

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(Establishment Section) Civil Secretariat, Jammu

Subject: Filing of replies/response in various Courts/Tribunals/Forums by Government and Government Organizations.

Reference: (i). Administrative Council Decision 35/4/2021 dated 10.03.2021
(ii). Government Order No.777 JK (GAD) of 2021 dated 24.08.2021.
(iii). Government Order No.1678 JK (LD) of 2021 dated 24.03.2021;&
(iv). Circular No. 07-JK (LD) of 2020 dated 28.10.2020

Circular No: 07-JK(LD) of 2024

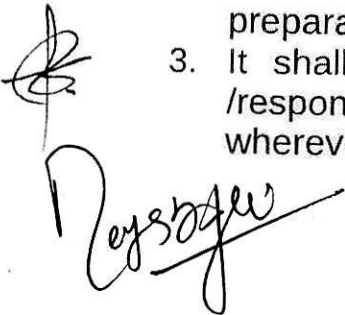
Dated 03-06-2024.

Vide Government Order No 777-JK(GAD) of 2021 Dated 24.08.2021 issued by General Administration Department, it was impressed upon all the Departments HoD's/ Organizations / Bodies / Societies that all the objections are to be vetted by Law Department before filing in respective adjudicating forums.

It was inter-alia instructed that in cases involving more than one departments, a consolidated reply is to be filed on behalf of all the Departments, unless there are specific directions from the Hon'ble Court / Forum for filing of separate replies by each department.

While reviewing the task of filing of replies/responses in various courts, it has been observed that the consolidated reply on behalf of all the official respondents are not being filed before the Hon'ble Court, the said action on behalf of Department/Law Officer/OIC/Government Counsels is clear violation of Administrative Council Decision, Government orders, Circular instructions referred above. In order to ensure strict implementation of the instructions issued from time to time and in continuation to earlier orders/instructions, it is hereby ordered as under:-

1. All the Law Officers shall strictly implement and adhere to the above referred Administrative Council Decision, Government Orders and Circular Instructions issued from time to time in its letter and spirit.
2. The Law Officer posted in the department, immediately after receipt of the Writ Petition/Order, shall enquire about the engagement of Government Counsel from Directorate of Litigation Kashmir/Jammu, and shall immediately prepare the brief note and send the same to the engaged counsel for preparation of consolidated reply in the matter.
3. It shall be the responsibility of the contesting department /respondents to coordinate with all other official respondents, wherever required, in light of the averments of the petition and



to ensure that the inputs from all the official respondents are furnished to the Government Counsel for preparation of consolidated reply in the matter. All Law Officers of the concerned departments shall be equally responsible for furnishing of the inputs to the engaged counsel in a time bound manner for preparation of consolidated reply.

4. The contesting department shall immediately recommend by name and designation an officer not below the rank of Under Secretary to the Department of Law, Justice and Parliamentary Affairs for appointment of OIC in the matter. There shall be only one OIC in the case, who along with concerned Law Officer shall be responsible for co-ordination with all other official respondents wherever required for preparation and finalization of consolidated reply in the matter. In case of any dispute/conflict between two or more departments who are sued jointly, the matter shall be referred to the Law Department, which shall issue necessary instructions in the matter.
5. It shall be the responsibility of Law Officer at the administrative level to send the consolidated reply / objections to the Department of Law, Justice and Parliamentary Affairs for vetting. The Law Officer posted in the department shall ensure that the legal defense available to the Government is properly reflected in the reply/objections and shall return the same to the Government Counsel duly sealed and signed after it is vetted by the Law Department.
6. The Government Counsels shall file the consolidated reply duly signed by the OIC/ competent authority. The reply shall be filed by the main contesting department on behalf of all the official respondents."

Accordingly. It is therefore, impressed/ enjoined upon all the Special/Additional Secretaries(Legal)/Senior Law Officers/ Public Law Officers/Assistant Legal Remembrancers/ Associate Law Officers/ Assistant Law Officers to adhere to directions/ instructions mentioned supra issued by Government in letter and spirit. Any laxity in this behalf shall be viewed seriously and action as warranted under law shall be taken in accordance with rules.

By Order of Government of Jammu and Kashmir.

Sd/-

(Achal Sethi)

Secretary to Government

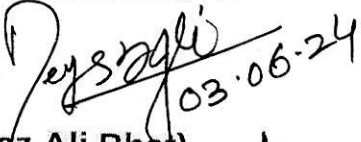
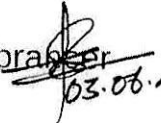
Dated: 03-06-2024

No. LAW-Estt/209/2021-10

Copy to for information and necessary action:

1. Financial Commissioner/Principal Secretary/ Commissioner Secretary/ Secretaries to Government _____ Department.

2. Principal Secretary to the Hon'ble Lieutenant Governor
3. Additional Secretary to Chief Secretary, J&K.
4. Private Secretary to the Ld. Advocate General for information of the Ld. Advocate General
5. All the Special/Additional Secretaries(Legal)/Senior Law Officers/ Public Law Officers / Assistant Legal Remembrancers/ Associate Law Officers/ Assistant Law Officers posted in different departments/corporations/ boards/ commissions.
6. Advocate on Record /Standing Counsels/Additional Standing Counsels.
7. Private Secretary to Secretary to Government, Department of Law, Justice & PA
8. File concerned
9. Circular file.


(Reyaz Ali Bhat)
Assistant Legal Remembrancer

03.06.24.