



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

(A State Govt. undertaking)

Registered office: Vidyt, Bhawan, HPSEBL, Shimla-4(H.P)

Number (CIN): U40109HP2009SGC031288

GST No. : HPSEBL 02 AACCH4894EHZB

Telephone Number : 0177-2803600, 2801675 (Office), 2658984 (Fax)

Website address : www.hpsebl.com

Email: cmd@hpsebl.in & directorfa@hpsebl.in

No. HPSEBL(Sectt.)LS/Gen. Vol. No. /2023 /- 159.309 Dated: 28.04.2023.
To

1. All The Chief Engineer(s) in HPSEBL.
2. All the Superintending Engineer(s) in HPSEBL.
3. All the Sr. Executive Engineer(s) in HPSEBL.

Sub: SOPs/Instructions for dealing with court cases in compliance of Hon'ble Court Order dated 22-03-2023 passed in CMP(M) No. 627/2021.

Sir,

In connection with above, enclosed please find a copy of letter bearing No. MPP-E(5)6/2022 dated 13-04-2023 received from the Special Secretary(Power) to the Govt. of HP together with the copy of SOPs/Instructions dated 18-03-2023 issued by the Chief Secretary to the Govt. of HP, on the subject cited above.

You are requested to adhere^{to} these instructions in its letters and spirit and ensuring its strict compliance thereof please .

Encls:- As above.

Yours faithfully,


(Manoj Kumar)
Executive Director (Pers.)
HPSEBL, Shimla-4.

Copy of above is forwarded to the following for information and necessary action please.

1. The Managing Director, Beas Valley Power Corporation Ltd. Jogindernagar, HP.
2. The Special P.S./ Sr. P.S./ P.S. / to the MD/ Director(s)/ Executive Director(Pers.) , HPSEBL, Shimla-4.
3. All the Dy. Secretaries/ Under Secretaries in the Board Secretariat.
4. The Dy. Director (PR)/ IR/ PO, HPSEBL, Shimla-4.
5. The Superintending Engineer (IT), HPSEBL, Shimla-4 for uploading the same in the website of HPSEBL.

Encls:- Nil.


(Manoj Kumar)
Executive Director (Pers.)
HPSEBL, Shimla-4.

File No. MPP-E(5)6/2022
Government of Himachal Pradesh
MPP & Power Department

From

The Secretary (Power) to the,
Government of Himachal Pradesh

To

1. The Director (Energy),
Shanti Bhawan, Phase-III, New Shimla,
Shimla-09.
2. The Managing Director,
H.P. Power Corporation Ltd., Himfed Building,
BCS, New Shimla-09.
3. The Secretary,
HPERC, Vidyut Aayog Bhawan,
Block No. 37, SDA Complex,
Kasumpti, Shimla-09.
4. The Managing Director,
HPSEBL, Vidyut Bhawan,
Shimla-04.
5. The Managing Director,
H.P. Power Transmission Corporation Ltd.,
Himfed Building, Panjri near Old MLA Quarters,
Tutikandi, Shimla-05.
6. The Chief Electrical Inspector,
Block No.-29, SDA Complex,
Kasumpti, Shimla-09

Dated Shimla -2 the

13/04/2023

Subject:- SOPs/instructions for dealing with court cases in compliance of Hon'ble Court order dated 22.03.2023, passed in CMP(M) No. 627/2021.

Sir,

I am directed to enclose herewith a copy of letter No. PER(AP)-C-E(3)-3/2020-Part-I alongwith its enclosure received from the Deputy Secretary to the Government of Himachal Pradesh, on the subject cited above and request you to adhere to the directions/instructions as envisaged in the enclosed letter and also direct the office under your control for following these instructions in letter and spirit.

Yours faithfully,

(Kiran Bhadana, I.A.S.)
Special Secretary (Power) to the
Government of Himachal Pradesh

Circulate P/-

Put up immediately
for its
circulation.

USL(S)

USL(M)

LoC(Z)

Super

24/4/2023

25/04/23

Kiran Bhadana

25/04/2023

Log No. 81

25/04/2023

22-03-23

(33) (17)

No. PER(AP)-C-E(3)-3/2020-Part-I
Government of Himachal Pradesh
Department of Personnel
(Appointment-III)

From

The Chief Secretary to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the } except HPPWD
Government of Himachal Pradesh }
&
Jal Shakti Vibhag

✓ Sec. (MPP & Power) to the GOHP

Dated: Shimla-02 the

18th March, 2023

Subject:-

SOPs/instructions for dealing with court cases in
compliance of Hon'ble Court order dated 22.03.2022,
passed in CMP(M) No. 627/2021.

