

No. 169/08/LA.

Office of the
Principal Chief Conservator of Forests,
Vazhuthacaud,
Thiruvananthapuram,
Dated : 25..07..2008.

CIRCULAR NO. 1/2008

Sub:- Forest Department – Conduct of cases – before High Court – Submission of relevant records – for filing appeal / revision / Writ Petition – Instructions issued – reg.

Ref:- 1. Letter dated 11..07..2008 from Shri. M.P. Prakash, Special Government, Pleader, Forest.
2. Circular No. 5/93 dated 05..05..1993 of the PCCF.

As per the letter under reference (1) above, the Special Government Pleader, Forest has brought to the notice of the undersigned some difficulties experienced due to approaching for legal opinion and for filing appeals / reviews, etc. without furnishing necessary case records and supporting documents. In the above circumstances, the matter has been examined in detail. And in addition to the instructions issued under Circular referred to as (2) above the following instructions are also issued herewith in view of the letter of the Special Government Pleader (Forests) referred to (1) above.

As soon as a case is disposed of by a Court, the Head of Office concerned shall ensure that application for obtaining certified copies of the orders, decrees, judgment, depositions, etc. has been filed and such Officers shall be in touch with the Advocate General or the Government Pleader concerned until such certified copies with legal opinion thereon have been received. He may receive back the entire case file with records from the Pleader for further proceedings in the matter.

On receiving the certified copies of the orders, decrees, judgments, etc. as aforesaid; the Head of the Office shall obtain advice from the higher authorities without causing any delay as to the course of action to be followed in the matter.

If it is advised to file an appeal against the order or judgment of the lower court, the Officers concerned shall directly approach the Special Government Pleader (Forest) with the entire case file, certified copies of the order, decree, judgment, depositions, etc. obtained from the lower court for preparing the appeal by the Special Government Pleader (Forests). Documents as required by the Government Pleader may be furnished to him after acquiring a photo copy in the Office file for Departmental use.

The Head of Department, who requires the advice of the Advocate General shall address the Government in the Administrative Department concerned as to decide whether the advice of

the Advocate General shall be sought or not. Therefore, the field officers, Range Officers, DFOs, CFs and other Office Heads seeking advice from the Advocate General shall approach the Head of Department concerned for obtaining legal opinion of the Advocate General through Government. In other cases, there is no illegality or impropriety in seeking legal opinion directly from the Special Government Pleader (Forests) in the case of urgency and while so; certified copies of the orders, decree, judgment, depositions, etc. obtained from the lower court along with case file shall be forwarded for obtaining his legal opinion. For filing appeals, revision, etc. against orders, decree or judgments of the lower courts; the same procedure stated above may be followed.

The above instructions shall be strictly adhered to in the conduct of cases and non-compliance will be viewed very seriously. The receipt of Circular should be acknowledged.

Principal Chief Conservator of Forests

To

All Conservators of Forests/ Divisional Forests Officers/
Assistant Conservators of Forests/ Wildlife Preservation Officer/
Wildlife Wardens/ Deputy Conservators of Forests /
Silviculture Research Officers/Working Plan Officers/ Principals of Forest Schools/
Principal Chief Conservator of Forests, Social Forestry Projects.

Copy to : Personal Assistant to the Principal Chief Conservator of Forests and
Confidential Assistants to the Chief Conservators of Forests.
Assistant Chief Conservators of Forests/
Senior Administrative Officer / All Branch Officers / All Senior Superintendents/
Stock File.