



NO. SOTAX (LG) 5-39/05
GOVERNMENT OF THE PUNJAB
LOCAL GOVT. & COMMUNITY DEVELOPMENT
DEPARTMENT

Dated Lahore, the 1st July, 2015

To

1. All District Coordination Officers in the Punjab.
2. All Tehsil/Town Municipal Officers in the Punjab.

Subject: **LITIGATION AGAINST LOCAL GOVERNMENTS.**

The undersigned is directed to refer to the subject and to state that it has been noticed that, at times, local governments do not assign due importance and priority to the litigation matters which, in turn, results in serious administrative difficulties / intricacies besides leading to financial loss. The following lapses/ irregularities have been noticed:

- a) Litigation is not given due priority as per its merits. It is not handled, represented, monitored and supervised at an appropriate senior level, and is often left to the discretion and judgment of relative lower formations.
 - b) At times, the Legal Advisor pleading a case in a court on behalf of the local government does not promptly convey orders of the court. He does not bother to render his opinion whether the order passed against the local government is required to be taken up in the next higher forum or not, and, if so, on what grounds.
 - c) As and when a legal action is filed against a local government, or an order is passed against it, the concerned local government does not take prompt and active measures to defend the case or to challenge the order in the next higher forum in consonance with the procedure on the subject.
 - d) Reports, comments, replies and written statements are not carefully prepared or are not filed within the time allowed by the courts/tribunals.
 - e) Effective and timely assistance at an appropriate level is not rendered by the concerned staff of local government to Legal Advisor and Advocate General's office for the preparation and defence of cases.
 - f) In some cases despite repeated instructions, local governments do not pay any heed resulting in embarrassing position for the Department before the Court.
2. You are, therefore, requested to make the following arrangements for proper and timely defence of the court cases.
- i. Under the general supervision and control of the DCO or TMO the Legal Advisor shall be responsible for the effective management, monitoring and supervision of litigation. DCO or TMO shall ensure

that the local government is represented in the courts by a senior officer fully conversant with the facts of the case.

- ii. The concerned Legal Advisor be vigilant in attending to the court cases and also ensure that court cases are attended by a gazetted officer fully conversant with the case in future.
- iii. The Legal Advisor shall maintain a computerized record of all the cases relating to the institution and shall ensure that timeline in respect of a case is strictly observed and comprehensive replies, comments and written statements are filed in the courts/tribunals on time.



(MAHMOOD AHMAD)
SECTION OFFICER (TAX)

P.C.

Section Officer (Law), LG&CD Department.