

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Before:

The Hon'ble Justice Hiranmay Bhattacharyya

**WPA 7542 of 2020
With
I.A. No. CAN 1 of 2020
+
CAN 2 of 2021
+
CAN 3 of 2024**

**Madhu Sudan Singh & Ors.
VS.
Coal India Limited & Ors.**

For the Petitioners	: Mr. Soumya Majumdar Mr. Dwaipayan Sengupta Ms. Sanjukta Dutta Mr. Victor Chatterjee advocates
For the Respondent Nos.1 to 3	: Mr. Laxmi Kumar Gupta, Ld. Sr. Adv. Mr. Snehatosh Majumder Mr. Sudhakar Prasad Mr. Pradipto Bose Mr. Sattwik Majumder Mr. Abir Debnath Mr. N. Banerjee Mr. Abhishek Shaw advocates
Reserved on	: 26.11.2024
Judgment on	: 13.02.2025

Hiranmay Bhattacharyya, J.:-

1. Petitioners have prayed for issuance of a writ of mandamus commanding the respondents to refix the petitioner's seniority in E-5 and E-6 grades with effect from 5th February 2007 and 20th September 2013 respectively and to

treat the petitioners as senior to the private respondents for the purpose of promotion from E-6 to E-7 grade. Petitioners have also prayed for setting aside the decision contained in the communication dated 18.03.2020.

2. In this writ petition the petitioners have sought for resolution of a dispute with regard to *inter se* seniority of executives of Coal India Limited (for short “CIL”) who got jump promotion from a lower to a higher grade at different stages.
3. CIL created two channels of promotion in Mining Discipline for executives. The Executives possessing 1st Class Mine Manager Certificate of Competency (for short “1st Class MMC”) are placed in the 1st Class Channel while those with 2nd Class Mine Manager Certificate of Competency (for short “2nd Class MMC”) are placed in the 2nd Class Channel.
4. Petitioners and the private respondents were promoted to E-2 Grade in the 2nd Class Channel from the non-executive grade in the year 2002. Petitioners claim to have acquired 1st Class MMC during the years 2003-2005 while they were working in E-2 Grade.
5. As per the Promotion Policy dated 22.09.2000 (for short “2000 policy”) the petitioners were promoted to E-3 Grade in the 1st Class Channel during the years 2003-2005 from E-2 Grade in the 2nd Class Channel.
6. Private respondents were promoted from E-2 to E-3 Grade in 2nd Class Channel on completion of minimum residency period of 3 years with effect from 30.09.2005.
7. Private respondents acquired 1st Class MMC while they were working in E-3 Grade in 2nd Class Channel. However, the effective date of such certificate was after 08.05.2006.
8. In the meantime, 2000 policy was partially modified by the Policy dated 12.06.2006 (for short “2006 Policy”) which came into force with retrospective effect from 08.05.2006. By virtue of the 2006 policy, the benefit of jump promotion was restricted to those 2nd Class Manager only who pass 1st Class while working in E-2 Grade. It further provides that the executives who pass 1st Class MMC in E-3, E-4 and E-5 Grade will be horizontally placed in the same grade in the 1st Class Channel from the effective date of 1st Class.
9. By applying the 2006 policy, the private respondents were horizontally placed from 2nd Class to 1st Class Channel from the effective date of 1st Class MMC vide office orders dated 26.11.2007 and 05.12.2008.

