



BALDEV RAJ MAHAJAN

Advocate General, Haryana  
Chandigarh.

महाधिवक्ता, हरियाणा, चण्डीगढ़।

Dated : 4/6/15

दिनांक

Subject: Filing of Written Statements/affidavits/counters etc. well within the given time frame –  
CWP No. 15988 of 2013 Court on its own Motion Vs. State of Punjab and Haryana.

Dear Shri Dhesi Ji,

Refer to your office Memo. No. 62/42/2013-6GSI dated 18/9/2013.

It has been brought to my notice repeatedly that the instructions issued by your office vide letter under reference and other instructions regarding filing of written statement/reply/affidavit are not being complied with by departments and as a result costs are being imposed on the State and its instrumentalities by the Hon'ble High Court.

It is pointed out here that notices are issued by the Hon'ble High Court in Writ Petitions and Contempt Petitions to file written statement/reply atleast seven/three days before date of hearing. However, the officials of the department come to this office for vetting/drafting of the reply/affidavit/counter etc. very late and sometimes just 2-3 days before the date fixed and that too without complete records of the case, resulting in non-filing of reply/written statement/affidavit within the stipulated period. Due to above in-action on the part of the officials concerned, the Hon'ble Benches becomes annoyed that the orders passed by the Hon'ble Courts are not being complied with in time and consequently costs and sometimes heavy costs are imposed upon the State.

In the notice being issued by the Hon'ble High Court in Writ Petitions, it is specifically mentioned that:

**"file your written statement 3 days before that date."**

Similarly, in the notices being issued by the Hon'ble High Court in the Contempt Petitions (COCPs), it is specifically provided that:

**"to file an affidavit atleast 7 days before the said date."**

For ready reference, copy of your office Memo. Dated 18/9/2013 and one copy each of the notices issued in the Writ Petition and the COCP are enclosed herewith.

In view of the above, you are requested to issue a circular to all the Heads of Departments to ensure filing of written statement well within stipulated time and also direct them that the Officers/officials may approach the office of the undersigned immediately or atleast within one week from the date of receipt of Court notice/summons alongwith complete file of the case, draft written statement/reply/affidavit etc. and the sanction/instructions issued by the L.R., Haryana for getting the draft written statement/reply/affidavit etc. vetted and filed. It may also be specifically provided in such circular that in case instructions are not complied with, the official(s) responsible shall be liable for costs imposed and proceeded against departmentally.

With regards;

Sh. D.S. Dhesi, IAS  
Chief Secretary to Government  
Haryana, Chandigarh.

Yours sincerely,

*sd/-*

(Baldev Raj Mahajan)