

Copy of Letter No. 20210/76 dated 20/25-05-76 from the Chief Conservator of Forests, Trivandrum, addressed to the Secretary to Government, Agriculture (Forest-General) Department.

Sub:- Original petitions in the High Court of Kerala – Statement of facts – regarding

As per the standing orders, the statement of facts in respect of O.Ps in which Government are also one of the respondents has to be sent to Government for approval. But there are O.P.s in which only Departmental Officers are cited as respondents without including the State of Kerala. Even in such O.Ps, the Advocate General may insist on instructions from the Government for entering into appearance in defence of the respondents i.e., Departmental Officers to forward the statements of facts to the Advocate General and for swearing to the counter-affidavit. Therefore, I request that instructions may kindly be issued to the Advocate General to enter in appearance for the defence of the O.P. on behalf of the Departmental Officers even if state of Kerala is not cited as one of the respondents. The Departmental Officers concerned may be authorized to approve the statement of facts for transmission to the Advocate General and for swearing to the solicit early orders.

Sd/- Chief Conservator of Forests

Copy of letter No.42489/FG1/76/AD dated 17-06-76 from the Secretary, to Govt. Agri. (Forest-Genl.) Deptt. Addressed to the CCF.

Sub:- O.P.s in the High Court – statement of facts – Preparation of – Counter – Affidavit- signing of –

Ref:- Your Letter No.G3-20210/76 dated 20/25-06-76

I am directed to invite a ref. to the letter cited and to inform you as follows:

- i) As per Rules 5 of part I of the Rules regarding. The duties remuneration etc. of the Advocate-General for the State of Kerala the duty of the Advocate-General is to arrange to represent Govt. shall include any officer of Govt. who is a party to any proceeding before any Court, Tribunal or authority in his official capacity. In view of rule 5 read with rule 20 of the above rules it is not necessary to give any instructions to Advocate-General as requested by you.
- ii) Government have already issued directions in G.O.(P)No.3/68/Law as amended by G.O.(P)No.2/C1/71/Law dt. 1-10-71. As per the above G.O. the Government shall be prepared draft statement of facts in consultation with the concerned subordinate

and get it scrutinized, forward the same to the Adv. Genl. There is no provision to authorize the subordinate officers to approve the statement of facts.

- iii) As regards the question of authorizing the Departmental officers for swearing to the Counter-Affidavit, Govt. can authorize a Departmental Officer who is conversant with case for searing to the counter affidavit. You may move Government for the purpose in each case.

Sd/- N.Surendranathan, Under Secretary

Endt. On G2-20210/16 dt. 21-6-76.

Copy with copy of this office letter dated 20-5-96 to CF2 for Atta.

Sd/- for Chief Conservator of Forests

Endt. On G2-15211/76 dt. 26-7-76/24-1-77.

Copy with copy of Enclosure to all Sections & Stock file for guidance.

For Conservator of Forests, Trichur