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महानिदेशालय
केन्द्रीय औद्योगिक सुरक्षा बल
(गृह मंत्रालय)

13 ब्लॉक के.ओ.सुब परिसर
सीजीओ कॉम्प्लैक्स, लोदी रोड नई दिल्ली

संख्या वी-14014/04/विवनि/विविध/2024 - 2365

दिनांक : 04/10/2024

To

All Sector IsG and Director NISA

Subject : Monthly review meeting of court cases at MHA – Reg.

During monthly meeting held on 25.09.2024 presided over by Addl. Secretary (Police-II Division), MHA, to review Court Cases, it was observed that there is considerable delay on part of CISF in taking action on the orders passed by the various Courts. This is leading to Contempt Cases in which the Union Home Secretary is also arrayed as contemnor. In this regard, the MHA has directed to take immediate corrective steps.

02. The matter has accordingly been examined and it is observed that the Liaison Officers (LOs)/Concerned Units are not sending the Court orders in the stipulated time frame. Here, it is pertinent to mention that as per the SOP issued vide L&R Branch letter no. (1509) dated 26.11.2015 regarding handling of Judgment Orders of Hon'ble Courts, the Liaison Officers/ Concerned Units have to send the Judgment Orders to the FHQ on the same day along with the following information: -

- a) Name of the Petitioner and the Case Number
- b) Location/Name of the Hon'ble Court
- c) Date of Judgment
- d) Date by which JO has to be implemented
- e) Brief facts along with copy of Writ Petition

03. Further, the legal opinion is to be sent within 04 days to the FHQ.

04. In Contempt Cases, briefing is to be carried out by a GO well versed with the case verbally as well as in writing, so that Counsel is well aware of the facts of the case. Also, the FHQ (L&R Branch) is to be informed on the very same day by mail at diglandr@cisf.gov.in in writing about the contents of briefing to the Counsel.

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: 02 :

05. Here, it is also pertinent to mention that as per para-8 of the SOP dated 26.11.2015, where the Court orders are not complied within the time line prescribed by the Courts, additional time is to be sought from the Hon'ble Court by filing Miscellaneous Application.

06. However, the above instructions are not being followed in letter and spirit.

07. In view of above, it is requested to kindly direct all the Liaison Officers/Concerned Unit Commanders to strictly follow the instructions contained in the SOP so that there is no adverse order of the Court against the Department.

08. It has also been observed that in some cases, the CGSCs have not been briefed properly about the rule positions which resulted into passing of JOs which are against the rule. Such judgments create serious administrative problems as the matter is to be referred to the concerned ministries/departments like DoP&T, DoP&PW, etc as no order can be implemented without the direction of the concerned Department/Ministry if they are against the existing rules. In such cases, the concerned ministry/department also direct to fix the responsibility for wrong projection of facts before the Courts.

09. It is, therefore necessary that the LOs/ Unit Commanders of the Concerned Units are well aware of the corresponding rules and the CGSCs are briefed properly about the same so that the Hon'ble Courts are apprised about the correct rule position. This will not only help in avoiding un-necessary litigations but take care of administrative problems which arise out of JOs which are against the Rules.

10. This is being issued with the approval of the Competent Authority.

Sanjay
09/10/2019
(Sanjay Kumar Trivedi)
Dy. Inspector General (Legal)

Copy to:

ADsG (APS, North & South) : for kind information please.

महानिदेशालय
केन्द्रीय औद्योगिक सुरक्षा बल
गृह मंत्रालय

ब्लाक सं.13, के.स.का.काम्पलेक्स,
लोधी रोड, नई दिल्ली-110003
दिनांक: 24/01/2025

सं. वी-14013/270/2010/विवनि/- 360
To

All Sector IsG.

Sub: PROPER BRIEFING OF GOVT. COUNSEL BY CONCERNED L.O AT
VARIOUS HON'BLE HIGH COURTS : REGARDING

It is to apprise that in a recent Court case, the Hon'ble High Court has imposed cost upon the department as the Govt. Counsel was unable to brief the matter properly at the time of hearing.

