



IN THE HIGH COURT OF HON'BLE HIGH COURT OF MADRAS MADURAI BENCH

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DATED : 25.04.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

WMP(MD) 2409/2025

and

REV.APLW.(MD). Sr No.8777/2025

and

Cont.P.(MD) No.2942/2024

1. The Managing Director
Tamil Nadu State Transport Corporation, (KMB) Ltd
TNSTC Head Office, 27,
New Railway Station Road,
Kumbakonam 612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(KMB) Ltd Pudukkottai Region,
Pillai Thaneer Panthal,
Madurai Main Road,
Pudukkottai.

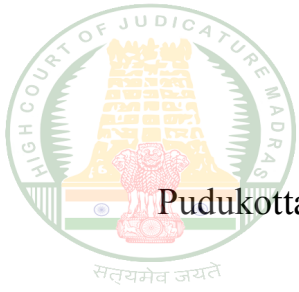
3. The Deputy Manager,
Provident Fund Section,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam.

...

Review Petitioner/ Respondent

/vs/

V.Malaichamy,
S/o. Valathan,
Panavayal,
Andakulam,



Pudukottai District.

...

Respondent/ Writ Petitioner

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Prayer in WMP(MD) 2409/2025: Petition is filed under section 5 of the Limitation Act 1963, seeking to condone the delay of 181 days in filing the review application to review the order passed in WP.(MD) No. 13563 of 2024 dated 25.06.2024.

For Petitioners : Mr.R.Vijayaragavan, standing counsel.

For Respondent : Mr.S.Esakkimuthu for M/S.SP.Vijaynivas.

Cont.P.(MD) No.2942/2024

V.Malaichamy,
S/o. Valathan,
Panavayal,
Andakulam,
Pudukottai District.

... Petitioner /Petitioner

Vs.

Mr. Mohamed Naazar,
The General Manager,
Tamil Nadu State Transport Corporation,
(KUB) Ltd Pudukkottai Region,
Pillai Thaneer Panthal,
Madurai Main Road,
Pudukkottai.

...

contemnor/respondent

Prayer in Cont.P.(MD) No.2942/2024: Petition is filed under section 11 of Contempt of Courts Act, praying to punish the respondent for his wilful disobedience in complying with the order of this court dated 25.06.2024 made in WP.(MD) No. 13563 of 2024.

For Petitioner : Mr.S.Esakkimuthu for M/S.SP.Vijaynivas.

For Respondent : Mr.R.Vijayaragavan, standing counsel.

COMMON ORDER



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The learned standing counsel for the review petitioners submitted that the eligibility of the respondent to withdraw 90% of the amount from the Employment Provident Fund can be done only before one year of his retirement, and hence the petitioner's claim of withdrawal of 90% cannot be allowed. The order dated 25.06.2024 passed in W.P.(MD) No.13563/2024, the relief granted by 90% is without reference to Clause 13(f), sub-clause 2 of the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules. In fact, the petitioner himself has applied only for Rs.3,00,000/- and according to his eligibility, it can be sanctioned up to Rs.2,00,000/- for the purpose under Rule 13(1)(a). The maximum amount that can be sanctioned shall not exceed six months' pay or the total accumulation of exempted contributions and exempted interest lying to the credit of the employee, whichever is less.

2. The learned counsel for the respondent/petitioner submitted that when the pay of the employee exceeds Rs.5,000/- per month, if the pay of the employee does not exceed Rs.5,000/-, the withdrawal amount is subjected to the conditions that it shall not exceed one half of the employee's contribution to the fund with interest thereon, and the employee ought to have completed 7 years of service, and the amount of employee's contribution to the fund with interest thereon is not less than Rs.1000/-. As the review petitioners have not properly submitted during



the hearing of the writ petitions about the rules and the limits of withdrawal, this

Court had an occasion to pass an order of 90% of the employee's total accumulation, which is not correct.

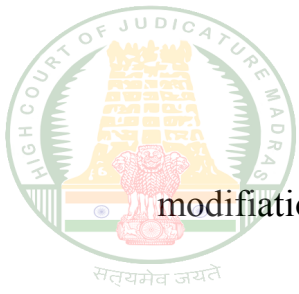
3. As the review petitioners have filed the review petition along with a condone delay petition, **delay is condoned** and after condoning the delay in WMP(MD)No.2409 of 2025, the review petition in filing stage in Rev.APIW. (MD) SR.No.8777 of 2025 is taken up for hearing today.

4. In view of correcting the error in understanding the rules and on the failure of the review petitioners to produce the relevant rules at the relevant point of time, the review petition is allowed to the limited extent of modifying the order to the following effect:

“Considering the fact that the petitioner is taking treatment for his mother, the 2nd respondent is directed to pass orders sanctioning the petitioner to withdraw the maximum limit as contemplated under Sec.13(4) r/w 13(2) of the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules. The said order shall be passed forthwith immediately.”

5. In the result,

(i) The **Review Petition in filing stage is disposed** with the above said



modification;

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(ii) As the learned standing counsel for the review petitioners submitted that as per the order of this court dated 25.06.2024 made in WP.(MD) No. 13563 of 2024, a sum of Rs.300000/- has already been sanctioned and disbursed, the **contempt petition is closed .**

(iii) There shall be no order as to costs.

25.04.2025
[2/2]

jrs

Index: Yes/No

Speaking : Non speaking order

Neutral: Yes/No



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R.N.MANJULA, J.

jrs

WMP(MD) 2409/2025
and
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