

Through Website

कार्यालय रक्षा लेखा महानियंत्रक/ Office of Controller General of Defence Accounts

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No. LC/3024/Court Case/Misc/60

Date 28.08.2017

To

All PCsDA/PCA(Fys)/CsDA/CsFA
(Through Website)

Subject: - Timely settlement of Government Counsels legal fee bills - reg.

Please find enclosed a copy of DO letter dated 7th August, 2017 received from the Law Secretary, Dept. of Legal Affairs, Min. of Law & Justice on the subject. The letter is self-explanatory.

2. It is, therefore, requested to settle the Govt. Counsel's legal fee bills promptly & within a reasonable time and in any case, not beyond a month's time from the date of submission of such bills by the counsel concerned. Further, if any officer is found negligent in processing such bills, the competent authority may consider taking appropriate action against him/her in accordance with the rules.

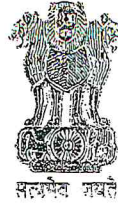

(Kavita Garg)
Sr. Dy. CGDA (AN)

Copy to:-

The Officer i/c
EDP (Legal)
(IT&S)

- for uploading on website.

सुरेश चन्द्रा
SURESH CHANDRA
विधि सचिव
Law Secretary



भारत सरकार
विधि और न्याय मंत्रालय
विधि कार्य विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

7th August, 2017

D.O.No.J-12012/13/2017-JudI

Dear Secretary,

It has been brought to my notice that there have been instances of inordinate delay in settlement of counsel fee bills, resulting in avoidable grievances from the counsel on various fora, including filing petitions before the Courts, by the counsel concerned.

2. Two such cases have been filed in the High Court of Punjab & Haryana, in which the Hon'ble High Court has taken a serious view in the matter and observed as under:

"A larger question also arises whether in the eventuality, bills are cleared by the Government department/public sector undertakings after inordinate delay, appropriate interest/penal interest is required to be paid; whether non-payment of fee bills amounts to infringement of right to life and livelihood; whether in such cases responsibility of the concerned officials is required to be fixed and interest/penal interest is liable to be deducted from the salary of such officials."

3. While the matter is now listed for 9th August 2017, in the meanwhile, the Hon'ble High Court has directed the Assistant Solicitor General of India, *inter alia*, to seek instructions regarding the status of pending bills and whether any policy can be framed for settling this issue once and for all.

4. This Department has in the past issued guidelines, wherein all the Ministries/Departments have been requested to ensure prompt payment of fee to the counsel (OM No.34(1)/2010-Judicial date 8.12.2010). It is felt that if there is an inordinate delay in the settlement of counsel fee bills, Courts may come down heavily on the Government thereby inviting harsh strictures and directions.

5. I shall be grateful if you can sensitize your officers that settlement of counsel fee bills are prompt and within a reasonable time, in any case not beyond a month's time from the date of submission of bill by the counsel concerned. It is also requested that if any officer is found negligent in processing counsel fee bills, the administrative Ministry may consider taking appropriate action against him/her in accordance with the rules.

6. I shall be grateful if these instructions can be brought to the notice of all Departments/PSUs under your administrative control.

With regards,

for CEDA
[Signature]

Yours sincerely,
[Signature]
(SURESH CHANDRA)

Secretaries to all Ministries/ Departments

Office of SA (DS)
Dairy No. 2272
Date 8/8/2017

[Signature]

[Signature]

ACA (DS) (Sec)

16/8/17
1/8/17

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