

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 31430 of 2015

DATED 29th September, 2015

BETWEEN

Kandimalla Venkateswarlu

...Petitioner

And

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

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 31430 of 2015

ORDER:

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Heard learned Counsel on either side.

It is submitted by the learned Counsel for the petitioner and agreed to by the learned Counsel appearing for the respondents that the issue raised in the present Writ Petition is squarely covered by the common judgment dated 30.03.2011 rendered in Writ Petition Nos. 11107 of 2009 and Batch, where by 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 excerpted above shall form part of this order.

The miscellaneous petitions pending consideration if any shall stand closed in consequence. There shall be no order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 29th September, 2015
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