IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Tax Case Appeal No. 492 of 2008

Commissioner of Income Tax
Chennai. Appellant / Respondent

Vs.

V.R.Ranganathan Respondent/Appellant

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 31.10.2007 made in ITA No.778/Mds/2007.

For Appellant : Mr.M.Swaminathan
Assisted by
Ms. Pushpa & Ms. Hemalatha

J U D G M E N T

(Delivered by **DR.VINEET KOTHARI, J**)

The learned counsel for the Appellant/Revenue submits that the present Appeal is covered by a decision of this Court in ***CIT Vs. G.V.Venugopal [2005] 273 ITR 307(Mad)***, in which the Co-ordinate Bench of this Court held as under:-

Dr.VINEET KOTHARI, J.
and
C.V.KARTHIKEYAN, J.

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*"**19**. The word 'salary' as defined in Section 17 of the Act includes any profit in lieu of salary, which has been defined in Section 17(3) of the Act to include any amount of compensation due or received by the assessee from his employer or former employer in connection with the termination of his employment. Hence, payment under the voluntary retirement scheme is covered by the word 'salary', which has been given a very wide definition in Section 17. Since the assessee is covered by Section 89, he will get both the benefits, which he has claimed for."*

2. The present Tax Case Appeal of the Revenue is disposed of on the same terms. No costs.

(V.K., J.) (C.V.K.,J.)
16.04.2019

Index : Yes/No
Internet : Yes/No

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