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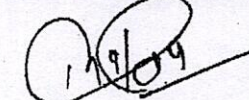
Revision of Fees and Allowances payable to the Law Officers and Panel Counsel in the State of Maharashtra-

GOVERNMENT OF MAHARASHTRA
Law and Judiciary Department,
Resolution No.DGP- 2806/M.S.129(42)-XIV,
Mantralaya, Mumbai-400 032, Dated 16th January, 2008.

RESOLUTION : The question of revision of fees payable to Law Officers in the State of Maharashtra as prescribed by the Maharashtra Law Officers (Appointment, Conditions of Service and Remuneration) Rules, 1984 as amended by Government from time to time was under consideration of Government. Now, the Government is pleased to revise the fees payable to the Law Officers as shown in the Statement A, B, C, D, E and F appended herewith.

2. The revised rates of fees shall be applicable with effect from 1st February, 2008.
3. The Expenditure involved on Account of revision of fees shall be debited to the budget head "Demand No.J-1, 2014-Administration of Justice (voted) (00)114-Legal Advisers and Counsels-(00)(01)- Legal Advisers and Counsels, City Officers (28) professional and special services (2014 0 29 9)" and shall be met from the sanctioned grants.
4. This Resolution is being issued in supersession of the earlier Government Resolution, Law and Judiciary Department, No.GPH 4398/(173)-XIV, dated 30th January, 1999 and subsequent Corrigendum issued in this regard.
5. This resolution is issued with the concurrence of the Finance Department, vide its unofficial reference No.769/07, Exp-6, dated 19.12.2007.

By order and in the name of the Governor of Maharashtra,



(S.B. Dhatriak)
I/C. Principal Secretary & Remembrancer of Legal Affairs.

To,
The Advocate General, Maharashtra State, Mumbai (by letter),
The Associate Advocate General, Maharashtra State, Mumbai (by letter),
The Registrar General, High Court, Mumbai (by letter 3 copies),
The Prothonotary and Senior Master, High Court (O.S.), Mumbai. (by letter),
The Registrar, High Court of Mumbai Bench at Nagpur (3 copies),
The Registrar, High Court of Mumbai Bench at Aurangabad (3 copies),
The Registrar, Maharashtra Administrative Tribunal, Mumbai/Aurangabad/Nagpur.
The Finance Department (Desk EXP-VI),

The Joint Director, Accounts and Treasuries Computer Section, 5th Floor, New
 Administrative Building, In front of Mantralaya, Mumbai.
 The Accountant General, Maharashtra-I, (Accounts & Entitlement), Mumbai (3 copies),
 The Accountant General, Maharashtra-I, (Audit), Mumbai, (3 copies),
 The Accountant General, Maharashtra-II (Accounts & Entitlement), Nagpur (3 copies),
 The Accountant General, Maharashtra-II (Audit), Nagpur, (3 copies),
 The Pay and Accounts Officer, Mumbai,
 The Resident Audit Officer, Mumbai (in duplicate),
 The Government Pleader, Small Causes Court, Mumbai (3 copies),
 The Government Pleader and Public Prosecutor, High Court, (A.S.) (Writ Cell),
 Mumbai, (3 copies)
 The Government Pleader and Public Prosecutor High Court, Mumbai Bench at
 Aurangabad/Nagpur (3 copies each),
 The Government Pleader, High Court (Original Side), Mumbai, (3 copies),
 The Government Pleader, High Court (Appellate Side), Mumbai (3 copies).
 The Public Prosecutor for Sessions Court, Greater Mumbai, Mumbai, (3 copies)
 The Government Pleader, City Civil Court, Mumbai (3 copies),
 All the District Government Pleaders and Public Prosecutors at District Headquarters,
 The Chief Presenting Officer, Maharashtra Administrative Tribunal,
 Mumbai, Aurangabad & Nagpur (3 copies each),
 The Joint Secretary to Government, Law and Judiciary Department, Old Secretariat
 Building, Civil Lines, Nagpur-440 001,
 The Joint Secretary to Government, Law and Judiciary Department, District Court
 Compound, Adalat Road, Aurangabad-431 001,
 All the Divisional Commissioners,
 All the Collectors and District Magistrates,
 All the District and Session Judges,
 All the Treasury Officers,
 All the Departments of Mantralaya,
 Desk XVIII, A, E, M Branch of the Law and Judiciary Department (3copies each to all),
 P.S. to Hon. Chief Minister, Maharashtra State,
 P.S. to Hon. Deputy Chief Minister, Maharashtra State,
 P.S. to Hon. State Minister, Law and Judiciary, Maharashtra State.
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STATEMENT 'A'

