

Government of Orissa
General Administration Department

Memo No. 21884 / Gen., Date 6/8/03
SC/6-18/2003

To

All Secretaries to Government
All Heads of Departments
All Collectors.

Sub:- Defence of retired Government servants impleaded in contempt of Court proceedings-Instruction regarding.

Elaborate procedures have been laid in G.A. Department letter No.14537/Gen., dated 26.5.1992 to regulate the defence of Government servants in legal proceedings. Paragraph 10 and 11 of the above cited letter prescribe detailed instruction to deal with the defence of Government servants against whom the contempt of court charges have been served. A set of revised procedure have also been inserted under para-11 of the letter vide G.A. Department Circular Letter No.42863, dated 6.12.2000.

Instances have now come to the notice of Government that sometimes notice for contempt of Court proceedings have also been served on Government servants even after their retirement from Government service basing upon their official work discharged during their service. Since the safeguards provided in para-11 of the above cited circular do not cover the retired Government servants, they are left to shoulder such responsibilities alone.

In order to provide reasonable assistance to the retired Government servants facing contempt of court proceedings, the State Government, after careful consideration, have decided that the retired Government servants served with contempt notice for anything done in their official capacity during their service tennure should also be entitled to the safeguards enshrined in the G.A. Department circular letter dated 6.12.2000 subject to the following conditions :

Contd.P/2.

- a) The retired Government servant shall engage a lawyer of his choice.
- b) The legal expenses shall only be re-imbursed in the event of his success or being exonerated in the contempt proceedings.
- c) The fee of the lawyer shall not exceed the fees admissible to the Government Advocates/Standing Counsels.
- d) The concerned Administrative Departments/Heads of Departments/Office shall bear the legal expenses.
- e) The Law Department, the Administrative Department, Heads of Department and Head of Office as the case may be shall take up such matters seriously and extend all possible co-operation and assistance to the retired Government servants impleaded in Contempt proceedings.

The above instructions may be communicated to all the subordinate offices for their information and guidance. This is being issued in consultation with the Law Department vide their UOR No.402/L., dated 11.3.2003.

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Spacial Secretary to Government.

20(Twenty) Spare copies to Guard file.