



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJAW.P (MD) No. 17229 of 2017

WEB COPY

R. Venkatachalapathy

... Petitioner

-vs-

1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam region,
Rep. by its Managing Director,
Kumbakonam.
2. Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited Employees Provident Fund Trust,
Rep. by its Executive Trusty,
O/o. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner advance amount Rs.1,00,000/- from the accumulation of employees contribution stood in his E.P.F account TN/6929/9966 forthwith.

For Petitioner

: Mr.S.Arunachalam

For Respondents

: Mr.D.Sivaraman

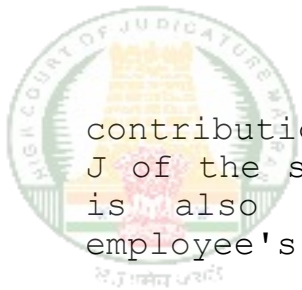
Standing Counsel for TNSTC

O R D E R

By the consent of both sides, the writ petition itself is taken for final disposal.

2. The petitioner has been working as a Special Grade Driver in the first respondent Corporation. As he is a member in the Employee's Provident Fund Organization, the employee's and employer's contribution are all deducted / made every month towards the Provident Fund scheme. The accumulation of employee's contribution shall be given to the employee at the time of his retirement along with due interest thereof. Moreover, the accumulation of the employee's contribution shall also be taken to the Pension Fund from which the employee is given pension after his retirement under the Pension Scheme.

3. There is a provision permitting every employee to avail loan on condition that the same should be refunded by the employee with due interest fixed for the loan. But, in this case, the advance availed by the employee from the employee's



contribution need not be repaid by the employee. As per Clause 68-J of the scheme framed under the E.P.F. Act, 1952, the petitioner is also entitled to get advance from the accumulation of employee's contribution for medical expenditures and other needs.

4. Under such circumstances, the petitioner met with an accident on 09.06.2017 and also went on medical leave without salary. He spent a sum of Rs.50,000/- (Rupees Fifty Thousand only) towards his medical expenditure. Therefore, the petitioner had made an application to the first respondent on 24.08.2017 seeking a sum of Rs.1,00,000/- (Rupees One Lakhs only) as advance. The same has not been considered.

5. The learned counsel for the petitioner submitted that the petitioner has sufficient accumulation of amount in both employer's and employee's contribution. Since, the said application of the petitioner has not yet been considered, the petitioner is before this Court with the present writ petition.

6. Mr.D.Sivaraman, learned Standing counsel, who takes notice for the respondents, submitted that the petitioner had already availed a sum of Rs.40,000/- (Rupees Fourty Thousand only) in the year 2015.

7. Considering the limited scope of the prayer sought for by the petitioner, this Court hereby directs the first respondent to consider the pending application filed by the petitioner dated 24.08.2017, within a period of four weeks from the date of receipt of copy of this order.

8. The writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director, The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam region, Kumbakonam.

2. The Executive Trusty,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited, Employees provident Fund Trust,
O/o. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam.

+One cc to Mr.S.Arunachalam, Advocate, SR.No.78450

+One cc to Mr.D.Sivaraman, Advocate, SR.No.78464