

civil

Section 320 in The Code Of Criminal Procedure, 1973

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State Of U.P. And Ors. Etc vs U.P. State Law Officers ... on 25 January, 1994

Important Notes

2. At the relevant time, there were 64 law officers working for the Uttar Pradesh State Government in the High Court of Allahabad including its Lucknow Bench. By an order dated 23.7.1990, the State Government removed 26 of the said law officers. Out of these, 9 law officers had been working for a long time, some of them for more than 15 years. Their continuation as law officers was till further orders. Another 11 officers of the removed officers had been appointed in 1982-83 and they continued to work till the date of their removal without renewal of their term. The remaining six law officers were appointed variously in March and May, 1989 for a period of one year only with a stipulation that they could be removed any time without giving any reason whatsoever. Their term had also not been renewed after the expiry of the initial period of their appointment. There is no dispute that in cases of all these 26 officers and indeed in cases of all the law officers appointed in the High Court, the terms of appointment contained a condition that notwithstanding the period for which they were appointed, they could be removed at any time without giving any reason whatsoever.

important

6. Paragraph 5.01 of Chapter V states that there shall be one Chief Standing Counsel for the High Court at Allahabad and another for its Lucknow Bench and such number of Standing Counsel at both the said Benches as the State Government may from time to time appoint. Paragraph 5.02 states that in making the appointments of the Chief Standing Counsel as well as the Standing Counsel, the State Government "may, if considered necessary" take into consideration the views of the Advocate General or the Chief Justice or any Judges of the High Court or of any Committee that "may be" constituted for the purpose. Paragraph 5.03 then refers to the responsibility of the Chief Standing Counsel for conducting the cases. It states that he shall be responsible for the conduct of all civil cases in the High Court to which the State Government is a party except such cases or class of cases as are excluded by the State Government by general or special order. It further states that the Chief Standing Counsel shall work subject to such general or special directions as may be issued by the Advocate General or the Legal Remembrancer from time to time. Sub-paragraph (2) of the said paragraph states that the Government may entrust any case of special importance to the Advocate General or to a Special Counsel. Paragraph 5.04 refers to the duties of the Chief Standing Counsel. These duties include (i) representation of the State or of any authority within the State in such other civil cases in which he might be directed or required to appear by the Government, the Legal Remembrancer or the High Court; (ii) to present to the High Court under instructions from the Legal Remembrancer, appeals, or applications or petitions on behalf of the State;

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Benches