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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF TRANSPORT

(Transport Wing)

PORTS

NOTIFICATIONS

New Delhi, the 28th February 1964

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

[No. 19-PG(54)/81-Vol. V.]

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

1. **Short title and commencement.**—(1) These regulations may be called the Major Port Trusts (Adaptation of Rules) Regulations, 1964.

(2) They shall come into force on the 29th day of February, 1964.

2. **Application.**—They shall apply to the Port Trusts of Vishakhapatnam, Cochin and Kandla.

3. **Definitions.**—(a) "Act" means the Major Port Trusts Act, 1963;

(b) "appointed day" means the date on which the Act comes into force;

(c) "Board" shall have the meaning assigned to it in the Act;

(d) "existing rules and orders" means the rules and orders made under the various Acts and Rules in force prior to the appointed day in connection with the administration of the ports;

(e) "ports" means the ports of Vishakhapatnam, Cochin and Kandla;

4. **Existing Rules to continue.**—(1) As from the appointed day, existing rules and orders relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made thereunder and

until they are altered, repealed or amended by the Board, continue in force as if they were made by the Central Government under the Act, namely:—

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

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

6 **Period of notice.**—The period within which notice of loss or damage shall be given under sub-section (2) of section 43 of the Act shall be five days, in the case of Vishakhapatnam Port Trust, and four days, in the case of Cochin or Kandla Port Trusts, from the date of the receipt given for the goods under sub-section (2) of section 42 of the Act.

APPENDIX A

VISHAKHAPATNAM PORT

RECEIPT

Serial No. _____

Boat No. _____

Steamer _____

Name of Agents _____ Berth No. _____

Time and date commenced _____ hrs. mts. day month year

Time and date finished _____ hrs mts. day month year.

Marks	Description	Tally of Packages	Total Talled	Remarks
..

TOTAL

Signature of Port Tally Clerk.

APPENDIX B
PORT OF COCHIN
RECEIPT FOR IMPORT CARGO

No.....

Landing during the _____ day _____ of _____
from the Motor Ship _____ night _____ of M/s. _____ Agents by the
Steam _____

Port of Cochin the following goods, contents and state of contents unknown. Cargo handled by gang No. _____

Maistry _____ at 01, 02, 03, 04 B.T.P. Boating.

05, 06, 07, 08

Hatch No. _____ Crane

Derrick

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

Idling time _____ From H.M. to H.M.

Agent's Tally Clerk.

Port's Shed Clerk

Wharf Superintendent.

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

No.

Landing during the _____ day of _____
from the Motor Ship _____ of M/s _____ Agents _____
Steam _____

by the Port of Cochin the following goods, contents and state of contents unknown. Cargo handled by gang No _____

Maistry _____ at 01, 02, 03, 04 B.T.P. Boating.

05, 06, 07, 08

Hatch No. _____ Crane

Derrick

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

Idling time _____ From H.M. to H.M.

Agent's Tally Clerk

Port's Shed Clerk

Wharf Superintendent.

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

Landing during the _____ day of _____ 19 _____ from the Motor Ship _____

Steam

of M/s. _____ Agents
by the Port of Cochin the following goods, contents, and state of contents unknown Cargo
handled by gang No. _____ Maistry _____

at Q _____ Boating.

Hatch No. _____ Crane.

Derrick.

Marks	Description of packages	No. of pkgs. Packages unnumbered to be stroke tallied five in a division	Total	Weight Tonnes	Remarks
..

Idling time From H.M. to H.M.

Note.—The goods will remain in the Lock fast/in the Transit shed under the custody of the Steamer Agents from the time they are landed until clearance and the Port will not accept any responsibility for damages to or shortages in the contents.

Agent's Tally Clerk Port's Shed Clerk Wharf Superintendent.

APPENDIX C

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

Shed No. _____ Tally Clerk's name _____

PORT OF KANDLA

Book No. _____ No. _____ Traffic Department

Barge No. _____ Day/Night of _____

Tally Sheet Issued under IMPORT/EXPORT/SHIFTING

Tally of cargo EX S.S. PER M.V. _____ arrived on _____ Agent _____

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

By crane No. at Hatch No. _____ Time Commenced _____

Derrick _____ Time finished _____

CONTENTS AND STATE OF CONTENTS UNKNOWN

Marks	Description	Particulars of tally	Total

Received copy of tally sheet, Agent's Representative Port Tally Clerk Total _____

New Delhi, the 24th February 1964

G.S.R. 298.—In exercise of the powers conferred by section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (2) of the said section, namely:

RULES

1. **Short title and application.**—(1) These Rules may be called the Major Port Trusts (Procedure at Board Meetings) Rules, 1964.

(2) They shall, subject to the provisions of section 16 of the Act, apply to the business transacted at the meetings of the Port Trust Boards of Cochin, Kandla and Vishakhapatnam as and when each such Board is constituted.

2. **Definitions.**—Unless the context otherwise requires—

(a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963);

(b) words and expressions used in these Rules have the meanings assigned to them in the Act.

3. **Frequency of meetings.**—(1) A meeting of the Board shall be held at least once in every month.

(2) The Board shall from time to time determine the place, date and time of its meeting.

4. **Calling of special meetings.**—The Chairman may, whenever he thinks fit, and shall upon the written request of not less than three Trustees, call a special meeting.

5. **Circulation of agenda papers.**—The papers connected with the agenda relating to any meeting of the Board, except a special meeting, shall be circulated to the members at least three days before the date of the meeting. In the case of a special meeting such papers shall be circulated at least one day before the date of the meeting.

6. **Discussion of items not included in the agenda.**—The Chairman may, at his discretion, include for discussion at any of the meetings of the Board, including a special meeting, any item not included in the agenda if the same is, in his opinion, of sufficient importance and urgency and cannot be held over for the consideration of the Board at any subsequent meeting.

7. **Poll.**—If a poll is demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting.

8. **Minutes of the meeting.**—(1) Minutes of the proceedings at each meeting of the Board shall be recorded in a book to be provided by the Board for this purpose, which shall be signed as soon as practicable by the President of such meeting and shall be open to inspection by any Trustee during office hours and the said minutes, excepting such portion thereof as the Chairman may direct in any particular case, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may be fixed by the Board from time to time.

(2) The names of the Trustees present at each meeting shall be recorded in the Minutes Book.

9. **Adjournment of meetings.**—The President of a meeting may, with its consent, adjourn it to a later date which shall either be announced at the meeting or communicated to the members at least three days before the date of the meeting.

[No. F. 19-PG(5)/63-Pt.I.]

G.S.R. 299.—In exercise of the powers conferred by section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (2) of the said section, namely:

RULES

1. **Short title and application.**—(1) These Rules may be called the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1964.

(2) They shall, subject to the provisions of section 18 of the Act, apply to the Port Trust Boards of Cochin, Kandla and Vishakhapatnam as and when each such Board is constituted.

2. **Definition.**—Unless the context otherwise requires—

(a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963);

(b) words and expressions used in these Rules have the meanings assigned to them in the Act.

3. **Fees payable.**—(1) Every member of the Port Trust Boards of Cochin, Kandla and Vishakhapatnam, other than the Chairman, Deputy Chairman or any other Trustee who is a servant of the Central or the State Government, shall be entitled to a fee of rupees fifteen for attendance at each ordinary or special meeting of the Board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof:

Provided that the aggregate amount of fees payable to any Trustee in respect of the meetings held during any calendar month shall not in any case exceed rupees one hundred.

(2) No fee shall be payable to a Trustee who attends the meeting of any committee appointed by the Board under sub-section (1) of section 17 of the Act.

4. **Payment of travelling allowances.**—(1) All outstation Trustees attending any meeting of the Board or of any of its committees shall, in addition to such fee as is payable under rule 3, be entitled to receive travelling allowances on the scale applicable to the highest class of officers of the Central Government but shall not be entitled to receive any daily allowance.

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

[No. F. 19-PG(5)/63.]

G.S.R. 300.—In exercise of the powers conferred under section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and Commencement.**—(1) These regulations may be called the **Kandla Port Employees (Allotment of Residence) Regulations, 1964.**

(2) They shall come into force on the 29th February 1964.

2. **Application.**—These regulations shall apply to the allotment of residences to all persons who are employed in the service of the Board, hereinafter referred to as employees.

3. **Interpretation.**—In these regulations, unless the context otherwise requires,—

(a) "allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these regulations;

(b) "allotment year" means the year beginning on 1st January or such other period as may be notified by the Board;

(c) "Board", "Chairman" "Deputy Chairman," "Head of Department" shall have the meaning assigned to them in the Major Port Trusts Act, 1963;

(d) "eligible office" means an office under the Board which has been declared by the Board as eligible for accommodation under these regulations;

(e) "emoluments" means the emoluments as defined in Fundamental Rule 45-C but does not include compensatory allowance:

Provided that in the case of an employee who is under suspension the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that date shall be taken as his emoluments;

(f) "Estate Manager" means the Estate Manager appointed by the Board and includes an Additional, Deputy and Assistant Estate Manager;

(g) "family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employee;

(h) "Government" means the Central Government;

(i) "port" means the port of Kandla;

(j) "priority date" of an employee in relation to a type of residence to which he is eligible under regulation 6 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Board except for periods of leave;

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

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

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

(k) "rent" means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these regulations;

(l) "residence" means any residence for the time being under the administrative control of the Estate Manager or any other officer appointed for the purpose;

(m) sub-letting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;

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

(n) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;

(o) "transfer" means a transfer from the service of the Board to any other post;

(p) "type" in relation to an employee means the type of residence to which he is eligible under regulation 6.

