



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.630 of 2017

and

C.M.P (MD) .No.5227 of 2017

1. The Commissioner,
Madurai Corporation,
Madurai 625 002.

2. The Law Officer,
Madurai Corporation,
Madurai.

: Appellants

Vs.

Balarathinakumar

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.04.2017 made in W.P.(MD).No.5258 of 2017, on the file of this Court.

Prayer in WP(MD). 5258/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the Respondents herein to disburse the monthly retainer fees for the months from 15.11.2011 to 15.06.2016 (Rs.7500 x 55 = 4,12,500/-) to the Petitioner for he served as the Standing Counsel for Madurai Corporation and pass such or other further order as this Hon'ble Court.

For Appellants : Mr.R.Murali

Standing Counsel

For Respondent

: Mrs.Porkodi Kannan

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Murali, learned Standing Counsel appearing for the appellants and Mrs.Porkodi Kannan, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed against the order dated 18.04.2017, made in W.P.(MD).No.5258 of 2017. The said Writ Petition was filed by the respondent herein for issuance of a Writ



of Mandamus, directing the respondents therein to disburse the monthly retainer fees for the period from 15.11.2011 to 15.06.2016 payable to him, while he has served as Standing Counsel for the appellant Corporation.

3. This Writ Appeal by the appellant Corporation is only with regard to the payment of interest, which has been fixed at the rate of 9% per annum. The appellant Corporation does not dispute the fact that the respondent/Writ Petitioner had rendered good service during his tenure as a Standing Counsel and in fact, the same has been candidly admitted in the counter affidavit. However, the appellant Corporation is aggrieved by the direction issued by the Writ Court in directing payment of interest, which, according to the learned Standing Counsel for the appellant Corporation, ought not to have been ordered, considering the facts and circumstances of the case.

4. We have heard the learned counsel appearing for the respondent as well as the respondent/Writ Petitioner, who is present in Court.

5. Considering the peculiar facts and circumstances of the case and also taking note of the fact that the appellant Corporation was fully satisfied with the service rendered by the respondent/Writ Petitioner, we direct that the amount shall be paid together with interest at the rate of 6% per annum [simple interest]. The retainer fee, as ordered to be paid by the Writ Court shall be paid along with interest at the rate of 6% per annum, within a period of two weeks from the date of receipt of a copy of this Judgment. No costs.

Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To:

1. The Commissioner, Madurai Corporation, Madurai 625 002.
 2. The Law Officer, Madurai Corporation, Madurai.
- +1 CC to M/s.R.MURALI, Advocate, SR No. 60847

NB

PSM/MR/SAR1/28.06.2017/2P/4C

**JUDGMENT MADE IN
W.A. [MD] .No.630 of 2017
and
C.M.P (MD) .No.5227 of 2017
16.06.2017**