10. CIL refixed the seniority of the private respondents in revised E-5 Grade with retrospective effect from 05.02.2007 and in revised E-6 Grade from 20.09.2013 vide Office Orders dated 11.02.2015 and 20.02.2017 respectively.
11. Mr. Majumdar, learned Counsel for the petitioner contended that the sole factor for determining the *inter se* seniority of the Executives in a Grade is the effective date of 1st Class MMC. He further contended that grade seniority is reckonable from the date of entry in a particular grade. He submitted that retrospective seniority cannot be granted to an employee from a date he was not even borne in the cadre. Seniority cannot also be given with retrospective effect so as to adversely affect others. In support of the aforesaid contentions, he placed reliance upon the decisions of the Hon'ble Supreme Court in **Amarjeet Singh and others vs. Devi Ratan** reported at **(2010) 1 SCC 417**; **Pawan Pratap Singh And Others vs. Reevan Singh And Others** reported at **(2011) 3 SCC 267** and **P. Sudhakar Rao And Others vs. U. Govinda Rao And Others** reported at **(2013) 8 SCC 693**.
12. Mr. Majumdar submitted that none of the private respondents was borne in E-3 Grade prior to the writ petitioners and, therefore, the seniority of the petitioners ought to be refixed in E-5 Grade with effect from 05.02.2007 and in E-6 Grade from 20.09.2013 by following the laws relating to seniority. In support of such contention, he placed reliance upon an unreported decision of a Co-ordinate Bench delivered on 26.09.2006 in **W.P. No. 1403 (W) of 2004** the case of **Rakesh Prasad and Another vs. Coal India Limited**.
13. Per contra, Mr. Gupta, learned Senior Advocate representing CIL contended that notional promotion to revised E-5 Grade retrospectively from 05.02.2007 and notional promotion to revised E-6 Grade from 20.09.2013 had to be given to a group of executives including the private respondents pursuant to a direction passed in the order dated 26.09.2008 in W.P. No. **22408(W) of 2007** in the case of **Akshaya Kumar Jena & Ors. Vs. Coal India Ltd. & Ors.** Mr. Gupta defended the action of CIL in granting promotion with retrospective effect to the private respondents by placing reliance upon the decision of the Hon'ble Supreme Court in **Amarjeet Singh** (supra).
14. In spite of service, the private respondents are not represented.
15. Heard the learned advocates for the parties and perused the materials placed.

16. Petitioners acquired 1st Class MMC between the years 2003 to 2005 while they were in Grade E-2 in the 2nd Class Channel. By virtue of such certificate, petitioners were promoted to pre-revised E-3 Grade during the years 2003 to 2005. On the other hand the private respondents were promoted to pre-revised E-3 Grade in the 2nd Class Channel on completion of minimum residency period of 3 years with effect from 30.09.2005. While the private respondents were in Grade E-3 they acquired 1st Class MMC after 08.05.2006.
17. The private respondents were horizontally placed in E-3 Grade in the 1st Channel in view of acquiring 1st Class MMC by following the 2006 Policy.
18. In the meantime the grades of the Executives were revised with effect from 01.01.2007 by Office Memorandum (for short "O.M") dated 25.01.2010. By the said O.M. a new E-3 Grade was created and the pre-revised Grade namely E-3, E-4, E-5 were revised to E-4, E-5 and E-6 respectively.
19. Some of the petitioners were promoted to revised E-5 Grade with effect from 15.02.2010 and the other petitioners were promoted to revised E-5 Grade with effect from 07.01.2013. Petitioners claim to have been promoted to revised E-6 Grade on 20.02.2017.
20. The 2000 Policy was partially modified vide O.M. dated 12.06.2006 i.e., the 2006 Policy. 2006 Policy was given a retrospective effect from 08.05.2006.
21. 2006 Policy states that the executives who pass 1st Class MMC in E-3, E-4 and E-5 Grade will be horizontally placed in the same grade in the 1st class channel from the effective date of 1st Class MMC.
22. By applying the 2006 policy the private respondents were horizontally placed in the 1st class channel in E-3 Grade vide orders dated 26.11.2007 and 05.12.2008.
23. It would be relevant to point out at this stage that **Akshaya Kumar Jena** and others filed a writ petition being W.P. No. 22408(W) of 2007 alleging that the authorities of CIL acted in a *mala fide* manner by applying the 2006 policy when the 2000 policy was governing the field at the time of their appearance in the examination.
24. The Co-Ordinate Bench by the judgment and order dated 26.09.2008 allowed the writ petition holding that any change brought after commencement of the selection process cannot be given retrospective effect so as to bind those who appeared in the examination on the basis of the then prevailing rules or guidelines.

25. The operative portion of the said judgment is extracted hereinafter.

“36. The respondent authorities are hereby directed not to give effect to the Memorandum dated 12th June, 2006 being Annexure-‘P-5’ to the writ application so far the claim of the present petitioners are concerned. The said authorities are directed to promote the petitioners to E-4 grade from E-3 grade in the First Class Channel with effect from the date mentioned in their First Class Certificate by treating them at par with 2003, 2004 & 2005 batches forthwith.”

26. CIL carried the matter in appeal being FMA 430 of 2009 and the Hon’ble Division bench by a judgment and order dated 01.03.2013 dismissed the appeal.

27. Thereafter a petition for Special Leave to Appeal being (C) Nos. 27202 of 2012 was filed by CIL and the same stood dismissed by order dated 18.11.2014.