4. Ineligibility of Officers owning Houses for Allotment under these Regulations.—

(1) No employee shall be eligible for allotment of the Board's accommodation under these regulations or if he is already in occupation of such accommodation, to its continued retention if—

(a) he owns, or has, since the allotment of the Board's accommodation, become the owner in full or in part whether in his own name or in the name of any other person, of a house which is located within eight miles of the place of his duty and in which he can, in the opinion of the Board, reside consistently with his position as an employee of the Board; or

(b) his wife or any dependent child owns, or has, since the allotment of the Board's accommodation, become the owner, in full or in part, of a house which is located within eight miles of the place of his duty and in which he can, in the opinion of the Board, reside consistently with his position as an employee of the Board; or

(c) his father, mother or any other dependent relation owns, or has, since the allotment of the Board's accommodation, become the owner of, a house which is located within eight miles of the place of his duty and in which he can, in the opinion of the Board, reside consistently with his position as an employee of the Board and without undue inconvenience either to himself or to the owner thereof.

(2) Any employee who on any date (hereafter in these regulations referred to as the relevant date) subsequent to the date of his making application for allotment of the Board's accommodation becomes ineligible for such allotment under clause (a) or clause (b) or clause (c) of sub-regulation (1), shall notify the fact to the Estate Manager or the officer appointed by the Board for this purpose, within a period of 7 days of the relevant date. In the event of the employee's failure to so notify him, the Estate Manager or the officer appointed by the Board for this purpose, may reject the application for allotment or, if an allotment has already been sanctioned, cancel such allotment with effect from the relevant date and require the employee to vacate the Board's accommodation forthwith.

(3) Notwithstanding anything contained in sub-regulations (1) and (2), the Board may allot or re-allot accommodation to an employee if:—

(a) the house owned by him, his wife, any dependent child or by his father, mother or any other dependent relation, has been requisitioned by Government; or

(b) it is proved to the satisfaction of the Board that such house was given out on lease;

(i) before the posting of the employee for service under the Board, or

(ii) before the acquisition of such house by him, his wife, any dependent child, or by his father, mother or any other dependent relation, and the Board is satisfied that it is not possible for the lessor for reasons beyond his control to obtain vacant possession of the house.

(4) Where Board's accommodation has been allotted or re-allotted to an employee under sub-regulation (3), the employee shall be liable, with effect from the

date specified in the year of allotment or re-allotment, to pay standard rent under Fundamental Rule 45-B or standard rent under Fundamental Rule 45-A plus 33 1/3 per cent. thereof or pooled standard rent under Fundamental Rule 45-A plus 33 1/3 per cent. thereof where the rents have been pooled or 10 per cent. of his emoluments, whichever is highest, for so long as he or his wife or any dependent child or his father or mother or any other dependent relation, as the case may be, is unable to obtain vacant possession of the house.

(5) If at any time it appears to the Board that no efforts have been made to obtain vacant possession of the house, it shall be open to the Board to give suitable directions as to the steps to be taken to obtain vacant possession of the house and if such directions are not complied with, to cancel the allotment and to require the allottee to vacate the Board's accommodation forthwith, or to charge rent for the Board's accommodation under the Government of India decision (2) below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where rents have been pooled or 15 per cent. of his emoluments, whichever is the highest.

(6) The allotment of an employee to whom the provisions of clauses (a) or (b) or (c) of sub-regulation (1) apply shall be cancelled with effect from the date specified in the order of cancellation. It shall, however, be open to the Board to allot or re-allot accommodation to the employee on payment of rent under Government of India decision (2) below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where the rents have been pooled or 15 per cent. of his emoluments, whichever is the highest.

5. Allotment to Husband and Wife: Eligibility in cases of Officers who are married to each other.—(1) No employee shall be allotted a residence under these regulations if the wife or the husband, as the case may be, of the employee has already been allotted a residence unless such residence is surrendered:

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

(2) Where two employees in occupation of separate residences allotted under these regulations marry each other, they shall, within one month of the marriage, surrender one of the residences.

(3) If a residence is not surrendered as required by clause (2) above, the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of such one of them as the Estate Manager or the officer appointed for the purpose by the Board may decide shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed under the Board, the title of each of them to allotment of a residence under these regulations shall be considered independently.

6. Classification of Residences.—Save as otherwise provided by these regulations, an employee shall be eligible for allotment of a residence of the type shown in the table below:

TABLE

Type of residence	Category of officer or his monthly emoluments as on the first day of the allotment year in which the allotment is made
I	Less than Rs. 110/-.
II	Less than Rs. 250/- but not less than Rs. 110/-.
III	Less than Rs. 500/- but not less than Rs. 250/-.

Type of residence	Category of officer or his monthly emoluments as on the first day of the allotment year in which the allotment is made
IV	Less than Rs. 950/- but not less than Rs. 500/-.
V	Less than Rs. 1,500 but not less than Rs. 950/-.
VI	Above Rs. 1,500/-.

7. Application for Allotment.—(1) An employee who seeks allotment of residence or the continuance of allotment of a residence which has been allotted to him, may apply at any time, and shall if directed to do so, to the Estate Manager or the officer appointed by the Board for this purpose in such form and in such manner and by such date as may be prescribed by the Estate Manager or the officer appointed by the Board for the purpose.

(2) All applications received otherwise than in pursuance of a direction issued under clause (1), shall be considered for allotment in the succeeding month if such application has been received before the 20th day of a calendar month.

8. Allotment of Residences and Offers.—(1) Save as provided in these regulations, a residence, on falling vacant will be allotted by Estate Manager or the officer appointed by the Board for this purpose to an applicant having the earliest priority date for that type of residence subject to the following conditions:—

- (i) The Estate Manager or the officer appointed for this purpose by the Board shall not allot a residence of a type higher than that to what the applicant is eligible under regulation 6.
- (ii) The Estate Manager or the officer appointed for this purpose by the Board shall not compel any applicant to accept a residence of a lower type than that to what he is eligible under regulation 6.
- (iii) The Estate Manager or the officer appointed for this purpose by the Board, on request from an applicant for allotment of a lower category of residence might allot to him a residence next below the type for which the applicant is eligible under regulation 6 on the basis of his priority date for the same.

(2) The Estate Manager or the officer appointed for this purpose by the Board may cancel the existing allotment of an employee and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the employee if the residence in occupation of the officer is required to be taken.

(3) A vacant residence may, in addition to allotment to an employee under clause (1) above, be offered simultaneously to other eligible employees in order of their priority dates.

9. Maintenance of separate Pools for certain categories of employees.—(1) Notwithstanding anything contained in these regulations, the following pools shall be maintained, namely:—

- (i) Residence for the Chairman.
- (ii) Pool of residences for Deputy Chairman, if any, and Heads of Departments.
- (iii) Lady Employees, Pool for lady employees except for those who are married and whose husbands are eligible for allotment under these regulations.

(2) The number and the type of residences to be placed in these pools shall be determined by the Board from time to time.

(3) *Inter se* seniority of the employees eligible for allotment of residences under these regulations shall be determined in accordance with the dates of their appointment to the posts which entitle them for consideration of allotment of residences included in the pool.

10. Out-of-turn Allotments.—(1) Notwithstanding the provisions of regulation 6 allotment of a residence may be made by the Estate Manager or the officer appointed for this purpose by the Board on out-of-turn basis to an employee on grounds of serious illness of self or a member of his family in consultation, if considered necessary, with the prescribed medical authority. All cases for out-of-turn allotment shall be subject to the approval of the Board in respect of employees eligible for accommodation of type V or type VI and of the Chairman in all other cases. The priority for allotment in such cases will be the date on which the application of the employee for out-of-turn allotment is received by the Estate Manager or the officer appointed for this purpose by the Board.

(2) The Board, in respect of type V and type VI accommodation and the Chairman, in respect of all other cases, may allot a residence out-of-turn in special cases considering the nature of duties, condition of deputation, etc.

11. Non-acceptance of Allotment or offer or failure to accept the allotted residence after acceptance.—(1) If an employee fails to accept the allotment of a residence within 5 days or fails to take possession of that residence after acceptance within 8 days from the date of receipt of the letter of allotment, he shall not be eligible for another allotment for a period of one year from the date of the allotment letter.

(2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under regulation 6 or the immediately lower type, he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the previously allotted residence on the following conditions, namely:—

- (a) that such an employee shall not be eligible for another allotment for a period of six months from the date of allotment letter for the higher class of accommodation;
- (b) while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of the residence already in his occupation, whichever is higher.

12. Period for which allotment subsists and the Concessional period for further Retention.—(1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until,

- (a) the expiry of the concessional period permissible under sub-regulation (2) below after the employee ceases to be on duty in an eligible office under the Board;
- (b) it is cancelled by the Estate Manager or the officer appointed for this purpose by the Board or is deemed to have been cancelled under any provisions in these regulations;
- (c) it is surrendered by the employee, or
- (d) the employee ceases to occupy the residence.

(2) A residence allotted to an employee may, subject to sub-regulation (3), be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof, provided that the residence is required for the *bona fide* use of the employee or members of his family.

