IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* * * *

WRIT PETITION No.15902 of 2015

Between:
P.V.Chary.

....Petitioner

and

The State of Telangana,
Rep.by its Principal Secretary,
Department of Mines & Geology,
Telangana Secretariat, Hyderabad, and others.

....Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? **Yes**/No

2. Whether the copies of judgment may be Marked to Law Reporters/Journals? Yes/**No**

3. Whether His Lordship wishes to see the fair copy of the Judgment? Yes/**No**

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15902 of 2015

ORDER:

This writ petition is filed for the following substantive relief:

"…to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the deduction of the amount in the bills towards Contractor's contribution to Employees Coal Mines Provident Fund from out of the amounts payable to the petitioner towards transportation charges under purchase order No.7600005900 dated 04-04-2015 though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, are not applicable to the Transport Contractor as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act,

> 1948 and pass such other or further orders as deem fit and proper in the circumstances of the case."

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;
>
> 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)

27.07.2015
vs