



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 4213/2016

Badri Narayan Sharma S/o Late Shri Ghasiram aged about 68 years, Resident of 39, Kailashpuri Malviya Nagar, Jaipur-302017.

-----Petitioner

Versus

1. State of Rajasthan through the Principal Secretary, Public Health and Engineering Department, Government Secretariat, Jaipur

2. The Superintending Engineer, Public Health and Engineering Department, City Circle (South), Gandhi Nagar, Jaipur (Raj.)

-----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad

For Respondent(s) : Ms. Minakshi Jain-G.C.

JUSTICE ANOOP KUMAR DHAND

Order

24/03/2025

Reportable

1. The instant case is yet another glaring example, where the file of the case has not been handed over by the concerned Officer In-Charge (OIC) to the counsel appearing on behalf of the department.

2. This case is pending before this Court since 2016 i.e. for almost nine years. This Court feels pain to observe that in most of the cases, the Officers-In-Charge of the cases are not providing the original case file to their respective counsels and because of their such condemnable negligence and lethargic attitude, the cases are deferred from one day to another, which hampers the process of providing justice to the litigants. This Court while taking a serious note of the above aspect of the matter, passed a stern



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order across the State in the case of **Sardar Mal Yadav Vs. State Elementary Education and Ors.** while deciding S.B. Civil Writ Petition No. 807/2012 vide order dated 07.02.2025 where it has been observed in para 12, 13, 14 and 15 as under:-



"12. This Court feels pain to observe that most of the Officers-In-Charge of cases are not adequately assisting in the matters pending before this Court. They are repeatedly taking excessive time in Court proceedings in a casual manner, failing to provide proper support to the government counsels. Due to their negligence, the Court is not in a position to proceed with the cases, as State counsels often request the Courts to seek additional instructions, leading to frequent deferrals of proceedings from one date to another. In such circumstances, the fundamental right of the parties to have their cases disposed of expeditiously is being violated.

13. Taking a serious note of the situation, the Chief Secretary of the Government of Rajasthan is directed to file an affidavit on or before the next date to apprise this Court with regard to improvement in the system by formulating strict guidelines and directing all the Officers-In-Charge of the cases of all the State-Departments to remain careful in future with regard to all the cases pending before this Court, where the State Government is a party. He is further directed to instruct all the departments to prepare a mechanism to conclude the Departmental Enquiries in a shortest possible time span.

14. The Advocate General as well as the Principal Law Secretary, Department of Law and Legal Affairs are directed to apprise all the Additional Chief Secretaries, Principal Secretaries, Secretaries and Head of Departments to instruct all the Law Officers and Officers-In-Charge of the cases to remain



present in the Court whenever required and to keep the Government counsel updated with the progress report and outcome of the matters of the aggrieved persons, pending at the level of the departments. Absence of proper assistance, on the part of the Officers-In-Charge of the cases, now onwards would be viewed seriously and in case any adverse order is passed due to lack of proper assistance on their part, it shall be treated as his/her personal responsibility and the Erring Officer shall be made liable for strict disciplinary action.

15. Office is directed to send a copy of this order to the Advocate General; Chief Secretary; and Principal Law Secretary, Department of Law and Legal Affairs, Government of Rajasthan for necessary compliance of this order."

3. While passing the aforesaid order dated 07.02.2025, this Court referred to Rule 233 of the Rajasthan Law and Legal Affairs Department Manual, 1999 which provides duties of the Officer-In-Charge of the cases. It appears that the Officers-In-Charges are unaware of the duties assigned to them and that is why they are handling Court cases, in a casual and negligent manner. The State Government is party to the majority of pending litigations before this Court and has a vast and well-equipped machinery, capable of finding solutions to any problem. However, it is the litigant who is taking advantage of the situation due to the negligent behavior of the Officers, who are not treating the matters with the seriousness they deserve. As a result of their casual approach, the matters have been deferred repeatedly from one day to the next. This Court has observed on several occasions that due to change in Government, departmental counsels are frequently replaced. In most cases, the newly



appointed counsels demonstrate their inability to assist the Court, often citing the non-receipt of files from the concerned Officer-In-Charge (OIC) or department. It is utterly shocking and surprising that no list of pending department-wise cases is provided to the counsels representing the respective departments. As a result, the counsels are unable to determine how many cases are pending against their departments.