**REVISED FEES FOR ADVOCATE GENERAL & ASSOCIATE ADVOCATE
GENERAL.**

	Revised Fees (in Rupees)
(1) <u>Civil cases, High Court (Original Side) -</u>	
(a) <u>Long Cause Suits :-</u>	
(i) Brief to settle draft plaint	1000
(ii) Brief to settle written statement	1000
(iii) Brief for hearing and final disposal per day	5000
(b) <u>Writ Petitions :-</u>	
(i) Brief to settle draft petition	1200
(ii) Brief to settle draft affidavit	2500
(iii) Brief for hearing and final disposal per day	5000
(iv) Hearing of Notice of Admission per day	5000
(c) <u>Appeals in the High Court :-</u>	
(i) Brief to settle draft memorandum of appeal	1200
(ii) Brief for hearing and final disposal per day	5000
(iii) Brief to settle draft petition for leave to appeal to the Supreme Court	1200
(iv) Brief for hearing of petition for leave to appeal to the Supreme Court	5000
(d) <u>Sales Tax, Land Acquisition and Stamp References :-</u>	
Brief for hearing and final disposal per day	5000
(2) <u>Civil Writ Petition, High Court (Appellate Side) :-</u>	
(a) Brief for final hearing of petition per day	5000
(b) Brief to oppose petition on admission	5000
(c) Brief to settle petition, affidavit in reply, rejoinder or any other pleading	1200
(d) Brief of hearing of petition for leave to appeal to the Supreme Court	5000
(3) <u>Criminal cases or appeals in the High Court :</u>	
(a) At the admission stage per day	5000
(b) For final hearing per day	5000
(4) <u>For Conference :</u>	
(a) For first half an hour	600
(b) And thereafter for every half an hour	400

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STATEMENT - B

REVISED FEES PAYABLE TO CHIEF PRESENTING OFFICER & PRESENTING OFFICERS OF THE MAHARASHTRA STATE ADMINISTRATIVE TRIBUNAL AT MUMBAI, NAGPUR AND AURANGABAD.

	Revised Fees (in Rupees)
(1) Settlement of Drafts/Petitions Affidavit/Counter Affidavit/Applications etc.	300
(2) Hearing of notice of admission per case.	700
(3) Brief for Hearing and final disposal per day.	1200
(4) Brief to oppose admission of petition for leave or application for interim stay or injunction.	700
(5) Adjournment without previous intimation.	100
(6) Drafting of caveat.	200

Note :- *Even if number of all or any category of cases conducted in a day exceeds more than one, monthly fees of Chief Presenting Officer shall not exceed Rs.45,000/- and in case of Presenting Officers shall not exceed Rs.40,000/-.*

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STATEMENT- 'C'

**I. STATEMENT SHOWING REVISED FEES FOR GOVERNMENT PLEADER/
ADDITIONAL GOVERNMENT PLEADER / 'A' PANEL COUNSEL AND
ASSISTANT GOVERNMENT PLEADER / 'B' PANEL COUNSEL IN THE
HIGH COURT (ORIGINAL SIDE), (APPELLATE SIDE), MUMBAI AND ITS
BENCHES AT NAGPUR & AURANGABAD**

