



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.(MD) No.1160 of 2021

Selvam

... Petitioner/Petitioner

-vs-

1.Mr.Ponmudi,
The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Kumbakonam.

2.Mr.Gunasekaran,
The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Karur Region, Karur.

... Respondents/Contemnors

Prayer:- Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for the willful disobedience of contempt of the order passed by this Court in W.P.(MD) No.6970 of 2021 dated 29.03.2021.

Prayer in WP(MD) . 6970/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-38. To issue a Writ of Mandamus to direct the respondents to pay Rs.6,00,000 as loan from petitioners provident fund account no. TN/17712/2655 with regard to the petitioners daughter marriage and the petitioners children education and the house construction expenses based on the petitioner representation dt 5.1.2021 within a time fixed by this Honble Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.D.Sivaraman,
Standing Counsel

O R D E R

The learned Standing Counsel appearing for the respondents made a submission that as per the eligibility of the petitioner, after verifying the PF Account, a sum of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) has already been settled in favour of the petitioner.

2.In this regard, it is relevant to extract paragraphs 5 and 6 of the counter filed by the 2nd respondent, which read as follows:-

"5.I further submit that the petitioner has filed the Contempt Petition No.1160/2021 in W.P. (MD) No.6970 of 2021 before the Hon'ble High Court of Madras, Madurai Bench. When Contempt Petition came up for hearing on 03.09.2021 this Hon'ble Court directed the petitioner to submit the relevant documents before the Provident Fund Section. It is humbly submitted that as per the order of High Court on 14.09.2021 petitioner Thiru.G.Selvam submitted a petition in the Provident Fund Section Kumbakonam and he has submitted the details of loan obtained and pending towards education loan for his son and medical loan, jewel loan obtained from Muthoot Finance. He has furnished the details of pending education loan for Rs.117209.17 from Indian Overseas Bank and loan from Housing Development Finance Corporation Limited (HDFC) with pending details by pledging a bond. On perusing the document it was found that no Provident Fund loan application (in the prescribed format) was submitted before the Provident Fund section claiming Provident Fund loan. However in accordance with High Court order in the Contempt Case Rs.1,00,000/- was transferred into the bank account of the petitioner as non refundable loan through ECS on 14.09.2021. Further towards education loan Rs.75,000/- was credited in to the account through ECS directly. Further, it is humbly submitted that the employee has obtained loan from private and from private company except the education loan. As per the Provident Fund Rules there is no provision to grant Provident Fund loan for loan obtained from private concern and he has not submitted any provident Fund loan application in the required prescribed format.

6.Further the respondents humbly submit that if the petitioner submits the documents of loan obtained from HDFC Bank and due to be paid details, payment of pending Loan to HDFC will be considered as per Provident Fund Trust Rule No.17(1) DD Advance from the fund repayment of loans in special cases as follows:-



1(a). The trustee, or where so authorizes by the trustee, any Officer subordinate to him may on an application from a member, sanction from the amount standing to the credit of the member in the Fund, an advance for the repayment wholly or partly, of any outstanding principal and interest of a loan obtained from a state Government, Co-operative Society, Housing Board, Municipal Corporation or a body similar to the Delhi Development Authority solely for the purposes specified in rule (i) of rule 17(D).

(b). The amount of advance shall not exceed the member's basic wages and dearness allowance for thirty six months or his own share of contribution together with the employer's share of contribution with interest thereon, in the members account in the fund or the amount of outstanding principal and interest of the said loans, whichever is least."

3. In view of the fact that the order passed by this Court has been complied with and there is no intentional disobedience of the orders, this Contempt Petition stands closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1. Mr. Ponmudi,
The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Kumbakonam.

2. Mr. Gunasekaran,
The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Karur Region, Karur.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11393[F] dated 11/03/2022)
Cont.P.(MD) No.1160 of 2021
10.03.2022

MGJ(01.04.2022) 3P 4C