

कोलइण्डियालिमिटेड
महारत्नकम्पनी
न्यू टाउन, राजारहाट, कोलकाता- 700 156
कॉर्पोरेटपहचानसं. L23109WB1973GOI028844
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WEBSITE : www.coalindia.in
CIN No.L23109WB1973GOI028844

Ref. No. CIL/C-5A(CC)/ 805

Dated 19th Dec., 2018

To
The Director (Personnel), CCL, Ranchi
The Director (Personnel), WCL, Nagpur,
The Director (Personnel), SECL, Bilaspur
The Director (Personnel), MCL, Sambalpur
The Director (Personnel), BCCL, Dhanbad
The Director (Personnel), ECL, Sanctoria
The Director (Personnel), NCL, Singrauli
The General Manager, CMPDIL, Ranchi
The General Manager(Mining), NEC, Guwahati.

Sub: Report of the Committee on Horizontal movement of Mining executives from
Second class to First Class channel where Effective date of FMCC is prior to deemed
date of present grade.

Dear Sir,

We forward herewith a copy of the Report of the Committee comprising of the then D(P),
ECL, D(T), BCCL and the then CGM(Min/S&R), CIL on the above mentioned subject, duly
approved by the Competent Authority for your information and record.

Yours faithfully,

(Tripti Parag Shaw)

General Manager (Personnel)

CC to :
TS to Chairman, CIL
TS to Director (Tech.), CIL
GM(P/Legal), CIL
GM(P/PC), CIL
GM(System), CIL – For uploading on CIL's website.
TS to Director (P&IR), CIL

Sub: Report of the Committee on Horizontal movement of Mining executives from Second class to First class channel

The Committee comprising of Sri K S Patro – Director (Personnel) ECL , Sri D Gangopadhyay- Director (Tech) BCCL and Sri N Das- CGM(M/S&R) CIL; as constituted vide order no CIL/C5A(CC)/ Horz.Mov.(min2nd to1st)/ Committee/B-296 dt 2nd April 2018 met at CIL (HQ) Kolkata on 11th and 23rd April 2018 as per notice dt 5th April 2018 to “deliberate and resolve the issue of Horizontal Movement of such cases from Second class Mining discipline channel to First class Mining discipline channel, where effective date of First Class MMCC of any Mining executive is prior to his deemed date of present grade”.

The Committee members were apprised by the dealing department regarding the various aspects of the problem including the policy, past file noting, data compiled from subsidiary companies, records of earlier DPC proceedings, Mining certificates in respect of executives etc and decided that in order to examine the issues in totality and suggest a solution that would stand the test of reasonableness and benefit the majority, further details have to be compiled by dealing department and put up with sample cases to elaborate the implementation aspect of deliberations.

The Committee members examined the cases put up by EE deptt CIL in the context of:-

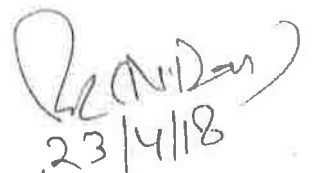
(A) The Policy dt **22/09/2000** – which provided inter alia that those executives who pass First class MMCC while working in E2 grade should be placed in E3 grade in first class channel from the effective date of FCMMCC, those who pass FMMCC while working in E2 grade- promoted to E3 grade and horizontally moved in First class channel in E3 grade shall also be placed in first class channel in E4 grade if their junior or contemporaries passing 1st class in E3 grade are promoted to E4 grade; those who pass FCMMCC while working in E4 grade shall be promoted to E5 grade in first class channel only after completing two years' service in E4 grade and those who pass FCMMCC while working in E5 grade shall be horizontally moved to first class channel in E5 grade itself from the date of effectiveness of the FCMMCC.

(B) The OM no CIL/C5A(CC)/MIn/093/81 dt 12th June 2006 which inter alia provides that

1. Henceforth the benefit of promotion on passing 1st class should be given to those 2nd Class Mine Managers only who pass 1st Class while working in E2 grade as was prevalent before 1.4.1993 and provided in the Common Coal Cadre from the effective date of passing as indicated in the 1st Class Certificate provided it is submitted within one month from the date of issue otherwise from the date of submission.

2. The executives who pass 1st Class MMCC in E3, E4 and E5 grade will be horizontally placed in the same grade in 1st Class Channel from the effective date of 1st Class.

