



ALL INDIA ASSOCIATION OF COAL EXECUTIVES (AIACE)

(Regd. under The Trade Union Act 1926; Regd. No. 546 / 2016)

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AIACE/CENTRAL/2019/ 62

Dated -- 17 /4/2019

To
The Chairman
Coal India Limited,
Coal Bhawan, Premises No-04 MAR
Plot no -AF-III, Action Area-14
New town, Rajarhat, Kolkata
700156

Sub:- Irregularity in payment of Dues and Harassment of Sri Anjani Kumar Sinha, EIS No. 90154220, Retd Chief Manager(E&M), CCL Kuju Area.

Dear Sir,

Sri Anjani Kumar Sinha, EIS No. 90154220, superannuated on 31.5.2016, and almost 4 months prior to his retirement, he was subjected to victimization by slapping on him a series of injustices as briefly narrated below.

On a fateful day, CBI had raided Sarubera Siding/Kuju area of CCL and went ahead to investigate his alleged involvement in a coal shortage case. He was suspected of manipulation of computerized electronic in-motion weighbridges, in his capacity of nodal officer of all weigh bridges of Kuju area. CBI had sent the hard disks of computer(s) for forensic examination at Bangalore, but no manipulation with hard disks could be established. In spite of CBI not registering any case of malpractices against Sri Sinha, CCL management preferred to issue Chargesheet to Sri Sinha on 28th January, 2016.

(Injustice No.-1)

Although the departmental proceeding concluded in September, 2017, the order of competent authority was issued after a lapse of 10 months on 21st July,2018. CCL management was not satisfied with the reply to chargesheet submitted by Sri Sinha and penalised him by deducting his one increment from the effective date of issue of chargesheet till one day prior to his superannuation. This deduction inflicted a monetary loss of Rs 44874 to Sri Sinha.

(Injustice No.-2)

"Till the issuance of order on 21st July,2018 , gratuity and leave encashment dues of Sri Sinha were frozen and remained in the custody of ALC /Hazaribag and CCL Management respectively ,which could be released only after legal battle of two and half years in case of gratuity on 6th November,2018 and after two years and seven months from CCL on 20th December,2018 after consistent follow ups from pillar to posts respectively .(Injustice No.-3)

Apparently, action against Sri Sinha was undertaken simply to please the bosses of CBI and harass Sri Sinha, who being an elderly senior citizen, preferred not to challenge this order.

(Injustice No.-4)

While making payment of leave encashment employer's share of rupees 2,41,682 was not paid, citing the reason being as OM no. CIL/C5A(PC)CMPF/2451 dt. 30 th Nov,2017. Such order cannot be applied to Sri Sinha who has already superannuated in May, 2016 and because of late disposal of case by CCL/CIL his leave encashment payment was delayed leading to this fiasco. (Injustice No.-5)

Interestingly, this referred letter has been issued after CMPFO raised an issue, on 8th September, 2017. This letter of CIL, has ordered immediate stoppage of FP and CMPF deductions from leave encashment of on roll employees, but for retired employees it speaks in an ad hoc manner. It advises to release leave encashment payment after deducting their FP contribution and further says that till a final decision of Competent authority, this employee's FP along with employer's share of CMPF & FP contribution have to be kept in liability. We do not understand what is this liability account and when a final decision will be arrived. Moreover, the date of implementation is also contested because it cannot be applied with retrospective date since it will open a pandora's box requiring liability to be recovered from all such past cases. (Injustice No.-6)

It is requested to kindly review the above case of Sri Sinha and ensure him a natural justice in this matter.

Regards,



P K SINGH RATHOR
Principal General Secretary

CC-- CMD/DP,CCL, Ranchi.