

THE CLASS I OFFICERS OF THE COCHIN PORT TRUST (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS, 1973

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Cochin Port Trusts Board hereby makes, with the approval of the Central Government, the following regulations, the same having been previously published as required under sub-section (2) of section 124 of the Major Port Trusts Acts, 1963, namely:-

Regulations for grant of permission to Class I officers of the Cochin Port Trust for acceptance of employment after retirement.

1. Short Title, commencement and application

- (a) These regulations may be called the Class I Officers of the Cochin Port Trust (Acceptance of employment after Retirement) Regulations, 1973.
- (b) These shall come into force on the date of their publication in the official Gazette.
- (c) These shall apply to all Officers of the Board who hold class I posts immediately before retirement and who retire on or after the coming into force of these regulations.

2. Definitions

In these regulations, unless the context otherwise requires:

- (a) 'Board' and 'Chairman' shall have the same meaning as assigned to them in the Major Port Trusts Act, 1963.
- (b) ¹'Competent Authority' shall mean the Chairman for the purpose of these regulations
- (c) 'Officer' means a Class I Officer of the Board.
- (d) 'Class I post' shall mean the posts carrying a scale of pay the maximum of which is more than Rs.1930 /- in-terms of pay scales approved vide MOST's letter No. PW / PEO-2 / 84 dated 1-2-84 or as may be revised from time to time.

3. Permission for employment within in India

- (1) No person who has held a Class I Post under the Board immediately before retirement (whether governed by Pension or Contributory Provident Fund Scheme) shall accept any employment within India including an employment as Contractor for or in connection with the execution of public works or as an employee of such Contractor before the expiry of two years from the date of retirement without obtaining the previous permission of the competent authority.
- (2) Officers whether governed by Pension or Contributory Provident Fund Scheme shall be required to sign, at the time of sanctioning the retirement benefits, an undertaking that they shall not seek employment within two years of retirement without obtaining the previous permission of the competent authority and that they will be bound by the provisions of these regulations.

¹ Substituted with effect from 14-12-76

- (3) In default, an Officer.
- (a) If governed by the Pension Scheme, shall be liable to forfeit his pension to the extent the competent authority may decide; and
- (b) If governed by the Contributory Provident Fund Scheme, shall be liable to compensate the Trust to the extent the competent authority may decide for not honouring the undertaking made to the contrary;
- ¹(3A) No case shall be regulated under Sub-regulation (3) without giving the officer concerned a reasonable opportunity to represent against the action proposed.
- Provided that an Officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement of the continuance therein.
- (4) The application for permission to take up employment within two years of retirement shall be made in the form given in the Annexure.

4. Permission for employment outside India

- (1) No person (whether governed by Pension of contributory Provident Fund Scheme) who has held a Class I post the Board immediately before his retirement shall accept any employment under a foreign government or employment outside India without obtaining the previous permission of the competent authority. Provided that an Officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein. Provided further that the employment under a foreign government shall include employment under a local authority or corporate or any other institution or organisation which functions under the control and / or supervision of a foreign government.
- (2) The person shall be required to sign an undertaking to this effect at the time of sanctioned retirement benefits.
- (3) In default, an officer.
- (a) If governed by the pension Scheme, shall be liable to forfeit his pension to the extent the competent authority may decide ; and
- (b) If governed by the Contributory Provident Fund Scheme, shall be liable to compensate the Trust to the extent the competent authority may decide for not honouring the undertaking made to the contrary.
- (3A) No case shall be regulated under sub-regulation (3) without giving the officer concerned a reasonable opportunity to represent against the action proposed.

5. Permission necessary in respect of Temporary Officers

Permission for acceptance of employment after retirement will be necessary even in the case of an officer who immediately before retirement held a Class I Post in an officiating or temporary capacity. .

6. Conditions for grant or refusal of permission

In granting or refusing permission under regulation 3 or 4 or 5 to an officer for taking up any employment, the Chairman shall have regard to the following factors, namely-

¹ Inserted with effect from 5-7-1977

- (1) The nature of employment proposed to be taken up and the antecedents of the employer;
- (2) Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with the Board;
- (3) Whether the officer while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such officer had shown favours to such employer.
- (4) Whether the duties of the employment proposed involve liaison or Contract work with the Board;
- (5) Whether his duties will be such that his previous official position or knowledge or experience under the Board could be used to give the proposed employer an unfair advantage;
- (6) The emoluments offered by the proposed employer, and
- (7) Any other relevant factor.

7. Appeal

When the Chairman grants the permission, applied for subject to any conditions or refuse such permission the officer may, within thirty days of receipt of the order of the Chairman to that effect, make a representation to the Central Government against any such conditions or the refusal and the Government may make such orders thereon as it deems fit,

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-regulation without giving the Officer making the representation an opportunity to show cause against the order proposed to be made.

8. Reckoning of two years period

The period of two years for the purpose of these regulations shall, in the case of an Officer who is re-employed after retirement without a break in the same or another Class I post, be reckoned from the date from which he finally quits the Board's service

FOOT NOTE: The principal Regulations were approved by the Government of India vide Ministry's letter No, PEX-8 / 74 dated 26-2-74 and republished in the Gazette of Kerala vide Notification No.P / 78 / 69 dated 9-3-74. The Regulations were subsequently amended vide (1) Ministry's letter No. PEX-75 / 76 dated 9-11-76 and re-published in the Gazette of Kerala vide Notification No. P2 / 6047 / 76 dated 14-12-1976.

- (2) Cochin Port Trust's Notification No, P2 / 4634 / 76 dated 21-6-77 republished in the Gazette of Kerala dated 5-7-77.

ANNEXURE**Form of application for permission to accept employment within a period of two years after retirement**

1. Name of the Officer
(in block letters)
2. Date of retirement
3. Particulars of the Department in which the officer served during the last five years preceding retirement (with duration)

Name of the department	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held
5. Pay scale of the post and the pay drawn by the officer at the time of retirement
6. Retirement benefits:
 - i. If governed by the contributory provident Fund Scheme:
 - (a) Amount of special contribution
 - (b) Amount of Trust's contribution
 - (c) Amount of any other contribution
 - ii. If governed by the Pension Scheme:
 - (a) Pension expected / sanctioned (communication, If any, should be mentioned)
 - (b) Gratuity, if any
7. Details regarding employment proposed to be taken up :
 - (a) Name of the firm / company / co-operative society etc.
 - (b) Whether the official had during his official career any dealings with the firm / company etc.,
 - (c) Duration or nature of the official dealings with the firm / company etc.,

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- (d) Name of job / post offered
 - (e) Whether post was advertised, If not, how was offer made
 - (f) Description of the duties of the job / post
 - (g) Does it involve liaison / contract work with Cochin Port Trust.
 - (h) Remuneration offered for the post / job
8. Any information which the applicant desires to furnish in support of his request

Station

Date:

Signature of the officer

(No. P / 78 / 69, dated 9-3-1974)

(Published in the Kerala Gazette dated 26-3-74)