

W.P(MD)No.26707 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 28.11.2025

Pronounced on : 19.12.2025.

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26707 of 2022
and
W.M.P.(MD)No.20921 of 2022

P.Thirumalai

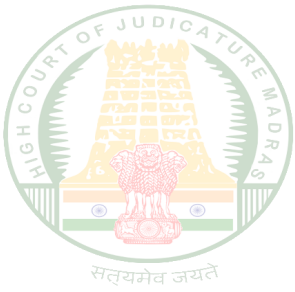
... Petitioner

Vs.

The Madurai City Municipal Corporation,
Rep. by its Commissioner,
Tallakulam,
Madurai – 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned order passed by the respondent in his proceedings Ma.Sa.1/9106/2006 dated 14.07.2008 and to quash the same and consequentially directing the respondent to settle the claim amount of the petitioner to a tune of Rs.13,05,770/- (Rupees Thirteen Lakhs Five Thousand Seven Hundred Seventy only) with 18% interest per annum within a time frame as may be fixed by this Court.



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For Petitioner : Mr.B.Vijay Karthikeyan

For Respondent : Mr.S.Vinayak,
Standing Counsel.

ORDER

“Pay the worker before his sweat dries” is an instruction attributed to the Holy Prophet (PBUH).

2.This principle is only a facet of fairness and is eminently applicable in labour jurisprudence. It can also be invoked in the case on hand.

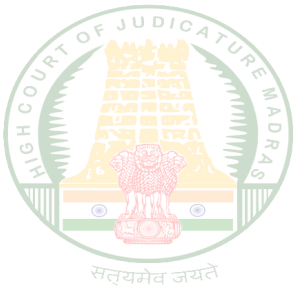
3.The writ petitioner was the standing counsel for Madurai City Municipal Corporation for over 14 years from 1992 to 2006. He had represented the Corporation in the Madurai District Courts. His grievance is that the Corporation had not settled his fee bills. He, therefore, filed W.P.(MD)No.9282 of 2006 seeking payment. It was disposed of on 14.11.2006 with a direction to the respondent to consider his representation and pass an appropriate order. Pursuant to the said



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direction, the impugned order came to be passed. Challenging the same, this writ petition has been filed. According to the petitioner, the Corporation has to pay a sum of Rs.14,07,807/-. But it paid only a sum of Rs.1,02,037/- and that the balance amount of Rs.13,05,770/- remains to be paid.

4.The respondent has filed their counter affidavit. When the matter was taken up for hearing, the learned standing counsel for the Madurai City Municipal Corporation submitted that the local body is ready to honour the petitioner's claim provided the claim bill is in order. He pointed out that along with the fee bills, copies of the judgments and decrees must be enclosed. In paragraph No.6 of the counter affidavit, it has been alleged that on account of non-submission of the judgments within time, in quite a few cases, particularly public auction cases, the corporation faced heavy loss and that was why, the writ petitioner was removed from the panel of lawyers. The corporation is unable to pay the writ petitioner on account of non-submission of the copies of the judgments.

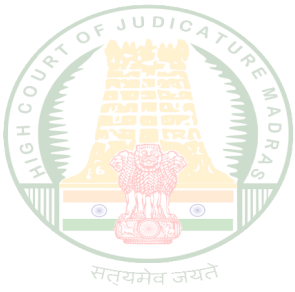


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5.I carefully considered the rival contentions and went through the materials on record. Mr.B.Vijay Karthikeyan, learned counsel for the writ petitioner passed on a file containing the list of cases numbering 818 in which the writ petitioner is said to have appeared. I wanted to know what was the difficulty in obtaining certified copies in all those cases and handing over the same to the Corporation. The learned counsel for the petitioner submitted that the writ petitioner is now in penurious circumstances. When the petitioner approached an advocate's clerk for obtaining certified copies, the clerk is said to have demanded a sum of Rs.750/- for each certified copy. The petitioner is not in a position to afford the said sum.

6.I proceed on the premise that the submission made before me as regards the financial wherewithal of the petitioner is factually correct. In any event, I do not want to doubt the statement of a counsel that he is unable to even engage a clerk for obtaining certified copies for the 818 cases in which he had appeared.



