

Edw. (1950) Department.

M_s SERIES.

closed

G.O. NO. 2873 *Edw.*

Dated 17. x. 50

(12)

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

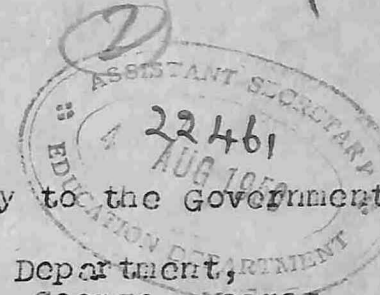
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FROM

H.M. Small Esq., M.A., LL.B.,
Government Solicitor,
Madras.

TO

The Secretary to the Government
of Madras,
Education Department,
Fort St. George, Madras.



9969

Dated 31st July 1950.

Sir,

Admissions on communal basis - Validity with reference
to the provisions in the New Constitution - High Court,
Madras - C.M.P. Nos. 5255 and 5340 of 1950.

I enclose for your information copy of a letter dated 29th
instant received by me from the learned Advocate-General claiming
a consolidated fee of Rs. 2,500 in the above matters. In view of
the importance of the matter the fee claimed by him is reasonable
and may be paid.

RV

Yours faithfully,

H.M. Small
Government Solicitor.

Copy for information to The Secretary to the Government of Madras,
Health Department, Fort St. George, Madras, with a copy of the
Advocate-General's letter referred to above.

2

Copy.

SPECIAL.

(3)

From

Sri K. Kuttikrishna Menon,
Advocate-General,
Madras.

To

The Government Solicitor,
Madras.

MS.No.378 dated 29-7-1950.

Sir,

Writ C.M.P.Nos.5255 and 5340 of 1950 - High Court,
Madras.

Having regard to the importance of the questions involved
and the time taken for the study of the various aspects of the case,
I request that Government may ~~be~~ kindly be addressed for payment to
me of a consolidated fee of Rs.2,500/- for my appearance on their
behalf in the above petitions.

sd. K. Kuttikrishna Menon,
Advocate-General.

From

To

H.M.Small Esq., M.A., LL.B., The Secretary to the Government
Government Solicitor,
Madras.

of Madras,
Education Department,
Fort St. George, Madras.

9968 Dated 31st July 1950.

Sir,

Engineering College - Admissions on communal basis +
validity with reference to the provisions in the New
Constitution - High Court, Madras - C.M.P.No.5340 of
1950 - C.R. Srinivasan vs. The State of Madras.

I enclose a note of my fee in the matter amounting to
Rs.325-10-0. In view of the fact that the post of the Government
Solicitor will be abolished as from today it is requested that
my bill may be passed for payment immediately.

RV

Yours faithfully,

H.M.Small
Government Solicitor.

The Secretary to the Government of Madras,
Education Department, Madras,

Dr.,

To

The Government Solicitor,
Madras.

HIGH COURT
MADRAS

C.M.P. No. 5340 of 1950.

C. R. Srinivasan, Petitioner,
And
The State of Madras, Respondent.

G.O.No.130
D/-18-1-44
Rule Nos:

1950
June

26. ✓ 22

27. ✓ 5

38

27

17

24

38

27

17

24.

Instructions to oppose petition. ✓

Attending Court when petition in
list for hearing but adjourned. ✓

Perusing and considering petition
and affidavit in support thereof,
fols. 25. ✓

Perusing and considering papers
as instructions to draw respondent's
Counter affidavit: engaged 5 hours. ✓

Drawing Counter affidavit,
fols. 18. ✓

Instructions to Counsel to
settle Counter affidavit. ✓

Perusing petitioner's reply
affidavit, fols. 25. ✓

Instructions to draw respondents
further affidavit: engaged 2 hours. ✓

Drawing respondent's further
affidavit, fols. 10. ✓

Instructions to Counsel to

10

3

12

17

18

10

12

7

10

C/o

101

BROUGHT FORWARD.

settle further affidavit.

Rs. 101 0
" 10 0

5 Attending Court when petition in list for hearing but adjourned.

" 3 8

32(b) Perusing and considering all papers and looking up Acts and authorities with view to instruct Counsel, the Advocate-General, at hearing.

