F. No. A-23011/10/2019-Ad.IIA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs

North Block, New Delhi,
Dated the 28th February, 2019.

To,
All Pr. Chief Commissioners/Chief Commissioners/
All Cadre Controlling Authorities under CBIC.

Subject: Discontinuation of services of Shri Rajeev Kumar, Senior Government Counsel from hearing the cases pertaining to Department of Revenue and Review of the performance of other Govt. Counsels – reg.

Sir,

I am directed to forward a copy of D/o Revenue OM No. O-21011/3/2019-Coord dated 15th February, 2019 alongwith its enclosures with advice that services of Sh. Rajeev Kumar, Senior Govt. Counsel may no longer be utilized in respect of cases pertaining to CBIC. The existing cases presently being represented by Shri Rajeev Kumar, as well as further cases may please be got assigned to other competent Government Counsel in consultation with concerned branch office of Department of Legal Affairs.

2. Earlier, the Board vide letter F.No.C-18012/6/2013-Ad.IIB dated 9th May, 2016 has issued a detailed instructions to all its field formations for effective and timely handling of court cases on Administrative/Service Matters to protect the interest of the Government in Central Administrative Tribunals/High Courts. In para 2(vii) of said letter dated 9th May, 2016, it has been instructed that:-

"It has also been observed that at times the standing Counsels appointed do not attend the Court hearings. In such an event, the matter should be referred to the Board for taking up the case with Department of Legal Affairs, Ministry of Law for suitable action against Counsels who absent themselves from hearing without valid reasons. Further, the concerned Chief Commissioners/Cadre Controlling Authorities should ensure appropriate arrangements for appearance before the Court/Tribunal as and when the matter comes up for hearing and for this purpose proper liaison with the Government Counsel should always be maintained. In addition, the Counsels must necessarily be briefed thoroughly by officers of appropriate seniority before they attend Court Proceedings. The Board must be kept informed of the latest development of cases on each date of hearing"

3. You are requested to review the performance of concerned Govt. Counsels dealing with Court/CAT cases on service/disciplinary matters keeping in view the outcome of Court cases dealt by them including action taken by them whether they argued the cases effectively in the concerned Court and whether they cited relevant cases while defending court cases. On the basis of inputs received from the CCAs on the non-performance/professional misconduct of the Central Government Standing Counsels, such individual cases would be referred to Department of Legal Affairs, for suitable action against such Govt. Counsels including removing them from the panel.

Yours faithfully,

Encl: As above.

(A. K. Qasim)
Director(Ad.IIA&B)
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