

**GOVERNMENT OF JAMMU AND KASHMIR**  
**Department of Law, Justice and Parliamentary affairs**  
**Civil Secretariat, Jammu/Srinagar.**

**Subject:** Constitution of Divisional/Administrative Level Committees for Monitoring of Litigation in the Union Territory of Jammu & Kashmir for **Filing of Appeals, LPA's, Writ Petitions, SLPs, Applications, and Strict Compliance with Limitation Provisions.**

**Reference:-** i. Administrative Council Decision No. 35/4/2021 dated 10-03-2021.  
ii. Judgment dated 12.09.2025 passed by the Hon'ble Supreme Court of India in Shivamma (Dead) by LRs v. Karnataka Housing Board & Others, Civil Appeal No. 11794 of 2025 (2025 INSC 1104).

**Government Order No. 2048 -JK (LD) of 2026**  
**Dated.13 .02.2026**

*Yours*  
*SK*

It has been observed that the references seeking accord of sanction for filing of Appeals, LPAs, Writ Petitions/SLPs/Application(s) etc are more often being referred to the Department of Law, Justice and Parliamentary Affairs at the fag end, after the expiry of limitation period prescribed for availing of remedies against the judgments/orders. Such cases require applications seeking condonation of delay, which are drafted in casual and vague manner without giving the material particulars/details in this regard and without setting out the valid and plausible reasons for seeking condonation of delay. The matters are not being dealt with utmost seriousness and with due promptitude and despite the strict timelines involved in such matters, casual and lackadaisical approach on parts of the various departments of the Union Territory of Jammu and Kashmir resulting in avoidable delay, filing of belated Appeals, petitions along with applications for condonation of delay, and in certain cases dismissal of matters on the ground of limitation alone, thereby causing grave prejudice to the interests of the Union Territory of Jammu and Kashmir.

The Department of Law, Justice and Parliamentary Affairs, pursuant to the Administrative Council Decision No. 35/4/2021 dated 10.03.2021,

has issued Government Order No. 1673-JK(LD) of 2021, Government Order No. 1675-JK(LD) of 2021, Government Order No. 1676-JK(LD) of 2021, Government Order No. 1677-JK(LD) of 2021 and Government Order No. 1678-JK(LD) of 2021 dated 24.03.2021 clearly delineating the duties, responsibilities, and timelines to be adhered to by Officers In Charge Litigation (OIC)/Law Officers/Government Counsels while handling litigation on behalf of the Government. The Hon'ble High Court of Jammu and Kashmir and Ladakh has also issued directions from time to time for streamlining Government litigation. In furtherance thereof, circular instructions/SOPs were issued to arrest delays in filing Appeals, Writ Petitions, LPAs and SLPs. All Law Officers posted in Departments, Directorates, Organizations and Corporations were directed to adhere strictly to the prescribed measures.

In this context it would not be out of place to mention that the Schedule appended to the Limitation Act, 1963 prescribes the time period within which the remedies of Appeals/Applications are to be filed. Section 5 of the Limitation Act, 1963 confers upon the courts the discretionary power to admit any appeal or application (except that under Order XXI of the Code of Civil Procedure, 1908) if filed after the expiry of the prescribed period of limitation, provided the erring party is able to show to the court a sufficient cause for not filing the same within the stipulated period of limitation, and the court is satisfied with sufficiency of such cause. It is only in cases, where such "sufficient cause" for the resultant delay in filing/presenting of the appeal or application is shown by the defaulting party, and the courts are satisfied with the explanation and sufficiency of such cause that the recourse to Section 5 of the Limitation Act may be taken by the courts, and in exercise of its discretion the delay be condoned and thereby admit the appeal or application.

In this regard the Hon'ble Supreme Court in *Shivamma (Dead) by LRs v. Karnataka Housing Board & Others, Civil Appeal No. 11794 of 2025 (2025 INSC 1104)* vide judgment dated 12.09.2025 has elaborated upon the strict applicability of the provisions of the Limitation Act, 1963. The Hon'ble Court has held that the expression "within such period" under Section 5 of the Act covers the entire period from the commencement of limitation until the actual filing of the appeal or application and that delay can be condoned only where sufficient cause

is shown to have existed throughout that period. It has further been held that the State and its instrumentalities cannot seek leniency or condonation of delay on grounds of administrative delays, file movements, or official negligence. The Hon'ble Court has observed that the law of limitation must be applied with full rigour, emphasizing that condonation of delay entails extension of limitation and not its exclusion.

