



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 25922 of 2019

and

W.M.P (MD) Nos. 22447 of 2019

K. Pandiyarajan

... Petitioner

/vs./

1. The Chairman,

Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
27, New Railway Station Road,
Kumbakonam.

2. The Assistant Manager,

Employees Provident Fund,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Employees Provident Fund Trust,
Kumbakonam.

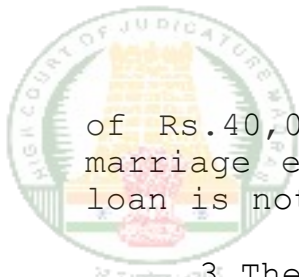
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in TNSTC/Kum/Legal/571/2019, dated 18.07.2019 quash the same and consequently to direct the first respondent to sanction EPF loan of Rs.3 Lakhs on his EPF account within a time frame as may fixed by this Court and award cost.

For Petitioner : Mr. G. M. Xavier
For Respondents : Mr. P. Balasubramanian
Standing Counsel.

ORDER

When the petitioner had earlier made an application seeking for EPF loan on the ground that he needs the amount for conducting his daughter marriage, this Court by an order dated 05.12.2018 passed in W.P(MD) No.23606 of 2018, had recorded the submission of the respondent Corporation that the petitioner is eligible for loan of Rs.2,34,265/- as against the claim of Rs.3 Lakhs. With this observation, this Court had granted liberty to the petitioner to file a fresh application. Accordingly, the petitioner made an application on 06.07.2019, seeking for a loan amount of Rs.3 Lakhs. In view of the specific stand taken by the respondent Corporation before this Court when the order in W.P(MD) No.23606 of 2018 came to be passed, the respondent cannot have any objection in disbursing the loan amount.



of Rs.40,000/- has already been given to the petitioner for the marriage expenses and that the petitioner's claim for educational loan is not supported by any document and thereby rejected the same.

3.The impugned order dated 18.07.2019 cannot be sustained for more than one reason. Firstly, if the respondents were of the view that they had already disbursed a sum of Rs.40,000/- on 12.04.2019 and therefore, the petitioner is not eligible for further loan for the purpose of marriage expenses, they ought not to have made a representation before this Court when the order in W.P(MD) No.23606 of 2018 came to be passed, stating that the petitioner is eligible for loan amount of Rs.2,34,265/-. Secondly, the loan sought for by the petitioner in his loan application dated 06.07.2019 clearly states that the petitioner intended to have the loan obtained for the purpose of repaying the loan incurred by him for the marriage expenses of his daughter. If that be so, the reference of an "educational loan" claimed by the petitioner is not based on any request of the petitioner and thus such observation itself cannot be sustained.

4.For all the forgoing reasons, this Court of the view that the petitioner is entitled to succeed. Consequently, the impugned order dated 18.07.2019 passed by the second respondent in TNSTC/Kum/Legal/571/2019 stand quashed and there shall be a direction to the respondents herein to disburse a sum of Rs.2,34,265/- by way of EPF loan of the petitioner at least within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Chairman,

Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
27, New Railway Station Road, Kumbakonam.

2.The Assistant Manager,

Employees Provident Fund,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Employees Provident Fund Trust, Kumbakonam.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-105943[F]

SMA/06/01/2020/2P/4C