



श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता
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सामान्य प्रशासन विभाग /General Administration Deptt.

"Corruption free India for a developed Nation ;

भ्रष्टाचार मुक्त भारत - विकसित भारत"

No. Admn/Misc./956

July 12, 2024

DMD/CME/FA & CAO/CMO/TM/ GM(M&S)/GM(Fin)/ GM(Engg.)/
GM(Traffic)(I/C)/CE (I/C)/CHE (I/C)/GM(Marine)(I/C)
CLO/MM/Sr. PO/EM(I/C)/Jt. Dir (P&R)(I/C)

Sub: **Functioning of Legal Division**

In a recent morning meeting, various HoDs submitted the following:-

- a) Departments/Divisions are getting more and more involved in different litigations related to their Departments/Divisions.
- b) As concerned Departments/Divisions have basic documents of the case, their role should be confined to give para-wise comments and initial conference with the lawyer.
- c) Now-a-days, they are asked to sign affidavits, be present in the court, attend multiple conferences with lawyers etc.
- d) Almost all Departments/Divisions are compelled to engage legal professionals, mostly on contract basis, in the Department/Division to deal with the increasing legal requirement though, Departmental officers are not professionally trained to deal with legal cases.
- e) The non-legal Departments/Divisions should be allowed to concentrate on their core activities rather than getting involved in court cases.

2. The issues have been discussed in multiple morning meetings and it has been decided to change the procedure to deal with legal cases in the following manner, henceforth, in supersession of all previous orders in this regard :-

i) **Role of non-legal concerned Departments/Divisions –**

- Preparation of para-wise comments to confirm or dispute the facts, legal position etc. and submission of the same to the lawyer through CLO
- Supply required documents to the lawyer through CLO
- To brief the lawyer in the initial conference where representative of Legal Division would be present
- To produce knowledgeable dealing officer as witness before court, if so ordered by the court
- To answer the queries of CLO or lawyer regarding factual aspects of the case
- To seek legal advice from CLO, as and when required.
- To seek replacement of lawyer with the approval of Chairman
- Non-legal Departments/Divisions would follow up cases through CLO especially when the interest of SMPK is adversely affected due to stay order or pendency of case/writ petition.

[Such non-legal concerned Departments/Divisions would not generally affirm the affidavits, attend the court, vet the affidavits/applications etc.]

ii) **Role of Legal Division**

- Officers of Legal Division would acquaint themselves of the fact of the case, in consultation with the concerned officers of the concerned Departments/Divisions;
- To brief lawyers where during the first conference only, officers of the concerned Departments/Divisions would also be present;
- To sign affidavits stating clearly that the facts and figures have been derived from the records;
- To follow up the court cases up to its logical conclusion;
- To seek additional documents from the concerned Departments/Divisions.
- To advise Departments/Divisions, as and when asked for;
- To engage lawyers, maintain liaison with them and process their bills.

iii) Except Estate Division, KDS, Marine Department, KDS and HDC, all other Departments and Divisions would release all contractual professional lawyers engaged in those Departments/Divisions to report to Legal Division.

iv) Estate Division would continue to have Resolution Officers and other legal professionals basically to assist in PP Act cases.

v) Within Legal Division, different officers would be assigned to tackle the court cases of different Departments. The assigned officer of Legal Division would be the bridge

between Legal Division and concerned Department/Division. If one Department/Division has too many cases (like Estate Division, Pension Section etc.), more than one officer of Legal Division may be assigned for that Department/Division.

- vi) In case of exceptionally important case, the aforesaid procedure may be deviated.
- vii) CLO may be appointed as the Constituted Attorney of the Board. He and his officers may also be authorized to deal with court cases filed by and against SMPK.

3. You are requested to take necessary action accordingly.

4. This issues with the approval of Chairman.



(S.K. Dhar)
Secretary(I/C)

Copy to OSD to Chairman/PS to Dy. Chairman (H)/PS to Dy. Chairman (K) for favour of information of Chairman/Dy. Chairman (H)/Dy. Chairman (K).

Copy to PA to CVO for favour of information of CVO.

Copy to SA (I/C)/SDS-II/DEM (Admn)/Sr. Dy. Director (EDP)/DS-II/SAS (PR)/Welfare Officer (Sports)/Hindi Officer for information.

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