



भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
डॉ० राजेन्द्र प्रसाद रोड, कृषि भवन, नई दिल्ली-110001
Dr. Rajendra Prasad Road, Krishi Bhawan, New Delhi

File No. 2-1/2009-Law

Dated the 04th September, 2025

To

1. Directors of all ICAR Institutes
2. Head of Administration of all ICAR Institutes
3. All panel advocates of ICAR

Subject : Mis-joinder and non-joinder of appropriate parties in court cases – Regarding.

Sir/Madam,

In continuation to Council's letter of even number dated 22/5/2025 (copy enclosed) on the subject cited above it is to inform that it has been observed in almost all cases Hon'ble Minister or Secretary, DARE & DG ICAR and in some rare cases even Secretary DoA&FW are impleaded as respondents. Such misjoinders are creating difficulties at later stage(s) especially in contempt cases because at contempt stage it is not possible to remove any of the respondents as all the respondents in the original case has to be in the contempt cases also.

Hence, it has been decided with approval of competent authority of the Council that

1. All panel advocates of ICAR may raise, oral objection before the Hon'ble Court or Tribunal, as the case may be, on first date of appearance with reference to misjoinder of Hon'ble Minister, DG ICAR etc.
2. Thereafter, in case no order for deletion of name of improper parties is passed after such oral submissions of advocate, the respective Answering Institute or SMD must file 'Short Counter Affidavits' in terms of Rule 23 (C) of ICAR Rules and Byelaws of ICAR before Hon'ble Court or Tribunal, as the case may be, with reference to impleadment of Hon'ble Minister, DG ICAR etc.
3. The respective answering Institute or SMD must file main Counter Affidavit on merits, only after adjudication or disposal of 'Short Counter Affidavit' filed by ICAR or institute for deletion of name of Hon'ble Minister; DG, ICAR etc. from array of parties (respondents).
4. Two sample Counter Affidavits for CAT and High Court are attached for reference and guidance.

Yours faithfully


(Jayanta Das)
Deputy Secretary (Legal)

Encl: As above

Copy to :

1. All Officers/Sections at ICAR Hqrs., Krishi Bhawan/KAB-I/KAB-II, NASC Complex
2. PPS to DG, ICAR/Sr. PPS to Secretary, ICAR/PPS to FA, DARE/ICAR
3. Social Media & Website Management Unit, DKMA, ICAR for placing on the Council's website
4. eOffice Notice Board (This document may be downloaded from e-office as per the need as it is not being distributed separately).
5. Guard File.

DRAFT
MODEL SHORT COUNTER AFFIDAVIT

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
..... BENCH,

OA No. - of

XYZ & others

..... Applicants

Versus

ICAR & others

..... Respondents

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Sl. No.	Particulars	Pages
1.	Short Counter Affidavit of Respondent No. ..	
2.	<u>Annexure No. CA – 1</u> True copy of Rule 23 (C) of Rules and Byelaws of ICAR	
3.	Vakalatnama	

New Delhi

(Name)

Dated

Advocate

Counsel for Respondent No.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
..... BENCH,

OA No. - ... of

XYZ & others

..... Applicants

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SHORT COUNTER AFFIDAVIT ON BEHALF OF
RESPONDENT NO. ...

I,, aged about, son of Shri, resident of ..., the deponent,
do hereby solemnly affirm and state on oath as under:-

1. That the deponent is presently posted as Director of ABC Institute and has been duly authorized to file the present affidavit and as such he is well conversant with the facts, deposed hereinafter.
2. That the deponent has gone through the contents of the present Original Application and annexures attached with the same.
3. That deponent begs leave to submit detailed counter affidavit after adjudication and disposal of present short counter affidavit.
4. That Indian Council of Agricultural Research (hereinafter referred to as ICAR) is a society registered under provisions of Societies Registration Act, 1860. ICAR is an autonomous organization of Government of India under the Department of Agricultural Research and Education (DARE), Ministry of Agriculture and Farmers Welfare, Government of India. The ICAR has its own Rules and Bylaws. The Union Minister of Agriculture and Farmers Welfare, Government of India is the ex-officio President of ICAR.

Secretary, DARE is the ex-officio Director General of ICAR. ICAR, being an instrumentality of Government of India, is 'State' within the meaning under Article 12 of the Constitution of India.

5. That as per Rule 23 (C) of ICAR Rules and Byelaws of ICAR, the ICAR can sue or be sued only through its Secretary. However, in this OA, ICAR has wrongly been impleaded as Respondent no. (i.e. through Director General, ICAR). Therefore, OA is suffering from misjoinder and Non-joinder of proper and necessary parties. Either name of Director General, ICAR may be removed from array of parties or this OA may kindly be dismissed on this ground alone because impleadment of ICAR through Director General, ICAR is bad and hit by the aforesaid Rule 23(C) of ICAR Rules and Bylaws.
6. That in view of the above it is humbly prayed that the present short counter affidavit may be taken on record. It is further prayed that either name of Director General, ICAR may kindly be deleted from array of parties or this Original Application may kindly be dismissed on this ground alone because impleadment of ICAR through Director General, ICAR is bad and hit by the aforesaid Rule 23(C) of ICAR Rules and Bylaws.
7. That answering respondent may be granted 4 weeks' time to file the detailed counter affidavit.

Place

Deponent

Dated:

VERIFICATION

I, the deponent named above do hereby verify that the contents of Paragraphs no. 1 to .. of this affidavit are true and correct to my knowledge based on records of the case maintained in the office. No part of it is false and nothing material has been concealed in it. So help me God.

Place

Deponent

Dated:

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.....

Writ A or P No. - ... of

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**APPLICATION FOR TAKING ON RECORD SHORT COUNTER
AFFIDAVIT ON BEHALF OF OPPOSITE PARTY NO. ... AND ALSO FOR
DELETION OF NAME OF OPPOSITE PARTY NO. ... FROM ARAY OF
PARTIES OF PRESENT WRIT PETITION**

That applicant / opposite party no. ... most respectfully begs to submit as under:-

For the facts, reasons and circumstances stated in the accompanying short counter affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to take the counter affidavit on record for considering the allowing the prayer to the effect that name of Director General, ICAR may kindly be deleted from array of parties in view of provisions of Rule 23(C) of Rules and Bylaws of ICAR.

New Delhi

(Name)

Dated

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2., aged about ... years, son of
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Versus

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3. Dr.....

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5. That as per Rule 23 (C) of ICAR Rules and Byelaws of ICAR, the ICAR can sue or be sued only through its Secretary. However, in this writ petition, ICAR has wrongly been impleaded as Respondent no. ... (i.e. through Director General, ICAR). Therefore, writ petition is suffering from misjoinder and Non-joinder of proper and necessary parties. Either name of Director General, ICAR may be removed from array of parties or this writ petition may kindly be dismissed on this ground alone because impleadment of ICAR through Director General, ICAR is bad and hit by the aforesaid Rule 23(C) of ICAR Rules and Bylaws.

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