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MINISTRY OF TRANSPORT

(Transport Wing)

PORTS

Notification

**APPOINTING 29TH FEBRUARY, 1964 AS THE DATE ON WHICH
THE MAJOR PORT TRUSTS ACT, 1963 (38 OF 1963) SHALL
COME INTO FORCE.**

New Delhi, the 28th February, 1964.

G.S.R. 296 : - In exercise of the powers conferred by Sub - Section (2) of Section 1 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby appoints the 29th day of February, 1964, as the date on which the said Act shall come into force.

[No. 10 - PG (54) / 61 - Vol.v.]

THE MAJOR PORT TRUSTS (ADAPTATION OF RULES) REGULATIONS, 1964

G.S.R. 297 : - In exercise of the powers conferred by Section 126, read with Sections 28 and 134, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely :-

1. Short title and commencement

- (1) These regulations may be called the Major Port Trusts (Adaptation of Rules) Regulations, 1964.
- (2) They shall come into force on the 29th day of February, 1964.

2. Application

They shall apply to the Port Trusts of Visakhapatnam, Cochin and Kandla.

3. Definitions

- (a) 'Act' means the Major Port Trusts Act, 1963;
- (b) 'appointed day' means the date on which the Act comes into force;
- (c) 'Board' shall have the meaning assigned to it in the Act;
- (d) 'existing rules and orders' means the rules and orders made under the various Acts and Rules in force prior to the appointed day in connection with the administration of the ports;
- (e) 'ports' means the Ports of Visakhapatnam, Cochin and Kandla;

4. ¹Existing rules to continue

The existing rules and orders and subsequent amendments thereto made on or after coming into force of the Major Port Trusts (Adaptation of Rules) Amendment Regulations, 1976, relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made there under, continue in force namely :-

- (i) matters specified in clause (b), clause (c) and clause (e) of section 28 of the Act: and
- (ii) matters specified in clause (b) and clauses (e) to (n) of section 123 of the Act;

Provided that the amendments aforesaid shall not be applied unless the Board obtains the approval of the Central Government.

5. Form of receipt

The receipt to be given in pursuance of sub-section (2) of Section 42 of the Act shall be, as far as practicable in the forms in Annexures A,B or C.

¹ Substituted w. e. f. 10-9-77 vide Ministry of Shipping & Transport Notification No PEX - 74 / 76 dated 20-8-77.

6. Period of notice

The period within which notice of loss or damage shall be given under sub-section (2) of Section 43 of the Act shall be five days, in the case of Visakhapatnam Port Trust and ¹ [seven clear working days, in the case of Cochin] or Kandla Port Trusts, from ¹ [the date of taking charge of such goods by the Board] under sub-section (2) of Section 42 of the Act.

7. ²Period of Responsibility

The period after which no responsibility shall attach to the Board in respect of goods taken charge of by the Board, shall, under Sub-Section (1) of Section 43 of the Act, be seven clear working days from the date of taking charge of such goods by the Board.

¹ Substituted w.e.f. 1-2-75, by Notification No. B / 4894 / 74, dated 1-2-1975.

² Inserted w.e.f. 1-2-75, by Notification No. B / 4894 / 74, dated 1-2-1975.

**APPENDIX - A
COCHIN PORT
RECEIPT**

Serial No:.....

Boat No:.....

Steamer.....

Name of Agents:.....

Berth No.....

Time and date commenced.....hrs.....mts.....day.....

Month.....year. Time and date finished.....

Hrs.....mts.....day.....month.....year

Marks	Description	Tally of Packages	Total tallied	Remarks
-------	-------------	-------------------	---------------	---------

Total _____

Signature of port Tally Clerk

**APPENDIX - B
COCHIN PORT
RECEIPT FOR IMPORT CARGO**

No.....

Landing during the day/night of

from the Motor/steam ship.....of M/s.....

Agents by the Cochin Port the following goods, contents and stat of contents unknown.

Cargo handled by gang

No.....Maistry..... at

Q1/Q2/Q3/Q4/Q5/Q6/Q7/Q8/BTP Boating.

Hatch No.....Crane/Derrick

Marks	Description of packages	No. of packages. Packages unnumbered to be stroke tallied five in a division	Total	Weight					Remarks
				T	Cwt.	Qrs.	Lbs.	Kls.	

Idling Time	From H.M To H.M
-------------	--------------------

Agent's Tally Clerk

Port's Shed Clerk

Wharf Superintendent

APPENDIX - B
COCHIN PORT
RECEIPT FOR IMPORT CARGO
(Broken or damaged packages)

No.....

Landing duringday of.....

from the Motor/steam ship.....of M/s.....

Agents by the Cochin Port the following goods, contents and stat of contents unknown.

Cargo handled by gang No.....Maistry.....

at Q1/Q2/Q3/Q4/Q5/Q6/Q7/Q8/BTP Boating.

Hatch No.....Crane/Derrick

Marks	Description of packages	No. of packages. Packages unnumbered to be stroke tallied five in a division	Total	Weight					Remarks
				T	Cwt.	Qrs.	Lbs.	Kls.	

Idling Time	From H.M To H.M	
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Agent's Tally Clerk

Port's Shed Clerk

Wharf Superintendent

APPENDIX - B
PORT OF COCHIN
RECEIPT FOR IMPORT CARGO (LIQUOR)

Landing duringday of.....19..... from the

Motor/steam shipof M/s.....

Agents by the Cochin Port the following goods, contents and state of contents unknown.

Cargo handled by gang No.....Maistry.....

at Q1/Q2/Q3/Q4/Q5/Q6/Q7/Q8/BTP Boating.

Hatch No.....Crane/Derrick

Marks	Description of packages	No. of packages. Packages unnumbered to be stroke tallied five in a division	Total	Weight Tonnes	Remarks
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Idling Time	From H.M To H.M
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Note:- The goods will remain in the Lock fast / in the Transit Shed under the custody of the Steamer Agents from the time they are landed until clearance and the Port will not accept any responsibility for damages to or shortages in the contents.

Agent's Tally Clerk

Port's Shed Clerk

Wharf Superintendent

APPENDIX – C

Book No.....No.....Name and date of arrival of ship.....

Shed No.....Tally Clerk's Name.....

COCHIN PORT

Book No.....No.....Traffic Department

Barge No..... Day/Night of.....

Tally sheet issued under
IMPORT/EXPORT/SHIFTING

Tally of Cargo EX.S.S

PER M.G.....arrived on

Agent.....

At berth 1/2/3/4/5/6 moorings 1/2/3/4/5/6

By Crane/Derrick No. at Hatch No..... Time Commenced
Time Finished

CONTENTS AND STATE OF CONTENTS UNKNOWN

Marks	Description	Particulars of tally	Total

Received copy of tally sheet

Agent's Representative Port Tally Clerk Total.....

[Published by the Ministry of (Transport Wing) in Part II Section 3, Sub- Section (i) of the Gazette of India Extra Ordinary dated 29-2-1964 under G. S. R. No. 297]

THE COCHIN PORT EMPLOYEES (TEMPORARY SERVICE) REGULATIONS, 1964.

G.S.R. 311 : - In exercise of the powers conferred by Section 126, read with Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely :-

1. Short Title, Commencement and Application

- (1) These Regulations may be called the Cochin Port Employees (Temporary Service) Regulations, 1964.
- (2) They shall come into force on the 29th day of February, 1964.
- (3) They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under the Board.

These regulations shall not, however, apply to:-

- (i) Employees engaged on contracts ;
- (ii) Employees not in whole time employment;
- (iii) Employees paid out of contingencies;
- (iv) Persons employed in extra temporary establishment, if any, or in work charge establishments;
- (v) Such other categories of employees as may be specified by the Board.

2. DEFINITIONS

In these regulations, unless the context otherwise requires:-

- (i) "Appointing Authority" means the authority empowered to make appointment to the post under the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964.
- (ii) "Board", "Chairman", "Deputy Chairman", and "Head of Department" shall have the same meanings assigned to them in the Major Port Trusts Act, 1963.
- (iii) "Employee" means an employee of the Board;
- (iv) ¹(Deleted)
- (v) ¹(Deleted)
- (vi) "temporary service" means officiating service in a temporary or in a permanent post under the Board;
- (vii) "service" under the Board means temporary service under the Board.

3. ¹(Deleted)

4. ¹(Deleted)

¹ Deleted vide Ministry's notification No. PR-12016/29/94-P.E.I and published in the Gazette of India under G. S. R. No. 644 (E) dated 16-8-94

5. ¹[Termination of Temporary service

(1) (a) The services of a temporary employee shall be liable to termination at any time by a notice in writing given either by the employee to the appointing authority or by the appointing authority to the employee;

(b) the period of such notice shall be one month; provided that the service of any such employee may be terminated forthwith and on such termination the employee shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services or, as the case may be, for the period by which such notice falls short of one month.

NOTE: The following procedure shall be adopted by the Appointing Authority while serving notice on such employee under Clause (a):-

- (i) The notice shall be delivered or tendered to the employee in person.
- (ii) Where personal service is not practicable, the notice shall be served on such employee by registered post with acknowledgement due at the address of the employee available with the appointing authority
- (iii) If the notice sent by Registered post is returned unserved, it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such employee on the date it was published in the Official Gazette.

(2) (a) Where a notice is given by the Appointing Authority terminating services of temporary employee, or where the services of such employees are terminated either on the expiry of the period of such notice or forthwith by payment of pay plus allowance, the Board or any other authority specified by the Board in this behalf or a Head of Department, if the authority is subordinate to him, may, of its own motion or otherwise, re-open the case, and after making such enquiry as it deems fit,-

- (i) Confirm the action taken by the Appointing Authority;
- (ii) Withdraw the notice,
- (iii) re-instate the employee in service, or
- (iv) make such other order in the case as it may consider proper.

²[Provided that except in special circumstances, which should be recorded in writing, no case shall be reopened under this Sub-regulation after the expiry of three months :

- (i) from the date of notice, in a case where notice is given;
- (ii) from the date of termination of service, in a case where no notice is given;
- (b) where an employee is reinstated in service under Sub-regulation (2), the order of reinstatement shall specify -
 - (i) the amount of proportion of pay and allowances, if any, to be paid to the employee for the period of his absence between the date of termination of his service and the date of his reinstatement, and
 - (ii) "whether the said period shall be treated as a period spent on duty for any specified purpose or purposes."]

¹ Substituted vide Ministry's notification No. PR-12016/29/94-P.E.I and published in the Gazette of India under G. S. R. No. 644 (E) dated 16-8-94

² Inserted vide Ministry's notification No. PR-12016/29/94-PE and published in the Gazette of India under G. S. R. 81 (E) dated 8-2-1996

- (1-B) In the case of a temporary employee who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further service under the Board by the appropriate medical authority, after he has rendered temporary service of not less than ten years or who has sought Voluntary retirement by giving three months notice in writing on completion of 20 years, provisions of the Sub-Regulation (1) shall not apply and in accordance with the provisions of Central Civil Services (Pension) Rules, 1972.
- (i) Such an employee shall be eligible for the grant of superannuation, invalid, or retiring pension, as the case may be, and retirement gratuity; and
 - (ii) In the event of his death after retirement, the members of his family shall be eligible for the grant of family pension.
- (2) In the event of death of a temporary employee while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent employees under the CCS (Pension) Rules, 1972.
- (3) No gratuity shall be admissible under this Regulation to an employee.
- (a) who resigns his post or who is removed or dismissed from service as a disciplinary measure.
 - (b) who is re-employed after retirement on superannuation or retiring pension.

Provided that a temporary employee who resigned from service to taken up, with prior permission, an appointment under a corporation or company wholly or substantially owned or controlled by the Government or in or under a Body controlled or financed by Government shall be paid terminal gratuity at the rate prescribed under Sub-Regulation (1) in respect of service rendered by him under the Board.

Provided further that a temporary employee who has been absorbed in a Central Autonomous Body, with the permission of the competent authority, shall have an option to count the service rendered under the Board, for the purpose of pension under the Autonomous Body if it has a pension scheme, instead of drawing the terminal gratuity under the first proviso.

Explanation:- For the purpose of this Sub-Regulation.

- (i) "Central Autonomous Body" means a body which is financed wholly or Substantially from cess or Central Government grants and includes a Central Statutory Body or a Central University but does not include a Public Undertaking falling under purview of the Bureau of Public Enterprises;
 - (ii) "financed substantially" means that more than 50 percent of the expenditure is met by Cess or Central Government grants.
- (4) Where gratuity under this sub-regulation is paid in respect of an employee who is not covered by Rule 54 of the C.C.S. (Pension) Rules, 1972 no other gratuity or pensionary benefit is payable.
- (5) For the purpose of this regulation:-
- (a) Gratuity shall be calculated on the basis of pay which the employee was receiving immediately before his retirement or on the date of his death.
 - (b) "pay" shall mean-pay reckoned for calculation of pension.
 - (c) Period of extraordinary leave, if any, availed by the employee concerned shall be taken into account for computing completed service on the same basis as it is taken into account for the purpose of calculation of pension and retirement gratuity / death gratuity under Rule 21 of the C.C.S. (Pension) Rules, 1972, as amended from time to time, and be deleted.

- (d) An increment earned during the currency of earned leave not exceeding 120 days or during the first 120 days of earned leave exceeding 120 days expiring on the date of retirement, though not actually drawn, shall form part of the pay for the purposes of calculating terminal / death gratuity.

6. ¹(Deleted)

7. ¹(Deleted)

8. ¹(Deleted)

9. ¹(Deleted)

10. Notwithstanding anything contained in Regulation 5, the service of a temporary employee [1] may be terminated at any time without notice, on his being declared physically unfit for continuance in service by an Authority who would have been competent to declare him as permanently incapacitated in service had his appointment being permanent.

11. ²[Terminal gratuity payable to temporary employees.

(1) Subject to the provisions of sub-regulation 1 (B), a temporary employee who re-tires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity at the rate of -

(a) One half of a month's pay for each completed year of his service, if he had completed not less than five years continuous service at the time of retirement discharge or invalidment;

(b) One month's pay for each completed year of his service subject to a maximum of fifteen month's pay or fifteen thousand rupees, whichever is less, if he had completed not less than ten years' continuous service at the time of retirement, discharge or invalidment;

Provided that the amount of terminal gratuity payable under this Sub-Regulation shall not be less than the amount which the employee would have got as a matching Board's Contribution to the Provident Fund. If he was a member of Contributory Provident Fund scheme from the date of his continuous temporary service subject to the condition that the matching contribution shall not exceed 10 percent of his pay.

(1-A) In the case of a temporary employee who is compulsorily retired from service as a disciplinary measure, the provisions of sub-regulation (1) shall apply subject to the modification that the rate of gratuity payable in his case shall not be less than two thirds of, but in no case exceeding, the rate specified in clause (a) or, as the case may be, clause (b) of Sub-Regulation (1)

12. ³(Deleted)

13. ⁴Interpretation

If any question arises relating to the interpretation of this regulations, it shall be referred to the Central Government who shall decide the same.

Published in the Kerala Gazette dated 26-7-1977

¹ Deleted vide Ministry's notification No. PR-12016/29/94-PE and published in the Gazette of India under G. S. R. 81 (E) dated 8-2-1996

² Substituted vide Ministry's notification No. PR-12016/29/94-PE and published in the Gazette of India under G. S. R. 81 (E) dated 8-2-1996

³ Deleted vide Ministry's notification No. PR-12016/29/94-P.E.I and published in the Gazette of India under G. S. R. No. 644 (E) dated 16-8-94

⁴ Substituted w.e.f 26-7-77 vide Notification No.P2/1771/(I)77 dated 5-7-77

THE COCHIN PORT EMPLOYEES (LEAVE TRAVEL CONCESSION) REGULATIONS, 1964

G.S.R. 312 :- In exercise of the powers conferred by Section 126, read with Section 28 of the Major Port Trust Act 1963 (38 of 1963) the Central Government hereby makes the following regulations, namely:-

1. Short title and commencement

- (1) These regulations shall be called the Cochin Port Employees (Leave Travel Concession) Regulation, 1964.
- (2) They shall come into force on the 29th February, 1964.

2. Interpretation

In these regulations, unless the context otherwise requires

- (1) 'Accounts Officer' means the Financial Adviser & Chief Accounts Officer of the Board
- (2) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department' shall have the meanings assigned to them in the Major Port Trust Act, 1963.
- (3) 'Concession' means the leave travel concession admissible under these regulations.
- (4) 'Employee' means an employee of the Board.
- (5) ¹First, Second, Third, and Fourth Grade employees will have the same meanings assigned to them in the rule applicable to an employee, as amended from time to time, for the purpose of travelling allowance.

3. Extent of application

- (1) The concession is admissible to the Board's employees of all grades including:
 - (a) The industrial and work-charged staff who are entitled to regular leave;
 - (b) The officers appointed on a contract basis if the period of contract is more than one year, and re-employed officers on completion of one year's continuous service.
- (2) The concession is not admissible to persons who are
 - (i) not in the whole - time employ of the Board, or
 - (ii) paid from contingencies.
- (3) The concession is not admissible to an employee who has not completed one year of continuous service on the date of the journey performed by him or his family, as the case may be.

The condition of one year's continuous service on the date of the Journey for admissibility of the concession is applicable equally to permanent employees and probationers as well as the temporary and officiating employees.

¹ Substituted w. e. f. 22-6-1976 vide Notification No. P.O. M./ 32 / 74 dated 10-6-76 approved vide Ministry's letter No. PEX (31) / 76 dated 3/6-5-1976.

4. ¹ Frequency of entitlement

(1) The concession shall be admissible to the employees.

- (i) Once in a period of two calendar years for visiting his home town;
- (ii) Once in a period of four calendar years for journeys to any place in India.

²[Note: Unmarried employees who have left their wholly dependent parents, sisters and minor brothers at their home town may also avail of the benefit of Leave Travel Concession to visit their home town every year. This concession will be in lieu of all other Leave Travel Concession facilities admissible to the employee himself and the aforesaid parents, sisters and minor brothers]

It shall cover the employees and their families as defined hereunder.

Explanation-I: The term "Once in a period of two calendar years" means once in each block of two calendar years starting from the year 1976. Thus the concession on the first occasion will be admissible during the block of two consecutive years 1976-77 on subsequent occasions it will be admissible during the calendar years 1978-79, 1980-81 and so on.

Explanation-II: The term "Once in a period of four calendar years" means once in each block of four calendar years starting from the year 1976. Thus, the concession on the first occasion will be admissible during the block of four consecutive years 1976- 79. On subsequent occasions it will be admissible during the calendar years 1980-83, 1984-87 and so on. Employees who are entitled to the concession for journeys to their home town shall also be eligible to avail themselves of the concession for journeys to any place in India once in a block of four years but, if this concession is utilised it will be in lieu of and adjusted against the concession for journeys to home town including the concession, if any, carried forward to which they may be entitled at the time the journey to any place in India is undertaken. Such employees shall be entitled to carry forward the concession to travel to any place in India to the first year of the next block of four years only if they are entitled to a carried forward concession to home town for that year.

It is also clarified that in the case of such employees as have carried forward the concession to the home town pertaining to the block 1974-75 to 1976, only one out of the three journeys (including the above carried forward) that they are entitled to in the block of years 1976-79 can be utilised for performing a journey to a place other than the home town. In view of the provision for carry forward, this journey can either be performed in the period 1976-79 or if not performed, it can be carried forward to 1980, the first year of the next block provided the concession for the home town for the block year 1978-79 has not been utilised

- (2) An employee who has a family living away from his place of work may instead of having the concession for his family as well as for himself once in a block of two years, avail of the concession for himself alone once every year during each block for visiting his home town.
- (3) The employees and their families, who are unable to avail themselves of the concession in a block of two years or four years as the case may be, may be permitted to avail of the concession before the end of the first year of the next block.

¹ Substituted w. e. f. 22-6-1976 vide Notification No. P.O. M./ 32 / 74 dated 10-6-76 approved vide Ministry's letter No. PEX (31) / 76 dated 3/6-5-1976

² Inserted vide Ministry's Notification No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94

Illustration: In a case where the employee and his family could not avail themselves of the concessions in the 1976-77 block / 1976-79 block they may avail of it in the year 1978/80, as the case may be. The concession due for 1976-77 block should, however, be availed of by them before 31st December, 1978 and that due for 1976-79 block before 31st December, 1980. In case they fail to avail themselves of the concessions before that date, their title to the concession for that block shall be treated as having lapsed. The benefit of the concession shall be available to the employees and their families separately. The usual prescribed blocks, namely, 1976-77, 1978-79 etc. 1976-79, 1980-83 etc. as the case may be, shall remain unchanged.

(4) In the event of the return journey falling in the succeeding year, the concession shall be counted against the year in which the outward journey had commenced.

5. ¹ [Entitlement

(1) Every employee shall be entitled to Leave Travel Concession for visiting his / her home town / any place in India and the Board shall reimburse the actual fares in full for the entire distance. In every case, the journey should be to the 'home town' and back or to 'any Place in India' and back, as the case may be, and the claim should be for both outward and return journeys. The journey need not necessarily commence from or end at the head quarters of an employee either on his/her own case or in the case of his/ her family. But the assistance admissible shall be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible had the journey been performed between the head quarters and the home town of the employees or any place in India, as the case may be.

(2) An employee may travel in any class, higher or lower but the Board's assistance shall be limited to the actual fare for accommodation by the entitled class or lower class as the case may be, to the extent actually used, at single rate for the employee himself / herself and each entitled member of his / her family for whom full fares are payable and at half the rates for children between the ages of five and twelve years for whom half fares are payable.]

6. ² [Definition of family

The term 'family' means an employee's wife or husband, as the case may be, residing with the employee, legitimate children and stepchildren, parents, Step-mother, unmarried sisters and minor brothers residing with and wholly dependent upon the employee. Where the spouse of an employee is also employed in the Board's service / State or Central Government Departments / Public sector Undertaking / Corporations / Autonomous Bodies / Local Bodies etc. which provide Leave Travel Concession facilities the claim for the concession shall be preferred by one of them only and not both and the concession shall be admissible to the family on the scale admissible to the husband or wife, as the case may be.

Only one wife is included in the term 'family'

An adopted child shall be considered to a legitimate child. If under the personal law of the employee, adoption is legally recognised as conferring on it the status of a natural child.

Major sons and married daughters who have been divorced abandoned or separated from the husband (including widowed daughters) are included in the term 'family' so long

¹ Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I published in the Gazette of India under GSR 336(E) dated 10-3-1988

² Substituted vide Ministry's Notification No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94

as they are residing with and wholly dependent upon the employee.

Widowed sisters residing with and wholly dependent upon the employee (provided their father is either not alive or is himself wholly dependent on the employee concerned) are also included in the definition of 'family'.

A member of the family whose income from all sources including pension (inclusive of temporary increase in pension and pension equivalent of DCRG benefit) or stipend etc does not exceed Rs 500 p.m is deemed to be 'wholly dependent' upon the employee.

Note: 1. For spouse and minor children including unmarried daughters the condition 'residing with' has been waived. In the case of other members failing within the definition of 'family', the existing conditions and restrictions will continue to be in force.

Note: 2. In cases where the employee has left his / her spouse and the dependent children at place other than his / her Headquarters, he may be allowed Leave Travel Concession in respect of them from the place of their residence to home town in a block of 2 years or any place in India in a block of 4 years, as the case may be but the reimbursement should in no case exceed the actual distance travelled by the family or the distance between the Headquarters / place of posting of the employee and the place visited / home town, whichever is less.]

7. ¹ Employees and family independent units

An employee and the members of his family may travel either independently or together as may be convenient to them and the claim for reimbursement in respect of the journey of the one need not depend on the journey performed by the other. The members of the family of an employee (other than those who actually accompany him) may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups at different times, reimbursement of expenditure shall be allowed in respect of each such group if the outward journey is performed during the currency or the block in respect of which the first group performed its journey and the return journey of each group is completed within six months from the date of commencement of the outward journey by that group. This condition may be relaxed in special cases - by the Chairman or the Deputy Chairman. Carry forward of the concession by those groups who have not availed of it shall be permitted even if the other groups have availed of it during the block period itself.

8. Home Town

'Home town' means the permanent home town or village as entered in the service book or other appropriate official record of the employee concerned or such other place as has been declared by him, duly supported by reasons such as, ownership of immovable property, permanent residence of near relatives, e.g. parents, brothers etc. as the place where he would normally reside but for his absence from such a station for service in the Board. The criteria mentioned below may be applied to determine whether the employee's declaration of home town may be accepted.

- (i) Whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the employee had been visiting that place frequently;
- (ii) Whether the employee owns residential property, in that place or whether he is a

¹ Substituted w. e. f. 29-7-78 vide Ministry's Notification No.PEX 34/78 dated 7-7-78 published under G.S.R. 963 dated 29-7-78.

- member of a joint family having such property there;
- (iii) Whether his near relations are resident in that place;
- (iv) Whether, prior to this entry into the Board's service, the employee had been living there for some years.

The criteria, one after the other, need be applied only in case where the immediately preceding criterion is not satisfied. Where the employee or the family of which he is a member owns residential or landed property in more than one place, it shall be left to the employee to make a choice of any such place as his home town giving reasons for the same, provided that the decision of the Chairman or Deputy Chairman whether or not to accept such a place as the home town of the employee shall be final. Where the presence of near relations at a particular place is to be the determining criterion for the acceptance of declaration of 'home town', the presence of near relations should be of more or less permanent nature.

9. Declaration of Home Town

- (1) Every employee shall make a declaration of his home-town within six months from the date of commencement of these regulations. Every new entrant to the Board's service shall make a declaration as to his home town before the expiry of six months from the date of his entry into the Board's service.

¹[Note: Where both husband and wife are employed in the Board's service, or either of them is employed in the State Or Central Government Department / Public Sector Undertakings / Corporations/ Autonomous Bodies / Local Bodies etc. which provide Leave Travel Concession facilities, they could, at their option, choose to declare separate home town and both of them may claim the concession separately under the normal provisions of Regulations / Rules in respect of the members of their respective families subject to the condition that if husband or wife avails the facility as a member of the family of the other, he or she will not be entitled for claiming the concession for self independently . Similarly, the children shall be eligible for the benefit in one particular block as members of the family of one of the parents only. All other conditions for admissibility of the Leave Travel Concession shall continue to be applicable as per normal provisions of the Regulations.]

- (2) ²[The declaration made by an employee shall be subject to in each case to the acceptance by the Authority competent to sanction the concession who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary. The effective date of declaration of home town shall be the date on which employee made it and not the date of its acceptance by the competent authority or the date of communication conveying such acceptance.]
- (3) A declaration of 'home town' once made shall ordinarily be treated as ' final' but in exceptional circumstances the Chairman or Deputy Chairman may authorise a change in such declaration provided that such a change shall not be made more than once during the period of service of the employee. In the case of person on deputation to the Board, such requests shall be affected only with the approval of the lending authority.
- (4) ² [The declaration of home town made after the prescribed time limit may be accepted by the authority competent to sanction the concession, against the one chance for

¹ Inserted vide Ministry's Notification No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94

² Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

changing the declaration of home town and this shall be treated as a final declaration of home town and no further change of home town shall be allowed in such cases.

- (5) The authority competent to sanction the concession shall maintain a register of home towns in respect of the employee under his control.]

10. Journey between places Connected by Rail

- (1) The class of railway accommodation to which an employee and his family shall be entitled is the class to which he is entitled under the normal travelling allowance rules at the time the journeys are undertaken. It is permissible for an employee or his family or both to travel in a class higher or lower than that to which he or his family is entitled; in the former case ¹ [the Board's liability under sub-regulation (1) of regulation 5] shall be restricted to [] the fare by the class to which the employee is entitled and in the latter case [] the fare by the class in which the employee or his family had actually travelled.
- (2) ²[An employee or members of his / her family may avail of any concessional return journey tickets offered by the railway authorities (i.e. seasonal concession, student's concession etc.) in conjunction with the leave travel concession. It will be permissible while utilising such a concessional ticket to travel in any class, higher or lower than the entitled class. In such cases, both in respect of journeys to 'Home Town' and 'any place in India / in India', the amount reimbursable shall be the fare for the shortest route between the headquarters and 'home town' / 'any place in India' as the case may be, calculated on the basis of the concessional fare charged.]
- (3) ²[An employee who is normally entitled to travel by the first class or second class, may travel by 3rd class in the delux air-conditioned train while availing himself / herself of the concession. The cost on account of the surcharge over the third class fare which is levied in such a case shall be borne by the Board in full.]
- (4) An employee (or his family members) normally entitled to travel by I or II class of railway accommodation may travel by III class and avail of the sleeper accommodation. In such cases extra cost incurred for sleeper accommodation shall be borne by the Board.
- (5) Employees of the third and fourth grades may travel by mail or express trains when availing themselves of the concession, and may claim reimbursement accordingly. In such cases, a certificate to the effect that the journey was actually performed by a mail or express train should be recorded by the claimant on his Travelling allowance bill.
- (6) ² [When an employee or any member of his / her family performs the journey by a long route (which is not the cheapest) in to different classes of railway accommodation, for example, partly by second class to which he / she is entitled and partly by third class, the entitled class rate is admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route.]
- (7) ² [Where an employee or his / her family or both travel (s) by air or by road or by steamer, between two places connected by rail the Board's assistance shall be limited to what would have been admissible had the employee or his/ her family travelled by rail in the authorised class or the actual expenses, whichever is less.

¹ Substituted w. e. f. 1-9-78 vide Ministry's Notification No.PW / PEX -29 /79 dated 20-3-81 published in the Gazette of India dated 2-5-81 under GSR 446.

² Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

¹[The tours conducted by IRCTC will also qualify for the purpose of availing LTC on the lines of ITDC / STDCs subject to the following conditions:-

- (i) A Certificate will be issued by the IRCTC Ltd. that the journey has actually been performed by the Govt. servant and his family members for which he is claiming the Leave Travel Concession.
- (ii) IRCTC Ltd. will indicate separately the rail fare and bus fare component]

In the case of travel by road, no assistance shall be allowed for journeys performed by private cars, private chartered vehicles, vehicles taken on hire by private parties from Tourism Development Corporation or State Transport Corporation or Transport undertakings of local bodies and run on charter by such private parties and vehicles owned or borrowed or hired by the employees of the Board / Government servants. However, Board's assistance shall be allowed in case the employee or any member of his / her family performs the journey by private buses operating as regular transport service from point to point (as distinct from private chartered buses) at regular interval on fixed fare rates; with the approval of the Regional Transport Authority / State Government (s) concerned.]

11. Journeys between places not connected by rail

(1) ²[The Board's assistance for journeys between places which are not connected by rail shall be admissible to the employees as under :-]

- (i) ²[For the journey which is covered by a recognized public transport system operated by Tourism Development corporations, State Transport Corporations and Transport services run by other Government or local bodies, the Board's assistance shall be allowed on the basis of the fares actually charged by such a system for the appropriate class of accommodation. Where there are more than one class of accommodation the appropriate class may be determined as follows:-]
 - (a) Where there are only two classes, employees drawing pay Rs.500/- per mensem or above shall be entitled to the higher class and those drawing pay less than Rs.500/- per mensem shall be entitled to the lower class.
 - (b) Where there are more than two classes, employees drawing pay of Rs.500/- per mensem or above shall be entitled to the highest class, those drawing less than Rs.500/- per mensem other than Class IV employees shall be entitled to the second highest class and class IV employees shall be entitled to the lowest class:

³[**Explanation** The term "recognised public transport system" means vehicles operated by Tourism Development Corporations, State Transport Corporations and Transport service run by other Government or Local Bodies otherwise than on Charter and includes private buses operating as regular transport service from point to point (as distinct from private chartered buses) at regular intervals on fixed fare rates, with the approval of the Regional Transport Authority / State Government (s) concerned.]

¹ Inserted vide Ministry's Notification No. PR-12016/1/2010-PE-I and published in the Gazette of India under G.S.R. 439(E) dated 07-06-2012.

² Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

³ Inserted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

- (2) ¹[In respect of places which are not connected by rail, the employee may travel by steamer or air where an alternative means of travel is either not available or is more expensive. In such cases, the surface journey to the nearest Port shall be regulated under the normal 'Leave Travel concession rules and the Sea Passage shall be regulated in accordance with the provisions of SR 40.]
- (3) ²[Where an employee or his / her family or both travel (s) by air or road or steamer between two places not connected by rail, Board's assistance shall be allowed on the basis of actual fares at single rate for the employee himself / herself and each entitled member of his / her family for whom full fares are payable and at half the rates for children between the ages of five and twelve years for whom half fares are payable.]

12. No incidentals admissible

No incidental expenses shall be admissible for journeys performed under the concession.

13. ¹ [Concession based on shortest route

The employee or his / her family may travel by any route or halt any where on the way to or from home town / any place in India, as the case may be, but the Board's assistance for the cost of railway fare between the Employee's headquarters and his / her home town / any place in India as the case may be, shall be limited to the fare, by the shortest route calculated on a through ticket basis.]

³ Provided that in cases where the shortest route by which the journey is required to be performed is disrupted due to accidents or other causes, the reimbursement by the actual route travelled shall be granted.

Explanation: The term 'shortest route" shall carry the same interpretation as recognised for travel on duty.

14. ¹ [Journeys of Weighted Mileage

If for a part or for the entire Leave Travel Journey to the home town / any place in India, an employee has to pay railway fare on the basis of an assumed or weighted mileage (as for example, on the Kalka-Simla Section) or at inflated rates, (for example, on the Siliguri-Dargeeling Section), the employee concerned shall be entitled to reimbursement of the actual railway fare (inclusive of passenger tax) from the railway station nearest to his head quarters to his home town / any place in India for both the outward and return journeys.]

15. Concession for one way journey

The concession shall be admissible to the members of employee's family with reference to the facts existing at the time of the forward and return journeys independently.

Illustrations:-

- I. Entitled to reimbursement in respect of the outward journey only.

¹ Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

² Inserted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

³ Inserted w.e.f. 29-7-1978 vide Ministry's Notification No PEX-34/78 dated 7-7-1978 and published in the Gazette of India under GSR 963 dated 29-7-1978

- (i) A dependent son or daughter getting employment or getting married after going to home town / any place in India or remaining there for prosecution of studies.
 - (ii) The family having performed the journey to home town / any place in India have not intention of completing the return journey from home town / any place in India provided the employee forgoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.
- II. Entitled to reimbursement in respect of return journey only.
- (i) A newly married wife coming from home town / any place in India to headquarters station or wife who was been living at home town / any place in India and did not avail herself of the leave travel concession in respect of the outward journey.
 - (ii) A dependent son or daughter returning with parents coming alone from home town/ any place in India where he or she has been prosecuting studies or living with grandparents etc.
 - (iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey.
 - (iv) A child legally adopted by an employee while staying in the home town / any place in India.

16. Leave Travel Concession in combination with transfer or tour

- (1) ¹[Where an employee going to home town any place in India on leave proceeds there from on transfer to the new headquarters, he / she may be allowed as his / her minimum entitlement, Transfer Travelling Allowance admissible under the rules. He / she may be allowed, in addition, leave travel concession under these regulations, to the extent the distances from the old headquarters to the home town / any place in India and from the home town / any place in India to the new headquarters exceeds the total distance for which Transfer Travelling Allowance is admissible.

Illustration:- If 'A' is the old headquarters, 'B' home town / any place in India and 'C' the new headquarters, the entitlement of the employee on account of leave travel concession will be (distance AB plus distance BC) minus distance for which Transfer Travelling Allowance is admissible.]

- (2) In a case where the distance for which the concession admissible as a above is negligible, it will be open to the employee not to avail of it at all, he being permitted to avail of it on some other occasion within the block period, subject to the other conditions being fulfilled. The option has to be exercised in respect of self and the members of the family at the time of preferring claim of Transfer Travelling Allowance, when the concession is not availed of, the concession advance, if any, taken by the employee shall be adjusted against his transfer travelling allowance entitlement.
- (3) When an employee proceeds with proper prior permission to ² [home town / any place in India] on regular leave from a tour station and returns to headquarters direct from ²[home town / any place in India] travelling allowance as on tour may be allowed to him for the journey from the head quarters to the tour station from which the employee proceeds to ²[home town / any place in India] and the concession for the journey from tour station to ²[home town / any place in India] and back to headquarters, the tour station being deemed to be the starting point for the onward journey.

¹ Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

² Substituted w. e. f. 22-6-76 vide Notification No. P./ OM / 32 / 74 dated 10-6-76 approved vide Ministry's letter No. PEX (31) / 76 dated 3 / 6-5-76.

- (4) In case an employee proceeds to a tour station from ¹[home town /any place in India] with proper prior permission and returns to headquarters there from he may be allowed the concession as admissible under these regulations from headquarters to ¹[home town / any place in India] and travelling allowance as on tour for the journey from ¹[home town / any place in India] to tour station and back to headquarters.

17. Concession Restricted within India

- (1) The concession shall be restricted to journeys within India shall be admissible for journeys between places connected by rail or partly connected by rail and partly connected by road or by steamer services and not connected by rail.
- (2) An employee who declares, subject to the satisfaction of the Chairman or Deputy Chairman that his home town is, outside India shall be entitled to the concession for visiting his home town. The Board's assistance in such a case shall be limited to the share of the fares for journeys
- (i) upto and from the railway station (by the shortest route) nearest to the home town in India or
- (ii) the railway station for the nearest port of embarkation / disembarkation in India.

Explanation: In this regulation 'nearest Port' means the Port in India nearest to the home town of the employee.

18. Nature of leave

- (1) The concession shall be admissible in the case of journeys performed by the employees during casual leave. ¹ [including special casual leave] and regular leave including, medical leave, leave on average pay, earned leave, leave on half-average pay, or extra ordinary leave, maternity leave. The concession shall not be admissible to an employee who proceeds on leave and then resigns his post without returning to duty. The above mentioned condition shall not apply to journeys performed by the members of family of the employee. ² [The concession shall not be admissible to an employee under suspension however members of his family are entitled to the concession

Provided that no leave Travel Concession is admissible when an employee undertakes a journey during the weekend or any other period of holidays alone]

- (2) ³ The concession shall be admissible to an employee and his family during leave preparatory to retirement provided that the return journey is completed before the expiry of leave and that the concession had not been availed of earlier during that particular block of calendar years.
- (3) ⁴ [The concession shall be admissible to the employee while on study leave. In such cases, the claims are to be regulated as under:

¹ Substituted w. e. f. 22-6-76 vide Notification No. P/ OM / 32 / 74 dated 10-6-76 approved vide Ministry's letter No. PEX (31) / 76 dated 3 / 6-5-76.

² Inserted vide Ministry's Notification No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94

³ Substituted w. e. f. 29-7-78 vide Ministry's Notification No. PEX 34 / 78 dated 7-7-78 published in the Gazette of India under GSR 963dated 29-7-78

⁴ Inserted vide Ministry's Notification No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94

(a) For self:

Employee can avail leave travel concession from the place of study to any place in India / home town, subject to the condition that the reimbursement of fare should be restricted to the fare admissible for travel between his Headquarters station and any place in India home town or actual expenditure, whichever is less.

(b) For the family members:

(i) When the family members are staying with the employee at the place of his study: the reimbursement will be as indicated at (a) above.

(ii) When not staying at the place of his study: the reimbursements will be as under the normal terms and conditions of the Leave Travel Concession.]

(4) An employee or his family members or both shall be entitled to the concession irrespective of the actual period of stay in his home town / any place in India.

19. Contract employees

Every employee appointed on contract basis shall be eligible to the concession on completion of one year's continuous service if the period of contract is more than one year. Where the initial contract is for one year but is later extended, the total duration of the contract shall be taken into account for this purpose. The grant of the concession to employees on contract shall be subject to the condition.

(i) That the successive blocks of two calendar years / four calendar years as the case may be, in the case of such employees shall be reckoned from the actual dates of their joining posts under the Board. If, however, an officer has joined a post in the port before 1st January 1976, the first block should be reckoned from 1st January 1976, the 31st December 1977 or 1st January 1976 to 31st December 1979 as the case may be;

(ii) That the appropriate administrative authority certifies at the time the employee concerned avail himself of the concession that he is likely to continue to serve under the Board for a period of two years / four years, as the case may be, from the date of his joining a post under the Board. The admissibility of the concession during the subsequent two year period / four year period will also be subject to similar condition.

20. Retired employees re-employed

Retired employees who are re-employed are eligible to the concession on completion of one year's continuous service, subject to the conditions, laid down in Regulations 19. But in case of re-employment immediately after retirement, the period of re-employed service may be treated as continuous with the previous service for the purpose of this concession and the concession allowed for the re-employed period provided that the concession would have been admissible to the employee had he not retired.

21. ¹Mode of preferring claim

Cash reimbursement of the fare shall be made on presentation of claims in Travelling Allowance bill forms with the usual certificate to the effect that they had actually performed such journeys and travelled by the class of accommodation not lower than the one for which reimbursement is claimed.

¹ Substituted w. e. f. 01-9-78 vide Ministry's Notification No. PW/PEX-29/79 dated 20-3-81 published in the Gazette of India dated 02-5-81

22. Prescribed Certificates

Two certificates, one from the controlling officer and the other from the employee concerned as at Appendixes I and II shall be submitted to the Accounts Officer along with Travelling Allowance bills for travel concession.

23. Obligatory Evidence

The employee shall inform the Chairman or Deputy Chairman before journeys for which assistance under these regulations is claimed are undertaken. He shall also produce evidence of his having actually performed the journey, for example, serial numbers of railway tickets, cash receipt etc., relaxation of a minor nature viz. in respect of production of serial numbers of railway tickets or cash receipts for railway tickets, prior intimation to the Chairman or Deputy Chairman before the journeys are undertaken by the employee or their families or both under these regulations may be made by the Chairman or Deputy Chairman if he is otherwise satisfied in regard to the genuineness of the claim and the bonafides of the journey having been performed. There shall be no objection to such relaxation being made by the Chairman himself purely on merits in really deserving cases and not as a general measure.

24. Record of Assistance

A record of all assistance granted under this regulation shall be suitably maintained. In the case of class III and class IV employees the record should be in the form of entries in the service book or other appropriate records and should indicate the date or dates of the journey or journeys to the ¹ [home town / any place in India] commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion an employee proceeds on leave, the fact that he availed of leave travel concession is indicated in the record.

25. Advance

To enable the employees to avail of the travel concession an advance may be made on the following terms and conditions, namely:

- (a) ² [The amount of advance in each case shall be limited to ninety percent of the estimated amount which Board would have to reimburse in respect of the cost of journeys both ways to the home town / any place in India and back]
- (b) Where the employee and members of his family avail themselves of leave travel concession separately i.e., at different time, the advance may be drawn separately to the extent admissible and adjustments of claims may be made separately. Where however, a consolidated advance is drawn by the employee in respect of the members of his family, the adjustment claim shall be prepared in a single bill;
- (c) The advance may be drawn for both the outward and return journeys of the employee or the members of his family of both at the time of commencement of the outward journey, provided that the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or 90 days. Where the period of leave or the period of anticipated absence exceeds the said limit, the advance may be drawn for the outward journey only. Where an advance has been drawn for both the outward and the return journeys and later it

¹ Substituted w. e. f. 22-6-76 vide Notification No. P/ OM / 32 / 74 dated 10-6-76 approved vide Ministry's letter No. PEX (31) / 76 dated 3 / 6-5-76.

² Substituted vide Ministry Notification No. PR. 12016 /22/88- PE-I published in the Gazette of India under GSR 1172 (E) dated 12-12-1988.

becomes clear that the period of absence of either the employee or the employee's family from headquarters is likely to exceed the said limit; one half of the advance should be refunded to the Board forthwith;

- (d) The advance in respect of temporary employees and their families will be sanctioned subject to the production of by them of surety of a permanent employee.
- (e) ¹In the case of journey otherwise than by rail, the advance shall be refunded forthwith if the outward journey is not commenced within 30 days of the grant of the advance, In the case of journey by rail, the advance shall be refunded forthwith if the outward journey is not commenced within 60 days of the grant of the advance. In the latter case, the employee should, however, produce railway cash receipts within 10 days of the drawal of advance to show that he has actually utilised the amount to purchase the tickets, failing which the amount shall be refunded forthwith.
- (f) The Travelling Allowance claim in adjustment of the advance drawn should be prepared within one month of completion of the return journey.
- (g) The account of advance drawn for leave travel journey will be rendered after completion of the journeys in the same way as for an advance of Travelling Allowance on tour;
- (h) The adjustment of the advance will be watched through objection book by the Accounts Officer.
- (i) ² [If an employee violates the conditions specified in sub-regulation (e), the amount of advance shall, from the date of its disbursement carry interest as applicable to advance for the purchase of Conveyance (other than motor car) plus penal interest at 2 ½ percent over and above the prescribed rate of interest.]

26. Head of Account

The expenditure on the concession of the advance granted in that connection shall be debited to a separate detailed head "Travel concession" under the Sub-Head 'Allowances Honoraria, etc.' subordinate to the appropriate final head of account to which they pay, etc. of the employees concerned is debited.

27. ³ Interpretation

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government who shall decide the same.

¹ Substituted w.e.f. 21-7-79 vide Ministry's Notification No. PEX -30 /79 dated 7-7-79 published in the Gazette of India under GSR 973 dated 21-7-79.

² Inserted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

³ Substituted w.e.f. 26-7-77 vide Notification No. P2 / 1771 (II)/ 77 dated 5-7-77 approved vide Ministry's Notification dated 14-6-77.

APPENDIX - I

Certificate to be given by the Chairman / Deputy Chairman

Certified:-

- i. That Shri / Shrimati / Kumari (name of the employee)
has rendered continuous service for one year or more on the date of commencing
the outward journey;
- ii. That necessary entries as required under Regulation 24 of these Regulations
have been made in the Service Book of Shri / Shrimati / Kumari
.....

Signature of the Chairman / Deputy Chairman

¹APPENDIX - II

Certificate to be given by an employee

1. I have not submitted any other claim so far for Leave Travel Concession in respect of myself or the members of my family in respect of the block of two years / four years 20 and 20
2. I have already drawn T.A. for the Leave Travel Concession in respect of a Journey performed by me / my wife with..... children. This claim is in respect of the journey performed by my wife / myself with children one of whom travelled with the party on the earlier occasion.
3. The journey has been performed by me/ my wife with children to the declared home town / any place in India viz.....
4. Certified that my wife / husband for whom Leave Travel Concession is claimed by me is employed in the Board's service(Name of the State / Central / Government Department / Public sector Undertaking / Corporation / Autonomous Body Local Body etc.) which provides leave travel concession facilities, but she / he has not preferred and will not prefer any claim on this behalf to her / his employer during any year of the concerned block of 2 years / 4 years as the case may be separately for himself / herself of any member (s) of the family.

OR

- ** Certified that my wife / husband for whom Leave travel Concession is claimed by me is not employed in the Board's service / any State / Central Government Department / any public Sector Undertaking / Corporation / Autonomous Body financed wholly or partly by the central Government or a Local Body which provides Leave Travel Concession facilities to its employees and their families.

Signature of the employee

** Strike out the portion not applicable.

¹ Substituted vide Ministry's Notification No PR-12016/14 / 87-PE I and published in the Gazette of India under GSR 336(E) dated 10-3-1988

Foot Note: The Principal regulations were published in the Gazette of India vide GSR No.312 dated 29-2- 1964. The regulations were subsequently amended vide the following Notifications:-

1. No. P/ OM / 59 / 67 dated 18-11-67, published in Kerala Gazette dated 5-12-67.
2. No. P / OM / 32 / 74 dated 10-6-76, published in the Kerala Gazette dated 22-6-1976.
3. No. P2 / 1771 (II) / 77 dated 5-7-1977, published in the Kerala Gazette dated 26-7-1977.
4. No. PEX-66 /77 dated 29-10-77 G.S.R. No. 1581 dated 19-11-1977.
5. No. PEX-34 / 78 dated 7-7-78 G.S.R No. 963 dated 29-7-1978.
6. No. PEX 30 /79 dated 7-7-1979 G.S.R. No. 973 dated 21-7-1979.
7. No. PW / PEX-29 dated 20-3-1981 G.S.R. No. 446 dated 2-5-1981.
8. PR-12016 / 14 / 87 PE-I dated 10-3-1988 published in the G.O.I dated 10-3-1988 under G.S.R. 336 (E).
9. No. PR. 12016 /22/88- PE-I published in the Gazette of India under GSR 1172 (E) dated 12-12-1988
10. No. PR-12016/25/94-PE-II and published in the Gazette of India under G.S.R. 596 (E) dated 27-7-94
11. No. PR-12016/1/2010-PE-I and published in the Gazette of India under G.S.R. 439(E) dated 07-06-2012.

THE COCHIN PORT EMPLOYEES (CONDUCT) REGULATIONS, 1964

G.S.R: 313:- In exercise of the powers conferred by Section 126 read with Section 28 of Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations namely:-

1. Short title and Application

- (1) These regulations may be called the Cochin Port Employees (Conduct) Regulations, 1964.
- (2) They shall come into force on the 29th February 1964.
- (3) Except as otherwise provided by or under these regulations, they shall apply to all persons appointed to posts in connection with the affairs of the Cochin Port.