Sir/Madam,

It has been experienced by the Government that the
Departments are not defending the court cases expeditiously in the
desired manner. Even the replies, appeals etc., are not being filed by the
Departments within the time granted by the various Hon'ble Court(s).
There are instances where various Court(s); including Hon'ble High Court
of Himachal Pradesh, have passed adverse orders with costs imposed on
the State Government for non-filing of replies / appeals etc., in time. This
laxity is not only causing unnecessary embarrassment to the State but
also putting undue burden on the State Exchequer unnecessarily.

2. In the recent past, the Hon'ble High Court of Himachal
Pradesh, vide its order dated 22.03.2022, passed in LPAST No. 7314/
2021 in CMP(M) No. 627 of 2021, has shown its concern about this
laxity, lack of response and unnecessary tossing of the matter(s) in
hierarchical order and directed to take necessary step for streamlining
the prevailing procedure by developing a proper mechanism for the better
work management.

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3. The State Government has issued H.P. State Litigation Policy, in detail, vide letter No. Home(Prosecution)(F)1-1/2010 dated 07.03.2011, and directed in para 2.1 thereof to the Department(s) to form 'Departmental Litigation Monitoring Committee' and also to appoint Nodal Officers so as to monitor the pendency and future litigation being faced by the department in terms of the said policy.

4. In order to streamline the prevailing procedure and also to ensure efficient and quick / timely disposal of court cases at each stage(s) / level(s), it is henceforth decided that the 'Departmental Litigation Monitoring Committee' notified for the purpose at Department(s) level will be responsible for timely disposal of court matters by monitoring the filing of reply(ies) & implementation of orders rendered by the Hon'ble Court(s), in a time bound manner.

5. The Advocate General office would supply the Email/communications regarding orders/judgments/directions of the Hon'ble Court(s) in each case to the state respondent, and the respective departments will prepare the suitable reply(ies) or comply the orders/judgments of the Court, as the case may be, well in time.

6. In case of filing reply(ies), the respondent department(s) will submit replies for vetting through Emails and ask the officer well conversant with the facts of the case(es) to remain in touch with the vetting officer in the Advocate General office.

7. In case of filing appeal(s) the respondent department(s) will initiate the said process well in time on the basis of judgment available on the website of Hon'ble High Court(s) in order to avoid delay.

8. The Administrative Department(s), advisory Department(s) i.e. Law Department, Finance Department & Personnel Department etc. will take decisions for compliance of judgments/orders within stipulated time. In case of delay in decision/compliance, the respective

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- Administrative Department(s) shall file appropriate application for seeking extension of time from the respective Hon'ble Court(s).

The following guidelines / clarifications, SoPs, Template(s) and timelines are to be followed up by all Nodal Officers while dealing court cases in order to ensure efficient and quick disposal of court cases:

State-1: On receipt of Legal Notice under 80 CPC etc.-

Sr. No.	Processes	Responsibility	Time line
1.	Put up factual position to the authorities for order for giving suitable reply to the notice or to address the grievances of aggrieved person on whose behest the notice has been issued.	Dealing Assistant	03 days
2.	On the facts or proposal submitted by Dealing Assistant the necessary order/directions will be issued.	HOD / Secretary-in-charge	03 days
3	After receipt of orders on the issue necessary reply will be finalised or order will be issued for execution.	Dealing Assistant	03 days

State 2. On receipt of the writ petition / court case/plaint filing of replies-

The below mentioned activities may be completed preferably within 20 days from the receipt of writ petition/plaint etc.-

Sr. No.	Processes	Responsibility	Time line
1.	Checking of complete set of documents/ annexure on receipt of the writ petition / court case/plaint	Nodal Officer/ Dealing Assistant	01 day

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2.	Creation of file for each case separately, attaching relevant documents, and put a self-contained note to their in-charge and to make case entry in LMS Portal.	Nodal Officer/ Dealing Assistant	01 day
3.	Maintain case entries on separate platforms like Excel/Google Sheets as a backup.	Dealing Assistant / Legal Assistant	01 day
4.	Prepare facts / instructions / short submission as required in the case in consultation with Legal consultants which will be forwarded to next competent authority.	Dealing Assistant	04 days
5.	Verification of factual statement made in the instructions / short submission and forwarding case file to Branch/ forwarding case file to respective Section / HoD/Secretary in-charge for approval..	Nodal Officer	03 days
6.	Forwarding case file to approval for Secretary in charge / the Government in case of any input which requires any policy decision, any contempt case and any new instructions / facts which mandates the approval of Government.	HoD	02 days
7.	After approval, forwarding the case file to respective Section / office.	Section in-charge	01 day
8.	Forwarding case file to Nodal Officer.	HoD	01 day
9.	Communication with Ld. Dy. AG / Ld. Addl. AG concerned for vetting of replies and liaising with them for preparing reply(ies).	Nodal Officer	03 days

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10.	Signing and filing reply.	Nodal Officer	02 to 03 days (maximum)
11.	Update Status on LMS Portal.	Nodal Officer	01 day

Note: In case of any contempt petition or any urgent input required to be submitted in the Hon'ble Court, the same should be done on priority basis irrespective of the above defined timelines.

