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## भारतीय आयुर्विज्ञान अनुसंधान परिषद

### INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग ( स्वास्थ्य एवं परिवार कल्याण मंत्रालय )

DEPARTMENT OF HEALTH RESEARCH ( MINISTRY OF HEALTH & FAMILY WELFARE)

वी. रामलिंगस्वामी भवन, अन्सारी नगर, पोस्ट बॉक्स 4911, नई दिल्ली-110 029

V.RAMALINGASWAMI BHAWAN, ANSARI NAGAR, POST BOX-4911, NEW DELHI-110029

No.18/01/2014-Admn-II

Dated: 21/1/2015

To,

The Directors/Directors-in-Charge  
of all permanent Institutes/Centers  
of the ICMR.

Sub: Pre-Litigation conciliation and effective handling of cases pending before the Hon`ble CAT  
and other Courts- reg.

Sir/Madam,

I am directed to send herewith a copy of letter No.V.30011/216/2014-HR dated 14 th  
Januuary, 2015 received from Ministry of Health and Family Welfare (Department of Health  
Research), New Delhi on the above mentioned subject, for your information and necessary action.

Yours faithfully,

(Bharat Bhushan)  
Administrative Officer  
for Director General

Encl: As above

Copy to :

PS to DG/Sr.DDG(A)/FA

All Divisional Heads.

Asstt. Director-General (Admn.) I&II.

All Sr. Administrative Officers/All Sr. A/Cs Officers

All Administrative Officers/All Accounts Officers.

BIC Section – scanned letter may be put up on website of ICMR & DHR

*Couns. (Legal)*  
*Kindly communicate*  
*to all directors/Heads.*

*By HANU*

No. V.30011/216/2014-HR  
Government of India  
Ministry of Health and Family Welfare  
(Department of Health Research)

2nd Floor, IRCS Building,  
New Delhi-110001  
Dated 14.01.2015

To, ✓  
The Director General  
Indian Council of Medical Research  
Ansari Nagar, New Delhi-110029

Kind attention:- Sr. D.D.G. (Admn.), ICMR

Sub:- Pre-Litigation conciliation and effective handling of cases pending before the Hon'ble CAT and other Courts-reg.

Sir, \*

I am directed to invite your attention to the above mentioned subject and to say that the Office Memorandum No. 11013/2/2013-AT dated 31.12.2014 (*enclosed*) has been issued by DOPT wherein, DOPT has observed that if the concerned Departments/Ministries can be actively involved in effective pre-litigation process/conciliation to resolve the issues/grievances of the Government servants (at pre-litigation stage), a large number of court cases can be avoided. An effective pre-litigation conciliation is bound to have a strong bearing on the CAT/other courts' mechanism resulting in efficient use of public resources. The fundamental cardinal principle of an effective grievances redressal mechanism is that as far as possible, the grievance is redressed at the lowest level and the petitioner is not forced to approach the higher authorities or the judicial system for redressal of genuine grievance.

Further, DOPT has observed that despite the best effort of the Government in setting the grievances of the Government employees the Government and its various agencies are still predominant litigants in Tribunals/Courts especially when the policies framed by the Government are challenged. While it is the responsibility of the Government to protect the right of the citizens, the government is also bound to protect its policies. It is therefore, imperative on the part of the government to defend the cases through Counsels in order to protect/preserve the interest of the Government.

Therefore, copy of the O.M. is forwarded to ICMR for compliance of the instructions of DOPT.

Yours faithfully

*Sharma*

(Sunita Sharma)

Deputy Secretary to Government of India

Tel. Ph. 23736087

Enclosed:- As Above

Sr. DDG (A), ICMR OFFICE  
DIARY NO. *229*  
DATE: *14/01/2015*

*Mr. Sharma*  
*22/1/15*



No 11013/2/2013-AT  
Government of India  
Department of Personnel and Training  
Department of Personnel & Training  
(AT Section)

North Block, New Delhi, the 31<sup>st</sup> December, 2014

OFFICE MEMORANDUM

**Sub: Pre-litigation conciliation and effective handling of cases pending before the Hon'ble Central Administrative Tribunal and other Courts – regarding.**

The undersigned is directed to state that the issue on effective pre-litigation conciliation in the Government to resolve issues / grievances of the Government servants at pre-litigation stage and effective handling of court cases has been drawing the attention of this Department.

2. This Department is of the view that if the concerned Departments / Ministries can be actively involved in effective pre-litigation process/conciliation to resolve the issue/grievances of the government servants (at pre-litigation stage), a large number of court cases can be avoided. An effective pre-litigation conciliation is bound to have a strong bearing on the CAT/other Courts' mechanism resulting in efficient use of public resources. The fundamental cardinal principle of an effective grievance redressal mechanism is that as far as possible, the grievance is redressed at the lowest level and the petitioner is not forced to approach either the higher authorities or the judicial system for redressal of genuine grievance.

3. Sub-section 2 of Section-19 of Administrative Tribunals Act, 1985 provides that every application to the Tribunal for the redressal of grievance of a person shall be in such form as may be prescribed by the Central Government. In exercise of these powers, the Central government has notified the Central Administrative Tribunal (Procedure) Rules, 1987 wherein Form-1 has been prescribed as the format for filing of application in CAT. Para-7 of the Form requires the applicant to declare the details of the remedy exhausted by him before approaching CAT.

4. Nonetheless, despite the best effort of the Government in settling the grievances of the Government employees the government and its various agencies are still pre-dominant litigants in Tribunals / Courts especially when the policies framed by the Government are challenged. While it is the responsibility of the government to protect the right of the citizens, the government is also bound to protect its policies. It is therefore, imperative on the part of the government to defend the cases through Counsels in order to protect / preserve the interest of the Government.

5. This Department has been observing that in many cases, the Government Counsels do not take up the cases effectively. The main reason may be, either the

*Recd on  
57.1.14*

*57.1.14*

*Dr. Chandra / L.A*

*55 (AS)*

concerned Department / Ministry does not brief the Government Counsel properly or the Government Counsels are not aware of the full facts of the case. There are also occasions where the Counsels do not turn up on the day of hearing and thereby cases get adjourned. Needless to mention, denial of 'timely justice' amounts to 'denial of justice' itself.

6. In view of above, all the concerned Ministries / Departments are requested – (i) to effectively involve in pre-litigation conciliation to resolve the grievances of the government servants at pre-litigation stage and thereby mitigate the volume of litigations and (ii) to ensure that the Government Counsels are thoroughly briefed by respective Department / Ministry so as to enable them to take up the case effectively once the cases are filed in the court of law.

7. THIS MAY KINDLY BE CIRCULATED TO ALL THE OFFICERS UPTO THE LEVEL OF DEPUTY SECRETARY / DIRECTOR IN THE MINISTRY / DEPARTMENT.

*Sandeep Jain*

(Sandeep Jain)

Director

Tel Fax: 011-23092755

**Dr. V .M. Katoch,  
Secretary, D/o Health Research,  
Ministry of Health & Family Welfare,  
New Delhi.**