

**PANJAB UNIVERSITY CHANDIGARH**  
**(Legal Cell)**

No. D-LC1/24/1-100

Dated: 04.03.2024

**CIRCULAR**

From

Senior Law Officer  
Legal Cell  
Panjab University  
Chandigarh.

To

1. The Chairperson/Head/Director of all the University Teaching Departments/Institutes and all the Co-ordinators of the Institute of Emerging Areas in Science and Technology and Social Sciences, Panjab University, Chandigarh.
2. The Chairperson, V.V.B.I.S. & I.S., Sadhu Ashram, Hoshiarpur.
3. The Director, P.U. Regional Centre, Sri Muktsar Sahib.
4. The Director, P.U. Regional Centre, Ludhiana.
5. The Director, S.S. Giri P.U. Regional Centre, Hoshiarpur.
6. The Director, P.U. Rural Centre, Kauni, Sri Muktsar Sahib.
7. The Principals, P.U. Constituent Colleges.
8. F.D.O.
9. S.V.C.
10. D.R. (General)
11. D.R. (Estt.)
12. A.R. (D.U.I.) Office
13. A.R. (Estt.) (Non-teaching)
14. P.A. to Registrar
15. ACLA/DCLA
16. All sets of Estt. Branch-I

Sir/Madam,

The Syndicate vide Para 10 dated 08.07.2023 has approved the following guidelines for payment of legal fee to advocates:-

1. The payment of Legal fee to the concerned advocate/counsel to whom the respective case is marked shall be done in two stages i.e.  
(i) 80% on filing of reply/petition, as the case may be, in the concerned case and (ii) balance 20% on final disposal of the case and submission of certified copy of the final order.
- 2 & 3. Any Advocate (who has been entrusted a case in any Court of Law on behalf of Panjab University) leaves the case during its pendency on resigns from the panel (due to any reason) then after the case is entrusted or marked to any new Counsel/Advocate, then the new counsel/advocate so appointed shall be entitled to the legal fee as follows:
  - (i) If the previous counsel has already filed reply/petition/appeal and claimed 80% of the fee, then, the new counsel/advocate shall be paid 50% of the total fee.
  - (ii) If the previous counsel has neither filed reply nor claimed any legal fee, then, full fee shall be paid to the new counsel/advocate.
4. In important cases having far reaching implications for the University or where high stakes of the Institution are involved, the

Vice-Chancellor may appoint more than one advocate to Prosecute/defend that case effectively before the concerned court of law/forum. In that case, both the advocates shall be allowed prescribed fee individually.

5. Vice-Chancellor may allow travel expenses to the Advocate so appointed as per the approved rates of the University to travel by his/her own car/taxi. In case, the advocate so appointed travel by train he/she may be allowed the fare of executive class to and fro journey. In case, the advocate so appointed has to stay in New Delhi prior to the date of hearing he/she may be allowed fixed lump sum boarding and lodging expenses of Rs. 2500/- per night on production of bill.

The copy of Para 10 of the Syndicate dated 08.07.2023 is enclosed herewith.

*Sandeep Chopra*  
Senior Law Officer

Encl: As above.

Copy to: F.D.O.

PANJAB UNIVERSITY, CHANDIGARH  
(Estd. Under the Panjab University Act VII of 1947)

LC 1/23/2128  
3/8/23

**IMPORTANT:** Please send the Report regarding the Action Taken on the following Para on the enclosed proforma, which must reach Deputy Registrar (General) within **SEVEN DAYS** from the date of despatch. **This may be treated as MOST URGENT as the Vice-Chancellor has taken a serious view on the non-availability of the Action Taken Report.**

Copy/Extract of the Paragraph 10 from the minutes of the meeting of ~~SYNDICATE/SENATE~~ held on 08.07.2023.

10. Considered minutes of the Committee dated 17.03.2023 (**Appendix-**), constituted by the Vice-Chancellor with regard to the observations raised by the office of the ACLA and to frame guidelines for payment of legal fee to the Advocates.

Dr. Mukesh Arora said that it has been recommended by the Committee that if the counsel leave the case after filing the reply/petition/appeal, 80% of the fee be paid to him/her. According to him, major work is done by the advocates after filing the reply/petition as he/she has to go to the Court for arguing. If an advocate leave the case deliberately, would he/she be debarred for some time? The Committee has further recommended that if an advocate had to go to Delhi, he/she would be allowed the fare of executive class for to and fro journey. So far as senior advocate is concerned, he has no problem, but some time the senior advocate sent his junior, who should not be allowed to be paid executive class fare, because executive class fare is permissible only to the Professors whose Grade Pay is Rs.10,000/-.

