



WP(MD)No.19768 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2022**

CORAM:

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

W.P.(MD)No.19768 of 2022

D.Subburaj

... Petitioner

/vs./

The Chairman,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sanction and allow the petitioner to withdraw a sum of Rs.6,50,000/- from and out of his own accumulation of Provident Fund contribution available to the credit of the respondent for construction of the petitioner's house within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.S.Sivabalaji
Standing Counsel



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ORDER

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

2. The petitioner herein seeks for sanction of loan amount of Rs.6,50,000/- from the petitioner's Employees Provident Fund Account No.10755 based on his application dated 02.06.2022 for the purpose of construction of his house.

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, etc. Sub rule 13(1)(d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee,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 construction of his house, there shall be a direction to the respondents herein to consider the petitioner's application, dated 02.06.2022, along with the supporting documents and grant a loan of Rs.6,50,000/- (Rupees Six Lakhs Fifty Thousand only) 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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WEB COPY 6. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

26.08.2022

Index : Yes / No

Internet : Yes / No

btr/sm

To

The Chairman,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai.



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M.S.RAMESH, J.

btr/sm

Order made in
W.P.(MD)No.19768 of 2022

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26.08.2022