

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(Establishment Section) Civil Secretariat
Srinagar/Jammu.

Subject:- Litigation Reforms and effective monitoring of Litigation in Union Territory of Jammu and Kashmir – **Appointment of Officer Incharge (OIC) Litigation.**

Reference:- Administrative Council Decision No. 35/4/2021 dated 10-03-2021.

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Government Order No: **1673** -JK(LD) of 2021.
Dated : 24 - 03 - 2021.
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In pursuance to the above referred decision of Administrative Council, it is hereby ordered that for each and every case including arbitration matters pending or instituted against the Government or its functionaries, there shall be an Officer In-charge (OIC) Litigation.

(I) **Procedure for Appointment:-** (i) Each Administrative Department shall recommend by name and designation, an officer to the Department of Law, Justice and Parliamentary Affairs for appointment as Officer In-charge (OIC) Litigation.

(ii) Department of Law, Justice and Parliamentary Affairs shall appoint an Officer Incharge (OIC) of the case and inform the department accordingly.

(iii) OIC on demitting his office on account of his transfer or retirement shall handover entire record of the case (s) to his/her successor or as the department may direct, who shall continue to be the Officer In-charge of the case.

(II) **Eligibility of appointment as OIC:-**

(i) The Officer In-charge (OIC) Litigation shall be the officer of the Department not be below the rank of Under Secretary.

(ii) The Law officer posted in the department shall in no case be designated as Officer In-charge of the case.

(III) **Duties and Responsibilities of Office Incharge (OIC) Litigation:-**

(i) OIC shall keep close liaison with the Department and Government Counsel contesting the case on behalf of the Government.

(ii) He shall make inquiries into the facts as necessary in the case.

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- (iii) He shall collect all relevant files, rules, notifications, orders and documents.
- (iv) He shall prepare a para-wise report/response and give additional information which is likely to help the Counsel representing the Government and entrust the same to Law Officer of department, who shall after making suitable modifications, wherever required, send and brief the Government Counsel for preparation of objections/reply
- (v) He shall contact Government Counsel and keep close liaison and seek assistance of Law Officer posted in the department, wherever required.
- (vi) He shall ensure that the relevant record of the case is provided to the counsel or the court without delay as the case may be.
- (vii) He shall get the reply prepared and vetted by the Government Counsel and approved by the department before it is signed and filed before the Hon'ble Court.
- (viii) He shall assist the Counsel and always keep himself aware of date fixed, its status and progress of the case.
- (ix) He shall inform Department as and when order/judgment is passed.
- (x) In case of his transfer he shall handover file to his successor.
- (xi) He shall be authorized to sign vakalatnama and all the pleadings in terms of Order XXVII, Rules 1 and 2 of the Code of Civil Procedure, 1908 and shall be deemed to be recognized agent by whom appearances, acts and applications under the Code of Civil Procedure may be made or done on behalf of the Government.
- (xii) In case two or more Departments are sued jointly, one OIC shall be appointed by the Law Department who shall perform all the above functions. In case of any conflict between the contesting respondents, each department shall prepare a report, which shall be forwarded to the Department of Law, Justice & Parliamentary Affairs through their respective administrative department for advice. The Department of Law, Justice and Parliamentary Affairs will decide which stand is just and legal and will issue instructions regarding the matter.
- (xiii) The OIC shall represent all departments and there shall be one OIC per case except in exceptional cases where Government can appoint more than one OIC.



- (xiv) He shall with the assistance of the Law Officer posted in the department, immediately upon receipt of the order/judgment/Award alongwith the comments of the Government Counsel, examine and place the matter before Competent Authority for taking decision regarding implementation of the Judgment or filing of appeal. The said decision ought to be taken in a time bound manner keeping in view the period of limitation. In case appeal is required to be filed, it is to be forwarded to the Law Department in a devised format at an earliest or at least one month before the expiry of the limitation period which shall be clearly reflected.
- (xv) The OIC shall be responsible for effective dealing/ monitoring of the case at all levels.
- (xvi) All the petitions of similar nature shall be identified and steps may be taken to club such petitions together and expedite their disposal by filing appropriate motion/petition.

The Officer Incharge (OIC) Litigation shall also perform such other duties as may be specified from time to time by the Government.

By order of Government of Jammu and Kashmir.

Sd/-

(Achal Sethi)

Secretary to Government.

No: - PS/LS/2021/40.

Dated:- 24 -03- 2021.

Copy to the:-

1. Learned Advocate General, J&K Jammu.
2. Director General of Police, J&K Jammu.
3. All Financial Commissioners.
4. All Principal Secretary to Government.
5. Principal Resident Commissioner, New Delhi.
6. Principal Accountant General, J&K Srinagar.
7. Principal Secretary to the Hon'ble Lieutenant Governor, Raj Bhavan.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner/Secretary to Government, General Administration Department.
10. All Commissioner/Secretary to Government.
11. Divisional Commissioners, Kashmir/Jammu.
12. All Deputy Commissioners.
13. Register General, J&K High Court, Jammu.
14. Principal Secretary to the Hon'ble Chief Justice, J&K High Court.
15. All Head of Departments/Corporations.
16. Secretary, J&K Public Service Commission, Jammu.
17. Secretary, Service Selection Board, J&K Jammu.
18. Director Finance, Department of Law, Justice and Parliamentary Affairs.
19. Director Information, J&K Jammu.
20. Director Litigation, Jammu/Kashmir.
21. All the Special/Additional Secretaries/Senior Law Officers/Public Law Officers/Legal Assistants/Junior Legal Assistants for compliance.



22. Private Secretary to the Chief Secretary for information of the Chief Secretary.
23. All Law Officers representing the Union Territory of Jammu and Kashmir before the Hon'ble High Court at Jammu/Kashmir.
24. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of the Secretary.
25. Website of the Department of Law, Justice and Parliamentary Affairs.
26. Government order file.
27. File concerned.

Ashish Gupta
24.03.2021

(Ashish Gupta)

Additional Secretary to Government.

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24.03.2021