TABLE

Events	Permissible period for retention of the residence
(i) Resignation, dismissal removal or termination of service.	1 month.
(ii) Retirement or terminal leave.	2 months.
(iii) Death of the allottee.	4 months.
(iv) Transfer to a place outside the port.	2 months.
(v) On proceeding on foreign service in India.	2 months.
(vi) Temporary transfer in India or deputation to a place outside India.	4 months.

<i>Events</i>	<i>Permissible period for retention of the residence</i>
(vii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave or Study leave).	For the period of leave but not exceeding 4 months.
(viii) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86.	For the full period of leave on full average pay subject to a maximum of 4 months inclusive of the period permissible in the case of retirement.
(ix) Study leave or deputation outside India.	For the period of leave but not exceeding 6 months.
(x) Study leave in India.	For the period of leave but not exceeding 6 months.
(xi) Leave on medical grounds (other than T.B. leave).	For the period of leave but not exceeding 8 months.
(xii) Medical leave on grounds of T.B.	For the full period of leave.
(xiii) On proceeding on training.	For the full period of training.

Explanation.—The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave, if any, sanctioned to and availed of by the employee before joining duty at the new office.

(3) Where a residence is retained under sub-regulation (2) above, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty in an eligible office under the Board.

(4) An employee who has retained the residence by virtue of the concession under item (i) or Item (ii) of the Table below sub-regulation (2) shall, on re-employment in an eligible office under the Board within the period specified in the said Table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence:

Provided that if the emoluments of the employee on such re-employment do not entitle him to the type of residence occupied by him, he shall be allowed a lower type of residence on the occurrence of a vacancy.

13. Provisions relating to rent.—(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment, whichever is earlier.

(2) An employee who, after acceptance, fails to take possession of that accommodation within 8 days from the date of receipt of the allotment letter, shall be charged rent from such date up to a period of one month or up to the date of re-allotment of that particular accommodation which is earlier.

(3) Where an employee, who is in occupation of a residence is allotted another residence and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the date of occupation of the new residence. He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.

14. Personal liability of the Employee for payment of rent till the Residence is vacated and furnishing of surety by temporary Employees.—(1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services provided therein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment

has been cancelled under any of the provisions in these regulations, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Board.

(2) Where the employee to whom a residence has been allotted is neither a permanent nor a quasi-permanent employee of the Board, he shall execute a security bond in the form prescribed in this behalf by the Board with a surety, who shall be a permanent employee of the Board, for due payment of rent and other charges due from him in respect of such residence and services and any other residence provided in lieu.

(3) If the surety ceases to be in the service of the Board or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the employee shall furnish a fresh bond executed by another surety, and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the Chairman or the Board, as the case may be, be deemed to have been cancelled with effect from the date of that event.

(4) Without prejudice to any action that may be taken under section 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963), an employee shall also render himself liable to disciplinary action and to such punishment as may be decided upon by the Board in the case of any breach of this regulation.

15. Surrender of an allotment and period of notice.—An employee may at any time surrender an allotment by giving intimation so as to reach the Estate Manager or the officer appointed for this purpose by the Board at least 10 days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the 11th day after the day on which the letter is received by the Estate Manager or the officer appointed for this purpose by the Board or the date specified in the letter, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for 10 days or the number of days by which the notice given by him falls short of 10 days, provided that the Estate Manager or the officer appointed for this purpose by the Board may accept a notice for a shorter period.

16. Change of Residence.—(1) An employee to whom a residence has been allotted under these regulations may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of one type of residence allotted to the employee.

(2) Changes shall be offered in the order of receipt of applications for the same in the office of the Estate Manager or the officer appointed for this purpose by the Board.

(3) If an employee fails to accept a change of residence offered to him within 5 days of the receipt of such offer for allotment, he shall not be considered again for a change of allotment of that type.

17. Change of residence in the event of death of a member of the family.—An employee may be allowed a change of residence on the death of any member of his family if he applies for a change within three months of such occurrence, provided that the change will be given in the same type of residence as already allotted to the employee.

18. Mutual exchange of residence.—Employees to whom residence of the same type have been allotted under these regulations may apply for permission to mutually exchange their residences. Permission for mutual exchanges may be granted if both the employees are reasonably expected to be on duty under the Board and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

19. Maintenance of residence.—The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Board. Such employees shall not grow any tree, shrubs or plants contrary to the instructions issued by the Estate Manager or the officer appointed for this purpose by the Board nor cut or lop off any existing tree or shrub in any garden, courtyard or compound attached to the residence save with the prior permission in writing of the Estate Manager or the officer appointed for this purpose by the Board. Trees, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the Estate Manager or the officer appointed for this purpose by the Board at the risk and cost of the employee concerned.

20. Subletting and sharing of residences.—(1) No employee shall share the residence allotted to him or any of the out-houses, garages and stables appurtenant thereto except with the employees of the Board eligible for allotment of residences under these regulations. The servants' quarters, out-houses, garages and stables may be used only for the *bona fide* purposes, including residence of the servants of the allottee, or for such other purposes as may be permitted by the Board.

(2) No employee shall sublet the whole of his residence:

Provided that an employee proceeding on leave may accommodate in the residence any other employee eligible for allotment of the Board's accommodation, as a caretaker, for a period not exceeding six months with the permission of the Board.

(3) Any employee who shares or sublets his residence shall do so at his own risk and responsibility and shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by the Board beyond fair wear and tear.

21. Consequences of breach of rules of conditions.—(1) Without prejudice to any action that may be taken under sections 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963), the following penalties may, in addition, for good and sufficient reasons, be imposed by the Board:

If an employee to whom a residence has been allotted unauthorisedly sublets the residence or charges from the sharer at a rate which the Estate Manager or the officer appointed for this purpose by the Board considers excessive, or erects any unauthorised structure in any part of the residence, or uses the residence or any portion thereof for any purposes other than that for which it is meant, or tampers with the electric or water connection, or commits any other breach of the regulations, or the terms and conditions of the allotment, or uses the residence or premises or permits or offers the residence or premises to be used for any purpose which the Estate Manager or the officer appointed for this purpose by the Board considers to be improper, or conducts himself in a manner which, in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbours, or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the Estate Manager or the officer appointed for this purpose by the Board may cancel the allotment of the residence.

Explanation.—In this clause, the expression "employee" includes, unless the context otherwise requires, a member of his family and any person claiming through the employee.

(2) If the employee has in any application or statement suppressed any material fact, the Estate Manager or the officer appointed for this purpose by the Board may cancel the allotment with effect from the date he became ineligible for allotment of the Board's accommodation.

(3) If an employee sublets a residence allotted to him or any portion thereof or any of the outhouses, garages or stables appurtenant thereto, in contravention of these regulations, he may, without prejudice to any other action that may be taken against him, be charged enhanced rent not exceeding 4 times the standard rent under Fundamental Rule 45-A. The quantum of rent to be recovered and the period for which the same may be recovered in each case will be decided by the Chairman/Board, as the case may be, on merits. In addition the employee may be debarred from sharing the residence for a specified period in future as may be decided by the Chairman or the Board, as the case may be.

(4) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee a period of sixty days shall be allowed to the allottee and any other person residing with him therein to vacate that premises. The allotment shall be cancelled with effect from the date the vacation of the premises or expiry of the period of sixty days from the date of the orders for the cancellation of the allotment, whichever is earlier.

(5) Where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the employee at the discretion of Chairman or the Board, as the case may be, may be allotted another residence in the same class at any other place.

(6) The Estate Manager or the officer appointed for this purpose by the Board shall be competent to take all or any of the actions under sub-regulations (1) to (5) of this regulation and also to declare the employec, who commits a breach of these regulations and instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years. Where the case relates to a Class I employee, the approval of the Board should be taken.

22. Overstayal in residence after cancellation of allotment.—Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or of any person claiming through him, such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the Board from time to time.

Provided that an employee, in special cases, may be allowed by the Estate Manager or the officer appointed for this purpose by the Board, to retain a residence on payment of twice the standard rent under Fundamental Rule 45-A, or twice the pooled standard rent under Fundamental Rules 45-A whichever is higher, for a period not exceeding six months.

23. Continuance of allotments made prior to the issue of these regulations.—Any valid allotment of residence which is subsisting immediately before the commencement of these regulations under the rules then in force shall be deemed to be an allotment duly made under these regulations notwithstanding that the employee to whom it has been made is not entitled to a residence of that type under regulation 6 and all the preceding provisions of these regulations shall apply in relation to that allotment and that employee accordingly.

24. Interpretation of regulations.—If any question arises as to the interpretation of these regulations, the same shall be decided by the Board.

25. Relaxation of regulations.—The Chairman or the Board, as the case may be, may for reasons to be recorded in writing relax all or any of the provisions of the regulations in the case of any employee or residence or class of employees or type of residences.

26. Delegation of power of functions.—The Chairman or the Board may delegate any or all the powers conferred upon him or it by these regulations to an officer under his or its control subject to such conditions as he or it may deem fit to impose.

[No. F.19-PG(136)/63].

G.S.R. 301.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short title, commencement and application.—(1) These regulations may be called the Kandla Port Employees (Temporary Service) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under that Board. These regulations shall not, however, apply to:—

- (i) employees engaged on contract;
- (ii) employees not in whole-time employment;
- (iii) employecs paid out of contingencies;
- (iv) persons employed in extra-temporary establishments, if any, or in work charged establishments;
- (v) such other categories of employees as may be specified by the Board.

