

FAX MESSAGE

Office of the Advocate General,  
Ernakulam, dtd. 02.04.2012

From

Githesh R,  
Government Pleader.

To

The Chief Engineer,  
Road, Bridges and Administration,  
Public Office Building, Museum P.O.,  
Thiruvananthapuram.

Copy to:-

The Chief Engineer  
Buildings, Public Office Building, Museum P.O.,  
Thiruvananthapuram.

*Issue directions  
to all GE's, SE's and  
AOE's.*

*2/4  
R&B AND ADMIN*

*ACC N  
2/4*

Sir,

Sub:- Absence of basic documents in Appeals filed by the PWD.

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I am the Government Pleader dealing in Civil Appeals. About 95% of the appeals filed by the State are in respect of contracts which are executed by the PWD. It is seen that in most of the appeals, except a few, even basic documents are not seen in the files available with the Government Pleader, which are produced by the PWD in the Court below. Even the copies of the agreements are not seen in any of the appeals filed by the PWD. It is really saddening to inform you that the appeals wherein considerable amounts are involved are to be argued by the help of just a copy of the 'judgment' of the lower Court. When enquired with the concerned Executive Engineers in respective appeals, either they may say that they are not in custody of any of the documents or that the entire documents are produced before the Hon'ble High Court. The concerned Engineer could have easily taken a copy of the documents relied on by PWD, copy of plaint and written Statement, copy of depositions of witnesses from the Lower Court and handed over the same to

the concerned section in the Advocate General's Office at the time of filing the appeal. But the same is not done. Even in appeals of year 1993 to the present 2012, except a few none of the appeals filed by PWD has any documents. Taking certified copies of the documents from the High Court is a time consuming process and certified copies will not be available even at the time of hearing the appeal. It is also difficult to write down the depositions of witnesses which runs into number of pages. Without the basic documents it is impossible to argue the appeal. The basic documents that are produced by the PWD in Court below, depositions of the witnesses of plaintiff as well as the defendants, copies of the agreements are highly necessary at the time of hearing appeal. I request your good self to look in to the matter and to see that in future when an appeal is filed by the PWD, all documents relied on by the PWD in the Court below along with copy of plaint, written statement, copy of agreements along with the copy of the depositions of witnesses be submitted to the concerned section dealing with appeals so that same can be put in the files of the Government Pleader. The matter is highly serious since the appeals filed by the State are involving considerable amounts. The documents are highly necessary to argue the appeal and protect the interests of the State.

Thanking you,

Yours faithfully,



GITHESH. R  
GOVERNMENT PLEADER

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Stm.5/