

**GOVERNMENT OF MIZORAM
LAW AND JUDICIAL DEPARTMENT**

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OFFICE MEMORANDUM

No. G.11021/8/2010 – LJA

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Dated Aizawl, the 2nd Aug., 2016

Subj: Handling of court cases :-

- 1. Guidelines with regard to Dealing with Judgment/Order of Court Cases**
- 2. Guidelines for handling litigation where more than one Departments are arrayed as respondents.**

It has come to the notice of the Govt. that there are many court cases lying pending and not properly attended by different Departments, and also that appeals were not promptly filed when warranted, due to which contempt cases were instigated which often resulted in serious inconveniences to heads of offices & Departments and substantial detrimental effect to the interest of Govt. Also, there are some instances where the Order/Judgments of courts are not promptly communicated to concerned Departments which delays further course of action.

Attention of all Administrative Departments/Heads of Department/All Govt. Advocates is therefore invited to points highlighted below for strict compliance:-

- 1.** In view of the confusion that is often faced by Departments as to the steps to be taken after a Court of Law delivers Judgment/Order/Interlocutory/Interim order in a case, the following guidelines is hereby issued to address this aspect:
 - (a) As soon as Judgment/Order/Interlocutory/Interim order is delivered, in any case, the Govt. Advocate concerned shall without fail in each case, within one week from receipt of the said Judgment/Order/Orders furnish copies of the same to the concerned Department with written advice whether the case is fit for appeal/review/revision or not. Copy of the same shall also be given to Law & Judicial Department.
 - (b) The Department concerned shall immediately and diligently appraise the Judgment/Order/Interlocutory/Interim order in light of the advice tendered by the Govt. Advocate, and take a final decision whether to file to appeal/review/revision or otherwise. However, in the event of conflicting opinion between the Govt. Advocate and the concerned department, the matter shall be referred to Law & Judicial Deptt. whose decision whether appeal, etc. be preferred or not against that particular Judgment/Order/Interlocutory/Interim order shall be final.

In this regard, if it is decided that appeal/review/revision, etc as the case may be, be not filed, the Nodal department concerned shall ensure compliance of the J/O and mitigates all avenues for drawing a contempt of court proceeding. However, if it is decided that appeal etc. be preferred, then, step be taken deligently so that the appeal etc. is filed within the relevant period of limitation and if any contempt of court proceeding arose on account of non-pursuance of any of the aspects hereof it shall be viewed seriously by the Govt., and erring officials/GA concerned, without any reasonable excuse, shall be appropriately dealt with.

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2. It has been experienced in some court cases in which different Departments of the Government are arrayed as respondents that there occurs contradictory stand taken by different departments. This practice is not at all in the interest of the State Government and also put Government Counsels in the court of law in an embarrassing situation.

Therefore, henceforth, in a litigation where more than one Departments are arrayed as respondents, the main respondent department shall co-ordinate with other departments and formulate the stand of the State Government in the case agreeable to all the respondent Departments. Only such mutually agreed parawise comments (PWC) shall be sent to the G.A. concerned for necessary action. If there can be no consensus amongst the department, the matter shall be referred to the Chief Secretary, Government of Mizoram whose decision shall be final. Further, the G.A. concerned shall process only such PWC forwarded after the above condition have been complied by the departments concerned, and on receipt of the PWC if the G.A. found that the above conditions have not been complied by the Departments concerned, he shall promptly return the PWCs to the Nodal Department concerned for complying with above stated conditions.

Any outcome in a case to the detriment of the interest of the State which is attributable to the non-compliance of the above stated conditions shall be viewed seriously by the Govt. and any glaring negligence of officials/Govt. Advocate concerned in this regard shall be appropriately dealt with.

This supersedes this department O.M. No. G. 11021/8/10-LJA
Dt. 8th April, 2015

Sd/- LALMALSAWMA

Chief Secretary to the Govt. of Mizoram
Law and Judicial Department

Memo. No. G. 11021/8/10 – LJA : Dated Aizawl, the 2nd Aug., 2016
Copy to:-

1. Secretary to the Governor of Mizoram.
2. Secretary to Chief Minister, Govt. of Mizoram.
3. P.S. to Speaker/Deputy Speaker/Ministers/Minister of States/ Parliamentary Secretaries, Govt. of Mizoram.
4. Ld. Advocate General of Mizoram for information and necessary action.
5. P.P.S. to Chief Secretary, Govt. of Mizoram.
6. All Administrative Department for information and strict compliance.
7. All Heads of Department for information and strict compliance.
8. All Addl. Advocate General's for information and strict compliance.
9. Sr. Govt. Advocate, Aizawl for information and strict compliance.
10. Public Prosecutor, District Court, Aizawl/Lunglei for information and strict compliance.
11. All Govt. Advocates (Addl./Asst. GA/PP and all Standing Counsels/Asst. Standing Counsels) for information and strict compliance.
12. Guard File


(R. LALMUANKIMI)

Under Secretary the Govt. of Mizoram