" 100 0

26 Instructions to Counsel to appear at final hearing.

" 10 0

July 18 6

Attending Court instructing Counsel when petition (along with petition No. 5255) called, part heard (common hearing) and adjourned: half charge.

" 15 0

19 6

Attending Court when petitions further heard and judgment reserved: half charge.

" 15 0

10

Attending Court when judgment delivered: half charge.

" 2 8

42

Perusing copies of judgment and order: half charge.

" 3 8

Order V Rule 30.

Sur-charges of 25% as per High Court Fees Rules.

" 65 2

Total. Rs. 325 -10.

(Rupees Three hundred and twenty-five and annas ten only).

H. M. Small
GOVERNMENT SOLICITOR.
31-7-1950.

22461 9
20

Suit - Kngg & Medd Colleges - Admissions - Payment of fees to the Advocate-General and the Co. Court Solicitor - Sanctioned.

From the Epk. Court Solicitor, Madras
No. 9969 of 31.7.50 and 9968 of 31.7.50

Order No. 2873 dated 17.10.50.

The Court sanction the payment of a ^{special} fee of Rs 2,500 (Rs two thousand five hundred only) to Sri K. Kuttu Krishna Menon, Advocate-General, Madras for conducting the defence on behalf of the Court in the case relating to C.M.P. Nos. 5255 and 5340 of 1950 on the file of the High Court, Madras.

They also sanction the payment of a fee of Rs 325-10-0 (Rs three hundred and twenty five and annas ^{ten} only) to H. M. Small Esq. K. Court Solicitor, Madras for his ^{fees and charges in respect of the case relating to} work on C.M.P. 5340/50.

The expenditure will be debited to "27. b. Administration of Justice - Law Officers - C. Allowances & Honoraria (fee to Court pleaders) voted."

To The Advocate-General
The State Counsel
High Court Building
Madras.

H. M. Small Esq. M.A., LL.B.

(Address) High Court Building,
Madras.

The A. G. New Trin.

Home Dept
Health Dept
2 gcs.

31/10/50

meo

Suit - Engg. and Medical Colleges 1950-51-
Admissions - Payment of fees to the Advocate
General and the Govt. Solicitor.

From the Govt. Solicitor No. 9969 d-31-7-50
No. 9968 dated 31-7-1950.

The Advocate General has claimed a fee of
Rs. 2,500 for his appearance in C.M.P. Nos. 5255 (Medical
College admissions) and 5340 (Engg. College admissions)
on the file of the High Court. The Govt. Solicitor
has also claimed a fee of Rs. 325-10-0 in respect of
CMP 5340 only. It is understood that he has submitted
his bill to the Health Deptt. in respect of C.M.P.
No. 5255.

2. The C.M.P. No. 5340, ^{which} was posted for hearing on
27-6-50 was adjourned to 10th July 1950. On 10-7-1950
both the petitions came up for hearing but were adjourn-
ed to the 18th July for final hearing. They were heard
accordingly on the 18th and 19th July by the full bench.
The hearing which began at 10.45 a.m. on 18th July con-
tinued for the full day and was concluded at 1.30 P.M.
on 19th July. Judgment was reserved and delivered on
the ~~20th~~ 27th July. Their Lordships stated that they
made no order as to costs.

3. Sri Kuttikrishna Menon, Advocate General, took
charge of the post on 15th July 1950. Prior to that,
the two cases were handled by the ex-Advocate-General,
Sri K. Raja Iyer. It is presumed that he will send his
bill shortly.

4. The ex-Government Solicitor says that in view
of the importance of the matter, the fee claimed by the
Advocate General is reasonable and may be paid. Though
there were two petitions they were for all practical
purposes treated as one. Home Deptt. may be requested
to advise on the reasonableness of the fees claimed by
the Advocate General and the Govt. Solicitor.

5. It is presumed that the expenditure is to be
debited to " 27 b. Administration of Justice-Law

I understand from
Mr. Kuttikrishna Menon that
Mr. Raja Iyer did
not take part in this
case

9/8/50.

