



WP(MD) No.16038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16038 of 2024

B.Suresh

... Petitioner

Vs.

The Chairman,
Employees Provident Fund Section,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Head Office, Bypass Road,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to sanction and allow the petitioner to withdraw a sum of Rs.7,00,000/- from and out of the petitioner's own accumulation of Provident Fund Contribution available to the credit of the respondent for the marriage of the his daughter within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier
For Respondent : Mr. K.Ramaiah,
Standing Counsel



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ORDER

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The petitioner has filed this writ petition seeking for a Writ of Mandamus to direct the respondents to sanction and allow the petitioner to withdraw a sum of Rs.7,00,000/- from his own accumulation of Provident Fund Contribution available to the credit of petitioner's Provident Fund Account, for the purpose of his daughter's marriage.

2. Heard Mr.G.M.Xavier, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner is working as a Conductor in the respondent Corporation. He submitted an application dated 01.06.2024 seeking to withdraw a sum of Rs.7,00,000/- for the purpose of his daughter's marriage from and out of his own accumulation of Provident Fund Contribution. However, the same was not considered so far. Hence, the petitioner has filed this writ petition.



5. 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).”

6. 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



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7. In view of the above, the respondent is directed to pass orders sanctioning and allowing the petitioner to withdraw Rs.7,00,000/- of his accumulation as contemplated under Clause 13 (d) of the Tamil Nadu State Transport Corporation Employees Provident Fund Trust Rules. The said order shall be passed within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands **disposed of**. No costs.

18.07.2024

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

The Chairman,
Employees Provident Fund Section,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Head Office, Bypass Road,
Madurai.



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R.N.MANJULA, J.

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