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**कार्यालय रक्षालेखामहानियंत्रक/ Office of Controller General of Defence Accounts**

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No. : LC/Advocate Fee Bill/Vol.II

Dated: 27.09.2018

To

✓All PCsDA/PCA(Fys) /CsDA/CFAs

Subject :- Payment of Legal Fee to Central Govt. Counsels - clarification reg.

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With reference to the existing provisions relating to payment of Legal Fee to Central Govt. Counsels, certain doubts raised by the office of PCDA have been taken-up with the Ministry of Law & Justice, Department of Legal Affairs (Judicial Section) for clarification/guidelines. Based on the clarifications received, the summary of the points of doubt and clarification are as given below:-

No.	Existing provisions and point of doubt	Clarification
i)	<p>The revised fee structure applicable to Govt. Counsels of Supreme Court/High Court/CAT/Distt. Courts has been notified by Min. of Law &amp; Justice, Dept. of Legal Affairs vide their OM bearing No. 26(1)/2014/Judl. dated 01.10.2015. As per the said OM dated 01.10.2015, payment of legal fee for non-effective hearings in a case has been restricted to five (05) and payment of legal fee for Conferences in a case has been restricted to four (04).</p> <p><u>Point of Doubt</u> In case, the Govt. Counsel has been changed during the pendency of a case who has already been paid for maximum number of non-effective hearings &amp; conference, whether the newly appointed Govt. Counsel can be paid fee for another five (05) non-effective hearings &amp; (04) conference or not.</p>	<p>The OM No. 26(1)/2014-Judl. Dated 01.10.2015 itself restricts the payment to a maximum of five non-effective hearings. Hence, a new counsel appointed during the pendency of a case will not be eligible for payment for non-effective hearings in case the limit of five as stated in above in above-mentioned OM is exhausted.</p>

ii	In case, a proxy Counsel has appeared on behalf of nominated Govt. Counsel, Whether legal fee {effective or non effective} can be paid to the CGSC for hearings appeared by proxy counsel.	When proxy/private counsel has appeared on behalf of the Govt. Counsel in a matter, such nominated counsel is not entitled to payment of fee bill.
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The relevant OM dated 01/10/2015 is available on the website of the Ministry of Law & Justice, Department of Legal Affairs.

2. All the legal fee bills of Govt. Counsels may be regulated accordingly.

  
 (Mustaq Ahmad)  
 Dy. CGDA (AN)

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 (Mustaq Ahmad)  
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