

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 and 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.]

$$\text{Cash equivalent} = \frac{\text{Pay and fixed special Allowance admissible on the date of retirement plus dearness allowances admissible on the date}}{\text{Number of days of unutilised Earned Leave at credit on the date of retirement subject to a maximum 300 days.}} \times$$

30

- (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 extent 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 a 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 calender year, earned leave should be credited at the rate of 2 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 toduty 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 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.

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

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

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 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.

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

V. Jammu and Kashmir

1. C.D. Hospital, Jammu
2. C.D. Hospital, Srinagar.

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 Poona.
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