

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19643 of 2017

ORDER :

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

“to issue an order or writ one in the nature of 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 towards contractor's contribution pursuant to the Work Order No.7600006531 dt.10-08-2016 as well as agreement Bond dt.22-09-2016 and the steps taken for deducting the same from the amounts payable to the petitioner towards transportation charges in accordance with the above said work order as well as agreement bond as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 and the Rules made there under and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard learned counsel for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel offers to file vakalat for respondent Nos.1 to 3 and 5, before ordering notice to respondent No.4 and perused the prayer in the writ petition with supporting affidavit and covered order of this Court dated 08.04.2011 in W.P.No.5678 of 2011 and batch.

In similar circumstances, this Court has disposed of W.P.No.5678 of 2011 and batch on 08.04.2011 and the *lis* in the present writ petition is squarely covered by the above said order. Learned Standing Counsel for the respondents also not disputed the same.

Recording the above submission, this writ petition is disposed of in terms of the order dated 08.04.2011, passed by this Court in W.P.No.5678 of 2011 and batch, as follows:

- 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 employee shall be enrolled as member, subject to his fulfilment of the prescribed conditions, the respondents shall assign account number and issue card; and the deductions shall be made with reference to the account number and card 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 FDR 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.

No costs. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date: 19.06.2017
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Dr. B.SIVA SANKARA RAO J,