

CIRCULAR No 10/2009

L1/17054/TC/2008

Dated, Thiruvananthapuram, 06.10.2009

Sub: Motor Vehicle Dept:- Speedy Disposal of Court Case Pending - Follow up action direction issued reg

Ref: This office report on inspection conducted by the Law(Monitoring Cell) Department, Government Secretariat, Thiruvananthapuram.

The Law (Monitory cell) Department, Government Secretariat Thiruvananthapuram conducted inspection in the Head office and verified the various Court cases wherein Government/Transport Commissioner/DTC/RTO/Jt RTO is figures as one of the respondents. Following suggestions are recommended by the Inspection team for urgent compliance.

- (1) Files dealing with court cases should be properly maintained with utmost care
- (2) Copies of all relevant records such as copy of OS, WPC, Appeal, Statement of facts, etc may be filed properly.
- (3) In disposed cases, it is instructed that copies of judgement are obtained at the earliest, kept in the file and follow up action taken in time to avoid contempt proceedings.
- (4) Separate File may be kept for each case even though the petitioners are the same or the cause of action is the same.
- (5) Each section should maintain a Suit Register for recording the details of WPC, WA and other cases in the prescribed performa appended here with. Each entry in the suit Register should be attested by the concerned supervisory officer.
- (6) The Head of office shall inspect the Suit Register periodically and verify whether the entries are made update in the Register.
- (7) The Law officer of the Head Office shall be entrusted with the responsibility's of observing the prompt maintenance of Suit Registers of all offices.
- (8) Timely Follow up action at each stage of the case is highly essential. On receipt of the WPC/OS, urgent action should be taken to forward the SOFs before the posting date of the case. A copy of the SOFs shall be forwarded by Head of office to the Head of Department if TC or Government is a respondent in the case. After forwarding statement of facts urgent steps should be taken to file Counter, Affidavit / written statement without delay. A copy of the same should be linked in the file.
- (9) Regular follow up action should be taken in all pending cases and the present stage of the case shall be ascertained by contacting the Government Pleader concerned or the Advocate General. An officer shall be entrusted with the responsibility of contacting the GP concerned in order to take steps to vacate the stay immediately. The Motor Vehicle Department maintains as skeleton Liaison office at the High Court with 2 Assistant Motor Vehicles Inspectors and a clerk with CUG 9539010294.

- (10) The present stage of the case whether the Counter Affidavit is filed or likely date of next posting final disposal of the case etc should be ascertained through these Liaison officers of the Motor Vehicles Department, in the AG's office. They should follow up the case and intimate the present stage of the case to the offices over phone or FAX as the case may be. The concerned Heads of offices should take steps on their own to obtain and forward the copy of the judgement. immediately on disposal of the case, and if necessary get legal opinion for filing appeal after intimation of Head office.
- (11) The RTOs and Joint RTOs should have furnish a list of pending court case on or before 15 th of every January and July of the respective year to the concerned DTCs. The DTC should have furnished a consolidated list to the Head of office before 20th of every January and July in the prescribed proforma. The details should be forwarded only after ascertaining the present stage of the case. Please note that no columns in the proforma should be kept blank or remarks such as 'not known' while forwarding the details of pending cases.
- (12) Deputy Transport Commissioner Law (DTC,CZ-II EKM) is responsible for proper Supervision of the Liaison at High Court. Liaison should open 5 court case register. One for Head office giving WPC or case No. per 2 pages and 4 for South Zone, Centre Zone II, Centre Zone I and North Zone for noting their cases in them. The clerk with AMVIs shall maintain these registers as a collective responsibility. Separate zone wise register may be maintained for STAT matters. Deputy Transport Commissioner Centre Zone II Ernakulam or Regional Transport Officer Ernakulam should render all assistance to Liaison officials including sparing a vehicle, extra personnel if necessary. The primary task of Liaison is assist the Head office including with High Court and STAT cases.

Sd/-

Transport Commissioner

To

DTCs, RTOs, Joint RTOs, MVIs in charge of Check posts to comply the above directions strictly and promptly.

Copy to

- 1) All section clerks and section supervisors: Please report the progress of every pending cases to LI section within 7 days positively. An extract of the report of Inspection team performing to each section is attached herewith.
- 2) LI Section. She is directed to maintain a consolidated Register of suit WPCs /Appeal etc separately for ascertain the present position of the case without referring to case files. A separate suit Register should be maintained for recording the defeat of pending cases pertaining to Sub office. She is also directed to co-ordinate the work relating to case to per which are being deal with by the various sections in the Head Office and District offices
- 3) Sr. Law Officer: He is directed to monitor the functioning of the suit section promptly and watch all cases of Motor Vehicle Department in High Court and elsewhere.
- 4) All CAs' of TC, Senior DTCs and Sr. DTC (Taxation), Sr.AO, Sr.FO, ATC(in charge), Accounts officer, Statistical Officer, for information and necessary action.
- 5) Liaison officers High Court AMVI Sasikumar/AMVI Vinod kumar/ Liaison clerk High Court.

Approved for issue.

Senior Superintendent

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