

GOVERNMENT OF PUDUCHERRY

Abstract

Law Department – Administrative Set-up and system of functioning of the Law Officers in the High Court, Madras and the Central Administrative Tribunal, Madras Bench – Revised Orders – Issued.

LAW DEPARTMENT

G.O.Ms.No.12/LD-2016

Puducherry, the 25th May 2016

- READ: (1) G.O. Ms.No.36/96-LD, dated 23/12/1996 of the Law Department, Pondicherry;
(2) G.O. Ms.No.47/99-LD, dated 13/07/1999 of the Law Department, Pondicherry;
(3) G.O. Ms.No.25/2009-LD, dated 13/07/1996 of the Law Department, Pondicherry;
(4) G.O. Ms.No.38/2012-LD, dated 28/11/2012 of the Law Department, Puducherry;
and
(5) G.O. Ms.No.30/2014-LD, dated 01/10/2014 of the Law Department, Puducherry.

ORDER:

The Lieutenant-Governor, Puducherry is pleased to evolve measures to streamline the litigation machinery to defend the cases involving the Government of Puducherry in the High Court of Judicature at Madras and Central Administrative Tribunal, Madras Bench and re-designate the nomenclature of the Law Officers appointed by the administration as Government Pleader, being the Head of the Office of Government Pleader and Public Prosecutor, Special Government Pleader (Services – Writs), Additional Government Pleaders, Public Prosecutor, Additional Public Prosecutors, Government Advocates and as Special Government Pleader in respect of Central Administrative Tribunal, Madras Bench.

3. NOW THEREFORE, the Lieutenant-Governor, Puducherry, has been pleased to order that the administrative set-up and system of functioning of the Law Officers in the High Court, Madras and the Central Administrative Tribunal, Madras Bench issued in G.O.Ms.No.36/96-LD, dated 23.12.1996 and as amended from time to time till 01.10.2014 by the Law Department, shall stand revised as per Annexure appended to this Order. This revision shall come into force with immediate effect.

// BY ORDER OF THE LIEUTENANT-GOVERNOR //


(N. MURUGAVEL)

UNDER SECRETARY TO GOVT.(LAW)

To

1. The Government Pleader for Puducherry at High Court, Madras.
2. The Public Prosecutor for Puducherry at High Court, Madras.
3. The Special Government Pleader (Services) for Puducherry at High Court, Madras.
4. The Special Government Pleader for Puducherry at CAT, Madras Bench.
5. The Additional Government Pleaders for Puducherry at High Court, Madras.
6. The Additional Public Prosecutors for Puducherry at High Court, Madras.
7. The Government Advocates for Puducherry at High Court, Madras.

Copy to:

1. All Secretaries to Government of Puducherry.
2. The District Collector, Puducherry/Karaikal.
3. The Regional Administrator, Mahe/Yanam.
4. The Directorate of Prosecution, Puducherry.
5. All Heads of Department, Government of Puducherry.
6. The Directorate of Accounts & Treasuries, Puducherry.
7. The Bill Section, Law Department, Puducherry.
8. The Office of the Accountant General (Audit-I), Puducherry.
9. The CRB.
10. Spare.

ANNEXURE

The administrative set up and system of functioning of the Law Officers in the High Court and the Central Administrative Tribunal, Madras Bench.

The following will be the set up and system of functioning of the Law Officers for Government of Puducherry in the High Court, Madras and the Central Administrative Tribunal, Madras Bench:-

(1) There will be:-

- (a) A Government Pleader in the High Court, Madras;
- (b) A Public Prosecutor in the High Court, Madras;
- (c) Additional Government Pleaders in the High Court, Madras;
- (d) Additional Public Prosecutors in the High Court, Madras;
- (e) Special Government Pleader (Services – Writs) in the High Court, Madras;
- (f) Special Government Pleader, CAT, Madras Bench; and
- (g) Government Advocates.

(hereinafter referred to as Law Officers)

(2) Appointment of Law Officers in the High Court and Central Administrative Tribunal, Madras Bench, will be made for a period not exceeding three years. Since the appointment is in the nature of engagement, the Government is not precluded from discontinuing the engagement even before the expiry of the specific term or varying any or all of the terms and conditions hereunder mentioned or not to extend the term after expiry of the original period.

(3) The Law Officers shall be paid monthly Retainer Fee, Regulation Fee and such other fees are as detailed below:

(i) Retainer fee:-

(a) The Government Pleader	-	₹ 50,000/-
(b) The Public Prosecutor	-	₹ 50,000/-
(c) The Special Government Pleader (Services)	-	₹ 30,000/-
(d) The Special Government Pleader, Central Administrative Tribunal, Madras Bench	-	₹ 30,000/-
(e) The Additional Government Pleaders, High Court, Madras	-	₹ 25,000/-
(f) The Additional Public Prosecutors	-	₹ 25,000/-
(g) The Government Advocates	-	₹ 15,000/-

(ii) Regulation Fee:-

(a) Civil Side

(1) Writ Petition	-	₹ 5,000 per case
(2) Writ appeals	-	₹ 5,000 per case
(3) Contempt petition	-	₹ 5,000 per case
(4) Fee for drafting affidavit	-	₹ 500 per case

Batch cases means more than 5 cases on the same subject.

As between the Government Pleader and the Additional Government Pleader, the apportionment of fee shall be in the ratio of 60:40. When two Additional Government Pleaders have entered effective appearance along with the Government Pleader, the apportionment of the fee shall be in the ratio of 50% for the Government Pleader and 25% each to the Additional Government Pleaders. In cases where a Government Advocate has rendered service along with the Additional Government Pleader, 50% of the fee shall go to the Government Pleader and the remaining 50% shall be apportioned between the Additional Government Pleader and the concerned Government Advocate in the ratio of 30:20.

