



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD).No.1828 of 2021

R.Selvakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Ltd),
Trichy Region,
Periyamilaguparai,
Trichy.

3.The Assistant Manager, (Provident Fund Section),
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Provident Fund Treasury,
Kumbakonam.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the 3rd respondent in அபேக/கும்ப/குவவைநி/01/21, Dated 08.01.2021, quash the same as illegal and consequently, directing the respondents to pay a sum of Rs.3,00,000/- as a loan from the petitioner's Provident Fund Account Number.TN/17712/8018 within a time fixed by this Court.

For Petitioner : Mr.D.Anbarasu

For Respondent : Mr.D.Sivaraman
Standing Counsel

O R D E R

Heard Mr.D.Sivaraman, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, appearing for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3.Under the Regulations governing the respondent Corporation with regard to the partial withdrawal of the Employees Provident Fund amount, the employee would be entitled for withdrawal of 65% of his share of contribution to E.P.F for marriage expenses of their family members. In this connection, the petitioner's application seeking for 50% withdrawal has not been acted upon by the respondent and therefore, the present writ petition has been filed.

4.The reason assigned in the impugned order of rejection is that there are no sufficient funds in the respondent Corporation for the purpose of extending EPF advance. Such a reason cannot be acceptable. The petitioner herein is also similar placed with financial crisis, for which purpose he seeks for withdrawal of his own contribution, within the permissible limitation as per the regulations of the respondent corporation. When an employee is faced under such financial crisis, it would be the duty of the corporation to extend such a request for withdrawal of his contribution, particularly, when the regulations of the respondent corporation permits for such withdrawal.

5.It is also seen that earlier, this Court by an order, dated 23.12.2020, in W.P.(MD).No.19178 of 2020, had directed the respondents to grant a loan for Rs.3,00,000/-, within a period of four weeks from the date of receipt of that order.

6.Accordingly, the impugned order passed by the 3rd respondent in அபோக/கும்ப/குவவைநி/01/21, Dated 08.01.2021, is set aside. Consequently, there shall be a direction to the respondents to reconsider the petitioner's request, dated 22.05.2020, along with the supporting documents and grant a loan for a sum of Rs.3,00,000/-, out of the petitioner's provident fund account, within a period of four weeks from the date of receipt of the order.

7.Accordingly, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// 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

- 1.The Managing Director,
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Kumbakonam.
- 2.The General Manager,
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(Kumbakonam Ltd),
Trichy Region,
Periyamilaguparai,
Trichy.
- 3.The Assistant Manager, (Provident Fund Section),
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Kumbakonam.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-4568[F] dated 11/02/2021)

W.P. (MD) .No.1828 of 2021

10.02.2021

KM (01.03.2021) 3P 5C