

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS

Civil Secretariat Jammu/Srinagar

Subject: Circular Instructions regarding timely filing of replies by OIC's and adhering of instructions thereof.

Circular No. 11-JK(LD) of 2025

Dated: 01 - 07 - 2025

Department of Law, Justice and Parliamentary Affairs vide Government Order No. 1673-JK(LD) of 2021 dated 24.03.2021, (copy enclosed) in pursuance to the Administrative Council Decision No. 35/4/2021 dated 10.03.2021 laid down the mechanism for appointment of Officer Incharge Litigation (OIC's), who shall inter-alia be responsible for monitoring the litigation against the Government. In terms of said order the following duties and responsibilities of OIC's have been prescribed; namely

- (i) OIC shall keep close liaison with the Department and Government Counsel contesting the case on behalf of the Government.
- (ii) He shall make inquiries into the facts as necessary in the case.
- (iii) He shall collect all relevant files, rules, notifications, orders and documents.
- (iv) He shall prepare a para-wise report/response and give additional information which is likely to help the Counsel representing the Government and entrust the same to Law Officer of department, who shall after making suitable modifications, wherever required, send and brief the Government Counsel for preparation of objections/reply
- (iv) He shall contact Government Counsel and keep close liaison and seek assistance of Law Officer posted in the department, wherever required.
- (v) He shall ensure that the relevant record of the case is provided to the counsel or the court without delay as the case may be.
- (vi) He shall get the reply prepared and vetted by the Government Counsel and approved by the department before it is signed and filed before the Hon'ble Court.
- (viii) He shall assist the Counsel and always keep himself aware of date fixed, its status and progress of the case.
- (ix) He shall inform Department as and when order/judgment is passed.
- (x) In case of his transfer he shall handover file to his successor.
- (xi) He shall be authorized to sign vakalatnama and all the pleadings in terms of Order XXVII, Rules 1 and 2 of the Code of Civil Procedure, 1908 and shall be deemed to be recognized agent by whom appearances, acts and applications under the Code of Civil Procedure may be made or done on behalf of the Government.
- (xii) In case two or more Departments are sued jointly, one OIC shall be appointed by the Law Department who shall perform all the above functions. In case of any conflict between the contesting respondents,

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each department shall prepare a report, which shall be forwarded to the Department of Law, Justice & Parliamentary Affairs through their respective administrative department for advice. The Department of Law, Justice and Parliamentary Affairs will decide which stand is just and legal and will issue instructions regarding the matter.

- (xiii) The OIC shall represent all departments and there shall be one OIC per case except in exceptional cases where Government can appoint more than one OIC.
- (xiv) He shall with the assistance of the Law Officer posted in the department, immediately upon receipt of the order/judgment/Award alongwith the comments of the Government Counsel, examine and place the matter before Competent Authority for taking decision regarding implementation of the Judgment or filing of appeal. The said decision ought to be taken in a time bound manner keeping in view the period of limitation. In case appeal is required to be filed, it is to be forwarded to the Law Department in a devised format at an earliest or at least one month before the expiry of the limitation period which shall be clearly reflected.
- (xv) The OIC shall be responsible for effective dealing/ monitoring of the case at all levels.
- (xvi) All the petitions of similar nature shall be identified and steps may be taken to club such petitions together and expedite their disposal by filing appropriate motion/petition.

However, it has been observed that the aforesaid instructions/responsibilities as detailed are not been strictly adhered to by the Officers Incharge Litigation (OICs) and casual and lackadaisical approach has been quite often noticed resulting in adverse orders thereby severely and seriously jeopardising the interest of the Government in the said litigations and in some cases, the OIC's are not performing their duties and responsibilities properly resulting dismissal of petition/LPA's/SLP's

Accordingly, It is hereby impressed upon all the Officer Incharge Litigation's (OIC's) to comply with the aforesaid duties and responsibilities in letter and spirit and any laxity/casual behaviour shall be taken note of and reported to the concerned Administrative Departments for appropriate action under rules.

Sd/-
(Achal Sethi)
Secretary to Government
Dated: 01.07.2025

No. Law-OIC/7/2025

Copy to the:

1. Learned Advocate General, J&K Jammu..Director General of Police, J&K Jammu.
2. All Financial Commissioners.
3. All Principal Secretary to Government.
4. Principal Resident Commissioner, New Delhi.
5. Principal Accountant General, J&K Srinagar.
6. Principal Secretary to the Hon'ble Lieutenant Governor, Raj Bhavan.
7. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
8. Commissioner/Secretary to Government, General Administration

9. Department.
10. All Commissioner/Secretary to Government.
11. Divisional Commissioners, Kashmir/Jammu.
12. All Deputy Commissioners.
13. Register General, J&K High Court, Jammu.
14. Principal Secretary to the Hon'ble Chief Justice, J&K High Court.
15. All Head of Departments/Corporations.
16. Secretary, J&K Public Service Commission, Jammu.
17. Secretary, Service Selection Board, J&K Jammu.
18. Director Finance, Department of Law, Justice and Parliamentary Affairs.
19. Director Information, J&K Jammu.
20. Director Litigation, Jammu/Kashmir.
21. All the Special/Additional Secretaries/Senior Law Officers/Public Law
22. Officers/Legal Assistants/Junior Legal Assistants for compliance.
23. Private Secretary to the Chief Secretary for information of the Chief
24. Secretary.
25. All Law Officers representing the Union Territory of Jammu and Kashmir
26. before the Hon'ble High Court at Jammu/Kashmir.
27. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of the Secretary.
28. Website of the Department of Law, Justice and Parliamentary Affairs.
29. All Officer Incharge Litigation
30. Government order file.
31. File concerned.

Reyaz Ali Bhat
01-07-25

(Reyaz Ali Bhat)

Assistant Legal Remembrancer

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