

**Ministry of Communication & Information Technology
Department of Telecommunication
TA-1 Section, Room No.1312,
Sanchar Bhawan, 20, Ashoka Road ,
New Delhi-110001.**

NO: 6-55/2015/ TA-I /Court Case /35170376


Dated 29-01-2015.

To
All Pr. CsCA/CsCA.

Sub: - Pre-litigation conciliation and effective handling of cases pending before the Hon'ble CAT and other Courts-regarding.

Enclosed please find a GOI, Department of Personnel and Training , North Block ,New Delhi , OM No. 11013/2/2013-AT dated 31st Dec. 2014 and further endorsed vide DOT, HQ, New Delhi OM No. 8-2/2014-LC dated 12th Jan. 2015 on the subject cited above for further necessary action .

Encl :-As above.


(Gp Capt Vivek Trivedi)
Director (Accounts -1)
PH.011- 23036511.

Copy to :-

Section Officer (Legal) DoT,HQ, New Delhi .

IMMEDIATE

F.No. 8-2/2014-LC
Government of India
Ministry of Communications & IT
Department of Telecommunications
(Legal Cell)

Sanchar Bhawan, New Delhi
Dated 12th January, 2015

OFFICE MEMORANDUM

Subject:- Pre-litigation conciliation and effective handling of cases pending before the Hon'ble Central Administrative Tribunal and other Courts-regarding.

The undersigned is directed to enclose a copy of the Department of Personnel and Training's O.M. No. 11013/2/2013-AT dated 31st December, 2014 on the subject mentioned above for information and compliance.

Encl: As above.

Sumish
12/1/15
(Sumish)

Section Officer (Legal)
Tele: 23036916

To

As per list all US/ADG/DS/Director

Copy for information to:

- (1) PPS to Secretary (T)/Special Secretary (T)/Member (T)/Member(S)/Member(F)
- (2) PPS to all Sr. DDG/JS & LA/JS (T)/JS (A)
- (3) PS to all DDG
- (4) PS to DS (Legal)

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Dir(AE-D)

No.11013/2/2013-AT
Government of India
Department of Personnel and Training
Department of Personnel & Training
(AT Section)

North Block, New Delhi, the 31st December, 2014

OFFICE MEMORANDUM

Sub: Pre-litigation conciliation and effective handling of cases pending before the Hon'ble Central Administrative Tribunal and other Courts – regarding.

The undersigned is directed to state that the issue on effective pre-litigation conciliation in the Government to resolve issues / grievances of the Government servants at pre-litigation stage and effective handling of court cases has been drawing the attention of this Department.

2. This Department is of the view that if the concerned Departments / Ministries can be actively involved in effective pre-litigation process/conciliation to resolve the issue/grievances of the government servants (at pre-litigation stage), a large number of court cases can be avoided. An effective pre-litigation conciliation is bound to have a strong bearing on the CAT/other Courts' mechanism resulting in efficient use of public resources. The fundamental cardinal principle of an effective grievance redressal mechanism is that as far as possible, the grievance is redressed at the lowest level and the petitioner is not forced to approach either the higher authorities or the judicial system for redressal of genuine grievance.

3. Sub-section 2 of Section-19 of Administrative Tribunals Act, 1985 provides that every application to the Tribunal for the redressal of grievance of a person shall be in such form as may be prescribed by the Central Government. In exercise of these powers, the Central government has notified the Central Administrative Tribunal (Procedure) Rules, 1987 wherein Form-1 has been prescribed as the format for filing of application in CAT. Para-7 of the Form requires the applicant to declare the details of the remedy exhausted by him before approaching CAT.

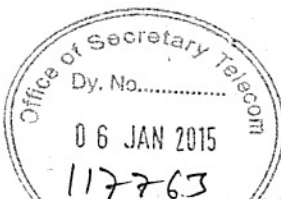
4. Nonetheless, despite the best effort of the Government in settling the grievances of the Government employees the government and its various agencies are still pre-dominant litigants in Tribunals / Courts especially when the policies framed by the Government are challenged. While it is the responsibility of the government to protect the right of the citizens, the government is also bound to protect its policies. It is therefore, imperative on the part of the government to defend the cases through Counsels in order to protect / preserve the interest of the Government.

5. This Department has been observing that in many cases, the Government Counsels do not take up the cases effectively. The main reason may be, either the

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directed by DOP&T

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concerned Department / Ministry does not brief the Government Counsel properly or the Government Counsels are not aware of the full facts of the case. There are also occasions where the Counsels do not turn up on the day of hearing and thereby cases get adjourned. Needless to mention, denial of 'timely justice' amounts to 'denial of justice' itself.

6. In view of above, all the concerned Ministries / Departments are requested – (i) to effectively involve in pre-litigation conciliation to resolve the grievances of the government servants at pre-litigation stage and thereby mitigate the volume of litigations and (ii) to ensure that the Government Counsels are thoroughly briefed by respective Department / Ministry so as to enable them to take up the case effectively once the cases are filed in the court of law.

7. THIS MAY KINDLY BE CIRCULATED TO ALL THE OFFICERS UPTO THE LEVEL OF DEPUTY SECRETARY / DIRECTOR IN THE MINISTRY / DEPARTMENT.

Sandeep Jain
(Sandeep Jain)

Director

Tel Fax: 011-23092755

**Shri Rakesh Garg,
Secretary, D/o Telecommunications,
M/o Communications and Information Technology,
New Delhi.**