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26 JUL 2016

Diary No. 1141

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No. 11/29/2016-5JJ(I)

From

The Additional Chief Secretary to Government,
Haryana, Administration of Justice Department.

To

1. All the Additional Chief Secretaries/Financial Commissioners & Principal Secretaries/Commissioner & Secretaries of the Government of Haryana.
2. All the Head of the Departments, Haryana.
3. The Commissioners, Ambala, Hisar, Gurgaon, Rohtak Divisions.
4. The Registrar, Punjab and Haryana High Court, Chandigarh.
5. All the Deputy Commissioners and Sub Divisions Officers (Civil) in Haryana.
6. The Registrar, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Haryana Agriculture University, Hisar, Gurg Jambheshwar University, Hisar, Ch. Devi Lal University, Sirsa and Bhagat Phool Singh Mahila Vishav Vidyalya, Khanpur, Sonapat.
7. All the Managing Directors/CAs of Boards/Corporations/State Public Sector Undertakings.

JD (coord)

26/7

ADCC

27/7/16

RJ

27/7/16

Dated Chandigarh, the 14.07.2016

Subject: Removal of delay in filing appeals-strict compliance of clause 9.3 of the Haryana State Litigation Policy.

I am directed to refer to the subject noted above and to say that it has been brought to the notice of the Government that in many cases appeals are filed after expiry of period of limitation and delay in many cases has been found even more than one year. In many cases, delay in filing appeal occurred on account of the reason that the file remains on the different desks for seeking legal opinions of the Advocate General, Haryana and the Legal Remembrancer resulting unnecessary delay and good cases are often lost on account of such period. Government, with a view to reduce delays and to ensure accountability, have decided that clause 9.3 of the Haryana State Litigation Policy should be implemented effectively, which is as under:-

"9.3 Limitation-Delays Appeals

Good cases are often lost because appeals are filed well beyond the period of limitation and without any proper explanation for the delay or without a proper application for condonation of delay. It is recognized that such delays are not always bonafide particularly in case where high revenue stakes are involved.

9.3.1 Each Head of Department will be required to call for details of cases filed on behalf of the Department and to maintain a record of cases which have been dismissed on the ground of delay. The Nodal Officers must submit a report in every individual case to the Head of Department explaining all the reasons for such delay and identifying the persons/causes responsible. Every such case will be investigated and if it is found that the delay was not bonafide, appropriate action must be taken. Action will be such that it operates as a deterrent for unsatisfactory work and malpractices in the conduct of Government litigation. For this purpose, obtaining of the data and fixing of responsibility will play a vital role. Data must be obtained on a regular basis annually, bi-monthly or quarterly.

9.3.2 Applications for condonation of delay are presently drafted in routine terms without application of mind. This practice must immediately stop. It is responsibility of the drafting counsel to carefully draft an application for condonation of delay, identifying the areas of delay and identifying the causes with particularity.

9.3.3 Every attempt must be made to reduce delays in filling appeals/applications. It shall be responsibility of each Head of Department to work out an appropriate system for elimination of delays and ensure its implementation.

9.3.4 The question of limitation and delay must be approached on the premise that every court will be strict with regard to condonation of delay."

In addition to the above, it shall be ensured that the affidavit in support of application for condonation of delay under section 5 of the Limitation Act should contain the details of period for which file remain with one desk and the names of the officers many these desks to be held responsible for unnecessary delay.

2. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials.

R.K. Bhushan

Under Secretary, Jails & Judicial,
for Additional Chief Secretary to Government, Haryana,
Administration of Justice Department

निदेशालय औद्योगिक प्रशिक्षण विभाग हरियाणा।

पृ०क० टीए/16/प्रशासकीय सुधार /तालमेल 6105 दिनांक: 3/8/16

उपरोक्त की एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है।

1. सभी अधिकारी मुख्यालय पर (सिवाए निदेशक महोदय)
2. निजि सहायक /निदेशक
3. सभी उप-कार्यालय हरियाणा राज्य में।

मोडल आंदोलनरी विभागीय वेब साइट

3/8/16
सहायक निदेशक (तालमेल)
कृते: निदेशक, औद्योगिक प्रशिक्षण विभाग
हरियाणा