



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1859 of 2021

K.Sekar

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction loan amount of Rs.3,00,000/- from employees contribution in the petitioner's E.P.F. Account within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.D.Sivaraman
Standing Counsel

O R D E R

Heard Mr.G.M.Xavier, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for the respondent.

2.Since the petitioner's request to the respondents to sanction loan amount of Rs.3,00,000/- from employees contribution in the petitioner's E.P.F. Account, was not considered, the Writ Petition has been filed. According to the petitioner, he has made an application in this regard on 25.09.2020, which is still pending.

3.It is needless to point out that whenever a representation/application of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a



4. In the light of the above observations, it would be appropriate to direct the respondent herein to consider the petitioner's application, dated 25.09.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondent to consider the petitioner's application, dated 25.09.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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 (Kumbakonam) Ltd.,
27, New Railway Station Road,
Kumbakonam.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-6083[F] dated 19/02/2021)

TM

TE : 17/03/2021 : 2P/2C

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