

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL TWO THOUSAND AND
TWENTY TWO

**:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**

WRIT PETITION NO: 22406 OF 2022

Between:

M/s.Yaggadi Mallaiah, S/o.Y.Nagamutyam Aged about 78 years, Occ .
Business R/o.H.No.19-2-106/2, Yaggadigudem Manuguru Mandal - 507 117
Bhadradi Kothagudem District.

Petitioner

AND

1. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Singareni Bhavan, Khairatabad, Hyderabad.
2. The General Manager (Material Procurement), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Bhadradi Kothagudem (Khammam) District.
3. The General Manager, Singareni Collieries Company Ltd., Manuguru Area, Bhadradi Kothagudem District.
4. The Regional Commissioner, Coal Mines Provident Fund, Godavarikhani and Authority under Coal Mines Provident Fund Scheme, Millennium Quarters, I.B.Colony, Opp. Bus-stand, Godavarikhani, Peddapalli District, PIN-505209.

Respondents

WHEREAS the Petitioner above named through its Advocate SRI P SHRAVAN KUMAR GOUD presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent Nos.1 to 4 in insisting petitioner to pay the Coal Mines Provident Fund at the rate of 12% and 7% towards contribution of the Contractor for the persons i.e. Driver and others engaged by petitioner in respect of Deployment of 01 No. 2WD Multi Utility Vehicle Non A/C on 12 hrs/day with 1000 KMS monthly slab to SO to CGM at GMs Office in Manuguru Area Unit Rate System for a period of 5 years, hired by petitioner to the Respondents company in pursuance of the Purchase Order No.7500033924 dated 07.09.2016 and the steps being taken up by the Respondents company for deduction of Coal Mines Provident Fund towards Contractor's contribution from the amounts payable to petitioner in accordance with the above mentioned Work Order and though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 are not applicable to petitioner's case as illegal, arbitrary, without jurisdiction and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 and AP (Telangana) Coal Mines Provident Fund Scheme;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P SHRAVAN KUMAR GOUD, Advocate for the Petitioner and Sri J. Srinivasa Rao, Advocate who took notice on behalf of the Respondent Nos.1 to 3 and Sri K. Arvind Kumar, Advocate who took notice on behalf of the Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chairman and Managing Director, Singareni Collieries Company Limited., Singareni Bhavan, Khairatabad, Hyderabad.
2. The General Manager (Material Procurement), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Bhadradi Kothagudem (Khammam) District.
3. The General Manager, Singareni Collieries Company Ltd., Manuguru Area, Bhadradi Kothagudem District.
4. The Regional Commissioner, Coal Mines Provident Fund, Godavarikhani and Authority under Coal Mines Provident Fund Scheme, Millennium Quarters, I.B.Colony, Opp. Bus-stand, Godavarikhani, Peddapalli District, PIN-505209.

are directed to show cause on or before 15-06-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted..

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to deduct or effect the recovery of the amounts towards Employees Coal Mines Provident Fund from out of the amounts payable to petitioner towards 2WD Multi Utility Vehicle Non A/C vide P.O. No.7500033924 dated 07.09.2016 service charges by the company, pending disposal of WP No. 22406 of 2022, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

Sri J. Srinivasa Rao, learned Standing Counsel, takes notice on behalf of respondent Nos.1 to 3, and Sri Arvind Kumar Kata, learned counsel, takes notice on behalf of respondent No.4.

Sri J. Srinivasa Rao, learned Standing Counsel, on instructions, has stated that pursuant to the amendment to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, the official respondents are deducting the amounts as the same is fastened in the Agreement Contract and seeks time for filing counter.

Post along with W.P.No.34669 of 2021 & batch, on 15-06-2022.

It is made clear that any deduction made shall be subject to the result of the Writ Petition.

//TRUE COPY//

SD/- K.SHYLESI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Singareni Collieries Company Limited., Singareni Bhavan, Khairatabad, Hyderabad.
2. The General Manager (Material Procurement), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Bhadradri Kothagudem (Khammam) District.
3. The General Manager, Singareni Collieries Company Ltd., Manuguru Area, Bhadradri Kothagudem District.
4. The Regional Commissioner, Coal Mines Provident Fund, Godavarikhani and Authority under Coal Mines Provident Fund Scheme, Millennium Quarters, I.B.Colony, Opp. Bus-stand, Godavarikhani, Peddapalli District, PIN-505209. (1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI P SHRAVAN KUMAR GOUD Advocate [OPUC]
6. One spare copy

mvj

HIGH COURT

AAR,J

DATED:28/04/2022

Post along with W.P.No.34669 of 2021 & batch, on 15-06-2022

NOTICE BEFORE ADMISSION

WP.No.22406 of 2022

DIRECTION

