

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.20210 of 2022

V.Malaichamy

... Petitioner

Vs.

The Managing Director / Executive Trusty,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Employees Provident Fund Trust,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the petitioner advance amount Rs.65,000/- from the accumulation of employee's contribution stood in his E.P.F. Account No.TN/32497/17777 forthwith and thus render justice.

For Petitioner	: Mr.S.Arunachalam
For Respondent	: Mr.K.Jagadees Balan, 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 loan amount of Rs.65,000/- from the petitioner's Employees Provident Fund Account based on his application, dated 06.07.2022, for the purpose of meeting the educational expenses of his daughter.

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 Sub rule 13(1)(d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee,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

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 the educational expenses of his daughter, there shall be a direction to the respondent herein to consider the petitioner's application, dated 06.07.2022, 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.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

The Managing Director / Executive Trusty,
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M.S.RAMESH, J.

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