THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 110 of 2020

ORDER:

This Writ Petition is filed for the following relief:

> "….to issue a writ order or direction more 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 for the workers engaged by the petitioner for transportation of coal through the lorries of the petitioner i e transporting the coal from OCP III Phase2 to OCPIII Main CHP GDK 1 CHP GDK 6 CHP RGII area by way of contractors contribution pursuant to Clause 6 in the Work Order No 7600008018 dated 30112019 as well as Clause 6 in the agreement bond dated 12122019 and the steps taken by the respondent company for deducting the same from out the amounts payable to the petitioner in accordance with the above said 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 by duly declaring the Clause 6 in the Work Order No 7600008018 dated 30112019 as well as Clause 6 in the agreement bond dated 12122019 as illegal arbitrary and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 and AP Coal Mines Provident Fund Scheme."

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the common order dated 30.03.2011 passed by this Court in W.P.Nos.11107 of 2009 and batch.

Learned Standing Counsel for Singareni Collieries Company Limited appearing for respondent Nos.1 to 3 does not dispute the aforesaid submission.

Operative portion of the aforesaid order reads as under:

> "Hence, the writ petitions are disposed of, directing that,

a) the Regional Commissioner or any Officer authorized by him shall first issue a notice to the petitioners to decide whether the activity undertaken by the petitioners comes within the definition of Coal Mine. It shall be open to the petitioners 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."

In those circumstances, following the above said common order and for the reasons recorded therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

3rd JANUARY, 2020.
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