

## **LITIGATION WORK**

### **CENTRAL AGENCY SECTION**

Central Agency Section (CAS) was setup in the year 1950. This office is responsible for conducting litigation before Hon'ble Supreme Court of India on behalf of all Ministries/ Departments of the Central Government and also on behalf of NCT of Delhi, Union Territories, the office of the Comptroller & Auditor General of India and all field offices under CAG i.e. Accountant General offices. All Special Leave Petitions on behalf of Union of India are filed after obtaining opinion of Law Officers on the feasibility of filing Special Leave Petitions/ Civil Appeals in the Supreme Court through Central Agency Section. This office is presently looked after by an Additional Secretary; who has been declared as in-charge of this office and has been delegated the power of Head of Department. She is assisted by 7 Government Advocates, 10 Gazetted, 49 Non Gazetted and 21 Group D staff. There are 496 Govt. Panel Counsels. The Central Agency Section functions from the Supreme Court Compound, New Delhi. The total budget allocation for the financial year 2013-2014 is Rs.21.50 Crores.

2. The activities of the Central Agency Section pertain to:

- References of the Ministries/ Departments of Government of India received through the Department of Legal Affairs, Ministry of Law and Justice to obtain the opinion of Ld. Attorney General, Ld. Solicitor General and Ld. Additional Solicitor Generals.
- Engagement of Law Officers/ approved Panel Counsels for various cases.
- Conduct and supervision of litigation on behalf of Union of India/ NCT of Delhi, C&AG and Union Territories in the Supreme Court of India.
- Supervision of records, R&I section, Fee Bill Unit, Personal Deposit Unit, Computer Cell and Administration Division which includes Cash section also.

3. Government Advocates in the Central Agency Section are Advocates-on-Record of the Supreme Court. They appear before the Supreme Court in matters pertaining to the Union of India, NCT of Delhi, C&AG and Union Territories as per the Supreme Court Rules.

4. As per computerized record of Central Agency Section during the year 2014, the Central Agency Section has received 5166 new cases from various Departments of Government of India, NCT of Delhi, C&AG and Union Territories in which the Union of India or Union Territories are either petitioner or respondent.

### **2.5 LITIGATION IN DELHI (HIGH COURT)**

The Litigation (HC) Section handles the Litigation work in Delhi High Court on behalf of all the Ministries/Departments of Govt. of India except for Railways and Income Tax Departments. Officer-in-Charge is assisted by Superintendent (L) and other staff. The Section looks after the litigation work as follows: -

(a) The cases dealt with and contested in Delhi High Court are generally related to: -

Civil and Criminal Writ Petitions under Article 226 & 227 of the Constitution of India, Civil Misc. Applications, Division Bench Appeals, Company Applications, Execution Applications and Criminal Misc.

- (b) And the cases dealt with and contested in Courts other than Delhi High Court relating to:

BIFR, AAIFR, National Consumer Dispute Redressal Commission, Industrial Tribunal-cum-Labour Court, Company Law Board, Un-lawful activities (Prevention) Tribunal, Debt Recovery Tribunal, Debt Recovery Appellate Tribunal, Immigration Appellate Committee, Appellate Tribunal for Electricity, TDSAT, Central Information Commission, District Consumer Form.

2. The Litigation work is dealt with by two Sections- Litigation (HC) Section 'A' and 'B' being supervised by Superintendent (L). Section 'A' deals with the advance notices pertaining to the Writ Petitions, Letters Patent Appeals (LPA), and Miscellaneous Petitions under Article 226 & 227 of the Constitution of India including matters of general nature. Section 'B' deals with the Original Revisions etc. and the Writ Petitions filed on behalf of the Union of India before the Hon'ble Delhi High Court. This Section also deals with the matters relating to other Courts/Tribunals as mentioned in para 1(b) above.

3. To conduct Central Government litigation, there is one Additional Solicitor General of India (ASG), nine Central Govt. Standing Counsels (CGSC), panels of Senior Counsel and Govt. Pleaders (GP). In matters of public importance and also involving complicated questions of Law, one of the Law Officers namely- Attorney General of India / Solicitor General of India / Additional Solicitor General of India is engaged. Close liaison is being maintained with the concerned Ministries/Departments and Counsels to safeguard the Government interests in Delhi High Court. The Officer-in-charge and other officers keep a close watch over the progress of the cases at each stage.

