The Hon'ble Sri Justice A.V.Sesha Sai

Writ Petition No.12073 of 2017

Date: 06.04.2017

Order:

It is submitted by the learned Counsel for both parties that the issue raised in this Writ Petition is covered by Common Judgment, dated 30.03.2011, in W.P.No.11107 of 2009 and batch, whereby this Court has disposed of the said batch of 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 same, this Writ Petition is also disposed of, in terms of the aforesaid Common Judgment with the direction that the directions reproduced above shall form part of this order. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

(A.V.Sesha Sai, J)

Dt: 6th April, 2017
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