

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17272 of 2016

ORDER:

It is submitted by both the learned counsel that the issue raised in this writ petition is covered by common judgment passed in W.P.No.11107 of 2009 and batch, dated 30.03.2011, 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 disposed of, in terms of the aforesaid common judgment with the direction that the directions reproduced above shall form part of this order.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

**JUSTICE CHALLA KODANDA
RAM**

June 3, 2016
LMV