

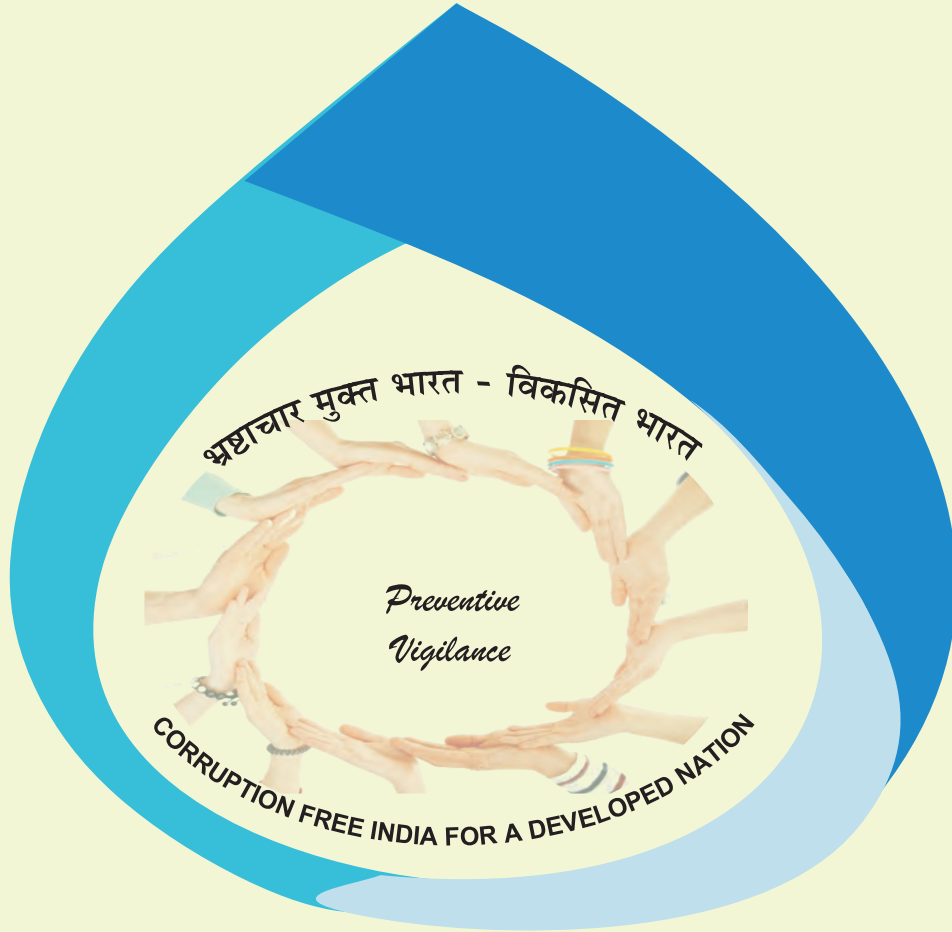


# पाहल

सतर्कता जागरूकता सप्ताह - 2022  
( 31 अक्टूबर से 06 नवम्बर 2022 )

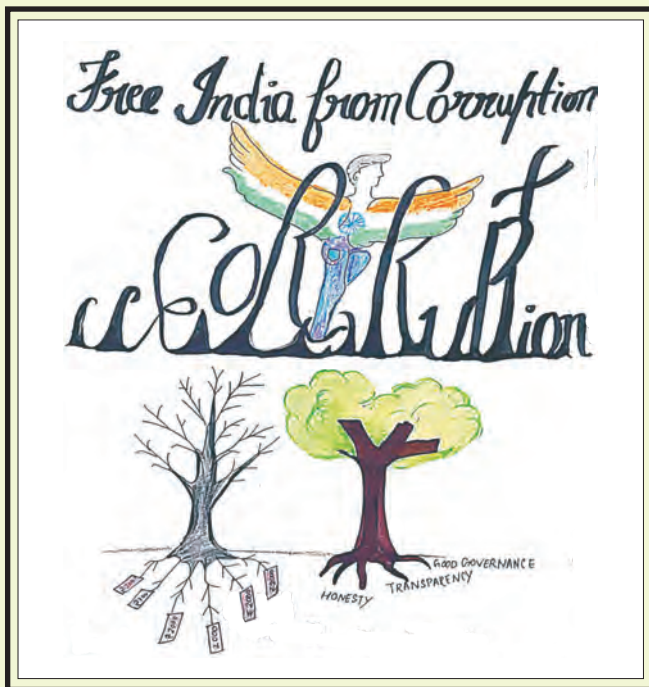
# PAHAL

VIGILANCE AWARENESS WEEK - 2022  
(31<sup>st</sup> Oct. - 06<sup>th</sup> Nov. 2022)



VIGILANCE DEPARTMENT  
WESTERN COALFIELDS LIMITED  
NAGPUR





Paintings by Wards of Employees  
on the occasion of VAW- 2022  
(Age Group 13-18)



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**CASE STUDIES**



**Case Study of Over-reporting of OBR (Overburden Removal) in HOE (Hiring of Equipment) work , excess payment to contractor and overreporting of coal production at One of the Opencast Project of CIL.**

**A. Brief of the case :** An investigation was carried out by vigilance officials in one of the Opencast Mine of CIL subsequent to complaint received regarding excess measurement of OBR in HOE work. During detailed investigation, certain glaring irregularities were brought out regarding measurement and reporting of both OBR and coal production. Investigation revealed that the mine management had indulged in continuous over-reporting of Over Burden and coal removed by contractual means for a period of 13 months. During the said period, the mine management over-reported the Overburden removed the tune of 16.13 Lakh cubic meters and Coal to the tune of 2.22 Lakh Tonnes. During investigation it was found that the contractor was having control over the shift-wise and daily reporting system as the tripman was deployed by the contractor. The tripman was reporting the figures to the contractor office and the contractor was preparing the production formats as per yellow book. The mine officials did not maintain the tripsheets or cross check them but have signed the production reports prepared by the contractor. The monthly measurement of OBR was carried out by the surveyor in the employ of the contractor who had made entries in the measurement book (MB) of the colliery surveyor. Investigation revealed that the monthly measurement records and bills were also prepared by the contractor which were then signed by the mine and area officials. The available OBR records were showing continuous variation between reported and measured Overburden removal. The measurement records have been signed by Successive colliery surveyors, Colliery Manager, successive Sub Area Managers, Area Survey Officer, General Manager (Operation) & Area General Manager of the Area. The "Correction Factor" were not implemented and the unit management continued to report Overburden removal by in an arbitrary manner. By committing such



irregularities for the period of 13 months, there was excess measurement of OBR to tune of 16.13 Lakh Cu.M resulting in excess payment of around Rs. 16.83 crores to the contractor. Due to this excess measurement/ overreporting there was failure to recover penalties from explosive suppliers on account of failure to meet bench mark powder factor. It was also observed that the bills passed by the accounts department were not in line with the GTCC (General terms and conditions of the contract) and excess payment to the tune of Rs. 1.46 crores were made to the contractor. The investigation further revealed that the mine management has also resorted to arbitrary reporting of coal production. It was revealed during investigation that there was over-reporting of production of coal to the tune of 2.22 lakh tonnes. It was also found that the RL (Reduced Level) of BM (Bench Mark) stations used during Annual Coal stock measurement were tampered with to bring the shortage of coal stock within permissible limits as provided in the New Yellow Book 2012 (NYB - 2012).

**B. Irregularities Observed :**

Investigation revealed the following irregularities:

1. The shift wise and daily Over Burden removal reports and the shift wise and daily Coal Production reports have not been maintained as per Yellow Book.
2. The Daily MIS report to be maintained was being prepared by the contractor on the basis of report of tripman who is in the employ of the contractor raising questions over its authenticity.
3. The monthly measurement of OBR was also done by contractor workman and the measurement summary and bills were prepared by the contractor.
4. The contractor workman was allowed to make entries in the departmental measurement books (MB).



5. There was excess measurement of OBR to tune of 16.13 Lakh Cu.M which amounts to shortfall of 17.67 % of the reported Over Burden removal for the period of 13 months.
6. The excess measurement in OBR resulted in excess payment of around Rs. 16.83 crores to the contractor.
7. Due to this excess measurement/ over-reporting there was failure to recover penalties from explosive suppliers on account of failure to meet bench mark powder factor.
8. It is observed that mine management has failed to maintain proper reporting system as per new uniform code adopted by CIL Board resolution and instead it has continued to report Coal production and Over Burden removal in an arbitrary manner which exposed it to the risks of irregularities being continued for a long period.
9. There was over-reporting of production of coal to the tune of 2.22 lakh tonnes and the RL (Reduced Level) of BM (Bench Mark) stations used during Annual Coal stock measurement were tampered with to bring the shortage of coal stock within permissible limits.
10. The bills passed by the accounts department were not as per GTCC and excess payment to the tune of Rs. 1.46 crores were made to the contractor.
11. The cross check by external agencies and teams from outside the area had also not revealed the irregularities.

### **C. Systemic Improvement;**

The New Yellow Book 2020 has addressed the issues uncovered in this case by implementing regular cross check for OBR, use of 3D TLS for measurement and exhaustively laying down the procedure for measurement. With implementation of ERP the system of reporting production is being streamlined.