Professor Jatinder Grover said that, as pointed out by Dr. Mukesh Arora, the junior advocate deputed by the senior advocate to visit Delhi relating to a case, should not be made eligible for executive class fare. Referring to the recommendation of the Committee that the advocate be paid 80% of the fee after filing the reply/petition/appeal, he said that under Government of India norms only 25% to 35% fee is released to the advocate on filing the reply/petition/appeal and on the disposal of the case, the advocate is paid 75%/65% of the fee. But the Committee has recommended opposite, i.e., 80% on filing the reply/petition/appeal and 20% on completion. The Committee has also recommended that if the previous counsel has already filed reply/petition/appeal and claimed 80% of the fee, the new counsel shall be paid 50% of the fee. Meaning thereby, they are paying 130% fee in such cases.

Professor Shiv Kumar Dogra suggested that 50% of the fee should be paid on filing the reply/petition/appeal and the remaining 50% on completion of the case.

Professor Gurmeet Singh pointed out that it has been recommended that in case, the Advocate so appointed has to stay in New Delhi, one day prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expenses of Rs.2500/- per night. He suggested that these boarding and lodging expenses should be allowed on production of bills. Hence, this recommendation should be corrected to read as 'in case the Advocate, so appointed has to stay in New Delhi, one day prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expenses of Rs.2500/- per night on production of bills'.

Continuing, Professor Gurmeet Singh said that confusion in allowing fare of Executive Class to the advocates might has been got created amongst the members, because there is lot of difference between Executive Class and Economy air fare. However, there is not much difference in train fare, i.e., Shatabadi Express.

Professor Jatinder Grover clarified that even Executive Class train fare is not permissible to the Associate Professors and Assistant Professors.

Dr. Dinesh Kumar stated that the Committee was constituted by the Vice Chancellor to find solutions to the objections raised by the Audit Department on the bills of the Advocates. The Committee had tried to address to the objections raised by the Audit. So far as fee to the Senior Advocates is concerned, the University paid a fee of Rs.12,000/- per case to the Senior Advocates and on a fee of Rs.12,000/- none of the Senior Advocate could be hired. Moreover, the Senior Advocate never filed the case and this could be vouched by Shri Lajwant Singh Virk. If a Senior Advocate is to be hired, with him a Junior Advocate has to be hired. In

Dr. Dinesh Kumar said that at the moment, about 1400 cases are filed against the University in the Courts and about 4-5 cases relating to extension in age of superannuation of teachers got added every month. Fee is to be paid to the advocates for each and every case.

Professor Jatinder Grover said that though money did not matter, either the Professors, who are allowed to travel by economy class, should also be allowed executive class fare or the advocates should also be not allowed the executive class fare.

Professor Devinder Singh said that a Committee, of which he is a member, has already been constituted to consider all these points which are being raised now. Now, two views have emerged - (i) that Senior Advocates should be engaged; and (ii) two advocates should be engaged for defending important cases. He assured that all the points, which have been raised by the members, would be considered in the meeting of the Committee. However, he would like to tell them to engage advocate, is a matter of trust. They could themselves see that if the Chief Minister of Punjab got changed within period of two months, the Advocate General is also got changed simultaneously. Only those advocates should be appointed, who have good rapport with University. Citing an example, he said that the newly elected Himachal Pradesh Government appointed a young advocate as an Advocate General, who has not yet been designated as Senior Advocate, which proves that to appoint advocate, is a matter of trust.

Dr. Dinesh Kumar suggested that the last recommendation, "In case, the Advocate so appointed has to stay in New Delhi prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expensive of Rs.2500 per night" should be amended as "In case, the Advocate so appointed has to stay in New Delhi prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expensive of Rs.2500 per night on production of bill."

Shri Lajwant Singh Virk said that the mandate of the Committee was to remove the objections raised by the Audit Department. Hence, as of now, the recommendations of the Committee should be approved.

