BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11981 of 2024

R.Ravichandran ... 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.6,00,000/- from and out of his own accumulation of Provident Fund Contribution available to the credit of the respondent for the medical expenses within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

O R D E R

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.6,00,000/- from and out of his own accumulation of Provident Fund Contribution available to the credit of the respondent for the medical expenses, within a stipulated period.

3. The petitioner joined the service of the respondent Corporation as Superintendent with effect from 14.05.1994. Since the wife of the petitioner suffered from heart disease and to meet out the medical expenses, he is in need of money. Therefore, he has submitted an application to the respondent, seeking sanction of a sum of Rs.6,00,000/- as PF loan, out of his accumulated PF contribution. The respondent has not considered his application, dated 01.04.2024. Hence, the petitioner has filed this writ petition.

4. In this regard, Clause 13 (1) (e) of the PF Trust Rules, is relevant for reference. For a better understanding, Clause 13 (1) (e) of the PF Trust Rules is extracted as below:

"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)."

5. So far as the limit is concerned, Sub Rule 13 (1) (d) would prescribe as under:

" 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 above Rules permit withdrawal of the PF amount to an extent of six months pay of the employee.

6. Recording the same, this writ petition is disposed of and the respondent is directed to sanction and allow the petitioner to withdraw the permitted limit of PF amount in terms of the above mentioned PF Trust Rules, by considering his application, dated 01.04.2024. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

07.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
PM

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

R.N.MANJULA, J.

PM

W.P.(MD)No.11981 of 2024

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