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## Case Study of Over-reporting of coal over a period of 34 months in an Underground Mine of CIL.

### **A. Brief of the case:**

A surprise inspection was carried out by a team of vigilance officials to verify the quantity of coal stock at an UG mine and the physical measurement of coal stock was conducted by a team of surveyors from other Areas in the presence of unit and area officials. The stock measurement in this surprise inspection revealed startling variation in coal stock by 55.219%.

The actual monthly measurement figures were suppressed by the mine officials for a period of over 34 months. It was revealed that actual monthly measurements were happening but was being recorded in a different register (hereafter referred as purported original measurement) signed by the Surveyor as well as by Colliery Manager and Sub Area Manager, which reflects huge variation in measured vs. reported stock, however this purported original register was kept secret and a different register having cooked or manipulated figures were kept in record showing variation within 5% only. These officers had also signed on different register having cooked/manipulated figures. This indicates complete failure of system and that too in connivance of responsible officer as a fraudulent reporting, hiding shortage of stock happening for the last 34 months and in knowledge of area management. This is also startling that it could not surface in any check measurement, quarterly measurement, half-yearly measurement, or annual stock measurement in which officials from outside unit participate in the measurement process. This reflects that these measurements did not happen actually and false reports in line with cooked/manipulated reports were prepared by them as well. Had these measurements happened properly, the variation would have surfaced much earlier.





**B. Irregularities Observed:**

Investigation revealed the following irregularities:

1. The fake register containing manipulated monthly measurement figures was not filled up with measurements of two months prior to that of surprise inspection, however the purported original register had measurement entries for these months. The figure in the purported monthly register was in line with the measurement figures arrived during the surprise inspection.
2. Weekly calculation of coal production by survey measurement was being done but the weekly reconciliation of reported coal production with the survey measurements were not being done, required vide Yellow Book 2020. These measurements consistently showed that the production was being reported in excess to measurement figures.
3. All the check measurements during this period (Quarterly/ half-yearly/ annual) were not carried out but reports prepared in line with manipulated coal stock figures.

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## Case Study of Theft of coal in an Opencast Mine of CIL.

### **A. Brief of the case:**

In one Opencast Mine of CIL the coal produced was being transported to the railway siding around 10 Km away. The siding was also under the administrative control of the mine. An incident of coal theft in the night hours by a truck transporting coal from the mine to the railway siding was detected due to GPS violation observed. The truck instead of unloading coal at the siding had transported the coal to a private coal yard around 12 kms away. The trucks transporting coal to siding were provided RFID cards as well were fitted with GPS device and the transport route was also geo-fenced. The theft occurred in spite of these systems as warnings/ triggers were not activated or had been disabled.

Investigation revealed that the theft was not an one off incident, but that particular truck was involved in at-least four other similar incidents over a span of 45 days. There was active connivance from the officials of the company who attempted to cover up the theft by creating records that the truck had delivered coal to the siding. It was revealed that fake electronic and physical records were created about the truck delivering coal in the siding at a time when the truck was emptying the coal at a private coal yard. The routes taken by this obtained through VTS playback revealed that the truck had not entered the siding premises at all but had proceeded 12 km beyond the geo-fence. Any violation of geo-fence boundary in addition to being visible in the control room, triggers an automatic alert through SMS to numbers pre-fed into the system. Normally, the unit officials are alerted by this system to launch remedial measures, but in this case the alert was only being sent to a single number in Area Hq.

**B. Irregularities Observed:**

Investigation revealed the following irregularities:

1. The RFID operated boom barriers were having by-pass switches to allow non-RFID enabled vehicles to pass.
2. Though there were cameras installed in the weighbridges and checkpoints there were considerable outages and gaps in the recording.
3. The clerks in the weighbridges were entering the vehicle details manually when the system should have automatically read the same through the RFID tag. This enabled the clerks to make fictitious entries when in actuality the truck had not turned up in the siding.
4. There was considerable delay in reconciling the figures of dispatch from the mine and receipt at the siding.
5. The system of SMS alerts generated due to Geo-fence violations in the VTS system was deliberately restricted to a single number.

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## **Case Study of PLMS (Pay Load Monitoring System) in 60 Te dumpers.**

All dumpers supplied in WCL/ CIL after 2018 are equipped with Pay Load Monitoring System (PLMS) as per conditions of the supply order. Prior to 2021, the system was rarely used for its stated potential. Subsequent to advice from CVO, CIL a study on the usage of this system was undertaken by the Vigilance Division of WCL.

The study covered the dumpers of 60 Te capacity supplied by M/S BEML, M/S Caterpillar and M/S Komatsu. Initial studies revealed that though the PLMS system was functioning in all the dumpers supplied since 2018, the Payload data was not being regularly retrieved nor put to use for any measurement purpose. The study also revealed that the trip cycles were being recorded correctly in all the three make of dumpers. Based on this management was advised to look into the possibility of retrieving the trip count from the PLMS system on a daily basis to eliminate the present system of physical counting being done by tripmen.

On further study wherein the payload was cross-checked by physical weighing, it was revealed that payload being recorded in the PLMS system of the dumpers were reasonably accurate in case of M/S Caterpillar and M/S Komatsu. However, in case of dumpers of M/S BEML the PLMS was not recording the weight correctly and the variations were beyond acceptable limits. M/S BEML have indicated that they are updating their system to trouble shoot the problems and have indicated that they will ensure compliance to the standards.

During a meeting with the representatives of dumper manufactures i.e M/s BEML, M/S Caterpillar and M/S Komatsu, it transpired that the PLMS system has a huge potential with the data retrieved from it. It was found that only machine health system was being monitored by technical department with the system provided by manufacturers.

The present system of production reporting in the mines is based on 'Yellow Book' version 2020 which has no provision for incorporating the data from the PLMS system of dumpers. The management also had certain reservations about the reliability of data from PLMS system. The study by vigilance division, has established that the present system of production reporting based on dumper factor was highly erroneous and will have to be done away with as the actual payload carried by the dumpers was almost 25 % higher than the dumper factor in use.



## CASE STUDIES



The data of PLMS may be used in future to completely do away with human intervention in production reporting system. Towards this end the representatives of dumper manufacturers have provided technical details of the PLMS system as well an SOP for correct usage of the same. The technical data so provided by the OEM/ Manufacturers has been shared with the management for implementation.

CVO, CIL has advised study of PLMS in other subsidiaries of CIL with other capacities of dumpers also and subsequent to analysis of data from all subsidiaries, management may be advised to modify the Yellow Book for incorporating the data from PLMS in the production reporting system.

The study by vigilance division also has revealed that the PLMS/ VHMS system has modules regarding fuel consumption which can be used to cross-check fuel issue and usage. Management has also been advised to implement the same.

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## Property Returns and Intimations submitted under CDA rules– common errors observed.

Vigilance department regularly undertakes scrutiny of Property Returns filed by the officers. The following are the requirements as per CDA rules applicable to the executives of CIL:

### **A. Movable Property**

- i. On first appointment submit return in Form V A & V C (Refer Rule 19.1)
- ii. Report in Form IV B of disposal/ acquiring, if movable property value exceeds two months basic pay (Refer Rule 19.4)
- iii. Previous sanction to be requested in Form IV B if transaction is with person of firm having official connections (Refer Rule 19.3).

### **B. Immovable Property**

- i. On first appointment submit return in Form V B (Refer Rule 19.1)
- ii. Submit return in Form V B cumulative immovable property list, latest by 31<sup>st</sup> January of following year. (Refer Rule 19.5). *This is in the online mode and no physical copy is required.*
- iii. Prior intimation of all transactions in immovable property to be given in Form IV A (Refer Rule 19.2)
- iv. Previous sanction to be requested in Form IV A if transaction is with person of firm having official connections (Refer Rule 19.3).

## Common Irregularities observed:

### **A. Movable property**

Generally, intimation or request for previous sanction in Form IV B is not being submitted. A common example is the purchase of four wheelers.

### **B. Immovable property**

- i. Generally, intimation or request for previous sanction in Form IV A is not being submitted.
- ii. W.R.T Returns submitted every year (APR)
  - a. Late submission of returns (After due date of 31<sup>st</sup> January)
  - b. Improper filling of data in the columns – for example not indicating date of acquisition, not declaring the extent of interest in the property, not indicating the cost of acquisition or present value of property.
  - c. Not indicating cumulative properties



### **Tips to comply with the rules :**

1. Submit APR every year online before 31<sup>st</sup> January of following year.
2. Fill the details correctly as follows:
  - 2.1 Description of property: Indicate whether Land/ House/ Flat/ Shop/ Industrial etc.
  - 2.2 Precise location: Provide exact address, khasra no., village, post office, PIN etc.
  - 2.3 Area of land: Provide measurement in sq. ft or sq.m or acres or hectares or any unit of land measurement mentioned in the land records with you.
  - 2.4 Nature of land: Indicate if agricultural land, tenancy land, under lease etc.
  - 2.5 Extent of interest: Indicate if you are sole owner, or in case of shared property your share of property (in percentage).
  - 2.6 If not in name of public servant state in whose name held and his/her relationship to public servant: State the name of owner of property being declared and how he/ she is related to you (wife/ son / daughter/ father/ mother/ brother/ sister etc.)
  - 2.7 Date of acquisition: When the property was registered onto the name of person declared as owner in para 2.5 or 2.6.
  - 2.8 How acquired and cost of acquisition: Provide detail of cost of purchase and the financing modality (cash purchase/ loan from bank/ financial institution/ inherited/ savings etc)
  - 2.9 Present value of property: Provide approximate value on prevailing market rates
  - 2.10 Total annual income from property: Provide detail of annual income from rent/ lease/ agricultural income/ tenants etc.
  - 2.11 Remarks: If any other relevant detail is to be intimated the same can be indicated here (litigation/ disputes etc.)
3. Submit Form IV A or IV B as the case may be through your controlling officer to EE department and obtain a receipt copy from your unit for your personal record.