In view of the above legal position and directions, it is imperative that Government litigation is handled with utmost seriousness and promptness. Immediate steps must be taken upon receipt of judgments/orders for implementation or for assailing the same within the statutory timelines wherever prescribed, with the approval of the Competent Authority. The copy of aforesaid judgment dated 12.09.2025 is enclosed herewith for information and compliance of all.

Now therefore in view of the aforesaid directions issued by the Hon'ble Supreme Court and in continuation to the circular instructions issued from time to time, the following guidelines are hereby laid for compliance of all the Officers In Charge Litigation (OIC)/concerned Law Officers/Government Counsels who are dealing with the Litigation of the Union Territory of Jammu and Kashmir at different levels in letter and spirit:



1. The Government Counsels are impressed upon that as soon as the orders / judgments are passed by the Hon'ble Court/Tribunal, they shall apply for the certified copy of the same on the same date. On date of receipt of the order/judgment, same shall be forwarded to the Department of Law, Justice and Parliamentary Affairs,/ Directorate of Litigation, Kashmir/Jammu specifically indicating therein (i) date of application for certified copy, and (ii) date of receipt of judgment, along with his/her concrete opinion on merits of the case, as to whether the case is fit for filing of appeal or not. In both cases i.e. filing of appeal or implementation of the Judgment, reasons should be clearly recorded by the Government Counsel.
2. As soon as the judgment/order in any case involving the Government Department is passed, the **Divisional Level Committee** comprising of the following officers :-

- (i) Director Litigation Jammu/Kashmir

- (ii) Deputy Director/Assistant Director Litigation in the concerned Directorate;
- (iii) Law officer posted in the concerned Department;

shall examine the judgment /order and forward the same to the concerned department along with statement as to period of limitation and also upload the same in JKLMS in the prescribed format. The Committee shall thereafter follow the matter in the department as to the steps/or the decision taken with respect to the implementation or otherwise of the judgment/order. The Committee shall fortnightly hold meeting to review the cases where judgment/orders have been passed regarding decision of the Department to implement the judgment /order or otherwise. A fortnightly statement as per the prescribed proforma in this regard may be sought from the concerned department and shall be furnished to the Department of Law, Justice and P.A for necessary action.

3. The Law officer posted in the concerned Department shall immediately upon the receipt of the order/judgment/Award from the Divisional Level Committee, examine the same in consultation with the Officer-In charge (OIC) Litigation of the case, and place the matter before the Competent Authority for taking decision as to whether the judgment/order is to be implemented or challenged. Such decision shall be taken within a stipulated timeframe, keeping in view the prescribed period of limitation. In cases where it is decided to prefer an appeal, the proposal mentioning the grounds of challenge along with the complete case record shall be forwarded to the Law Department at the earliest, and in any event not later than one month prior to the expiry of the limitation period, the proposal must clearly reflect the following details, in absence of which file shall not be entertained in Law Department:-



Date of Judgment/order/Award	Limitation Period	Expiry of Limitation	Period of Delay, if any	Reasons for Delay
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4. The Department of Law, Justice and PA shall on receipt of the file for according sanction or otherwise immediately process the same and after proper examination shall accordingly convey its decision

to the concerned department at the earliest after seeking approval of the competent authority.

5. In case where sanction for filing of Appeal/writ Petition LPA/SLP etc. is accorded, the concerned Department shall immediately file the Appeal/writ Petition LPA/SLP etc. before the Hon'ble High Court / Supreme Court as the case may be. Any laxity in this regard shall be taken seriously and will entail action against such person(s) who are found involved in causing delay in the matter. After sanction is accorded and on issuance/receipt of engagement letter for filing of Appeal/writ Petition LPA/SLP etc, the Officer-In charge (OIC) Litigation of the case/ concerned Law Officer (s), from administrative level to the sub-ordinate level shall be responsible for handing over of factual report and all records pertaining to the case to the engaged counsel for preparation and filing of Appeal/writ Petition LPA/SLP etc. at the earliest occasion. The Officer-In charge (OIC) Litigation of the case/ concerned Law Officer shall be responsible for filing of Appeal/writ Petition LPA/SLP etc at the earliest occasion. Mere transfer/forwarding of Sanction letter to sub-ordinate level will not absolve the Officer-In charge (OIC) / law officer at administrative level of his responsibility for filing Appeal/writ Petition LPA/SLP etc. Any laxity or failure on their part will entail action against them under rules and shall also be reflected in their APRs.

