

I/48767/2021(33)

M-75075/43/2021-ESTT-IV  
Government of India  
Ministry of Jal Shakti  
Department of Water Resources, River Development & Ganga Rejuvenation  
Central Water Commission

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03<sup>rd</sup> Floor(S), Sewa Bhawan,  
R. K. Puram, New Delhi-110066  
Dated the, 18<sup>th</sup> February, 2021

### **OFFICE MEMORANDUM**

**Subject: Avoiding delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India**

The undersigned is directed to forward herewith a copy of an e-mail dated 17.02.2021 received from E-IV Section, DoWR, RD & GR forwarding therewith O.M No. A-42017/17/2018-E-IV Section dated 16.02.2021 and a copy of DO Letter No. J-12012/5/2016-Judl.(Part) dated 09.02.2021 received from Secretary, Department of Legal Affairs on the above cited subject, which is self-explanatory..

2. It is requested that the instructions contained in the above said D.O. Letter may be scrupulously followed ensuring to safeguard the interests of Union of India.

**Enclosures: As above**

**(R. K. Balamurugan)**  
Under Secretary(E-IV)  
Tel No: 011 29583302  
E-mail: estt4@nic.in

To

- 1.U.S./S.O/-E-I, II, III, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, O&M, CM&V, APAR Sections, CWC
- 2.Chief Engineers, B&OBO, Shillong/ BBO, Guwahati / C&SRO, Coimbatore / NWA, Pune / IBO, Chandigarh /KGB0, Hyderabad / LGBO, Patna / M&ERO, Bhubaneshwar / M(C)O,Nagpur / M(S)O, Bangalore / NBO, Bhopal / M&TBO, Gandhinagar / TBO, Silliguri/UGBO, Lucknow / YBO,New Delhi (by email).
- 3.Director, RMCD, CWC (with the request to pursue the matter in respect of all the Chief Engineers of Field offices of CWC).
- 4.Director, WP&P/D&R(C), CWC.
- 5.Director, RD Directorate, CWC.
- 6.Director, PCP Directorate, CWC
- 7.Accounts Officer, A/Cs, CWC

I/48767/2021(33)

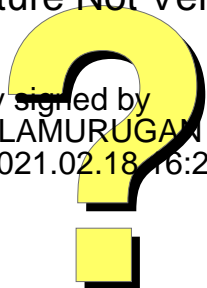
8.S.E. Planning Circle, Faridabad, CWC (by email).

Copy for kind information to:

P.P.S. to Chief Engineer (HRM), CWC

Signature Not Verified

Digitally signed by  
R.K.BALAMURUGAN  
Date: 2021.02.18 16:27:46 IST



**From :** Chairman cwc (chairman-cwc@nic.in)

**To :** srajalakshmi-cwc@gov.in

**Cc :**

**Subject :** Fwd: [Mowr-orgnheads] Avoiding delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India

**Date :** Feb 17 2021 12:45 PM

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**From:** "E-IV Section, MoWR,RD&GR" <soe4-mowr@gov.in>

**To:** "mowr-orgnheads" <mowr-orgnheads@lsmgr.nic.in>, "mowr-wingheads" <mowr-wingheads@lsmgr.nic.in>

**Cc:** "mowr-divisionheads" <mowr-divisionheads@lsmgr.nic.in>, "mowr-branchheads" <mowr-branchheads@lsmgr.nic.in>, "mowr-sections" <mowr-sections@lsmgr.nic.in>

**Sent:** Wednesday, February 17, 2021 11:37:39 AM

**Subject:** [Mowr-orgnheads] Avoiding delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India

Sir,

Please find attached herewith an OM dated 16.02.2021 and DO letter No. J-12012/5/2016-Judl.(Part) dated 09.02.2021 received from Secretary, Department of Legal Affairs.

Regards,

Establishment - IV Section,  
DoWR,RD&GR

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Mowr-orgnheads mailing list -- [mowr-orgnheads@lsmgr.nic.in](mailto:mowr-orgnheads@lsmgr.nic.in)

To unsubscribe send an email to [mowr-orgnheads-leave@lsmgr.nic.in](mailto:mowr-orgnheads-leave@lsmgr.nic.in)

No. **A-42017/17/2018-E-IV Section**

Government of India  
Ministry of Jal Shakti  
Department of Water Resources,  
River Development & Ganga Rejuvenation

Shram Shakti Bhawan, Rafi Marg,  
New Delhi, dated the 16th February,  
2021

**OFFICE MEMORANDUM**

Subject: Avoiding delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India – reg.

