

महानिदेशालय  
केन्द्रीय औद्योगिक सुरक्षा बल  
(गृह मंत्रालय)

ब्लाक 13, सीजीओ कॉम्प्लैक्स,  
लोधी रोड, नई दिल्ली 03.

V-14014/Counsel Bill/L&R/2019/ 3938

Dated: 05 Dec 2019

To

SDG, APS and ADG North.  
All Sector IsG (including Trg Directorate FHQrs & Director NISA)

Subject : -Delay in payment of fee bills to Central Government Counsels and non intimation of bill payment or deduction of TDS from bills.

Enclosed please find herewith copy of LMO(LMU)MHA msg dated 15.11.2019 along with MOL&J DO letter dated 07.08.2019, dated 01.11.2019 and MHA (Coord.III) Office Memorandum No. I-24011/08/2017-Coord.III dated 11/13.11.2019, receipt of which may be acknowledged.

02. It is requested to direct all the concerned DDO/HOO to adhere the instructions therein in letter and spirit to avoid any complication at later stage.

Encls: As above

*[Signature]* 5/12/19  
सहायक महानिरीक्षक/विवनि

Subject: Delay in payment of fee bills to Central Government Counsels and non intimation of bill payments or deduction of TDS

RS

(196)

To: hqdgariawbranch@gmail.com, "dislit.bsf" <dislit@bsf.nic.in>, diglandr <diglandr@cisf.gov.in>, "partap diglaw.crp" <diglaw@crpf.gov.in>, "DIG (JAG)" <digjag@itbp.gov.in>, additionalljaglitigation@gmail.com, GROUP COMMANDER JUDGE ATTORNEY GENERAL <gcjag@nsg.go

Cc: comdt jag <comdtjag@itbp.gov.in>, aiglandr <aiglandr@cisf.gov.in>

Date: 11/15/19 05:45 PM

From: SECOND IN COMMAND LMU P II Division <smu-11ma@snv.in>

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Yas nra  
JK

Respected Sir/Madam,

Office Memorandum No. I-24011/08/2017-Coord.III(Vol.II) dated 13th Nov. 2019 of CIC Division, MHA is attached herewith for information and further compliance please. It is requested to ensure prompt settlement of Central Govt. Counsel fee bills. Further details of payment and TDS may also be communicated to concerned CGC please.

Regards

Legal Monitoring Officer



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SURESH CHANDRA

विधि सचिव  
Law Secretary



भारत सरकार  
विधि और न्याय मंत्रालय  
विधि कार्रवाई विभाग  
GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS

7<sup>th</sup> August, 2017

D.O.No.J-12012/13/2017-Judl  
Dear Secretary,

It has been brought to my notice that there have been instances of inordinate delay in settlement of counsel fee bills, resulting in avoidable grievances from the counsel on various fora, including filing of petitions before the Courts by the counsel concerned.

2. Two such cases have been filed in the High Court of Punjab & Haryana, in which the Hon'ble High Court has taken a serious view in the matter and observed as under:

"A larger question also arises whether in the eventuality, bills are cleared by the Government department/public sector undertakings after inordinate delay, appropriate interest/penal interest is required to be paid; whether non-payment of fee bills amounts to infringement of right to life and livelihood; whether in such cases responsibility of the concerned officials is required to be fixed and interest/penal interest is liable to be deducted from the salary of such officials."

3. While the matter is now listed for 9<sup>th</sup> August 2017, in the meanwhile, the Hon'ble High Court has directed the Assistant Solicitor General of India, *inter alia*, to seek instructions regarding the status of pending bills and whether any policy can be framed for settling this issue once and for all.

4. This Department has in the past issued guidelines, wherein all the Ministries/Departments have been requested to ensure prompt payment of fee to the counsel (OM No.34(1)/2010-Judicial dated 9.12.2010). It is felt that if there is an inordinate delay in the settlement of counsel fee bills, Courts may come down heavily on the Government thereby inviting harsh strictures and directions.

5. I shall be grateful if you can sensitize your officers that settlement of counsel fee bills are prompt and within a reasonable time, in any case not beyond a month's time from the date of submission of bills by the counsel concerned. It is also requested that if any officer is found negligent in processing counsel fee bills, the administrative Ministry may consider taking appropriate action against him/her in accordance with the rules.

6. I shall be grateful if these instructions can be brought to the notice of all Departments/PSUs under your administrative control.  
With regards,

Yours sincerely,

(SURESH CHANDRA)

Secretaries to all Ministries/Departments  
Copy to All:

- i) Additional Solicitor General of India
- ii) Assistant Solicitor General of India
- iii) Nodal Officer, LIMBS

(R K Srivastava)  
Deputy Legal Adviser

194  
S. D. SANJAY  
ADDITIONAL SOLICITOR GENERAL OF INDIA  
PATNA HIGH COURT

एस. डी. संजय  
अपर महाध्यातिसिटर, भारत  
पटना हाई कोर्ट



Patna High Court  
Court of First Instance in Patna

Ref. No. 154/2019-20.

Date: 01.11.2019.

