



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. NO.6969 OF 2021

M.T.Arunan

.. Petitioner

- Vs -

1. The Secretary
Dept. of Ayush
Red Cross Building
Parliament Street, New Delhi.
2. Dr.Kumar Vivekanand
3. The Secretary, CCH
No.61-65, 5th & 6th Floors
Institutional Area, New Delhi 110 058.
4. Dr.Anil Kurana
5. Dr.Indranil Ghosh Mondal
Deputy Advisor(H),
Ministry of AYUSH, Govt of India,
AYUSH Bhawan,
B Block, GPO Complex,
INA Colony,
New Delhi - 110023.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to consider the consolidated bill dated 7.11.2019 submitted and pay the fees and expenditure with interest as claimed therein within a time frame as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.R.Rajesh Vivekananthan, SPC



ORDER

The present petition has been filed for a direction to the respondents to pay the consolidated bill towards fees and other expenditure incurred for the cases handled by the petitioner for the respondents.

2. It is the case of the petitioner that he was the Standing Counsel for Central Council for Homeopathy from 2005 till June, 2019 and was handling all the cases and payment towards fees for the cases handled by the petitioner were settled. However, after a period of time, the petitioner faced numerous problems including requirement from the respondents with regard to furnishing of orders for separate cases in which effective hearing took place in the High Court. In spite of the clear explanation offered by the petitioner, however, due payments were not made to him. Thereafter, vide communication dated 27.6.2019, the petitioner was informed that his services are no longer required. Though the petitioner has submitted his bills with regard to the fees claimed by him for the hearings attended by him on behalf of the respondents, the said bills were not honoured by the respondents except seeking clarification as to furnishing of separate order for each and every hearing. In spite of repeated representations, the total bills for 38 cases amounting to Rs.27,93,740/- has not been settled by the respondents. In spite of representation sent by the petitioner in February, 2020, detailing each and every case in which he has appeared, however, neither the bill has been settled nor any orders passed on the representation filed by the petitioner. Hence, the present petition has been filed, as the petitioner has no other efficacious remedy in this regard to claim the relief.

3. Learned counsel appearing for the petitioner submits that in spite of repeated representations and also giving detailed statement with regard to the fees incurred for the individual cases in which the petitioner has appeared, however, the respondents have neither settled the bill nor dealt with the representation in the manner known to law. Therefore, he seeks for an affirmative direction to the respondents to settle the bill submitted by the petitioner within a time frame fixed by this Court.

4. Learned standing panel counsel appearing for the respondents submit that though the petitioner has submitted a representation along with bill detailing the individual cases in which he has appeared, however, the bill is devoid of any orders being passed with regard to effective hearing given to each and every case and in the absence of such details, the respondents



5. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. In the aforesated circumstances, this Court cannot deliberate or direct the respondents to pay the amount as claimed by the petitioner, as the respondents have sought for certain details from the petitioner for honouring the said bill. Without the petitioner producing the relevant details, giving an affirmative direction to the respondents would be impermissible. In the above circumstances, this Court directs the respondents to honour the bill of the petitioner subject to the terms of the order in and by which the services of the petitioner were confirmed as standing counsel for the respondent and pay the amount due to the petitioner as per the terms of the contract of appointment entered between the petitioner and the respondents as expeditiously as possible.

Sd/-
Assistant Registrar (CS-III)

Sub Assistant Registrar

<https://hcservices.ecourts.gov.in/hcservices/>



To

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+2ccs to Mr.A.V.Arun, Advocate, S.R.No.61738

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SVI (CO)
RLP (12/01/2022)