

PUNJAB STATE ELECTRICITY BOARD

OFFICE ORDER NO. 248/PSEB/LEGAL

DT: 7.10.1974

The Punjab State Electricity Board is pleased to order that with a view to rationalise the system of payment of fees to the Advocate engaged by the Board for conducting its cases in various courts, the payment of counsel fee to the advocates will be regulated as under:-

HIGH COURT CASES:

The Advocates conducting Board's cases in the High Court will be paid their fee as given below:-

(a) Junior Counsel.

- i) Fee for drafting petition/Written Reply. Rs. 200/-
- ii) Fee for vetting draft prepared by Legal Sec. Rs. 100/-
- iii) Fee (including clerkage) for appearance and arguments. Rs. 550/-

(b) Senior Counsel.

- i) Fee for drafting petition/written reply. Rs. 550/-
- ii) Fee (including clerkage) for appearance and arguments. Rs. 1100/-

(c) The fee for drafting/vetting the petition/written statement as the case may be, shall be paid as soon as the writ petition/written statement or revision applications etc. are drafted and filed in the High Court and the fee for appearance and arguments shall be paid at the conclusion of the court proceedings.

(d) Where the case is dismissed in limine, or in withdrawn the counsel will be paid only half of the fee fixed for appearance and arguments i.e. Rs. 275/- in case of Junior Counsel and Rs. 550/- in case of a Senior Counsel.

DISTRICT COURTS CASES.

The existing procedure as contained in Circular letter No. 71553/71723/LB-3(14) Vol. II dt. 2.9.1971 (copy enclosed) will continue to be followed.

SALES TAX CASES:

The advocates engaged in Sales Tax Cases will be paid their fee as under:-

- (a) i) Fee for conducting cases at assessment stage. Rs. 330/- } Inclusive
- ii) Fee for conducting cases at appeal stage against assessment order. Rs. 220/- } of
- iii) Fee for conducting stay application if any. Rs. 55/- } Clerkage.

b) Half of the fee in these cases will be paid in advance on demand by the counsel subject to adjustment in the final at the conclusion of the proceedings.

This issues with the concurrence of Finance Section.

Sd/- I.J. Ohri,  
Asstt. Secretary/Legal,  
for Secretary, PSEB, Patiala.

\*SINGLA\*  
14.2.86.

Ambrar - A

PUNJAB STATE ELECTRICITY BOARD

From The Secretary,  
Punjab State Electricity Board,  
Patiala.

To The Executive/Superintending/Chief  
Engineers.

Memo No. 71553/71723/LB-3(14) Vol.II  
Dated, Patiala, the 2.9.71.

Subject: Engagement of Legal Counsels on behalf of the  
Board and determination and payment of their fees.

The Board maintains panels of lawyers for each District. These panels are re-caste from time to time. In case of places where no lawyer exists from time to time. In case field officers recommendations for engagement of a particular counsels are ordinarily accepted. These lawyers are engaged by the field officers in litigation by or against the Board instituted in the Mofussil courts. Their fees are determined according to the law Department Manual at the conclusion of the case. The bills of the lawyers are got vetted from the Legal Remembrancer and Secy. to Government Punjab Law Deptt., Chandigarh.

For quite sometime past the procedure had been subjected to criticism, interalia, because of the following:-

- i) The fees laid down in law department manual are inadequate.
- ii) The litigation takes quite a long time ordinarily in Civil Courts and not infrequently the lawyers lose interest.
- iii) In the absence of pre-settled fees the courts do not include counsel's fees in the costs as and when awarded to the Board.
- iv) The determination and payment of the fees consequent upon the conclusion of the case takes inordinately long.

3.- The Proposition has been carefully considered. I am directed by the Board to lay down the following instructions on the subject:-

- i) Field Officers shall solicit engagement of lawyers from the approved panels. In case no lawyer exists on any panel, or the field officer is of the view that a lawyer from outside the panel should be engaged, reference shall be made to the Secretary (Legal Section) for prior approval.
- ii) The attendance upon a case shall be the personal responsibility of the Divisional Officer and an experienced concerned subordinate shall be nominated by him to attend the Court and keep the Head Office informed of the progress of the case from time to time. Particularly on the conclusion of the case, necessary report shall be sent to the Secretary (Legal Section) alongwith the copy of the judgement at the earliest possible.

iii)

The following scale of fees is laid down :-  
(a) Rs. 55/- in Misc. cases such as grant/vacation of ad/interim injunction etc.  
(b) Rs. 110/- in ordinary suits.  
(c) Rs. 220/- in relatively more important cases.

These fees shall include Munshiana and shall be in total settlement of the case.

- iv)
- v)
- vi)
- vii)
- viii)

Engagement of Counsel on special fees in complicated cases including those involving heavy amounts can be entertained with the prior approval of the Secy. (Legal Section). For this the Field Officers shall send a comprehensive reference in time.

The miscellaneous expenses on litigation shall be payable in addition to the lawyers fees. In case where the suits are withdrawn, compromised or dismissed in default or on preliminary objections or where no evidence is recorded, depending upon the labour of the counsel, half of the aforesaid fees shall be paid.

An advance or running payment to the extent of half of the fees mentioned above may be made to a lawyer on his demand.

In addition to the afore-mentioned fees and misc. expenses a lawyer shall be entitled to T.A. for conducting cases outside his normal seat of work, at the rates applicable to Class-I Officers of the Board.

4. As conveyed earlier, all XENs./SEs/CEs. are competent to engage the lawyers for defending or instituting the cases on behalf of the Board and they shall be competent for settlement of their fees including advance or running fees in accordance with the above scales.

5. If in the pending cases, the counsel can be persuaded with advantage, to fall in line with the above procedure for determination and payment of fees the same may be resorted to, with a view to expediting their claims.

6. Kindly acknowledge receipt and ensure meticulous observance of these instructions.

Yours faithfully

(D.N. Dhir)

Secretary,  
Punjab State Electricity Board,  
Patiala.

Endst. No. 71724/25/LB-3(14) Dated 2.9.71.

- Copy forwarded to the :-
- 1. R.A.O., PSEB, Patiala.
  - 2. C.A.O., PSEB, Patiala.

for information.

Sd/-  
(D.N. Dhir)

Secretary,  
Punjab State Electricity Board,  
Patiala.

Endst. No. 71726/35/LB-3(14) Vol. II Dated 2.9.71  
Copy forwarded to Assistant/Deputy Secretaries, PSEB/  
P.S. to Chairman/PAs. to Members of the Board for information.

Sd/-  
(D.N. Dhir)

Pb. State Electricity Board, Patiala.