

COURT MATTER
MOST IMPORTANT

Govt. of N.C.T. of Delhi
Social Welfare Department
G.L.N.S. Complex, Delhi Gate-110002
(LITIGATION BRANCH)

F. No. LA(898)/DSW/LC/2015-16/26276-356 Dated: 03 JAN 2017

ORDER


It has been observed that the Court matters are not being given due attention by the officers resulting in embarrassment to govt. in certain cases. In order to streamline the processing and monitoring of Court cases, following instructions are circulated/reiterated, for strict compliance :-

1. Every fresh Court case shall be sent to Litigation Branch which will enter them in register and take action for appointment of Govt. Counsel immediately.
2. Simultaneously, a copy of petition will be sent to Concerned Branch/Districts/Institutions for preparing parawise comments.
3. In case, the Court matter relates to two or more branches/ offices the petition shall be sent to the branch to which matter at large primarily related. It shall be the responsibility of concerned Branch/Districts/Institutions to collect all relevant information, documents from all concerned branch/offices and prepare parawise comments.
4. The concerned Branch/Districts/Institutions then shall prepare parawise comments immediately and then forward the same to Litigation branch after obtaining approval of Competent Authority. The parawise comments shall invariably accompany copies of all relevant documents upon which the Concerned Branch relies to defend the matter before Court.
5. The Litigation branch through pairvi officer shall forward it to the concerned Govt. Counsel appointed to defend the matter.
6. In case Govt. Counsel need further briefing or counselling in the matter, the official (well conversant with facts of the case) or Supdt. from concerned Branch to which matter relates shall accompany the pairvi official to brief the Counsel alongwith relevant documents.
7. After receipt of Counter Affidavit/Rejoinder or any other application prepared by Govt. Counsel, the same shall be sent to concerned branch by the Litigation branch for checking the correctness of facts and figures mentioned in such affidavits.

8. The concerned branch shall after vetting the same and obtaining approval of Competent Authority get its signed from Authorised Officer, which in case of High Court, CAT and other Tribunal or lower Courts shall be Dy. Director or Branch Incharge of Concerned branch or District Social Welfare Officer of the District concerned or HOO of the Home/ Institute concerned and in case of Supreme Court Joint/Additional/Special Director or Director as the case may be.
9. Then the Counter Affidavits /Replies duly signed with stamp of Concerned Officer alongwith relevant Annexures shall be forwarded to Litigation branch.
10. The Pairvi official in Litigation branch then shall ensure that the same is filed in Court well in time. He will also remain in touch with Govt. Counsel for follow up of the matter on every date of hearing.
11. Concerned Branch shall also depute an official well conversant with facts of the case or the Supdt. to accompany Pairvi Officer as and when required for appropriate defence of the matter in Court. In case of High Courts and Supreme Court, an officer of the rank of Superintendent or above shall invariably provide assistance to Litigation branch/Govt. Counsel and attend Courts whenever required alongwith necessary details of the matter.
12. The present arrangement of sending files of Court matters from Litigation branch to concerned branch from time to time is dispensed with. Now, only a copy of petition so received shall be forwarded to concerned branch for appropriate action as mentioned above which will maintain a shadow/parallel file in their branch.
13. The Concerned Branch/Districts/Institutions shall also maintain a list of Court cases relating their branches for record & follow up and shall be responsible for providing facts, figures, documents and their comments as well as prompt follow up on the directions of various Courts so that contempts of Court or adverse order from Courts are avoided. It shall be the responsibility of Concerned Branch/Districts/Institutions In charge to ensure that all their actions are carried out with utmost promptness and are not delayed in any manner. He alongwith concerned official shall be responsible for any lapses in providing the correct/ relevant information in time.
14. In the end, the importance of Court cases and promptness in dealing with them can not be overlooked. As such, all concerned Branch/Districts/Institutions and Litigation Branch shall deal with court matters on Top Priority in a Time Bound Manner. Delay or lapse if any on the part of any officer/official shall be viewed seriously and may invite disciplinary action against erring officer/official.

15. Litigation branch shall submit a Weekly report on progress and monitoring of Court cases to the undersigned in prescribed format on every Monday by 12.00 noon.

These instructions be brought to the notice of all concerned for strict compliance by District Social Welfare Officer/ Concerned Branch Incharge/ Head of Institutions.


(D.K. Mishra)

Director, Social Welfare

F. No.

Dated:

Copy for information and Strict Compliance to:-

1. All District Social Welfare Officer, Social Welfare Department.
2. All HOO/DDO/Superintendents/ Institutions under Social Welfare Department.
3. All Branch Incharges/ Dy. Directors of Branch Concerned at HQ, Social Welfare Department.
4. System Analyst, SWD for uploading it on the website of the department.

Copy also to:-

1. PS to Secretary, Social Welfare Department, Delhi.
2. PA to Director, Social Welfare Department, Delhi.
3. PA to Special Director, Social Welfare Department, Delhi.
4. Guard File.



(Pradcep Kumar)
Dy. Director (Litigation)