

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM

THE HON'BLE MR. JUSTICE R.SUBBIAH

W.P.No. 6077 of 2016

K.S.Suresh

... Petitioner

Vs

1. The Principal Secretary/
Chairman/Managing Director
SIPCOT, Chennai.
2. The District Collector
Vellore District
Vellore.
3. The Revenue Divisional Officer
Ranipet
Vellore District.

... Respondents

Petition filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to accord sanction on the proposal submitted by the 2nd respondent vide Na.Ka.G3/66766/2008, dated 09.07.2015, for payment of Rs.4,78,100/- towards legal fees due and payable to the petitioner within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For respondents : Mr.V.Jaya Prakash Narayanan
Special Government Pleader.

O R D E R

This Writ Petition has been filed praying to issue a Writ of Mandamus, directing the 1st respondent to accord sanction on the proposal submitted by the 2nd respondent, vide, Na.Ka.G3/66766/2008, dated 09.07.2015, for payment of Rs.4,78,100/- towards legal fees due and payable to the petitioner, within a stipulated time.

2. The brief facts, which are necessary to dispose of this Writ Petition, are as follows:-

(i) The petitioner is practising as an Advocate at Vellore District. He was appointed as Additional Government Pleader, vide, G.O.(D) No.1024, dated 11.09.2002, issued by the Secretary to Government of Tamil Nadu, Home (Courts-VI) Department. He performed his duty as Additional Government Pleader at Vellore District from 25.09.2002 to 09.08.2006. The petitioner has periodically raised bills for the legal and professional services rendered by him, in accordance with the fees payable to the Government Pleaders prescribed under G.O.Ms.No.373 (Courts-I) Home Department, dated 09.03.1995, as amended by G.O.Ms.No.754, dated 12.06.1995, and sent them to the respondents. Unfortunately, the legal fees was not paid. Hence, the petitioner filed a Writ Petition in W.P.No.14006 of 2008 before this Court.

(ii) In the above said Writ Petition, this Court, by order dated 18.11.2008, directed the petitioner to send a detailed representation to the 1st respondent within a period of one week from the date of receipt of the order claiming the amounts due to the petitioner. On receipt of the same, the 1st respondent was directed to settle the entire amount due to the petitioner within a period of eight weeks and thereafter, if the amounts are not settled, it will carry an interest of 12% from due date.

(iii) In compliance with the above direction of this Court in W.P.No.14006 of 2008, dated 18.11.2008, the petitioner has submitted a detailed representation to the 1st respondent. But the 1st respondent refused to settle the amount. Hence, the petitioner has filed a Contempt Petition in Contempt Petition No.92 of 2010 in W.P.No.14006 of 2008, before this Court. Pursuant to which, the 1st respondent issued a letter to the Government Advocate, Madras High Court, vide, letter No.Na.Ka.G3/41265/2008, dated 18.10.2010, furnishing details of the payment made to the petitioner as Rs.11,250/-, for 18 cases. Hence, the petitioner has submitted a detailed representation to the 1st respondent, vide, letter, dated 30.05.2012, containing the details of the total legal fee due and payable to the petitioner by the 1st respondent. The 1st respondent received the said representation and acknowledged the receipt of the same.

(iv) In the mean while, the Chairman-cum-Managing Director, SIPCOT, issued a letter to the 1st respondent, vide, Ref.No.LAOP/PRT/Pleader fees/001, dated 04.06.2012, stating that they have already paid the petitioner an amount of Rs.1.14 lakhs on 04.04.2007 for his appearance in 110 batch cases and the 18 cases referred in the earlier communication was covered in the said 110 batch cases. The 1st respondent simply reproduced the reply given by the Chairman-cum-Managing Director, SIPCOT, and issued the petitioner a letter, vide, Na.Ka.No.G3/66766/2008, dated 24.12.2012, thereby, rejecting the petitioner's claim for payment of pending legal fees.

(v) The petitioner has again given a detailed representation to the 1st respondent specifically pointing out that he is legally entitled for two legal fees for the same LAOP case, as he has filed two separate vakalats for SIPCOT and for the Revenue Divisional Officer, Ranipet. Out of which, one fees to be paid by SIPCOT for his appearance on their behalf and another fees to be paid by the 2nd respondent for his appearance on behalf of the 3rd respondent. He has specifically brought to the knowledge of the 2nd respondent that for his appearance on behalf of the Revenue Divisional Officer, Ranipet, in the same LAOP case, the 2nd respondent is liable to pay his legal fees and stating that SIPCOT has already paid the legal fees, the 2nd respondent cannot reject his claim. Hence, the petitioner requested the 2nd respondent to pay Rs.4,78,100/- as claimed by him in his letter, dated 30.05.2012, within a period of seven days. But, the same was considered by the 2nd respondent.

(vi) Aggrieved over the same, the petitioner has filed a Writ Petition in W.P.No.7371 of 2013 before this Court praying to quash the rejection order, dated 24.12.2012, issued by the 2nd respondent and to direct the 2nd respondent to pay the pending legal fees of Rs.4,78,100/- due and payable to the petitioner with interest within a stipulated time. This Court, by order dated 18.03.2015, allowed the Writ Petition and set aside the rejection order passed by the 2nd respondent. This Court has given the following direction to the 2nd respondent:-

"For all the above reasons this Writ Petition is allowed and the impugned order passed by the 1st respondent vide Na.Ka.No.G3/66766/2008, dated 24.12.2012, is set aside and the respondent concerned, is directed to process the petitioner's fee bills for having appeared in those cases in the capacity of Additional Government Pleader in accordance with terms of his engagement and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order."

