

GOVERNMENT OF TAMILNADU

ABSTRACT

Suits-Writ Petitions, Special Leave Petitions etc. - On matters pertaining to Municipalities in which Government are impleaded as Party-Payment of fees to Law Officers-guidelines-prescribed-Orders-issued.

MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT

G.O.Ms.No.47

16806

Dated : 16.2.1996

READ:

From the Director of Municipal Administration
K.Dis.No.97352/92/R2, Dated 25.5.1994.

ORDER:

The Government are impleaded as a party in many Writ Petitions in High Court and Special Leave Petitions in Supreme Court and other suits in matters pertaining to the Municipalities. The fees sanctioned in such cases to Government Law Officers and others appearing and defending the Government are hitherto debited to the head of account relating to Municipal Administration and Water Supply Department of Secretariat (Vol.2251-00-090-I-AM). Such expenditure is one to be really borne by the Municipalities, since the Government are impleaded only because of the activities of the Municipalities. The Government have therefore decided to evolve a principle under which all such fee bills relating to Litigation of Municipalities in which Government are impleaded as a party shall be settled. The Director of Municipal Administration who was consulted on this has suggested the following principle for settlement of fees to Law Officers on matters relating to Municipalities.

(a) Cases against the Municipalities because of the activities of the Municipalities, impleading the Government and the Director of Municipal Administration:-

The Municipalities may bear the entire cost. If more than one Municipality is involved the cost of Litigation may be equally shared between Municipalities.

(b) Cases against Government or the Director of Municipal Administration because of the Policy decisions of the Government impleading the Municipalities also as respondents:-

The cost of Litigation may be met by Government. The Municipalities, if impleaded, can file only adoption counter.

(c) Cases against Government only, without impleading the Municipalities on General matters:-

The cost of litigation may be met by the Government.

(d) Cases against Municipalities, only, individually or in a combined manner:-

The cost of litigation may be met by the Municipalities either individually or collectively in equal share.

2. The Government accept the above suggestions of the Commissioner of Municipal Administration and direct that the fee bills relating to litigations of Municipalities be settled in future as in para 1 above.

3. These instructions will apply not only to fees for work done in Writ Petitions, Special Leave Petition's, Suits, etc. but also fees for preparation of draft counter affidavit, draft Special Leave Petitions, etc. and also, incidental expenditure.

4. The relevant bills will be forwarded by Government to the Municipalities for payment, marking a copy of the communication to the Law Officers making the claim.

5. This Order issues with the concurrence of Law Department and Finance Department vide its U.O.No.13101/95, dated 12.6.95 and 68078/Fin.(MA&WS)/95-1, dated 4.9.95.

//BY ORDER OF THE GOVERNOR//

J.T.ACHARYULU,
SECRETARY TO GOVERNMENT.

Office of the Commissioner of
Municipal Administration, Madras-5.

(Dndt.) RF.1/16626/96

Dated 26.3.1996.

Copy communicated.

Sd/-S.Jayaraman,
for Commissioner of Municipal
Administration.

To
All Municipal Commissioners,
All Officers Table,
All Superintendents
All drafting Asst./JA
Copy to: JD(A) SF2

//forwarded by order//

[Signature]
SUPERINTENDENT.

[Handwritten initials]
16/4/96