Provided that nothing in sub-regulation (2) of regulation 3, sub-regulations (5) and (6) of regulation 4, regulation 9, explanation to sub-regulation (2) of regulation 10, regulation 11, sub-regulation (2) of regulation 12, regulation 13, sub regulation (1), (2) and (3) of regulation (15), regulations 16, 17 and 18 shall apply to an employee drawing a pay not exceeding Rs.500/- per mensem and holding a class III or class IV post.

Provided further that nothing in the foregoing provision shall apply to any office which is mainly concerned with administrative, managerial, supervisory, security or welfare functions.

2. Definitions

In these regulations, unless the context otherwise requires:-

- (a) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of Department' shall have the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963).
- (b) 'Government' means the Central Government;
- (c) 'employee' means an employee of the Board;
- (d) ¹['members of the family' in relation to an employee includes
 - (i) The wife or husband, as the case may be of the employee, whether residing with the employee or not but does not include a wife or husband, as the case may be separated from the employee by a decree or order of a competent Court;
 - (ii) Son or daughter or step-son or step-daughter of the employee and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived by or under any law;
 - (iii) Any other person related, whether by blood or marriage, to the employee or to the employee's wife or husband and wholly dependent on the employee.]
- (e) 'Prescribed authority' means the appointing authority as prescribed in the Cochin Port employees (Classification, Control and Appeal) Regulations, 1964.

¹ Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96.

3. General

(1 A) Every employee shall, at all times-

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of an employee of the Board.

(1B) (i) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

(ii) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under direction of his official superior and shall when he is acting under such direction, obtain the direction in writing wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

(iii) Every superior official giving the direction shall give it in writing as far as practicable, and where it is not practicable, confirm such direction in writing immediately thereafter.

¹[(iv) Every employee holding a supervisory post shall take all possible steps to prevent / deter commission of acts of sexual harassment of women, under their control, in work place.]

²[Explanation I

An employee who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-Regulation (1A)]

Explanation II

Nothing in clause (ii) of sub regulation (1) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the delegation of powers.

³[(1C) No Employee shall : -

- (a) Act in a manner prejudicial to the interest of the Port.
- (b) Be absent without sanctioned leave.
- (c) Neglect work or show negligence in the performance of work including slowing down of work.
- (d) Commit any act which is subversive of discipline or of good behaviour.
- (e) Abet or attempt to abet any act which amounts to misconduct.
- (f) Act in subordination or disobedience in combination with others.]

¹ Inserted vide Notification No.PR-12016 / 34 / 98-PE and published in the Gazette of India vide GSR 711 (E) dated 30-11-98

² Inserted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96.

³ Inserted with effect from 12-12-88 vide notification No.PR-12013 / 10 / 88-PE-1 dated 12-12-88 published in Gazette of India dated 12-12-88 under GSR 1170 (E)

(g) ¹[Commit any act of sexual harassment of women in work place.]

- (2) No employee holding a Class 1 post shall, except with the previous sanction of the Board, permit his son, daughter or any other dependent to accept any employment with any firm or company with which he has dealings in his capacity as such employee or with any other firm having dealings with the Board.

Provided that where the acceptance of such employment by the son, daughter or other dependent of such employee cannot await the prior permission of the board or is otherwise considered urgent, the matter shall be reported by the employee to the Board and the employment may be accepted provisionally subject to the permission of the Board.

- (3) Every employee should desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which his child or dependent is employed.
- (4) No employee should bid at auctions arranged by or on behalf of the Board.
- (5) Participation by an employee in proselytizing activities or the direct or indirect use of his position and influence in such activities is objectionable.
- (6) ²[Every employee is expected to maintain a reasonable and decent standard of conduct in his/her private life and not bring discredit to his employer by his misdemeanor. In cases where an employee is reported to have conducted himself / herself in a manner unbecoming of a servant of the Board as for instance by neglect of the spouse and family, action may be taken against him / her on that score.]
- (7) An employee who is convicted by a court of law or arrested should report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this will render him liable to disciplinary action.
- (8) ¹[Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :
- a) Physical contact and advances.
 - b) a demand or request for sexual favours.
 - c) sexually coloured remarks.
 - d) showing pornography
 - e) any other unwelcome physical / verbal or non verbal conduct of sexual nature.
- An employee who has committed an act of sexual harassment of women at work place shall be liable to disciplinary action and punishment under the rules in force.]

4. ³[Taking part in politics and election :-

- (1) No employee shall take part in an election to any legislature or local authority
Provided that.

¹ Inserted vide Notification No.PR-12016 / 34 / 98-PE and published in the Gazette of India vide GSR 711 (E) dated 30-11-98

² Substituted w. e. f. 17-1-81 vide Ministry of Shipping & Transport Notification No. PW / PEX-54 / 80 dated 5-1-81 published in the Gazette of India dated 17-1-81 under G.S.R. No. 71

³ Substituted vide Notification No PW / PER-2 / 85 dated 30-10-86 G.S.R. 1171 (E).

- (i) an employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted:-
 - (ii) an employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.
- (2) No employee shall engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or which involves contempt of court defamation or incitement to an offence.
 - (3) No employee shall join, or continue to be member of an association the objects or activities of which are pre-judicial to the interests of the sovereignty and integrity of India or public order or morality.]

5. Connection with press or Radio:-

- (1) No employee shall except with the previous sanction of the Board own wholly or in part or conduct or participate in the editing or managing of, any newspaper or other periodical publication.
- (2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical :-

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

6. Criticism of Board / Government:

No employee shall in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion-

- (i) Which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government, State Government' the Board or any other Major Port Trust.

Provided that in the case of any employee specified in the proviso to sub-regulation (2) of regulation 1, nothing contained in this regulation shall apply to bonafide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein; or

- (ii) Which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust; or
- (iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign state;

Provided that nothing in this regulation shall apply to any statements made or views expressed by an employee in his official capacity or the due performance of the duties assigned to him.

7. Evidence before Committee or any other Authority

- (1) Save as provided in sub-regulation, (3) no employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority.
- (2) Where any sanction has been accorded under sub-regulation (1) no employee giving such evidence shall criticize the policy or any action of the Board or of any other Major Port Trust or of the Central Government or of a State Government.
- (3) Nothing in this regulation shall apply to-
 - (a) Evidence given at an enquiry before an authority appointed by the Central or a State Government by parliament or by a State legislature or by the Board or by any other Major Port Trust; or
 - (b) Evidence given in any judicial enquiry; or
 - (c) Evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board, or by any other Major Port Trust or by the Chairman or Deputy Chairman or Head of a Department.

8. Unauthorised communication of information

No employee shall, except in accordance with any general or special order of the Board or in the performance in good faith of the duties assigned to him, communicated directly or indirectly, any official document or information to any person to whom he is not authorised to communicate such documents or information

¹Explanation 1: Supply of routine or statistical information, wherever considered necessary to recognised Unions and Associations of employees by the authority having custody of such information, on their request shall not amount to unauthorised communication of information within the meaning of this regulations.

Explanation 2: If an employee quotes or copies in his representation, appeal etc. circulars and instructions of the Board or any other Major Port Trust or Government including those marked secret, notes and other information, from files to which he is not authorised to have access, or which he is not authorised to keep in his personal custody for personal purpose, the action shall amount to unauthorised communication of information within the meaning of this regulations. However, quotation by an employee of any order passed in the case of another employee whose case is similar to his own shall not amount to contravention of this regulation provided the quotation in such a case is from the final orders passed and not from the notings, on the file.

9. Subscriptions

No employee shall, except with the previous sanction of the Board or of such authority as may be empowered by it in this behalf, ask for or accept contributions to, or otherwise associate himself with the raising of any fund in pursuance of any object what so ever.

Explanations:

1. Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.
2. Voluntary association of an employee with the collection of Flag Day Contributions is permissible without any specific sanction under this regulation.

¹ Substituted w. e. f 18-8-1979 vide Ministry of Shipping & Transport Notification No.PEX-15 / 79 dated 31-7-79 published in the Gazette of India dated 18-8-1979

3. Collection of subscriptions by an employee qua-member of a service union of employee from amongst other members of the Union-
 - (i) is unobjectionable and does not require prior sanction if-
 - (a) the proceeds are proposed to be utilised for welfare activities of the Union;
 - (b) where a matter affecting the general interests of the members of the Union is in dispute, it is permissible under the rules of the Union to spend its funds over such matters,
 - (ii) is objectionable if the proceeds are proposed to be utilised for the defence of an individual member of the Union against whom departmental action is being taken on grounds which concern him in particular.
4. Approach to the public for collecting funds for the Union without the previous sanction of the Board is objectionable.

10. ¹[Gifts

1. Save as provided in these Regulations, no employee shall accept, or permit any member of his family or (any other person acting on his behalf) to accept any gift

Explanation:- The Expression gift shall include free transport, boarding, lodging or other service or any other necessary advantage provided by any person other than a near relative or personal friend having no official dealings with the employee.

Note: 1. A casual meal, lift or other Social hospitality shall not be deemed to be a gift.

Note: 2. An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual, Industrial or Commercial firms, Organisations, etc, having official dealings with him.

2. On occasions, such as wedding anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives but shall make a report to the Board if the value of any gift exceeds:-
 - (i) Rs.1,000 in the case of an employee holding any Class I or Class II post;
 - (ii) Rs.500 in the case of an employee holding any Class III post; and
 - (iii) Rs. 200 in the case of an employee holding any Class IV post
3. On such occasions as are specified in sub-regulation (2) an employee, may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Board if the value of any such gifts exceeds-
 - (i) Rs.400 in the case of an employee holding any Class I or Class II post;
 - (ii) Rs.200 in the case of an employee holding any Class III post; and
 - (iii) Rs.100 in the case of an employee holding any Class IV post
4. In any other case, an employee shall not accept any gift without sanction of the Board if the value thereof exceeds:-
 - (i) Rs.150 in the case of an employee holding any Class I or Class II post;

¹ Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96.

- (ii) Rs.50 in the case of an employee holding any Class III or Class IV post.
- 5. Notwithstanding anything contained in Sub-regulations (2), (3) and (4), an employee being member of Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries if the market value of gifts received on one occasion does not exceed Rs.1,000. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued in this regard from time to time.
- 6. An employee shall not accept any gift from any foreign firm which is either contracting with the Board or is one with which the employee had, has or is likely to have official dealing. Acceptance of gifts by an employee from any other firm shall be subject to the provision of sub-regulation (4)]

11. Public demonstrations in honour of employees

No employee shall, except with the previous sanction of the Board receive any complimentary of valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employees:

Provided that nothing in this regulation shall apply to:

- (i) A farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted service under the Board; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Explanation: Acceptance of invitation to declare buildings, etc., open or to lay the foundation stones of new buildings, or to allow public places, institutions to be renamed after him attract the provisions of this regulation.

12. ¹[Private Trade or employment

- (1) Subject to the provisions of Sub-Regulation, (2) no employee shall, except with the previous sanction of the Board:
 - (a) engage directly or indirectly in any trade or business, or
 - (b) negotiate for, or undertake any other employment, or
 - (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
 - (d) Canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
 - (e) take part except in the discharge of his official duties, in the registration, promotion or management of any Bank or other Company registered or required to be registered, under the Companies Act 1956 (1 of 1956) or any other law for the time being in force, or of any Co-operative society for Commercial purposes.
- (2) An employee may, without the previous sanction of the Board:-
 - (a) Undertake an honorary work of a social or charitable nature
 - (b) Undertake occasional work of literary, artistic or Scientific Character, or

¹ Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96

- (c) Participate in Sports activities as an amateur, or
- (d) Take part in the registration, promotion or management (not involving the holding of an elective Office) of literary, scientific or charitable society or of a Club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreation activities, registered under the Societies Registration Act. 1860 (21 of 1860) or any other law for the time being in force, or
- (e) Take part in the registration, promotion or management (not involving the holding of an elective Office) of a Co-operative Society substantially for the benefit of employees, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force.

Provided that:-

- (i) he shall discontinue taking part in such activities, if so directed by the Board, and
 - (ii) in a case falling under Clause (e) of this sub-regulation his official duties shall not suffer thereby and he shall, within the period of one month of his taking part in such activity, report to the Board giving details of the nature of his participation.
- (3) Every employee shall report to the Board if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
 - (4) Unless otherwise provided by general or special orders on this behalf no employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

Explanation: The term Fee used here shall have the meaning assigned to it in fundamental Rule 9 (6-A).]

13. Investment, lending and borrowing

- (1) No employee shall speculate in any investment.

Explanation: (1) The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this sub-regulation.

- (2) No employee shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his duties.
- (3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) or sub-regulation (2), the decision of the Board thereon shall be final.
- (4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property, within the local limits of his authority or at interest to any person:

Provided that an employee may make an advance of pay to a private servant, or give a loan of small amount, free of interest, to a personal friend or relative, even if such person possesses land within the local limits of his authority.

- (5) No employee shall in the ordinary course of business with a bank or firm of standing borrow money from, or otherwise place himself under pecuniary obligation to, any person within the local limits of his authority or any other person with whom he is likely to have dealings, nor shall he permit any member of his family, except with the previous sanction of the Board, to enter into any such transaction:

Provided that an employee may accept a purely temporary loan of small amount free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

¹**Explanation:** Receiving the amount of the sum total of the subscriptions payable by all subscribers of a Chit Fund for any one installment less the discount or commission payable to the Chit Fund company by bid before the period of maturity would come within the purview of this Sub-regulation,

- (6) When an employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub regulation (4) or sub regulation (5) he shall forth-with report the circumstance to the Board and shall thereafter act in accordance with such orders as may be passed by the Board.

14. Insolvency and habitual indebtedness

- (1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceeding for insolvency shall forth-with report the full facts to the Board.
- (2) When an attachment order is to be enforced against an employee the Chairman or Deputy Chairman should
- (i) Determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so.
- (ii) Consider the question of taking disciplinary action against him.

15. Movable, immovable and valuable property

- (1) No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immovable property by lease, mortgage, purchase, sale-gift of otherwise either in his own name or in the name of any member of his family:

²[Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him]

Explanation: It is not contemplated that an employee should enter into transactions regarding movable and immovable property without the previous sanction of the prescribed authority and afterwards seek ex-post facto sanction. Such a procedure would render the provisions of these regulations completely ineffective and defeat the purpose for which these regulations have been framed. It is therefore, essential that the provisions of these regulations should be strictly adhered to and the employees should obtain the sanction of the prescribed authority wherever necessary, before entering into a transaction.

- (2) ³[Where an employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority,

¹ Inserted with effect from 12-7-1977 vide Ministry of Shipping & Transport Notification No. PEX-34 / 77 dated 20-5-77 published in the Gazette dated 4-6-77 under G.S.R. 701

² Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96

³ Substituted vide notification F.No.PR-12016/11/2014-PE-I and published in the Gazette of India under GSR No.848(E) dated 22-11-2014.

if the value of such property exceeds two months' basic pay of the employee.

Provided that previous sanction of the prescribed authority shall be obtained by the employee, if any such transaction is with a person having official dealings with him.]

Explanations: (1) For the purpose of this sub-regulation the expression "movable property includes inter alia the following property, namely:-

- (a) ¹[Jewellery, insurance policies, the annual premia of which exceeds two months' basic pay of the employee, shares, securities and debentures;]
- (b) ²[all loans, whether secured or not, advanced or taken by the employee,]
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) television sets, refrigerators, radios, radiograms etc.
- (e) ²[the forms shall be appended as Form No. III and IV.]

³**Explanation:** (2) The subscriptions which an employee gives to a Chit Fund would be a transaction in movable property within the meaning of this sub-regulation if the monthly annual subscription to the Chit Fund exceeds the monetary limit laid down in this sub-regulation. Previous sanction is necessary for joining Chit Funds only if the Chit Fund is not a registered Chit Fund Company. Receiving the amount from the Chit Fund at the time of maturity would also amount to transaction in movable property within the meaning of this sub-regulation.

Explanation: (3) An employee should submit a report to the Board if the annual premium of a Life Insurance Policy taken by him exceeds the monetary limit laid down in this sub-regulation. If, in any case, the annual premium initially determined was less than the prescribed monetary limit, but on conversion, the annual premium exceeds the said limit, a report to the Board is necessary at that stage. When the employee receives the sum assured as survival benefit / on maturity of the policy he need not submit any report in this regard. An employee need not report to the Board the fact of his having taken an insurance policy, if, the annual premium thereon is less than the monetary limit laid down in this sub-regulation. He should, however submit a report to the Board at the time of receiving the sum assured as survival benefit / on maturity of the policy.

Explanation: (4) Fixed Deposits in Bank or deposits in savings Bank Account made by an employee from out of his salary or accumulated savings would not come within the purview of this sub-regulation.

- (3) Every Class I and Class II employee shall, on his admission in the service of the Board and thereafter at the intervals of every 12 months, submit a return as in Annexure 'D' of all immovable property owned, acquired, or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.

¹ Substituted vide notification F.No.PR-12016/11/2014-PE-I and published in the Gazette of India under GSR No.848(E) dated 22-11-2014

² Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96.

³ Inserted with effect from 12-7-77 vide Ministry of Shipping & Transport Notification No. PEX-34 / 77 dated 20-5-77 published in the Gazette dated 4-6-77 under G.S.R. 701

- (4) The Board or any authority empowered by it in this behalf may, at any time, by general or special order, require an employee to submit within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family as may be specified in the order. Such statement shall, if so required by the Board or by the authority so empowered, include details of the means by which or the source from which, such property was acquired.

Explanation:

- (1) The construction of a house results in acquisition of immovable property and attracts the provisions of this regulation. The purchase of movable property required for the construction of the house also attracts this regulation.
- (2) Transaction as members of a Hindu undivided joint family shall not require the Board's prior permission. In such cases, transactions in immovable property should be included in the annual property returns and those immovable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them.

If the employee is unable to give an idea of his share of such property, he may give details of the full property and the names of the members who share it.

16. Vindication of Acts and Character of Employees:

No employee shall, except with the previous sanction of the Board, have recourse to any Court or the press for the vindication of any official act which has been a subject matter of adverse criticism or an attack of defamatory character.

Explanation: Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity.

17. Canvassing of Non-Official or other outside influence:

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

18. ¹[Restriction regarding Marriage:

- (1) No employee shall enter into, or contract a marriage with a person having a spouse living, and
- (2) No employee having a spouse living shall enter into, or contract, a marriage with any person:

Provided that the Board may permit an employee to enter into, or contract, any such marriage as is referred to in clause (1) or clause (2), if it is satisfied that:-

- (a) Such marriage is permissible under the personal law applicable to such employee and the other party to the marriage, and
- (b) there are other grounds or so doing.
- (3) an employee who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Board.]

¹ Substituted vide Ministry's notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96

19. ¹[Consumption of intoxicating drinks and drugs:

An employee shall-

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may have to be for the time being.
- (b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drinks or drugs.
- (c) refrain from consuming any intoxicating drinks or drugs in a public place;
- (d) not appear in a public place in a state of intoxication;
- (e) not use any intoxicating drinks or drugs to excess,

Explanation: For the purpose of this regulation, “public place means any place or premises (including a conveyance) to which the public have or are permitted to have access, whether on payment or otherwise”.]

20. Interpretation:

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government who shall decide the same.

¹ Substituted vide Ministry’s notification No.PR-12016/6/95 PE-I and published in the Gazette of India under G. S. R. 366 (E) dated 19-8-96

FORM No. I

[Form of report / application (for permission) to the prescribed authority for the building of, or addition to a house]

This is to report to you that I propose to build a house

This is to request that permission may be granted to me for the building of a house. The estimated cost of the land and the building is given below:

Land

- (1) Location (Survey numbers, Village, District, State)
- (2) Area
- (3) Cost

Building

- (1) Bricks (Rate / quantity / Cost)
- (2) Cement (Rate / quantity / Cost)
- (3) Iron & Steel (Rate / quantity / Cost)
- (4) Timber (Rate / quantity / Cost)
- (5) Sanitary fittings (cost)
- (6) Electrical fittings (cost)
- (7) Any other special fittings (cost)
- (8) Labour charges
- (9) Other charges, if any.

Total cost of Land and building:

Yours faithfully,

FORM No.II

[Form of report to the prescribed authority, after completion of the building / extension of a house]

Sir,

In my letter No.....dated.....I had

Permission was granted to me in Order.....

Reported that I proposed to build a house dated.....for the building of house.

The house has since been completed and I enclose a Valuation Report, duly certified by @.....

@ (A firm of Civil Engineers or a Civil Engineer of repute)

Yours faithfully,

Date:

(Signature)

VALUATION REPORT

I/We hereby certify that I/We have valued House £..... constructed by Shri/Shrimati @.....

and I / we give below the value at which we estimate the cost of the house under the following heading:

£ (here enter details of the House)
@ (here enter name etc. of the employee)

	<u>Heading</u>	<u>Cost</u>	
		Rs.	Ps
1.	Bricks		
2.	Cement		
3.	Iron and Steel		
4.	Timber		
5.	Sanitary fittings		
6.	Electrical fittings		
7.	All other special fittings		
8.	Labour charges		
9.	All other chages		

Total cost of the building _____

Date:

(Signature of the valuation authority)

ANNEXURE 'A'
(Here enter description of the proceedings)

The Board having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to the Board as may be required for my defence and further agree that I shall not hold the Board in any way responsible if the proceedings end in a decision adverse to me

Signature of the employee

ANNEXURE 'B'

By this Bond I(here give the name and other particulars of the employee including the post held by him) acknowledge myself bound to the Board in the sum of Rs..... (here enter a sum representing double the amount advanced) to the said Board.

Now the above written bond is conditioned to be void in case the above bounden (employee), his personal representative or any person acting for and on behalf of the above bounden (employees) shall on demand, pay to the said Board or its representatives or assigns or their attorney authorised to receive the same, the said sum of Rs....., but in the event of the above bounden (employee) or his personal representative or any person acting for and on his behalf failing to pay the said sum on demand, the above written bond shall remain in full force and effect.

Dated this the day of 19.....

Witness;

Signature of the employee

FORM No.III

Form for giving prior intimation or seeking previous sanction under Regulation 15 (1) in respect of immovable property (other than for building of or additions & alterations to a house).

1. Name and Designation :
2. Scale of pay and present pay :
3. Purpose of application sanction for transaction / prior intimation of transaction :
4. Whether property is being acquired or disposed of :
5. Probable date of acquisition / disposal of property :
6. Mode of acquisition / disposal of property :
7. a) Full details about location, viz, Municipal No. Street / Village / Taluk / District and State in which situated :
- b) Description of the property, in the case of cultivable land, dry or irrigated land :
- c) Whether freehold or leasehold :
- d) Whether the applicant's interest in the property is in full or part (in case of partial interest, the extent or such interest must be indicated) :
- e) In case the transaction is not exclusively in the name of the employee, particulars of ownership and share :
8. Sale/purchase price of the property (Market value in the case of gifts)_ :
9. In case of acquisition, source or sources from which financed / proposed to be financed :
- a) Personal savings :
- b) Other sources giving details :
10. In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (A copy of the sanction/acknowledgement should be attached) :
11. a) Name and address of the party with whom transaction is proposed to be made :
- b) Is the party related to the applicant? If so, state the relationship :
- c) Did the applicant have any dealings with :

the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?

- d) How was the transaction arranged? :
(Whether through any statutory body or private agency through advertisement or through friends and relatives. Full particulars to be given)
- 12. In case of acquisition by gift, whether :
sanction is also required under regulation 10 of CPE (Conduct) regulations 1964
- 13. Any other relevant fact which the applicant :
may like to mention

DECLARATION

I,.....hereby declare that the particulars given above are true. I request that I may be given permission to acquire / dispose of property as described above from / to the party whose name is mentioned in item 11 above.

OR

I..... hereby intimate the proposed acquisition / disposal of property by me as detailed above. I declare that the particulars given above are true.

Station:

Signature:

Date:

Designation

Note 1: In the above form, different portion may be used according to requirement.

Note 2: Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

FORM No. IV

Form for giving intimation or seeking previous sanction under Regulation 15 (2) for transaction in respect of movable property

1. Name of the employee :
2. Scale of pay and present pay :
3. Purpose of application sanction for transaction / prior intimation of transaction :
4. Whether property is being acquired or disposed of :
5. a) Probable date of acquisition / disposal of property :
b) If the property is already acquired / disposed of – Actual date of transaction :
6. a) Description of the property (eg: Car / Scooter / Motor Cycle / Refrigerator / Radio / Radiogram / Jewellery / Loans / Insurance Policies) :
b) Make, Model (and also Registration No. in case of vehicles) where necessary :
7. Mode of acquisition / disposal (purchase / sale, gift, mortgage, lease or otherwise) :
8. Sale / purchase price of the property (Market value in the case of gifts) :
9. In case of acquisition, source or sources from which financed / proposed to be financed :
a) Personal savings :
b) Other sources giving details :
10. In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (A copy of the sanction/acknowledgement should be attached) :
11. a) Name and address of the party with whom transaction is proposed to be made :
b) Is the party related to the applicant? If so, state the relationship :
c) Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future? :
d) Nature of official dealings with the party :
e) How was the transaction arranged? (Whether through any statutory body or) :

private agency through advertisement or through friends and relatives. Full particulars to be given)

12. In case of acquisition by gift, whether :
sanction is also required under regulation 10 of CPE (Conduct) regulations 1964
13. Any other relevant fact which the applicant :
may like to mention

DECLARATION

I,.....hereby declare that the particulars given above are true. I request that I may be given permission to acquire / dispose of property as described above from / to the party whose name is mentioned in item 11 above.

OR

I..... hereby intimate the proposed acquisition / disposal of property by me as detailed above. I declare that the particulars given above are true.

Station:

Signature:

Date:

Designation

Note 1: In the above form, different portion may be used according to requirement.

Note 2: Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

ANNEXURE 'C'

1. Shri / Smt / Kumari.....declare as under

- * (i) That I am unmarried / a widower / a widow
- * (ii) That I am married and have only one wife living.
- * (iii) That I am married and have more than one wife living. Application for grant of exemption is enclosed.
- * (iv) That I am married and that during the life time of my spouse I have contracted another marriage. Application for grant of exemption is enclosed.
- * (v) That I am married and my husband has no other living wife to the best of my knowledge.
- * (vi) That I have contracted marriage with a person who has already one wife or more living application for grant of exemption is enclosed.

@ 2. I solemnly affirm that the above declaration is true and I understand that in the event of declaration being found to be incorrect after my application, I shall be liable to be dismissed from service.

Date.....

Signature.....

(*) Please delete clauses not applicable.

(@) Applicable in the case of clauses (i), (ii) and (iii) only.

Application for grant of Exemption
(Vide para I (iii) / 1 (iv) of the Declaration)

To

The.....

.....

Sir,

I request that in view of the reasons stated below, I may be granted exemption from the operation or restriction on one recruitment to service of a person having more than one wife living / women who is married to a person already having one wife or more living.

Reasons.

Yours faithfully,

Date.....

(Signature)

ANNEXURE 'D'

Statements of immovable property on first appointment ¹[/] for the year.....

1. Name of employee (in full) :
2. Present post held :
3. Present pay :

Name of District Sub-Division, Taluk and village in which property is situated	Name & details of property		Present value*	If not in own name state in whose name held & his / her relationship to the employee@	How acquired whether by purchase / lease* mortgage inheritance, gift or otherwise with date of acquisition and name with details of the persons from whom acquired	Annual income from the property	Remarks
	House & other building	Lands					
1	2	3	4	5	6	7	8

NOTE: The declaration form is required to be filled and submitted by every member of Class I and Class II service under sub-regulation (3) of Regulation 15 of the Cochin Port Employees (Conduct) regulations, 1964, on first appointment to the service and thereafter at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

Signature
Date:

* In case where it is not possible to assess the value accurately, the approximate value in relation to present conditions may be indicated.

@ In applicable clause to be struck out,

* Includes short term lease also

(Published by the Ministry of Transport (Transport Wing) ports in Part II Section 3 Sub-section (i) of the Gazette of India Extra Ordinary dated 29-2-1964 under G.S.R. No. 313 vide Notification No. F. 19-PG (125/63).

¹ Inserted vide notification F.No.PR-12016/11/2014-PE-I and published in the Gazette of India under GSR No.848 (E) dated 22-11-2014.

THE COCHIN PORT TRUST (AUTHORISATION OF PILOTS) REGULATIONS, 1964

G.S.R 316 : In exercise of the powers conferred by proviso to section 24 (I) read with section 28, of the Major Port Trusts Act 1963 (38 of 1963) the Central Government hereby makes the following regulations, namely:

1. Short title and commencement

- (1) These regulations may be called the Cochin Port (Authorisation of Pilots) Regulations, 1964.
- (2) They shall come into force on the 29th February, 1964.

2. Definitions

In these regulations, unless the context otherwise requires:-

- (1) "Board", "Chairman", Deputy Chairman" shall have the same meaning as in the Major Port Trusts Act, 1963.
- (2) "Limits of Compulsory Pilotage Waters" means the limits defined under sub-section (2) of Section (4) of the Indian Ports Act, 1908 (15 of 1908).
- (3) "Deputy Conservator" means the officer in whom the direction and management of Pilotage are vested.
- (4) "Harbour Master" means the Officer appointed by the Board to perform such duties as may, from time to time, be assigned by the Dy. Conservator.
- (5) "Port" means port of Cochin.

3. Harbour Master's Control over Pilots

The Harbour Master shall have control over Pilots in pilotage charge of vessels while entering or leaving the port or mooring or berthing or unberthing at any berth in the Port.

4. Pilots to be licensed

- (1) All Pilots shall hold licenses to perform the duties of a pilot for the Port of Cochin. These licences, subject to the sanction of the Central Government, shall be issued and be revocable by the Board.
- (2) A pilot severing his connection with the Board shall forthwith deliver his licence to the Board.

5. Conditions for joining the pilot service

A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions.

- (a) The conditions of eligibility laid down in regulation 14 (b) and 14 (c) of the Cochin Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964.
- (b) That on the date of appointment as a Probationer Pilot he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.
- (c) That he possess the qualifications detailed in regulation 6 below.

6. Qualifications of Candidates

- (1) A candidate for a pilotage licence shall.
 - (a) Produce certificates of good character and sobriety and he in possession of a Certificate of Competency as Master (Foreign-going) granted by the Government of India on its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign-going ship;
 - (b) Obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the Purpose:
 - (c) Unless the Board otherwise determines, serve a period of probationary training of not less than 6 months. On completion of the training, the probationer may, if recommended by the Harbour Master and Subject to the approval of the Deputy conservator, apply to be examined as to his qualifications to pilot ships.
- (2) The fee for a Pilot's Licence shall be prescribed by the Board from time to time.

7. Subjects of Examination

The examination shall include the following subjects:

Regulations and Rules framed for navigating in the Port; the course and distance between any two places, the rise and set of tides, the depth and character of soundings; the anchorages, rocks, shoals and other dangers, the Land Marks, Buoys and Beacons and Lights within the Port; the management of ships and steamers, how to bring them to anchor and to keep them clear of their anchors in a tideway; to moor and unmoor and get underway; to handle a vessel under all conditions and such other subjects as may be determined by the Examination committee in this respect.

8. Examination Committee

The examination shall be conducted in the manner prescribed by the Board by an Examination Committee constituted as follows:

- (1) The Deputy Conservator (Chairman)
- (2) The Harbour Master
- (3) A Master of a Foreign-going ship

9. Failure to pass an Examination

In the event of a probationer failing to pass the specified examination within nine months of his appointment, he will be liable to be discharged.

10. Pilot's Distinguishing Flag

Each Pilot shall be provided with a Distinguishing Flag which is to be hoisted on the vessels while in his charge in such a position where it can best be seen and apart from other signals.

The same flag hoisted at the Signal Station will be used in communicating with the vessel when the pilot is on board.

11. Pilots to obey the orders of the authority

A Pilot shall obey and execute all lawful orders and regulations given or issued by the Board, the Deputy conservator and or the Harbour Master.

12. Pilots' behavior

A Pilot shall at all times exercise strict sobriety. He shall throughout the time is in charge of a vessel, use his utmost care and diligence for her safety and the safety of other vessels and property. He shall, when necessary, keep the lead going while the vessel is underway. He shall not lay by the vessel aground without a written order from the owner or Officer in command.

13. Pilots' behaviour towards the Master of the vessel etc

A pilot shall behave with due civility towards the Owner. Master and Officers of any vessel under his charge.

14. Pilots to obtain certificate of services performed by them

A pilot shall, on boarding a vessel, hand the Arrival / Departure report to the Master, who shall enter therein all the required particulars over his signature. Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

15. Pilots to go on Board vessels in good time

A pilot about to take charge of a vessel which is outward bound, or which is about to be moved from berth in which she is lying shall go on board and report himself to the Officer in command at the time appointed, i.e., in sufficient time for her to be moved out to sea or to her destination.

16. Pilots when on duty to carry with them their Licence etc.

A pilot when on duty shall always have with him an official Tide Table for the Port a copy of the Port Rules, Pilotage Regulations for the time being inforce, and his licence.

17. Pilots may leave vessels at anchor in the Harbour if not provided with proper food and sleeping accommodation

A pilot shall be provided with reasonable accommodation if necessary, and shall be supplied with breakfast between 7. A.M and 9. A.M. with lunch between NOON and 2 P.M. and dinner between 6 P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation for food, namely ¹Rs..25/- for any of the meals missed by the pilot.

18. Pilot to see that anchors are ready to let go

A pilot before taking charge of a vessel outward bound, shall enquire of the Master of the vessel whether the steering gear is connected and in proper working order and direct that both the anchors be ready for letting go.

19. Pilots giving evidence

A Pilot shall not attend to give evidence on any trial or enquiry to which he is not a party unless under sub-poena without the permission of the Deputy Conservator, and a pilot

¹ Substituted vide Notification No. PR-12019 / 1 /88-PE-I- dated 13-10-1988 published in the Govt. of India Gazette dated 13-10-1988 under G.S.R 1006 (E).

under sub-poena to give evidence shall at once report the fact in writing to the Deputy conservator.

20. Pilots to give information of any alterations in navigational marks etc.

A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position; or become aware of any circumstances likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the deputy conservator.

21. Pilots to report casualties

A pilot whenever any accident has happened to or been caused by the vessel while in his charge shall as soon as possible report the facts in writing in the approved form to the Deputy Conservator.

22. Harbour Master to regulate attendance of Pilots on vessels

Pilots onshore duty shall be detailed by the Harbour Master to vessels requiring their services and a list showing the rotation in which pilots (having regard to their respective classes) are to be allotted to such vessels, shall be kept in the office of the Deputy Conservator or Harbour Master.

23. Commencement of pilot's outward duties

The duties of a pilot in regard to outward bound vessels shall commence at any wharf, per berth, jetty or anchorage on boarding the vessel.

24. Pilot's Outward duties shall cease

The duties of a pilot in regard to an outward bound vessel shall cease when he has piloted the vessel to the limits of the compulsory pilotage waters.

25. Pilot's inward duties shall commence

The duties of a pilot in regard to an inward bound vessel shall commence when the vessel enters the compulsory pilotage limits of the port.

26. A pilot, on boarding a vessel, Shall

- (a) Ascertain whether there is, or has been during the voyage, any infectious disease on board. If there is, or has been and the disease is of a serious nature as laid down in the Quarantine Rules, he shall anchor the vessel, hoist the Quarantine Signal and carry out the instructions contained in the Port Quarantine Rule in this respect.
- (b) Ascertain the vessel's present draft and see that both anchors are clear to be let go; see that the national Design is hoisted and the flags denoting the name of the vessel and any other signals, as required by the Port Rules from time to time, are hoisted in such a manner as to be clearly seen from the Port signal Station.

27. Termination of Pilots inward duties

The duties of a pilot in regard to any inward bound vessel shall cease at any wharf pier, berth or jetty or anchorage when the vessel is safely moored or anchored thereto.

28. Moving of vessels

No pilot shall move or direct the moving of any vessel within the port from one position to another unless the following conditions are fulfilled.

- (a) If the vessel is under-way, the Master shall be on board;
- (b) If the Master leaves the vessel before the movement is completed, the pilot shall direct the vessel to be anchored in such safe position as may be most easily reached by the vessel and shall not give directions to proceed with the moving until the return of the Master to the vessel;
- (c) Throughout the moving the number of officers and crew on board and available for duty shall be sufficient to perform any duty which may be required and if the pilot on boarding considers that the number is not sufficient he shall call the Master's attention to the Port Rules and refuse to proceed with the moving unless the Master first signs a declaration under his own hand expressly assuming entire responsibility.

¹**Explanation:** In this regulation, the expression 'Master' shall include the Chief Officer or any deck Officer holding a certificate of competency, duly authorised to act for the Master, by the owner of the vessel, in the event of the Master being incapacitated from performing the duties of his office.

29. Loss of Licence

A Pilot losing his licence shall forthwith give notice thereof to the deputy conservator, stating the circumstances in which the licence was lost, and the Deputy conservator shall, unless he is satisfied that the loss has been caused by the pilot's misconduct, issue the pilot a temporary licence pending the grant of a duplicate licence by the Board.

30. Pilot's examination of Charts

All Pilots shall attend frequently at the office of the Deputy Conservator or Harbour Master to examine the latest plans and charts of the Port and other information concerning the Port.

31. Pilot's Uniform

A Pilot shall wear when on duty such uniform as may be pre-scribed by the Board.

32. ²Interpretation

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government who shall decide the same.

[19-PG (134) / 63]

¹ Substituted vide Notification No. PR-12019 / 1 / 88-PE-I- dated 13-10-1988 published in the GOI dated 13-10-1988 under G.S.R 1006 (E).

² Substituted with effect from 26-7-1977.

THE COCHIN PORT EMPLOYEES (GENERAL PROVIDENT FUND) REGULATIONS, 1964

G.S.R. 318- In exercise of the powers conferred by Section 126 read with clause (b) of Section 28, of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

1. Short title and Commencement

- (1) These regulations may be called the Cochin Port Employees (General Provident Fund) Regulations, 1964.
- (2) They shall come into force on the 29th February 1964.

2. Interpretation

In these regulations unless the context otherwise requires:-

- (1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board
- (2) "Board", "Chairman", "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963.
- (3) "Emoluments", means pay, leave salary or subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber and any remuneration of the nature of pay received in respect of foreign service but does not include conveyance allowance, house rent allowance, overtime fees, cement testing allowance, fee for supervision of floating craft, diving allowance and ration allowance:

Provided that "emoluments" in respect of the lighterman and Crane (Electric) Drivers shall mean the amounts as may be fixed by the Board from time to time.

- (4) "employee" means an employee of the Board;
- (5) ¹ ["Family" means-
 - (i) In the case of male subscriber, the wife or wives, parents, children, minor brothers, un-married sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grant parent;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded.

- (ii) In the case of a female subscriber, the husband, parents, children, minor brothers, un-married sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grant parent;

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in

¹ Substituted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

matters to which these regulations relate, unless the sub-subscriber subsequently cancels such notice in writing.]

Explanation:- Child means a legitimate child and include an adopted child, where adoption is recognised by the personal law governing the subscriber; ¹[or a word under the Guardians and wards Act, 1890 (8 of 1890), who lives with the employees and is treated as a member of the family and to whom the employee has, through a special will, given the same status as that of a natural born child]

- (6) "Fund" means the Cochin Port employees General Provident Fund.
- (7) "Leave" means any kind of leave recognised by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations, if any, framed under section 28 of the Major Port Trusts Act, 1963, whichever may be applicable to the subscriber.
- (8) "Year" means the financial year;
- (9) Any other expression used in these regulations which is defined in the Provident Funds, Act 1925 (11 of 1925) or in the Fundamental Rules of the Central Government or the leave Regulations mentioned in sub-regulation (7) (whichever may be applicable to the subscriber) shall have the meanings assigned to them in such Act, Rules or Regulations.

3. Constitution and Management of the Fund

On and from the date of commencement of these regulations, the Board shall establish and maintain a Provident Fund for the Welfare of the employees.

The fund shall be administered by the Board and shall be maintained in India in rupees.

²[3A Amendment of accumulation in the Fund

The accumulation of the Provident Fund money not immediately required, shall be invested in Nationalised Banks, Post Office Deposits and other schemes, and Bonds of public Sector Undertakings, Unit Trust of India and other Bonds and Deposits, Securities guaranteed by the State or Central Government and also in the Housing Development Finance Corporation Limited, Bombay.]

4. Application

- (1) All permanent employees, other than re-employed persons, and all temporary employees who have rendered continuous service of one year or more on the date of commencement of these Regulations shall be required to subscribe to the Fund. Temporary employees whose period of service on the date of commencement of these Regulations is less than one year shall be required to subscribe to the Fund from the month following that in which they complete one year's service.
- (2) The Board may, at its discretion, require any other category of employees to subscribe to the Fund
- (3) Employees who are subscribers to any contributory Provident Fund shall not be required to subscribe to the Fund.

¹ Inserted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

² Inserted with effect from 30-8-88 vide Notification No. PR-12016/4/86- PE-I dated 30-8-88 published in the Government of India Gazette dated 30-8-88 under G.S.R. 886 (E)

5. On the commencement of these regulations, the balance if any, standing to the credit of an employee in the General Provident Fund constituted under the General Provident Fund (Central Services) Rules, 1960, shall be credited to the account of the employee under the Fund constituted under these Regulations.

6. Nominations

- (1) A Subscriber shall at the time of joining the Fund, send to the Accounts Officer; a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death, before that amount has become payable or having become payable has not been paid;

Provided that if , at the time of making the nomination, the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family.

Provided further that the nomination made by the subscriber in respect of any other provident Fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in the Fund, be deemed to be a nomination duly made under this regulation until he makes a nomination in accordance with this regulation.

- (2) If a subscriber nominates more than one person under sub-regulation (1) he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole of amount that may stand to his credit in the Fund at any time.
- (3) ¹[Every nomination shall be made in the form set forth in first Schedule.]
- (4) A Subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this regulation.
- (5) A subscriber may provide in a nomination:-
- (a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members, where the subscriber confers such a right on more than one person under this clauses, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;
- (b) that the nomination shall become invalid in the event of the happening of a contingency specified therein;

²(Omitted)

Provided [²] that if at the time of making the nomination the subscriber has only one member of the family he shall provide in the nomination that the right conferred upon the alternate nominee under clauses (a) shall become invalid in the event of his subsequently acquiring other member or members in his family;

¹ Substituted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

² Omitted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

- (6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation,
- (7) Every nomination made, and every notice of cancellation made, given by a subscriber shall, to the extent that it is valid take effect on the date on which it is received by the Accounts Officer.

7. Subscribers Accounts

An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as prescribed in regulation 11 as well as advances and withdrawals from the Fund.

8. Conditions and rates of subscription

(1) Conditions of subscription:

- (a) A subscriber shall subscribe monthly to the Fund except during the period when he is under suspension:

¹[Note: A subscriber need not subscribe during a period treated as dies-non,]

²Provided that a subscriber may at his option not subscribe during leave with either does not carry any leave salary or carries leave salary equal to or less than half Pay or half average pay.

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of pay in one sum or in instalments any sum not exceeding the maxi-mum amount of arrears of subscriptions payable for that period.

- (b) A subscriber shall intimate in writing his election not to subscribe during leave

³ (referred to in the first proviso to sub-regulation (1) to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this clause shall be final.

- (c) ⁴ [Notwithstanding anything contained in sub-regulation (1), a subscriber due to retire on superannuation shall exempted from making any subscription to the fund during the last three months of his / her service. The discontinuance of subscription shall be compulsory and not optional.]

(2) Rates of subscription:

The amount of subscription shall be fixed by the subscriber himself subject to the following conditions, namely;-

¹ Inserted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

² Substituted w.e.f. 2-9-1969 by Notification No.P/OM/127/68 dated 14-8-1969 approved Ministry's letter No. 6-PE 22 69 dated 5-8-1969

³ Inserted w.e.f. 2-9-1969 by Notification No.P/OM/127/68 dated 14-8-1969 approved Ministry's letter No. 6-PE 22 69 dated 5-8-1969

⁴ Inserted w.e.f. 5-5-89 by Notification No. PR-12016 / 1 / 89 - PE I dated 5-5-89 published in the Govt. of India Gazette under G.S.R. 508 (E) dated 5-5-89

- (a) It shall be expressed in whole rupees,
- (b) It may be any sum so expressed not less than six per cent of his emoluments and not more than his total emoluments

Provided that in the case of a subscriber who has previously been subscribing to a Contributory Provident Fund at the higher rate of 8-1/3%, it may be any sum, so expressed not less than 8-1/3% of his emoluments and not more than his total emoluments.

- (c) When an employee elects to subscribe at the minimum rate of 6 percent or 8-1/3%, as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 np counting as the next higher rupee.
- (3) For the purpose of sub-regulation (2), the emoluments of a subscriber shall be-
- (a) In the case of subscriber who was in Board's service on the 31st March of the Preceeding year, the emoluments to which he was entitled on that date;
Provided that-
 - (i) if any subscriber was on leave on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;
 - (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;
 - (b) in the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emolument to which he was entitled on the day he joins the fund.
- (4) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:-
- (a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
 - (b) if he was on leave on the 31st March of the preceeding year and elected not to subscribe during such leave, or was under suspension on that date by the deduction which he makes in this behalf, from his first pay bill after his return to duty;
 - (c) if he has entered Board's service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the fund.
 - (d) if he was on leave on the 31st March of the preceeding year and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
 - (e) if he was on foreign service on the 31st March of the preceeding year, by the amount credited by him to the Board's account on account of subscription for the month of April in the current year.
- (5) ¹The amount of subscription so fixed may be:-
- (a) reduced once at any time during the course of the year;
 - (b) enhanced twice during the course of the year; or

¹ Substituted with effect from 4-2-1978 vide Ministry of Shipping & Transport Notification No.PEX-82 / 77 dated 17-1-1978 published in the Gazette of India under GSR – 105 dated 4-2-1978

- (c) reduced and enhanced as aforesaid.

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in sub-regulation (2);

Provided further that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month

9. Transfer to Foreign Service or Deputation out of India

When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the fund in the same manner as if he were not so transferred or sent on deputation.

10. Realisation of subscriptions

- (1) When emoluments are drawn in India, recovery of subscriptions on account of these emoluments and of the principal and interest, an advance shall be made from the emoluments themselves.
- (2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer;

Provided that in the case of a subscriber on deputation to a body corporate, owned or controlled by Government the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.

- (3) If a subscriber fails to subscribe with effect from the date on which he is required to join the fund or is on default in any month or months during the course of a year otherwise than as provided for in regulation 8, the total amount due to the Fund on account of arrears of subscriptions shall, with interest thereon at the rate provided in regulation 11, forthwith be paid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by installments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13.

Provided that the subscribers whose deposits in the fund carry no interest shall not be required to pay any interest.

11. Interest

- (1) Subject to the provisions of sub-regulation (3), the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board:

Provided that, if the rate of interest determined for a year is less than 4 per cent, all subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 percent; shall be allowed interest at 4 percent.

Provided further that a subscriber who was previously subscribing to any other Provident Fund of the Central Government and whose subscriptions, together with the interest thereon, have been transferred to his credit in his Fund, shall also be allowed interest at 4 percent, if he had been receiving that rate of interest under the rules of such other Fund under a provision similar to that of the first proviso to this regulation.

- (2) Interest shall be credited with effect from last day in each year in the following manner.

- (i) on the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year-interest for twelve months;
- (ii) on sums withdrawn during the current year-interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;
- (iii) on all sums credited to the subscriber's accounts after the last day of the preceding year-Interest from the date of deposit up to the end of the current year;
- (iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee);

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this regulation in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable.

- (3) In this regulation, the date of deposit shall in the case of recovery from emoluments be deemed to be the first day of the month in which it is recovered, and in the case of an amount forwarded by the subscriber shall be deemed to be the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month.

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently the recovery of his subscription towards the Fund, the interest on such subscription shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn;

Provided further that in the case of an amount forwarded in accordance with the proviso to sub-regulation (2) of regulation 10, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month.

¹Provided further that where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be in the first day of the succeeding month.

- (4) In addition to any amount to be paid under regulations ² (20, 21, and 22). interest thereon upto the end of the month preceding that in which the payment is made, or up to the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

Provided that where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only upto the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be.

¹ Inserted w.e.f. 18-10-66 by Notification No. P / OM / 215 / 65 dated 14-10-1966 approved vide Ministry's letter No. 6-PE (29) 66 dated 24-9-66

² Substituted w. e. f. 6-6-67, by Notification No. P / OM / 141 / 66 dated 22-5-67 approved Ministry's letter No. 6- PE (14)/ 67 dated 12-5-69

¹Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government, is subsequently absorbed in such body corporate with effect from a retrospective date, for the purpose of calculating the interest due on the accumulations of the subscriber, the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this sub-regulation.

- (5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from first day of the year in which he asks for it.
- (6) The interest on amount which under sub-regulation (3) of regulation 10, (²) regulation 24, regulation 25 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively Prescribed under sub-regulation (1) of this regulation.
- (7) ³[In case a subscriber is found to have drawn from the Fund an amount in excess of the amount standing to his credit on the date of drawal, the over-draw an amount irrespective of whether the overdrawal or the final payment from the Fund, shall be repaid by him with interest thereon in one lumpsum, or in default, be ordered to be recovered by deduction in one lumpsum, from the emoluments of the subscriber. If the total amount to be recovered is more than half of subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount together with interest, is recovered. For this Sub - regulation, the rate of interest to be charged on overdrawn amount would be 2 ½ % over and above the normal rate on provident fund balance under sub - regulation (1). The interest realised on the over drawn amount shall be credited to the Cochin Port Fund Account under a distinct sub-head "Interest on overdrawals from Provident Fund".]

