HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.41021 of 2017

ORDER ::

It is submitted by learned counsel for the petitioner that the issue raised in the writ petition is squarely covered by the common judgment in WP No.11107 of 2009 and batch, dated 30-03-2011 passed by this Court. The same is not disputed by the learned standing counsel for respondents.

2. In the circumstances, following the common judgment in WP No.11107 of 2009 and batch, dated 30-03-2011 for the reasons stated therein, 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 with 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 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.

Miscellaneous petitions, if any pending in this case shall stand closed. No costs.

A. RAJASHEKER REDDY, J

Dated: 05-12-2017
NRG

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