

STANDING ORDER NO.2

Sub:-Dealing with the writ petitions, Civil Suits, Appeals, Special Appeals instituted in the various courts, the High Court, the Supreme Court and the R.C.S.A. Tribunal by the Head of the office and the Officer Incharge in the case.

Attention is invited to the Government instructions on the above subject forwarded to you vide this office No. V.15(2)Police-Legal/Gr.VII/84/506-600 dated 12 June, 1984 and number V.15(2)Police-Legal/Gr.VII/84/1882-2248 dated 7.12.1985. The above circulars of the Government lay emphasis on the need for proper and timely action in such cases. However, it has been noticed that this important subject is not repeat not being given due attention by all concerned. There have been instances where the Officer Incharge has not attended the court or not applied in time to procure the judgement copy and sent the same alongwith the Government Advocate's opinion for further necessary action. This has resulted in the Government not being able to file an appeal due to the appeal period having lapsed.

Under the circumstances, firm instructions are issued hereunder for dealing with such matters:-

1. The Head of Office on receipt of court notice, summons and other process regarding plaint, writ petitions, Civil Suits, Appeals, Special Appeals in which they have been made a party, will immediately propose the name of a competent officer for nomination as Officer Incharge of the case through wireless to Rajpol (Legal) Jaipur in cases which concern purely service matters and to Spl.I.G.P.Crime in cases arising out of criminal cases.
2. He will also instruct the officer, to receive and effect service of the notice, summons and other process on behalf of the state and other police officers who have been made party in the case. All court notices, summons and other process should be received and served only by the officer whose name has been recommended for nomination of an Officer Incharge of the case. He will be personally responsible for setting the action in motion. The practice of receiving court notices, summons and other process through any other officer or ministerial staff/subordinate staff must be discontinued forthwith.

3. On receipt of such notices by the Head of Office information about such cases are to be sent to:-

- (a) Special Inspector General of Police, Headquarters alongwith a copy of the petition/writ in cases which concern purely service matters.
- (b) Special Inspector General of Police, Crime, Rajasthan, Jaipur in all cases arising out of criminal cases or cases instituted by public men arising out of criminal cases.

4. When the notice is received from the court without the copy of the plaint, memo of appeal, writ petition, or special appeal, the duty of the officer Incharge of the case recommended by the Head of the Office, will be to collect the copy from the concerned court and send information alongwith the copies to (a) Deputy Secretary, Home (Gr. I) Department, Rajasthan, Jaipur (b) Addl. SP Legal, Jaipur.

Note:-As mentioned in para 3(b) the copies of the plaint etc. in respect of criminal cases will be sent to Assistant Director, Prosecution, Office of the Spl. IGP Crime, Rajasthan, Jaipur.

The duties of the Officer Incharge are as under:-

1. As soon as the notice is received from the court and the copy of the petition etc. is obtained, the Officer Incharge will collect all the relevant files, documents, notifications and orders on the subject.
2. After, obtaining all the relevant documents, he will collect the facts of the case as may be necessary and prepare a report answering parawise all the points raised in the plaint/memo of appeal/writ petition/appeal/special appeal. While preparing the report, the Officer Incharge will also collect and provide such additional information as is likely to be of help to the Government Advocate/Standing Counsel.
3. After finalising the report he will contact the Government Advocate/Standing Counsel for preparing the reply/affidavit.
4. After the Government Advocate/Standing Counsel has prepared the written statement/reply, the Officer Incharge will get the same examined and vetted by the Law Department.
5. As soon as the written reply is vetted by the Law Department, the Officer Incharge will send a copy to the Officers mentioned in para 4 above. It must be ensured that the written reply is signed both by the Government Advocate and the Officer Incharge.
6. The Officer Incharge will note the date of filing the written reply in the court concerned and thereafter assist the Government Advocate/Standing Counsel in conducting the case.
7. It will be the personal responsibility of the Officer

29
1

Incharge to ensure that on the dates of hearing he is present alongwith Government Advocate and produces all the relevant records etc. as directed by the court.

8. The Officer Incharge of the case will send a progress report to the Addl.SP Legal/ADP about such hearing in the following proforma:-

1. S.No.
2. Name of Range and district.
3. Case No. year and name of the court.
4. Name of Petitioner.
5. Name of Respondent.
6. Name of Officer Incharge.
7. Date of hearing and brief details of the proceedings.
8. Next date of hearing.
9. Remarks, if any.

