



W.A.No.1102 of 2012

W.A.No.1102 of 2012 and
M.P.No.1 of 2012

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R.SURESH KUMAR, J.
AND
K.KUMARESH BABU, J.

[Order of the Court was made by R.SURESH KUMAR, J.]

In our order dated 18.07.2023, we have given the following directions:

“13. Accordingly, the following directions are issued:

- ◆ That the four suggestions made by the learned Advocate General vide his letter dated 08.06.2023, as recorded herein above shall be considered and implemented by the State Government.
- ◆ In this regard, a Nodal officer in the rank of Secretary or Additional Secretary of the State Government shall be specifically nominated for the purpose of dealing with the requests made on behalf of the various departments for nomination of Advocate General and Additional Advocate General for the appearance in important cases by or against the State Government and its Departments.
- ◆ The Nodal Officer shall also consider and look after the professional fee claim made from time to time by various law officers starting from Advocate General, Additional Advocate General, State Government



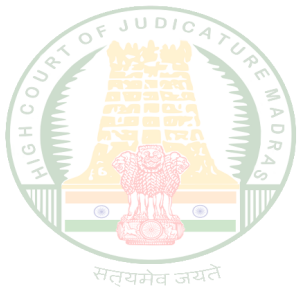
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Pleader, Special Government Pleader, Additional Government Pleader, Government Advocate, etc., and those professional bills, which are made/claimed by such law officers shall be examined and disposed either by way of making the payment or if any ineligible amount is claimed, as per the conditions of appointment of law officers, that can also be stated to the law officers, either way, the claim should be disposed of within a period of 30 days from the date of such claim is made by the law officer concerned.

- ◆ In this regard, in order to assist the Nodal Officer, minimum secretarial staff shall be provided by the State Government. The Nodal Officer shall be in constant touch with all other departments of the State Government with regard to their requirement of appointment of higher law officers on specific cases as well as for the clarifications, etc., to be ascertained for the purpose of verification and clearing of the fee bills.
- ◆ It is made clear that once the Nodal Officer after thorough consideration and verification, clears the professional fee bill of the law officers, the payment shall be made within 30 days thereafter and it should be ensured by the Nodal Officer.
- ◆ In order to comply the aforesaid directions necessary Government Order shall be issued by the State Government within a period of 30 days from the date of



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receipt of a copy of this order and a compliance report to that effect shall be filed before this Court on 28.08.2023.

With the above directions, this writ appeal is disposed of. No costs. Connected miscellaneous petition is closed. However, for reporting compliance post this case on 28.08.2023.”

2. Pursuant to which, when the case is posted today under the caption 'For reporting compliance', Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellant has submitted that, the Secretary to Government, Public (L.O.) Department in his letter dated 23.08.2023 has stated the following:

“I am directed to invite kind attention to the reference cited and to state that the Hon'ble Division Bench of Hon'ble High Court of Madras consisting of their Lordships Hon'ble Mr.Justice R.Suresh Kumar and and Hon'ble Mr.Justice K.Kumaresh Babu in its order dated 18.07.2023 in the W.A.No.1102/2012 filed by the Government in W.P.No.25027/2011 filed by Thiru.S.Ramasamy, former Additional Advocate General-I of Tamil Nadu has made certain directions in respect of payment of professional fees to Law Officers and adjourned the matter to 28.08.2023 for



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filing of compliance report. The copy of the order of the Hon'ble High Court of Madras is enclosed.

2. In this connection, I am directed to state that as per the existing procedure for sanction of appearance of Advocate General/Additional Advocate Generals orders have to be issued by the Departments concerned, which engage their services and fee bills for their appearance have also to be settled by the Departments concerned. However, as per the direction of the Hon'ble High Court of Madras, the system has to be changed and for all the appearance of the Advocate General/Additional Advocate Generals orders have to be issued and fee bills have to be settled by a single Department. In compliance with the directions of the Hon'ble High Court of Madras the Government is taking action actively in this matter. However, since a guideline has to be framed and a policy decision has to be arrived in consultation with various Departments, some more time is required in this matter.