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### **Irregularity/ fraud in payment of EPF to contractor workers.**

For facilitating its workers transportation to their work place or to provide transport to school/ college of wards of employees, many vehicles are hired in various subsidiaries of Coal India. The agencies providing this transportation are compensated by Subsidiaries for all legal payments required to be made to the contractual workers, as part of responsibility of being the Principal Employer, PF related payments being part of that. A contractual worker is entitled for PF payments with salary (as a social security measure) with the PF component being split equally between the employee and employer. The Employee's share is built into their wages and the same is deducted and deposited to their PF account. An equal amount is added to this as Employer's share before depositing the entire amount in the PF account of the employee.

If the PF contribution is through EPF account system, it amounts to 24% of salary/ wages of worker, the same being split equally as 12% employee's share and 12% employer's share. Besides, the employer has to pay administrative charges to EPFO, which is marginal.

Being the Principal Employer, it is responsibility of Coal India and its subsidiaries to ensure that all the dues are paid to the workers, including contractual workers. For ensuring this, the contractor agency uploads monthly payment details on a portal, named "CLIP" (Contract Labour Information Portal). While processing the bill, all the payment records, like wages payments made to workers' bank account, PF deduction and deposition in respective PF accounts, commensurate with attendance records, are checked and verified.

A complaint was received regarding irregularities in payment of PF by a travel agency in CIL. Prima-facie, there was no irregularity observed as the travel agency had properly maintained all the attendance records with the wages having been paid in line with the prevailing minimum wages of that time. PF contributions were also found to be submitted to corresponding EPF accounts of workers with the PF calculation and contributions as per rule. The contractor had submitted all the relevant documents in support of payments.





The documents submitted by the contractor in support of PF deposit were checked. Month wise combined challan of EPFO, corresponding TRRN (Temporary Return Reference Number) and ECR (Electronic Challan cum Return Receipt) were checked. The TRRN Detail sheet and Payment Confirmation sheets were showing “Challan Status” as “Payment Confirmed”.

However, the EPFO maintains a transparent online system of all the records. All the transaction status were checked online and it was found that some of the PF payments were not completed. The TRRN status corresponding TRRN was showing as “Cancelled”.

It was clear that the contractor had forged the TRRN Status sheet. The modus operandi was that they had prepared all data and details for Challans and ECR and the same was uploaded on the EPFO portal. At this stage, when the payment was pending, all the sheets were downloaded. Such downloaded TRRN Detail sheet shows all data, except CRN and its corresponding data as the CRN is generated by system only after payment is confirmed. Also, at this stage Challan status will not indicate the status as “Payment Confirmed”.

However, the contractor by downloading the unpaid/ cancelled TRRN details sheet had forged it by editing and filling required data fields. The officials responsible for checking the documents missed to notice the forgery and they neither cross checked the data from EPFO web-site.

Interestingly, each TRRN Details sheet or Payment Confirmation Receipt Sheet has got a QR code at lower right bottom. A simple scan of this QR code by any mobile phone immediately gives details of payment status against the TRRN No of that sheet.

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## Procurement of DGMS approved Personal Protective Equipment

### **A. Brief of case:**

A PIDPI complaint, regarding procurement of safety equipment was examined by vigilance department of the subsidiary company of the Coal India Ltd. Being DGMS approved item, the sources of supply were limited.

An open tender with estimated value of Rs 20.00 crore was floated on GeM portal for procurement of safety equipment's, required to be provided to workmen, as per DGMS guidelines. Against open tender only one firm submitted its offer and the work was awarded on them at a price higher than the its own previous supply order placed on the same firm for same make and model of the equipment.

### **B. Observations:**

- i. It was found that the NIT was in variance to the mandatory technical parameters from the DGMS guidelines. However, it was observed that the offer was accepted in deviation to the company.
- ii. A representation was also received in this regard that the NIT was in variance to the mandatory technical parameters from the DGMS guidelines, but no exhaustive discussion of the same was done by the tender committee, rather it was dismissed as not being important.
- iii. Even though, procurement portal was changed from e procurement portal (NIC) to GeM, only 10 days' time was allowed for submission of the bid the minimum time allowed under GeM portal.
- iv. The price comparison was made with the latest available order (current LPP) of one of the subsidiary companies of CIL, suo moto submitted by the bidder, without verifying its authenticity from the issuing authority.
- v. The justification submitted by the bidder was taken on face value and order was placed on the bidder at a higher price than this previous order, citing difference in the scope of supply.
- vi. The bidding firm had concealed the subsequent price amendments (reduction in prices) issued by the subsidiary company, which had an impact of 25% of the total cost. Similarly, the scope of supply in the LPP order was also not disclosed by the bidder, even though it was part of the NIT/order, and bidder had executed the same.
- vii. The tendering authority did not seek any clarification from the order issuing authority nor searched for copies of the order which was available online but recommended placement of supply order.
- viii. The bid was accepted even when it contained items not requested in scope of supply.
- ix. The bidder had included items not requested in NIT to enable him to comply with the requirement of MII 2020 policy and the same was accepted.

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**CASE OF IMPERSONATION IN ONE OF THE AREAS AT WCL**

**A. THE GIST OF THE COMPLAINT**

In one of the complaints, it was alleged that a person named Ram Singh was working as Shyam Singh using a forged identity. He was working as a Peon, in one of the Area at WCL. The complainant alleged that the person working with this name is actually Ram Singh and his Aadhar ID is 101 \*-\*\*\*\*-\*\*\*\*. Further, the complainant alleged that Ram Singh defrauded WCL by submitting a fake aadhar card in the name of Shyam Singh with aadhar no 102\*-\*\*\*\*-\*\*\*\*.

**B. FACTS OF THE CASE**

- Records and credentials indicated that the name of employee was mentioned as Shyam Singh in all his service records.

SI No	Particulars	Name	ID No.	Result & Investigation
1.	Aadhar card	Ram Singh	101*- ****-****	Aadhar Card issued in the name of Ram Singh (Original ID)
2.	Election Commission of India- Identity Card	Ram Singh	123****	ECI-ID issued in the name of Ram Singh (Original ID)
3.	Driving License	Ram Singh	AAA**** ****	Driving License issued in the name of Ram Singh (Original ID)
4.	Aadhar card	Shyam Singh	103*-****-****	Aadhar issued to Shyam Singh, who is Ram Singh's Maternal uncle (Original ID)
5.	Aadhar card	Shyam Singh	102*-****-**** * *	Ram Singh has Obtained this Aadhar card in name of Shyam Singh by unfair means (Fabricated ID)
6.	PanCard	Shyam Singh	ABC*****	Ram Singh has Obtained this Pancard in name of Shyam Singh by unfair means (Fabricated ID)

- Considering the above analysis, it was quite evident that Ram Singh is the real name of the person working as Shyam Singh, Peon at WCL.
- When the aadhar card no 101\*-\*\*\*\*-\*\*\*\* which is registered in the name of Ram Singh was shown to the employee, he confessed that the instant aadhar card belongs to him.
- With respect to the details of Identification proof like of aadhar card 102\*-\*\*\*\*-\*\*\*\* & Pan card no. ABC\*\*\*\*\* which he had submitted to the management for service records and other purposes, the employee confessed that both the Identity proofs had been obtained through unfair means.



5. Ram Singh (impersonating as Shyam Singh) has accepted that he was working under the name of Shyam Singh who was actually his Maternal Uncle and the complainant in the instant case.
6. It was brought to the record by Ram Singh that Shyam Singh who is his Maternal Uncle has asked Ram Singh to join WCL in place of him.

### C. THE OUTCOME OF THE CASE

1. The departmental inquiry was conducted and subsequently, the employee was dismissed from the service of the company. As per the gratuity act, if the services of any employee have been terminated for any act which constitutes an offence involving moral turpitude provided that such offence is committed by him in the course of his employment, his gratuity shall be forfeited, which has happened in the instant case.
2. Further, FIR was lodged against the erring person for the offence he committed by obtaining identification proofs through unfair means.
3. Further, it is pertinent to mention that Ram Singh has obtained aadhar card & pan card bearing no 102\*-\*\*\*\*-\*\*\*\* & ABC\*\*\*\*\* respectively, with the name of Shyam Singh, which he had used in WCL or may be outside for his own self-gain. As these are Government tools which are unique identity of an individual, Ram Singh has made a mockery of the system by obtaining these identification cards through unfair means which is very striking and exposes loopholes in the present system. Hence respective area management was directed that they shall inform the appropriate state authorities about the fraud done by Ram Singh.

