



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED
(A State Govt. undertaking)

Registered office: Vidyut, Bhawan, HPSEBL, Shimla-4(H.P.)
Number (CIN): U40109HP2009SGC0312SS
GST No.: HPSEBL 02 AACCH4894EHZB
Telephone Number : 0177-2803600, 2801675 (Office), 2658984 (Fax)
Website address : www.hpseb.com
Email: cmd@hpseb.in & directorfa@hpseb.in



Immediate

No. HPSEBL/(Sectt.)LS/Gen. Vol No. X/2023/-3999-4150 Dated: 21/02/23

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: Defending of Govt. cases effectively before various courts-Instructions thereof.

Sir,

In connection with above, enclosed please find a copy of letter/instructions bearing No. LLR-E(9)-3/2018-II dated 15-12-2022 as received from the DLR-cum-Dy. Secy(Law) to the Govt. of HP, in the subject cited above.

You are requested to adhere to these instructions as are issued by the DLR-cum-Dy. Secy(Law) to the Govt. of HP in its letters and spirit and failure to adhere these instructions shall be viewed very seriously please .

Ends:- 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 Under Secretary (GE)/Genl., HPSEBL, Shimla-4. They are requested to impart suitable instructions to all the Ld. SC-cum-LAs of the Board who will be appointed by the Board/Government of HP since ruling government has been changed in the State of HP. It is further requested that these instructions should also be brought in the notice of the Ld. SC-cum-LAs of the Board who will be specially appointed to defend the interest of the Board in special/particular cases.
5. The Dy. Director (PR)/ IR/ PO, HPSEBL, Shimla-4.
6. The Superintending Engineer (IT), HPSEBL, Shimla-4 for uploading the same in the website of HPSEBL.
7. All the SC-cum-LAs HPSEBL Ltd.

Ends:- As above.

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

N0. LLR-E (9)-3/2018-II
Government of Himachal Pradesh
Law Department

From

The L.R.-Cum-Principal Secretary (Law) to the
Government of Himachal Pradesh,
Shimla-2.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-2.
2. All the Managing Directors, Chairmen/Secretaries of the Boards/Corporations/Co-operative Banks, HP Staff Selection Commission, Universities etc.
3. All the Deputy Commissioners, Himachal Pradesh.

Dated Shimla-2, the 15th of December, 2022.

Subject: Defending of Government cases effectively before various courts-Instructions thereof.

Sir,

It has been observed that in litigation to which a government is a party, its interests are not being watched properly. The government departments are under a special obligation to ensure that they perform their duties with due diligence and commitment. The State represents the collective cause of the community and if any decision of the court/tribunal which requires immediate challenge before the higher court/authority, it should not remain entangled from one department/officer to the other. The Hon'ble Supreme Court has also taken serious note of delay in many cases citing administrative bottlenecks. In this regard, the Rules of Business of the State Government stipulates that all the Administrative Departments shall consult the Law Department on the institution or withdrawal of any prosecution and the defence or institution of any suit or proceedings, filed against or by the Government.

In the above backdrop, I am directed to say that in future, the following guidelines shall be kept to save the Government interests in the Court of Law :-

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1. All the standing counsels/retainer lawyers/government pleaders shall defend the interests of the State Government effectively before the authority/court/officer at whose disposal their services have been placed, by making their appearance on each and every hearing of the case.
2. The fee of standing counsels/retainers lawyer except appearing before the Hon'ble High Court/independent statutory bodies shall be paid after verification of their appearance before the court concerned by the District Magistrate.
3. In order to have proper supervision and control over litigation, online litigation monitoring system (LMS) of DIT shall be used to keep track of all court cases. All the cases will be entered and regularly updated in the LMS. Every department will appoint a senior officer as nodal officer at the secretariat level and preferably law officer/ADA/Dy DA/DA at the State/District/Sub-division level to look after the progress of cases. In departments where the litigation is large, sufficient number of staff will be deputed to assist the nodal officer. It will be the responsibility of the nodal officer to upload the cases and move the file for taking action by the concerned officer/authority.
4. When any reply, petition, affidavit etc is to be filed by the government department, it will be ensured that it is filed within limitation period as prescribed or directed. As there are different levels in some departments where the record is kept and decisions are to be taken, it is for the concerned department to evolve its own system to get reply, petition etc filed within the stipulated time.
5. Whenever any adverse order is passed against the State or any direction has been issued by the court, the standing counsel/retainer lawyer/government pleader shall without any delay intimate the decision with opinion to the Administrative Secretary, Head of Department and any other officer concerned with the case. The nodal officer shall also ensure that such order is brought to the notice of the Administrative Secretary, Head of Department and any other officer concerned with the case. This process is to be completed before the expiry of the limitation period so that direction of the court is complied within the limitation period.
6. After completion/final disposal of the case, every standing counsel/retainer lawyer/government pleader shall record his legal opinion preferably within 7 days after receiving the copy of the judgment/order, which shall be applied for immediately after the decision, and forward his recommendations along with the entire record

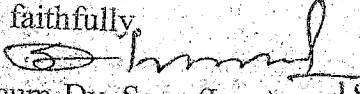
to the petitioner or respondent, as the case may be, with regard to filing of appeal/revision/review or final consignment of the file.

7. After receiving the opinion of the standing counsel/retainer lawyer/government pleader, the Administrative Secretary, Head of Department and any other officer concerned with the case, as the case may be, shall then form independent opinion on the merits of the case about agitating the matter further notwithstanding the verdict given by the lower court and opinion given by the standing counsel/retainer lawyer/government pleader. Simultaneously, the nodal officer shall also put up the matter before the concerned authority for taking necessary action.

8. Wherever the opinion of the law department is to be taken as per Rules of Business, it is mandatory before filing or non filing of case/appeal/revision/review.

These instructions may be brought to the notice of all the concerned. Any deviation from these instructions by any standing counsel/retainer lawyer/government pleader shall be viewed seriously and appropriate action shall follow accordingly.

Yours faithfully,


DLR-cum-Dy. Secy. (Law) to the 7/12/22.
Govt. of Himachal Pradesh.