12. Transfer from other service

- (1) Subject to the sanction of the Board in each case, a person who has joined the Board's service from the service of any Government, or other employer, may, if he becomes a subscriber to the Fund, have any amount standing to his credit in a Provident Fund maintained by the Government, or other employer on the date of his joining the Board's service transferred to his credit in the Fund. The amount so transferred shall carry interest only; it shall not entitle the subscriber to any contribution by the Board in respect thereof.
- (2) In the event of a subscriber to the Fund ² [other than one who is appointed on contract or one who has retired from service and is subsequently re-employed] being permanently transferred to a service under a Government or any other employer, the balance in the Provident Fund account of the subscriber, may instead of being paid in cash, be transferred to his account with the new employer and thereupon these Regulations shall cease to apply him.

¹ Inserted w.e.f 23-7-74 by Notification No. P / OM / 130 / 73 dated 10-7-1974 approved vide Ministry's letter No. PEX (29) / 74 dated 25-6-74.

² Inserted w.e.f 30-5-67 by Notification No. P / OM / 95 / 66 dated 11-5-67 approved vide Ministry's letter No.6- PE (14) / 67 dated 28-4-67

³ Inserted vide Ministry's Notification No. PR-12016/30/94-PE-I and published in the Gazette of India under G.S.R.No.160 (E) dated 29-3-96

13. Advance from the Fund

- (1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes.
- (a) to pay expenses in connection with the illness or disability, including where necessary the travelling expenses of the subscriber or any person actually depended on him.
 - (b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any Person actually depended on him in the following cases namely.
 - (i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage and.
 - (ii) for any medical, engineering or other technical or specialized course in India beyond the High School stage, provided that the course of study is for not less than three years;
 - (c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him.

Provided that the condition of actual dependence shall not apply in the case of a son or daughter of the subscriber:

Provided further that the condition of actual dependance shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber;

- (d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source.

Provided that the advance under this sub-regulation shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his duty or against the Board in respect of condition of service or penalty imposed on him.

- (e) to meet the cost of his defence where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged misconduct on his part.
 - (f) ¹[to purchase consumer durables such as TV, VCR / VCP, Washing machines, Cooking Range, Geysers, Computers etc.]
 - (g) In other cases of acute distress at the discretion of the Chairman.
- (2) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last installment of any previous advance ().

Explanation (1) For the purposes of this regulation, pay includes dearness pay where admissible-

¹ Inserted vide Ministry's Notification No.PR-12016 / 5 / 97-PE-I and published in the Gazette of India under GSR 311 (E) dated 5-6-97

Explanation (2) For the purposes of this regulation, the appropriate sanctioning authority shall be the authority that may be authorised by the Board to sanction advance from time to time.

¹Explanation (3): A Subscriber shall be permitted to take an advance once in every six months under item (b) of sub-regulation (1) of Regulation 13.

- (3) ²When an advance is sanctioned under sub-regulation (2) before repayment of last installment of any previous advance is completed, the balance of any previous advances not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.
- (4) ³[Notwithstanding anything contained in sub-regulation (1) no temporary advance shall be granted to an employee during the last three months of service in order to enable the Accounts Officer to complete the task of issuing authority for payment one month before retirement.]

14. Recovery of advance

- (1) An advance shall be recovered from the sub-scriber in such number of equal monthly installments as the Chairman or any other Officer authorised to sanction the advance may direct; but such number shall not be less than 12 unless the subscriber so elects and more than 24 in special cases where the amount of advance exceeds three months' pay of the subscriber, the authority sanctioning the advance may fix such number of installments exceeding 24, but not exceeding 36. A subscriber may, at his option, repay more than one installment in a month. Each installment shall be a number of whole rupee, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such installments.
- (2) ⁴[Recovery shall be made in the manner prescribed in regulation 10 for the realisation of subscriptions and shall commence, with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made except with the subscriber's consent while he is in receipt of subsistence grant or is on leave which either does not carry any leave salary or carries leave salary equal to or less than half pay as the case may be. The recovery may be postponed on the subscriber's request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

Provided that not recovery towards refund of advance shall be made from a subscriber due to retire on superannuation during the last three months of his / her service]

- (3) ⁵(Deleted)
- (4) ⁵(Deleted)
- (5) If an advance has been granted to a subscriber and drawn by him and the advance

¹ Inserted w.e.f- 25-6-74 by Notification No. P / OM / 185 / 72 dated 11-6-74, approved vide Ministry's letter No. PEX-20 / 74 dated 29-5-74.

² Inserted w. e. f. 23-7-68 by Notification No P / OM / 109 / 67 dated 10-7-68 approved vide Ministry's letter No. 6-PE (38) / 68 dated 26-6-68.

³ Inserted with effect from 5-5-89 by Notification No. PR-12016 / 1 / 89 PE I dated 5-5-89 published in the Government of India Gazette under G.S.R. 508 (E).dated 5-5-89

⁴ Substituted w. e. f. 1-4-80 vide Ministry's Notification No. PW-PEX-34 / 80 dated 25-3-81 published in the Gazette of India under GSR 387 (E) dated 11-4-81

⁵ Deleted w.e.f- 25-6-74 by Notification No. P / OM / 185 / 72 dated 11-6-74, approved vide Ministry's letter No. PEX-20 / 74 dated 29-5-74.

is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall (¹) forthwith be repaid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lumpsum or in monthly installments not exceeding 12 as may be directed by the Chairman or the authority competent to sanction an advance under Explanation 2 to sub-regulation 2 of regulation 13.

- (6) (¹) Recoveries made under this regulation shall be credited as they are made to the subscriber's account in the fund.

15. Wrongful use of advance

Notwithstanding anything contained in this regulations, if the Chairman is satisfied that money drawn as an advance from the Fund under regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question shall (¹) forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Chairman to be recovered by deduction in one lumpsum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recovery shall be made in monthly installments or moieties of his emoluments till the entire amount is repaid by him.

Explanation: In this Regulation 'emoluments' do not include subsistence grant.

16. ² Withdrawals from the Fund

Subject to the conditions specified herein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-regulation (2) of regulation 13, at any time-

- (A) after the completion of ³[fifteen] years of service (including broken periods of service if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely-
- (a) meeting the cost of higher education, including where necessary, the travelling expenses, of the subscriber or any child of the subscriber in the following cases, namely;-
 - (i) for education outside India for academic, technical, professional or Vocational courses beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialized course in India beyond the High School stage;
 - (b) Meeting the expenditure in connection with the betrothal / marriage of the subscriber or his sons or daughters, and any other female relation actually dependent on him;
 - (c) Meeting the expense in connection with the illness, including where necessary the travelling expenses, of the subscriber or any person actually dependent on him;

¹ Deleted w.e.f- 25-6-74 by Notification No. P / OM / 185 / 72 dated 11-6-74, approved vide Ministry's letter No. PEX-20 / 74 dated 29-5-74.

² Substituted w. e. f. 4-11-78 vide Ministry's Notification No. PEX-46 / 78 dated 17-10-78 published in the Gazette of India under GSR 1309 dated 4-11-78

³ Substituted vide Ministry's Notification No.PR-12016 / 5 / 96 PE-I and published in the Gazette of India under GSR 311 (E) dated 5-6-97

- (d) ¹[Meeting the cost of consumer durables such as TV, VCR / VCP, Washing Machines, Cooking Range Geysers, Computers etc.]
- (B) ²[During the service of a subscriber] from the amount standing to his credit in the Fund for one or more of the following purposes, namely:-
- (a) building or acquiring a suitable house or ready built flat for his residence including the cost of the site; ³ [or any payment towards allotment of a plot or flat by the G.C.D.A. or a state Housing Board or a house building society.]
 - (b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence;
 - (c) purchasing a house-site for building a house thereon for his residence or repaying any out-standing amount on account of loan expressly taken for this purposes;
 - (d) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber; within 12 months before the date of subscriber's retirement on superannuation from the amount standing to the credit in the Fund, without linking to any purpose.
 - (e) ⁴[renovating additions or alterations or upkeep of the ancestral house or a house built with the assistance of loan from the Board.]
 - (f) constructing a house on a site purchased under clause (c);
- (C) after the completion of twenty-eight years of service of a subscriber or within three years before the date of his retirement on superannuation, from the amount standing to his credit in the Fund, for purchasing a motor car or for repaying a loan already taken from the Board for the purpose, subject to the following conditions;
- (i) the subscriber's pay is Rs. 1,000 or more;
 - (ii) the amount of withdrawal is limited to Rs. 12,000 or one-fourth of the amount standing to the credit of the subscriber in the Fund or the actual price of the car, whichever is the least
 - (iii) such withdrawal shall be allowed only on one occasion. In the case of withdrawal for purchase of another motor car, the motor car advance under the provisions of chapter 14 of the General Financial Rules, 1963 as supplemented by executive instructions issued from time to time by Central Government will not be admissible.
- (D) ² [Within twelve months before the date of the subscriber's retirement on superannuation from the amount standing to the credit in the Fund, without linking to any purpose.]

NOTE:1 A subscriber who has availed himself of an advance under the scheme of the Central Government or a State Government for the grant of advance for house building purpose, or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of final withdrawal under sub clause (a), (c), (d) and (f) of clause (B) for the purposes

¹ Inserted vide Ministry's Notification No.PR-12016 / 5 / 96 PE-I and published in the Gazette of India under GSR 311 (E) dated 5-6-97

² Substituted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

³ Inserted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

⁴ Substituted vide Ministry's Notification No.PR-12016 / 5 / 96 PE-I and published in the Gazette of India under GSR 311 (E) dated 5-6-97

specified therein and also for the purpose of repayment of any loan taken under the aforesaid Scheme subject to the limit specified in the proviso to sub-regulation (l) of regulation 17.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Board shall be eligible for the grant of final withdrawal under sub-clause (a), (c) and (f) of clause (B) for purchase of a house site or for construction of another house or for acquiring a ready built flat at the place of his duty.

NOTE:2 Withdrawal under sub-clause (a), (d), (e) or (f) of clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved.

NOTE:3 The amount of withdrawal sanctioned under sub-clause (b) of clause (B) shall not exceed 3/4th of the balance on date of application together with the amount of Previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal; The formula to be followed is: $\frac{3}{4}$ th of (the balance as on date plus amount of previous withdrawal (s) for the house in question) minus the amount of the previous withdrawal (s),

NOTE:4 Withdrawal under sub-clause (a) or (d) of clause (B) shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

NOTE:5 Only one withdrawal shall be allowed for the same purpose under this regulation. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local Municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (a) or (f) of clause (B) for completion of the same house shall be allowed up to the limit laid down under Note 3.

NOTE:6 A withdrawal under this regulation shall not be sanctioned if an advance under regulation 13 is being sanctioned for the same purpose and at the same time.

¹[**NOTE:7** Part final withdrawal under this regulation shall not be permitted normally to an employee during the last three months of service. In exceptional circumstance, which should be rare, part final withdrawal may be sanctioned with the approval of the Chairman subject to the condition that the responsibility for any delay in the settlement of final payment shall rest with the subscriber.]

17. Conditions of withdrawal

(1) Any sum withdrawn by a subscriber at any one time for one or more purposes specified in regulation 16 from the amount standing to his credit in the fund ²[in case of withdrawal under clause (A) and up to 90% of balance at credit in case of withdrawal under clause (B) of Regulation 16] shall not ordinarily exceed one-half of

¹ Inserted with effect from 5-5-89 by Notification No. PR-12016 / 1 / 89 PE I dated 5-5-89 published in the Government of India Gazette under G.S.R. 508 (E).dated 5-5-89

² Inserted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

such amount or six month's pay whichever is less. The sanctioning authority, may, however, sanction the withdrawal of amount in excess of this limit upto three fourths of the balance at his credit in the Fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscriber; and (iii) the amount to his credit in the Fund:

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Central or a State Government for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken under the aforesaid schemes or the assistance, taken from any other Government source, shall not exceed the maximum limit prescribed from time to time under Regulation 4 (a) of Cochin Port Employees (grant of advances for building etc of houses) Regulations, 1971.

¹[Provided further that the withdrawal admissible under Regulation 16 (D) shall not exceed 90% of the amount standing to the credit of the subscriber in the fund.]

²**NOTE:1** A subscriber shall be permitted to make a withdrawal once in every six months under sub-clause (a) of clause (A) of Regulation 16. Every such withdrawal shall be treated as a withdrawal for a separate purpose for the purposes of sub-regulation (1) of regulation 17.

NOTE:2 In cases where a subscriber has to pay in installments for a site or a house or flat purchased or a house or flat constructed through the Greater Cochin Development Authority or a State Housing Board or a House Building Co-operative Society, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any installment. Every such payment shall be treated as a payment for a separate purposes of sub-regulation (1) of regulation 17.

(2) A subscriber who has been permitted the withdrawal of money under regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn shall forthwith be repaid in one lumpsum (³) by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lumpsum or any such number of monthly instalments as may be determined by the chairman.

(3) ⁴A Subscriber who has been permitted under ⁵[sub-clause (a), sub-clause (b), or sub-clause (c), of clause (B) of regulation 16] to withdraw money from the amount standing to his credit in the Fund, shall not part with the possession of the house so built or acquired or house site so purchased, by way of sale, mortgage (other than mortgage to the Board), or gift, without the previous permission of the Board. He shall also not part with the possession of such house or house site by way of

¹ Inserted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

² Substituted with effect from 4-11-78 vide Ministry of Shipping & Transport Notification No. PEX-46 / 78 dated 17-10-78 published in the Gazette of India under GSR-1309 dated 4-11-78.

³ Deleted w. e. f. 25-6-74 by Notification No P / OM / 185 / 72 dated 11-6-74 approved vide Ministry's letter No. PEX -20 / 74 dated 29-5-74

⁴ Substituted w. e. f. 6-6-67 by Notification No.P / OM / 141 / 66 dated 22-5-67 approved vide Ministry's letter No-PE (14) / 67 dated 12-5-67

⁵ Inserted w. e. f. 14-5-68 by Notification No. P / OM / 181 / 67 dated 1-5-68 approved vide Ministry's letter No. 6-PE (38) / 68 dated 22-4-68

exchange or lease for a term exceeding three years, without the previous permission of the sanctioning authority. The subscriber shall submit a declaration not later than the 31st day of December of every year to the effect that the house or, as the case may be, the house site continues to be in his possession and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale deed and other documents on which his title to the property is based.

¹Note: In the case of an employee who has availed himself of a loan from Central or State Government or the Board for building purpose, the declaration mentioned in the preceding para shall be as follows:-

"I do hereby certify, that the house / house site for the construction of which or for the acquisition of which I have taken a final withdrawal from the Fund continues to be in my possession but stands mortgaged to the Central Government / State Government Board".

If at any time before retirement, he parts with the possession of the house or house site with-out obtaining the previous permission of the Board or sanctioning authority as the case may be, the sum withdrawn by him shall forthwith be repaid in one lumpsum (²) by the subscriber to the Fund and in default of such repayment, it shall be ordered by the sanctioning authority, to be recovered from his emoluments either in a lumpsum or in such number of monthly installments as may be determined by the Chairman.

18. Conversion of an advance into a withdrawal

A subscriber who has already drawn or may draw in future an advance under regulation 13 for any of the purposes specified in (³) regulation 16, may convert, at his discretion by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against him into a final withdrawal on his satisfying the conditions laid down in regulations 16 and 17.

19. Payment towards Insurance Policies and family pension funds

Subscribers who, before the 17th December 1960 have been substituting in whole or in part, payments towards policies of life insurance for subscriptions or making withdrawals for such payments from the Fund under the provisions of rules 17 to 29 of the General Provident Fund (Central Services) Rules, 1960, will continue to enjoy the benefit under the same terms and conditions mutandis:

Provided that such subscribers shall not be permitted to substitute such payments for subscriptions due to the Fund or to withdraw from the Fund for making such payments in respect of any new policy.

Provided further that any policy assigned to the President of India under the provisions of the said Rules shall on the commencement of these regulations be deemed to be a policy assigned to the Board. The subscriber shall take immediate steps to get such policies assigned to the Board.

¹ Inserted w. e. f. 14-5-68 by Notification No. P / OM / 181 / 67 dated 1-5-68 approved vide Ministry's letter No. 6-PE (38) / 68 dated 22-4-68

² Deleted w. e. f. 25-6-74 by Notification No P / OM / 185 / 72 dated 11-6-74 approved vide Ministry's letter No. PEX -20 / 74 dated 29-5-74

³ Deleted w. e. f. 4-11-78 vide Ministry's Notification No. PEX-46/ 78 dated 17-10-78 published in the Gazette of India under GSR 1309 dated 4-11-78.

20. Final withdrawal of accumulation in the fund

When a subscriber quits the service the amount standing to his credit in the Fund shall become payable to him.

Provided that a subscriber who has been dismissed from the service and is subsequently reinstated in the service, shall if required to do so by the Board repay any amount paid to him from the Fund in pursuance of this regulation (¹) in the manner provided in the proviso to regulation 21 The amount so repaid shall be credited to his account in the Fund.

Explanation:(1) A subscriber who is granted refused leave shall be deemed to have quit the service from the date of compulsory retirement or on the expiry of an extension of service.

Explanation: (2) A subscriber other than one who is appointed on contract or one who has retired from service and is subsequently re employed with or without a break in service, shall not be deemed to have quit the service when he is transferred without any break in service to a new post under any other Major Port authority in which he is governed by another set of Provident Fund Rules and without retaining any connection with his former post. In such a case his subscriptions together with interest thereon shall be transferred to his account in the other Fund in accordance with the rules of that Fund. The same shall hold good in cases of retrenchment followed immediate employment whether under the Board or under any other major Port authority.

21. Retirement of subscriber

when a subscriber

(a) has proceeded on leave preparatory to retirement,

OR

(b) while on leave , has been permitted to retire or has been declared by a competent medical authority to be unfit for further service.

The amount standing to his credit in the Fund shall upon an application made by him in that behalf to the Accounts Officer become payable to him.

²Provided that the subscriber, if he returns to duty, shall, except where the Board decides otherwise, repay to the Fund, for credit to his account the whole or part of any amount paid to him from the Fund in pursuance of this regulation (³) in cash or securities or partly in cash and partly in securities, by installments or otherwise, by recovery from his emoluments or otherwise as may be directed by the Chairman.

22. Procedure on death of a subscriber

On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made;

(1) When the subscriber leaves a family-

(a) If a nomination made by the subscriber in accordance with the provisions of

¹ Deleted w. e. f. 25-6-74 by Notification No P / OM / 185 / 72 dated 11-6-74 approved vide Ministry's letter No. PEX -20 / 74 dated 29-5-74

² Substituted w. e. f. 12-10-71 by Ministry's Notification No. P / OM / 60 / 71 dated 24-9-71

³ Deleted w. e. f. 25-6-74 by Notification No P / OM / 185 / 72 dated 11-6-74 approved vide Ministry's letter No. PEX -20 / 74 dated 29-5-74

regulations 6 or of the corresponding rule in force earlier in favour of a member or members of his family subsist the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

- (b) If no such nomination in favour of a member or member of the family of the subscriber subsists, or if such nomination relates only to a part of the amount to his credit in the Fund, the whole amount or a part thereof to which the nomination does not relate as the case may be shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares.

Provided that no share shall be payable to-

- (1) sons who have attained majority;
- (2) sons of a deceased son who have attained majority;
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive;

If there is any member of the family other than those specified in clause (1), (2), (3) and (4);

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

- (2) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of regulation 6 or of the corresponding rule in force earlier in favour of any person or persons subsists the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

23. Manner of payment amounts in the Fund

- (1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Accounts Officer to make payment on receipt of written application in this behalf as provided in sub-regulation (3).
- (2) If the person to whom, under these regulations any amount or policy is to be paid, as-assigned, reassigned or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act 1912, the payment or re-assignment of delivery shall be made to such manager and not to the lunatic.

¹Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall, under the orders of the Collector, be made in terms of sub-section (1) of Section 95 of the Indian Lunacy Act, 1912 to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the Person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

- (3) ²[Payment of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive

¹ Inserted w. e. f. 9-3-71 by Ministry's Notification No. P / OM / 244 / 70 dated 15-2-71

² Substituted w. e. f. 5-5-1989 by Ministry's Notification No. PR-12016 / 1 / 89 -PE-I dated 5-5-89 published in the Govt. of India Gazette under G.S.R. 508 (E)dated 5-5-89.

payment in India. The following procedure shall be adopted for authorising the payment of GPF accumulation of an employee retiring on superannuation, namely:-

- (i) A subscriber shall make an application in Part I of the Form appended one year in advance of the date of superannuation for the payment of the accumulation standing a credit of his / her account in the fund till that date.
- (ii) The subscriber shall make another application in Part II of the Form appended immediately after the last fund deduction is made and the exemption from subscriptions to the fund is operated for the payment of subscriptions and refund of installments against advances, if any, made during the period not covered by the first application referred to in sub-clause (1) above.
- (iii) The Accounts Officer on receipt of the application for final payment of GPF account made by the employee one year in advance of the date on which the employee attains the age of superannuation shall verify the ledger-account upto that period and after receiving the second application verify the ledger account for the remaining nine months and authorise the payment atleast a month before the date of his superannuation. The amount shall be payable on the date following the date of retirement of the employee.
- (iv) The format of application (Part I) to be submitted by the subscriber one year in advance of the date of superannuation and (Part II) to be submitted immediately, after the last fund deduction has been made and the exemption from subscribing to the fund has begun to operate, is appended.]

Explanation: When the amount standing to the credit of a subscriber has become payable under Regulation 20, 21 or 22 the Accounts Officer shall authorise prompt payment of the amount in the manner indicated in sub-regulation (3).

24. Procedure on transfer of an employee from one Major Port to another

If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other Major Port in which he governed by similar regulations, the amount of subscription, together with interest thereon standing to his credit in the Fund on the date of transfer shall be transferred to his credit in the Fund of such Major Port.

Provided that where the rules so require, the consent of the Major Port authority concerned shall be obtained.

25. Transfer of amount to contributory provident fund

If a subscriber to the Fund is subsequently admitted to the benefits of a contributory provident fund under the Board, the amount of his subscriptions in the Fund, together with interest thereon, shall be transferred to the credit of his account in the contributory provident fund.

Explanation: The provision of this regulation shall not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying contributory provident fund benefits.

26. Relaxation of the provisions and regulations in individual cases

When the board is satisfied that the operation of any of these regulations causes, or is likely to cause, undue hardship to a subscriber, the Board may, notwithstanding anything contained in these regulations deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

¹Provided that the payment of the entire amount before an employee actually proceeds on leave preparatory to retirement or actually retires, cannot be done by the Board.

27. Number of account to be quoted at the time of payment of subscriptions

When paying a subscription in India, either by deduction from emoluments or in cash a subscriber should quote the number of his account in the Fund which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

28. Annual Statement of accounts to be supplied to subscriber

- (1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his accounts in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on the date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber.
 - (a) desires to make any alteration in any nomination made under regulation 6 or under the corresponding rule in force earlier.
 - (b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under regulation 6.
- (2) Subscribers shall satisfy themselves as to the correctness of the annual statement and they shall bring to the notice of the Accounts Officer within three months from the date of receipt of the statement by them, any inaccuracy or arrear in such statement.
- (3) The Accounts Officer shall, if required by a subscriber once but not more than once in year inform the subscriber of the total amount standing in his credit in the Fund at the end of the last month for which his account has been written up.

29. ²Interpretation

If any question arises relating to the interpretation of this regulations, it shall be referred to the Central Government who shall decide the same.

(Published in the Kerala Gazette dated 26-6-1977)

¹ Inserted w. e. f. 5-3-68 by Notification No. P / OM / 120 / 67 dated 22-2-68 approved vide Ministry's letter No. 6-PE (14) / 68 dated 14-2-68.

² Substituted with effect from 26-7-77 vide Notification No. P2 / 1771 (VIII) / 77 dated 5-7-77 approved vide Ministry's Notification dated 11-6-77 published in the Gazette of India dated under G.S.R.

¹ FIRST SCHEDULE [REGULATION 6 (3)]**FORM OF NOMINATION****Account No.....**

I..... hereby nominate the person (s) mentioned below who is / are member (s) / non-member (s) of my family as defined in Regulation 2 of the Cochin Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund as indicated below, in the event of my death before that amount has become payable or having become payable has not been paid.

Name and full address of the nominee (s)	Relationship with the subscriber	Age of the nominee (s)	Share payable to each nominee	Contingencies on the happening of which the nomination will become invalid
1	2	3	4	5

Name and address and relationship of the person (s) if any to whom the right of nominee shall pass in the event of his / her predeceasing the subscriber	If the nominee is not a member of the family as provided in Regulation 2, indicate the reasons
6	7

¹ Substituted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

¹ FORM OF NOMINATION

Dated this.....day of 20.....at.....

Two witness to Signature

Signature of subscriber

Name and Address

Name in block letters

1

Designation

2

Signature

(Reverse of the form)

Space for use by the Head of Office / Financial Adviser & Chief Accounts Officer

Nomination by Shri / Smt. / Kumari.....Designation.....

Date of Receipt of nomination.....

Signature of Head of Office / Financial
Adviser & Chief Accounts Officer,

Designation.....

Date.....

Instructions for the subscriber:-

- (a) Your name may be filled in.
- (b) Name of the fund may be completed suitably,
- (c) Definition of term "family" as given in the CPE (GPF) Regulations, 1964 is reproduced below.

Family means :

- (l) In case of a male subscriber the wife or wives, parents, children, minor brothers, unmarried sisters deceased son's widow and children and where no parent of the subscriber is alive, a paternal grandparent.

Provided that if a subscriber proves that his wife has been judicially seperated from him or has ceased under the customary low of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded.

¹ Substituted vide Ministry's Notification No. PR-12016 / 5 / 94 - PE - I and published in the Gazette of India under GSR 160 (E) dated 29-3-96.

- (II) In case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters deceased son's widow and children and where no parent of the subscriber is alive, a paternal grandparent.

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall hence-forth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently cancels such notice in writing.

NOTE: Child means legitimate child and includes an adopted child where adoption is recognised by the personal law Governing the subscriber or a ward under the Guardians and wards Act, 1890 (8 of 1890) who lives with the employee and is treated as a member of the family and to whom the employee has, through a special will, given the same status as that of natural born child.

- (d) Col 4. If only one person is nominated the words "in full" should be written against the nominee. If more than one person is nominated, the share payable to each nominee over the whole amount of the Provident Fund shall be specified.
- (e) Col. 5 Death of nominee (s) should not be mentioned as contingency in this column.
- (f) Col. 6. Do not mention your name.
- (g) Draw line across the blank space below last entry to prevent insertion of any name after you have signed.

**¹APPENDIX
FORM**

**Form of application for final payment / transfer to corporate Bodies / other
Government, of balances in the General Provident Fund Account**

To

The Financial Adviser & Chief Accounts
Officer, Cochin Port Trust.

(Through the Head of Office)

Sir,

I am to retire / have retired / have proceeded on leave / preparatory to retirement for..... months have discharged / dismissed / have permanently been transferred to / have resigned from Board service have resigned underGovernment to take up appointment with..... and my resignation has been accepted with effect from..... forenoon / afternoon. I joined service with..... on.....forenoon / afternoon.

2. My Provident Fund Account No is.....

3. I desire to receive payment through your Office. Particulars of my personal marks of identification, left and thumb and finger impressions (in the case of illiterate subscribers) and specimen (signature in the case of literate subscribers) in duplicate, duly attested by a Class I or Class II Officer of the Board are enclosed.

PART - I

(To be filled in when the application for final payment is submitted upto one year prior to retirement)

4. An amount of Rs..... stood to the credit in my General Provident Fund Account as indicated in the accounts statement issued to me for the year as appearing in my ledger account being maintained by you . I request that my G.P.F. Account may be reviewed and brought up-to-date.

5. The under mentioned Life Insurance Policies were being financed by me from my Provident Fund Account.

¹ Appended w. e. f. 5-5-89 by Notification No. PR-12016 / 1 / 89-PEX dated 5-5-89 published in the Government of India Gazette under G. S. R. 508 (E)dated 5-5-89 under G. S. R. 508 (E)

Policy Number	Name of the Company	Sum assured
1.
2.
3.

6. I will make another application immediately after last fund deduction has been made from my salary, in Part II of the Form.

Yours faithfully

Station.....

Signature.....

Date.....

Name.....

Address.....

(FOR USE BY HEADS OF OFFICES)

Forwarded to the Financial Adviser & Chief Accounts Officer.....for necessary action,

2. The Provident Fund Account No. of Shri / Smt / Kum, (as verified with the Statements issued to him / her from year to year) is.....

3. He / She is due to retire from Board's service on

4. Certified that he / she had taken the following advances in respect of which.....installment of Rs..... are yet to be recovered and credited to the Fund Account. The details of the final withdrawals granted to him / her after the period covered by the aforesaid Accounts Statement are indicated below:-

Temporary advances

Final withdrawals

1.

.....

2.

.....

3.

.....

Signature of the Head of Office.

PART -II

(To be submitted by the subscriber immediately after the last fund deduction has been made from his salary. This part is also applicable in the case of subscriber who applies for final payment for the first time after the date of superannuation, discharge, resignation etc.)

In continuation of my earlier application dated..... for the final payment of Provident Fund balance, I request that entire balance at my credit with interest due under the rules may be paid to me.

OR

I request that the entire amount at my credit with interest due under the rules may be paid to me / transferred to

Signature

Name.....

Address.....

.....

(FOR USE BY HEADS OFFICES)

Forwarded to the Financial Adviser & Chief Accounts Officer.....for necessary action / in continuation of endorsement No..... dated.....

2. He / She is due to retire from service on...../ has proceeded on leave preparatory to retirement for.....months fromhas been discharged/ dismissed/ permanently transferred to..... /has resigned finally from Government service/has resigned service under..... Government to take up appointment with.....and his/her resignation has been accepted with effect from..... forenoon/afternoon. He / She joined service with on..... forenoon/ afternoon.

3. The last fund deduction was made from his/her pay in this office Bill No..... dated.....for Rs.....(Rupees.....) cash voucher No.....of.....Treasury, the amount of deduction being Rs.....and recovery on account of refund of advance Rs.....

4. Certified that he / she was neither sanctioned any temporary advance nor any final withdrawal from his / her Provident Fund Account during the 9 months immediately preceding the date on which the last fund deduction has been made from his / her salary or thereafter.

or

Certified that the following temporary advances / final withdrawals were sanctioned to him / her and drawn from his / her Provident Fund Account during the 9 months immediately preceding the date on which the last fund deduction has been made from his / her salary or thereafter.

Amount of advance / withdrawal	Date	Voucher number
1.
2.
3.

5. Certified that no amount was withdrawn / the following amounts were withdrawn from his / her Provident Fund account during the nine months immediately preceding the date on which the last fund deduction was made from his / her salary / proceeding on leave preparatory to retirement or thereafter for payment of insurance premia purchase.

Amount	Date	Voucher number
1.
2.
3.

6. Certified that he / she has not resigned from Board's service with prior permission of the Competent Authority to take up an appointment in another Department of the Central Govt. or under a State Government or under a body corporate owned or controlled by the State.

.....
(Signature of Head of Office)

THE COCHIN PORT EMPLOYEES (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS, 1964

G.S.R. 319 In exercise of the powers conferred by Section 126 read with Section 28 of the Major Port Trust Acts, 1963 (38 of 1963), the Central Government hereby makes the following regulations namely:-

PART I - General

1. Short title and Commencement

- (a) These regulations may be called the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964,
- (b) They shall come into force on the 29th February, 1964.

2. Definitions

In these regulations, unless the context otherwise requires:-

- (a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963);
- (b) 'Appointing Authority' in relation to an employee means the authority prescribed as such in the Schedule;
- (c) ¹Board, Chairman, Deputy Chairman and Head of Department have the meanings assigned to them in the Act.
- (d) 'Disciplinary Authority' in relation to the imposition of a penalty on an employee, means the authority competent under these regulations to impose on him that penalty;
- (e) 'Employee' means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in the service of the Central or State Government or a local or other authority whose services are temporarily placed at the disposal of the Board;
- (f) 'Schedule' means the Schedule to these regulations.

3. Application

- (1) These regulations shall apply to all the employees of the Board, except-
 - (a) Persons in casual employment
 - (b) Persons subject to discharge from service on less than one Month's notice (and²)
 - (c) [²]
- (2) Notwithstanding anything contained in sub-regulation (1) the Board may by order exclude from the operation of all or any of these regulations any employee or class of employees.

¹ Substituted w. e. f. 4-11-86 vide Notification No. PW-PER-38 / 85 dated 4-11-86 published in the Govt. of India Gazette dated 4-11-86 under G.S.R. 1178 (E)

² Deleted w. e. f. 4-11-86 vide Notification No. PW-PER-38 / 85 dated 4-11-86 published in the Govt. of India Gazette dated 4-11-86 under G.S.R. 1178 (E)

(3) If any doubt arises as to whether these regulations or any of them apply to any person, the matter shall be referred to the Central Government ¹for decision.

4. ²Deleted

5. Protection of rights and privileges conferred by any law or agreement

Nothing in these regulations shall operate to deprive any employee of any right or privilege to which he is entitled-

- (a) by or under any law for the time being in force, or
- (b) by the terms of any agreement subsisting between such person and the Board

PART II - Classification

6. Classification of posts

(1) All posts under the Board other than those ordinarily held by persons to whom these regulations do not apply, shall by a general or special order of the Board be classified as follows :-

Class I Posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is more than Rs. 1,099/-

Class II Posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is more than Rs. 650/-, but not more than Rs. 1,099/-

Class III Posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is more than Rs.160/-, but not more than Rs. 650/-

Class IV Posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not more than Rs. 160/-

(2) Any order made by the competent authority and in force immediately before the commencement of these regulations relating to classification of posts in the port of Cochin shall continue in force until altered, rescinded or amended by an order of the Board under sub-regulation (1)

³[**Explanation:** The competent authority for the purpose of Sub-regulation (2) is the authority which was competent to issue an order relating to classification of posts in the Port of Cochin immediately before the commencement of this regulations, i. e. the Central Govt. in respect of Class I and Class II posts or the Administrative Officer in respect of Class III and Class IV posts]

(3) ³[Notwithstanding anything contained in sub-regulation (1) the Board shall reclassify the posts as class I, Class II, Class III and Class IV from time to time depending upon the revision of scales of pay of the employees of the Board]

¹ Deleted and substituted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India vide GSR 843 (E) dated 31-10-2000

² Deleted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India vide GSR 843 (E) dated 31-10-2000

³ Inserted w.e.f. 16-12-87 vide Notification No.PR-19024 (1) 86 PE-I (Vol.V) dated 16-12-87 published in the Govt. of India Gazette under G.S.R. 988 (E) dated 16-12-87

PART III -Appointing Authorities

7. Appointments to Class I Posts

- (1) All appointments to Class I posts under the Board (other than posts covered by clause (a) of sub-section (1) of Section 24 of the Act) shall be made by the Chairman.
- (2) All appointments to posts covered by clause (a) of sub-section (1) of Section 24 of the Act shall be made by the Central Government after consultation with the Chairman.

8. Appointments to other posts

All appointments other than the appointments referred to in regulation 7 shall be made by the authorities specified in this behalf in the Schedule.

PART IV- Suspension

9. Suspension

- (1) An employee may be placed under suspension -
 - (a) Where a disciplinary proceeding against him is contemplated or is pending, or
 - (b) Where a case against him in respect of any criminal offence is under investigation or trial.
- (2) The order of suspension shall be made -
 - (a) in the case of an employee holding a post referred to in the clause (a) of sub-section (1) of section 24 of the Act, by the Chairman;
 - (b) in any other case by the Appointing Authority:
Provided that no such order relating to an employee referred to in clause (a) shall have effect until it is approved by the Central Government.
- (3) An employee who is detained in custody, [¹] for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Chairman or the Appointing Authority, as the case may be, and shall remain under suspension until further orders are made by the Chairman or the Appointing Authority.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of, or by a decision of a Court of Law, and the Disciplinary Authority on a consideration of the circumstances of the case, decides to hold a further enquiry against hm on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed

¹ Deleted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India vide GSR 843 (E) dt. 31-10-2000

to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

¹[Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case]

- (6) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the Authority which made or is deemed to have made the order or by any Authority to which that Authority is subordinate,
- (7) ²[An order of suspension made or deemed to have been made under this regulation shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the review committee constituted for the purpose and pass orders either extending or revoking the suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.
- (8) Notwithstanding anything contained in Sub-regulation (6), an order of suspension made or deemed to have been made under Sub-regulation (1) or (3) of this Regulation shall not be valid after a period of ninety days unless it is extended after a review for a further period before the expiry of ninety days.]

PART V- Discipline

10. Nature of penalties

The following penalties may, for good and sufficient reasons and, as hereinafter provided, be imposed on an employee namely :-

³[Minor penalties]

- (i) Censure;
- (ii) ⁴[withholding of promotion for a minimum period of six months and maximum period of 3 years.]
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders;
⁵[(a) reduction to lower stage in the time scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.]
- (iv) ³withholding of increments of pay for a minimum period of six months and a maximum period of 3 years.

¹ Inserted w.e.f. 16-12-87 vide Notification No. PR-19024 (1) 86 PE-I (Vol.V) dated 16-12-87 published in the Govt. of India Gazette dated 16-12-87 under G.S.R. 988 (E).

² Inserted w.e.f. 16-6-2005 vide Ministry of Shipping Notification No. PR-12016/3/2005-PE-I and published under G.S.R. 404 (E) dated 16-6-2005

³ Inserted w.e.f. 24-8-2004 vide Ministry of Shipping Notification No. PR-12016/8/2004-PE-I and published in the Gazette of India under G.S.R. 539 (E) dated 24-8-2004

⁴ Substituted w.e.f. 24-8-2004 vide Ministry of Shipping Notification No. PR-12016/8/2004-PE-I and published in the Gazette of India under G.S.R. 539 (E) dated 24-8-2004

⁵ Inserted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India vide GSR 843 (E) dt. 31-10-2000

¹[Major Penalties].

²

- (v) ³[reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect to postponing the future increments in his pay.]
- (vi) ⁴[reduction to lower time scale of pay, grade or post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service]
- (vii) compulsory retirement;
- (viii) removal from service which shall not be a disqualification for future employment;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation :- The following shall not amount to a penalty within the meaning of this regulations:-

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of his appointment.
- (ii) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible.
- (iv) reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post on administrative grounds unconnected with his conduct.
- (v) reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;
- (vi) replacement of the service of an employee whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or State Government at the disposal of the Authority which had lent his services;

¹ Inserted w.e.f. 24-8-2004 vide Ministry of Shipping Notification No. PR-12016/8/2004-PE-I and published in the Gazette of India under G.S.R. 539 (E) dated 24-8-2004

² Renumbered vide Ministry of Shipping Notification No. PR-12016/8/2004-PE-I and published in the Gazette of India under G.S.R. 539 (E) dated 24-8-2004

³ Substituted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India under GSR 843 (E) dt. 31-10-2000

⁴ Inserted vide Ministry's Notification No. H-11011 / 2 /97-PE-I and published in Gazette of India under GSR 843 (E) dt. 31-10-2000

- (vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement ;
- (viii) Termination of the service -
 - (a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations and orders governing probation; or
 - (b) of an employee, employed under an agreement in accordance with the terms of such agreement.
 - (c) of a temporary employee under regulation 5 of the Cochin Port Employees (Temporary Service) Regulations, 1964.

11. Disciplinary Authorities

The authorities mentioned in the Schedule shall be competent to impose the penalties on the employees of different grades and services as indicated in the Schedule.

12. Procedure for imposing major penalties

- (1) No order imposing on an employee any of the penalties specified in items (iv) to (vii) of Regulation 10 shall be passed except after an enquiry held, as far as may be, in the manner hereinafter provided.
- (2) The Disciplinary Authority shall frame charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based shall be communicated in writing to the employee, and he shall be required to submit, ¹[within a period of 20 days] (a) to such Authority or (b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-regulation (3) to that Board or Officer, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation :- In this Sub-Regulation and in Sub-Regulation (4) the expression “the Disciplinary Authority”, shall include the authority competent under the Regulations to impose upon the employee any of the penalties specified in items (i) to (iii) (a) of Regulation 10,

- (3) The Disciplinary Authority may inquire into the charges itself or if it considers it necessary so to do, it may, either at the time of communicating the charges to the employee under sub-regulation (2) or at any time thereafter, appoint a Board of Inquiry or Enquiring Officer for the purpose.
- (4) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the Board's interest to allow him access thereto.
- (5) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority or as the case may be, the Board of Inquiry or the Inquiring Officer may inquire into such of the charges as are not admitted.
- (6) The Disciplinary Authority may nominate any person to present the case in support of the charges before the Authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The employee may present his case with the assistance of any other employee.

¹ Substituted vide Ministry's Notification No. H-11011 / 2 / 97 - PE-I and published in the Gazette of India vide G.S.R. 843 (E). dated 31-10-2000

¹[including a retired employee who retired from services not earlier than 3 years from the date of commencement of the assistance] but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority is a legal practitioner or unless the disciplinary authority, having regard to the circumstances of the case, so permits.]

²[provided that an employee shall not take the assistance of any other employee who has pending disciplinary cases on hand in which he has to give assistance and that of a retired employee who has three pending disciplinary cases on hand in which he has to give assistance].

- (7) The Inquiring Authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross examine witness examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witness examined in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reason in writing.
- (8) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. if in the opinion of such Authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts consulting them or has had an opportunity of defending himself against them.
- (9) The Board may, from time to time, prescribe time limits within which the various stages of enquiry should be completed, namely inspection of documents by the accused employee, request for access to additional records, inspection of such additional records and submission of statement by the accused employee on the charges made against him, such time limits may be pre-scribed in respect of enquiries connected with the imposition of major as well as minor penalties.
- (10) The record of the inquiry shall include.
 - (i) the charges framed against the employee and the statement of allegations furnished to him under sub-regulation (2);
 - (ii) his written statement of defence, if any;
 - (iii) the oral evidence taken in the course of the inquiry;
 - (iv) the documentary evidence considered in the course of the inquiry;
 - (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry, and
 - (vi) a report setting out the findings on each charge and the reasons therefor.
- (11) The Disciplinary Authority shall, if it not the Inquiry Authority, consider the record of the inquiry and record of his findings on each charge.

¹ Substituted w.e.f. 28-7-79 vide Ministry of Shipping & Transport Notification No.PEX-3 / 79 dated 12-7-79 published in the Gazette of India dated 28-7-79 under G.S.R.998

² Inserted w.e.f. 28-7-79 vide Ministry of Shipping & Transport Notification No.PEX-3 / 79 dated 12-7-79 published in the Gazette of India dated 28-7-79 under G.S.R.998

- (12) ¹If the Disciplinary Authority having regard to its findings on all or any of the articles of charges and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in terms (vi) to (vii) of Regulation 10 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed

Provided that in every case in which prior approval of the Central Government is necessary, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Central Govt. for passing order.

- (13) If the Disciplinary Authority having regard to its findings is of the opinion that any of the penalties specified in items ²[(i) to (iii) (a)] of Regulation 10 should be imposed, it shall pass appropriate orders in the case.
- (14) Orders passed by the Disciplinary Authority shall be communicated ³[within a period of 30 days] who shall also be supplied with a copy of the report of the Inquiring Authority, and where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

13. Procedure for imposing minor penalties

- (1) No order imposing any of the penalties specified in item ²[(i) to (iii) (a)], of Regulation 10 shall be passed except after -
- (a) informing in writing the employee of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against such proposal;
 - (b) such representation, if any, is taken into consideration by the Disciplinary Authority, and
 - (c) consultation with the Central Govt. where such consultation is necessary.
- (2) The record of the proceedings of such cases shall include
- (i) a copy of the intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of allegations communicated to him;
 - (iii) his representation, if any, and
 - (iv) the orders on the case together with the reasons therefor.

14. Joint Enquiry

- (1) Where two or more employees are concerned, in any case, the Chairman or Authority competent to impose a penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

¹ Substituted w.e.f. 4-8-79 vide Ministry of Shipping & Transport Notification No.PEX-17 / 79 dated 11-7-79 published in the Gazette of India dated 4-8-79 under G.S.R.1227

² Substituted vide Ministry's Notification No. H-11011 / 2 / 97 - PE-I and published in the Gazette of India vide G.S.R. 843 (E). dated 31-10-2000

³ Inserted vide Ministry's Notification No. H-11011 / 2 / 97 - PE-I and published in the Gazette of India vide G.S.R. 843 (E). dated 31-10-2000

- (2) Subject to the provisions of (a) sub-section (1) of Section 25 of the Act, and (b) regulation 11, any such order shall specify-
 - (i) the Authority which may function as the Disciplinary Authority for the purpose of such common proceeding.
 - (ii) the penalties specified in Regulation 10 which such Disciplinary Authority shall be competent to impose; and
 - (iii) whether the procedure prescribed in Regulation 13 or Regulation 16 may be followed in the proceeding.

15. Special procedure in certain cases

Notwithstanding anything contained in regulations 12, 13 and 14 -

- (i) where the penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge; or
- (ii) Where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to follow the procedure prescribed in the said regulations; or
- (iii) where the Chairman is satisfied that in the interest of the security of the Port it is not expedient to follow such procedure;

The Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

Provided that the approval of the Central Government shall be obtained before passing such orders in relation to an employee holding a post referred to in Clause (a) of sub-section (l) of Section 24 of the Act.

16. Provisions regarding Officers borrowed by the Board

- (1) Where an order of suspension is made or disciplinary proceeding is taken against an employee whose services have been borrowed from the Central or State Government or an Authority subordinate thereto or a local or other Authority, the Authority lending his services, (hereinafter in this Regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding taken against the employee -
 - (i) if it is decided that any of the penalties specified in items (i) to (iii) (a), of Regulation 10.

Should be imposed on him, the Disciplinary Authority may, subject to the provisions of Sub-Regulation (2) of Regulation 12, after consultation with the lending authority, pass such orders on the case as it deems necessary.

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority.

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in items (iv) to (vii) of Regulation 10 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

PART VI- APPEALS

17. (Deleted)

18. Appeals against orders of suspension

An employee may appeal against an order of suspension to the authority, to which the authority which made or is deemed to have made, the order is immediately subordinate.

19. Appeals against orders imposing penalties :

- (1) The authorities mentioned in the Schedule shall be competent to entertain appeals in respect of the penalties indicated in the Schedule
- (2) ¹[Any employee of the Board aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 21 and in the manner laid down in regulation 22 prefer an appeal
 - (a) to the Central Government, where such order is passed by the Chairman.
 - (b) to the Chairman, where such order is passed by the Deputy Chairman.
 - (c) to the Dy. Chairman, where such order is passed by the Appointing Authority.

Provided that where the person who has passed the order becomes, by virtue of his subsequent appointment as the Chairman the Appellate Authority in respect of the appeal against the order, such person shall forward the appeal to the Central Government and the Central Government in relation to that appeal shall be deemed to be the Appellate Authority for the purpose of this Regulation.

Provided further that where the person who has passed the order becomes by virtue of his subsequent appointment as the Deputy Chairman the Appellate Authority in respect of the appeal against the order, such person shall forward the appeal to the Chairman and the Chairman in relation to that appeal shall be deemed to be the appellate authority for the purpose of this regulation.]

20. An appeal against an order -

- (a) Stopping an employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar.
- (b) reducing or withholding the pension or denying the maximum pension admissible under the rules;
- (c) determining the pay and allowances for the period of suspension to be paid to an employee on his re-instatement or determining whether or not such period shall be treated as a period spent on duty for any purposes; and
- (d) reverting to a lower grade or post, an employee officiating in higher grade or post other-wise than as a penalty;

shall lie, in the case an order made in respect of any employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie

¹ Substituted with effect from 4-11-86 vide Ministry's Notification No.PW-PER - 38 / 85 dated 4-11-86 published in the Govt. of India Gazette under G.S.R.1178 (E) dated 4-11-86.

Explanation : In this regulation -

- (i) "employee" includes a person who has ceased to be in the employment of the Board;
- (ii) "pension" includes additional pension, gratuity and any other retirement benefit.

21. Period of limitation for appeal

No appeal under this Part shall be entertained unless it is preferred within three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the Appellate Authority may entertain the appeal after the expiry of such period if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

22. Form and contents of appeals

- (1) Every person preferring an appeal shall do so separately and in his own name.
- (2) The appeal shall be addressed to the authority to whom the appeal lies shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

23. Submission of appeals

Every appeal shall be submitted through the authority which made the order appealed against;

Provided that a copy of the memorandum of appeal may be submitted direct to the appellate authority.

