

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24460 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents 1 to 3 in so far as insisting for complying with clause 6 of the Work Order No.7500032147 dated 24.05.2016 and agreement executed with regard to enrolling the workmen and staff as members of the Coal Mines Provident Fund and payment of Employees Coal Mines Provident Fund for the drivers engaged by the petitioner for transportation of coal through the lorries of the petitioner i.e., Excavation, Loading, Transportation and Delivering of Bottom Ash from NTPC Ash Pond, GDK to Vakilpalli Mine, RG2 Area on weight basis and the steps taken by the respondents company while preparing the transportation bills for deduction of Coal Mines Provident Fund towards contractor's contribution from the amounts payable to the petitioner in accordance with the above mentioned work order though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 are not applicable to the transport contractor more particularly when the petitioner is transporting coal only by duly declaring the clause 6 of the Work Order No.7500032147 dated 24.05.2016 and agreement as illegal and arbitrary.

Heard the learned counsel for the petitioner, the learned standing counsel appearing for respondents 1 to 3 and Sri J.Sreenivasa Rao, learned counsel appearing for the fourth respondent.

At the time of hearing, it is submitted by both the learned

counsel that the issue raised in this writ petition is covered by common judgment dated 30.03.2011 in W.P.No.11107 of 2009 and batch.

In view of the same, the present writ petition is also disposed of, in terms of the aforesaid common judgment. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

26.07.2016

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Date:26.07.2016

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