Dr. Harpreet Singh Dua pointed out that the Advocates and Senior Advocates of the University did not fight cases of the University for money. In fact, some of them are alumni of the University. Even though the Advocates of the University are paid less, but sometimes they proved better in the Court than their counterparts who charged a fee of Rs.1 lac per hearing. At certain points of time, they made special requests to Shri Anupam Gupta to represent the University and he agreed & represented the University in the Court.

The Vice Chancellor said that this is not the mandate of this Committee.

Dr. Harpreet Singh Dua said that, as said by Shri Lajwant Singh Virk, if the mandate of the Committee is only to take care of the Audit objection, then it is okay.

The Vice Chancellor said that the mandate of the Committee is to take care of the Audit objections only.

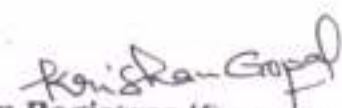
**RESOLVED:** That the recommendations of the Committee dated 17.03.2023, as per Appendix, be approved with the stipulation that the last line of recommendation 5 be modified as "In case, the Advocate so appointed has to stay in New Delhi prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expensive of Rs.2500 per night on production of bill."

Professor Jatinder Grover recorded his dissent on allowing the executive class fare to Junior Advocates.

No. S/O. 6534

Dated: 02/08/2023

Copy forwarded to the following for information and necessary action to inform all concerned:

  
Deputy Registrar (General)

S.L.O (with file).

Proceedings of Syndicate Meeting dated 08.07.2023

fact, the Junior Advocate filed the case and the same is argued by the Senior Advocate in the Court. Furthermore, even the Retainers of the University are not designated as Senior Advocates. It is not possible for the University to afford Senior Advocates. So far as payment of 80% or 50% of the fee to the advocate on reply/petition/appeal is concerned, 50% of the amount meant Rs.6,000/-, on which even a Munshi could not be hired in the High Court. The main work is only filing of reply/petition, thereafter, the case is to be argued. Such an incident occurred only in rarest of the rare case, as till date none of the advocate had left the case in between. They had just addressed the objection raised by the Audit. Only those advocates had left the case, who got elevated as Judges, and even those cases were taken care of by their juniors.

Continuing, Dr. Dinesh Kumar said that so far as permission of executive class fare to the Advocates is concerned, only in few cases the advocates go to Delhi. As pointed out by Professor Gurmeet Singh, there would not be much difference between executive class and economy fare. Moreover, they are already allowing the advocates to travel by his/her own car/taxi. In nutshell, he said that the Committee had addressed to the objections raised by the Audit.

Principal R.S. Jhanji clarified that the Committee had just split the fee to be paid to the advocates just to settle the Audit objection and had not recommended any increase in the fees.

Dr. Dinesh Kumar said that normally, a case took 10 years time to get settled. There would not be any advocate, who would leave the case after filing the reply/petition.

Principal R.S. Jhanji said that, tomorrow they have to enhance the fee to be paid to the advocates.

Dr. Mukesh Arora said that it is being reasoned that it is not possible to hire an advocate at a meagre fee of Rs.12,000/- per case. He had suggested a name of a person for appointment as advocate in some of the meetings of the Syndicate, but he has not been appointed, whereas it is being pleaded that it is not possible to hire an advocate at a fee of Rs.12,000/-. He had given the application of a candidate, who had topped from a University of Bangalore. He would again submit the application of the candidate for appointing as a Lawyer. The candidate should be appointed if found meritorious.

Shri Lajwant Singh Virk observed that the Committee had addressed to the major concerns, but fee to be paid to the advocates also needed to be enhanced. The points taken care of by the Committee were relevant, but not as important as fee, which is required to be paid to the advocates. A proposal for payment of a fee of at least Rs.25,000/- per case should be brought in for consideration by the Syndicate. So far as authorization to Vice Chancellor for engaging/appointing two advocates is concerned, it should be allowed only if Senior Advocate is required to be engaged/appointed, for which a minimum fee of Rs.50,000/- should be fixed. If they feel that the advocate engaged/appointed is not competent or belonged to the particular area and another advocate is required to be appointed, why he/she has been appointed? However, if they feel that this particular case is a complicated one, only then a designated Senior Advocate should be engaged.

On a point of order, Dr. Dinesh Kumar said that the practice of appointing more than one advocate was started, when the petitions relating to Senate Election were filed, in which the Chancellor was also made a party. In those petitions, Shri Satya Pal Jain was representing the University from the Chancellor's side.

