General for India
3. All the Additional Solicitors General of India
4. All the ILS officers in the Main Secretariat
5. Incharge, Central Agency Section, New Delhi
6. Incharge, Litigation (High Court) Section, New Delhi, Branch Secretariats –
Mumbai, Kolakata, Chennai and Bengaluru.


(Anoop Kumar Mendiratta)

संजय कुमार श्रीवास्तव
भारत सरकार के सचिव
Sanjay Kumar Srivastava
Secretary to Government of India



157
मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004
November 25, 2016

D.O. No. 403/115/2016-CA.V

Dear Secretary,

It has come to notice that a number of Special Leave Petitions (SLPs), appeals, etc. are filed in the Supreme Court after expiry of the limitation period and in some cases after considerable delay. A meeting of the Committee of Secretaries (CoS) was held in this regard on 15.9.2010.

2. Amongst various issues discussed to streamline the process of filing SLP's, appeals etc, it was pointed out that the proposals to file SLP/Appeal before the Supreme Court are being received by the D/o Legal Affairs for advice from the concerned Ministry/Department when limitation period of 90 days is about to expire or sometimes even after expiry of limitation period. To address this issue, it has been decided to fix the following timelines for filing SLPs/appeal:

(i)	Examination and taking administrative decision by the Ministry/Department	15 days
(ii)	Examination and advice/opinion by the DoLA and Law Officers	15 days
(iii)	Drafting of SLPs and forwarding the same to the concerned Ministry/Department	15 days
(iv)	Approval of the draft SLP by the concerned Ministry/Departments and providing necessary documents	5 days
(v)	Preparing paper book and filing	10 days

3. For filing statutory appeals, reviews, etc where limitation period is 60 days or 30 days, the above timelines may be reduced correspondingly. Proper coordination with D/o Legal Affairs (DoLA) and Central Agency Section (CAS) of the D/o Legal Affairs may be ensured to avoid such delays. The Nodal Officers in your Ministry/Department may be assigned the task of monitoring of these timelines and ensuring coordination in this regard.

4. You may instruct the concerned officers and PSUs/Boards/Authorities under the administrative control of your Ministry/Department to strictly follow the above timelines.

With regards,

Yours-sincerely,

(Sanjay Kumar Srivastava)

Secretaries of all the Ministries/Departments to the Government of India

Tel. : 23017075 □ Fax : 23018949

Through Website

कार्यालय रक्षा लेखा महानियंत्रक/ Office of Controller General of Defence Accounts

उलान बटार रोड़, पालम, दिल्ली छावनी / Ulan Batar Road, Palam, Delhi Cantt - 110 010.

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E-mail: legalcgda.dad@hub.nic.in / hqadmin3-legal@cgdamail.org (CGDA website)

No. : LC/3024/Court/Misc

Dated: 22.06.2017

To

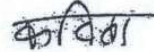
All Nodal Offices,
All PCsDA/PCA/CsDA/CsFA

Subject:- DO from Cabinet Secretary regarding timely compliance of Court Orders.

Please find enclosed a copy of the Solicitor General of India DO letter bearing No. SG/03/Gen/2017/12 dated 3rd March 2017, addressed to the Cabinet Secretary regarding timely compliance of court orders. The letter is self-explanatory.

2. It is stated in the said DO letter that the court orders are being made available on the same day or by next day on website of the Supreme Court & other High Courts and the same can be downloaded for compliance.

3. It is, therefore, requested to keep track of court orders through the concerned websites of Supreme Court & other High Courts and initiate necessary action, i.e., for either implementation of court order or for preferring appeal against the same on the basis of orders downloaded from the websites.


(Kavita Garg)
Sr. Dy. CGDA (AN)

Copy to:

1. All Admin Sections (Local) & AT-Legal (Local) : For information and similar action please.

✓ 2. The O/c, EDP : For uploading on website please.

रंजित कुमार
महोदय - लेसिटर, भारत
64, 2/15-16, 3006/17
4/3/17



सत्यमेव जयते

Office/Chamber:
27, Law Officers' Chambers,
Supreme Court of India
Tel. : (+91) (11) 23381636, Fax : 23070238
E-mail : sgofficerk@gmail.com

RANJIT KUMAR
Solicitor General of India

No.SG/03/Gen/2017/12

3rd March 2017

Dear Shri Sinha,

The very many cases that are listed in Supreme Court or in different High Courts require follow up by the Ministries in terms of orders passed therein. It appears that the Ministries wait for the communication for further action to be taken. The action that is required to be taken mostly is indicated in the orders passed by the Court and the forwarding of the orders does take some time which results in delays in compliance and in meeting timelines indicated by the Court.

It may also be noted that the orders are available on the same day or by the next day in the matters on the internet at the website sca.nic.in and on the websites of different High Courts. The same can be downloaded for compliance and necessary action by the concerned Ministries. I, therefore, request you that you may inform all the Ministries that after the Ministry receives notice from the Court with reference to a matter where they are asked to appear through Counsel which is the Central Agency Section of the Ministry of Law & Justice, the Ministries should also keep track from the website, aforesaid, of the developments in the matters and the orders passed therein to avoid delays in action being taken. Further many a time the Ministry impleaded through Union of India may not be responsible for the cause of action and they do not therefore take any action instead of forwarding the same to the concerned Ministry.

This would facilitate the work on the one hand and would also lessen the sorry figure that the lawyers on behalf of the Union of India have to cut several times before the Hon'ble Court because of non-compliance within the time prescribed.

Since this is one of the easiest methods to keep track in this age of digitalisation, it would go a long way in helping everyone concerned, especially the Courts. A line in reply from your end would be highly appreciated.

With warm regards,

Yours sincerely,

[Ranjit Kumar]

On file
R
JS (096)

D (R/19)
6-3-17
Shri Pradeep Kumar Sinha,
Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhavan,
New Delhi

on file
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