**Note:** Name and other identities of the concerned persons have been changed to avoid any conflicts

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### Case of fraudulent employment in one of the subsidiaries of CIL

#### **A. Gist of the Case:**

- i. The appointment letter of 04 (four) land oustees which subsequently was found to be fake, were received in the DAK of AGM, ABC Area bearing APM, XYZ Area's letter no 10\*\* dated 18.06.2019.
- ii. Thereafter, a proposal was initiated by the dealing officer through APM, ABC Area for posting them at ABC1 Sub Area and posting orders issued on 05.07.2019. Out of above 04 Persons, three (03) have joined at ABC1 Sub Area and posted at ABC1 Colliery whereas one Person did not join.
- iii. Subsequently another set of appointment letter of 06 (six) land oustees, which also subsequently found to be fake, were received in ABC Area on 05.12.2019 bearing APM XYZ Area's letter no. 36\*\* dated 29.11.2019 and similarly posting orders by ABC Area were issued on 18.12.2019. 4 out of 6 persons reported at ABC2 Mine for posting but none of them finally joined.
- iv. While scrutiny of documents (After issuing porting order), on seeing 5-digit DOB in one of the appointees, ABC Area sought clarification from XYZ Area and came to know that no such appointment order was issued by that area for that appointee.
- v. Thereafter ABC Area confirmed for all other 9 appointees and came to know that all these 10 appointment orders received in Dak were not issued by XYZ Area.
- vi. Thereafter FIRs were filed and the case is under trial at present.
- vii. Matter was referred to WCL HQ by ABC Area. Subsequently all such appointments given during 2019 were checked and concluded that only these 10 cases were fraudulent and refereed the matter to Vigilance.
- viii. Termination order/Cancellation order of 6 appointees of 2<sup>nd</sup> lot was issued on 26.12.2019 and of 4 appointees of 1<sup>st</sup> lot on 05.01.2020 by respective units.

#### **B. Observations & Lapses found:**

- i. Investigation covered not only for lapse on part of officials in this case but also studied the process flow and loopholes in the system associating related officers of the system for suggesting change in system if so required.
- ii. The flow chart of proceedings for land oustees appointee prevailing in WCL during the case and gist is as below.
  - a) Sanction Order was issued by IR dept. WCL HQ on receiving the employment case proposal from parent area and sent to the same parent area.
  - b) On receiving the sanction order from HQ, area proceeds with verification of documents/credentials and issues order for medical examination.
  - c) After medical examination, area checks whether the person to be appointed is having any technical skill/qualification from ITI etc. and issues appointment order for posting in same area in case no technical skill and issues appointment order in case equipped with technical skill also but with direction to report to HRD dept. HQ for trade category decision.
  - d) HRD dept. HQ on reporting by candidate and based on their technical skill, decides trade and sends the proposal to IR dept. HQ for deciding place of posting based on requirement of that trade in area.



- e) IR dept. issues posting order containing area details and training institute details and sends back to parent area.
- f) Parent area issues separate order to candidate to report to posting area after training while also endorsing the order of IR dept. HQ.
- g) Candidate reports to training institute and after release, reports to area for final posting in area.
- h) On reporting by candidate in area, Area does that document verification/credentials and issues final posting order in unit/mine

### iii. Lapses observed by Vigilance in Investigation in system/on part of officers:

- a) The system of sending and receiving dak was found through private agency and it was found very startling as it was happening through a box earmarked for each area at HQ and without any system of entry. The agency will collect the dak from area and drop in the specified box at HQ again without any entry. Rather anyone can drop letter meant to that area in the box of that area. Agency or person of area will collect the dak from that box and deliver to that area. The complete system of dak dispatch or receipt was without any entry particularly at pigeon box at HQ.
- b) No instruction for Police Verification in system, though it was found being done in some cases. The confirmation of probation of 6 months was not having any binding of completion of Police Verification.
- c) There was no centralised system found for dealing these case, rather multiple orders viz, sanction order, appointment order, medical examination order, posting order by area in few cases and by HQ in few cases based on trade selection, final posting in area different than parent area were getting issued but without any system for correlation.
- d) The copies marked from one issuing order unit were not being taken into cognizance by receiving unit.
- e) No Photograph/Aadhar mentioned while initiating proposal for post verification at subsequent stages or reporting by candidate.
- f) The candidate was directed to report to a particular training institute but no training imparted to candidate on that time. It was only for reporting by candidate to the institute, making some entry in institute and issuing relieving order.
- g) No robust SOP in place for on-boarding of employees across WCL.
- h) Non-uniformity of format for employment orders/ posting orders across WCL.
- i) No Checklist for verification of documents while receiving employment files from parent area.
- j) No centralised database for cross checking and no practice for cross checking before issuing any order in entire process.
- k) No audit or periodic report generation by IR or HRD dept. where any fake appointment could have surfaced.



- l) The fake documents received by ABC Area were having complete bunch including letter for medical examination, medical examination report, police verification, training letter etc. ABC Area officers did not ever check or reconciled as why these letters were not received earlier, which were issued earlier viz. sanction order etc.
- m) ABC Area officers also did not realise about no mention of sanction order in any of the letters received by them.
- n) ABC Area officers did not get the documents verified which they received in dak and before issuing of any further order.
- o) Therefore, apparently malafide intention of officers of ABC area was not evident, however giving an employment without verification of documents, is tantamount to gross negligence of officials responsible for it, though there were systemic failures too.

**C. Action Initiated/Systemic Improvement Proposed by Vigilance:**

- i. Lapse on part of 5 different officers/officials established in Vigilance Investigation and disciplinary action after taking FSA from CVC has been initiated which includes major penalty proceedings against one officer, penalty proceedings as per standing order against two officials (non executives) and caution against two officers on supervisory lapse.
- ii. The dak system (pigeon box system with no accountability) was immediately stopped by Management after intimation of Vigilance.
- iii. All the executives as well as non-executives dealing with employment matters were proposed to be considered as sensitive post and rotation of officials accordingly be ensured in HQ as well as in area.
- iv. An INTRANET website was proposed to be launched to be accessible to employees of WCL only using user id (based on their employee code) and password for accessing any letter/circular issued by HQ/Area. Internal Dak (Inter Area or from HQ) was to be posted only on Intranet by HQ and Area and through e-office with instructions that no manual copy to be sent. However, process of dak/communication to external agencies to remain unchanged but only through Govt. Post.
- v. As the existing system was found with flaws, a new process/flow chart was prepared with active participation from officers from personal department and finally with Director (Personal) WCL before actually proposing for implementation. The salient points of that revised proposed process are mentioned below.
  - a) Parent Area to collect Photographs/ Aadhar details of finalised candidate for appointment against land oustee by planning department before initiating proposal and to clearly fix/mention in detail proforma for subsequent verification at all relevant stages viz. medical examination, trade selection or joining etc.
  - b) Centralized process for employment of land outsees after receiving of proposal from area.
  - c) Uniformity of orders across the levels.
  - d) Issuance of Appointment orders by GM (P&IR), WCL HQ, centrally for area in cases, trade selection or no trade.



- e) Orders issued are to be communicated through INTRANET Website/ E-Office only for internal communication with no hard copy circulation. All internal communication proforma to contain photograph and Aadhar details.
- f) The communication to the candidates must be through Government Post only.
- g) Medical Examination to be initiated centrally on request from HQ and report to be submitted centrally to HQ.
- h) Police verification to be conducted before issuing any formal proposal/order by parent area.
- i) Detail checklist for verification of document/credentials by Area before issuing posting order which also includes verification of credentials from initially submitted declaration proforma by candidate while seeking appointment against his/her land and verification of earlier orders issued by HQ etc.
- j) The manpower report is to be centrally maintained and monitoring at WCL HQ to monitor the monthly joining of land oustees.
- k) Proper Training to be given after final posting.
- l) Detail guideline/instructions to be issued by HQ separately.

\*\*\*\*\*





**SYSTEMIC  
IMPROVEMENT  
MEASURES**



## SYSTEMIC IMPROVEMENT MEASURES



वेस्टर्न कोलफील्ड्स लिमिटेड

(भारत सरकार का मिनरी रल श्रेणी -1 उपक्रम)

Western Coalfields Ltd.

(A Miniratna Cat.-1 Government of India Undertaking)

कार्मिक एवं औद्योगिक संबंध विभाग

PERSONNEL & INDUSTRIAL RELATIONS DEPTT.

Ph. No. का/O : 0712-2510439

फैक्स/Fax : 0712-2510903

e-mail : generalmanager.ir@gmail.com



पंजीकृत कार्यालय : कोल ईस्टेट, सिविल लाइन्स, नागपुर - ४४०००१

CIN : U10100MH1975GOI018626

Regd. Office.: Coal Estate, Civil Lines, Nagpur - 440 001.

