

Through Post / Email

F. No. J-11017/12/2021-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated the 26th November, 2024

OFFICE MEMORANDUM

Subject: Engagement of counsel for conducting litigation of Railways before various courts and other judicial fora – regarding.

The present arrangement for conduct of litigation of Railways before various courts / tribunals by the panel counsel engaged by this Department, vide two OMs of this Department dated 01.02.2022 and 18.04.2022 with same F. No. J-11017/12/2021-Judicial (copies of both enclosed), has been revisited in consultation with Ministry of Railways.

2. After a detailed examination of the issues involved, following decisions have been taken:

(i) in partial modification of earlier OM dated 01.02.2022, the conduct of litigation of Railways before Supreme Court and all High Courts be carried out by the Advocates / Counsels on panel of Department of Legal Affairs only;

(ii) for conducting litigation of Railways before Tribunals (CAT, RCT, etc.), Advocates may be recommended by Ministry of Railways (with approval of Hon'ble Railway Minister) to Department of Legal Affairs for final concurrence of Hon'ble Minister for Law & Justice;

(iii) for conducting litigation of Railways before the District & Subordinate Courts, Advocates may be empaneled by the Railways on their own terms & conditions and a country-wide database of such empaneled Advocates may be shared with DoLA for availing their services for other Ministries / Departments as well;

(iv) the aforesaid other OM dated 18.04.2022 is withdrawn.

3. The above decisions shall come into force with immediate effect.

4. This has the approval of Hon'ble Minister of State (I/C) for Law & Justice.

Encls: As above.

(M. C. Prusty)

Senior Government Advocate

To,

1. The Additional Solicitors General (as per list)
2. The Deputy Solicitors General (as per list)
3. All the Sr. CGSCs in CAT Benches
4. All the Standing Govt. Counsels in District Courts
5. The In-charge, Central Agency Section, Supreme Court, Delhi
6. The In-charge, Branch Secretariats at Mumbai, Kolkata, Chennai & Bengaluru
7. The In-charge, Litigation (High Court/CAT/Lower Court) Sections, Delhi

F. No. J-11017/12/2021-Judicial

Dated: 26.11.2024

Copy (through email) to:

1. PS to Hon'ble MoS (I/C) L&J.
2. PSO to Law Secretary / All Additional Secretaries and Joint Secretaries and Legal Advisers in the main secretariat of DoLA.
3. Ld. Attorney General for India / Ld. Solicitor General for India.
4. The Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Registrar Generals of all the High Courts
6. The Registrar of all the Benches of Central Administrative Tribunal.
7. The Registrar of all the Benches of Railways Claims Tribunal.
8. All the District Judges.
9. To upload on website of this Department i.e. www.legalaffairs.gov.in under tab 'Judicial Section' in the link 'Circulars pertaining to litigation'.
10. Hindi Section for providing Hindi version of this OM.
11. Office / spare copies.

K. Gaurva
26.11.2024

(Kumar Gaurva)
Section Officer (Judicial)
Tel: 011-23384945
Email: judicial-dla@nic.in

F.No. J-11017/12/2021-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Judicial Section

Shastri Bhawan, New Delhi
Dated 1st February, 2022

OFFICE MEMORANDUM

Subject :- Engagement of Counsels by Railways in various Courts.

The procedure to be followed for the engagement of Counsels for Ministry of Railways for various High Courts and Subordinate Courts has been reviewed by the Department of Legal Affairs with the approval of Hon'ble Minister for Law and Justice and it has been decided that henceforth cases on behalf of Ministry of Railways would be defended by the Counsels empanelled by the Department of Legal Affairs, Ministry of Law and Justice.

2. Accordingly, the orders for empanelment of advocates for Union of India shall also include matters pertaining to Ministry of Railways before all Courts/Tribunals and notice of suits/petitions in respect of Railway matters shall be accepted by the respective Branch Secretariats/Litigation (High Court) Section, Delhi/Litigation (Lower Court) Section, Delhi/Branch Secretariats concerned/Litigation In-charge of various Courts/Tribunals, as notified in this Department's O.M No.J-12017/01/2019-Judicial, dated 21.10.2019.

4. These instructions shall come into force with immediate effect.


(R.K. SRIVASTAVA)

Joint Secretary & Legal Adviser

1. Additional Solicitors General (as per list attached)
2. Assistant Solicitors General (as per list attached)
3. Sr. CGSC/Standing Government Counsel (as per list attached)
4. Incharge, Branch Secretariats at Mumbai, Kolkata, Chennai & Bengaluru.
5. Incharge, Litigation (HC) Section, Delhi/Incharge(LC) Section, Delhi

Copy to:

1. The Registrar Generals of all High Courts
2. All District Judges.

3. The Registrar, Central Administrative Tribunal (PB) at New Delhi and all of its Benches in the country.
4. The Registrar, Railways Claims Tribunal (PB) at Delhi and all of its Benches in the country.



(Lal Chand Dabaria)
Assistant Legal Adviser (Judicial)
Tel. 011-23384945
Email : judicial-dla@nic.in

48

F. No. J-11017/12/2021-Judicial
Government of India
Ministry of Law & Justice
Department of Legal Affairs
(Judicial Section)

Shastri Bhawan, New Delhi
Dated 18th April, 2022

OFFICE MEMORANDUM

Sub: Conduct of litigations of Railways before the Benches of Railway Claims Tribunal (RCT) across the country – regarding.

The undersigned is directed to refer this Department's earlier OM of even number dated 01.02.2022 regarding cases of Railways to be defended by the panel counsel engaged by this Department, in this regard a number of enquiries are being made by the Ministry of Railways and its field offices regarding engagement of counsel for conducting their litigations before various Benches of the Railway Claims Tribunal (RCT) across the country.

2. It is stated that this Department engages panel counsel for the Supreme Court of India, all the High Courts / Benches of High Courts and Subordinate Courts in the country. As such, at the locations of all the 23 Benches of RCT, the panel of counsel either for High Court / Bench of High Court concerned and / or the District & Subordinate Courts concerned are available. However, for conducting litigations of Railways before all the 23 Benches of RCT, preparation of separate and exclusive panel of counsel will take some time.

3. In view of the above and till preparation of separate panel of counsel for RCT Benches by this Department, the Ministry of Railways is advised for conducting their cases before a particular RCT Bench that (i) at the locations where a High Court/Bench of High Court is available, the services of panel counsel for that High Court / Bench of High Court may be availed of; and (ii) at locations where no High Court/Bench of High Court is available, the services of panel counsel for District & Subordinate Courts concerned may be availed of. For the purpose of engagement of counsel in this regard, the Litigation Incharge concerned (as per this Department's earlier OM No. J-12017/1/2019-Judicial dated 21.10.2019 (copy enclosed)) may be approached directly.

4. This is issued with the approval of Hon'ble Minister for Law & Justice.


(R. K. Srivastava)
Joint Secretary & Legal Adviser
Tel: 011-23887543

To,
The Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi

Copy to:

1. PS to MLJ/PS to MSLJ/PS to Law Secretary/PS to all Additional Secretaries in Department of Legal Affairs.
2. The Incharge, Branch Secretariat at Mumbai, Kolkata, Chennai and Bengaluru.
3. The Incharge, Litigation (High Court) Section, Department of Legal Affairs, High Court of Delhi, New Delhi.
4. The Additional Solicitors General of India for all High Courts.
5. The Assistant Solicitors General of India for High Courts / Benches of High Courts as per list enclosed.

*O/C
isched
20/04/2022*