

## Section

17

### LEGAL MATTERS

(Copies of CSIR OMs /Letters)

1

*Copy of CSIR letter No. 3(89)E.A/Law dated 10<sup>th</sup> July 1995*

**Sub: Preparation of replies of filing in Court/Cat and limitation in filing Review Applications/Special Leave Petitions – instructions regarding.**

I am directed to draw your attention to this Office Circulation of even number dated 9.9.93 which was circulated along with other circulars on the subject with our circular of even number dated 23.5.1994.

Despite the instructions contained in these circulars, the cases on account of contempt proceedings are on increase and in some cases we are put in an embarrassing situations because the contempt proceedings are filed against the Director/Director-General by name.

To obviate such a situation and also to reduce the cases on this account, instructions contained in the aforesaid circulars are reiterated for strict compliance and it may be ensured that the judgements received in the laboratory are sent to this office immediately on receipt from the Court/Tribunal/Advocate so that timely decision can be taken for filing of review/SLPs as the case may be. If any delay is noticed in getting instructions from Hqrs., you may kindly file extension applications in Tribunal/Court within the stipulated time to avoid contempt proceedings. It is also to emphasize that proper monitoring should be done for compliance of the judgement and for filing of the appeals/review etc. in time as the case may be. Any laxity on the part of the officer entrusted with the legal cases will be viewed seriously.

Kindly acknowledge receipt .

2

*Copy of Letter No. 3/89/Law dated 1st July 1996*

**Sub: Decentralisation in Legal matters.**

I am to draw your attention to para 4 of this office letter of even No. dated 1.12.1989 on the above subject and to state that the Govt. of India has issued number of office memoranda for presentation of cases before CAT through authorised departmental representatives. A copy of the latest office memorandum dated 28<sup>th</sup> May 1996 received in this connection is enclosed for ready reference.

The matter has again been considered in the light of the above instructions and it has been decided that, to begin with, it would be advisable to depute respective COAs/Aos to attend the hearings in various courts including CAT, along with the advocates to acquaint themselves with the procedure being followed in these Courts/Tribunals to enable them to gain experience. After some time when they gain sufficient experience in the line and are also able to attain confidence to handle such matters, they may be advised to take up the cases independently on behalf of CSIR labs. They may, however, consult this office from time to time for drafting of replies etc. connected with these cases, whenever they appear in these courts independently as departmental representatives.

It is, therefore, requested that you may advise the COA/AO to comply with the above directions so that the cases on behalf of CSIR/Laboratories are effectively contested/presented and also favourable results obtained from the Tribunals.

Kindly acknowledge the receipt.

**Sub: Reply to Legal Notice in service matters.**

It is observed that many a times Legal Notices (Lawyer/Advocate Notice as commonly known) are served in service matters by the Advocates on behalf of the employees. As per the rules, there is no need for serving Legal Notices in service matters and it is also not mandatory to reply to such notices. It has however been noticed that many a times replies are sent by the Laboratories/Institutes even though it is not mandatory to reply to such notices.

The JS (Admn) has been pleased to approve that hereinafter no reply to legal notice in service matters shall be sent by the National Labs./Instts.