

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

Subject: Instruction regarding timely filing of objections /replies/ Counter Affidavits, LPAs / Writ Petitions/ SLPs before the Hon'ble Supreme Court, the Hon'ble High Court of Jammu and Kashmir & Ladkah and the Central Administrative Tribunal (CAT) and strict adherence to Instruction thereof.

Reference: Order dated 22.04.2026 and 05.05.2026 passed by Hon'ble High Court of Jammu and Kashmir & Ladakh in WP(C) No. 1618/2023 titled Ali Mohammad Wani vs.UT of JK and Ors.

Circular No.08-JK(LD) of 2026

Dated: 12 - 05 - 2026

The Hon'ble High Court of Jammu and Kashmir & Ladakh upon hearing the case bearing WP(C) No. 1618/2023 titled Ali Mohammad Wani vs.UT of JK and Ors vide order dated 22.04.2026, has sought personal appearance of Commissioner/ Secretary to Government, Department of Law, Justice & PA and has inter-alia observed as under:

"05. It is being noticed by this Court that in a large number of cases involving the Government, replies are not being filed within the stipulated time, despite repeated opportunities being granted. Such a practice not only contributes to the mounting backlog of cases, but also seriously impedes the efficient administration of justice. It is necessary that an effective and time-bound mechanism is to put in place to ensure;

- i. Prompt transmission of records to the concerned counsel;**
- ii. Timely preparation and filing of replies/objections;**
- iii. Effective monitoring of pending cases; and**
- iv. Fixation of responsibility upon officers who are remiss in discharging their duties.**

06. Such a mechanism would not only facilitate effective representation of the Government before the Courts but also obviate the necessity of passing coercive orders against the Government and safeguard the public interest.



07. It is further brought to the notice of this Court that the learned Law Officers have been consistently issuing communications/reminders and made telephonic requests in this regard to the concerned officers for filing of reply in time, yet the parawise reply is/are not being given to the counsel engaged well in time, with the result the counsel representing a particular department is not a position to file the response well in time. In case, that be the position, then the Secretary Law shall fix the responsibility on such officers, who are remiss in drafting of parawise comments/reply well in time, as a result of which, adverse orders are passed against the Government and interest of Government are hampered in such like cases.....

19. The present order is being passed only to ensure that an effective mechanism is put in place, so that the replies are filed well within time so as to obviate the necessity of passing coercive orders against the Government and safeguard the public interest.

Again, vide order dated 05.05.2026 the Hon'ble High Court of Jammu and Kashmir & Ladakh has inter alia observed and directed as under:

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01. Mr. Achal Sethi, Commissioner Secretary, Department of Law, Justice and Parliamentary Affairs is present in person.
 02. Mr. Achal Sethi, Commissioner Secretary, Department of Law, Justice and Parliamentary Affairs, who is present in person, has assured this Court that in the light of the observations made by this Court in the detailed Order passed by this Court on 22nd April, 2026, the Government has taken all the appropriate measures in order to ensure that such situation is avoided in future and an effective mechanism is put in place by providing proper and timely assistance to the Government Counsels by the concerned officers and also strict compliance with respect to the various directions issued by this Court in various cases concerning the Government.
 03. In addition, Mr. Achal Sethi, Commissioner Secretary, Department of Law, Justice and Parliamentary Affairs, assures this Court that an effective mechanism shall be put in place so that the replies are filed well within time and to obviate the necessity of passing coercive order against the Government and safeguard the public interest....."

In this regard the Department of Law, Justice and Parliamentary Affairs vide Government Order No. 1673-JK(LD) of 2021 dated 24.03.2021, Government Order No. 1675-JK(LD) of 2021 dated 24.03.2021, Government Order No. 1677-JK(LD) of 2021 dated 24.03.2021, Government Order No. 1678-JK(LD) of 2021 dated 24.03.2021 and Government order No 2048-

JK(LD) of 2026 dated 13.02.2026, in pursuance to the Administrative Council Decision No. 35/4/2021 dated 10.03.2021, has laid down mechanism for appointment of Officer In charge (OIC) Litigation and has assigned the role and responsibilities of Officer In charge (OIC) Litigation/Law Officers/Government Counsels who shall inter-alia be responsible for monitoring of the Litigation against the Government in terms of said order(s). The following duties and responsibilities of Officer In charge (OIC) Litigation/ Law Officers/Government Counsels have been prescribed ; namely :

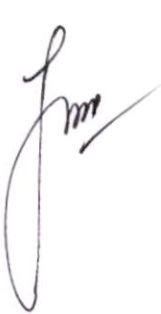
I. Duties and responsibilities of Officer In charge (OIC) Litigation:

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- 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.*
 - 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. In case of his transfer, he shall handover file to his successor.*
 - x. *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.*

