

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.22434 of 2013

M.Purushothaman

... Petitioner

Versus

1.The Chief Secretary,
Government of Tamil Nadu
Fort St.George,
Chennai.

2.The Commissioner
Corporation of Chennai,
Rippon Buildings,
Chennai.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Declaration, declaring Section 25-A of the Chennai City Municipal Corporation Act, 1919 as ultra vires the Constitution and consequently direct the respondents to pay commensurate salary to the Mayor and Councillors of Chennai Corporation elected by the petitioner immediately and to provide other consequential benefits, including the backwages from the date of their assuming office as provided to the Hon'ble Members of Parliament and the Members of the State Legislative Assembly as sought by the petitioner in his representation dated 02.07.2013. (Prayer amended as per Order dated 12.12.2013 by CJ & KRCBJ in M.P.No.1 of 2013 in W.P.No.22434 of 2013.)

For Petitioner ::: Mr.M.Purushothaman

Party-in-person

For Respondents ::: Mr.S.T.S.Murthi

Special Government Pleader for R.1

Mr.G.Anantha Rangan for R.2

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioner in the capacity of a voter, seeks to assail the provisions of section 25-A of the Chennai City Municipal Corporation Act, 1919 which reads as under:

'25-A. Mayor, Deputy Mayor or Councillor not to receive remuneration -- Neither the Mayor nor the Deputy Mayor, nor any councillor shall receive or be paid, from the funds, at the disposal of or under the control of the Corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever:

Provided that nothing in this section shall apply to the payment of any conveyance allowance or travelling allowance to the Mayor or the Deputy Mayor or any Councillor by the Corporation at such rate as may be determined by rules made by the State Government in this behalf.'

2. The contention of the petitioner is firstly that the post of Mayor or Deputy Mayor is a Constitutional post. On being asked to substantiate this plea, naturally nothing is shown, as it is not so.

3. The principal contention of the learned counsel for the petitioner, party-in-person, who is an Advocate, is that when there are provisions made for payment of salaries to elected representatives like M.Ps, M.L.As and other authorities, why should the post of Mayor, Deputy Mayor or Councillor not receive remuneration?

4. The aforesaid is a matter of legislative exercise and we do not see any merit in the challenge or find there is violation of the principles of Article-14 of the Constitution of India merely because there is no salary is provided for Mayor, Deputy Mayor or Councillor. It is for the State Government to examine as to whether it would like any change in the legislative enactment.

5. We are thus not inclined to grant the relief as prayed for by the petitioner and leave it to the State Government to examine the issue whether it would like to have a re-look at the provisions of Section 25-A of the Chennai City Municipal Corporation Act, 1919.

6. The writ petition accordingly stands closed, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Chief Secretary, Government of Tamil Nadu, Fort St.George, Chennai.

2.The Commissioner, Corporation of Chennai, Rippon Buildings, Chennai.

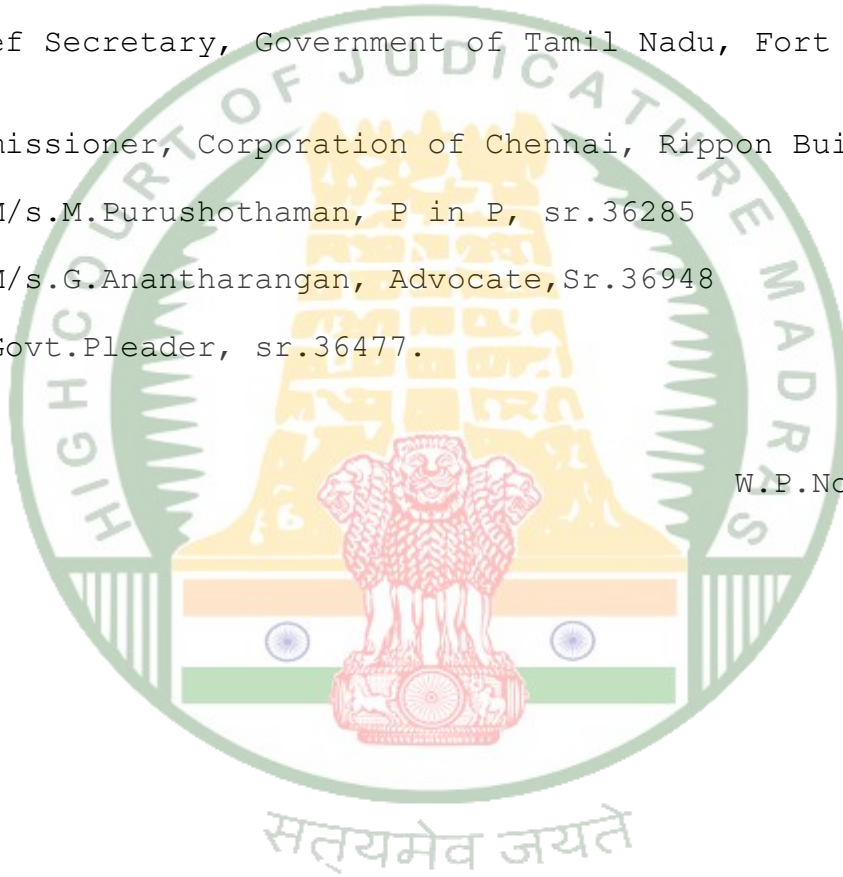
+2 cc to M/s.M.Purushothaman, P in P, sr.36285

+1 cc to M/s.G.Anantharangan, Advocate, Sr.36948

+1 cc to Govt.Pleader, sr.36477.

rp(co)
krd 20/7

W.P.No.22434 of 2013



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