2. Definitions.—In these Regulations, unless the context otherwise requires;—

- (i) "Appointing authority" means the authority empowered to make appointment to the post under the Kandla Port Employees (Classification, Control and Appeal) Regulations, 1964;
- (ii) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department'

shall have the same meanings assigned to them in the Major Port Trusts Act, 1963;

- (iii) "employee" means an employee of the Board;
- (iv) 'quasi-permanent service' means temporary service commencing from the date on which a declaration issued under Regulation 3 takes effect and consisting of periods of duty and leave (other than extraordinary leave) after that date;
- (v) 'specified post' means the particular post, or the particular grade of posts within a cadre, in respect of which an employee is declared to be quasi-permanent under Regulations 3;
- (vi) 'temporary service' means officiating service in a temporary or in a permanent post under the Board;
- (vii) 'service' under the Board means temporary service under the Board.

3. Counting of service.—An employee shall be deemed to be in quasi-permanent service:—

- (i) if he has been in continuous service of the Board for more than three years; and
- (ii) if the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character, for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Board may issue from time to time.

Explanation.—For the purpose of computing service for quasi-permanency, service rendered in the port prior to the commencement of these regulations shall also be counted.

4. Issue of quasi-permanent certificate.—A declaration issued under Regulation 3 shall specify the particular post or the particular grade of posts within a cadre, in respect of which it is issued, and the date from which it takes effect.

5. Termination of services of employees not in quasi-permanent service.—(a) The service of a temporary employee, who is not in quasi-permanent service, shall be liable to termination at any time by notice in writing given either by the employee to the appointing authority, or by the appointing authority to the employee.

(b) The period of such notice shall be one month unless otherwise agreed to by the appointing authority and by the employee:

Provided that the service of any such employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice, or as the case may be, for the period by which such notice falls short of one month or any agreed longer period:

Provided further that the Compensatory (City) and House Rent allowances, where admissible, shall be payable on the expiry of the notice period and after it is certified by the Chairman that the employee continued to reside during the period of notice at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at the same station,

6. (1) Where a notice is given by the appointing authority terminating the service of the temporary employee or where the service of any such employee is terminated either on the expiry of the period of such notice or forthwith by the payment of pay plus allowances, the Board or any other authority specified by the Board in this behalf may, of its own motion or otherwise, reopen the case and after calling for the record of the case and after making such enquiry as it deems fit, may:—

- (a) confirm the action taken by the appointing authority; or
- (b) withdraw the notice; or

- (c) reinstate the employce in service; or
- (d) make such other order in the case as it may consider proper;

provided that no case shall be re-opened under this sub-clause after the expiry of three months—

- (i) in a case where notice is given, from the date of notice;
- (ii) in a case where no notice is given, from the date of termination of service.

(2) Where an employee is re-instated in service under sub-clause (1), the order of re-instatement shall specify:—

- (a) the amount or proportion of pay and allowances, if any, to be paid to the employce for the period of his absence between the date of termination of service and the date of reinstatement; and
- (b) whether the said period shall be treated as period spent on duty for any specified purposes.

7. Termination of service of quasi-permanent employees.—(1) The service of an employee in quasi-permanent service shall be liable to termination:—

- (i) in the same circumstances and in the same manner as that of an employee in permanent service, or
- (ii) when the appointing authority concerned has certified that a reduction has occurred in the number of posts available for employees not in permanent service:

Provided that the service of an employce in quasi-permanent service shall not be liable to termination under sub-clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him, continues to be held by an employee not in permanent or quasi-permanent service:

Provided further that as among employees in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority termination of service consequent on reduction of posts shall ordinarily take place in the order of juniority in the list referred to in Regulation 8.

(2) Nothing in this regulation shall affect any special instructions issued by the Board regarding the manner and the order in which a temporary employee belonging to any Scheduled Caste or Scheduled Tribe may be discharged.

Explanation.—Reduction of status from permanent to temporary not being one of the penalties that can be imposed on a permanent employee under the Kandla Port Employees (Classification, Control and Appeal) Regulations, 1964, a quasi-permanent employee cannot also be relegated to a temporary status for reasons of inefficiency or as a disciplinary measure.

8. Confirmation of quasi-permanent employees.—(1) Subject to the provisions of this regulation, an employce in respect of whom a declaration has been issued under Regulation 3, shall be eligible for a permanent appointment on the occurrence of a vacancy in the specified post which may be reserved for being filled from among persons in quasi-permanent service in accordance with such instructions as may be issued by the Board in this behalf.

Explanation.—No such declaration shall confer upon any person a right to claim a permanent appointment to any post.

(2) Every appointing authority shall, from time to time, after consultation with the appropriate Departmental Promotion Committee, prepare a list in order of precedence, of persons in quasi-permanent service who are eligible for permanent appointment. In preparing such a list, the appointing authority shall consider both the seniority and the merit of the employces concerned. All permanent appointments which are reserved under sub-regulation (1) under the control of any such appointing authority shall be made in accordance with such list:

Provided that the Board may order that a permanent appointment to any grade or post may be made purely in order of seniority.

(3) All employces of the Board who were declared quasi-permanent under the Central Civil Services (Temporary Service) Rules, 1949, prior to the commencement of these regulations shall continue to enjoy all the rights and benefits accrued to them under those Rules and shall be treated on the commencement of these

Regulations, as if they have been declared quasi-permanent in accordance with these regulations.

9. Conditions of service of quasi-permanent employees.—An employee in quasi-permanent service and holding a specified post shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowance and disciplinary matters as an employee in permanent service holding the specified post.

10. Notwithstanding anything contained in Regulation 5, the service of a temporary employee who is not in quasi-permanent service may be terminated at any time without notice, on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated in service had his appointment been permanent.

11. Benefits available to quasi-permanent employees in the event of discharge.—An employee in quasi-permanent service shall, if his service is terminated otherwise than as a disciplinary measure or by resignation, be eligible for:—

- (a) a gratuity at the rate of half a month's pay for each completed year of quasi-permanent service, such gratuity being payable on the basis of the pay admissible to such employee in respect of the specified post on the last day of his service; and
- (b) any gratuity to which he is entitled in respect of his service under the Board before his appointment to quasi-permanent service:

Provided that nothing in this regulation shall apply to persons borne on an establishment to which Contributory Provident Fund benefits or other similar benefits are attached.

Explanation.—In this regulation, "pay" shall include special pay, if any, attached to the specified post.

12. Interpretation and removal of difficulties.—If any question or any difficulty arises relating to the interpretation of these regulations, the question shall be referred to the Board and the Board shall decide the question.

[No. 19-PG(121)/63.]

G.S.R. 302.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short title and commencement.—(1) These regulations shall be called the Kandla Port Employees (Leave Travel Concession) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. Interpretation.—In these regulations, unless the context otherwise requires,—

- (1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board.
- (2) "Board", "Chairman", "Deputy Chairman", and "Head of a Department", shall have the meanings assigned to them in the Major Port Trusts Act, 1963.
- (3) "Concession" means the leave travel concession admissible under these Regulations.
- (4) "employee" means an employee of the Board.
- (5) "First, Second, Third and Fourth Grade employees" will have the same meanings assigned to them in the Fundamental Rules and Supplementary Rules of the Central Government.

3. Extent of application.—(1) The concession is admissible to the Board's employees of all grades including—

- (a) the industrial and work-charged staff who are entitled to regular leave;
- (b) the officers appointed on a contract basis if the period of contract is more than one year, and re-employed officers on completion of one year's continuous service.

(2) The concession is not admissible to persons who are—

- (i) not in the whole-time employ of the Board, or
- (ii) paid from contingencies.

(3) The concession is not admissible to an employee who has not completed one year of continuous service on the date of the journey performed by him or his family, as the case may be.

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

4. Frequency of entitlement.—(1) The concession shall be admissible to the employee once in a period of two calendar years for visiting his home town. It shall cover the employees and their families as defined hereunder.

Explanation.—The term "once in a period of two calendar years" means once in each block of two calendar years starting from the year 1964. Thus, the concession on the first occasion will be admissible during the block of two consecutive years 1964-65. On subsequent occasions it will be admissible during the calendar years 1966-67, 1968-69 and so on.

(2) An employee who has a family living away from his place of work may, instead of having the concession for his family as well as for himself once in a block of two years, avail of the concession for himself alone once every year during each block for visiting his home town.

(3) The employees and their families who are unable to avail themselves of the concession in a block of two years may be permitted to avail of the concession before the end of the first year of the next block.

Illustration.—In a case where the employee and his family could not avail themselves of the concession in the 1964-65 block, they may avail of it in the year 1966. The concession due for 1964-65 block should, however, be availed of by them before 31st December, 1966. In case they fail to avail themselves of the concession before that date, their title to the concession for that block shall be treated as having lapsed. The benefit of the concession shall be available to employees and their families separately. The usual prescribed blocks, namely 1964-65, 1966-67 etc., shall remain unchanged.

