



W.P.(MD)No.16794 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16794 of 2025

M.S.Edward Switcher

: Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat,
Chennai 600 009.

2. The Managing Director/Executive Trustee,
Tamilnadu State Transport
Corporation(Tirunelveli Division),
Provident Fund Trust, Tirunelveli.

3. The General Manager,
Tamilnadu State Transport
Corporation(Tirunelveli Division),
Nagercoil Region,
Ranithottam,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release Rs.6,00,000/-(Six Lakhs Rupees) as part withdrawal from the



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petitioners Provident Fund Account No.CP0243 maintained by the respondents Corporation Provident Fund Trust to meet out the marriage expenditure to the petitioners daughter scheduled on 02.07.2025.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.K.Ramaiah for R2 & R3

Mr.K.Balasubramani

Special Government Pleader for R1

ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the respondents to release a sum of Rs.6,00,000 (Rupees Six Lakhs only) as a partial withdrawal from the petitioner's Provident Fund Account No.CP0243, maintained by the respondents' Corporation Provident Fund Trust, to meet the marriage expenses of the petitioner's daughter scheduled on 02.07.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner was appointed as a Driver in the respondent Corporation, and his service was regularized with effect from 25.07.2007. The petitioner asserts that his Provident Fund Account No. CP0243 reflects an accumulated balance of Rs.7,75,839/-. The petitioner is arranging his daughter's marriage, scheduled for 02.07.2025. To meet the marriage expenses, he submitted a representation dated 03.06.2025, requesting a non-refundable advance of Rs.6,00,000/- from his Provident Fund. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.

4. Per contra, the learned Special Government Pleader, appearing on behalf of the first respondent and the learned counsel appearing on behalf of the respondents 1 and 2, would submit that the petitioner is not eligible to receive a non-refundable advance from his Provident Fund, as his date of joining is prior to the year 2003.

5. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In light of the above observations, a direction is issued to the third respondent to consider the petitioner's representation dated 03.06.2025 on its own merits and pass appropriate orders in accordance with the law. If the petitioner is found eligible, the admissible amount, as entitled to the petitioner, shall be released within ten days from the date of receipt of a copy of this order. It is further clarified that this Court has not expressed any opinion regarding the merits of the matter and the third respondent is at liberty to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands

disposed of. There shall be no order as to costs.

23.06.2025

Index : Yes / No

Internet : Yes / No

PKN

Note: Issue order copy today.

To

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VIVEK KUMAR SINGH, J.

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