

SS 12
20/11/18

Handwritten signature/initials

RE issue
in instructions
to all DEOs

ਪ੍ਰਾਸੀਕਿਊਸ਼ਨ ਤੇ ਲਿਟੀਗੇਸ਼ਨ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ

ਸੇਵਾ ਵਿਖੇ,

USSR

Handwritten signature/initials

ਨਿ.ਸ/ਸੀ.ਪੀ.ਓ. (ਸ)
ਡਾਇਰੀ ਨੰ: 9355
ਮਿਤੀ: 11/12/18

ਰਾਜ ਦੇ ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ, ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ, ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ,
ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਅਤੇ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਜ਼,
ਰਜਿਸਟਰਾਰ, ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ, ਚੰਡੀਗੜ੍ਹ,
ਰਾਜ ਦੇ ਸਮੂਹ ਜਿਲ੍ਹਾ ਅਤੇ ਸੈਸ਼ਨਜ਼ ਜੱਜ।

D.P.F. (S.E.)

ਮੀਮੋ ਨੰ: 5590-5790/ਸੀ.ਓ.1(411)1986
ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 15-11-18

ਵਿਸ਼ਾ:

Defending the Civil Appeals in the Various courts on behalf of the Punjab State.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਇਸ ਵਿਭਾਗ ਦੇ ਸਰਕੂਲਰ ਪੱਤਰ ਨੰ: 23349-28650/ਸੀ.ਓ.1(411)86, ਮਿਤੀ 08-06-1989 ਅਤੇ ਸਰਕੂਲਰ ਪੱਤਰ ਨੰ: 50522-822/ਸੀ.ਓ.1(411)1986, ਮਿਤੀ: 09-11-1989 ਦੇ ਹਵਾਲੇ ਵਿੱਚ।

Handwritten notes and signature

2. ਵੇਖਣ ਵਿੱਚ ਆਇਆ ਹੈ ਕਿ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰਾਂ ਰਾਹੀਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹਦਾਇਤਾਂ ਦੀ ਰਾਜ ਦੇ ਬਹੁਤੇ ਵਿਭਾਗਾਂ/ਦਫਤਰਾਂ ਵੱਲੋਂ ਪਾਲਣਾ ਨਹੀਂ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਇਸ ਲਈ ਉੱਕਤ ਪੱਤਰਾਂ ਦੀਆਂ ਕਾਪੀਆਂ ਨੱਥੀ ਕਰਕੇ ਭੇਜਦੇ ਹੋਏ ਮੁੜ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਯਕੀਨੀ ਬਣਾਉਣ ਲਈ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰੀਆਂ ਅਤੇ ਆਪਣੇ ਹੇਠਲੇ ਪੱਧਰ ਦੇ ਦਫਤਰਾਂ ਵਿੱਚ ਤੈਨਾਤ ਅਮਲੇ ਨੂੰ ਲੋੜੀਂਦੀਆਂ ਹਦਾਇਤਾਂ ਜਾਰੀ ਕੀਤੀਆਂ ਜਾਣ।

Handwritten signature

(ਸਤਨਾਮ ਸਿੰਘ ਕਲੇਰ)

ਨੱਥੀ: ਉਪਰੋਕਤ ਅਨੁਸਾਰ

ਸੰਯੁਕਤ ਡਾਇਰੈਕਟਰ ਪ੍ਰਾਸੀਕਿਊਸ਼ਨ ਤੇ ਲਿਟੀਗੇਸ਼ਨ,
ਵਾ: ਡਾਇਰੈਕਟਰ ਪ੍ਰਾਸੀਕਿਊਸ਼ਨ ਤੇ ਲਿਟੀਗੇਸ਼ਨ ਅਤੇ
ਵਧੀਕ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।

ਪਿੱਠ ਅੰਕਣ ਨੰ:

/ਸੀ.ਓ. 1(411)1986

ਮਿਤੀ:

ਉਪਰੋਕਤ ਦਾ ਇੱਕ ਉਤਾਰਾ ਰਾਜ ਦੇ ਸਮੂਹ ਜਿਲ੍ਹਾ ਅਟਾਰਨੀਜ਼ (ਪੀ) ਨੂੰ ਇਸ ਵਿਭਾਗ ਦੇ ਪਿੱਠ ਅੰਕਣ ਨੰ: 28651-28663/ਸੀ.ਓ.1(411)1986, ਮਿਤੀ: 08-06-1989 ਅਤੇ ਪਿੱਠ ਅੰਕਣ ਨੰ: 50823-835/ਸੀ.ਓ.1(411)1986, ਮਿਤੀ: 09-11-1989 ਦੇ ਹਵਾਲੇ ਨਾਲ ਭੇਜ ਕੇ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

Handwritten signature

(ਸਤਨਾਮ ਸਿੰਘ ਕਲੇਰ)

ਨੱਥੀ: ਉਪਰੋਕਤ ਅਨੁਸਾਰ

ਸੰਯੁਕਤ ਡਾਇਰੈਕਟਰ ਪ੍ਰਾਸੀਕਿਊਸ਼ਨ ਤੇ ਲਿਟੀਗੇਸ਼ਨ,
ਵਾ: ਡਾਇਰੈਕਟਰ ਪ੍ਰਾਸੀਕਿਊਸ਼ਨ ਤੇ ਲਿਟੀਗੇਸ਼ਨ ਅਤੇ
ਵਧੀਕ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।

As per the directions of worthy SSE ji put the notice of the same on official website and email to all the DEOs. immediately. Sarbjit Singh
To ALL DEO's (S.E.) Punjab

13/12/18

Prosecution And Litigation Department, Punjab

From:

The legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. of Punjab.

