

कोल इण्डिया लिमिटेड

(भारत सरकार का उपक्रम)

COAL INDIA LIMITED

(A Govt. of India Enterprise)

कोल् भवन "COAL BHAWAN"

PREMISES NO: 04, MAR, PLOT NO: AF-III
ACTION AREA-1A, NEW TOWN, RAJHARHAT
KOLKATA-700156 (WB)



महारात्न कंपनी

A Maharatna Company

PERSONNEL DIVISION

POLICY CELL

E-MAIL: cjuster.cil@coalindia.in

TEL: 033-7110 4227

FAX: 033-2324 4140

WEBSITE: www.coalindia.in

CIN:L23109WB1973GOI028844

(An ISO 9001:2015 & ISO 50001:2011 Certified Company)

Ref: CIL/C5A (PC)/Probity/2273

Date: 01.09.2017

OFFICE ORDER

Sub: Procedure to be followed for Pre-mature Retirement under Clause 15.8 of Common Coal Cadre

DPE vide its Office Memorandum No. DPE-GM-01/0001/2015-GM-FTS-4857 dated 14.12.2015 has advised CPSEs to carry out exercise of periodic review of officials for ensuring probity and efficacy among employees of CPSEs as provided in their CDA/ Service rules. In this connection, a provision for Pre-mature Retirement of Executives had already been incorporated in the Common Coal Cadre, as Clause 15.8, vide OM No. CIL/C5A(vi)/50729/250 dated 05.12.1990 under which the Competent Authority has the absolute authority to retire any Executive by giving notice of not less than 3 months or 3 months' pay and allowances in lieu of such notice.

Considering various guidelines issued by DPE & DoPT on the matter of periodic review, CIL Board in its 345th meeting held on 14.08.2017 approved the procedure to be followed for periodic review for implementation of the Clause 15.8 of Common Coal Cadre which is enclosed as **Annexure** for implementation.

Executives to be covered for review

Under the prescribed procedure, quarterly review of performance of Executives has to be undertaken 6 months before the Executives attain the age of 50/ 55 years as below:

- i. *If he/she had entered service before attaining the age of 35 years, then after he/she has attained the age of 50 years.*
- ii. *In any other cases, after he/she has attained the age of 55 years.*

Review Committees

The review shall be conducted at 2 levels – Initial Review by Initial Review Committee (IRC) and Final Review by Final Review Committee (FRC), as constituted under the prescribed procedure. The Review Committees would conduct the review as per the prescribed procedure and adhering to the timelines provided in the Annexure.

Schedule for regular periodic reviews

Regular review, under the procedure, would commence in respect of the Executives who are completing 50/ 55 years during the quarter April, 2018 to June, 2018. The IRCs shall complete the review of such Executives during the period from October, 2017 to December, 2017. The FRC would complete the final review during the period from February, 2018 to March, 2018. The review shall continue for the subsequent quarters as per the Schedule given at **Clause III (2)** of the prescribed procedure.

Schedule for completing review of backlog cases

The review of backlog cases i.e., Executives who are at the age of 50 years or above as on 01.04.2018, excluding Executives who are retiring within 1 year from 01.09.2017, are to be completed by December, 2017. The IRCs shall complete the review and submit their report to the CMDs of the concerned Subsidiaries well in advance so that the recommendation of the CMDs are submitted to CIL by 31st October, 2017. The FRC will complete the review of the backlog cases by 30th November, 2017 and submit its report to the Chairman, CIL for his approval by December, 2017.

This is for information and compliance by all concerned.



(Charles Juster)

Dy. General Manager (P/PC)

Distribution:

1. The CMD, ECL/BCCL/CCL/NCL/SECL/WCL/MCL/ CMPDIL
2. The Director (P&IR)/Director(Finance)/Director (Tech.)/Director(Mkt.), CIL
3. The CVO, CIL
4. Functional Directors, ECL/ BCCL/ CCL/ NCL/ SECL/ WCL/ MCL/ CMPDIL
5. The CVO, ECL/ BCCL/ CCL/ NCL/ SECL/ WCL/ MCL/ CMPDIL
6. GM/TS to Chairman, CIL
7. The General Manager (Vig), CIL
8. The General Manager (P-EE), CIL
9. The General Manager (Finance), CIL
10. The General Manager, New Delhi Office
11. The GM/ HoD(IICM)
12. The General Manager, NEC
13. The General Manager (System), CIL – with a request to please upload the same in CIL website for information of all Executives.

