

Action to be taken when the decision of High Court is adverse to the State and is not stayed by Hon'ble the Supreme Court of India.

**Government of Maharashtra
Law and Judiciary Department**

Government Circular No.: 820-2014/Misc./E Branch
MADAM CAMA ROAD, HUTATMA RAJGURU CHOWK
MANTRALAYA, MUMBAI - 400 032.

Date: 2nd APRIL, 2014

CIRCULAR:-

1. It is noticed that there is a general perception that filing of appeal/SLP in the Hon'ble the Supreme Court against the judgment and order passed by the Hon'ble the High Court itself would amount to stay to the execution/implementation of such judgment and order. However, such perception is not legal, proper and correct. When the decision of the Hon'ble the High Court is adverse to the State, the officer and/or the Department concerned should take necessary steps immediately for filing of appeal/SLP against such order of the Hon'ble High Court before the Hon'ble the Supreme Court of India. It is further necessary to take prompt action for obtaining stay to the orders of Hon'ble the High Court.
2. If the appeal/SLP is filed by the State against the order of the Hon'ble the High Court, but no stay is granted to the implementation and enforcement of the order of the Hon'ble the High Court, such orders would have to be implemented failing which the concerned officer/department may face the action for contempt of Court. The order against which no stay has been granted will have to be complied with/implemented subject to the final decision of the Hon'ble the Supreme Court.
3. All the Administrative Departments in Mantralaya are, therefore, requested to ensure that in appropriate cases steps are taken as quickly as possible for filing appeal/SLP and further efforts are made to obtain stay to the implementation/enforcement of the orders of Hon'ble the High Court.
4. The departments are also requested to bring this circular to the notice of all the officers working therein and their subordinate offices.

This Government circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201404021712156212. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Sangitrao S. Patil)

I/c Principal Secretary & R.L.A. to Government

Co Copy forwarded to:

1. The Advocate General, Maharashtra State.
2. All Additional Chief Secretaries, Mantralaya, Mumbai.
3. All Principal Secretaries, Mantralaya, Mumbai.
4. All Secretaries, Mantralaya, Mumbai.
5. Deputy Secretary to the Chief Secretary, State of Maharashtra.
6. The Joint Secretary, Law and Judiciary Department, Nagpur.
7. The Joint Secretary, Law and Judiciary Department, Aurangabad.
8. The Government Pleader, High Court (A.S.), Writ Cell, Mumbai.
9. The Government Pleader, High Court (O.S.), Writ Cell, Mumbai.
10. The Government Pleader, High Court (A.S.), Mumbai.
11. The Government Pleader, High Court, Nagpur.
12. The Government Pleader, High Court, Aurangabad.