

**GOVERNMENT OF KERALA**

No. Rules-2/186/2024-P&ARD
Personnel and Administrative Reforms
(Rules) Department
Thiruvananthapuram,
Dated:24-06-2025

CIRCULAR

Sub:- P&ARD - Judgement dated 04/09/2024 in OP(KAT) No.316/2024 - Direction of Hon'ble High Court - Authorisation for filing Petition/ Affidavit - instructions issued - reg

Ref:- 1) Judgement dated 04/09/2024 of Hon'ble High Court in OP(KAT) No. 316/2024.
2) Letter No.D1-OP(KAT)316/2024 dated 17/10/2024 from the Advocate General, Kerala.

The Division Bench of the Hon'ble High Court of Kerala while rendering the judgment dated 04/09/2024 in OP(KAT)No.316/2024, observed certain vital aspects on the manner and competency of filing of petitions and affidavits by the Government/Departmental officials. The Advocate General as per his letter referred above, has requested to consider issuing of general instructions/directions to ensure strict compliance of the direction of the Hon'ble High Court.

2) Government have examined the matter in detail and are pleased to issue following instructions in this regard;

- i. In case where the Secretary to Government has to sign a petition or affidavit to be filed before the Hon'ble High Court, Under Secretary can be authorised to do so on behalf of him only when the Under Secretary is acquainted with the facts of the case.
- ii. While filing affidavit sworn in by the Under Secretary, the following documents shall be incorporated;
 - a. written authorisation to sign in issued by the Secretary.
 - b. declaration stating that he/she is acquainted with the facts of

the case.

- iii. In case where Head of the Departments (HoDs) to the Government has to sign a petition or affidavit to be filed before the Hon'ble High Court, the above procedures shall be followed while authorising his subordinate officer for filing Counter Affidavit/petitions on behalf of Government.
- iv. It is made clear that the Under Secretary / other officer delegated by the Secretary/HOD can sign the petition as a representative alone and the party bound by the decision of the Court shall be the Secretary/HOD.

3) All authorities are directed to ensure the strict compliance of the above instructions while filing a petition or affidavit before the Hon'ble High Court.

Dr. Rajan Namdev Khobragade I A S
ADDITIONAL CHIEF SECRETARY

To:

All Heads of Departments and Offices.

All Departments (All Sections) of the Secretariat (including Law & Finance).

All Officers of the Secretariat.

The Secretary, Kerala Legislature Secretariat (with C/L).

The Secretary, Kerala Public Service Commission (with C/L).

The Registrar, High Court of Kerala, Ernakulam (with C/L).

The Registrar, Kerala Administrative Tribunal,

Ernakulam/Thiruvananthapuram (with C/L).

The Advocate General, Ernakulam/Thiruvananthapuram (with C/L).

Officer on Special Duty to the Chief Secretary.

Animal Husbandry Department (vide File No. E2/325/2024-AH).

Stock File/Office Copy.

Forwarded / By order

Section Officer