Procedure for Review for Premature Retirement under Clause 15.8 of Common Coal Cadre

I. Objective

The broad object of the procedure is to provide a framework for fair and impartial implementation of Clause 15.8 of the Common Coal Cadre to weed out Officers of **doubtful integrity** and Officers who have become **inefficient or ineffective** with a view to ensure probity and to maintain high standards of efficiency and integrity amongst Executives in the service of the Company.

II. Competent Authority

The Chairman, CIL, if he is of the opinion that it is in the interest of the Company/ Public interest so to do, has the absolute Authority to retire any Executive of the Company under Clause 15.8 of Common Coal Cadre after following the due procedure prescribed hereunder and by giving notice of not less than three months in writing or three months' pay and allowances in lieu of such notice, at any time after the Executive has attained the age of 50 years or 55 years, as provided in Clause 15.8 of Common Coal Cadre.

III. Procedure for Review

In order to ensure that the powers vested in the Authority are exercised fairly and impartially, following procedures and guidelines are prescribed for periodic review of the performance of Executives under the rule of Premature Retirement from the service:

1. Executives to be covered under Review

The Executives to be reviewed and their review time shall be as below:

Sl. No.	Executives to be considered for Review	Review Time
(a)	Executives entered service before attaining the age of 35 years.	On attaining the age of 50 years.
(b)	In other cases.	On attaining the age of 55 years
(c)	Notwithstanding anything contained in (a) and (b) above, a review may be taken up at any time, in cases where no such review had been undertaken earlier.	
(d)	Notwithstanding anything contained in (a), (b) and (c) above, the Competent Authority shall have the right to order a review of any Executive at any time after the review, as above, if he is of the opinion that exceptional reasons such as subsequent performance, or the conduct, or the state of physical health of the Executive warrants it.	
(e)	The records of Executives who are on deputation to the Centre/ to any other Govt/ to any other organization are also required to be reviewed by the	

	Review Committees, if they fall in the above categories, and its recommendations placed before the Competent Authority.
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2. Period of Review

The review should be carried out 6 months before the date on which an Executive completes the qualifying service for review (50/ 55 years) as per the following calendar. The preparation should begin in advance so that the entire exercise can be completed as per the schedule given below:

Sl. No	Initial Review Committee	Final Review Committee	Cases of employees who will be attaining the age of 50/55 years, as the case may be, in the quarter indicated below to be reviewed
1	Jan to March	May to June of the same year.	July to Sept. of the same year.
2	April to June	August to Sept. of the same year.	October to December of the same year.
3	July to Sept	November to December of the same year.	January to March of the next year.
4	Oct to December	February to March of the next year.	April to June of the next year.

3. In order to ensure that the review is undertaken regularly, it is desirable that the Company should maintain register of the Executives who are due to attain the age of 50/55 years. This register should be scrutinized at the beginning of every quarter by the Head of Executive Establishment department of CIL/subsidiaries.

4. Delayed Review

Where the review in accordance with the time schedule as indicated above has not been completed for any reason whatsoever, such review may be undertaken in the subsequent quarter. The Review Committee shall record the reason for delayed review in its report.

5. Review Committees

Review shall be conducted at 2 levels; Initial review and Final review through Review Committees as below:

- a. Review Committees for Executives working in subsidiaries other than CMPDIL:

I. Initial Review Committee

The review of Executives posted in subsidiaries, other than CMPDIL, shall be conducted by a Committee of the following Directors of the concerned subsidiary.

- i. The Director (Personnel)
- ii. The Director (Finance)
- iii. The Director (Technical) /Operations
- iv. The Director (Technical) /P&P

II. Final Review Committee

The final review of Executives posted in subsidiaries other than CMPDIL shall be conducted by a Committee of the following Directors of CIL.

- i. The Director(P&IR), CIL
- ii. The Director (Finance), CIL
- iii. The Director (Technical), CIL
- iv. The Director (Marketing), CIL

b. Review Committees for Executives posted in CMPDIL

I. Initial Review Committee

The review of Executives posted in CMPDIL shall be conducted by a Committee of the following Directors of CMPDIL.

