

No. Dy.537/Estt/2012-Estt
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi,
Dated 18/07/2012

To,

1. Managing Director
TRIFED,
2nd Floor, NCUI Building,
3, Siri Institutional Area,
August Kranti Marg,
New Delhi - 110016
2. Chairman-cum-Managing Director,
NSTFDC, NBCC Tower, 5th floor, Hall No.8,
Plot No.15, Bhikaji Cama Place, New Delhi-110066.
3. Secretary,
National Commission for STs,
Lok Nayak Bhawan, New Delhi-110003.

Subject: - Engagement of Counsel for conducting cases of different
Ministries/Departments of Government of India - reg.

Sir,

I am directed to enclose a copy of the letter No. 2576/ASG/2012 dated 17.06.2012 alongwith its enclosure received from Dr. Anmol Rattan Sidhu, Senior Advocate, Punjab & Haryana High Court, Assistant Solicitor General of India, Special Public Prosecutor(CBI) on the above mentioned subject for information and necessary action.

Yours faithfully
Suman Lata Madan
(Suman Lata Madan)
Section Officer(Estt.)
Tele: 23389881.

SSA/MFC

pc. all

[Signature]

18/7/12 Encl: As above.

Copy to FRA Division, M/o Tribal Affairs for information and necessary action.

242/JS/2012
19/7/2012

Dr. Anmol Rattan Sidhu

M.A., LL.M., Ph.D.

Senior Advocate

Punjab & Haryana High Court

Assistant Solicitor General of India

Special Public Prosecutor (C. B. I)



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CHANDIGARH

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Ref. No. 2576 /ASG/2012

June 17, 2012

Subject: Regarding engagement of Counsel for conducting cases of Different Ministries/Departments of Government of India.

1. The undersigned has come to know that various offices of the Ministries/Departments of Government of India are indulging into the practice of engaging non-panel counsel for their cases in the High Court at Chandigarh and its subordinate Courts in the states of Punjab, Haryana and Chandigarh. Such assignment of cases to the non-panel counsel without the concurrence of the directions issued by the Ministry of Law and Justice and without consulting and informing the office of the undersigned, is hampering conduct of smooth litigation in the Courts. It has also been found that this practice has also brought embarrassing observations from the Courts in numerous cases.

2. It is therefore, intimated that in all cases of various Ministries/Departments of Government of India, except specifically notified otherwise by the Ministry of Law and Justice, will be represented by the Panel Counsel assigned by the office of the undersigned only. Accepting or assigning cases directly from/by the Government departments will not be appreciated

D.O. Admin. 28/6/12
Dr. Anmol Rattan Sidhu
Date: 17/6/12

12/17
D.O. Admin. 28/6/12
Dr. Anmol Rattan Sidhu
Date: 17/6/12

2233
11/07/2012
13/7/2012
13/7/2012


and this office is duty bound to take appropriate action against such practice.

3. The Ministries/Departments seeking to engage Counsel in a case are once again requested to contact the office of the undersigned, in concurrence with the Ministry of Law and Justice O.M. No. F.34(14)/2005-Judl, dated 18.7.2005 (copy enclosed), to avoid any unfortunate and embarrassing orders by the Courts and for proper and smooth conduct of the cases in the Courts.


(Dr. Anmol Rattan Sidhu)

1. ✓ All the Ministries/Departments of the Government of India, in the States of Punjab, Haryana and Chandigarh.
2. All Senior Panel - Special Engagement Counsel in the Punjab and Haryana High Court.
3. All Senior Panel Counsel in the Punjab and Haryana High Court.
4. All Central Government Counsel in the Punjab and Haryana High Court and Armed Forces Tribunal.
5. All Additional Central Government Standing Counsel in the Central Administrative Tribunal, Chandigarh Bench.
6. All Additional Central Government Standing Counsel in the District and Subordinate Courts in Punjab, Haryana and Chandigarh.

Copy to The Registrar, Punjab and Haryana High Court, Chandigarh for information.


(Dr. Anmol Rattan Sidhu)

Encl: As above.

OFFICE MEMORANDUM

Subject: -Procedure regarding engagement of Counsel for conducting cases of different Ministries/Departments

The undersigned is directed to state that as per extant instructions, the Ministries/Departments which propose to engage a Counsel have to contact the Officer In-charge of the concerned Litigation Section or the Branch Secretariat at places where this Department has such arrangement and at other places for engagement of Counsel in High Court, the Ministries/Departments have to approach the Assistant Solicitor General of India (Senior Central Government Standing Counsel of the High Court. The Assistant Solicitor General of the concerned High Court is the In-charge of Central Government Litigation and it is his duty to distribute the cases among the Central Government Counsels (Additional Central Government Standing Counsel), but it has been observed that some of the Central Government Standing Counsel are directly appearing in cases without assigning of the same by the Assistant Solicitor General of India. It has also been observed that some of the Ministries/Departments and Subordinate Office have been directly approaching Central Government Counsel instead of approaching the Assistant Solicitor General of India for nomination of a Counsel. Such a practice is hampering conduct of smooth litigation in some High Courts. In one of the court case viz W/P No 46487 of 2005 Lieutenant Colonel MK Sanga Vs Union of India & Another where two Counsel claiming to be representing Union of India, the Hon'ble Allahabad High Court observed that this kind of dispute was most unfortunate and embarrassing and that this kind of situation apart from being detrimental to the interest of Central Government also results in wastage of the courts time

2. It is therefore, directed that all the Central Government Counsel would appear in those cases only, which are marked/assigned to him/her by the Assistant Solicitor General of India. Accepting cases directly from different Government Departments by the Central Government Counsel will not be appreciated, doing so will be taken seriously and action taken against the erring Central Government Counsel

3. All the Ministries/Departments seeking to engage Counsel in a case are once again requested to contact -

- i) The Officer In charge of the concerned Branch Secretariat/Litigation Section at places where this Department has such arrangement viz Bangalore, Chennai, Delhi, Kolkata and Mumbai, and
- ii) The Assistant Solicitor General of India (Senior Central Government Standing Counsel) of the respective High Courts and Senior Central Government Standing Counsel of respective CAT Benches at places other than the places listed above.

The Ministry of Defence etc. are requested to bring these instructions to all concerned for compliance

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(D.R. Meena)

Joint Secretary & Legal Adviser to the Government of India.

- 1 All the Ministries/Departments of the Government of India.
- 2 All the Assistant Solicitors Generals of India.
- 3 All Senior Central Government Standing Counsel of Central Administrative Tribunal.
- 4 All Central Government Counsel in the Allahabad High Court
- 5 Incharge, Branch Secretariats, Mumbai, Bangalore, Kolkata and Chennai.

Copy to Shri Alok K Singh, Registrar General, High Court of Judicature at Allahabad, Allahabad for information



(D.R. Meena)

Joint Secretary & Legal Adviser to the Government of India.