

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

FRIDAY, THE TWENTY FIRST DAY OF JANUARY TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**  
**WRIT PETITION NO: 2932 OF 2022**

**Between:**

M/s. Pattan Yakub Khan, S/o. Khasim Khan

...Petitioner

**AND**

1. The Singareni Collieries Company Limited, Rep. by its Chairman and Managing Director, Singareni Bhavan, Khairatabad, Hyderabad.
2. The General Manager, (Contract Management), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Khammam District.
3. The General Manager, Singareni Collieries Company Limited, Bhupalpally Area, Jayashanker Bhupalpally 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 his Advocate M/s. SANJEEV GILLELA 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 the 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 the petitioner in respect of providing of One 1000 CC or above capacity Diesel car on hire basis for Agent, KTK-1, Bhupalpally area under Unit Rate System, with 12 hours availability per day for a period of Four years from the date of commencement, hired by the petitioner to the Respondents company in pursuance of the Purchase Order No.7600008337 dated 14/07/2020 and the steps being taken up by the Respondents company for deduction of Coal Mines Provident Fund towards Contractors contribution from the amounts payable to the petitioner in accordance with the above mentioned Work Order though there is no condition in the purchase order and though the provisions of the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 are not applicable to the petitioners case as arbitrary, illegal and contrary to the Coal Mines Provident Fund and Miscellaneous Provisions Act 1948 and AP Coal Mines Provident Fund Scheme, colorable exercise of power and in utter violation of the principles of natural justice and well established legal principles apart from being violative of fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently 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 the petitioner towards 1000 CC or above capacity Diesel car service charges at Agent, KTK-1, Bhupalpally area by the company.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s. SANJEEV GILLELA Advocate for the Petitioner and Sri J. Srinivasa Rao, learned Standing Counsel, who takes notice on behalf of respondent Nos.1 to 3, and Sri B. Jithender, learned counsel, who takes notice on behalf of 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, (Contract Management), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Khammam District.
3. The General Manager, Singareni Collieries Company Limited, Bhupalpally Area, Jayashanker Bhupalpally 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 28-02-2022 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 writ 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 the petitioner towards 1000 CC or above capacity Diesel car service charges at Agent, KTK-1, Bhupalpally area by the company, pending disposal of WP.No.2932 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 B. Jithender, 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 on 28.02.2022 along with W.P. No.34669 of 2021 & batch.**

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

**SD/-K.ONESIM  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Chairman and Managing Director, Singareni Collieries Company Limited, Singareni Bhavan, Khairatabad, Hyderabad.
2. The General Manager, (Contract Management), Singareni Collieries Company Limited, Corporate Office, Kothagudem, Khammam District.
3. The General Manager, Singareni Collieries Company Limited, Bhupalpally Area, Jayashanker Bhupalpally 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 (RR 1 to 4 by RPAD along with a copy of petition and affidavit).
5. One CC to M/s. SANJEEV GILLELA, Advocate [OPUC].
6. One spare copy

**HIGH COURT**

**AARJ**

**DATED:21/01/2022**

**POST ON 28.02.2022**

**ALONG WITH W.P. NO.34669 OF 2021 & BATCH.**

**NOTICE BEFORE ADMISSION**

**WP.No.2932 of 2022**

**DIRECTION**