4. The Justice Department was established in 2005 to monitor litigation in which the State is party. The department's primary objective is to assist the administrative departments of the State in effectively and economically managing litigation. It aims to streamline systems and procedures to maximize efficiency in handling cases. The department focuses on creating a comprehensive database and providing relevant information to the State Government on litigations.

In its initial phase, the Justice Department identified 313 units across 54 administrative departments to establish a database for tracking the litigations. This was followed by a recent update, where the department identified 229 units under 47 administrative departments to develop an extensive database for monitoring pending litigation.

To facilitate the monitoring of litigation, the department introduced the Litigation Information Tracking and Evaluation System (LITES), a software designed to track the status of the pending cases and evaluate the strategies for their speedy disposal. The objective of LITES is to provide intensive monitoring of cases to safeguard government interests. It requires the concerned departments to devise effective



intervention mechanism to ensure proper contestation of their cases.

Regular review meetings are held with the Officers In Charge (OICs) and the Government Advocates to emphasize the significance of the cases and to address any challenges in presenting them before the court. These cases are also discussed in the agendas of departmental field visits by Heads of Departments (HoDs) and concerned Secretaries.

The performance of Government Advocates and OICs is assessed based on the disposal rate of the cases, with the percentage of cases decided serving as a key metric. Additionally, the average time taken to conclude cases in Court is also considered in performance evaluation.

5. Two circulars have been issued by the Special Secretary, Department of Justice on 03.07.2015 directing all the Nodal Officers of each department to hold periodic meetings with the District Level Department Nodal Officer at Jaipur to review the progress regarding LITES and cases of each category so that expeditious disposal of the cases may be ensured. The report of the such meeting held, may reach the department of justice positively. The District Magistrate (for short, 'DM') in every district is the Nodal Officer for the Court cases on LITES of the Department of Justice.

Thus, each DM is supposed to hold the meetings with the Departmental District Level Nodal Officer in their district fortnightly so that the disposal of the Court cases may be expeditiously done. The reports of such meetings are supposed to reach the justice department positively.





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6. By the orders passed by the Hon'ble Supreme Court in the case of **State of Rajasthan Vs. Mansukh Dass**, while deciding SLP Civil Diary No. 4941/2018, the Department of Law and Legal Affairs, Government of Rajasthan formulated "Rajasthan State Litigation Policy, 2008" and the following recommendations have been made by the Department of Law and Legal Affairs to all the Additional Chief Secretaries/ Principal Secretaries and Secretaries, District Collectors of all the Districts and Directors of all the Department:-

"The officer of Legal Service not below the rank of joint Legal Remembrancer shall be posted in the Administrative Department, where number of Court cases is more than 1000. A Legal Cell, if so requires, comprising officer of Legal Service of appropriate rank shall be established at District Level to ensure proper co-ordination between all the departments collectively and the Government Counsel. Moreover, another important function that these Legal Cells can also perform is to coordinate between different departments/instrumentalities/ concerned officer etc. for the litigation. Especially where different departments of districts or different districts authorities are impleaded in any matter, the Legal Cell can perform as a centralized co-ordination hub between Government Counsels and State instrumentalities, which will in turn result into speedy follow up and disposal of matters."

7. All the efforts made to improve the current situation have been in vain inasmuch as the Court cases are treated with a lack of seriousness and urgency by the Officers and the OICs, for the reasons best known to them. Despite more than 20 years having passed, since the launch of the "LITES" portal, no significant measures have been taken to address the challenges faced by the Government Counsels in the Courts.



