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No. 12-231/2007- Judl/  
अंडमान तथा निकोबार प्रशासन  
**Andaman & Nicobar Administration**  
सचिवालय Secretariat

Port Blair, the 15<sup>th</sup> June, 2009

**C I R C U L A R**

**Sub: Prompt and apt handling of court cases before the CAT Circuit Bench, Hon'ble High Court Circuit Bench and Hon'ble Apex Court in a shortest possible time.**

As per direction of Competent Authority the following steps are required to be initiated to ensure both time management and prompt/ apt handling of the pending court cases before the CAT Circuit Bench, Hon'ble High Court Circuit Bench and Hon'ble Apex Court in a shortest possible time.

- (1) As soon as the notice and copy of the OA application and writ petition/PIL are received, the concerned department should identify an officer well versed with the matter with a view to prepare para-wise comments and collect the materials/documents required for the preparation of the paper-book.
- (2) Along with such para-wise comments and relevant papers they may approach the Law Department for allocation of the case to the Government Counsel.
- (3) Normally, seeking time for filing counter affidavit/reply should not be done as a matter of routine. Seeking time may be resorted to in exceptional cases only.
- (4) The identified official, well versed with the fact of the case, should be present in the concerned Court during hearing to give on the spot clarifications as may be required by the Government Counsel as well as to note down the instructions/advice of the Court, if any, on the subject. Each department should inform the Law Department about pending court cases so as to enable it to keep track of the next date and action that needs to be taken by the A&N Administration, well ahead of the next date of hearing.
- (5) Timely decision should be taken on whether the decision given by the Tribunal or Court is required to be assailed by way of appeal or not in consultation with the Law Department. Where it is decided not to prefer appeal, a time bound action is needed for implementation of the orders or directions of the Hon'ble Court, as the case may be, with an intimation to Law Department.
- (6) Notices of contempt against Government should also be handled very carefully along the above lines and on priority basis bearing in mind Contempt rule is a serious one unless the same is disposed of.
- (7) Frequent monitoring of the cases by the Heads of Department and adherence to the schedule of sending periodic reports to the Law Department will indeed be immensely helpful for the A&N Administration.
- (8) Whenever any person is deputed to the Hon'ble Supreme Court, in Delhi or Hon'ble High Court, in Kolkata and Central Administrative Tribunal, Kolkata Bench, in the event of Circuit Bench not available at Port Blair, the matter should be routed through the Law Department, otherwise the Law Department finds it difficult being in the dark about the proposed action by the department concerned, bearing in mind that the Law Department is duty bound to monitor the whole exercise, in the matter of pending writ applications, before the High Court under Article 226 or

before the Hon'ble Supreme Court, under Article 32 of the Constitution and Public Interest Litigation, if filed before the Hon'ble Apex Court, Hon'ble High Court as the case may be.

This issues with the approval of the Competent Authority.

P. G. Dutta  
( P.G. Dutta )  
Secretary (Law)

To

1. Sr. PS to Lt. Governor, Raj Niwas, Port Blair
2. Sr., PS to Chief Secretary, A&N Administration, Port Blair
3. All Commissioner-cum-Secretaries/Secretaries, A&N Administration
4. All Special Secretaries/Dy. Secretaries, A&N Administration
5. All Heads of Department, A&N Administration.
6. All Assistant Secretaries, Secretariat
7. Govt. Pleader, High Court Complex, Port Blair.
7. All Sections in the Secretariat.
8. File No. 7-99/2006-Legal