Nature of Civil Cases	Government Pleader/ Additional Government Pleader & 'A' Panel Counsel Revised Fees (in Rupees)	Asstt. Govt. Pleader & 'B' Panel Counsel Revised Fees (in Rupees)
1	2	3
1. <u>Long Cause Suits.</u>		
(1) Brief to settle draft plaint.	500	300
(2) Brief to settle written statement.	500	300
(3) Brief for hearing & final disposal per day.	1500	750
2. <u>Writ Petitions</u>		
(1) Brief to settle draft petitions.	500	500
(2) Brief to settle draft affidavit.	500	500
(3) Brief for hearing & final disposal per day.	1500	750
(4) Hearing of notice of admission, per case.	1000	500
3. <u>Appeals in the High Court</u>		
(1) Brief to settle draft memorandum of Appeal	500	500
(2) Brief for hearing & final disposal, per day.	1500	750
(3) Brief to draft/settle petition for leave to appeal to the Supreme Court.	500	500
4. <u>Interlocutory proceedings.</u>		
(1) Brief for hearing of Notice of Motion.	500	500
5. <u>Sales Tax, Land Acquisition & Stamp Reference</u>		
(i) Brief for hearing and final Disposal, per day	1500	750

6. Applications under sub-section (i) of sec. 61 of the Bombay Sales Tax Act, 1959

(i)	Brief to draft or settle the application	500	400
(ii)	For hearing of the application and final disposal.	500	400

7. Company petitions

(i)	Brief to draft or settle petition	500	500
(ii)	Brief to draw and settle draft Affidavit	500	500
(iii)	Brief for hearing and final disposal per day.	1500	750
(iv)	Hearing of Notice of admission	700	500

8. Arbitration proceedings.

(i)	To oppose application for interim injunction.	750	500
(ii)	Hearing of Chamber Summon	750	500
(iii)	Brief for hearing & final disposal per day.	1500	750

9. (a) Miscellaneous petitions before Official Assignee.

(i)	For hearing and final disposal per day.	500	500
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(b) Claims before Official Liquidator.

(i)	For drafting affidavit in support of the claims	500	500
(ii)	For hearing and final disposal per day.	600	500

(c) Matters before Taxing Master under Bombay Court Fees Act, 1959.

(i)	For appearance and hearing before Taxing Master per day.	500	400
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(d) Testamentary or Intestate Jurisdiction matters.

(i)	For hearing and final disposal per day.	500	500
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Note :- Even if number of cases conducted in a day exceeds more than one, monthly fees of such Government Pleader and 'A' Panel Counsels shall not exceed Rs. 50,000/- that of Additional Government Pleader shall not exceed Rs. 45,000/- & Rs. 40,000/- of 'B' Panel Counsel and Assistant Government Pleader.

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II. REVISED FEES FOR GOVERNMENT PLEADER/ 'A' PANEL COUNSEL/ ADDITIONAL GOVERNMENT PLEADER, ASSISTANT GOVERNMENT PLEADER/ 'B' PANEL COUNSEL, IN THE HIGH COURT (APPELLATE SIDE), WRIT CELL, MUMBAI.

1	2	Government Pleader/Addl. Govt. Pleader/ 'A' Panel Counsel	Asstt. Government Pleader/ 'B' Panel Counsel
		(in rupees) 3	(in rupees) 4
	<u>Civil Writ Petition</u>		
(a)	Brief for hearing and final disposal per day.	1500	750
(b)	Brief for hearing of petition for admission.	750	500
(c)	(i) Brief to draw petition or any other pleading.	500	500
	(ii) For drafting affidavit.	500	500
(d)	Brief for hearing of the petition for leave to appeal to the Supreme Court or to oppose the stay application.	750	400

Note :- Even if number of cases conducted in a single day exceeds more than one maximum monthly fees payable to Government Pleaders and 'A' Panel Counsels shall not exceed Rs. 50,000/-, to Additional Government Pleaders Rs. 45,000/- and to 'B' Panel Counsel and Assistant Government Pleaders Rs. 40,000/-.

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STATEMENT -D

REVISED FEES FOR THE GOVERNMENT PLEADER AND PUBLIC PROSECUTOR, ASSISTANT GOVERNMENT PLEADER AND ADDITIONAL PUBLIC PROSECUTOR, IN HIGH COURT (A.S.), BOMBAY AND ITS BENCHES AT NAGPUR & AURANGABAD

