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W.P.No.6373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6373 of 2023

Tmt.R.Vijayalakshmi

...Petitioner

VS.

1. The President,
Jawarharlal Institute of Post Graduate Medical
Education and Research – JIPMER,
Dhanvantri Nagar, Pondicherry.
2. The Director,
Jawarhalal Institute of Post Graduate Medical
Education and Research – JIPMER,
Dhanvantri Nagar, Pondicherry.
3. The Deputy Director (Administration),
Jawarhalal Institute of Post Graduate Medical
Education and Research – JIPMER,
Dhanvantri Nagar, Pondicherry.
4. Disciplinary Court Case Cell,
Jawarhalal Institute of Post Graduate Medical
Education and Research – JIPMER,
Dhanvantri Nagar, Pondicherry.



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5. Mr.Mathivathanan, Law Officer,
Disciplinary Court Case Cell,
Jawaharlal Institute of Post Graduate Medical
Education and Research – JIPMER,
Dhanvantri Nagar, Pondicherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to process the claim application made by the petitioner, towards the unpaid fees for the court cases and retainer fee to be paid to the petitioner's husband Shri.R.Balasubramanian (Standing Counsel for JIPMER from 2000 – 2017) and disburse the amount in the name of the petitioner within the time frame.

For Petitioner : Mr.L.Chandrakumar for
C.S.Assocaites

For Respondents : Mr.M.T.Arunan
Standing counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to process the claim application made by the petitioner, towards the unpaid fees for the court cases and retainer fee to be paid to the petitioner's husband Shri.R.Balasubramanian (Standing Counsel for JIPMER from 2000 – 2017) and disburse the amount in favour of the petitioner within the time frame.



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2. It is the case of the petitioner that the petitioner's husband served as Standing counsel for JIPMER since 2000 to 2017. The retainer fee and the fees for the case conducted by the petitioner's husband has not been paid, for which the petitioner after the death of her husband made a claim on 20.07.2019 which was duly acknowledged by the fourth respondent. Thereafter, on account of loss of the previous claim, a copy of another claim was made on 31.08.2019, on which certain queries were raised by the third respondent which was duly replied on 01.04.2020. Though more than one year has passed, since then only on 27.09.2021, the third respondent raised further queries in this regard. While so, the petitioner made a detailed representation dated 20.01.2022 before the respondents, enclosing all the records seeking to process the claim application made by the petitioner towards the unpaid fees and retainer fee to the petitioner's husband. Since no orders have been passed, the present writ petition is filed.

3. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if



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this Court issues a direction to the second respondent to settle the fees payable to the petitioner's husband in favour of the petitioner by considering her representation dated 20.01.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Standing counsel appearing for the respondents submits that the petitioner's representation will be considered in the manner known to law.

5. Considering the limited request sought for by the petitioner and also the submission made by the learned standing counsel appearing for the respondents, this Court without going into the merits of the case, directs the second respondent to consider the said representation dated 20.01.2022 made by the petitioner after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any and pass appropriate orders on merits and in accordance with law within a period of three (3) weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is accordingly disposed of. No costs.

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RAP

Index : Yes/No

Speaking order : Yes/No

Neutral Citation case : Yes/No

To

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M.DHANDAPANI, J.

RAP

5. Mr.Mathivathanan, Law Officer,
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