



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्  
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH  
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001  
Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110 001

No. 36-2/80-Law  
25, September, 2020

To,  
Heads of All National Labs / Instts of CSIR

**Sub: Reply to legal notices in service matters for mitigation of litigation – reg.**

Sir,

Ministry of Law & Justice, Govt. of India has been issuing various OMs/Circulars stressing on the need for mitigation of litigation in Govt. departments. Legal Division of CSIR has also issued circular letters No. 36-2(230)2005-Law dated 10.03.2015 and 06.06.2016 endeavoring to find out the ways of mitigation of litigation, stressing on the need to put in place an effective system of handling grievances in order to prevent avoidable litigation.

As an endeavor to mitigate the litigation, DG, CSIR has been pleased to approve that:

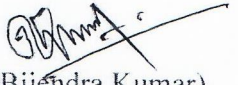
1. Every new case, once received, should first be examined from the mitigation angle, i.e. as to whether the prayer of the litigant can be granted within the existing policy framework and litigation can be avoided. All the proposals for obtaining approval of the Competent Authority to contest the case should be accompanied with the clear views of the concerned Lab/ Instt. / Division / Unit regarding possibility of mitigation of the case;
2. Since a legal notice is a preliminary note of information, letting the respondent know of the grievance of the sender, it is desirable to examine the grievance narrated in it ~~vis-à-vis~~ the existing policy / rules / procedures on merits and in case the concerned authorities are of the opinion that the grievance is genuine and can be settled within the framework of existing Rules / guidelines / Instructions, without entering into litigation, the same should be resolved and a suitable reply to the aggrieved party be sent in consultation with Legal Adviser considering the notice as a representation, in order to avoid un-necessary litigation.

However, if the grievance of the aggrieved party is not covered under the standing Rules/ Guidelines / Instructions on the subject, and there is sufficient ground to reject it, the same should also be communicated by way of issuing a detailed speaking order. Nonetheless, in case the notice is converted into a suit after a reply to the notice is sent, care should be taken that the reply to the notice and the reply to the suit must be in unison, supported by facts/documents.

For proper and uniform application of Rules and Instructions as may be contained in Government of India/ Council of Scientific and Industrial Research orders/ circulars, all such matters must be invariably considered/ examined and decided in consultation of the concerned Administrative Authority at CSIR-Hqrs.


The circular No. 18/74-Law-Vol-II/509 dated 30.03.1999 stating that no reply to legal notices in service matters shall be sent by National Labs/ Instts, stands amended accordingly.

Yours faithfully,

  
(Bijendra Kumar)  
Deputy Secretary(L)

Copy to:

1. Sr. CoA/CoAs/AOs of all the CSIR National Labs/Instts.
2. US O/o DG, CSIR
3. PS to JS (Admn.)
4. PS to FA
5. PA to CVO
6. DS (HR), DS(CO), DS(PD)
7. Legal Advisor
8. Heads of HRDG, HRDC, IPU, RAB, TMD-II, TMD-SeMI, CPD, IMD, SCDD, URDIP, TKDL, ISTAD.
- ✓ 9. Head, IT – for uploading on the CSIR website
10. Office Copy.

  
(Bijendra Kumar)  
Deputy Secretary(L)