

Madras High Court

S.Balu vs The Tamil Nadu State Transport on 14 July, 2023

W.P. (MD) .No.170

,BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17042 of 2023

S.Balu

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director and Chairman /
Managing Trustee of the Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Employees Provident Fund Trust,
Bye-pass Road, Madurai.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Region, Madurai.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondent to sanction and allow the petitioner to withdraw a sum of Rs.5,00,000/- from his own accumulation of Provident Fund Contribution available to the

<https://www.mhc.tn.gov.in/judis>

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W.P. (MD)

credit of 1st respondent for the marriage expenses of his younger daughter Keerthana, which is scheduled to be held on 03.09.2023, within the time stipulated as fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Raja
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to sanction and allow the petitioner to withdraw a sum of Rs.5,00,000/- from and out his own accumulation of Provident Fund Contribution available to the credit of 1st respondent for the marriage expenses of his younger daughter S.B. Keerthana, which is scheduled to be held on 03.09.2023, within the time stipulated as fixed by this Court.

2. The petitioner joined the services of the 1st respondent corporation as Helper with effect from 01.09.1989. As of now, the petitioner is working as Senior Tradesman Level-V. The petitioner's second daughter, S.B.Keerthana's marriage has been fixed on 03.09.2023. The petitioner submitted an application to the respondents seeking sanction of a sum of Rs.5,00,000/- as PF loan out of <https://www.mhc.tn.gov.in/judis> W.P.(MD).No.17042 of 2023 his accumulation in PF contribution. A sum of Rs.7,35,000/- is available in his PF account for the year 2022-23. However, the respondents have not considered his application, dated 26.06.2023. Since the same was not considered, this writ petition came to be filed.

3. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.S.Raja, learned standing counsel for the respondents and perused the materials available on record.

4. The learned counsel for the petitioner relying on clause 13 (1) (d) of the PF Trust Rules, pressed for allowing the writ petition. However, the learned standing counsel would submit that the quantum could be permitted only in terms of Sub-Rules. For the purpose of better understanding, clause 13 (1) (d) of the PF Trust Rules is extracted as follows:

“13.Withdrawals

1. Withdrawals by the members may be allowed by the Trustees in the following circumstances:

(d) to pay expenses in connection with marriages, funerals or ceremonies which by the religion of the member it is incumbent upon him to perform.”

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5. As far as quantum of limit is concerned, Sub rule 13 (1) (d) is also extracted as follows:

“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 mandated rules permits withdrawal of an amount which does not exceeds six months pay of the employee.

6. Recording the same, this Court is inclined to direct the respondents to sanction and allow the petitioner to withdraw the permitted amount in terms of the above mentioned PF Trust Rules in view of his application, dated 26.06.2023. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue Order Copy on 14.07.2023.

<https://www.mhc.tn.gov.in/judis> W.P.(MD).No.17042 of 2023 To

1.The Managing Director and Chairman / Managing Trustee of the Tamil Nadu State Transport Corporation (Madurai) Ltd., The Tamil Nadu State Transport Corporation (Madurai) Ltd., Employees Provident Fund Trust, Bye-pass Road, Madurai.

2.The General Manager, The Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai Region, Madurai.

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

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