Website : westerncoal.nic.in

संदर्भ क्र. Ref. No : WCL/IR/SE/1991

दिनांक Date : 25/02/2022

प्रति,

समस्त क्षेत्रीय महाप्रबंधक,

वेकोलि क्षेत्र एवं केन्द्रीय कार्यशाला तडाली ।

Sub :- Systemic improvement suggested by Vigilance Department based on the gaps identified in processing of HRA and Travel Assistance to Non-executive employees.

महोदय,

Vigilance Department while examining a vigilance case has identified gaps in processing of payment of HRA and Travel Assistance to Non-executive employees and suggested following measures to avoid the recurrence of such cases in future :-

- 1) Employee should apply for HRA through proper channel and after considering the norms in place, the same may be decided.
- 2) Considering the amount of unauthorized occupations of quarters in Area instead of providing HRA to the employee especially for the rented/hired accommodation, they shall be made to stay in company's quarter. This will not only save the cost of the company for providing HRA but it will arrest the menace of unauthorized occupations of company property's as well.
- 3) There should be a methodology to prevent the wrong/unauthorized payment of HRA when husband and wife both happen to be employees and where any one of them is allotted a house, they shall not be entitled to HRA.
- 4) There is a need to assess the total quarters, quarters occupied, illegally occupied, the status of vacant quarters and the analysis of HRA being given to employees.
- 5) All administrative transactions should be through ERP (SAP) especially regarding any kind of payments to the employee.



## SYSTEMIC IMPROVEMENT MEASURES



वेस्टर्न कोलफील्ड्स लिमिटेड कार्मिक एवं औद्योगिक संबंध विभाग

(भारत सरकार का मिनी रल श्रेणी -1 उपक्रम)

PERSONNEL & INDUSTRIAL RELATIONS DEPTT.

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Ph. No. का/0 : 0712-2510439



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फैक्स/Fax : 0712-2510903

e-mail : generalmanager.ir@gmail.com

पंजीकृत कार्यालय : कोल ईस्टेट, सिविल लाइन्स, नागपुर - ४४० ००१

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संदर्भ क्र. Ref. No : WCL/TR/SE/

दिनांक Date : 25/02/2022

- 2 -

- 6) With respect to Travel Assistance (Home Town visit and Bharat Bhraman), it can be seen that the unauthorized payment was made due to posting of husband and wife at different units of the same Area. This should be prevented by adopting a system generated locking system when husband and wife both happen to be employees and where only one of them will be entitled for the Travel Assistance benefit.

You are requested to arrange for implementation of above systemic improvement measures on processing of payment of HRA and Travel Assistance to Non-executive employees as suggested by Vigilance Department in your Area. An ATR on compliance of these measures may please be submitted to this office latest by 15<sup>th</sup> March, 2022 positively.

भक्तिय,  
25/2/22  
उप महाप्रबंधक (कार्मिक/औसं)



प्रतिलिपि :-

1. महाप्रबंधक (खनन)/सतर्कता, वेकोलि मुख्यालय, नागपुर ।
2. निदेशक (कार्मिक) के तकनिकी सचिव, वेकोलि मुख्यालय, नागपुर ।
3. महाप्रबंधक (प्रणाली)/(वित्त)/(प्रशासन), वेकोलि मुख्यालय, नागपुर ।
4. समस्त क्षेत्रीय कार्मिक प्रबंधक, वेकोलि क्षेत्र एवं के. का. तडाली ।
5. प्रबंधक (का), औसं/एसई, वेकोलि मुख्यालय, नागपुर ।



## SYSTEMIC IMPROVEMENT MEASURES



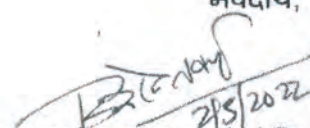
	केवल नागपुर कोर्ट के अधिकार क्षेत्र में Under Jurisdiction of Nagpur Court only	
<b>वेस्टर्न कोलफील्ड्स लिमिटेड</b>	<b>वेस्टर्न कोलफील्ड्स लिमिटेड</b>	
Western Coalfields Limited	Western Coalfields Limited	
(मिनीरत्न कंपनी) (कोल इंडिया लि. की अनुबन्गी कंपनी)	(A Miniratna Company) (A Subsidiary of Coal India Limited)	
<b>भू एवं राजस्व विभाग</b>	<b>Land &amp; Revenue Department</b>	
email- gmlandrevenue@westerncoal.gov.in ☎/FAX: 0712 - 2511560		
CIN U10100MH1975GO1018626/ www.westerncoal.nic.in		
पंजी.का.कोयला विहार, सिविल लाइन्स, नागपुर(महाराष्ट्र)-440001 /Regd. Off. : Coal Estate, Civil Lines, Nagpur(MS) - 440001		
संदर्भ सं./ Ref. No.: WCL/GM(L&R)/UIP/2022/153		दिनांक/ Date:02/05/2022

To  
The Area General Managers,  
All Areas, WCL.

**Sub.: Standard Operating Procedure (SOP)** for initiating Administrative Action against Land Encroachment/ Illegal Occupation of Public Property of WCL.

Dear Sir,

As directed by FDs in its 928<sup>th</sup> meeting held on 18/01/2022 vide Agenda Item No. 928/5, the **Standard Operating Procedure (SOP)** approved by Competent Authority for action to be taken against land encroachment/ Illegal occupation of Public Property of WCL, is enclosed herewith for necessary action at your end.

भवदीय,  
  
महाप्रबंधक (भू/रा), वेकोलि

संलग्न :- यथोपरि ।

Copy to:

- 1) General Manager (Vigilance), WCL
- 2) GM (CA)/ TS to CMD, WCL
- 3) TS to Director (Personnel), WCL
- 4) TS to Director (Technical) (Oprn.), WCL
- 5) TS to Director (Technical) (P&P.), WCL
- 6) Area Planning Officers, All Areas, WCL



## STANDARD OPERATING PROCEDURE FOR ADMINISTRATIVE ACTION AGAINST LAND ENCROACHMENT/ ILLEGAL OCCUPATION OF PUBLIC PROPERTY OF WCL.

This SOP is prepared as per the provisions of the Public Premises (Eviction of unauthorized occupants) Act 1971 (40 of 1971) hereinafter called as The PPE Act 1971 And Public Premises (Eviction of unauthorized occupants) Rules 1971 hereinafter called as The PPE Rules 1971. In case of any ambiguity, the definitions, meanings of the words, sentences Sections, Clauses, sub-clauses, Rules & sub-rules shall prevail as per the said Act and the Rules.

**(A) Appointment of Estate Officers – Refer Section-3 of the Act:** Area should ensure appointment of Estate Officer as per **Section 3** of the Public Premises (Eviction of unauthorized occupants) Act 1971.

***Area of jurisdiction to act upon by the Estate Officer should be looked into meticulously in light of the Gazette Notification.***

**(B) Eviction from temporary occupation – Refer Section 3A of the Act:** Notwithstanding anything contained in section 4 or section 5, **if the estate officer**, after making such inquiry as he deems expedient in the circumstances of the case, **is satisfied that any persons who were allowed temporary occupation of any public premises are in unauthorized occupation of the said premises**, he may, for reasons to be recorded in writing, **make an order for the eviction of such persons forthwith** and, thereupon, if such persons refuse or fail to comply with the said order of eviction, he may evict them from the premises and take possession thereof and may, for that purpose, **use such force as may be necessary.**

*(See FORM K of The PPE Rules 1971 for issuing order u/s 3A enclosed as **Annexure-1 AND FORM 'L'** of The PPE Rules 1971 for issuing notice u/s 3B introduced through G.S.R. 692 (E) notified on 25/09/2019 & published on 26/09/2019 enclosed as **Annexure-2**).*

**(C) Issue of notice to show cause against order of eviction – Refer Section 4 of the Act:**

(1) If the estate officer **has information** that any person is in unauthorized occupation of any public premises and that he should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing **within seven working days from the date of receipt of the information** regarding the unauthorized occupation calling upon the person concerned to show cause why an order of eviction should not be made.

(1A) If the estate officer **knows or has reasons to believe** that any person is in unauthorized occupation of the public premises, then, without prejudice to the provisions of sub-section (1), he shall **forthwith issue a notice** in writing calling upon the person concerned to show cause why an order of eviction should not be made.

(1B) Any delay in issuing a notice referred to in sub-sections (1) and (1A) shall not vitiate the proceedings under this Act. (Notice to be issued in **FORM 'A'** of The PPE Rules 1971 enclosed as **Annexure-3**)



(2) **The notice shall –**

- (a) specify the grounds on which the order of eviction is proposed to be made; and
- (b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises, —
  - (i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not later than seven days from the date of issue thereof, and
  - (ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.
- (3) The estate officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

**Form of Notices or orders – Refer Rule 3 of The PPE Rules 1971.**

A notice or order under the Act shall be in one of the appropriate Forms appended to these rules.

