

No.F.34(14)/2005-Judl.  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
Judicial Section

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New Delhi, 18<sup>th</sup> July, 2005.

OFFICE MEMORANDUM

Subject: -Procedure regarding engagement of Counsel for conducting cases of different Ministries/Departments.

The undersigned is directed to state that as per extant instructions, the Ministries/Departments which propose to engage a Counsel have to contact the Officer In-charge of the concerned Litigation Section or the Branch Secretariat at places where this Department has such arrangement and at other places for engagement of Counsel in High Court, the Ministries/Departments have to approach the Assistant Solicitor General of India (Senior Central Government Standing Counsel of the High Court. The Assistant Solicitor General of the concerned High Court is the In-charge of Central Government Litigation and it is his duty to distribute the cases among the Central Government Counsels (Additional Central Government Standing Counsel), but it has been observed that some of the Central Government Standing Counsel are directly appearing in cases without assigning of the same by the Assistant Solicitor General of India. It has also been observed that some of the Ministries/Departments and Subordinate Office have been directly approaching Central Government Counsel instead of approaching the Assistant Solicitor General of India for nomination of a Counsel. Such a practice is hampering conduct of smooth litigation in some High Courts. In one of the court case viz. W.P.No.46487 of 2005 Lieutenant Colonel M.K. Sanga Vs. Union of India & Another where two Counsel claiming to be representing Union of India, the Hon'ble Allahabad High Court observed that this kind of dispute was most unfortunate and embarrassing and that this kind of situation apart from being detrimental to the interest of Central Government also results in wastage of the courts time.

2. It is therefore, directed that all the Central Government Counsel would appear in those cases only, which are marked/assigned to him/her by the Assistant Solicitor General of India. Accepting cases directly from different Government, Departments by the Central Government Counsel will not be appreciated, doing so will be taken seriously and action taken against the erring Central Government Counsel.

3. All the Ministries/Departments seeking to engage Counsel in a case are once again requested to contact: -

- i) The Officer In charge of the concerned Branch Secretariat/Litigation Section at places where this Department has such arrangement viz. Bangalore, Chennai, Delhi, Kolkata and Mumbai; and
- ii) The Assistant Solicitor General of India (Senior Central Government Standing Counsel) of the respective High Courts and Senior Central Government Standing Counsel of respective CAT Benches at places other than the places listed above.


4. The Ministry of Defence etc. are requested to bring these instructions to all concerned for compliance.

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(D.R. Meena)

Joint Secretary & Legal Adviser to the Government of India

1. All the Ministries/Departments of the Government of India.
2. All the Assistant Solicitors Generals of India.
3. All Senior Central Government Standing Counsel of Central Administrative Tribunal.
4. All Central Government Counsel in the Allahabad High Court.
5. Incharge, Branch Secretariats, Mumbai, Bangalore, Kolkata and Chennai.

Copy to Shri Alok K Singh, Registrar General, High Court of Judicature at Allahabad, Allahabad for information.

  
(D.R. Meena)

Joint Secretary & Legal Adviser to the Government of India.