

No. 36-2(80)-Law/५११

Dated 23.02.2024

To,

The Directors/Heads of all CSIR Labs/Instts,

Sub: Time line for filing SLP/Appeal to be adhered to, where limitation period is 90 days.

Sir,

The Secretary Department of Legal Affairs Ministry of Law & Justice, Vide their DO Letter No A-60011/5/2023-Admn. CA dated 7th November 2023 has invited attention to the orders passed by the Supreme Court of India, taking a serious view of the delay in filing appeal viz. SLP (civil) SL No(s) 25547/2020, Union of India & Ors. Versus Radhey Shyam. dated 28.01.2020, SLP (Civil) Diary No(s) 28554/2020, Union of India & Ors. Versus R. Jayasankaran dated 01.02.2021, SLP (Criminal) Diary No. 24676/2020 Union of India Vs. Jitendra dated 08.01.2021, SLP (Criminal) Diary No.24723/2020, Narcotics Control Bureau Regional Bureau at Jodhpur Vs. Nepal Singh Meena & Anr. dated 08.01.2021). In all the above cases, Hon'ble Supreme Court of India, while dismissing the SLPs on the ground of delay in filing SLPs has deprecated the casual manner in which the petitioners have approached the Hon'ble Court for condonation of delay without any cogent or plausible grounds, and has imposed cost to be recovered from the officers responsible for the delay in filing appeals/SLP.

The Secretary has desired that in order to avoid delay in Central Government litigation, the timeline as given in the above said DO should be adhered to.

The Competent Authority, CSIR has accepted the instructions/timeline as mentioned in the DO letter (mutatis mutandis) and accordingly approved that in order to avoid delay in litigation where limitation period is 90 days, following timeline may be adhered to:-

SI No	Action to be taken	SLP/Appeals in Supreme Court
1	Examination and taking administrative decision by the Ministry/Department	10 days
2	Examination and advice/opinion by the Central Agency and the Law Officers	5 days
3	Drafting and forwarding the same to the concerned Ministry/ Departments	10 days
4	Approval of the draft by the concerned Ministry/ Departments and providing necessary documents	5 days
5	Preparing paper book and filing	5 days

Contd.....




Where limitation period is 60 days or 30 days or any specified time given by the Court, the above time line shall have to be reduced correspondingly.

It may kindly be noted that the orders are available on the same day or by the next day in the matters on the website of Supreme Court i.e. <https://main.sci.gov.in/>. The same can be downloaded for compliance and necessary action by the concerned Lab/Instt. Hence, the Labs/Instts are required to keep track from the website of the developments in the matters and the orders passed therein to avoid delay in action being taken.

It is requested that the above may be brought to the kind notice of all concerned for information guidance and compliance.

Yours faithfully,


23/2/24
(Pankaj Gosawami)
Under Secretary(Legal)

Encl:- As above.

Copy to:

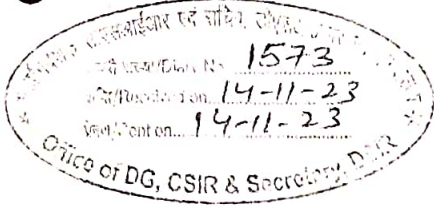
- (i) Sr. DS(CO), CSIR Hqrs
- (ii) Sr. DS(HR), CSIR Hqrs
- (iii) Sr. DS(PD), CSIR Hqrs
- (iv) Sr. DSHRDC, CSIR
- (v) Sr. PPS to DG, CSIR
- (vi) Office of JS(A)
- (vii) Office of FA
- (viii) Office of CVO
- (ix) Office of LA
- (x) Head, IT with the request to make this circular letter available on the CSIR website.

