

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1128 of 2022

Ravi Kumar

... **Petitioner**

Versus

Jharkhand Mineral Area Development
Authority, Dhanbad & Anr.

... .. **Respondents**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Krishna Shankar, Advocate

For the Respondents : Mr. Mahavir Pd. Sinha, Advocate

13/24.07.2023 Pursuant to the order dated 04.07.2023, an affidavit has been filed by the intervenor bringing on record the letter of engagement of Shri Bhawesh Kumar in JMADA.

Mr. Mahavir Pd. Sinha, learned counsel appearing on behalf of JMADA has tried to impress upon this Court that the office order dated 07.05.2012 empaneling the writ petitioner as a junior counsel to Shri Bhawesh Kumar is indicative of the fact that for a particular case both the empaneled lawyers would not charge separate fees.

According to the learned counsel for the JMADA, the empanelment of the writ petitioner as per the office order dated 07.05.2012 is on account of the increase in cases preferred against JMADA and the same can be construed to mean that the senior counsel as well as the junior counsel would charge fees individually in a particular case in which one of them had appeared and not in a collective fashion.

Mr. Krishna Shankar, learned counsel for the petitioner has referred to the rejoinder to the counter affidavit and has submitted that till the year 2018 bills which were collectively raised by the petitioner as well as the intervenor, were being paid by JMADA which fact does not appear to have been disputed by filing any affidavit.

At this juncture, Mr. Mahavir Pd. Sinha, learned counsel appearing for the respondent JMADA has submitted that the bills are in the process of verification and will be paid shortly and if the matter is placed after four weeks, there is every possibility that part of the bills will be disbursed to the petitioner as well as to the intervenor.

The tenor of the office order dated 07.05.2012 clearly indicates that the writ petitioner (Shri Ravi Kumar) was empaneled in JMADA as a junior counsel to the intervenor (Shri Bhawesh Kumar) and considering the fact that till 2018 bills raised jointly by the petitioner as well as the intervenor were being paid by the respondent JMADA, the respondents cannot be allowed to interpret the office order dated 07.05.2012 in a different way as the precedence is contrary to what has been submitted by the learned counsel appearing for the JMADA.

However, considering the submissions advanced by the learned counsel for the JMADA that the bills are being verified and payments will be made shortly, list this case on 23rd August 2023 under the heading for Orders.

Let a copy of this order be handed over to the learned counsels for the respective parties.

(R. Mukhopadhyay, J.)

Shamim/-