28. The order of the Hon’ble Supreme Court dated 18.11.2014 is extracted hereinafter.

“UPON hearing the counsel the Court made the following

ORDER

This special leave petition has been filed by Coal India Limited and others against the judgment and final order dated 01.03.2012 passed by the High Court of Calcutta in F.M.A. NO. 430 of 2009. By the impugned judgment, the High Court dismissed the appeal and affirmed the judgment and order passed by the learned Single Judge.

In the present case, admittedly the process of election for promotion from E-3 grade to E-4 grade started prior to 19.12.2005. The written test was conducted The result was declared on 12.06.2006 The Memorandum dated 12.06.2006 by which the authorities amended the earlier promotion policy has come into effect from 08.05.2006.

In view of the aforesaid fact as the process of selection started prior to 08.05.2006, the date on which the subsequent policy decision has come into effect and in view of three judges decision of this Court in P.

Mahendran & Ors. Versus State of Karnataka & Ors. [1990 (1) SCC 411], we find no ground to interfere with the impugned judgment.

The special leave petition is dismissed.”

29. The Hon'ble Supreme Court after noting that the process of selection started prior to 08.05.2006, the date on which the subsequent policy decision has come into effect, refused to interfere with the judgment passed by the Hon'ble Division Bench which affirmed the judgment of the Co-ordinate Bench.
30. It is the specific case of CIL that in order to give effect to the decision of the co-ordinate bench in **Akshaya Kumar Jena** (supra) and affirmed upto the Hon'ble Supreme Court, CIL had to apply the 2000 Policy to a group of executives including the private respondents herein by giving them notional promotion to E-5 Grade (revised) with retrospective effect from 05.02.2007 and notional promotion to E-6 Grade (revised) with effect from 20.09.2013.
31. It is evident from the decision of the co-ordinate bench in **Akshaya Kumar Jena** (supra), that there was a direction to grant promotion to the writ petitioners therein to E-4 Grade (pre-revised) from E-3 Grade (pre-revised) in the 1st Class Channel by treating them at par with 2003, 2004 and 2005 batches with effect from the date mentioned in the 1st Class MMC.
32. It is not in dispute that the 2003, 2004 and 2005 batches were promoted to E-4 (pre-revised) i.e., E-5 Grade (revised) with effect from 05.02.2004, 05.02.2005 and 05.02.2006 respectively.
33. It is not in dispute that initially the private respondents were horizontally placed to E-3 grade in the 1st Class Channel from E-3 grade in the 2nd Class Channel by following the 2006 Policy. However, in order to give effect to the directions contained in **Akshaya Kumar Jena** (supra), the private respondents were given notional promotion to revised E-5 Grade with effect from 05.02.2007. The circumstances under which the private respondents were given notional seniority with retrospective effect is an exceptional one and is permissible in law as held in **Amarjeet Singh** (supra).
34. In view thereof, this Court holds that CIL cannot be faulted for granting notional promotion to several executives including private respondents to E-5 Grade with retrospective effect from 05.02.2007.
35. The question that arises for consideration is whether seniority can be granted with retrospective effect so as to adversely affect others.

36. It is not in dispute that the private respondents have obtained the 1st Class MMCC after the petitioners. The grievance of the petitioners is that the petitioners have been superseded by the private respondents as the private respondents have been given notional promotion in E-5 Grade (revised) with retrospective effect from 05.02.2007 whereas the petitioners were promoted to E-5 Grade (revised) during the years 2010 to 2013.
37. Mr. Majumdar would contend that seniority cannot be given with retrospective effect so as to affect others.
38. The legal position with regard to determination of seniority in service has been summarized by the Hon'ble Supreme Court in **Pawan Pratap Singh** (supra) in paragraph 45 of the reports which is extracted hereinafter.

“45. From the above, the legal position with regard to determination of seniority in service can be summarised as follows :

(i) The effective date of selection has to be understood in the context of the service rules under which the appointment is made. It may mean the date on which the process of selection starts with the issuance of advertisement or the factum of preparation of the select list, as the case may be.

(ii) Inter se seniority in a particular service has to be determined as per the service rules. The date of entry in a particular service or the date of substantive appointment is the safest criterion for fixing seniority inter se between one officer or the other or between one group of officers and the other recruited from different sources. Any departure therefrom in the statutory rules, executive instructions or otherwise must be consistent with the requirements of Articles 14 and 16 of the Constitution.

(iii) Ordinarily, notional seniority may not be granted from the backdate and if it is done, it must be based on objective considerations and on a valid classification and must be traceable to the statutory rules.

