

M-75075/338/2020-ESTT-IV
Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Water Commission

03rd Floor(S), Sewa Bhawan,
R. K. Puram, New Delhi-110066
Dated the 20th November, 2020

OFFICE MEMORANDUM

Subject: **Timely submission of counter affidavits/ replies in Court -regarding.**

The undersigned is directed to forward herewith a copy of an email dated 11.11.2020 received from FM Section, DoWR, RD & GR forwarding therewith a letter No. Z-17013/2/2019-FM Section dated 10.11.2020 as received from Flood Management Wing, DoWR, RD & GR enclosing a copy of D.O. Letter No. J-12/2/2016-Judl. dated 09.05.2016 and D.O. Letter No. 35(1)/2015-Judl. dated 27.08.2015 from the Secretary, Department of Legal Affairs, Ministry of Law & Justice on the subject cited above for compliance.

2. It is requested that the replies/counter affidavits may kindly be filed in time in the Court. It is further requested that **the court case files in physical form along with e-files may kindly be sent well before the date of hearing** to avoid any delay in filing the counter affidavits/replies. It is, therefore, once again reiterated that the court case files should be sent invariably at least two weeks before the scheduled date of hearing.

Enclosures: **As Above**

(R. K. Balamurugan)
Under Secretary (E IV)
Tel No 011 29583302
Email 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&BBO, Shillong / C&SRO, Coimbatore / NWA, Pune / IBO, Chandigarh /KGBO, Hyderabad / LGBO, Patna / M&ERO, Bhubaneshwar / M(C)O, Nagpur / M(S)O, Bengaluru / NBO, Bhopal / N&TBO, Gandhinagar / TBO, Silliguri /UGBO, Lucknow / YBO,New Delhi (by email).

3.Director, RMCD, CWC (with 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

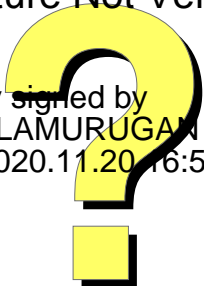
8.S.E. Planning Circle, Faridabad, CWC (by email).

Copy for kind information to:

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

Signature Not Verified

Digitally signed by
R.K.BALAMURUGAN
Date: 2020.11.20 16:51:07 IST

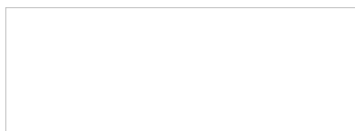
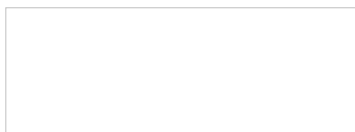


From: "SO FM DoWR RD and GR MoJS" <er-mowr@nic.in>
To: "Chairman cwc" <chairman-cwc@nic.in>
Cc: "D. K. Jena" <sjcfm4-mowr@gov.in>
Sent: Wednesday, November 11, 2020 10:51:17 AM
Subject: Timely submission of counter affidavits / replies in Court - regarding.

Sir,
Please find enclosed attachment on the above mentioned subject for further necessary action.

Yours faithfully,

Section Officer (FM)
D/o Water Resources, RD & GR,
Ministry of Jal Shakti,
8th Floor, Block-11,
CGO Complex, New Delhi



I/40801/2020

URGENT
Court Matter
By Speed Post

भारत सरकार/ Government of India
 जल शक्ति मंत्रालय/ Ministry of Jal Shakti
 जल संसाधन, न.वि. एवं गं.सं. विभाग/ Department of Water Resources, RD & GR
 (बाढ़ प्रबंधन स्कन्ध / Flood Management Wing)

8 वां तल, ब्लॉक-11, सीजीओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली/
 8th Floor, Block-11, CGO Complex, Lodhi Road, New Delhi – 03
 dated 10th November, 2020

To

The Chairman,
 Central Water Commission,
 Sewa Bhawan, R.K. Puram,
 New Delhi-110066

Subject: Timely submission of counter affidavits/ replies in Court -regarding.

Sir,

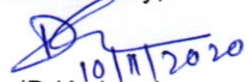
Kindly find the enclosed D.O. letters No. J-12/2/2016-Judl. dated 09.06.2016 and No. 35 (1)/2015-Judl. dated 27.08.2015 of Secretary, Department of Legal Affairs, Ministry of Law & Justice on the above subject wherein it is requested to file the replies/ counter affidavits in time in the Court.

It is brought to your kind notice that in some recent cases, the counter affidavits/ replies for vetting were submitted to this office 1 or 2 days before the scheduled date of hearing through e-office. The department of Legal Affairs (DoLA) has requested to send the court case files physically at least 2 weeks before the scheduled date of hearing.

Accordingly, I am directed to request you to direct the concerned officials to send **the court case files in physical form along with e-files well before the date of hearing** to avoid any delay in filing the counter affidavits/ replies.

Encl.: As Above

Yours faithfully,


 (D.K. Jena)

Sr. Joint Commissioner-IV (FM)
 Tel.: 011-24392095/ Fax: 214362780
 e-mail: sjcfm4-mowr@gov.in

Copy for information to:-

Sr. PPS to Secretary, DoWR, RD & GR, Ministry of Jal Shakti, Shram Shakti Bhawan, New Delhi.

