



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.8865 of 2020

M.Manthiramoorthy

...Petitioner

Vs

The Chairman,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bye Pass Road,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sanction loan amount of Rs.5,00,000/- from employees contribution in Petitioner's E.P.F.account within the time limit stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthil Kumaraiah

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

2. The petitioner is working as a driver in the respondent corporation. He is now in the special grade category. The petitioner states that he has fixed his daughter's marriage. The petitioner also has to complete the construction work of his home. The petitioner has borrowed money from others. In order to repay the same, the petitioner applied for a loan. He has enclosed materials to show that a sum of more than Rs.5 Lakhs is available at his Provident Fund Account. In fact, this amount represents his contribution to the Provident Fund account. Since the respondent has not processed the loan application, this Writ Petition came to be filed.

3. The learned Standing Counsel submitted that the respondent corporation is a public transport establishment. They are having their own rules and regulations and bylaws. Their Board has passed resolution that in the event of marriage function a sum of Rs.75,000/- will be sanctioned. I am not persuaded by the said stand of the respondent Corporation. The petitioner is praying for loan as against the amount available to his credit in respect of his contribution. The petitioner has not asked from the employer's contribution.



4. I am of the view that this request cannot be denied. It is seen from the bylaws of the Corporation, the petitioner is entitled to a sum of Rs.3Lakhs as loan. Therefore, the Writ Petition is allowed by directing the respondent to process the petitioner's loan application without any delay and sanction him a sum of Rs.3Lakhs. Since the petitioner's daughter's marriage is to be solemnized next month, the loan disbursement will be done within a period of four weeks.

5. With this direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Chairman,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bye Pass Road,
Madurai.

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