

Rajasthan Financial Corporation
(Law Section)

487

Ref.No. RFC/Law/3-LPM/11/7607


Dt: 06-01-2004

C I R C U L A R
(Lit.95/04)

Sub: Follow-up of court cases.

The Chief Secretary, Govt of Rajasthan, vide Circular dated 25-9-2003, has observed that the court cases are not being followed-up properly and the Officers-Incharge failed to file the reply despite lapse of several months. He has also observed that unnecessary appeals are being filed which should be stopped. The text of the said circular is reproduced on the back of this Circular.

All Officers-Incharge and concerned persons are advised to follow-up the cases vigorously and make compliance of the guidelines contained in the Circular dated 25-9-2003.


(J P VIMAL)
Executive Director

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P.T.O.

GOVERNMENT OF RAJASTHAN
LAW DEPARTMENT

No.F.1(7)DLR/L/96

Jaipur, 25th Sept., 2003

CIRCULAR

Attention is invited to the following circulars of the Law Department :

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|----|-----------------------|----------------|
| 1. | P.1(4)Mis/M/LD/95/117 | dt. 6-9-1990 |
| 2. | P.1(43)DLR/L/92 | dt. 28-12-94 |
| 3. | P.1(420)Law-5/95 | dt. 1-11-1995 |
| 4. | P.1(7)DLR/L/96 | dt. 13-11-1996 |
| 5. | P.15(14)Raj/Vaad/2001 | dt. 3-11-2001 |

By the above cited circulars, Administrative Secretaries and Heads of Departments were directed to ensure that replies were filed on behalf of the State within 3 months of the appointment of the Officer Incharge. It was also directed that a register be maintained and the progress of each case be monitored.

Despite this, several cases have come to my notice in the recent past where the Rajasthan High Court has taken adverse note of the failure of the State Government to file such replies despite lapse of several months and even years.

The position with respect to appeals preferred by the State is no better and the High Court has dismissed a large number of cases for non-prosecution.

The court has further taken adverse note of frivolous litigation entered into by the State by filing of unnecessary appeals.

Secretaries and Heads of Departments are required to personally apply their minds to Government litigation and ensure that needless appeals are not filed. If appeals are to be filed, they must be pursued with due diligence and vigor. Similarly, when the State is respondent, it must be ensured that the replies are filed in time and the case contested. It should also be ensured that cases do not go by default against the State.

I want it amply impressed on all concerned that such lapses in the future would attract dire consequences for all concerned.

Sd/-
(R.K.Nair)
Chief Secretary

All Additional Chief Secretaries
All Principal Secretaries
All Secretaries