



कोल इण्डिया लिमिटेड  
COAL INDIA LIMITED

REF: CIL/VIG/2015/मक-3/Conf/1243

Date 08.09.2015

तारीख

Memorandum

Subject: Final settlement of dues on superannuation

It is laid down in OM No. CIL/VIG/05057/Part-I/2600 dated 22.2.2006 that in case of final settlement of dues on superannuation or voluntary retirement/resignation, Vigilance Status shall be withheld only if a major penalty proceeding memorandum has been served on the employee and till the issue of final order in the case. Despite such clear stipulation, it has come to notice that gratuity/leave salary etc is being withheld merely because any investigation by Vigilance or CBI is going on or any report is under consideration of CVO/DA/MOC/CVC etc. at the time of superannuation. Under the existing provisions, if no charge-sheet is issued till his retirement, no charge sheet can be issued after retirement and his service cannot be terminated even on deemed basis. In such a situation, there is no scope for forfeiting gratuity or leave salary or Travelling Allowance.

It is again re-iterated that the retiral benefits like leave encashment, payment of Gratuity, TA Bill etc should not be withheld if the Charge-sheet for major penalty has not been served till the date of superannuation. These can't be withheld merely on the ground that any Vigilance or CBI investigation is going on or any report / matter is under consideration of CVO/DA/MOC/CVC etc. at the time of superannuation. Past cases may be reviewed accordingly.

However, if charge-sheet for major penalty has been served before superannuation, the decision for gratuity may be taken in terms of clarification issued vide office order No. CIL/C-5A(PC)/CDA/58 dated 08.09.2011. If conditions of sec 4(6) of Payment of Gratuity Act is satisfied, Gratuity can be withheld after passing an order to this effect before the superannuation as per provision of Rule 34.3 of CDA Rules. The Gratuity can be partially or fully forfeited on conclusion of proceeding only as per provisions of Section 4(6) of the payment of Gratuity Act, 1972.

Leave encashment & TA Bill can be withheld if charge-sheet for major penalty has been served till its finalisation. If on conclusion of the Disciplinary Proceeding, service is terminated through deemed dismissal/deemed removal/deemed compulsory retirement, encashment of leave can be forfeited in

terms of CIL Executives Leave Rules. Travelling Allowance claim can be forfeited in terms of Note (i) of Rule 14.0 of CIL TA Rules. However, if service is not terminated on conclusion of the Disciplinary Proceeding, these may be released.

4/8/19

(Sutirtha Bhattacharya)

Chairman-cum-Managing Director

Coal India Limited

सुतीर्थ भट्टाचार्य

Sutirtha Bhattacharya

अध्यक्ष-सह-प्रबंध निदेशक

Chairman-cum-Managing Director

कोल इण्डिया लिमिटेड

COAL INDIA LIMITED

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All FDs, All CMDs, All CVOs, Jt Secretary & CVO, MOC