

ਡਾਇਰੈਕਟੋਰੇਟ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਸੈਕੰਡਰੀ), ਪੰਜਾਬ।  
ਐਟ ਪੰ.ਸ.ਸਿੱ.ਬੋਰਡ ਕੰਪਲੈਕਸ, ਫੇਜ਼-VIII, ਐਸ.ਏ.ਐਸ. ਨਗਰ।  
(ਕੋਆਰਡੀਨੇਸ਼ਨ ਸ਼ਾਖਾ)

(email. dgsecoordination@punjabeducation.gov.in)

ਸੇਵਾ ਵਿਖੇ

ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈਸਿ/ਐਸਿ), ਪੰਜਾਬ।

ਮੀਮੋ ਨੰ. 769826/DPISE/2024/28/Cord | 2024 250888

ਮਿਤੀ: 25-09-2024

ਵਿਸ਼ਾ:- Regarding effective implementation of "Punjab Dispute Resolution and Litigation Policy, 2020.

ਹਵਾਲਾ: ਪੰਜਾਬ ਸਰਕਾਰ, ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸਿੱਖਿਆ-6 ਸ਼ਾਖਾ) ਦਾ ਪੱਤਰ ਨੰ. SED-EDU6011/111/2022-4EDU6/911185 ਮਿਤੀ 22.08.2024 ਅਤੇ ਪੰਜਾਬ ਸਰਕਾਰ, ਗ੍ਰਹਿ ਮਾਮਲੇ ਅਤੇ ਨਿਆਂ ਵਿਭਾਗ (ਅਦਾਲਤੀ-2 ਸ਼ਾਖਾ) ਦਾ ਪੱਤਰ ਨੰ. HOME-JD-20MATR/9/2024-6JUD2/2815 ਮਿਤੀ 16.07.2024.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਦੀ ਕਾਪੀ ਆਪ ਨੂੰ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜੀ ਜਾਂਦੀ ਹੈ ਅਤੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪਾਲਿਸੀ ਵਿੱਚ ਦਰਜ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ ਜੀ।

ਨੱਥੀ: ਉਕਤ ਅਨੁਸਾਰ

28.09.24  
ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ (ਕੋਆਰਡੀਨੇਸ਼ਨ)

ਪਿ.ਅੰ.ਨੰ.ਉਕਤ | 2024 250881 - 888

ਮਿਤੀ 25-09-2024

ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਸਕੱਤਰ, ਪੰਜਾਬ ਸਕੂਲ ਸਿੱਖਿਆ ਬੋਰਡ।
2. ਪੀ.ਏ./ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਸਿੱਖਿਆ (ਐਲੀਮੈਂਟਰੀ), ਪੰਜਾਬ।
3. ਪੀ.ਏ./ਡਾਇਰੈਕਟਰ ਐਸ.ਸੀ.ਈ.ਆਰ.ਟੀ. ਪੰਜਾਬ।
4. ਇੰਚਾਰਜ ਲੀਗਲ ਸੈੱਲ, ਦ. ਡੀ.ਜੀ.ਐਸ.ਈ. ਪੰਜਾਬ।
5. ਸਹਾਇਕ ਰਜਿਸਟਰਾਰ (ਲੀਗਲ)
6. ਸਮੂਹ ਅਧਿਕਾਰੀ/ਸ਼ਾਖਾ ਮੁਖੀ, ਦ ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਐਜੂਕੇਸ਼ਨ (ਸੈਕੰਡਰੀ/ਐਲੀਮੈਂਟਰੀ), ਪੰਜਾਬ।
7. ਸਮੂਹ ਅਧਿਕਾਰੀ/ਸ਼ਾਖਾ ਮੁਖੀ, ਦ. ਡੀ.ਜੀ.ਐਸ.ਈ. ਪੰਜਾਬ।
8. ਸਮੂਹ ਅਧਿਕਾਰੀ/ਸ਼ਾਖਾ ਮੁਖੀ, ਡਾਇਰੈਕਟਰ ਐਸ.ਸੀ.ਈ.ਆਰ.ਟੀ. ,ਪੰਜਾਬ।

28.09.24  
ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ (ਕੋਆਰਡੀਨੇਸ਼ਨ)

SSE (OT)

18.7.24

SSSE (C)

AV

BB

19/7/24

4/16

**Government of Punjab**  
**Department of Home Affairs and Justice**  
(Judicial - 2 Branch)

**Subject:- Regarding effective implementation of "Punjab Dispute Resolution and Litigation Policy, 2020".**

Kindly refer to D.O letter No. CSO/2022/250-251 dated 10.05.2022 of Chief Secretary, Punjab and also D.O letter No. 4/12/2010-6Judl/2/ 2611-2612 dated 26.04.2022 and dated 12.07.2022 of the Principal Secretary, Home on the subject cited above.

