



W.P.(MD).No.16785 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16785 of 2022

N.Harikrishnan

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Limited,
Represented by its Managing Director,
and Chairman/Managing Trustee of
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Dindigul Region, Dindigul.

3.The Branch Manager,
The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Periyakulam Branch, Periyakulam.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the Respondents to
permit the petitioner to withdraw a sum of Rs.5,00,000/- of the Provident Fund
accumulation of petitioner's own PF contribution available to the credit of 1st
respondent for the marriage expenses of his son, H.Vignesh, within the time
stipulated as fixed by this Court.



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For Petitioner : Mr.A.Rahul
For Respondents : Mr.S.Gladson Michael Rajadurai
Standing Counsel

ORDER

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

2.The petitioner herein seeks withdrawal of a sum of Rs.5,00,000/- from his Employees Provident Fund Account No.52593, based on his application, dated 07.07.2022 and representation, dated 20.07.2022 to meet urgent family needs.

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 Sub rule 13(1)(d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee,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.



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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 urgent family needs, there shall be a direction to the respondents herein to consider the petitioner's application, dated 07.07.2022 and representation, dated 20.07.2022, 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.



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

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Index : Yes / No
Internet : Yes/ No
sji/sm



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TO:

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M.S.RAMESH, J.

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