



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.7719 of 2024

B.Annamalai

... Petitioner

Vs

The District Collector
Sathuvachari,
Vellore District,
Vellore – 9

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay a professional fee of Rs.4,14,000 (69 x 6000) to the petitioner along with appropriate interest accrued from the date on which his professional fees became due and payable to him for his appearance on the Government side as Government Pleader in 69 original suits before the Court of Principal District Munsif Court and Additional District Munsif court Vellore as admitted by the respondent vide his proceedings in R.C.No.C4/12646/2017 dated 15.07.2022 with a consequential direction to the respondent to verify the vakalathnamas filed and decrees passed in the remaining 168 original suits and pay an amount of Rs.10,08,000/- to the petitioner towards the professional fees due and payable to him along with appropriate interest accrued from the date on which his professional fees became due and payable to him in pursuant to his



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appearance on the government side as Government Pleader for those cases before Principal District Munsif court and Additional District Munsif Court, Vellore within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

The petitioner, claiming to have appointed as a Government Pleader in the District Munsif Court, Vellore has filed this writ petition seeking a mandamus directing the respondent to pay arrears of professional fees, with interest.

2.This is not the first time, when the petitioner has sought this prayer as in WP.No.14164 of 2021 too, his prayer was for a mandamus to pay the arrears of professional fees with interest for the assignment of Government Pleader in Principal District Munsif Court, Vellore and Additional District Munsif Court, Vellore.

3.That writ petition came to be closed on 18.08.2021 and the respondent was directed to consider the claim of the petitioner based on his claim letters dated 08.06.2017 and 23.06.2017 within a period of six weeks from date of receipt of that order.



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4. Since there was no action taken, Contempt Petition No.429 of 2022 was filed, which was disposed on 05.08.2022. In that contempt petition, the learned Additional Government Pleader appearing for the respondent produced a copy of proceedings in R.C.No.C4/12646/2017 dated 15.07.2022 to following effect:

"In the circumstances stated above, since the writ petitioner has not submitted his claims along with supportive document and mentioned the fee of Rs.6000/- for each cause which is contrary to the fees structure mentioned in the G.O 4h cited, his request could not be complied with. However the writ petitioner is hereby requested to submit the claims as per the fees structure along with the supportive documents in the line of the reference received from the Principal District Sessions Court, Vellore. Upon receipt of the same, the request of the writ petitioner will be considered on merits."

5. Faced with that position, learned counsel for the petitioner had submitted that he be permitted to file an appropriate claim petition with supporting documents as well as particulars of outstanding fees as per G.O.(Ms).No.36, Home (Courts-VIA) Department dated 12.01.2011.

6. The Court thus permitted the petitioner to file a claim petition with requisite details within a period of two (2) weeks from date of receipt of a copy of that order. The Contempt Petition was closed. Thereafter, the petitioner has sent a legal notice on 24.11.2023 again reiterating the factum of pending arrears. However, till date no claim petition has been filed.



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7.Mr.M.R.Gokul Krishnan, who accepts notice for the respondent now, produces a sample of the claim form that has to be filed by Government Pleaders appearing before the District Courts, which contains, inter alia, a proforma setting out various details of the assignments. A copy of the same has been given to the learned counsel for the petitioner as well.

8.For the third time, the petitioner is permitted to make his claim in the appropriate form, and such claim, if made within a reasonable period, shall be considered by the respondent, expeditiously.

9.This writ petition is closed. No costs.

25.03.2024

Index : Yes/No

Speaking order

Neutral Citation:Yes

vs

To

The District Collector
Sathuvachari,
Vellore District,
Vellore – 9



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Dr.ANITA SUMANTH, J.

VS

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