2. You are aware that the Government of Punjab has formulated "Punjab Dispute Resolution and Litigation Policy, 2020" vide notification No. 4/12/2010-6Judl.2/ 1835 dated 25.06.2020 and this Department had conveyed to all the administrative departments to strictly comply with the provisions of this policy.

3. The Hon'ble Arrears Committee of the Punjab and Haryana High Court has also placed emphasis on the implementation of Litigation Policy and in pursuance of the discussions held in the meeting of this Committee on 09.05.2024, it has been directed as follows:-

1) A copy of the "Punjab Dispute Resolution and Litigation Policy, 2020" be circulated in your department as well as in Directorate(s) / Board(s) / Corporation(s) / Commission(s) or any other state entity(s) under the administrative control of your department and issue directions to implement the provisions of this policy in its full letter and spirit.

2) Each Head of Department of the State shall appoint a Departmental Nodal Officer for litigation, who shall not be below the rank of Deputy Director of the department of Government of Punjab. Similarly, each Administrative Secretary shall designate Superintendent as a Nodal Officer for the litigation pertaining to his / her branch and the Nodal Officer shall perform same duties as of Departmental Nodal Officer. The work of Nodal Officer in the Secretariat shall be regularly monitored by a senior Officer to be designated by concerned Administrative Secretary.

3) The officers working in your department be sensitized to make sure that the written statements / replies be filed in the Hon'ble Courts well in time. It is also be assured that before filing an appeal against the order passed by a Court, an appropriate authority will check as to whether the appeal is viable or not.

4. As a report regarding the steps taken for effective implementation of the Litigation Policy, the targets achieved through it, the difficulties faced in this regard is to be placed before the

8/29/24  
13/07/24

ਸਰਕਾਰ ਪੰਜਾਬ ਘਰੇਲੂ ਅਤੇ ਨਿਆਂ ਵਿਭਾਗ

ਅਧਿਕਾਰੀ ਨੰ. 89.2.4/.....

ਮਿਤੀ: 18.7.24

Hon'ble Committee after 3 months, it is accordingly desired that action taken report alongwith the names and designation of Nodal Officers on the above points be sent to this department by 31<sup>st</sup> July, 2024, positively.

  
Secretary, Home Affairs and Justice

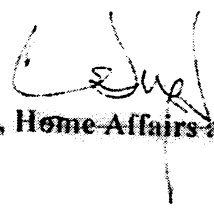
To

All Special Chief Secretaries/Additional Chief Secretaries/  
Financial Commissioners/Principal Secretaries/Administrative  
Secretaries of the State of Punjab.

I.D.No. HOME-JD-20MATR/9/2024-6JUD2/2815  
Endst. No. HOME-JD-20MATR/9/2024-6JUD2/

Dated, Chandigarh: 18.07.2024  
Dated, Chandigarh:

Copy is forwarded to the OSD/Chief Secretary, Punjab for information and necessary  
action.

  
Secretary, Home Affairs and Justice



# Punjab Government Gazette

## EXTRAORDINARY

*Published by Authority*

---

---

CHANDIGARH, FRIDAY, JUNE 26, 2020 (ASADHA 5, 1942 SAKA)

---

---

**GOVERNMENT OF PUNJAB**

DEPARTMENT OF HOME AFFAIRS AND JUSTICE

(JUDICIAL II BRANCH)

**NOTIFICATION**

The 25th June, 2020

**PUNJAB DISPUTE RESOLUTION & LITIGATION POLICY, 2020**

No. 4/12/2010-6Judl2/1835.- This notification issues in supersession of Notification No. 4/12/2010-3 Judl. 2/2890 dated 5th September, 2018.

**1. Title**

This Policy shall be called the Punjab Dispute Resolution & Litigation Policy, 2020.

**2. Date of Coming into Effect & Validity**

This Policy shall come into force on the date of its publication.

