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W.P.No.22805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.22805 of 2023
and W.M.P.No.22262 of 2023**

T.Ethirajalu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Home (Court-VI-A) Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Villupuram District,
Villupuram-605 602.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records on the file of the second respondent relating to the impugned proceedings bearing No.Mu.Mu.C5/24124/2019 dated 18.08.2020 and also impugned proceedings bearing Na.Ka.(C-5)/25018/2023 dated 14.06.2023 and quash the same and consequently, direct the respondents to settle the pending fee bills of the petitioner by following G.O.(Ms).No.36, Home (Courts-VIA) Department dated 12.01.2011.



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For Petitioner : Mr.S.Udayakumar

For Respondents : Ms.S.Anitha
Special Government Pleader

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ORDER

This Writ Petition has been filed challenging the impugned proceedings bearing No.Mu.Mu.C5/24124/2019 dated 18.08.2020 and also consequential impugned proceedings bearing Na.Ka.(C-5)/25018/2023 dated 14.06.2023 and for a consequential direction to the respondents to settle the pending fee bills of the petitioner by following G.O.(Ms).No.36, Home (Courts-VIA) Department dated 12.01.2011.

2. The facts of the case are that the petitioner is a practicing advocate and was appointed as Government Pleader vide G.O.(D).No.668, Home (Court-VIA) Department dated 14.07.2011. However, the petitioner claims that the fee bills from the second respondent from July 2011 to April 2017 except for a small portion of the substantial amount was rejected vide order dated 18.08.2020 and 14.06.2023. Challenging the same, the present writ petition has been filed.



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3. Relying upon G.O.(Ms)s.No.36, Home (Courts-VIA) Department dated 12.01.2011, wherein the fee structure of law officers attached to the Courts Subordinate to the High Court (both in Civil and Criminal side) was revised, the petitioner had prepared the fee bills and submitted it to the respondents. The respondents failed to take note that the retainer fee for the Government Pleader is fixed at Rs.6,000/- and fee for appearance for marginal representation other than the adjournment is Rs.100/-. Hence, challenging the rejection of substantial portion of the claim, this Writ Petition has been filed.

4. The learned counsel appearing for the petitioner submits that the impugned proceedings are contrary to G.O.Ms.No.36, Home (Courts-VIA) Department dated 12.01.2011. Admittedly, the petitioner had appeared before the different Courts during the relevant period. It is the main contention of the learned counsel appearing for the petitioner that since no bills were not furnished by the respondents and the reasons have not been stated for not furnishing the fee bill, the petitioner also states that he has



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filed another writ petition in W.P.No.34799 of 2019, wherein, bills were attached. However, the respondents, without complying with G.O.Ms.No.36, Home (Courts-VIA) Department dated 12.01.2011, have rejected the claim of the petitioner. Therefore, he seeks indulgence of this Court.

5. The learned Special Government Pleader appearing for the respondents would submit that the Government has already clarified that the daily fee of Rs.1,000/- is applicable only for public prosecutor and not for Government Pleader, that too, for marginal appearance. She also further relied upon G.O.(D).No.668, Home (Courts-VIA) Department dated 09.07.2011, wherein, it has been clearly stated that the law Officers are eligible to claim fees as per the orders in force. As per the Government Orders and the clarification issued in this regard, the respondents have settled the bill payable to the petitioner. She further submits that the petitioner though aggrieved on the said clauses has not challenged G.O.Ms.No.36, Home (Courts-VIA) Department dated 12.01.2011 and further the subsequent clarification dated 18.08.2020 and 04.08.2020 and



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therefore, the impugned proceedings have been passed in accordance with the Government Orders in-force. Hence, the impugned proceedings need not be set aside.

6. This Court, after carefully going through the submissions made by the learned counsel appearing for both sides and the materials placed on record, is of the view that it has been clearly stated in G.O.(Ms).No.36, Home (Courts-VIA) Department dated 12.01.2011 that based on the recommendation of the Committee, the Government revised the fee structure applicable to Law Officers attached to the Courts subordinate to the High Court. As per the said Government Order, the revised fee of Rs.400/- has been fixed for each case for a period of 3 hours and more occupied in Court and that the maximum daily fee payable is Rs.1,000/-. That apart, even the retainer fee was revised to the tune of Rs.6,000/- per mensem and the appearance for marginal representation other than the adjournment is Rs.100/- and the said Government Order did not mention Rs.100/- per day fees for all cases. Therefore, the impugned proceedings dated 18.08.2020 and 14.06.2023 are liable to be set aside and are set aside. The second



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respondent is directed to settle the fees as claimed by the petitioner with 6% interest within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

27.10.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1. The Secretary to Government,
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Chennai-600 009.

2.The District Collector,
Villupuram District,
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