

**Implementation Instruction No. 76 dt. 25th Apr. 1988**

**No. CIL/NCWA-III/I. I. No. 76/88/145**

**Sub : Procedure for determination/verification of the age of the employees and for resolution of disputed cases of Service Records.**

1. The procedure for determination/verification of the age of the employees as finalised by the JBCCI-II was circulated for implementation vide Implementation Instruction No. 37 dated 5th February, 1981.

2. At the 3rd meeting of the JBCCI-IV held on 19th and 20th August, 1987 the subject of completion of Service Records of the workers was further discussed. In order to examine the entire matter a Service Records Committee consisting of representatives of Management and Workers was constituted with the following terms of reference :

- a) To examine and clarify the nature of disputes pertaining to service records,
- b) To evolve guidelines, standards and procedures for resolving disputes including age,
- c) To initiate a reporting system to monitor progress in resolving disputes.

3. The Service Records Committee held several meetings and the record notes of discussions were finally placed before the JBCCI-IV at the 9th meeting held on 8th and 9th March, 1988 which were approved with certain modification.

4. Final approved decisions are given below serially for implementation. The procedure/orders outlined hereunder are in supercession of the existing procedure/orders.

**5. Undisputed cases :**

It was agreed that in undisputed cases, with a view to have stable record of service, the entire data in the Service Record should be computerised and a copy should be retained at the Colliery/Project/Area/Subsidiary level and at the Headquarters of Coal India. Such undisputed cases will not be reopened. It was also agreed that after the task of computerisation is over, a copy of the print out will be given to the employee concerned.

**6. Procedure for determination/verification of the age of employee :**

The earlier Implementation Instruction No. 37 dated 5th February, 1981 has been revised and the same is enclosed as Annexure-I.

**7. Disputes relating to qualifications :**

It was agreed that an employee raising a dispute regarding his/her qualifications shall submit his/her certificates relating to his/her qualifications to the Management and the managements after satisfying about the genuineness of the claims would insert the said qualifications in the Service Record of the employee. Original documents furnished by the employee would be returned to him/her after verification and photo copies retained, if required by the Management.

**8. Disputes in respect of date of appointment :**

In the case of taken over employees, the date of appointment is determined with reference to the employment of the employee under the immediate past employer from where he was taken over. Relevant CMPF records relating to qualifying for membership may also be taken into account. The date of appointment may continue to be determined on this basis.

**9. Disputes in respect of number and names of dependents :**

It was agreed that the declaration incorporating names



of dependents made in respect of CMPF, LTC records and gratuity will be taken into consideration. Where the worker concerned is residing with the family in the Company's quarter, certificate of the Welfare officer/Manager may be taken as final for the purpose. In case of employee who is not residing with his family, certificate issued by Gram Panchayat/Notified Area Council/Municipal Corporation concerned, countersigned by the BDO/Circle Officer will be taken into consideration.

**10. Disputes in respect of Home address :**

It was agreed that while deciding the cases of change in home address or wrong recording of the home address, the workmen concerned will give an affidavit stating the reason as to why he wants the change or the circumstances in which his home address was wrongly recorded. He will also mention in his affidavit about the location of his property at the new place. Alongwith the affidavit, the workmen concerned will also have to submit a certificate issued by the Mukhia of the Gram Panchayat/Notified Area Council/Municipality/Corporation countersigned by the BDO/Circle Officer certifying his home address.

In case of destablisation due to mining operations or natural calamities etc., the change of home address shall be accepted after due verification.

**11. The decision of the Age determination committee/ Medical Board will be binding and final.**

**12. It was also agreed that age disputes pending in the case of employees superannuated on and after 1st July, 1987 will be examined in accordance with the revised procedure and all past cases will not be reopened.**

**13. The above procedure will come into force with immediate effect and will supersede the existing procedure/orders, if any, on the subject.**



## ANNEXURE—I

### IMPLEMENTATION INSTRUCTION NO. 76

#### PROCEDURE FOR DETERMINATION/ VERIFICATION OF AGE OF EMPLOYEES

##### (A) Determination of the age at the time of appointment

###### i) Matriculates.

In the case of appointees who have passed Matriculation or equivalent examinations, the date of birth recorded in the said certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.

###### ii) Non-matriculates but educated.

In the case of appointees who have pursued studies in a recognised educational institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and the same will not be altered under any circumstances.

###### iii) Ex-servicemen.

In the case of Ex-servicemen who are not matriculates, the date of birth recorded in the Army Discharge Certificate shall be treated as correct date of birth and the same will not be altered under any circumstances. In the case of Ex-servicemen who have passed Matriculation examination, the date of birth recorded in the Matriculation certificate will be treated as correct date of birth, provided they have passed the Matriculation examination before entering the Defence Services ; otherwise the date



of birth recorded in Army Discharge Certificate will be taken as correct date of birth.

iv) **Illiterate.**

In the cases of appointees not covered under the foregoing clauses, the date of birth will be determined by the Colliery Medical Officer keeping in view any documentary and other relevant evidence as produced by the appointee. Date of birth as determined shall be treated as correct date of birth and the same will not be altered under any circumstances.

(B) **Review determination of date of birth in respect of existing employees.**

- i) (a) In the case of the existing employees Matriculation Certificate or Higher Secondary Certificate issued by the recognised Universities or Board or Middle Pass Certificate issued by the Board of Education and/or Department of Public Instruction and admit cards issued by the aforesaid Bodies should be treated as correct provided they were issued by the said Universities/Boards/Institutions prior to the date of employment.
- i) (b) Similarly, Mining Sirdarship, Winding Engine or similar other statutory certificates where the Manager had to certify the date of birth will be treated as authentic.

Provided that where both documents mentioned in (i) (a) and (i) (b) above are available, the date of birth recorded in (i) (a) will be treated as authentic.

- ii) Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the Management. The Management after being satisfied on the merits of the case will take appropriate action for correction through Determination Committee/Medical Board.

- (C) Age Determination Committee/Medical Board for the above will be constituted by the Management. In the case of employees whose date of birth cannot be determined in accordance with the procedure mentioned in (B) (i) (a) or (B) (i) (b) above, the date of birth recorded in the records of the company, namely, Form B register, CMPF Records and Identity Cards (untampered) will be treated as final. Provided that where there is a variation, in the age recorded in the records mentioned above, the matter will be referred to the Age Determination Committee/Medical Board constituted by the Management for determination of age.
- (D) For determination of the age, the Committee/Medical Board referred to above may consider the evidences, available with the Colliery Management and/or adduced before the employee concerned.
- (E) Medical Board constituted for determination of age will be required to assess the age in accordance with the requirement of "Medical Jurisprudence" and the Medical Board will as far as possible indicate the accurate age assessed and not approximately.
- (F) Where the Management (i. e.) Area Age Assessment Committee consisting of General Manager, Personnel Manager and Medical officer-in-charge of the Area is satisfied that there is a glaring disparity between the date of birth recorded in the identity cards and the apparent age of the employee, the cases may be referred to the Apex Medical Board located at Headquarters of the company for determination of age.
- (H) After the assessment of the age by the Age Determination Committee/Medical Board the same will be computerised and print out of the same will be given to the employee concerned and the unit from where the reference was



received within a month. If age is not, however, computerised, still the same will be intimated to the employee concerned and the Unit within a month.

- (I) It was agreed that in cases where instead of date of birth, year has been recorded, 1st July of the year will be deemed to be the date of birth.