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Cont.P. No. 971 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 971 of 2009

M.C. Swamy,
Flat – G, III Floor,
New No.2/Old No.26,
Judge Jumbulingam Street,
Mylapore, Chennai 600 004

.. Petitioner/Petitioner

Versus

1. M.R. Santhanam
Secretary to Government
Highways Department
Fort St. George
Chennai - 600 009

2. E.R. Balaji
The Chief Engineer (General)
Highways Department
Chepauk, Chennai - 600 005

.. Respondents/Respondents

Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to issue summons to the respondents herein and punish them for their wilful disobedience of the order of this Hon'ble Court dated 09.04.2008 passed in WP No. 5635 of 2007.

For Petitioner	:	Mr. C. Senthilnathan
For Respondents	:	Mr. Stalin Abhimanyu Government Counsel



ORDER

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This contempt petition is filed by the petitioner complaining non-compliance of the order dated 09.04.2008 passed in WP No. 5635 of 2007. By the said order dated 09.04.2008, this Court while allowing the writ petition filed by the petitioner herein directed the respondents to scrutinise the fee bills produced by the petitioner on 30.12.2003, 12.03.2002 and 26.04.2000 and sanction the eligible amount within a period of four weeks, with interest of 12%, after an expiry of six months from the date of receipt of the fee bills. For the amount already paid or sanctioned, the respondents are also liable to pay interest at the rate of 12% after the expiry of six months from the date of submission of the fee bills, till the actual payment is made. The said amount is to be calculated by the concerned Department of the Government and the same is directed to be paid within a period of six weeks from the date of receipt of a copy of the order.

2. It is evident that the petitioner herein was appointed as a Special Government Pleader by the Government to prosecute/defend the cases on their behalf, in which post, the petitioner continued upto 27.07.2004. After the relinquishment of the post on 27.07.2004, the petitioner claimed the legal fee payable to him, but it was not forthcoming. The petitioner therefore filed WP No. 41842 of 2006 before this Court. By order dated 22.12.2006, this Court directed the first respondent to pay the fee to the petitioner as per Rules, with



12% simple interest till the date of payment. In spite of the direction issued in the earlier writ petition, the amount payable to the petitioner has not been paid, therefore, he has filed the present writ petition for a Mandamus directing the respondent's to disburse the petitioner's professional fees in compliance of the order made in WP No. 41842 of 2006 dated 22.12.2006.

3. When the Contempt Petition is taken up for hearing, the learned Government Counsel produced a copy of the order in G.O. (D) No.229, Highways and Minor Ports Department dated 10.12.2009 sanctioning a sum of Rs.3,58,802 to the petitioner towards interest at 12% per annum for the bills already paid to him. The learned counsel for the petitioner also confirmed the receipt of payment as per the aforesaid order passed by the Government.

4. In the light of the above, no further order is required in this contempt petition. The Contempt Petition is therefore closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.



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To

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1. The Secretary to Government
Highways Department
Fort St. George
Chennai - 600 009
2. The Chief Engineer (General)
Highways Department
Chepauk, Chennai - 600 005