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

* * * *

WRIT PETITION No.29790 of 2015

Between:
G.Ravi Kumar.

....Petitioner

and

The Singareni Collieries Company Limited,
Rep.by its Chairman & Managing Director,
Singareni Bhavan, Khairatabad, Hyderabad,
And others.

....Respondent

JUDGMENT PRONOUNCED ON : 14.09.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? : Yes

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

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? : No

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29790 of 2015

ORDER:

This writ petition is filed for the following substantive relief:

> "…to issue an order or writ one in the nature of Writ of Mandamus, declaring the action of the Respondents 1 to 3 in so far as insisting for payment of Employees Coal Mines Provident Fund by the petitioner towards contractor's contribution pursuant to the Work Order No.7600005688 dt.05-12-2014 as well as agreement Bond dt.13-02-2015 and the steps taken for deducting the same from the amounts payable to the petitioner towards transportation charges in accordance with the above said work order as well as agreement bond as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, and the Rules made

> thereunder and pass such other order or orders as this Hon'ble Court may 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)

14.09.2015
vs