(C). In terms of the provisions of Office Order no CIL/C5A(PC)/CCC/42 dt 22.03.2012 the MTs in all disciplines will be in E2 grade in first year and they will be placed in E3 grade on successful completion of one year's training period. Further, in para 4 of Office order it is mentioned that


23/4/18

all the provisions of Common Coal Cadre reg Recruitment, regularization/ absorption/ placement, closure of probation etc to be amended accordingly. This OM was made effective wef 01/01/2007 ie with Pay revision. As such the provision of OM dt 12/6/2006 mentioned above, are applicable to the revised grades E3 to E4 grade (as per para A-1 above) and for E4, E5 & E6 grades (as per para A2 above).

(D). However, there is no policy guideline to cover cases that arise when the executive acquires first class certificate but has already been promoted to next grade in Second class channel. Thus such cases need to be examined threadbare with reference to the above two OMs and while doing so it is to be ensured that no further anomaly takes place.

(E). This situation arose due to various reasons such as :-

- Promotion was given in Second class channel despite possessing first class due to late submission of certificate by employee concerned;
- Delay in issue of certificate (FCMMCC) by DGMS indicating the date of effectiveness of certificate prior to the date of issue of the said certificate.
- Interim order dt 18/10/2004 of Hon'ble Chhattisgarh High Court in WP no 588/2001 (Amit Saxena & Ors vs CIL & Ors) for not disturbing the seniority in first class channel, hence only 2nd class channel promotions were affected;
- The delayed applying by Executive concerned for issuance of FCC certificate upon submission of statutory requisite certificates eg Gas testing, First Aid, Under ground experience etc.

It is noted with concern that, due to non placement in Mining First Class channel of such executives after acquiring FCMMCC (First Class Mine's Manager of Competency), their juniors (ie those who acquired first class certificate after them or who were their juniors in second class channel- have also been promoted to next grade whereas these executives have suffered loss despite obtaining FCMMCC.

The consequence of not shifting to First class channel timely is also that despite having qualified executives with First Class Mine Managers Certificate, the subsidiary companies have on record shortage of statutory manpower and its fall out is in the form of risk of prosecution on account of non compliance to statutory requirements.

The Committee examined the data placed before it in respect of executives of E4, E5 & E6 grades, their date of effectiveness/ date of issuance and date of submission of FCMMCC by executives concerned, wherefrom it transpires that in many cases, reason for delay in submission by executive is not because of his own fault or malicious intention but because of late issuance of

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23/4/13

certificate by DGMS (with back date of effectiveness) and very often in the meantime the executive has been promoted in second class channel.

This phenomenon is recurrent since the certificate issuing authority- DGMS is an external body having independent norms, the issue of executives being awarded First class certificate from back date of effectiveness cannot be curbed totally and if not addressed this may lead to anomalies in movement from Second class to first class channel and further grievances arising therefrom.

After detailed deliberations and discussions, Committee recommended the following methodology to adopt in placement of First class channel from second class channel in Mining discipline in respect of such cases where the date of FMCC is prior to the date of promotion in Second class channel :-

S.N.	Grade	Method for placement in First class MMCC	Example
1	All grades	If FMCC date is 2006 or prior, it may be dealt in terms of earlier policy treating them at par with earlier batch pass outs (as per policy dated 22.09.2000) as was directed by Hon'ble Supreme Court of India vide the judgment dated 18 th Nov 2014 in SLP (C) no. 27202 of 2012 (CIL & Others – Vs- Akshay Kumar Jena & Others), order dated 1 st March 2012 in F.M.A no. 430 of 2009 and the order dated 26 th Sept 2008 in W P no. 22408(W) of 2007 passed by Hon'ble Calcutta High Court	<p>Executive- A- Effective date of FMCC- 15/07/2006 Deemed date in E6 grade 20/07/2013 As per decision of Hon'ble Supreme Court in SLP @no 27202 of 2012) decision dated 18.11.14, the executives passed FCC in 2006 are to be governed by policy which existed prior to policy dated 12.06.2006 & treated at par with earlier batches of 2003,2004 & 2005.</p> <p>As such, this case is to be governed by policy dated 22.09.2000 and immediately promoted from E3 to E4 (New E5 grade) in first class channel .</p> <ul style="list-style-type: none"> • E5 grade deemed date 19.10.2006 (No change) but in First class channel • E6 grade deemed date 20.09.2013 (no change) but in First class channel at par with his batchmates
2	E4 grade cases (E3 to E4 promotion)	If date of effectiveness of First Class certificate is prior to the deemed date (ie date of promotion) in E4 grade, such Executives may be placed in first class channel from their present deemed date of E4 grade because from the 2015 DPCs all E3 Min executives who completed Second /First class Certificate prior to	<p>Executive- B- Dy Manager(Min), E4 grade- Effective date of FMCC: 30.07.13 Deemed date in E4: 30.09.14 May be placed in E4 grade first class channel from deemed date i.e. 30.09.14.</p>

