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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.3431 of 2024

And

WMP No.3894 of 2024

Mr.V.Shanmuga Sundar

.. Petitioner

-VS-

1.The Secretary to Government,
Higher Education Department,
Fort Saint George,
Secretariat,
Chennai-600 009.

2.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Guindy,
Chennai-600 025.

3.The Registrar,
Anna University,
Sardar Patel Road,
Guindy,
Chennai-600 025.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to settle the petitioner Professional Retainer Fee Bill as per the claim sent to the second and third respondents vide letters dated 10.06.2022 with interest at the rate of 18% per annum till date of payment.

For Petitioner : Mr.V.R.Kamalanathan for
Mr.R.Manibharathi

For Respondent-1 : Mr.D.Ravichandran,
Special Government Pleader.

For Respondents-2 and 3: Mr.U.Baranidharan,
Standing Counsel.

ORDER

The Writ of Mandamus has been instituted to direct the respondents to settle the petitioner's Professional Retainer Fee Bill.

2. The relationship between the lawyer and the litigant, is privileged. Regarding legal fees, it is a contract and therefore, the disputed issues regarding settlement of legal fees, cannot be adjudicated in writ proceedings.



3. No doubt, the respondent is the 'State', within the meaning of Article 12 of the Constitution of India. However, the settlement of legal fees, are to be made scrupulously by following the procedures as contemplated. It is a public money, which is disbursed by way of legal fees and therefore, the bill must be presented properly by the Advocate and on such production of bills, the Authorities have to scrutinise the same, verify the correctness, eligibility etc., and thereafter settle the same in accordance with law.

4. At the outset, the disputed bills cannot be settled by instituting writ proceedings under Article 226 of the Constitution of India. The admitted bills can be settled without causing any undue delay.

5. It is needless to state that the Government Law Officers are performing public duties. They are expected to serve for public good and respond to the Court proceedings in a truthful manner. Claiming of bill by the Government Law Officers should be strictly in accordance with law.

6. In recent times, claiming of unnecessary and exorbitant bills,



are noticed by some Government Departments. There are allegations that for routine cases, the Senior Law Officers are claiming bills from public money, which would result in financial implications to the State Exchequer.

7. Every Law Officer is expected to be prudent in representing the Government to sub-serve the public good. Therefore, all claims must be in consonance with the professional ethics and in accordance with the Schedule notified by the Government.

8. The distribution of cases also must be made prudently, so as to ensure that the Government cases are represented properly so as to protect the public interest. For closure of certain ordinary cases, the appearance of Senior Law Officers may not be required. Therefore, any idea of such appearances for claiming legal fees from the public money, at no circumstances, be appreciated by this Court.

9. In the present case, the learned counsel for the respondent



would submit that the bills are yet to be received from the petitioner-lawyer, who represented the cases of Anna University. Thus the petitioner is at liberty to submit the bills in the prescribed format along with necessary documents and on receipt of any such bills, the respondents are directed to scrutinise the same, verify the correctness and accordingly settle the bills as expeditious as possible.

10. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05-04-2024

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

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Higher Education Department,



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S.M.SUBRAMANIAM, J.

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