Pursuant to which also, the 2nd respondent has not complied with the order.

(vii) Aggrieved over the same, the petitioner issued a contempt notice to respondents 2 and 3, vide, letter dated 13.07.2015. In response to which, the 2nd respondent has issued a letter, dated 18.07.2015, informing that as per the direction issued by this Court in W.P.No.7371 of 2013, dated 18.03.2015, a proposal has been submitted to the 1st respondent to sanction the legal fees for the petitioner's appearance in the Land Acquisition Cases. The 2nd respondent has also enclosed the

proposal submitted by him to the 1st respondent, vide, Na.Ka.G3/66766/2008, dated 09.07.2015, requesting the 1st respondent to accord sanction for payment of Rs.4,78,100/- towards the payment of pending legal fees to the petitioner. The 3rd respondent also sent a letter to the petitioner's counsel, dated 14.07.2015, reiterating the said position. The said proposal is pending with the 1st respondent for more than six months, but, there is no response from him. Hence, the petitioner has again sent a representation to the 1st respondent on 01.12.2015, requesting him to accord sanction the long pending legal fees. Though, the said representation was received by the 1st respondent, there was no response from him till date. Aggrieved against the same, the present Writ Petition has been filed.

3. When the matter is taken up for consideration, Mr.T.P.Prabakaran, the learned counsel for the petitioner made his submissions reiterating the averments made in the affidavit.

4. Mr.V.Jaya Prakash Narayanan, the learned Special Government Pleader, leaves the matter to the discretion of this Court.

5. Considering the submissions made on either side, this Court directs the petitioner to give a detailed fresh representation, enclosing the proposal submitted by the 2nd respondent to the 1st respondent vide Na.Ka.No.G3/66766/2008, dated 09.07.2015, and on receipt of the same, 1st respondent is directed to consider the same and pass appropriate orders, with regard to according of sanction on the proposal submitted by the 2nd respondent, vide, Na.Ka.No. G3/66766/2008, dated 09.07.2015, for payment of Rs.4,78,100/- towards the legal fees due and payable to the petitioner, on merits and in accordance with law, within a period of two months (eight weeks) from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, accordingly. No costs.
paa

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary/
Chairman/Managing Director
SIPCOT, Chennai.

2. The District Collector
Vellore District
Vellore.

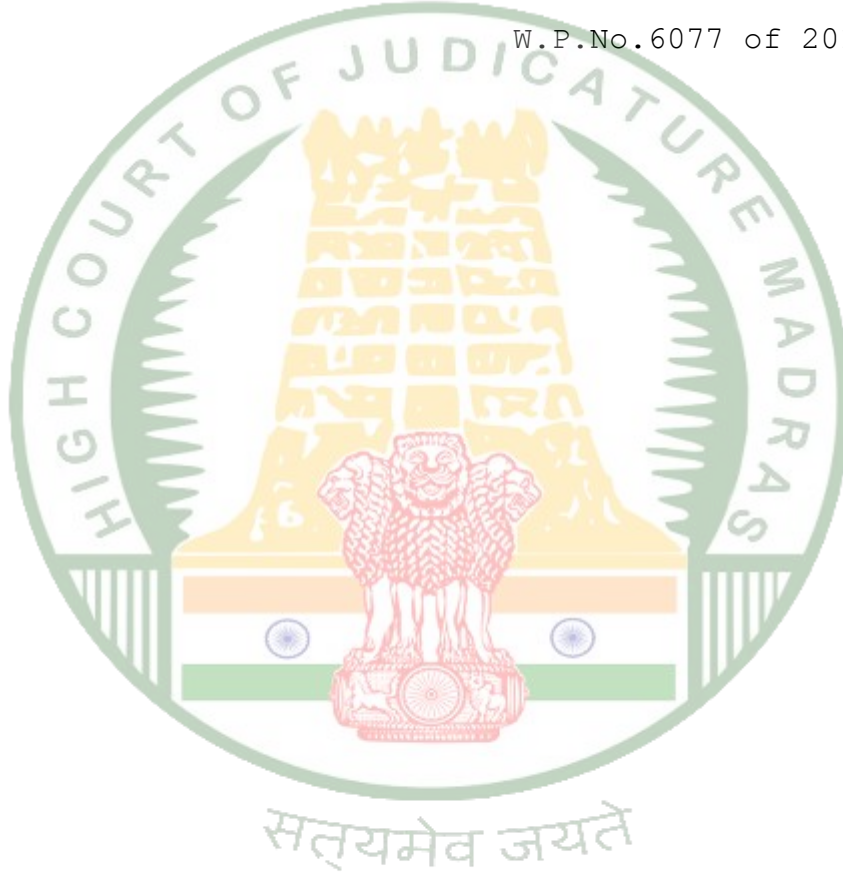
3. The Revenue Divisional Officer
Ranipet
Vellore District.

+ 1 cc to Mr.T.P.Prabakaran, Advocate, SR 14747

+ 1 cc to Govt.Pleader, High Court, Madras SR 14271

ppa(co)
prk22/3

W.P.No.6077 of 2016



WEB COPY