

No. 2/23/2017-5JJ(I)

18290

17-10-2017

From

The Additional Chief Secretary to Government,  
Haryana, Administration of Justice Department.

To

1. All the Additional Chief Secretaries/Financial Commissioners & Principal Secretaries/Commissioner & Secretaries of the Government of Haryana.
2. All the Head of the Departments, Haryana.
3. All the Deputy Commissioners in Haryana.
4. The Registrar, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar, Ch. Devi Lal University, Sirsa and Bhagat Phool Singh Mahila Vishav Vidyalya, Khanpur, Sonapat.
5. All the Managing Directors/Chief Administrators of Boards/Corporations/State Public Sector Undertakings.

Dated Chandigarh, the 20.09.2017

Subject: CWP No. 8086 of 2013-Indu Mehta Vs. Union of India and Ors.-  
Inordinate delay in the settlement of fee bills of counsels.

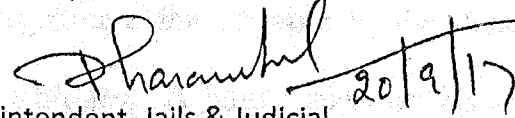
I am directed to refer to the subject noted above and to say that, it has come to the notice of the Government that in many cases, bills of counsels fee are cleared by the Government Departments/Public Sector Undertakings after inordinate delay. The Hon'ble Punjab and Haryana High Court has taken a serious 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 undertaking 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"

A copy of the order dated 07.07.2017 is enclosed.

2. You are therefore requested to sensitize your officers that the settlement of counsel fee bills are prompted within a reasonable time, in any case not beyond a month's time from the date of submission of bills by the counsel concerned.

3. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials in accordance with the Rules.

 20/9/17

Superintendent, Jails & Judicial,

for Additional Chief Secretary to Government, Haryana,  
Administration of Justice Department. 2

17/10/17  
PA/OA



18/10/17

JD(A)  
23/10

ADMP

24/17

SE-III

24/10/17

A-5

## INDU MEHTA VS UNION OF INDIA AND OTHERS

Present: Mr. Kapil Aggarwal, Advocate,  
for the petitioner(s).

Mr. Rajesh Katoch, Advocate,  
for respondents No.3 and 4.

Mr. Chetan Mittal, Sr. Advocate,  
with Mr. Varun Issar, Advocate,  
for UOI.

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Petitioner's husband was a Senior Standing Counsel for the Income Tax Department. Admittedly, he conducted number of cases on behalf of department. Unfortunately, the counsel died on March 18, 2013. Stand the petitioner is that during his lifetime, payment of most of the bills submitted by the counsel were not cleared. After his death, his wife discovered that bills were not cleared by the department. When alive, Advocate had moved several applications to the Department for clearing bills but the department kept on harassing the family. Despite being afflicted by a brain tumor, he kept on discharging his duties as a counsel for department, but his plea for payment of fee bills fell on deaf ears. Petitioner has invoked the writ jurisdiction of this court seeking a direction to department to clear the bills with interest @ 24%. According to counsel family has been deprived of the legitimate fee payable to the department. Action of the department is, thus, arbitrary. 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

CWP-8086-2013

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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.

To come up for further hearing on 24.7.2017. Notice bearing No. 20902-2-1052/E-III(5) issued to Advocate General, Punjab, Advocate General, Haryana as standing counsel for U.T. Chandigarh, who may assist the court on the adjourned date.

(RAJAN GUPTA)  
JUDGE

July 07, 2017  
Sukhpreet/Rajpal

DIRECTORATE OF AGRICULTURE & FARMERS WELFARE, HARYANA, PANCHKULA

Endst.No. 20902-2-1052/E-III(5)

Dated: 02.11.2017

A copy of the above is forwarded to the following:

1. All Addl. Directors/ Joint Directors
  2. Supdt./Dy. Supdt. Esstt.-I, II, III & IV
  3. All Head of Section
  4. All Deputy Directors, Agriculture and Farmers Welfare Department, Haryana
- for information and necessary action.

*M. Parth*  
Assistant Director (Admn)  
for Director, Agriculture & Farmers Welfare  
Department, Haryana

CC:- Computer Programmer for upload on the Departmental Web-site