

Circular Memorandum No.34440/64/SD-4/FD dated 28-7-1964 from Public (Services-D) Department, Trivandrum.

Sub:- Suits – General orders regarding the conduct of suits and appeals on different courts and Writ petitions in the High Court –

The following instructions are issued for forwarding statement of facts to Counsels in cases in which Government Servants are also impleaded as parties/along with the Government. In the High Court, notice of proceedings in which the Government figure as party is received by the Advocate General and he will forward it to the Government requesting for a statement of the facts of the case to enable him to prepare the counter or written statement. Similar action is taken by the Government Pleader in the subordinate Courts. But if in such proceedings, a Government servant is also impleaded as a party along with the Government, the Government servant may have a tendency to forward to the counsel conducting the case, a statement containing his own version of the facts. This may be inaccurate, insufficient and may not take into consideration the interests of the Government, but may often be inconsistent with the stand which the Government may desire to take. It is therefore necessary to ensure that statements of facts are not forwarded, or instructions issued by each and every subordinate officer who may be impleaded as a party to proceedings without the prior approval of the Government.

Government therefore direct that the officers of the Government who figure as parties to proceedings in their capacity as Government servants should not instruct counsils or tender statements of facts to them without obtaining approval of the Government. In every such case, they should sent up, through the proper channel, a report to the Government with a copy of the statement of facts to the extent they are aware of. The officers forwarding such statements to Government should supplement, correct and complete the statement and forward the same to the Government with the relevant records and other information if any, to enable the Government to have a thorough grasp of the circumstances of the case. The Government will check up, alter, edit and complete the statement taking into consideration the entire circumstances of the case and forward the same to the Counsel with the approval of the Government.

Sd/- Joint Secretary.

Endt. on F.Dis.28130/64 dated 16-8-1964.

Copy to all sub offices and sections in the office for information and attention.

Copy to stock file for circulation.

Chief Conservator's Office,
Trivandrum.

Sd/-
For Chief Conservator of Forests.

Endt. on ML-281/67 dated 3-3-1967.

Copy to Sections KT., CH., TR, and D.
-do- Stock and circular files.

For Conservator of Forests.