

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29349 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 payment of Employees Coal Mines Provident Fund by the petitioner by way of contractor's contribution pursuant to the Work Order No.7500032882 dated 12.08.2016, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel appearing for the respondents.

3. 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 judgment 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 disposed of in terms of the aforesaid directions. No costs. Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.08.2016
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