3. I am therefore directed to request the learned Advocate General of Tamil Nadu to appear on behalf of the Government in the above matter before the Hon'ble High Court of Madras and obtain three months' time for filing of report in compliance with the order of the Hon'ble High Court of Madras and intimate the same to Government at the earliest.”



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3. Relying upon this letter / communication, the learned Special

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Government Pleader would contend that, as requested in the said letter three months' time is to be given so as to enable the Government to take a decision as directed by this Court.

4. We have perused the said letter of the Public Secretary. In fact the appeal was filed by the State represented by the Chief Secretary as the issue raised in the appeal pertains to clearing the professional bills of a former Additional Advocate General.

5. Number of such issues had already come before this Court for resolvment, where the Law Officers from Government Advocate to Advocate General of the previous Government or erstwhile Government in routine manner had been approaching this Court by filing writ petitions even for getting the professional fee for which they are entitled to for the service they rendered to the State Government at various level.

6. In each and every such case, time and again directions are issued to settle the professional fee for those erstwhile Law Officers.



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8. The said directions had been given to the State Government i.e. the Chief Secretary to the State Government to comply within one month and file a compliance report by today, that is the reason why the case is again listed before us under the caption 'For reporting compliance'.

9. The order is dated 18.07.2023, in fact the Advocate General sent D.O. letter dated 08.06.2023 and we gave directions in our order dated 18.07.2023 to comply the same and file a report within 30 days, however



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the letter of the Public Secretary dated 23.08.2023 produced by the

learned Special Government Pleader addressed to the learned Advocate

General seeks for further period of three months.

10. In the said letter nothing has been stated as to the steps that has been taken by the Chief Secretary to Government towards compliance of our order dated 18.07.2023.

11. Moreover, the direction issued by this Court since have to be complied with, which in fact seems to have been accepted in principle, because, such directions were given by this Court of course taking note of the suggestions given by the premier Law Officer of the State i.e. Advocate General of Tamil Nadu, therefore for complying the same by giving utmost importance, the appellant herein i.e., the Chief Secretary representing the State Government ought to have acted upon.

12. However, there is no whisper in that letter about his action or his consideration that has been bestowed by him towards the compliance of the direction of this Court.



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13. Merely the Public Secretary or his Department alone cannot comply the directions as our directions pertain to appointment of a Nodal Officer with regard to the clearing of the professional fee bills being submitted from time to time by Law Officers or erstwhile Law officers and also for engagement of higher law officers like Advocate General, Additional Advocate General etc. in specific cases.

14. When such an important issue has been considered by this Court and a set of directions have been issued by our order dated 18.07.2023, in all fairness utmost priority ought to have been given by the Chief Secretary to Government of Tamil Nadu, but no such progress have been made and what action that has been taken by the Chief Secretary has not been whispered in the letter of the Public Secretary dated 23.08.2023 addressed to the Advocate General.

15. Though we are inclined to give further time as requested in the letter of the Public Secretary dated 23.08.2023, we express our dissatisfaction the way in which the issue has been dealt with by the State Government especially the Chief Secretary to State Government as the Chief Secretary is the appellant in this writ appeal, to whom only such directions had been given.



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16. Be that as it may, now as sought for in the letter dated

23.08.2023 of the Public Secretary, further 30 days time is granted within which necessary steps shall be taken by the Chief Secretary to Government of Tamil Nadu to comply with our directions dated 18.07.2023 which of course was issued inconsonance with the suggestions already been made by the learned Advocate General vide his letter dated 08.06.2023 and such compliance report shall be filed before this Court on 26.09.2023, failing which, the Chief Secretary to Government of Tamil Nadu shall appear before this Court and give explanation as to for what reason the orders could not be complied with despite this extension of time is granted.

17. Post the matter on 26.09.2023 under the caption 'For reporting compliance'.

[R.S.K. J.]

[K.B. J.]

28.08.2023

Note:

Issue order copy today.

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R.SURESH KUMAR, J.
AND
K.KUMARESH BABU, J.

Sgl

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28.08.2023