

PART C—ISSUE OF SUMMONS OR OTHER PROCESS FOR
SERVICE ON A PERSON EMPLOYED IN THE PUBLIC
SERVICE

1. In regard to the service of summons upon the party or witness who is a public officer (not belonging to the Indian Military, Naval or Air Forces or is the servant of a railway company or local authority it is open to the Court as provided under Order V, Rule 27 of the Code of Civil Procedure to serve the summons through the head of the office in which the said party or witness is employed if this course is considered more convenient. Ordinarily the summons should be served on the defendant or witness in the ordinary way and a copy sent to the head* of the office or department at least 15 days (10 days in the case of local officers) before the date fixed for the hearing.

Service of
summons on
public officers or
servant of local or
railway company.

The method of effecting service through the head of the office will probably be found the most convenient in the case of defendants or witnesses employed in large administrative offices. In all cases where the summons is ordered to be served through the head of the office, an endorsement should be attached to, or written in the body of the summons, conspicuously in red ink, quoting the exact words of sub-rules 1 and 2 of Rule 29, Order V, Civil Procedure Code, which (in the case of witnesses read with Order XVI, Rule 8, Civil Procedure Code) imposes a duty on the head of the office to serve the summons on the subordinate to whom it relates if possible and to return it under his signature with the written acknowledgment of the defendant or witness; or if service is not possible, to return the summons to the Court with a full statement of the reasons for non-service.

Note.-The case of Patwaris forms an exception to the above rule, and is governed by the rules in Chapter 5-B of Volume I. It should be noted that in such cases the summons should be forwarded to the Tahsildar for service, and should not be served direct or through the Deputy Commissioner.

**Note.*-In the case of employees of the Northern Railway, a copy of the summons should be addressed to the Divisional Superintendent or other superior officer concerned according to the list given in the appendix to Chapter 8.

Service of
summons in suits
against railway
companies.

2. In the case of suits against railway companies, in addition to service in the usual way, a copy of the summons should be sent by post under Order XXIX, Rule 2(b) : provided that if the summons is sent by registered post, service in the usual way may be dispensed with.

Sufficient time to
be allowed for the
official superior to
arrange for relief of
the person
summoned.

3. A reasonable time should be allowed for the attendance of the person summoned, in order that his official superior may be able to make suitable arrangements for the conduct of his duties during his absence.

Vernacular
Robkars.

4. Vernacular robkars may be sent to a Kanungo or any other official subordinate to a Deputy Commissioner, to give evidence. Robkars should not be addressed to the heads of public offices and departments in which business is transacted in English. A covering letter or docket in English should be used.