**Manner of service of notices and orders – Refer Rule 4 of The PPE Rules 1971.**

- (1) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of section 4 or sub-section (2) of section 5 A or sub-section (1) of section 5 B or sub-section (1) or sub-section (1A) of section 6 or an order issued under section 3A or sub-section (1) of section 5 or sub-section (1) or sub-section (2) or sub-section (5) of section 5B or sub-section (1) or sub-section (2) of section 5C or sub-section (1) or sub-section (2) of section 7 of the said Act shall be served by delivering, or tendering a copy of the notice or order, as the case may be, to the person for whom it is intended or to any adult member of his family, or by sending it by registered post acknowledgement due in a letter addressed to that person at his usual or last known place of residence or business.
- (2) Where the copy of the notice or the order, as the case may be, under sub-rule (1) is delivered or tendered the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgement of the service.
- (3) In respect of a notice issued under sub-section (1) of section 4 or sub-section (2) of section 5A or sub-section (1) or sub-section (1A) of section 6 or an order issued under section 3A or sub-section (1) or sub-section (3) of section 5A or sub-section (1) or sub-section (2) or sub-section (5) of section 5B or sub-section (1) or sub-section (2) of section 5C or sub-section (1) or sub-section (2) of section 7 of the said Act where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence, and there is no adult member of the family of such person, a copy of the notice or the order, as the case may be, shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the estate officer who issued the notice or the order, as the case may be with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so and the name and address of the person, if any, by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed,



- (4) If a notice under sub-section (1) of section 4 or sub-section (2) of section 5A or sub-section (1) or sub-section (1A) of section 6 an order issued under sub-section (1) of section 5 or sub-section (2) or sub-section (1) or sub-section (2) of section 7 of the said Act cannot be served in the manner provided in sub-rule (1), the estate officer may, if he thinks fit, direct that such notice or order, as the case may be, shall also be published in at least one newspaper having circulation in the locality and he may also proclaim the contents of any notice or order in the locality by beat of drum.

***Photographs may also be taken after pasting of notices at the unauthorised premises.***

***Notices to be issued should preferably be in Hindi or local language understood by majority of people residing therein.***

***If Notices are in prescribed proforma all the spaces therein should be filled manually (handwritten).***

***If Notices are issued to more than one unauthorised occupants on the same day, time of hearing (Intervals) should be given utmost care.***

***All copies of eviction notices so served are to also be given to Security in-charge of the respective Areas/ Sub-Areas***

***Seal of Estate Officer (not clubbed with other designation) should be used on notices.***

**(D) Eviction of unauthorized occupants:- Refer Section 5 of the Act -**

- (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under sub-clause (ii) of clause (b) of sub-section (2) of section 4, the estate officer is satisfied that the public premises are in unauthorized occupation, the estate officer shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order but not later than fifteen days from the date of the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises:

Provided that every order under this sub-section shall be made by the estate officer as expeditiously as possible and all endeavor shall be made by him to issue the order within fifteen days of the date specified in the notice under sub-section (1) or sub-section (1A), as the case may be, of section 4. (see **FORM B** of The PPE Rules 1971 enclosed as **Annexure-8**)

- (2) If any person refuses or fails to comply with the order of eviction on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (1), whichever is later, the estate officer or any other officer duly authorized by the estate officer in this behalf may after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

Provided that if the estate officer is satisfied, for reasons to be recorded in writing, that there exists any compelling reason which prevents the person from vacating the premises within fifteen days, the estate officer may grant another fifteen days from the date of expiry of the order under sub-section (1) to the person to vacate the premises.



**(E) Power to remove unauthorized constructions, etc.:- Refer Section 5A of the Act -**

(1) No person shall -

- (a) erect or place or raise any building or any movable or immovable structure or fixture,
- (b) display or spread any goods,
- (c) bring or keep any cattle or other animal,

on, or against, or in front of, any public premises except in accordance with the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy such premises.

Where any building or other immovable structure or fixture has been erected, placed or raised on any public premises in contravention of the provisions of sub-section (1), the estate officer may serve upon the person erecting such building or other structure or fixture, a notice requiring him either to remove, or to show cause why he shall not remove such building or other structure or fixture from the public premises within such period, not being less than seven days, as he may specify in the notice; and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture from the public premises, or where the cause shown is not, in the opinion of the estate officer, sufficient, the estate officer may, by order, remove or cause to be removed the building or other structure or fixture from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue. (See **Annexure-4, Notice in FORM AA & Annexure-5, Order in FORM AAI** of The PPE Rules, 1971).

*Cost of removal may include cost of demolition, usage of manpower, force, Police bandobast, cause of hard-ship so made, cost of paper work, cost of personnel or material/ equipment used for demolition from third party outsourcing including that of local Police as per procedures etc.*

(2) Where any movable structure or fixture has been erected, placed or raised, or any goods have been displayed or spread, or any cattle or other animal has been brought or kept, on any public premises, in contravention of the provisions of sub-section (1) by any person, the estate officer may, by order, remove or cause to be removed without notice, such structure, fixture, goods, cattle or other animal, as the case may be, from the public premises and recover the cost of such removal from such person as an arrear of land revenue. (See Order in **FORM AAI** of The PPE Rules, 1971 enclosed as **Annexure-6**).

**(F) Order of demolition of unauthorized construction:- Refer Section 5B of the Act –**

(1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed, on any public premises by any person in occupation of such public premises under an authority (whether by way of grant or any other mode of transfer), and such erection of building or execution of work is in contravention of, or not authorized by, such authority, then, the estate officer may, in addition to any other action that may be taken under this Act or in accordance with the terms of the authority aforesaid, make an order, for reasons to be recorded therein, directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced, or is being carried on, or has been completed, within such period, as may be specified in the order 5.

Provided that no order under this sub-section shall be made unless the person concerned has been given, by means of a notice of not less than seven days served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made.

(See Notice in **FORM AB** of PPE Rules, 1971 enclosed as **Annexure-7** and order in **FORM B** of PPE Rules, 1971 enclosed as **Annexure-9**)



- (2) Where the erection or work has not been completed, the estate officer may, by the same order or by a separate order, whether made at the time of the issue of the notice under the proviso to sub-section (1) or at any other time, direct the person at whose instance the erection or work has been commenced, or is being carried on, to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under section 9. (See Order in **FORM BBI** of PPE Rules, 1971 enclosed as **Annexure-10** and Order in **FORM BBII** of PPE Rules, 1971 enclosed as **Annexure-11**)
- (3) The estate officer shall cause every order made under sub-section (1), or, as the case may be, under sub-section (2), to be affixed on the outer door, or some other conspicuous part, of the public premises.
- (4) Where no appeal has been preferred against the order of demolition made by the estate officer under sub-section (1) or where an order of demolition made by the estate officer under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the appellate officer on appeal, and, on the failure of the person to comply with the order within such period, the estate officer or any other officer duly authorized by the estate officer in this behalf, may cause the erection or work to which the order relates to be demolished.
- (5) Where an erection or work has been demolished, the estate officer may, by order, require the person concerned to pay the expenses of such demolition within such time, and in such number of instalments, as may be specified in the order.

**(G) Power to seal unauthorized constructions:- Refer Section 5C of the Act –**

- (1) It shall be lawful for the estate officer, at any time, before or after making an order of demolition under section 5B, to make an order directing the sealing of such erection or work or of the public premises in which such erection or work has been commenced or is being carried on or has been completed in such manner as may be prescribed, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work. (See Order in **FORM BC** of PPE Rules, 1971 enclosed as **Annexure-12**).
- (2) Where any erection or work or any premises in which any erection or work is being carried on has, or have been sealed, the estate officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed. (See Order in **FORM BD** of PPE Rules, 1971 enclosed as **Annexure-13**)
- (3) No person shall remove such seal except—
  - (a) under an order made by the estate officer under sub-section (2); or
  - (b) under an order of the appellate officer made in an appeal under this Act.

**Holding of inquiries – Refer Rule 5 of PPE Rules 1971.**

- (1) Where any person on whom a notice or order under this Act has been served desires to be heard through his representative, he should authorize such representative in writing.
- (2) The Estate Officer shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.



***A register of attendance should be maintained. Both parties i.e. Management Representative and unauthorised occupant/his representative should put their signature.***

***Separate daily order-sheet of proceedings with the signature of participants therein should be maintained with the office of Estate Officer. Copy of proceeding may be provided to the parties.***

***A Management Representative should represent the case on behalf of management and should produce oral and documentary evidence on his part. Statement of all witnesses and documentary evidences including photographs should be put on record before Estate Officer.***

***A separate file for each case should be maintained with office of the Estate Officer.***

**(H) Disposal of property left on public premises by unauthorized occupants:- Refer Section 6 of the Act. - See**  
Notice in **FORM C** of PPE Rules 1971 enclosed as **Annexure-14** and  
Notice in **FORM CC** of PPE Rules 1971 enclosed as **Annexure-15**

**Manner of taking possession of public premises – See Rule 7 of PPE Rules 1971.**

- (1) If any obstruction is offered, or is in the opinion of the estate officer likely to be offered
- (a) To the taking possession of any public premises; or
  - (b) To the sealing of erection or work or of the public premises, under the said Act, the estate officer or any other officer duly authorized by him in this behalf may obtain necessary police assistance.