- i. The Director (Technical)/RD&T
- ii. The Director (Technical)/P&D
- iii. The Director (Technical) /ES

II. Final Review Committee

The final review of Executives posted in CMPDIL shall be conducted by a Committee of the following Directors of CIL.

- i. The Director(P&IR), CIL
- ii. The Director (Finance), CIL
- iii. The Director (Technical), CIL
- iv. The Director (Marketing), CIL

c. Review Committee for Executives posted in CIL

In the cases of Executives posted in CIL HQs and the units directly under the administration of CIL, review shall be done at only one level conducted by a Committee of the following Directors of CIL.

- i. The Director (P&IR), CIL
- ii. The Director (Finance), CIL
- iii. The Director (Technical), CIL
- iv. The Director (Marketing), CIL

d. The senior most among the Directors of the above Review Committees will be the Chairman of the concerned Committee.

- e. In the cases of reviews where records reflect adversely on the integrity of Executives, the CVO of CIL or concerned subsidiary, as the case may be, would be associated in such reviews, as a member of the Committee.
- f. The Review Committees at 5 (a) (I) and 5 (b) (I) shall conduct initial review and will submit their observations & recommendations in confidential sealed cover to the CMD of the respective subsidiary. The CMD of the subsidiary will record his comments on the recommendations of the Committee and forward the entire file in a confidential sealed cover to the Director (P&IR), CIL.
- g. The Review Committee at 5 (c) shall conduct the review and submit its recommendation in confidential sealed cover to the Chairman, CIL.
- h. The Final Review Committee at 5(a) (II) and 5 (b) (II) shall conduct final review based on the recommendations of the Initial Review Committee and submit its recommendation in confidential sealed cover to the Chairman, CIL.
- i. All Review Committees may ensure that the prescribed schedule/ calendar for review is strictly followed.

6. Information to be furnished before the Committee

The following particulars are to be placed before the Review Committee by the Executive Establishment Department:

Sl. No	Details to be considered	
1	Name of the Executive	
2	Designation & grade	
3	Date of birth	
4	Date of coming to the present post	
5	Date of initial appointment	
6	Date of completion of 50/55 years	
7	Punishment awarded during the service period, if any (details in a separate sheet)	
8	Issues revealing lack of integrity(details in a separate sheet)	

9	Details of information on any vigilance enquiry / departmental enquiry pending/ contemplated against him	
10	Medical report to be attached	
11	Performance rating for last 5 years with remarks, if any	
12	Leaves during last five years	

7. Guidelines for Review Committees

Review Committees should keep the following guidelines in mind while reviewing the cases:

- (i) Before the cases are put up to the Review Committees, the Personal files of the concerned Officers should be brought up-to-date.
- (ii) In every review, the entire service records should be considered. The expression 'service record' will take in all relevant records and hence, the review should not be confined to the consideration of the EER/PRIDE/PAR dossier. The personal file of the Executive may contain valuable material. Similarly, the work and performance of the Officer could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Company puts together all the data available about the Executives and prepare a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the EER/PRIDE/PAR may be taken into consideration.
- (iii) In the case of those Executives who have been promoted during last 5 years, the previous entries in the Annual Performance report may be taken into account if the Officer was promoted on the basis of seniority cum fitness and not on the basis of merit.
- (iv) Executives whose integrity is doubtful, will be retired. Executives who are found to be ineffective will also be retired. The basic consideration in identifying such Executive should be the fitness/ competence of the Executive to continue in the post which he/ she is holding. While the entire service record of an Officer should be considered at the time of review, no Executive should ordinarily be retired on ground of ineffectiveness if his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory.

Consideration is ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within 5 years, only when retirement is sought to be made on the grounds of ineffectiveness. There is no such stipulation, however where Executive is to be retired on grounds of doubtful integrity.

No Executive should ordinarily be retired on grounds of ineffectiveness, if, in any event he would be retiring on superannuation within a period of 1 year from the date of consideration of his case. It is clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement.

The above instruction is relevant only when an Executive is proposed to be retired on the ground of ineffectiveness but not on the ground of doubtful integrity.

- (v) The recommendation of the Committee should be either for retaining or for retirement of the Executive under review. In case, if the Committee recommends for retirement of an Executive, the Review Committee should indicate clearly, in detail, the grounds on which the Committee has come to the conclusion that the Executive should be retired prematurely.
- (vi) The proceedings of the Review Committee should clearly indicate that material relating to the inquiry/ disciplinary proceedings/ Court Proceedings pending against the Officer was not taken into account while coming to the conclusion whether the Officer concerned should be retained in service/ retired from service.

