

NO.LAW/DMN/8-POINTS-CC/2-2007/390  
Administration of Daman & Diu  
Office of the Law Secretary  
Secretariat, Daman.  
Dated: 8/2/2012

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

**Read: Letter D.O.No. U-17012/7/2011-CPD dated 18/1/2012 received  
from Ministry of Home Affairs, New Delhi.**

It has come to the notice that the Departments are lax in timely pursuing the court cases and to defend the interest of the Government. It is also noticed that the officers from the Departments are taking court matters casually, which ultimately results in orders against the Administration. The MHA has recently advised for giving priority to the court cases and prompt action to be taken to defend the cases and also for implementing the court orders within the specific time limit. Undersigned therefore, is directed to intimate all the Head of Offices that -

They shall personally examine the orders/ judgments passed by the courts for ensuring expeditious implementation within the prescribed time limit or for filing appeals incase felt necessary.

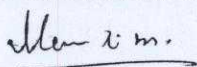
They shall ensure about prompt action to be taken to file counter reply affidavit or appeals if required, in any case, with consultation of Law Department.

They shall get in touch with the Government Counsel regarding the matters pending in the courts from their departments. They shall monitor all cases pertaining to their departments.

The guidelines issued by MHA are circulated again for the information and necessary action by all concerned.

In view of above, and as desired by the Ministry of Home Affairs vide D.O.Letter No.U-17012/7/2011-CPD dated 18<sup>th</sup> January 2012, (copy enclosed) it is requested to furnish monthly / quarterly report of pendency along with status report in the prescribed format Annexure-I to III enclosed, to Law Department at Daman for the UT of Daman & Diu and Law Department at Silvassa for the UT of Dadra & Nagar Haveli for the period ending 31/12/2011 immediately and subsequent reports regularly.

**This issues with the approval of Hon'ble Administrator vide diary  
No.11394 dated 7/2/2012.**

  
**( K.M.Vasave )  
Law Secretary**

Encl: as above

To,

All Heads of Offices,  
Daman/Diu/Silvassa.

Copy to:

- 1 The Development Commissioner/ Spl. Secretary(Per) /(Home) Daman & Diu and Dadra & Nagar Haveli, Secretariat, Daman/Silvassa.
- 2 The Finance Secretary, Secretariat, Daman/Silvassa.
- 3 The Collector, Daman/Diu/Silvassa.
- 4 The Dy. Secretary (Law), Daman & Diu and Dadra & Nagar Haveli, Secretariat, Daman/Silvassa.
- 5 The SO to the Hon'ble Administrator, Secretariat, Daman / Silvassa.
- 6 The District information Officer, NIC, for uploading it in the UT

M. GOPAL REDDY, IAS  
JOINT SECRETARY (UT)  
TELEFAX: 23093410



सत्यमेव जयते

गृह मंत्रालय  
भारत सरकार  
नार्थ ब्लॉक, नई दिल्ली - 110001  
MINISTRY OF HOME AFFAIRS  
GOVERNMENT OF INDIA  
NORTH BLOCK, NEW DELHI - 110001

D.O. No.U-17012/7/2011-CPD

Dated: 18<sup>th</sup> January, 2012

Dear Narendra,

It has been experienced by this Ministry that proper monitoring of Court cases in various courts is not being done by the UT Administration, which results in avoidable last minute exigency when Ministry of Home Affairs is required to file replies or provide inputs to UT Administration to defend the court cases. Accordingly, Coordination Division of this Ministry have devised formats for reflecting the correct and updated status of Court cases, on monthly basis, and submit the same to Home Secretary during the review meeting(s) convened by him. A copy each of the three aforesaid formats is **enclosed**.

2. It may also be recalled that in spite of taking up the issue at my level, quarterly reports for monitoring of CAT cases are not being submitted by UT Administrations well in time.

3. I shall be grateful if the matter is accorded priority and details of courts cases in various courts requiring action on the part of Ministry of Home Affairs are sent on monthly basis in aforesaid prescribed formats and quarterly reports in respect of CAT cases are sent immediately after the end of every quarter.

