

Government of Jammu and Kashmir,
Rural Development Department.

CIRCULAR

It has come to the notice of the Department that due to the failure of the field agencies, adverse orders are passed by Courts including Labour courts and subordinate Civil courts by which the Department is unduly penalized when the matters surface for appropriate action on account of decretal amount at later stage when possibility of filing an appeal and all other remedial measures do not remain available with the Department.

A number of labour court cases where the Department has been generally on a very strong footing have resulted in passing of ex-parte decisions against the Department attracting huge financial liabilities which the Department has to bear for the laxity of the officers at the helm of affairs or due to their connivance or their failure in making appropriate representation for defending the cases on the basis of the material - documentary and oral - available on this account.

It has time and again been emphasized that due emphasis should be given to the timely monitoring of the cases on regular basis at Divisional levels and at the District level also so that the matters relating to the Court cases and pendencies in Labour and Civil courts are duly taken cognizance of and timely action for defending the cases initiated so as to avoid issuance of adverse orders against the Department.

In spite of instructions on this account having been issued from time to time, this matter has not become a regular feature neither at the District level nor at the Directorate level by which precarious position for the Department has arisen at different points of time and huge liabilities loaded on the Department and consequently on the Government in Planning/Finance Departments for wriggling out of these disputes.

All concerned are, therefore, impressed upon to ensure follow up of the court cases by way of maintenance of proper records and registers on this account ensuring day-to-day monitoring. Formal arrangement about reviewing the progress at the District and Province level is further emphasized together with laying down a system on this account for regular MPRs and details of the backlog cases.

It further needs to be enjoined upon the subordinate officers for ensuring close monitoring on this account and initiating appropriate disciplinary action against the officers found involved in the matters of issuance

of adverse orders by the courts against the Department inspite of material contrary to it being available with them. This aspect also needs focussed attention so that appropriate action against the delinquents could be initiated so as to stem the rot.

The receipt of the Circular may kindly be acknowledged and systems that may be evolved at different levels indicated to this office besides ensuring regular follow up and reporting as envisaged heretofore.

Sd/-
Secretary to Government,
Rural Development Deptt.

NO:RD/Writ/97/2006.

Dated: 26-11-2007.

Copy to the:

1. Director Rural Development, Jammu/Kashmir.
2. Director Rural Sanitation, J&K, Jammu.
3. Shri Arun Kumar Sharma, Addl.Secy. Rural Dev.Deptt., with the direction for collecting MPRs on the subject together with evolving systems for taking follow up on various issues arising from time to time so as to avoid passing of adverse orders besides ensuring timely action against the defaulters being taken for streamlining the system.
4. ACD _____

Arjun
26/11/07
Under Secretary to Government,
Rural Development Department.
26/11/2007. 26/11