HONOURABLE SRI JUSTICE A.V. SESHA SAI

<u>WRIT PETITION No.14725 of 2017</u>

<u>ORDER</u>:

This Writ Petition is filed for the following relief:

> "To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No. 1 to 3 in so far as insisting for payment of Employees Coal Mines Provident Fund by the petitioner by way of Contractors contribution pursuant to the Work Order No. 7600006734, dated 01-02-2017 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 through the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (For short the "Act") are not applicable to the transport contractor who simply undertake to transport the coal from one place to another palace as per the Work Order as illegal, arbitrary and contrary to the Act and the Rules made thereunder."

Heard Sri Kilaru Khadar Baba, learned counsel for petitioner and Sri J. Srinivasa Rao, learned Standing Counsel 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. No costs.

As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

A.V. SESHA SAI, J

April 25, 2017

KTL