

Andhra Pradesh Law Officers (Appointment and Conditions of Service) Rules, 1999

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-LAW-OFFICERS-APPOINTMENT-AND-CONDITIONS OF 1999

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Andhra Pradesh Law Officers (Appointment and Conditions of Service) Rules, 1999Published vide Notification No. G.O.Ms.No. 118 Law (L), dated 28.6.1999Last Updated 22nd August, 2019G.O.Ms.No. 118. In supersession of the Executive Instructions issued in G.O.Ms.No. 57. Law. dated the 16th March, 1990 and other Orders issued in the G.Os. G.O.Ms.No.64. 19-2-1997, G.O.Ms.No. 165, dated 20-6-1997, G.O.Ms.No. 187, dated 15-7-1997 and G.O.Ms.No. 155, dated 3-8-1998, the Government of Andhra Pradesh hereby makes the following rules regulating the appointment, and conditions of service of the Law Officers of the Government of Andhra Pradesh other than the Advocate General and Additional Advocates-General:

1. Short title and Commencement.

(1)These rules may be called the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Rules, 1999.(2)These rules shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires,-(i)"Assistant Government pleader" means a person appointed to assist the Government pleader or to conduct cases in the Courts of Senior Civil Judges, Junior Civil Judges, Labour Courts and Industrial Tribunals:(ii)"Government" means the State Government:(iii)"Government Pleader" means a person appointed for work on the Civil side in the High Court of Andhra Pradesh, Andhra Pradesh Administrative Tribunal, Andhra Pradesh State Consumer Disputes Redressal Commission or District Courts and includes an Additional

Government Pleader or Special Government Pleader or Government Pleader- cum-Public prosecutor in the Special Court established under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982;(iv)"Law Officer" means a Government Pleader or an Assistant Government Pleader or Public Prosecutor or a Standing Counsel or a Special Counsel:(v)"Special Counsel" means a Special Counsel appointed in the Central Administrative Tribunal, Hyderabad Bench and includes an advocate appointed for any specific case or for specific purpose:(vi)"Standing Counsel" means a Standing Counsel appointed for a State Public Undertaking or a Local authority or a University or a Charitable and Hindu religious Institution and Endowment:(vii)"State Public Undertaking" means and includes,-(a)any corporation established by or under a State Act and owned or controlled by the Government:(b)any Government company as defined under the Companies Act, 1956; and(c)any Society registered under the relevant law for the time being in force, which is funded by the Government in this behalf and includes apex cooperative bodies.

3. Appointment of Law Officers.

(1)Government shall appoint such number of Law Officers on behalf of the State, Local authorities, State Public Undertakings, Universities and Charitable and Hindu Religious Institutions and Endowments to conduct cases before various Courts and Tribunals as they may consider necessary:Provided that the Advocate-General may categorise the State Public Undertakings, local authorities and Universities to which Standing Counsel are to be appointed into three classes basing on the work load for the purpose of appointment of number of Standing Counsels to such institutions.(2)No Department of Government or any State Public Undertaking or a University or a local authority or a Charitable and Hindu Religious Institution and Endowment shall appoint a Law Officer for the conduct of cases on its behalf in any Court, without the prior sanction of the Government.(3)Government at its discretion, entrust important or complex cases either to the Advocate-General, or any of the Additional Advocates-General or in consultation with the Advocate-General, to any Senior Advocate.