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- xi. *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.*
 - xii. *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.*
 - xiii. *He shall with the assistance of the Law Officer posted in the department, immediately upon receipt of the order/judgment/Award along with 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.*
 - xiv. *The OIC shall be responsible for effective dealing/ monitoring of the case at all levels.*
 - xv. *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.*

II. Duties and responsibilities of Law Officers:

- i. *He shall examine the writ petition/civil suit, whenever it is filed against the Government and before the same is contested in the court of law. The Law Officers on receipt of the copy of the writ petition/civil suit etc. shall give complete brief to the Government counsels for preparation of objections/reply, which shall be prepared and made available by OIC in accordance with record.*
- ii. *The Law Officer on receipt of draft objections from Government counsel, shall ensure that the legal defence available to the Government is properly reflected in the reply/objections and shall return the same to the Government counsel duly sealed and signed by the competent/authorized officer for filing before the Hon'ble court. The whole exercise from preparation of factual note and finalization of objections should be done in a time bound manner and should not take more than (30) days, unless there is court direction for filing of response before said period.*

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- iii. *The Law Officer shall be responsible for filing of replies, Statements of facts, appeals, LPA(s)/SLP(s) and all other pleadings before the Hon'ble Court(s) well in time. There should not be any delay, laxity or default from the Law Officer which shall entail appropriate action against him. However, in exceptional cases where there is delay, the application for condonation of delay shall be filed which, however, should not be drafted casually and in a routine manner without proper application of mind. The Law Officer shall provide all the inputs and sufficient reasons to the Government counsels for drafting of such applications.*
- iv. *The Law Officers should have a close liaison with OIC (Litigation) appointed for specific case and should coordinate the conduct of litigation between all the stakeholders. It will also be his responsibility to monitor the progress of litigation, particularly to identify the cases in which repeated adjournments have been taken. He shall report cases of repeated and unjustified adjournments to the HODs and Law Department / Advocate General and who shall call reasons for the adjournments from the concerned counsel. If there are repeated adjournments, serious note shall be taken for negligence or default of the Counsel Conducting the case and the matter shall be dealt appropriately which may entail his suspension/removal of his name from the Panel of Government Lawyers/Advocates.*
- v. *The cases in which costs are awarded against the Government as a condition of grant of adjournment or for any other reason shall be viewed very seriously. In all such cases, the HOD may call a report from counsel as to why such costs were awarded. The names of the persons responsible for default shall be identified and suitable action should be taken against them including the recovery of costs from the said erring persons.*
- vi. *Law officers shall be responsible for active case management which will involve constant monitoring of cases particularly to examine whether cases have gone "off track" or have been unnecessarily delayed.*
- vii. *The Law Officer shall maintain a complete record of the cases pending in courts, related to the department so that cases are tracked conveniently.*
- viii. *The Law Officers shall also perform such other duties may be specified from time to time by the Law Department.*
- ix. *Any reluctance in the discharge of duties shall be viewed seriously and shall be a valid reason for initiating disciplinary action against the delinquent officer.*
- x. *Two proformas as set out in Annexure- LO-I & LO-II hereto, have been already devised in Government Order No. 1675-JK(LD) of 2021 dated 24.03.2021(copy enclosed) to monitor their performance and review the litigation of the departments pending in Hon'ble courts.*

The Law Officers shall furnish information of cases on weekly and fortnightly basis on the devised proforma regularly, failing which action shall be initiated again the erring officer.

III. Duties and responsibilities of Government Counsels:

- i. The Government Counsels shall be prompt in drafting of objections/Affidavits/LPAs and statement of facts on receipt of factual note from the department. Since drafting is the backbone of the litigation as such the drafting of pleadings should be in compliance with the settled norms and taking into consideration the recent developments of law. The pleadings are to be drafted carefully. The application for condonation of delay shall also be drafted carefully, identifying the areas and causes of delay, after receiving the inputs from the concerned OIC/ Law Officer. Casual drafting shall be viewed seriously for reviewing the performance of Government counsels.
- ii. The Government Counsels as far as practicable, shall file consolidated reply after receiving inputs from all concerned departments. The reply shall be filed by the main contesting department on behalf of all the official respondents.
- iii. They shall not give any assurance before the court without consulting Administrative Department and if in any case, it is found that any Government Counsel had made any commitment before the Court without consulting Administrative Department or the Law Department, the matter shall be immediately reported by OIC/Law Officer and the serious action against the Government Counsel should follow, which even may entail his disengagement.
- iv. The Government Counsels should not resort to unnecessary adjournments. In extreme cases, if instructions are required to be received from the concerned departments, the Government Counsels should contact the, Head of Department, OIC or Law Officer as the case may be. The same procedure should be followed in Appellate courts also. Adjournments should not become a routine course.
- v. It has been observed that most the cases are not being disposed of on merits. The cases are being disposed of with consent of Government Counsel with the direction to consider the claim under rules. This practice needs to be discontinued forthwith, as it often leads to endless litigation. The Government Counsel should argue and contest the cases for determination of the issues and rights of parties.
- vi. It shall be the duty of the Government Counsel to inform the department if the factual report and all other necessary assistance/record is not received by him in time.
- vii. The Government Counsels shall appear in Court with adequate preparation.
- viii. The Government Counsel shall inform the OIC/Law Officer regarding any direction/order of the Court on daily basis.



