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26589873, 26589414
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भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग (स्वास्थ्य एवं परिवार कल्याण मंत्रालय)
वी रामलिंगस्वामी भवन, अन्सारी नगर, नई दिल्ली - 110029
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)
V. RAMALINGASWAMI BHAWAN, ANSARI NAGAR, NEW DELHI-110029

क्रमांक.E16/48/2022-प्रशासन/E.Office No.139791

दिनांक:22/04/2024

सेवा में,

निदेशक/प्रभारी निदेशक
परिषद के सभी संस्थान/केन्द्र

महोदय/महोदया,

विभिन्न मंत्रालयों/विभागों से प्राप्त निम्नलिखित कार्यालय ज्ञापन, सूचना एवं आवश्यक कार्यवाही के लिए संलग्न है।

SI.No	Reference No. & Date	Name of Ministry	Subject
1.	O.M. No. C.18017/05/2024- Legal Cell Dated: 03.04.2024	Ministry of Health & Family Welfare, Department of Health & Family Welfare, Nirman Bhawan, New Delhi	Compliance of instructions of Department of Legal Affairs for engagement/appointment of Government counsel from the panel of Union of India for defending court cases where Union of India is also a party along with an Autonomous Body-reg.
2.	O.M.No.46013/5/2004- O&M Dated: 16.04.2024	Ministry of Personnel, Public Grievances & Pensions Department of Administrative Reforms & Public Grievances, Jawahar Vyapaar Bhawan, New Delhi	Forms and Procedures for communication- Correspondence with the Election Commission of India-regarding.

Signed by

भवदीय,

Jagdish Rajesh

Date: 22-04-2024 12:54:17

जगदीश राजेश

सहायक महानिदेशक (प्रशासन)

अनुलग्नक:यथोक्त

प्रतिलिपि:

1. महानिदेशक/अपर महानिदेशक/वरि.उपमहानिदेशक (प्रशा.)/वरि.वित्त सलाहकार के निजी सचिव

2. परिषद के सभी प्रभाग प्रमुख
3. उपमहानिदेशक (प्रशा.)/सह. महानिदेशक (प्रशा.)
4. प्रमुख बीएमआई - आईसीएमआर की वेबसाइट पर अपलोड करने के अनुरोध के साथ।



ADMN-II ADMN <admn2355@gmail.com>

Fwd: eR: 3621212 - Compliance of instructions of Department of Legal Affairs for engagement appointment of Government counsel from the panel of Union of India for defending court cases where Union of India is also a party along with an Autonomous Body-reg.

R Lakshminarayanan <lakshminarayanan.r@icmr.gov.in>

Thu, Apr 18, 2024 at 4:50 PM

To: admn2355 <admn2355@gmail.com>

Cc: Jagdish Rajesh <rajeshj.hq@icmr.gov.in>, SAFAL CHETRI CHETRI <chetri.s@icmr.gov.in>, Manoj Kumar <mk016020@gmail.com>, Cintu Baisya <cbaisya@gmail.com>

Please circulate.

Thanks

Dr R Lakshminarayanan
Deputy Director General (A) &
Vigilance Officer
ICMR HQ, New Delhi.

From: "dhrhq icmr" <dhrhq.icmr@gmail.com>

To: "R Lakshminarayanan" <lakshminarayanan.r@icmr.gov.in>

Cc: "Jagdish Rajesh" <rajeshj.hq@icmr.gov.in>, cbaisya@gmail.com, "Biswabandan Senapati" <b.senapati@nic.in>, "Jatin Singh" <jatin.singh90@gov.in>

Sent: Thursday, April 18, 2024 4:05:23 PM

Subject: eR: 3621212 - Compliance of instructions of Department of Legal Affairs for engagement appointment of Government counsel from the panel of Union of India for defending court cases where Union of India is also a party along with an Autonomous Body-reg.

Sir,

Kindly find attached a scanned copy of OM dated 03.04.2024 on the above mentioned subject for information and necessary action.

With regards,
DHR-ICMR Section.

Compliance of Instructions.pdf
4907K

*Mr. Sumit
Xunk
18/4*

MOST URGENT

No. C.18017/05/2024 Legal Cell
भारत सरकार / GOVERNMENT OF INDIA
स्वास्थ्य एवं परिवार कल्याण मंत्रालय / MINISTRY OF HEALTH & F.W.
स्वास्थ्य एवं परिवार कल्याण विभाग / DEPARTMENT OF HEALTH & F.W.

