

स्थापना संख्या - 111
कार्य क्रमांक... 436
दिनांक... 25/8/15
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24/8/15

62/31/2015-6GS1

From

The Chief Secretary to Government, Haryana

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Heads of Departments, Commissioner, Ambala, Hisar, Gurgaon and Rohtak Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners in the State of Haryana.
5. The Managing Directors/Chief Administrators of all the Boards/Corporations in the State of Haryana.
6. The Registrars of all the Universities in the State of Haryana.

Dated Chandigarh, the 10th August, 2015.

Subject:- Enactment of Statutory Rules for taking decisions on the Representations made by employees of Haryana Government and non-compliance of court orders/directions- COCP No. 1740 of 2014- Laksman Singh Vs. Shri Vineet Garg, IAS and another.

Sir/Madam,

I am directed to invite your attention to Government letter no. 62/26/2002-6GS1, dated 2.5.2002 and others mentioned in margin issued from time to time on the subject noted above vide which it was decided that the directions of the Hon'ble High Court may be complied with forthwith in true letter and spirit so that undesirable litigation is avoided, thereby saving time and money of the Government. Further, immediate steps shall be taken to ensure that all such representation/claims of Employees under your control are decided within stipulated period in pursuance to the directions of the Hon'ble High Court by the Competent authority passing a speaking order giving cogent reasons, in support of his/her decision.

2. The Advocate General, Haryana has brought to the notice of the State Government that the instructions referred above and time bound directions given by the Hon'ble High Court are not being complied with by concerned departments within stipulated time, which is generating another round of litigation by way of Contempt Petitions. Resultantly, costs are being imposed on the State and Counsel for the State is facing embarrassing situation in the Court. Even the usual directions e.g. disposal of the representations are not being complied with by the departments. Recently faced with similar situation in COCP No. 1740 of 2014, while passing the order on 15.5.2015 in the contempt petition the Hon'ble High Court has made following observation:

"It is not the solitary case in which the time prescribed by this Court has not been adhered to, rather a large number of similar petitions are being filed everyday in which the only complaint made by the petitioner(s) against the State functionaries is for not complying with the innocuous orders passed by this Court for deciding their representation or legal notice, one way or the other, within the prescribed period. As a result thereof, the litigants have to resort to the multiple litigation; firstly by filing the writ petition for adjudication of their representation/legal notice within the stipulated period; secondly the contempt petition, when the representation/legal notice is not decided within the time prescribed by this Court and finally when the said representation/legal notice is decided, because of the contempt proceedings, against the petitioner,

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- 62/30/95-6GS1, dated 20.3.1996
- 62/30/95-6GS1, dated 11.6.97
- 62/30/95-6GS1, dated 6.10.1997
- 62/30/95-6GS1, dated 26.2.1998
- 62/76/2002-6GS1, dated 18.11.2002
- 62/76/2002-6GS1, dated 31.3.2003

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by way of a separate writ petition to challenge the same. The corridors of this Court are full upto its brim with such type of litigants whose only concern is to get an order from the Government on their representation or legal notice.

Reverting back to the facts of the present COCP, the Hon'ble High Court passed the following order on 15.5.2015:-

Thus in view of these facts and circumstances, I have been left no other choice but to impose the cost of Rs. 50,000/- upon the respondent for non-compliance of the order of this court within the stipulated time, which shall be paid to the petitioner to compensate the inconvenience and harassment faced by him. The costs shall be paid by way of bank draft drawn in the name of the petitioner and the said amount shall be recovered from the salary of erring official(s), who have failed to bring to the notice of the deponent the order dated 13/11/2013, for deciding the representation or legal notice of the petitioner within the time prescribed.

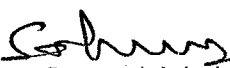
Thus, the present petition is disposed of in the aforesaid terms.

The Registry is directed to send copy of this to the Chief Secretary of the States of Punjab, Haryana and the Advisor to the Administrator, Union Territory, Chandigarh, for information and necessary action."

3. The State Government has taken a serious view of this and considered the matter again in light of the directions issued by the Hon'ble High Court. Accordingly, it has been decided that court matters and pursuant time bound directions must be complied within letter and spirit and within prescribed period so as to minimize the scope of filing of contempt petitions against State. As soon as Legal notice is served upon any department asking for a relief the same should be decided expeditiously in accordance with the relevant rules/ instructions and by passing a detailed speaking order as per para 5.2.1 of Haryana State Litigation Policy, 2010. If, the notices are disposed of at the first instance, it would reduce the burden of the Court. The Nodal Officer shall be personally responsible to ensure that every legal notice/notice of demand for justice is promptly attended to and appropriate reply is given to the notice within a maximum period of one month or as prescribed by the Court. In case the departments are not in a position to abide by the directions issued by the Court within the stipulated time due to administrative reasons, they must file an appropriate application before the Court concerned for extension of time.

4. It has further been decided that the Head of Department will also be responsible for non-compliance or non-implementation of the Court orders/directions for disposal of representations/notices of the employees within stipulated time. It must be ensured that the costs imposed by the Hon'ble Court on account of failure of prompt disposal of representations/court notices within stipulated time, mandatorily be recovered from the erring/delinquent official/officer(s) so that the State does not suffer.

5. These instructions may be brought to the notice of all concerned for strict compliance. Any violation thereof will be viewed seriously by the Government.


Under Secretary General Administration,
for Chief Secretary to Government Haryana.