

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.8051 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ, Order or direction more in the nature of Writ of Mandamus declaring the action of the Respondents 1 to 5 in so far as insisting for complying with Clause 26 in the work Order PO No.7500032176 dated 26-05-2016 as well as agreement bond dated 04-06-2016 with regard to enrolling the workmen and staff as members of the Coal Mines Provident Fund and for payment of Employees Coal Mines Provident Fund for the drivers engaged by the petitioner for transportation of Silt/Overburden through his lorries i.e. loading the Silt/Washed Overburden from diverted Nallah at Dorli OCP of Bellampalli Area and unloading the same at Kasipet, Mandamarri area and the steps being taken up by the Respondents company while preparing the bills for deduction of Coal Mines Provident Fund towards Contractor's contribution from the amounts payable to the petitioner in accordance with the above mentioned Work Order as well as Agreement bond though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 are not applicable to the Transport Contractor more particularly when the petitioner is transporting Silt/Washed Overburden from one place to another place only as illegal, arbitrary and contrary to the Coal Mines Provident

Fund and Miscellaneous Provisions Act 1948 and AP Coal Mines Provident Fund Scheme and also contrary to the order passed by this Hon'ble Court WP No. 11107 of 2009 and batch dated 30-3-2011.”

2. Heard the learned counsel for the petitioner and Sri J.Srinivasa Rao, learned standing counsel, appearing for the respondents 1 to 6.

3. At the time of hearing, it is submitted by both the learned counsel that the issue raised in this writ petition is covered by common order dated 30.03.2011 in W.P.No.11107 of 2009 and batch.

4. In view of the reasons stated in the aforesaid common order and for the reasons recorded therein, the present writ petition is also disposed of, in terms of the aforesaid order.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

08.03.2017
SS

*Note: Copy of the order in W.P.No.11107 of 2009,
dated 30.03.2011, shall be annexed.
B/o. SS*