Nirman Bhawan, New Delhi-110011

Dated the 3rd April, 2024

OFFICE MEMORANDUM

Subject:- Compliance of instructions of Department of Legal Affairs for engagement/ appointment of Government counsel from the panel of Union of India for defending court cases where Union of India is also a party along with an Autonomous Body--reg.

The undersigned is directed to invite attention towards Legal Cell's previous OM's of even number dated 17.12.2021 whereby the D.O. Letter No. J-18/50/2021-Judicial dated 09.12.2021 from Secretary, Department of Legal Affairs and their Office Memorandum No.J-12012/2/2017-Judicial dated 30.06.2017 (copies enclosed) on the above subject was circulated among all the Programme Divisions/Organizations/ Autonomous Bodies under MoHFW for compliance of the instructions of DoLA. It is reiterated that the Department of Legal Affairs vide its aforesaid D.O. letter dated 09.12.2021 and OM dated 30.06.2017 had advised all the Ministries/Departments of Government of India to issue instructions to the autonomous bodies under their administrative control that **the Court Cases wherein Union of India is also a party along with an autonomous body, the same should be defended on behalf of both, the autonomous body as well as Union of India by the Panel Counsel engaged by the Department of Legal Affairs only.**

2. However, Legal Cell is in receipt of communications from M/o Law & Justice, DoLA and Shri P.K Parhi, Deputy Solicitor General of India, High Court of Orissa wherein it has been alleged that the Officers of AIIMS Bhubaneswar are acting in violation of the instructions contained in the D.O. Letter No.- J-18/50/2021- Judicial dated 09.12.2021 by restricting the panel counsel for Union of India from appearing on behalf of Uoi and AIIMS Bhubaneswar. In this regard, PMSSY Division has already been apprised of the situation and also requested to take prompt action for resolving the above issue of AIIMS, Bhubaneswar and inform the DoLA and Ld. DSGI accordingly.

3. Moreover, all the Programme Divisions/Organizations under MoHFW are once again requested to issue necessary instructions to the Attached/Subordinate offices/ Autonomous Bodies under their administrative control for strict compliance of the instructions contained in the Department of Legal Affairs' D.O. Letter No. J-18/50/2021- Judicial dated 09.12.2021 and OM No.J-12012/2/2017-Judicial dated 30.06.2017 related to engagement/appointment of Government counsel

This issues with the approval of JS(Legal).
Encl: As stated above.

Signed by

Yogender Kumar

Date: 03-04-2024 16:31:59

(Yogender Kumar)
Under Secretary (Legal Cell)

To,

1. All JSs / EAs / Directors / DSs / JDs / DCs / ACs of DoHFW.
2. Joint Secretary (PMSSY) specifically for AIIMS, Bhubaneswar & other AIIMS.
3. The DGHS, Dte. General Health Services, Nirman Bhawan, New Delhi.
4. The Secretary, Department of Health Research, IRCS Building, New Delhi.

Copy to: PPS to Secretary(H), PPS to all ASs

File No. G-18017/22/2021-Legal Cell
Government of India
Ministry of Health and Family Welfare
Department of Health and Family Welfare

Nirman Bhawan, New Delhi
Dated: 17.12.2021

OFFICE MEMORANDUM

Subject :- For engagement/ appointment of Government counsel from the panel of Union of India for defending court cases where Union of India is also a party, alongwith an Autonomous Body.

The undersigned is directed to forward herewith D.O. Letter No. J-18/50/2021-Judicial dated 09.12.2021 from Secretary, Department of Legal Affairs and Office Memorandum J-12012/2/2017- Judicial dated 30.06.2017 (copy enclosed) on the above subject received from Department of Legal Affairs wherein the Ministries/Departments of Government of India have been advised to issue instructions to the autonomous bodies under their administrative control that the Court Cases wherein Union of India is also a party along with an autonomous body, the same should be defended on behalf of both, the autonomous body as well as Union of India by the Panel Counsel engaged by the Department of Legal Affairs only.

2. In this regard, all the autonomous bodies and the Divisions of the Ministry are requested to comply with the instructions as received from the Department of Legal Affairs in this regard.

