



W.P.(MD).No.22804 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22804 of 2023

K.R.Vijay

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep. by its Managing Director,
Employee's 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,
Employee's 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.7,00,000/- to petitioner from and out of accumulation of his own PF contribution, as per the provisions of Tamil



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Nadu State Transport Corporation (Madurai) Limited Employees Provident Fund Trust Rules for dwelling house purchased by the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to sanction and grant Provident Fund Loan of Rs.7,00,000/- 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 for dwelling house purchased by the petitioner 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.

3. The petitioner joined the service of the 1st respondent Corporation as Conductor with effect from 01.11.1996. As of now, the petitioner is working as



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Special Grade Conductor. For the purpose of purchasing a dwelling house, he is in need of money. Therefore, he has submitted an application to the respondents, seeking sanction of a sum of Rs.7,00,000/- as PF loan, out of his accumulation in PF contribution. A sum of Rs.17,31,980/- is available in his PF account for the year 2022-23. However, the respondents have not considered his application, dated 12.03.2023. 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.C.Herold Singh, learned Standing Counsel appearing for the respondents and perused the materials available on record.

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

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) (e) of the PF Trust Rules is extracted as follows:



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“13. Withdrawals:

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

.....

(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:

“ 13 (1) (d) 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 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



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the above mentioned PF Trust Rules, in view of his application, dated 12.03.2023. 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. No costs.

20.09.2023

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

- 1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Employee's 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
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L.VICTORIA GOWRI, J.

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