

General Instructions for the Appointment and Tenure of the Law Officers of the State in the Supreme Court and High Court of Uttarakhand, 2016

UTTARAKHAND

India

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Rule

GENERAL-INSTRUCTIONS-FOR-THE-APPOINTMENT-AND-TENURE-O of 2016

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General Instructions for the Appointment and Tenure of the Law Officers of the State in the Supreme Court and High Court of Uttarakhand, 2016Published vide Notification No. 53/36(1)/2016-1-4-J/2002, dated 10.2.2016, published in the Uttarakhand Gazette, Extraordinary, Part 4, Section (Kha), dated 10.2.2016, pp. 4-6The powers conferred by Para 4.02, 5.02, 6.02, 10.01 and 10.02 of the L.R. Manual and in supersession of rail previous instructions/orders issue on the subject, the Government, is pleased to issue the following general instructions regulating the appointment and tenure of the Law Officers of the State in the Supreme Court and the Uttarakhand High Court.

1. Short title and commencement.

(1)These General Instructions may be called the General Instructions for the Appointment and Tenure of the Law Officers of the State in the Supreme Court and High Court of Uttarakhand, 2016.(2)It shall come into force at once.

2. Definition.

- Additional Advocate General, Deputy Advocate General, A.O.R.-cum Standing Advocate, Panel Advocate etc. whatever so called in any name as Law Officers of the State in the Supreme Court and

Senior Additional Advocate General, Additional Advocate General, Deputy Advocate General, Government Advocate, Additional Government Advocate, Deputy Government Advocate and Assistant Government Advocate on the criminal side, and Chief Standing Counsel and Standing Counsel on the Civil side, whatever so called in any name as Law Officers of the State in the High Court at Nainital, Uttarakhand is included in the Law Officers appointed by the State Government.

3. Eligibility.

- A Legal Practitioners eligible for appointment as Law Officers whatever so called in any name for State in the Supreme Court and High Court at Nainital, Uttarakhand, the following eligibility is (sic a) must, namely -

SI. No.	Name of post of the Law Officers	Eligibility
Supreme Court:		
1.	Additional Advocate General	Has been minimum 10 years legal practitioner in the Supreme Court and designated as Senior Advocate by the Supreme Court or any High Court.
2.	Deputy Advocate General	Has been minimum 10 years legal practitioner in the Supreme Court.
3.	A.O.R. cum Standing Advocate	Passed examination conducted by the Supreme Court and 10 years experience.
4.	Senior Panel Advocate	Has been minimum 7 years legal practitioner in the Supreme Court.
5.	Panel Advocate	Has been minimum 5 years legal practitioner in the Supreme Court.
High Court:		
1.	Senior Additional Advocate General	Has been minimum 10 years legal practitioner in the High Court and designated as Senior Advocate by the High Court.
2.	Additional Advocate General	- do -
3.	Deputy Advocate General	Has been minimum 10 years legal practitioner in the High Court.
4.	Chief Standing Counsel	- do -
5.	Government Advocate	- do -
6.	Additional Chief Standing Counsel/Standing Counsel	- do -
7.	Assistant Government Advocate	Has been minimum 7 years practitioner in the High Court.

8. Brief Holder Has been minimum 5 years practitioner in the High Court.

Note. - 1. In the matters where legal practitioner does not complete requisite period of legal practice in the Uttarakhand High Court, the Government may in aforesaid cases, consider the legal practice carried out in the District Courts by the legal practitioner before the creation of Uttarakhand High Court, wherever necessary.

2. Tenure of the post of legal remembrancer or of judicial officer in any office/body of the State Government may be counted in the eligibility of the said law officers.

4. Appointment.

- Yet no age limit is fixed for the appointment as a Law Officer however the State Government wherever is necessary may appoint as a Law Officer to any eligible legal practitioner with the consideration of the Chief Justice or Advocate General of the High Court. The all appointments to be in the posts of Law Officers shall be notified in the Official Gazette (sic). The admissible fee etc. to the Government Advocate shall be determined by general or special order of the State Government.

5. Age and Health.

- The maximum age limit shall be 67 years for the appointment as a Law Officer which may be extended for a three years who is fit as a physical and mental health (sic).

6. Tenure.

- The appointment of any legal practitioner as a Law Officer is only a professional engagement terminable at will on either side and accordingly the State Government reserve the right to terminate the engagement of any Law Officer at any time without assigning any cause, and subject to this right, Law Officers shall ordinarily be appointed for a term of one year in the first instance, which may be renewed for a period not exceeding two years at a time.