Officers - C. Allowances and Honoraria (Fees to Govt. Pleaders)-Voted".

6. The file may be sent to Health, Home and Finance Departments for remarks before circulation.

1/3
7 8 50
9/8/50
S. Health
Home
98/50

Health
Home
Fin



10 8 50

Health
9.

115006
14/8/50

disputed

The payment of the bill to the Govt. Solicitor in respect of C.M.P. 5255/50 is dealt with in the linked file.

2. This may be passed on to Home. No remuneration called for on para 4 overlap.

JRR
14.8.50. 12/8/50

S. Home

12/8/50

Home

Health 26091/509-1A
14/8/50



HOME DEPARTMENT.

This file deals with the question of payment of fees to the A.G. and Ex. Govt. Solicitor, Madras for their appearance on C.M.P. No. 5255 (Medical College admission) and 5340 (Engg. College admission) on the file by the High Court.

Please see the note at pp 1-4 above. The rate of fees claimed by the Govt. Solicitor for his work on C.M.P. 5340/50 on the file of High Court is in accordance with the lower scale of fees prescribed in the S.O. Standing Orders.

In view of this, the fee of Rs. 325-10-0 claimed by the Ex. Govt. Solicitor in respect of C.M.P. 5340/50 on the file of the High Court may be allowed.

3. Fees to the Advocate-General:- The Advocate-General has claimed a sum of Rs. 2,500 for both the petitions. The Ex. Govt. Solicitor has stated that in view of the importance of the cases, the fee claimed by the A.G. is reasonable and may therefore be paid.

A statement showing the fees paid to the Advocate-General in important cases is put up at (P). The fee usually sanctioned to the Advocate-General for his appearance in the High Court is Rs. 350/- per day in most cases and Rs. 500/- per day in some cases.

It is stated that the C.M.P. in which were posted for hearing on 27-6-50 was adjourned to 10-7-50. Both the petitions came up ~~for~~ for hearing on 10-7-50 but they were adjourned to 18th July 1950 for final hearing. They were heard accordingly on the 18th and 19th July by the full Bench and the hearing which began at 10-45 a.m. on 18th July continued for the full day and concluded at 1-30 p.m. on the 19th July. Judgment was reserved and delivered on 27th July 1950.

From the above it ^{will} be seen that the A.G. had full day's work on the 18th and half day's work on the 19th July. On the other days the cases were ~~merely~~ adjourned. It may be mentioned that though the cases were adjourned, the A.G. would have come

cf. Erat. ab ①

The feyghs 2500/2
claimed for both petitions
seems reasonable and
maybe allowed.

$$\frac{100}{6.950}$$

6/ may be passed on w Finance Dept

11290

The has also claimed a fee of Rs 100/- under item 34(b), in respect of the corrected petition ~~under~~ 'x' only if in this case. As the work may not be much in this case, the fee may be reduced to Rs 50/-.

(2) For attendings count-on the

L. F. not used
Edna.

18th and 19th July, the late Govt-Solicitor has claimed a fee of Rs 15 1/2 each per day. It is proposed to allow that claim in respect of the petition dealt with in L.F. For attending Court etc on the same dates viz 18th & 19th July, the late Govt. Solicitor would not have had extra work on those days. The fee claimed for those days in respect of this petition may be disallowed.

After orders are passed, the file may be passed on to Fin.

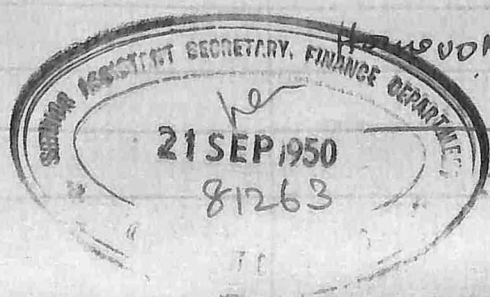
$$\frac{128}{6.9.50}$$

6.9.50. \$ the fee
claimed by the ex-Lord Solicitor
was he allowed as he is now
"junior officer". As regards
the A.P. in important cases
have we not allowed him
Rs. 750/- per day & where the
work was nominal or
unimportant allowed Rs. 350/-
or 500 per day or month?
How many days did the A.P.
actually appear & on what
days the appearance was
nominal & on how many
days substantial work was done?

