

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.36 OF 2016

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned Advocate General for appellants, Mr.S.S.Prasad for 1st respondent and the learned Government Pleader (Irrigation) for respondent Nos.2 and 3.

Respondents 1 and 3 in W.P.No.24697 of 2015 are the appellants. The appeal is directed against the order dated 06.11.2015 in W.P.No.24697 of 2015.

Smt.Rajyalakshmi/1st respondent challenged Memo No.3969/IS.EA/2015 dated 06.07.2015 issued by 1st appellant as illegal and discriminatory and also declare that late Mr.M.Subrahmanyam, Advocate appointed to the legal team of Vamshadhara Water Disputes Tribunal (VWDT) is entitled to the revised fee structure as per G.O.Rt.No.479, Irrigation and Command Area Development (IS.EA) Department dated 18.08.2014 w.e.f., 16.06.2010. The 1st respondent prayed for consequential reliefs for payment in terms of G.O.Rt.No.479 dated 18.08.2014 w.e.f., 16.06.2010.

The circumstances are in dispute and are stated thus:

The 1st respondent is the wife of late M.Subrahmanyam, an Advocate practising in the High Court of Judicature at Hyderabad.

The 1st appellant through G.O.Rt.No.545, Irrigation and Command Area Development (PW.IS) Department dated 26.09.2012 appointed late M.Subrahmanyam as one of the panel Advocates for the conduct of litigation before the River Water Tribunal i.e., 'Vamshadhara Water Disputes Tribunal' (VWDT). The 1st appellant vide G.O.Rt.No.125, Irrigation and Command Area Development (PW.IS) Department dated 05.03.2013 appointed Sri M.Vishnuvardhan Reddy, Advocate as one of the panel Advocates of VWDT. The fee structure of Sri Vishnuvardhan Reddy is different from the fee structure stipulated in G.O.Rt.No.545 dated 26.09.2012 issued while appointing late M.Subrahmanyam. On 28.03.2013, late M.Subrahmanyam represented for revision of pay and prescription of same legal fee as has been stipulated in G.O.Rt.No.125 dated 05.03.2013. The request was rejected through Memo dated 06.07.2015. Pending consideration by appellants, M. Subrahmanyam died. Hence, the writ petition at the instance of his wife.

The appellants do not dispute that late M.Subrahmanyam is entitled to receive fee on par with Sri M.Vishnuvardhan Reddy but contend that late M.Subrahmanyam is not entitled for payment between 16.06.2010 and 05.03.2013. The objection raised by the appellants is examined with reference to all the applicable government orders and in our considered view, the learned Single Judge has examined the effect of the use of the word 'revision' and its application in point of time to the claim of late M.Subrahmanyam as

well. Though the appellants could not point out infirmity in the findings recorded by the order under appeal, the learned Advocate General states that the case on hand may not be treated as a precedent for the word 'revision' inasmuch as appellants have engaged several Advocates to represent the State before various Tribunals. The objection raised by learned Advocate General is taken note of and we clarify that the circumstances in the case on hand are singular; also that the counsel who rendered services to the State is no more and the 1st respondent being his wife is pursuing the entitlement of fee payable to her husband for the professional services rendered by late M.Subrahmanyam. In such perspective, we make it clear that the consideration of the request of late M.Subrahmanyam or implementation of the order in W.P.No.24697 of 2015 ought not to be treated as a binding precedent for a claim by similarly situated learned Advocates, who are appointed to represent the State in Tribunals.

With the above observations, the writ appeal is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

10th September, 2018
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