

Task:- To issue guidelines for interactive sessions between the Government Departments and Government Pleaders in High Court and Presenting Officers in MAT and to arrange such sessions.

A. Need :-

Government is one of the major litigants in the Hon'ble High Court in the Writ Petitions. So also Maharashtra Administrative Tribunal is set up to address administrative grievances of the Employees. It is being observed that the effective time and machinery of the Government departments is being optimised in these litigations. To streamline the process of defending the litigation effectively, co-ordination and quality communication between the Government officials and the Law Officers representing the Government in the High Court / Tribunal is need of the time to save efforts and time. Hence arranging interactive sessions and issuing guidelines for the same has emerged out.

B. Model Guidelines :-

- 1) Interactive sessions be arranged biannually between between the Government Departments and Government Pleaders in High Court and Presenting Officers in MAT and to arrange such sessions.
- 2) Sessions shall be arranged at Mumbai, Nagpur and Aurangabad by the Law and Judiciary Department in coordination with Government Pleader/CPO, MAT offices and Mantralaya Departments / Divisional Offices with the heading '**Sharing Best Practices in Government Litigation**'.

- 3) **Participants**:- Nodal Officers of all Mantralaya Departments and officers dealing with the departments . Field Officers and Nodal officers at the Divisional Office may be called at Aurangabad and Nagpur Division.
- 4) **Prior meetings** : Before arranging interacting sessions, Government Pleader office so also Departments and field offices shall be asked to arrange their respective in-house meeting to carve out / note down the issues faced by them which needs to be addressed or communicated to the Government officials and vice-versa.
- 5) Law and Judiciary Department will invite those points prior to arranging interacting sessions so as to understand the key issues. All branches dealing with the litigation viz., 'A' Branch, 'E' Branch, 'M' Branch shall meet effectively to discuss issues related to litigation and these law officers. Also, deliberation should be made to work out on the key issues pointed out by the Government Pleaders.
- 6) Point of concerns raised by the Departments/field offices should also be communicated to the office of the Government Pleader and MAT with a direction to work on the same prior to interactive sessions.
- 7) Actual interactive sessions should be arranged in Mantralaya and office of the Law and Judiciary Department at Nagpur and Aurangabad preferably during working days.
- 8) Key issues should be discussed in a manner to find a way out and to streamline the issues addressed by the Government officials and law officers. The sessions should be end to convey legitimate

expectation of Government and law officers to each other with aim of achieving smooth and effective functioning of the litigation.

C. Previous sessions :-

In previous interactive sessions, various points merged out like communication gap between officers of the Departments and Law Officers which sometimes affect in substantial hearing of the case. It also emerged that problems are occurring in drafting effective affidavit which affects the case, resulting into stricture on the Government. It also emerged that various writ petitions can be summarily dismissed by raising preliminary objections but those are kept on pending due to effective and proper mechanism between the stakeholders. Considering the difficulties faced which are discussed in the interactive sessions, following can be additional topics for interactive sessions :-

- i) Scope and purview of Article 226, 227 and 482 of the Constitution of India.
- ii) Best Practice to prepare parawise comments.
- iii) How to take instructions.
- iv) How to draft effective Affidavit.
- v) Scope of Preliminary Objection and argument about alternative remedy.
- vi) How to read GR and scope of it.
- vii) Understanding Writ Remedy and Scope of PIL.