

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.31989 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents 1 to 3 in so far as insisting for complying with clause 6 of the Work Order No 7500007262 dated 02.04.2018 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 and cleaners engaged by the petitioner for Transportation of Coal from KK OCP to Rechini RCR Siding, Goleti CHP and STPP on weight basis for a period of two years 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 the clause 6 of the Work Order No.7500007262 dated 02.04.2018 as illegal, arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 and AP 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 and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Venkateshwar Varanasi*, learned counsel appearing for the petitioner; and of Sri *J.Sreenivasa Rao*, learned Standing Counsel for Singareni Collieries Company Limited, appearing for the respondents 1 to 4. I have perused the material record.

3. Having regard to the subject matter and the earlier orders of this Court, this Court is of the considered view that no notice is necessary to the 4th respondent herein and that this writ petition can be disposed of in terms of the earlier orders of this Court.

4. It is stated by the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 to 4 that the matters of similar nature *viz.*, W.P.Nos.36731 of 2013, 1831 of 2012, 21704 of 2012 & 39633 of 2016 were disposed of by this Court. Learned counsel for the petitioner submitted that this writ petition also may be disposed of in terms of the earlier order, dated 16.12.2013, in W.P.No.36731 of 2013, which was passed following the order, dated 30.03.2011, in W.P.No.11107 of 2009. A copy of the afore-stated order, dated 16.12.2013, is placed on record.

5. Having regard to the submissions and for the reasons alike, as were mentioned in the afore-stated orders, dated 16.12.2013, in W.P.No.36731 of 2013 and W.P.No.11107 of 2009, this Writ Petition is also disposed of in terms of the said orders.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 6th September, 2018

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- Note:** 1. Office is directed to enclose a copy of the order,
dated 16.12.2013, passed in W.P.No.36731 of 2013
to this order.
2. Issue C.C. by Monday.

(B/o.) KL

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