

## **KERALA STATE ROAD TRANSPORT CORPORATION**

### **TERMS AND CONDITIONS FOR STANDING COUNSEL AT HIGH COURT**

1. The period of appointment will be from the date specified in the appointment order.
2. Standing Counsel & Legal Advisor shall not either directly or through partners of his firm, if any, accept any Vakalath for conducting any case against the Corporation. Vakalath already accepted in such cases shall be relinquished immediately.
- 3 He shall not make any undertaking before the court on behalf of the Corporation without getting prior permission from the competent authority of the Corporation.
4. He shall see that none of the cases of the Corporation entrusted with him has been decided ex-parte under any circumstance causing loss of public money.
5. He shall call for all records and other details required for the proper conduct of the cases from the Unit Officer / Law Officer through the Liaison Officer, Ernakulam. If the details are neither furnished nor the witnesses called for turn up in time the same shall be intimated to the Law Officer of the Corporation immediately. However in cases where the documents called for are not available with the Corporation and the same is available only in the records of the Court the same shall be collected by filing necessary applications. Expenses met by him for such purpose will be reimbursed by the Corporation.
6. On pronouncement of an order or judgement it shall be communicated to the Corporation in writing, through the Liaison Officer and immediately thereafter shall obtain it's free or carbon copy and forward it with his learned opinion regarding scope for appeal. List of all cases disposed in a month shall also be forwarded to the Legal Section, Chief Office through the Liaison Officer before 5<sup>th</sup> day of the succeeding month.

*Signature of the Standing Counsel*

7. In cases where appeals are to be filed certified copy of the award, order or judgement shall be sent to the Chairman & Managing Director along with legal opinion to enable the Corporation to take a decision for filing appeal. It shall be seen that if a case is fit for appeal, the appeal shall be filed within the prescribed limitation period. Under any circumstances the Corporation should not lose an opportunity to file an appeal due to non-receipt of certified copy of judgement and other connected records in time.
8. He shall not settle any cases of the Corporation on compromise without the prior and specific sanction from the Corporation.
9. He shall give advice to the Unit Officers and other Officials of the Corporation who may approach for legal advice on matters concerned with the Corporation.
10. The Standing Counsel shall maintain a register showing the details of the files received from the K.S.R.T.C and also the updated position of the cases.
11. Retainer fee shall be Rs. 1500/- (Rupees One Thousand Five Hundred Only) per mensem. The Advocate appointed as Legal Advisor & Standing Counsel at the High Court of Kerala alone is eligible for the Retainer Fee.
12. For Writ Petitions, Writ Appeals & CCC etc, fee will be Rs. 3000/- (Rupees Three Thousand Only) per case, if counter is filed. All other cases fee shall be Rs. 2000/-.
13. For filing Revision Petitions, and STAT cases, fee will be Rs. 2000 (Rupees Two Thousand Only) per case.
14. MATA and Appeals Challenging MACT awards (MACA) for and on behalf of the Corporation and its employees, fee will be Rs. 2500/- (Rupees Two Thousand and Five Hundred Only) per case.
- 14 A) No fee shall be payable in the cases of ex-parte order or the case in which no representation.
15. Clerkage payable will be Rs. 200 (Rupees Two Hundred Only) per case.

*Signature of the Standing Counsel*

16. Actual expenses incurred or taking copies of documents, remitting court fees, etc; will be paid as required by the Standing Counsel & Legal Advisor and the District Transport Officer; Ernakulam will arrange payment in advance in cases of urgent necessity.
17. On termination of the period of appointment, pending case files shall immediately be returned to the Corporation intimating the next posting date if any, and the following rates are applicable for the transit of files.
  - a) In respect of cases for which Counter Affidavit or Objections are filed, fee will be paid at the rate of Rs. 200 (Rupees Two Hundred Only) per case on transfer of files.
  - b) In case of other files in which only Vakalaths were filed on behalf of the Corporation, a sum of Rs. 50/- (Rupees Fifty Only) per case will be paid on transfer of files.
  - c) In the event of delay in transferring the case files within the time limit specified, a sum of Rs. 50/- (Rupees Fifty Only) per case per day will be deducted as penalty from the dues payable to the outgoing Standing Counsel & Legal Advisor.
  - d) Arrears of payment in respect of cases conducted if any shall be claimed within three months from the date of termination as Standing Counsel & Legal Advisor.
18. Liability of Standing Counsels to pay damages in certain cases: - A person appointed as Legal advisor & Standing Counsel shall conduct the cases carefully and efficaciously so as to safeguard interest of the Corporation and in case of any default, he shall be liable to pay the Corporation, even after he ceases to be a Legal Advisor & Standing Counsel, damages equal to the loss or injury incurred or sustained by the Corporation as a result of his carelessness, negligence or other misconduct in conducting any case or safeguarding interest of the Corporation.
19. The performance of the Legal Advisor & Standing Counsel shall be monitored and evaluated by the Corporation every six months and if the performance of the Legal Advisor & Standing Counsel is found not satisfactory, his service

*Signature of the Standing Counsel*

shall be terminated as Legal Advisor & Standing Counsel and will not be considered for future appointment.

- 20. The appointment will not confer on the Legal Advisor & Standing Counsel any right for future appointment.
- 21. The travelling pass issued to the Standing Counsels at the time of appointment shall be surrendered to the Unit Officer, by the Standing Counsel soon on termination of appointment. If any penalty is assessed for non-surrendering of travelling pass issued by the Corporation such amount shall be recovered from the arrears of fee payable to the Standing Counsels or as per the provisions of RR Act.
- 22. If all the above conditions are acceptable, one copy of this document sent in duplicate shall be returned after endorsing the acceptance hereunder

**Declaration**

Signature :

Name :

Address Seal :

Date :

Enrolment No :  
(A copy of the  
certificate to be  
enclosed)

Enrolment Date :

I .....hereby agree with all the above conditions to the best of my knowledge and belief. I will do my service at the best to protect or safeguard the interest of the Corporation.

*Signature of the Standing Counsel*