

GOVERNMENT OF MAHARASHTRA
General Administration Department,
Circular No. GDR-1175/990/XI,
Sachivalaya, Bombay 400 032, Dated 23rd January 1976.

C I R C U L A R

CR1976012301

It has been brought to the notice of Government that in a number of writ petitions or other proceedings before the Courts of law, adverse decisions are given against Government. It has also been noticed that in many cases appeals are filed against the decisions of lower Courts just as a matter of routine, and after many years Government is required to reinstate the persons concerned and pay heavy arrears by way of their pay and allowances. Government is, therefore, pleased to direct that hereafter the following steps should be taken to ensure that such embarrassment to Government and infutuous expenditure are avoided :-

- (1) Each Department of the Secretariat should critically study all such cases which have occurred during the last 3 years and locate the faults in the administrative system which resulted in such adverse decisions and communicate them to the General Administration Department. The information should be furnished in the attached proforma.
- (2) All Officers dealing with such matters should critically study such cases and obtain orders of Government when they feel that an appeal to a higher Court would be justified. Decision to make an appeal should not be taken at a lower level. The papers should be put up to the Secretary of the Department concerned who should consider whether an appeal in a particular case would be justified, and if so, submit the case with his recommendation to the Minister concerned for approval.
- (3) Disciplinary action should be taken against officers who recommended frivolous appeals which resulted in reinstatement of the persons concerned and payment of heavy arrears after many years.

2. All Departments of the Secretariat are requested to scrupulously follow these instructions and report to the General Administration Department the result of the investigations made by them, as indicated in point (2) above.

By order and in the name of the Governor of Maharashtra,

(Sd.)

Deputy Secretary to the Government of Maharashtra,
General Administration Department.

All Departments of the Secretariat.

P R O F O R M A

Name of the Department :

Sr. No.	Details of cases in which adverse decisions were given against Government by the Courts of Law.	At what level decision to file an appeal was taken	Reasons why it was decided to file an appeal	Faults detected in the adminis- trative system which resulted in the adverse decision	REMARKS
1	2	3	4	5	6