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whereas other advocates were representing the University. When the bills of Shri Satya Pal Jain were received by the University and processed for payment, the Audit raised objection and asked in what type of cases the University needed to hire two advocates. This Committee was appointed by the Vice Chancellor to settle the Audit objections. The Committee made its recommendations point-wise and the recommendations of the Committee have been placed before the Syndicate for consideration and approval, so that these issues are resolved for all times to come. He added that they could themselves see that the University did not hire more than one advocate in majority of the cases.

Shri Lajwant Singh Virk said that so far as payment of 80% of the fee on reply/petition/appeal is concerned, first of all, in Government institutions, such a practice did not exist. Moreover, in Government institutions such a meagre fee of Rs.12,000/- is not paid to the advocates. Citing an example, he said that in U.T. Administration, a fee of Rs.25,000/- is being given, and after filing the reply, 1/2<sup>nd</sup> of the fee is paid. According to him, the recommendations of the Committee needed to be amended and the fee is to be raised to minimum of Rs.25,000/- per case. Thereafter, they did not need to pay 80% of the fee to the advocates after filing of reply; they should follow the norms of the UT Administration or Government of India on this issue.

On a point of order, Dr. Dinesh Kumar said that so far as the suggestion given by Shri Lajwant Singh Virk is concerned, another Committee has been constituted by the Vice Chancellor comprising Shri Lajwant Singh Virk, he himself (Dr. Dinesh Kumar) and Professor Devinder Singh as Chairman. The recommendations of the Committee were placed before the Syndicate in its previous meeting. In fact, they had decided in the meeting that the issues relating to revising fee to be paid to the advocates and appointment of Legal Retainers would be decided in the next meeting, but the panel of advocates was approved. They would discuss these issues when the recommendations of the Committee relating to aforesaid issues would be placed before the Syndicate. In this, the main recommendation of the Committee is that 80% of the fee should be paid to the advocates on filing of reply/petition/appeal and if they wanted to make it 50% or less, they could do so.

Dr. Mukesh Arora said that the fee of advocates certainly needed to be enhanced, but if any of the advocates deliberately leave the case after filing the reply and claiming 80% of the fee, he/she should at least be debarred for a year.

Professor Devinder Singh said that he had also a member of this Committee for about 10 years as now Dr. Dinesh Kumar is. On the issue of leaving the case by the advocates, he would like to say that none of the advocates leave the case. But recently, Shri Gupta, advocate, who resides at Panchkula, returned some files saying that now his age do not permit him to continue. In those 10-15 cases, where 80% of the fees had been paid to him, new advocates had to be appointed. Perhaps, the Audit had raised the objection as to how fee could be paid to these advocates as 80% of the fees had already been paid to Shri Gupta.

Professor Shiv Kumar Dogra said that it is good that they are retaining the advocates, because it is true that none of the advocate would be ready to work merely on a fee of Rs.12000/- per case. In certain cases relating to service matters, the University needed to hire Senior Advocates, for which the Vice Chancellor is authorized to appoint Senior Advocate. He also suggested that the fee to the Senior Advocates should be paid as is being paid by the Central Government. He is not talking about Panjab University. All other universities are making payment to the Standing Counsel as per the norms of the Central Government. In certain cases, the Standing Counsels have to be paid a fee of Rs.1 lac per hearing and sometime more.

**AGENDA ITEM 10**

To consider minutes of the Committee dated 17.03.2023 (**Appendix-IX Pages 54-55**), constituted by the Vice-Chancellor with regard to the observations raised by the office of the ACLA and to frame guidelines for payment of legal fee to the Advocates.

**(Pages 54-55)**

**PANJB UNIVERSITY CHANDIGARH**

Minutes of the Committee constituted by the Vice-Chancellor to consider the observations raised by the office of ACLA and to frame guidelines for payment of legal fee to the Advocates was held on 17.03.2023 at 12.30 pm in the Office of Finance & Development Officer, Panjab University, Chandigarh.

**MEMBERS PRESENT:**

1. Professor Rajinder Kaur, UILS (Chairperson)
2. Dr. Dinesh Kumar, Department of Laws
3. Finance & Development Officer
4. Senior Law Officer (Convener)

Professor Rattan Singh could not attend the meeting.

The members were informed that during the processing the legal fee bills of the Advocates, the office of the ACLA has raised following observations:-

1. If the payment is made per case, then whether the payment of fee is made during the continuation of case or at the disposal of case?
- 2 & 3. If Advocate leaves/resigns during the case then whether he will get full payment or part payment?

