



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4605 of 2020

G.Kamaraj

... Petitioner

Vs

1. The Secretary,
Municipal Administration,
Fort St.George,
Chennai.

2. The Commissioner,
Municipality,
Thuraiyur,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to repay the said sum of Rs.1,20,670/- deducted from the pension benefits of the petitioner on the premise of payment of income tax as regards the salary earned by the petitioner in respect of earned leave and unearned leave on private affairs with legal rate of interest.

For Petitioner : Mr.V.Singan

For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

This Writ petition has been filed for a direction to the respondents to repay the said sum of Rs.1,20,670/- deducted from the pension benefits of the petitioner on the premise of payment of income tax as regards the salary earned by the petitioner in respect of earned leave and unearned leave on private affairs with legal rate of interest.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, as per letter of the Joint Director of Municipal Administration, Chennai in Na.Ka.No.15933/2015/j.m.c.r.(vr;3), , dated 08.06.2015, the salary and remuneration payable in respect of earned leave and unearned leave on private affairs is not taxable. Hence, the petitioner sent various representations to the respondents and the last representation, dated 06.12.2019, stated that he is exempting from tax as per letter of the Joint Director of Municipal Corporation, Chennai. But, till date, the respondents have not considered the same. Hence, the petitioner is before this Court.

4. Though the learned counsel for the petitioner has sought for larger relief, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 06.12.2019, within a time frame that may be stipulated by this Court, for which, the learned counsel for the respondents has no objection for considering the representation.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

6. Considering the submission made by both counsel and without adverting to the merits of the case, the respondents are directed to dispose the representation of the petitioner, dated 06.12.2019 in the light of the letter issued by the Joint Director Municipal Administration, Chennai, dated 08.06.2015 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner is directed to send the copy of the representation along with this order copy to the respondents.

7. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



TO

1. THE SECRETARY ,
MUNICIPAL ADMINISTRATION,
FORT ST.GEORGE,
CHENNAI.

2. THE COMMISSIONER,
MUNICIPALITY,
THURAIYUR,
TRICHY DISTRICT.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-10104[F] dated
04/03/2020)

+1 CC to M/s.SPL.GP (SR-10168[F] dated 05/03/2020)

+1 CC to M/s.V.SINGAN, Advocate (SR-10471[F] dated 06/03/2020)

Order made in
W.P.(MD) No.4605 of 2020
04.03.2020

SRS/ 18.03.2020/ 3P/6C