



212

CWP-8577-2022

-1-

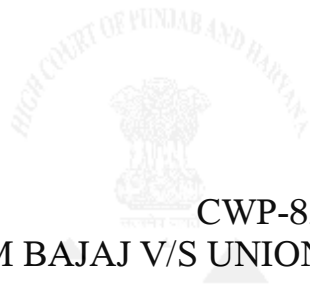
VIKRAM BAJAJ V/S UNION OF INDIA AND OTHERS

PRESENT Mr. H.C. Arora, Advocate,
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

Pursuant to the order dated 13.01.2023, Mr. Navrang Singh, the OIC (Legal), Armed Forces Tribunal, Legal Cell, HQ Western Command, Chandi Mandir, is present in the Court. He contends that some of the bills raised by the petitioner could not be processed on account of certain discrepancies pertaining to the stamp/signatures or dates thereupon and also for want of certified copies of the zimni orders for processing the said bills.

The present case highlights the grievances of the counsel representing the various Units of Armed Forces before various Forums/Armed Forces Tribunals. Having discharged their duties defending the interests of the Unit/the Army, bills are raised by the concerned counsel however, numerous petitions/representations have come forth before this Court where the concerned officials have not remitted the payment due to the Advocates on various obscure and immaterial objections. The matter of remittances remain pending for years together holding no valid explanations. With a view to avoid payment of any interest on the delayed remittances of the bills, the officials of the respondent indulge in pressurizing/coercing Advocates to submit fresh bills along with certified copies to be obtained afresh. The aforesaid process is adopted so as to portray as if the bill in question was never submitted or raised by the Advocate concerned earlier in point of time and had been raised for the first time only then.



212

CWP-8577-2022

-2-

VIKRAM BAJAJ V/S UNION OF INDIA AND OTHERS

This is a classic case where after having waited for the payments for nearly six years, the petitioner approached this Court giving details of more than 100 bills that had been submitted. He contends that the copies of the bills along with order sheets have been submitted over thrice, however, the OIC (Legal) merely returns the said bills on frivolities such as the same is not signed; the said bill is not stamped and/or the said bill is not dated. He contends that a bare perusal of the said bills would clearly show that such objections are invalid and *prima facie* do not exist on the record.

An additional objection was also raised by the respondents that the bills submitted now have become time barred and as such, the audit objection does not allow them to clear the said bills after a delay of two years.

The OIC (Legal) was directed to appear in Court in person. In compliance to the said order, he has entered appearance and submits that the requirements have been prescribed by the Audit and that they are only empowered to process the bills. They have no control over the payments to be remitted to the concerned counsel. A specific query was also posed to the OIC(Legal) as to whether any acknowledgement to the counsel is given at the time of the receipt of the bill or not. He has informed that there is no such mechanism in place at their office to hand over an acknowledgement to the counsel once he submits the bills. No valid explanation has also been put forth as to why the communication regarding the deficiencies in the bills had not been conveyed to the counsel expeditiously to enable them to remove the same. Apparently, the explanation put forth by the respondent



212

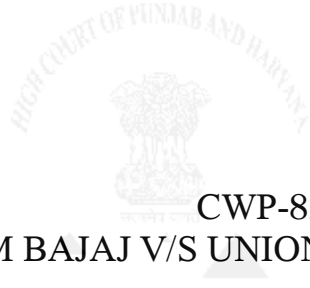
CWP-8577-2022

-3-

VIKRAM BAJAJ V/S UNION OF INDIA AND OTHERS

Authorities does not inspire any confidence especially when the counsel has specifically submitted that he has submitted the bills twice over. The same is not being processed since it is submitted as a duplicate bill and the Authorities insist on submission of fresh bill. It is further incomprehensible that the concerned Authority which is responsible for the marking the cases to the counsel to defend the interests of the Army, is not even aware as to whether the fee for defending the cases has been disbursed or not. A query was also posed to the OIC (Legal) as to who is the competent authority for clearance of the bills upon which he has feigned ignorance. Such a state of affairs is highly unacceptable. He, however, contends that as per his information the CDA, HQ, WC is the person responsible for ensuring the payments in question are released. Ordinarily this Court would not be inclined to summon officers, however, considering that there are nearly 50 such cases/applications in pending cases filed by Advocates claiming their fee and evasive response by the summoned junior officer, there is hardly any option left to explore. The CDA, HQ, WC shall also remain present in the Court on the next date of hearing along with the OIC (Legal), Armed Forces Tribunal, Legal Cell, HQ Western Command, Chandi Mandir. At the same time, taking into consideration the conduct of the respondent Authorities, I am of the tentative opinion that an exemplary costs of Rs.25 lakhs ought to be imposed upon the respondent-Authorities for their neglect and wilful delay in making payment to the petitioner-counsel.

Let the Authorities assign reasons for their failure in making timely payments failing which costs shall be imposed on them for undue harassment of counsel.



212

CWP-8577-2022

-4-

VIKRAM BAJAJ V/S UNION OF INDIA AND OTHERS

To come up for further consideration 26.05.2023.

April 21, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

