



WEB COPY



W.P.No.24889 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.24889 of 2021

C.Palanichamy

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore Zone,
Head Office, Coimbatore.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records of the respondent dated 11.03.2020 in Ref.No.2521/PF/TNSTC/KOVAI/2020 and quash the same and direct the respondent to grant Provident Fund of Rs.3,00,000/- in the name of the petitioner in order to repay the loan A/c.No.35574953619 to State Bank of India, Dindigul Branch, for the property Plot No.11, Thulasi Nagar, Shanarpatti, Koovanuthu Village, was registered in favour of the petitioner's wife on 19.10.2015, registered as Document No.3074 of 2015, on the file of SRO, Shanarpatti, and Registration District of Dindigul.



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For Petitioner : Mr.K.Manimaran
For Respondent : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

This Writ petition has been filed challenging the orders passed by the respondent dated 11.03.2020 in Ref.No.2521/PF/TNSTC/KOVAI/2020 and quash the same and direct the respondent to grant Provident Fund of Rs.3,00,000/- in order to enable him to pay the loan availed by him in the State Bank of India, Dindigul Branch.

2. Heard Mr.K.Manimaran, learned counsel for the petitioner and Mr.A.Sundaravadhanan, learned Standing Counsel appearing for the Respondent.

3. It is seen from the impugned order, dated 11.03.2020 passed by the Respondent that the part final withdrawal of Provident Fund applied by the petitioner, could not be sanctioned by the respondent in view of the poor financial condition of the respondent. In fact the petitioner has earlier filed a Writ Petition in W.P.No.32567 of 2019, seeking to consider the representation of the petitioner regarding the part final withdrawal of Provident Fund. This Court has disposed the Writ Petition on 21.11.2019,



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by directing the respondent to consider the representation of the petitioner and pass orders. But the respondent has passed orders by rejecting the claim of the petitioner.

4. The petitioner who is an employee of the respondent has got Provident Fund Account and the amount is being deducted from his salary towards Provident Fund. The very object of deducting Provident Fund is to help the employees to save money from their salary to utilise it for future emergencies. The petitioner appears to have got a house loan from the State Bank of India, Dindigul branch and the loan has become over due. The bank has taken SARFAESI proceedings against the petitioner. In such circumstance, the petitioner has applied the part final withdrawal of Provident Fund and that was rejected by the respondent by stating that their financial condition is not good.

5. Since the impugned order is dated 11.03.2020, the respondent authorities could have reviewed the same atleast after some time. The respondent cannot be expected to run the Corporation with the Provident



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Fund savings of the employees. Hence, the direction sought for by the petitioner has to be given and it is up to the respondent to make their financial condition fit to release the fund for these kind of requirements.

6. In the result, this Writ Petition is allowed. The order passed by the respondent dated 11.03.2020 in Ref.No.2521/PF/TNSTC/KOVAI/2020 is quashed and the respondent is directed to sanction the part final withdrawal applied by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

13.02.2024

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

The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore Zone,
Head Office, Coimbatore.

R.N.MANJULA ,J.



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