

FINANCE DEPARTMENT

No. 21496(45)/F., 15.05.2004
FLC-2/2004

From

Sri Pratip K. Mohanty,
Chief Secretary and
Chief Development Commissioner, Orissa.

To

All Principal Secretaries to Govt.
All Commissioner-cum-Secretaries to Govt.
All Special Secretaries to Govt.

Sub:- Fixation of personal responsibility and liability for not taking timely action on Court matters.

Sir/Madam

Instructions have been issued from time to time at different levels as indicated below for taking timely action in filing Para-wise comments/Counters and other follow up actions.

- (I) Letter No.17290/L dt.17.11.1998 of Law Department regarding appointment of Nodal Officers for taking steps in litigations.
- (II) Letter No.2875/L dt.28.02.2000 issued from the level of Chief Secretary for timely compliance of the orders of Hon'ble High Court by the State and its instrumentalities and officers.
- (III) Memo No. FLC-4/2000-10126 (46)/F., dt.08.03.2000 of Finance Department regarding timely submission of Para-wise comments / Counters and timely compliance of the orders of the Courts by the State Government and its instrumentalities and officers.

2. Despite clear-cut instructions for taking action in a time-bound manner for submission of para-wise comments, filing of appeal and review petitions, taking concurrence of Finance Department / Law Department, as the case may be, it noticed that there has been inordinate delay in submission of para-wise comments and taking follow up action for filing review petitions / appeals /SLPs in several court cases. In case of Higher Education Department, School & Mass Education Department and some other Departments, cases are being referred to Finance Department for implementation of Court Orders involving huge financial liabilities only at the last moment after receiving contempt notice which leaves the Government with very little option, While submitting such proposals to Finance Department for concurrence, no indication is being given as to why the matter has been delayed so inordinately leading to issue of contempt notice. In most of the cases, it appears that follow up action has not been taken and the files are being kept unattended.

The Para-wise comments are not being submitted in time and in some cases, even though Government orders or concurrence of Law Department has been taken to file appeal / review petition, such appeal / review petitions are also not processed expeditiously and the matter is being allowed to linger to create a situation forcing Government to implement the order of the courts after issue of contempt notice. This type of wanton negligence creates huge financial liability.

3. All Departments in general and the Departments of Higher Education and School & Mass Education in particular are requested to expeditiously take follow up action after receipt of orders of the Hon'ble Courts or on receipt of notices from the concerned courts. In case, there is any lapse or negligence in taking follow up action, the concerned officer / officers shall be personally held responsible for the additional liabilities in such cases.

Yours faithfully,

**Sd/-
Chief Secretary**