

**Government of Jammu and Kashmir**  
**Department of Law, Justice and Parliamentary Affairs.**  
**(Judicial Administration Section)** Civil Secretariat,  
Jammu/Srinagar.

**Subject:** Engagement of Standing Counsels in District Kulgam of the Union Territory of Jammu and Kashmir.

**Government Order No.5872-JK(LD) of 2021**  
**Dated.23- 12- 2021**

In supersession of all previous orders on the subject, sanction is hereby accorded to the engagement of Shri Shager Gaffar Wagay, Advocate as Standing Counsel, for defending/conducting the cases of the departments/ Corporations/ PSUs before the allocated Subordinate Courts of District Kulgam on the following terms and conditions:-

- i) The engagement shall be for a period of one year. However, in case of any misconduct with any Government functionary, unethical practice or non-satisfaction of the department, the said counsel can be terminated forthwith without any further notice;
- ii) All the Standing Counsels shall join before the Director Litigation Kashmir along with his/her updated C.V and other related documents within a period of 05 days failing which their engagement shall be treated as cancelled;
- iii) The Director Litigation **Kashmir** shall allocate courts in the District to the Standing Counsels in a manner that the work distribution amongst them is equitable and proper representation in all the cases is ensured;
- iv) In case of any casual vacancy or urgency to attend a case or cases or any other reason, the Department of Law, Justice and PA shall be competent to make suitable arrangements;
- v) In case the engagement of the Standing Counsel is disengaged or no renewal is done, then he shall handover all the briefs and other related papers to the concerned department or successor counsel.
- vi) The performance of the Standing Counsel shall be reviewed by the department concerned and also by the Director Litigation concerned on quarterly basis and a report to that extent shall be sent to Department of Law, Justice and Parliamentary Affairs; and
- vii) The Government reserves its right to renew the engagement of the Counsel at the expiry of the term of engagement or make a suitable replacement before the expiry of the term of counsel.

*Section*

The Standing Counsel shall:-

- a) be entitled to a monthly remuneration of Rs 8,000/-per month to be payable by the department. Director Litigation **Kashmir** shall decide which Department in the District shall pay the remuneration in favour of the Standing Counsels and issue necessary orders thereof;
- b) be entitled to Rs 1000/- as incidental expenses for filing of each reply/written statement payable by the department filing the reply/written statement;
- c) be entitled to counsel fee of Rs 2000/- per case to be payable by the department concerned provided in case the suit is dismissed in default he shall be not entitled to any fee but in case the counsel for the respondent(department) is present and suit is dismissed due to absence of plaintiff(private party), he shall be entitled to a counsel fee of Rs 1000/- only;
- d) be entitled to a lump-sum fee of Rs 1500/- per case for filing or defending any Appeal or Revision to be payable by the department concerned;
- e) be entitled to a counsel fee of Rs 1500/- per case of Contempt to be payable by the department concerned;
- f) not conduct any case against any Government Department;
- g) in case the suit or any proceeding is set in ex-parte, he shall forfeit his fee and may face dis-engagement;
- h) not enter into any compromise or admit the suit except with the written permission of the concerned department and with prior approval of Department of Law, Justice and Parliamentary Affairs;
- i) himself conduct the cases of the department and in no case shall his Junior or associate appear on behalf of the Government.

*Achal Sethi*

By Order of the Hon'ble Lieutenant Governor.

Sd/-

(Achal Sethi)

Secretary to the Government

Dated:- 23-12-2021

No: Law-STCL/13/2021-10.

Copy to the:-

16. Learned Advocate General J&K, Jammu.
17. All Administrative Secretaries.
18. Principal Secretary to Hon'ble Lieutenant Governor.
19. Concerned Heads of the Department.
20. Deputy Commissioner Kulgam.
21. Director Information, J&K.
22. Director Estates, J&K.
23. Director Litigation Kashmir.
24. Director, Archives, Archaeology and Museums.
25. Concerned Officers.

26. Private Secretary to Chief Secretary.
27. Private Secretary to Secretary to Government, General Administration Department.
28. Private Secretary to Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
29. Incharge Website.
30. Government Order file.

  
23.12.21

**(Ashish Gupta)**

Additional Secretary to Government

