

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.18103 of 2018.

Date of Decision: 30.04.2019.

Sudarshan Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG Haryana.

Mr. Lokesh Sinhal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.

By way of present civil writ petition, the petitioner has sought direction to respondent No.2 to comply with letter dated 02.09.2015 issued by Additional Chief Secretary to Government of Haryana, Administration of Justice vide which fee of the empanelled Advocate before the District Courts had been revised. The petitioner prays for payment of Rs.63,900/- along with interest @ 12% per annum.

The petitioner is a practising lawyer in District Courts, Faridabad. Nine cases pertaining to Municipal Corporation, Faridabad were entrusted to him. The petitioner raised bill to the tune of Rs.16,200/- whereas, as per notification dated 02.09.2015 (Annexure P-1), he ought to have been paid Rs.80,100/-. When the notification

came to the knowledge of the petitioner, he raised supplementary bill of Rs.63,900/-. As the payment was not made, a legal notice dated 30.03.2018 (Annexure P-2) was issued to respondent No.2 to clear all the outstanding dues along with interest. However, vide reply (Annexure P-3), it was stated that only 50% of the fee paid to the earlier counsel had to be paid to the newly appointed Advocate.

It is contended that as per letter dated 02.09.2015 (Annexure P-1), the State of Haryana had decided to revise the rates of payment of fees at various levels including the fee for empanelled Advocate before the District Courts and the revised rates were made effective from the date of issuance of letter/notification dated 02.09.2015. Learned counsel refers to various Court orders (Annexure P-4 colly) to contend that the petitioner was in fact engaged and had appeared in the cases only after issuance of letter dated 02.09.2015 (Annexure P-1).

On the other hand, on behalf of the respondents, it is contended that all the nine cases were entrusted to the petitioner after withdrawing from the earlier empanelled Advocate before the date of notification i.e. 02.09.2015. After disposal of the said matters, the remaining 50% counsel fee has been paid to the petitioner and nothing remains outstanding against respondent No.2.

It is further contended that the petitioner has mentioned the date of decision of said cases whereas, as a matter of fact, the petitioner

appeared in all the nine cases before issuance of letter dated 02.09.2015 (Annexure P-1).

Heard.

The revised fee has been declined to the petitioner only on the ground that the same was applicable from 02.09.2015 whereas, all the cases were entrusted to the petitioner prior to 02.09.2015. However, a perusal of the orders (Annexure P-4 colly) shows that the petitioner caused appearance in various Court cases on 07.09.2015, 11.09.2015 and 19.09.2015 which is much after 02.09.2015, therefore, the petitioner is entitled to the 50% of the fee on revised rates of fee as stipulated in notification dated 02.09.2015 (Annexure P-1).

In view of above, the present civil writ petition is allowed. Respondent No.2 is directed to re-calculate the amount towards legal fee at the rate stipulated in the letter dated 20.09.2015 (Annexure P-1). The enhanced amount be paid to the petitioner within a period of two months from the date of receipt of certified copy of the judgment.

30.04.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No