**3. Introduction**

This policy addresses the pendency and backlog of cases in courts. The problem is complex and its solution needs a multi-pronged approach. A major portion of the litigation before the Courts involve writ proceedings against bodies which comes under the definition of State in Article 12 of the Constitution of India, such as the Government, public sector undertakings, statutory corporations, government companies etc. and such other entities by whatever name called. Hence this Dispute Resolution and Litigation policy has been framed by the Government of Punjab with the stated aims and objectives as set out hereinafter.

**4. Aims and Objectives**

- 4.1 The State Government recognizes that the Government and such State entities are a party in a large portion of litigation before the courts and the quasi-judicial authorities and it is necessary to create conditions which would minimize the institution of cases and reduce delays in settling litigation.
- 4.2 The policy seeks to ensure that the State and all such State entities effectively work to reduce future litigation and do not contribute to any delay in the ongoing litigation.
- 4.3 The State and such State entities shall, where feasible, encourage resolution of disputes with the

government administratively or through an alternative dispute resolution system so that all disputes are not left to courts for ultimate decision.

#### 5. Applicability:

- 5.1 This policy shall be applicable to all Departments of the State Government, as well as those bodies which comes under the definition of State in Article 12 of the Constitution of India, such as Public Sector Undertakings, Statutory Corporations, Statutory Bodies, Trusts, Government Companies etc. and such other entities by whatever name called. **(hereinafter collectively also referred to as 'the State/State entity where need be for convenience)**
- 5.2 This Policy is a guide and a tool for reducing litigation and for pursuing and concluding litigation efficiently.

#### 6. The Policy–Key Features

- 6.1 The State shall ensure efficient management of litigation and conduct itself as a responsible litigant.
- 6.2 The State shall take effective steps to reduce new disputes before the courts.
- 6.3 Existing policies and instructions shall be reviewed to bring them in line with the settled law and remove ambiguities and contradictions which become a cause for avoidable litigation.
- 6.4 Employees shall be encouraged to settle disputes at the level of the State itself or through an alternative dispute resolution system.
- 6.5 Officers shall be trained to pass well-reasoned, speaking orders in accordance with the settled law after providing an opportunity of being heard to the stakeholders.
- 6.6 The State shall endeavour to avoid unwarranted litigation, especially in following types of cases:
- I) Where the financial impact is less than two lakh rupees; unless there is a substantial question of law or policy also involved, the competent authority shall pass a speaking order regarding the recoverable dues within time period prescribed.
  - II) Where the matter may be resolved/ disposed of by converting the pending litigation into a representation to the concerned Administrative Secretary/Head of Department for time bound orders.
  - III) Where employee's matters are already covered by judgments that have attained finality, the competent authority shall take a decision or to grant the same relief/benefit to the other similarly placed members of the cadre, whose claims are based on similar facts and points of law.
  - IV) Decisions pertaining to cases of medical claim, pension or retirement benefits without involving any principle and without setting any precedent shall be taken by the competent authority within the prescribed time limit and definitely, on the receipt of notice under section 80 CPC.
  - V) Where the matter is such that no further or useful purpose will be served to the State in prosecuting such matter.
- 6.7 Appeals shall not be filed against ex-parte ad interim orders unless absolutely necessary. Instead, an attempt be made to have the order vacated. An appeal must be filed against an order only if the order is not vacated and the continuation of such order causes prejudice to interests of the State. Appeals must be filed to the Appellate court in the first instance. Direct appeals to the Supreme Court must not be resorted to, except in extraordinary cases.
- 6.8 No appeal shall ordinarily be filed in service matter cases where:
- I) The decision is on a trivial matter and does not set a precedent and pertains to an individual grievance.

