



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5286 of 2019

Kannan

... Petitioner

Vs.

1.The Principal Secretary,
Transport Department,
Secretariat,
Namakkal Kavingar Maligai,
Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
(TNSTC Head Office),
No.27, Railway Station New Road,
Kumbakonam.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in TNSTC/Kum/Legal/Legal/824/2018 dated 23.03.2018 and quash the same as illegal and consequently directing the respondents to provide loan to the petitioner from his own contribution towards Central Provident Fund Scheme.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
for R1
Mr.D.Sivaraman for RR2 & 3



O R D E R

The relief sought for in the present Writ Petition is to quash the order of rejection rejecting the claim of the writ petitioner for grant of loan from his contribution towards Central Provident Fund Scheme.

2. The petitioner is working as driver in the Transport Corporation. The grievance of the petitioner is that he has submitted an application for Provident Fund Loan which was rejected.

3. The learned counsel appearing for the respondent made a submission that the Central Provident Fund Scheme itself is not applicable to the petitioner as he was appointed after 01.04.2003. Therefore, the petitioner is falling under the Contributory Pension Scheme in which there is no terms and conditions to sanction Central Provident Fund Loan. The said position is clarified in paragraph Nos.3, 4 and 5 of the counter which reads as under:-

3.It is submitted that the Writ Petitioner was appointed on 01.09.2005 as Driver at Vedaranyam Branch in the respondent Corporation. The Contributory Pension Scheme (CPS) was introduced from 01.04.2003 and the following G.O's issued by the Government towards CPS (Contributory Pension Scheme).

i)G.O.Ms.No.259, Finance (Pension) Department, dated:06.08.2003.

ii)G.O.Ms.No.430, Finance (Pension) Department, dated:06.08.2004.

As per the above GO while retired/resigned/VRS/died and termination from service that the Employee subscription amount with the respective Employer Contribution will be settled to the employee and there is no any direction regarding Loan issued to the employee from the employee or Employer Provident Fund Contribution.

4.It is submitted that the employee appointed after 01.04.2003 that subscription amount not send to any separate organized forum and so no separate direction was not given to the respondent Corporation towards disbursing the PF Loans.

5.It is submitted that the respondent Corporation currently now as per the Government direction that their retirement benefits only issued to the employee who were appointed from 01.04.2003 and so for PF Loan not issued to any employee of this respondent Corporation. The same status take place in other department also.

4. In view of the fact that the petitioner was appointed in Transport Corporation after 01.04.2003 and falling under the Contributory Pension Scheme, he is not entitled to avail the loan from CPF Account.



5. Accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Principal Secretary,
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Secretariat,
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No.27, Railway Station New Road,
Kumbakonam.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18665[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18119[F] dated 12/04/2022)

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MGJ(25.04.2022) 3P 6C