

CIRCULAR

Subject: Instructions regarding compliance of the judicial/quasi-judicial orders and the caution to be taken in filing of affidavit.

Ref: Government Circular of Law & Judiciary Department dated 02.12.2016

Attention of all the HODs/HOSs is called on the directions given by the Chief Secretary, Government of Maharashtra in the abovereferred Government Circular, in view of the directions given by Hon'ble Bombay High Court, Bench at Nagpur, while disposing of the Contempt Petitions bearing Nos. C.P.No. 20 of 2016 in C.P.No. 243 of 2015 in Writ Petition No. 194 of 2014 (D) & C.P.No. 19 of 2016 in C.P.No. 258 of 2015 in Writ Petition No. 6116 of 2014 (D), vide order dated 06-10-2016.

Hon'ble High Court was pleased to give necessary direction to the Chief Secretary by expressing strong displeasure over the disregard to the orders passed by the Hon'ble Court. Hon'ble Court has warned that, hereinafter, willful disobedience of the orders of the Hon'ble Court shall not be taken lightly.

In view of the directions of the Hon'ble High Court copy of which is enclosed and in view of compliance of judicial/quasi-judicial Orders and caution to be taken in filing affidavit before them in the matters pertaining to the Corporation, all the HODs/HOSs are directed to carefully note the observations of, and appreciate the concerns expressed by, the Hon'ble High Court and ensure scrupulous compliance thereof.

All the HODs/HOSs are hereby again directed that the orders passed by the Hon'ble High Court and other Judicial / Quasi-Judicial Forums shall be duly complied within the period specified therein or within the period undertaken by the authorities, unless the orders are stayed, varied, reversed or set aside by the Superior Court or Forum.

If at all, the department is of the view that the orders are not acceptable to the Corporation, then immediate steps shall be taken to challenge the same before the Higher Forum at the earliest and efforts be made to obtain stay to the effect, operation and implementation of the order appealed against, to avoid contempt proceedings.

Further, that in cases wherein more than one department is involved, it would be incumbent upon the officer in-charge of the department i.e. the original respondent to ensure that there is inter-departmental co-operation and that the reply is filed / submissions are made, before the judicial forum, in co-ordination with all the concerned departments and that a unified affidavit taking a unified stand is filed before the Court to rule out the possibility of contradictory submissions being made by the different departments of the Corporation. This should be in consultation with Legal Department.

ACECI&M

25/6/2021

Follow strictly time bound action & bring to all
SES/EEB

SE (file) please send plar SB/EMS
25/6/2021

E-APP No: 104836
Date (In): 25/06/2021
Date (Out): 25/06/2021

APP No: 40490
Date (In): 25/06/2021
Date (Out):

The instructions contained hereinabove shall be followed scrupulously. Any failure or deviation therefrom would be viewed seriously and the concerned officers shall be held liable for appropriate action.


Vice Chairman & Managing Director

Encl. 1) Copy of Orders dated 06/10/2016
by Hon'ble High Court, Bench at Nagpur.
2) Govt. Circular dt. 02/12/2016.

To,

All HODs/HOSs

Cc for information to:
JMD-I/JMD-II/JMD-III/CVO/CANT