



W.P.No.7932 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7932 of 2018

And

W.M.P.No.9883 of 2018

V.Jayabhaskar

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation

Rep. by its Secretary,
Office of the Transport Department,
Fort St.George,
Chennai – 9.

2.The Tamil Nadu State Transport Corporation

Rep. by its The Managing Director,
TNSTC (Coimbatore Division) Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 43.

3.The Assistant Manager (PF)

Tamil Nadu State Transport Corporation
Coimbatore Division Ltd.,
Coimbatore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent and quash the proceeding Ref. No.3913/PF6/TNSTC/



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Coimbatore/2017 dated 04.12.2017 and direct the respondent to release the non deduction PF fund.

For Petitioner : Mr.K.Raghunath

For Respondents : Mr.M.S.Prem Kumar for R1
Government Advocate
Mr.A.Sundaravadhanan for R2 & R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the third respondent and to quash the proceeding Ref. No.3913/PF6/TNSTC/Coimbatore/2017 dated 04.12.2017 and to direct the respondent to release the non deduction PF fund.

2.The case of the petitioner is that the petitioner was selected through Employment Exchange and was appointed as Driver in TNSTC on 05.03.1995 and have no departmental enquiry pending. The second respondent deducted 8% as PF out of his salary and inorder to provide education for his children, the petitioner requested the second respondent to deduct higher PF contribution and the second respondent deducted 20% PF from December, 2010. Whiles, the



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petitioner applied for loan against PF deduction to the respondents, however, the third respondent declined to process his loan on the ground that the second respondent does not have funds to give loan. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner applied for loan against PF deduction as he needed money for his son's education and at the relevant point of time, the respondents declined to process the petitioner's request for loan on the ground that the second respondent does not have funds to give loan, however, now the financial crises is over. Hence, this Court may issue direction to the respondents to disburse the loan amount and grant liberty to the petitioner to make fresh application to the second respondent for non recoverable loan.

4.The learned counsel appearing for the respondents 2 and 3 submitted that if the petitioner makes any such application, the same will be decided in accordance with law.

5.Admittedly, the petitioner applied for loan against PF deduction as he needed money for his son's education and the same was not



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processed on the ground that the second respondent does not have funds to give loan. After a lapse of nearly five years, that situation does not arise. However, this Court permits the petitioner to make fresh application for non recoverable loan against PF deduction to the respondents, within a period of two weeks from the date of receipt of a copy of this order. If any such application is made, the respondents shall entertain the application and if the required amount is available in the petitioner's PF account, the same may be disbursed in favour of the petitioner as per the Rules, within a period of four weeks from the date of receipt of the application.

6.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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