24. Withholding of appeal

- (1) the authority which made the order appealed against may withhold the appeal if -
 - (i) it is an appeal against an order from which no appeal lies; or
 - (ii) it does not comply with any of the provisions of regulation 22, or
 - (iii) it is not submitted within the period specified in regulation 21 and no cause is shown for the delay; or
 - (iv) it is a representation of an appeal already decided and no new facts or circumstances are adduced;

Provided that an appeal withheld on the ground only that it does not comply with the provisions of regulation 22 shall be returned to the appellant and if it is resubmitted within one month thereof after compliance of the said provision, shall not be withheld.

- (2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefore.
- (3) At the commencement of each quarter, a list of appeals withheld by any Authority during the previous quarter together with the reasons for withholding them shall be furnished by that Authority to the Appellate Authority.

25. Transmission of appeals

- (1) The Authority which made the order appealed against shall, without any avoidable delay, transmit to the Appellate Authority every appeal which is not withheld under Regulation 24, together with its comments thereon and the relevant records.

- (2) The Authority to which the appeal lies may direct transmission to it of any appeal withheld under Regulation 24 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

26. Consideration of appeals

- (1) In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions of regulation 9 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in regulation 10 the appellate authority shall consider -
 - (a) whether the procedure prescribed in these regulations has been complied with, and if not whether such non-compliance has resulted in violations of any of the provisions of the act or in failure of justice
 - (b) whether the findings are justified; and
 - (c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders-
 - (i) setting aside, reducing, confirming or enhancing the penalty or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that -

- (i) the Appellate Authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in items (iv) to (vii) of Regulation 10 and an enquiry under Regulation 12 has not already been held in the case, the Appellate Authority shall subject to the provisions of Regulation 15, itself hold such an enquiry or direct that such enquiry to be held and thereafter on consideration of the proceedings of such enquiry and after giving the appellate an opportunity of making any representation which he may wish to make (only on the basis of the evidence adduced during such inquiry) against such penalty, pass such orders as may deem fit.

27. Implementation of orders in appeal

The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

PART VII - Repeal and Removal of Doubts

28. Review

- (1) Notwithstanding anything contained in these Regulations -
- (i) the Central Government
 - (ii) (Deleted)
 - (iii) the Chairman or
 - (iv) the Appellate Authority, within six months of the date of the orders proposed to be reviewed, may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and review any order made under these Regulations or under the rules repealed by Regulation 29 from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed and may;
 - (a) confirm, modify or set aside the order; or
 - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
 - (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
 - (d) pass such other orders as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed; and where it is proposed to impose any of the penalties specified in clauses (iv) to (vii) of Regulation 10 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in regulation 12 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty pro-posed on the evidence adduced during the inquiry.

- (2) No proceedings for review shall be commenced until after
- (i) the expiry of the period of limitation for an appeal or
 - (ii) the disposal of the appeal, where any such appeal has been preferred,
- (3) An application for review shall be dealt with in the same manner as if it were an appeal under these Rules.

29. Repeal

- (1) On the commencement of these regulations, any other rules which were in force in respect of the employee shall stand repealed;

Provided that -

- (a) Such repeal shall not affect the previous operation of the said rules, notification and orders or anything done or any action taken thereunder;
 - (b) any proceeding under the said rules pending at the commencement of this regulations shall be conducted and disposed of as far as may be in accordance with the provisions of these regulations.
- (2) An appeal pending or preferred after the commencement of these regulations

against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations.

- (3) ¹ [The disciplinary action initiated under the provisions of the “Rules for the regulation of the conditions of employment of the Industrial Staff of Cochin Port” and pending on the date of publication of the approval of the Central Government to the Cochin Port Employees (CC&A) Amendment Regulations, 1986 in the Gazette of India, shall be continued on the basis of the said rules]

30. Removal of Doubts

Where a doubt arises as to whether any authority is subordinate or higher than any other authority or as to the interpretation of any of the provisions of this regulations, the matter shall be referred to the Central Government whose decision thereon shall be final.

¹ Inserted with effect from 4-11-86 vide Notification No. PW-PER-38 / 85 dated 4-11-86 published in the Govt. of India Gazette dated 4-11-86 under G.S.R. 1178 (E)

¹SCHEDULE

(Regulation-2)

Sl. No.	Description of Post	Appointing Authority	Authority competent to impose penalty		Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)
I.	Posts covered by Clause (a) of Sub-section (1) of Section 24 of Major Port Trusts Act, 1963	Central Govt. after consultation with the Chairman	Chairman	(i) to (iv) (Minor Penalties)	Central Govt.
			Central Govt.	All	Central Govt.
II.	Class I Posts (other than those covered by Clause (a) of Sub-section (1) of Section 24 of the Major Port Trusts Act, 1963	Chairman	Deputy Chairman	(i) to (iv) (Minor Penalties)	Chairman
			Chairman	All	Central Govt.
III.	Class II	Deputy Chairman	Deputy Chairman	All	Chairman
IV.	Class III	Head of Department	Head of Department	All	Deputy Chairman
V	Class IV	Head of Department	Head of Department	All	Deputy Chairman

¹ Substituted w.e.f. 24-8-2004 vide Ministry of Shipping Notification No. PR-12018/8/2004-PE-I and published in the Gazette of India under G.S.R. 539 (E) dated 24-8-2004

THE MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES 1981

G.S.R. 725 -In exercise of the powers conferred by Section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following rules, the same having been published in the Gazette of Government of India Part 2 Sub-Section 3 (i) dated 1-8-1981 as required by sub-Section (2) of the said Section namely :-

1. Rules

- (1) These rules may be called the Major Port Trusts (Procedure at Board Meetings) Rules, 1981.
- (2) They shall, come into force on the date of their final publication in the Official Gazette.
- (3) They shall, subject to the provisions of section 16 of the Major Port Trusts Act, 1963 (38 of 1963), apply to the business transacted at the meetings of the Boards of Trustees of the Ports of Calcutta, Bombay, Madras, Cochin, Visakhapattanam, Kandla, Mormugao, Paradip, ¹[Tuticorin, New Mangalore and Nhava Sheva]

2. Frequency of meetings

- (1) A meeting of the Board other than a special meeting referred to in rule 3, shall be held at least ¹[once in three months]
- (2) The Board shall, from time to time, determine the date and time of its meetings, Provided that where the Board is unable to do so for any reason, the Chairman may do so, for reasons to be recorded in writing.
- (3) A meeting of the Board shall be held at port premises of the respective ports, except where the Board in advance decides to hold any meeting at any other place for reasons to be recorded in writing.

3. Calling of Special meetings

The Chairman or in his absence the Deputy Chairman, if appointed, may, whenever he thinks fit and shall, upon the written request of not less than three Trustees, call a special meeting of the Board.

4. Circulation of agenda, etc

Agenda and notes or memoranda thereon, if any for any meeting of the Board shall be circulated to the Trustees at least three days before the date of the meeting,

Provided that in the case of a special meeting, such agenda and notes or memoranda shall be circulated at least one day before the date of the meeting.

¹ Substituted w. e. f. 28-7-88 vide Ministry's Notification No. PR-11012 / 3 /87 PG- dated 28-7-88 and published in the Govt. of India Gazette under G.S.R 819 (E) dated 28-7-88.

5. Discussion on items not included in the agenda

The Chairman, or in his absence, the Deputy Chairman, if appointed, may at his discretion, include for discussion at any of the meetings of the Board including a special meeting any item not included in the agenda, if the same is in his opinion, of sufficient importance or urgency or both and cannot be held over for the consideration of the Board at any subsequent meeting.

6. Poll

If a poll is demanded on any question, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting.

Explanation:- For the purpose of this rule and rules 7 and 8, the expression 'President' shall mean the Chairman or in his absence, the Deputy Chairman, if appointed, and in the absence of both, any person chosen by the Trustees present from among themselves to preside over the meeting of the Board.

7. Minutes of the meeting

(1) Minutes of the proceedings at each meeting of the Board shall, be recorded in a book to be provided by the Board for this purpose, which shall be signed as soon as practicable by the President of such meeting and shall be opened to inspection by any Trustee during office hours.

(2) Minutes of the proceedings excepting such portion thereof, as the Chairman or, in his absence the Deputy Chairman; if appointed, may direct in any particular case, shall also be open to the inspection of the public at the Office of the Board during office hours.

(3) The names of the Trustees present at each meeting shall be recorded in the minutes book.

(4) A Trustee present at any meeting of the Board shall sign his name in a book or register to be provided by the Board for the purpose.

8. Adjournment of meeting

The President of a meeting may adjourn it to a later date, which date shall be announced at the meeting, in which case intimation shall be sent to the Trustees absent at the meeting [¹] before the date of the meeting.

¹ Deleted w. e. f. 28-7-88 vide Ministry's Notification No. PR-11012 / 3 /87 PG dated 28-7-88 and published in the Gazette of India under G.S.R 819 (E) dated 28-7-88

THE MAJOR PORT TRUSTS (PAYMENT OF FEES & ALLOWANCES TO TRUSTEES) RULES, 1981

Copy of letter No. PW / PGL-25 / 80 dated, the 11th March 82 from the Government of India, Ministry of Shipping and Transport (Port's Wing) New Delhi addressed to the Chairman, Cochin Port Trust, Cochin-3 etc.

It is informed that the notification was published in the Gazette of India dated 6th February, 1982 under G. S. R. No. 134.

NOTIFICATION

G. S. R. 134 whereas the draft of the Major Port Trusts (Payment of fees and Allowances to Trustees) Rules, 1981 was published, as required by sub-section (2) of section 122 of the Major Port Trust Act, 1963 (38 of 1963), at pages 1559-1561 of the Gazette of India, Part II Section 3, Sub-section (i), dated the 4th July, 1981 under the notification of the Government of India in the Ministry of Shipping and Transport (Ports wing) No. G. S. R. 626, dated 23rd June, 1981, inviting objections and suggestions from all persons likely to be effected thereby till the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette.

AND WHEREAS the copies of the said Gazette were made available to the public on the 11th August, 1981;

AND WHEREAS no objections and suggestions have been received from the public before the expiry of the period aforesaid;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 122 of the said Act, the Central Government hereby makes the following rules, namely :-

1. Rules

- (1) These rules may be called the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall, subject to the provisions of section 18 of the Act apply to the Port Trust Boards of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin & New Mangalore.

2. Definitions

Unless the context otherwise requires :-

- (a) "Act" means the Major Port Trusts Act, 1963, (38 of 1963);
- (b) words and expressions used in these rules have the meanings respectively assigned to them in the Act.

3. Fees Payable

Every Trustee of the Board other than the Chairman and the Deputy Chairman, where appointed, or any other Trustee who is a servant of the Government or servant of the Board, shall be entitled to a fee of -

- (i) rupees ¹Two hundred and fifty for attendance of each ordinary or special meetings of the board;

¹ Substituted vide G. O. I. Notification dated 11-2-97 under G. S. R. No. 70 (E) Ministry's No. PR-11019 / 3 / 95 - PG effective from 11-2-97.

- (ii) rupees ¹one hundred for attendance at each meeting of any committee other than the meeting of the Committee held on the same day in continuation of or preparatory to an ordinary or special meeting of the board;

Provided that, the aggregate amount of fees payable to any Trustees in respect of the meetings of the Board and / or the Committees held during any calendar month shall not exceed rupees one thousand

NOTE: A Trustee present at any meeting of the board or a Committee thereof shall sign his name in a book or register to be kept for the purpose.

4. Payment of Travelling allowance

- (i) All outstation Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or any of its Committees shall, in addition to such fees as is payable under rule 3, be entitled to receive travelling allowance on the scale applicable to the highest class of officers of the Central Government.
- (ii) All outstation Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or of any of its Committees shall, in addition to such fees as are payable under Rule 3 and travelling allowance, also be entitled to receive daily allowance at the rate applicable to the highest class of officers of the Central Government for the period of journey performed to and from the place of Board or Committee meeting and Head quarters.

NOTE: I. For the purpose of daily allowance, the period of journey by the shortest possible route and from the place of Board or Committees meeting and the Headquarters, shall be taken as the period of journey.

NOTE: II. The Headquarters for the purpose of this rule shall be normal place of residence of the Trustee.

5. Payment of certain allowances to a Trustee who is a Government Servant or the servant of the Board

A Trustee who is a servant of the Government or a servant of the Board and who attends any meeting of the Board or of any of its Committees shall be entitled to receive travelling allowance and daily allowance in accordance with the provisions of the service rules applicable to him.

6. Payment of certain allowances to a Trustee who is a member of Parliament or of the Legislature of State

Notwithstanding anything contained in Rules 3 and 4, a Trustee who is also a member of Parliament or a member of the Legislature of a State shall not be entitled to any fees other than the compensatory allowance as defined in clause (A) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) or, as the case may be, other than the allowances, if any, which a member of the Legislature of the State may, under any law for the time being in force in the State relating to the prevention of disqualification of membership of the State Legislature, receipts without incurring such disqualification.

¹ Substituted vide G. O. I. Notification dated 11-2-97 under G. S. R. No. 70 (E) Ministry's No. PR-11019 / 3 / 95 - PG effective from 11-2-97.

7. Repeal and savings

- (1) On and from the date of publication of these rules the rules mentioned in the Schedule annexed hereto are hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken or any order made or directions given under the said rules shall be deemed to have been done, taken, made or given, as the case may be, under the corresponding provisions of these rules.

SCHEDULE
(See rule 7)

Sl No	Title of the rules repealed
1.	Major Port Trusts (Payment of Fees and Allowance to Trustees) Rules, 1964.
2.	Mormugao Port Trust (Payment of Fees and Allowance to Trustees) Rules, 1964.
3.	Paradip Port Trust (Payment of Fees and Allowance to Trustees) Rules, 1967.
4.	Board of Trustees of the Port of Bombay (Payment of Fees and Allowances to Trustees) Rules, 1975.
5.	Board of Trustees of the Port of Calcutta (Payment of Fees and Allowances to Trustees) Rules, 1975.
6.	Board of Trustees of the Port of Madras (Payment of Fees and Allowances to Trustees) Rules, 1975.
7.	Board of Trustees of the Port of Tuticorin (Payment of Fees and Allowances to Trustees) Rules, 1979.
8.	Board of Trustees of the Port of New Mangalore (Payment of Fees and Allowances to Trustees) Rules, 1980.

(PW / PGL - 25 / 80)

Dated : 28-1-1982

Sd /-
(M. R. CATHWAL)
Under Secretary to Govt. of India

THE COCHIN PORT EMPLOYEES (WELFARE FUND) REGULATIONS, 1964

In pursuance of Sub-Section (2) of Section 124 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Cochin hereby publishes with the approval of the Central Government the following regulations, made by it in exercise of the powers conferred by clause (b) of Section 28 of the said Act, namely:-

1. Short title and commencement

- (1) These regulations shall be called the Cochin Port Employees (Welfare Fund) Regulations, 1964.
- (2) They shall come into force on the First day of September, 1964

2. Definitions

In these regulations, unless the context otherwise means:

- (1) The words 'Board' and 'Chairman' shall have the same meanings in the Major Port Trusts Act, 1963
- (2) "Employee" means an employee of the Board whether permanent or temporary and includes any employee on foreign service and any permanent or temporary employee of the Central or State Government or a local or other authority on deputation with the Board.
- (3) "Fund" means the Cochin Port Welfare Fund formed under Regulation 3.
- (4) "General account" means the general account of the Board.

3. Constitution of the Fund

There shall be formed a Fund to be called the Cochin Port Welfare and there shall be credited thereto:-

- (a) such contributions from the general account as may be sanctioned by the Board from time to time;
- (b) fines recovered from the employees;
- (c) contributions to any employees Provident Fund withheld under the relevant rules regulating the Provident Fund;
- (d) interest and profit on investments belonging to the Fund: and
- (e) any other sum or property made over to the fund by way of gift or donation.

4. ¹Administration of the Fund:-

- (i) The fund shall be administered by the Chairman of the Port Trust.
- (ii) An advisory committee consisting of one of the Heads of Departments as the Chairman, the Financial Adviser & Chief accounts Officer as member and the Labour Officer as convener shall be constituted by the Chairman of the Port Trust for advising him in the matter of granting assistance from the fund for the following purposes, covered by Clauses (b) & (f) of Regulation 5:-

¹ Substituted with effect from 8-2-88 vide Notification No. PR-19024 / 1 / 86-PE-1 (Vol-1) dated 8-2-'88 published in the Gazette of India dated 8-2-'88 under GSR 81 (E).

- (a) Assistance for treatment of the employees who are on Extra Ordinary Leave on medical grounds due to prolonged illness etc.
- (b) Assistance for treatment of the employees or their dependents in Medical College Hospitals, cancer Institutes etc, outside the Head Quarters as recommended by the Chief Medical Officer of the Port Trust Hospital .
- (c) Grant of Scholarships to the children of the Port Trust Employees.

5. Expenditure from the Fund:

The objects on which Fund may be expended shall be the following namely:

- (a) donations, subscriptions and gifts to institutions, club, co-operative Societies etc; connected with the Welfare of employees and their families,
- (b) grant of scholarships to children of employees and literary classes, handicraft education and reading rooms for employees and members of their families.
- (c) special rewards to employees for saving of life and property and other meritorious acts within the Port,
- (d) to provide artificial limbs or other aids to employees who are partially or permanently disabled due to accidents on duty;
- (e) payment towards cost of the special drugs recommended by the Medical officer of the Board for the use of the employees;
- (f) financial assistance to the employees and the members of their families in acute distress.
- (g) grants for conducting sports, competitions, dramas, music, film shows, bhajan etc; for employees; and celebration of independence and Republic days by employees;
- (h) payment of hot and cold weather charges for the benefit of employees;
- (i) ¹rendering immediate financial relief to the families of Trust's employees who die or sustain serious injuries during working hours i.e. the time after he has reported for work including recess, and within the Port area
- (j) any other item of expenditure for the benefit of employees and their families, at the discretion of the chairman.

6. ²Disbursement from Fund:

- (i) All payments from the fund shall be made only with the sanction of the Chairman of the Port Trust.
- (ii) The chairman of the Port Trust may authorise the chairman or the Convener of the advisory committee to sanction urgent exgratia payments including funeral expenses upto Rs.2000 in each case with a view to ensure assistance in time.

7. ³Maximum amount in Fund:

The maximum amount that may be held in the fund shall not exceed five lakhs of rupees

¹ Substituted with effect from 27-8-68 by Notification No, LO (33) H-IR dated 12-8-'68.

² Substituted with effect from 4-7-67 by Notification No. LO (33) H dated 23-6-'67 and again with effect from 8-2-88 vide Notification No.PR-19024 / 1 / 86 - PE-1 (Vol-1) dated 8-2-88 published in the Gazette of India dated 8-2-88 under GSR 81 (E)

³ Substituted with effect from 19-4-80 vide Ministry of Shipping and Transport Notification No. PW / PEX-22 /79 dated 1-4-80 published in the Gazette of India dated 19-4-80 under GSR 440 and again with effect from 5-12-1986 vide Ministry of Surface Trans- port Notification No. PW / PER-14 /85 dated 5-12-'86 published in the Gazette of India dated 5-12-1986 under GSR 1256 (E)

8. Disposal of surplus in the Fund:

Any surplus in the Fund over and above the prescribed maximum shall be credited to the Board's general account.

9. Interpretation:

In the case of doubt, all questions relating to this Fund shall be decided by the Chairman.

Bd / 2246 / 64 dated 12-3-1965

Approved by the government of India, Ministry of Shipping and Transport letter No. 6-PG (3)
/ 65 dated 11-2-1965

THE COCHIN PORT EMPLOYEES (ALLOTMENT OF RESIDENCE) REGULATIONS, 1965

In exercise of the powers conferred under Section 28 of the Major Port Trust Acts, 1963 (38 of 1963), the Board of Trustees Cochin Port Trust, hereby makes the following regulations namely:-

1. Short title and Commencement

- (1) These regulations may be called the Cochin Port Employees (Allotment of Residence) Regulations, 1965.
- (2) They shall come into force on 1-4-1966.

2. Application

These regulations shall apply to the allotment of residence to all persons who are employed in the service of the Board, hereinafter referred to as 'employees'.

3. Interpretation

In these regulations, unless the context otherwise requires -

- (a) "Allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these regulations;
- (b) "Allotment year" means, the year beginning on 1st January or such other period as may be notified by the Board;
- (c) "Board", "Chairman", "Deputy Chairman" "Head of Department" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;
- (d) "Eligible office" means an office under the Board which has been declared by the Board as Eligible for accommodation under these regulations;
- (e) ¹ "Emoluments" means-
 - A. In the case of Class I and Class II Officers -
 - (i) Pay including officiating pay, personal pay, special pay, technical pay, dearness pay, and any other emoluments specially classed as pay by the Board;
 - (ii) Compensatory allowances, other than dearness allowance, travelling allowance, mess allowance, uniform out-fit-allowance, uniform grant and grant for house and saddlery
 - (iii) Other payments received in the shape of a fixed addition to the monthly pay and allowances as a part of the authorised remuneration of a post; and
 - (iv) Pension other than extra-ordinary pension
 - B. In the case of a Class III And Class IV employees.
 - (i) Pay including officiating pay, personal pay, special pay, technical pay and any other emoluments specially classed as pay by the Board.

¹ Substituted w. e. f. 12-4-77 vide Notification No. EM / 298 / 74 dated 29-3-1977.

- (ii) Pension other than extra-ordinary pension

NOTE: (Applicable to both A and B above)

- (i) The emoluments of an employee on leave means the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.
 - (ii) In the case of an employee under suspension the amount drawn by him on the first day of the allotment year in which he is placed under suspension, or if he is placed under suspension on the first day of the allotment year the emoluments drawn by him immediately before that date shall be taken as emoluments.
 - (iii) In the case of a suspended employee who is subsequently reinstated and whose period of suspension is treated as leave, the emoluments would be as under note (i) above.
 - (iv) overtime which is not sanctioned as a fixed addition to the pay of a post but is paid for according to overtime hours put in is not a part of "emoluments" for the purpose of rent. Fixed addition to the pay of a post in lieu of overtime shall, however, be reckoned as emoluments in respect of Class I and Class II officers.
- (f) "family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employee;
 - (g) "Government" means the Central Government;
 - (h) "Port" means the Port of Cochin.
 - (i) "Priority date" of an employee in relation to a type of residence to which he is eligible under regulation 6 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Board except for periods of leave;

Provided that in the case of an employee, who before the 1st day of July, 1959, had drawn less than Rs.110 /- per mensem as emoluments in a Class III post, the period during which he drew such emoluments shall also be counted towards his priority date for "A" type residence;

Provided further that in the case of an employee who is on deputation to any foreign service, the period of foreign service; shall, on his re-posting in an eligible office under the Board, be included for the purpose of determination of his priority date;

Provided further that where the priority date of two or more employees is the same, seniority among them shall be determined (i) by the amount of emoluments drawn by each such employee, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments; and (ii) where the emoluments are equal, by the length of service under the Board;

- (j) "rent", unless in any case it be otherwise expressly provided in these Regulations, means the sum of money payable monthly as mentioned below :-

Standard rent of the unit occupied or 10% of the monthly emoluments of the employee, whichever is less;

Provided that in the case of Class III and Class IV employee whose pay is less than Rs. 200 /-, the rent would mean 7 ½ of monthly emoluments or the standard rent of the unit occupied whichever is less;

¹ Substituted w. e. f. 12-4-77 vide Notification No. EM / 298 / 74 dated 29-3-1977.

Provided further that where concession is given to piece rate Shore Labour, the principle governing such concession would continue to apply to determine the rent for quarters allotted to them as modified by the Board from time to time.

Explanation:- Notwithstanding anything contained in these Regulations, where a Class III or Class IV employee is allowed to occupy a residence of lower type than what he / she is entitled to and the quarter of the type to which he / she is entitled is not offered to him / her, the rent will be on the basis of the maximum of the pay range for which such quarters are allotted.

The first proviso and the explanation will come into effect from 1-1-69.

Explanation for assessment of Standard Rent:

Standard monthly rent shall mean $1 / 200^{\text{th}}$ of the capital cost of the residence;

Pooled standard rent of a residence shall mean the total standard monthly rent as calculated above for the residences belonging to each type divided by the total number of residences included in the pool.

- (k) "residence" means any residence for the time being under the administrative control of the Chairman or any other officer appointed for the purpose;
- (l) "sub-letting", includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;

Explanation:- Any sharing of accommodation by an allottee with close relations shall not be deemed to be "sub-letting".

- (m) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;
- (n) "transfer" means a transfer from the service of the Board to any other post;
- (o) "type" in relation to an employee means the type of residence to which he is eligible under regulation 6.

4. Ineligibility of officers owning Houses for Allotment under these Regulations

No employees shall be eligible for allotment of Board's accommodation, if-

- (a) He / she owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms, by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman reside consistently with his / her official position.
- (b) His wife / her husband or any dependent child owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms. by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman reside consistently with his / her official position.
- (c) His / her father, mother or any other dependent relation owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms, by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman, reside

¹ Substituted w. e. f. 24-12-86 vide Ministry's Notification No. PW|PER-37|85 and published in the Gazette of India under GSR No. 1313 (E) dated 24-12-86

consistently with his / her official position and without inconvenience to himself / herself or to the owner thereof.

Any employee, who on any date (hereafter referred in the rules as relevant date) subsequent to the date of making application for allotment of quarters of subsequent to the date of allotment of Port accommodation, becomes ineligible for Port's accommodation under (a), (b) or (c) of the above rule, shall notify the fact to the Chairman or the Officer appointed within a period of 7 days or the 'relevant date'. In the case of employee's failure to so notify, the Chairman may reject the application for allotment or if an allotment has already been sanctioned, cancel such allotment with effect from the relevant date and require the employee to vacate the Port accommodation forth-with.

Notwithstanding the foregoing provisions of the regulation, the Chairman for the purpose may allot or re-allot Port accommodation to an employee who becomes ineligible for Port accommodation as stated under 1 (a), (b), (c);

- (1) If he is satisfied that it is not possible for the employee, for reasons beyond his control, to obtain vacant possession of the house, on his agreeing to pay standard rent fixed for the quarter allotted to him.
- (2) If he is satisfied that it will be in the Port's interests to house the employee in the Port's quarters.
- (3) (a) Occupation:- A person who is allotted quarters will occupy it within 8 days from the date of allotment, failing which he will be liable to lose his claim for the occupation thereof.

Provided however, that the Chairman may extend the above period in any particular case according to merits of the case.

Provided further that the person who loses his claim for the occupation of quarters due to his failure to occupy them within the period permitted will however be eligible to apply for quarters again and every such application will be treated as a new application for quarters.

(b) No unit should be occupied by more than one family, unless otherwise specifically permitted in writing by the Chairman.

5. Allotment to Husband and Wife-Eligibility in cases of officers who are married to each other

- (1) No employees shall be allotted a residence under these regulations if the wife or the husband, as the case may be, of the employee has already been allotted a residence unless such residence is surrendered:

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

- (2) Where two employees in occupation of separate residences allotted under these regulations marry each other, they shall, within one month of the marriage, surrender one of the residences.
- (3) If a residence is not surrendered as required by clause (2) above, the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of such one of them as the Chairman or the officer appointed for the purpose by the Board may decide shall be deemed to have been cancelled on the expiry of such period.
- (4) Where both husband and wife are employed under the Board, the title of each of

them to allotment of a residence under these regulations shall be considered independently.

6. ¹Classification of Residences

Save as otherwise provided by these regulations, an employee shall be eligible for allotment of a residence of the type shown in the Table below:

TABLE

Sl No.	Quarter type	Basic Pay Ceiling (in Rs.)
1	I	3700
2	II	4300
3	III	5500
4	IV	7070
5	V	10750
6	VI*	13000
7	VII*	14500

* # Reserved for Chairman, Deputy Chairman and Head of Department

²[N.B. Officers other than Chairman, Dy. Chairman, Heads of Departments and those in the scale of Rs. 13000 are not normally entitled to get accommodation in Type VI and VII quarters as a matter of right irrespective of the fact that they might have drawn basic pay exceeding the maximum of the pay slab prescribed for type V quarters.]

NOTE: If an employee is in occupation of a higher type of residence than what is entitled to on the date ³ of implementation of this amendment, he shall continue to enjoy the benefit in respect of that residence.

7. Application for allotment

- (1) An employee who seeks allotment of residence or the continuance of allotment of a residence which has been allotted him, may apply at any time and shall if directed to do so, to the Chairman or the Officer appointed by the Board for this purpose in such form and in such manner and by such date as may be prescribed by the Chairman or the Officer appointed by the Board for the purpose.
- (2) All applications received otherwise than in pursuance of a direction issued under Clause (1), shall be considered for allotment in the succeeding month if such application has been received before the 20th day of a calendar month.

¹ Substituted w. e. f. 16-3-1976 by Notification No.EM / 1290 / 72 dated. 27-2-76.

² Inserted w. e. f. 24-12-86 vide Ministry's Notification No. PW|PER-37|85 and published in the Gazette of India under GSR No. 1313 (E) dated 24-12-86

³ 16-3-76

- (3) ¹Notwithstanding any other provision in these Regulations, the Chairman may allot residence to any employee in the interest of the Port's work irrespective of whether he has applied for it or not and he shall occupy the residence so allotted.
- (4) ²[Notwithstanding any other provisions contained in these Regulations the Chairman may allot quarters to the employees of local bodies for other Govt. Departments like Railway, Kerala Police, Post and Telegraph, Central Industrial Security Force, Kendriya Vidyalaya, Port Health Organisation, Inspectorate of Dock Safety, Department of Tourism, Civil Aviation Department, Concurrent Audit etc., who are closely connected with the working of the Port and in the opinion of the Chairman, should be provided with accommodation for the smooth functioning of the Port. The monthly rent in such cases shall be as follows:-
- | | |
|--|--|
| (a) CISF personnel other than officers | Free |
| (b) CISF officers and Audit staff | At flat rate on area basis as fixed by the Port based on the Government orders on the subject |
| (c) Central Govt. employees other than CISF Audit and all other categories | At flat rate on area basis as fixed by the Port subject to the remittance of the HRA so saved by the concerned Government Department from the pay of their employees to Port |

³[7(A) Reservation for SC / ST employees in allotment of Quarters

- i) Notwithstanding anything Contained in these Regulations, 10% of Type I, Type II, Type III and 5% of Type IV & Type V quarters shall be allotted to Scheduled caste and Scheduled Tribe Employees in the order of their seniority.
- ii) A Separate waiting list of eligible SC / ST employees shall be maintained for this purpose. The employees shall be entitled for allotment of their entitled type according to their turn as per this waiting list.
- iii) Vacancies available in the quota reserved for the purpose shall be allotted in the ratio 2:1 to the SC / ST employees. In case, however, there is no ST employee available such reserved accommodation shall be allotted to SC employee.
- iv) Scheduled Caste / Scheduled Tribe employees who are already in occupation of Departmental quarters shall not be entitled to be considered for allotment to higher type from the reserved quota.]

8. Maintenance of separate pools for certain categories of employees

- (1) Notwithstanding anything contained in these Regulations, the following pools shall be maintained, namely,
- i) Residence for the Chairman.
 - ii) Pool of residences for Deputy Chairman, if any, and Heads of Departments.
 - iii) Lady employees, pool for lady employees except for those who are married and whose husbands are eligible for allotment under these regulations.

¹ Inserted w. e. f. 25-11-75 by Notification No. EM / 293 / 74 dated 12-11-75

² Substituted vide Govt's Notification No. PR-12016 / 57 / 2000-PE-I-and published in the Gazette of India vide GSR 432 (E) dated 13-6-01

³ Inserted w. e. f. 12-12-88 vide Ministry's Notification No. PR-12016/29/88-PE.I and published in the Gazette of India under GSR No. 1171 (E) dated 12-12-1988

- (2) The number and the type of residence to be placed in these pools shall be determined by the Board from time to time.
- (3) Inter-se seniority of the employees eligible for allotment of residences under these regulations shall be determined in accordance with the date of their appointment in the post which entitles them for consideration of allotment of residence included in the pool.

9. ¹Out of turn allotment

Notwithstanding any other provisions in these regulations the Chairman may allot a residence out of turn to an employee in the following cases:-

1. Physically handicapped employees on the basis of the percentage of disability assessed by a Committee consisted of Deputy Chairman, Chief Medical Officer, Secretary and Estate Manager.
2. In case of an employee or any member of his or her family suffering from chronic diseases requiring frequent and prolonged hospitalization and treatment at the Port Hospital on production of certificate to that effect from the Chief Medical Officer or the Deputy Chief Medical Officer of the Port Hospital.
3. Operationally important post holders whose presence in the Port premises is unavoidable and essential for departmental interest.

10. Non-acceptance of allotment or offer or failure to accept the allotted residence after acceptance

- (1) ²[If an employee fails to accept the allotment of a residence within 5 days from the date of receipt of letter of allotment or fails to take possession of that residence after acceptance within 8 days from the date of receipt of the letter of allotment he shall not be eligible for another allotment for a period of 2 years from the date of the allotment letter.]
- (2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under regulation 6 or the immediately lower type, he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the previously allot- ted residence on the following conditions, namely:-
 - (a) that such an employee shall not be eligible for another allotment for a period of ³five years from the date of the allotment letter for the higher class of accommodation.
 - (b) while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of residence already in his occupation, whichever is high.

11. Period for which allotment subsists and the concessional period for further retention

- (1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until,

¹ Substituted vide Notification published in the Gazette of India under GSR No.968 (E) dated 09-12-1987

² Substituted w.e.f. 1-4-87 vide Notification published in the Gazette of India under GSR No. 360 (E) dated 1-4-87.

³ Amended w.e.f. 27-5-75 by Notification No. EM / 298 / 74 dated 21-5-75.

- (a) the expiry of the concessional period permissible under sub-regulation (2) below, after the employee ceases to be on duty in an eligible office under the Board;
- (b) it is cancelled by the Chairman or the officer appointed for this purpose by the Board or is deemed to have been cancelled under any provisions in these regulations.
- (c) it is surrendered by the employee or
- (d) the employee ceases to occupy the residence.
- (2) A residence allotted to an employee may subject to sub-regulation (3), be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof, provided that the residence is required for the bona-fide use of the employee or members of his family.

TABLE

Events	Permissible period for retention of the residence
(i) Resignation, dismissal, removal or termination of service	1 month
(ii) Retirement or terminal leave	2 months
(iii) Death of the allottee	4 months
(iv) Transfer to a place outside the Port	2 months
(v) On proceeding on foreign service in India	2 months
(vi) Temporary transfer in India or deputation to a place outside India	4 months
(vii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, Medical leave or study leave)	For the period of leave but not exceeding 4 months
(viii) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86	For the full period of leave on full average pay subject to a minimum of 4 months inclusive of the period permissible in the case of retirement
(ix) Study leave or deputation outside India	For the period of leave but not exceeding 6 months
(x) Study leave in India	For the period of leave but not exceeding 6 months
(xi) Leave on medical grounds	For the period of leave but not exceeding 8 months
(xii) (other than T.B. leave)	
(xiii) Medical leave on grounds of T.B	For the full period of leave
(xiv) On proceeding on training	For the full period of training

EXPLANATION:- The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave, if any sanctioned to and availed of by the employee before joining duty at the new office.

- (3) where a residence is retained under sub-regulation (2) above, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty in an eligible office under the Board.
- (4) An employee who has retained the residence by virtue of the concession under them (i) or item (2) of the Table below sub-regulation (2) shall, on re-employment in an eligible office under the Board within the period specified in the said Table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence.

Provided that if the emoluments of the employee on such re-employment do not entitle him to the type of residence occupied by him, he shall be allowed a lower type of residence on the occurrence of a vacancy.

12. Recovery of rent

The rent and other charges will accrue from the date of actual occupation of the unit or from the 8th day of allotment whichever is earlier and may, wherever possible, be deducted from the pay sheet of the occupant. In other cases, the charges should be paid in cash by the occupants on a prescribed date and anyone who is in arrears for more than one month, will lose his right to occupy the unit allotted to him. The arrears will be recovered in one lumpsum from the next pay.

- ¹ **12A** The allottee will also be required to pay the cost of water, electric energy etc., consumed and also a nominal rent Rs. 1/- per mensem for each yielding coconut tree or whatever revised rent the Board may fix from time to time, if any, standing in the compound of the residence.

13. Personal liability of the employee for payment of rent till the residence is vacated and furnishing of surety by temporary employee

- (1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair, wear and tear caused thereto or to the furniture fixtures or fittings or services provided therein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions in these regulations, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Board.
- (2) Where the employee to whom a residence has been allotted is neither a permanent nor a quasi-permanent employee of the Board, he shall execute a security bond in the form prescribed in this behalf by the Board with a surety, who shall be a permanent employee of the Board for due payment of rent and other charges due from him in respect of such residence and services and any other residence provided in lieu.
- (3) If the surety ceases to be in the service of the Board or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the employee shall furnish a fresh bond executed by another surety, and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the Chairman (²) be deemed to have been cancelled with effect from the date of that event.

¹ Inserted w. e. f. 12-4-77 by Notification No. EM /298 / 74 dated 29-3-1977.

² Deleted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-77

- (4) without prejudice to any action that may be taken under section 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963) an employee shall also render himself liable to disciplinary action and to such punishment as may be decided upon by the Board in the case of any breach of this regulation.

14. Surrender of an allotment and period of notice

An employee may at any time surrender an allotment by giving intimation so as to reach the Chairman or the officer appointed for this purpose by the Board at least 10 days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the 11th day after the day on which the letter is received by the Chairman or the officer appointed for this purpose by the board or the date specified in the letter, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for 10 days or the number of days by which the notice given by him falls short of 10 days, provided that the Chairman or the officer appointed for this purpose by the Board may accept a notice for a shorter period

¹[He shall not be eligible for another allotment for a period of one year from the date from which non-accommodation certificate is issued by the accommodation controlling authority, provided house rent allowance was granted to him during the period]

15. Change of residence

- (1) An employee to whom a residence has been allotted under these regulations may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of one type of residence allotted to the employee.
- (2) ²Changes shall be offered on the basis of inter-se seniority of priority date for allotment of quarters among the employees who have applied for change of quarters. All applications for change received on or before 20th day of a calendar month will be considered for change in the succeeding month.
- (3) If an employee fails to accept a change of residence offered to him within 5 days of the receipt of such offer for allotment, he shall not be considered again for a change of allotment of that type.

16. Mutual exchange of residence

Employees to whom residence of the same type have been allotted under these regulations, may apply for permission to mutual exchange of their residence permission for mutual exchanges may be granted if both the employees are reasonably expected to be on duty under the Board and to reside in their mutually exchanged residences for atleast ¹[two years] from the date of approval of such exchange.

17. Maintenance of residence

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Board. Such employees shall not grow any tree, shrubs or plants contrary to the instructions issued by the Chairman or the Officer appointed for this purpose by the Board nor cut or lop off any existing tree or shrub in any garden, courtyard or compound attached to the residence save with the prior permission in writing of the Chairman or the Officer appointed for this purpose by the Board. Trees, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the Chairman or the Officer appointed for this purpose by the Board at the risk and cost of the employee concerned.

¹ Substituted w. e. f. 24-12-88 vide Notification GSR No. 1313 (E) dated 24-12-86

² Inserted w. e. f. 4-11-69 by Notification No. P / OM / 114 /66 dated 16-10-69

18. Subletting and sharing of residences

¹No occupant shall sublet or underlet any portion of his quarters or take in lodgers or allow any outsider other than a casual visitor to live in his quarters

19. Suspension of allotment of quarters

- (1) When a quarter is allotted to an employee, he will normally be allowed to retain the quarter until he surrenders it, or retires or resigns, or he is allotted another quarter or the allotment is cancelled by the Chairman
- (2) ²Deleted.

20. ³Forfeiture of house rent allowance

- (1) No house rent allowance shall be payable to the employees to whom quarters are allotted.

Provided that when quarters are shared, the sharer or sharers belonging to Class III or Class IV service excluding the allottee shall be paid house rent allowance as may be admissible if however the allottee occupies quarters on a rent-free basis, the sharer or sharers will not be entitled to house rent allowance

- (2) The accommodation controlling authority shall furnish information regarding non acceptance of allotment offer or failure to accept the allotted residence after acceptance or surrender of an allotment to the Head of the Department to regulate the grant of house rent allowance to the employee according to the orders on the subject.

NOTE:- Refusal to occupy accommodation of a type other than that for which the employee is eligible is not "refusal" for the purpose of this rule.

21. Free allowance of drinking water

Free allowance of drinking water will be allowed to occupants on the scale laid down by Board from time to time.

22. Keeping of cattle

- (a) No allottee will be allowed to keep cattle in Willingdon Island without a permit issued by the Chairman or the Officer authorised by him in this behalf. A token bearing a number will be issued and this should be tied round the neck of the cattle
- (b) Only one cow and a calf should be maintained by a family. A fee of Rs. 5/-towards the permit will be levied,
- (c) An employee found keeping cattle without permit and token will be liable to pay a penalty of Rs. 50/-
- (d) Allottees to whom permits for keeping cattle have been issued will be responsible for maintaining the precincts in a clean and sanitary condition. They will also be responsible for carrying out any suggestions made by the Board or the Port Health Department for improving the sanitary conditions.
- (e) The allottee should keep the cattle within the grounds of their quarters and should not allow them to stray elsewhere.

¹ Substituted w. e. f. 24-12-86 vide Notification GSR No. 1313 (E) dated 24-12-86

² Deleted w. e. f. 27-5-75 by Notification No. EM / 298 / 74 dated 21-5-1975

³ Substituted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-77

- (f) If any allottee contravenes any of the above conditions, the chairman may after issuing a notice, cancel the allotment of the quarter concerned.
- (g) Unclaimed cattle will be disposed of under the provisions of the Kerala Cattle Trespass Act.

23. Consequence of breach of rules of conditions

- (1) Without prejudice to any action that may be taken under sections 130 and 131 of the Major Port Trust, act 1963 (38 of 1963), the following penalties may, in addition for good and sufficient reasons, be imposed by the Board.

If an employee to whom residence has been allotted, ¹[fails without sufficient cause to bring his family to reside with him within a reasonable period to be decided by the Chairman or the Officer authorised in this behalf depending on the merit of each case, or] unauthorisedly sublets the residence or charges from the sharer at a rate which the Chairman or the Officer appointed for this purpose by the Board considers excessive or erects any unauthorised structure in any part of the residence, or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electric or water connection, or commits any other breach of the regulation, or the terms and conditions of the allotment or uses the residences or premises or permits or offers the residence or premises to be used for any purpose which the Chairman or the Officer appointed for this purpose by the Board considers to be improper, or conducts himself in a manner which, in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbours, or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the Chairman or the officer appointed for this purpose by the Board may cancel the allotment of the residence.

EXPLANATION :- In this clause, the expression 'employee' includes, unless the context otherwise requires, a member of his family and any person claiming through the employee.

- (2) If the employee has in any application or statement suppressed any material fact, the Chairman or the officer appointed for this purpose by the Board may cancel the allotment with effect from the date he become ineligible for allotment of the Board's accommodation.
- (3) If an employee sublets a residence allotted to him or any portion thereof or any of the outer houses, grades or stables apartment thereto, in contravention of these regulations, he may, without prejudice to any other action that may be taken against him be charged enhanced rent not exceeding 4 times the standard rent (²) The quantum of rent to be recovered and the period for which the same may be recovered in each case will be decided by the Chairman (²) on merits. In addition the employee may be debarred from sharing the residence for specified period in future as may be decided by the Chairman (²)
- (4) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee a period of sixty days shall be allowed to the allottee and any other person residing with him there in to vacate that premises. The allotment shall be cancelled with effect from the date the vacation of the premises or expiry of the period of sixty days from the date of the orders for the cancellation of the allotment, whichever is earlier.

¹ Inserted w. e. f. 25-8-70 by Notification No. EM / 1489 / 68 dated 13-8-70

² Deleted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-77

- (5) Where the allotment, of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbour; the employee at the discretion of Chairman (¹) may be allotted another residence in the same class at any other place.
- (6) The Chairman or the officer appointed for this purpose by the Board shall be competent to take all or any of the actions under sub-regulations (1) to (5) of this regulation and also to declare the employee, who commits a breach of these regulations and instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years. Where the case relates to a Class I employee, the approval of the Board should be taken.

24. Overstay in residence after cancellation of allotment

Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or of any person claiming through him, such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the Board from time to time.

Provided that an employee, in special case, may be allowed by the Chairman or the officer appointed for this purpose by the Board to retain a residence on payment of twice the standard rent (¹) or twice the pooled standard rent (¹) whichever is higher for a period not exceeding six months.

25. Continuance of allotment made prior to the issue of these regulations

Any valid allotment of residence which is subsisting immediately before the commencement of these regulations under the rules then in force shall be deemed to be an allotment duly made under these regulations notwithstanding that the employee to whom it has been made is not entitled to a residence of that type under regulation 6 and all the preceding provisions of these regulations shall apply in relation to that allotment and that employee accordingly.

26. Interpretation of regulation

If any question arises as to the interpretation of these regulations the same shall be decided by the Board.

27. Relaxation of regulations

The Chairman (¹) may for reasons to be recorded in writing relax all or any of the provisions of the regulations in the case of any employee or residence or class of employees or type of residences.

28. Delegation of power of functions

The Chairman or the Board may delegate any or all the powers conferred upon him or it by these regulations to an officer under his or its control subject to such conditions as he or it may deem fit to impose.

(Bd 6806 / 63 dated 31-12-1965)

¹ Deleted w. e. f.12-4-77 by Notification No. EM / 298 / 77 dated 29-3-77.

THE COCHIN PORT TRUST (COMMITTEE PROCEDURE) REGULATIONS, 1966

The following regulations made by the Board of Trustees of Cochin Port in exercise of the powers conferred by clause (a) of Section 123 of the Major Port Trust Act, 1963 (38 of 1963) read with sub-section (2) of Section 17 thereof are hereby published for the information of the public, the same having been published by the Board for two weeks successively in the official Gazette and approved by the Central Governments as required by Section 124 thereof, namely;

1. Short Title and application

- (1) These regulations may be called the Cochin Port Trust (Committee Procedure) Regulations, 1966.
- (2) They shall apply to the meetings and the transaction of business relating to any committee constituted by the Board under sub-section (1) of Section 17 of the Major Port Trusts Act, 1963 (38 of 1963)

2. Definitions and Interpretations

- (1) In these regulations, unless the context otherwise requires;
 - (a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963).
 - (b) 'Committee' means a Committee constituted under sub-section (1) of Section 17 of the Act.
- (2) All other words and expressions used herein but not defined shall have the meanings respectively assigned to them in the Act

3. Frequency of meetings

The meeting of the Committee shall be held on such date and at such time and place as the Chairman of the Committee may, from time to time determine.

4. Circulation of agenda papers

The papers connected with the Agenda for any meeting of the Committee, other than a special meeting thereof, shall be circulated to the members at least three days before the date of the meeting, and in the case of a special meeting such papers shall be circulated at least one day before the date of the meeting.

5. Transaction of Business by the Committee

All business transacted at the meetings of the Committee shall be so transacted with not less than three members of the Committee (including the person presiding) attending such meetings.

6. Chairman of the Committee

The Chairman of the Committee shall be a member of the Committee appointed as such by the Board.

7. Presiding at meetings

The Chairman of the Committee shall preside at the meetings of the Committee, and in his absence, the members present may choose one from amongst themselves to preside at such meetings.

8. Discussion on items not included in the Agenda

The person presiding at a meeting of the Committee may, at his discretion, include for discussion at the meeting (including a special meeting) any item not already included in the agenda if, in his, opinion, it is of such importance and urgency that it cannot be held over for consideration at any subsequent meeting of the Committee.

9. Decisions at Committee meeting

All decisions at a meeting of the Committee shall be taken by a majority of the votes of the members present and voting and, in case of an equality of the votes, the person presiding shall have a second or casting vote.

10. Pool

If a pool is demanded, the names of the members voting and the nature of their votes shall be recorded by the person presiding at the meeting,

11. Minutes of the proceedings of the meeting

- (1) The minutes of each meeting of the Committee shall be recorded and shall be signed, as soon as may be after the close of the meeting by the person presiding.
- (2) The names of the members present at each meeting shall be recorded in the minutes.
- (3) The minutes of every such meeting shall be placed for information on the table of the Board at its next meeting.

12. Adjournment of meeting

The person presiding at the meeting may, in consultation with the members present, adjourn it to a later date which shall be announced at the meeting or communicated to the members at least three days before such date.

13. Calling of special meetings

The Chairman may, on his own motion, and shall upon the written request made by not less than two members, call a special meeting of the committee.

(No.B / 4148 / 64 dated 8-2-67)

(Published in Kerala Gazette dated 21-2-67)

THE COCHIN PORT TRUST CONTRIBUTORY PROVIDENT FUND RULES, (INDIA) 1962 AMENDMENT REGULATIONS, 1967

In pursuance of Sub-section (2) of Section 124 of the Major Port Trusts Act, 1963(38 of 1963), the Board of Trustees of Cochin Port hereby publishes with the approval of the Central Government the following regulations made by it in exercise of the powers conferred under Section 28 of the said Act.

1. Short title and Commencement

These Regulations may be called 'Contributory Provident Fund Rules (India), 1962 Amendment Regulations', 1967.

II. In so far as their application to the Class III and Class IV employees of the Cochin Port Trust is concerned the following rules of the Contributory Provident Fund (India), 1962 shall stand amended with effect from 1-8-1967 as indicated below.

