

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
ISBT BUILDING, KASHMERE GATE, NEW DELHI
(LITIGATION BRANCH)

F.no.32(13)/Lit/DWCD/MiscMatter/2017-2018/175-192

Dated: 29/7/2022

To

OSD to Secretary,
Department of Women and Child Development, GNCTD
GLNS Complex, Delhi Gate, New Delhi – 110002

Subject: Submission of report regarding quarterly review of Court Cases.


Madam,

This is with reference to Order (F.No. 02/DWCD/Secy.Pr.Br.2022-23/993-94 dated 06.07.2022) whereby directions were given by Worthy Secretary (WCD/SW) to quarterly review of court cases pending in Hon'ble Supreme Court, Hon'ble High Court of Delhi, important cases in Central Administrative Tribunal and District Courts.

Accordingly, pursuant to directions, the Director (WCD) has taken a quarterly review meeting on dated 11.07.2022, wherein all the pending court cases were reviewed and necessary directions were issued to the all concerned branches/offices to deal the court cases effectively and efficiently so that contempt cases may be avoided.

The copy of the Minutes of Meeting is attached for kind information, perusal and necessary directions, if any.

4/89/17 Branch
29/07/2022
Encl. as above


Jogender Singh
Dy. Director - Lit

Copy to: for Information and necessary compliance

- 1) All Deputy Directors/Branch In-charge, DWCD, GNCTD

Copy for information to:

- 1) P.S. to Director, DWCD, GNCTD
- 2) P.A. to Joint Director (Lit.), DWCD, GNCTD
- ✓ 3) Senior System Analyst, IT branch, DWCD with a request to upload the same on the website, for necessary compliance by all concerned offices under DWCD, GNCTD.


Jogender Singh
Dy. Director - Lit

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
(LITIGATION BRANCH)
MAHARANA PARTAP ISBT, KASHMERE GATE, DELHI – 110006

F.No.32(13)/Lit/DWCD/MiscMatter/2017-2018 /68-171

Dated: 27/07/2022

Minutes of the Review Meeting on Court Cases

Pursuant to the directions issued by the Worthy Secretary vide Order No. F.02/DWCD/Secy.Pr.Br.2022-23/993-94 dated 06.07.2022, a review meeting of the important court cases including 09 Contempt cases (07 in Hon'ble High Court of Delhi & 02 in Ld. CAT) has been held on 11.07.2022 at 04:00 pm by the Director (WCD).

The Deputy Director (Lit) presented the list of all court cases which are currently pending in the Apex Court, Delhi High Court, Ld. CAT Delhi & District Courts and apprised about the brief facts of cases and compliance status. The Director instructed the Litigation Branch and Admin Branch to ensure timely and effective handling of court cases.

Further, the Director has desired that a Review Committee for reviewing all pending court cases may be constituted, wherein Members may be from Services Department, Panel advocate and 6-7 members from DWCD, GNTCD who have relevant experience in Service matters, Litigation and Rules & Regulations so that a appropriate decision may be taken to dispose of some of the court cases keeping in view the facts and circumstances of the cases as well as Policy, Rules and Regulations. As there are some service matters regarding pension, promotion, pay fixation, regularization etc are pending, which can be disposed of appropriately by obtaining deliberations from the experts of review committee in order to avoid unnecessary litigation which not only adversely affects the working of the department but morale of the employee also. This initiative will be helpful to timely disposal of the cases and also will save government money and wastage of time of this department. The 126th report of National Law Commission has also revealed that government is the biggest litigant.

(Action – Litigation Branch)

The Worthy Director has given the following directions:

- 1) On receipt of Notice along with the OA/WP, as the case may be, Litigation Branch will examine as to who is the concerned Branch to provide para wise comments on the issues raised in the petition and accordingly will sent the same to the concerned branch for obtaining the para wise comments in proper guidance of the Branch In-charge. The concerned branch will provide the para wise comments immediately, after approval of the competent authority. Simultaneously, the Litigation Branch will take immediate action to appoint a Government Counsel with the prior consent of the appropriate authority.

(Action – All Branches)

- 2) When a copy of the petition is received by the Litigation Branch directly or indirectly, and on examination of the same, if it is found that the petition pertains more than one

branch of the department, then the copy of the same will be sent to the main branch to which the matter relates. The main branch will get inputs from the other concerned branch at the earliest possible. The main branch will consolidate the entire data, figures and documentation in connection of drafting the reply through the concerned Counsel.

(Action – All Branches)

- 3) In order to process, maintain, and follow up on court cases relevant to each branch of the department and to coordinate with government counsel for briefing, advice, and compliance, as necessary, each branch of the Department shall designate an officer who is competent and having knowledge about litigation issues as the Pairvi Officer. The Court/CAT cases should be handled expeditiously at all stages to avoid any delay in handling of Court Cases.

(Action – All Branches)

- 4) The Pairvi Officer of the involved Branch shall appear in court for each date of hearing of the cases as and when scheduled, and will ensure to process the court orders timely with critical examination and proposed a course of action clearly.

(Action – All Branches)

- 5) Deputy Director or an Officer who is well versed in the facts and circumstances of the case from the concerned Branch/Office shall accompany the Pairvi Officer to brief the Counsel along with relevant documents, in the event that Govt. Counsel wants additional briefing or instructions in the matter so as to watch & protect the interest of the Department effectively.