The undersigned is directed to forward herewith a copy of self explanatory DO letter No. J-12012/5/2016-Judl.(Part) dated 09.02.2021 received from Secretary, Department of Legal Affairs. It is requested that the instructions contained in the above said D.O. letter may be scrupulously followed to ensure the interests of UoI is duly safeguarded.

**Encl. As above**

Signature Not Verified  
Digitally signed by SHALINI  
JUNEJA  
Date: 2021.02.16 17:41:18 IST

(Shalini Juneja)

Under Secretary to the Government of India

PH : 23711946

To ,

1. Heads of all Organisations under the DoWR,RD&GR.
2. All Wing/Division/ Branch Heads and Sections of DoWR, RD & GR.



D.O No.J-12012/5/2016-Judl.(Part)

Dear Secretary,

Kindly refer to D.O. letter of even number dated 13.11.2020, *inter-alia*, requesting that the time lines referred in Cabinet Secretariat's D.O.No.403/1/52016-CA.V dated 25.11.2016 be scrupulously followed in a time bound manner, to avoid any delay in filing of SLP/Civil Appeals before the Hon'ble Supreme Court of India (copy enclosed).

2. In this context, attention is invited to orders recently passed by the Supreme Court of India, taking a serious view of the delay in filing Appeals. (*viz.*, SLP (Civil) Diary No(s). 25547/2020, *Union of India & Ors. versus Radhey Shyam* dated 28.01.2020, SLP (Civil) Diary No(s). 28554/2020, *Union of India & Ors. versus R. Jayasankaran* dated 01.02.2021, SLP (Criminal) Diary No. 24676/2020 *Union of India Vs. Jitendra* dated 08.01.2021, SLP (Criminal) Diary No. 24723/2020, *Narcotics Control Bureau Regional Bureau at Jodhpur Vs. Nepal Singh Meena & Anr.* dated 08.01.2021). In all the cases, the Hon'ble Supreme Court, while dismissing the SLPs on the ground of delay in filing SLPs has deprecated the casual manner in which the petitioners have approached the Hon'ble Court for condonation of delay without any cogent or plausible grounds, and has imposed costs to be recovered from the officers responsible for the delay in filing appeals/SLP.

3. Besides above, in SLP (Civil) Diary No. 19846/2020, *Union of India Vs. Central Tibetan Schools Admin & Ors.* vide Order dated 04.02.2021, the Hon'ble Supreme Court while dismissing the SLP as time barred has also imposed a cost of Rs. 1 lac to be recovered from the concerned officers and observed that the officers responsible must be made accountable. It was further directed that a copy of this order be placed before the Law Secretary, Govt. of India and Secretary, Ministry of Human Resource Development to look into the matter personally not only making them accountable for compliance but also to ensure that the Hon'ble Supreme Court is not faced with such matters in future.

4. Considering the repeated directions passed by the Hon'ble Supreme Court from time to time, it is imperative for the Ministries/Departments to ensure that the SLPs/appeals are preferred within the period of limitation as prescribed by law.

5. I am, therefore, to again request you that all the officers concerned of your Ministry/Department/Organisations under your administrative control, be sensitized for adhering to the period of limitation while preferring any SLP/appeal and also the timelines issued in this regard as conveyed vide letter



dated 13.11.2020 be scrupulously followed, so as to ensure that the interests of UOI is duly safeguarded.

With warm regards,

Yours sincerely,



(Anoop Kumar Mendiratta)

All Secretaries to the Government of India

Copy to :

1. Cabinet Secretary, Cabinet Secretariat, New Delhi
2. Ld. Attorney General for India, Supreme Court of India, New Delhi.
3. Ld. Solicitor General for India, Supreme Court of India, New Delhi.
4. All Addl. Solicitors General for India



(Anoop Kumar Mendiratta)



D.O.No. A-12012/5/2016-Judl.(Part)

Dated: 13.11.2020

Dear Secretary,

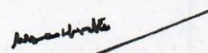
Kindly refer to this Department's O.M. of even number dated 4.7.2018 constituting a Committee in the Department of Legal Affairs, at the instance of Cabinet Secretariat, to identify/review all pending as well as fresh Civil Appeals/SLPs of Ministries/Departments in which the issues involved have already been settled by the courts.

