



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3698 of 2021

WEB COPY

U.Ganesan

...Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
represented by its Managing Director and Chairman/Managing Trustee of
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Madurai.

3.The Deputy Manager (Provident Fund)
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction and allow the petitioner to withdraw a sum of Rs.5,00,000/- from and out of his own accumulation of Provident Fund Contribution available to the Credit of 1st respondent for the marriage expenses of his daughter G.Harini, which is scheduled to be held on 24.03.2021, within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and the 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.

<https://hcservices.courts.gov.in/hcservices/> 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 is not 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 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.The learned Standing counsel for the petitioner would submit that the application made by the petitioner on 09.02.2021 is not in the proper format and the petitioner is only eligible to seek withdrawal of the amount to the tune of Rs.3,10,000/-.

6.In this background, the petitioner is granted liberty to make a fresh application to the first respondent herein in the required format and on receipt of such application the first respondent herein shall consider the same favourably and disburse the eligible amount, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

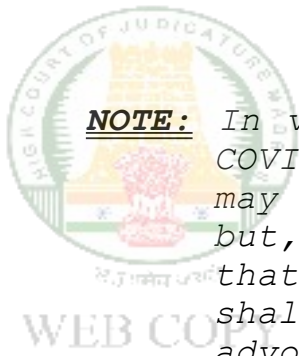
Assistant Registrar (CS-II)

// 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.

To

- 1.The Managing Director
and Chairman/Managing Trustee of
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.
- 2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region, Madurai.
- 3.The Deputy Manager (Provident Fund)
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.

+1 CC to MR.J.SENTHIL KUMARAI AH, Advocate (SR-9103[F] dated 05/03/2021)

+1 CC to MR.A.RAHUL, Advocate (SR-8935[F] dated 04/03/2021)

W.P. (MD) No.3698 of 2021
04.03.2021

KM (24.03.2021) 3P 6C