



W.P.(MD).No.16795 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16795 of 2023

and

W.M.P(MD)No.14030 of 2023

P.Chandran

... Petitioner

Vs.

The Deputy Manager / Executive Trusty,
Tamil nadu State Transport Corporation (Madurai) Ltd.,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings பார்வை:வைநிதி 5/, dated 12.12.2022 and quash the same as illegal, consequently directing the respondent to pay the petitioner's advance amount Rs.5,00,000/- from the accumulation of ' contribution stood in the petitioner E.P.F.Account No.6283 forthwith.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.Gladson Michael Rajadurai



W.P.(MD).No.16795 of 2023

WEB COPY

ORDER

The present writ petition has been filed to call for the records pertaining to the impugned order passed by the respondent in his proceedings பார்வை:வைநிதி 5/, dated 12.12.2022 and quash the same as illegal, consequently directing the respondent to pay the petitioner's advance amount Rs.5,00,000/- from the accumulation of ' contribution stood in the petitioner E.P.F.Account No.6283 forthwith.

2. The petitioner was appointed as Conductor in the respondent corporation on 01.10.1988 and he is continuing his job at the respondent corporation. The petitioner's EPF number is 6283 and he is continuing to contribute towards EPF account every month regularly. The petitioner's wife namely, C.Mangalam aged about 50 years is suffering from heart disease for the past 3 years. As a result of which, she took treatment between the period 08.03.2022 to 06.05.2022, for which the expenditure incurred was more than Rs.5,00,000/-. Hence, with great anticipation in getting the non refundable amount from his employee provident fund account, the petitioner got necessary medical certificates, dated 08.03.2022 from the medical officer concerned who



W.P.(MD).No.16795 of 2023

gave treatment to his wife with respect to the expenditure incurred and produced the same along with application, dated 09.03.2022 to the respondents. However, the respondents paid a paltry amount of Rs.40,000/- as non refundable amount and declined to pay Rs.5,00,000/- as demanded by the petitioner based on the recommendation of the doctor.

3. Hence, the petitioner was constrained to file a writ petition in W.P(MD)No.12478 of 2022 seeking for a direction to direct the respondent to pay him the advance amount of Rs.5,00,000/- from his EPF account. The said writ petition was disposed of directing the respondents to consider the petitioner's application within a period of two weeks from the date of receipt of that order. Despite the same, the respondents did not comply with the order. As a result of which, the petitioner filed Contempt Petition in Cont.P(MD)No.1672 of 2022. In the said contempt case, the respondent produced the impugned order, dated 12.12.2022, rejecting the petitioner's application dated 09.03.2022. On that basis, the aforesaid contempt petition was closed. Thereafter, challenging the impugned order, dated 12.12.2022, this writ petition came to be filed.



W.P.(MD).No.16795 of 2023

WEB COPY

4. When this case is taken up for hearing, the learned Standing Counsel submitted that the respondent corporation will duly disburse the applied amount of Rs.5,00,000/- from the EPF account of the petitioner, if he produces the complete medical documents required as per the non-refundable advance scheme.

5. In view of the said submission, this Court directs the petitioner to submit the complete medical details of the medical expenditure in originals incurred by him to the respondent corporation within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the same, this Court hereby directs the respondent corporation to release the non-refundable advance amount of Rs.5,00,000/- within a period of two (2) weeks thereafter.

6. In view of the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue order copy on 14.08.2023.



W.P.(MD).No.16795 of 2023

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To

The Deputy Manager / Executive Trusty,
Tamil nadu State Transport Corporation (Madurai) Ltd.,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.



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W.P.(MD).No.16795 of 2023

L.VICTORIA GOWRI, J.

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W.P.(MD).No.16795 of 2023

11.08.2023