



WP(MD)No.17100 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.17100 of 2022

K.Suresh Kumar

... Petitioner

/vs./

The Managing Director/Executive Trustee,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Provident Fund Trust,
Tamilnadu State Transport Corporation (MDU) Ltd,
Bye-pass Road,
Madurai-16.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to release Rs.5,00,000/- (Rupees Five Lakhs only) as part withdrawal from petitioner's Provident Fund Account No.9277 maintained by the respondent corporation Provident Fund Trust to meet out the medical expenditure to the petitioner's mother at the earliest.



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For Petitioner : Mr.K.K.Samy
For Respondent : Mr.S.Gladon 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 for sanction of eligible loan amount from the his Employees Provident Fund Account No.9277 based on his application dated 11.06.2022 and representation dated 01.07.2022 to meet out the medical expenditure to his mother.

3. Rule 13(d) 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 Sub rule 13(1)(d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted



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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.

4. The learned Standing Counsel appearing for the respondent 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 out the medical expenditure to his mother, there shall



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be a direction to the respondent herein to consider the petitioner's application, dated 11.06.2022 and representation dated 01.07.2022, 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.

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

02.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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