Dear Sir,

I have to bring to your kind notice that Central Government Counsels in the Patna High Court are making following grievances :-

1. Non payment or delay in payment of the fee bills from various departments for which they represent in the Patna High Court or Central Administrative Tribunal.
2. Second grievance is that the payment of fee bills are directly transferred in the accounts without any intimation to them as to which bill is being paid against which case the payment has been made.
3. The third grievance is about non deduction of TDS or no intimation about deduction of TDS from bills which creates problem to the counsels.

It may be noted that the counsels after the disposal of the case in the Patna High Court are required to send their bills along with copy of the order of the Hon'ble High Court to the department after getting the same scrutinized by me and after my counter signature so that no incorrect bills are submitted. For many times because of delay the bills get lost in the department and thereafter counsel does not get payment. The e-payment system has been made for its effectiveness and transparency but unfortunately no narrative is mentioned and, therefore, the payee does not know from the payment has been transferred in the bank account, the payment is if on account of fees for appearance then there is no trace that it is against which fee bill or against which case. Further, TDS is also not deducted on any occasions or no intimation is send about deduction of TDS even when it is deducted creating problem while filing their I.T. Return. It is becoming source of frustration for the lawyers (C.G.C.).

Office/Residence: For All Correspondences

205 Venkatesh Apartment, 2nd Floor, Budh Marg, Near Land Development Bank, Patna-800001  
Telefax- 0512-2504117, 0512-2234409, 9835024488, P.S. Mob - 9304034838

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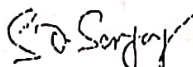
193

CONTINUATION SHEET

Earlier, the problem of delay in payment of fee bill was taken up by the Law Secretary who wrote a DO letter dt. 07.08.2017 addressed to all the Secretaries of all the departments of Government of India. Still the same problem persists and the additional problem of no trace of the source of payment has also added with the problem of delay in payment. (Copy enclosed).

It is requested to please take up this matter at your end and all the Central Government Counsels including myself will be grateful if some policy instruction is issued for all the departments of Government of India to ensure settlement of fee bills at the earliest within some time frame from the submission of the bills and also to incorporate in the instruction that all the departments should send intimation either on mail or otherwise intimating the counsels including my office that the payment is being made against a particular bill number with respect to a particular case number of their department for which the bill was submitted. The department should indicate about the deduction of TDS in the communication.

Thanking you,

  
[S. D. Sanjay]

To  
The Cabinet Secretary,  
Government of India,  
Cabinet Secretariat,  
Rashtrapati Bhavan, New Delhi.

Copy to : Secretaries to all Ministries/Departments.

Off/Residence: For All Correspondences

205 Venkatesh Apartment, 2nd Floor, Budh Marg, Near Land Development Bank, Patna-800001

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2

No. I-24011/08/2017-Coord.III(Vol.II)  
Government of India  
Ministry of Home Affairs  
CIC Division  
(Coordination III Section)

North Block, New Delhi  
Dated the 11<sup>th</sup> November, 2019  
1376

Office Memorandum

Subject: Delay in payment of fee bills to Central Government Counsels and non intimation of bill payments or deduction of TDS from bills.

The undersigned is directed to enclose herewith a copy of a D.O. letter dated 1.11.2019 from Additional Solicitor General of India, Patna High Court addressed to the Cabinet Secretary on the above subject and to say that Coordination Wing has sensitized all the Divisions from time to time the instructions received from Ministry of Law and Justice and also the orders of Hon'ble High Court of Punjab and Haryana in the matter.

2. In view of the issues raised in the enclosed D.O. letter, all Divisions are requested to ensure that:

- i) Prompt settlement of Central Govt. Counsel fee bills are done (in no case more than one month) as per the instructions of Ministry of Law & Justice.
- ii) Details of the payments (vis-a-vis the Bill Numbers) /Copy of the fee bill sanction order be properly communicated to the Central Govt. Counsel, preferably in the endorsement of the Sanction Order itself (also specifying the email ID wherever possible).
- iii) TDS if any deducted should also be communicated to the concerned Central Govt. Counsel.

3. Attention is also invited to the recent O.M. No.I-24011/12/2019-Coord.III dated 17.10.2019 (available in e-office) where it has been conveyed that the nodal officer of the concerned Division shall be made responsible for any delay in settlement of Central Govt. fee bills.

Encl. : As above

*Renu Suri*  
(Renu Suri)

Under Secretary to the Government of India  
Tele.23094435  
Email: [usc3-mha@nic.in](mailto:usc3-mha@nic.in)

To,

1. AS(UT)/AS(JKL)/AS(PM)/AS(F)
2. All Joint Secretaries in MHA
3. RG&CCI
4. All Local Administrators of LIMBS of MHA

Copy also to :

1. Principal CCA (Home).
2. The Pay & Accounts Office (Sectt), 2/10, Jamnagar House, Man Singh Road, New Delhi.
3. DDO, Cash-I Section, MHA, NDCC-II Building, New Delhi for necessary action in view of para 2(iii).
4. SO(IT) with the request to upload the O.M. in e-office notice board.

*Hy*  
11/11/19