Dr. REETA VASISHTA, ILS
Secretary to the Government of India
INCHARGE, CENTRAL AGENCY

75
आज़ादी का
अमृत महोत्सव



भारत सरकार
GOVERNMENT OF INDIA
विधि और न्याय मंत्रालय
MINISTRY OF LAW & JUSTICE
केन्द्रीय अभिकरण
CENTRAL AGENCY
सुप्रीम कोर्ट कम्पाउन्ड
Supreme Court Compound
नई दिल्ली - 110001
New Delhi-110001



JS (DSIR)

D.O.No. A-60011/5/2023-Admn.CA

JS (CSIR)

दिनांक :
Date : 7th November, 2023

Dear Sir / Madam

✓ LA

The Central Agency is responsible for conducting litigation before Hon'ble Supreme Court of India on behalf of all Ministries/Departments of the Central Government, Union Territories and CAG. All SLPs/Appeals etc. on behalf of the Union of India are filed after obtaining the opinion of Ld. Law Officers on feasibility of filing SLPs/Appeals etc. in the Supreme Court of India through the Central Agency.

2. In order to avoid administrative delay in submitting such cases, where advice is required from the Ministry of Law & Justice for filing SLPs/seeking leave to Appeals/Reply/Counter Affidavit, etc., in the Supreme Court, you are requested to submit the matter directly to the Secretary, Central Agency, Supreme Court Compound, New Delhi.

3. In this regard, attention is invited to the orders passed by the Supreme Court of India, taking a serious view of the delay in filing appeals (viz. SLP (civil) Diary No(s).25547/2020, Union of India & Ors. Versus Radhey Shyam dated 28.01.2020, SLP (Civil) Diary No(s).28554/2020, Union of India & Ors. Versus R. Jayasankaran dated 01.02.2021, SLP (Criminal) Diary No. 24676/2020 Union of India Vs. Jitendra dated 08.01.2021, SLP (Criminal) Diary No.24723/2020, Narcotics Control Bureau Regional Bureau at Jodhpur Vs. Nepal Singh Meena & Anr. dated 08.01.2021). In all the cases, Hon'ble Supreme Court of India, while dismissing the SLPs on the ground of delay in filing SLPs has deprecated the casual manner in which the petitioners have approached the Hon'ble Court for condonation of delay without any cogent or plausible grounds, and has imposed cost to be recovered from the officers responsible for the delay in filing appeals/SLP.

4. Besides the instructions issued in this regard by the Department of Legal Affairs, Cabinet Secretariat had also issued guidelines in this regard vide DO letter No.1/50/3/2016-Cab. dated 16th June, 2016 and No.403/1/5/2016-CA.V dated 25th November, 2016.

5. Despite regular instructions issued by various entities in this regard, incidents of delay in filing SLPs, seeking leave to Appeals, Reply/Counter Affidavit, etc., have been observed, which could lead to adverse orders by the Hon'ble Supreme Court of India.

225-L
14/11/23

USL

by
14/11/23

Pls bring it to
notice of all concerned
16/11/23

Contd...2/-

6. The following timeline for filing SLP/ Appeal may be adhered to, where limitation period is 90 days:

Sl. No.	Action to be taken	SLP/Appeals in Supreme Court
1	Examination and taking administrative decision by the Ministry/Department	10 days
2	Examination and advice/opinion by the Central Agency and the Law Officers	5 days
3	Drafting and forwarding the same to the concerned Ministry/ Departments	10 days
4	Approval of the draft by the concerned Ministry/ Departments and providing necessary documents	5 days
5	Preparing paper book and filing	5 days

7. In other matters, like filing Statutory Appeals, Review Petition and other Affidavits, where limitation period is 60 days or 30 days or any specified time given by the Court, the above timeline may be reduced correspondingly.

8. It may kindly be noted that the orders are available on the same day or by the next day in the matters on the website of Supreme Court i.e. <https://main.sci.gov.in/>. The same can be downloaded for compliance and necessary action by the concerned Ministries. Hence, the Department is required to keep track from the website of the developments in the matters and the orders passed therein to avoid delays in action being taken.

9. Similar cases/issues, if any, which have already been decided by the Supreme Court, shall clearly be highlighted by the Administrative Ministry / Department in their referring note. This shall enable the Law Officer to keep in perspective such similar cases/issues, while rendering the advice opinion in the matter.

10. This issues with the approval of Hon'ble Minister of State for Law and Justice (Independent Charge).

With regards,

Yours sincerely,


(Dr. Reeta Vasishta)

To

✓ **The Secretaries of all Ministries/Departments.**

Copy to:

1. PS to Hon'ble Minister of State for Law and Justice (Independent Charge).
2. All the Ld. Law Officers.