



WEB COPY



W.P.No.271 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.271 of 2021

V.Ayyadurai

Senior Advocate, Old Chambers No.25

High Court Buildings, Chennai.

.... Petitioner

-Vs-

Tamil Nadu Pollution Control Board

Rep.by its Member Secretary

No.76, Mount Salai, Guindy

Chennai 600 030.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandams directing the respondent to pay my professional fee as claimed in my fee bills dated 29.11.2017 and 13.12.2017 together with interest at 12 percentage p.a. till the date of payment by fixing the outer limit of time to make such payment.

For Petitioner : Mr.V.Ayyadurai
Party-in-Person

For Respondents : Mrs.Vijayakumari Natarajan
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandams directing the respondent to pay my professional fee as claimed in my fee bills dated 29.11.2017 and



W.P.No.271 of 2021

13.12.2017 together with interest at 12 percentage p.a. till the date of payment by fixing the outer limit of time to make such payment.

WEB COPY

2. In order to get the fee as claimed by the petitioner for having appeared for the respondent Board as per the fee bills dated 29.11.2017 and 13.12.2017 together with interest at 12% till payment, the present writ petition has been filed.

3. After hearing the learned counsel for both sides during the earlier hearing, this Court passed the following interim order on 02.11.2022.

" Heard Mr.V.Ayyadurai, petitioner, who appeared party-in-person and Mrs. Vijayakumari Natarajan, learned Standing Counsel appearing for the respondent Tamil Nadu Pollution Control Board.

2. The learned Standing Counsel submits that, by board proceedings dated 21.04.2022 in B.P.No.10, the fee for Standing Counsel on various levels of the Tamil Nadu Pollution Control Board has been enhanced, at the same time, insofar as the legal fee to be paid to the Advocate General and the Additional Advocate General, who are engaged in sensitive cases by the Tamil Nadu Pollution Control Board is concerned, the fee structure prescribed by the Government in G.O.Ms.No.356 Public (Law Officers) Department dated 24.04.2017 is to be adopted, accordingly, it was adopted. 3. In view of the said adoption of G.O.Ms.No.356 dated 24.04.2017 by B.P.No.10 dated 21.04.2022, it is a stand of the respondent as projected by the learned Standing Counsel that, the fee claim made by the petitioner, who conduct



the case well prior to the B.P.No.10 dated 21.04.2022 shall be fixed and paid only at the rate as prescribed under G.O.Ms.No.356 dated 24.04.2017, which means, the effect of B.P.No.10 has been implemented retrospectively in the case of the petitioner. 4. When a specific question was posed to the learned Standing Counsel appearing for the Tamil Nadu Pollution Control Board as to whether the very same retrospective effect application has been made in respect of enhancement of fee for law officers specifically engaged or appointed by the Pollution Control Board, the learned Standing Counsel says the answer in negative. Therefore, this Court feels that the adoption of the G.O.Ms.No.356 or the import of the B.P.No.10 dated 21.04.2022 cannot be implemented retrospectively only for selected cases and prospectively for other cases as that is a clear discrimination among the law officers and therefore, on that ground, this Court prima facie feels that, the fee claim made by the petitioner i.e., Rs.3,00,000/- (Rupees Three lakhs only) for the cases he appeared is to be accepted. Therefore, for the remaining amount of Rs.1,80,000/- (Rupees One lakh eighty thousand only) after deducting the earlier amount paid i.e., Rs.1,20,000/- (Rupees One lakh twenty thousand only), the petitioner is entitled to receive. Hence, there shall be a direction to the respondent to clear the bill and pay the said amount and report before this Court for compliance.

Post the matter on 16.11.2022."

4. After passing the said order, when the case is taken up for hearing today, Mrs,Vijayakumari Natarajan, learned Standing Counsel appearing for the respondent Board has submitted that the orders passed by this Court dated 02.11.2022 has been complied with and the remaining fee payable to the petitioner has been paid.



W.P.No.271 of 2021

5. The said statement made by the learned Standing Counsel for the respondent Board is not controverted by the petitioner, who appeared party-in-person.

6. Since the remaining fee payable to the petitioner has been paid and in this regard the orders passed by this Court dated 02.11.2022 has been complied with. Recording the said submission made by the learned Standing Counsel for the respondent Board, this writ petition can be disposed of and accordingly the same is disposed of. No costs.

01.12.2022

Index : Yes/No
Internet : Yes/No
KST
To

The Member Secretary
Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy
Chennai 600 030.



WEB COPY



W.P.No.271 of 2021

R. SURESH KUMAR, J.

KST

W.P.No. 271 of 2021

01.12.2022