I. <u>Civil Cases</u> -	Revised fee (in rupees)
(a) Fees for appearance in appeals in Land Acquisition Cases	
- Brief for hearing and final disposal -	
(i) For the Government Pleader or Additional Government Pleader.	2000/- per day.
(ii) For the Assistant Government Pleader	1600/- per day.
(b) For appearance in any case in the Court in which he is directed to appear by any District Judge in support of an order imposing a fine, on or directing the arrest of a witness under the provisions of the Code of Civil Procedure.	500/- per case.
(c) For appearance at the admission stage in civil appeal or revision application or in any other proceedings.	250/- Per case.
(d) For appearance on behalf of the State in application by indigent persons made under Order XXXIII, rule 2 or Order XLIV, rule 1 or the Code of Civil Procedure	
(i) If application is to be opposed or contested.	500/- Per case.
(ii) If the appearance is for submitting to the orders of court.	500/- Per case.
II <u>Criminal Cases</u> -	
(a) In Appeals --	
(i) At the admission stage -	Rs.500/- per case.
(ii) For final hearing (irrespective of the number of accused involved) Provided that, if two or more cases are conducted during a day, not more than Rs.5000 shall be payable to the Public Prosecutor and not more than Rs. 2000 shall be payable to the Additional Public Prosecutor, irrespective of the number of cases conducted by him/her during that day.	Rs.1000/- per case.

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III.

In Civil and Criminal Cases

- (a) For drafting and settling affidavits. 250/-
per case.
- (b) For drafting of memorandum of appeal or revision application - 250/-
per case.
- (c) For appearance in any case in any subordinate court at the Headquarters or in the mofussil and in the Maharashtra Revenue Tribunal :-
- (i) For every day of absence from the headquarters for Government Pleader and Public Prosecutor or the Additional Government Pleader and Additional Public Prosecutor. 2,000/-.
- (ii) For every day of absence from the headquarters for the Assistant Government Pleader and Additional Public Prosecutor. 1,500/-.
- (iii) For appearance before the subordinate court or the Maharashtra Revenue Tribunal at headquarters. These fees shall be payable independently and shall not be included in the ceiling limit. 400/-
per case.
- (d) For formal appearance in a case i.e. submitting to the orders of court in which no Government interest is involved or where a record of a case or list of witnesses etc. is to be filed. 250/-
per case.
- (e) For appearance in a case for which no fee has been prescribed by Government in the Law and Judiciary Department or taxes by the Court in the Bill of Costs. 500/-
Per case.

Note : Even if number of cases of all or any of the above category conducted in a single day is more than one, the total monthly fees payable to Government Pleader and Public Prosecutor shall not exceed Rs 50,000/-, Addl. Govt. Pleader Rs. 45,000/- and to Assistant Government Pleaders and Additional Public Prosecutors Rs. 40,000/-.

- (b) In bail, transfer, stay or other such applications (irrespective of the number of accused involved). —

300/-

Provided that, if two or more cases are conducted during a day, not more than Rs. 1500 shall be payable of the number of cases conducted by him/her that day.

Provided further that, if the Public Prosecutor or Additional Public Prosecutor conducts criminal cases or appeals and bail matters during a day, not more than Rs. 2500/- per day shall be payable to the Government Pleader and Public Prosecutor or the Additional Government Pleader and Additional Public Prosecutor and not more than Rs. 2000 per day shall be payable to the Assistant Government Pleader and Additional Public Prosecutor, irrespective of the number of cases conducted by him during that day.

- (c) In detention cases under COFEPOSA and other similar Acts and Ordinances —

- (i) For the Public Prosecutor. In such cases, no separate fee shall be admissible under any of the items for conference, filing of affidavits etc. Provided that, if two or more such cases are conducted during a day, not more than Rs. 5000/- per day shall be payable, irrespective of the number of cases conducted by him during that day.

2500/-
per day.

- (ii) For the Additional Public Prosecutor. Provided that, if two or more cases are conducted during a day, not more than Rs. 3000 per day shall be payable to him, irrespective of the number of cases conducted by him during that day.

1500/-
per day.

(iii)

- (a) For drafting of affidavit in COFEPOSA or other detention matters.

500/-
per case.

- (b) For drafting of affidavit in externment matters.

500/-
per case.

- (d) In detention matters to be filed in the Supreme Court —
For drafting affidavit (inclusive of conference fees for the Government Pleader and Additional Public Prosecutor).

