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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

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THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.30586 of 2018

and

WMP No35668 of 2018

K. Senthil Kumar

... Petitioner

Vs

1.The Principal Secretary,  
Co-operation, Food and Consumer  
Protection Department, Secretariat,  
Chennai 600 009.

2. The Commissioner,  
Civil Supplies and Consumer  
Protection Department,  
Ezhilagam Buildings,  
Chepauk, Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records of the first respondent's order/letter No.19234/H1/2015-9, dated 09.08.2016 and quash the same and direct the respondents to pay/settle revised retainer fee and allowances including office rent on par with the Govt. Pleader, High Court of Madras from 10.01.2007 as per G.O.M.S.No.36 Public (Law Officers) Dept. dated 10.01.2007 and from 01.11.2010 as per G.O.M.S.No.1033, Public ( Law Officers) Dept., dated 01.11.2010 to the Petitioner within the time limit to be stipulated by this Hon'ble Court..

For petitioner ... Mr. S. Subramania Raja

For respondents ... Mrs. S.Premkumar,  
Special Government Pleader



## ORDER

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This writ petition has been filed, challenging the order passed by the first respondent, rejecting the petitioner's request to revise the retainer fees on par with the Government Pleader appearing in the High Court.

2. According to the petitioner, the petitioner was appointed as a Standing Counsel for the respondents in the State Consumer Disputes Redressal Commission at Chennai in the year 2003, and continued till 2012. At the time of his appointment, the retainer fees was fixed at Rs.6000/- on par with that of the Government pleaders appearing in the High Court. Subsequently, in the year 2013, the retainer fees for the Standing Counsel in the State Consumer Disputes Redressal Commission has been revised to Rs.15,000/-. However, the retainer fees for the petitioner has not been revised.

3. According to the petitioner, the Government has revised the retainer fees for the Government Pleaders appearing in the High Court, vide G.O.Ms.No.36, Public (Law Officers) Dept., dated 10.01.2007 and G.O.M.S.No.1033, Public (Law Officers) Department, dated 01.11.2010, to Rs.15,000/-. Hence, the petitioner made a representation to the Government to revise the retainer fees, on par with the Government Pleader appearing in the High Court. Since the said representation was not considered, the petitioner approached this Court by way of filing Writ Petition in W.P.No.27681 of 2015 and this Court, by an order dated 29.02.2016, disposed of the said writ petition with a direction to the petitioner to make a representation before the first respondent and the first respondent was directed to consider the petitioner's request for revision of retainer fees, within a period of eight weeks. Pursuant to the said order, the petitioner made a representation before the first respondent. However, the first respondent passed the impugned order, once again, rejecting the petitioner's request. Challenging the same, the petitioner is before this Court with this petition.

4. Heard both sides and perused the materials available on records carefully.

5. Earlier this Court, in W.P.No.27681 of 2015, specifically directed the first respondent herein to consider the petitioner's request to revise the retainer fees on par with the



Government Pleaders appearing in the High Court. From the perusal of the order impugned in the writ petition, it could be seen that without considering the above direction, the first respondent has mechanically rejected the petitioner's request stating that no retrospective effect can be given regarding the revised retainer fees. The order has been passed, without considering the petitioner's request in proper perspective, and the direction issued by the Court. Hence, the same is liable to be set aside.

6. Accordingly, the impugned order passed by the first respondent is set aside and the first respondent is directed to consider the petitioner's request with regard to revised retainer fees on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mrp  
To

1. The Principal Secretary,  
Co-operation, Food and Consumer  
Protection Department, Secretariat,  
Chennai 600 009.

2. The Commissioner,  
Civil Supplies and Consumer  
Protection Department,  
Ezhilagam Buildings,  
Chepauk, Chennai 600 005.

+1cc to Mr.S.Subramania Raja, Advocate Sr.13304  
+1cc to the Government Pleader Sr.14151

W.P. No.30586 of 2018

pm[co]  
srg 11/04/2022