8. Additional Guidelines to be considered by Review Committee

The additional guidelines to be considered by the Review Committees for evaluating an Executive on grounds of efficiency and effectiveness and reviewing his/ her integrity:

A) Matters to be kept in mind while reviewing Efficiency/ Effectiveness of Performance:

- (i) While the entire service record of an Executive should be considered at the time of review, greater emphasis should be placed on his performance during the 5 years preceding the review. If an Executive had been promoted to higher post during the period of 5 years, the service in the higher post shall receive greater emphasis. If, during the aforesaid period of 5 years, there is evidence of deterioration in efficiency and unsatisfactory performance, the Review Committee shall examine the entire service record and arrive at a total picture about the suitability or otherwise of the Officer for further retention in service.
- (ii) It is seen in some cases that the overall grade or assessment given on performance is "Average" or "Satisfactory". While this may not be an "adverse" remark, it can be viewed as a reflection on work output or conduct that is ordinary or routine. Hence, such remarks earned over a period of 5-7 years without mention of any notable achievement would also indicate that the Executive may have reached a plateau in his performance and the case may be reviewed accordingly.
- (iii) No Executive should ordinarily be retired on grounds of ineffectiveness if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. However, this will not be



applicable in the case of doubtful integrity or where there is a sudden and steep fall in the competence, efficiency or effectiveness of the Officer.

- (iv) In a case in which the physical or mental condition of an Officer is such as to make him inefficient, it would be appropriate to consider him for retirement.
- (v) If adverse remarks in the Personal files were communicated, the result of representations of the Executive, if any, should also be considered. If adverse remarks were not communicated to the concerned Officers, due regards should be given to subsequent reports to assess the importance to be given to such adverse remarks.
- (vi) If the Officer was given a promotion despite adverse entries made in the confidential record that should be considered as a fact in favour of the Officer.

B) Matters to be kept in mind while reviewing Integrity:

- (i) Entries in the Annual Performance Report relating to integrity should be taken into account by the Review Committee. Even if a particular remark on integrity has not been communicated to the Officer or if the remark is of general nature, the Review Committee could take into account the remarks as well as the general reputation of honesty/ integrity that he/ she enjoys, while reviewing any proposal for premature retirement on the above grounds. The Committee shall also take into consideration of ODI (Officers of Doubtful Integrity) & AL (Agreed List) for the purpose.
- (ii) While considering integrity of an Executive, actions or decisions taken by the Executive which do not appear to be above board, complaint received against him or suspicious property transaction for which there may not be sufficient evidence to initiate departmental proceedings, conduct unbecoming to the Company's interest or obstruct efficiency may be taken into account.
- (iii) In a number of cases, Officers take action for concluding contracts, settling claims, assessing taxes or duties payable, etc. Doubts may have arisen relating to the bona fide nature of the action taken by the Officer but on account of inadequate proof it may not have been possible to initiate action for a regular departmental inquiry, leading finally to a punishment of the nature that may find entry in the ACR/ PAR dossier of the Officer. But the personal file of the Officer may have details of the nature of doubt that arose regarding the integrity of the Officer and the result of the preliminary investigation that was carried out and this would constitute vital information.

C) Where Disciplinary proceedings are in progress:

In a case where on an alleged misconduct, a departmental inquiry has been conducted and the stage has been reached for a decision by the Competent Authority on the punishment to be imposed, it would not be appropriate to issue, instead, an order of premature retirement. However, there may be cases where



there is independent material to justify the premature retirement of an Officer, either on the ground of inefficiency or lack of integrity; the Review Committee may, in such cases, formulate its recommendations. Further, where no departmental inquiry has been initiated and the specific allegations of misconduct puts the integrity of the Officer concerned in question, then the procedure under Premature Retirement has to be considered.

9. Approval of the Competent Authority

The Competent Authority under Clause 15.8 of Common Coal Cadre should bonafide form an opinion to retire the Executive in exercise of powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds. Accordingly, in every case where it is proposed to retire an Executive in exercise of powers conferred by the said rule, the Competent Authority should record in the file its opinion that it is necessary to retire the Executive in pursuance of the aforesaid rule.

