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W.P.No.28087 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28087 of 2017

M.C.Swamy

... Petitioner

Vs

1. The Chief Engineer (Projects)

Highways Department (Projects),
Highways Research Station,
#845, Sardar Patel Road,
Opp.to Raj Bhavan,
Next to Anna University,
Guindy, Chennai – 600 015.

2. The Superintending Engineer (Projects),

Highways Department (Projects),
Housing Board Complex,
Chennai – 600 08.

3. The Principal Secretary to the Government,

Public Department, Secretariat,
Chennai – 600 009.

(R3 *suo motu* impleaded vide order dated
13.04.2023 made in W.P.No.28087 of 2017)

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to pay the
simple interest @ 12% for Rs.3,18,890/- from 20.09.2003 to 23.10.2017.



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For Petitioner : Mr.Senthil Nathan Swamy

For Respondents : Mr.T.Chandrasekar,
Special Government Pleader
(for R1 to R3)

ORDER

The Writ Petition has been filed for directing the respondents to pay interest at the rate of 12% for belated payment of his fees from 20.09.2003 to 23.10.2017.

2. The petitioner was engaged to appear on behalf of the respondents in O.P.No.677 of 2022. After completion of the said case, the petitioner raised a bill on 21.03.2003 to the tune of Rs.3,18,890/-. However, it was not paid and as such, the petitioner was constrained to file a Writ Petition before this Court in W.P.No.13399 of 2017. Pending Writ Petition, the first respondent addressed to the Additional Chief Secretary to the Government requesting to pass necessary orders for sanctioning of fees to the petitioner. That apart, before this Court, it was represented that the petitioner was paid the excess amount of Rs.83,721/- in other case.



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Therefore, after deducting the said amount by G.O.(Rt) No.200 dated 28.09.2017, the Government passed order, thereby sanctioning a sum of Rs.2,35,169/- towards fees in favour of the petitioner. Even then, the said amount was not paid to the petitioner. It was disbursed only after filing a contempt petition on 04.10.2017. Therefore, the petitioner claimed interest for belated payment of his fees at the rate of 12% per annum.

3. The learned counsel for the petitioner, in support of his contentions, relied upon the judgment of the Hon'ble Supreme Court of India in ***The State of Uttar Pradesh -vs- Gopal K.Verma*** (Order dated 12.02.2024 in C.A.Nos.2144-2145 of 2024 in SLP(C) Nos.19999-20000 of 2023), in which it has been held follows:-

“2. In these cases, the respondent was forced to approached the High Court as her bills for the period from December, 2009 to December, 2017 were kept pending by the State of Uttar pradesh. The writ petition was filed on 20.10.2022. The impugned order notes that after filing of the petition, a sum of Rs.13,85,600/- as claimed by the respondent



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was paid. The interest payable in terms of the impugned order is at the rate of 8% per annum. According to the State, the interest payable is of Rs.4,91,727/- but, according to the respondent, the interest payable is of Rs.7,56,00/-.

3. In view of the reasons which were recorded in separate order passed today in C.A.Nos.2142-2143 of 2024 arising out of SLP(C) Nos.19629-19630 of 2023, we exercise our jurisdiction under Article 142 of the Constitution of India and direct the State of Uttar pradesh to pay a lumpsum amount of Rs.3,00,000/- towards interest within a period of six weeks from today. On the failure to pay the lumpsum amount of interest within stipulated time, it will carry interest at the rate of 8% per annum from the date of this order.”

4. In view of the above, the petitioner is entitled for interest at the rate of 8% for belated payment of his fees. It is also made clear that the petitioner was paid excessively to the tune of Rs.83,721/- even in the year



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2012. Therefore, after deducting the excess payment, the petitioner was paid a sum of Rs.2,35,169/-. Hence, the petitioner is entitled for interest only for the said sum of Rs.2,35,169/- at the rate of 8% per annum from 20.09.2003 to 23.10.2017. Accordingly, the respondents are directed to pay the calculated interest and disburse the same within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

05.04.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

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G.K.ILANTHIRAIYAN, J.

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