



GOVERNMENT OF KERALA

No. 48211/Cdn.4/2012/GAD

General Admn.(Co-ordination) Department;
Dated, Thiruvananthapuram, 29-06-2012.

C I R C U L A R

Sub:- **General Administration - Order dated 30-05-2012 of the Hon'ble High Court of Kerala in WP(C) No-29352/10- Non Compliance of Judgments and seeking Extention of time for implementing Judgment- Observations of Hon'ble High Court- compliance of Judgment - Instructions issued.**

- Recd:-
- 1). Circular No. 38566/Cdn.2/10/GAD dated 02/06/2010.
 - 2). Circular No. 82263/Cdn.4/10/GAD dated 14/03/2011.
 - 3). Order dated 30-05-2012 of the Hon'ble High Court of Kerala in WP(C) No-29352/10
 - 4). Fax Message No. WP(C) No-29352/10 dated 31-05-2012 from Smt. M.J. Jayasree, Senior Govt. Pleader, Advocate General's Office, Ernakulam addressed to Hon'ble Chief Secretary of Kerala.

While considering the application of State for extension of time for implementing the order in WP(C) No-29352/10 filed by Shri. K.M. Abraham, Hon'ble High Court in its Judgment dated 13-02-2012 has observed as follows:

"I am thoroughly disappointed with the practice of the State in filing petitions for extension of time to comply with the directions in the judgment and not bringing it up for consideration at least within the time requested for.

The learned Government Pleader today submits that another application for extension of time is filed today. If I am to adjourn this writ petition for considering that application, it will only add to my work unnecessarily. If this practice of the State confines, making the Court work unnecessarily, this Court will be constrained to direct the State to pay costs.

The learned Government Pleader shall inform this opinion of the Court to the Government appropriately so that the Government can take appropriate steps to avoid such possible costs. In this case, taking a lenient view, I grant one more months time from today with the rider that no further time would be granted for this purpose under any circumstances"

(.....2)

In compliance to this, Senior Government Pleader has intimated the above observations of the Hon'ble High Court to Government for necessary action vide fax message read as 4th paper above.

Government have already issued instructions in the form of Circulars to all concerned to handle Court Cases in a time bound manner.

The observation of Hon'ble High Court of Kerala in the above WP(C) have been examined by the Government in detail and it is hereby instructed that all concerned Officials of Government Deapartments, Public Sector Undertakings should bear in mind the observations of Hon'ble High Court while moving extension petitions for implementing the judgements of High Court including that of subordinate Courts and Tribunals.

It is instructed that first priority should be given to compliance of Court Order with in the time limit. Filing petitions for extension of time should be done only in exceptional and most compelling cases and not as a matter of routine. In all such cases of filing extension petition, the reason for seeking extension should be clearly brought out.

K. JAYAKUMAR
Chief Secretary

To

All Additional Chief Secretaries/Principal Secretaries/
Secretaries/Special Secretaries

All District Collectors/Heads of Departments

(They should ensure that the circular is communicated
to all sub offices under their control)

The Advocate General, Advocate General's Office, Ernakulam (With C/L)

The Registrar General, High Court of Kerala, Ernakulam (With C/L)

The Senior Govt. Pleader, Advocate General's Office, Ernakulam. (With C/L)

The District Collector, Thiruvananthapuram

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