4. Appointment of Law officers in the High Court etc.

(1)The Government, in consultation with the Advocate-General, shall appoint such number of Law Officers in the High Court of Andhra Pradesh, Andhra Pradesh Administrative Tribunal, Central Administrative Tribunal, Hyderabad Bench, Special Court established under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, Andhra Pradesh State Consumer Disputes Redressal Commission and Sales Tax Appellate Tribunal, as they may consider necessary:Provided that Government may approve a panel of three advocates from among a panel of ten advocates sent by the Advocate-General to defend the cases before the High Court of Andhra Pradesh for such term not exceeding three years as may be specified in the order pertaining to the following Departments, namely:-(i)Revenue Department; and(ii)Irrigation Department.(2)The Advocate-General shall prepare a panel of advocates well in advance before expiry of the term of the incumbents and send the same to the Government for consideration:Provided that Advocate-General shall consider the suggestions of the concerned Department of the Government and the Heads of the Departments or State Public Undertaking, Local Authority and University, as the case may be, in inclusion of persons in the panel:Provided further that the Advocate-General may take into consideration the

names of persons suggested by the Government Pleaders while finalising the panels for appointment of Assistant Government Pleaders: Provided also that the Advocate General shall take into consideration the volume of work commanded by the persons being included in the panel.(3)No person shall be included in the panel for appointment as Government Pleader or standing Counsel or Special Counsel unless he,(a)has atleast 10 years Standing as an Advocate of High Court or two or more such Courts in succession;(b)is below sixty five years of age on the date of inclusion in the panel, and(c)is an income-tax assessee for a period of at least three years prior to his appointment; or(d)has practiced at the Bar for a period of five years in the case of appointment of members of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh Secretariat Service.(4)Appointment shall be made by the Government,-(a)from among the members of the bar, or(b)by transfer from among, -(i)the members of the Andhra Pradesh State Higher Judicial Service from out of a panel of names forwarded by the High Court at the request of the Advocate-General; or(ii)the members of the Andhra Pradesh Secretariat Service not below the rank of Deputy Secretary to Government in Law Department:(5)No person shall be eligible for appointment as Assistant Government Pleader unless he is an Advocate of High Court of Andhra Pradesh. Andhra Pradesh Administrative Tribunal, as the case maybe, at least for a period of live years;(6)On receipt of a panel sent by the Advocate-General under sub-rule (2), the Government in Law Department shall consider the same and appoint one among the panel as Law Officer for a term prescribed under Rule 8 or call for a fresh panel.(7)The Advocate-General shall submit a fresh panel as called for under sub-rule (6) in the same manner as above for consideration.

5. Appointment of Law Officers in the District Courts and City Courts subordinate to the High Court.

(1)Appointment of Law Officers in all the Courts and Tribunals subordinate to the High Court shall be made on the basis of the recommendations of the District Collector concerned who shall ascertain the views of the concerned District and Sessions Judge before making the recommendations.(2)The District Collector shall prepare a panel of Advocates well in advance before expiry of the term of incumbents and send the same to the Government for consideration.Note I. - While recommending panels, the District Judge may obtain the Bio-data from such of the Advocates whom he considers to be fit for appointment and send a panel of eligible candidates on that basis without calling bio-data from all the Advocates having a particular standing.Note II. - The collectors shall, while making a recommendation to the Government, furnish the following particulars, in respect of advocates included in the panel, which shall pertain to a period of three years immediately preceding the year in which the recommendation is made and which shall be in a full and complete form and adequate for the purpose of the selection: i.e., Qualification, Age, Social status. Standing at the Bar as an advocate, nature of practice, the number of sessions cases conducted (in case of posts of Public Prosecutor and Additional Public Prosecutor), the number of suits, appeals and the like conducted (in case of posts of Government Pleaders and Additional and Assistant Government Pleaders), the amount of Income Tax if any paid. general antecedents, efficiency, reliability, an appraisal by the Sessions Judge or the District Judge about the nature and quality of advocacy, general repute and personality.(3)No person shall be eligible for appointment,-(a)as Government Pleader unless he has at least ten years of standing at the Bar;(b)as Assistant Government Pleader,-(i)in the Senior Civil Judges Court unless, he has at least seven years of Standing at the Bar; and(ii)in the Junior Civil

Judges Court unless, he has at least five years of Standing at the Bar.(4)On receipt of a panel sent by the District Collector under sub-rule (1), the Government in Law Department shall consider the same and appoint one among the panel as Law Officer for a term prescribed under Rule 8 or call for a fresh panel.(5)There upon the District Collector shall submit a fresh panel in the same manner as above for consideration.(6)The Standing Counsels for Charitable and Hindu Religious Institutions and Endowments shall continue to be appointed as per the existing procedure.

