

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.153 of 2013

A.Natarajan

... Petitioner

-vs-

1.The Secretary to Government,
(Transport Department)
St.George Fort, Chennai-9.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Pallavan House, Chennai-600 002.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division (Kudandai)
Tanjur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd Respondent to refund the unpaid contributions, and Provident fund amount of Rs.53,639/- (Rupees Fifty Three Thousand Six Hundred and Thirty Nine only) to the petitioner within the reasonable time

For Petitioner : Mr.K.Selvanayagam

For R1 : Mr.P.Siva Shanmuga Sundaram
Spl. Govt. Pleader

For R2 & R3 : Mr.D.Venkatachalam

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O R D E R

This Writ Petition has been filed for a direction to the 3rd Respondent to refund the unpaid contributions, and Provident fund amount of Rs.53,639/- (Rupees Fifty Three Thousand Six Hundred and Thirty Nine only) to the petitioner

2. When the matter is taken up for hearing, the learned

Standing Counsel appearing for R2 & R3 has submitted that the petitioner had availed a loan of Rs.7,300/- and Rs.19,000/- in two slots on 29.09.1990 and 31.01.1997 respectively and the total amount, including the interest of Rs.77,863/- payable by the Petitioner to the employer comes to Rs.1,04,163/-. He has further submitted that at the time of his retirement, a sum of Rs.1,13,792/- was pending in his credit towards PF amount and after adjusting the loan amount of Rs.1,04,163/-, the balance amount has already been paid to the petitioner on 02.09.2008 itself by way of Cheque No.321320. He has also submitted that though the petitioner had availed a loan of Rs.27,000/-, he was charged an interest amount of Rs.77,863/-, pursuant to his non-repayment of the loan amount for quite a long period.

3. It is brought to the attention of this Court that the employee and the employer contributory amount in respect of the Petitioner had already been remitted to the Employee Pension Trust, on account of which, the petitioner is getting a sum of Rs.8,871/- as monthly pension.

4. It is seen that though the petitioner had not availed any Housing Loan, he had obtained loan from his employer on two occasions in the year 1990 and 1997 for some other purpose, which was left unpaid, resulting in fetching of huge interest and therefore, there is every justification on the part of the Respondents in deducting the amount from his PF amount due. Hence, the Petitioner is not entitled to any relief sought by the Petitioner.

5. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Mr. D.Venkatachalam, Advocate, S.R.No. 62504
+1cc to the Government Pleader, S.R.No. 62782

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RSI (CO)
GN(22/08/2019)



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