(Action – All Branches)

- 6) The Litigation Branch will collect the copy of the drafted Reply/Counter affidavit/rejoinder etc from the government counsel without any delay and the same shall be forwarded to the concerned branch for vetting and necessary approval of the competent authority. Thereafter, the same will be returned to the Litigation Branch for onward submission to the Govt. Counsel for immediate filing.

(Action – Litigation Branch)

- 7) In the case of the Supreme Court the Joint/Additional/Special Director or Director, as the case may be will be the signing authority in connection of reply etc to be filed. In the case of the High Court, CAT, and other tribunals or lower courts, the Deputy Director or Branch-in-charge of the concerned Branch or the District Women & Child Development officer will be the signing authority of all documents/reports/replies to be filed. Additionally, the required annexures as well as documents to be filed, will be officially signed and stamped by the concerned officer, must also be sent to the Litigation branch.

(Action – All Branches)

- 8) It has also been directed that the Litigation branch shall also maintain Court case files in their branch and the same is required to be updated regularly.
(Action – Litigation Branch)
- 9) In case any Review Petition or SLP etc. is to be filed by the concerned branch then it will be ensured by the branch to file the same within stipulated time period by ensuring all the timely formalities such as immediate receipt of the judgement or order from the concerned court, obtaining legal opinion from the concerned Govt. Counsel, timely submission of files to the Department of Law, Justice and Legal Affairs, GNCTD for legal opinion/approval, timely submission of all requisite records to the concerned Govt. Counsel for drafting the petition at the earliest etc in order to avoid any delay or the application for the condonation of delay.
(Action – All Branches)
- 10) Whenever approval of the Hon'ble Minister in-Charge must be solicited in a time bound manner to comply the directions as given vide O.M. dated 11.03.2022.
(Action – All Branches)
- 11) Whenever a speaking order is to be passed by the competent authority in compliance of court's directions then all the relevant facts/background of the case must be placed in the file with appropriate references in a self-contained note in a time bound manner so that suitable speaking order(s) may be passed by the authority within the specified timelines.
(Action – All Branches)
- 12) In case due to receiving of short Notice from any Court/Board/Tribunal, more time is required for filing reply and counter affidavit/rejoinder etc by the Department, then a suitable application may be made in the respective court in consultation with Govt. Counsel seeking extension of time before expiry of the specific period.
(Action – All Branches)
- 13) As and when the matter comes up for hearing and for this purpose proper liaison with the Govt Counsel should also be maintained. In addition, the Counsels must necessarily be briefed thoroughly by the officers of the Deputy Director Level before attending court proceedings.
(Action – All Branches)
- 14) In decided cases, a copy of the order/judgement on O.A.s or Writ Petition or SLP or Review Petition must be obtained promptly by the Litigation Branch. Thereafter, the order/judgement needs to be critically examined by the concerned branch for the purpose of implementation with adequate justification or further appropriate action in terms of filing appeal in the higher court in order to avoid procedural delay.
(Action – All Branches)

15) No branch shall take more than 07 working days in clearing the court case file or earlier as per the requirement of the respective case.

(Action – All Branches)

16) Whenever a contempt petition is received, the file should be put up immediately for the information, perusal and direction of the Contemnor(s).

(Action – All Branches)

17) A suitable training programme may be organised for the officials/officer of Litigation branch and concerned officials of other Branches through RTE Branch, as it has been observed that services of contractual/outsourced employees are terminated without giving proper opportunity to the concerned official for their defence resulting in unnecessary litigation.

(Action – RTE Branch)

The meeting ended with thanks to the chair.

Nav
26.7.22

Dr. Navlendra Kumar Singh
Joint Director (Litigation)

F.No.32(13)/Lit/DWCD/MiscMatter/2017-2018/168-171

Dated: 27/07/2022

Copy to:-

All Deputy Directors, WCD, HQ

Copy for information:-

1. OSD to Secretary, WCD, GNCTD
2. PS to Director, WCD, GNCTD

Nav
26.7.22

Dr. Navlendra Kumar Singh
Joint Director (Litigation)

C/501

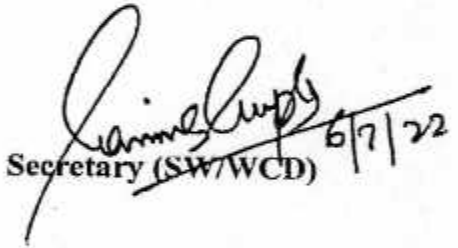
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SECRETARY(SW/WCD)
GLNS COMPLEX, DELHI GATE, NEW DELHI-110002
Tel: 011-23392691, Email: secretary.wcd@delhi.gov.in

F. No. 02/DWCD /Secy. Pr.Br.2022-23/ 993-94 Dated: 06/07/2022

ORDER

All litigation matters listed for hearing in Hon'ble Supreme Court, Hon'ble High Court of Delhi, important cases in Central Administrative Tribunal and District Courts shall be reviewed by Director (WCD) on quarterly basis and a report shall be submitted to the undersigned.

2. It has to be ensured that comprehensive affidavits are filed in all judicial proceedings where Department is a party so as to protect interests of the Department and correct facts are submitted to the judicial bodies/Courts. All legal proceedings where Department is a party are attended to and all measures be taken promptly so that Department is not burdened with Contempt of Court proceedings.


Secretary (SW/WCD) 6/7/22

To

✓ Director (WCD)
Director (SW/L.O.)