



W.P.(MD).No.20536 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20536 of 2023

P.Krishna Thilagar

... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Madurai) Limited,
Rep. by its Managing Director,
Employees Provident Fund Trust,
Bye-Pass Road, Madurai.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Region,
Madurai.
3. The Deputy Manager,
Provident Fund Section,
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Employees Provident Fund Trust,
Bye-Pass Road, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to sanction and grant Provident Fund Loan of Rs.4,00,000/- to petitioner from and



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out of accumulation of his own PF contribution, as per the provisions of Tamil Nadu State Transport Corporation (Madurai) Limited Employees Provident Fund Trust Rules to petitioner daughter's education expenses within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.Ramachandra Pradeep
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the Respondents to sanction and grant Provident Fund Loan of Rs.4,00,000/- to petitioner from and out of accumulation of his own PF contribution, as per the provisions of Tamil Nadu State Transport Corporation (Madurai) Limited Employees Provident Fund Trust Rules to petitioner daughter's education expenses within the time limit that may be fixed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner joined the service of the 1st respondent Corporation as Driver with effect from 23.12.1997. As of now, the petitioner is working as Special Grade Driver. For the purpose of educational expenses of petitioner's daughter, he is in need of money. Therefore, he has submitted an application to the respondents, seeking sanction of a sum of Rs.4,00,000/- as PF loan, out of his accumulation in PF contribution. As per the Account Slip issued for the year 2020-21, a sum of Rs.5,86,433/- is available in his PF account. However, the respondents have not considered his application, dated 26.07.2023. Since the same was not considered, this writ petition came to be filed.

4. Heard, Mr.A.Balaji, learned counsel appearing for the petitioner and Mr.S.Ramachandra Pradeep, learned Standing Counsel appearing for the respondents. Perused the materials on record.

5. The learned counsel for the petitioner relying on clause 13 (1) (d) of the PF Trust Rules, pressed for allowing the writ petition.



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6.However, the learned Standing Counsel would submit that the quantum could be permitted only in terms of Sub-Rules. For the purpose of better understanding, clause 13 (1) (d) of the PF Trust Rules is extracted as follows:

“13.Withdrawals:

1. Withdrawals by the members may be allowed by the Trustees in the following circumstances:

.....

(d) to pay expenses in connection with marriages, funerals or ceremonies which by the religion of the member it is incumbent upon him to perform.”

7. As far as quantum of limit is concerned, Sub rule 13 (1) (d) is also extracted as follows:

“....shall not exceed 6 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 excess Rs.5,000/- per month. The mandated rules permits withdrawal of an



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amount which does not exceeds six months pay of the employee.”

8.Recording the same, this Court is inclined to direct the respondents to sanction and allow the petitioner to withdraw the permitted amount in terms of the above mentioned PF Trust Rules, in view of his application, dated 26.07.2023. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

9.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

23.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

PNM



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- To
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L.VICTORIA GOWRI, J.

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ORDER IN
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