This issues with the approval of Competent Authority.

Digitally Signed by Manish
Raj
Date: 17-12-2021 14:44:41
Reason: Approved
(Manish Raj)

Under Secretary to the Government of India
email: legal-mohtwa@gov.in
Telephone: 011-23062068

Enclosure. As above

To:

- i. 1. The DGHS, Dir. General Health Services, Nirman Bhawan, New Delhi.
- ii. 2. The Secretary, Deptt. of Health Research, IRC'S Building, New Delhi.
- iii. 3. Heads of all Autonomous Bodies under MoHFW.

Copy for information:-

PPS to Secretary (Health) AS(AS) AS(LA) AS(VS) AS(MA)

JS(VC) JS(LA) JS(MKB) JS(VHZ) JS(VJ) JS(PS) JS(PAB) JS(HS) JS(GM)
JS(VK) JS(RS)



D.O. No. J-18/50/2021 Judicial

Dated: 09 December 2021

Dear Secretary,

Kind attention is invited to the Department's former Office Memorandum No. J-18012/2/2017-Judicial dated 8/12/2017 (copy enclosed for ready reference) issued to all the Ministries/Departments of the Government of India regarding the Ministries/Departments to issue instructions to the autonomous bodies under their administrative control that the cases wherein Union of India is also a party along with an autonomous body, the same should be defended on behalf of both before any Court or Tribunal, by the panel counsel employed by the Department of Legal Affairs, Ministry of Law and Justice.

2. It may be impressed upon that most of the autonomous bodies are not only funded by the Government of India but are also governed by the rules and regulations framed by Government of India and are expected to implement various policy decisions in true spirit. However, it has been observed that some of the autonomous bodies functioning under the respective Ministries/Departments have been availing the services of their own panel counsel or private counsels in litigations wherein Union of India is also a party. As such, any adverse decision of the courts impacts the policy framework of the Government of India.

3. In view of above, all the Ministries/Departments are advised to issue instructions to the autonomous bodies under their administrative control that the cases wherein Union of India is also a party along with an autonomous body, the same should be defended on behalf of both, the autonomous body as well as Union of India before any Court or Tribunal by the panel counsel employed by the Department of Legal Affairs only.

With warm regards,

Yours sincerely,

Encl : As above

(Anoop Kumar Mendiratta)

To

All the Secretaries to Govt. of India

Copy for information to :

1. Law Officers Assistant Solicitors General (Annexure B Per list enclosed)
2. Incharge, Central Agency Section, State Emblem Complaint, New Delhi.
3. Branch Secretariats at Mumbai, Kolkata, Chennai & Bengaluru.
4. Incharge, Litigation (High Court/CAT) section.
5. Incharge, Litigation (Lower Court) Section.

(Anoop Kumar Mendiratta)

F. No. J-12012/2/2017-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Judicial Section
.....

Shastri Bawan, New Delhi
Date 29 June 2021

3/2

OFFICE MEMORANDUM

Sub: For engagement / appointment of Government counsel from the panel of Union of India for defending Court cases where Union of India is also a party alongwith an Autonomous Body.

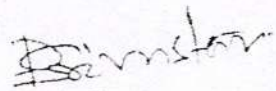
The undersigned is directed to state that it has come to notice of this Department that in a number of cases before Tribunals and Courts where Union of India and autonomous bodies are the main contestant parties, the Counsel appearing on behalf of autonomous bodies are not defending the cases in true spirit. This has resulted in matters having been lost despite the fact that experienced panel Counsel (for UoI) were available to properly defend the case.

2 Apart from the above, Ministry of Law & Justice has received complaints against the Counsel representing autonomous bodies that many such Counsel are not assisting the panel Counsel of Union of India wherever they have been engaged, giving way to many legal complications / problems due to the vested interests of such Counsel.

3 It is also pertinent to mention here that most of the autonomous bodies are not only funded by Government of India but also governed by various rules and regulations of the Government of India. They are also cooperative with the Government of India in implementing various policy decisions. Any adverse decision of the courts impacts the policy framework of the Government as well as set principals and also imposes huge financial implications on the Government of India.

