



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.10162 of 2022

A.George Siluvaimuthu

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Kum), Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to sanction the entire loan amount sought for in the petitioner's loan application, dated 25.04.2022 from the petitioner's own contribution towards Employee Provident Fund, as per the amended EPF Rules 2016, by considering the petitioner's EPF loan application, dated 25.04.2022.

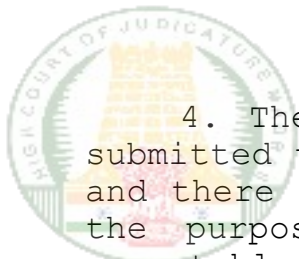
For Petitioner	:	Mr.SP.Vijay Nivas
For Respondents	:	Mr.D.Sivaraman. Standing Counsel.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein seeks for sanction of entire loan amount from the his Employees Provident Fund Account based on his application dated 25.04.2022 and representation dated 30.04.2022 to meet his daughter's marriage expenses.

3. Rule 13d of the Tamil Nadu State Transport Corporation Employees Provident Fund Trust Rules provides for withdrawal of the PF contribution by the members in order to meet the expenses in connection with marriages, funerals or ceremonies. Sub rule 13(1) (d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee, whichever is less, when the pay of the employee exceeds Rs.5000/- per month. Likewise, when the pay of the employee does not exceed Rs.5000/-, the withdrawal shall be subject to certain conditions.



4. The learned Standing Counsel appearing for the respondents 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 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. In view of the entitlement of the petitioner to withdraw his contribution for the purpose of meeting his daughter's marriage expenses, there shall be a direction to the respondents herein to consider the petitioner's application, dated 25.04.2022 and representation dated 30.04.2022, along with the supporting documents and grant eligible loan amount out of the petitioner's Provident Fund account within a period of two (2) weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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TO

The Managing Director,
Tamil Nadu State Transport Corporation (Kum), Ltd.,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

+1 CC to M/s.SP. VIJAYNIVAS, Advocate (SR-28164[F] dated 27/06/2022)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-28616[F] dated 28/06/2022)

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KG (CO)

https://hccs7.courts.gov.in/cases/2P_4C