Rules 2. Definitions : (1) (ii) The existing definition of "emoluments" as given in this rule shall be substituted by the following:

¹ (a) "Emoluments" means, pay, leave-salary, subsistence grant as defined in the Fundamental Rules or in the Regulation, if any, framed by the Board and includes dearness allowance, city compensatory allowance, interim relief and incentive earnings / premium payments and any, other payments under the payment by Results Scheme, wherever applicable.

(b) The term 'emoluments' will exclude all types of remuneration other than those mentioned above i. e., house rent allowance, overtime allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, holidays and off days, fees for supervision of floating craft, honorarium, conveyance allowance, cement testing allowance, diving allowance, ration allowance' and any payments which is in the nature of incentive bonus not connected with the output of work, family allowance, children's education allowance, Voyage allowance etc.

²(c) The term 'emoluments' in respect of employees engaged on piece rate basis will include their actual earnings including piece rate earnings, incentive earnings / premium payments and other payments, if any, under the payment by Results Schemes, idle time wages and attendance money as may be fixed by the Board from time to time, but will exclude the entire element of House Rent Allowance included in the piece rate earnings, and other allowance referred to in (b) above

Rule 8. Rates of Subscriptions

Add the following as clause (c) below the Proviso under sub-rule (2)

In the case of workers who are paid on a piece rate basis their emoluments on the 31st March or on the relevant date shall be deemed to be the monthly average emoluments of the 12 months ending with the 31st March or the relevant date indicated in sub-rule (2) above, in the event of a worker not having completed 12 months service on the 31st March or on the relevant date, the monthly average of the emoluments during the actual period of service ending with 31st March or the relevant date will be taken in to account

¹ Substituted w. e. f. 1-1-79 vide Ministry of Shipping & Transport Notification No. PW / PEX- 13-80 dated 26-10-81 published in the Gazette of India date 14-11-81 under GSR 1020

² Substituted w. e. f. 1-1-79 vide MOST Notification No. PW / PEX 13-80 dated 26-10-81 published in the Gazette of India date 14-11-81 under GSR 1020

Provided that in the event of a worker being admitted to the Contributory Provident Fund from the date of entry in to service, the emoluments for reckoning his subscription during the period of his service up to the following 31st March shall be deemed to be 30 times the daily rate fixed for determining the piece rate excluding the elements of house rent allowance and other admissible mentioned in rule II (1) (ii) (b) above.

III. These amendments will also apply to employees who are governed by Workmen's Contributory Provident Fund Scheme.

(Bd / 10357 / 67 dt: 8-11-67)

THE COCHIN PORT EMPLOYEES (CLASS -III & CLASS- IV) SPECIAL CONTRIBUTION REGULATIONS, 1967

In pursuance of Sub-section (2) of Section 124 of the Major Port Trusts Acts, 1963 (38 of 1963), the Board of Trustees of Cochin Port hereby publishes, with the approval of the Central Government, the following regulations made by it in exercise the powers conferred under Section 28 of the said Act.

I. Short title and Commencement

- (i) These Regulations may be called the Cochin Port Employees (Class III & Class IV) Special Contribution Regulations, 1967.
- (ii) They shall come into force with effect from 1-8-67 and shall supersede the existing orders governing the grant of special contribution to the extent these orders are inconsistent with the provisions of these Regulations.
- (iii) They shall be applicable to the above classes of employees of the Port who are governed by the Contributory Provident Fund Rules for the time being applicable and who are eligible to Special Contribution under the existing orders issued by the Government of India as modified by these Regulations;

II. (a) In these Regulations unless the context otherwise requires

- (i) 'Family' shall have the same meaning as assigned in the Contributory Provident Fund Rules (India) 1962'
- (ii) 'Board' shall have the same meaning as assigned in the Major Port Trust Act, 1963.
- (iii) 'Employee' means, a Class III and Class IV employee of the Board whose service conditions are subject to the regulations making powers of the Board
- (iv) ¹(a) "Emoluments' means, pay, leave-salary, subsistence grant as defined in the Fundamental Rules or in the Regulations, if any, framed by the Board and includes dearness allowance, city compensatory allowance, interim relief and incentive earnings / premium payments and any, other payments under the payment by Results Scheme, wherever applicable.

(b) The term 'Emoluments' will exclude all types of remuneration other than those mentioned above i. e., House Rent Allowance, Overtime Allowance and any other payments which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, holidays and off days, fees for supervision of floating craft, honorarium, conveyance allowance, cement testing allowance, diving allowance, ration allowance and any payment which is in the nature of incentive bonus not connected with the output of work, family allowance, children's education allowance, Voyage allowance etc.

¹(c) The term 'emoluments' in respect of employees engaged on piece rate basis will include their actual earning including piece rate earnings, incentive earnings / premium payment and other payments if any, under the payment by Results Schemes. Idle time wages and attendance money, as may be fixed by the Board from time to time, but will exclude the entire element of House Rent Allowance included in the piece rate earnings, and other allowances referred to in (b) above.

¹ Substituted w. e. f. 1-1-79 vide Ministry of Shipping & Transport Notification No. PW / PEX- 13 / 80 dated 26-10-81 published in the Gazette of India dated 14-11-81 under GSR 1020

Provided that subject to the provision of the note below this regulation, 'emoluments' will mean only the emoluments admissible to a subscriber on the date of quitting service in the permanent post on which he holds a lien or would hold a lien had it not been suspended;

Provided further that permanent employee who has been officiating on the date of quitting service in higher posts continuously for 3 years or more will be treated as if he has held that officiating post in substantive capacity for the purpose of calculation of Special Contribution. For this purpose all periods of leave or duty in still higher post or posts during the 3 years immediately preceding the date of quitting service will count towards the limit of 3 years if it is certified by the appointing authority that the employee would have continued to officiate in that post but for such periods of leave or officiating service in the still higher post or posts.

¹**Note:** In the case of workers paid on piece-rate basis the monthly average of their 'pay' during the last 12 months preceding the date of quitting service, or the 'pay' as defined in the case of non-piece rated employees whichever is beneficial to the employees concerned excluding the element of House Rent Allowance and other inadmissible items mentioned in II (a) (iv) (b) above will be taken into account for purpose of calculation of special contribution. Periods of absence without pay however will be excluded from the twelve months.

(v) 'Service means continuous service during which a subscriber holds a lien or suspended lien on a permanent post paid from the Port's revenues, but includes the following periods:-

- (a) Officiating or temporary service as paid Apprentice or as a Probationer, if followed without break by permanent service
- (b) which the Board may be general or special order permit to be counted as service

²**Note:** The period of service rendered by an employee from the date of entry in to service to the date on which he / she would have been eligible for admission to the Provident Fund should be excluded for calculating service for purposes of special contribution.

III. Eligibility for special contribution:

If an employee quits service on:

- (a) Completion of 10 years' service, otherwise than by way of dismissal,
- (b) Retirement with less than 10 years' service on account of permanent physical or mental incapacity or abolition of appointment if other suitable employment cannot be found for him, provided that he had joined service on or before reaching the age of 40 years;

And in either of the cases mentioned in (a) and (b) above the appointing authority is satisfied in each case that the service of the employee was good, efficient and faithful.

- (c) On Completion of 15 years' service under any circumstances including dismissal.

The appointing authority may order that the subscriber's Provident Fund Account shall be credited with a Special Contribution calculated in the manner prescribed in Regulation IV below:

¹ Substituted w.e. f. 7-4-1970 by Notification No. A4 / PR / 71 dt. 18-10-1972.

² Inserted w.e.f. 29-2-1964 by Notification No. A4 / 2818 / 71 dated 30-5-1974.

IV. The special contribution shall, subject to the provisions of Regulation (V) below, be as follows.

- (a) If service does not fall short of 15 years, half a months' emoluments for each completed year of service but not exceeding 15 months' emoluments;
- (b) If service falls short of 15 years, half a months' emoluments for each completed year of service but not exceeding 6 months' emoluments provided that the appointing authority may, on being satisfied that the circumstance are special, increase the special Contribution to one month's emoluments for each completed year of service subject to a maxi-mum of 6 months emoluments.

¹**Note:** The amount payable under this regulations shall be set off or adjusted as the case may be against the amount payable under the Payment of Gratuity Act, 1972 and the rules framed there - under. For the purpose of set off on adjustment, the special Contribution to the Contributory Provident Fund shall be taken under no circumstances, shall the amount payable to an employee be less than the amount prescribed under the Payment of Gratuity Act.

V. The amount of special contribution calculated in accordance with Regulation IV above may, in any particular case, be with held or reduced by the Appointing Authority :

Provided that where the Appointing Authority is lower in rank than the authority competent to dismiss the employee concerned the contribution shall not be with-held or reduced save with the previous sanction of the latter authority;

Provided further that where the service of an employee has been terminated on account of dismissal after completion of 15 years service and the Port has suffered any monetary loss attributable to the misconduct of the employee leading to his dismissal, the amount of such monetary loss shall be deducted from the amount of special contribution payable to him under these Regulations.

VI. If a subscriber dies while in service and leaves behind him a widow or a dependant child or children, the Appointing Authority may direct a Special Contribution to be made to the Subscriber's Provident Fund account calculated in the manner prescribed above as if the subscriber had on the date of his death quitted service on retirement on account of permanent incapacity if the deceased subscriber was a female, the Appointing Authority may direct the special contribution to be made to her provident fund account even though the father of the dependent children left behind by her may be earning.

VII. The families of such employees who are permanent and who die while in service will also be eligible for gratuity as indicated below

(i) In the event of death in the first year of service:

Gratuity equal to the difference between the employee's two months emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund

(ii) In the event of death after the first year of service and before completing five year's service:

Gratuity equal to the difference between the employee's six months emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund.

¹ Inserted with effect from 27-7-87 vide Notification No, 12025 / 1/ 86-PEI (Vol. II) dated 27-7--87 published under GSR 676 (E) dated 27-7-87

(iii) In the event of death after completing five years service:

Gratuity equal to the difference between the employee's twelve month's emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund.

¹**Note:** The amount payable under this regulations shall be set off or adjusted as the case may be against the amount payable under the Payment of Gratuity Act, 1972 and the rules framed there-under. For the purpose of set off or adjustment, the special Contribution to the Contributory Provident Fund shall be taken under no circumstances, shall the amount payable to an employee be less than the amount prescribed under the Payment of Gratuity Act.

VIII. These Regulations will also apply to the Employees who subscribe to the Workmen's Contributory Provident Fund.

(Bd / 10357 / 67 dated 8-11-67)

¹ Added with effect from 27-7-87 vide GSR 676 (E) dated 27-7-87.

THE COCHIN PORT TRUST SERVICES (REWARD FOR SUGGESTIONS) REGULATIONS, 1968.

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees for the Port of cochin hereby makes the following regulations, the same having been approved by the Central Government under sub-section 124 of the said Act, namely:-

1. Short Title

These regulations may be called the Cochin Port Trust Services (Reward for suggestions) Regulations, 1968.

2. ¹Application

They shall apply to Class I, Class II, Class III and Class IV employees of the Board, excluding those referred to in clause (a) (i) and (ii) of sub-section (i) of Section 24 of the Major Port Trusts Act, 1963.

3. Definitions:

In these regulations, unless the context otherwise requires:-

- (1) 'Board', 'Chairman' and 'Head of a Department' shall have the same meaning respectively assigned to them in the Major Port Trust Act, 1963.
- (2) 'Employee' means an employee of the Board, whether permanent or temporary, and includes any employee on foreign service in an outside organisation and any employee of the Central Government, or State Government, or a local or other authority; whose service have been lent to the Board

4. Suggestion by employee regarding improvement of system

- (1) Where an employee desires to suggest modification in the system or procedure then existing, or suggest the introduction of a new system or procedure, which may result in increasing efficiency and productivity, or in the saving of time, labour and cost, in the administrative or technical field connected with the port, he shall submit his suggestion in clear terms in duplicate to the Head of the Department through his immediate Superiors.

5. Procedure to be followed by immediate superiors and Heads of Departments

- (1) On receipt of the suggestion, the immediate superior shall forward it to the Head of the Department, through proper channel, recording on a separate sheet, his comments on the work-ability of the suggestion and the improvement expected to result from its implementation.
- (2) The intermediate officers shall, without delay, submit the suggestion promptly to the Head of the Department indicating on separate sheet whether they agree with the suggestion or not.
- (3) If the Head of the Department approves the suggestion, he shall forward the same to the Committee referred to in sub-regulation (1) of the regulation 6 together with his recommendations.

¹ Substituted w. e. f. 27-6-1986 vide Notification No. PW/ PER-26 / 85 dated 27-6-1986 published in the Gazette of India dated 27-6-1986 under GSR 916 (E)

- (4) If the Head of the Department considers that the suggestion is not fit to be implemented, he shall forward the same to the Chairman with a recommendation that the papers may be filed.
- (5) If the Chairman approves the recommendation made under sub-regulation (4), a brief reply stating that the suggestion is not workable shall be sent to the employee concerned.
- (6) No correspondence shall thereafter be entertained on the said suggestion.
- (7) If the Chairman does not accept the recommendation made by the Head of the Department, he shall return the papers to the Head of the Department with a direction to submit the papers to the Committee referred to in sub-regulation (1) of regulation 6 and the Head of the Department shall comply with such direction.

6. Committee to scrutinize suggestions

- (1) A Committee consisting of the Secretary, Financial Adviser & Chief Accounts Officer and the Head of the Department concerned shall consider the suggestion approved by the Head of the Department under sub-regulation (3) of the regulation 5 or the suggestion submitted to it under sub-regulation (7) of that regulation by the Chairman.
- (2) If the Financial adviser & Chief Accounts Officer or the Secretary himself is the Head of the department concerned, the Chief Engineer shall be the third member of the Committee.
- (3) The Committee shall scrutinize the suggestions from the point of view of its practicability and the improvement and the saving resulting from its implementation vis-a-vis its effect on the existing staff set up and capital investment, make recommendations regarding the acceptability of the suggestion and determine with reference to the provisions of regulation 8 the amount and form of reward to be given to the employee concerned for the approval of the Chairman.
- (4) The Chairman shall then pass orders on the recommendations made under sub-regulation (3) including the amount and form of reward to be given to the employee concerned and direct the Head of the Department concerned to implement the orders.
- (5) (a) If the Committee considers the suggestion not fit for implementation, it shall record its reasons and submit the same to the Chairman for his approval.
(b) If the Chairman approves the recommendation of the Committee under clause (a), he shall direct the Head of the Department concerned to communicate to the employee the reasons for the rejection of the suggestion.
- (6) In all cases where the Chairman does not accept the recommendations of the Committee, the matter shall be placed before the Board for its decision at its next meeting.

7. Meeting of the Committee

Secretary of the Board shall decide the date, time and place of the meetings of the Committee.

8. Reward

- (1) Wherever any advantage resulting from the implementation of a suggestion can be measured in monetary terms, such as a saving in expenditure or increase in revenue, the amount of the reward for that suggestion shall be five percent of such annual monetary advantage or one thousand five hundred rupees whichever is less.

- (2) Where the advantage resulting from a suggestion cannot be measured in monetary terms but the suggestion is such as would lead to improvement, the amount of the award may be fixed on adhoc basis, subject to a ceiling of one thousand five hundred Rupees.
- (3) Where a suggestion is not calculated to result in appreciable saving or improvement and does not qualify for a cash reward, but is found fit to be adopted in the interest of the administration, the employee concerned shall be ranked a merit certificate.
- (4) The reward under sub-regulations (1) and (2) may be in the form of cash award, National Saving Certificates or Defence Bonds or gifts or useful article and the form in which the reward shall be given shall be decided by the Chairman in each case.
- (5) (a) A reference to the suggestion made by an employee and the reward awarded to him shall be mentioned in his confidential roll.
(b) If a confidential roll is not maintained a certificate setting out in brief the details of the suggestions and the reward shall be issued to the employee concerned by the Head of the Department under whom he is working.

9. Expenditure

The expenditure incurred on rewards shall be debited to the head 'Revenue Account I- General Charges (n) Miscellaneous'

THE COCHIN PORT EMPLOYEES (GRANT OF ADVANCES FOR BUILDING OF HOUSES) REGULATIONS, 1971

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Cochin Port, 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 said Act namely :-

1. Short title and Commencement

- (1) These regulations may be called the Cochin Port Employees (Grant of Advances for Building of Houses) Regulations, 1971.
- (2) These Regulations shall come into force from the date of their publication in the Official Gazette

2. Definitions

In these Regulations, unless the Context otherwise requires:

- (a) "Act" means the Major Port Trusts Act, 1963 ,
- (b) "Board" means the Board of Trustees constituted under the Act for the Port of Cochin.
- (c) "Chairman" means the Chairman of the Board.
- (d) "Deputy Chairman" means the Dy. Chairman of the Board.
- (e) "Employee" means the employee of the Board.
- (f) "Government" means the Central Government
- (g) "Head of Department" means a post, the incumbent of which shall for the purpose of the Act be specified by the Central Government as such under Sub-section (2) of section 24 of the said Act.
- (h) "Legal Adviser " means the Legal Adviser to the Board appointed from time to time.
- (i) ¹["Permanent Employee" is an employee who has been confirmed in the grade of his entry in to service.
- (j) "Temporary Employee" is an Employee who is not holding a regular post or who has not been confirmed in the post to which he is initially recruited.]

3. Eligibility

House Building Advance may be granted to the following categories of the employees, namely:-

- (a) Permanent Employees of the Board,
- (b) employees of the Board not falling under category (a) above who have rendered atleast ten years continuous service, provided the sanctioning authority is satisfied that they are likely to continue in the service of the Board at least till the house for which the advance is sanctioned, is built or mortgaged to the Board.

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

¹**Note:**(1) In case where both the husband and wife happen to be employees of the Board and eligible for the grant of advance it shall be admissible to only one of them.

²**Note:**(2) In the case of Ex-Servicemen re-employed in Board's Service, the Military Service rendered by them shall also be taken into account for reckoning the period of ten years continuous service, provided they have completed their probationary period satisfactorily.

This is subject to the conditions that the ex-serviceman has not drawn House Building Advance during his military service and recovery of HBA with interest is assured during the re-employed period.

4. Conditions to be fulfilled

An applicant for the grant of an advance, must satisfy the following conditions namely :-

- ³4 (a) 1. The cost of the house to be built / purchased (excluding the cost of land as mentioned in the sale deed in respect of the land / house) should not exceed 200 times of the monthly basic pay + NPA + stagnation increment of the employees subject to a minimum of Rs. 7.5 lakhs and a maximum of Rs. 18 lakhs. Where the Chairman is satisfied for proper reasons that there is justification on the merits of the case they may relax the ceiling limit, the same may be relaxed upto a maximum of 25% of the ceiling mentioned above in individual cases, and the applicant should not have availed of any loan or advance for the purpose from any other authority or body such as the Department of Rehabilitation or a Central or a State Housing Scheme provided, that where the loan or advance already availed of by an applicant does not exceed the amount admissible under these rules, it is open to him to apply for an advance under these rules subject to the condition that he undertakes to repay the outstanding loan or advance together with interest if any thereon forthwith, in one lumpsum to the authority or body aforesaid.
2. Employees who acquire houses through membership of Co-operative Group, Housing Societies shall also be eligible for grant of HBA upto the limit as in (a) I above such employees shall however be required to furnish the following documents in addition to personal Bond for drawing HBA beyond the limit of Rs. 70,000/-
- (i) An agreement to mortgage the house or flat following by deposit of title deeds as and when available.
 - (ii) Promisory Note in respect of the amount of the Principal plus interest at the specified rates.
- (b) in cases where an employee makes (or has made) a final withdrawal from his Provident Fund account in connection with the construction / acquisition of a house in addition of an advance under these rules, the total amount of the advance sanctioned under these rules and that withdrawn from the Provident Fund should not exceed the cost ceiling limits prescribed in these regulations.

¹ Substituted w.e.f. 22-6-76 by Notification No. F7 / HBA / 844 / 75 dated 10-6-76 approved vide Ministry's letter No. PEX - 32 / 76 dated 3-6-76

² Inserted vide Notification No. PW / PER - 3585 dated 21-9-87 published in Gazette of India under GSR 807 (E) dated 21-9-87

³ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (c) Neither the applicant nor the applicant's wife / husband / minor child must be the owner of a house. However this condition may be relaxed by the Board in exceptional circumstances, for example, if the applicant or the applicant's wife / husband / minor child owns a house in a village and the applicant desires to settle down in a town, or where an applicant happens to own a house jointly with other relations and he desires to build a separate house for his bonafide residential purpose.
- (d) The floor area of the house to be constructed or purchased must not be less than 380 sq.ft.
- (e) ¹[If the advance is for the construction of a house "The title to the land should be clear, and the land should be owned by the employee or employee's wife / husband or jointly", provided that both the husband and wife are willing to mortgage the land / house in favour of the Board as a security for repayment of the advance.
- (f) If the advance is for purchase of a ready built house / flat from private parties the house / flat should be 'new' and 'unlived in' and the applicant should get it valued at his / her cost by Registered valuers.
 - (i) private parties include registered builders, architects, house building societies etc but not private individual.
- (g) "Newness" and "unlived in" condition of the house / flat should be determined by ascertaining the following facts.
 - (i) the number and date of approval of the building plan issued by the Municipal / Local Authorities by seeing the original plan"
 - (ii) the date of commencement of construction and date of completion of the house by scrutinizing the completion certificate issued by the Municipality / Local Authorities.
 - (iii) the tax bill and receipt issued by the Municipality / Local Authority and neighborhood enquiries if necessary.
- (h) If the advance is for constructing residential part of the building on a shop-cum-residential plot situated in a residential colony.
 - (a) the proposed cost of construction, including the shop (s) should not exceed the ceiling limit prescribed.
 - (b) the entire property including the shop (s) and the residential portion should be mortgaged and insured against fire, lightning, riot and natural calamities.
 - (c) Advance will be sanctioned only for construction of residential portion.
- (i) The house / flat constructed / acquired should be used only for residential purposes and using it in any other manner will be violation on the conditions for grant of HBA]

NOTE:- For the purpose of this and other regulations and forms of mortgage appended to these regulations, the terms " House " includes a flat, unless the context otherwise warrants.

5. Purposes for which advance may be granted

An advance may be granted for -

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (a) constructing a new house (including the acquisition of a suitable plot of land for the purpose or for purchasing a ready built house or flat either at the place of duty or at the place where the employee proposes to settle after retirement)
- (b) enlarging the (living accommodation in an existing house owned by the employee concerned or jointly owned with his / her, wife / husband) provided that the total cost of the existing structure (excluding land) and proposed additions and expansions do not exceed ¹ Rs.18,00,000 in the case of Class I and Class II officers and Rs.8,00,000 in the case of Class III and Class IV employees whichever is less.
- (c) repayment of a loan or an advance taken ¹ from any financial institution provided that the Heads of Departments should satisfy that the other loans were taken by the employee entirely for the purpose of construction / purchase of house / flat.

6. Amount of Advance

- (a) Not more than one advance shall be sanctioned under these regulations to an employee during his entire service.
- (b) ¹Class I and II officers may be granted an advance not exceeding an amount equal to 50 times of Basic Pay + stagnation increment + NPA subject to a maximum of Rs.7,50,000/- or the actual cost of construction whichever is less in cases covered by Regulation 5 (a) above and Rs.1,80,000/- in cases falling under Regulation 5 (b) above.

Class III and IV employees may be granted an advance not exceeding an amount equal to 50 times of Basic pay + stagnation increment in cases covered by Regulation 5 (a) above and Rs. 1,80,000/- in cases falling under Regulation 5 (b) above.

- (c) The actual amount of advance to be sanctioned shall be determined by the Chief Engineer of the Port Trust on the basis of plans, detailed specifications and estimate to be furnished by applicants justifying to the amount of advance applied for and shall be restricted to the estimated cost of construction within the ceiling amounts prescribed above. ¹The true cost of land and construction of house or cost of enlarging living accommodation shall be restricted to 80% in rural areas. If the Head of Department certifies that the concerned rural area falls within the periphery of a town or city this can be sanctioned upto 100%. The amount of advance will further be restricted to the amount which an employee can repay partly from his gratuity / Death-Cum-Retirement Gratuity and partly by convenient monthly deductions from his pay before the date of his superannuation according to the service rules, applicable to him.
- (d) Recovery of the monthly installment of the advance shall be effected after the expiry of one year from the date of sanction of the advance by the Board.
- (e) ¹ The repaying capacity of the employee will be calculated in the following manner.

a)	In the case of officials retiring after 20 years	35% of basic pay + stagnation increment + NPA
b)	In the case of officials retiring after 10 years but not later than 20 years	40% of basic pay + stagnation increment + NPA after adjustment of 65% of DCRG
c)	In the case of officials retiring within 10 years	50% of basic pay + stagnation increment + NPA after adjustment of 75% of DCRG

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

7. Disbursement and Security

¹(a) (1) Advance required Partly for the purchase of land and partly for constructing a single storeyed new house or enlarging living accommodation in an existing house shall be paid as follows :-

- (i) An amount not exceeding 40% of the sanctioned advance will be payable to the applicant for purchasing a developed plot of land on which construction can commence immediately on receipt of the loan, on his executing an agreement in the prescribed form for the repayment of the advance. In all cases in which part of the advance is given for the purchase of land, the land must be purchased and the sale deed in respect thereof produced for the inspection of the Head of Department concerned within two months of the date on which the above amount of 40 percent is drawn or within such further time as the Chairman / Head of Department may allow in his behalf failing which the applicant shall be liable to refund forthwith, the entire amount to the Board, together with interest thereon.
- (ii) An amount equal to 50 percent of the balance of the advance will be payable to the applicant on his mortgaging in favour of the Board the land purchased by him along with the house to be built thereon where such mortgage is permitted by the terms of the sale of land. In cases where the terms of the sale do not vest the title in the purchaser till a house is erected on the land, the applicant shall execute an agreement with the Board in the prescribed form agreeing to mortgage the land, together with the house to be built thereon, as soon as the house has been built and the title to the property is absolute.
- (iii) The balance of the sanctioned advance shall be payable when the construction of the House has reached plinth level.

(2) Advance required for constructing single storeyed new house or enlarging living accommodation in an existing house shall be paid as follows :-

- (i) An amount equal to 50% of the sanctioned advance shall be payable to the applicant on his mortgaging in favour of the Board, the land purchased by him alongwith the house to be built thereon where such mortgage is permitted by the terms of sale of land. In cases where the terms of sale do not vest title in the purchaser till a house is constructed on the land, the applicant shall execute an agreement with the Board in the prescribed form agreeing to mortgage the land together with the house to be built thereon, as soon as the house has been built and the title to the property is complete.
- (ii) A further amount not exceeding 50% of the sanctioned advance shall be payable when the house has reached the plinth level.

(3) ¹Advance required partly for the purchase of land and partly for constructing a double storeyed new house or enlarging living accommodation in an existing house shall be paid as follows :-

- (i) An amount not exceeding 30 percent of the sanctioned advance shall be payable to the applicant for purchasing a developed plot of land on which construction can commence immediately on receipt of the loan on his executing an agreement in the prescribed form for the repayment of advance. In all cases in which part of the advances given for the purchase of

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

land, the land must be purchased and the sale deed in respect thereof produced for the inspection of the Head of Department within two months of the date on which the above amount of 30 percent is drawn, or within such further time as the Chairman / Head of Department may allow in this behalf, failing which the applicant shall be liable to refund, forthwith the entire amount to the Board, with interest thereon;

- (ii) An amount equal to 50 percent of the balance of the advance shall be payable to the applicant on his mortgaging in favour of the Board, the land purchased by him along with the house to be built thereon, where such mortgage is permitted by the terms of the sale of land. In case where such mortgage is not permitted, the provision as contained in the last sentence of Regulation 7 (a) (i) (ii) shall apply.
 - (iii) The balance of the sanctioned advance shall be payable when the construction of the house has reached the plinth level.
- (4) ¹An advance required only for constructing a double storeyed new house or enlarging living accommodation in an existing house shall be paid as follows :-
- (i) An amount equal to 50 percent of the sanctioned advance shall be payable to the applicant on his mortgaging in favour of the Board, the land purchased by him along with the house to be built there on, where such mortgage is permitted by the terms of the sale of land. In cases where such mortgage is not permitted, the provision as contained in the last sentence of Regulation 7 (a) (i) (ii) shall apply.
 - (ii) The remaining 50 percent of the sanctioned advance shall be payable when the construction has reached the plinth level.

- (5) An advance required for purchasing a ready built shall be paid as follows:-

The Head of the Department may sanction the payment of the entire amount required by and admissible to the applicant in one lumpsum on the applicants executing an agreement for the repayment of the loan. The acquisition of the house must be completed, and the house mortgaged to the Board within three months from the date of the drawal of the advance, failing which the advance, together with the interest thereon, shall be refunded to the Board, forthwith unless an extension of the time limit if granted by the Head of the Department concerned.

- (6) An advance required for purchase construction of a new flat shall be paid as follows :-

The Head of the Department may sanction the payment of the entire amount required by, and admissible to the applicant, on the applicants, executing an agreement and complying with the provisions contained in Regulation 7 (b) (2) for the repayment of the loan. The amount may either be disbursed in one lumpsum or in suitable installment at the discretion of the Head of the Department. The amount so drawn or the installment so drawn by the applicant shall be utilised for the purpose for which it was drawn within one month of the drawal of the advance of the installments, failing which the advance or part of the advance so disbursed, together with the interest thereon shall be refunded to the Board forthwith unless an extension of the time limit is specifically granted by the Head of the Dept.

In the case of applications for advance for purchasing a ready built or acquisition of flat :-

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (i) The advance shall not exceed the actual cost of the ready built house or flat ¹50 times the monthly basic pay for class III & IV employees and 50 times basic pay + NPA subject to a maximum of Rs. 7.5 lakhs for class I and II officers.
- (ii) the advance shall be admissible only for an outright purchase and not for hire purchase of a house / flat.
- (iii) the employee should have the right to mortgage the house / flat to the Board straight away and
- (iv) the total cost of the house / flat shall not exceed the prescribed ceiling.

In the case of sale of flats / houses by Government quasi Government or Local bodies, Housing Boards, Development Authorities and the like, the applicants while submitting the applications need not enclose therewith any approved plans, estimates, valuation and utility (remaining life of the building) certificates. In such cases it will be presumed that the house / flat is in an approved / developed or a colony and that the house / flat has been constructed according to a properly approved plan and is of sound specifications and the building will atleast last for 20 years (the maximum period in which the advance with interest is recoverable the cost of the house / flat is reasonable. In such cases the application should be accompanied by the following documents, namely:-

1. An attested copy of a letter from the government Department / Quasi Government / Local Government organisation / Local body / Housing Board etc. as the case may be from whom the house / flat is to be purchased allotting or agreeing to allot the land and house (or the flat, as the case may be) and stating therein
 - a) the cost of the house and land / flat,
 - b) the conditions for sale,
 - c) the accommodation available therein,
 - d) whether they have permitted the employee to mortgage the land and the house / flat in favour of the Board as a security for the advance of such terms and conditions as the Board may prescribe
 2. An attested copy of the draft lease / sale deed for land and the house / flat.
- (7) Advance required for repaying a loan taken by the applicant for constructing a house shall be paid as follows:-

The Head of the Department may sanction the payment of the entire amount required by and admissible to the applicant in one lumpsum on the applicants executing an agreement in the prescribed form for the repayment of the loan. The acquisition of the house must be completed, and the house mortgaged to Board within three months from the date of the drawal of the advance, falling which the advance, together with the interest thereon shall be refunded to the Board forthwith, unless an extension of the time limit is granted by the Head of the Department concerned.

- b) 1) In addition to the execution of the agreement / mortgage deed referred to in sub-paragraph (a) above, the following three categories of applicants shall also be required to furnish the surety of an approved permanent employee of the Board in the prescribed form before the sanctioned advance or any part thereof is actually disbursed to them.

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (i) All applicants who are not permanent employees of the Board.
- (ii) all applicants who are due to retire from service within a period of eighteen months following the date of application for the grant of advance.
- (iii) all applicants who are permanent employees of the Board but not covered by sub-paragraph (ii) above, if they require the advance for repayment of earlier loan / loans taken for constructing / purchasing a house.

NOTE (i) The liability of the surety will continue till the house built / redeemed is mortgaged to the Board or till the advance together with interest due thereon is repaid to the Board which-ever occurs earlier.

(ii) Utilisation of the advance for a purpose other than that for which it is sanctioned shall render the employee liable to suitable disciplinary action under the Cochin Port Employee (CC&A) Regulations, 1964 or under any other rules of service applicable to the employee. He may also be called upon to refund to the Board forthwith, the entire advance drawn by him together with interest accruing thereon in accordance with regulation 8 of these regulations.

¹iii) The period for producing the sale deed in respect of the developed plot of land referred to in sub-regulation (a) (1) (i) and (a) (3) (i) shall be extended by the Head of Department by a reasonable time after satisfying himself that the applicant has either already paid the cost of the land or is likely to pay it immediately, that the extension of time will enable him to acquire the title, to the land and that he has every intention of building a house and will be in a position to complete the construction of the house by the 18th month after the date of the drawal of the first installment of the advance or within such period by which the time for the completion of the house is extended under Regulation 9 (a) (ii).

(2) In addition to the compliance with the above provisions contained in sub-regulation (a) and (b) (1) above the applicant who desires to construct a house or purchase a ready built flat should furnish adequate collateral security as laid down under rule 274 of the compilation of the General financial Rules (Revised and Enlarged) , 1963, to the satisfaction of the Head of the Department whenever the land on which the house / flat stands is not mortgaged by the applicant in favour of the Board as a security towards repayment of the advance.

8. ²Interest on advance shall carry simple interest from the date of advance. The amount of interest shall be calculated on the balance outstanding on the last day of each month. The rate of interest on House Building Advance granted to the Port employees under these Regulations will be the same as made applicable by the Central Government to its employees for this purpose from time to time

9. Construction, maintenance etc.

(a) The Construction of a house flat or addition to living accommodation in an existing house (as the case may be) shall be:-

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

² Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (i) Carried out exactly in accordance with the approved plan and specifications on the basis of which amount of the advance has been computed and sanctioned. The plan and specifications must not be departed from without the prior written concurrence of Board. The employee shall certify, when applying for installments of advance admissible at the plinth roof level, that the construction is being carried out strictly in accordance, with the plan and estimates furnished by him to the Board, that the construction has actually reached the plinth roof level and that the amount already drawn has actually been used in the construction of the house / flat. The Head of Department may, if necessary, arrange to have an inspection carried out to verify the correctness of the certificate.
 - (ii) Completed within eighteen months on the date on which the first installment of the advance is paid to the employee concerned. Failure to do so will render the employee liable to refund the entire amount advanced to him (together with interest thereon calculated as in Regulation 8 above) in one lumpsum. An extension of time limit may be allowed upto one year by the Head of Department and for longer period by the Chairman, in those cases where the work is delayed due to circumstances beyond the employee's control. The date of completion must be reported to the chairman and to the Head of Department concerned forthwith.
- (b) Immediately on completion, employee concerned shall insure the house / flat at his own cost with the life Insurance Corporation of India for a sum not less than the amount of the advance and shall keep it so insured against damage by fire, flood and lightning till the advance is fully repaid to the Board and deposit the policy with Board. The premia must be paid regularly and the premium receipts produced for inspection by the appropriate authority (Head of the Office or Department concerned). The Head of the Department shall obtain from the employee drawing the advance a letter to the insurer with whom the house is insured, to notify to the latter the fact that Board is interested in the insurance policy acquired. The Head of Department shall himself forward the letter to the insurer and obtain his acknowledgement in the case of insurance effected on annual basis, this process shall be repeated every year until the advance has been fully repaid to the Board.
 - (c) The house / flat must be maintained in good repair at his own cost by the employee concerned. He shall also keep it free from all encumbrance and shall continue to pay all the municipal and other local rates and taxes regularly until the advance has been repaid to the Board in full. The employee shall furnish an annual certificate to the effect to the Head of the Department.
 - (d) After the completion of the construction / purchase of the house / flat, annual inspection may be carried out by any authorised officer under instruction from the Head of the Department concerned, to ensure that it is maintained in good repair until the advance has been repaid in full. The employee concerned, shall afford full facility for these inspections to the officer / s authorised in this behalf.
- Note:-** Furnishing a false certificate shall render the employee concerned liable to suitable disciplinary action under the rules of service applicable to him. He may also be called upon to refund to the Board forthwith the entire advance drawn by him together with interest accruing thereon in accordance with regulation 8 of these regulations.

10. Repayment of the advance

- (a) The advance granted to an employee under these regulations together with the interest thereon shall be repaid in full by monthly installments within a period not exceeding 20 years. First the recovery of the advance shall be made in not more

than 180 monthly installments and then interest shall be recovered in not more than 60 monthly installments.

Note:

- (i) The amount to be recovered monthly shall be fixed in whole rupees, except in the case of the last installment when the remaining balance including any fraction of rupee shall be recovered.
- (ii) ¹ Recovery of advance granted partly for purchase of land and partly for construction shall commence from the pay of the month following the completion of the house or the pay of the 24th month after the date on which the installment for purchase of land is paid to the employee, whichever is earlier. Recovery of advance granted for constructing a new house / flat or enlarging living accommodation in an existing house shall commence from the month following the completion of the house / flat or the 18th month after the date on which the first installments of the advance is paid to an employee of the Board, whichever is earlier. In the case of advance taken for purchasing a ready built house / flat or for repaying earlier loans (including those from private parties) taken for constructing a house, recovery shall commence from the pay of the month following that in which that advance is drawn.
- (iii) It will be open to an employee to repay the amount in a shorter period if he so desires. In any case, the entire advance must be repaid in full (with interest thereon) before the date on which they are due to retire from service.
- (iv) In order to avoid undue hardship to an employee who is due to retire within 20 years of the date of the application for the grant of an advance and who under the previous rules applicable to him is eligible for the grant of a gratuity or death-cum-retirement gratuity, the Head of the Department may permit him to repay the advance with interest in convenient monthly installments the amount of which shall not be less than the amount of monthly installments worked out on the basis of repayment within a period of 20 years during the remaining period of his service, provided he agrees to the incorporation of a suitable provision in the prescribed agreement and mortgage deed to the effect that the Board shall be entitled to recover the balance of the said advance with interest remaining unpaid at the time of his retirement or death preceding retirement from the whole or any specified part of the gratuity that may be sanctioned to him.
- (v) In case the employee does not repay the balance of the advance due to the Board on or before the date of his retirement, it shall be open to the Board to enforce the security of the mortgage at any time thereafter, and recover the balance of the advance due together with interest and cost of recovery by sale of the house or in such other manner as may be permissible under the law.
- (b) Recovery of the advance shall be affected through the monthly pay / leave salary / subsistence allowance bills of the employee concerned by the Head of the office or the Financial Adviser and Chief Accounts officer of the Board, as the case may be. The recoveries will not be held up or postponed except with the prior concurrence of the Chairman of the Board. In the event of subsistence allowance payable being reduced on prolonged suspension of the employee the recoveries may be suitably reduced by the Head of the Department, if considered necessary after obtaining the concurrence of the Chairman of the Board.
- (c) If an employee ceases to be in service for any reason other than normal retirement superannuation, or if he dies before repayment of the advance in full the entire

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

outstanding amount of the advance shall become payable to the Board forthwith. The Board may however, in deserving cases, permit the employee concerned, or his successors in interest, as the case may be, or the sureties in cases covered by regulation 7 (b) if the house has not been completed and / or mortgaged to the Board by that time, to repay the outstanding amount together with interest thereon calculated as in regulation 8 above in suitable installments. Failure on the part of the employee concerned or his successors (as the case may be) to repay the advance for any reason whatsoever, will, entitle the Board to enforce the mortgage and take such other action to effect recovery of the outstanding amount as may be permissible.

- (d) The property mortgaged to the Board shall be reconveyed to the employee concerned (or his successors in interest as the case may be) after the advance together with interest thereon has been repaid to the Board in full.

11. Procedure for dealing with applications

- a) Applications should be submitted by the employees to the Head of the Department in the prescribed form (in duplicate) through proper channel. The following documents should accompany the applications namely :-
- i) A declaration in regard to house, property if any owned by the applicant or the applicant's wife / husband / minor children at the time of application.
 - ii) If the advance is required for enlarging living accommodation in an existing house or for repaying earlier loans taken for constructing a house / flat an attested copy of the sale deed as well as of other documents if any establishing that the applicant possesses indisputable title to the property in question is free from encumbrances. A site plan should also be furnished where advance is required for repayments of earlier loan (s): authentic evidence indicating the outstanding amount (s) of the loan (s) in question.
 - iii) In all cases where applicants happen to be in possession of land and desire to build a new house / flat on it, a copy of the sale deed or other proof of the applicant having clear title to the land on which the house is proposed to be built along with a site plan .
 - iv) In cases where the applicant desires to purchase a flat an attested copy of a letter from the seller of the flat to the effect that subject to the settlement and payment of the price, he is in a position to hand over the vacant possession of a clearly distinguishable flat to the applicant, within a period of two months from the date of his letter.
 - v) ¹An undertaking from an applicant who has been allotted departmental quarters and also wants to construct or purchase a house within the limits of Cochin Corporation including the sub-urban area coming within 20 kilometers by the shortest route by road and or water from his normal place of duty in the port of the effect that he / she will vacate the Departmental quarters immediately on purchase of house or on completion of construction of the house as the case may be.
- b) The Heads of Departments will scrutinize the applications and satisfy themselves as to the correctness of the facts stated therein. They will also examine the title deeds furnished in compliance with clauses (ii) and (iii) of sub-regulation (a) of this regulations (in consultation with Board's Law Officer and the Revenue and

¹ Inserted w. e. f. 21-9-1987 vide Ministry Notification No. PW / PER - 35 / 85 dated 21-9-87 published in Gazette of India under GSR 807 (E) dated 21-9-87

Registration Authorities if necessary) to make sure that the applicant does in fact, possess a clear title to the property in question and that the property is free from encumbrances. After this has been done the Head of Departments will forward the applications to the Chairman along with their recommendations.

- c) The Chairman's Office will examine the applications in consultation with the Financial Adviser and Chief Accounts Officer with reference to the priorities if any, laid down for dealing with them subject to funds being available, the applications will be returned to the Heads of the Departments concerned indicating:-
 - (i) The amount of advance that may be sanctioned by the Head of Departments where it happens to be required for purchasing a ready built house, or for repaying a loan taken for constructing a house ¹or partly for purchasing a plot of land.
 - (ii) The monetary limit upto which the grant of an advance, could be considered in due course, in other cases namely for constructing a new house or for increasing the living accommodation in an existing house.
- d) On receipt of the approval of the Chairman, Cochin Port Trust.
 - (i) formal sanction to the grant of an advance in the case covered by sub-regulation (c) (i) above will be accorded by the Head of the Department concerned who shall satisfy himself in consultation with the Board's Law Officer (Boards Legal Authorities where ever necessary) and the Revenue and Registration authorities, that the applicant does, in fact possess a clear and marketable title to the property exclusive of title to plot of land in the case of flats free from encumbrances and attachments. The Head of Department shall also arrange to complete the prescribed formalities such as execution of agreement, mortgage deed, surety bond etc, in the prescribed forms (in consultation with the appropriate Legal Authorities where necessary) and then authorise disbursement of an appropriate amount of the sanctioned advance to the applicant.

¹Where land or a ready built house is intended to be purchased utilising the advance, the Head of Department may, before authorising payment of advance, also require the employee concerned to certify that negotiations for the purchase have reached a final stage, that the purchase price is not likely to be less than the amount of the advance sanctioned and that he has satisfied himself that the transaction will enable him to acquire an indisputable title to the land / house in question. In such cases the documents of title should be examined by the Head of Department carefully (in connection with the Boards Law officer / Legal Advisor wherever necessary) to ensure that the seller of the land or ready built house has a clear and marketable tile to the property exclusive of title to plot of land in case of flats in question. It should also be verified that the market value of the land / house purchased is not less than the advance sanctioned.
 - (ii) The Head of Department shall instruct applicants desirous of constructing a new house / flat or enlarging living accommodation in an existing house to furnish two copies of plans as well as specifications and estimates in the prescribed proforma. The plan must be got duly approved by the municipality or other local body concerned before submitting them to the Chairman.
- e) The plans, specifications and estimates referred to in sub-regulation (d) (ii) above should be referred to the Chairman with reference to the earlier correspondence on

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

the subject. The Chairman's office will, after examining all these details in consultation with the Financial Adviser and Chief Accounts Officer, inform the Head of the Department to the maximum amount of the advance that could be granted to the applicant concerned. On receipt of the approval of the Chairman, the Head of the Department will accord formal sanction to the grant of the advance or if necessary amend the original sanctions issued in cases where the advance is required. The Head of the Department shall also attend to all formalities as explained in sub rule (d) (i) above and then authorise disbursement of the first installment of advance for constructing purposes to the applicant. The payment of the remaining installments of advance may be authorised by the Head of the Department direct on the basis of certificates to be furnished by the applicants as prescribed in rule II (a) and such inspections as may be deemed necessary. It should also be verified before disbursing the last installment of the advance that the development of the site has been completed [vide rule 7 (a) above]

Note: While authorising disbursement of an installment of an advance as prescribed in Regulation II (d) or II (e) the Head of the Department will attach a certificate to the effect that the required formalities in pursuance of which the installment has become due, have been complied with.

- f) The Head of Department will obtain all the requisite documents and follow the formalities prescribed in the regulations before authorising disbursement of the advance in approved installments.

The Head of the Department shall also ensure that the construction of the house is completed within the period prescribed in the rules, and that:-

- (i) ¹In cases covered by 7 (a) (i) and 7 (a) (3) (excepting cases involving enlargement of living accommodation in existing houses) the agreement in the prescribed form is duly executed by the employee concerned, before disbursement of the first installment of advance and that after purchasing the land, charge by way of mortgage by deposit of title deed is created immediately on purchase of the land or the house and premises as the case may be and the documents kept in safe custody before drawing the second installment of the advance.

Note: All the past cases in which charge by way of equitable mortgage by deposit of title deeds has been created in respect of HBA sanctioned will come within the purview of this sub-clause and the cases where mortgage deeds have been registered shall not be re-opened.

- (ii) ¹In cases covered by Regulation 7 (a) (2) and 7 (a) (4) and in all cases involving enlargement of living accommodation in existing houses charge by way of mortgage by deposit of title deed should be created before drawing the first installment of advance

- (iii) ¹In cases covered by Regulation 7 (a) (5) and in cases where the terms of sale of land do not vest the title in the employee till a house is erected on the land, the agreement in the prescribed form is to be executed and deposited with the Heads of Department before disbursement of the sanctioned advance or any portion thereof. Immediately on purchase of the house or immediately after vesting of the title in favour of the employee on erection of house, charge by way of mortgage by deposit of title deed is to be created within three months of the drawal of the advance in case covered by Regulation 7 (a) (5) and in other cases falling under this sub-regulation, within three months of the date of vesting of title in favour of the employee.

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

- (iv) ¹In all the aforesaid cases, the employee shall establish his marketable title to the property in accordance with the procedure prescribed by Board before execution of deposit of the title deed. In cases where the terms of sale do not vest the title to the land in favour of the employee till a house is erected on the land, it shall be ensured before execution of the agreement in the prescribed form, that the employee will be in a position to acquire a clear and marketable title, free from all encumbrances and attachments on erection of the house.
 - (v) the house is insured in the manner indicated in regulation 9 (b) above immediately on its completion / redemption and that the premium receipts are regularly produced for inspection.
 - (vi) the house is maintained in good repair and that the necessary insurance premia, land tax and municipal rates and taxes are paid regularly; and the requisite certificate furnished annually until the advance has been repaid in full.
 - (vii) the monthly recovery of installments of repayment of advance commences from the due date and is made regularly from monthly pay / leave salary / subsistence allowance bills of the employee concerned thereafter.
 - (viii) in the case of employees likely to retire within 18 months of the date of their application for the advance (see regulation 7 (b) above) the amount of their provident fund and gratuity will be adequate to cover the balance of the advance outstanding against them just before the date of their retirement and that in such cases any application for advance withdrawal from this provident fund subsequent to the grant of house building advance under these rules, should not be ordinarily entertained.
 - (ix) any amount drawn in excess of the expenditure incurred is refunded by the employee concerned to the Board forthwith together with the interest if any due thereon; and
 - (x) the property mortgaged to the Board is released immediately on the repayment of the advance and the interest thereon in full.
- g) To enable the Chairman to watch the disbursement of the funds and the progress on the construction of houses, each department will send to the Secretary a consolidated quarterly progress report (in respect of all the Department and offices under him) by the end of the month following the quarter to which it relates in the prescribed proforma.

¹ Substituted vide Ministry's letter No. H-11011/5/ 2000-PE-I and published in the Gazette of India under GSR 796 (E) dated 4-12-02

Application form for use by the employees of the Board for the grant of an advance under the rules regulating the grant of advance to the said employees for building etc., of houses.

