

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.27141 of 2015

DATE 26-08-2015

Between:

Sri Balaji Transports

Rep. by its Managing Partner Sri Sajja Prasad

... Petitioner

And

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

... Respondents

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.27141 of 2015

ORDER:

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

The issue involved in this writ petition is squarely covered by the judgment of this Court in W.P.No.11107 of 2009 and batch, dated 30.03.2011.

In view of the same, in terms and in accordance with the aforesaid judgment, this writ petition is disposed of, directing that,

- a) The Regional Commissioner or any officer authorised 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 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, and 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 utilised 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.

26th August, 2015
Js.