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

5. Entitlement.—(1) Every employee of the I, II and III grades whose 'home town' is situated within a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated within a distance of 160 Kilometres from his headquarters shall not be entitled to the concession. Every employee of the I, II and III grades whose 'home town' is situated beyond a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated beyond a distance of 160 Kilometres from his headquarters shall have himself to meet the entire cost of fares for the initial 400 Kilometres or 160 Kilometres, as the case may be, on each of the outward and return journeys. For the remaining distance (over the initial 400 or 160 Kilometres as the case may be) the Board shall meet 90 per cent of the actual fares, the balance of 10 per cent being borne by the employee. In every case the journeys should be to the 'home town' and back and the claim should be for both outward and return journeys. The journey need not necessarily commence from or end at the headquarters of an employee either in his own case or in the case of his family. But the assistance admissible shall be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible had the journey been performed between the headquarters and the home town of the employee.

(2) The fare for the initial 400 Kilometres (160 Kilometres in the case of employees of the fourth grade) of a journey which is the liability of the employee will be the fare as shown in the Railway fare table (i.e. the fare which the Railways would have charged if the journey were only 400 Kilometres or 160 Kilometres), and not calculated as a proportion of the fare for the total distance travelled (i.e. not on the telescopic rate basis). An employee may travel in any class for the first 400 Kilometres of each journey which is his own liability. Beyond 400 Kilometres also, there shall be no objection to an employee travelling in a lower or a higher class, but the Board's assistance shall be limited to 90 per

cent of the fares for accommodation by the entitled class or the lower class, as the case may be, to the extent actually used.

6. Definition of family.—The term “family” means an employee’s wife or husband, as the case may be, residing with and wholly dependent on the employee and shall be interpreted in the same manner as in S.R. 2(8), as amended from time to time, or other corresponding rule applicable to an employee for the purposes of travelling allowance on transfer. Where both the husband and the wife are employees, the concession shall be admissible to the family on the scale admissible to the husband or the wife and not both.

7. Employees and family independent units.—An employee and his family members may travel either independently or together as may be convenient to them and the claim for re-imbursment in respect of the journey of the one need not depend on the journey performed by the other. The members of the family of an employee (other than those who actually accompany him) may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups at different times, reimbursement of expenditure may be allowed in respect of each such group if the outward journey of the last of such groups commenced before the expiry of six months from the date of commencement of the outward journey by the first group and the return journey of each group shall be completed within six months from the date of commencement of the outward journey by that group. This condition may be relaxed in special cases by the Chairman or Deputy Chairman.

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

- (i) whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and, if so, whether after his entry into service, the employee had been visiting that place frequently;
- (ii) whether the employee owns residential property in that place or whether he is a member of a joint family having such property there;
- (iii) whether his near relations are resident in that place;
- (iv) whether, prior to his entry into the Board’s service, the employee had been living there for some years.

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

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

(2) The declaration made by an employee shall be subject in each case to the acceptance by the Chairman or Deputy Chairman who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary. The effective date of declaration of home town shall be the date on which the employee made it and not the date of its acceptance by the Chairman or Deputy Chairman or the date of communication conveying such acceptance.

(3) A declaration of “home town” once made shall ordinarily be treated as final, but in exceptional circumstances the Chairman or Deputy Chairman may authorise a change in such declaration provided that such a change shall not be

made more than once during the period of service of the employee. In the case of persons on deputation to the Board, such requests shall be effected only with the approval of the lending authority.

(4) The declaration of home town made after the prescribed time limit may be accepted by the Chairman or Deputy Chairman against the one chance for changing the declaration of home town and this will be treated as a final declaration of home town and no further change of home town will be allowed in such cases.

(5) The Chairman or Deputy Chairman may, for his own convenience, maintain a register of home towns in respect of the employees of the Board.

10. Journeys between places connected by rail.—(1) The class of railway accommodation to which an employee and his family shall be entitled is the class to which he is entitled under the normal travelling allowance rules at the time the journeys are undertaken. It is permissible for an employee or his family or both to travel in a class higher or lower than that to which he or his family is entitled; in the former case, the Board's liability for the distance in excess of 400 Kilometres (160 Kilometres in the case of employees of fourth grade) shall be restricted to 90 per cent of the fare by the class to which the employee is entitled and in the latter case, 90 per cent of the fare by the class in which the employee or his family had actually travelled.

(2) An employee or his family members may avail themselves of any concessional return journey tickets offered by the railway authorities (e.g. seasonal concession, students concession, etc.) in conjunction with the leave travel concession. It will be permissible while utilising such a concessional ticket to travel in any class, higher or lower, than the entitled class. In such a case, the fare for the first 400 Kilometres at either end should be calculated proportionately on the basis of the concessional fare charged by the railways and the said amount shall be deducted from the fare for the shortest route between headquarters and the home town, calculated on the basis of the concessional fare charged. The amount reimbursable to the employee will then be 9/10th of the balance.

(3) An employee who is normally entitled to travel by the 1st or 2nd class, may travel by III class in the deluxe air-conditioned trains while availing himself of the concession. The cost on account of the surcharge over the III class fare which is levied in such a case will be apportioned between the Board and the employee in the same manner as the cost of the basic III class fare.

(4) An employee (or his family members) normally entitled to travel by I or II class of railway accommodation, may travel by III class and avail of the 'sleeper' accommodation. In such cases, 90 per cent of the extra cost incurred for sleeper accommodation shall be borne by the Board.

(5) Employees of the third and fourth grades may travel by mail or express trains when availing themselves of the concession, and may claim reimbursement accordingly. In such cases, a certificate to the effect that the journey was actually performed by a mail or express train should be recorded by the claimant on his Travelling Allowance bill.

(6) When an employee or any member of his family performs the journey by a long route (which is not the cheapest) in two different classes of railway accommodation beyond the first 400 Kilometres, (160 Kilometres in the case of employees of fourth grade) for example, partly by II class to which he is entitled and partly by III class, the entitled class rate is admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route.

(7) Where an employee or his family or both travels by air or by road or by steamer, between two places connected by rail, the expenditure on Board's assistance shall be limited to what would have been admissible had the employee or his family travelled by rail in the authorised class or 90 per cent of the actual expenses, whichever is less. Where such journey is performed by private car (whether the car belongs to the employee or not) the cost of propulsion being borne by the employee himself, the extent of Board's assistance admissible shall be equivalent to what would have been admissible had the journey been performed by rail by the entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car shall be made. A certificate by the employee to the effect that he or the members of his family or both travelled by private car may be accepted subject to the approval of the Chairman or the Deputy Chairman.

11. Journeys between places not connected by rail.—(1) The Board's assistance for journeys between places which are not connected by rail shall be admissible to the employees for that portion of the journeys for which the leave travel concession is admissible as under:—

- (i) for the journey which is covered by a recognised public transport system, the Board's assistance should be on the basis of the 90 per cent of the fares actually charged by such a system for the appropriate class of accommodation; where there are more than one class of accommodation the appropriate class may be determined as follows:—
 - (a) where there are only two classes, employees drawing pay of Rs. 500 per mensem or above shall be entitled to the higher class and those drawing pay less than Rs. 500 per mensem shall be entitled to the lower class;
 - (b) where there are more than two classes, employees drawing pay of Rs. 500 per mensem or above shall be entitled to the highest class, those drawing less than Rs. 500 per mensem other than class IV employees shall be entitled to the second highest class, and Class IV employees shall be entitled to the lowest class;
- (ii) for the portion of the journey which is not connected by a recognised public transport system the Board's assistance shall be on the basis of 90 per cent of the road mileage at the appropriate reduced rate as prescribed in the Government of India's Order No. (1) below Supplementary Rule 46 in the Posts and Telegraphs Compilation of the Fundamental Rules and the Supplementary Rules.

In either case, the amount of the Board's assistance should be calculated on the basis of actual fares or mileage allowance as above, as the case may be, at single rate for the employee himself and each entitled member of his family for whom full fares are payable and at half the rates for children between the ages of 3 and 12 years for whom half fares are payable.

(2) In respect of places which are not connected by rail, the employee may travel by steamer or air where an alternative means of travel is either not available or is more expensive. In such cases, the Board shall bear the same proportion of cost as in the case of rail journeys.

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

13. Concession based on shortest route.—The Board's liability for the cost of railway fare between the employee's headquarters and his home town shall be limited to the share of the fare by the shortest route calculated on a "through" ticket basis. The employee or his family members may travel by any route or halt anywhere on the way to or from home town, but the Board's assistance shall be limited to their share of the fare as above.

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

14. Journeys of weighted mileage.—If, for the entire leave travel journey, or a part thereof, an employee has to pay railway fare on the basis of an assumed or weighted mileage (as for example, on the Kalka-Simla Section) or at inflated rates (as for example on the Siliguri-Darjeeling Section) and if the fare for the total distance travelled by rail (including the fare on the basis of assumed or weighted mileage or at inflated rates, as the case may be) be more than the fare for 400 Kilometres (160 Kilometres in the case of Grade IV employees) at ordinary rates, the employee concerned shall be entitled to the travel concession irrespective of the actual distance between his headquarters and his home town. In such a case, the amount reimbursable by the Board to the employee in respect of each journey shall be 9/10th of the difference between—

- (i) the cost of actual railway fare (inclusive of the passenger tax) from the railway station nearest to his headquarters to his home town; and
- (ii) the cost of the railway fare (inclusive of the passenger tax) at ordinary rates to a point 400 Kilometres (160 Kilometres in the case of Grade IV employees) from the railway station nearest to his headquarters for both the outward and return journeys.

15. Concession for one way journey.—The concession shall be admissible to the members of employee's family with reference to the facts existing at the time of the forward and return journeys independently.

