

LAW DEPARTMENT

No.11016-A1/64/Law.

Dated 19-8-1965.

CIRCULAR

It has been brought to the notice of Government that administrative difficulties are often experienced by the grant of interim stay in Writ petitions questioning the validity of Government orders, especially in service matters. The question as to how such difficulties could be avoided or minimised was discussed by the Chief Secretary with the Advocate General, the First Member, Board of Revenue and the Law Secretary.

The grant of stay pending disposal of writ petitions is in the discretion of the High Court. Some times the court to meet the end of Justice may consider it necessary to grant interim stay with notice to Government. The only possible course in such cases is to move the high court to take up the prayer for the stay as early as possible. It is therefore suggested that the departments of the Secretariat, whenever they receive notice of an interim stay which causes administrative difficulties, should contact the Advocate General or other High Court Government Pleaders concerned at once and instruct him to move the High Court to take up and dispose of the matter as early as possible. They should at the same time furnish the Advocate General or the concerned High Court Government Pleader materials to prepare the counter-affidavit and to show that the stay in the particular case is unnecessary and would cause administrative difficulties.

Sd/- Law Secretary.

Endt. on B2-F.Dis.10106/64 dated 8-4-65.

Copy forwarded to all sub-offices for information.

Copy to all officers in this office etc.

Sd/- For Chief Conservator of Forests.

Endt. on F.Dis.G1-7421/65 dated 28-4-1965.

Copy to stock file and Circular file book.

Copy to all Sections.

Conservator's Office,  
Chalaky.

For Conservator of Forests.