

ROLE OF NODAL OFFICERS UNDER STATE LITIGATION POLICY

The role and responsibility of the Nodal Officers under the State Litigation Policy is to :-

1. Accept the notices, summons and copies of the petitions/ representations and to avoid unnecessary litigation by promptly taking action on any representation submitted to the department. (It is worthwhile to mention that the concerned department may also upon receipt of the summons and notices from the court consider the case of such person and can grant the relief without waiting for the date fix in the case and can submit the application before the court intimating that the relief has been granted to such person and to bring end of such litigation).
2. Consider each and every petition / notice for demand of justice / representation and notice U/S 80 of C.P.C. positively within a period of 30 days.
3. Endeavour to see whether a litigation between PSUs and Government Public Sector undertaking can be avoided. If litigation can not be avoided then A.D.R. methods like mediations / conciliation must be considered. Section-89 of the C.P.C. must be resorted to extensively.
4. Pro actively manage litigations by ensuring collection of all the relevant data regarding the litigation against their department and placing the same before the Law Department in a cohesive and coordinated manner.
5. Monitor the progress of litigation, particularly to identify the cases in which repeated adjournments are being taken, and to apprise their Head of the Department about the repeated and unjustified adjournments.
6. Ensure constant monitoring of cases particularly to examine whether cases have gone off track or have been unnecessarily delayed.
7. Ensure that all relevant data regarding pendency of cases against the department be sent to the State Empowered Committee.
8. Enquire into the matter and report to the Head of the Department where adjournment is given by Court or the Court adversely comments in a case about an inappropriately filed Counter Affidavit.
9. Submit report in cases to the Head of the Department explaining all the reasons for delay and identify the persons/causes in the cases in which department could not file appeals within the period of limitation.
10. Suggest all for reference of a matter to conciliation / mediation first of all and only in such cases where a resolution does not appear feasible by A.D.R. methods, or its nature is such it can not be so referred to for such measures, then only the concerned department shall enter into litigating the disputes in Courts.

Note:-State Litigation Policy provides that wherever a Nodal Officer is found to have acted detrimental to the interest of the State and the litigation, suitable action would be taken against him after fixing responsibility.