

GOVERNMENT OF JAMMU & KASHMIR,
OFFICE OF THE ADVOCATE GENERAL

[High Court Complex, Janipur Jammu, 180007 [Nov-April] /High Court Complex, Srinagar, 1 90009 [May-Oct]
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Subject: Conduct of court cases – Responsibilities of Law Officers/Govt. Counsels thereof.

Circular No. 10 -AG
Dated: 31 .05.2022

Attention of all the Law Officers / Govt. Counsels is invited to the detailed review of conduct of court cases and responsibilities thereof held on 25.05.2022. Accordingly, the directives of Ld. Advocate General for compliance are hereby reiterated as under:-

1. The Law Officer/Govt. Counsel shall on receipt of the petition, immediately seek response from the Law Officer/Officer Incharge Litigation of the concerned Departments [Depttl. Law Officer] as per time limitations prescribed by the Hon'ble Court.
2. The Law Officer of Law Department assigned the duties shall through coordinated approach provide the replies duly vetted to the Govt. Counsel.
3. Law Officer/ Govt. Counsel shall ensure filing of reply on priority before the Registry while keeping one signed copy in concerned office Record file.
4. Prior to filing the replies of the petition before the Hon'ble Court, the Govt. Counsel will go through the replies and main pleadings and ensure the reply is well covering all requisite needs to defend the case.
5. During the course of hearings/pleadings, if Govt. Counsel is satisfied to get any additional information which in his/her opinion is suitable to get the petition disposed of in favour of the Department/Govt, the same shall be promptly taken up with concerned Departmental Law Officer.
6. The Law Officer/Govt. Counsel shall frame a list of contempt petitions highlighting "personal appearances" and share with Ld. Advocate General, to address the issue properly. The Govt. Counsels should note that the personal appearance of a Govt. Officer is rarest one.
7. The Law Officer/ Govt. Counsel shall ensure also that no adjournments for the reason that [a] no office file is available, [b] Fresh allocation of deptt has been made [c] appearing on behalf of another LO/GC and will convey to him/her.
8. In case of contempt petitions, the matter should be got complied by the concerned Department or in case needs to be contested, immediate appeal / revision on firm grounds, if feasible is initiated, to safeguard the government interests.
9. In respect of non-cooperation/assistance of Departmental Law Officer, the fact should be brought into the notice of Ld. Advocate General or Administrative Secretary Law for timely appropriate action.
10. The Govt. Counsel/Law Officer will issue Work and Conduct Certificate of every Departmental Law Officer annually and submit to the Ld.

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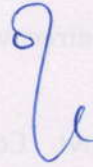
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Advocate General for reference and record, which shall be shared with Law Department as well by the ADO.

11. Any laxity in dealing the petition cases at the part of Law Officer/Govt. Counsel or Depttl Law Officer shall be viewed seriously. For this a periodical review of Govt. Counsels and Depttl Law Officers shall be conducted by the Ld. Advocate General, J&K and Administrative Secretary Law respectively.
12. Law Officers/Govt. Counsels shall also ensure to maintain the proceeding sheets in case files regularly, as already instructed in detail vide Circular No.09-AG dated: 08.04.2022.

In view of the above facts, it is impressed upon all the concerned to ensure compliance of directions in letter and spirit.

By Order.



(Z.A. Dewani)
 Administrative Officer,
 with Advocate General, J&K

31/05/2022

No: AGJK/Adm/Coord-132/2021/1570-74
 Copy to the:

Dated: 31-05-2022

1. Secretary to Government, Law, Justice and PA Department, J&K. Jammu, for information with request to endorse it to all Depttl. Law Officers for strict compliance.
2. All Sr. AAGs/ AAGs/ DAGs/GAs, for compliance.
3. Senior Private Secretary/ Accounts Officer.
4. Section Officer, [A&C], to circulate through WhatsApp group, for compliance.
5. All Stenographers / Record Keepers, for necessary action.
6. Circular file.
7. Concerned file.