

254.

Government of Karnataka

No.RD 129 LRM 83

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated: 17-6-1983

Circular

Sub:- Army personnel - priority in respect of hearing cases relating to the Army personnel during their leave period and expeditious disposal of such cases -

It is brought to the notice of the Government by the State Sainik Board that there are instances where, when Army Personnel have come home on leave to attend, inter alia, to court cases/revenue matters, the revenue authorities have not always exercised adequate concern to dispose of and settle their cases, on priority basis, during the leave period itself. Understandably, this causes enormous inconvenience to these personnel who cannot be expected to make repeated trips from their remote places of posting, to appear before the revenue officers to get their cases settle.

The relevant extract from Army Act 1950 reads:

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- S(32)(1)(i). On his representation to any court, by or on behalf of any person subject to this Act, a certificate from the proper Military Authority of leave of absence having been granted to and applied for by him, for the purpose of presenting any suit or other proceedings in such court, the court shall on the application of such person arrange so far as may be possible for the hearing and final disposal of such suit or other proceeding within the period of leave so granted or applied for;
- (ii) The certificates from the proper Military Authority shall state the 1st and last day of leave;
- (iii) No fee shall be payable to the court in respect of the presentation of any certificate or of any application by or on behalf of any such person for priority for the hearing of his case;
- (iv) Where the court is unable to arrange for hearing and final disposal of the suit or other proceeding within a period of such leave or intended leave as aforesaid, it shall record its reasons for its inability to dispose and shall cause a copy thereof

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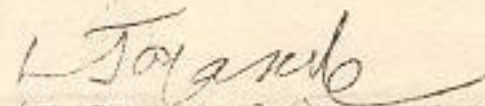
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to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself;

- (v) If in any case, a question arises, as to the property Military Authority qualified to grant such certificate as aforesaid, such question shall at once be referred by his court to an officer having passed not less than a brigade or equivalent Commander.

It needs no great argument to appreciate that Army Personnel cannot easily secure leave, mainly due to exigencies of service. In view of this, whenever the Army Personnel come home on leave and if any of their cases are pending before the Revenue courts or the tribunal, the Revenue officers will have to ensure that no un-necessary adjournments are given and that their cases are disposed of during the leave period. In view of the obvious reasonableness of the proposal and the statutory provisions as cited above, it is impressed on all Revenue Officers to adhere to these provisions strictly. No room should be given for complaints of non-deservance of these requirements. If, for any reason the cases cannot be decided during the leave periods, specific reasons should be given therefor.

The Divisional Commissioners and Deputy Commissioners are requested to look into this aspect during their visits to the various Revenue offices and ensure that the instructions are strictly implemented by all the Revenue Officers. The receipt of the circular may be acknowledged.


(K. Jayaseela),

Asst. Spl. Officer for Land Reforms & Ex-officio Under Secy. to Govt. Rev. Dept.

To
All the Divisional Commissioners.
All the Deputy Commissioners/Spl. Deputy Commissioners.
All the Assistant Commissioners.
All the Tahsildars.
The Compiler, Karnataka Gazette, Bangalore.
Copy to:-
The Director, State Sainik Board, Bangalore.

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