4. This Unit was allocated budget of Rs.6 crore in the B.E. for F.Y. 2014-15. During the period under the report, approximately 7000 professional fee bills pertaining to the Law Officers and Govt. Counsel have been received for payment. Further, 2000 fee bills are likely to be received till 31<sup>st</sup> March 2015. As on close of December, 2014 approximately 6500 fee bills to the tune of Rs.4.02 crore have been duly processed and paid to the concerned Law Officers and Counsel.

5. During the period from 1.4.2014 to 31.12.2014, Litigation (HC) Section has engaged Law Officers and Government Counsel in 3772 cases to conduct the litigation in Delhi High Court. Section wise details of receipt of cases and engagement of Govt. Counsel are as follows:

#### LITIGATION HIGH COURT SECTIONS

| SECTION      | Cases received from<br>1/4/2014- 31/12/2014 | Cases expected from<br>01/01/2015 to 31/3/2015 | Total       |
|--------------|---|--|-------------|
| <b>A</b>     | <b>3336</b>                                 | <b>450</b>                                     | <b>3786</b> |
| <b>B</b>     | <b>436</b>                                  | <b>130</b>                                     | <b>566</b>  |
| <b>Total</b> | <b>3772</b>                                 | <b>580</b>                                     | <b>4352</b> |

## **LITIGATION IN CAT (Principal Branch), DELHI**

6. The Litigation CAT (PB) Cell looks after the Cases/Litigation work relating to the Central Administrative Tribunal (CAT), Delhi and nominates the Counsels from the approved panel to defend the interest of Ministries/Departments of UOI in CAT, Delhi.

7. During the period from 1.4.2014 to 31.12.2014, Litigation CAT (PB) Cell has engaged Govt. Counsels in 835 cases to conduct the litigation in CAT (PB). Details of receipt of cases are as follows: -

### **LITIGATION IN CAT (PB) DELHI**

| <b>SECTION</b>       | <b>Cases received from<br/>1/4/2014- 31/12/2014</b> | <b>Cases expected from<br/>01/01/2015 to<br/>31/3/2015</b> | <b>Total</b> |
|----------------------|---|--|--------------|
| <b>CAT (PB) Cell</b> | <b>835</b>  | <b>200</b>   | <b>1035</b>  |

### **LITIGATION (LOWER COURT) SECTION, TIS HAZARI**

(i) The Litigation work in District Courts/Consumer Forums/Tribunals in Delhi / New Delhi on behalf of all Ministries / Departments of Government of India except Railways and Income-tax Department is handled by Litigation (Lower Court) Section. The litigation work, in the above said Courts / Tribunals are looked after by an Deputy Legal Adviser & In-charge assisted by a Superintendent (Legal) / Assistant (Legal).

(ii) There is a panel of Additional Standing Government Counsels from where the counsels are nominated for contesting the cases. On receipt of request from the Ministry / Department, action is taken to engage a suitable counsel to appear on their behalf in the Courts. During the period under report this Section engaged Counsels in 472 cases. Close liaison is maintained with various Departments / Counsels at all times to safeguard the interest of the Government in the District Courts / Consumer Forums / Tribunals. Total number of cases pending in the District Court/Tribunal/Consumer Forum is 7847 as 31.12.2014.

(iii) Fee bills received from the counsel are scrutinized with regard to the terms and conditions of their appointment before certifying and making payments at the prescribed rates. During the period under report 365 fee bills were received and an amount of Rs.2249470/- was paid towards Professional Fee bills of Counsels.

(iv) In order to keep pace with the development of Information Technology in the Judiciary especially at the level of District Courts / Sub-ordinate Courts and also to **ensure effective functioning of Lower Court (Litigation) Section, a proposal for computerization of this Section was submitted to the Competent Authority along with the System-study Report conducted by the National Informatics Center (NIC).**

(v) The Deputy Legal Adviser, who is also the Branch Officer of this Section, has been designated as Central Public Information Officer under the Right to Information Act, 2005. The Superintendent (Legal) who supervises the Litigation (LC) Section.