



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.2330 of 2023

K.V.Vijayakumar

.. Petitioner

-VS-

- 1.The Additional Chief Secretary to Government,
Finance Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 3.The Principal Secretary to Government,
Health and Family Welfare Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.



4. The Principal Secretary to Government,
Higher Education Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
5. The Principal Secretary to Government,
Highways and Minor Ports Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
6. The Principal Secretary to Government,
Housing and Urban Development Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
7. The Principal Secretary to Government,
Public Works Department,
Fort St. George,
Secretariat,
Chennai-600 009.
8. The Principal Secretary to Government,
Revenue and Disaster Management Development,
Revenue Department,
Fort St. George,
Secretariat,
Chennai-600 009.
9. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai-600 009.



.. Respondents

For Petitioner	:	Mr.V.Ragupathy
For Respondents-1 to 3, 5 to 10	:	Mr.J.Ravindran, Additional Advocate General.
For Respondent-4	:	Mr.D.Ravichander, Special Government Pleader.

The Writ of Mandamus has been instituted to direct the respondents to settle the legal fees as mentioned in the present writ proceedings.



2. The writ petitioner was appointed as Government Advocate on record to represent the Government of Tamil Nadu before the Hon'ble Supreme Court of India. The petitioner was allotted with 10 Departments to represent the cases relating to the said 10 Departments.

3. Mr.V.Ragupathy, learned counsel for the petitioner, would submit that the petitioner performed his duties diligently by representing the Government of Tamil Nadu before the Supreme Court of India, nearly about four years. He has submitted the bills, claiming legal fees. Since the bills are not settled, the present writ petition came to be instituted.

4. Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the fourth respondent, relied on the Government Orders regarding sanction of legal fees and about appointment of Government Advocates.



5. It is not in dispute that the petitioner was appointed as Government Advocate on record to represent the Government of Tamil Nadu before the Supreme Court in G.O.Ms.No.575, Home (Courts-IV) Department, dated 14.07.2017. It is further contended that the bills submitted by the Government Advocates, are scrutinised with reference to the Government Orders and based on eligibility, the fee amount will be settled.

6. This Court is of the considered opinion that disputed bills, cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India.

7. As far as the undisputed bills are concerned, the same may be settled by the respondents without causing any undue delay.

8. Once the bill is presented for consideration, the respondents are bound to scrutinise the same, within a reasonable period of time and settle the legal fees to the Advocate, who represented the Government of Tamil Nadu, either before the Supreme Court or before the High Courts.



9. In respect of the disputed bills, the Government is duty bound to get clarifications or seek additional documents or otherwise, from the claimant for the purpose of considering those bills. Therefore, the High Court cannot issue directions to clear all the bills without reference to eligibility.

10. The disputed facts cannot be adjudicated in writ proceedings. The contractual obligation and appointments are based on the Government Orders and therefore, verification of bills are of paramount importance at the end of the Government.

11. In view of the factum established, the respondents are directed to clear the bills, which all are not disputed, within a reasonable period of time and in respect disputed or doubtful bills, they are at liberty to seek further clarifications or documents from the petitioner, enabling the Government to consider the bills in accordance with the terms and conditions stipulated in the Government Orders.



12. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

01-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Additional Chief Secretary to Government,
Finance Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 3.The Principal Secretary to Government,
Health and Family Welfare Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.



4. The Principal Secretary to Government,
Higher Education Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
5. The Principal Secretary to Government,
Highways and Minor Ports Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
6. The Principal Secretary to Government,
Housing and Urban Development Department Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.
7. The Principal Secretary to Government,
Public Works Department,
Fort St. George,
Secretariat,
Chennai-600 009.
8. The Principal Secretary to Government,
Revenue and Disaster Management Development,
Revenue Department,
Fort St. George,
Secretariat,
Chennai-600 009.
9. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai-600 009.



WEB COPY

10. The Secretary to Government,
Commercial Taxes and Registration Department
Secretariat,
Fort St. George,
Secretariat,
Chennai-600 009.

WP No.2330 of 2





WEB COPY



WP No.2330 of 2

S.M.SUBRAMANIAM, J.

Svn

WP 2330 of 2023

01-04-2024