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दिनांक: 3/01.2025

OFFICE MEMORANDUM

Sub: Dealing with the Court Cases.

Recently some court matters have been received in this office where certain orders have been passed by ALC/CGIT, which are against public policy for want of proper defence of the matter. Further course of action has also been delayed abnormally resulting dismissal of Writ Petition in Hon'ble High Court on ground of limitations and non deposition of award amount, apparently without hearing the cases on merit. In another case, it has been noticed that other respondents of Government were not even represented by the EE-in-Charge, creating emergent situation. This shows EE-in-Charge are not seriously handling court cases and monitoring on part of SEs and CEs is also lacking.

(2) In this regard, attention of all concerned is drawn towards para under SOP 5/32: court case and judgement in court cases of CPWD manual 2024 which clearly states, inter alia,

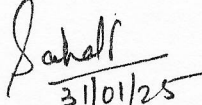
- (ii) "It is the primary responsibility of Departmental Counsel or Government Counsel at the particular station where the case has jurisdiction to see to the proper defense of the case. The superior officer of the Department keeps a constant watch over the progress of these cases and ensures that all such cases, at every stage, are processed properly so that the cases do not go against the Government interests by default, resulting in financial loss, etc. to the Government.
- (iii) The Executive Engineers sees that all such cases are reported with all details as soon as a suit against Government is threatened by any aggrieved party. Monthly report on each such case is sent to the SE/CE detailing the progress of the case and further action taken.
- (iv) The Engineer-in-Charge of the division concerned are primarily responsible for handling and defending the court cases. He /she collects all the relevant records and ensures all help to the Counsel. The Superintending Engineer/Chief Engineer gives adequate and timely instructions to the Engineer-in-Charge to ensure that case is defended properly and handled expeditiously.

(v) The Superintending Engineer/Chief Engineer keeps himself/herself fully conversant with the progress of each case. He/she obtains regular reports from the Engineer-in-Charge about the progress of the case from time to time and sends monthly reports to the Chief Engineer/ADG/SDG".

(3) Under the aforesaid SOP 5/32, there is well thought and well established mechanism regarding dealing with the court cases.

(4) Under the circumstances, it is enjoined upon all concerned to act accordingly over the Court Cases for firmly protecting the Government interest.

This issues with the approval of Engineer-in-Chief, PWD for strict compliance, any violation shall be viewed seriously.


31/01/25
(Sahanubhuti Ashok)
Director(Personnel)

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31/01/25

To,

1. Pr. Chief Engineer (M&F), PWD, MSO Building, New Delhi.
2. Pr. Chief Engineer (Project), PWD, MSO Building, New Delhi.
3. All Chief Engineers, PWD, MSO Building, New Delhi for further circulation among SEs and EEs.