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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31588 of 2023

and

W.M.P.No.31827 of 2023

R.Ganesh Babu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Chairman of TWAD Board,
Municipal Administration & Water Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
(TWAD Board),
Chepauk, Chennai 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to settle the pending fee bills as per the petitioner's last final reminder notice dated 19.08.2023 addressed to the respondents.

For Petitioner

: Mr.M.Silambarasan



For R1

: Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.T.Venkatesh Kumar
Special Government Pleader

For R2

: Mrs.Y.Kavitha
Standing Counsel
[For TWAD]

ORDER

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 has handled many number of cases, apart from legal opinion and vetting of Memorandum of Understandings.

3. Mr.M.Silambarasan, 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. He has submitted the bills, claiming legal fees. Since the bills are not settled, the present writ petition came to be instituted.



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4. Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of the 1st 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.



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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 or reject the same, if found not eligible.

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

01.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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