

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.31972 of 2016

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in deducting the amounts from the bills payable to the petitioner under Firm Order No.7500028831, dated 17.05.2015 in respect of the bus and Firm Order No.7500031058, dated 23.01.2016 in respect of the water tank, towards payment of Employees Coal Mines Provident Fund as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned standing counsel for Singareni Collieries Company Limited, representing the respondents 1 to 4.

3. At the time of hearing, both counsel with one voice submitted that the issue involved in this writ petition is squarely covered by the orders of this Court in W.P.No.194 of 2013 dated 03.01.2013 and requested this Court to dispose of the present writ petition in terms of the orders in W.P.No.194 of 2013.

4. In view of the same, this writ petition is disposed of 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 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.

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

21st September, 2016.
Rns

T.SUNIL CHOWDARY, J.