&

What are the provisions for payment to the Advocate who resigns and to the Advocate who is appointed later?

4. For appointment of more than one Advocate for single case.
5. Regarding payment of travelling, boarding & lodging expenses to Advocates of Panjab University.

Since the existing rules/guidelines, were silent on the above referred observations, hence, the Hon'ble Vice-Chancellor has constituted this Committee to examine the above observations of the ACLA and to suggest appropriate recommendations. The matter was deliberated in detail and after detailed discussion, the members have ~~suggested~~ <sup>recommended</sup> the following point wise recommendations:-

1. If the payment is made per case, then whether the payment of fee is made during the continuation of case or at the disposal of case?

The payment of the Legal fee to the University Advocate is made per case. In case of a bunch matter, full fee is being paid in the main case and 1/3 fee is being made in each connected case. The University Advocate may adopt the reply filed in the main case in connected cases also. Normally, as per practice, the Advocates submit their legal fee bill/s during the continuation/pendency of the case(s) and the same are being processed accordingly.

After thorough deliberations, the Committee unanimously resolved to recommend that the payment of legal fee to the concerned Advocate/Counsel to whom the respective case is marked shall be done in two stages i.e. (i) 80% on filing of the reply/petition, as the case may be, in the concerned case and (ii) balance 20% on final disposal of the case and submission of certified copy of the final order.

- 2 & 3. If Advocate leaves/resigns during the case then whether he will get full payment or part payment?

&

What are the provisions for payment to the Advocate who resigns and to the Advocate who is appointed later?

Sandeep Chohan

*[Signature]*

*[Signature]*



After deliberating the matter threadbare, the Committee unanimously resolved to recommend that in case any Advocate (who has been entrusted a case in any court of law on behalf of Panjab University) leaves the case during its pendency or resigns from the panel (due to any reason) then after the case is entrusted or marked to any new Counsel/Advocate, then the new Counsel/Advocate so appointed shall be entitled to the legal fee as follows:

- (i) If the previous counsel has already filed reply/petition/appeal and claimed 80% of the fee, then, the new counsel/advocate shall be paid 50% of the total fee.
- (ii) If the previous counsel has neither filed reply nor claimed any legal fee, then, full fee shall be paid to the new counsel/advocate.

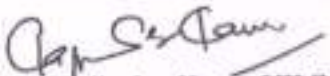
4. For appointment of more than one Advocate for single case.

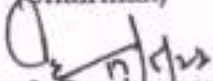
The Committee after deliberating upon the issue, unanimously resolved to recommend that in important cases having far reaching implications for the University or where high stakes of the institution are involved, the Vice-Chancellor may appoint more than one Advocate to prosecute/ defend that case effectively before the concerned court of law/forum. In that case, both the Advocates shall be allowed prescribed fee individually.

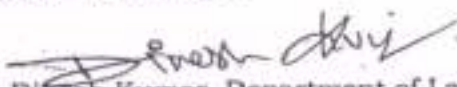
5. Regarding payment of travelling, boarding & lodging expenses to Advocates of Panjab University.

In case an Advocate has been appointed for defending some case before the Supreme Court of India, National Consumer Disputes Commission, New Delhi or any other court of law/forum at New Delhi, the Advocate appointed by the University has to travel from Chandigarh to New Delhi and back on each date of hearing and for doing so he/she has to bear expenses on account of to and fro journey. Sometimes, the Advocate so appointed has to reach New Delhi a day before the date of hearing and has to stay overnight and for the same he/she has to bear boarding and lodging expenses.

After thorough deliberations, the Committee unanimously resolved to recommend that the Vice-Chancellor may allow travel expenses to the Advocate so appointed as per the approved rates of the University to travel by his/her own car/taxi. In case the Advocate so appointed travel by train he/she may be allowed the fair of executive class to and fro journey. In case, the Advocate so appointed has to stay in New Delhi one day prior to the date of hearing, he/she may be allowed fixed lump sum boarding and lodging expenses of Rs.2500/- per night.

  
Professor Rajinder Kaur, ULS  
(Chairman)

  
Finance & Development Officer  
(Member)

  
Dr. Dinesh Kumar, Department of Law's  
(Member)

  
Sandeep Chopra  
Senior Law Officer  
(Convener)

Approved  
(Vice-Chancellor) 