



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.(MD) No.1170 of 2021

in

WP (MD) No.1828 of 2021

R.Selvakumar ... Petitioner/Petitioner
-vs-

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

2.Mr.Sakthivel (I/c),
The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Trichy Region,
Periyamilaguparai, Trichy.

3.Mr.Velumani,
The Assistant Manager (Provident Fund Section)
(Kumbakonam) Ltd.,
Provident Fund Treasury, Kumbakonam.

... Contemnor/ 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.1828 of 2021 dated 10.02.2021.

Prayer in WP(MD). 1828/ 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 A.Po.Ka/Kum/Ku.Vai.Ni/01/21 dt 8.1.2021 quash the same as illegal and consequently directing the respondents to pay a sum of Rs.3,00,000 as a loan from the petitioners Provident Fund Account Number.TN/17712/2018 within a time fixed by this Honble Court and to pass such further or other orders as this Honble 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.1,00,000/- (Rupees One Lakh 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.1170/2021 in W.P.(MD) No.1828 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. On 09.09.2021, petitioner concerned had appeared in person before the Provident Fund Section Kumbakonam, as per the direction of High Court of Madras, Madurai Bench. On that date petitioner submitted a petition requesting Provident Fund loan towards Housing and Education loan. In connection to his loan petition he has submitted College Fee receipt copies for Rs.91,555/- issued by Bishop Heber College, Tiruchirappalli, towards his son's college fees for 4 years. Further he has submitted a bond copy for a loan amount of Rs.5,00,000/- obtained from Tiruchirappalli District Central Cooperative bank. Apart from these documents, he did not submit any document relating to the payment he has made and pending dues to be settled and did not submit any other required documents. The documents were carefully scrutinized by the Provident Fund Section officer and it was found that the petitioner did not submit the relevant Tiruchirappalli District Cooperative bank outstanding details as per the direction of Hon'ble High Court. However in accordance with the High court orders of the contempt case, Rs.1,00,000/- was credited in to the employees bank account directly through ECS as non refundable Provident Fund loan. Further it is humbly submitted that as per the Provident Fund loan Rules the employee did not submit the pending Loan details to provide loan to him. Hence if the petitioners furnish the pending loan details of the loan availed from Tiruchirappalli District Central Cooperative bank, subject to the Provident Fund amount available in his account amount will be transferred into the account of Tiruchirappalli District Central Cooperative bank.

7. Further the respondents humbly submit that if the petitioner submits the documents of loan obtained from Tiruchirappalli District Central Cooperative bank and pending due to be paid details, payment of pending Loan to



Tiruchirappalli District Central Cooperative bank 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 (AE)

// True Copy //

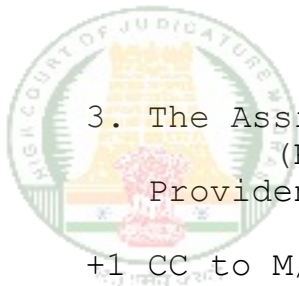
/ /2022

Sub Assistant Registrar (CS)

abr

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Ltd), Trichy Region,
Periyamilaguparai, Trichy.



3. The Assistant Manager (Provident Fund Section)
(Kumbakonam) Ltd.,
Provident Fund Treasury, Kumbakonam.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11394[F] dated 11/03/2022)

WEB COPY

Cont.P.(MD) No.1170 of 2021
10.03.2022

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