



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.2087 of 2021

WEB COPY

S.Jeyakumar

... 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),
Karur Region, Karur.

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

.. Respondents

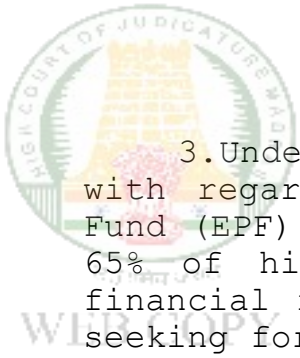
PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the 3rd respondent in அபேக/கும்ப/குவவைநி/01/21, Dated 08.01.2021, quash the same as illegal and consequently, directing the respondents to pay a sum of Rs.5,00,000/- as a loan from the petitioner's Provident Fund Account Number.TN/17712/0405 within a time fixed by this Court.

For Petitioner : Mr.D.Anbarasu
For Respondent : Mr.P.Balasubramanian
Standing Counsel

O R D E R

Heard Mr.D.Anbarasu, learned counsel for the petitioner and Mr.P.Balasubramanian, 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 (EPF) amount, the employee would be entitled for withdrawal of 65% of his share of contribution to E.P.F for some prescribed financial needs. 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 similarly placed with financial crisis, for which purpose he seeks for withdrawal of his own contribution, within the permissible limits, 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 consider such a request for a PF loan of his contribution, particularly, when the regulations of the respondent corporation permits for such PF loan.

5.It is also seen that earlier, this Court by an order, dated 10.12.2020, in W.P.(MD).No.18124 of 2020, had directed the respondents to grant a loan for Rs.5,00,000/-, 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 அபேக/கும்ப/குவைநி/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 30.04.2020, along with the supporting documents and grant a loan for a sum of Rs.5,00,000/-, 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(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Managing Director,
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(Kumbakonam) Ltd.,
Kumbakonam.

2.The General Manager,
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(Kumbakonam Ltd),
Karur Region, Karur.

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

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-4378[F] dated
10/02/2021)

W.P. (MD) .No.2087 of 2021
10.02.2021

ES (CO)
TR(09.03.2021) 3P 5C