Regards

Yours sincerely,

(M. GOPAL REDDY)

Shri Narendra Kumar  
Administrator,  
Union Territories of Daman & Diu  
and Dadra & Nagar Haveli,  
Secretariat,  
Moti Daman

प्रशासक सचिवालय  
ADMINISTRATOR'S SECRETARIAT  
दमण एवं ददरा और नगर हवेली, दमण  
DAMAN & DIU AND DADR & NAGAR HAVELI, DAMAN

आवक सं./ INWARD No. 10519 दिनांक/Dt. 23/11/12  
जावक सं./ OUTWARD No. 10918 दिनांक/Dt. 24/11/12

विधि एवं न्याय विभाग, दमण  
Law & Justice Department, Daman  
आवक सं./Inward No. 1119 दिनांक/Date 25/11/12  
जावक सं./Outward No. दिनांक/Date

27/11/2012  
L.S.

L.S.  
23/11

27/11/2012  
L.S.

C/72

9/70

ANNEXURE-I

**STATUS OF PENDING COURT CASES**

NAME OF THE DIVISION: **CPD DESK**

**Month : November, 2011**

Name of the Court	B.F.	Received during the month	Total (2+3)	Number of cases in which counter affidavit filed		Number of cases in which arguments are over and judgment is awaited.
				Out of fig. Col.2	Out of fig. in Col.3	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SUPREME COURT						
HIGH COURT						
CAT						
OTHER COURTS						

## CONTEMPT CASES

Name of the Division: **CPD DESK**

As on 30.11.2011

C/68

Date of filing and ground for contempt cases pending court wise.	Date of filing of written statement/reply	Date of hearing/ interim order in brief, if any	Status of compliance of interim order, if any passed by the Court	Latest status alongwith reasons for pendency.
(1)	(2)	(3)	(4)	(5)
SUPREME COURT				
HIGH COURT				
CAT				
OTHER COURTS				

## STATUS OF PENDING COURT CASES OVER SIX MONTHS

c/66

Name of the Division: **CPD DESK**

As on 30.11.2011

Brief subject matter/prayer	Date of filing the suit	Date of submission of written statement/reply	Date of hearing and interim order in brief, if any	Status of compliance of interim order, if any, passed by the Court.	Latest status with reasons for pendency
(1)	(2)	(3)	(4)	(5)	(6)
SUPREME COURT					
HIGH COURT					
CAT					
OTHER COURTS					

c/28

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**Guidelines issued by Ministry of Home Affairs, to take prompt action for according priority to court cases, to defend the cases, implementation of court orders within the time limit.**

1. A senior level officer may carry out, on fortnightly basis, review of court cases pertaining to their respective department, on a case to case basis for ensuring that all actions relating to particularly timely filing of Counter Affidavits, engagement of counsels, monitoring of day-to-day proceedings etc. have been taken to defend the case and safeguard Government's interest.
2. In all cases where orders/ judgments have been passed by the concerned courts, orders should be examined expeditiously to ensure its implementation within the time limit prescribed by the courts.
3. A copy of the court order may invariably be furnished to the concerned desk of MHA alongwith a note on the action proposed to be taken, whether of implementation or filing appeal, on the court order.
4. Filing of appeal in all cases, as a matter of routine, should be avoided. Appeal should be filed only where there is a serious error in the order/judgment of the court on specific points of fact or law. In such cases, prompt action should be taken to file appeals in consultation with Law department/Government Counsel.
5. A senior level officer of the concerned department should invariably contact the Government counsel, where no intimation is received about the actual filing of the appeal within a reasonable period, and if need be an officer should be deputed to meet the counsel in person to ensure filing of the appeal in the court.
6. Where the government Counsel is found to be uncooperative /unhelpful, the matter should be promptly taken up with the law department, both in writing and in person.
7. In cases, where a decision has been taken and communicated to the Government counsel to file appeal and where it has been filed but no order passed by the appellate court staying the operation of the order/ judgment appealed against, the order/judgment should be implemented within the time limit prescribed in the order/judgment subject to the outcome of the appeal to avoid any contempt proceedings.
8. A copy of the order implementing the court order may also be invariably furnished to the concerned desk of MHA.