HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.572 OF 2012

ORDER:

Heard the learned counsel for the petitioners and the standing counsel.

The learned counsel for the petitioners submits that the cause in the writ petition is similar to the cause in W.P.No.4235 of 2012. This Court through order dated 29.03.2012 disposed of W.P.No.4235 of 2012.

The writ petition is disposed of by following the said order which reads as follows:

> " ..it is submitted by the leaned counsel for the petitioner as well as the learned standing counsel appearing for the respondent company that the subject matter of the Writ Petition is squarely covered by the common judgment rendered by a learned single Judge of this Court in W.P.No.11107 of 2009 and batch, dated 13.03.2011.
>
> In view of the submissions made by the learned counsel for the parties and following the ratio laid down in the above referred judgment, the Writ Petition is, accordingly, disposed of, with the following directions:
>
> a) The Regional Commissioner or any Officer authorized by him shall first issue a notice to the petitioner to decide whether the activity undertaken by the petitioner comes within the definition of Coal Mine. It shall be open to the petitioner submit explanation;
>
> b) In the event of the activity being declared as the one in coal mine, the employees shall be enrolled as members, subject to their fulfilment of the prescribed conditions, the respondents shall assign account numbers and issue cards; and the deductions shall be made with reference to the account numbers and cards so issued, periodically;
>
> c) Till such time, no deductions shall be made, but if it is held that the petitioners are liable, at a later point of time, they shall be under obligation to pay the arrears also;
>
> d) The amount deducted from the petitioners, so far, shall be kept in FDRs and the manner in which it shall be utilized shall be decided, depending upon the outcome of the exercise undertaken above; and
>
> e) The authority of the coal mines provident fund shall ensure that it does not deduct any amount, without reference to a particular employee, who is admitted to the provident fund. "

No order as to costs.

S.V.BHATT, J

Date:30.01.2015

Stp