To:

- 1) All the Financial Commissioners,
Administrative Secretaries to Govt. Punjab.
- 2) All the Commissioners of Divisions/Deputy
Commissioners in the State of Punjab.
- 3) All the Heads of Departments in the State.
- 4) The Registrar Punjab & Haryana High Court,
Chandigarh.
- 5) All the District & Session Judges in the State.

Memo No. 23349-28650/CO.1(411)86

Dated, Chandigarh the 08-06-1989

**Subject: Defending the Civil Appeals in the various courts on
behalf of the Punjab state.**

Sir,

I am to state that according to the present procedure on receipt of Sanction from the controlling Authority, instructions to defend the interest of the State of Punjab are issued by this Deptt. to the District Attorneys. In some cases, the Civil suits are decided in favour of the State, but the private parties prefer appeals before the appellate court in the Distt. It is a settled law that appeal is a continuation of the proceedings of the civil suits. Sometimes, if fresh instructions are issued by the Controlling Authority in order to defend the interest of the State in the appellate court, it leads to delay. It has, therefore been decided that if a civil suit is decided against the State and an appeal is preferred by a Private party in the appellate court in the District, if instructions to defend the interest of the State had been issued by this department to the Distt. Attorney no fresh instructions to defend the appeal in the appellate court are required to be issued. The Distt. Attorneys are being directed to appear in the appellate court in such cases if an officer

of the department approaches the District Attorneys and also gives in writing to protect the interest of the State in the appellate court. Similarly in a civil suit some time an application 39 R 1&2 of CPC for the grant of ad-interim injunction is filed. The trial court decides the application in favour of the State but the private party prefers an appeal before the Distt. Judge. In such cases also, the Distt. Attorney will protect the interest of the State in the appellate court, if, so approached by the department as mentioned above subject to the condition that instructions to defend the civil suit had been issued by this department. It has also been decided that if an execution application is moved by a private party, the Distt. Attorney will defend the interest of the case without getting fresh instructions issued by us in accordance with the procedure enumerated above. If, a civil suit is decided in favour of the State with costs and an execution application for the recovery of the amount or costs is to be moved, the Department can approach the Distt. Attorney without our instructions to file an execution application in the executing court. These instructions are being issued to streamline the working of the Law Officers in the field and also to ensure that the interest of the State in the various courts is defended in the best possible manner.

Please acknowledge receipt.

SD/-

Joint Director Prosecution & Deputy Secretary
For: Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.

Endst.No.28651-28663/CO.1(411)86

Dated: 8-6-1989

1. A copy is forwarded to the Distt. Attorneys, In charge District prosecution Agencies in the State with 6 spare copies for information and necessary action.

2. They are requested to defend the interest, of the State in appeals or in execution applications without awaiting fresh instructions from this Deptt. If instructions, to defend the civil proceedings have been issued by this Department to them after ensuring that an officer of the Department approaches them to do so or a letter from a gazette Officer of the Department is received

by them. While sending copies of the orders to this Deptt. They should also quote number & date vide which instructions had been issued by this Deptt. to them and should send certified copies of the orders in accordance with the instructions issued from time to time.

SD/-

Joint Director Prosecution & Deputy Secretary
For: Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.

Endst.No. /CO.1(411)86 Dated:08-06-1989

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

1. The Joint Director Prosecution and Deputy Secretary to Govt. Punjab.
2. The Deputy Legal Remembrancer and Deputy Secretary to Govt. Punjab.
3. The Deputy Director Prosecution and Under Secretary to Govt. Punjab.
4. All the Assistants in the Litigation Branch.

SD/-

Joint Director Prosecution & Deputy Secretary
For: Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.

PROSECUTION AND LITIGATION DEPARTMENT PUNJAB

From:

The legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. of Punjab.

To:

- 1) All the Financial Commissioners,
Administrative Secretaries to Govt. Punjab.
- 2) All the Commissioners of Divisions/Deputy
Commissioners in the State of Punjab.
- 3) All the Heads of Departments in the State.
- 4) The Registrar Punjab & Haryana High Court, Chandigarh.
- 5) All the District & Session Judges in the State.

Memo No. 50522-822/CO.1(411)86
Dated, Chandigarh the 09-11-1989

Subject: Defending the Civil Appeals in the various courts on behalf of the Punjab state.

Reference this Department Memo.No.28349-28650/CO.1(411)86, dated 8.6.89 on the above subject.

2. In the eleventh line of the above noted circular issued by this Department the words "decided against the State" may be read as words "decided in favour of the State".

SD/-

Superintendent Litigation.
For Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.

Endst.No. 50823-836 /CO.1(411)86

Dated: 9-11-1989

A copy is forwarded to all the Districts Attorneys In charge Prosecution Agencies in the State of Punjab for information and unnecessary action with reference to this department Endst.No. 28651-28663/CO.1(411)86, dated 8.6.89.

SD/-

Superintendent Litigation.
For Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.

Endst.No.

/CO.1(411)86

Dated: 9-11-1989

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

1. The Joint Director Prosecution and Deputy Secretary to Govt. Punjab.
2. The Deputy Legal Remembrancer and Deputy Secretary to Govt. Punjab.
3. The Deputy Director Prosecution and Under Secretary to Govt. Punjab.
4. All the Assistants in the Litigation Branch.

SD/-

Superintendent Litigation.
For Legal Remembrancer & Director Prosecution
& Litigation & Secretary to Govt. Punjab.