



Speed Post

Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. AM/14/2015/MCOL1/SEOTH/RU-IV

Dated: 17/11/2016

To,

The Chairman cum Managing Director,
Eastern Coal Fields Ltd.,
Sanctoria,
Post-Dishergarh,
Burdwan - 713 333
(West Bengal).

Sub: Proceedings of the sitting taken by the Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 22-09-2016 at 12.00 Noon in the matter of Shri Abhilash Manjhi, P.F., Clerk, Rajpura Colliery, Dhanbad, Jharkhand regarding non implementation of the corrected age.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 22.09.2016 on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,


(V.P. Shahi)
Assistant Director

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21/11/16
जारी किया
IS C O U N C I L
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Copy to:-

Shri Abhilash Manjhi,
P.F. Clerk, Rajpura Colliery,
P.O. Kumardhubi,
District-Dhanbad,
Jharkhand - 828 203.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. AM/14/2015/MCOL1/SEOTH/RU-IV

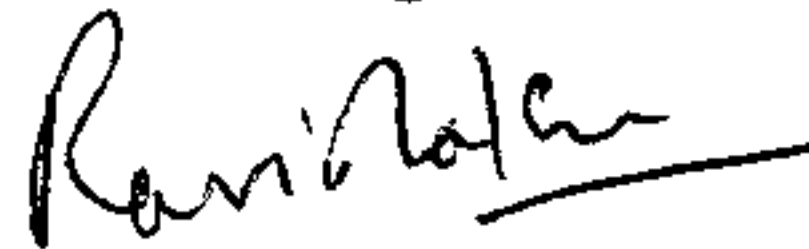
Proceedings of the Sitting taken by the Vice-Chairperson, NCST on 22.09.2016 at 3.00 P.M. in the matter of Shri Abhilash Manjhi, P.F. Clerk, Rajpura Colliery, Dhanbad, Jharkhand regarding non implementation of the corrected age.

Date of sitting: 22.09.2016

List of the officers present: (Annex I)

This is a case of correction in Date of Birth of Shri Abhilash Manjhi, P.F. Clerk, Rajpura Colliery, Dhanbad, Jharkhand. There has been correspondence with Eastern Coal Field, Burdwan, West Bengal. Lastly vide letter dated 16.06.2016 the management had informed that:

1. Shri Abhilash Manjhi had brought nothing new in connection with his grievances and all the matters were already addressed in our aforesaid letter earlier. The petitioner concerned had not substantiated his contention supported by acceptable documents.
2. It is also submitted that there is no such evidence/document from where Shri Manjhi can claim that he had submitted any representation before 21.01.2015. He had represented for correction of his Date of Birth only on 21.01.2015 i.e. at the far end of his service.
3. Shri Manjhi had himself declared his date of birth as 02.01.1956. Management had no role in it. He had all along accepted the said date of birth. He had never submitted the corrected certificate while coming into the employment. He received promotional benefits based on that certificate where his date of birth is mentioned as 02.01.1956. He being a PF clerk was quite aware of the rules of the Company and documents concerning his service.


रवि ठाकुर/RAVINDRA THAKUR
उपाध्यक्ष/Vice Chairman
राष्ट्रीय अनुसूचित जातों के आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

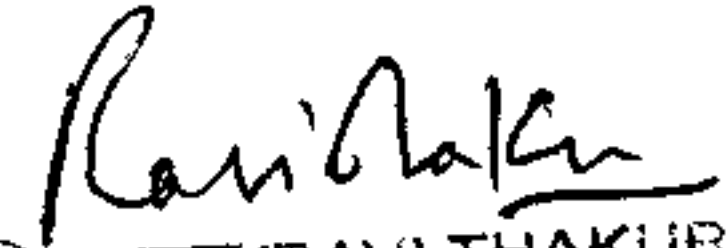
4. On the basis of recorded date of birth, Shri Manjhi had already superannuated with effect from 31.01.2016.

5. The case cited by Shri Manjhi is not similar to his claim for change in date of birth. Thus, have no applicability in the instant case.

