

News

The government of Tennessee pays some lawyers and law officers "scandalously high" fees: Judge Swaminathan said that the



Madras High Court's Additional Advocates General show up to small cases even when they aren't needed because even a new government lawyer could handle them.

In a recent case (P Thirumalai v. The Madurai City Municipal Corporation), the Madras High Court asked for an investigation into how fees are paid to law officers in Tamil Nadu.

Justice GR Swaminathan brought up the "high amounts" paid to government lawyers and said it was embarrassing that the State has almost a dozen Additional Advocates General (AAGs).

"I can't help but be shocked by the outrageously high salaries paid to some lawyers and senior lawyers by the government and quasi-government organizations, such as local governments." Allow me to give you an example. The Madurai Kamarajar University is having a hard time with money. At least a dozen writ requests from retired staff were sent to me to handle. I've been told that the university paid a certain top lawyer Rs.4,00,000/- per appearance. "The university makes the case that it can't pay the dues of its retired staff because of its poor finances, but it has no problem paying its lawyer huge fees," the Court said.

He was dealing with a plea by an advocate claiming non-payment of his legal fees by Madurai City Municipal Corporation.

Interestingly, Justice Swaminathan in the verdict quoted Prophet Muhammad's instruction - "pay the worker before his sweat dries" - to emphasise the importance of timely payment for the services provided by a professional.

"This principle is only a facet of fairness and is eminently applicable in labour jurisprudence. It can also be applied in the case on hand," the judge said.

The judge then flagged the engagement of AAGs even in small cases.

AAGs appear even in small cases where their presence is not really needed which even a novice of a government counsel could handle, the Court said.

"All this for a few pennies. Marking look is a matter of money," the order stated.

While calling for an audit into payments made to government law officers, the Court stopped short of giving a formal direction.

It noted that the Supreme Court had recently refused to order an enquiry into the payment of exorbitant fees to the Advocate General of Madhya Pradesh by the Madhya Pradesh Nurses Registration Council.

While Courts cannot enquire into the quantum of fees paid to the top counsel and Additional Advocate Generals, good government demands that funds from public exchequer are drawn on a measured basis and not given away capriciously to a favoured few.

Madras High Court

The bench said that while Courts cannot enquire into the quantum of fees paid to the top lawyers and AAGs, 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 needed. The nature of the case must warrant their showing. In order to appease various constituencies, the ruling governments select needlessly high number of law officers," the Court noted.

On selection of about a dozen AAGs in the State, the Court said,

"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, obviously each of them will have to be given work. That leads to allotment of things that do not even require their services. When the cases are called, the government counsel seeks delay or pass-over on the ground that the Additional Advocate General has been engaged but is elsewhere."

It expressed a hope that at least in Madurai Bench of the Madras High Court "*such practices*" will stop and the Additional Advocate Generals will "***turn a new leaf from 2026.***"

I hope that at least in Madurai Bench of the Madras High Court such practices will stop and the Additional Advocate Generals will turn a new leaf from 2026.

The Court then dealt with the present petition by the lawyer-petitioner asking payment of legal fees of over ₹13 lakh by Madurai City Municipal Corporation.

Advocate P Thirumalai was a standing counsel for the local body for over 14 years from 1992 to 2006.

He claimed that the corporation owed him ₹14.07 Lakh but paid only a sum of ₹1.02 Lakh. In answer, the municipal body said it was unable to pay the petitioner on

account of non-submission of the copies of the judgments.

It was also alleged that due to such non-submission, the corporation in quite a few cases, especially public auction cases, faced heavy loss, leading to his removal from the panel of lawyers.

The Court noted that petitioner's claim was a pittance when compared to the number of his appearances. Citing procedural factors, the payment has been withheld, it said.

The Court also noted the disparity between this case and the payments made to other government lawyers.

When the Court asked about the difficulty in obtaining certified copies of judgments, the petitioner said that a clerk demanded a sum of ₹750 for each copy but he was not in a position to pay the amount.

Proceeding on an assumption that the statement was factually true, the Court asked the petitioner to approach the Chairman or 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 receive 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,” the Court ordered.

The petitioner will then submit his fee bills by enclosing the copies that will be issued by the Legal Services Authority, the Court further ordered.

Thereafter, the Madurai City Municipal Corporation shall clear the lawyer's legal fees within two months, the Court ruled.

However, the Court said that no interest would be paid to the petitioner since he raised his challenge after a lapse of 18 years. The Corporation cannot be blamed for non-payment when the filing of the fee bill was not in order, it reasoned.

“The Legal Service Authority may raise an invoice towards the cost incurred for

issuing certified copies. The said invoice shall also be inserted along with the fee bills. The Madurai Corporation shall pay the invoice amount straight to the Legal Services Authority. The fee bills of the writ petitioner shall also be settled after properly deducting the same,” the Court added.

Advocate B Vijay Karthikeyan represented the petitioner.

Standing Counsel S Vinayak appeared for the defendant.

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