



W.P.No.11354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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C.Palani

... Petitioner

Vs

- 1.The Metropolitan Transport Corporation Ltd.,
rep. by its Managing Director and
Chairman/Managing Trustee of
The Metropolitan Transport Corporation Ltd.,
Employee Provident Fund Trust,
Pallavan Salai,
Chennai-2.
- 2.The Metropolitan Transport Corporation,
rep. by its Chief Finance Officer and
Administrator,
Employee Provident Fund Trust Trustee,
The Metropolitan Transport Corporation Ltd.,
Pallavan Salai,
Chennai-2.
- 3.The Metropolitan Transport Corporation,
rep. by its Senior Deputy Manager,
Employee Provident Fund Trust Trustee,
The Metropolitan Transport Corporation Ltd.,
Pallavan Salai,
Chennai-2.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to withdraw a sum of Rs.5,00,000/- of the Provident Fund accumulation of petitioner own PF contribution available to the credit of the first respondent for the marriage expenses of petitioner's daughter P.Vani Priya within the time stipulated as fixed by this Court.

For Petitioner : Mr.S.Sakthivel

For Respondents : Mr.R.Balaji

ORDER

Heard Mr.S.Sakthivel, learned counsel for the petitioner and Mr.R.Balaji, learned Standing Counsel for the respondents.

2.The petitioner herein seeks withdrawal of a sum of Rs.5,00,000/- from his Employees Provident Fund Account No.30508, based on his representation dated 20.02.2023 to meet the marriage 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. Sub rule 13(1)(d) prescribes that



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the amount so withdrawn shall not exceed six months pay or the total of the accumulations of exempted contributions and exempted interest lying to the credit of the employee,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.5,000/- per month. Likewise, when the pay of the employee does not exceed Rs.5,000/- the withdrawal shall be subject to certain conditions.

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.

5.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,



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when the regulations of the respondent Corporation permits for such PF
loan.

6.In view of the entitlement of the petitioner to withdraw his contribution for the purpose of meeting marriage expenses of his daughter, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 20.02.2023, 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.

7.This Writ Petition stands allowed accordingly. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
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