4 In light of the above all the Ministries / Departments are advised to issue instructions to the autonomous bodies under their administrative control that the cases where Union of India is also a party along with an autonomous body, should be defended on behalf of both, the autonomous body as well as Union of India before any Court / Tribunal by the panel Counsel engaged by the Department of Legal Affairs only.

This issues with the approval of competent authority


(R. K. Srivastava)
Deputy Legal Advisor

F. No. J-12012/2/2017-Judicial

Dated, 29.06.2017

Copy to:

1. PS to MLJ/PS to MSJ/PS to Law Secretary/PS to Legislative Secretary, PS to all Advt. Secretaries and Joint Secretaries of Department of Legal Affairs.
2. All the Additional Solicitor General, in various High Courts.
3. All the Assistant Solicitor General in various High Courts.
4. The Incharge of all the Branch Secretariats at Mumbai/Kolkata/Chennai/Bengaluru.
5. The incharge, Central Agency Section, Supreme Court Compound, New Delhi.
6. The incharge Litigation (High Court/CAT) Section, New Delhi.
7. The incharge Litigation (Lower Court) Section, Delhi.
8. All the Sr. CGSCs for various CAT Benches except at New Delhi.
9. All the Sr. CGSCs for various APT Benches except at New Delhi.
10. One copy to be uploaded on official website of this Department i.e. www.legalaffairs.gov.in in the tab Judicial Section for general information of all concerned.
11. Five copies to be kept in the Guard File.
12. Office Copy.



D. Srinivas
Section Officer (Judicial)
Tel: 011-23384945
Email: Judicial-dia@nic.in



Hemant Niwati <niwatih@gmail.com>

Fwd: Forms and Procedures for communication - Correspondence with the Election Commission of India - reg.

1 message

Jagdish Rajesh <rajeshj.hq@icmr.gov.in>

Fri, Apr 19, 2024 at 11:35 AM

To: Hemant Kumar <kumarhemant.hq@icmr.gov.in>, niwatih <niwatih@gmail.com>

Cc: SAFAL CHETRI CHETRI <chetri.s@icmr.gov.in>, YOGESH KUMAR <yktyagi@icmr.gov.in>, Anita Sharma <rcell.hq@icmr.gov.in>

Dear Hemant,

Kindly circulate.

With Regards,

Jagdish Rajesh,
Assistant Director General (Admn.)
Indian Council of Medical Research(ICMR),
New Delhi

From: "DG ICMR" <secy-dg@icmr.gov.in>

To: "Anu Nagar" <anu.nagar1@gov.in>, "RICHA KHODA" <richa.khoda@gov.in>, "MANISHA SAXENA" <srddga.hq@icmr.gov.in>

Cc: "Office of Secretary DHR" <secy-dhr@gov.in>, "Jagdish Rajesh" <rajeshj.hq@icmr.gov.in>

Sent: Thursday, April 18, 2024 5:03:31 PM

Subject: Forms and Procedures for communication - Correspondence with the Election Commission of India - reg.

From: "Shri V. Srinivas" <secy-arp@nic.in>

To: "secretaries GOI" <secy-goi@ismgr.nic.in>

Cc: "V. Srinivas" <vsrinivas@nic.in>, "Jaya Dubey" <jaya.dubey@nic.in>, "SANJEEV SHRIVASTVA" <sanjeevs.edu@nic.in>, "Ranjana Malik" <ranjana.malik@nic.in>, "Mithlesh Singh" <mithlesh.singh@nic.in>, "Dimple Dimple" <dimple.m@gov.in>, "Mamta Kumari" <mamta.kumari91@gov.in>, "Rajasekharan R" <rajasekharan.r@gov.in>

Sent: Thursday, April 18, 2024 4:26:08 PM

Subject: [Secy-goi] Fwd: Forms and Procedures for communication - Correspondence with the Election Commission of India - reg.

From: "Rajasekharan R" <rajasekharan.r@gov.in>

To: "secy-goi" <secy-goi@ismgr.nic.in>

Cc: "Shri V. Srinivas" <vsrinivas@nic.in>, "V. Srinivas" <vsrinivas@nic.in>, "Jaya Dubey" <jaya.dubey@nic.in>, "SANJEEV SHRIVASTVA" <sanjeevs.edu@nic.in>, "Ranjana Malik" <ranjana.malik@nic.in>, "Mithlesh Singh" <mithlesh.singh@nic.in>, "Dimple Dimple" <dimple.m@gov.in>, "Mamta Kumari" <mamta.kumari91@gov.in>

Sent: Tuesday, April 16, 2024 4:25:56 PM

Subject: [Secy-goi] Forms and Procedures for communication - Correspondence with the Election Commission of India - reg.

