

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.32975 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondent Nos.1 to 3 in insisting the petitioner for compliance of Clause No.6 of Work Order No.760000 dated 29.08.2016 as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and Sri J. Sreenivasa Rao the learned standing counsel for Singareni Collieries, representing respondent Nos.1 to 3 and the learned counsel for the 4th respondent.

3 At the time of arguments, both counsel in one voice submitted that the issue involved in the present Writ Petition is squarely covered by the order of this Court in W.P.No.11107 of 2009 and batch, dated 30.03.2011.

4 Accordingly, this writ petition is disposed of in accordance with and in terms of the orders of this Court dated 30.03.2011 in W.P.No.11107 of 2009, directing that,

- 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 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 petitioner is liable, at a later point of time, he 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.”

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

Date: 28th September, 2016
Kvsn

T. SUNIL CHOWDARY, J

