

File No. 296/15/2011-CX.9
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

North Block the 15th September, 2011

To,
All Chief Commissioner
All Director, General
All JS/Commissioner

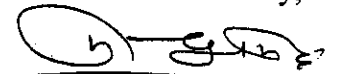
Subject:- D.O. letter received from Cabinet Secretary for issue suitable instruction to concerned offices on the matter of writ petition that does not explain the particular name of officers relating to particular case-reg.

Sir,

I am directed to enclose a copy of O.M. No. C-18018/3/2011-Coord. dated 8th/12th September, 2011 alongwith a copy of D.O. letter number 281/44/20/201-TS dated 01.09.2011 from Cabinet Secretary, New Delhi on the above mentioned subject for information and compliance.

Encl:- As above

Yours faithfully,



(Surendra Singh)

Under Secretary to the Government of India

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Dy. No. 139/CX-91

6/5 - 142741/11
13/9
Off Commissioner (Coord) CBEC
Dy/File No. 879/2011
Date 14/9/11
F.No. _____

F No.C-18018/3/2011-Coord.
Government of India
Ministry of Finance
Department of Revenue

Room No. 267-D, North Block,
New Delhi, dated the 8th September, 2011
12/11

Office Memorandum

Subject: D. O. letter received from Cabinet Secretary for issue suitable instructions to concerned offices on the matter of writ petition that does not explain the particular name of officers relating to particular case- Reg.

The undersigned is directed to enclose herewith a copy of D. O. letter No.281/44/20/201-TS dated 01/09/2011 received from Cabinet Secretary, New Delhi on the above mention subject. It is requested that this may be brought to the notice of all concerned for conformation / compliance.

Encl: as above
(one page only)

1. The Chairman, CBEC.
2. The Chairman, CBDT
3. Director General (CEIB)
4. Director of Enforcement
5. Director, FIU-IND
6. Director (NC)
7. Director (Hqrs)
8. Director (Admn)
9. National Committee

(R.N. Singh)
Under Secretary (Coord.)
Tel.No. 2309-5539

Pl. circulate.

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Count (Coord)

including field formations

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OSD (Coord)

Pl. circulate

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15/9/11



D.O. No. 281/44/20/2010-TS

September 01, 2011

Dear Secretary,

It has been brought to my attention by some Law Officers that in some Writ Petitions filed before a Court of Law in India, the Petitioner may have named as Respondents certain Secretaries to the Government of India, or some other functionaries of the Ministries/ Departments or their attached/ sub-ordinate offices or public sector undertakings, even though they are not concerned with the matter as per the Government of India (Allocation of Business) Rules, 1961.

2. On a number of occasions when the matter does not pertain to the Ministry/ Department it has been referred to, they refuse to accept it on the plea that it does not concern them. Their sole focus is to seek their exclusion from the Writ Petition. But, they simultaneously do not provide suitable guidance directly to the Law Officer regarding the Ministries/ Departments that are actually responsible for the matter at issue. As a result, much time is lost. The Law Officer has to spend his time and resources in needless correspondence with these Respondents. In the event, there is adverse fall out on the preparation of his arguments before the Court in the absence of timely inputs from the Ministries/ Departments actually concerned with the matter. Further, there is increased likelihood that the Court of Law may also end up giving directions to the original Responding Ministries/ Departments, which may lead to confusion and further delay in implementation of the directions by the Ministry/ Department which is actually responsible for the matter.

3. In order to prevent the recurrence of such instances, you may like to ensure that when a Court matter is inadvertently marked to you, or to a functionary of your Ministry/ Department or attached/ sub-ordinate office or public sector undertaking under your Ministry/ Department, the Law Officer concerned is suitably advised regarding the Respondent actually concerned with the legal matter at issue. It is for the Ministry/ Department that receives the court order to directly inform the Law Officer of the correct Ministry/ Department dealing with the matter. The relevant extract of the Government of India (Allocation of Business) Rules, 1961, may also be cited so that the papers and inputs required to handle the case reach their rightful destination promptly. This would ensure effective and timely handling of the matter. You may also kindly issue suitable instructions to all concerned under your charge, including to attached/ sub-ordinate offices and/or public sector undertakings, to this end.


 With regards,

Yours sincerely,



(Ajit Seth)

 Shri Raminder Singh Gujral
 Finance Secretary and Secretary,
 Department of Revenue
 New Delhi

 may send it
 to CBEC

