



W.P.No.15469 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15469 of 2021
and W.M.P.No.16404 of 2021

K.R.Mahesh

... Petitioner

-Vs-

1. The Managing Director and
Chief Executive Officer,
Indian Overseas Bank,
No.763, Anna Salai, Chennai.

2. The Chief Regional Manager,
Regional Office II,
Indian Overseas Bank,
No.763, Anna Salai, Chennai.

3. The Assistant General Manager,
Law Department Regional Office II,
Indian Overseas Bank,
No.763, Anna Salai, Chennai.

4. The Manager,
Law Department Regional Office II,
Indian Overseas Bank,
No.763, Anna Salai, Chennai.

5. Senior Manager,
Indian Overseas Bank,
Ekkatuthangal Branch,
Plot No.32, Defence Officers Colony,
Ekkatuthangal, Chennai – 600 097.

6. Senior Manager,



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Indian Overseas Bank,
150 Konnur High Road,
Ayanavaram, Chennai – 600 023.

7. Senior Manager,
Indian Overseas Bank,
Wall Tax Road Branch,
14, Ramanan Road, (Opp. to Elephant Gate Police Station),
Chennai – 600 079.

8. The Senior Manager,
Indian Overseas Bank,
Saligramam Branch,
7-C, New No.33, Arunachalam Road,
Saligramam, Chennai – 600 093.

9. The Senior Manager,
Indian Overseas Bank,
Vyasarpadi Branch,
No.3, II Cross Road,
Mahakavibharathi Nagar,
Vyasarpadi.

10. The Senior Manager,
Indian Overseas Bank,
Valmiki Nagar Branch,
Plot No.1, HIG Door No.14,
New Beach Road,
Thiruvalluvar Road,
Chennai – 600 041.

11. The Senior Manager,
Indian Overseas Bank,
Jafferkhanpet Branch,
S 11, Jawaharlal Nehru Road,
Ashok Nagar, Chennai – 600 083.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Mandamus, directing the first respondent to direct



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the respondents 2 to 11 to disburse the counsel fees of Rs.3,71,000/- along with the expenses incurred by the petitioner with simple interest at 9% per annum for the delayed period as also direct them to pay a sum of Rs.25,000/- by each branch manager and Law department Managers for deliberately delaying the payment of counsel fees and the expenses incurred by the petitioner as also directing the respondents to pay a sum of Rs.25,00,000/- towards mental agony and sufferings for delay in payment of counsel fees.

For Petitioner : Mr.V.P.Raju
for Mr.M.C.Samy

For R1, R3 to R6 : Mr.R.Subramanian
Central Government Standing Counsel

For R2, R5, R7, R10, R11 : Mr.V.Kathirvelu

ORDER

This writ petition has been filed for a direction directing the respondents to disburse the counsel fees along with the expenses incurred by the petitioner with interest and also for damages.

2. Heard the learned counsel appearing for the petitioner and the learned Central Government Standing Counsel appearing for the respondents 1, 3 to 6 and perused the materials available on record.

3. The petitioner was appointed as one of the Panel Advocate for Indian Overseas Bank during the year 2014 to conduct



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cases on their behalf. Accordingly, the petitioner appeared before the Debt Recovery Tribunal, Chennai and City Civil Court, Chennai for the respondents 2 to 11 herein. However, the petitioner was not provided with any schedule of fees for conducting cases, expenses incurred by him and court fees. After completion of all cases, the petitioner submitted his bills for legal fees, expenses incurred by him and court fees. However, except some initial fees, the petitioner was not settled with fees as claimed by him. Therefore, the petitioner submitted repeated representations to settle his fees, but in vain. Hence, the present writ petition.

4. A perusal of the counter filed by the respondents 2 to 11 herein reveals that admittedly the petitioner has been empaneled and he has been allotted more number of cases on behalf of the respondents 2 to 11 herein. According to the respondents, some of the cases he was paid and some of the cases, the petitioner was not paid so far in respect of fees, expenses and court fees. In some of the cases, part of the amount was paid and the remaining amount was not paid to the petitioner so far.

5. On perusal of the reply affidavit and the documents



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furnished by the petitioner reveals that so far the petitioner had appeared in 18 cases on behalf of the respondents 2 to 11 before the Debt Recovery Tribunal, Chennai, in which there is balance fees to the tune of Rs.4,11,200/- and 38,550/- towards reimbursement of balance expenses which was already incurred by the petitioner.

6. The Hon'ble Supreme Court of India repeatedly held that the lawyer representing the State has to be paid their fees promptly. Further the State should not create a situation where the advocate representing the State, approaches the Court for recovery of his fees. If the State created a situation, it will discourage the talented members of the Bar from appearing for the State. Therefore, a proper and rational policy has to be effectively implemented, so that the State will pay the fees to the advocates promptly within a reasonable time. Following the said observation, the reasons stated in the counter for delay in payment of fees cannot be accepted and the respondents 2 to 11 are liable to pay the fees and other expenses incurred by the petitioner.

7. In view of the above, the respondents are directed to disburse the remaining counsel fees, expenses and court fees, if any, to



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the petitioner with interest at the rate of 6% per annum for the delayed payment within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner is directed to produce the case details in which he appeared and the statement of accounts for the expenses incurred by him towards his appearance.

8. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

03.06.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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To

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