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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.21182 of 2016

P.Thanga Ganesan

.. Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Door No.27, Railway Station New Road,
Kumbakonam - 612 001, Thanjavur District.

2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.

3. The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Employees Provident Fund Trust,
Rep. by its Managing Trustee/ Chairman,
Door No.27, Railway Station New Road,
Kumbakonam - 612 001,
Thanjavur District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and grant Provident Fund Loan of a sum of Rs.4,00,000/- to the petitioner from his Provident Fund Contribution for the medical expenses of the petitioner's wife within the time as fixed by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman,
Standing Counsel for TNSTC

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to sanction and grant Provident Fund Loan of a sum of Rs.4,00,000/- to the petitioner from his Provident Fund Contribution for the medical expenses of the petitioner's wife within the stipulated time.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. Mr.D.Sivaraman, learned Standing Counsel for TNSTC, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

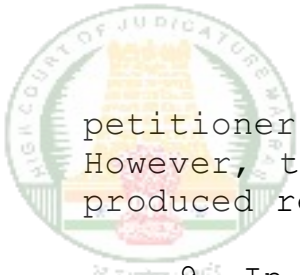
4. The case of the petitioner is that he is an employee of the first respondent Corporation and that he is working as Driver with effect from 24.07.1998. The petitioner is now working as Senior Driver and he is governed by the provisions of Employees Pension Scheme, 1995. Subsequently, Tamil Nadu State Transport Corporation Employees Pension Fund Rules were framed and the same was approved by the Government of Tamil Nadu. After the implementation of the said Pension Fund Rules, the accumulations of the employer contribution towards Provident Fund were also transferred to the Tamil Nadu State Transport Corporation Employees Pension Fund Trust. The petitioner has applied for Provident Fund loan to the tune of Rs.4,00,000/- for the medical expenses for his wife by an application, dated 19.07.2016.

5. It is the case of the petitioner that his wife is suffering from renal failure and he needs immediate disbursement of the loan. Since the application of the petitioner was not considered, he has come before this Court by filing the present petition.

6. The learned counsel for the petitioner would submit that as per the rules, the petitioner is entitled to 90% of the Employer Contribution. He also submit that a sum of Rs.3,58,505/- is lying to his credit towards his contribution.

7. Mr.D.Sivaraman, learned Standing Counsel for TNSTC for the respondents has submitted that the petitioner is eligible only for a sum of Rs.1,56,000/- as per the Provident Fund(Trust) Rule and that due to the financial crisis, only a sum of Rs.40,000/- has been disbursed to the petitioner as against the claim for Rs.4,00,000/-. He further submit that the petitioner has not produced the medical certificate of his wife for proper consideration of the petitioner's application. The learned Standing counsel would suggest that on production of sufficient records by the petitioner, his application will be considered and the balance amount, namely, a sum of Rs.1,16,000/- will be paid within a period of four weeks from the date of receipt of a copy of this order.

8. Though the submissions of the learned Standing Counsel is heard and this Court is not inclined to decide the issue as to the quantum to which the petitioner can avail Provident Fund loan. As per the submission of the petitioner that he is eligible to get up to Rs.4,00,000/- by way of Provident Fund loan, the learned Standing Counsel for the respondents would submit that the



petitioner is eligible to get only a sum of Rs.1,56,000/-. However, the learned Standing Counsel for the respondents has not produced relevant rule to justify his stand.

9. In the above circumstances, having regard to the urgency of this matter, this Writ petition is disposed of with the following direction:-

The respondents shall disburse a sum of Rs.1,16,000/- (Rupees One Lakh and Sixteen Thousand only) to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The learned counsel for the petitioner is directed to submit the medical certificate of his wife. The petitioner's application for the balance amount will be considered on merits and strictly in accordance with rules within a period of four weeks from the date of receipt of a copy of this order and the respondents are also directed to consider the case of the petitioner on humanitarian ground so that unnecessary delay can be avoided and the petitioner cannot be dragged further to approach this Court once again to redress his grievance. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Door No. 27, Railway Station New Road,
Kumbakonam - 612 001, Thanjavur District.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region, Nagapattinam.
3. The Managing Trustee/ Chairman,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Employees Provident Fund Trust,
Door No. 27, Railway Station New Road,
Kumbakonam - 612 001, Thanjavur District.

+1 cc to Mr.A.RAHUL, Advocate, SR.13122

+1 cc to Mr.D.SIVARAMAN, Advocate, SR.13345

ORDER MADE IN
W.P. (MD) .No.21182 of 2016
08.03.2017