

GOVERNMENT OF RAJASTHAN
Law & Legal Affairs Department

File No. F.12(15)Raj/Vad/08 Pt.7

Jaipur, Dated 26.11.13

Advocate General
All Add. Chief Secretary/ Pr. Secretary/
Secretary/ Head of the Department
All AAG, Jodhpur/ Jaipur/ New Delhi
All AOR/ Panel Lawyer, New Delhi
G.A. and All Addl. G.A./ Deputy G.A./
Assistant G.A., Jodhpur/ Jaipur
G.C. and All Addl. G.C./ Deputy G.C./
Assistant G.C., Jodhpur/ Jaipur

Sub. :- Guidelines for ensuring appearance of Govt. Counsels in the Court.

In compliance to the order dated 15/10/2013 passed by the Hon'ble High court in S.B. Civil Writ Petition No.283/2010 Dunger Singh Kanawat V/s State of Rajasthan & Ors. & S.B. Civil Writ Petition No.279/2010 Bharat Kumar Paliwal V/s State of Rajasthan & Ors. the following guidelines are being issued to ensure the appearance of Government Counsels in the Court:-

1. On receipt of court summon by the Respondent officer concerned or Inward Section of the Department, the date of hearing fixed in the court summon will be immediately noted and highlighted.
2. The Officer concerned shall issue order appointing Officer Incharge and also issue order of appointment of concerned Advocate. This shall be done at least 7 days before the date fixed in the court summon.
3. In the office order the Telephone Number of the office of the Officer Incharge and his Mobile Number shall be mentioned. Similarly the Phone No. and Mobile No. of the concerned Advocate shall also be mentioned. However, if the date fixed in the court summon is within 7 days, then the officer concerned shall himself get in touch with the concerned Advocate immediately for filing interim reply or reply to the stay application without waiting for appointment of Officer Incharge.
4. The Officer Incharge shall get in touch with the concerned Advocate and ensure that the Vakalatnama is filed in the case at least 7 days before the date fixed in the summon. The Advocate concerned will also ensure that the Vakalatnama is filed well in time and inform the Officer Incharge about the filing of Vakalatnama.
5. The Officer Incharge shall obtain factual report from the concerned Office Assistant or Office Superintendent or any other officer who has the relevant information. The request for factual report made by the Officer Incharge shall be given priority and the factual report shall be furnished within 30 days from the date of demand made by the Officer Incharge.
6. On receipt of the factual report the Officer Incharge shall get in touch with the concerned Advocate for preparation of draft reply and shall ensure that the draft reply is vetted and reply is filed within 30 days from the date of receipt of the factual report.

In this manner, it will be ensured that the reply to the writ petition is filed within 60 days from the date of receipt of Courtsummons.

7. While approaching the concerned Advocate, for preparation of reply the Officer Incharge will ensure that the expenses which are incurred in preparation and filing of reply are paid on the spot as per actual expenses which shall not exceed Rs. 1500/-. If the expenditure is more, then the remaining amount shall be paid as per the bill raised by the concerned Advocate.
8. The Officer Incharge shall be paid out of pocket expenses of Rs. 500/- per day for visiting the office of Advocate and the Court from time to time. This payment shall only be made in case the reply is filed within a period of 60 days from the date when he is appointed as Officer Incharge.
9. The drafting fees which is paid to the concerned Advocate shall be payable on certification by the concerned Advocate that the reply has been filed within a period of 60 days from the date of his appointment as Advocate.
10. The concerned Advocate will ensure his appearance as and when the case is listed and called for hearing. However, at times, if the concerned Advocate is busy in other court or is unable to appear for any valid reason he will inform the link Counsels and entrust his files to the link Counsel.
The link Counsel shall either argue the matter or get it adjourned or Passover as the situation warrants. In no case the case should go unattended.
11. The Additional Nodal Officer in each Department shall furnish details by 7th of every month to the Law Department about the compliance of the guidelines.
12. If the Officer Incharge is transferred it shall be his duty to intimate to the New Officer Incharge the list of cases which were handled by him and which will now be required to be handled by the new Officer Incharge. It shall also be the duty of the Officer Incharge to intimate to the concerned Counsel about the new Officer Incharge and also intimate the Mobile Number of the New Officer Incharge. The concerned Advocate shall note down the name and Telephone No. of the new Officer Incharge on the file of the case. It is also being proposed to have a certificate of this kind to become part of last pay certificate to ensure compliance.
13. Any non compliance of the above guidelines by any of the concerned officer shall be viewed seriously and Head of Department shall take appropriate disciplinary action. Non observation of the guidelines by the concerned Advocate shall be intimated by the concerned Additional Nodal Officer to the Law Department for appropriate action.

Sign./-
Law Secretary

Copy forwarded to the following for information and necessary action :-

1. P.S. to Chief Secretary
2. P.S. to Principal Law Secretary
3. Guard File

Law Secretary

Govt
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