600/-

- (e) For consultation by the Remembrancer of Legal Affairs or the Public Prosecutor in the subordinate court or the Home Department as regards filing of appeal or any other application in the High Court at Mumbai or its Benches at Nagpur and Aurangabad against the decision of any Criminal Court.

250/-
Per case.

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STATEMENT 'E'
REVISED FEES FOR DISTRICT GOVERNMENT PLEADER AND PUBLIC
PROSECUTORS/ASSISTANT GOVERNMENT PLEADER AND
ADDITIONAL PUBLIC PROSECUTORS, PUBLIC PROSECUTORS FOR
SESSION COURT GREATER MUMBAI AND GOVERNMENT PLEADER,
CITY CIVIL COURT, MUMBAI

	Revised fee (in Rupees)
Rule 24 (A) :- <u>In all Civil Cases</u> -	
(a) As taxed by Court with reference to the Valuation of case. These fees are passed by giving benefit of increase of 100% surcharge sanctioned by the High Court Notification of 1982 and also adding 25% surcharge over and above the fees of Rs. 300/-. No increase proposed.	
(b) (i) The fees for opposing application by indigent persons.	250/- per case.
(ii) Filing appearance and submitting to order of Courts.	200/- per case.
(c) Cases under section 19 of the Indian Forests Act, 1927.	100/- per case.
(d) Injunction Suits.	500/- per case.
Rule 24 (B):- <u>In all Criminal Cases (In Mofussil Courts)</u> -	
(a) For appearance in a Sessions case or Criminal Appeal before Sessions Court.	500/- per day.
(b) For appearance before the Court of Judicial Magistrate.	250/- per day.
(c) For bail, transfer, stay or any other application in any Court.	250/- per day.
Note :- The fees under sub-clauses (a), (b) and (c) shall be payable subject to the conditions that, if two or more cases are conducted during a day not more than Rs. 1200 per day shall be payable, irrespective of the number of cases conducted during that day and irrespective of number of accused involved in the case.	
Rule 24 (C) :- <u>In Civil and Criminal cases</u> -	
(a) (i) Outstanding fees, away from Headquarter (inclusive of D.A.)	700/-.
(ii) For instructing G.P. (inclusive of D.A.)	700/-.
(b) For orders of court	125/-.
(c) Drafting legal document conveyancing work	500/-.
Rule 24 (D) :- <u>Legal Advice to Government Officers</u> -	1000/-.

III. In Civil and Criminal Cases

- (a) For drafting and settling affidavits. 250/-
per case.
- (b) For drafting of memorandum of appeal or revision application - 250/-
per case.
- (c) For appearance in any case in any subordinate court at the Headquarters or in the mofussil and in the Maharashtra Revenue Tribunal :-
- (i) For every day of absence from the headquarters for Government Pleader and Public Prosecutor or the Additional Government Pleader and Additional Public Prosecutor. 2,000/-.
- (ii) For every day of absence from the headquarters for the Assistant Government Pleader and Additional Public Prosecutor. 1,500/-.
- (iii) For appearance before the subordinate court or the Maharashtra Revenue Tribunal at headquarters. These fees shall be payable independently and shall not be included in the ceiling limit. 400/-
per case.
- (d) For formal appearance in a case i.e. submitting to the orders of court in which no Government interest is involved or where a record of a case or list of witnesses etc. is to be filed. 250/-
per case.
- (e) For appearance in a case for which no fee has been prescribed by Government in the Law and Judiciary Department or taxes by the Court in the Bill of Costs. 500/-
Per case

Note : Even if number of cases of all or any of the above category conducted in a single day is more than one, the total monthly fees payable to Government Pleader and Public Prosecutor shall not exceed Rs. 50,000/-, Addl. Govt. Pleader Rs.45,000/- and to Assistant Government Pleaders and Additional Public Prosecutors Rs. 40,000/-.

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STATEMENT 'E'
**REVISED FEES FOR DISTRICT GOVERNMENT PLEADER AND PUBLIC
PROSECUTORS/ASSISTANT GOVERNMENT PLEADER AND
ADDITIONAL PUBLIC PROSECUTORS, PUBLIC PROSECUTORS FOR
SESSION COURT GREATER MUMBAI AND GOVERNMENT PLEADER,
CITY CIVIL COURT, MUMBAI**

Revised fee
(in Rupees)

Rule 24 (A) :- In all Civil Cases -

(a) As taxed by Court with reference to the Valuation of case. These fees are passed by giving benefit of increase of 100% surcharge sanctioned by the High Court Notification of 1982 and also adding 25% surcharge over and above the fees of Rs. 500/- No increase proposed.