State-3: On receipt of the order passed by the Hon'ble Court of Law-Compliances of interim orders.

The below mentioned activities may be completed preferably within 10 days from the receipt of order passed by the Hon'ble Court of Law-

Sr. No.	Processes	Responsibility	Timeline
1.	Put up the court order with the opinion of Ld. Dy. AG / Ld. Addl. AG with self-contained note to their in-charge.	Nodal Officer or Dealing Assistant	02 days
2.	Forwarding case file to HoD / Government for seeking approval of necessary compliance or filing appeal in the matter.	Nodal Officer	02 days
3.	Issuance of compliance letter / orders to all concerned with endorsement to the respective Ld. Dy. AG / Ld. Addl. AG.	Concerned Officer of respective department	01 day
4.	Update case entries on separate platforms like	Dealing Assistant / Legal Assistant	01 day

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	Excel / Google Sheets.	of respective department	
5.	Forwarding case file to dealing official / officer for further needful in compliance to Hon'ble Court order.	Concerned officer of respective department	02 days
6.	Update status on LMS Portal.	Nodal Officer	01 day
7.	Closing file, the status of compliance shall be recorded in the case file.	Nodal Officer / Dealing Assistant	01 day

State-4: Examination of judgement and filling any appeal(s) or other misc. applications:-

The below mentioned activities may be completed preferably within 10 days from the receipt of the order passed by the Hon'ble Court of Law or within the time limits prescribed in the Law.

Sr. No.	Processes	Responsibility	Timeline
1.	Put up the court order with the Ld. Dy. AG / Ld. Addl. AG opinion on file with self-contained note to their in-charge.	Nodal Officer or Dealing Assistant	02 days
2.	Prepare and put up proposal to competent authority for filing any appeal.	Nodal Officer with consultation with Law Consultants / Dealing Assistant	03 days
3.	After getting permission from HoD, forwarding case file to Government.	HoD	03 days

4.	After getting approval of Government, forwarding necessary instructions to the Ld. Dy. AG / Ld. Addl. AG.	Dealing Assistant / Legal Assistant	02 days
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Note: In those cases where specific time has been granted by the Hon'ble Court, the same should be done within the prescribed time limit irrespective of the above defined timelines.

9. The general instructions should be followed by the each Departmental Litigation Monitoring Committee and Nodal Officer(s) nominated of the concerned, as under:-

9.1 The Nodal Officer shall liaise with the concerned learned AAG/DAG/Advocate(s)/ASGI concerned for follow up of the court hearing and shall inform in advance any action required by the Administrative Department(s) / Head of the Department(s) for completion. The Nodal Officer shall ensure to get the reply & appeals etc., prepared / filed within a stipulated period. The name, designation and telephone number of Nodal Officer of every department should be available with the Advocate General office in case of immediate compliance.

9.2 The Nodal Officer shall ensure to download the orders passed by the Hon'ble Court(s) in every case on each hearing relating to the Department(s) concerned and whatever happens should be reported to the concerned Department(s), without fail, by the Nodal Officer on availability of orders passed by the Hon'ble Court(s).

9.3 Each department should appoint a Liaison Officer in the Hon'ble High Court to ensure timely vetting and filing of replies, report immediate compliance to the Department. He shall file fortnight report to the deptt. regarding status of pending Court cases.

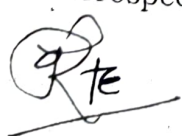
- 9.4 Every effort should be made to discourage the tendency of tossing the file(s) relating to court cases in the hierarchical order so that delay in filing the cases, including the appeal(s), replies to court cases and implementation of directions of Hon'ble Court(s) could be avoided.

State-5. Dealing with contempt and Execution Petitions:-

The below mentioned activities may be completed promptly within the timelines as per the directions of Hon'ble Courts:-

Sr. No.	Processes	Responsibility	Timeline
1.	The Nodal officer will apprise the HOD/Admn. Secretary about the contempt and Execution Petitions in the CWP etc. through telephone.	Nodal Officer or Dealing Assistant	Same day (through mail or fax etc.)
2.	Submission of draft reply/factual position for orders to the HOD/Secretary-in-charge for orders.	Dealing Assistant	One day.
3.	After the receipt of orders in the matter received from the authority the reply will be filed in Hon'ble Court through AG office.	Dealing Assistant	One day.

Note: In those cases where specific time has been granted by the Hon'ble Court, the same should be done within the prescribed time limit irrespective of the above defined timelines.



