

**ANDHRA PRADESH HOUSING BOARD (APPOINTMENT AND
PAYMENT OF FEES TO THE COUNSEL) RULES, 1968**

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1. . :-

These rules may be called the Andhra Pradesh Housing Board (Appointment and payment of fees to the counsel) Rules, 1968.

2. . :-

The Chairman shall invite applications from persons who have been members at the Bar for not less than five years and shall submit a panel of names of persons suitable for appointment as Counsel to the Board for selection from panel provided that the Advocate so selected by the Board shall hold office for a period of three years which period may be extended by the Board for a further period not exceeding three years either at a time or in piecemeal. 2-A. (1) (2) The Counsel shall enter into an agreement with the Board in the form annexed to the rules. (G.O.Ms.No.89, Dt. 8 11 78.,

3. . :-

The Chairman with the approval of the Andhra Pradesh Housing Board (hereinafter called the Board) pay fees to the counsel appointed under Rule 2 by the Board for the purpose of appearing

on behalf of the Board in any court of law in accordance with the following scale: In civil cases or proceeding including those relating to execution proceedings, irrespective of whether the costs including fees are recovered by the Board from the other party or not, the fees shall be as the court may fix or if the amount fixed by the court is considered to be very high, such smaller amount as the Board may in its discretion determine under Rule 4 where no fee is fixed by the court, the fee shall be the regulation fee or such lower fee as the Board may determine.

Provided that one regulation fee shall be paid in a number of connected cases when the result is virtually determined by a single judgment, irrespective of whether any fee is fixed by the court or any fee is recoverable by the Board from the opposite party in each case. Provided further that one regulation fee payable according to the above proviso is the highest regulation fee payable for any single case in the batch. Provided also that in exceptionally difficult case, the fee shall be paid at such higher rate as the Board may determine. Provided also that the fees work in several categories of Writ Petitions, Writ Appeals, Supreme Court, Civil Miscellaneous Petitions etc., shall be as prescribed by the Government for their law officers.

4. . :-

In principle, the fee should be that amount, which can reasonably be paid to a fair compensation for the work turned out by the counsel. Where the fee fixed by the court is recoverable from the other party, it may originally be allowed unless it is considered high for valid reasons. Where only proportionate cost is recoverable from the other party or where a case is decided in favour of the Board a reasonable fee may be fixed keeping in view the nature of the case and the time spent thereon.

5. . :-

(1) The Chairman may with the approval of the Board pay fees to a counsel upto Rs.100 .

(a) In each case for the work done in examining records and for the services rendered out of court.

Provided that no suit or proceeding is instituted or defence entered in pursuance of such examination or of such services and where such suit or proceeding is instituted or defence entered, the total fees payable to the counsel for the work done in examining the

records, for service rendered out of court and for engagement in court shall not exceed Rs.100 of the fee payable under Rule 3 whichever is higher and;

(b) in each case in which the subject matter of the claim does not admit of valuation.

(2) The Chairman with the approval of the Board also engage another standing counsel for giving legal advice in connection with the affairs of the Board on payment of a retaining fee of not exceeding two hundred rupees per month.

6. . :-

The Chairman may with the approval of the Board, engage in exceptional cases any other counsel in a civil case.

7. . :-

Where the Government and the Board are both parties in a civil case in which the correctness of the survey of lands vested in the Board is in question and the interests of both are identical, the Board shall engage on its behalf only the counsel appointed on behalf of the Government. In such cases, the fee payable to the counsel shall be borne by the Government and the Board in the proportion of one third and two thirds respectively.

8. . :-

In a civil case, other than that mentioned in Rule 7, where the Government and the Board are both parties and their pleadings are similar, the Board shall engage on its behalf, only the counsel appointed on behalf of the Government. In such case, the fee payable to the counsel and any expenses increased after the proceedings on behalf of the Government and the Board become joint and in furtherance of such joint proceeding shall be borne by the Government and Board in equal shares.

9. . :-

(1) The Counsel appointed on behalf of the Government and the Board under Rules 7 and 8 shall be eligible to only one seat of fees payable by the Government under the rules governing his appointment. The said fee may however payable by the Housing Board to the counsel, subject to its right for reimbursement of the share payable by the Government under the rules.

(2) Where a single case was conducted by more than one Advocate

or Counsel, the fee payable to them shall be regularised in accordance with the provision in the Law Officers (Recruitment, conditions of Service remuneration) Rules, 1967.

10. The counsel of the Andhra Pradesh Housing Board shall be paid retainer fee at the following rates: :-