6. Appointment of Public Prosecutors, Additional Public Prosecutors and Special Public Prosecutors.

- Public Prosecutors, Additional Public Prosecutors and Special Public Prosecutors shall be appointed as per the provisions of Section 24 of the Code of Criminal Procedure, 1973.

7. Special Representation (Reservation).

(1)The rule of Special Representation as in rule 22 of the Andhra Pradesh State and Subordinate Service Rules, 1996, providing reservation in favour of S.Cs/S.Ts/B.Cs at 15% 6% and 25% respectively shall be followed, except in the case of physically handicapped persons and ex-servicemen, in the matter of appointment to the posts of law officers;(2)33 1/3% reservation for women as in Rule 22-A of the Andhra Pradesh State and subordinate Service Rules, 1996 in all the categories of O.Cs/ B.Cs/S.Cs/S.Ts shall also be observed in such appointment of Law Officers;Provided that if no candidate belonging to any of the reserved categories is available, the same post may be filled by a candidate belonging to other categories:Provided further that if no women candidate is available, the same may be filled by men.Explanation. - For the purpose of this rule (a) The High Court of Andhra Pradesh and Andhra Pradesh Administrative Tribunal and other Courts and Tribunals at the State level shall be regarded as one unit of appointment; (b) all the Subordinate Courts and Tribunals in each District shall be regarded as one unit of appointment; and (c) in the case of cities of Hyderabad and Secunderabad the subordinate Courts and Tribunals in those cities shall be regarded as one unit of appointment.

8. Term of Law Officers.

- Law Officers shall ordinarily be appointed for a term of three years. The Law Officers so appointed may be considered for a second term, if the Government are satisfied that he has proven efficiency, high rate of success and good performance and for a third term on his excellent and outstanding performance in exceptional cases:Provided that Government Pleaders, Assistant Government Pleaders, Public Prosecutors and Additional Public Prosecutors in Subordinate Courts may be considered for appointment for a second term If their performance is outstanding and in the case of persons belonging to Scheduled Castes and Scheduled Tribes if their performance is satisfactory.

9. Termination of Service.

- Notwithstanding anything contained in Rule 8, either the Government or the Law Officer may terminate the engagement with one month's notice: Provided that the Government may terminate the engagement by paying one month remuneration in lieu of one month notice.

10. Advance Proposals.

- State Public Undertakings, Local authorities, and Universities shall approach the Government in advance before expiry of the term of the incumbents for making appointment of Law Officers.

11. Interim arrangements.

- The Advocate-General or District Collectors may make interim arrangements in case of death, resignation, absence, expiry of term of Law Officer or where there is a necessity and urgency and obtain rectification from the Government.

12. Bar to hold office.

- No Law Officer shall hold an office either by election or nomination in any local authority or its committee or such other office specified by the Government from time to time.

13. Relinquishment of certain assignments.

- A Government Pleader or Assistant Government Pleader, Public Prosecutor or Additional Public Prosecutor before assuming charge as such shall relinquish his assignment, if any, such as Standing Counsel for any Statutory Corporation, Local authority, University including Banks etc., as well as Notary.

14. Restriction on Private Practice.

- No Law Officer shall appear in any Court or Tribunal against the State of Andhra Pradesh, Local Authorities, State Public Undertakings, Universities and other institutions owned or controlled by State Government.

15. Control.

- Subject to the overall control of the Government, all the Law Officers shall function under the direct control of the various concerned functionaries.