2. Now, Cabinet Secretariat has requested vide I.D. No. 403/1/5/2019-TS dated 09.11.2020 to issue instructions for guidance of all the Ministries/Departments that while referring a proposal to the Department of Legal Affairs to examine the feasibility of filing SLPs/CAs before the Hon'ble Supreme Court, similar cases/issues, if any, which have already been decided by the Supreme Court, shall clearly be highlighted by the Administrative Ministry/ Department in their referring note. This shall enable this Department/law officer to keep in perspective such similar cases/issues, while rendering advice/opinion in the matter.

3. I am, therefore, to request you to direct all the concerned officers of your Ministry/Department/organization under your administrative control to highlight the similar cases/issues which have already been decided by the Hon'ble Supreme Court prior to referring the file for opinion of the Department of Legal Affairs for filing of SLPs/CAs. Also the time lines referred in Cabinet Secretariat's D.O. No. 403/1/5/2016-CA.V dated 25.11.2016 be scrupulously followed in a time bound manner, to avoid any delay in filing of SLP/Civil Appeal (copy enclosed).

With warm regards,

Yours sincerely,

  
(Anoop Kumar Mendiratta)

**All Secretaries to the Government of India.**

Copy to: Cabinet Secretariat, New Delhi w.r.t. their I.D. No. 403/1/5/2019-TS dated 09.11.2020.



**Copy for information to:**

1. Ld. Attorney General for India
2. Ld. Solicitor General for India
3. All the Additional Solicitors General of India
4. All the ILS officers in the Main Secretariat
5. Incharge, Central Agency Section, New Delhi
6. Incharge, Litigation (High Court) Section, New Delhi, Branch Secretariats –  
Mumbai, Kolakata, Chennai and Bengaluru.

  
(Anoop Kumar Mendiratta)



संजय कुमार श्रीवास्तव  
भारत सरकार के सचिव  
Sanjay Kumar Srivastava  
Secretary to Government of India



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मंत्रिमण्डल सचिवालय  
राष्ट्रपति भवन, नई दिल्ली-110004  
CABINET SECRETARIAT  
RASHTRAPATI BHAWAN  
NEW DELHI - 110004  
November 25, 2016

D.O. No. 403/1/5/2016-CA.V

Dear Secretary,

It has come to notice that a number of Special Leave Petitions (SLPs), appeals, etc. are filed in the Supreme Court after expiry of the limitation period and in some cases after considerable delay. A meeting of the Committee of Secretaries (CoS) was held in this regard on 15.9.2016.

2. Amongst various issues discussed to streamline the process of filing SLP's, appeals etc. it was pointed out that the proposals to file SLP/Appeal before the Supreme Court are being received by the D/o Legal Affairs for advice from the concerned Ministry/Department when limitation period of 90 days is about to expire or sometimes even after expiry of limitation period. To address this issue, it has been decided to fix the following timelines for filing SLPs/appeal:

|       |   |         |
|-------|---|---------|
| (i)   | Examination and taking administrative decision by the Ministry/Department                         | 15 days |
| (ii)  | Examination and advice/opinion by the DoLA and Law Officers                                       | 15 days |
| (iii) | Drafting of SLPs and forwarding the same to the concerned Ministry/Department                     | 15 days |
| (iv)  | Approval of the draft SLP by the concerned Ministry/Departments and providing necessary documents | 5 days  |
| (v)   | Preparing paper book and filing   | 10 days |

3. For filing statutory appeals, reviews, etc. where limitation period is 60 days or 30 days, the above timelines may be reduced correspondingly. Proper coordination with D/o Legal Affairs (DoLA) and Central Agency Section (CAS) of the D/o Legal Affairs may be ensured to avoid such delays. The Nodal Officers in your Ministry/Department may be assigned the task of monitoring of these timelines and ensuring coordination in this regard.

4. You may instruct the concerned officers and PSUs/Boards/Authorities under the administrative control of your Ministry/Department to strictly follow the above timelines.

With regards,

Yours-sincerely,

(Sanjay Kumar Srivastava)

Secretaries of all the Ministries/Departments to the Government of India