THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31113 of 2015

ORDER:

This writ petition is filed for the following substantive relief:

> "…to issue a Writ, Order or direction more in the nature of Writ of Mandamus declaring the action of the Respondents 1 to 3 in so far as insisting for complying with Clause 6 of the Work Order No.7600005776 dated 27-1-2015 as well as Agreement Bond dated 18-4-2015 with regard to enrolling the workmen and staff as members of the Coal Mines Provident Fund and for payment of Employees Coal Mines Provident Fund for the drivers engaged by the petitioner for transportation of coal through the lorries of the petitioner i.e. loading the coal at GDK-7 LEP Mine and unloading the same at GDK-1 CHP (Godavarikhani-1 Coal Handling Project) and the steps being taken up by the Respondents company while preparing the bills for deduction of Coal Mines Provident Fund towards Contractor's contribution from the amounts payable to the petitioner though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 are not applicable to the Transport Contractor more particularly when the petitioner is transporting Coal from one place to another place only by duly declaring the Clause 6 of the Work Order No.7600005776 dated 27-1-2015 as well as Agreement Bond dated 18-4-2015 as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 and AP Coal Mines Provident Fund Scheme and also contrary to the order passed by this Hon'ble Court WP No.11107 of 2009 and batch dated 30-3-2011."

At the hearing, it is agreed among the learned counsel for the parties that the issue raised in this writ petition is covered by common judgment dated 30.03.2011 in W.P.No.11107 of 2009 & batch, whereby this Court has disposed of those writ petitions with the following directions:

> "a) The Regional Commissioner or any Officer authorized by him shall first issue a notice to the petitioners to decide whether the activity undertaken by the petitioners comes within the definition of Coal Mine. It shall be open to the petitioners to submit explanation;
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> 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."

In view of the same, this writ petition is also disposed of in terms of the aforesaid common judgment with the direction that the directions reproduced above shall form part of this order. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 23.09.2015

MVA

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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