

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
Civil Secretariat, Jammu/Srinagar

Subject: Clarification w.r.t the payment of Counsel fee in favour of Government counsels in light of terms and conditions prescribed vide various Government Orders-reg.

Circular No: 02-JK(LD) of 2023.

Dated. 03- 03-2023.

While evaluating the fee bills received from different Counsels representing the Government before various forums it has come to the knowledge of this Department that counsels are not aware about the fee structure prescribed by the Government by virtue of various Government Orders and a confusion subsists with respect to raising of the bill and payment of the fee thereof. In order to overcome such a difficulty and confusion, the matter has been examined in the Department, as such, it is clarified as under:

1. For Hon'ble Central Administrative Tribunal:

The fee payable to the counsels representing the Government before the Hon'ble Central Administrative Tribunal shall be same as is payable to their counterparts in the Hon'ble High Court i.e TA/ O.A/ Contempt petition pending in Hon'ble Central Administrative Tribunal shall have equivalent fee to that of writ petition.

2. For Hon'ble High Court of Jammu and Kashmir and Ladakh:

- i. The fee structure for different cases already issued shall be deemed to have the same nomenclature as per the Order of nomenclature and categorization of cases, issued by the Hon'ble High Court of Jammu and Kashmir and Ladakh vide its Order No.69/GS dated 17.04.2019 and read with Order no. 270 dated 11.06.2019. The



necessary updation/amendment shall be made in the software accordingly;

- ii. Habeas Corpus cases, any other writ petition, Appeal, Review, Civil Revision, Arbitration Matter (Incidental Purposes) shall have the same fee as that of Writ Petition.

3. For Hon'ble Subordinate Courts of Union Territory of Jammu and Kashmir:

- i. The counsel fee payable per case shall be paid in two equal installments. First half at the time of filing of petition/written statement and the 2nd half at the time of Judgment/Decree;
- ii. The execution petition shall have the same fee as that of Main Suit; and
- iii. Standing Counsels shall be entitled to incidental expenses of Rs 1000/-in caveat petition also.

Any fee claim not specifically covered shall not be entertained.

Sd/-

(Achal Sethi)

Secretary to Government

No: Law-Jud/172/2022-10.

Dated.03-03-2023.

Copy to the:

1. Ld. Advocate General, J&K, Jammu.
2. All Administrative Secretaries.
3. Director General of Police, J&K, Jammu.
4. Divisional Commissioner Jammu/Kashmir.
5. All Deputy Commissioners.
6. State Informatics Officer, NIC, J&K Head Office, Jammu with the request to make necessary updation/ amendment in the Counsel fee Software.
7. Director Litigation Jammu/Kashmir.
8. All Senior Advocates General/ Additional Advocates General/Deputy Advocates General/Government Advocates/ Standing Counsels.
9. All the Officers of Department of law Justice and P. A.
10. Private Secretary to Secretary to Government, Department of Law, Justice and P. A.
11. Concerned File.

(Reyaz Ali Bhat)

Assistant Legal Remembrancer