

No. EM (1) 16949/16

Office of the Registrar of Co-operative Societies,
Thiruvananthapuram, dated: 25/8/2016.
Email: keralarcs.coop@kerala.gov.in
Website: www.cooperation.kerala.gov.in
Fax: 0471-2331513
Tel: 0471-2330726

Circular No. 31 /2016

Sub: Procedure for dealing with Court Case- Instruction-Issued.

Ref: GO () No. 12/2011/Law dated 3/12/2011.

The Government of Kerala has already framed the State Litigation Policy vide reference cited with a view to transform the government into an efficient and responsible litigant. The State Litigation Policy is mainly with an intention to reduce the period of pendency of all cases in the courts and thereby check the loss to the exchequer. Such pending of cases can be decreased to a great extent by proper co-ordination, monitoring the progress of litigation and by taking timely action.

It has also come to the notice of the Registrar of Co-operative Societies, that many officers of this office and subordinate offices are not following the proper procedure while dealing with Court Cases and certain petitions filed by the parties. With a view to avoid such lapses the following instructions are issued for strict compliance.

1. All files in the office of the Registrar of Co-operative Societies, related to Court Cases and Petitions shall be routed through the Registrar.
2. It shall be the duty of every official concerned to monitor the conduct of court cases in which Government/Registrar/District Authority is a party so as to safeguard the interest of Government.
3. All files of the office of the Registrar of Co-operative Societies, in respect of the legal matters should invariably routed through the Law Officer.

4. Legal question specifying the point/points on which advice of Law Officer is required must be formulated before submitting files to the Law Officer.
5. If any communication related to Court cases is received by e-mail or Fax, then the IT section or the person responsible for handling the Fax as the case may be should forward the same to the Tapal section immediately for onward transmission to the concerned section.
6. Timely follow up action at each stage of the case is very essential. On receipt of copy of a case from the Office of the Advocate General or from the office of the Registrar, High Court or from the various Courts, urgent action should be taken to forward Statement of Facts/Instructions required before the next posting date of the case or time limit stipulated therein. Any information pertaining to the office of the Registrar of Co-operative Societies in respect of court cases shall be communicated to the Office of the Advocate General or office of the Government Pleaders in Subordinate Courts only after obtaining the approval of the Registrar, if the Registrar is arrayed as one of the respondents/defendants.
7. The draft Statement of Facts received from the subordinate offices shall be examined by the officers concerned and revised for and on behalf of the Registrar of Co-operative Societies by incorporating the details available in this office and thereafter submit the file to Law Officer for vetting the legal aspects.
8. After furnishing Statement of Facts to the Office of the Advocate General/District Government Pleader the officers concerned shall contact the said office and take urgent steps for filing Counter Affidavit without further delay. Regular follow-up action is to be taken in all pending cases and the stage of the case may be ascertained by contacting the office of the Advocate General or Government Pleader concerned, or Law Officer or Liaison Officer.
9. All superior officers shall give direction to the concerned to maintain the files dealing with Court Cases properly with utmost care. Copies of all relevant records such as copy of Original Suit, Writ Petition, Appeal, Interim Order,

Statement of Facts etc. should be attached in the file concerned and arranged properly.

10. As soon as a communication in respect of disposal of a case is received, copy of the said judgment and legal opinion regarding filing of appeal shall be obtained immediately.
11. If for any reason it is not possible to comply with the direction within the time limit, the competent officials should be deputed to the office of Advocate General before the time granted with details and cogent reasons necessitating extension of time.
12. If the Government is also arrayed as one of the parties and order of the Government has been quashed, the views of Government is highly necessary regarding filing of appeal or compliance of judgment.
13. If an appeal or review is to be filed, sanction for such filing shall be obtained from the Registrar, if the District Officer is the authority to file appeal or review.
14. If the opinion of the Advocate General/Government Pleader is not found satisfactory, the opinion of the Government shall also be obtained. If there is no scope for Appeal necessary action shall be taken to comply the judgment within the time limit stipulated.
15. All the sections of the office of the Registrar of Co-operative Societies and subordinate offices shall maintain a Register in the prescribed format so as to ensure efficient and timely supervision of Suits, WPs, etc.
16. Every section Superintendents in the office of the Registrar of Co-operative Societies shall submit Suit Register for the inspection by the Law Officer once in a month.
17. All the Joint Registrars shall conduct periodical inspection and issue necessary directions to the subordinates for the proper maintenance of Suit Register and files dealing with Court cases.

18. All the Joint Registrars shall forward the details of pending cases as per the Suit Register to the Law Officer once in three months and also take steps to enter all the details in the system for ready reference.
19. All the Joint Registrars/Assistant Registrars shall maintain Suit Register properly and ready for inspection by the Law Officer.

Sd/-
S. LALITHAMBIKA I.A.S.
Registrar of Co-operative Societies

To

- 1) PA to the Registrar of Co-operative Societies,
- 2) The Director of Co-operative Audit, Thiruvananthapuram,
- 3) All officers and section in this office,
- 4) All Joint Registrars and Joint Directors (14 Districts)
- 5) All Assistant Registrars and Assistant Directors in Circles (14 Districts)
- 6) The Editor, Co-operative Veedhi and Journal
- 7) Stock file/Spare

\$

//Forwarded by Order//



Assistant Registrar (EM)