

No. PER (AP)-C-E(3)-3/2020-Part-I
Government of Himachal Pradesh
Department of Personnel (AP-III)

From

The Chief Secretary to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the
Government of Himachal Pradesh

Dated: Shimla-171002, the 05th April, 2023

Subject: - Ex. Pet. No. 90 of 2020 a/w Ex. Pet. No. 91 of 2020, 170 of 2021, CWPOA Nos. 618 of 2019, 3315 of 2020 and 7 of 2021-titled as Ajay Singh & Ors. vs. State of H.P. a/w connected matters - Instructions in compliance to the Court order dated 03.01.2023.

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that the Hon'ble High Court of Himachal Pradesh has observed that there are instances where the departments have been sitting over the judgments either passed by a Tribunal or Court. This tendency needs to be curbed. The Hon'ble High Court has directed the Chief Secretary to the Government of Himachal Pradesh to issue clear cut instructions to all the Departments concerned to ensure that the judgments passed by the Courts or Tribunal are implemented in letter and spirit and are not tinkered with. It has further been directed to ensure that no person, irrespective of his rank and file, sits over or sit in judgment of this Court or Tribunal.

2. In the recent past, the Hon'ble High Court of Himachal Pradesh, vide its order dated 22.03.2022, passed in LPAST No. 7314/2021 in CMP(M) No. 627 of 2021, has shown its concern about the laxity, lack of response and unnecessarily tossing the matter(s) in hierarchical order

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and directed the State Government to take necessary steps for streamlining the prevailing procedure by developing a proper mechanism for the better work management of court matters. In compliance to the above orders, the State Government, vide this department's letter of even No. dated 18.03.2023, has issued the detailed Standard Operating Procedure (SoPs) for dealing with court cases and timelines for disposal thereof. The said SoPs/instructions are also available on the official website of this department i.e. www.himachal.nic.in/personnel.

3. Keeping in view of above background and in compliance to the Hon'ble High Court order dated 03.01.2023 (supra), the instructions/SoPs are hereby re-iterated for strict compliance. It is also impressed upon that the officer(s)/official(s) may be directed to deal with such court matters on priority basis, avoid delay in finalizing the government action to the orders of the Hon'ble Court and in no case the litigation should be allowed to prolong, when orders become absolute and are not assailed further. The necessary action may also be ensured for timely compliance/implementation of the orders which attain finality as it is a settled principle that order of the Court is to be implemented implicitly, in its true letter and spirit and not in parts unless further lawful recourse/remedy is taken. In case, the Hon'ble Court(s) levy the cost(s)/penalty(s) for non compliance of the judgment/order within the stipulated period, the same may be recovered from the concerned officer(s)/official(s) after fixing responsibility for slackness in his/her duties and for not complying with the instructions issued by the Government from time to time in this regard.

Yours faithfully,



(Balbir Singh)
Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
Email ID persbr3-hp@nic.in
Phone No. 0177-2880851

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Endrs. No. as above Dated Shimla-171002, the 05th April, 2023

A copy is forwarded for information and necessary action to:-

1. The Ld. Advocate General, State of Himachal Pradesh, Shimla-1.
2. The Secretary to the Governor, Himachal Pradesh Shimla-2.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Divisional Commissioners in Himachal Pradesh
5. All the Deputy Commissioners in Himachal Pradesh.
6. The Registrar, H.P. High Court, Shimla-1.
7. The Secretary, HP Public Service Commission, Shimla-2.
8. All the Chairpersons/Managing Directors / Registrars / Secretaries of various Corporation/ Boards/Universities etc. in Himachal Pradesh



(Balbir Singh)

Deputy Secretary (Personnel) to the
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