

GOVERNMENT OF KERALA
General Administration (Co-ordination) Department

No.17372/Cdn.4/08/GAD

Dated, Thiruvananthapuram, 06-03-2008

CIRCULAR

- Sub : - General Administration Department - Handling court cases by Government Officers-Observation made by the Hon'ble High Court-Strict Instructions issued regarding.
- Ref : - Order dated 25.02.2008 in CCC Nos.77, 120,133,215 & 295 of 2008 in the High Court.

While considering a batch of contempt cases, the Hon'ble High Court in the order cited, has observed that the Court has to deal with 5 to 10 contempt cases on an average every day. This has added considerably to the pendency of cases in Courts, which is already of alarming proportions.

The Hon'ble High Court has also observed that valuable time of the Court is being used up to deal with these contempt cases and has expressed the view that Government Officers show scant regard for orders of the Court and apparently treat Contempt cases merely as execution proceedings of judgment of the Court.

The Hon'ble High Court therefore feels that Government Officers have to be apprised of the necessity of complying with the directions of Court promptly. The normal procedure prescribed by the Rules is to issue notice when contempt cases are decided to be admitted, in which case the personal appearance is mandatory, unless dispensed with specifically by the Court. In order to avoid embarrassment to Government Officers, the Court adopts the procedure of directing the Government pleader to take instructions in the matter. The Hon'ble High Court feels that apparently, this leniency shown by the Court has emboldened the Government Officers to take things much more lightly. Even though in many of the contempt cases coming up before the court, the direction is only to dispose of some appeal or representation within a time frame, Government Officers simply sit on the judgments without applying for extension of time for complying with the orders, or doing anything and start thinking of complying with the judgment only when contempt case is filed. The Hon'ble High Court has also observed that if the present trend continues, it would be forced to order personal appearance of the Government Officers, who are made respondents in the contempt cases in every case and that the expenses for such personal appearance cannot be debited to the exchequer.

In the light of the judgment of the Hon'ble High Court strict instructions are hereby issued to all Officers to scrupulously take note of directions from Courts and comply with the instructions ordered by the Court within the time limit allowed. In cases where the time granted for compliance is not sufficient, extension of time shall be sought before the expiry of the time granted. Every endeavor shall be made to comply the directions in the judgment in time. In cases where Government decides to go in appeal against a judgment, the appeal shall be filed within the permissible time limit. Any laps on the part of any Officer at any level will be viewed seriously and the Officer will be personally held liable for the same and will be proceeded against accordingly.

P.J.THOMAS
Chief Secretary

To
All Heads of Departments etc.