


PREPARATION OF STATEMENT OF FACTS IN SERVICE MATTERS

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- Statement of facts is the counter affidavit filed by the respondents or opposite parties against the allegations of the petitioners.
- Service matters means all matters relating to conditions of a service and includes matters with respect to service conditions, seniority promotion etc.
- Service rules are applicable to all officers who entered the service of the Kerala state on or before 1st November 1956


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- Before preparing Statement of facts in service matters we should be familiar with the rules related to the subject of the case.

eg : Rule 29 (a) and (b) Part III KSR

- No pension or gratuity or DCRG will be paid in the case of resignation, dismissal or removal from service.
- In case of qualifying service Rule 12(30) Part I Rule 9 to 31 & 57 Part III will be applicable

- Statement of facts is the counter filed by the respondents against the allegations of the petitioner.
- While preparing Statement of Facts first of all we have to go through the petition and relief. Sought for by the petitioner thoroughly and ascertain the present position in the instant case. Such as Government order, Judgments, Rules etc.
- Ascertain whether any IA is filed, and the relief sought for .


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- Prepare the objection to the IA if any.
 - Ascertain the any order or direction is passed in the IA and time stipulation.
 - The interim order should be complied within the time frame and if it could not comply the reasons must be properly explained before the Court.




- The Statement of Facts should be concise and in simple language. It should be legible and the allegations will be denied on the basis of facts and supported by relevant copies of documents .


- We shall answer all the paragraphs and grounds of the petition properly and immediately forward the same to the Legal Section and Standing Counsel.

- Unnecessary delay in filing of Statement of Facts without the leave of the Court should be avoided after receiving the Summons / Notices from the Court.

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- On receipt of the copy of the Judgment or Order the same shall be supplied to the concerned officer who is responsible for complying the same in the stipulated time limit mentioned in the Judgment.
 - The respondents should be always in touch with the Standing Counsel for ensuring proper representation before the Court posting date, production of relevant copies of documents etc.



- Above all utter care should be taken in order to avoid Contempt Petitions. In case of any Contempt is moved immediately contact the concerned respondents to take steps to drop further coercive steps from the part of the Court. Otherwise it will lead to the concerned respondent to appear in person before the Court especially Managing Director.



- Lack of vigilance and responsibility on the part of the officials often lead to the failure of cases. If the officials of the Kerala Water Authority are cautious and make timely inquiries and communications with Standing Counsels, the interest of the Kerala Water Authority can be protected in all the cases.



THANK YOU