Respected Sir/Ma'am,

Please find enclosed OM No. 46013/5/2004-O&M dated 16th April, 2024 regarding Forms and Procedures for communication - Correspondence with the Election Commission of India by Ministries/Departments.

Regards


(राजशेखरन. आर)
(Rajasekharan. R)
अवर सचिव
Under Secretary

Mr Sumit
Sumit
19/4

कार्मिक, लोक शिकायत और पेंशन मंत्रालय
Ministry of Personnel, Public Grievances & Pensions
प्रशासनिक सुधार और लोक शिकायत विभाग
Department of Administrative Reforms and Public Grievances
छठी मंजिल, जवाहर व्यापार भवन, टॉलस्टॉय मार्ग, नई दिल्ली-110001
6th floor, Jawahar Vaypar Bhawan, Tolstoy Marg, New Delhi-110001
दूरभाष: 011-23440377
Tel.: 011- 23440377

Secy-goi mailing list -- secy-goi@ismgr.nic.in
To unsubscribe send an email to secy-goi-leave@ismgr.nic.in

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To unsubscribe send an email to secy-goi-leave@ismgr.nic.in

 **OM - Forms & Procedures for communication - ECI.pdf**
620K

No. 46013/5/2004-O&M
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms & Public Grievances

6th Floor, Jawahar Vyapaar Bhawan,
Tolstoy Marg, New Delhi -110001

Dated 16th April, 2024


OFFICE MEMORANDUM

Subject Forms and Procedures for communication – Correspondence with the Election Commission of India - regarding

The undersigned is directed to refer to this Department's O.M. of even no. dated 11.10.2004 (copy enclosed) on the above subject and to say that the Election Commission of India has drawn attention of the Government of India to the practice of endorsement of copies of the communications to it by the Ministries/Departments in a routine manner.

2 Para 8.4 of Central Secretariat Manual of Office Procedure (CSMOP, 2022, the 16th Edition) inter-alia prescribes that Letter form is used for corresponding with Constitutional bodies and statutory authorities. Election Commission being a Constitutional Body, all communications sent to it should be in letter form and addressed to the Deputy Election Commissioner or Principal Secretary or Secretary and not to the Chief Election Commissioner or Election Commissioners. In no case Office Memorandum will be sent to the Election Commission.

3 It is requested that strict compliance with these instructions may be ensured.


(R. Rajasekharan)
Under Secretary to the Govt. of India

Enclosed as above

To

Secretaries to Government of India of All Ministries / Departments

5200 2 (1)

(3)

No. 46013/5/2004-O&M
Government of India
Department of Administrative Reforms and Public Grievances

5th Floor, Sardar Patel Bhawan,
Sansad Marg, New Delhi-110001
October 11, 2004

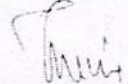
Office Memorandum


Subject: Forms and Procedures for communication- Correspondence with the Election Commission of India.

The Election Commission of India has drawn the attention of the Government to the practice of endorsement of copies of the communications to it by the Ministries/Departments in a routine manner, against the relevant provisions contained in Para- 57 of the Central Secretariat Manual of Office Procedure (CSMOP, the 12th edition). This Para lays down that references to constitutional and statutory authorities such as Election Commission of India will normally be made in the letter form addressed to Principal Secretary/Secretary and that in no case, office memorandum will be sent to such authorities.

2. The Commission has further stated that all the correspondence with it should be addressed to the Deputy Election Commissioner or Principal Secretary or Secretary or any other officer of appropriate level and not to the Chief Election Commissioner or Election Commissioners except in important cases where the Secretary/Head of the Department feels that something has to be brought to the personal notice of the Chief Election Commissioner or the Election Commissioners.

3. It is requested that strict compliance with these instructions may be ensured.


(T. R. Gill)

 Under Secretary to the Government of India

Tel: 23367060

To

DS/Dir of all Ministries/Departments
As per list attached

4/11/04 जारी किया
ISSUED