1. (a) Name (in block letters)
(b) Designation
(c) Scale of pay
(d) Present pay

2. (a) Office in which employed
(b) Head of the Department
(c) Office where posted

3. Please state :-
 - (i) Whether you are a permanent or non-permanent employee of the Board, and the length of service in the Cochin Port Trust.
 - (ii) (a) Your permanent post if any, and the name of the office and the head of the department concerned.
(b) Do you hold a permanent appointment under a state Government. If so give particulars
 - (iii) Date of birth and age on the next birthday
 - (iv) Date on which you will attain the age of 58 years.
 - (v) Is your husband / wife an employee of the Board? If so give his / her name, designation and other particulars relating to.

4. Do you or does your wife / husband / minor child already own a house (see rule 2 (b)) if so please state :-
 - (1) Station where it is situated with exact address
 - (2) Floor are (in sq. metre)
 - (3) Its approximate valuation (supporting its documents)
 - (4) Reasons for desiring to own another house, or enlarging living accommodation in an existing house, as the case may be.
 - (5) Do you require the advance for building a house? If so please indicate:-

5. (a)
 1. Approximate floor area of the house proposed to be constructed in sq. metre.
 2. Estimated cost of land
 3. Cost of building
 4. Total
 5. Amount of advance required
 6. No of years in which the advance with interest is proposed to be repaid.

Note: Entries in columns 2-4 will have to be supported by specifications, estimates (in the enclosed forms) and plan at the appropriate stage.

(b) Whether you are already in possession of the land ? If so, please state

1. Name of the city or town or panchayat where it is located.
2. Whether you wish to settle there after retirement.
3. Area of the plot (in sq. meters)
4. Name of the municipal or other local authority (if any) in whose jurisdiction it is located.

6. Do you require the advance for enlarging living accommodation in an existing house? if so, please state :-

1. Number of rooms in the house (excluding lavatory, bath room and kitchen)
2. Total floor area of the room (in s.q. metre)
3. If an additional storey is proposed to be added is the foundation strong enough?
4. Particulars of addition desired

(a) Number of rooms

5. Floor area (in sq. metre)
6. Estimated cost
7. Amount of advance desired
8. Number of years in which the advance with interest is proposed to be repaid.

Note : A plan of the house should accompany the application.

7 (a) Have you availed of any loan or advance for the acquisition of house or land from any other source.

(b) Do you require the advance for repaying loan (s) taken earlier for constructing a house? If so, please state :-

1. Exact location of the house
2. Floor area of the house (in sq. metre)
3. Plinth area of the house (in sq. metre)
4. Total cost of the house (including land)
5. Name and address of the parties, from whom loans were taken, and the amounts outstanding in their favour on the date of application.
6. Amount of advance required.
7. Number of years on which the advances with interest is proposed to be repaid.
8. The amount withdrawn from Provident Fund for Construction / acquisition of house / land.

Note:- A plan of the house and specification used in construction should accompany the application.

- 8 If the land on which the house stands, or is proposed to be constructed, free hold or leasehold? If leasehold, state:-
- (1) The term of the lease
 - (2) How much of the term has already expired
 - (3) Whether conditions of the lease permit the land being mortgage / to Government / or to any other person.
 - (4) Premium paid for the plot.
 - (5) Annual rental of the plot

Note:- A copy of the lease / sale deed should accompany the application.

- 9 (a) Is your title of the land undisputed and free from encumbrances.
- (b) Can you produce, if required original documents (sale or lease deed) in support of your title? if not, state reasons therefore indicating what other documentary proof, if any, you can furnish in support of your claims ?
- (see items 5 (b) 6 and 7 above)
- (c) Does the locality in which the plot of land is situated, possess essential service like roads, water supply, drainage, sewage, street lighting etc? (Please furnish a site plan with complete address)
- 10 In case you happen to be due to retire from service within 20 years of the application do you undertake to repay the outstanding balance of the advance by making a final (house building) withdrawal from your provident fund and / or authorised the Board of Trustees to adjust the remaining balance against any gratuity that may be admissible to you,
- 11 Is regulation 7 (b) applicable to your case? If so state :-
- (i) the name, designation, scale of pay, office / department of the permanent employee of the Board who is willing to stand surety for you
 - (ii) the date on which the proposed surety is due to attain the age of 58 years.

DECLARATION

I solemnly declare that the information furnished by me in reply to the various items indicated above is true to the best of my knowledge and belief.

2. I have read the regulations regulating the grant of advances to the employees of the Board for building etc., of houses, and agree to abide by the terms and conditions stipulated therein.

3. I Certify that

(i) my wife / * husband is not an employee of the Board, my wife / husband who is an employee of the Board has not applied for and / or obtained an advance under these regulation.

(ii) neither I nor my wife / husband has applied for and / or obtained an advance or loan from any other Govt. source for the acquisition of a house.

Station :

Signature of the applicant

Designation

Dated :

Department / Office in which employed

* Strike out the alternatives not applicable

(To be completed by the applicant's Head of the Department)

Endt No.....Dated.....

Forwarded to the Chairman.

The facts stated in the application have been verified and found correct. It is recommended that an advance of Rs..... (Rupees.....) may be granted to the applicant. I have satisfied myself, on the basis of monthly deductions etc. made from the applicant's salary that this amount is well within his / her repaying capacity.

I am also satisfied that there will not be any legal disability in recovering the advance.

* Signature

Designation

Name of the Head of Department

* Name of the signing Officer should also be indicated in block letters below his signature.

FORM No. I

To

The Chairman,
Cochin Port Trust,
Cochin - 682 009

Dear Sir,

I confirm having deposited with you at Willingdon Island in the city of Cochin onthe following documents with intent to create equitable mortgage in favour of the Cochin Port Trust Rs..... (Rupees) together with interest due to the Cochin Port Trust being the amount agreed to be advanced to me for the purpose of (Purchase of land and construction of building / construction of building / outright purchase of a building with land / enlarging living accommodation of existing house.)

LIST OF DOCUMENTS

1.

2.

3.

Yours faithfully,

Place
Date

(Designation)
Name of office to which attached

FORM No. I

ABSTRACT

Cost of original estimates and detailed specifications (Based on the details in Form No. 2) for grant of advance to the Port Trust employees for building of house.

Amount Rs.....

Name:

Designation :

Locality and address in which the house is proposed to be constructed :

I. (a)

1. Item No.
2. Sub-Head and items of work
3. Quantity or No.
4. Rate
5. Per
6. Amount
7. Total

(b)

1. Earth Work
(Earth work excavation for foundation 100 and disposing of surplus earth etc.)

II. Concrete work

(Foundation concrete with cement or lime using stone or brick ballast or rubble either below floors or for footings)

III. Damp proof course

(Concrete on rich cement mortar or bitumanastic compound)

IV. Roofing work

(R.C.C. Asbestos or any other type of suitable roof)

V. Reinforced cement concrete

VI. Masonry

(Brick, stone, concrete Blocks, rubble walls etc.)

VII. Wood work

(For doors and windows, wooden scantlings for roof etc.)

- VIII. Steel work
(For reinforcements, holdfast, window bars etc)

- IX. Flooring
(Concrete, Stone or Marble chips etc.)

- X. Finishing
(Plastering, pointing, colour or white washing, painting etc)

- XI. Miscellaneous
(Like rain water pipes, Shelves, Jalties, Chulas, Pegs, Hooks for fans, etc)

- XII. Sanitary Installations
(Closets, connections pipes, manholes, drains, etc.)

- XIII. Water Supply
(Taps, water meters, water tanks, G.I pipes etc.)

- XIV. Electricity
(Electric points, meters, connection lines etc.)

TOTAL COST

Signature of the Applicant

FORM No. II**Detailed estimates for an advance to Cochin Port Employees for the building of a house (Detailed estimate sheet to support the quantities given in Form I)**

Name :
 Designation :
 Office to which attached :
 Locality and address in which
 the house is proposed to be built :

Sl. No.	Details of work	No.	Measurements			Quantity
			Length	Breadth	Height	
1	2	3	4	5	6	7

1. EARTH WORK

1. Earthwork excavation in all soils for foundation and other trenches and depositing the same within one chain bed and upto 5'-0" lift.
2. Front wall
3. Rear Varandah retaining wall Outside wall
4. Common walls between rooms W.C. front and rear
5. Do Side Steps in front and rear
6. Total earth work
7. Refilling the excavated earth etc. Continue details for all items as given in sample form No.I

**Signature of the
 applicant**
Date.....

FORM No. III

Form of Agreement to be executed at the time of drawing an advance by Cochin Port Trust Employees for Building etc. of houses vide Regulations 7 (a)

AN AGREEMENT MADE THIS day ofTwo thousandBetween.....son daughter of at present serving as (hereinafter called the. The borrower, which expression shall unless excluded by or repugnant to the subject or context include his heirs, executors, representatives and administrators) of the one part and Board of Trustees of the Port of the Cochin (hereinafter called the Port Trust Board which expression shall unless excluded by or repugnant to the subject or context include his successors in office and assigns) of the other part. WHEREAS the borrower desires to construct a house thereon or enlarge living accommodation in her / his house¹ repay a loan taken by the mortgagor for construction described in the schedule hereto annexed and WHEREAS the Borrower has under the provision of the rules framed by the Port Trust Board to regulate the grant of advance to Cochin Port Trust Employees for building etc, of houses and issued with the Cochin Port Trust in their letter No..... dated..... (hereinafter referred to as the 'said rules' which expression shall, where to context so admits, include any amendment thereof or addition thereto for the time being in force) applied to the Board of Trustees for an advance of Rupeesand the Port Trust Board has sanctioned an advance of Rupeesto the Borrower vide the office order No..... dateda copy of which is annexed to this presents for the purpose aforesaid on the terms and conditions set forth therein NOW IT IS HEREBY AGREED by and between the parties hereto that inconsideration of the sum of Rupees..... paid / to be paid by the Board of Trustees to the Borrower hereby agrees with the Board of Trustees.

- (1) to repay to the Board of Trustees the said amount with interest calculated in accordance with the said rules for the time being in force by monthly installments of Rupees to be deducted from his pay as provided for by the said rules from the month oftwo thousand.....and the Borrower hereby authorises the Board of Trustees to make such deductions from his monthly pay / leave salary / subsistence allowance bills.
- (2) (a) within three months from the date of receipt of the aforesaid advance of Rs..... (Rupees.....) to expend the aforesaid amount¹ (in the repayment of the loan taken by the borrower) for constructing and to complete the acquisition, redemption of the said house and mortgage it to the Board of Trustees failing which the borrower shall refund the advance together with interest to the Board of Trustees forthwith unless an extension of time is granted by the Board of Trustees.
 (b) to complete construction of the said house within eighteen months of strictly in accordance with the approved plan and specifications on the basis of which the amount of advance has been computed and sanctioned or within such extended period as may be laid down by the Board of Trustees.
- (3) If the actual amount paid for redemption of the house is less than the amount received under these presents by the Borrower to repay the difference to the Board of Trustees forthwith.

¹ mention whatever is applicable

- (4) To execute a document mortgaging the said house / land along with the house to be built thereon on the Board of Trustees as security for the amount advanced to the borrower under these presents as also for the interest payable for the said amount in the form provided by the said rules.
- (5) And it is hereby further agreed and declared that (if the house is not redeemed and mortgaged within 3 months of the drawal of the advance) or if the borrower fails to complete the construction of the said house as herein before agreed, or if the borrower becomes insolvent or quits the service of the Cochin Port Trust or dies, the whole amount of the advance together with the interest accruing thereon shall immediately become due and payable to the Board of Trustees.
- (6) And it is hereby lastly agreed and declared that the Board of Trustees shall be entitled to recover the balance of the said advance with interest remaining unpaid at the time of his retirement or death preceding retirement from the whole or any specified part of the gratuity that may be sanctioned to him.
- (7) Without prejudice to any other right of the Board of Trustees in that behalf, if any amount becomes refundable or payable by the borrower to the Board of Trustees the Board of Trustees will be entitled to recover the same by deducting from his pay such amounts as it shall deem reasonable.

In witness where of the Mortgagor has hereunto set his hand and the Board of Trustees has caused Shri..... in the office of
 for and on his behalf to set his hand hereunto

The Schedule above referred to

Signed by the said Borrower in the presence of

.....
 (Signature of the Borrower)

Ist witness

Address

Occupation

IInd witness

Address

Occupation

Signed by Shri.....in the office of..... for and on behalf of the Board of Trustees of the Port of Cochin in the presence of:

Ist witness

Address

Occupation

IInd witness

Address

Occupation

FORM No. IV

Rules to regulate the grant of Advance to Cochin Port Employees for building etc. of houses

SURETY BOND / VIDE REGULATION 7 (b)

KNOW ALL MEN BY THESE PRESENTS THAT I..... son of resident of in the district of..... at present employed as a permanent..... in the (hereinafter called "the surety") am hold and firmly bound unto the Board of Trustees of the Port of Cochin (hereinafter called "Board of Trustees" which expression shall unless excluded by or repugnant to the subject or context include his successors in office and assigns) in the sum of Rs..... (Rupees..... only) to be paid to the Board of Trustees FOR WHICH PAYMENT TO be well and truly made I hereby bind myself, my heirs, executors, administrators, and representatives firmly by these presents. As witness my hand this..... day of one thousand nine hundred and.....

WHEREAS..... Son of a resident of..... in the district of employed as Temporary / Permanent..... in the (hereinafter called "the Borrower") ¹ (but is due to retire on) applied to the Cochin Port Trust Board for an advance of Rs..... for the purpose of constructing a new house or enlarging living accommodation in an existing house repayment of earlier loan (s) taken for construction and where as the Board of Trustees sanctioned the payment of Rs.....(Rupees only) under the Rules framed by the Board of Trustees to regulate the grant of advance to the Cochin Port Trust Employees for building etc. of houses issued by the Board of Trustees.

AND WHEREAS THE Borrower has undertaken to repay the said amount in monthly installments AND WHEREAS the borrower has further undertaken to Mortgage the house built / redeemed with the help of the said amount and to observe the provisions of the said Rules. AND WHEREAS in consideration of the Board of Trustees having agreed to grant to aforesaid advance to the borrower the Surety has agreed to execute the above bond with such conditions as hereunder is written.

NOW THE CONDITION OF THE OBLIGATION is such that if the Borrower shall while employed in the said or any other office duly and regularly pay or cause to be paid to the Board of Trustees the amount of the aforesaid advance owing to

¹ Strike out if not required.

the Board of Trustees by installments until the said sum of Rs.....
(Rupees.....only) shall be duly paid or mortgages
to the Board of Trustees the house built / redeemed referred to above whichever event
happens earlier, then this bond shall be void, otherwise the same shall be remain in full force
and virtue, BUT SO NEVERTHELESS that if the Borrower shall die or become insolvent or at
any time cease to be in the service of the Board of Trustees the whole or so much of the said
principal sum of Rs..... (Rupees.....only)
together with the interest as shall then remain unpaid shall immediately become due and
payable to the Board of Trustees and recoverable from the Surety in one installment by virtue
of this bond.

The obligation undertaken by the Surety shall not be discharged / or in any way affected by
an extension of time or any other indulgence granted by the Board to the said Borrower,

Signed and delivered by the at day.....20.....

Signature of the Surety
Designation
Office to which attached
In the presence of
(i)
(ii)

Signature, Address and occupation of the witness

Signed by Shri..... in the office for and on behalf of the
Board of Trustees of the Port of Cochin in the presence of

Ist witness

Address

Occupation

IInd witness

Address

Occupation

FORM No. V

Rules to regulate the grant of Advance to Cochin Port Trust Employees for building etc. of houses

Form of Reconveyance for House Building Advance vide Rule 10 (d)

THIS DEED OF RECONVEYANCE IS MADE THE day between the Board of Trustees of the Port of Cochin (hereinafter called the mortgage which expression shall unless excluded by or repugnant to the subject or context include his successors office and assigns) of the one part and of (herein after called the mortgagor which expression shall unless excluded by or repugnant to the subject or context include his / her heirs, executors, administrators and assigns) of the other part.

WHEREAS by an indenture of mortgage, dated the..... of20 and made between the mortgagor of the one part and the Mortgage of the other part and registered at in Book..... volumepage.....to..... as No..... for (hereinafter called the PRINCIPAL INDENTURE), the Mortgagor by the said Principal Indenture mortgaged the property at and more particularly described in the Schedule hereunder written to the Mortgagee to secure an advance of Rs..... made by the Mortgagor.

AND WHEREAS ALL MONEY due and owing on the security of the PRINCIPAL INDENTURE have been fully paid and satisfied and the mortgagee has accordingly at the request of the Mortgagor agreed to execute a reconveyance of the Mortgaged premises as in hereinafter contained NOW THIS INDENTURE WITNESS that the pursuance of the said agreement and in consideration of the premises the Mortgagee do hereby grant assign and reconveyance unto the Mortgagor, ALL THAT THE piece of land situated and comprised in the said Principal indenture and more particularly described in the Schedule herein under written with their rights easements and appurtenances as in the PRINCIPAL INDENTURE expressed and all the estates right title interest property claim and de-mand whatsoever of the Mortgagee into out of or upon the said premises by virtue of the PRINCIPAL INDENTURE to have and to hold the premises herein before expressed to be hereby granted as-signed and reconveyed unto and to the use of the Mortgagor, for ever freed and discharged from all moneys intended to be secured by the said principal indenture and from all actions, suits, accounts claims and demands for, or in respect of the said moneys, or any

part thereof, or for or in respect of the PRINCIPAL INDENTURE OR of anything relating to the premises AND THE MORTGAGEE hereby conveys with the MORTGAGOR that the Mortgagee has not done or knowingly suffered or been partly or privy to anything whereby the said premises or any part thereof, are / its or can be impeached, incumbered or affected in title estate of otherwise however in witness whereof the Mortgagor has hereunto set his hand the Board of Trustees has caused Shri.....in the office of..... for and on his behalf to set his hand hereunto

SCHEDULE ABOVE REFERRED TO

Signed by
of the Mortgagee in the presence of

for and on behalf

(No. A /572 /62 dated 3-8-1971)

Approved vide ministry's letter No. 6- PE (10) / 67 dated 12-7-1971.

(Published in the Kerala Gazette dated 14-9-1971)

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 per-mission 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.,

- (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)

THE COCHIN PORT EMPLOYEES (RETIREMENT) REGULATIONS, 1977

Approved vide Ministry of Shipping & Transport Notification No. PEX-48 / 77 dated 23-5-1978 and published in Part II Section III sub-section I of Gazette of India dated 10-6-1978 under GSR No. 750.

1. Short title, commencement and application

- (a) These regulations may be called The Cochin Port Employees (Retirement) Regulations, 1977.
- (b) They shall come into force on the date of their publication in the official Gazette.
- (c) ¹[These Regulations shall apply to all employees of the Board.]

2. Definitions

In these regulations unless the context otherwise requires,

- (i) 'Board' and 'Chairman' shall have the meanings assigned to them under the Major Port Trusts Act, 1963.
- (ii) ²[Class I, Class II, Class III and Class IV posts shall have the meanings respectively assigned to them as under.

Class I Posts i.e., posts carrying a scale of pay the maximum of which is more than Rs. 1930/- in terms of the pay scales approved vide Ministry of Surface Transport's letter No. PW / PEO-2 / 84 dated 1-2-84 or as may be revised from time to time.

Class II posts i.e., posts carrying a scale of pay the maximum of which is not more than Rs. 1930/- in terms of the 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.

Class III posts i.e., posts carrying a scale of pay the maximum of which is more than Rs. 1580/- but not more than Rs.2800/- in terms of the pay scales approved vide MOST'S letter No. LB-12011/1/86- R.O.(Vol-II)Dated 3.8.89 or as may be revised from time to time.

Class IV posts i.e., posts carrying a scale of pay the maximum of which is not more than Rs. 1580/- in terms of the pay scales approved vide MOST'S letter No. LB-12011 / 1 / 86 - R.O. (vol. II) dated 3--8-89 or as may be revised from time to time.]

- (iii) 'Employee' means an employee of the Board.

3. ³[Age of Retirement

Except as otherwise provided in these Regulations, every employee shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years

Provided that an employee whose date of birth is the first of a month, shall retire from

¹ Substituted w.e.f. 31-3-2001 vide Ministry's Notification No. PR-12016/55/2000-PE-I published in the Gazette of India under GSR 22 (E) dated 12-1-2001

² Substituted vide Ministry's Notification No. PR-12012 / 15 / 90 -PE-I published in the Gazette of India under GSR 634 (E) dated 13-7-1990

³ Substituted w.e.f. 30-9-2007 vide Ministry's Notification No. PR-12016 / 8 / 2008-PE-I dated 14-09-2009 published in the Gazette of India under GSR 685 (E) dated 17-09-2009

service on the afternoon of the last day of the preceding month on attaining the age of sixty years.]

4. ¹[Extension of service / re-employment after retirement

No employee shall be granted extension in service beyond the age of superannuation.

Provided that a specialist in Medical or Scientific fields, may in the interest of the Board be granted extension of service by the Chairman up to be age of sixty two years if such extension is in public interest and the grounds for such extension are recorded in writing.

Provided further that the appropriate authority shall have the right to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than 3 months in the case of a permanent or a quasi-permanent employees, or, of one month in the case of a temporary employee, or pay and allowance in lieu of such notice.]

5. Compulsory retirement before attaining the age of superannuation

Notwithstanding anything contained in these regulation, the Chairman shall, if he is of the opinion that it is in the Board's and / or public interest to do so have the absolute right to retire any employee at any time by giving him notice of not less than 3 months in writing or by giving 3 month's pay and allowance in lieu of such notice:-

(a) after he has attained the age of -

- (i) 50 years if he is in Class I or Class II service or post and had entered Board's service before attaining the age of 35 years and
- (ii) 55 years in any other case.

OR

(b) after he has completed -

- (i) 30 years of qualifying service in respect of employees who are governed by any pension rules / regulations and
- (ii) 30 years of service in respect of Class III employees who are not governed by any pension rules / regulations of the Cochin Port Trust.

NOTE

To determine if the retention of an employee in service beyond the age service as the case may be prescribed in this regulation shall be in the interest of the Board reviews will be made in accordance with the procedure laid down by the Chairman from time to time with the approval of the Central Government.

6. Voluntary retirement before attaining the age of superannuation

An employee may, by giving notice of not less than 3 months in writing, retire from the service of the Board -

(a) after he has attained the age of -

- (i) 50 years if he is in Class I or Class II service or post and had entered Board's service before attaining the age of 35 years and
- (ii) 55 years in any other case.

OR

¹ Substituted w.e.f. 30-9-2007 vide Ministry's Notification No. PR-12016 / 8 / 2008-PE-I dated 14-09-2009 published in the Gazette of India under GSR 685 (E) dated 17-09-2009

(b) after he has completed -

- (i) 30 years of qualifying service in respect of employees who are governed by any pension rules / regulations and
- (ii) 30 years of service in respect of Class III employees who are not governed by any pension rules / regulations of the Cochin Port Trust.

NOTE 1. It shall be open to the Chairman to with - hold permission to an employee who is under suspension and who seeks to retire under this regulation.

NOTE 2. 3 months notice referred to in regulations 5 and 6 above may be given before the employee attains the age or completes the number of years of service specified therein provided that the actual retirement takes place after he has attained the age or has completed the prescribed number of years of service as the case may be.

ANNEXURE

Criteria and procedure for grant of extension of services / re-employment to employees beyond the age of superannuation

- 1) No proposal for extension of service / re-employment beyond the age of superannuation should ordinarily be considered.
- 2) Extension of service / re-employment shall be justified only in very rare and exceptional circumstances. Even in such cases, 60 years shall be the dead line for non-scientific / nontechnical personnel and 62 years in the case of scientific / technical personnel. The overriding consideration for the grant of extension of service / re-employment shall be that it should be clearly in the Board's interest and in addition should satisfy one of the following two conditions.
 - i) that other employees are not ripe enough to take over the job; or
 - ii) that the retiring employee is of outstanding merit
- 3) No extension of service / re-employment shall be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalised in time for justifiable reasons.

Procedure for Review Contemplated under the Note below Regulation 5 of the Cochin Port Employees (Retirement) Regulations, 1977

1. Cases of employees in Class I and Class II service or post who had entered Board's service before attaining the age of 35 years shall be reviewed six months before they attain the age of 50 years or complete 30 years of qualifying service, whichever occurs earlier.

In the case of any other employees, the review shall be made six months before he attains the age of 55 years or completes 30 years of qualifying service or 30 years of service in respect of Class III employees who are not governed by any pension Rules, whichever occurs earlier.

NOTE: The Committee however, reserve the right to review the case of any employee in Class I and II service or post again at any time thereafter till his superannuation.

2. The review aforesaid shall be made by the Committee constituted for the purpose the composition of which will be as follows:

Classification	Composition
Class 1 & II employees	Deputy Chairman as Chairman. Head of the Department concerned and another Head of the Department to be nominated by the Chairman as members
Class III & IV employees	Head of the Department concerned as Chairman. Divisional Officer concerned or senior most officer under the Head of Department and another Class I Officer to be nominated by the Chairman as members.

When reviewing cases of Scheduled Caste and / or Scheduled Tribe employees, the committees concerned will have an Officer from the Scheduled Caste or Scheduled Tribe community, whom the Chairman may nominate.

Provided that if the committees constituted as above already include in the normal course an Officer from the Sch. Caste or Sch. Tribe community, further nomination of an Officer represent-ing these communities is not required.

3. The review shall be made in accordance with the following procedure.
 - (a) Employees whose integrity is doubtful shall be retired.
 - (b) Employees, who are found to be ineffective shall also be retired. The basis consideration in identifying such employees should be the fitness / competence of the employee to continue in the post which he is holding. If he is not found fit to continue in his present post, his fitness / competence to continue in the lower post, from where he had been previously promoted, should be considered.
 - (c) While the entire service record of an employee should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceeding 5 years, or where he has been promoted to a higher post during that 5 years period, his service in the higher post, has been found satisfactory.
 - (d) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case.

4. The provision for premature retirement should not be used :-
 - (i) to retire an employee on grounds of specific acts of misconduct, or misdemeanour as a short-cut to initiating formal disciplinary proceeding; or
 - (ii) for reduction of surplus staff or as a measure of effecting general economy, without following the rules and instructions relating to retrenchment.

5. The committee after review of the cases shall forward the paper with its findings to the Chairman of the Board for necessary action as per provision in regulation 5 of the Cochin Port Employees (Retirement) Regulations, 1977. In every case, where it is proposed to retire an employee in exercise of the powers conferred by the said regulations, the Chairman of the Board should record in the file that he has formed his opinion that it is necessary to retire the employee in pursuance of the aforesaid regulations in the Board's and or public interest.

6. (i) In case the Chairman of the Board, after the relevant review, comes to the conclusion that the employee is not fit for being retained in the present post, but could be retained in the next lower post from which he was promoted, a notice in the prescribed form should be served in such a case on the employee retiring him from service in pursuance of the provisions of the relevant regulation. Simultaneously, it may be explained to him in a covering letter that his continuance for service beyond the age of 50 / 55 years or after the completion of 30 years of service / 30 years qualifying service, as the case may be, could be considered, if he is willing to be reverted to the lower post held by him previously in case he indicates his willingness to work in the lower post and gives a written request for being so reverted, the notice may be withdrawn and he may be reverted and continued in the lower post.

(ii) The employees who seek reversion to lower posts in lieu of premature retirement should be made eligible for consideration for promotion only after they have put in a period of two years in the lower Post after such reversion. The promotion will not be automatic but such employee could be considered for promotion alongwith others in accordance with the normal rules, by the Departmental Promotion Committee on the basis of subsequent records in the lower post.

7. Once a decision has been taken by the Chairman of the Board to retain an employee beyond the, age of 50 years in the case of employees referred to in clause (a) (i) of the said regulation 5, or beyond the age of 55 years in the case of others or beyond the date of completion of 30 years service under regulation 5 (b) (ii) or 30 years of qualifying service for pension under regulation 5 (b) (i) of the Cochin Port Employees (Retirement) Regulations, 1977, he would ordinarily continue in service till he attains the age of retirement. If however, the Chairman of the Board considers at any time after a review aforesaid that the retention of the employee will not be in the Board's and / or public interest he may take necessary action to retire the employees by following the procedure laid down herein.

8. When the Chairman of the Board has come to the conclusion that the employee may be prematurely retired, the 3 months notice referred to in the said regulation 5 may be given before the employee attains, the specified age or has completed 30 years of service as the case may be. But the retirement should take place after the employee has attained the relevant age or has completed 30 years of service, as the case may be. A notice even longer than 3 months or before the employee attains the age of 50 / 55 years / completing 30 years of service could be given; but the date from which he is required to retire as specified in the notice should be before he attains the age of 50 / 55 years or completes 30 years of service, as the case may be. Similarly, in cases of retirement under clause (h) (i) of the said Regln.5, while the notice of such retirement could be given before the employee actually completes 30 years of service qualifying for pension, the date of expiry of the notice on which the employee's retirement would be effective should

be one falling on or after the date of his completing 30 years service qualifying for pension.

9. While computing the notice period of not less than three months referred to in the said regulation 5, the date of service of the notice and date of its expiry shall be excluded the date of premature retirement of the employees should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.
10. The notice of retirement served on an employee in pursuance of the said regulation 5 will be as in the forms attached hereto. While form I may be used to serve the notice of retirement in a case where the employee has already attained the age of 50 / 55 years or completed 30 years of qualifying service / 30 years of service, as the case may be, form II may be used in a case where it is decided to serve the notice of retirement before the employee actually attains the age of 50 / 55 years or completes 30 years of qualifying service / 30 years of service as the case may be. The proforma for ordering retirement in the Board's and / or public interest forthwith under the said regulation 5 where it is decided to dispense with the three month's notice will be as in form III.
11. In a case where an employee refuses to accept the service of notice of retirement or order of retirement along with cheque / cash equivalent to three months pay and allowances, it should be ensured that the refusal of the employee is witnessed by two officers, either in Class I or Class II posts. In such a case, a copy of the notice / order of retirement may be sent under registered post with acknowledgement due to the individual concerned at the last officially known address with a covering letter, stating that the original notice / order of retirement was taken by such and such for delivery to him / her on such and such date and that he / she refused to accept the same and in the said circumstances, its copy is being sent by registered post for his / her record. In such a case, the date of effect of the notice of retirement / order of retirement would be from the forenoon of the date following the date of refusal by the individual (witnessed by two officers, either in Class I or Class III posts) where the person concerned has refused to accept the cheque / cash equivalent of three months pay and allowances, the same procedure that followed in case where an employee has failed to accept his / her dues from the Board may be followed, in so far as its disbursement is concerned.

**PROCEDURE FOR DEALING WITH REPRESENTATIONS AGAINST NOTICE ORDER OF
PREMATURE RETIREMENT.**

1. Representations against a notice / order of premature retirement received from an employee after a period of three weeks from the date of service of such notice or order shall not ordinarily be entertained.
2. On receipt of a representation, the Port's Secretariat should examine the same to see whether it contains any new fact or any new aspect of fact already known but which was not taken into account at the time of issue of notice / order of premature retirement. The examination should be completed, as far as possible, within two weeks from the date of receipt of representation. After such examination, the case should be submitted to the Committee constituted for the purpose for consideration. The composition of this committee shall be as follows:

Classification	Composition
Class 1 & II employees	Deputy Chairman as Chairman and 2 Head of Departments other than the officer included in the Committee which considered the case for premature retirement to be nominated by the Chairman as members. Final orders shall be passed by the Chairman of the Board in consideration of the report of the Committee.
Class III & IV employees	Same committee which earlier considered the case of the employee representing against his premature retirement with the modification that it should also include another senior Class I Officer (to be nominated by the Chairman) who was not in the said Committee earlier. Final orders shall be passed by the Chairman of the Board in consideration of the Report of the committee.

When dealing with cases of representations from Scheduled Caste and / or Scheduled Tribe employees, the Committees concerned will have an officer from the Scheduled caste or Scheduled Tribe community whom the Chairman may nominate.

Provided that if the Committees constituted as above already include in the normal course an officer from the Scheduled Caste or Scheduled Tribe community, further nomination of an officer representing these communities is not required.

3. The Committee considering the representation should make its recommendations on the representation as far as possible, within two weeks from the date of receipt of the representation by it from the Port's secretariat. The Chairman of the Board shall pass his final orders, as far as possible, within two week from the date of receipt of the recommendations of the Committee on the representation.
4. If in any case, it is decided to re-instate a prematurely retired employee in service after considering his representation the period intervening between the date of premature retirement and the date of re-instatement shall be regulated by the authority ordering re-instatement as duty, or as leave or as dies-non, as the case may be, taking into account the merits of each case.
5. In the case of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representation against such premature retirement comes to the conclusion that premature retirement was unjustified, the date of superannuation has already been passed or arrived, the authority empowered to pass

final orders, may at his discretion, re-instate the superannuated employees notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies-non, as may be considered appropriate.

6. Representations from employees who have been served with a notice / order of premature retirement, but have obtained stay order (s) from a Court against the order / notice of premature retirement, need not be considered by the Secretariat nor submitted to the Committee until the disposal of the Court case. Thereafter the cases may be examined as outlined above but also taking into account any material of a substantive nature that may feature in the Court Judgement.

ORDER

WHEREAS the Chairman of the Board is of the opinion that it is in the Board's and / or public interest to do so:

Now, THEREFORE in exercise of the powers conferred by clause ¹ of regulation 5 of the Cochin Port Employees (Retirement) Regulations, 1977 the Chairman of the Board hereby gives notice to(name) (designation) that he, having already attained the age of fifty / fifty five years or having completed thirty years of service qualifying for pension on the shall retire from service on the forenoon of ² on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him.

(Signature)
Chairman of the Board.

To.

Shri / Smt
.....

ACKNOWLEDGEMENT

I now holding the post of
..... hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Coutersigned

Name
Designation
Place
Date

Sd /-

Name
Designation
Place
Date

¹ Here state (a) (i) or (ii) or (b) (i) or (ii) as the case may be

² The date following the date on which he attains the age of 50 / 55 years completes 30 years of service / thirty years of service qualifying for pension

ORDER

WHEREAS the Chairman of the Board is of the opinion that it is in the Board's and / or public interest to do so:

Now, THEREFORE in exercise of the powers conferred by clause ¹ of regulation 5 of the Cochin Port Employees (Retirement) Regulations, 1977 the Chairman of the Board hereby gives notice to(name) (designation) that he, on attained the age of fifty / fifty five years or on completed thirty years of service or thirty years of service qualifying for pension on the20 , shall retire from service on the forenoon of ²..... on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him whichever is earlier.

(Signature)
Chairman of the Board.

To.

Shri / Smt
.....

ACKNOWLEDGEMENT

I now holding the post of
..... hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Coutersigned

Name
Designation
Place
Date

Sd /-

Name
Designation
Place
Date

¹ Here state (a) (i) or (ii) or (b) (i) or (ii) as the case may be

² The date following the date on which he attains the age of 50 / 55 years completes 30 years of service / thirty years of service qualifying for pension

ORDER

WHEREAS the Chairman of the Board is of the opinion that it is in the Board's and / or public interest to do so:

Now, THEREFORE in exercise of the powers conferred by clause of regulation 5 of the Cochin Port Employees (Retirement) Regulations, 1977 the Chairman of the Board hereby retires Shri/Smt./Kum (name) with immediate effect, he/she having already the age of 50 / 55 years or having already completed 30 years of service / 30 years of qualifying service for pension on the (date). Shri/Smt./Kum..... shall be paid a sum equivalent to the amount of his/her pay plus allowances for a period of three months calculated at the same rate at which he/she was drawing them immediately before his/her retirement.

(Signature)
Chairman of the Board.

To.

Shri / Smt
.....

ACKNOWLEDGEMENT

I now holding the post of in the Department hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheque No..... dated for Rs..... (Rupees..... only)

Coutersigned

Name
Designation
Place
Date

Sd /-

Name
Designation
Place
Date

THE COCHIN PORT EMPLOYEES (LEAVE) REGULATIONS, 1978

CHAPTER - I

PRELIMINARY

1. Short title and Commencement

- (a) These regulations may be called the Cochin Port Employees (Leave) Regulations, 1978.
- (b) They shall come into force on the date on which the Central Government's approval thereto is published in the Official Gazette.

2. Extent of Application

These regulations shall apply to all employees in the service of the Board on or after the commencement of these Regulations, but shall not apply to;

- (a) Persons in casual or daily rated or part-time employment;
- (b) "B" Category Shore Labour;
- (c) (Deleted)
- (d) persons serving under the Board on deputation from the Central or a State Government or any other source for a limited duration.

3. Definitions

In these Regulations, Unless the Context otherwise requires;

- (a) "Board", "Chairman", "Deputy Chairman" and "Head of Department" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;
- (b) "Authority competent to grant leave" means the authority empowered to grant leave under the delegation of powers under the Major Port Trusts Act, 1963.
- (c) "completed year of service" and "one year's continuous service" means continuous service of the specified duration under the Board and includes the period spent on duty as well as on leave, including extraordinary leave;
- (d) "commuted leave" means leave taken under Regulation 26;
- (e) "Date of retirement" or "date of his retirement" in relation to an employee means the after-noon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service;
- (f) "earned leave" means leave earned in respect of periods spent on duty;
- (g) "earned leave due" means the amount of leave to the credit of an employee on the date of commencement of these regulations under the leave Regulations in force prior to that date plus the amount of earned leave calculated under Regulation 24 diminished by the amount of earned leave taken on or after the commencement of these regulations and the amount of earned leave enhanced, if any;
- (h) "extraordinary leave" means leave taken under Regulation 28;
- (i) "employee" means an employee of the Board;
- (j) "employee in permanent employ" means an employee who holds substantively a

permanent post or who holds a lien on a permanent post or who hold a lien on a permanent post had the lien not been suspended;

- (k) "employee in quasi-permanent employ" means an employee who has been declared quasi-permanent under the Cochin Port Employees (Temporary Service) Regulations, 1964 or who has been declared quasi-permanent under the rules existed prior to 29-2-1964;
- (l) "Form" means form appended to these Regulations;
- (m) "half pay leave" means leave earned in respect of completed years of service;
- (n) "half pay leave due" means the amount of half pay leave, calculated under regulation, 25 for the entire service, diminished by the amount of half pay leave on private affairs and on medical certificate, taken before the commencement of these regulations and half pay leave taken on or after that date,

EXPLANATION: The period of suspension of an employee which is treated as dies-non should not be reckoned as service for the purpose of these regulations.

4. Employees on Temporary Transfer or on Foreign Service

Employees to whom these regulations apply shall continue to be governed by these Regulations while on deputation to Central or a State Government or any other organisations.

5. Transfer from service or Post governed by other Leave Rules

Unless it be otherwise provided in these regulations a permanent employee to whom these regulations do not apply;

- (a) when transferred temporarily to a service or post to which these regulations apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

¹[Provided that where a military officer not in permanent Civil employ has elected to draw civil rates of pay, his leave shall be regulated as per the provisions under these regulations:

Provided further that in the event of his release / discharge from the Armed Forces, he shall carry forward the annual leave due to him with effect from the date of such release / discharge.]

- (b) When appointed substantively to a permanent post to which these regulations apply, shall become subject to these regulations from the date of such appointment in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Regulation 24. The leave so carried forward shall first be exhausted before the leave earned under these regulations is availed of. The leave salary in respect of the leave carried forward shall be borne by the department from which the employee is transferred.

¹[Provided that in the case of a military officer half pay leave equal to the number of days of furlough shall also be carried forward in addition to the earned leave equal to the number of the days of annual leave on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed force.]

¹ Inserted vide Ministry's Notification F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India vide GSR No. 433 (E) dated 20-9-96

CHAPTER - II
GENERAL CONDITIONS

6. Right of leave

- (i) Leave cannot be claimed as of right. The authority empowered to grant leave shall have discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service; but it shall not be open to that authority to alter the kind of leave due and applied for except with the written request of the employee.
- (ii) An employee's claim to leave is regulated by the regulations in force at the time the leave is applied for and granted.

7. Effect of Dismissal, Removal or Resignation on leave at Credit

- (1) Except as Provided in Regulation 31 and in this Regulation, any claim to leave to the credit of an employee who is dismissed or removed or who resigns from Board's service ceases from the date of such dismissal or removal or resignation.
- (2) An employee, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal as the case may be.
- (3) An employee who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

8. Commutation of one kind of leave into another

- (1) At the request of an employee the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right.
- (2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note: Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions in Regulation 27.

9. Combination of different kinds of leave

Except as otherwise provided in these regulations, any kind of leave under these regulations may be granted in combination with or in continuation, of any other kind of leave.

EXPLANTION : Casual leave which is not recognised as leave under these regulations shall not be combined with any other kind of leave admissible under these regulations.

10. Maximum amount of continuous leave

Unless the Board in view of the exceptional circumstances of the case otherwise determines, no employee shall be grant leave of any kind for a continuous period exceeding five years.

11. Acceptance of service or employment while on leave :-

- (1) An employee while on leave including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or medical practitioner without obtaining the previous sanction of the authority empowered to appoint him.
- (2) (a) No employee while on leave other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment,
(b) If grant of such permission is considered desirable in any exceptional case, the employee may have his services transferred temporarily from his present office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.
(c) An employee while on leave preparatory to retirement shall not be permitted to take up private employment. He may however, be permitted to take up employment with a public Sector Undertaking or a body under any local authority or a Corporation or Company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government and in that event also leave salary payable for leave preparatory to retirement shall be the same admissible under Regulation 33.
- (3) (a) In case an employee who has proceeded on leave preparatory to retirement is required, before the date of retirement, for employment during such leave in any post under the Board and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.
(b) The leave so cancelled under clause (a) shall be allowed to be encashed in the manner provided in clause (b) of sub-regulation (2) of Regulation 31,
¹(c) Deleted

CHAPTER - III

GRANT OF AND RETURN FROM LEAVE

12. Application for leave

Any application for leave or for extension of leave shall be made in Form I to the authority competent to grant leave.

13. Leave account

A leave account shall be maintained in Form 2 for each employee in Class I and II service by the Financial Adviser & Chief Accounts Officer and in Class III & IV service by the Head of Office or an Officer authorised by him.

14. Verification of title to leave

No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the authority maintaining the leave accounts

²**NOTE** : In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Regulation 31 an undertaking for recovery of the leave salary if any paid in excess, shall be taken from the employee.

¹ Deleted vide Ministry's Notification F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India vide GSR No. 433 (E) dated 20-9-96

² Inserted vide Ministry's Notification F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India vide GSR No. 433 (E) dated 20-9-96

15. Leave not to be granted in certain circumstances

Leave shall not be granted to an employee whom competent punishing authority has decided to dismiss / remove or compulsorily retire from service.

16. Grant of leave on Medical certificate to class I and Class II employees

- (1) Before a Class I or Class II employee is granted leave or extension of leave on medical certificate, he shall obtain a certificate, in Form 3 from the Chief Medical Officer of the Port Trust Hospital or in his absence from the senior most Medical Officer available in the Hospital or from an Authorised Medical Attendant / Civil Surgeon attached to a Government Hospital or Government Medical College. The Chairman may however, accept at his discretion, the certificate from a Registered Medical Practitioner.
- (2) Where the authority competent to grant leave is not satisfied with the genuineness of a particular case it shall be open to such authority to have second medical examination at the earliest possible date by a medical officer not below the rank of a Civil Surgeon Grade I.
- (3) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties and in such case, the opinion that the employee is permanently unfit for service under the Board shall be recorded in the medical certificate.
- (4) The grant of a medical certificate under this regulation does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

17. Grant of leave on Medical Certificate to Class III and Class IV employees

- (1) An application for leave on medical certificate, made by Class III or a Class IV employee shall be accompanied by a medical certificate in Form 4 given by a Medical Officer attached to the Port Trust Hospital or an authorised Medical attendant or a registered Medical Practitioner not below the rank of an Assistant Surgeon, defining as clearly as possible the nature and probable duration of the illness.
- (2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties and in such case the opinion that the employee is permanently unfit for service under the Board shall be recorded in the medical certificate.
- (3) The authority competent to grant leave may at its discretion, secure a second medical opinion by requesting the Chief Medical Officer of the Port Trust Hospital or the Chief Medical Officer of the District in which the employee is serving or in which he falls ill or to which he proceeds for treatment, to have the applicant medically examined on the earliest possible date by a Medical Officer not below the rank of a Civil Surgeon Grade I.
- (4) It shall be the duty of the Medical Officer examining the employee under sub-regulation (3) above to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may require the applicant to appear either before himself or before a medical officer nominated by himself.
- (5) The grant of a medical certificate under this regulation does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be

forwarded to the authority competent to grant leave and orders of that authority awaited.

- (6) The authority competent to grant leave may, at its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time, Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

18. Leave to an employee who is unlikely to be fit to return to duty

- (1) (a) When a medical authority has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such employee.
- (b) The leave may granted, if due, by the authority competent to grant leave on the following conditions:-
- (i) If the Medical authority is unable to say with certainty that the employee will never again be fit for service leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.
- (ii) If an employee is declared by a medical authority to be completely an permanently incapacitated for further service leave or an extension of leave may be granted to him after the report of the medical authority has been received provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed six months.
- (2) An employee who is declared by a medical authority to be completely and permanently incapacitated for further service shall.
- (a) If he is on duty be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority; if however he is granted leave under sub-regulation (1) he shall be invalidated from service on the expiry of such leave.
- (b) if he is already on leave, be invalidated from service on the expiry of that leave or extension of leave, if any granted to him under sub-regulation (1).

19. Commencement and Termination of leave

Except as provided in Regulation 20, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

20. Combination of Holidays with leave

- (1) When the day, immediately preceding the day on which an employee's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee may be permitted to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays.

Provided that his transfer or assumption of charge does not involve the handing or taking over of valuable, or of money other than a permanent advance;

- (2) On condition the departing employee remains responsible for the moneys in his charge, the Head of Department may, in any particular case waive the application of the proviso to sub-regulation (1)

- (3) Unless the authority competent to grant leave in any case otherwise directs :
- (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the day after the holiday; and
 - (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

- NOTE**
- (1) A compensatory leave granted in lieu of duty performed by an employee on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.
 - (2) When an employee is certified medically unwell to attend office, holiday (s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holidays if any, immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave.
 - (3) When an employee is certified medically fit for joining duty, holiday (s), if any; succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday (s), if any, preceding the day he is so certified shall be treated as part of the leave.

21. Recall to duty before expiry of leave

- (1) All orders recalling an employee to duty before the expiry of his leave shall state that the return to duty is compulsory.
- (2) If the leave from which he is recalled is in India, the employee shall be entitled to be treated as on duty from the date on which he starts from the station to which he is ordered, and to draw:
 - (i) travelling allowance under rules made in this behalf for the journey; and
 - (ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

22. Return from leave

- (1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.
- (2) Notwithstanding anything contained in sub-regulation (1) an employee on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.
- (3) (a) An employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.
 - (b) If the employee is a Class I or Class II. Officer, the certificate under Clause (a) shall be obtained from the Chief Medical Officer of the Port Trust Hospital or in his absence from the senior most Medical Officer available in the Hospital or from an Authorised Medical Attendant / Civil Surgeon attached to a Government Hospital or Government Medical College. The Chairman may, however, accept at his discretion the certificate from a registered Medical Practitioner.
 - (c) In the case of a Class III or Class IV employee, the authority under which the employee is employed on return from leave may, at its discretion, accept a

certificate signed by registered medical practitioner not below the rank of an Assistant Surgeon.

- (4) (a) An employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such employee shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE: An employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

23. Absence after expiry of leave

- (1) Unless the authority competent to grant leave extends the leave, an employee who re-mains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.
- (2) Wilful absence from duty after the expiry of leave render an employee liable to disciplinary action.

CHAPTER - IV

KINDS OF LEAVE DUE AND ADMISSIBLE

24. Earned leave

- (1) (a) An employee shall be entitled to earned leave at the rate of 30 days for each Calendar year.

(b) The leave account of every employee shall be credited with earned leave, in advance in two instalments of 15 days each on the first days of January and July of every Calendar year.

(c) The leave to the credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year does not exceed the maximum limit of ¹300 days.

²[Provided that where the earned leave at the credit of employee as on the last day of December or June is ¹[300] days or less but more than ¹[285] days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under Clause (b) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave, already at credit do not exceed the maximum limit of ¹[300] days.]

(d) A period spent in foreign service shall count as duty for purpose of this regulation, if contribution towards leave salary is paid on account of such period.

¹ Substituted vide Ministry's F.No. PR-12016 / 23 / 98-PE-I and published in the Gazette of India under GSR No. 7 (E) dated 31-12-99

² Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

- (2) Subject to the provisions of Regulations 6 and 31 and sub-regulations (1) and (3) of this Regulation, the maximum earned leave that may be granted at a time to an employee in India shall be ¹[180] days.
- (3) Earned leave may be granted to an employee in Class I or Class II service exceeding a period of 180 days, but not exceeding 300 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan.

Provided that where earned leave exceeding a period 180 day is granted under this sub-regulation, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

- (4) (i) When a person is appointed during the course of a calendar year, Earned Leave shall be credited to his leave account at the rate of $2 \frac{1}{2}$ days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.

NOTE: If an employee is appointed on 20th March, the number of complete months of his service in that half year will be 3 and the credit will $3 \times 2 \frac{1}{2} = 7 \frac{1}{2}$ days rounded to 8 days. If he is appointed on 20th April the number of complete month will be only 2 and the credit will be $2 \times 2 \frac{1}{2} = 5$ days

(ii) (a) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of $2 \frac{1}{2}$ days per completed calendar month upto the date of retirement or resignation.