Provided that no sealing or taking possession of the unauthorized construction shall be made **before sunrise or after sunset.**

- (2) Where any public premises of which possession is to be taken under the Act is found locked, **the Estate Officer** or any other officer duly authorized by him in this behalf may either **seal** the premises **or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises:**

Provided that,-

- (1) No entry shall be made into, or possession taken of a public premises before sunrise or after sunset;
- (2) where any public premises is forced open, an inventory of the articles found in the premises shall be taken in the presence of two witnesses.
- (3) The sealing under sub-section (1) of section 5C of the Act shall be made in the following manners, namely:-
  - (i) affixing the office seal on outer door or any erection or work of any public premises after all other outlets and inlets to the erection or work or public premises have been properly bolted, locked or encircled with rope, wire or wire mesh;

- (ii) where doors and windows have not been fixed to any erection or work or public premises or where the erection of work on public premises is of such a nature that it cannot be encircled with rope, wire or wire mesh in that case such erection or work or public premises shall be covered by wooden planks, iron or cement sheets and office seal affixed in a manner that no person can enter into or upon the erection or work or public premises without tampering the office seal;
- (iii) where any erection or work or any public premises is found locked, the lock may be broken or any door, gate or any other barrier caused to be opened in the presence of two witnesses and an inventory of the articles found in the premises shall be prepared in the presence of the two witnesses before affixing the seal in the manner aforesaid.

***After eviction order is passed by Estate Officer, copy of same should be provided to State Authorities and Police Authorities intimating date and time of eviction.***

***Requisite charges for ancillary support of Police authorities, if required, should be paid. The amount towards ancillary support should be taken into account separately and should be recovered with other recovery amount towards eviction.***

***Ensure presence of State and Police Authorities while eviction. Proper panchnama of household articles should be made at the time of eviction in presence and signature of witnesses and authorities.***

***Entire eviction process may be covered under videography.***

***Both parties should be directed by the Estate Officer to submit final written arguments by way of last opportunity before closing the hearing.***

**(I) Power to require payment of rent or damages in respect of public premises:-** Refer Section 7 of **The PPE Act, 1971** and **FORMS** as per **PPE Rules, 1971-**

Notice in **FORM D** enclosed as **Annexure-16**; Order in **FORM E** enclosed as **Annexure-17**  
Notice in **FORM F** enclosed as **Annexure-18**; Order in **FORM G** enclosed as **Annexure-19**

**Assessment of damages – See Rule 8 of The PPE Rules, 1971.**

In assessing damages for unauthorized use and occupation of any public premises, the Estate Officer shall take into consideration the following matters namely –

- (a) The purpose and the period for which the public premises were in unauthorized occupation;
- (b) The nature, size and standard of the accommodation available in such premises;
- (c) The rent that would have been realized if the premises would have been let on rent for the period of unauthorized occupation to a private person;
- (d) Any damage done to the premises during the period of unauthorized occupation;
- (e) Any other matter relevant for the purpose of assessing the damages.



**(J) Powers of Estate Officers:- Refer Section 8 of the Act.**

An estate officer shall, for the purpose of holding any inquiry under this Act, have the same powers **as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908)** when trying a suit in respect of the following matters, namely –

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed.

***Note:-The above points are only indicative and dealing establishment may act upon as the situation demands but any action undertaken should be within the purview of provisions laid down in The Public Premises (Eviction of unauthorized occupants) Act 1971 (40 of 1971) And The Public Premises (Eviction of unauthorized occupants) Rules 1971 thereunder.***

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## SYSTEMIC IMPROVEMENT MEASURES



### Western Coalfields Limited (A Government of India Undertaking)

Regd. Office: 'Coal Estate', Civil Lines, Nagpur – 440 001.

Telephone: 0712-2510439 Fax:0712-2510903

Email: [generalmanager.ir@gmail.com](mailto:generalmanager.ir@gmail.com)

Website: [Westerncoal.nic.in](http://Westerncoal.nic.in)

CIN: U10100MH1975GOI018626

WCL/IR/Contr. Worker/2022/731

Dated: 30.06.2022

### C I R C U L A R

The matter for issue of guidelines regarding verification of Contractor workers at work place has been deliberated and agreed in 951<sup>st</sup> meeting of Functional Directors of WCL held on 29.06.2022. Accordingly, in continuation to Circular no. WCL/VIG/D(P)/18/46 dated 05.02.2018 issued by the Director (Personnel), WCL, Nagpur and letter no. WCL/IR/Contr-LPC/592 dated 12/13.02.2019 of General Manager (P/IR), WCL, the following measures also needs to be taken care of while verifying the contractors' workers at work place:

1. On award of work, the contractor will fill up complete details of contractor workers to be deployed by him (i.e. Name, Father's name, Gender, Bank details, Aadhar no., Permanent Address, Photo) in the CLIP Portal immediately before start of work.
2. The data so filled in the CLIP Portal, to be printed out by the authorized executives/ Nodal Officer, CLIP of the Establishment (Unit/Sub Area/Area etc) and a copy of the same to be handed over to the Site In-charge/ Work In-charge under whom the work to be executed by the contractor.
3. The Site In-charge/ Work In-charge will allow only those contractor's workers at the work place with their proper identity and on the basis of list shared by the contractor whose details were uploaded in the CLIP Portal.

The above instruction must be adhered to without any deviation.

This issues with the approval of the Competent Authority.

30/6/22  
General Manager (Per/IR)

#### Distribution:

1. All AGMs, WCL Areas & CWS Tadali.
2. The GM (Vigilance), HQ WCL.
3. The GM (CMC), HQ WCL.
4. The GM (Civil), HQ WCL.
5. The GM (Per/Admn), HQ WCL.

#### Copy for kind information:

1. The TS to CMD/D(P)/D(T/Opn)/D(T/P&P)/D(F), WCL, Nagpur
2. The General Manager (Vigilance), WCL, Nagpur



## SYSTEMIC IMPROVEMENT MEASURES



Western Coalfields Limited  
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Email: [generalmanager.ir@gmail.com](mailto:generalmanager.ir@gmail.com)  
Website: [Westerncoal.nic.in](http://Westerncoal.nic.in)

CIN: U10100MH1975GOI018626

No. WCL/IR/Vig/Contract Worker/EPF/2022/ 1520

Dated: 12.09.2022

To

1. The HODs/GMs, HQ WCL.
2. The Area General Manager, All Areas of WCL.
3. The General Manager, CWS, Tadali.

**Sub: Systemic improvement regarding ONLINE verification of PF of contractual workers deposited to EPFO by contractors.**

Dear Sir,

During investigation by the Vigilance deptt., it has been observed that the contractor had submitted forged document of EPF contribution and the concerned Personnel Executive while issuing the LPC, failed to check such document resulted into undue advantage to the Contractor from Company by misappropriating workers' dues.

To check such fraudulent action by the Contractor in past and to deal the ongoing contracts properly, the following steps to be taken by the concerned Personnel Executive of Unit/Sub Area/Area:

- (1) To conduct detailed exercise covering all the Ongoing Contracts and contracts completed within at-least last 03 (three) financial years regarding payment made by the Contractor in the EPF Account of their workers.
- (2) Personnel Executive/Executives assigned the task of issue of Labour Payment Certificate to the Contractor must verify the details of payment made by the Contractor to the EPFO for deposition of PF contribution in respect of their Workers viz transaction details, TRRN etc as provided by the contractor mandatorily with certification by the dealing executive that this has been verified from ONLINE Portal of EPFO.
- (3) As the Contractor submit bills at respective Unit/Sub-Area/Area, the concerned authority at Unit/Sub Area/Area should register their establishment under "Uncovered Principal Employer" on EPFO Portal for better access and Management of information related to its contractual workers payment.

After detail exercise, an Action Taken Report may be submitted to this office to appraise the competent Authority.

This issues with the approval of the Competent Authority.

Yours faithfully,

12/9/22  
General Manager (P/IR)  
WCL HQ, Nagpur  
12/09/22

**Copy to:**

1. The TS to CMD/D(P)/D(T/Opn)/D(T/P&P)/D(F), WCL, Nagpur
2. The General Manager (Vigilance), WCL, Nagpur



## SYSTEMIC IMPROVEMENT MEASURES



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Website: [Westerncoal.nic.in](http://Westerncoal.nic.in)

CIN: U10100MH1975GOI018626

WCL/IR/Contr. Worker/2022/ 1759

Dated: 10.10.2022

### C I R C U L A R

In continuation to Circular no. WCL/VIG/D(P)/18/46 dated 05.02.2018 issued by the Director (Personnel), WCL, Nagpur, letter no. WCL/IR/Contr-LPC/592 dated 12/13.02.2019 of General Manager (P/IR), WCL and Circular No. WCL/IR/Contr. Worker/2022/731 Dated: 30.06.2022, the following measures regarding Contractor Workers payment, issue of LPC (Labour Payment Certificate) and contribution to CMPF/EPF must be adhered to:

- (i) Area General Manager shall nominate a Nodal Officer for proper monitoring, compliance and follow up action with Banks and CMPF/EPF offices regarding payment to Contractor workers through bank and remittance of CMPF/EPF amount in the respective account of contractor workers in CMPF/EPF. In absence of Nodal Officer, the concerned dealing officer who is looking after issue of LPC and CLIP Portal will act as Nodal Officer for the respective Unit/Establishment.
- (ii) Proper record shall be maintained by the concerned Executive at Unit/Sub Area/Area (as the case may be) of all payment made to the contractor workers and receipt/challan for the contribution deposited with CMPF/EPF.
- (iii) Submission of PS-05 by contractor on monthly basis to the CMPF and VV statement once in year by the 10<sup>th</sup> May of the preceding financial year in case of coverage of contractor workers under CMPF through respective Unit/Establishment.
- (iv) Regular follow-up shall be done by the concerned Executive of respective Unit/Establishment from the banks where the contract workers are holding accounts. He shall also follow-up with CMPF Office for allotment of CMPF Number and reconciliation of PS-5 with VV statement.
- (v) The concerned nominated Executive will ensure that contractor issues a pay-slip to every contractor worker wherein the concerned contractor will mention the amount deducted on account of CMPF/EPF on a monthly basis.
- (vi) Area will make effort for sensitizing all stakeholders regarding payment to the contractor workers and modalities of labour payment certificate.



