

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.31338 of 2015

ORDER:

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

At the time of hearing, it is agreed by both the parties that the issue raised in this writ petition is squarely covered by the common judgment dated 30.03.2011 in W.P.No.11107 of 2009 and 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.”

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. No order as to costs.

VILAS V.AFZULPURKAR, J

Date: 28-09-2015

Prv

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