Illustrations.—I. Entitled to reimbursement in respect of the outward journey only:

- (i) A dependent son or daughter getting employment or getting married after going to home-town or remaining there for prosecution of studies;
- (ii) The family having performed the journey to home-town have no intention or completing the return journey from home-town, provided the employee forgoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to reimbursement in respect of return journey only:

- (i) A newly married wife coming from home-town to headquarters station or a wife who has been living at home-town and did not avail herself of the leave travel concession in respect of the outward journey;
- (ii) A dependent son or daughter returning with parents or coming alone from home-town where he or she has been prosecuting studies or living with grand parents etc;
- (iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey;
- (iv) A child legally adopted by an employee while staying in the home-town.

16. Leave travel concession in combination with transfer or tour.—(1) Where an employee going to home-town on regular leave proceeds therefrom on transfer to the new headquarters, he may be allowed as his minimum entitlement, transfer travelling allowance admissible under the regulations. He may be allowed, in addition, leave travel concession under the regulations to the extent the distance from old headquarters to home-town and from home-town to the new headquarters exceeds the total distance for which transfer travelling allowance is admissible plus 800 Kilometres (320 Kilometres in the case of employees of fourth grade).

Illustration.—If 'A' is the old headquarters, 'B' home-town and 'C' the new headquarters, the entitlement of the employee on account of leave travel concession will be (distance AB plus distance BC) minus (distance for which Transfer Travelling Allowance is admissible plus 800 or 320 Kilometres as the case may be).

(2) In a case where the distance for which the concession admissible as above is negligible, it will be open to the employee not to avail of it at all, he being permitted to avail of it on some other occasion within the block period, subject to the other conditions being fulfilled. The option has to be exercised in respect of self and the members of the family at the time of preferring claim for Transfer Travelling Allowance. When the concession is not availed of, the concession advance, if any, taken by the employee shall be adjusted against his transfer travelling allowance entitlement.

(3) When an employee proceeds with proper prior permission to home-town on regular leave from a tour station and returns to headquarters direct from home town, travelling allowance as on tour may be allowed to him for the journey from the headquarters to the tour station from which the employee proceeds to home-town and the concession for the journey from tour station to home-town and back to headquarters, the tour station being deemed to be the starting point for the onward journey.

(4) In case an employee proceeds to a tour station from home-town with proper prior permission and returns to headquarters therefrom, he may be allowed the concession as admissible under these regulations from headquarters to home-town and travelling allowance as on tour for the journey from home-town to tour station and back to headquarters.

17. Concession restricted within India.—(1) The concession shall be restricted to journeys within India and shall be admissible for journeys between places connected by rail or partly connected by rail and partly connected by road or by steamer services and not connected by rail.

(2) An employee who declares, subject to the satisfaction of the Chairman or Deputy Chairman that his home-town is outside India, shall be entitled to the concession for visiting his home-town. The Board's assistance in such a case shall be limited to the share of the fares for journeys (i) upto and from the railway station (by the shortest route) nearest to the home-town in India or (ii) the railway station for the nearest port of embarkation/disembarkation in India.

Explanation.—In this regulation 'nearest port' means the port in India nearest to the home-town of the employee.

18. **Nature of leave.**—(1) The concession shall be admissible only in the case of journeys performed by the employee during regular leave including medical leave, leave on average pay, earned leave, leave on half average pay or extraordinary leave, maternity leave but not in the case of journey performed during casual leave. The period of such leave shall not be less than 15 days. The concession shall not be admissible to an employee who proceeds on regular leave and then resigns his post without returning to duty. The above mentioned condition shall not apply to journeys performed by the members of family of the employee.

(2) The concession shall be admissible to an employee and his family in respect of only the outward journey from headquarters to home-town during leave preparatory to retirement, refused leave or terminal leave, provided that the concession had not been availed of earlier during that particular block of calendar years. In such cases, the journey by both the employee and his family members shall commence within the period of leave.

(3) The limit of 15 days' regular leave for admissibility of the concession may be relaxed by the Chairman or the Deputy Chairman at his discretion in cases where he considers and certifies in writing that it is necessary in the Board's interest to curtail the leave of the employee to a period less than 15 days.

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

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

- (i) that the successive blocks of two calendar years in the case of such employees shall be reckoned from the actual dates of their joining posts under the Board. If, however, an officer has joined a post in the port before 1st January 1964, the first block should be reckoned from 1st January 1964 to 31st December 1965;
- (ii) that the appropriate administrative authority certifies at the time the employee concerned avails himself of the concession that he is likely to continue to serve under the Board for a period of two years from the date of his joining a post under the Board. The admissibility of the concession during the subsequent two-year period will also be subject to similar condition.

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

21. **Mode of preferring claim.**—Every employee and his family shall have to meet the cost of the fare for the first 400 Kilometres or 160 Kilometres, as the case may be. Cash reimbursement to the extent of 90 per cent of the remaining fare shall be made on presentation of claims in Travelling Allowance bill forms with the usual certificate to the effect that they had actually performed such journeys and travelled by the class of accommodation not lower than the one for which reimbursement is claimed.

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

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

24. Record of assistance.—A record of all assistance granted under these regulations shall be suitably maintained. In the case of Class III and Class IV employees, the record should be in the form of entries in the service book or other appropriate records and should indicate the date or dates of the journey or journeys to the home-town commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion an employee proceeds on leave, the fact that he availed of leave travel concession is indicated in the record.

25. Advance.—To enable the employee to avail of the travel concession, an advance may be made on the following terms and conditions, namely:—

- (a) the amount of advance in each case shall be limited to four-fifths of the estimated amount which Board would have to reimburse in respect of the cost of journeys both ways to the home-town and back;
- (b) where the employee and members of his family avail themselves of leave travel concession separately *i.e.*, at different times, the advance may be drawn separately to the extent admissible and adjustment of claims may be made separately. Where, however, a consolidated advance is drawn by the employee in respect of the members of his family, the adjustment claim shall be prepared in a single bill;
- (c) the advance may be drawn for both the outward and return journeys of the employee or the members of his family or both at the time of commencement of the outward journey, provided that the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or 90 days. Where the period of leave or the period of anticipated absence exceeds the said limit, the advance may be drawn for the outward journey only. Where an advance has been drawn for both the outward and the return journeys and later it becomes clear that the period of absence of either the employee or the employee's family from headquarters is likely to exceed the said limit, one-half of the advance should be refunded to the Board forthwith;
- (d) the advance in respect of temporary employees and their families will be sanctioned subject to the production by them of surety of a permanent employee;
- (e) the advance will have to be refunded forthwith if the outward journey is not commenced within 30 days of the grant of the advance;
- (f) the Travelling Allowance claim in adjustment of the advance drawn should be prepared within one month of the completion of the return journey;
- (g) the account of advance drawn for leave travel journeys will be rendered after completion of the journeys in the same way as for an advance of Travelling Allowance on tour;
- (h) the adjustment of the advance will be watched through objection book by the Accounts Officer.

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

27. **Interpretation.**—In all cases of doubt regarding the applicability of these regulations to any employee or their interpretation, the decision of the Board shall be final.

APPENDIX I

Certificate to be given by the Chairman/Deputy Chairman

Certified—

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

Signature of the Chairman/Deputy Chairman.

APPENDIX II

Certificate to be given by an employee

1. I have not submitted any other claim so far for leave Travel Concession in respect of myself or my family members in respect of the block of two years 19 _____ and 19 _____.

2. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with children/ children. This claim is in respect of journey performed by my wife/myself with children/..... none of whom travelled with the party on the earlier occasion.

3. I have not already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with children/..... children in respect of the block of two years 19 _____ and 19 _____. This claim is in respect of the journey performed by my wife/myself with children/..... children none of whom availed of the concession relating to that block.

4. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me in the year 19 _____ in respect of block of two years 19 _____ and 19 _____. This claim is in respect of the journey performed by me in the year 19 _____. This is against the concession admissible once every year in a prescribed block for visiting home-town as all the members of my family are living away from my place of work

5. The journey has been performed by me/my wife with children/..... children to the declared home-town viz.

6. That my husband/wife is not employed in Board's service _____ and the concession That my husband/wife is employed in Board's service _____ has not been availed of by him/her separately for himself/herself or for any of the family members for the concerned block of two years.

Signature of the employee.

[No. 19-PG(123)/63.]

G.S.R. 303.—In exercise of the powers conferred by section 126 read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and application.**—(1) These regulations may be called the Kandla Port Employees (Conduct) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) Except as otherwise provided by or under these regulations, they shall apply to all persons appointed to posts in connection with the affairs of the Kandla Port:

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

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

2 Definitions.—In these regulations, unless the context otherwise requires,—

- (a) "Board", "Chairman", "Deputy Chairman", and "Head of a Department" shall have the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963);
- (b) "Government" means the Central Government;
- (c) "employee" means an employee of the Board;
- (d) "members of the family" in relation to an employee includes—
 - (i) the wife, child or step-child of such employee whether residing with him or not, and in relation to an employee who is a woman, the husband residing with her and dependent on her; and
 - (ii) any other person related, whether by blood or by marriage, to the employee or to such employee's wife or husband and wholly dependent on such employee, but does not include a wife or husband legally separated from the employee, or child or step-child who is no longer, in any way, dependent upon him or her or of whose custody the employee has been deprived by law;
- (e) "prescribed authority" means the appointing authority as prescribed in the Kandla Port Employees (Classification, Control and Appeal) Regulations, 1964.

