



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22219 of 2021

S.Ayyappan

... Petitioner

versus

The Managing Director,
Tamil Nadu Transport Corporation Limited,
Tirunelveli Limited,
Tirunelveli - 627 011.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to grant the loan amount of Rs.5,00,000/- from the petitioner's Provident Fund No.6220 based on the petitioner's representation dated 22.11.2021.

For Petitioner : No appearance
For Respondent : Mr.A.Rajamohan
Standing Counsel

ORDER

This writ petition is filed for a Writ of Mandamus, directing the respondent to grant loan of Rs.5,00,000/- to the petitioner from his Provident Fund account, based on his representation dated 22.11.2021.

2. Today, when the matter is taken up for consideration, there is no representation for the petitioner.

3. In the affidavit filed in support of this petition, the petitioner stated that he was appointed as Driver in the year 1996 and since he met with an accident, he was unable to drive the vehicle. Thereafter, he was given an alternative employment and he is now working as Non-ITI Helper. Since he has been continuously taking treatment, he spent huge amount for his medical expenses. He also arranged marriage for his daughter. Therefore, he applied a loan in the respondent Corporation from his Provident Fund Account. He also stated that he is having the balance of provident fund amount is Rs.6,15,250/- as on 2020-2021. He also made a representation to the respondent on 22.11.2021. But, the said representation has not been considered so far. Therefore, he has filed the present writ petition.

4. Mr.A.Rajamohan, learned Standing Counsel appearing for the respondent Corporation submitted that the petitioner made a representation on 22.11.2021 requesting the respondent to grant loan of Rs.5,00,000/- from his Provident Fund account and immediately thereafter, he has filed the present writ petition on 13.12.2021. He



further submits that the petitioner has not submitted the loan application in proper prescribed Form, which has also been communicated to the petitioner, by a letter dated 21.12.2021. The learned Standing Counsel appearing for the Transport Corporation relied upon the Tamilnadu State Transport Corporation (Madurai) Limited Employees Provident Fund Trust Rules and submitted that as per Rule 13(1)(a) of TNSTC EPF Trust Rules, the amount shall not exceed six months pay or the total accumulation of exempted contributions and the exempted interest lying to the credit of the employee whichever is less. He has also referred Rule 1(1) of TNSTC EPF Trust Rules, which define the PAY as basic wages including dearness allowance if any, but exclude all other allowances and perquisites from time to time.

5. According to the learned Standing Counsel appearing for the respondent, as per Rule 13(1)(a) of TNSTC EPF Trust Rules, the petitioner is entitled for a sum of Rs.3,06,072/- as loan from his Provident Fund Account. However, the said amount has not been disbursed to the petitioner for want of prescribed loan form.

6. In view of the above, the respondent Corporation is directed to furnish a prescribed loan form within a period of one week from the date of receipt of a copy of this order. The petitioner is directed to submit the request in the prescribed loan form to the respondent as expeditiously as possible and on receipt of the same, the respondent Corporation is directed to disburse the provident fund amount to the petitioner within a period of four weeks from thereon.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Managing Director,
Tamil Nadu Transport Corporation Limited,
Tirunelveli Limited,
Tirunelveli - 627 011.

WEB COPY

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-59[F] dated 04/01/2022)

+1 CC to M/s.V.KARUNA, Advocate (SR-490[F] dated 05/01/2022)

W.P (MD) No.22219 of 2021
03.01.2022

SP (CO)

KB (24.01.2022) 3P 4C