

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8521 of 2024

S.Muthaiah

... Petitioner

Vs.

The Chairman,
Employees Provident Fund Trust,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sanction and allow the petitioner to withdraw a sum of Rs.4,80,000/- from and out of his own accumulation of Provident Fund Contribution available to the credit of the respondent for the renovation of his residential house within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

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

ORDER

Heard Mr.G.M.Xavier, learned counsel for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondent.

2. The petitioner has filed this Writ Petition for a writ of Mandamus directing the respondent to sanction and allow the petitioner to withdraw a sum of Rs.4,80,000/- from and out of his own accumulation of Provident Fund Contribution available to the credit of the respondent for renovation of his residential house within a time limit stipulated by this Court.

3. The petitioner joined the service of the respondent Corporation as Driver with effect from 14.05.1994. As of now, the petitioner is working as Special Grade Driver. For the purpose of renovation of his residential house, he is in need of money. Therefore, he has submitted a representation to the respondent, seeking sanction of a sum of Rs.4,80,000/- as PF loan, out of his accumulation in PF contribution. However, the respondent has not considered his representation, dated 11.03.2024. Since the same was not considered, this writ petition came to be filed.

4. The learned counsel for the petitioner relying on clause 13 (1) (e) of

the PF Trust Rules, pressed for allowing the writ petition.

5. 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:

“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).”

6. 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 permit withdrawal of an amount which does not exceed six months pay of the employee.

7. Recording the same, this Court is inclined to direct the respondent to sanction and allow the petitioner to withdraw the permitted amount in terms of the above mentioned PF Trust Rules, in view of his representation, dated 11.03.2024. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands **disposed of**. No costs.

04.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ssb

To

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The Chairman,
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R.N.MANJULA, J.

ssb

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