(iv) The seniority cannot be reckoned from the date of occurrence of the vacancy and cannot be given retrospectively unless it is so expressly provided by the relevant service rules. It is so because seniority cannot be given on retrospective basis when an employee has not even been borne in the cadre and by doing so it may adversely affect the employees who have been appointed validly in the meantime.”

39. In **P. Sudhakar Rao** (supra), it was held that retrospective seniority cannot be given to an employee from a date when he was not even borne in the cadre. Seniority also cannot be given with retrospective effect so as to adversely affect others. It was further observed that injustice ought not to be done to one set of employees in order to do justice to another set.
40. The aforesaid decisions have uniformly held that ordinarily notional seniority may not be granted from the back date and only under exceptional circumstances law permits promotion with retrospective effect. However, seniority with retrospective effect cannot be given so as to adversely affect others.
41. It has been admitted by CIL in the report filed in the form of an affidavit affirmed on 10.10.2023 that notional benefit in the revised E-5 Grade with effect from 05.02.2007 was given in terms of the policy dated 22.09.2000. Mr. Gupta would contend that the petitioners got the benefit of jump promotion in terms of the 2000 policy and same benefit was also extended to the private respondents in terms of the 2000 policy as per the decision in the case of **Akshaya Kumar Jena** (supra).
42. The petitioners got promotion to revised E-5 grade during the years 2010 to 2013. Petitioners were promoted to revised E-6 grade on 20.02.2017.
43. On the other hand, in order to do justice to the private respondents they were given notional promotion to revised E-5 grade with retrospective effect from 05.02.2007 and to revised E-6 grade with retrospective effect from 20.09.2013.
44. It is not in dispute that the petitioner acquired 1st Class MMC earlier than the private respondents. Therefore, grant of such notional promotion to the private respondents with retrospective effect adversely affected the seniority of the petitioners which is against the well settled proposition of law that injustice ought not to be done to one set of employees in order to do justice to another set.
45. Petitioners and the private respondents got promotion by following the 2000 Policy which contemplates jump promotion at different stages. Granting promotion in terms of the 2000 Policy resulted in certain anomalies.
46. This Court finds that suggestions were placed before the Committee to remove the existing anomaly in Mining Discipline which were duly approved by the competent authority. The recommendations of the Committee are extracted hereinafter.

**“Sub: Anomaly in Mining discipline vis-a-vis suggestion to
remove the same”**

SUGGESTION TO REMOVE EXISTING ANOMALY

A) E4 Grade executives

Since many of the Sr. Mining Engineers (E4 grade) who passed 1st Class in 1991, 1992, 1993 and in 1994 have already been promoted to E5 grade w.e.f 1st March, 1999, all the left over Sr. MEs who passed 1st Class in these years should be promoted/placed in E5 grade w.e.f. 1st March, 1999 (no. of such officers will be approximately 160).

After promoting/placing the officers in E5 grade, seniority in E5 grade of all the officers in E5 grade is to be re-fixed in the following manner:

i) The officers who passed 1st class earlier to be placed higher. Effective date of Certificate to act as 1st Class Manager as Indicated under the Certificate Issued by DGMS should be determining date for fixation of such seniority. To be precise, the officers having earlier effective date of 1st Class will be placed higher.

ii) In case of tie on effective date, the next determining criteria for fixation of inter-se seniority should be the effective date as indicated under their 2nd Class Certificate of Competency Issued by DGMS.

iii) In case of tie on (i) and (ii), the date of birth should be the deciding factor.

NOTE: In other words those who have passed 1st Class earlier and/or have more experience both in 1st & 2nd Class stream will be placed higher in seniority.

By doing so the existing anomalies of the Sr. MEs in E4 grade who passed 1st Class earlier or in the same year but not yet promoted to E5 grade, will be sorted out once for all.

There will be no fixation benefit to any executives whose promotions will be considered from such retrospective date i.e. w.e.f. 1-3-99 as suggested above.

B) E5 Grade executives

In terms of earlier decision (Apex P&IR Committee recommendations met in Feb & Nov.'95), in case of officers who were promoted/horizontally moved from 2nd Class to 1st Class stream (E4 to E5 grade) from retrospective dates i.e. either from 1-4-1993 or from effective date of 1st Class Certificate, as was the case, had to wait in E5 grade strictly as per the conditions stipulated in their promotion orders. There are only 5 such officers (all from WCL) who were promoted to E5 grade from 2nd Class to 1st Class channel.

The seniority of all the officers in E5 grade should be fixed based on the formula suggested above.