(b) (i) The fees for opposing application by indigent persons.

250/- per case.

(ii) Filing appearance and submitting to order of Courts.

200/- per case.

(c) Cases under section 19 of the Indian Forests Act, 1927.

100/- per case.

(d) Injunction Suits

500/- per case.

Rule 24 (B):- In all Criminal Cases (In Mofussil Courts) -

(a) For appearance in a Sessions case or Criminal Appeal before Sessions Court.

500/- per day.

(b) For appearance before the Court of Judicial Magistrate.

250/- per day.

(c) For bail, transfer, stay or any other application, in any Court.

250/- per day.

Note : The fees under sub-clauses (a), (b) and (c) shall be payable subject to the conditions that, if two or more cases are conducted during a day not more than Rs. 1200 per day shall be payable, irrespective of the number of cases conducted during that day and irrespective of number of accused involved in the case.

Rule 24 (C) :- In Civil and Criminal cases -

(a) (i) Outstanding fees, away from Headquarter (inclusive of D.A.)

700/-.

(ii) For instructing G.P. (inclusive of D.A.)

700/-.

(b) For orders of court

125/-.

(c) Drafting legal document conveyancing work

500/-.

Rule 24 (D) :- Legal Advice to Government Officers -

1000/-.

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Rule 21:- Public Prosecutor for Greater Mumbai Court of Sessions for Greater Mumbai

- (1) for appearance in sessions case or Criminal Appeal before the Sessions Court. 750/- per day.
- (2) for appearance in any Criminal case before the Court of Metropolitan Magistrate. 300/- per day.
- (3) for appearance in application for bail, transfer, stay or any other application in any Court. 300/- per day.

Note :- The fees under clauses (1), (2) and (3) shall be payable subject to the condition that, if two or more cases are conducted during a day, not more than Rs.1,500/- per day shall be payable to him, irrespective of the number of cases conducted by him during the day and irrespective of number of accused involved in the case.

- (4) (a) for drafting notice or a complaint under section 199 of the Code of Criminal Procedure. 200/- per case.
- (b) for drafting any other complaint. 200/- per case.

Rule 22:- Government Pleader, Mumbai City Civil Court at Mumbai -

- (a) In civil suits and other civil proceedings in which he appears on behalf of the State or its officers such fees as are actually taxed by the Mumbai City Civil Court in the cause and also if independently taxed in interlocutory proceedings.
- (b) For opposing the applications by indigent persons made under order XXXIII Rule 2 of the Code of Civil Procedure.
- (i) if the application is opposed or contested 250/- per case.
- (ii) for mere filing of appearance and submitting to the Order of Court. 200/- per case.

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STATEMENT - F

Retainer Payable to Law Officers
**Rule 7 and 16 of the Maharashtra Law Officers (Appointment,
Conditions of Service and Remuneration),**
Rule, 1984.

	Revised Retainer (Per month) Rs.
Rule 7 :-	
Advocate General	5000
Associate Advocate General	3000
Rule 16 :	
(a) The Government Pleader & Public Prosecutor, High Court (A.S.), Mumbai.	2000
(b) The Government Pleader, High Court (O.S.), Mumbai.	2000
(c) The Additional Government Pleader, High Court (A.S.), (Writ Cell) Mumbai.	2000
(d) The Government Pleader & Public Prosecutor, High Court at Nagpur or at Aurangabad.	2000 each
(e) Chief Presenting Officer, Maharashtra Administrative Tribunal at Mumbai, Nagpur and Aurangabad	2000 each
(f) Public Prosecutor, Sessions Court, Greater Mumbai.	2000
(g) Government Pleader, City Civil Court, Mumbai.	2000
(h) All District Government Pleader & Public Prosecutor.	2000 each
(i) Government Pleader, Small Cause Court, Mumbai.	2000

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