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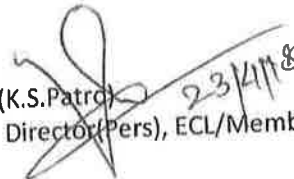
		<p>DPC date , they are promoted to respective channel along with promotion in E4 grade.</p> <p>Policy for E2 grade for HM dated 12.6.2006 (as mentioned in para B1 hereinbefore), may also be applicable to E3 to E4 grade after pay revision 1.1.2007</p>	
3	E5 & E6 grade cases	<p>In case of executives having FMCC effective date after 2006, Upon passing FCMMCC in E4 /E5/E6 grade they are horizontally moved to first class channel from Effective date of FMCC as per policy dated 12.6.2006, hence those executives who are currently in E5 and E6 grade 2nd class channel and their First class date is prior to present deemed date (ie date of current promotion in second class channel) may be placed in first class channel from effective date of FCMMCC and thereafter their next promotion date in E5/E6 grade must fall after completion of minimum 3 years in first class channel before next DPC cut off date.</p> <p>In the above manner while doing such horizontal movement, the deemed date in current grade in First class channel of few executives may extend beyond present deemed date of second class channel and in some cases promotion order in Second class channel may need to be cancelled since the executive concerned may not have completed the minimum three years on cut off date in first class channel on such placement in first class channel. This may be understood with example given in next column.</p>	<p>Eg: Executive- C- Sr Manager, Min , E5 grade Effective date of FMCC: 03.07.2008 Deemed date in E5: 22-Sep-08 He may be placed in First class channel in E4 grade because as per Horizontal movement policy dt 12.6.2006 "The executives who pass 1st Class MMCC in E3, E4 and E5 grade will be horizontally placed in the same grade in 1st Class Channel from the effective date of 1st Class" i.e from 3.07.2008 and then he is eligible only after completion of three years in first class channel in the next DPC for cut off date 30.09.2011 at par with his batchmates in First class channel. He may be placed in E5 grade from 07.01.2013 from the date 2008 FMCC passed out got promotion in E5 grade. This will ensure that there is no further anomaly caused due to HM as proposed.</p> <p>Executive- D- Effective date of FMCC: 21.12.2015; Deemed date in E5: 01-Aug-17 He may be placed in First class channel in E4 grade (in which he acquired FMCC) from effective date i.e. 21.12.2015 and then he is eligible only after three years in the subsequent DPC, Hence his promotion in E5 grade may be cancelled.</p>

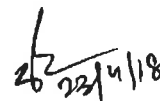
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The examples are given hereinabove for the purpose of explaining the underlying logic and may be applied to similar situations. While arriving at the suggested placement, it has been kept in mind that the solution should not give rise to further problems, there is minimal supersession and disturbance in seniority list and that majority is benefitted.

In order to avoid such problem in future the Committee recommends that when the results of DGMS First Class examination are declared, the executive concerned may be advised to apply to DGMS for issue of the FMMCC along with the required statutory documents eg First aid, Gas testing, UG Experience etc within one month of declaration of results and an intimation of having passed FMMCC should be submitted to the Personnel department through proper channel enclosing a copy of such application made to DGMS along with enclosure , so that date of application for issuance of FMMCC can be tracked to discourage the willful non submission of FMMCC by executives to avoid responsibilities.

It was also suggested by Committee that if there is any representation /anomaly is arising due to placement/non placement in first class channel, those cases may be dealt keeping in mind above proposals to avoid major complications in mining discipline.


(K.S. Patro)
Director (Pers), ECL/Member


(D. Gangopadhyay)
Director (Tech), BCCL/Member


(Niranjana Das)
CGM (Min/S&R), CIL/Member