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7.I, therefore, permit the petitioner to approach the Chairman / Secretary of the Legal Services Authority, Madurai District Court and hand over the list of cases in which he had appeared. The Chairman / Secretary to the Legal Services Authority is directed to verify the list given by the petitioner. Upon verifying that the writ petitioner had appeared in those cases, the Legal Services Authority shall arrange to obtain the certified copies and issue the same to the writ petitioner. This shall be done within a period of two months from the date of receipt of a copy of this order. Thereupon, the writ petitioner shall submit his fee bills by enclosing the copies that will be issued by the Legal Services Authority. The Corporation of Madurai shall settle the fee bills without interest within a period of two months thereafter. Interest is denied since the petitioner has mounted his challenge after a lapse of 18 years. Secondly, the Corporation cannot be blamed for non-payment when the submission of the fee bill was not in order.

8.The Legal Service Authority may raise an invoice towards the cost incurred for issuing certified copies. The said invoice shall also be enclosed along with the fee bills. The Madurai Corporation shall pay the



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invoice amount directly to the Legal Services Authority. The fee bills of the writ petitioner shall also be settled after duly deducting the same.

9.The petitioner's total claim appears to be a pittance compared to the number of his appearances. Citing procedural aspects, the payment has been withheld. I cannot help wondering at the scandalously high amounts paid to some of the law officers and the senior counsel by the government and quasi government institutions including local bodies. Let me cite an instance. The Madurai Kamarajar University is in financial doldrums. I myself dealt with at least a dozen writ petitions filed by the retired staff. I am told that a particular senior counsel was paid Rs.4,00,000/- per appearance by the university. The university which is pleading that its financial situation is such that it is unable to pay the dues of its retired staff has no difficulty in paying exorbitant fees to its counsel. Additional Advocate Generals appear even in small matters where their presence is not really required which even a novice of a government counsel could handle. All this for a few pennies. Marking appearance is a matter of money. It is time an audit is undertaken regarding the payment of fees to the law officers. I am

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conscious that the Hon'ble Supreme Court recently declined to order an enquiry into the payment of exorbitant fees to the Advocate General of Madhya Pradesh by Madhya Pradesh Nurses Registration Council. While Courts cannot enquire into the quantum of fees paid to the senior counsel and Additional Advocate Generals, good governance requires that funds from public exchequer are drawn on a measured basis and not given away capriciously to a favoured few. I am also informed that recently the Hon'ble Division Bench presided over by His Lordship Mr.Justice S.M.Subramaniam indicated that the Additional Advocate General cannot appear in every matter. Their presence should be required. The nature of the case must warrant their appearance. In order to appease various constituencies, the ruling governments appoint needlessly high number of law officers. It is a matter of embarrassment that in the State of Tamil Nadu, there are close to dozen Additional Advocate Generals. When I entered the bar in 1991, we had only Advocate General. There was no Additional Advocate General at all. When too many are appointed, necessarily each of them will have to be given work. That leads to allotment of matters that do not even require their services. When the cases are called, the government counsel seeks



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adjournment or pass-over on the ground that the Additional Advocate General has been engaged but is elsewhere. I hope that at least in Madurai Bench of the Madras High Court such practices will cease and the Additional Advocate Generals will turn a new leaf from 2026.

10.I am not the only one to express my dismay at the state of affairs. The Allahabad High Court also said something similar and went one step further. It directed that the matter be placed before the UP Cabinet *(2022 LiveLaw (AB) 271 (Ishan International Educational Society through its Director Vs. Shri.Mukul Singhal Principal Secretary))*.

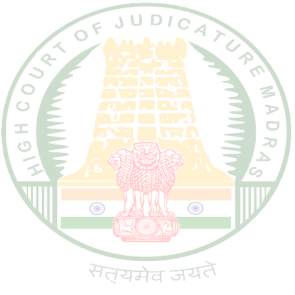
11.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 19.12.2025.

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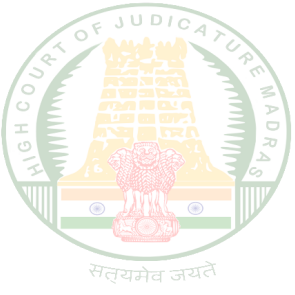
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To:

The Commissioner,
Madurai City Municipal Corporation,
Tallakulam, Madurai – 625 002.

Copy to:

The Chairman / Secretary,
The Legal Services Authority,
Madurai District.



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G.R.SWAMINATHAN, J.

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**Pre-Delivery Order in
W.P(MD)No.26707 of 2022**

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