

DGS Circular No. 3 of 2004 - Follow Up - Court Cases - reg.

D.G. Shipping Circular No. 3 of 2004

NO: PB-18(2)/2000
January 9, 2004

Dated

Sub: Follow up - Court Case reg.

All Officers

1. There is a need to deal with the court cases systematically and on priority. Recently in an embarrassing judgement, Chief Secretary of Bihar was taken into judicial custody on an order of Patna High Court and he remained in judicial custody for 2 hours.
2. To avoid any such untoward happenings, all officers are directed to maintain a separate register of court cases and fill in the following details:
 - (i) Gist of the cases
 - (ii) Next date of hearing
 - (iii) Date of filing reply/Affidavit/Counter Affidavit
 - (iv) Coordination with MMDs/SICs/SMs/SEOs/MoS, etc.
 - (v) Appointment/co-ordination with Counsel/Senior Counsel, etc.
3. The Branch Officers should keep their respective HoDs apprised, who in turn should monitor court cases very closely. The HoDs are required to apprise DG about progress of the court cases from time to time.
4. In every case where Directorate General of Shipping is made a respondent, due care should be taken to file an Affidavit-in-Reply within a week of receipt of Writ Petition.
5. Departmental representative/Officer In-Charge should necessarily be present in the Court during the hearings, along with the Govt. Counsel, and should send the report on the developments that take place during the hearings in the Court through periodical reports.
6. Immediately after the judgement is delivered by the Court, a copy of the judgement, certified or otherwise, should be obtained and appropriate action should be initiated.
7. In cases where judgement is not acceptable immediately, action should be taken to file a Review Application, Appeal Application etc., within a week of receipt of the judgement.
8. The Appeal Affidavit/Review Affidavit should be filed in the Court within a week and it should be ensured that the concerned MMD/Govt. Counsel has filed the affidavit and a "certified copy" should be obtained.
9. In cases, where the Directorate accepts the judgement, the same should be implemented, communicated to the parties concerned and where required, a compliance affidavit should be filed in the Court.
10. All officers should ensure compliance with above. Any lapse in implementation shall be viewed seriously and responsibility will be fixed.

**Sd/- (G.S. Sahni) Director General of Shipping &
ex. officio Additional Secretary to Govt. of India**

Copy to :

All MMDs, Mumbai/Kolkata/Chennai to ensure that court cases are handled on top priority and with care. All cases need be reported by the Officer In-Charge.

Copy for compliance and guidance also to: All other allied offices