

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1574 OF 2015

Date:30.01.2015

Between:

Sri Shamanth Enterprises,
A Proprietary Concerned having its
Office at D.No.6-2-52/4, Kakaji Colony,
Hanamkonda, Warangal District, rep.,
by its Proprietor Sri Kesari Shamanth .. Petitioner

And

The Singareni Collieries Company
Limited, rep., by its Chairman and
Managing Director, Singareni Bhavan,
Khairatabad, Hyderabad and others .. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1574 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

Since the issue involved in this Writ Petition is squarely covered by the judgment of this Court passed in W.P.No.28780 of 2011, dated 17.11.2011, and in various other matters, this Writ Petition is also disposed of with similar directions.

- a) The Regional Commissioner or any Officer authorized by him shall first issue a notice to the petitioner to decide whether the activity undertaken by the petitioner comes within the definition of Coal Mine. It shall be open to the petitioner 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 petitioner is liable, at a later point

of time, it shall be under obligation to pay the arrears also;

- d) The amount deducted from the petitioner, 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.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

30.01.2015

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