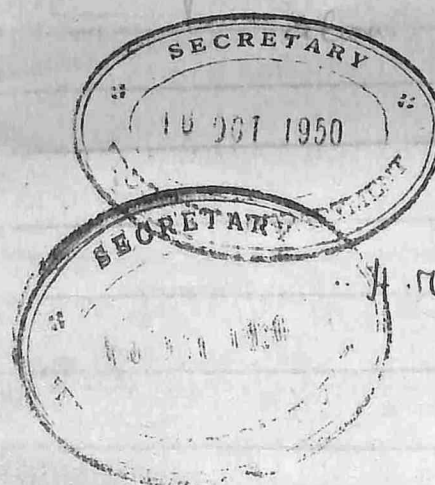
Ref: Secretary's queries above:

A above:

A statement showing the fees paid to the Advocate General in important cases is put up at



Fin 210. 81263 Pen-
25/9/50



The notes from the middle of p. 2 above may be perused.

2/. This Dept. also may agree that the fee of Rs 2500/- claimed by the Advocate-General for the two cases, may be allowed.

229.50
~~229.50~~

7m
25/9/5

The Advocate General has claimed a fee of Rs 2,500 for his appearance on C.M.P No. 5255 (Hedl College admission) and 5340 (Kingg College admission) on the file of the High Court. The ex. Govt Solicitor has claimed a fee of Rs 325-10-0 for his work on CMP 5340/50. (He has sent a separate bill ^{to Health Dept} for his work on CMP 5255/50). The Home Dept consider that the fee claimed by the Advocate General is very modest considering the issues involved and the importance attached to the cases. They advise that the fees claimed by the Advocate General and the ex. Govt Solicitor may be allowed. Finance Dept agree.

A draft order sanctioning the payments, is submitted for approval for order as to circulation to HM (Gen)

1200
29950

R₆
30950

Ms. A
15

31/05/20

AM ✓

~~6.10.~~

Don't BL

17m (P.W.)

H.M. SMALL ESQ.,
c/o KING & PARTRIDGE
SOLICITORS, ADVOCATES, NOTARIES
AND
COMMISSIONERS FOR OATHS
MADRAS AND OOTACAMUND

Partners:
HERBERT McDOUALL SMALL, O.B.E., M.A., LL.B. (Edin.)
LESLIE DAVISON MILLER
ALFRED SHAUN JEFFARES, B.A. (DUBLIN)

CABLES AND TELEGRAMS: 'REGAL'

TELEPHONE No. 3911 (2 LINES)
POST BOX No. 121

REGAL HOUSE,
MCLEAN STREET,
High Court House,
Madras, India

31st October 1950.

No. 14266

34143

Sir,

Sub: Engineering College, Madras -
Admission on communal basis -
High Court, Madras - C.M.P.
No. 5340 of 1950 - C. R.
Srinivasan vs. The State of
Madras.

I invite your attention to my letter
dated 30th ultimo and I shall be glad if the
bill for Rs. 325-10-0, being the fee payable
to myself as Government Solicitor in the
above petition, sent to you with my letter
of the 31st July last is passed for payment
at an early date.

RV

Yours faithfully,

Leslie Davison Miller
For Mr. H.M. Small.

The Secretary to the Government of Madras,
Education Department,
Fort St. George,
Madras.

2
~~2/10/4~~

hds
6

Endk 34143 Cg/so. 1 of 4. 11. 50

From H. M. Small Esq.

No. 14266 of 31. 10. 50

A
9 C.F.

A copy of Cr. No. 2873 hds
of 17. 10. 50 issued in the
matter, is enclosed.

100
2. 11. 50

Pd
2. 11. 50

MM
3/11/50

Amicus
7. 11. 50

To H. M. Small Esq.

C/o. King & Paulmidge

Regal House

Macleam St

Madras (with a copy of
the Cr.)

A
9 C.F.