

कोल इंडिया लिमिटेड (एक महारत्न कम्पनी)  
कोल भवन,प्रेसिडेंस न4ए एम ए आर  
प्लॉट एएफ॥। एकशन एरिया1 ए न्यूटाउन  
राजारहाट , कोलकाता 700156



## Coal India Limited

(A Maharatna Company)  
Coal Bhawan, Premises No:04 MAR  
Plot No:AF-III, Action Area 1-A New Town,  
Rajarhat, KOLKATA-700156 (WB)  
WEBSITE : www.coalindia.in  
CIN No.L23109WB1973GOI028844

Ref. No.CIL/GM(P)/C-5A(v)/ B-168

Date : 28 March, 2017

### ORDER

During the pendency of the Appeal arising out of Writ Petition no. 12002(W) of 2013 and other allied matters before Hon'ble Calcutta High Court, steps taken to comply with the Ld Trial Court's order dt 26<sup>th</sup> Sept 2014 were stayed by Hon'ble Div Bench Calcutta High Court by order dt 3<sup>rd</sup> March 2016. A communication regarding the said order of status quo was sent to different subsidiary companies vide letter No.CIL/C5A(V)/CRC/52215/DPC/1548 dated 15.3.2016 alongwith a copy of the order dt 3<sup>rd</sup> March 2016.

Vide order dt 12<sup>th</sup> Jan 2017, all the Appeals in the said case were dismissed by Hon'ble Div Bench and accordingly the promotions given to the writ petitioners have revived. As such, the promotion order in respect of various disciplines from E-6 to E-7 Grade was made operative vide CIL order No.CIL /C5A(V)/ DPC/ E6-E7/ CJ /2017/ B-44 dated 19/20.01.2017. But the reversions made during the pendency of the Appeal to the executives who were promoted by virtue of the Promotion policy dt 3 / 5 May 2011 which was stayed by the Hon'ble Div Bench vide order dt 3<sup>rd</sup> March 2016, becomes operative as the stay order dt 3<sup>rd</sup> March 2016 stood vacated as the same merged with the final order dt 12<sup>th</sup>Jan 2017 of the Hon'ble Div Bench Calcutta High Court.

Taking into consideration the Hon'ble Court's order dated 12.01.2017 regarding reverted executives and consequently legal opinion sought from the Senior Counsel, it has emerged that :

- The said reverted executives were promoted upon being recommended by the DPC Board in 2013 on the basis of Promotion Policy dated 03.05.2011 which was duly approved by the CIL Board after due deliberations.
- The executives concerned who have since been reverted had no role to play in either their promotion or their reversion and were promoted to E-7 grade by virtue of a merit based policy.
- These executives have worked continuously for a period of more than 3 years.
- The reversion to E-6 post will become a social stigma for these executives for no fault of their own resulting in frustration and demoralization after working for more than 3 years in higher grade reverted to lower post and working subsequently under a person who was junior to them during the intervening period shall be against equity.
- It is also a fact that as per direction given by the Hon'ble High Court, Calcutta by the Hon'ble Single and Division Bench in favour of grant of promotion from E-6 to E-7 grade from retrospective period as per the policy prevalent at that time, necessary steps have already been taken and all such executives have been granted promotion to E-7 grade w.e.f. 2013.
- The Hon'ble High Court's order dated 12.01.2017 at point No.3, inter-alia held that the Ld Trial Court's order dt 26/09/2014 prohibiting Coal India Limited from giving effect or further

effect to the said promotion policy (Policy dated 3/5.05.2011) are not sustainable in law and said directions are accordingly set aside.

- The fact of the matter is that pursuant to the approval of the DPC Board's recommendations, there were two categories of executives who were promoted from E-6 to E-7 grade in different disciplines (non-mining) in the year 2013 are as under :-
  - i) One set of executives were those who were promoted as per the new promotion policy and were also within the zone of vacancy i.e. to say that they could have also been promoted had they been considered even in terms of old promotion policy.
  - ii) 2<sup>nd</sup> set of executives were those who were promoted in terms of new promotion policy but not covered within the zone of vacancy had they been considered under old promotion policy.

In terms of order of Hon'ble High Court giving promotion to the executives to E-7 grade for the period in question as per the policy prevalent at that time has been complied with and subsequent promotion can be given as per new promotion policy dt May 3 / 5, 2011.


With the purpose to give quietus to litigation and to the extent not repugnant to judicial order, the Competent Authority has decided to give notional promotion afresh wef 2013 to E7 grade to the executives who were reverted vide orders dated 24<sup>th</sup> Feb 2016 in compliance of Ld Trial Court's order dt 26<sup>th</sup> Sept 2014 for the reasons as mentioned herein above and in the light of the observation of the Hon'ble Court in para 24 of the order dt 12<sup>th</sup> Jan 2017.

The deemed date of the promotion of said Reverted executives would remain the same i.e. the date of original order of promotion in the year 2013 i.e. their notional fixation in E-7 Grade. However, the seniority of all these E-7 grade executives would remain below the seniority of those who have been promoted in accordance with the old promotion policy w.e.f. 2013 in the light of order dated 12.01.2017 of the Hon'ble High Court, Calcutta and the inter-se seniority in E7 grade would be their seniority in E-6 grade prevailing in 2013 prior to the DPC held for the post of E-7 grade.

As the said reverted executives had already served the company for more than three years and got their salary in E7 grade from 2013, it has been decided not to call for any refund on account of reversion. But the non-refund of the salary during the period would not enure to their benefit under any circumstances. That is to say that the pay of these executives who were reverted and are now being promoted afresh should not be more than that of those executives who were promoted by virtue of old promotion policy during the pendency of the Appeal.

The executives who have superannuated / separated in the meantime (between Feb., 2016 till date) shall also be covered in the above policy till their date of superannuation/ separation.

This issues with the approval of the Competent Authority.

  
28/3/17  
(Bijay Swaroop)

General Manager (Personnel)

Distribution :

1. CMD, ECL / BCCL / CCL / WCL / SECL / NCL / MCL / CMPDI
2. Director (P&IR) / Director (Tech.) / Director (Finance) / Director (Mktg.), CIL, Kolkata
3. Director (P) / (T) / (F), ECL, BCCL, CCL, WCL, SECL, NCL, MCL
4. Director (T) / ES, CMPDI, Ranchi
5. Chief Vigilance Officer, CIL, Kolkata
6. GM / TS to Chairman, CIL, Kolkata
7. GM(P/EE) / Dy. GM(P) / EE / HOD(P/EE), ECL / BCCL / CCL / WCL / SECL / NCL / MCL, CMPDI
8. General Manager (System), CIL Kolkata – With a request to kindly upload the said order.
9. GM(ICT), CMPDIL, Ranchi
10. Dy. General Manager (P) / Policy Cell, CIL, Kolkata
11. TS to Director (P&IR), CIL Kolkata
12. Executive concerned, through respective CMDs/HODs in respect of CIL
13. Sr. Manager (P) / EE [C-5A(iv)], CIL, Kolkata
14. Sr. Manager (Financial/Estb), CIL, Kolkata
15. Chief Manager (Sectt) to Chairman, CIL / Director (Mrkt), CIL / Manager (Sectt.) to Director (Tech.)
16. Asstt. Manager (Sectt) to Director (P&IR) / Director (Finance), CIL
17. Master file / Guard file.