Here are some suggestions/important measures based on existing practices and potential areas for improvement:

- I. Structured Performance Evaluation: Regular performance evaluations of officers handling cases should be implemented. These evaluations should focus on case resolution timelines, quality of legal representation, and responsiveness to court proceedings. A separate column should be included in the service records of the OICs for assessing their Annual Performance Reports (APRs) or Annual Confidential Reports (ACRs), based on the number of cases successfully decided.
- II. Clear Accountability Mechanisms: It will make Officers accountable for the timely review of assigned cases, with penalties for unnecessary delays or negligence.
- III. Regular Inter-departmental Meetings: Regular meetings between various government departments and the department handling legal matters should be convened to ensure that progress of the cases is tracked and necessary resources are allocated.
- IV. Cross-training of Officers: Officers from different departments should undergo legal training to better understand the requirements of cases for which they are responsible, so as to enhance their ability to assist counsels in case management.
- V. Continuing Legal Education (CLE): The Officers and department counsels be sent on periodic training for enabling them to understand new technologies and to develop case management strategies as it will increase their legal knowledge.





VI. Specialized Training Programs: Regular workshops be held for the Officers, in specialized areas of law (e.g., commercial law, environmental law, etc.) to improve their abilities to manage complexed cases efficiently.

VII. Case Management Software: Developing or enhancing the case management software will allow the Officers to track all the cases in real-time, receive automatic updates and get alerts about the deadlines. For instance, integrating the existing e-Courts system with departmental databases will facilitate the Officers to easily track the progress of cases and ensure timely action.

VIII. AI-Powered Case Sorting: Artificial Intelligence (AI) and Machine Learning (ML) should be used to categorize the cases based on their urgency, type and complexity as AI can assist in recommending case priorities, ensuring that important cases are not delayed.

IX. Automated Documentation and Filing: Integrate automated systems may be evolved allowing for quick document filing, updating and sharing information across various departments and legal bodies which will reduce delays caused by manual paperwork.

X. Engage Private Legal Experts: Governments may engage private law firms or expert counsels for specific type of cases, particularly for specialized legal matters. These experts can help in reducing the burden on the department Officers and provide timely legal expertise.



XI. Big Data and Analytics: Use of data analytics to identify patterns in case delays, analyze bottlenecks, and predict future workload trends. With insights from analytics, the Officers can allocate resources better and ensure no cases are delayed.

XII. Real-Time Monitoring: A Real-time monitoring dashboard should be established for the Officers to track the status of all the cases they are overseeing which will certainly ensure immediate and corrective action, if delays are identified.

XIII. Reward Efficient Officers: Rewards, promotions or other forms of recognition be given to the Officers, who manage their caseload efficiently and ensure that cases are handled within the prescribed timelines. It will also encourage others to perform their duties diligently.

XIV. To establish a Central Case Oversight Unit: A dedicated unit will oversee the performance of officers in charge of cases and ensure their accountability. Such unit will also provide assistance in clearing the backlogs and offer support in challenging cases.

8. The entire system casting responsibility on the Officers entrusted with the work of overseeing cases can be improved by integrating better role definition, enhanced coordination between departments, continuous training and adoption of technology. Leveraging AI, data analytics and automated systems will definitely allow the Officers to handle cases efficiently, track progress and minimize delays in Courts. Additionally, incentivizing the Officers, who efficiently handle the cases, will



surely promote a culture of accountability and speeding up the case management system. By adopting all these measures, the State Government will not only speed up the case resolution but will also improve the overall quality of legal services, provided by the departments.

9. Let strict circulars and notices be issued to all the Additional Chief Secretaries/Principal Secretaries/Secretaries, Directors of all the Departments, District Collectors of all the Districts of the State of Rajasthan to the effect that the OICs shall perform all the duties and work, assigned and specified to them from time to time so that unnecessarily delay is not caused. In case, the Court fails to get proper assistance at the level of any department, appropriate costs would be imposed and the same would be recovered from the pocket of the erring/defaulting officer, after following due process of law. If any adverse orders are passed in absence of proper assistance, it should be treated as his/her personal responsibility and the erring officer shall be liable for strict disciplinary action. Adverse remarks would be made in the Annual Confidential Progression Reports (ACRs) which may deprive them in getting future promotions.

