



W.P.(MD).No.20551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20551 of 2023

P.Selvakumar

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Tiruchirappalli.

3.The Deputy Manager,
Provident Fund Section,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

... 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 allow the petitioner to withdraw a sum of Rs.4,00,000/- from and out his own accumulation of Provident Fund Contribution available to the



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credit of first respondent for the construction of a house and to meet out the petitioner's children's education expenses.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondents to sanction and allow the petitioner to withdraw a sum of Rs.4,00,000/- from and out his own accumulation of Provident Fund Contribution available to the credit of first respondent for the construction of a house and to meet out the petitioner's children's education expenses.

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

3. The petitioner joined the services of the first respondent Corporation as Conductor with effect from 16.02.1991. As of now, the petitioner is working as Senior Conductor. The petitioner claimed loan to perform his house construction and his children education expenses. The petitioner submitted an



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application to the respondents seeking sanction of a sum of Rs.4,00,000/- as PF loan out of his accumulation in PF contribution. A sum of Rs.4,67,066/- is available in his PF account for the year 2022-23. However, the respondents have not considered his application, dated 24.07.2023. Since the same was not considered, this writ petition came to be filed.

4. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

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

6. However, the learned Standing Counsel for the respondents would submit that the quantum could be permitted only in terms of Sub-Rules. For the purpose of better understanding, clause 13 (1) (b) and (e) 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:



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(b) meeting the cost of higher education, including where necessary the travelling expenses of any child of the member actually dependent on him on the following cases namely:

(i) education outside India for academic, technical, professional vocational courses beyond high school stage and

(ii) any medical, engineering or other technical or specialised courses in India beyond high school stage;

(e) to meet the expenditure on building a house, or purchasing a dwelling house or flat including a flat in a building owned jointly with others or purchasing a site or a house or flat and a site or for the repayment of any outstanding principal and interest of a loan obtained for building or purchase of a house or flat and / or a site subject to the provisions of Rules 13(2) and 13(3).”

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.



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The mandated rules permits withdrawal of an amount which does not exceed 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 24.07.2023. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

24.08.2023

NCC : Yes
Index : Yes
Internet : Yes
BTR

To

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The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.



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L.VICTORIA GOWRI, J.

BTR

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