

No. A-12034/01/2011-Ad.I
Government of India
Cabinet Secretariat
Rashtrapati Bhavan

New Delhi, the 4th February, 2013

Office Memorandum

Sub: Settlement of disputes between one Central Government Department and another / one Central Govt. Department and a Central Govt. Public Enterprise / one Central Govt. Public Enterprise and another- Reg.

The undersigned is directed to refer to Cabinet Secretariat's Office Memoranda of even number dated 1.9.2011 and 20.12.2011 on the above subject *vide* which all Ministries/Departments were intimated *inter alia* that the Committee on Disputes (CoD) that had been functioning in Cabinet Secretariat for pursuing litigation by PSUs/Govt. Departments, stood wound up in accordance with the Order dated 17.2.2011 of the Hon'ble Supreme Court.

2. Instances have come to notice wherein a few PSUs/Departments have approached Tribunals/Courts to re-open the cases in which permission to litigate was denied by CoD. In a few cases, Public Sector Undertakings/Departments have filed petitions in the High Courts. In an isolated case, a Special Leave Petition (SLP) has also been filed in the Hon'ble Supreme Court by an organisation against the High Court decision, seeking clarification of the Order dated 17.2.2011 of the Hon'ble Supreme Court, although the High Court had declined to re-open the case.

3. Since the matter has been agitated before the Hon'ble Supreme Court in one case and decision on the same is pending, following interim directions are issued, with the approval of the competent authority, for strict compliance :

(I) No Ministry/Department or Public Sector Undertaking under them may re-open those cases in which clear decisions had been issued by the CoD prior to 17.2.2011. AND

(ii) Ministries/Departments may circulate the instructions to all concerned offices/PSUs under their administrative control indicating that any violation may be viewed seriously and may invite administrative/disciplinary action.

4. This issues with the concurrence of Ministry of Law, Department of Legal Affairs vide Dy No. 246 Ady(B) dated 18.2.2013.

5. Receipt of this O.M. may kindly be acknowledged


(V.K. Gauba)
Director.
Tel: 23018467

To,

1. Secretaries to the Government of India (by name)
2. Secretary, D/o Public Enterprises , M/o Heavy Industries & Public Enterprises – with the request that immediate instructions on the above lines may be issued to all Public Sector Enterprises