



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.(MD) No.1177 of 2021

S.Jeyakumar

... 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.

3.Mr.Velumani,

The Assistant Manager (Provident Fund Section),
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Provident Fund Treasury, Kumbakonam.

... Contemnors/Respondents

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.2087 of 2021 dated 10.02.2021.

Prayer in WP(MD). 2087/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the entire records in connection with the impugned order passed by the 3rd respondent in Apoga/Kumba/Ku.va.vai.ni/01/21 dated 08-01-2021 quash the same as illegal and consequently directing the respondents to pay a sum of Rs.5,00,000/- as a loan from the petitioners Provident Fund Account Number TN/17712/0405 within a time fixed by this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

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.2,00,000/- (Rupees Two Lakhs only) has already been settled in favour of the writ petitioner.

2. In this regard, it is relevant to extract paragraphs 6 and 7 of the counter filed by the 2nd respondent, which read as follows:-

"6. I further submit that the petitioner has filed the Contempt Petition No.1177/2021 in W.P.(MD) No.18124 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. In view of the High court direction, the petitioner appeared before the Provident Fund section, Kumbakonam on 09.09.2021. Further along with Provident Fund loan petition he had submitted copy of college fee receipts for Rs.31,185/- towards fees paid at Kongunadu Educational Charitable Trust. Further the individual has submitted a copy of loan obtained from Life Insurance Corporation certificate. He has submitted these two documents only. The documents were carefully scrutinized by the Provident Fund Section officer and it was found that the petitioner did not submit the relevant College fees pending details and Life Insurance Corporation housing loan pending statement as per the direction of Hon'ble High Court. It is humbly submitted that irrespective of the above in accordance to the Contempt order of the Court Rs.2,00,000/- Non Refundable Provident Fund amount was transferred into the bank account of the petitioner through ECS on 14.09.2021. It is further submitted that as per the Provident Fund rules to provide Provident Fund loan the petitioner did not furnish the pending loan payable details from Life Insurance Corporation. If he submits the pending loan details of Life Insurance Corporation, Provident Fund loan amount will be transferred to Life Insurance Corporation subject to the eligibility of amount available in his Provident Fund loan account.

7. Further the respondents humbly submit that if the petitioner submits the documents of loan obtained from LIC Housing Finance Limited and due to be paid details, payment of pending Loan to LIC Housing Finance Limited 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:-



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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 (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.



3.Mr.Velumani,
The Assistant Manager (Provident Fund Section),
Tamil Nadu State Transport Corporation
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+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11392[F] dated 11/03/2022)

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10.03.2022

RK(25/03/2022) 4P 5C