

ਪੰਜਾਬ ਸਰਕਾਰ
ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ
(ਇਮਾਰਤਾਂ ਤੇ ਸੜ੍ਹਕਾ-3ਸ਼ਾਖਾ)

ਹੁਕਮ

ਮਾਨਯੋਗ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਜੀ ਵਲੋਂ ਪ੍ਰਾਪਤ ਹੋਏ ਅਰਧ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰ:CSO/2018/1344303/1, ਮਿਤੀ 31-10-2018 ਅਤੇ ਸਕੱਤਰ, ਗ੍ਰਹਿ ਮਾਮਲੇ ਅਤੇ ਨਿਆਂ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 24-09-2018 ਦੇ ਅਧਾਰ ਤੇ ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਭ ਤੇ ਮ) ਵਿੱਚ Punjab Dispute Resolution and Litigation Policy 2018 ਦੇ ਅਨੁਸਾਰ ਪੈਰਾ 7.5 ਦੇ ਤਹਿਤ ਮੁਕੱਦਮੇਬਾਜ਼ੀ 'ਤੇ ਵਿਭਾਗੀ ਕਮੇਟੀ ਦਾ ਗਠਨ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਜਿਸ ਵਿੱਚ ਹੇਠ ਲਿਖੇ ਮੈਂਬਰ ਨਾਮਜ਼ਦ ਕੀਤੇ ਜਾਂਦੇ ਹਨ:-

1. ਸਕੱਤਰ ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਭ ਤੇ ਮ)।
2. ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਹੈਡਕੁਆਟਰ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ)ਚੰਡੀਗੜ੍ਹ।(convener)
3. ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ(ਐਨ.ਐਚ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ),ਚੰਡੀਗੜ੍ਹ।
4. ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ(ਬਜਟ)/ਦਫਤਰ ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਹੈ.ਕੁ)(ਨੇਡਲ ਅਫਸਰ)।
5. ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਪੀ.ਆਰ.ਬੀ.ਡੀ.ਬੀ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ) ਮੋਹਾਲੀ।

ਮਿਤੀ,ਚੰਡੀਗੜ੍ਹ
27-11-2018

ਜਸਪ੍ਰੀਤ ਤਲਵਾੜ
ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ
ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਭ ਤੇ ਮ)

ਪਿੱਠ ਅੰਕਣ ਨੰ:10/26/2017-3ਏਸ3/1364890/1-5 ਮਿਤੀ,ਚੰਡੀਗੜ੍ਹ: 03/12/2018

ਇਸ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਹੈਡਕੁਆਟਰ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ)ਪਟਿਆਲਾ। (17 ਕ)
2. ਸਮੂਹ ਮੁੱਖ ਇੰਜੀਨੀਅਰਜ ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ) ਪੰਜਾਬ/ ਚੰਡੀਗੜ੍ਹ।
3. ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ(ਐਨ.ਐਚ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ)-17 ਬੇਜ ਬਿਲਡਿੰਗ, ਸੈਕਟਰ-17,ਚੰਡੀਗੜ੍ਹ।
4. ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ(ਬਜਟ)/ਦਫਤਰ ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਹੈ.ਕੁ)ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ (ਭ ਤੇ ਮ)ਪਟਿਆਲਾ।
5. ਮੁੱਖ ਇੰਜੀਨੀਅਰ(ਪੀ.ਆਰ.ਬੀ.ਡੀ.ਬੀ) ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ(ਭ ਤੇ ਮ) ਐਸ.ਸੀ.ਓ.ਨੰ:61-62, ਫੇਸ-2, ਐਸ.ਏ.ਐਸ.ਨਗਰ।

ਅਧੀਨ ਸਕੱਤਰ

ਇਸ ਦਾ ਉਤਾਰਾ ਨਿੱਜੀ ਸਕੱਤਰ ਟੂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਨੂੰ ਉਨ੍ਹਾਂ ਦੇ ਅਰਧ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰ:1356039, ਮਿਤੀ 19-11-2018 ਦੇ ਹਵਾਲੇ ਵਿੱਚ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਅਧੀਨ ਸਕੱਤਰ