5. After the hearing is over and judgement is pronounced, it will be the duty of the Officer Incharge to immediately convey to the Dy. Secretary, Home and the Addl.SP Legal/ADP the contents of the judgement. Immediately thereafter he will apply for the copy of the judgement and send the same to the Addl.SP Legal/ADP. Where the judgement is adverse to the Government, the Officer Incharge will immediately take the written opinion of the Government Advocate/ Standing counsel on the merits of the case for appeal. This process, the Officer Incharge should ensure, is completed as early as possible so that the appeal is filed within the stipulated time framed after obtaining the opinion of the Law Department etc.

It must be noted that delay in obtaining the copy of the judgement or preparation of appeal and as a consequence appeal could not be filed, the responsibility will be that of the Officer Incharge.

6. When an Officer Incharge is transferred to another place, then it will be the duty of the Head of the office to immediately inform IGP HQrs./Addl.S.P.Legal and IGP Crime/ADP as the case may be about such transfer. The Head of the office will also nominate another officer for taking up the work. In the meanwhile till the Government order appointing another Officer Incharge is received, the officer earlier nominated will repeat will continue to handle the case.

7. In cases where the matter is complicated, or advice is needed from the Headquarters on policy matters raised, the Officer Incharge and the Head of the Office will immediately contact the Addl.SP Legal/ADP for getting the necessary guidance and help from PHQ.

8. In judgements effecting service matters, after all the other formalities regarding appeal etc. have been completed

and where appeal is found to be not feasible, the Head of Office will take immediate action for complying with, the directions given in the judgement regarding the redressal of the grievance. It will however be ensured that implementation of the directions is done only after getting clearance from P.H.Q.

9. When the judgement involves decretal amounts etc, the Head of the Office will immediately take necessary action for obtaining sanction and passing the bill for the said amount without any delay.

It must be noted that if any contempt petition arises because of delay by the Head of Office and the Officer Incharge, both will be held squarely responsible.

10. In certain cases, before the writ is filed, the complainant often sends a 80 C.P.C. notice for demand of justice regarding arrears, increment etc. If at this stage the Head of the Office takes immediate action and if necessary, obtain advice and help from the P.H.Q. and clears the matter, to the entire satisfaction of the complainant, litigation will automatically be avoided.

11. Directors, R.P.A., Wireless, FSL, MOB, All Ss.P., All Commandants of RAC Bns., Principal, RAC/AP/Trg. Centre and all Commandants Trg. Centres, will submit a monthly statement in the proforma enclosed indicating the details of all the cases as mentioned above pending with you. This statement will be submitted by you by the 7th of each month directly to the Addl.S.P. Legal Cell or Asstt. Director (Prosecution) as the case may be, with a copy to their Dy. Is. G.P. Nil Report also will be sent by offices, where no such case is pending.

It is, therefore, enjoined on all officers to study the instructions given above very carefully and ensure strict compliance avoiding even the slightest delay.

(P.C.Misra)

Director General of Police,
Rajasthan, Jaipur.

No. V. 15 (2) Police/Legal/Gr. VII/84/2285-2420 Dated the 21-Dec-1985.
Copy to the following for information and necy. action:-

1. All Spl. Is. G. of Police, Rajasthan/All Dy. Is. G.P. Rajasthan.
2. Directors, SPW/FSL/RPA/Computer Centre, Rajasthan, Jaipur.
3. Asstt. Is. G.P. (I)/(II)/Traffic, Rajasthan, Jaipur.
4. All Supdts. of Police, Rajasthan/All Comdts. RAC Bns. incld g. IR/MBC/PTS Rajasthan./Principal, R.P.T.C. Jodhpur.
5. C.A.O., PHQ (with ten spare copies) Jaipur.
6. S.P.C/Stores, PHQ Raj. Jaipur/All Zone Officers, CID CB/IB Rajasthan.
7. Asstt. Director, Public Relation, PHQ Raj. Jaipur.
8. Addl. S.P. Prosecution CID CB/PRC Jaipur.
9. Acctt. Payment PHQ Raj. Jaipur/All I/C Group Estt. Section/Admn. Section PHQ Raj. Jaipur.

Dy. Inspector General of Police,
Headquarters, Rajasthan, Jaipur.

MONTHLY STATEMENT OF PENDING WRIT PETITIONS ETC.

Name of the Distt./Unit.	No. of court cases in the beginning of the month. 2.	No. of court cases instituted during the month. 3.	No. of court cases decided during the month. 4.	No. of court cases remained pending at the end of the month. 5.

132

1985

1986