



W.P(MD).No.20825 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P(MD).No.20825 of 2022

G.Elangovan

...Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (KUM) Ltd.,
No.27, New Railway Station Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation., (KMB) Ltd.,
Pudukkottai Regional Office,
Pudukkottai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to sanction loan amount of Rs.4,00,000/- from employees contribution from his E.P.F account within the stipulated time frame fixed by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadees Balan
Standing Counsel



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ORDER

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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.4,00,000/-from his Employees Provident Fund Account No.TN/6929/1688-16096 based on his application dated 20.08.2022 for the purpose of meeting the medical expenses of him.

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 Sub rule 13(1)(d) prescribes that the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee,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 the medical expenses of him, there shall be a direction to the respondents herein to consider the petitioner's application, dated 20.08.2022 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

Speaking order/Non-speaking order
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M.S.RAMESH,J.

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