IV. Consideration of representation against order of Premature Retirement

Representations against an order of premature retirement, under Clause 15.8 of Common Coal Cadre, received from the Executive shall be considered in accordance with the following procedure:

- 1) An Executive who has been given a notice of retirement under the provisions mentioned above, or who has been issued with an order of premature retirement by payment of pay and allowances in lieu of notice, may submit a representation within TWO weeks from the date of service of such notice/order.
- 2) On receipt of a representation, the Executive Establishment department of concerned subsidiary/CIL should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the Representation Committee, for the purpose of considering the representations against premature retirement.
- 3) The Representation Committee referred above shall be a Committee of 3 CMDs of any of the subsidiaries duly formed from time to time. However, the CMD of the subsidiary where from the case was initiated will not be a member of the Representation Committee.
- 4) The Committee considering the representation shall make its recommendations on the representation within two weeks from the date of receipt of the reference from the concerned EE department. The Committee shall submit its recommendation to CIL Board which shall be the Authority empowered to pass final orders on the representation, which should stand finally disposed within a period of six weeks from the date of its receipt.
- 5) If, in any case, it is decided to reinstate a prematurely retired Executive in service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement



may be regulated by CIL Board as duty, or as leave or as dies non, as the case may be, taking into account the merits of each case.

- 6) Representations from Executives who have been served with an order of premature retirement, but have obtained stay order(s) from a court against the order of premature retirement, will not be considered until the disposal of the court case. Thereafter, the cases may be examined as outlined above but also taking into account any material substantive decision that may have been given in the court judgement.
- 7) In case of reinstatement, the notice salary already paid may be adjusted against dues or recovered from the pay.

V. General Instructions

- 1) The Head of Executive Establishment Departments of CIL & subsidiaries, as the case may be, shall ensure that all the cases that are ripe for review are placed before the Review Committees & Competent Authority well in time.
- 2) If the Competent Authority passes speaking orders for premature retirement of an Executive in Public Interest, the Executive should be given three months' notice in writing or three months' pay and allowances in lieu of such notice while retiring him from service. In computing the notice period of three months, the date of service of the notice shall be included.
- 3) No show-cause notice need to be issued to any Executive before a notice of retirement is issued to him under the aforesaid provisions.
- 4) An extract of the recommendation of the Review Committee should be added to the Personal file of the Officer concerned.
- 5) The order of Premature retirement shall not be passed as a shortcut to avoid departmental enquiry when such course is more desirable. In cases where action has been initiated for imposing a penalty and the proceedings are in the final stages, the disciplinary proceedings may be finalized before retiring the Officer prematurely.
- 6) In all cases of Premature retirement, wherein it has been decided to retire an Officer by giving him 3 months' salary in lieu of three months' notice, the retirement order and the notice salary should be paid on the date of issue of the order.
- 7) In the case of Executive on leave, the procedure would be either to recall the Officer from leave and serve the orders of retirement when he joins duty or wait for the Executive to join duty on the expiry of leave and then serve the order.
- 8) In the case, if it is found that an Officer is evading the receipt of the order of Premature retirement, then the procedure indicated below should be followed for service of the order: -
 - a. If such Executive is not found, by serving it at his last known place or residence or by giving it to an adult member of his family, or
 - b. If the address of such person is known, by sending it to him by registered post, or



- c. If none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of residence.
 - d. The scanned copy of the letter may also be sent to the email id of the concerned Executive.
 - e. Necessary recording of service of order should be maintained.
 - f. In all these cases, the Executive Establishment department should ensure that there is no time lag between the date of issue of orders and the date of serving such an order.
- 9) The Executives, on Premature retirement, shall be entitled to all retirement benefits of the Company at par with the Executives on superannuation. All the terminal dues admissible to the Executive shall be settled within one month from the date of the order.
- 10) When an Executive retired prematurely has been restored to duty, reference of his Premature retirement and reinstatement should not be made while considering his name for Promotion or for any other selection.
- 11) An Executive who has been served with a notice under Clause 15.8 of Common Coal Cadre shall not be considered for transfer during the notice period.
- 12) While scheduling Departmental Promotion proceedings, the schedule of review shall be kept in mind so that the periods of DPC proceedings and the review under Clause 15.8 of Common Coal Cadre do not occur concurrently.

C. J. Indh

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