16. Self appraisal Report.

(1) Every Law Officer shall submit a monthly self appraisal report before the first Saturday of every succeeding month indicating the number of cases pending at the beginning of the month, cases instituted during the month, disposed off during the month and pending at the end of the month to the Government in the concerned Administrative Department or to the State Public Undertaking or to the Local Authority or to the University or to the District Collector concerned, as the case may be, and to Government in Law Department. (2) The report so forwarded shall also contain the number of main cases, interlocutory applications, Miscellaneous cases disposed of and a specific mention about the matters in which Government have succeeded or failed and the reasons for the failure and the steps taken or to be taken in case of failure and also indicate any deficiency in the assistance to the Law Officer by the concerned department/institution or as the case may be, the authorities.

17. Review of Performance.

(1) The Government in concerned Department or the concerned District Collector or the State Public Undertaking or the University or the Local Authority either on a self appraisal report submitted under Rule 16 or suo motu, as the case may be, shall review the performance of the Law Officer on every first Saturday of the month: Provided that the District Collector shall review the performance of the Law Officers in the District once in two months. (2) It shall be the duty of the concerned Administrative Department in Government to undertake a quarterly review of the performance of the Law Officers in which the Advocate-General, Additional Advocates-General, the Law Secretary (Legal Affairs) and concerned Head of Department or as the case may be, the State Public undertaking, Local authority, University shall be requested to be present and the Advocate General shall be requested to convene a meeting for the purpose. (3) Every Law Officer shall have to attend with required material in the review meetings. (4) The District Collector, shall review of the performance of the Law Officers in the District and send the report to the Law Department in Secretariat for necessary action. (5) Notwithstanding any thing contained in Rule 9, the engagement of any Law Officer shall be terminated without issue of any prior notice, if the performance of such Law officer is found unsatisfactory during the review.

18. Retainer Fee.

- Retainer fee shall be paid to the following Law Officers as shown against each:-(1) Public Prosecutor in the High Court shall be paid retainer fee of Rs. 1250/- (Rupees One thousand two hundred and fifty only) per month. (2) Additional Public Prosecutor in the High Court shall be paid retainer fee of Rs. 1,000/- (Rupees One thousand only) per month.

19. Remuneration.

(1)(a) The Government Pleaders appointed in the High Court of Andhra Pradesh, Andhra Pradesh Administrative Tribunal, Special Court established under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 and Andhra Pradesh State Consumer Redressal Commission shall be

