

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

13-9-02
CYS

Memo No. CS-I-24/02. 40768 /F.,

Bhubaneswar, the 31st th August, 2002.

To

All Departments of Government.

Sub: Proper monitoring and defence of court cases by the Administrative Departments.

As per extant regulations persons who have retired while continuing as work-charged employees are not eligible for pensions/family pension. Instances have however come to the notice of Finance Department where retired work-charged employees after their retirement have filed cases for regularisation of their services with retrospective effect to enable them to get the benefit of pensions/family pension. In many cases Courts have ordered retrospective regularisation of their services and payment of pensions/family pension.

It has been noticed that in almost all cases Government have lost such cases due to inept handling of such cases. Government are saddled with the responsibility of making huge payment to implement such Court orders. It is felt that such Court orders could have been averted had the

concerned authorities taken effective steps in defending the cases in the Court. This would have saved huge sums of public money which could have been otherwise utilised for over-all development of the State.

In this background, it is imperative that every Department of Government should take utmost care to monitor and defend such cases with vigour. The cases should be defended by preferring revision/appeal/SLP in a higher legal forum. In case Departments feel that such cases warrant engagement of counsel of repute Finance Department shall have no reservations for engagement of such special counsel.

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Departments of Government are requested to scrupulously follow these instructions and Government may be constrained to fix responsibility for laxity in defending such cases in the appropriate Courts. The concerned officials run the risk of facing disciplinary action as well as recovery in case where there is laxity in defence of such cases. Extracts of orders passed by Finance Minister in Works Department File No. FE-III(C)-96/2001 is enclosed for reference.

[Handwritten Signature]

SPECIAL SECRETARY TO GOVERNMENT.

Memo No.

40769 (13)

/F., dated 21.8.02

Copy alongwith copy of the extract of orders of Government forwarded to O.E-I/O.E-II/OFS-I/OFS-II/C.T.-I/Treasury/Works-I/Works-II/Small Savings-I and II/C.C.A./Legal Cell/P.C.Cell, Finance Department for information and necessary action.

[Handwritten Signature]

UNDER SECRETARY TO GOVERNMENT.

[Faint, mirrored text bleed-through from the reverse side of the page, including phrases like "concerned authorities", "cases in the Court", "money which could have been otherwise utilized", "development of the State", "In this background, it is imperative that every Department of Government should take utmost care to monitor and defend such cases with vigour..."]