665209/2020/FM Section

Dr. G. Narayana Raju
Secretary

D. O. No. J-12/2/2016-Judl.

Dear Secretary,



भारत सरकार
विधि और न्याय मंत्रालय
विधि कार्य विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

87

June 9th, 2016

It may be recalled that this Department vide DO letter No. 35(1)/2015-Judl. dated 27.08.2015 apprised about the serious view taken by the court in respect of filing reply/counter affidavits & imposing heavy cost to be recovered from the officer concerned & has requested to sensitize your officers that court cases are properly monitored and replies are filed on time to avoid passing of such orders in future (copy enclosed).

2. Despite above, in one more case before the Bench of Hon'ble Mr. Justice Tripathi of the High Court of Patna has taken a serious view in the matter and passed the order as under:

"Let the matter be listed on 17th of March, 2016 as the Union of India has failed to file the counter affidavit on the ground that the counter affidavit has gone for vetting and it has not been returned. Such a plea or excuse is unacceptable. Cases cannot remain pending on the ground of vetting or drafting of counter affidavit."

Let a copy of this order be marked to the Secretary, Department of Law, Government of India, New Delhi.

It is further painful to note that statements are blatantly made that cases remain pending and there are backlogs. But nobody has bothered to even verify the reasons thereof. Most of the time the cases remain pending because the pleadings are not completed on behalf of the official respondents."

In reply.

3. This Department has been issuing instructions from time to time that the Nodal Officers of the Ministry / Department should remain in touch with the Government Counsel for proper handling of the matter. Such coordination with the Government Counsel will surely help in reducing delay in filing of reply/counter-affidavits.

4. I shall be grateful if the instructions in this regard may once again be brought to the notice of all the Departments/PSUs under your administrative control with the direction for proper monitoring of court cases & replies / counter-affidavits be filed on time to avoid such orders in future.

With regards,

Encls: As above.

Yours sincerely,

US/ET
Narendra Kumar
20/6/2016
G. Narayana Raju
20/6/16
Dr. A.G.

G. Narayana Raju
(G. Narayana Raju)

All the Secretaries to the Govt. of India

प्रेम कुमार मल्होत्रा
सचिव
P. K. Malhotra
Secretary



भारत सरकार
विधि और न्याय मंत्रालय
विधि कार्य विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

August 27, 2015

D.O. No.35(1)/2015-Judl.

Dear Secretary,

It has been brought to my notice by the field Offices of Ministry of Law and Justice and by Government Counsels appearing on behalf of Union of India in various Courts / Tribunals that many a time the reply / counter-affidavits are not filed in the court within the time granted by the Court causing inconvenience to the Court, delay in proceedings and unnecessary embarrassment to the Government. Of late, Courts have been taking serious view of delay in filing / counter-affidavits and imposing heavy cost to be recovered from the officer concerned.

One such case pertaining to Ministry of Environment and Forests came before the Bench of Hon'ble Chief Justice of Madras High Court in which the Hon'ble Court has taken a serious view in the matter and passed Order as under:-

"Learned Assistant Solicitor General seeks additional time to file the counter-affidavit. This is not the only matter where we are faced with this position i.e. counter-affidavits not being filed in time, despite time period being granted as requested by the Ld. Government Pleaders for the Central Government. Whether it is six weeks or eight weeks, whatever time we grant, in every case, there is second request made for filing the counter-affidavit, causing inconvenience to Court, delay in proceedings and unnecessary embarrassment even to the Law Officers. This issue needs to be set right.

2. We are given to understand that once a matter pertains to a particular Ministry, Nodal officer of that Ministry is expected to coordinate the matter. Thus, it is stated that the Law Ministry really does not hold the matter once it is entrusted to the Ministry concerned.

3. We call upon the Law Secretary to look into the matter for the purpose of ensuring a better coordination and put the officers concerned to notice that this Court would have no other option, but to impose exemplary costs for the delay in filing the counter-affidavits and that costs would be recovered from the officer concerned for not ensuring the affidavits being filed in time. We want to emphasize that the date of filing of the affidavit must be complied with and not that it is produced on the date of hearing.

Contd.2/-

: 2 :

4. As a last chance, we grant four weeks' time to file the counter-affidavit. Thereafter it will be taken on record only subject to the deposit of costs of Rs.10,000/- to be recovered from the officer concerned and the Recovery Certificate be also filed.
5. Re-joinder, if any, be filed within two weeks thereafter.
6. List on 18.8.2015"


This Department has been issuing instructions from time to time that the Nodal Officers of the Ministry / Department should stay in touch with the Government Counsel for proper handling of the matter. Such coordination with the Government Counsel will surely help in reducing delay in filing of reply / counter-affidavits.

I shall be grateful if you can sensitize your officers that court cases are properly monitored and replies are filed on time to avoid passing of such orders in future. If any officer is found negligent in handling court matters, the administrative Ministry may consider taking appropriate action against him in accordance with the rules.

I shall be grateful if these instructions can be brought to the notice of all Departments / PSUs under your administrative control.

With regards,

Yours sincerely,


(P.K. Malhotra)

All Secretaries to the Government of India.