paid a consolidated remuneration of Rs. 20,000/- (Rupees twenty thousand only) i.e., Rs. 16,000/- as remuneration and Rs. 4,000/- as conveyance allowance per month. (b) Assistant Government Pleaders appointed to assist the Government Pleaders in the High Court, Andhra Pradesh Administrative Tribunal, Special Court established under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, Andhra Pradesh State Consumer Redressal Commission shall be paid a consolidated remuneration of Rs. 7,000/- (Rupees Seven thousand only) i.e., Rs. 5,000/- as Remuneration and Rs. 2,000/- as conveyance allowance per month. (c) Remuneration on Criminal side shall be paid as per the following rates and it shall be shared by Public Prosecutor and Additional Public Prosecutors in the ratio of 50:25:25. (i) referred trial - Rs. 500/- (Rupees Five hundred only) per case. (ii) Criminal Appeal - Rs. 200/- (Rupees Two hundred only) per case. (iii) Criminal Revision - Rs. 100/- (Rupees One hundred only) per case. (iv) Criminal Miscellaneous Petition - Rs. 75/- (Rupees Seventy five only) per case. (2) (a) The standing Counsels appointed in the High Court of Andhra Pradesh and Andhra Pradesh Administrative Tribunal shall be paid a consolidated remuneration of Rs. 4,000/- (Rupees Four thousand only) per month. (b) The Standing Counsels appointed to the Courts subordinate to the High Court shall be paid a consolidated remuneration of Rs. 3,000/- (Rupees Three thousand only) per month. (3) The Special Counsel for the Government appointed in the Central Administrative Tribunal, Hyderabad Bench, shall be paid a consolidated remuneration of Rs. 10,000/- (Rupees Ten thousand only) per month. (4) the panel of Advocates approved under the proviso to sub-rule (1) of Rule 4, shall be paid the fee as per the Advocates Fees Rules. (5) (a) Government Pleaders appointed in the District Courts, Special Government Pleaders and Additional Government Pleaders other than; those engaged in individual cases shall be paid a consolidated remuneration of Rs. 10,000/- (Rupees Ten thousand only) per month. (b) Assistant Government Pleaders appointed in the Senior Civil Judges' Court shall be paid a consolidated remuneration of Rs. 6,000/- (Rupees Six thousand only) per month. (c) Assistant Government Pleaders appointed in the Junior Civil judges' Court shall be paid a consolidated remuneration of Rs. 3,000/- (Rupees three thousand only) per month. (d) Special Counsels engaged in individual cases shall be paid fee as per Advocates Fees Rules. (e) Public Prosecutors in District and Sessions Courts shall be paid a consolidated remuneration of Rs. 8,000/- (Rupees eight thousand only) per month. (f) Additional Public Prosecutors in the Additional District and Sessions Courts shall be paid a consolidated remuneration of Rs. 7,000/- (Rupees Seven thousand only) per month. (g) Additional Public Prosecutors in Assistant Sessions Courts shall be paid a consolidated remuneration of Rs. 4,000/- (Rupees four thousand only) per month. (h) Special Public Prosecutors appointed in individual cases shall be paid remuneration at the rate of Rs. 100/- (Rupees one hundred only) per appearance per day. (i) Special Public Prosecutor appointed for all the cases in different Courts shall be paid remuneration on par with regular prosecutor. (j) Assistant Government Pleaders appointed in the Labour Courts shall be paid a consolidated remuneration of Rs. 3,000/- (Rupees three thousand only) per month.

20. Allowance.

- Law Officers attending the Government work before the Courts at other stations shall be paid Travelling Allowance and Daily Allowance on par with Grade-II Officers.

21. Bar to claim Additional remuneration.

- Any Law Officer who is paid consolidated monthly remuneration shall not be eligible to claim additional remuneration for discharging his duties in different Courts or arbitration.

22. Liaison work and Assistance.

(1) Each Secretariat Department and Each Head of Department shall designate a Senior Officer not below the rank of a Joint Secretary/Deputy Secretary or Joint Director respectively to act as a liaison officer with the Advocate-General, Additional Advocates-General, Government Pleaders and other Law Officers. (2) Each Secretariat Department and each Head of Department shall designate a Section Officer/Superintendent as in charge of legal and Court matters and that Section Officer/Superintendent shall regularly attend the High Court and Andhra Pradesh Administrative Tribunal and other Courts for assisting the Law Officers concerned for representing before the Courts and for obtaining and implementing the instructions of the Law Officer concerned regarding action to be taken in respect of such cases from time to time. (3) In every Government Office in the State, an officer should be designated as in charge of and responsible for all Legal and Court matters. Such officer should attend the Courts and be in touch with the Law Officers concerned whenever required and provide all assistance and information to the Law Officers required from time to time. (4) The Government Pleaders and Assistant Government Pleaders in the Subordinate Courts may be provided the assistance of a Stenographer/ Typist by the concerned Government Officer in respect of their cases whenever required.

23. Validity of certain Acts.

- Consequent upon the suppression of the Executive Instructions issued in G.O.Ms.No. 57, Law, dated 16-3-1990, - (a) the Law Officers existing on the date of issue of these rules shall be continued until expiry of their term; and (b) the panel of advocates sent under the said instructions for the appointment of Law Officers and are pending for consideration of the Government as on the date of issue of these rules, shall be valid and deemed to have been sent under the provisions of these rules.