THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.14774 of 2015

ORDER:

It is brought to the notice of this Court that in identical set of circumstances, this Court in W.P.No.36731 of 2013, dated 16.12.2013, W.P.No.1831 of 2012, dated 29.03.2012 and W.P.No.21704 of 2012, dated 18.07.2012 disposed of the said cases.

In view of the same, this writ petition is also disposed of in the following terms:

"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."

Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 22.07.2015
lsn