10. Before taking a serious note and before passing adverse order against the Officer-In-Charges, this Court issue a general mandamus to all the departments and the concerned OICs to provide a list of all the pending cases against the respective Departments to their respective counsels appearing for the departments within a period of one month from today. It is made clear that if the order passed by this Court is not taken seriously by the departments, then such action or in-actions on their part





would be viewed seriously and repercussions would lie against them.

11. Let a copy of this order be sent to the Advocate General, the Chief Secretary, Government of Rajasthan; and the Principal Law Secretary, Department of Law and Legal Affairs, Government of Rajasthan.

12. Let a copy of this order be sent to the District Magistrates of all Districts of the State of Rajasthan and the Heads of all the 54 Government Departments mentioned in the Schedule-A attached with this order for strict compliance of this order.

13. The Chief Secretary, Government of Rajasthan; the Principal Law Secretary, Department of Law and Legal Affairs and the Additional Chief Secretary/Principal Secretaries/Secretaries and Directors of all the department of the State of Rajasthan and the District Magistrates of all the Districts of the State of Rajasthan are directed to submit their reports related to compliance of this order and the effective steps being taken by them for expeditious disposal of the matters.

14. It is made clear that non-compliance of this order would be viewed seriously.

15. List on 15.04.2025 to check compliance.

(ANOOP KUMAR DHAND),J

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Schedule-A

List of Departments (As per LITES)

1	Administrative Reforms and Co-ordination Department, Jaipur
2	Agriculture Department
3	Animal Husbandry, Fisheries and Dairy Development Department, Jaipur
4	Art, Culture and Archaeology Department, Jaipur
5	Ayurved Department, Jaipur
6	Command Area Development, Jaipur
7	Co-operative Department, Jaipur
8	Department of Minority Affairs, Jaipur
9	Department of Personnel Jaipur
10	Department of Sanskrit Education
11	Devasthan Department, Jaipur
12	Disaster Management and Relief Department, Jaipur
13	Election Department, Jaipur
14	Energy Department, Jaipur
15	Environment Department, Jaipur
16	Finance Department, Jaipur
17	Food, Civil Supplies and Consumer Affairs, Jaipur
18	Forest Department, Jaipur
19	General Administration Department (GAD) , Jaipur
20	Harish Chandra Mathur Rajasthan Institute of Public Administration, Jaipur
21	Higher Education Department, Jaipur
22	Home Department, Jaipur
23	Indira Gandhi Nahar Project Department
24	Industries Department, Jaipur
25	Information and Public Relations Department, Jaipur
26	Information Technology and Communication Department, Jaipur
27	Jaipur Development Authority
28	Labour and Employment Department, Jaipur
29	Law and Legal Affairs Department, Jaipur
30	Local self Government Department, Jaipur
31	Medical and Health Department, Jaipur
32	Medical Education Department, Jaipur
33	Mines and Petroleum Department, Jaipur





34	Panchayati Raj Department, Jaipur
35	Planning Department, Jaipur
36	Public Health Engineering Department, Jaipur
37	Public Works Department, Jaipur
38	Rajasthan Public Service Commission
39	Rajasthan State Road Transport Corporation (R.S.R.T.C.)
40	Revenue Department, Jaipur
41	Rural Development Department, Jaipur
42	School Education Department, Jaipur
43	Science & Technology Department, Jaipur
44	Social Justice and Empowerment Department, Jaipur
45	Technical Education Department, Jaipur
46	Tourism Department, Jaipur
47	Transport Department, Jaipur
48	Tribal Area Development Department
49	Urban Development and Housing Department, Jaipur
50	Water Resources Department, Jaipur
51	Women and Child Development Department, Jaipur
52	Youth Affairs and Sports Department, Jaipur
53	Department of Child Rights, Jaipur
54	Peace and Non--Violence Department, Jaipur