

**F No C-18012/3/2015-Ad.II B**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Indirect Tax and Customs**

New Delhi 12<sup>th</sup> October, 2018

To

All Chief Commissioners/Directors General

Subject: Instructions for effectively defending the interest of the Government in CAT/High Court Cases-regarding.

Sir/Madam,

I am directed to refer to Board's letters F.No.A.18013/3/2007-Ad.IV(A) dated 05.09.2007 and F.No.A.32022/26/2013-Ad.IIIA dated 13.12.2013 on the aforesaid subject. In respectful compliance of the directions of Hon'ble High Court of Delhi contained in W.P. (C) No. 11277/2016 vide Order dated 27.09.2018, the said letters are hereby withdrawn.

2. In this regard, your attention is drawn to DoPT OM dated 01.05.2000 (No.28027/9/99 Estt.A) (enclosed) for necessary action.

Encl: As above.

Yours faithfully,

*A. K. Qasim*

(A. K. Qasim)  
Director (Ad.II A&B)

No.28027/9/99-Estt.(A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

New Delhi, dated the 1<sup>st</sup> / 12<sup>th</sup> / 2000

OFFICE MEMORANDUM

Subject: Court orders against Government of India instructions on service matters – consultation with Ministry of Law and DoP&T on the question of filing appeals, before implementation of Court's orders.

The undersigned is directed to say that it has come to the notice of this department that in cases where the Courts have passed orders against the Government of India instructions, the administrative Ministry/Department has not consulted the Law Ministry on the question of filing appeal against such orders, before implementation of such orders.

2. The matters has been considered in this Department and it has been decided that whenever there is any Court order against the Government of India instructions on service matters, the administrative Ministry/Department/Office shall consult the Department of Legal Affairs and the Department of Personnel and Training on the question of filing appeal against such an order, as far as possible, well in time, that is before the time limit, if any, prescribed in such order or before the time limit for filing appeal. No such orders shall be implemented by the concerned Departments/Ministries without first referring the matter to the Department of Legal Affairs for advice and to Department of Personnel and Training.

3. The Ministries/Departments are requested to note the above instructions for strict compliance.

4. These instructions are issued in consultation with the C&AG, in regard to its applicability to Indian Audit and Accounts Department.

  
( Smt.S.Bandopadhyay )  
DIRECTOR

To All Ministries/Departments of the Government of India .

Copy to:

- 1 Comptroller and Auditor General of India, New Delhi
- 2 Union Public Service Commission, New Delhi.
- 3 Central Vigilance Commission, New Delhi.
- 4 Central Bureau of Investigation, New Delhi.
- 5 All Union Territory Administrations.
- 6 Lok Sabha/Rajya Sabha Secretariat.
- 7 All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs

  
( Smt.S.Bandopadhyay )  
DIRECTOR