6. As soon as the sanction to assail the order/judgment has been accorded, the Administrative Level Committee comprising of the following officers in the Department of Law, Justice and P.A :-

- (I) Special Secretary to Government, Department of Law, Justice & P.A ;
- (II) Director Litigation Jammu/Kashmir;
- (III) Government Counsel representing the concerned department;
- (IV) Law officer of the concerned department;
- (V) Law officer dealing with concerned litigation section in the Department of Law, Justice and P.A;

shall ensure that the Appeal/writ Petition /LPA/SLP shall be filed without any delay. The Administrative Level Committee shall furnish a report on monthly basis to the Commissioner/Secretary to Government, Department of Law, Justice and P.A in the following format:-

S.No	Date of judgment/order	Date of Sanction	Date of filing Appeal/Writ Petition/LPA/SLP etc	Delay if any for filing of Appeal/writ /LPA/SLP, reasons thereof

7. All law officers shall keep close liaison with the engaged counsel and shall ensure relevant record of the case be handed over to engaged Counsel for early filing of Appeal/writ Petition LPA/SLP etc and completion of pleadings. All Law Officers are impressed upon to stay in touch with the Government counsel(s) for proper handling of the matters and provide them necessary assistance as and when required so that Government interests are protected.

8. There should be no delay in filing of Appeal/writ Petition LPA/SLP etc; however in exceptional cases where there is delay, the application for condonation of delay should not be drafted casually and in a routine manner without proper application of mind. It shall be the responsibility of the Government Counsel(s) to carefully draft an application for condonation of delay identifying the areas and causes of delay, after receiving the inputs from the concerned Officer In Charge Litigation (OIC)/Law Officer. All the particulars/material details leading to delay in seeking of the appropriate remedy within the prescribed statutory limits shall be mentioned in the said application.

9. In case of any delay on part of Officer In Charge Litigation (OIC)/Law Officer/ engaged counsel in filing of Appeal/writ Petition LPA/SLP, same should be communicated by the Divisional Level Committee to Administrative Level Committee in the Department of Law, Justice and Parliamentary Affairs along with its recommendation for taking any action against the said Officer In Charge Litigation (OIC)/Law Officer/ Government Counsel.

10. All persons who are dealing with the litigation at different levels must discharge their duties with utmost sincerity and commitment and be mindful of their responsibility. There shall be accountability at every level. If any Officer In Charge Litigation (OIC) / Government Counsel is found negligent in handling court matters, the Law Department after seeking report from Divisional Level Committee

and Administrative Level Committee shall after full scrutiny fix responsibility, when good cases are lost or adverse orders are passed in any matter against the Government. The Department shall consider taking appropriate action against all those who are found involved in accordance with the rules including remarks of his conduct in APRs.

These instructions shall be implemented strictly in letter and spirit to safeguard Government interests and ensure compliance with statutory timelines.

**By order of the Government of Jammu and Kashmir**

**Sd/-**

(Achal Sethi)

**Commissioner Secretary to Government**

No: LAW-Estt/238/2021-10

Dated. 13 -02-2026.

**Copy to the:**

1. Learned Advocate General, J&K, Jammu.
2. Director General of Police, J&K, Jammu.
3. All Financial Commissioners.
4. All Principal Secretaries to Government.
5. Principal Resident Commissioner, New Delhi.
6. Principal Accountant General, J&K Srinagar.
7. Principal Secretary to the Hon'ble Lieutenant Governor, Lok Bhavan.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner/Secretary to Government, General Administration Department.
10. All Commissioner/Secretary to Government.
11. Divisional Commissioners, Kashmir/Jammu.
12. All Deputy Commissioners, Jammu and Kashmir.
13. Principal Secretary to the Hon'ble Chief Justice, High Court of J&K and Ladakh.
14. Registrar Judicial, High Court of J&K and Ladakh.
15. All Head of Departments/Corporations.
16. Secretary, J&K Public Service Commission, Jammu.
17. Secretary, Service Selection Board, J&K Jammu.
18. Director Finance, Department of Law, Justice and Parliamentary Affairs.
19. Director Information, J&K Jammu.
20. Director Litigation, Jammu/Kashmir.
21. All the Special/Additional Secretaries/Senior Law Officers/ Deputy Legal Remembrancer(s)/ Assistant Legal Remembrancer(s)/ Public Law Officers/Legal Assistants/Junior Legal Assistants for compliance.
22. Private Secretary to the Chief Secretary for information of the Chief Secretary.
23. All Law Officers representing the Union Territory of Jammu and Kashmir before the Hon'ble High Court at Jammu/Srinagar.

24. Private Secretary to the Commissioner Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of the Commissioner Secretary.
25. In-charge Website.
26. All Officer In-charge Litigation (s).
27. Government order file.
28. File concerned.

*Binny Kumar*  
13.02.2026  
(Binny Kumar)

Assistant Legal Remembrancer  
Department of Law, Justice and P.A.  
*13/02/26.*