BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 18/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.583 of 2025
and CMP(MD) No.4401 of 2025

1.The Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Represented by its Managing Director,
and Chairman/Managing Trustee of
the Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Employees Provident fund Trust,
Bye Pass Road, Madurai 625 016.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Mdu) ltd.,
Madurai Region,
Madurai 625 016.

3.The Deputy Manager (Provident Fund)
The Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Employees Provident Fund Trust,
Bye-Pass Road
Madurai 625 016.

4.The Branch Manager,
The Tamil Nadu State Transport Corporation (Mdu) Ltd.,
Madurai City Branch
Madurai. ... Appellants

v.

K.P.Shanmugavel ... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 18.02.2025 in WP(MD). No.4258 of 2025.

For Appellants : Mr.K.Ramaiah

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU,J.)

The writ appeal is directed against the order of the writ Court dated 18.02.2025 in WP(MD) No.4258 of 2025.

2. The respondents in the writ petition are the appellants herein.

3. The writ petition has been filed by the respondent/employee of the appellants corporation to permit him to withdraw Rs.5,00,000/- for his daughter's marriage from his PF account. Since Rule 13(1)(j) of the Tamil Nadu State Transport Corporation Employees Provident Fund Trust Rules permits the employees to withdraw 90% of the PF amount before one year of their retirement and since the petitioner's retirement

falls on 31.05.2025, the writ Court directed the appellants to permit the writ petitioner to withdraw 90% of the PF amount on or before 24.02.2025. Aggrieved by the said direction, the present appeal is filed.

4. The ground raised by the appellants is that as per 13(1)(a) of the Provident Fund Rules, the eligible amount to be disbursed to the employee is six times of the basic pay and dearness allowance. Accordingly, the respondent is entitled to withdraw Rs.1,00,000/- only, which was allowed by the appellants on 24.02.2025. When the Rule is very specific that the employee is entitled to withdraw six times of his basic pay and dearness allowance, the writ Court has directed the appellants herein to disburse 90% of the PF amount is per se illegal. Hence, the learned counsel contended that the order of the writ Court is liable to be interfered with.

5. Heard the learned counsel for the appellants and perused the materials available on record.

6. It is not in dispute that the respondent/employee is about to retire on 31.05.2025. Considering the fact that the Provident Fund amount is the property of the employee and as per Rule 13(1)(j) of the Provident Fund Rules, the employee is entitled to withdraw their 90% of the total accumulation of amount in their PF account before one year of their retirement, the writ Court rightly directed the appellants to permit the respondent to withdraw his 90% of the PF amount. Hence, we do not find any infirmity or illegality in the order and no interference is warranted to the order of the writ Court. Accordingly, the writ appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J] **[S.S.Y.,J]**
18.03.2025

NCC : Yes/No
Index : Yes/No

RR

J.NISHA BANU, J
AND
S.SRIMATHY, J.

RR

ORDER
IN
WA(MD) No.583 of 2025

Date : 18/03/2025