

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39056 of 2015

ORDER :

Heard counsel for the petitioner, the Government Pleader for Mines and Geology appearing for 1st respondent and Sri J.Srinivasa Rao, Standing counsel for respondents 2 to 4.

2. In this writ petition, petitioner assails the action of the respondents in deducting amounts in the bills towards payment of Employees' Coal Mines Provident Fund by way of Contractor's contribution, from out of the amounts payable to the petitioner towards transportation charges, pursuant to Purchase Firm Order No.7600005968 dt.10.06.2015

3. At the hearing, it is agreed by both counsel that the issue raised in this writ petition is squarely covered by the common order of this court dt.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 fulfillment 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.”

4. Therefore, this Writ Petition is also disposed of in terms of the aforesaid common order and the directions reproduced above shall form part of this order. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

02nd December, 2015

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