

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28930 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 payments of Employees Coal Mines Provident Fund by the petitioner by way of contractor's contribution pursuant to the work order No.7600006415m dated 13.05.2016 as well as agreement bond and the steps taken by the respondents company for deducting the same from out of the amounts payable to the petitioner towards transportation charges in accordance with the above said work order as well as agreement bond though the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 are not applicable to the Transport Contractor who simply undertake to transport the coal from one place to another place as per the work order as illegal and arbitrary.

Heard the learned counsel for the petitioner and Sri J.Sreenivasa Rao, learned standing counsel appearing for the respondents.

At the time of hearing, it is submitted by both the counsel that the issue involved in this writ petition is squarely covered by common order dated 30.03.2011 in W.P.No.11107 of 2009 and batch, 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 above, this Writ Petition is also disposed of in terms of the aforesaid common order with the direction that the directions reproduced above shall form part of this order. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

27.08.2016
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Date:27.08.2016

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