

F-28011/19/2013-CDC/2015/87
Government of India.
Ministry of Urban Development
Land & Development Office
Nirman Bhavan, New Delhi.

Dated;- 30.1.2015

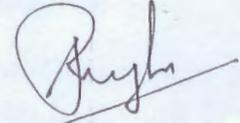
Office Memorandum

Sub;- Monitoring the Court cases where the Union of India(UOI) is either the Petitioner or the Respondent.- regarding appointment of Nodal Officer.

Cabinet Secretary vide his D.O.letter No.403/1/4/2014-CS-V dated 24.12.2014 (copy enclosed) has emphasized upon the need of putting a system in place so that litigation cases pending before various courts where Union of India is a party, are regularly monitored and interest of UOI is safeguard before the Court of Law.

2. Accordingly, Sh.N.K.Garg, Legal Consultant is appointed as Nodal officer for Land & Development Office for monitoring the Court cases in addition to his duties. As Nodal Officer his job inter-alia would include the monitoring based on the legal sub module on e-dharti for issues like updation based on cause list, timely affidavits filing, updation of data bases after a days hearing etc. In this regard he will report to Dy. L&DO-II.

3. This is issued with the approval of Land & Development Officer.



(Rajanish Kumar Jha)

Dy. Land & Development Officer.

To

- (1) All JS's/EA/OSD(UT) in MOUD
- (2) All Directors/Deputy Secretaries in MOUD
- (3) Deputy Secretary(coord,) MOUD
- (4) All Dy.L&DO's/EO/Accounts officer/Sections in L&DO.
- (5) Sh.N.K.Garg Legal Consultant, L&DO
- (6) Reception officer, Gate No.4, Nirman Bhavan
- (7) NIC-MOUD for uploading in the L&DO's website

Copy to;-

All attached/subordinate/autonomous offices & PSUs under MOUD

Copy also to;-

- (1) PS to UDM
- (2) PS to MOS(UD)
- (3) PPS to Secretary(UD)
- (4) PPS to AS(UD)
- (5) PS to JS(L&E)
- (6) PS to L&DO

अजित सेठ
AJIT SETH



मंत्रिमंडल सचिव
भारत सरकार
CABINET SECRETARY
GOVERNMENT OF INDIA

D.O. No. 403/1/4/2014-CA-V

December 24, 2014

Dear Secretary,

It has been observed that in many litigation cases pending before various Courts, where the Union of India (UoI) is either the Petitioner or the Respondent, Government interest is not being defended with adequate diligence. There is a need, therefore, of putting a system in place so that the cases are regularly monitored and the interests of the UoI are properly safeguarded before the Courts of Law. In this context, the following is suggested:

(i) each Ministry/Department should, in consultation with the Ministry of Law and Justice, maintain an updated list of cases pending in various Courts;

(ii) pending Court cases should be monitored weekly at the level of the Secretary. Secretary may, in turn, regularly apprise the Minister-in-charge on the important matters pending before the Courts and their progress;

(iii) there should be no justification in the ordinary course for the Government to seek adjournments. Government Counsels should be advised to ensure that adjournments are not sought as a matter of routine. Delay entails its own costs, and it also reflects poorly on the efficiency and ability of the Government to respond in time. The number of adjournments sought/obtained on behalf of the Government may be looked into and corrective action taken immediately;

(iv) every Ministry/Department should have a nodal officer of adequate seniority, to act as a coordinating point for all Court cases;

(v) the Ministry/Department should be in regular touch with all its Counsels and should advise them to use all means of communication including mobile phone applications like SMS, etc after every hearing for indicating the outcome/progress in the matter;

(vi) the Ministries/Departments may also regularly monitor the cases where the Government interest has not been adequately defended or which have been poorly handled and consequently lost, and send a report to the Ministry of Law and Justice for examination on whether any corrective action is required.

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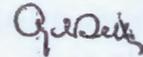
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(vii) In all cases, where the position stated in the past affidavits needs to be modified due to change in circumstances or where these are at variance with the stand of the present Government, a review may quickly be undertaken at the level of the Secretary to consider whether a fresh affidavit is required to be filed. Minister-in-charge should be kept apprised of all important affidavits and appropriate guidance may be obtained from him/her before the affidavit(s)/counter affidavit(s) are filed.

2. The above measures may be put in place immediately. In addition, every Ministry/Department may put in any additional internal check, to ensure that the interests of the Union of India in every case before the Courts of Law is properly defended.

With regards,

Yours sincerely,



(Ajit Seth)

Shri Shankar Agarwal
Secretary,
Ministry of Urban Development
New Delhi