3. General.—(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty.

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

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

(3) Every employee should desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which his child or dependent is employed.

(4) No employee should bid at auctions arranged by or on behalf of the Board.

(5) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.

(6) Every employee is expected to maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his employer by his misconduct. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance, by neglect of his wife and family, action may be taken against him on that score.

(7) An employee who is convicted by a court of law or arrested should report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this will render him liable to disciplinary action.

4. Taking part in Politics and Election.—(1) No employee shall be a member or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where the employee is unable to prevent a member of his family from taking part in or subscribing in aid of, or assisting in any manner, any such movement or activity, he shall make a report to that effect to his immediate superior officer who shall forward the same to the authority competent to remove or dismiss such employee from the service.

Explanation.—In this sub-regulation, "Government" includes a State Government.

(3) If any question arises whether any movement or activity falls within the scope of this regulation, the decision of the Board thereon shall be final.

(4) No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority:

Provided that—

(i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation.—The display by an employee on his person, vehicle or residence of any electoral symbol or proposing or seconding a candidate for election shall amount to the using of his influence in connection with an election within the meaning of this sub-regulation.

(5) No employee shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence; or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other employee.

(6) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

5. Connection with Press or Radio.—(1) No employee shall, except with the previous sanction of the Board, own wholly or in part or conduct or participate in the editing or managing of, any newspaper or other periodical publication.

(2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

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

6. Criticism of Board/Government.—No employee shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion—

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

Provided that in the case of any employee specified in the proviso to sub-regulation (2) of regulation 1, nothing contained in this regulation shall apply to *bonafide* expression of views by him as an office bearer

of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein; or

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

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

7. Evidence before Committee or any other Authority.—(1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-regulation (1), no employee giving such evidence shall criticise the policy or any action of the Board or of any other major port trust or of the Central Government or of a State Government.

(3) Nothing in this regulation shall apply to—

- (a) evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State Legislature or by the Board or by any other major port trust; or
- (b) evidence given in any judicial enquiry; or
- (c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board, or by any other major port trust or by the Chairman or Deputy Chairman or Head of a Department.

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

Explanation.—If an employee quotes or copies in his representation, appeal, etc., circulars and instructions of the Board or any other major port trust, or Government including those marked secret, notes and other information from files which they are ordinarily not expected to have seen or to have retained, the action will be construed as not only improper but also as involving contravention of this regulation.

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

Explanations.—(1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.

(2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.

(3) Collection of subscriptions by an employee qua member of a service union of employees from amongst other members of the union—

(1) is un-objectionable and does not require prior sanction if—

- (a) the proceeds are proposed to be utilised for welfare activities of the Union;
- (b) where a matter affecting the general interests of the members of the Union is in dispute, it is permissible under the rules of the Union to spend its funds over such matters.

(ii) is objectionable if the proceeds are proposed to be utilised for the defence of an individual member of the Union against whom departmental action is being taken on grounds which concern him in particular.

(4) Approach to the public for collecting funds for the Union without the previous sanction of the Board is objectionable.

10. **Gifts.**—(1) Save as otherwise provided in these regulations, no employee shall, except with the previous sanction of the Board, accept or permit his wife or any other member of his family to accept from any person any gift of more than trifling value:

Provided that—

gifts, of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as wedding, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of a trifling value should be reported to the Board and the gifts shall be disposed of in such a manner as the Board may direct.

Explanations.—(1) For the purpose of this sub-regulation any trowel, key or other similar article offered to an employee at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

If a question arises whether any gift is of a trifling value or not, or where an employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the Board by such employee and the decision of the Board thereon shall be final.

(2) Whether or not a gift should be treated of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding in value $1/20$ th of the monthly emoluments of an employee or Rs. 20 (whichever is less) from a person who is not his relation or personal friend shall ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends upto the value of $1/8$ of the monthly emoluments of the employee or Rs. 50, whichever is less, or even upto the value of one-half of such emoluments or Rs. 200, whichever is less, on special occasions such as mentioned in the proviso to sub-regulation (1) may be regarded as of trifling value.

(3) Nothing in this regulation shall be deemed to prevent any employee from sitting, at the request of any public body, for a portrait, bust or statue, not intended for presentation to him.

Explanation.—There is no objection to a farewell entertainment of a substantially private and informal character being held in honour of senior employees and others on the occasion of their retirement or transfer, as permitted under proviso to regulation 11 and gifts of trifling value as defined in the explanation to sub-regulation (2) of regulation 10 presented and accepted on such occasions.

(4) Dowry, either in cash or in kind, by or on behalf of an employee or his dependants from the parents or other relatives, etc., of the bride at the time of the marriage, should be regarded as a customary gift which the recipient may accept without prior sanction; but subject to the provisions of regulations 10 and 15 all such gifts should be reported to the Board or other prescribed authority. If a dowry is given by or on behalf of an employee, the provisions of regulation 15 will apply and the fact should be reported by him to the prescribed authority where such a report is necessary. Similarly, when an employee makes purchases of moveable property like jewellery etc., for presentation by way of dowry etc., the fact should be reported to the prescribed authority if the value of the transaction exceeds Rs. 1,000.

11. **Public demonstrations in honour of Employees.**—No employee shall, except with the previous sanction of the Board, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee:

Provided that nothing in this regulation shall apply to—

(1) a farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the

occasion of his retirement or transfer or any person who has recently quitted service under the Board; or

- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

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

12. Private Trade or Employment.—(1) No employee shall, except with the previous sanction of the Board, engage, directly or indirectly, in any trade or business or undertake any employment:

Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Board.

Explanation.—Canvassing by an employee in support of the business of insurance agency, commission, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-regulation.

(2) No employee shall, except with the previous sanction of the Board, take part in the registration, promotion or management of any bank or other company registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force:

Provided that an employee may take part in the registration, promotion or management of a co-operative society, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force, or of literary, scientific or charitable society under the Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force.

13. Investments, lending and borrowing.—(1) No employee shall speculate in any investment.

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

(2) No employee shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) or sub-regulation (2), the decision of the Board thereon shall be final.

(4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property, within the local limits of his authority or at interest to any person:

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

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

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

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

14. Insolvency and habitual indebtedness.—(1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceeding for insolvency shall forthwith report the full facts to the Board.

(2) When an attachment order is to be enforced against an employee, the Chairman or Deputy Chairman should:—

- (i) determine whether the employees's financial position has reached a stage at which confidence in him must be diminished and, if so,
- (ii) consider the question of taking disciplinary action against him.

15. Moveable, immoveable and valuable property.—(1) No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immoveable property by lease, mortgage, purchase, sale gift or otherwise, either in his own name or in the name of any member of his family:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority.

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

(2) An employee who enters into any transaction concerning any moveable property exceeding Rs. 1,000 in value by way of purchase, sale, or otherwise shall forthwith report such transaction to the Board:

Provided that no employee shall enter into such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the Board.

Explanation.—For the purpose of this sub-regulation, the expression "moveable property" includes *inter alia* the following property, namely:—

- (a) Jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such employee, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

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

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

Explanations.—(1) The construction of a house results in acquisition of immoveable property and attracts the provisions of this regulation. The purchase of moveable property required for the construction of the house also attracts this regulation.

(2) Transactions as members of a Hindu undivided joint family shall not require the Board's prior permission. In such cases, transactions in immoveable property should be included in the annual property returns and those in moveable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them.

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

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

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

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

18. Bigamous marriages.—(1) No employee who has a wife living shall contract another marriage without first obtaining the permission of the Board, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female employee shall marry any person who has a wife living without first obtaining the permission of the Board.

(3) Every person who enters into the Board's service after the commencement of these regulations shall make, before such entry, a declaration in Annexure C.

19. Drinking.—Subject to the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall—

- (a) while on duty, be under the influence of such drinks or drugs to such an extent as to render him incapable of discharging his duty properly and efficiently; or
- (b) appear in a public place in a state of intoxication; or
- (c) habitually use such drinks or drugs to excess.

20. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

FORM I

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

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

This is to request that permission may be granted to me for the building of a house

The estimated cost of the land and the building is given below:—

Land

- (1) Location (survey numbers, village, District State).
- (2) Area.
- (3) Cost.

Building

- (1) Bricks (Rate/quantity/cost).
- (2) Cement (Rate/quantity/cost).
- (3) Iron and Steel (Rate/quantity/cost).

- (4) Timber (Rate/quantity/cost).
- (5) Sanitary fittings (cost).
- (6) Electrical fittings (cost).
- (7) Any other special fittings (cost).
- (8) Labour charges.
- (9) Other charges, if any
- Total cost of Land and Building.

Yours faithfully,

FORM II

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

Sir,

In my letter No. dated I had
 Permission was granted to me in Order.....
 re..... that I proposed to build a house.
 dated for the building of a house.
 The house has since been completed and I enclose a Valuation Report, duly certified
 by*.....

Yours faithfully,

Date

(Signature)

VALUATION REPORT

I/We hereby certify that I/We have valued House**
 constructed by Shri/Shrimati.....
 and I/we give below the value at which we estimate the cost of the house under
 the following heading:

Heading	Cost Rs. nP.
1. Bricks	...
2. Cement	..
3. Iron and steel	...
4. Timber	..
5. Sanitary fittings	...
6. Electrical fittings	...
7. All other special fittings	...
8. Labour charges	...
9. All other charges	...
Total cost of the Building	..

