THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8294 of 2018

O R D E R:

This writ petition is filed for the following relief:

> "….to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondent Nos.1 to 3 insofar as insisting for complying with Clause 1.3 of the Work Order N.7500037135, dated 12.01.2018, with regard to enrolling the workmen and staff as members of the Coal Mines Provident Fund and payment of Employees Coal Mines Provident Fund for the drivers engaged by the petitioner for Loading, Transportation of coal from OCP3 phase-II to OC1 CHP, RG-3 Area and OCP3 CHP stock yard to STPP stock yard on weight basis for a period of three months and the steps being taken by the respondents company while preparing the transportation 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 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 coal only by duly declaring Clause 1.3 of the Work Order No.7500037135, dated 12.01.2018 as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 and A.P. Coal Mines Provident Fund Scheme and also contrary to the orders passed by this Hon'ble Court in W.P.No.11107 of 2009 and batch, dated 30.03.2011……"

When the matter is called, it is represented by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the order, dated 16.11.2016, passed by this Court in W.P.No.34829 of 2016, operative portion of which reads as under:

> "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;
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> 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;
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> 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;
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> 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
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> 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."

Following the above said order and for the reasons recorded therein, this writ petition is also disposed of in terms thereof.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

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CHALLA KODANDA RAM, J

Dt:16.03.2018

kdl