(i) In M/s Bharat Coking Coal Ltd. Vs. Chhota Birsa Uranw, the dispute regarding the date of birth was allowed in favour of the employee by Hon'ble Supreme Court, because the employee sought rectification of age upon coming to know the wrong recordings, and the Implementation instruction 76 (applicable to the Company and employee concerned) provided rectification subject to the fact that school leaving certificate was obtained prior to date of employment.

(ii) In Kamta Pandey Vs. M/s. B.C.C.L. the Full Bench of Hon'ble Jharkhand High Court, directed to correct the date of birth of concerned employee because his matriculation certificate was obtained prior to employment, and in some company records like Identity card and service record, the date of birth in the matriculation certificate was reflected.

(iii) In Md. Yunis Khan Vs UP Power Corporation Limited. Indisputably the date of birth of another employee by same name was recorded in date of birth of employee concerned, and same was agitated immediately upon coming to know the wrong recording of date of birth. Thus the Hon'ble Supreme Court held that employee may take action as is permissible in law only after coming to know that a mistake has been committed by the employer. In the instant case, all the records of management was stable, free from interpolation, supported by the signature of employee. He had passed the High School Certificate Examination in the year 1974 and after 31 years he had come with a correction in the certificate by pen. This is not acceptable. Eastern Coalfields Limited was not a party to such correction and after 31 years when the employee has


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been retired, it will not be justified to extend his service for 2 more years. Had he a real cause, he would have knocked the door of the Court of Law in the right earnest.

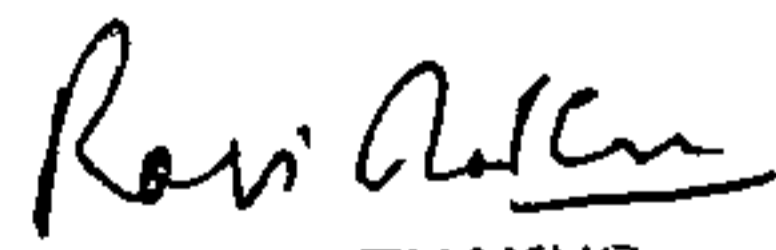
But, it reveals that in response to the ECIL Colliery, Dhandbad letter No. ECL/RAJ/AGT/15/976 dated 05.02.2015, the Bihar School Examination Board, Patna vide letter No. नि. 463 dated 17.04.2015 addressed to Agent, Rajpura, Colliery, has informed that the date of birth of Shri Abhilash Manjhi is 02.01.58.

6. In view of the above the Hon'ble Vice-Chairperson, fixed up a Sitting on 22.09.2016 to discuss the matter with the Chairman cum Managing Director, Eastern Coal Field Ltd., Budwan, West Bengal.

7. The General Manager, Eastern Coal Field Ltd. Dist. Burdwan, West Bengal vide letter No. ECL/CMD/C-6B/GM(P&IR)/16/31/1497 dated 19.09.2016 informed that presently there is no full time CMD in ECL. The Director (Finance), Coal India Limited is holding the additional charge of CMD, ECL. Incidentally, a Board of Meeting has been fixed on 22.09.2016 and it coincides with the date for appearance of CMD in the Commission. The Board Meeting was fixed before receipt of the NCST's Notice and due to Nation-wide strike by Central Trade Unions on that day, the CMD could not appear before the Hon'ble Commission.

8. Hence, it was decided that the Regional office of NCST at Ranchi be directed to inquire into the matter and submit the facts/report by 31.12.2016 so that next date of Sitting could be fixed to resolve the issue for correction of date of birth i.e. 02.01.58 in place of 02.01.56 in respect of Shri Abhilash Manjhi.

The meeting ended with vote of thanks to the Chair.


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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Annexure-1

File No. AM/14/2015/MCOL1/SEOTH/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Ms. N. Singsit, Assistant SO

Officers of Eastern Coal Field, Limited

Due to Nation-wide strike by Central Trade Unions on that day, the CMD could not appear before the Commission, as informed by ECL vide letter No. ECL/CMD/C-6B/GM(P&IR)/16/31/1497 dated 19.09.2016

Petitioner

1. Shri Abhilash Majhi
2. Shri Uttam Kerketta