PLACEMENT/PROMOTION OF THE OFFICERS WHO HAVE PASSED OR WILL PASS THE FIRST CLASS EXAMINATION WHILE WORKING IN 2ND CLASS CHANNEL IN E2, E3, E4 AND E5 GRADES.

- I) Those who pass 1st Class Mines Managers' Certificate of Competency (MMCC) while working in E2 grade should be placed in E3 grade in 1st Class Stream from the effective date of 1st Class as mentioned under the Certificate Issued by DGMS. Such of the executives who passed First Class while serving in E2 grade, promoted to E3 grade in 2nd class channel and subsequently horizontally moved in E3 grade in first class channel, will also be placed in E4 grade, if their contemporaries or junior (in second class stream) passing First Class in E3 grade have been placed in E4 grade.*
- II) Those who pass 1st Class MMCC while working-2nd Class stream in E3 grade should be promoted to E4 grade with immediate effect. The seniority in E4 grade after promotion, should be determined on the basis of the formula as suggested above for fixing seniority of E5 officers.*
- III) Those who pass 1st Class while working in E4 grade in 2nd Class stream should be promoted to E5 grade in 1st Class stream only after completion of 2 years service in E4 grade (prior or after passing 1st Class). Those who pass First Class after completing 2 years of service in E4 grade will be promoted from the effective date of the Certificate but the service in E4 grade should not be less than two years.*
- IV) Those who will acquire, 1st Class in E5 grade will be horizontally placed in E5 grade in 1st Class stream w.e.f. the effective date of*

1st Class as indicated in their Certificate issued by DGMS. This will be in partial modification of CIL's Circular No. C-5A(ii)/50972/22/1239 dated 11-01-95. However, this should not effect the settled cases dealt in terms of above Circular dated 11-1-95.

- V) Those who pass 1st Class while working in M-1 and M-2 grade in 2nd Class stream, their cases will be decided on case to case basis depending on merit.*
- VI) Isolated case, if any, not covered under the above clauses will be dealt on its merit taking into account all relevant criteria, e.g. total service taking together both in 2nd Class and 1st Class from E2 grade, promotion of juniors pass first class later, etc.*

It should be the responsibility of the officers concerned declared passed 1st Class examination to get the Certificate immediately from the DGMS and submit it to CIL through the respective Companies. In case it is revealed that any officer suppressed his 1st Class Certificate to avoid statutory responsibility and to get advantage of promotion in 2nd Class channel, it would be construed as a MISCONDUCT under CDA Rules and his promotion/placement should be held up for 3 years. In case the DGMS delayed the issuance of the Certificate, the cases should be dealt on merit.

If the above is implemented, earlier guidelines on the subject will be superseded.”

- 47. The dispute between the petitioners and the private respondents with regard to *inter se* seniority arose as the petitioners acquired 1st Class MMC while working in E-2 Grade while the private respondents acquired such certificate while working in E-3 Grade.
- 48. If the recommendations of the Committee for removal of existing anomalies is read as a whole, it is evident that it provides for placing the executives who were promoted from E-2 Grade to E-3 Grade for acquiring such certificate to be placed in E-4 Grade if their contemporaries or juniors are promoted from E-3 Grade to E-4 Grade by virtue of such Certificate. This Court is of the considered view that the said recommendations were made to prevent the seniority of one set of executives from being adversely affected due to promotion given to another set as per the 2000 policy.
- 49. This Court finds that the notional promotion to the private respondents to revised E-5 Grade was given in terms of Clause B (II) as extracted

hereinbefore. At this stage it would be beneficial to note that Clause B(I) provides that such of the executives who passed 1st Class while serving in E-2 Grade promoted to E-3 Grade in 2nd Class Channel and subsequently horizontally moved in E-3 Grade in 1st Class Channel, will also be placed in E-4 Grade, if their contemporaries or junior (in 2nd Class stream) passing 1st Class in E-3 Grade have been placed in E-4 Grade.

