

No.F.(29)/Fin.(Estt-III)/2017/ *ds v / 557*  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
FINANCE DEPARTMENT  
4<sup>TH</sup> LEVEL, A-WING, DELHI SACHIVALAYA,  
IP ESTATE, NEW DELHI

Dated: 24/05/2017

Office Memorandum

**Subject: Handling of Court cases on pay and allowances and service conditions and submissions before Courts/Central Administrative Tribunals etc.**

The Allocation of Business Rules, 1993 forms the basis for transaction of business of the Government of GNCT of Delhi by the different Departments. Individual Departments/Ministries are responsible for discharging the business allocated to them on behalf of Govt. of NCT of Delhi and to handle the administrative issues relating to service conditions of the employees under its administrative control. The decision making process, however, involves consultation with/concurrence of other departments including finance department. In such cases, the views/comments of the Finance Department in the matter may be advisory in nature while in other cases such views/comments are mandatory. In case there is a difference of opinion between department concerned and Finance Department, these issues are to be sorted by following procedure laid down in the Transaction of Business Rules. However, in all such cases whatever be the final decision, it is the decision of the Government and not the decision of any individual Department.

2. In some CAT/Court cases related to pay scales, allowances and other service conditions of Government employees/employees of autonomous bodies, it has been observed that the administrative departments in their submission/affidavits before CAT/Courts make specific references to Finance department based on the advice/comments of the Finance department. This gives an impression that the decision is that of the Finance Department and not that of the Government, such allusions place the Government in an embarrassing position particularly when legal aspects are involved.

3. All Departments are therefore, requested to comply with the following while handling cases filed by Government servants or their Associations/Unions on

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matters related to pay and allowances and other service conditions:

- (i) Court/CAT cases should be handled expeditiously and within the required time frame.
- (ii) Sometimes, references are made to the finance department for releasing the payments arising out of CAT/Court's directions at the eleventh hour, i.e. a 2-3 days before the last date fixed by the Court/Tribunal. This does not give sufficient time to Finance Department to carefully examine the issues involved. It is, therefore, stressed that on receipt of the Order/Notice along with the original Application/Petition, the Administrative Department/ Authority should immediately process the same. Wherever necessary, the specific points on which comments of other nodal Departments like Department of Law, Department of Services, and Standing Counsel etc. are required may be brought out clearly. The proposal for financial concurrence, if any should be submitted to finance department at least 10 working days prior to crucial date/NDH.
- (iii) a common counter reply should be filed before a Court of Law on behalf of the GNCTD by the administrative Department concerned where the petitioner is serving or has last served and a unified stand should be adopted instead of bringing out each Department's point of view in the said reply

4. In a nutshell, it is primarily the responsibility of the Administrative Department to ensure that timely action is taken at each stage a Court case goes through and that a unified stand is adopted on behalf of Govt. of NCT of Delhi at every such stage. In no case should the litigation be allowed to prolong to the extent that it results in contempt proceedings. For this purpose, a proper mechanism for monitoring of court cases must be put in place by each Department. Internal Financial Advisers may ensure that cases requiring a reference to Department of Finance are invariably processed in a timely manner and that timelines monitored so that any contempt proceedings do not arise.

  
(S.N.SAHAI)

Pr. Secretary(Finance)

1. Pr. Secretaries/Secretaries/HODs of all Deptts.
2. HODs of all Autonomous Bodies.
3. All Internal Financial Advisers.