- ix. *They shall apply for the copy of the order promptly on the same day or latest by the next working day (x*
- x. *The Government Counsels shall, on date of receipt of o the order/judgment, forward the same to the Department of Law, Justice and Parliamentary Affairs and to the concerned department, specifically indicating therein (a) date of application for certified copy, and (b) date of receipt of judgment, along with his concrete opinion on merits of the case, as to whether the case is fit for filing of appeal or not. In both cases i.e.filing of appeal or implementation of the Judgment, reasons should be clearly recorded by the Government Counsel.*
- xi. *The Government Counsels whether at High Court Level or Subordinate Courts shall discharge their obligation with the sense of responsibility towards the court as well as to Government. Since they are bridge between the Government and the Court, they shall follow code of conduct towards their client i.e. Government.*
- xii. *Two proformas as set out in Annexure - GA-I & GA-II appended to Government Order No. 1678-JK(LD) of 2021 dated 24.03.2021 (Copy enclosed) have been devised to monitor their performance and review the litigation of the departments pending in Hon'ble Courts. The Government Counsels shall furnish information of cases on daily basis through Director Litigation Jammu/Kashmir respectively and fortnightly to the Department of Law, Justice and Parliamentary Affairs on a devised proforma.*
- xiii. *The Government Counsel (s) shall furnish weekly/department wise advance list of cases on each Friday or Saturday as the case may be on a devised proforma GA-III appended to Government Order No. 1678-JK(LD) of 2021 dated 24.03.2021 with specific reference to the steps/remedial measures required to be taken in all these matters.*
- xiv. *The Government Counsels shall also perform such other duties as may be specified from time to time by the Law Department.*



However, it has been observed that the aforesaid instructions/responsibilities as detailed are not being strictly adhered to by the Officers Incharge Litigation (OICs), Law Officers and Government Counsels and casual and lackadaisical approach has been quite often noticed resulting in adverse orders thereby severely and seriously jeopardising the interest of the Government in the said litigations and in some cases, the Officer Incharge Litigation Law Officers and Government Counsels are not performing their duties and responsibilities including filing of replies, petition/LPA's/SLP's in a time bound manner which leads to passing of adverse orders against the

Government of Jammu and Kashmir, and also seriously impedes the efficient administration of office.

Accordingly, It is hereby impressed upon all the Officer Incharge Litigation's, Law Officers and Government Counsels to comply with the aforesaid duties and responsibilities in letter and spirit and any lapses, negligence, or casual approach in the conduct of litigation and filing of replies within the time frame as prescribed hereinabove, shall be viewed seriously and action against the officers found involved shall be taken in accordance with rules. Any negligence on part of any OIC shall be reported to the concerned Administrative Department/ General Administration Department for appropriate action under Civil Services Regulation/ Rules.



Sd/-
(Achal Sethi)
Commissioner/ Secretary to Government

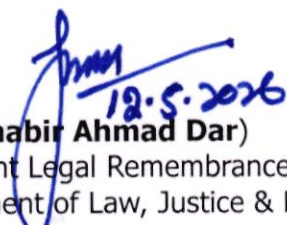
No. LAW-LIT/33/2026-10-Law

Dated: 12 .05.2026

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 Secretaries to Government.
5. Principal Resident Commissioner, New Delhi.
6. Principal Accountant General, J&K Srinagar.
7. Principal Secretary to the Hon'ble Lieutenant Governor, Lok Bhavan.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner/Secretary Department to Government, General Administration Department.
10. All Commissioner/Secretaries to Government.
11. Divisional Commissioners, Kashmir/Jammu.
12. All Deputy Commissioners, Jammu and Kashmir.
13. Principal Secretary to the Hon'ble Chief Justice, High Court of J&K and Ladakh.
14. Registrar Judicial, High Court of J&K and Ladakh.
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/ Deputy Legal Remembrancer(s)/ Assistant Legal Remembrancer(s)/ Public Law Officers/Legal Assistants/Junior Legal Assistants for compliance.
22. Private Secretary to Chief Secretary for information of the Chief Secretary.

23. Shri Faheem Nisar Shah, Government Advocate, High Court of Jammu and Kashmir and Ladkah, at Srinagar, for information.
24. All Law Officers representing the Union Territory of Jammu and Kashmir before the Hon'ble High Court at Jammu/Srinagar.
25. Private Secretary to Commissioner/ Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of the Commissioner/ Secretary.
26. In-charge Website.
27. All Officer In-charge Litigation (s) for compliance.
28. Government order file.
29. File concerned.


(Shabir Ahmad Dar)
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Department of Law, Justice & PA