02. The entire matter was examined at this Directorate and it is found that that the Govt. Counsel did not prepare to address the matter which was pending for the last 13 years. During the span of 10 years, new Govt. Counsel/ASGI were detailed from time to time to defend the matter on behalf of UOI. New Govt. Counsel/ASGI engaged in the matter should have been briefed about the case along with the view points of the Department. As newly engaged Govt. Counsel/ASGI were not briefed properly, it resulted in occurrence of the said incident. The Govt. Counsel in the instant matter shifted the onus upon the Department for occurrence of the whole episode.

03. To avoid such recurrence in future, LO/pairvi Units may be directed to brief the Govt. Counsel as and when Court case is listed for hearing so that the Govt. Counsel is well aware about the facts of the case. Further, court cases which are listed after long span of time and Govt. Counsels are changed due to certain reasons, it will be the responsibility of the LO/Pairvi Units to meet the Govt. Counsels and brief them about facts of the case and provide all relevant documents as required for proper defending the court cases.

04. In view of the above, it is requested to issue necessary direction to all LO/Pairvi Units.

सहायक महानिरीक्षक /विवनि
24/01/25

6356
23/08/18

OFFICE OF THE GROUP COMMANDANT
CENTRAL INDUSTRIAL SECURITY FORCE
(MINISTRY OF HOME AFFAIRS)

No.V-14013/CC/GHK/SCM(07)/2018-368

To

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29/08/18

E-MAIL/SPEED POST

SIG OF CO

SIG OF DC

SIG OF AC

Premises No. 553,

East Kolkata Township,

Kasba, Kolkata

Dated: 20 Aug, 2018.

DATE:

The Commandant,
CISF ASG, Jaipur(Raj)

Sub : SWP NO.1092/2012 FILED BY CONST/GD NARENDER KUMAR, FORMERLY
OF CISF UNIT IOC HALDIA(WB) IN THE HON'BLE HIGH COURT OF J&K

Kindly refer to CISF HQrs Msg No.V-14013/165/2012/L7R/2654 dated 20.08.2018. regarding implementation of Judgment Order dated 18.07.2018 passed by Hon'ble High Court of J&K, Jammu against the above WP.

2. The case in brief is that on 17.07.2007 No.873200080 Constable/GD Narender Kumar, formerly of CISF Unit IOC Haldia, while posted at CISF Unit PGCIL Wagoora was detailed for duty at Watch Tower No.11 from 0500 hrs to 0900 hrs and during the checking by AC, CISF Unit, PGCIL Wagoora at 0745 hrs. he was found absent from the duty post. As such, he was dealt under Rule-37 of CISF Rules 2001 vide Asstt. Commandant, CISF Unit PGCIL Wagoora Charge Memorandum No.V-15016/CISF/PGCIL/W/37/07/121 dated 16.08.2007 and on finalization of the case he was awarded the penalty of Censure vide Final Order No.V-15014/Disc/PGCIL/07/134 dated 06.09.2007.

3. Further, keeping in view of the performance, the Petitioner was graded as "Below Average" in his ACR for the year 2007 by the Asstt. Commandant of CISF Unit, PGCIL Wagoora which was communicated to him vide CISF PGCIL Wagoora letter No.26 dated 14.01.2008. Being aggrieved with the adverse ACR for the year 2007, he submitted an appeal dated 05.02.2008 to the Commandant, CISF Unit HEP, Uri which was considered and rejected by the Commandant, CISF Unit HEP, Uri and the same was communicated to him vide Asstt. Commandant, CISF Unit PGCIL, Wagoora letter No.E-15015/CISF/ACR/Doc/2008-122 dated 13.05.2008. The petitioner further submitted an appeal dated 13.06.2008 against the adverse ACR for the year 2007 to the DIG/CISF, NZ HQrs, Saket, New Delhi. In response, it was replied that "As per Para 2.13 of chapter 2 of CISF Establishment Manual, there is provision for appeal once against the ACR and there is no provision for second appeal" and the said reply was communicated to the petitioner vide CISF Unit PGCIL, Wagoora letter No. E-15015/CISF/ACR/Doc/ 2008/255 dated 16.12.2008. The petitioner again submitted a representation dated 09.04.2009 to IG/CISF, NS HQrs Saket, New Delhi for grant of permission for filing the case in Court and human right Commission for non promoting him to the rank of HC/GD due to adverse ACR for the year 2007. In this regard the decision of IG/CISF, NS HQrs New Delhi stating that "there is no statutory jurisdiction to entertain the representation against annual remarks for 2007 besides reasons for not promoting him to the Rank of HC/GD with an advice to improve performance in order to get better grading in future" which was communicated to the