## SYSTEMIC IMPROVEMENT MEASURES

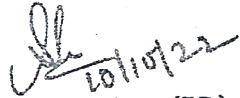
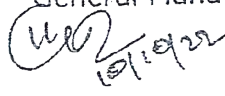


-2-

(vii) A process/chart enclosed at Annexure -A shall be diligently followed by the concerned authorities/contractors involved in Contractor workers payment.

The above instruction must be adhered to without any deviation.

This issues with the approval of the Competent Authority.

  
10/10/22  
General Manager (Per/IR)  
  
10/10/22

### Distribution:

1. All AGMs, WCL Areas & CWS Tadali.
2. The GM (Vigilance), HQ WCL.
3. The GM (CMC), HQ WCL.
4. The GM (Civil), HQ WCL.
5. The GM (Per/Admn), HQ WCL.

### Copy for kind information:

1. The TS to CMD/D(P)/D(T/Opn)/D(T/P&P)/D(F), WCL, Nagpur
2. The General Manager (Vigilance), WCL, Nagpur





Annexure - A

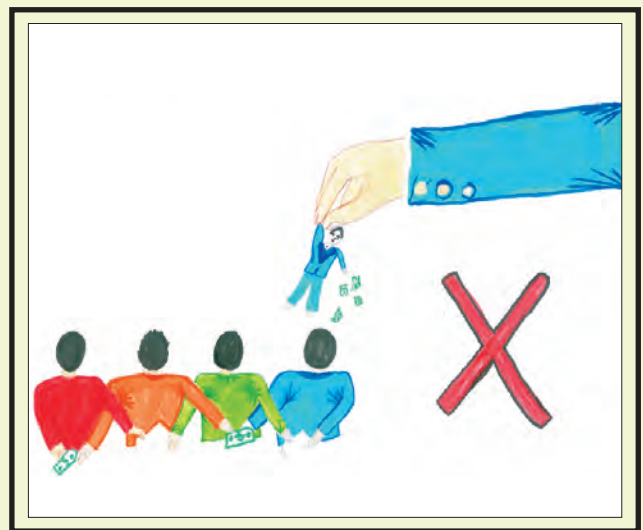
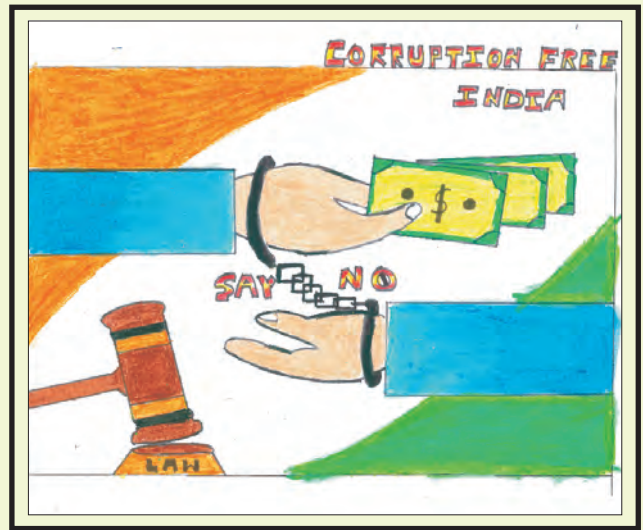
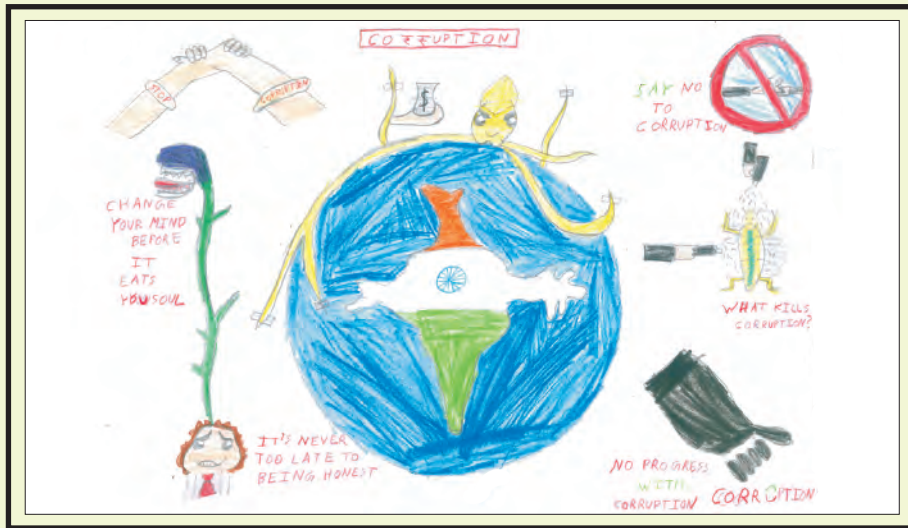
Process to be followed:

**Activities to be done by the Management:**

- (1) Appointment of Area Nodal officer as per the guidelines for regular follow-up to be done from the banks where the contractor workers are holding accounts and with the CMPF office.
- (2) Filling up of B Form (New Form 'A') by all contractor workers.
- (3) Proper identification of the contractor workers to avoid impersonation and submission of Aadhaar Card by all Contractor Workers while filling up Form "B" for proper identification.
- (4) Initial Medical Examination & Vocational Training.
- (5) Dully filled up forms certified by the concerned Management being a Principal Employer to be forwarded to Regional Commissioner of CMPF.
- (6) To Monitor for allotment of CMPF registration number from CMPF office.
- (7) The LPC issuing authority will examine the transaction details as submitted by the contractor before issuance of labour payment certificate (LPC). Details such as proof of wage transaction to the account of the respective contractor workers and CMPF amount deposited in the account of respective contractor workers.
- (8) The deducted amount on account of CMPF to be deposited with the CMPF office through PS-5 on monthly basis by the contractor and may be verified by the Management.
- (9) Duly submitted VV statement will be verified by the concerned Management and reconciliation of deposited amount with respective PS-5 and then duly forwarded to Regional Commissioner CMPF.

**Activities to be done by the Contractor:**

- (1) The Contractor will provide name of Contractor Workers engaged by him at the work site.
- (2) Proper identification of the contractor workers to avoid impersonation and submission of Aadhaar Card by all Contractor Workers while filling up Form "B" for proper identification.
- (3) Issuance of ID Card and Attendance Card by the Contractor to the Contractor workers to avoid Impersonation.
- (4) Will apply for registration with CMPFO, if not done earlier.
- (5) Will also apply for CMPF registration number to those workers who are already not having CMPF registration.



Paintings by Wards of Employees  
on the occasion of VAW- 2022  
(Age Group 7-12)



**VIGILANCE DEPARTMENT**  
**WESTERN COALFIELDS LIMITED**  
**NAGPUR**

   Western Coalfields Limited  @TeamWCL



## SYSTEMIC IMPROVEMENT MEASURES



- (6) Will submits filled-up Form "A", PS-3, PS-4 and HH to the WCL office (Forms in respect of all Contractor Workers) for verification by the concerned Management.
- (7) Communicate the allotted CMPF number to the concerned contractor workers.
- (8) Filling up of required fields in the CLIP portal by the contractors.
- (9) Contractors will issue pay-slip to every contractor worker wherein the concerned contractor will mention the amount deducted on account of CMPF/EPF on a monthly basis.
- (10) The Contractor shall generate wage sheet from CLIP portal which will be submitted by the contractor before the Management for issuance of LPC.
- (11) The Contractor shall submit the CLIP generated wage sheet along with the following documents for issuance of LPC by the officer concerned:
  - (i) Certified attendance sheet by the Site/ Work In-charge,
  - (ii) Bank Statement which tallies with the Net amount payable to the contractor workers certified by the concerned bank,
  - (iii) Documents such as Challan,
  - (iv) PS-5,
  - (v) RTGS transfer etc. in proof certified by the contractor regarding payment of contributions towards CMPF.
- (12) The deducted amount on account of CMPF to be deposited with the CMPF office through PS-5 on monthly basis by the contractor and shall be verified by the concerned Management.
- (13) The contractor submits VV statement to the WCL office for verification by the Management and submission to the CMPFO by the Contractor.

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