50. It is the specific case of the petitioners that the private respondents were junior to them in the 2nd Class stream. If that be so, in view of the Clause B(I), once the private respondents, who, according to the petitioner, were junior to them in the 2nd Class stream have been placed in pre-revised E-4 Grade, the petitioners ought to have been placed in pre-revised E-4 Grade. Since admittedly the private respondents were given notional promotion to revised E-5 Grade on 05.02.2007 in terms of Clause B(II), CIL was obliged to place the petitioners in pre-revised E-4 Grade/revised E-5 Grade with effect from 05.02.2007 by virtue of Clause B(I).
51. Now the question arises as to how the seniority of the officers in the E-5 Grade are to be fixed. In this regard it would be beneficial to take note of Clause A of the recommendations of the committee to remove existing anomaly.
52. After going through the said clause, it is evident that the officers who passed 1st Class earlier to be placed higher and the effective date of certificate to act as 1st Class Manager as indicated under the certificate issued by DGMS should be determining date for fixation of such seniority. In other words the officers having earlier effective date of 1st Class will be placed higher.
53. Clause B(II) also states that seniority in E-4 Grade (pre-revised) after promotion, should be determined on the basis of the formula as suggested for fixing seniority of E-5 officers. Clause B deals with E-5 Grade executives. It states that the seniority of all officers in E-5 Grade should be fixed based on the formula suggested above. Therefore, the formula suggested under Clause A (E-4 Grade Executives) for determining the seniority shall be followed even in case of E-5 Grade Executives.
54. This Court, therefore, holds that the seniority of the officers in a particular grade is to be refixed after promotion on the basis of the effective date of 1st Class MMC.
55. It is not in dispute that the petitioners acquired 1st Class MMC earlier than that of the private respondents.
56. This Court has already held that the petitioners should be promoted to E-5 Grade (revised) with effect from 05.02.2007 i.e., date on which the private

respondents were given notional promotion to E-5 Grade. However, the *inter se* seniority of the executives after promotion to E-5 Grade has to be fixed in accordance with the manner as indicated in Sub-clause (i), (ii) and (iii) of Clause A of the recommendation of the committee to remove existing anomaly. Since the effective date of 1st Class MMC of the petitioners is earlier than that of the private respondents they have to be placed higher than the other executives including the private respondents whose effective date of 1st Class MMC is at a later point of time.

57. The private respondents were given notional promotion to E-6 Grade (revised) with effect from 20.09.2013. Therefore, the petitioners should also be given notional promotion in revised E-6 Grade with retrospective effect from 20.09.2013 and in the gradation list the petitioners should be placed higher than the executives including the private respondents whose effective date of 1st Class Certificate is at a later point of time.
58. In **Rakesh Prasad** (supra), a more or less identical issue fell for consideration. The Co-ordinate Bench directed CIL to take necessary steps to protect the seniority of the petitioners therein by following the laws relating to seniority and not by creating situations where seniority is lost and broken at different stages of career growth.
59. The order of CIL dated 18.03.2020 rejected the request of the petitioners for notional seniority in E-6 Grade by stating that the placement /promotion in 1st Class Channel in mining discipline and consequent seniority is as per policies in vogue at that time. The said order is a non-speaking one and for such reason the same is liable to be said aside and quashed.
60. This Court finds that after granting notional promotion to the private respondent in revised E-5 grade with retrospective effect, CIL was obliged to refix the seniority of the executives in the manner as recommended by the Committee. Such an exercise does not appear to have been undertaken by CIL. CIL did not follow the recommendation for removing the existing anomaly in its entirety. This Court is, therefore, of the considered view that CIL should be directed to refix the seniority of the executives in E-5 and E-6 Grade in the light of the observations made in this judgment.
61. For all the reasons as aforesaid the writ petition stands allowed. The order dated 18.03.2020 stands set aside and quashed. The authorities of CIL are directed to grant notional promotion to the petitioners in revised E-5 and revised E-6 Grade with retrospective effect from 05.02.2007 and 20.09.2013 respectively and to refix the seniority of the petitioners and the other executives in the revised E-5 Grade and revised E-6 Grade on the basis of the effective date of 1st Class MMC. It is, however, made clear that in case of

tie, sub-clause (ii) and (iii) of Clause A of the recommendation for removing the existing anomaly as extracted hereinbefore shall be followed. The entire exercise shall be completed by the authorities of CIL as expeditiously as possible but positively within a period of four weeks from the date of receipt of a server copy of this order.

62. All pending applications stand disposed of accordingly.
63. There shall be, however, no order as to costs.
64. Urgent photostat certified copies, if applied for, be supplied to the parties upon compliance of all formalities.

(HIRANMAY BHATTACHARYYA, J.)

Later:

Date-13.02.2025

After this order is pronounced by this Court, learned Advocate for the respondents prayed for stay of operation of this order.

Such prayer is opposed by the learned Advocate appearing for the petitioner. The prayer for stay is considered and rejected by this Court.

(HIRANMAY BHATTACHARYYA, J.)