ਸੇਵਾ ਵਿਖੇ,

ਨਿੱਜੀ ਸਕੱਤਰ ਟੂ ਮੁੱਖ ਸਕੱਤਰ,
ਪੰਜਾਬ।

ਅੰ:ਵਿ:ਪੰ:ਨੰ:10/26/2017-3ਏਸ3/
ਕਾਪੀ:-

ਮਿਤੀ,ਚੰਡੀਗੜ੍ਹ:

ਨਿੱਜੀ ਸਕੱਤਰ/ ਸ.ਲੇ.ਨਿ।
ਨਿੱਜੀ ਸਹਾਇਕ/ ਵਿ.ਸ.ਲੇ.ਨਿ।
ਸੁਪਰਡੈਂਟ ਇਮਾਰਤਾਂ ਤੇ ਸੜ੍ਹਕਾ-3 ਸ਼ਾਖਾ।

J/S PRBDB
Dairy No. 5154
Date 07-12-18

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GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS & JUSTICE
(JUDICIAL-II BRANCH)

To

- ✓ All the Special Chief Secretaries,
Additional Chief Secretaries, Financial Commissioners,
Principal Secretaries and
Administrative Secretaries of all the Departments,
Government of Punjab.
2. All the Secretaries, Managing Directors, Executive Directors,
Chief Executive Officers of all the Boards / Corporations / Improvement
Trusts / Public Sector Undertakings of Government of Punjab.

Dated, Chandigarh; the 24th Sept, 2018

Subject:- Regarding "Punjab Disputes Resolution and Litigation Policy, 2018" -
Implementation thereof.

Please refer to the subject cited above.

2. I am directed to write that the "Punjab Disputes Resolution and Litigation Policy, 2018" has been published in the Punjab Government Gazette (Extraordinary) dated September 6, 2018 on page no. 12990 to 13001.

3. A copy of the abovesaid Gazette Notification is attached herewith for your kind perusal and for taking further necessary action for implementation of this policy.

Secretary,
Home Affairs & Justice

Endst. No. 4/12/2010-6Judl.2/

Dated, Chd.;

A copy of the above alongwith a copy of the Gazette Notification dated September 6, 2018 is forwarded to the following for information and necessary action:-

1. Advocate General, Punjab, Chandigarh;
2. Legal Remembrancer, Punjab, Chandigarh.

Sd/-
Secretary,
Home Affairs & Justice

Endst. No. 4/12/2010-6Judl.2/

Dated, Chd.;

A copy of the above-alongwith a copy of the Gazette Notification dated September 6, 2018 is forwarded to the following for information and necessary action:-

1. Additional Chief Secretary to Government of Haryana, Department of Home Affairs & Justice, Chandigarh.
2. Secretary, U.T. Administration, Department of Home Affairs & Justice, Chandigarh.

Sd/-
Secretary,
Home Affairs & Justice

Endst. No. 4/12/2010-6Judl.2/

Dated, Chd.;

A copy of the above alongwith a copy of the Gazette Notification dated September 6, 2018 is forwarded to the following for information and necessary action:-

1. OSD (Legal) / Chief Secretary, Punjab, Chandigarh.
2. OSD / Chief Principal Secretary to Chief Minister, Punjab, Chandigarh;

Sd/-
Secretary,
Home Affairs & Justice

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- e) The Committee shall ensure timely compliance/ implementation of court orders by officials of the concerned State entity at the district level so as to discourage unnecessary litigation.
- f) The Committee shall monitor the cases to be referred to Lok Adalat, as per procedure prescribed by the concerned State entity.

