



ALL INDIA ASSOCIATION OF COAL EXECUTIVES (AIACE)

(Regd. Under the Trade Union Act, 1926; Regd. No. 546 / 2016)

302, Block No. 4, Ram Krishna Enclave, Nutan Chowk, Sarkanda; Bilaspur (CG)

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Ref No. **AIACE/CENTRAL/2023 / 081**

Dated 21.9.2023

To
The Coal Secretary,
Govt of India,
Shastri Bhavan,
New Delhi.

Sub: Request for appointment for resolving the Pay-conflict issue of executives in CIL, in the light of recent judgement of Jabalpur Highcourt

Dear Sir,

Our association has been bringing the issue of pay conflict between executives and wage board employees due to implementation of NCWA XI vide letter nos. (i) AIACE/CENTRAL/2023/034 dt. 23-6-2023 (ii) AIACE/CENTRAL/2023/048 dt. 24-7-2023 (iii) AIACE/CENTRAL/2023/049 dt. 25-7-2023 (iv) AIACE/CENTRAL/2023/063 dt. 16-8-2023 and (v) AIACE/CENTRAL/2023/076 dt. 8-9-2023.

The decision of Jabalpur High court dated 29/8/23 on the subject has complicated the issue by way of quashing the implementation of NCWA XI.

The Coal Ministry, vide recent Office memorandum vide F. No. LAIR-49018/54/2023-LAIR dated 19th September, 2023 on the subject of Pay conflict arising after implementation of wage agreement for workers under NCWA XI, has referred the issue to DPE in the light of the Court's judgment. (Copy attached as Annexure-I)

Earlier, the DPE had already clarified its stand by its OM No. W-02/0028/2022-DPE(WC) dated 7th July, 2023 as enclosed in Annexure-II.

The trade unions have given strike call in the light of court's judgement.

It is high time to maintain harmonious industrial relation to avoid disruption in production activities. AIACE does not want quashing of NCWA XI but at the same time it wants that executives should be given personal pay (PP) for offsetting the conflict. The CIL management should immediate form pay resolution committee for this.

We seek a few minutes of your valuable time to interact with and assist you for resolving the issue and arriving at an amicable solution under the present constraints.

It is to reiterate that, AIACE is the only association of executives of Coal India Ltd, and Singreni Collieries Company Ltd which is legally registered under the Trade Union Act, 1926. It has members from both WORKING and RETIRED Executives from coal industry and prefer to seek solution in active consultation of all concerned.

We shall be thankful to you for granting us an appointment at the earliest in which 3-4 members representing AIACE will be participating.

In anticipation of a positive response from your end for granting us an appointment,

Thanking You,

(P. K. SINGH RATHOR)
Principal General Secretary

URGENT/ COURT MATTER

F.No.LAIR-49018/54/2023-LAIR

Government of India
Ministry of Coal
*****Shastri Bhawan, New Delhi
Dated 19th September, 2023OFFICE MEMORANDUM**Subject: Writ Petition no. 14830 of 2023, Kundan Sehgal and Ors. Vs. Union of India and Ors.**

The undersigned is directed to refer to the captioned matter filed before Hon'ble High Court of Madhya Pradesh at Jabalpur (copy enclosed). Union of India (Ministry of Coal) has been arrayed as Respondent No. 1, DPE as Respondent no. 2, Coal India as Respondent No. 3 and Director(P), Coal India as Respondent No. 4. The petitioners through the instant Writ Petition have contended that the recently implemented NCWA-XI is in violation of Clause (iv) and (v) of DPE guidelines dated 24.11.2017. It is the case of the petitioners that as per OM dated 24.11.2017, the pay scales of non- executive employees cannot be higher than the executive employees. Coal India Limited (Respondent No. 3 & 4) has misrepresented the Respondent herein (Ministry of Coal) due to which the NCWA XI has been confirmed by the Ministry.

2. Matter was heard by the Hon'ble High Court on 29.08.2023. Hon'ble Court reserved the **order** and the same was uploaded on the website on 08.09.2023 (copy enclosed).
3. The Hon'ble High Court has allowed the petition and Ministry of Coal's approval, dated 22.6.2023, stands quashed. As directed by the Hon'ble High Court, the matter is referred to DPE to take decision.
4. This issues with the approval of the Coal Secretary.

Encl : As stated above.



(Arvind Kumar)

Under Secretary to the Govt. of India
Tel. : 24616989

The Secretary,
Department of Public Enterprises,
Ministry of Finance,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110003. [Saey-dpe @ nic.in]

Copy to:

1. The Director,
Department of Public Enterprises,
Room No. 308, Block No. 14,
CGO Complex, Lodhi Road
New Delhi (Respondent No.2)
2. CMD, Coal India Limited, Rajarhat, Kolkata
3. Director (P), Coal India Limited, Rajarhat, Kolkata

सं० W-02/0028/2022-DPE(WC)

वित्त मंत्रालय
लोक उद्यम विभाग

लोक उद्यम भवन , ब्लॉक सं० 14,
सी.जी.ओ .काम्पलेक्स, लोदी रोड, नई दिल्ली- 110003
दिनांक : 07.07.2023OFFICE MEMORANDUM**Subject: Finalizing NCWA-XI for implementation and demand for consequent Pay-protection to executives to resolve pay conflict arising due to wage revision-reg.**

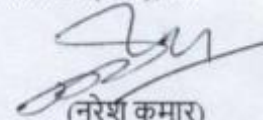
The undersigned is directed to refer to a representation dated 23.06.2023 from Shri P.K.Singh Rathor, Principal General Secretary, All India Association of Coal Executives (AIACE) and several e-mails on the subject cited above.

2. In the matter, it is informed that, in case of Unionised employees/workmen, their wages and allowances are finalized based on the agreement between Management and the Trade Unions/Associations of the CPSEs concerned under the broad parameters on the basis of wage policy guidelines issued by this department with the approval of the Cabinet in the interval of every 5/10 years. DPE vide OM dated 24.11.2017 has issued policy guidelines of the 8th round of Wage negotiation for Unionized workmen of CPSE w.e.f. 01.01.2017. **Para 2(v) of the said OM states that "The management of CPSEs where the five year periodicity is followed have to ensure that negotiated scales of pay for two successive wages negotiations do not exceed the existing scales of pay of executives / officers and non-unionized supervisors of respective CPSEs for whom ten years periodicity is being followed."** Besides, DPE has no role in wage negotiations.

3. DPE guidelines dated 24.11.2017 is clear on the issue under reference. The implementation of these guidelines rests with the administrative Ministries/ Departments of the CPSE concerned and DPE's position has already been explained to M/o Coal & CIL during a meeting held on 24.01.2023.

4. In view of above, the representation dated 23.06.2023 along with enclosures is being forwarded to Ministry of Coal (MoC), the administrative Ministry of Coal India Limited (CIL), for taking appropriate action.

5. This issues with the approval of the Competent Authority.


(नरेश कुमार)
अवर सचिव

Ministry of Coal,
(Shri Amrit Lal Meena, Secretary)
Shastri Bhawan, Room No. 317-A,
Dr. Rajendra Prasad Road,
New Delhi-110001
Tel No.: 011 23384884

Copy to:- Shri P.K. Singh Rathor, Principal General Secretary, All India Association of Coal Executives (AIACE) , 302, Block No. 304, Ram Krishna Enclave, Nutan Chowk, Sarkanda, Bilaspur (CG), Pin- 497101, Mob. No. 9907434051 for information please.