

**GOVERNMENT OF ODISHA
FINANCE DEPARTMENT**

No. 34502 /F.,
FIN-LEGAL-CASE-01-2017

Dt. 24.11.2017

To

All Principal Secretaries to Government/
Commissioner-cum-Secretaries to Government/
Secretary to Government/
All Heads of Departments.

Sub:- Check list for Departments while endorsing files for concurrence of Finance Department for implementation of Court Orders.

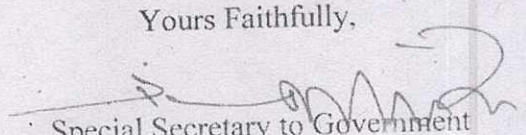
Sir,

In inviting a reference to the subject cited above, I am directed to say that the Administrative Departments while submitting case files to Finance Department for concurrence and implementation of Court Orders are not following proper procedures in most of the cases. It has also been observed that due to delay in filing and non-filing of Para Wise Comments / Counter Affidavits/ Show cause reply/ Instructions etc. in time before the Hon'ble Courts/ OATs, ex-parte orders are being passed by Hon'ble Courts/ OATs and it involves huge financial liability to State Government.

Besides, the concerned Administrative Departments are not taking prior views of Law Department/ GA & PG Department/ Finance Department wherever necessary for filing of Appeal/ Review before higher forum in time for implementation of Court Orders. As a result, the State Government is required to bear extra financial burden. Further, the Administrative Departments are not being submitting required documents in the referral files to Finance Department for better appreciation of the case and this has resulted in substantial loss of time in correspondence. In order to overcome these, a check list has been prepared by Finance Department.

It is, therefore, requested that henceforth, before submitting proposals to Finance Department for concurrence/opinion, the concerned Administrative Departments should scrupulously follow the points as indicated in the check list (Copy enclosed) and endorse the same to Finance Department for concurrence/opinion on the Orders of Hon'ble Court/OATs.

Yours Faithfully,


Special Secretary to Government

Memo No. 34503 /F. Dated 24.11.2017
Copy forwarded to the P.S. to Hon'ble Minister, Finance, Excise for kind information of Hon'ble Minister, Finance, Excise.

Smmout
24.11.2017
Joint Secretary to Government

Memo No. 34504 /F., Dated 24.11.2017
Copy forwarded to the O.S.D. to Chief Secretary/ Sr. P.S. to DC-cum-Additional Chief Secretary/ Principal Secretary to Govt., Finance Department for kind information of Chief Secretary/ DC-cum- Additional Chief Secretary/ Principal Secretary to Govt., Finance Department.

Smmout
24.11.2017
Joint Secretary to Government

Memo No. 34505 /F., Dated 24.11.2017
Copy forwarded to the P.S. to Special Secretaries to Govt., Finance Department for kind information to Special Secretaries.

Smmout
24.11.2017
Joint Secretary to Government

Memo No. 34506 /F., Dated 24.11.2017
Copy forwarded to all Officers/ all Branches of Finance Department for information and necessary action.

Smmout
24.11.2017
Joint Secretary to Government

**Check list for Departments while endorsing files for concurrence of Finance Department
for implementation of Court Orders.**

Sl No.	Particulars	Information by Department
1	Name of the Department	
2	Case No./ Name of the Court/ Due date for filing of the Counter Affidavit	
3	Name of the Petitioner and all the Respondents.	
4	Brief history of the case (in 100 words be enclosed)	
5	Whether Finance Department is a party in the case? Who are the other Opposite Parties in this case?	
6	Whether counter affidavit/ Instruction is filed by the Administrative Department in this case. If so, whether the same was vetted by Finance Department? If yes, details may please be furnished.	
7	(a) Date of filing of Counter Affidavit/ Instruction by AD in the Court (b) Was there any delay in filing of Counter affidavit before Hon'ble Court/ Tribunal? If yes, the reason of delay be specified.	
8	Order No./Date (Final Judgement of Hon'ble Supreme Court/ High Court/ Tribunal be enclosed)	
9	The financial implication for implementation of the Court Order.	
10	Whether views of Law Department has been obtained in the case by AD to implement the Order or to file Appeal/ Review before Higher Court.	
11	Whether Appeal/Review petition was filed before the High Court/ Supreme Court within the	

	permissible time? If not, period of delay and reason for delay may be furnished	
12	Whether the Appeal/Review has been dismissed on the ground of delay in submission of the Appeal/Review	
13	Whether any action has been taken against the person responsible for delay in processing the case?	
14	Whether the Court has directed the Department to pay interest to the petitioner due to delay in implementation of order.	
15	Whether opinion of GA & PG Department or any other Department of State Government is required for implementation of this order. If required, necessary extract of opinion be enclosed	
16	AD to examine and state whether the orders of Hon'ble Court/ Tribunal will be implemented within the guidelines of Govt. Rules and Regulations.	
17	Whether this instant case has been referred in the light of earlier judgement of Hon'ble Courts/ Tribunals in similar such cases. If yes whether concurrence of Finance Department had been taken in such cases with relevant copies.	
18	In case the earlier order of the Court/Tribunal in similar such case was implemented without any Appeal/Review, the reasons for filing the Appeal/Review in this case may be furnished.	
19	Specific views of AD on the implementation of Order of Hon'ble Court/ Tribunal.	

20	<u>Contempt Petition</u>	
	a) Reason for filing Contempt Petition	
	b) If it is due to non-implementation of the Court order, the reasons may be furnished	
	c) Whether replies to the Contempt Petition have been filed in time? If not, period of delay and reasons for the same may please be furnished.	
	d) Final decision of the Court on the Contempt Petition	
	e) Whether order of the Court on the Contempt Petition was implemented in time? If not, reasons for delay may be furnished along with the action taken against the officials responsible for the delay.	
21	Whether this referral case is submitted to Finance Department in physical file.	

Signature of the Principal Secretary/
Commissioner-cum-Secretary
of the Department