IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT APPEAL NO: 329 of 2021

Jawaharlal Nehru Technological University (JNTU) ...Appellant

Vs.

P Sree Ramulu Naidu ...Respondent

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CORAM : THE CHIEF JUSTICE LISA GILL

SRI JUSTICE CHALLA GUNARANJAN

DATE : 12th October 2026

Present:

Advocate for Appellant:	D KRISHNA, SC FOR JNTU ANANTHAPURAMU
Advocate for Respondent:	P GIRISH KUMAR, SENIOR COUNSEL assisted by Mrs.P.Lakshmi Priya

JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

This writ appeal is directed against order dated 10.11.2020 in W.P. No.14875 of 2020, whereby learned Single Judge, while setting aside the impugned resolution passed by appellant university, directed to reconsider the claim of writ petitioner for payment of legal fee.

2. (a) Respondent, practicing advocate at Composite High Court of Andhra Pradesh as well as various tribunals and trial courts within limits of Hyderabad, was appointed as Standing Counsel of appellant university on 30.06.2016 on a consolidated remuneration of ₹34,000/- per month. Respondent, by then, had rich experience in litigation by serving as Standing Counsel of multiple institutions viz., Sri Krishnadevaraya University during the years 1998 to 2005 and 2016, and A.P. Forest Development Corporation Limited during 1999–2010. The appointment of respondent as Standing Counsel of the appellant university was specific to deal with cases at High Court of Andhra Pradesh. However, it is stated that, vide letter dated 26.08.2016, appellant had instructed respondent to appear in O.S. No.798 of 2015 on the file of X Additional Chief Judge, City Civil Court, Hyderabad, to defend the university.

(b) Accepting the engagement, respondent, along with junior counsel, Ms.P.Lakshmi Priya, filed Vakalatnama on 02.09.2016. Thereafter, vide letter dated 02.12.2016, memo of fee was raised for conducting the suit, which also included junior fee and the same stated to have been worked out in terms of memo dated 29.10.2008 as well as the A.P. Advocates' Fee Rules, 2010. As the

claim in the suit was for recovery of ₹8,82,25,000/-, the same was transferred to the Commercial Court and accordingly renumbered as C.O.S. No.39 of 2017 on the file of XXIV Additional Chief Judge, City Civil Court, Hyderabad.

(c) Written statement was filed on 02.09.2016, issues were framed on 11.07.2017, trial commenced on 12.09.2017, and the suit was disposed on 12.09.2019, of course, on the point of territorial jurisdiction, the same was transferred to competent jurisdictional court. Before final orders were passed, the respondent issued final fee letter dated 10.07.2019 claiming legal fee.

(d) The claim for fee was rejected by the Executive Council of university during its meeting held on 13.11.2019, on the ground that suit since was entrusted in the capacity of Standing Counsel, in absence of any specific terms of engagement, no separate fee was required to be paid other than consolidated monthly remuneration. The said decision was communicated by order dated 29.11.2019, followed by letter dated 13.01.2020.

(e) Assailing the same, writ petition was preferred.

(f) Appellant filed detailed counter opposing prayer in the writ petition. Learned Single Judge, having considered submissions

advanced by the parties, has set aside impugned Executive Council resolution and consequential orders and further directed appellant to reconsider claim for fee as per memorandum dated 29.10.2008 and pass fresh orders within three months. Hence, present appeal.

2. Heard Sri D.Krishna, learned Standing Counsel for JNTU, appearing for appellant and Sri P.Girish Kumar, learned Senior Counsel, representing Mrs.P.Lakshmi Priya, learned counsel for respondent.

3. (a) Learned counsel for appellant contended that as respondent had been appointed as Standing Counsel for appellant university, it was incumbent upon him to represent university in suit proceedings as well, even if it were to be before trial courts. Further, the letter of engagement dated 26.08.2016 issued to respondent nowhere specifies payment of special fee *de hors* monthly consolidated remuneration to which respondent was entitled as per his engagement as standing counsel.

(b) He further contended that memo of fee raised by respondent not only covered his services but also junior counsel fee, which was never contemplated in letter dated 26.08.2016. Even otherwise, it is stated that nothing was placed on record to suggest that junior

counsel's services were utilised in the process of conducting the suit proceedings. Thus, question of raising any invoice on that count does not arise. It is therefore contended that learned Single Judge, without appreciating aforesaid contentions in proper perspective, erroneously set aside the resolution passed by the appellant and thus urged to allow the appeal.

4. (a) Conversely, learned Senior Counsel for respondent, while supporting the impugned order, contended that appointment of respondent as Standing Counsel in terms of proceedings dated 14.07.2016 of appellant since specifically confined to cases before High Court of Andhra Pradesh, terms and conditions of such engagement cannot be extended to cases falling outside the jurisdiction of High Court, therefore, learned Single Judge rightly held that respondent was entitled to professional fee for conducting suit before City Civil Court in terms of memo dated 29.10.2008 and A.P. Advocates' Fee Rules, 2010.