(b) When an employee is removed or dismissed from service or dies while in service credit of earned leave shall be allowed at the rate of $2 \frac{1}{2}$ days per completed calendar month upto the date he is removed or dismissed from service or dies in service.

(iii) If an employee has availed of extraordinary leave and / or some period of absence in his case has been treated as dies -non in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such leave and or dies-non subject to a maximum of 15 days.

(iv) While affording credit of earned leave, fraction of a day shall be rounded off to one day.

24.-A. Encashment of Earned leave

Notwithstanding anything contained in these Regulations, an employee shall be allowed to encash not exceeding 50% of the Earned Leave standing at his credit, subject to the following terms and conditions :-

- (1) The encashment of earned leave shall be allowed once in a calendar year and shall be subject to the employee's simultaneously availing of earned leave for not less than 7 days.

Provided that in the case of Class III and Class IV employees, the availing of 7 days Earned Leave need not necessarily be at a stretch simultaneously with encashment but may either be in one spell or in spells during the calendar year before the encashment.

- (2) The total amount of earned leave encashed and availed shall be debited to the leave account of the employee.

¹ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

- (3) In the case of employees availing Earned Leave simultaneously with encashment, the amount admissible on encashment shall be the amount equal to be leave salary for which the employee would have been eligible had he actually gone on Earned Leave for the period encashed in continuation of his availing the said leave, and in the case of employees availing Earned leave for not less than 7 days in one spell or in different spells before encashment, the lumpsum amount admissible on encashment shall be the amount equal to the leave salary for which the employee would have been eligible had he actually gone on Earned Leave for the period encashed from the date mentioned in the application for encashment and this amount shall be paid in advance in one lumpsum.
- (4) The amount paid as above shall not count as emoluments for any purpose. It shall not also be subject to recoveries in respect of loans, advances etc.
- (5) The authority to sanction encashment of earned leave shall be the authority empowered to sanction leave.

25. ¹[Half pay Leave

- (1) The half pay leave account of an employee shall be credited with half-pay leave in advance in two installments of ten days each on the first day of January and July of every calendar year.
- (2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed,
(b) The credit for the half-year in which an employee is due to retire or resigns from the service shall be allowed at the rate 5/3 days per completed calendar month, up to the date of retirement or resignation.
(c) When an employee is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar months upto the end of the calendar month preceeding the calendar month in which he is removed / dismissed from service or dies in service.
(d) Where a period of absence or suspension of an employee has been treated as "dies- non" in a half year the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one-eighteenth of the period of "dies-non" subject to a maximum of ten days.
- (3) The leave under this regulation may be granted on medical certificate or on private affairs.
- (4) While affording credit of half-pay leave, fraction of day shall be rounded off to the nearest day Provided that in the case of an employee not in permanent employee no half pay leave shall be granted unless the authority competent to grant Leave has reasons to believe that the employee will return to duty on its expiry except in the case of an employee who has been declared completely and permanently incapacitated for further service by a medical authority.]

26. Commuted Leave

- (1) Commuted Leave not exceeding half the amount of half pay leave due may be granted on medical certificate to an employee, subject to the following conditions:-
 - (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

¹ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

- (b) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
- (2) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) Where such leave is utilised for an approved course of study certified to be in the Board's interest by the leave sanctioning authority.
- (3) Where an employee who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

NOTE : Commuted leave may be granted at the request of the employee even when earned leave is due to him.

27. Leave Not Due

- (1) ¹Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employ limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-
- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.
- (b) Leave not due shall be limited to the half pay leave he is likely to earn thereafter.
- (c) Leave not due shall be debited against the half pay leave the employee may earn subsequently.
- ²[(1A) Leave not due may also be granted to such of the temporary employees who are suffering from T.B., Leprosy, Cancer or mental illness, for a period not exceeding 360 day's during entire service, subject to fulfilment of conditions in clauses (a) to (c) of sub-regulations (1) and subject to the following further conditions, namely:-
- (i) That the employee has put in a minimum of one year's service;
- (ii) that the post from which the employee proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clause (iii) sub-regulation (2) of regulation 28.]
- (2) (a) Where an employee who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.
- (b) Where an employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently :

¹ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death or he is retired by giving him notice or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service.

- (i) the employee has put in a minimum of one year's service.
- (ii) the post from which the employee proceeds on leave is likely to last till his return to duty; and
- (iii) the request for grant of such leave is supported by a medical certificate

28. Extraordinary leave

- (1) Extraordinary leave may be granted to an employee;
 - (a) When no other leave is admissible.
 - (b) When other leave is admissible but the employee applied in writing for the grant of extraordinary leave;
- (2) Unless the Board in view of the exceptional circumstances of the case otherwise determines, no employee, who is not permanent employ shall be granted extraordinary leave on any one occasion in excess of the following limits :-
 - (i) three months.
 - (ii) ¹[Six months where the employee has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these Regulations, including three months extraordinary leave under clause (i) and his request for such leave is supported by a medical certificate as required by these regulations;
 - (iii) Eighteen months, where the employee who has completed one year's continuous service is undergoing treatment for.
 - (a) ²[Pulmonary tuberculosis or pleurisy of tubercular origin in an institution recognised for treatment of tuberculosis as per the list appended.]

¹[NOTE : The concession of extraordinary leave upto eighteen months shall be admissible also to an employee suffering from pulmonary tuberculosis of pleurisy of Tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.]

- (b) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon; or
- (c) Leprosy in a recognised Leprosy Institution or by a Civil Surgeon or a Specialist in Leprosy Hospital recognised as such by the State Administrative Medical Officer concerned or approved by the Board in this behalf;
- (d) Cancer or mental illness in an institution recognised for the treatment of such disease or by a Civil Surgeon or a specialist in such disease.

¹ Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Substituted vide Ministry's Notification No. H-110H/1/88-PE-I and published in the Gazette of India under GSR 75 (E) dated 17-02-93

Note : For this purpose 'Medical Certificate' includes a medical certificate issued by the Chief Medical Officer of the Port Trust Hospital.

- (iv) ¹ [twenty four months, where the leave is required for the purpose of prosecuting studies certified to be in the Board's interest, provided the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these Regulations, including three months extraordinary leave under Clause (1).]
- (3) ² [(a) Where an employee is granted extraordinary leave in relaxation of the provisions contained in clause (iv) of sub-regulation (2) he shall be required to execute a bond in Form 10 undertaking to refund to the Board the actual amount of expenditure incurred by the Board during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty. (b) The bond shall be supported by sureties from two permanent employees having a status comparable to or higher than that of the employee.]
- (4) Two spells of extra-ordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-regulation (2)
- (5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

³**[28(A)]** Twenty-four months of special leave without pay where the employee who has completed 5 years continuous service for taking outside employment abroad or with non-competing organizations within the country in one spell or different spells subject to the following terms and conditions and any other conditions laid down in other service regulations:

- (1) Assignment will be permitted for a maximum period of two years in one or different spells in entire service. If he / she fails to return to duty at the end of the period of assignment, he/she will be deemed to have resigned from service and the post will be filled up on a regular basis.
- (2) The employee must have minimum 3 years of service left on his return for assignment period of 1 year and 5 years left after return of assignment period of 2 years.
- (3) An employee may apply for and negotiate assignment but acceptance of assignment should be made with permission of the Chairman and it would be considered at that point whether the employee could be spared or not.
- (4) The period of assignment would be treated as special leave on loss of pay.
- (5) Pension contribution and leave salary contribution during the period of outside employment will have to be remitted by the outside employer or employee himself.
- (6) Taking up of such employment by the employee outside the port should not result in 'conflict of interest' not only with Cochin Port Trust but also with other Major Port Trusts.

¹ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

³ Inserted vide Ministry's Notification F.No.PR-12016/30/2005-P.E.-I and published in the Gazette of India under S.O.276 (E) dated 31-03-2010.

- (7) The employee may avail medical facilities for his/her spouse and dependent family members during the period of foreign assignment provided he/she fulfils his obligations such as monthly remittance of contribution towards pensionary benefits, minimum subscription to provident Fund, repayment of advances, rent for occupied quarters, including water charges, electricity charges, full liability for residential telephones etc. However, the liability of providing medical treatment and insurance cover to the employee during the period of assignment will rest with the foreign employer.
- (8) The employee may be allowed to retain port quarters during the period of foreign assignment on payment of rent at 30% of basic pay in Cochin Port Trust.
- (9) Work will have to be managed by local arrangements and the Chairman may be empowered to permit, employees of Cochin Port Trust to take up assignments on the above terms and conditions.
- (10) Employee will be allowed to retain lien and seniority.]

29. Persons re-employed after retirement

In the case of a person re-employed after retirement the provisions of these regulations shall apply as if he had entered Board's service for the first time on the date of his re-employment.

30. Leave preparatory to Retirement

- (1) An employee may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due not exceeding 300 days as prescribed in regulation 24, together with half pay leave due subject to the conditions that such leave extends up to and included the date of retirement.

Note: The leave granted preparatory to retirement shall not include extraordinary leave.

- (2) Where an employee is in foreign service and if he applies for leave preparatory to retirement, it shall be granted to the employee. If the foreign employer needs the service of the employee during that period, the employee may be re-employed by that employer concurrently with leave preparatory to retirement and leave salary regulated in accordance with the provisions of sub-regulation (6) of regulation 33

31. Leave / cash payment in lieu of leave beyond the date of retirement or quitting of service

- (1) No leave shall be granted to an employee beyond
 - (a) the date of his retirement, or
 - (b) the date of his final cessation of duties, or
 - (c) the date on which he retires by giving notice, or he is retired by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
 - (d) the date of his resignation from service.
- (2) (a) Where an employee retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant earned leave shall suo-moto issue an order granting ¹[cash equivalent of leave salary for earned leave], if any, at the credit of the employee on the date of his retirement, subject to a maximum of 300 days

¹ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

(b) The cash equivalent under sub-regulation (a) shall be calculated as follows and shall be payable in one lumpsum as a one time settlement. ¹[No house rent allowance or city compensatory allowance shall be payable.]

Cash equivalent =	Pay and fixed special Allowance admissible on the date of retirement plus dearness allowances <u>admissible on the date</u>	x	Number of days of unutilised Earned Leave at credit on the date of retirement subject to a maximum 300 days.
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- (3) ²[The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the opinion of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him and he will become eligible to the amount so withheld after adjustment of Board's dues, if any.]
- (4) (a) Where the service of an employee has been extended, in the interest of Board beyond the date of his retirement he may be granted.
- (i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of ³[180 days 300 days] as the case may be, as prescribed in Regulation 24.
- (ii) after the expiry of the period of extension cash equivalent in the manner provided in sub-regulation (2) in respect of earned leave at credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period subject to a maximum of 300 days.
- (5) An employee who retires or is retired from service in the manner mentioned in clause (c) of sub-regulation (1), may be granted suo-moto by the authority competent to grant leave cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 300 days and also in respect of all the half pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and / or equal to the leave salary as admissible for half pay leave plus Fixed Special Allowance and dearness allowances admissible on that leave salary for the first ²300 days, at the rates in force on the date the employee so retires or is retired from service. The pension and pension equivalent or other retirement benefits and adhoc relief / graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated

¹ Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

³ Substituted vide Ministry's F.No. PR-12016 / 23 / 98-PE-I and published in the Gazette of India under GSR No. 7 (E) dated 31-12-99

shall be paid in one lumpsum as a one time settlement. ¹[No house rent allowance or city compensatory allowance shall be payable.]

Provided that if leave salary for the half pay leave component falls short of pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted.

¹(5-A)[where an employee is compulsorily retired as a measure of penalty under the provisions of the CPE (CC&A) Regulations, 1964 and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of the Central Civil Service (Pension) Rules, 1972, the authority competent to grant leave shall suo-moto issue an order granting cash equivalent of leave salary for earned leave, if any, at credit of the employee on the date of such retirement, subject to a maximum of three hundred days in the manner indicated in Clause (b) of Sub-regulation (2).]

(6) (a) (i) Where the services of an employee are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted suo-moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit, on the date on which he ceases to be in service subject to a maximum of 300 days.

(ii) If an employee resigns or quits service, he may be granted suo-moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

(iii) An employee who is re-employed after retirement may, on termination of his re-employment, be granted suo-moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date termination of re-employment, subject to a maximum of ²[300 days], ¹[including the period for which encashment was allowed at the time of retirement.]

³[(b) The cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-regulation (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of Clause (a), the pay on the date of termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits and the dearness allowance appropriate to that pay.]

¹[31-A CASH equivalent of Leave Salary in case of invalidation]

An employee who is declared by a competent medical authority to be completely and permanently incapacitated for further service may be granted, suo-moto by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-regulation (5) of regulation 31. An employee not in permanent employ as quasi-

¹ Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Substituted vide Ministry's F.No. PR-12016 / 23 / 98-PE-I and published in the Gazette of India under GSR No. 7 (E) dated 31-12-99

³ Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing to his credit on the date of his invalidation from service.

32. ¹[Cash equivalent of Leave Salary in case of death service

In the event of the death of an employee while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 300 days, shall be paid to his family in the manner specified in Regulation 32- 'A' without any reduction on account of pension equivalent of death cum-retirement gratuity.

32-A Payment of cash equivalent of leave Salary in case of death, etc. of an employee.

In the event of the death of an employee while in service or after retirement or after final cessation of duties but before actual receipt of cash equivalent of leave salary payable under regulation 31, 31 A & 32 such amount shall be payable.

- (i) to the widow and if there are more widows than one, to the eldest surviving widow if the deceased was a male employee or husband if the deceased was a female employee

Explanation: The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son, or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) above to the eldest surviving widows daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;
- (vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;
- (viii) failing (i) to (vii) above, to the eldest surviving unmarried sister; and
- (ix) failing the above, to the eldest surviving widowed sister

In case where none of the above claimants is available the cash equivalent of leave shall be paid to the eldest surviving married daughter and failing that to the eldest child of a predeceased son of the deceased employee;]

33. Leave Salary

- (1) Except as provided in sub-regulations (5) and (6), an employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

NOTE : In respect of any period spent on foreign service out of India, the pay which the employee would have drawn if on duty in India but for

¹ Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

- (2) An employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-regulation (1).
- (3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1).
- (4) An employee on extraordinary leave is not entitled to any leave salary.
- (5) In the case of an employee who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.
- (6) ¹[(a) : If, in the case of an employee who retires or resigns from the service; the leave already availed of is more than the credit so due to him necessary adjustment shall be made on respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave at credit under Clause (ii) (b) of sub-regulation 4 of regulation 24, the over-payment of leave salary shall be recovered in such cases.]

34. Drawal of Leave Salary

The leave Salary payable under these regulations shall be drawn in Rupees in India.

35. ²[Advance of Leave Salary

An employee, including an employee on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary upto a months pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, recovery of advances etc. and subject to the following conditions;

- (i) the amount of the advance shall be restricted to the net amount of leave salary for the 1st month of leave that is clearly admissible after deduction on account of Income Tax, Provident Fund, House Rent repayment of advances etc. so that there is no financial risk involved;
- (ii) the advance should be adjusted in full in the leave salary bill in respect of the leave availed of in cases where the advance cannot be so adjusted in full the balance will be recovered from the next payment of pay or and leave salary;
- (iii) the advance may be sanctioned by the Chairman / Deputy Chairman, Head of Department or Head of Office.
- (iv) advance in respect of a temporary employee shall be sanctioned on his furnishing the surety of a permanent employee.
- (v) the amount of advance shall be debited to the head of account to which the pay etc, of the employee is debited.]

¹ Inserted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Substituted vide Ministry's F.No. PR-12016/37/95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

CHAPTER - V

SPECIAL KINDS OF LEAVE OTHER THAN STUDY LEAVE

36. ¹[Maternity leave

- (1) A female employee (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 135 days from the date of its commencement.
- (2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (3) (a) Maternity leave not exceeding 45 days in the entire career may also be granted to a female employee (irrespective of number of surviving children) in case of miscarriage, including abortion on production on medical certificate as laid down in Regulations 16 and 17 and also in cases of abortion induced under the Medical Termination of Pregnancy Act, 1971
(b) In calculating the number of days of Maternity leave for such miscarriage / abortion, the maternity leave so availed of in the past prior to the date of this notification should not be taken into account.
- (4) (a) Maternity leave may be combined with leave of any other kind.
(b) Notwithstanding the requirement of production of medical certificate contained in Sub-regulation I of Regulation 27 or Sub-regulation I of Regulation 28, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under Sub regulation (1).
- (5) Maternity leave shall not be debited against the leave account.]
- (6) ²[A male employee (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during the 'the confinement of his wife'. During the period of such leave he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity leave shall not be debited against the leave account and may be combined with any kind of leave (as in the case of maternity leave). It may not normally be refused under any circumstances.]

³ [36 (A) Leave to a female employee on adoption of child

A female employee on her adopting a child, may be granted leave of the kind due and admissible (including commuted leave without production of medical certificate for period not exceeding 60 days and leave not due) upto one year subject to the following conditions :

- (i) The facility will not be available to an adoptive mother already having two living children at the time of adoption.
- (ii) The maximum admissible period of leave of the kind due and admissible will be regulated as under :-

¹ Substituted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

² Inserted vide Ministry's F.No. PR-12016 / 23 / 98-PE-I and published in the Gazette of India under GSR No. 7 (E) dated. 31-12-99

³ Inserted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

- (a) If the age of the adopted child is less than one months leave upto one year may be allowed.
- (b) if the age of the child is six months or more leave upto 6 months may be allowed;
- (c) if the age of the child is 9 months or more, leave upto 3 months may be allowed.]

37. Special disability leave for injury intentionally inflicted

- (1) The authority competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official duties or in consequence of his official position.
- (2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

- (3) The period of leave granted shall be such as is certified by an authorised Medical Attendant and shall in no case exceed 24 months.
- (4) Special disability leave may be combined with leave of any other kind.
- (5) Special disability leave may be granted more than once if the disability, is aggravated or reproduced in similar circumstance at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.
- (6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-regulation (7) be debited against the leave account.
- (7) Leave salary during such leave shall.
 - (a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-regulation (5) be equal to leave salary while on earned leave; and
 - (b) for the remaining period of any such leave, be equal to leave salary during half pay leave;

Provided that an employee may, at his option, be allowed leave salary in sub-regulation (a) for period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account:

- (8) In the case of a person to whom the workmen's Compensation Act 1923 (8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

38. Special disability leave for accidental injury

- (1) The provisions of Regulation 37 shall apply so also to an employee, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties, or in consequence of his official position, or by illness incurred in the performance of any particular duty

which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

- (2) The grant of Special Disability leave in such case shall be subject to the further conditions;
 - (i) that the disability if due to disease, must be certified by an authorised Medical Attendant to be directly due to the performance of the particular duty :
 - (ii) that, if the employee has contracted such disability during service, it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and
 - (iii) that the period of absence recommended by an authorised Medical Attendant may be covered in part by leave under this Regulation and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible for earned leave shall not exceed 120 days.

39. Hospital Leave

- (1) The authority competent to grant leave may grant hospital leave to :
 - (a) Class IV employees; and
 - (b) Such Class III employees whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks, while under medical treatment in an hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.
- (2) Hospital leave shall be granted on the production of medical certificate from an Authorised Medical Attendant.
- (3) Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary;
 - (i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave; and
 - (ii) equal to leave salary during half pay leave, for the remaining period of any such leave.
- (4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible provided the total period of leave after such combination, does not exceed 28 months.
- (5) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this Regulation shall be reduced by the amount of compensation payable under clause (b) of sub-section (1) of section 4 of the said Act.

40. Quarantine Leave

- (1) Where, in consequence of the presence of an infectious disease referred to in sub-regulation (2), in the family or household of an employee at his place of duty, residence or sojourn his attendance at his office is considered hazardous to the health of other employees of the Board, such employee may be granted quarantine leave.
- (2) For the purpose of sub-regulation (1) Cholera, Small-pox, plague, Diphtheria, Thohus fever and Cerebrospinal meningitis may be considered as an infectious disease. Chicken-pox shall not however be considered as an infectious disease.

Unless the Medical officer or Public Health Officer considers that because of doubt as to the true nature of the disease (for example, small-pox) there is reason for the grant of such leave.

- (3) (a) Quarantine leave may be granted by the authority competent to grant leave on the certificate of a Medical Officer or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances 30 days.
(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debited to the leave account of the employee.
- (4) Quarantine leave, subject to the maximum laid down in sub-regulation (3) may also be granted, when necessary, in continuation of other leave.
- (5) An employee on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

¹[40-A Compulsory Leave

The authority empowered to sanction leave may grant compulsory leave to Supervisor (Radiography), Radiographer, Junior, Radiographer and Dark Room Assistant subject to the conditions specified hereunder.

- (a) Compulsory leave shall be granted for a period of 30 days in one spell every year of service to recoup health
- (b) Out of the 30 days compulsory leave, 15 days shall be granted as half pay leave / half pay leave commuted into full pay without production of medical certificate subject to eligibility and the balance 15 days as special extra leave.
- (c) Special extra leave shall not count as duty for purpose of earned leave and it shall not be debited to leave account.
- (d) During special extra leave period, leave salary shall be equal to the pay drawn immediately before proceeding on leave.
- (e) If the employee takes regular leave for 30 days or more in one spell in a year, otherwise than on compulsory grounds, for personal reasons or on account of ill health no compulsory leave shall be admissible during that particular year.

Notwithstanding the provision contained in sub-regulation (1) regulation 26 commuted leave specified in this regulation shall be granted without production of medical certificate.]

CHAPTER - VI

41. Conditions for grant of study leave

- (1) Subject to the conditions specified in this Chapter, study leave may be granted to an employee with due regard to the exigencies of Board's service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or a technical subject having a direct and close connection with the sphere of his duty.
- (2) Study leave may also be granted
 - (i) for a course of training or study tour in which an employee may not attend a regular academic or semi academic course, if the course of training or the study tour is certified to be of define advantage to the Board and is related to sphere of duties of the employees;

¹ Inserted vide Notification dated 26-12-86.

- (ii) for the purpose of studies connected with the frame work or background of port Administration, subject to the condition that :-
 - (a) the particular study or study tour should be approved by the authority competent to grant leave; and
 - (b) the employee should be required to submit on his return, a full report on the work done by him while on Study leave.
 - (iii) for the studies which may not be closely or directly connected with the work of an employee, but which are capable of widening his mind in manner likely, to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of Board's service.
- (3) Study leave shall not be granted unless :-
- (i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of define advantage from the point of view of the Port Administration.
 - (ii) it is for prosecution of studies in subjects other than academic or literary subject; and it is applied for by a Medical Officer for prosecuting a course of post graduate study in medical science and the applicant obtains a certificate from the Chief Medical Officer of the Port Trust to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties; and
 - (iii) the sanction of the Central Government has been obtained to the grant of necessary foreign exchange.
- (4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Central Government.
- (5) ¹[Study leave may be granted to an employee -
- (i) who has satisfactorily completed period of probation and has rendered not less than five years regular continuous service including the period of probation under the Board;
 - (ii) who is not due to reach the age of superannuation from the Board's service within three years from the date on which he is expected to return to duty after the expiry of the leave; and
 - (iii) who executes a bond as laid down in Regulation 45 (2) undertaking to serve the Board for a period of three years after the expiry of leave.]
- (6) Study leave shall not be granted to an employee with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

42. Maximum amount of Study leave

- (1) The maximum amount of study leave, which may be granted to an employee shall be
 - (a) ordinarily twelve months at any one time.
 - (b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules or regulations)

¹ Substituted vide Ministry's Notification F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

43. Authority competent to sanction Study Leave

Study Leave may be granted:

- (a) by the Chairman in the case of employees referred to in Clause (a) of sub-section (i) of Section 24 of the Major Port Trust Act, 1963 (38 of 1963);
- (b) by Chairman or Deputy Chairman in all other cases.

44. Application for Study Leave

- (1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.
 - (b) The course or courses of study contemplated by the employee and any examination which he proposes to undergo shall be clearly specified in such application.
 - (c) where it is not possible for the employee to give full details in his application or if after leaving India he is to make any change in the programme which has been approved in India he shall submit the particulars as soon as possible to the authority competent to grant leave, and shall not unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he received the approval of the authority competent to grant the study leave for the course.

45. Sanction of Study Leave

- (1) A report regarding the admissibility of the Study Leave shall be obtained from the Financial Adviser & Chief Accounts Officer in respect of Class I and Class II Officers;

Provided that the study leave if any, already availed of by the employee shall be included in the report.
- (2) (a) Every employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 6 or Form 7 as the case may be, before the study leave or extension of such study leave granted to him commences.
 - (b) Every employee not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 8 or Form 9 as the case may be, before the study leave or extension of such leave granted to him commences.
 - (c) The authority competent to grant leave shall send to the Financial Adviser & Chief Accounts Officer of the Board a Certificate to the effect that the employee referred to in clause (a) or clause (b) has executed the requisite bond.
- (3) On completion of the course of study, the employee shall submit to the authority which granted him the study leave certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks if any, of the authority in charge of the course of study.

46. Accounting of Study Leave and combination with leave of other kinds

- (1) Study leave shall not be debited against the leave account of the employee.
- (2) Study leave may be combined with other kinds of leave but in no case shall the

grant of this leave in combination with leave other than extra-ordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the employee.

- (3) An employee granted study leave, in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in Regulations 49 being satisfied, draw study allowance in respect therefore;

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

47. Regulation of study leave extending beyond course of study

When the course of study falls short of study leave granted to an employee he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave have been obtained to treat the period of short fall as ordinary leave.

48. Leave salary during study leave

- (1) ¹[During study leave availed outside India, an employee shall draw leave salary equal to the pay that the employee will draw while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowance, house rent allowance and study allowance as admissible in accordance with the provisions of Regulations 49 to 52.

- (2) (a) During study leave availed in India, an employee shall draw leave salary equal to the pay that the employee draw while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowances and house rent allowance as admissible in accordance with the provisions of Regulation 52.]

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship or stipend or remuneration in respect of any part time employment.

(c) The amount, if any received by an employee during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-regulation (2) of Regulation 48 shall be adjusted against the leave salary payable under this sub-regulation subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for course of study in India.

49. Conditions for grant of study allowance

- (1) A study allowance shall be granted to an employee who has been granted study leave for study outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.
- (2) Where an employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part time employment.

¹ Substituted vide Ministry's Notification F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No. 433 (E) dated 20-9-96

- (a) No study allowance shall be admissible in case the amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the employee from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible.
- (b) In the case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.
- (3) Study allowance shall not be granted for any period during which an employee interrupts his course of study to suit his own convenience.

Provided that the authority competent to grant leave may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

- (4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that :-
- (a) the employee attends during vacation any special course of study or practical training under the direction of the authority competent to grant leave;
- (b) in the absence of any such direction, he produces satisfactory evidence before the authority competent to grant leave, that he has continued his studies during the vacation.

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

- (5) The period for which study allowance may be granted shall not exceed 24 months in all.

50. Rates of Study Allowance

- (1) The rates of study allowance shall be as follows :-

Name of Country	Study allowance per diem
Australia	£ 1.00 (Sterling)
Continent of Europe	£ 1.65 ,,
New Zealand	£ 1.20 ,,
United Kingdom	£ 2.00 ,,
United States of America	2.75 ,,

- (2) The rates of study allowance prescribed in sub-regulation (1) shall be revised by the Board from time to time.
- (3) The rates of study allowance to be granted to an employee who takes study leave in any country other than the one specified in sub-regulation (1) shall be such as may be specially determined by the Central Government in each case.

51. Procedure for Payment of Study Allowance

- (1) Payment of study allowance shall be subject to the furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

- (2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the employee that he would refund to the Board any over-payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.
- (3) The certificate of attendance required to be submitted in support of the claims, for study allowance shall be forwarded at the end of the term if the employee is undergoing study in an educational institution, or at intervals not exceeding three months, if he is undergoing study at any other institution.
- (4) (a) When the programme or study approved does not include, or does not consist entirely of such a course of study, the employee shall submit to the authority competent to grant leave direct a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestion as to the possibility of adopting such methods or operations to conditions obtaining in the port.
(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the employee was properly utilized and shall determine accordingly for what periods study allowance may be granted.

52. ¹[Admissibility of Allowances in addition to Study Allowance

- (1) For the first 180 days of study leave, house rent allowance shall be paid at the rates admissible to an employee from time to time at the station from where he proceeded on study leave, The continuance of payment of house rent allowance beyond 180 days shall be subject to the production of certificate as prescribed in para 8 (d) of Ministry of Finance O.M. No.2 (37) - EII (B) 64, dated 27-11-1965.
- (2) Except for house rent allowance as admissible under sub-regulation (1) and the dearness allowance and the study allowance where admissible, no other allowance shall be paid to an employee in respect of the period of study leave granted to him.]

53. Travelling Allowance during Study leave

An employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstances sanction the payment of such allowance.

54. Cost of fees for study

An employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Board may sanction grant of such fees.

Provided that in no case shall the cost of fees be paid to an employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary, any remuneration in respect of part-time employment.

¹ Substituted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

55. Resignation or Retirement after Study Leave or ¹[Non Completion of Course of Study]

- (1) ²[If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, or fails to complete the course of study and is thus unable to furnish the certificates as required under sub-regulation 3 of Regulation 45, he shall be required to refund:-]
- (i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and
 - (ii) the actual amount, if any, of the cost incurred by other agencies such as Foreign Government, Foundations and Trusts in connection with the course of study ;

together with interest thereon at rates for the time being in force on loans given by the Board, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise.

²[Provided that except in the case of employees who fails to complete the course of study nothing in this regulation shall apply.]

- (a) to an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds, or.
 - (b) to an employee who, after return to duty from study leave, is deputed to serve under the Govt. of India or any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Board with a view to this permanent absorption under the Govt. of India or statutory or autonomous body or institution in the public interest.
- (2) (a) The study leave availed of by such an employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.
- (b) In addition to the amount to be refunded by the employee under sub-regulation (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.
- (3) Notwithstanding anything contained in these regulations, the Board may, if it is necessary or expedient to do so, either in the interest of the Board or having regard to the peculiar circum-stances of the case or class of cases, by order waive or reduce the amount required to be re-funded under sub-regulation (1) by the employee concerned or class of employees.

**CHAPTER - VII
MISCELLANEOUS**

56. Interpretation

Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Board and its decision shall be final.

¹ Inserted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

² Substituted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

57. Power to relax

Where the Board is satisfied that the operation of any of these Regulations causes undue hardship in any particular case, it may by order for reasons to be recorded in writing, dispense with or relax the requirements of that Regulation to such extent and subject to such exceptions and conditions as may be considered necessary for dealing with the case in a just and equitable manner.

¹**NOTE:-** The above powers may be exercised in exceptional cases in which the circumstances of the case justify relaxation / dispensation of the conditions on which various kinds of leave are granted eg. submission of medical certificate for grant of leave on medical ground, operation of maximum ceiling on grant of kind of leave etc. Before issue of an order in such cases Financial Adviser & Chief Accounts Officer of the Port Trust may be invariably consulted.

58. Repeal and saving

- (1) On the commencement of these Regulations, the Cochin Port Employees (Leave) Regulations, 1964 and the Cochin Port Employees (Study Leave) Regulations, 1964 in force immediately before such commencement and other provisions regarding regulation of leave contained in the Fundamental regulation of leave contained in the Rules and the Supplementary Rules of the Government of India as far as they are applicable to the employees of the Board, shall, in so far as it provides for any of the matters contained in these Regulations, cease to operate.
- (2) Notwithstanding such cessar of operation, anything done or any action taken or any leave earned by or granted to or accrued to the credit of an employee under the old regulations / Rules shall be deemed to have been done, taken / earned / granted or accrued under the corresponding provisions of these regulations.

¹ Inserted w. e. f. 3-7-1989 vide Notification No. PR-12017 / 1 / 88 PE-I dated 3-7-1989 Published in the Government of India Gazette dated 3-7-1989.

FORM I
(See Regulation 12)
APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name :
2. Post held :
3. Department, Office and section :
4. Pay :
5. House Rent and other compensatory allowance drawn in the present post :
6. Nature and period of leave applied for and date from which required :
7. Sundays and holidays, if any proposed to be prefixed / Suffixed to leave. :
8. Grounds on which leave is applied for :
9. Date of return from last leave, and the nature and period of that leave :
10. I propose / do not propose to avail myself of leave travel concession for the block years..... during the ensuing leave. :
11. Address during leave period :

Signature of applicant (with date)

12. Remarks and or recommendation of the Controlling Officer-

Signature (with date)

Certificate regarding admissibility of leave
(By F A & C A O in the case of Class I & Class II employees)

13. Certified that.....(nature of leave) for (period)
.....from..... to....
.....admissible under Regulation.....
of the Cochin Port Employees (Leave) Regulations, 1978.

Signature (with date)

Designation

14. ¹Orders of the authority competent to grant leave

Signature (with date)

Designation

¹ If the applicant is drawing any compensatory allowance, it should also be indicated in the orders whether on expiry of leave, the employee is likely to return to the same post or to another post carrying similar allowance.

FORM. 2**(See Regulation 13)****FORM OF LEAVE ACCOUNT**

Name of Employee :
 Date of birth :
 Date of commencement of continuous service :
 Date of quasi-permanent / permanent employment :
 Date of retirement / resignation :

EARNED LEAVE

Particular of service in the half year		Completed month of service in the half year of a calendar year	Earned leave credited at the beginning of half year	Number of days extra-ordinary leave availed of during the previous calendar half year
For a calendar year				
From	To			
1	2	3	4	5

Earned leave to be deducted (1/10 th of the period in column 5)	Total earned leave at credit in days (Column 4 + 11 – Column 6)	Leave Taken		No. of days	Balance of earned leave on return from leave (Column 7 – Column 10)
		From	To		
6	7	8	9	10	11

HALF PAY LEAVE			ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE				
			LEAVE TAKEN				
Length of service		No. of completed years	Credit of leave		Against the earning on half pay		
From	To		Leave earned (In days)	Leave at credit (Col. 15 + 35)	From	To	No. of days
12	13	14	15	16	17	18	19

Commuted leave on medical certificate		No. of days	Commuted leave without medical certificate for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave in entire service)		
From	To		From	To	No. of days
20	21	22	23	24	25

Leave taken		Leave not due limited to 360 days in entire service				
Commuted leave converted into half pay leave twice of (Column 22 & 25)		On medical certificate			Otherwise than on medical certificate limited to 180 days	
		From	To	No. of days	From To	No. of days
26	27	28	29	30	31	32

Total of leave not due (Column 29 + 32)	Total half pay leave taken (Column 19 + 26 + 33)	Balance of half pay leave on return from leave (Column 16 – Column 34)	Other kinds of leave taken
33	34	35	36

Note 1: The Earned Leave due should be expressed in days

Note 2: When an employee is appointed during the course of half year of particular calendar year, earned leave should be credited at the rate of 2 $\frac{1}{2}$ days for each completed calendar month and the ¹[fraction of a day will be rounded off to the nearest day]

Note 3: The entries in column 6 should be in complete days. ¹[Fraction of a day will be rounded off to the nearest day.]

Note 4: Period of extraordinary leave should be noted in red ink

Note 5: The entries in column 12 and 13 should indicate only in beginning and end of completed years of service at entries the time the half pay leave commences. Where an employee completes another year of service while on half pay leave, the extra credit should be shown in columns 12 to 16 by making suitable additional entries and this should be taken into account while completing column 35.

¹ Substituted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

FORM 3

(See Regulation 16)

Medical Certificate for Class I & II Employees Recommended leave or Extension of Leave or Commutation of Leave

Signature of the employee

I,after careful person examination of the case hereby certify that Shri / Shrimati / Kumari whose signature is given above, is suffering from..... and I consider that a period of absence from duty ofwith effect from..... is absolutely necessary for the restoration of his / her health.

Dated

Chief Medical Officer of the Port Trust Hospital or in his absence the Senior most Medical Officer available in the Hospital or Authorised Medical Attendant or Civil Surgeon

Note: This form should be adhered to as closely as possible and should be filled in after the signature of the employee has been taken.

2. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

FORM 4

(See Regulation 17)

Medical Certificate for Class III & IV Employees Recommended leave or Extension of Leave or Commutation of Leave

Signature of the employee

I,after careful personal examination of the case hereby certify that Shri / Shrimati / Kumari whose signature is given above, is suffering from..... and I consider that a period of absence from duty ofwith effect from.....is absolutely necessary for the restoration of his / her health.

Date

Medical Officer of the Port Trust Hospital

OR

Authorised Medical Attendant.....
Hospital / Dispensary or other Registered
Medical Practitioner not below the rank of
Asst. Surgeon.

Note:

1. The nature and probable duration of the illness should be specified
2. This form should be filled in after the signature of the employee has been taken.
3. Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of the Chief Medical Officer of the Port Trust or a Civil Surgeon who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the employee to appear before himself or before a medical officer nominated by himself.
4. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

FORM 5
[See Regulation 22 (3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of the employee

I,after careful personal examination of the case hereby certify that Shri / Shrimati / Kumari whose signature is given above, and find that he / she has recovered from his / her illness and is now fit to resume duties in Board's service. I also certify that before arriving at this decision, I have examined the original medical certificate (s) and statement (s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Date:

Chief Medical Officer, CPT / Medical Officer, CPT / Civil Surgeon / Authorised Medical Attendant / Asst. Surgeon / Registered Medical Practitioner

Note: The original medical certificate (s) and statement (s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificates. For this purpose, the original certificate (s) and statement (s) of the case should be prepared in duplicate one copy being retained by the employee concerned

FORM. 6
(See Regulation 45 (2))

BOND TO BE EXECUTED BY PERMANENT EMPLOYEE WHEN PROCEEDING ON STUDY LEAVE

Know ALL MEN BY THESE PRESENTS THAT I,resident ofin the District of.....at present employed as.....in theDepartment/Officer, Cochin Port Trust, do hereby bind myself and my heirs, executors and administrator to pay to the Board, Cochin Port Trust (hereinafter referred to as the 'Board') on demand the sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at rates prescribed by the Board for the time being in force on loans granted by the Board, or if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS I, am granted study leave by the Chairman / Deputy Chairman, Cochin Port Trust.

AND WHEREAS for the better protection of the Board I have agreed to execute this bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry of failing to complete the course of study or at any time within a period of three years after return to duty, I shall forthwith pay to the Board or as may be directed by the Board on demand that the said sum of Rs..... (Rupees.....) together with interest thereon from the date of demand at rates prescribed by the Board on loans granted by the Board.

AND upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The bond shall in respect be governed by the laws of India for the time being in force and the rights and liabilities here under shall where necessary be accordingly determined by the appropriate courts in India.

Signed and dated this day of

Two thousand and.....

Signed and delivered by

In the presence of Witness -

(1)

(2)

Accepted
for and on behalf of the
Board, Cochin Port Trust

FORM. 7
[See Regulation 45 (2)]

Bond to be Executed by a Permanent Employee when granted Extension of Study Leave

Know ALL MEN BY THESE PRESENTS THAT Iresident of in the District ofat present employed as in the Department/Office.....Cochin Port Trust, do hereby bind myself and my heirs, executors and administrators to the Board of Trustees, Cochin Port Trust (hereinafter called the 'Board') on demand the sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at rates prescribed by the Board for the time being in force on loans granted by the Board, or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS I, was granted study leave by the Chairman/ Deputy Chairman for the period from.....to.....in consideration of which I executed a bond dated.....for Rs.....(Rupees.....only) in favour of the Board.

AND WHEREAS the extension of study leave has been granted to me at my request until

AND WHEREAS for the better protection of the Board I have agreed to execute this bond with such condition as hereunder is written;
Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave ¹[or failing to complete the course of study] or any time within a period of three years after my return to duty, I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at rates prescribed by the Board for the time being in force on loans granted by the Board.

AND upon my making such payment, the above written obligation will be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities here under shall, where necessary, be accordingly determined by the appropriate courts in India.

Signed and dated this.....day of.....Two thousand and

Signed and delivered by

In the presence of Witness –

- (1)
- (2)

Accepted
For and on behalf of the Board
Cochin Port Trust

¹ Inserted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

FORM. 8
[See Regulation 45 (2)]

**BOND TO BE EXECUTED BY TEMPORARY EMPLOYEES
PROCEEDING ON STUDY LEAVE**

Know all men by these presents that weresident of.....
.....in the District ofat present employed as
..... Cochin Port Trust (called the obligor) and Shri / Shrimati /
Kumari son / daughter of
of..... (hereinafter called the sureties) do hereby jointly and severally
bind our-selves and our respective heirs, executors and administrators, to pay to the Board,
Cochin Port Trust (hereinafter called the Board) on demand the sum of Rs.....
.....(Rupees.....only) together with interest
thereon from the date of demand at rates prescribed by the Board for the time being in force
on loans granted by the Board, or if payment is made in a country other than India, the
equivalent of the said amount of exchange between that country and India AND TOGETHER
with all costs between attorney and client and all charges and expenses that shall or may
have been incurred by the Board.

WHEREAS THE OBLIGOR is granted study leave by the Chairman / Deputy Chairman

AND WHEREAS for the better protection of the Board, the obligor has agreed to execute this
bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to executive this bond as sureties on behalf
of the above bounden;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of
the obligor Shri / Shrimati / Kumarifailing to resume duty
or resigning from service or otherwise quitting without returning to duty after the expiry or
termination of the period of study leave ¹[or failing to complete the course of study] or at any
time within a period of three years after his return to duty, the obligor and the sureties shall
forthwith pay to the Board or as may be directed by the Board on demand the said sum of
Rs..... (Rupees.....only)
together with interest thereon from the date of demand at rates prescribed by the Board on
loans granted by the Board;

AND upon the obligor Shri / Shrimati / Kumari.....
and or Shri / Shrimati / Kumari.....
sureties aforesaid making such payment the above written obligation shall be void and of no
effect, otherwise it shall be and remain in full force and virtue:

Provided always that the liability of the sureties hereunder shall not be impaired or
discharged by reason of time being granted or by any for bearance, act or omission of the
Board or any person authorised by them (Whether with or without the consent or knowledge
of the sureties) not shall it be necessary for the Board to sue the obligor before suing the
sureties Shri / Shrimati / Kumari.....and Shri / Shrimati / Kumari..
.....or any of them for the amount due hereunder

The Bond shall in all respects be governed by the laws of India for the time being in force
and the rights and liabilities hereunder shall where necessary be accordingly determined by
the appropriate courts in India.

¹ Inserted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under
GSR No.433(E) dated 20-9-96

Signed and dated this.....day of.....two thousand and.....

Signed and delivered by the obligor above named Shri / Shrimati / Kumari.....in the presence of.....

Witness 1.....
2.....

Signed and delivered by the surety above named Shri / Shrimati / Kumari.....in the presence of.....

Witness 1.....
2.....

Signed and delivered by the surety above named Shri / Shrimati / Kumari.....in the presence of.....

Witness 1.....
2.....

ACCEPTED
for and on behalf of the Board,
Cochin Port Trust

FORM.9
(See Regulation 45 (2))

Bond to be Executed by a Temporary Employee when granted extension of study leave

KNOW ALL MEN BY THESE PRESENTS THAT WEresident of.....in the District ofat present employed as Department / Office Cochin Port Trust (hereinafter called the obligor) and Shri / Shrimati / Kumari son / daughter of of..... (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Board of Trustees, Cochin Port Trust (hereinafter called the Board) on demand the sum of Rs..... (Rupees.....only) together with interest thereon from the date of demand at rates prescribed by the Board for the time being in force on loans granted by the Board, or if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS the obligor was granted study leave by the Chairman / Deputy Chairman for the period fromto.....in consideration of which he executed a bond dated.....for Rs..... (Rupees.....only) in favour of the Board.

AND WHEREAS the extension of study leave has been granted to the obligor at his request until

AND WHEREAS for the better protection of the Board the obligor has agreed to execute this bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden .

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri / Shrimati / Kumariresigning from service without returning to duty after the expiry or termination of the course of study ¹[or failing to complete the course of study] or any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs..... (Rupees ...
..... only) together with interest thereon from the date of demand at rates prescribed by the Board for the time being in force on loans granted by the Board.

AND upon the obligor Shri / Shrimati / Kumari and or Shri / Shrimati / Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue:

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorised by them (Whether with or without the consent or knowledge of the sureties) not shall it be necessary for the Board to sue the obligor before suing the sureties Shri / Shrimati/ Kumari and Shri / Shrimati / Kumari.....or any of them for the amount due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

² FORM. 10

[See Regulation 28 (3)]

**BOND FOR TEMPORARY EMPLOYEES GRANTED
EXTRAORDINARY LEAVE IN RELAXATION OF REGULATION 28
(2) (IV) FOR STUDY**

KNOW ALL MEN BY THESE PRESENTS THAT WEresident of.....in the District of at present employed as Department / Office Cochin Port Trust (hereinafter called the obligor) and Shri / Shrimati / Kumari son / daughter of of..... (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Board of Trustees, Cochin Port Trust (and assigns hereinafter called "the Board") on demand the sum of Rs..... (Rupees.only) together with interest thereon from the date of demand at rates prescribed by the Board for the time

¹ Inserted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

² Substituted vide Ministry's F.No. PR-12016 / 37 / 95-PE-I and published in the Gazette of India under GSR No.433(E) dated 20-9-96

being in force on loans granted by the Board, or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas the Board has at the request of the above bounden Shri / Shrimati / Kumari employed as a granted him / her regular leave, followed by extraordinary leave without pay and allowances, for a period of months days with effect from in order to enable him / her study at

And whereas the Board has appointed / will have to appoint a substitute to perform the duties ofduring the period of absence of..... Shri / Shrimati / Kumari..... on extraordinary leave.

And whereas for the better protection of the Board, the obligor has agreed to execute this bond with such condition as hereunder is written;

And whereas the said sureties have agreed to executive this bond as sureties on behalf of the above bounden.....

Now the condition of the above written obligation is that in the event of the above bounden Shri / Shrimati / Kumari failing to rejoin on the expiry of period of extraordinary leave, the post originally held by him / her and serve the Board after rejoining for such period not exceeding a period of years as the Board may require or refusing to serve the Board in any other capacity as may be required by the Board on a salary to which he / she should be entitled under the rules, the said Shri / Shrimati / Kumari..... as his / her executors and administrator shall forthwith pay to the Board on demand the sum Rs..... together with interest thereon from the date of demand at the rates prescribed by the Board for the time being in force on loans granted by the Board.

AND upon the obligor Shri / Shrimati / Kumari..... and or Shri / Shrimati / Kumari and or Shri / Shrimati / Kumari the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue .

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any for bearance, act or omission of the Board or any person authorised by them (Whether with or without the consent or knowledge of the sureties) not shall it be necessary for the Board to sue the obligor before suing the sureties Shri / Shrimati / Kumariand Shri / Shrimati / Kumari.....or any of them for the amount due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and rights and liabilities hereunder shall, where necessary be accordingly determined by the appropriate courts in India.

Signed and dated this.....day of.....two thousand and.....

Signed and delivered by the obligor above named Shri / Shrimati / Kumari..... in the presence of.....

Witness 1.....
2.....

Signed and delivered by the surety above named Shri / Shrimati / Kumari.....
.....in the presence of.....

Witness 1.....
 2.....

Signed and delivered by the surety above named Shri / Shrimai / Kumari.....
.....in the presence of.....

Witness 1.....
 2.....

ACCEPTED
for and on behalf of the Board,
Cochin Port Trust

¹LIST OF INSTITUTIONS RECOGNISED FOR TREATMENT OF TUBERCULOSIS

[See Regulation, 28 (2) (iii) (a)]

I. Andhra Pradesh

1. Government Welfare Fund T.B. Hospital, Nellore
2. Government King George Hospital, Visakhapatnam]
3. Union Mission T.B. Sanatorium Arogyavaram, Chittoor Dist.
4. Visranthipuram Sanatorium Rajahmundry
5. T.B. Hospital, Iramnuma
6. T.B. Sanatorium, Vikarabad (Ananthgiri)
7. T.B. Clinic, Dibirpura.

II. Assam

1. Reid Provincial Chest Hospital, Shillong.
2. Lokapriya Gopinath Bardolac Memorial T.B Hospital. Gopinath Nagar, Gauhati.
3. Jorhat Christian Mission Hospital, Jorhat.
4. Burrows Memorial Hospital, Alipur Silchar.
5. American Baptist Mission Hospital, Gauhati.

III. Bihar

1. Itki Sanatorium, Itki
2. Patna Medical College Hospital, Patna,
3. Ramakrishna Mission T.B. Sanatorium Ranchi.
4. Mahadevi Birla T.B. Sanatorium P.O. Numkum Near Ranchi
5. Darbhanga Medical College Hospital, Darbhanga.
6. Tuberculosis Centre, Patna.

IV. Gujarat

1. V.C. Nath T.B. Sanatorium Bharapur
2. K.J. Mehta T.B. Hospital, Amargarh (via Songadh).
3. Padmavati Sanatorium Baroda.
4. Salvation Army T.B. Hospital Anand, Dist., Kaira.
5. Shri A.V. Jasani T.B. Hospital, Kotharia.