7.5 Department Committee on Litigation (DCL)

- I) There shall be a Department Committee on Litigation (DCL) comprising the following for the purpose of supervision of all legal cases within the State:

- a) Administrative Secretary
- b) Head of Department of the State/State entity (Convener)
- c) OSD Legal/Law Officer
- d) Departmental Nodal Officer
- e) Head of any other Public Sector Undertaking, Authority, Agency concerned; if required

II) Functions:

- a) The Committee shall meet once a month and review the status of all pending cases of the State.
- b) The Committee shall ensure that replies/appeals are filed without any delay.
- c) The Committee shall ensure that Head of Department the State at District level put up the cases pending in various courts/quasi judicial authorities within the District in quarterly meeting of District level Committee on Litigation for review.
- d) In cases involving more than one department/ entity of the State, the committee shall ensure that reply/ appeal is not delayed because of differences in opinion or just because information has not been received from another State entity. The Administrative Secretary shall take up the matter with the concerned Administrative Secretary and if the matter remains unresolved, such case shall be placed before Empowered Committee on Litigation (ECL).
- e) The Committee shall examine such cases in which there seems to be an inordinate delay in filing reply and cases where unwarranted adjournments are sought by the State entity and fix responsibility and take appropriate action in this regard.
- f) The Committee shall closely monitor the cases of high importance to the State including those affecting policies / rules / regulations / instructions of the State having substantial financial implications of more than Rs. 1 crores, and these matters will be referred to the Advocate General, Punjab and all litigation strategy in such matters including the engagement of counsel will be done with his concurrence only.
- g) The Committee shall, in consultation with Department of Legal Affairs, consider and take decisions regarding the pending cases that fall in the category of unwarranted litigation (as explained in para 6.6 above), as identified by Departmental Nodal Officer or Departmental Law Officer.
- h) The Committee shall also examine and bring to notice of the State entity any existing Rules, policies and instructions which lack clarity or are in conflict with other instructions etc. and are causing unnecessary and avoidable litigation.
- i) The Committee shall work out an appropriate system for elimination of delays and ensure its implementation.

- j) It shall be the responsibility of the Administrative Department concerned to ensure that the replies on behalf of the State are filed in time and the cases are defended properly in the Court to safeguard the public interest / Government interest at all costs.

7.6 Empowered Committee on Litigation (ECL)

- I) There shall be an Empowered Committee on Litigation (ECL) comprising the following, which shall meet once in every 3 months:-
 - a) Chief Secretary
 - b) Administrative Secretary, Home Affairs and Justice
 - c) Administrative Secretary, Finance.
 - d) Advocate General
 - e) Legal Remembrancer
 - f) Director Prosecution and Litigation, Punjab
 - g) Concerned Administrative Secretaries
 - h) Secretary General Administration Department (Convener)

II) Functions:

- a) The Committee shall oversee the implementation of all aspects of this policy.
- b) The Committee shall, from time to time, identify the major causes of litigation and shall make recommendations to the State Government for suitable corrective measures.
- c) The Committee shall resolve the legal disputes between different Departments / Public Sector Undertakings of the State Government as per the guidelines enlisted for this purpose vide Punjab Government Circular Letter No. 13/14/96-1PP II/16403, dated 20.09.1996 and Punjab Government Circular Letter No. 12/113/05-5PP2/1993 dated 08.02.2006. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy.
- d) The committee shall examine the cases, where the judgment has attained finality and same relief/benefit is to be given to other members of the cadre, whose claims are based on similar facts and points of law. The committee formed for this purpose vide Government letter No 12/39/2002-5PP2/125 Dated 19.11.2014 by the Department of Personnel shall be replaced by the Empowered Committee constituted under this Policy.

8. Mechanism for Implementation of Policy

8-A New Disputes / Issues

- a) A majority of State litigation arises out of inaction or delay in taking timely action. Timely action is therefore of crucial importance. In case of fresh claims, grievances received by a Department, the Officers concerned in consultation with the Departmental Nodal Officer and the Law officer, on a case to case basis, shall ensure taking a decision or implementing a decision within the parameters of law in a timely manner so that litigation can be avoided.
- b) A notice u/s 80 of the CPC, when received, is to be treated as an opportunity by the State to resolve the dispute, so that no person is unnecessarily driven to Courts. Such communications should be dealt on file by officials concerned within one week and be brought to the notice of the Departmental Nodal Officer, within seven working days after receipt of the same. Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, are given special attention and are responded to within two months by the concerned officials of the department after being vetted by the Departmental Law Officer, in consonance with rules / regulations / policy of the department and with the approval of the competent authority.