



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-06-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

WP No.8355 of 2020

And

WMP No.10026 of 2020

R.Balasubramanian

.. Petitioner

-VS-

1.The Union of India,
Represented by its Secretary to Government,
Ministry of Prime Minister,
New Delhi.

2.The Union of India,
Represented by its Secretary to Government,
Ministry of Law,
3rd Floor, 'C' Wing,
Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

3.The Union of India,
Represented by its Secretary to Government,
Ministry of Finance,
New Delhi.



4. The Secretary to Government of Tamil Nadu,
The Hon'ble Chief Ministry,
St. George Fort,
Chennai-600 009.

5. The Secretary to Government of Tamil Nadu,
Finance Department,
St. George Fort,
Chennai-600 009.

6. The Secretary to Government of Tamil Nadu,
Law Department,
St. George Fort,
Chennai-600 009.

7. The Chairman,
All India Bar Council,
21, Rouse Avenue,
Institutional Area ITO,
Near Bal Bhavan,
New Delhi-110 002.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 6 to consider the representation dated 15.05.2020 to provide loan to minimum of Rs.5 lakhs immediately under the Scheme of Special Economic Stimulus Package of Rs.20 lakhs Crore for the people announced by the third respondent, through Nationalised Bank repayable within 6 years or adjust from State Advocates Welfare Fund Scheme allotted by the Tamil



Nadu State Government vide G.O.(2D) No.22 of Tamil Nadu and Puducherry Advocate Welfare Fund Act, 1987 dated 30.01.2018 issued by the Home (Courts-V) Departments Government of Tamil Nadu without any security and interest to the Advocate Member in Bar Council who are identified by the respective State Bar Councils in order to eak out their livelihood and to meet out the expenses to install the required technical instruments on suo motu orders under Article 142 of the Constitution of India by the Hon'ble Supreme Court that 'TECHNOLOGY IS HERE TO STAY” for continuing the practice of all over Tamil Nadu and Puducherry and other parts of India.

For Petitioner : Mr.R.Balasubramanian
[Petitioner-in-Person]

For Respondents-1 to 3 : Mr.K.Srinivasamurthy,
Senior Panel Counsel for Central
Government.

For Respondents-4 to 6 : Mr.S.John J.Raja Singh,
Additional Government Pleader.

For Respondent-8 : Mr.C.K.Chandrasekhar



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ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The Writ of Mandamus has been instituted to direct the respondents 1 to 6 to consider the representation dated 15.05.2020 to provide loan to minimum of Rs.5 lakhs immediately under the Scheme of Special Economic Stimulus Package of Rs.20 lakhs Crore for the people announced by the third respondent, through Nationalised Bank repayable within 6 years or adjust from State Advocates Welfare Fund Scheme allotted by the Tamil Nadu State Government vide G.O.(2D) No.22 of Tamil Nadu and Puducherry Advocate Welfare Fund Act, 1987 dated 30.01.2018 issued by the Home (Courts-V) Departments Government of Tamil Nadu without any security and interest to the Advocate Member in Bar Council who are identified by the respective State Bar Councils in order to eak out their livelihood and to meet out the expenses to install the required technical instruments on suo motu orders under Article 142 of the Constitution of India by the Hon'ble Supreme Court that 'TECHNOLOGY IS HERE TO STAY'' for continuing the practice of all over Tamil Nadu and Puducherry



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and other parts of India.

2. The petitioner is practicing Lawyer.

3. The grievance of the petitioner is that during Covid-19 pandemic period, no assistance had been provided by the Bar Council of Tamil Nadu and Puducherry to the Advocates, who all are on State roll.

4. Though assistance had been subsequently provided by the Bar Council of Tamil Nadu and Puducherry, it would be insufficient and therefore, further funds are to be allocated for the benefit of the Lawyers, who suffered during Covid-19 pandemic period.

5. The petitioner-in-person would submit that such assistance can be provided from and out of the funds raised through Welfare Fund Scheme.

6. Mr.K.Chandrasekhar, learned counsel for the Bar Council of Tamil Nadu and Puducherry, would oppose by stating that the funds



provided under the Welfare Fund Scheme would be insufficient even to settle the eligible members under the Scheme.

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7. The Bar Council of Tamil Nadu and Puducherry may not be in a position to allocate more funds to the Lawyers, who suffered during Covid-19 pandemic period. However, the Bar Council has already provided some assistance by collecting funds from the Lawyers and through other sources.

8. When possible assistance were already provided by the Bar Council, this Court in exercise of the powers of judicial review under Article 226 of the Constitution of India, cannot issue directions to allocate further funds to the Advocates, who suffered during Covid-19 pandemic period.

9. It is an administrative function of the Government, which need not be interfered with by the Courts. It is for the Government to take decision regarding allocation of funds for the benefit of the citizen, including the Lawyers. Thus, we are not inclined to consider the relief as such sought for in the present writ petition.



10. Accordingly, the present writ petition stands dismissed.
However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

18-06-2024

Index : Yes
Internet: Yes
Speaking order
Neutral Citation : Yes
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To

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Ministry of Prime Minister,
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