- II) the decision pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent.
- 6.9 Appeals in Revenue matters shall ordinarily not be filed:
- I) If the financial implication of the matter is less than Rs. 2 lakhs unless it involves a substantial question of law or policy;
- II) If the matter is covered by judgments of the High Courts which have held the field and which have not been challenged in the Supreme Court; or that of the Supreme Court and the present case cannot be distinguished from the facts of those cases.
- 6.10 Appeals shall ordinarily not be filed in the Supreme Court unless:
- I) the High Court has struck down a statutory provision/Government policy,
- II) the case involves a substantial question of law, involving the interpretation of a statute or under the Constitution of India;
- III) the findings of fact involved are so perverse that no reasonable judicial mind could have arrived at such conclusions;
- IV) Public finances are adversely affected;
- V) there is substantial interference with public justice;
- VI) the Court or forum concerned has exceeded its jurisdiction;
- VII) the interpretation of the High Court is plainly erroneous.
- VIII) the judgement will set a precedent which is contrary to Government policy/rules/statutes.
- 6.11 Where matters are already covered by judgments that have attained finality, then the reply should fairly indicate such position. However, where there is a sound legal basis to distinguish a given case from past precedent, or apparently similarly placed persons then the Government should provide adequate reasons for taking a different stand.
- 6.12 The department shall ensure that appeals, applications, written statements and replies are filed before the courts within the stipulated times so that adjournments on these technical grounds are avoided. Departmental action be taken against officials who are negligent in this regard.
- 6.13 The resort to arbitration as an alternative dispute resolution mechanism will be encouraged. However, while doing so, it needs to be ensured that such arbitration has to be cost effective, efficacious, expeditious, and conducted with high rectitude.
- 6.14 Inter-se litigation between different Departments/ Public Sector Undertakings/ Local Government or Cooperative institutions of the State shall be resolved within the Government as per the guidelines issued by State Government circular letter No. 13/24/96-1PP-II/16403, dated 20-09-1996 and circular letter No. 12/113/05-5PP2/1993, dated 08-02-2006 of the Department of Personnel. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy.

## **7. Institutional Framework**

### **7.1 Departmental Nodal Officer:**

- I) Each Head of Department of the State shall appoint a Departmental Nodal Officer for litigation, who shall not be below the rank of a Deputy Director of the Department of Government of Punjab.
- II) Such Departmental Nodal Officer shall monitor and supervise the litigation of the State

- pending in various courts/ quasi-judicial authorities and shall be responsible for active case management.
- III) The Departmental Nodal Officer shall ensure that all cases (pending cases and fresh) are entered into the software developed for the management of court cases by the concerned officials. He shall regularly monitor the progress of important cases and apprise Head of Department and Department Committee on Litigation (DCL) of significant cases, including contempt cases, that require any immediate intervention. Departmental Nodal Officer shall also pursue with concerned officials, such cases in which either undue delay or unnecessary adjournments are being sought and shall recommend action against the defaulting official / officer.
- IV) Departmental Nodal Officers shall give top priority to contempt cases or the cases wherein there is direction of any court for passing an appropriate order over any representation / subject / dispute and ensure that process should be initiated immediately on receipt of notice after apprising the higher officers of such cases. If the reply is to be filed after the compliance of the orders of the Hon'ble Court, then the case should be put up for necessary compliance. If any appeal is to be filed against the main case, the process / decision for same should be got taken immediately.
- V) The Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, 1908 and such representations, complaints etc, having legal impact / cause of action / which may generate litigation. are given special attention and are responded to without delay by the concerned officials of the department / State after being vetted by the Departmental Law Officer, in consonance with rules/ regulations/ policies of the department / State and with the approval of the competent authority.
- VI) The Departmental Nodal Officer shall ensure that the State's officials and the Departmental Law Officer prepare a comprehensive draft reply or draft for appeal, as the case may be, well before the date of hearing after examining the entire relevant material including case law/ instructions/ rules/ regulations pertaining to the case.
- VII) The Departmental Nodal Officer shall ensure that the concerned Superintendent/ Assistant/ Clerk of the State keep proper records of the cases filed and that copies retained by the State are complete and tally with what has been filed in the Court. The Departmental Law Officer shall provide assistance to the Departmental Nodal Officer in this regard.
- VIII) The Departmental Nodal Officer shall keep the concerned authorities apprised about the Court orders/ directions so as to ensure their timely compliance/ implementation and so as to discourage further unnecessary litigation. Accordingly, each Head of Department of the State shall ensure that the directions issued by various courts are implemented or challenged, as the case may be, within the stipulated time, so that aggrieved person is not compelled to file a contempt petition. Each Head of Department of the State shall ensure that speaking orders are passed in time wherein such directions are passed by the Court. Where directions cannot be implemented in time due to any reason, time may be got extended by filing an application in the Court.
- IX) The Nodal officer shall bring to the notice of Department level Committee on Litigation, the cases of avoidable litigation and shall also ensure timely filing of replies to the petitions and the implementation of the orders passed by the Court etc. by getting speaking order passed by the competent authority to avoid COCP.