HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2412 of 2020

ORDER

When the matter is taken up for hearing, learned counsel on either side fairly concede that the issue involved in this writ petition is squarely covered by the common order dated 30.03.2011 passed by this Court in W.P.No.11107 of 2009 & batch.

The operative portion of the common order dated 30.03.2011 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."**

Accordingly, in terms of the common order dated 30.03.2011 passed in W.P.No.11107 of 2009 and batch, and for the reasons recorded therein, this Writ Petition is also disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 06.02.2020
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