



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4874 of 2014

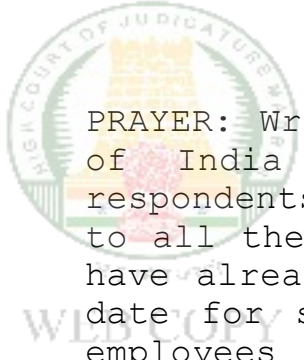
and

M.P. (MD) Nos.2 of 2014 & W.M.P. (MD) No.10406 of 2019

1. R.Kamaraj
2. S.Asaithambi
3. Sivanandham
4. Tamil Nadu Arasu Pokkuvarathu
Kazhaga Uzhiyar Sangam
rep.by its General Secretary
S.Sivanandham
Venmani Illam
Anandanambiyar Nagar
Karur Bye-Pass Road, Tiruchirappalli ... Petitioners

vs.

1. The Government of Tamil Nadu
rep.by its Secretary to Government
And Chairman of Transport Corporations
Fort St.George, Chennai-9.
2. The Management of State Transport Corporation
(Kumbakonam) Limited
rep.by its Managing Director
Kumbakonam.
3. Tamil Nadu State Transport Corporation
(Kumbakonam) Limited Employees
Provident Fund Trust
rep.by its Managing Trustee / Chairman
No.27, Railway Station New Road
Kumbakonam-612 001.
4. Tamil Nadu State Transport Corporation
Pension Fund Trust
rep.by its Administrator
Thiruvalluvar Illam, Pallavan Salai
Chennai-2. ... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to forthwith sanction and disburse provident fund loan to all the member employees of the 2nd respondent Corporation who have already submitted their applications from 31.07.2010 to till date for sanction of provident fund loan and also to the other employees as and when they apply for the same without further delay.

For Petitioner : Mr.A.Rahul

For Respondents: Mr.D.Muruganantham

Additional Government Pleader for R1

Mr.D.Sivaraman for R2 & R3

Mr.A.P.Muthupandian for R4

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to forthwith sanction and disburse provident fund loan to all the member employees of the second respondent / Corporation, who have already submitted their applications from 31.10.2010 to till date and also to the other employees as and when they apply for the same without further delay.

2. As far as the writ petitioners 1 to 3 are concerned, their provident fund loan applications were scrutinized and the eligible loan had already been sanctioned to them. Thus, the grievance of the writ petitioners 1 to 3 has already been redressed and therefore, no further adjudication is required in respect of the grounds raised in the present writ petition insofar as the writ petitioners 1 to 3 are concerned.

3. As far as the fourth writ petitioner is concerned, it is a Sangam. In normal circumstances, a Sangam cannot maintain a writ petition respect of certain individual circumstances. Sanctioning of loan is undoubtedly an individual grievance. It is the choice of an employee to apply for the loan or not. However, grant of provident fund loan is a right of an employee. Provident fund loan cannot be denied to the employee, if the application is submitted in accordance with the procedures contemplated along with the requisite documents.

4. Under these circumstances, in order to safeguard the interest of the employees, this Court is inclined to direct the respondents to consider all the provident fund loan applications whenever submitted by the employees and take a decision, without causing any undue delay and sanction loan, if the applications are properly submitted along with the requisite documents as well as by following the procedures contemplated. The said exercise is to



be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. In respect of pending applications, the same are to be scrutinized and a decision is to be taken by the respondents, within a period of four months from the date of receipt of a copy of this order.

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5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The Secretary to Government and
Chairman of Transport Corporation,
Government of Tamil Nadu,
Fort St.George, Chennai-9.
2. The Administrator,
Pension Fund Trust,
Tamilnadu State Transport Corporation,
Pallavan Salai, Chennai-2.

- + 1 CC to The Special Government Pleader SR.No.72160
- + 1 CC TO Mr.A.Rahul, ADVOCATE IN SR No.72330
- + 1 CC TO Mr.D.Sivaraman, ADVOCATE IN SR No.72247

W.P. (MD) No.4874 of 2014
and

M.P. (MD) Nos.2 of 2014 & W.M.P. (MD)
No.10406 of 2019

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