10. In view of the above, all concerned officers/officials are requested to adhere to the above instructions and timelines. Any deviation of the above would be viewed seriously.

11. These instructions can also be seen/uploaded from the Department of Personnel official website link www.himachal.nic.in/personnel.

12. This issues with approval of competent authority.

Yours faithfully,



(Batbir Singh)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
Phone No-0177-2880851

Ends.No. As above Dated: Shimla-2 the, 18th March, 2023

A copy is forwarded to the following for information and necessary action:-

1. The Ld. Advocate General, State of Himachal Pradesh, Shimla-01.
2. The Secretary to the Governor, Himachal Pradesh Shimla-02.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Divisional Commissioners in Himachal Pradesh.
5. All the Deputy Commissioners in Himachal Pradesh.
6. The Registrar, H.P. High Court, Shimla-1.
7. The Secretary, HP Public Service Commission, Shimla-02.
8. All the Chairpersons / Managing Directors / Registrars / Secretaries of various Corporation/ Boards/ Universities etc. in Himachal Pradesh.



Deputy Secretary (Personnel) to the
Government of Himachal Pradesh

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No. PER (AP)-C-E(3)-3/2020-Part-I
Government of Himachal Pradesh
Department of Personnel (AP-III)

From

The Chief Secretary to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the
Government of Himachal Pradesh

Dated: Shimla-171002, the 05th April, 2023

Subject: - Ex. Pet. No. 90 of 2020 a/w Ex. Pet. No. 91 of 2020, 170 of 2021, CWPOA Nos. 618 of 2019, 3315 of 2020 and 7 of 2021-
titled as Ajay Singh & Ors. vs. State of H.P. a/w connected
matters - Instructions in compliance to the Court order dated
03.01.2023.

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that the Hon'ble High Court of Himachal Pradesh has observed that there are instances where the departments have been sitting over the judgments either passed by a Tribunal or Court. This tendency needs to be curbed. The Hon'ble High Court has directed the Chief Secretary to the Government of Himachal Pradesh to issue clear cut instructions to all the Departments concerned to ensure that the judgments passed by the Courts or Tribunal are implemented in letter and spirit and are not tinkered with. It has further been directed to ensure that no person, irrespective of his rank and file, sits over or sit in judgment of this Court or Tribunal.

2. In the recent past, the Hon'ble High Court of Himachal Pradesh, vide its order dated 22.03.2022, passed in LPAST No. 7314/2021 in CMP(M) No. 627 of 2021, has shown its concern about the laxity, lack of response and unnecessarily tossing the matter(s) in hierarchical order

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and directed the State Government to take necessary steps for streamlining the prevailing procedure by developing a proper mechanism for the better work management of court matters. In compliance to the above orders, the State Government, vide this department's letter of even No. dated 18.03.2023, has issued the detailed Standard Operating Procedure (SoPs) for dealing with court cases and timelines for disposal thereof. The said SoPs/instructions are also available on the official website of this department i.e. www.himachal.nic.in/personnel.

3. Keeping in view of above background and in compliance to the Hon'ble High Court order dated 03.01.2023 (supra), the instructions/SoPs are hereby re-iterated for strict compliance. It is also impressed upon that the officer(s)/official(s) may be directed to deal with such court matters on priority basis, avoid delay in finalizing the government action to the orders of the Hon'ble Court and in no case the litigation should be allowed to prolong, when orders become absolute and are not assailed further. The necessary action may also be ensured for timely compliance/implementation of the orders which attain finality as it is a settled principle that order of the Court is to be implemented implicitly, in its true letter and spirit and not in parts unless further lawful recourse/remedy is taken. In case, the Hon'ble Court(s) levy the cost(s)/penalty(s) for non compliance of the judgment/order within the stipulated period, the same may be recovered from the concerned officer(s)/official(s) after fixing responsibility for slackness in his/her duties and for not complying with the instructions issued by the Government from time to time in this regard.

Yours faithfully,



(Balbir Singh)
Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
Email ID persbr3-hp@nic.in
Phone No. 0177-2880851

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Endrs. No. as above Dated Shimla-171002, the 05th April, 2023

A copy is forwarded for information and necessary action to:-

1. The Ld. Advocate General, State of Himachal Pradesh, Shimla-1.
2. The Secretary to the Governor, Himachal Pradesh Shimla-2.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Divisional Commissioners in Himachal Pradesh
5. All the Deputy Commissioners in Himachal Pradesh.
6. The Registrar, H.P. High Court, Shimla-1.
7. The Secretary, HP Public Service Commission, Shimla-2.
8. All the Chairpersons/Managing Directors / Registrars / Secretaries of various Corporation/ Boards/Universities etc. in Himachal Pradesh



(Balbir Singh)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
Email ID persbr3-hp@nic.in
Phone No. 0177-2880851
