



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.2097 of 2021

R.Thangavel

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU), Ltd.,
Bye-pass Road,
Madurai - 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (MDU), Ltd.,
Bye-pass Road,
Madurai - 625 016.

.. Respondents

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.4,00,000/- from employees contribution from the petitioner's E.P.F. account within a stipulated time frame fixed by this Court.

For Petitioner : Mr.K.Gokul
For Respondent : Mr.J.Senthilkumaraiah.
Standing Counsel

O R D E R

Heard Mr.K.Gokul, learned counsel for the petitioner and Mr.J.Senthilkumaraiah, 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 learned Standing counsel for the respondent submitted that the respondent Corporation is facing financial crisis and 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 further stated by the learned Standing Counsel for the respondent that the petitioner is eligible to seek PF loan to the tune of Rs.3,30,000/- and out of which Rs.75,000/- has already been paid to him. Therefore, he is entitled to claim only the remaining amount of Rs.2,55,000/-.

6.It is also seen that earlier, this Court by an order, dated 20.11.2020, in W.P.(MD).No.16438 of 2020, had directed the respondents to consider the petitioner's representation dated 17.09.2020, within a period of four weeks from the date of receipt of that order.

7.Accordingly, there shall be a direction to the respondents to consider the petitioner's application, dated 28.12.2020, along with the supporting documents and grant a loan for a sum of Rs.2,55,000/-, out of the petitioner's Provident Fund account, within a period of four weeks from the date of receipt of the order.

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

Sd/-

Assistant Registrar (CSIII)

// 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.

+1 CC to M/s.K.GOKUL, Advocate (SR-4213[F] dated 10/02/2021)

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