(b) Further, learned Senior Counsel, by referring to Rule 31 of A.P. Advocates' Fee Rules, 2010, sought to justify claim of junior fee, accordingly, pleaded for dismissal of appeal.

5. We have given anxious consideration to the submissions made by learned counsel.

6. Respondent was appointed as Standing Counsel for appellant university by proceedings dated 14.07.2016. Perusal of said proceedings goes to show that such engagement was specific to cases before High Court of Andhra Pradesh, and it was agreed that respondent would be eligible for remuneration of ₹34,000/- per month. It is also not in dispute that abovesaid engagement ended by 14.07.2017. By letter dated 26.08.2016, respondent was called upon to represent appellant university to defend O.S. No.798 of 2015 on the file of X Additional Chief Judge, City Civil Court, Hyderabad. The respondent, along with junior counsel, entered appearance and filed written statement on 02.09.2016, issues were framed on 11.07.2017, trial commenced on 12.09.2017 and ultimately suit was disposed on 12.09.2019.

7. Learned counsel for the appellant could not deny or dispute aforesaid factual aspects.

8. Be that as it may, after entering appearance, respondent issued letter dated 02.12.2016 enclosing memo of fee for conducting suit. The fee was worked out in terms of Memorandum dated 29.10.2008 in consonance with A.P. Advocates' Fee Rules,

2010. It also clearly mentioned junior fee at the rate of one-third of the senior fee, which is in consonance with Rule 31.

9. Despite receiving memo of fee, appellant conspicuously maintained silence without raising any objection. Only after filing of the written statement, framing of issues, conducting trial and disposal of the suit, when final fee letter dated 10.07.2019 was sent, appellant, in its Executive Council resolution held on 13.11.2019, took decision to reject claim for fee. Reason for rejection is as under:

> "It is resolved to not to pay any fee to the Advocate as the University has not hired him on specific terms and conditions to argue the case.
>
> Whereas the case was entrusted to him because he was the Standing Counsel of the University on monthly payment basis during that period.
>
> Hence, no other fee shall be paid to him."

10. The decision came to be communicated vide order dated 29.11.2019, followed by letter dated 13.01.2020. Apparently, only reason for rejecting the claim for fee was that respondent since was appointed as Standing Counsel for university on consolidated monthly remuneration, it was incumbent on him to conduct suit as well. In other words, no separate fee was required to be paid for

any of the matters, even if the same are attended or conducted in other jurisdictions apart from High Court of Andhra Pradesh. Learned Single Judge, by referring to Memorandum dated 29.10.2008, held that the terms of engagement as Standing Counsel for the university were specific to cases before High Court of Andhra Pradesh and the same would not extend to other jurisdictions, thus, the Executive Council resolution rejecting claim for fee was held to be unsustainable.

11. Further, learned Single Judge also found that though respondent raised memo of fee as back as on 02.12.2016, immediately after filing Vakalatnama, appellant university, by maintaining silence and not raising any objection to the fee structure, impliedly accepted the same, hence, impugned rejection was bad. We are in complete agreement with the view expressed by the learned Single Judge.

12. In fact, learned counsel for appellant, after arguing for some time, in a way conceded to claim made by respondent qua fee payable to him. However, insofar as claim made towards junior fee, it is stated that in case appropriate representation is made justifying

for payment of said fee along with supporting documents, the same will be considered by passing appropriate orders.

13. The said submission insofar as junior fee needs to be rejected outrightly, inasmuch as record on face of it indicates that she was very much associated all through from filing of Vakalatnama till disposal of suit, even first memo fee dated 02.12.2016 as well as final memo dated 12.07.2019 depict name of junior along with bank details for processing the fee. Even the written statement filed on behalf of university clearly mentions name of junior counsel. Right to claim junior fee is clearly governed by Rule 31 of A.P. Advocates' Fee Rules, 2010. Therefore, we do not see any reason to relegate this issue to appellant for reconsideration. We also make it clear that respondent will be entitled for fee for his appearance and 1/3rd Junior fee as claimed shall have to be paid to junior counsel assisted him.

14. Lastly, learned Senior Counsel for respondent tried to persuade us to award interest on late payment, in support, sought to rely on the judgment of Hon'ble Apex Court in **State of U.P. & Others v. Gopal K.Verma**[1].

[1] Civil Appeal Nos.2142-2143 of 2024, dated 12.02.2024.

15. Given the peculiar facts and circumstances of the case, we are not inclined to grant interest. However, we direct the appellant to pay the fee as claimed in terms of memos of fee dated 02.12.2016 and 10.07.2019 to the respondent as well as junior counsel by transferring amounts to their respective bank accounts mentioned in the above memos within a period of four weeks from the date of receipt of this order.

16. Accordingly, this appeal stands disposed of. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

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