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petitioner vide CISF Unit, ISP, Burnpur letter No. E-31014/ISP(B)/ Doc.II/DPC/08-8901 dated 18.09.2009. The petitioner submitted further representation dated 23.09.2010 addressed to DG/CISF New Delhi regarding non promotion to the rank of HC/GD and non receipt of MACP benefits due to Adverse ACR for the year 2007. In reply to the above representation, CISF HQRs New Delhi replied that due to poor ACR grading he could not secure required benchmarks for grant of promotion and MACP and was failed in service records which was communicated to the petitioner vide CISF Unit, IOC, Haldia letter No. E-31014/MACP/IOC(H)//Adm.II/11/2138 dated 13.07.2011.

4. As such, being aggrieved No. 873200080 Const/GD Narender Kumar, formerly of CISF Unit IOC Haldia had filed a WP No.1092/2012 in the Hon'ble High Court of J&K, Jammu for low grading his ACR for the year 2007 i.e. "Below Average" and also for awarding him the punishment of "Censure", resulted he has not been promoted and not been given the benefit of MACP. The instant case was finally heard on 18.07.18 and the Hon'ble Justice, Shri Sanjeev Kumar, Judge, High Court of J&K, Jammu passed the order that "the final order dated 06.09.2007 impugned in the writ petition is quashed, leaving it open to the respondents to hold an inquiry". Further, the consideration of the case of the petitioner for his promotion to the post of Head Constable (GD) would depend upon disposal of the appeal by the Commandant CISF. In case the appeal is decided in favour of the petitioner and adverse remarks made against him in the ACRs of 2007 are quashed, the case of the petitioner shall be considered for promotion to the post of Head Constable (GD) with retrospective effect, as claimed by the petitioner. He shall also be entitled to consequential benefits.

5. It is intimated that the matter was taken up with Force HQrs and FHQ., New Delhi vide Para b) of above letter has directed that "Departmental enquiry into the charge levelled against the petitioner vide charge memo dated 16.08.2007 may be conducted as provided under Rule-37 (b) of CISF Rules, 2001 in the manner laid down in sub-rules (3) to (22) of rule 36 and fresh order be passed considering the report of enquiry and representation of the petitioner." Since the above individual is presently posted at your Unit, necessary action in this regard may kindly be taken at your end, being the disciplinary authority. Further, it is also intimated that after finalization of the disciplinary case, action with regard to para c) & d) of Fhq letter may also kindly be taken accordingly. As regard para a), Commandant,HEP Uri has been requested to take action who will inform the out come accordingly. **It is intimated that while passing the Judgment dated 18.07.18, Hon'ble High Court has directed to implement the order within 04 weeks.** Hence, it is requested that necessary action may kindly be taken at your end to implement the JO. As such, the following papers are enclosed herewith :

1.	SB - 01 , PF page 01 to 408 of Const Now HC of Narender Kumar.
2.	Copy of Judgment order dated 18.07.18
3.	Disciplinary case file Page 01 to 16 with Note sheet 02 pages.
4.	Copy of Force Hqrs Msg No.2490 dt.03.08.18
5.	APAR pages 01 to 10

It is requested that the action taken and out come of the process may kindly be informed to this office please.

Please acknowledge receipt.

Sd/xxx
GROUP COMMANDANT
CISF GP.HQRS KOLKATA

Encl : As above.
Copy to:-

1. The Inspector General,
CISF SES HQrs., Kolkata

: For kind information please.

2. The DIG, CISF SEZ-I HQrs.,
Kolkata

: For kind information please.

3. The AIG(L&R),CISF HQ

: For kind information wrt.FHQ letter No.2490
Dated 03.08.18 & No.2654 dt.

4. The Commandant,
SHEP Salal

: With reference to SHEP Salal Msg No.(2597)
dt.23.07.18.

5. The Commandant
RGI Air Port Hydbe.

: For info.wrt.his letter No.2810 dt.10.08.18

6. The DC,CISF IOC Haldia

For information. Connected papers,if any
available with your unit may be sent directly to
Commandant,ASG Jaipur under intimation to this
Office.

7.. The AC,CISF
Unit,PGCILWagoora

: For information wrt.his letter No.1319 dt.31.07.18

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Doc. Rec.