THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34062 of 2017

ORDER:

This Writ Petition is filed contending that the petitioner being a transport contractor, the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, are not applicable.

Heard learned Counsel for the petitioner and Sri J. Srinivasa Rao, learned Standing Counsel for the respondents 1 to 4, who have submitted that the issue involved in this case is squarely covered by the judgment of this Court dated 12.02.2015 in W.P.No.2711 of 2015.

Hence, following the aforesaid judgment, this Writ Petition is disposed of with the following directions:

(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 petitioner is liable, at a later point of time, he shall be under obligation to pay the arrears also;

(d) The amount deducted from the petitioner, 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.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. No order as to costs.

(A.RAMALINGESWARA RAO, J)

11.10.2017
vs