

Copy of memo no. 4/51/2005-3JUDL(T)/4010 dated 27.9.2005 of Govt. of Punjab Deptt. of Home Affairs and Justice (Judicial J Branch) Chandigarh to All the Heads of Department, All Commissioners of Divisions & All Dy. Commissioners in the State of Punjab

**Subject:- Implementation of Hon'ble Supreme Court Judgment dated 2.8.2005 delivered in Writ Petition (Civil) No. 496 of 2002-Salem Advocate, Bar Association Tamilnadu Versus Union of India- Directions regarding 80 CPC.**

I am directed to refer to the subject noted above and to state that the Hon'ble Supreme Court of India vide its judgment dated 2.8.2005 delivered in the Writ Petition (Civil) No. 496 of 2002-Salem Advocate, Bar Association Tamilnadu versus Union of India has given directions regarding implementation of Section 80 CPC, which are as under:-

"These provisions cast an implied duty on all concerned governments and States and statutory authorities to send appropriate reply to such notices. Having regard to the existing state of affairs, we direct all concerned governments, Central or State or other authorities, whenever any statute requires service of notice as a condition precedent for filing of suit or other proceedings against it, to nominate, within a period of three months, an officer who shall be made responsible to ensure that replies to notices under section 80 or similar provisions are sent within the period stipulated in a particular legislation. The replies shall be sent after due application of mind. Despite such nomination, if the court finds that either the notice has not been replied or reply is evasive and vague and has been sent without proper application of mind, the court shall ordinarily award heavy cost against the Government and direct it to take appropriate action against the concerned officer including recovery of costs from him."

You are requested to appoint a gazetted officer who is competent to file an affidavit /reply in the Hon'ble Court as Nodal Officer for your department, who is responsible for the proper reply of notice received under section 80 CPC or any other clause of other Acts/Rules. Failing which if any cost is awarded by the Court, the same shall be recovered from the concerned Nodal Officer.



You are also requested to complete this exercise within 15 days and name & designation of Nodal Officer so appointed be intimated to the Department of Home Affairs and Justice (in Judicial I Branch) so that the directions issued by the Hon'ble Supreme Court of India can be implemented in letter and spirit.

Please treat it as most urgent.

Sd/

Superintendent

Endst. No.56809/56918 / Dated 30.05.07.

Copy of the above is forwarded to the following for immediate necessary action and ensure this office that Nodal Officers appointed by their offices in response to this office Memo No.174896/175215/LB-2(51641)04 dated 6.12.2005 shall also dispose of the Legal notices issued under section 80CPC.

1. All the Chief Engineers
2. All Head of Departments at Head office.

Legal Advisor,  
PSEB, Patiala.

- CC: 1. Special Secretary/Transport, Govt. of Punjab (Department of Transport (Transport-I Branch) Chandigarh w.r.t. his Memo.no. 9/226/05-STI/57-58 dated 3.1.2006
2. Govt. of Punjab (Department of Home Affairs and Justice (Judicial Branch-I) Chandigarh w.r.t. his Memo no. 4/51/2005-3 JUDI (I)/4010 dated 27.9.2005