V. Jammu and Kashmir

1. C.D. Hospital, Jammu
2. C.D. Hospital, Srinagar.

¹ Substituted vide Ministry's Notification No. H-110H/1/88-PE-I and published in the Gazette of India under GSR 75 (E) dated 17-02-93

VI. Kerala

1. Kerala Varma Sanatorium, Mulakunnathukavu.
2. T.B. Clinic and Demonstration Centre, Trivandrum.
3. T.B. Clinic attached to the District Hospital, Kottayam.
4. T.B. Clinic, Palluruthy.
5. Civil Hospital, Trichur.
6. Government Headquarters Hospital, Calicut.

VII. Karnataka

1. P.K. Sanatorium, Mysore.
2. S.D.S. Sanatorium, Bangalore.
3. Government Tuberculosis Sanatorium Bangalore.
4. Karnataka Health Institute Hospital and Sanatorium, Ghattaprabha (District Belgam).
5. Government Wellesley Tuberculosis Sanatorium, Bellard.

VIII. Madhyapradesh

1. Tuberculosis Clinic, Jabalpur.
2. Tuberculosis Sanatorium, Pendra Road.
3. T.B. Ward, J.A. Hospital, Gwalior.
4. T.B. Ward M.T. Hospital, Indore.
5. T.B. Sanatorium, Rao (Indore).

IX. Maharashtra

1. Bel-Air Sanatorium, Dalkeith, Panchangani.
2. Hillside Sanatorium, Vengurla
3. Wanless Tuberculosis Sanatorium, Wanleswadi, Satara Distt.
4. Group of Hospitals for Tuberculosis, Bombay.
5. Telegaon General Hospital & Convalescent Home, Telegaon Dadhade, District Poonaa.
6. Hospital for Diseases of the Chest, Camp Aundh, poona.
7. Maharashtra T.B. Sanatorium, Panchavati, Nasik.
8. Tuberculosis Clinic, Nagpur.
9. T.B. Wing of Evangeline Booth Hospital, Ahamednagar.
10. Tuberculosis Sanatorium, Buldana.

X. Orissa

1. T.B. Clinic and T. B. Ward attached to the S.C.S. Medical College Hospital, Cuttack.
2. T.B. Hospital, Uditnarayanpur (near Bhowanipatna).
3. Basant Manjari Swasthya Nibas, Chandpur.

XI. Punjab

1. Lady Irwin Sanatorium, Jubar.
2. King Edward Sanatorium, Dharampore.
3. Victoria Jubilee Hospital, Amristar.
4. R.B. Sir Gujarmal Kesra Dev Sanatorium, Amristar.
5. T.B. Clinic, Patiala.
6. Harding Sanatorium, Dharampore (Simla Hills).
7. Gulab Devi Tuberculosis Hospital, Jalandhar.

XII. Rajasthan

1. T.B. Sanatorium, Jaipur.
2. G. G. J. T. B. Hospital, Bikaner.
3. T.B. Clinic, Jodhpur.
4. M.G. Hospital, Jodhpur.
5. Madar Union Sanatorium, Madar.
6. P. M. B. General Hospital, Bikaner.

XIII. TamilNadu

1. Government Tuberculosis Institute, Madras.
2. Government General Hospital, Madras.
3. General Tuberculosis Sanatorium, Tambaram.
4. Santosham Chest Hospital, Egmore.
5. Coimbatore T.B. Sanatorium, Peelamedu P. O., Avanashi.
6. Govt. Headquarters Hospital, Coimbatore
7. Coimbatore District Jubilee Tuberculosis Sanatorium. Perundurai, Coimbatore District.
8. Government Headquarters Hospital, Tanjore.
9. Mahatma Gandhi Memorial Tuberculosis Sanatorium, Sengipatti (Tanjore District)
10. Government Headquarters Hospital, Tiruchirappalli.
11. Rajaji Tuberculosis Sanatorium, Tiruchirappalli.
12. Government Erskine Hospital, Madurai.
13. Tuberculosis Hospital Nagercoil.
14. Somanathapuram T.B. Sanatorium, Ramnad District.

XIV. Uttar Pradesh

- 1 K.E. VII Sanatorium, Bhowali.
2. King George Medical College Hospital, Lucknow.

3. Kasturba T. B. Clinic and Hospital Lucknow.
4. Central Chest Clinic, Kanpur.
5. T.B. Sanatorium Dakpathar, Dehra Dum Dist.
6. T.B. Clinic, Allahabad.
7. Brij Seva Samti T.B. Sanatorium, Vrindavan (Mathura).

XV. West Bengal

1. Jadabpur Tuberculosis Hospital, Jadabhur.
2. Kanchrapara Tuberculosis Hospital.
3. S.B. Dey Sanatorium, Kurseong.
4. T.B. Clinic attached to the Calcutta Medical College, Calcutta.
5. M.R. Bangur T.B. Sanatorium, Digri, Midnapur.
6. Medical Ward (T.B) attached to R.G. Kar Medical College Hospital, Calcutta.
7. Bhabendra Bala Debi Chest Clinic, Serampore.
8. Serampore T.B. Hospital Serampore.

XVI. Delhi

1. Silver Jubilee Tuberculosis Hospital, Delhi
2. Tuberculosis Clinic, Queens Road, Delhi.
3. New Delhi Tuberculosis Centre New Delhi.
4. Ramakrishna Mission Free Tuberculosis Clinic, Karol Bagh, New Delhi.
5. Lala Ram Sarup T.B. Hospital, Mehrauli, Delhi.

XVII. Himachal Pradesh

1. Himachal Pradesh Sanatorium, Mandhodhar near, Dearampore.
2. Government T. B. Clinic, Mandi.
3. T.B. Clinic, Chamba.
4. Simla Sanatorium and Hospital, Simla.
5. T.B. Sanatorium, Mandodhar.
6. King Edward T.B. Sanatorium, Dharampur (T.B. Association).
7. Lady Linlithgow Sanatorium, Kasamli.
8. T.B. Sanatorium, Jubben (Mission Private).

FOOT NOTE :- The principal regulations were published in the Official Gazette vide G.S.R. No. 217 dated 10-2-79 and subsequently amended vide.

1. G.S.R. No. 129 (E) dated 26-12-86
2. G.S.R. No. 75 (E) dated 17-02-93

THE COCHIN PORT TRUST EMPLOYEES (FAMILY WELFARE) REGULATIONS, 1980

1. Short Title and Commencement

- (i) These regulations may be called The Cochin Port Trust Employees (Family Welfare) Regulations 1980.
- (ii) They shall come into force on the date on which Central Government's approval thereto is published in the Official Gazette.

2. Application

These Regulations shall apply to all employees of the Board including 'B' Category Workers but shall not apply to those employees who are on deputation from other organisations in the service of the Board and those who are permanent employees of the Board and are on deputation for the time being to other organisations.

3. Object

The object of these Regulations is to ensure some immediate financial relief to the families of the employees who die while in service and who are medically incapacitated for further continuance in Trust's service, and also to provide some terminal benefits at the time of retirement.

4. Definition

In these Regulations, unless the context otherwise requires:-

- (a) 'Board' and "Chairman' shall have the meanings assigned to them under the Major Port Trusts Act, 1963.
- (b) 'Fund' means the Cochin Port Trust Family Security Fund.
- (c) 'Committee' means the committee constituted under regulation 6.
- (d) 'Employee' means an employee of the Board other than casual labour.

5. Constitution of the Fund

The Board shall constitute a Fund by contributions from the employees and the Board as under.

- (a) Every employee shall make monthly contribution of Rs. 10 to the Fund to be recovered from his monthly pay bill.
- (b) The Board shall make an annual contribution of Rs. 3 Lakhs to the Fund at such intervals as may be decided upon by the Chairman from time to time.
- (c) The interest accumulated thereon from time to time.
- (d) The Quantum of contribution by the Board and the employees will be subject to aliation by the Board in the light of the average annual number of casualties from time to time.

6. Administration of the Fund

- (a) A Committee consisting of three officers nominated by the Chairman shall administer the fund.
- (b) The accumulations in the Fund shall be invested by the committee in any of the nationalised banks and in the manner prescribed by the Board from time to time.

7. Advisory Committee

An Advisory committee consisting of three officers of the Management other than those nominated for administering the Fund and the Labour Trustees of the Board shall be constituted by the Chairman to advise him on the administration of the Regulations.

8. Quantum of Assistance

- (1) A lump sum payment as indicated below shall be made:
 - (a) to the nominee of every employee who dies while in service ¹Rs.15,000/-
 - (b) to the employee who becomes totally disabled for further employment due to accident while on duty making him lose 100% earning capacity as scheduled in the workmen's compensation Act- 1923 as amended from time to time.

Category	Amount
(i) In respect of an employee who is due to retire within 1 year from the date of his joining the Fund	Rs. 2,000/-
(ii) In respect of an employee who is due to retire after 1 year but not later than 2 years from the date of his joining the Fund.	Rs. 4,000/-
(iii) In respect of an employee who is due to retire after 2 years but not later than 3 years from the date of his joining the Fund	Rs.6,000/-
(iv) In respect of an employee who is due to retire after 3 years from the date of his joining the Fund	Rs. 10,000/-

Note: For this purpose Provident Fund nomination holds good in the absence of a nominee, the amount shall be paid to the person to whom the pensionary benefits are normally payable.

- (2) (a) An employee who superannuates or retires voluntarily or is retired compulsorily otherwise than as a measure of disciplinary action or invalidated from service during the periods specified below shall be entitled to a lump sum payment as indicated against each

¹ Substituted w. e. f. 5-12-86 vide Notification No. PW / PER - 15 / 85 dt. 5-12-86 published under G.S.R. No. 1260 (E)

Period	Amount
(i) Within 1 year from the date of his joining the Fund	Rs. 1,000/-
(ii) After 1 year but not later than 2 years from the date of this joining Fund	Rs. 2,000/-
(iii) After 2 years, but not later than 3 years from the date of his joining the Fund.	Rs. 3,000/-
(iv) After 3 years, from the date of his joining the Fund.	Rs. 5,000/-

(b) An employee who is compulsorily retired, discharged, dismissed or removed from service as a penalty or who resigns his post, shall be entitled to receive back the entire contribution made by him together with the same percentage of interest applicable to Provident Fund accounts computed at the end of every year or Rs.5,000/- whichever is less.

9. General

- (a) The payment from the Fund shall be in addition to the other terminal benefits and statutory payments if any, to which the family of the deceased or the medically incapacitated employee is entitled to.
- (b) The procedure for the payment shall be as laid down by the Chairman from time to time.
- (c) The contribution made by the employee to the Fund shall not be refunded except as provided for in sub-regulation (2) of Regulation 8.
- (d) The decision of the Chairman shall be final in respect of all matters connected with the Fund.

(Approved by the Government of India vide Ministry of Shipping & Transport (Ports Wing) Notification No. PW-PEX-36/79 dated 31-7-1981. Published under G.S.R. No. 769 in Part-II, Section 3, Sub Section (i) of the Gazette of India dated 15th August 1981 and effective from 15-8-1981)

COCHIN PORT TRUST EMPLOYEES (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1991

1. Short title and Commencement

These regulations may be called the "Cochin Port Trust Employees (Contributory outdoor and indoor and Medical Benefit after Retirement) Regulations, 1991".

2. Extent of Application

These regulations are applicable to -

- (i) Retired Cochin Port Trust employees and their spouses;
- (ii) Surviving spouses of the employees who die while in service;
- (iii) Surviving spouses of retired employees who die after retirement;
provided that.
 - a) the retired / deceased employees had completed 10 years continuous service:
 - b) they are not gainfully employed in the public or private undertakings and / or are covered by any medical benefit scheme of the Undertaking either for themselves or as dependents:
 - c) the surviving spouses are not re-married.

3. Definitions

- (a) "Retired Cochin Port Trust Employee" in relation to these Regulations means :-
 - (i) Employees of all Classes, viz. Class I, Class II, Class III and Class IV, who retired / retire from service, on attaining the age of superannuation under the service regulations applicable to them
 - (ii) Class I and Class II Officers who retire by giving the requisite notice or may be retired by giving the requisite notice or pay and allowances in lieu of such notice after attaining the age of fifty (50) years and all Class III and Class IV employees who retire by giving the requisite notice or are retired by giving the requisite notice or pay and allowances in lieu of such notice, after attaining the age of fifty five (55) years.
 - (iii) Employees irrespective of their class, who were medically invalidated after completion of fifteen years of continuous service.
- (b) "service" means regular service rendered under the Board.
- (c) ¹[Class I, Class II, Class III, and Class IV post shall have the meanings respectively assigned to them as under.

Class I posts i.e., posts carrying a scale of pay the maximum of which is Rs. 4,150 or more in terms of the present pay scales approved vide Ministry of Surface Transport's letter No. A 29018 / 2 / 87-PE-I dated 29-10-1991 and the corresponding figure as and when the scales of pay are revised.

¹ Substituted vide Ministry's Notification No. H-11011|3|92-PE-I and published in the Gazette of India vide GSR 940 (E) dated 22-12-1992

Class II posts i.e., posts carrying a scale of pay the maximum of which is less than Rs. 4,150 but not less than Rs. 2800 in terms of the present pay scales approved vide Ministry of Surface Transport's letter No. A 29018 / 2 / 87-PE-I dated 29-10-1991 and the corresponding figure as and when the scales of pay are revised.

Class III posts i.e., posts carrying a scale of pay the maximum of which is Rs. 1,580 or more but not more than Rs.2800 in terms of the present pay scales approved vide Ministry of Surface Transport's letter No. LB-12011 / 1 / 86 - R.O. (Vol.II) dated 3-8-1989 and the corresponding figure as and when the scales of pay are revised,

Class IV posts i.e., posts carrying a scale of pay the maximum of which is less than Rs. 1,580 in terms of the present pay scales approved vide Ministry of Surface Transport's letter No. LB-12011 / 1 / 86 - R.O. (Vol.II) dated 3-8-1989 and the corresponding figure as and when the scales of pay are revised.]

4. Object

These regulations are designed to extend restricted medical benefits, on the basis of contribution to retired employees, their spouses and the surviving spouses of the deceased employees who wish to avail themselves of the same.

¹ [Provided that no person who is covered by Medical Benefits Schemes like CS (MA) Rules, CGHS and ESI shall be allowed to enjoy the benefits under these Regulations.]

5. ²(a) Enrolment

The option to enrol as members for obtaining medical benefit under these regulations shall be exercised within a month of the date of retirement and in case of death while in service, within three months from the date of death. In the case of those who have already retired or died while in service after completion of 10 years of continuous service or medically invalidated from service after completion of 15 years of continuous service, such option shall be exercised by the retired employees and / or ¹[spouse] within three (3) months from the date of these Regulations come into effect.

³[(b) When the Chairman is satisfied with the reasons that the provisions regarding the time limit fixed to enrol as a member in the scheme could not be observed by the individual applicant, such application to condone the delay in submitting application in the prescribed time may be considered subject to the satisfaction of all other provisions in the Regulations.]

6. Contribution

Membership for availing medical benefits under these Regulations shall be purely on voluntary basis. Retired Employees / surviving spouses of the deceased employees who make the payment in cash by one-time lumpsum contribution set out below shall be eligible for availing medical benefits under these Regulations for themselves and / or their spouses for life time. The lumpsum contribution once paid shall not be refunded on any ground whatsoever.

¹ Substituted vide Ministry's Notification No. PR-12016 / 14 / 99 - PE - I and published in the Gazette of India under GSR 442 (E) dated 21-6-2001.

² Renumbered vide Ministry's Notification No. PR-12016 / 4 / 97 - PE - I and published in the Gazette of India under GSR 595 (E) dated 14-10-97

³ Inserted vide Ministry's Notification No. PR-12016 / 4 / 97 - PE - I and published in the Gazette of India under GSR 595 (E) dated 14-10-97

Class of Employees	Amount of lumpsum Contribution	
	For Outdoor treatment	For Outdoor & Indoor treatment
Class I	Rs. 600.00	Rs. 1200.00
Class II	Rs. 450.00	Rs. 900.00
Class III	Rs. 300.00	Rs.600.00
Class IV	Rs. 150.00	Rs.300.00

7. Procedure

- (a) The application in the prescribed Proforma - Annexure 'A' (attached) for availing the medical facilities under these Regulations shall be made to the Financial Adviser & Chief Accounts Officer along with a declaration in the Proforma 'B' (attached) The declaration shall be renewed every year on the 1st of April.
- (b) The Financial Adviser & Chief Accounts Officer Shall scrutinise the application with reference to the Pension Payment Order etc and then forward the same to the Chief Medical Officer. Before forwarding the application to the Chief Medical Officer, the Financial Adviser & Chief Accounts Officer shall make the following certificate on the application.
- "I have carefully verified the contents of the application with reference to the PPO and it is certified that the applicant is eligible for the benefit under the Cochin Port Trust Employees (Contributory Outdoor and Indoor Medical Benefit after Retirement) Regulations, 1991."
- (c) In case it is found that the applicant is not eligible for the benefits under these regulations, he/ she shall be informed of the fact in writing, by the Financial Adviser & Chief Accounts Officer ¹[within a period of 2 months of receipts of application.]
- (d) On receipt of the recommendations from the Financial Adviser & Chief Accounts Officer, the Chief Medical Officer shall issue to the retired / invalidated employee or spouse, as the case may be, an identity card in the prescribed Proforma 'C' (attached) on payment of a nominal fee of Rs. 2/- (Rupees two only) ¹[within a period of 2 months of the receipt of the recommendation from the Financial Adviser & Chief Accounts Officer]. The lumpsum Contribution shall also be payable alongwith cost of identity card. If the identity card is lost duplicate identity card shall be issued on payment of Rs. 4/- (Rupees four only).
- (e) If the retired employee or his / her spouse in the case of death of employee, is gainfully employed in public / private Undertaking and covered by any medical benefit scheme or on the death of the beneficiary under this Regulations, the fact shall be intimated to the Chief Medical Officer immediately in writing by the retired employee / spouse or the next kin of the deceased, as the case may be. On receipt of such information Chief Medical Officer shall take necessary action to cancel the identity card issued to him / her as the case may be,
- (f) A monthly return in respect of such identity cards issued / cancelled during the month, shall be sent to the Financial Adviser & Chief Accounts Officer on or before 10th of the succeeding month.
- (g) The cost of the identity cards, the lumpsum contribution and charges if any as per rules, shall be collected by the Chief Medical Officer and the amount remitted in the Accounts Department on the next working day. All receipts made by the Chief medical Officer shall

¹ Inserted vide Ministry's Notification No. PR-12016 / 14 / 99 - PE - I and published in the Gazette of India under GSR 442 (E) dated 21-6-2001

be entered in a register maintained for this purpose in the pension Section of the Accounts Department before and after making remittance in the cash Section.

- (h) The Financial Adviser & Chief Accounts Officer shall verify the register maintained by Chief Medical Officer in the succeeding month so as to tally the register maintained in the Accounts Department.
- (i) The income on this account shall be credited to General Ledger code No.401 and the expenditure to be debited to Cost Centre Code No. 629.
- (j) Quarterly Statements showing the financial effects shall be sent by the Chief Medical Officer to the Financial Adviser & Chief Accounts Officer by the tenth of the succeeding month.

8. Scope

On payment of contribution, the medical attention and treatment shall be made available to retired employees and their spouses in the same manner as is normally admissible to employees in service subject to the following conditions.

- a) Outdoor medical attendance and treatment includes such pathological, bacteriological, radio-logical (including taking of 'X' Ray Plates) or other methods of examination (including ECG and Ultrasound Scanning) as the Chief Medical Officer / Dy. Chief Medical Officer may consider necessary and to the extent that equipment and facilities are available at the outpatient department of the hospital.
- b) If, for any investigations, reference is required to an outside consultant, agency, hospital or a nursing home, the entire charges there for shall be borne by the beneficiary and paid directly to the outside consultant agency, hospital, nursing home, as the case may be.
- c) If, in the course of medical examination of a retired employee his / her spouse an emergency arises necessitating hospitalisation in the Cochin Port Trust Hospital such hospitalisation should be limited to the minimum period considered necessary by the Chief Medical Officer.
- d) Such medicines and injections as may be prescribed at the Cochin Port Trust Hospital shall be supplied without any charge if they are available from the stock of medicines and injections maintained at the Hospital, if any medicines and injections are not available at the Cochin Port Trust Hospital, the same shall be purchased by him / her at his / her own cost initially, and he / she will be reimbursed by the Accounts Department, the cost involved on production of the cash memo/receipted bill duly certified by the Dy. Chief Medical Officer / Chief Medical Officer.
- e) A maximum of ¹[4 (four)] beds at a time shall be reserved for retired employees and / or spouses and these beds will be allotted to retired employees and / or spouses in preference to serving employees and their dependents and not more than four retired employees/spouses shall be admitted as in-patients at a time.
- f) If all or any of the beds reserved for retired employees and/or spouses are not occupied, the unoccupied beds may be allotted to serving employees and their dependents.
- g) A serving employee and/or his dependent who is allotted a bed from out of the aforesaid ²[4] beds reserved for retired employees and/or spouses will not be discharged prematurely on the ground that an eligible retired employee and/or his spouse subsequently required admission.

¹ Substituted vide Ministry's Notification No. PR-12016 / 4 / 97 - PE - I and published in the Gazette of India under GSR 595 (E) dated 14-10-97

² Substituted vide Ministry's Notification No. PR-12016 / 14 / 99 - PE - I and published in the Gazette of India under GSR 442 (E) dated 21-6-2001

h) Ambulances service will not be available to retired employees/spouses.

9. Penalty

- (a) The renewal of the declaration referred to in Regulation 7 (a) of these Regulations is the sole responsibility of the beneficiary.
- (b) If a beneficiary who has enjoyed benefit under these Regulations under one-time lumpsum payment is subsequently found to be gainfully employed in the public / private Undertaking during the period in which he / she had availed the treatment, the cost of full medical treatment at outsider's rate with 5% penalty charges shall be levied, and collected from him / her and he / she shall forfeit the right to avail further benefit under these Regulations.

10. Miscellaneous

- (a) The Chief Medical Officer shall ensure that the medical facilities are extended only to the persons enumerated in the identity cards.
- (b) The Chief Medical Officer shall maintain a separate register in the form shown in Annexure 'D' (attached) showing therein the person/persons to whom the medical facilities are ex-tended under these Regulations and this register shall be made available for periodical inspection by the Financial Adviser & Chief Accounts Officer or by an Officer nominated by him.

11.¹ [Interpretation

If any question arises as to the interpretation of these Regulations, the same shall be decided by the Board]

¹ Substituted vide Ministry's Notification No. H-11012i3i93-PE-I and published in the Gazette of India under GSR 394 (E) dated 21-4-1994

(See Regulation 7)

COCHIN PORT TRUST

**Application Form for Availing the Medical Facilities under the Cochin Port Trust Employees
(Contributory Outdoor and Indoor Medical Benefit after Retirement) Regulations 1991.**

1. Name of the retired / deceased :
employees (in block letters)
2. (a) Designation & Class of post :
(b) Staff No. / PPO No. :
(c) Department from which retired :
3. Date
(i) Appointment :
(ii) Retirement :
(iii) Death :
4. Last pay drawn :
5. Name of surviving wife / husband :

Name	Relation	Date of Birth	Present Age
(i)			
(ii)			

6. Name of the applicant :
7. Permanent address :

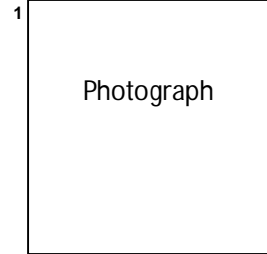
Place:

Date:

(Signature of the applicant)

ANNEXURE – ‘C’
(See Regulation 7)
COCHIN PORT TRUST
IDENTITY CARD

No:



1. Name of the retired / deceased employee :
2. Name of Surviving spouse :
3. Designation on the date of retirement / death with name of the department and Staff No. (if available) / P.P.O. No. :
4. Date of retirement / Death :
5. Last pay drawn :
6. Rate of contribution :
7. Marks of identification :
8. Particulars of Payment :
 - i)
 - ii)
 - iii)
9. Signature of Retired employee / applicant :
10. Signature of the Chief Medical Officer with Rubber Stamp :
11. Date :

¹ Inserted vide Ministry's Notification No. PR-12016 / 14 / 99 - PE - I and published in the Gazette of India under GSR 442 (E) dated 21-6-2001

ANNEXURE 'B'
(See Regulation 7)
COCHIN PORT TRUST

Declaration to be Filled by the Applicant

1. I, the undersigned..... P.P.O No. / Staff
No..... designation.....of Department
retired from the service of the Board with effect from.....do hereby declare
that
- (i) I am not employed in any public or private sector undertaking and I am / I am
not covered by any medical benefit scheme by such employer.
 - (ii) I am / I am not remarried
2. (In the case of those who are employed gainfully in Public or Private Sector
Undertaking)
I took up this job on..... and my term of appointment is for a
period from.....to..... I understand that I am not entitled to
free consultation, free medicine, free investigation from the Port's Hospital for
duration of this appointment as per the Cochin Port Trust Employees (Contributory
Outdoor and Indoor Medical Benefit After Retirement) Regulations, 1991.

Signature:

Identity:

Card No:

Place:

Date:

THE COCHIN PORT TRUST EMPLOYEES (EDUCATIONAL ASSISTANCE) REGULATIONS, 1993.

1. Short Title and Commencement

- (1) These Regulations may be called the Cochin Port Trust Employees (Educational Assistance) Regulations, 1993.
- (2) They shall come into force on the date on which Central Government's approval thereto is published in the Official Gazette.

2. Application

- (1) These Regulations shall apply to the employees of the Board including those on deputation to the Board but shall not apply to:-
 - (a) Persons in casual or daily rated or ad-hoc or part time employment;
 - (b) Persons employed on contract except where the contract provide otherwise, and
 - (c) Persons paid from contingencies.
- (2) These Regulations shall also apply to employees on deputation to other organisations or foreign service provided necessary provision in regard to the drawal of educational assistance under these Regulations from such organisations or foreign employees is expressly made in the terms of deputation or foreign service.

3. Definitions

In these Regulations, unless the context otherwise requires:-

- (a) "Child" means a child of an employee and includes a step-child and an adopted child, who is wholly dependent on the employee.
- (b) "Board", "Chairman", "Dy. Chairman" and "Head of Department" shall have the same meanings as assigned to them respectively in the Major Port Trust Act 1963.
- (c) "Employee" means an employee of the Board
- (d) "Higher Secondary or Senior Secondary Classes" means classes XI and XII and include classes upto the equivalent of XII: class under the 10+2+3 scheme like Pre-University class, or the first year class of an Intermediate College: a technical college, or a Polytechnic provided the child has passed the Secondary or equivalent but not the Higher Secondary Examination before joining such class.
- (e) "Primary Classes" means classes I to V but does not include kindergarten or nursery classes
- (f) "Recognised School" means a Govt. School or any educational institution whether in receipt of Govt. aid or not recognised by the Central or State Govt. or Union Territory Administration or by a University or a recognised educational authority having jurisdiction over the area where the institution is situated. For the purpose of these Regulations, education upto the senior level shall be treated as school education;
- (g) "Secondary classes" means classes VI to X
- (h) "Tuition Fee" means tuition fee payable and actually paid, and includes:-
 - (i) Science fee,

- (ii) Laboratory fee, in case science fee is not separately charged.
- (iii) Special fee charged for agriculture as an elective additional subject and,
- (iv) any fee charged for subjects like music which are taught as part of the regular school curricular subject requiring practical work under the programme of work experience.

Provided that if tuition fee charged from a Science student is higher than that charged from a non-science student, science fee, though separately charged, shall not be included in tuition fees for the purpose of these regulations.

Explanation: "Tuition fee" does not, however, include:-

- (i) Domestic Science fund charges,
- (ii) Library fee,
- (iii) Games fee,
- (iv) Admission fee and
- (v) Extra-curricular activity fee

GENERAL CONDITIONS

4. Eligibility

Subject to the provisions of Regulations 11 to 24, all employees without any pay limit shall be eligible to draw children's educational allowance, reimbursement of tuition fee and Hostel subsidy.

Provided that the assistance will be admissible only if the children of the employee study in a recognised School.

5. (1) In case both wife and husband are employees of the Board and are governed by the provisions of these Regulations, the children's educational allowance or reimbursement of tuition fee or hostel subsidy, as the case may be shall be admissible to one of them only.

(2) In case the wife or husband of an employee is employed outside the Board the employee shall be eligible to draw the allowance or reimbursement or subsidy under these Regulations, only if his / her spouse is not entitled to the benefit of any such allowance or reimbursement or subsidy from his / her employer and a declaration to that effect shall be obtained from the employee.

6. (1) The children's educational allowance or the reimbursement of tuition fees or hostel subsidy shall be admissible to an employee while he / she is on duty or is under suspension or is on leave (including extraordinary leave)

Provided that during any period which is treated as 'dies non' the employee shall not be eligible for the allowance reimbursement / subsidy for the period.

(2) If the employee ceases to be in service by reasons of retirement, resignation, discharge, dismissal or removal from service in the course of an academic year, the allowance of reimbursement of tuition fee or hostel subsidy shall be admissible till the end of the academic year in which the event takes place.

(3) If an employee dies while in service, the children's educational assistance or reimbursement of tuition fees or hostel subsidy shall be admissible in respect of his / her children subject to observances of other conditions of its grant provided the wife /

husband of the deceased is not employed in service of the Central Government, State Government, Autonomous Body, Public Sector Undertakings, Semi Govt Organisation such as Municipality, Port Trust Authority or any other organisation partly or fully funded by the Central Govt / State Governments.

(4) The provisions under sub regulation (3) of Regulation 6 shall not be applicable in cases covered by the provision of Ministry of personnel, Public Grievances & Pensions (Dept. of Pension and Pensioners' Welfare) O.M. No. 33 / 5 / 89-P & PW (K) dated 9-4-90, relating to liberalised pensionary awards.

Payment under these Regulations shall be made by the Office in which the employee worked prior to his retirement, resignation, death, as the case may be, and will be regulated under the procedure laid down in Regulations 25-27.

7. Children's educational allowance, reimbursement of tuition fee or hostel subsidy shall be admissible only in respect of children between the age limits of 5 and 20 years. An employee shall not be eligible to draw Children's educational allowance, reimbursement of tuition fee or hostel subsidy for a child for more than two academic years in the same class.

NOTE: Children's Educational Allowance, reimbursement of tuition fee and hostel subsidy shall be admissible in respect of the child upto the end of the academic session even if he completes 20 years half way during the academic session.

8. Assistance in these Regulations shall be admissible to the employee in respect of not more than three children at any time, born upto 31-12-1987 and shall be restricted to 2 children at any time, born thereafter.

Provided that where an employee claims children's Educational Assistance in respect of some of his children and Hostel Subsidy in respect of other children, the total number of children in respect of whom the allowance or subsidy is drawn shall not exceed three children born upto 31-12-1987 and two children born thereafter.

9. The children's educational allowance, reimbursement of tuition fee or hostel subsidy, as the case may be, shall be admissible to an employee in respect of a child, only if the child attends the school regularly.

Provided that no such allowance, reimbursement or subsidy shall be admissible in any case where the period of absence from the school without proper leave exceeds one month notwithstanding that the name of the child remains on the rolls of the school.

10. The children's educational allowance, reimbursement of tuition fee, or hostel subsidy, as the case may be, shall be admissible to an employee in respect of his children regardless of the fact that any scholarship is received provided that if freeship is awarded, reimbursement of tuition fee / hostel subsidy shall be admissible only to the extent of fees actually paid.

11. CHILDREN'S EDUCATIONAL ALLOWANCE

- (1) An employee is eligible to draw children's educational allowance when he is completed to send his child to a school away from the station at which he is posted and / or residing owing to the absence of a school of the requisite standard at that station.

(2) For the purpose of this Regulations, the following schools shall not be deemed to be schools of the requisite standard:-

- (a) In so far as an Anglo-Indian child is concerned, a school not run by the Anglo Indian Community or a school not affiliated to the Council for Indian School certificate Examination of the Indian Council of Secondary Education.
- (b) A school run by a body of certain religious persuasion which the child is prevented by the tenets of his religious persuasion from attending due to religious Instructions being compulsorily imparted in such a school; and
- (c) A school where teaching is conducted in a language different from the language of the child

Explanation 1 The language of the child will be the medium of instruction, in the school where the child was getting education earlier and the case of child admitted in a school for the first time the mother tongue of the child by birth or by adoption.

Explanation 2:- The admissibility of children's educational allowance will have to be determined with reference to the standard of the school, viz, primary, Secondary or higher Secondary or Senior Secondary and the medium of instruction and the language of the child and not to the absence of any particular subject in a particular institution.

- 12. The allowance shall be admissible to an employee at a station where there is no school of the requisite standard, only if the nearest school of such standard is so situated, that there is no convenient train or bus service to take the child from his residence near the time of the opening of the school and bring him back not too long after the school is closed for the day and the journey by such train bus service takes more than an hour.
- 13. If an employee is transferred from a station where there is no school, of the requisite standard to a station where there is such a school and if he was in receipt of the allowance at the former station in respect of any child, he shall remain eligible for such allowance until the close of the academic year of the school in which his child was studying at the time of his transfer provided the child continues to study for that period in that school.
- 14. If a child of an employee is denied admission to a school of the requisite standard at the station at which the employee is posted and or residing because of there being no vacancy or for any other reasons, and the child is compelled to attend a school away from the employee's place of posting and or residence, the employee shall be entitled to the allowance as if there were no school of the requisite standard at that station.

Explanation:- The availability of a vacancy in a school shall be determined with reference to the position existing at the time of the admission of the child in the school whether it be at the start or in the middle of the session, in consultation with competent educational authorities of the area and not on the basis of the certificate of the school authorities.

- 15. An employee in receipt of the allowance shall continue to be eligible to draw such allowance during any period not exceeding four months:-
 - (1) When he may go and stay with the child in respect of whom the allowance is drawn while on leave or during suspension or temporary transfer.
 - (2) When the child may come to live with the employee provided it is certified by a registered medical practitioner that the child is forced to remain away from studies due to illness; and

- (3) When the child may come to live with the employee during vacation provided the child continues to be on the rolls of the school.

16. The allowance shall be admissible to an employee at the following Rates

Primary, Secondary and Higher Secondary class ¹Rs.100/- per month per child.

- 17.** (1) The allowance shall be admissible to an employee throughout the year not withstanding that no tuition fee is paid during the vacation.
- (2) In the case of a child who is successful at the final Secondary / Higher Secondary / Senior Secondary Examination, the allowance shall be admissible to the employee up to the end of the month in which the examination is completed or up to the end of the month up to which the school fees are charged, whichever is later.
- (3) In the case of a child who fails in the final secondary, Higher Secondary, Senior Secondary Examination but resumes his studies, the allowance shall be admissible to the employee paid for the period of vacation intervening provided that fees are paid for the period of vacation.

18. REIMBURSEMENT OF TUITION FEE

An employee shall be eligible to the reimbursement of tuition fee payable and actually paid in respect of his child provided that no children's educational allowance under these Regulation is admissible to him.

- 19.** The tuition fee payable and actually paid by an employee in respect of his child may be reimbursed.

²Subject to the following limits :-

- (a) Class I to X Rs.40/- p.m. per child.
- (b) Class XI to XII Rs.50/- p.m. per child.
- (c) Class I to XII Rs.100/- p.m. per child in respect of physically handicapped and mentally retarded children.
- (d) Kendriya vidyalayas :

Classes	Tuition Fee
I to VIII	No tuition fee will be charged at present
IX	Rs. 40/-
X	Rs. 40/-
XI	Rs. 50/-
XII	Rs. 50/-

¹ Revised rates vide Ministry's letter No. IPA/BWNC/2000 dated 2-8-2000

² Revised rates vide Ministry's letter No. IPA/BWNC/2000 dated 2-8-2000

Note : "Science fee " upto the limit of Rs.10/- p.m. will be reimbursable in addition to the tuition fees in respect of Children studying in Classes XI to XII and offering science subjects.

20. (1) The reimbursement of tuition fee charged by a college run by a University or affiliated to a University for pre-University first year of an Intermediate College or of a Technical College or first year class of polytechnic or for a correspondence course shall however be reimbursed in full subject to their being restricted to the rates prescribed by Govt. college for corresponding classes.

(2) In cases where minimum qualifications for admission in the two years Diploma course in polytechnics is 10th class of the revised pattern of education and the student joins the Polytechnic after passing X class of the revised pattern of education the reimbursement of tuition fees shall also be allowed for the 1st and the 2nd year classes of the above course.

21. Notwithstanding anything to the contrary in these Regulations, tuition fees payable and paid in respect of a physically handicapped or a mentally retarded child of an employee shall be reimbursed subject to the following conditions:-

- (a) The Institution in which the child is studying is one which is recognised or approved or aided by the Central Govt. / State Government or Union Territory Administration.
- (b) The fee charged are approved by the Central Govt, or State Govt, or Union Territory Administration, as the case may be.

Explanation:- If the Institution is recognised or approved or aided but the fees charged are not approved by Central or State Govt. or Union Territory administration, the fee reimbursement shall be subject to a ceiling of Rs 50 p.m.

HOSTEL SUBSIDY

22. An employee shall be eligible to the grant of a subsidy at the rate of Rs. 150 p.m. per child if, because of his transfer he is obliged to keep his children in the hostel of a residential school away from the station at which he is posted and or is residing.

However, if the date of admission to the Hostel is earlier than the date of transfer and if such admission is made in anticipation of the transfer, the hostel subsidy may be made from the effective date of transfer.

23. The hostel subsidy shall be payable upto 10 plus 2 stage in States and Union Territories, where the pattern of 10 plus 2 plus 3 has been adopted and upto Higher Secondary and Senior Secondary stage in other States and Union Territories irrespective of the fact that the children study in a Kendriya Vidyalaya or any other recognised school.

24. The hostel subsidy shall not be admissible in respect of a child for whom Children's Educational Allowance is drawn by an employee.

**PROCEDURE FOR PAYMENT OF CHILDREN'S EDUCATIONAL ALLOWANCE.
REIMBURSEMENT OF TUITION FEES AND HOSTEL SUBSIDY**

25. An employee claiming children's educational Allowance, reimbursement of tuition fees and hostel subsidy shall furnish a certificate in the prescribed forms 1, 2, 3, & 4 as the case may be to the Head of Department at the time of preparing his initial claim and thereafter in the months of March and July every year. Where the employee is himself the Head of the Department he shall furnish the certificate to the next higher authority.

26. The Head of Department in regard to officers working in his Office and the next higher authority in regard to the Head of Department shall, after making such enquiry as may be considered necessary, issue a certificate indicating the amount of allowance admissible to the employee on the basis of which the allowance shall be drawn by the drawing and disbursing Officer.

Provided that in the case of Children's educational allowance it shall be permissible for the allowance being drawn on provisional basis pending verification as above, for short periods not exceeding three months subject to an undertaking being obtained from the employee that if, as a result of verification, it is established that a school of the requisite standards does exist at the station of posting or residence or near such station as referred to in Regulation 12, he shall refund the allowance paid to him.

Provided further that the Head of Department or the next higher authority, as the case may be, may at his discretion, make enquiry at periodic intervals regarding admissibility of assistance under these Regulations.

27. The drawing and disbursing officer shall certify on the pay bill that the certificates mentioned in Regulation 26 in respect of the employee covered by the pay bill have been obtained.

28. An employee transferred from one station to another shall furnish a fresh certificate at the new station in case he continues to be eligible to draw children's Educational Allowance or hostel subsidy.

29. ¹Interpretation

If any question arises as to the interpretation of these Regulations, the same will be decided by the Board.

¹ Substituted vide G.S.R. No. 564 (E) dated 26-7-95

FORM I**Reg. 25****CHILDREN'S EDUCATIONAL ALLOWANCE**

1. Certified that my child / children mentioned below in respect of whom children's Educational Allowance is claimed is / are wholly dependent upon me and I am compelled to send my child / children away from the place of my posting / residence of due to non-availability of the school of the requisite standard at the station of my posting / residence or due to non-availability of a vacancy in such a school at the station of my posting / residence.

Name of the child	Date of birth	School / college in which studying location thereof and residence of the child	The place where the employee is residing	Class in which the child is studying	Monthly educational allowance admissible	Amount of allowance claimed for the period from July 20 to Feb. 200 March 200 to June 200
1	2	3	4	5	6	7
1.						
2.						
3.						

2. Certified that my child / children in respect of whom children's Educational Allowance is claimed is / are studying in the schools mentioned in column 3 which is / are recognised school (s) (Not applicable to schools run by Central Govt. / State Govt. / Union Territory administration / Municipal Corporation / Municipal Committee / Panchayat Samiti / Zila Parishad).

3. **Certified that:**

- (i) my wife / husband is / is not an employee / a Central Govt. servant.
- (ii) my wife / husband is an employee / a Central Govt servant and that she / he will not claim children's Educational Allowance in respect of our child / children.
- (iii) my wife / husband is employed with * she / he is not entitled to Children's educational allowance in respect of our child / children.

4. Certified that during the period covered by the claim the child / children attended the school regularly and did not absent himself / herself / themselves from the school without proper leave for a period exceeding one month,
5. **Certified that:**
the child / children has / have been not studying in the same class for more than two academic years.
6. In the event of any change in the particulars given above which affect my eligibility for Children's Educational Allowance I undertake to intimate the same promptly and also to refund excess payments, if any made.

(Signature of the Employee)

Name in Block letters

Designation & Office

Date.....

Place of posting

(Strike out whatever is not applicable)

* Employer other than Port Trust / Central Govt. to be mentioned.

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[243]

FORM 2

REG. 25

REIMBURSEMENT OF TUITION FEE

1. Certified that child/children mentioned below in respect of whom reimbursement of tuition fee is claimed is/are wholly dependent upon me.

Name of the child	Date of birth	School in which studying	Class in which studying	Monthly tuition fee actually payable	Tuition fee actually paid from July 200... Feb 200.....March 200..... to June 200....	Amount of reimbursement claimed
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						

2. Certified that the tuition fee indicated against the child/each of the children had actually been paid by me (cash receipt/counterfoil of the Bank credit vouchers to be attached with the initial claim

(Contd.....)

3. Certified that:
 - (i) my wife / husband is / not an employee / a Central Govt. servant.
 - (ii) my wife / husband is an employee / a Central Govt servant but he / she will not claim reimbursement of tuition fees in respect of our child / children.
 - (iii) my wife / husband is employed with *..... she / he is / is not entitled to reimbursement of tuition fees in respect of our child / children.
4. Certified that during the period covered by this claim, the child / children attended the school (s) regularly and / did not absent himself / herself / themselves from the school (s) without proper leave for a period of exceeding one month.
5. Certified that the child / children has / have not been studying in the same class for more than two years.
6. Certified that I or my wife / husband have / has not claimed and will not claim the Children's Educational Allowance in respect of the children mentioned above.
7. Certified that my child / children in r/o whom reimbursement of tuition fee is claimed is / are studying in the schools which is / are recognised school (s) (Not applicable to schools run by Central Govt / State Govt / Union Territory Administration / Muncipal Corporation / Muncipal Committee Panchayat Samiti / Zila Parishad.)
8. In the event of any change in the particulars above which effect my eligibility for Reimbursement of Tuition Fees, I undertake to intimate the same promptly and also to refund excess payments, if any made.

(Signature of the Employee)

Name in Block letters

Designation & Office

Dated.....

(Strike out whatever is not applicable)

* Employer other than Port Trust / Central Govt. to be mentioned.

FORM 3

Reg. 25

HOSTEL SUBSIDY

1. Certified that my child Shri / Kumari..... is studying in (Name of school) was admitted to hostel of the School on 20.....
(Certified from the Head of the School attached)
2. Certified that
 - (a) My wife / husband is / is not in Board's / Govt. Service is / is not drawing Hostel subsidy in r / o my child / children.
 - (b) The total number of children in respect of whom the hostel subsidy and children's Educational Allowance have been claimed does not exceed two ,
3. I undertake to inform my employer forthwith in the event of my withdrawing the child from the period and also in the event of their being any change in the particulars mentioned earlier.

(Signature of the Employee)

Name in Block letters

Designation & Office

Dated.....

FORM 4

Reg. 25

HOSTEL SUBSIDY

.....(School)

(Name of the School and Place)

1. Name of boarder.....
2. Name of parent.....
3. Class to which admitted.....
4. Date of admission in the hostel.....
5. Period during the year for which the child would continue to stay in the hostel.

From

To

- (a)
- (b)
- (c)
- (d)

Dated.....Principal / Head Master / Head Mistress.

(Stamp of the School)

THE COCHIN PORT TRUST EMPLOYEES (HOUSE BUILDING ADVANCE) FAMILY BENEFIT FUND REGULATIONS, 1998

1. Short title and application

- (a) These Regulations may be called the 'Cochin Port Trust Employees' (House Building Advance) Family Benefit Fund Regulations, 1998.
- (b) These Regulations shall apply to those officers / employees of the Board who have already availed the House Building Advance from the Port Trust and are willing to join the scheme and those who avail H.B.A. after the commencement of the regulation.

2. Commencement

It shall take effect from the date of publication in the Gazette of India.

3. Definitions

In these Regulations, unless the context otherwise requires:

- (a) The "Act" means the Major Port Trusts Act, 1963.
- (b) "Board" and "Chairman" shall have the meanings assigned to them under the Major Port Trust Act, 1963.
- (c) "Employee" means Officer / Employee / Worker to whom the Regulations apply under 1 (b) above.
- (d) "Fund" means the Cochin Port Trust Employees House Building Advance Family Benefit Fund for meeting the undischarged liability towards H.B.A.
- (e) "Financial Adviser and Chief Accounts Officer", "Secretary" shall mean the Board's Financial Adviser and Chief Accounts officer and Secretary respectively.

4. Object

The object of the Regulations is to compensate from the fund the undischarged liability towards H.B.A. availed from the Board only including interest thereon in the case of an employee who dies in harness, while in Service, subject to the prevailing limits of financial assistances.

5. Constitution of the Fund

- (a) A Fund styled the "Cochin Port Trust Employees' (House Building Advance) Family Benefit Fund shall be constituted with the contribution made monthly by the employees of the Board who have already availed / avail the H.B.A. and with the contribution by the Board.
- (b) An account called the "Cochin Port Trust Employees" (House Building Advance) Family Benefit Fund shall be opened in the State Bank of India, W/Island.

6. Contribution to the Fund

- (a) Every employee to whom the Regulations apply shall make a non-refundable subscription of Rs.25/- (Rupees Twenty five only) per month and such subscription should continue to be paid by him / her till the date of his / her retirement on superannuation or otherwise or till repayment of the H.B.A. together with interest accrued thereon, whichever is earlier. In respect of future entrants subscription will commence from the pay of the month immediately following that in which the first installment of the H.B.A. is disbursed either for the outright purchase of the house or for the purchase of plot or for construction. If during any month, recovery of subscription could not be made for any reason, such dues will be recovered from the subsequent pay bill or any other settlement dues.
- (b) The Board shall make contribution of Rs. 12.50 (Rupees Twelve and paise fifty only) per mensem, per employee, at the beginning of each financial year on the basis of the number of employees covered by the provisions of the Regulations, the excess or short contribution by the Board for that financial year being made good at the time of the next payment of contribution.

7. Payment in the event of death while in service

In the case of an employee dying while in service, the amount due from him / her i. e. the principal and interest towards the repayment of the H. B. A due thereon upto the date of his / her death, up to an amount of Rs. 75,000/- in the initial years, shall be reimbursed to the Port Trust Board by meeting the same from the fund, provided the subscription to the Fund has been commenced and continued till the month of his death. However, in cases where the recovery of the employee's subscription could not be effected regularly from the employee's salary due to application of the provisions of the payment of Wages Act or due to the prolonged illness of the employee duly certified by the port Trust's Chief Medical officer or due to any other reason, excepting in cases where such lapses were committed willfully, the arrears of subscription shall be adjusted from any amount payable to the employee by the Trust. The balance amount, if any should be discharged by the nominee. The Board, when it deems appropriate shall enhance the limit of Rs. 75,000/- to a higher amount or shall remove the limit when it is convinced of the financial viability of the Scheme.

8. Administration of the Fund

- (a) The Fund shall be administered by a committee consisting of the Chairman, Financial Adviser and Chief Accounts Officer and the Secretary.
- (b) The fund shall be operated by the Financial Adviser and Chief Accounts Officer and Secretary, jointly or any other Officer not below the above rank, authorised by the Chairman, on his behalf.
- (c) The investment of the amount available in the fund shall be made by the Financial Adviser and Chief Accounts Officer in such a way as may be decided by the Chairman from time to time.
- (d) The committee shall, if it decides to be prudent, arrange for insurance of the enrolled members of the scheme against death arising out of accident for suitable insured amounts, paying the premium for the fund.
- (e) The claims for payment from the fund shall be processed by the Financial Adviser and Chief Accounts Officer and put up to the committee.

9. Accounts and Audit

The Financial Adviser and chief Accounts Officer shall arrange to maintain the necessary books of accounts and audit by one of the officers under his control in administering the Fund.

10. Interpretation

If any question arises relating to the interpretation of these Regulations, the same shall be referred to the Board.

Approved vide Ministry's F.No.PR-12016 / 28 / 98 -PE-S and published in the Gazette of India under GSR 657 (E) dated 5-11-98