HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45353 OF 2017

O R D E R :

Heard learned counsel for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel for respondents 1 to 3.

It is submitted by both the counsel that the subject matter of the writ petition is squarely covered by the common order dated 30.03.2011, passed by this Court in WP.No.11107 of 2009 and batch.

In view of the submissions made by the learned counsel for the parties and following the ratio laid down in the above referred judgment, the writ petition is accordingly 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 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 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 petitioner is liable, at a later point of time, it shall be under obligation to pay the arrears also;

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

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.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

03.01.2018
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