

P59/C

11/18/11

GOVERNMENT OF RAJASTHAN  
Law & Legal Affairs Department  
(State Litigation)

गृह (मुप-10) विभाग  
राजस्थान सरकार, जयपुर  
प्रति 4013  
दिनांक 17-11-2021

No.F.12(03)Raj/Vad/21

Jaipur, dated. 17-11-2021

All Addl.Chief Secretaries/Pr.Secretaries /  
Secretaries/Head of the Departments.

CIRCULAR

Whereas, the Hon'ble High Court has indicated that it will not condone the delay of more than 100 days in filing the appeals by the State and therefore it has become imperative that the State appeals should be filed within the period of limitation so that the appeals of the State may not be dismissed and the interest of the State is thereby effected.

And whereas, directives has been made in provision chapter-19 of the State Litigation Policy-2018 regarding timely filing of appeals but not of much success, as it has been reported that the State appeals are still being filed with inordinate delay and therefore in order to prevent inordinate delays in filing appeals the process of fling appeals has to be accelerated at every stage from initial to the last level. The meeting of the Pre Appeal Monitoring Committee should be convened in regular intervals and the subordinate offices should be directed to initiate the matter promptly. The Officer-in-charge of the cases should be made more accountable and the official found responsible in delaying the process should be vested with disciplinary action. Coordination between the Officer-in-charge and the Advocate be made more strengthen and the practice of piling up the Judgments of the Courts should be condemned. Once a decision of filing appeal is taken, dilly-dallying the matter either on the part of the Department or Advocate should be completely avoided. It shall be the responsibility of the Officer-in-charge to vouch that the matter is properly attended and the appeals are filed within time, without any waste and friction. In case the delay occasion on the part of the Advocate, the matter should be reported to this Department for further course of action. The Department should also be vigil to provide the complete record and factual report to the Officer-in-charge, so as to expidite the process of filing of State appeals.

Similar mechanism should be followed in filing State appeals in Criminal cases. The State functionaries and Public Prosecutors shall work in tandem to ensure timely filing of the Criminal appeals before the Courts. Delay or laches either on the part of State functionaries and Government Advocate/Public Prosecurtors shall be viewed seriously. If any criminal appeal is dismissed on the ground of delay, the matter should be reported to this Department.

A Committee headed by a senior officer shall be constituted in every Department to monitor the filing of the appeals within time before the Hon'ble Court and shall also evaluate the measures for making the process prompt. The Committee shall submit its report to the Head of the Administrative Department and the Head of the Administrative Department shall take a review meeting of the Committee every month and any lapses and delay in filing appeals shall be viewed seriously and dealt with, stern hands.

All concerned are hereby informed to follow the abovementioned directives and to follow it strictly so that the State interest may not be prejudiced, owing to dismissal of appeals on the ground of delay.

Keep in GF  
18.11.21

Pr. Secretary, Law