Date:

(Signature of the valuation authority)

*A firm of Civil Engineers or a Civil Engineer of repute.

**Here enter details of the House.

†Here enter name etc., of the employee.

ANNEXURE A

(Here enter description of the proceedings)

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

Signature of the employee.

ANNEXURE B

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

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

Dated this theday of19.....

Signature of the employee.

Witnesses:

.....
.....
.....

ANNEXURE C

Declaration

I, Shri/Shrimati/Kumarideclare as under:-

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

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

Date.....

Signature.....

*Please delete clauses not applicable.

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

Application for Grant of Exemption

[Vide para 1 (iii)/1(iv) of the Declaration]

To
The

Sir,

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

Reasons

Yours faithfully,

Date.....

Signature.....

ANNEXURE D

Statement of Immoveable Property on First appointment for the year.....

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

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

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

Signature.....

Date

*In applicable clause to be struck out.

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

‡Includes short term lease also.

[No. F. 19-PG(125)/63.]

G.S.R. 304.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short Title and Commencement.**—(1) These regulations may be called the **Kandla Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964.**

(2) They shall come into force on the 29th February, 1964.

2. **Application.**—They shall apply to Class I, Class II, Class III and Class IV posts under the Board, but shall not apply to those posts the incumbents of which are the Heads of Departments.

3. **Definitions.**—In these regulations, unless the context otherwise requires.—

(a) "Act" means the Major Port Trusts Act, 1963;

(b) "Appointing authority" in relation to any grade or post means the authority empowered under the Kandla Port Employees (Classification, Control and Appeal) Regulations, 1964, to make appointments to that grade or post;

- (c) "Board", "Chairman", "Deputy Chairman", and "Heads of Departments" have the meanings respectively assigned to them in the Act;
- (d) "Departmental Promotion Committee" means a committee constituted from time to time under regulation 16 for the purpose of making recommendations for promotion or confirmation in any grade or post;
- (e) "direct recruit" means a person recruited on the basis of a competitive examination or interview or both by the Staff Selection Committee;
- (f) "duty post" means any post of a particular type whether permanent or temporary;
- (g) "employee" means an employee of the Board;
- (h) "grade" means any of the grades specified in the Schedule of posts prepared and sanctioned by the Board under section 23 of the Act;
- (i) "Scheduled Castes" and "Scheduled Tribes" have the meanings assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;
- (j) "permanent employee" in relation to any grade or post means an employee who has been substantively appointed to a substantive vacancy in that grade or post;
- (k) "select list" in relation to any grade means the select list prepared in accordance with regulation 16;
- (l) "Staff Select Committee" means the committee constituted under regulation 15 for the selection of candidates by means of a competitive examination or interview or both for appointment to posts reserved for direct recruitment;
- (m) "temporary employee" in relation to any grade means an employee holding a temporary or officiating appointment in that grade.

4. Gradation list of employees.—A gradation list indicating the respective seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees.

5. Authorised permanent and temporary strength.—The authorised permanent and temporary strength of the various grades shall be as in the Schedule of staff prepared and sanctioned by the Board from time to time under section 23 of the Act.

6. Substantive Appointments.—All substantive appointments in the various grades or posts shall be subject to the recommendations of the respective Departmental Promotion Committee.

7. Filling up of vacancies.—The manner of filling up of vacancies by direct recruitment and departmental promotion and the age limit, educational qualifications and experience for direct recruits in respect of the various grades or posts shall be laid down by the Board:

Provided that the upper age limit may be relaxed in the case of a candidate belonging to any Scheduled Caste, Scheduled Tribe or any other special category in accordance with the general orders issued from time to time by the Central Government for appointment to services under it.

8. Probation.—(1) Every person appointed to a grade or post by direct recruitment, promotion or transfer shall be on probation for a period of two years from the date of his appointment.

(2) The period of probation may, if the appointing authority deems fit, be extended or curtailed in any case, but the total period of such extension or curtailment shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the officer, exceed one year.

(3) During the period of probation, any employee may be required to undergo such training and to pass such tests as the Board may, from time to time, prescribe.

9. Confirmation of employees on probation.—When an employee appointed on probation to any grade or post has passed the prescribed tests and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post subject to the availability of vacancy. Until an employee on probation is confirmed under this regulation or is discharged or reverted under regulation 10, he shall continue to have the status of an employee on probation.

10. Discharge or reversion of employees on probation.—(1) An employee on probation who has no lien on any post under the Board or Government shall be liable to be discharged from service at any time without notice if—

- (a) on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or
- (b) if on the receipt of any information relating to his nationality, age, health or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being continued in service.

(2) An employee on probation who holds a lien on a post under the Board or Government may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

(3) An employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-regulation (1) of regulation 8 or at the end of the extended period of probation, if any, under sub-regulation (2) of that regulation, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be.

11. Seniority.—(a) *Permanent Employees*: The seniority *inter-se* of persons substantively appointed in a grade or post shall be regulated by the order in which they are so appointed.

(b) *Temporary Employees*: The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned seniority *inter se* according to rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion.

(c) Direct recruits shall be ranked *inter se* in the order of merit in which they are placed at the examination or interview on the results of which they are recruited, the recruits of an earlier examination or interview being ranked senior to those of a later examination or interview.

(d) Persons appointed against the promotion quota of vacancies shall be ranked *inter se* according to the order in which they are approved for promotion by the Departmental Promotion Committee.

12. Maintenance of a roster.—A roster shall be maintained for each grade to determine whether a particular vacancy should be filled by direct recruitment or promotion.

13. Reservation to specified sections of the people.—Orders issued by the Central Government from time to time for the reservation of appointments or posts under the Central Government in favour of Scheduled Castes and Scheduled Tribes shall apply *mutatis mutandis* to all appointments covered by these regulations and to which direct recruitment is made.

14. (a) Application for direct recruitment.—A candidate for appointment by direct recruitment shall apply before such date, in such form and in such manner as may, from time to time, be prescribed by the Board. He shall also submit such proof of his qualifications as the Board may require.

(b) **Eligibility.**—In order to be eligible for direct recruitment to any grade or post, a candidate shall be either:

- (i) a citizen of India; or
- (ii) a subject of Sikkim; or

(iii) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal, Bhutan or Tibet who came over to India before

the 1st day of January, 1961, with the intention of permanently settling in India shall also be eligible:

Provided further that a candidate who has migrated from Pakistan with the intention of permanently settling in India shall be a person in whose favour a certificate of eligibility has been given by the Central Government which certificate shall be valid only for a period of one year from the date of the appointment of such candidate, beyond which he shall not be retained in service unless he has become a citizen of India:

Provided further that a candidate in whose case a certificate of eligibility is necessary may be provisionally appointed pending the issue of the necessary certificate in his favour by the Central Government.

(c) (i) No male candidate who has more than one wife living or who, having a spouse living, marries in any case, in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing, exempt any person from the operation of this sub-regulation.

(ii) No female candidate whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing exempt any such woman from the operation of this sub-clause.

(d) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to a grade or post.

(e) **Decision of the Board final.**—The decision of the Board on the question whether a candidate does or does not satisfy any or all the requirements of these regulations shall be final.

(f) **Exemption.**—The Board may modify or waive any of the requirements of regulation 7 or sub-regulation (b) or both when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils all the requirements of those clauses. The prior approval of the Central Government shall be obtained in cases requiring relaxation of the conditions of sub-regulation (b).

(g) **Physical fitness of candidate.**—A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as an officer of the Board. A candidate who, after such physical examination as the Board may prescribe, is found not to satisfy those requirements will not be appointed.

(h) **Payment of Fees by Candidates.**—A candidate shall, at the time of making the application, pay such fees as the Board may from time to time prescribe.

15. Constitution of Staff Selection Committees.—A Staff Selection Committee shall be constituted for each grade as indicated below:

Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

(1) Head of the Department where the vacancy exists.

(2) Another Head of a Department nominated by the Chairman of the Board.

Class III posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board

Members:

- (1) Secretary or Assistant Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

16. Departmental promotion committee.—A departmental promotion committee shall be constituted for each grade or post as indicated below:

Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

- (1) Head of a Department where the vacancy exists.
- (2) Another Head of a Department nominated by the Chairman of the Board.

Class III and Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

The Departmental Promotion Committee shall meet once or twice a year as may be necessary and prepare a "Select list" of employees fit for appointment against the promotion quota of vacancies in the various grades or posts. Where promotion is made on the basis of merit, normally the field of selection shall not be less than three times and shall not be more than five times the number of vacancies subject to employees with necessary qualifications or experience being available. The Departmental Promotion Committee may at its discretion alter these limits to suit exceptional circumstances. Employees shall be arranged according to the order of merit adjudged by the Committee and the select list so prepared shall be utilised for filling up vacancies likely to arise during the course of the year. While adjudging the merit of an employee, due regard shall be given to his seniority also.

17. Filling up of vacancies ad hoc.—(i) When no suitable employee is available for appointment, by promotion or direct recruitment, the appointing authority may fill such vacancy for such time as may be necessary by the deputation of an officer employed under any other part authority, the Central Government, a State Government or any local authority, statutory undertaking or any Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government.

(ii) The appointing authority may also make other temporary arrangements, as it may deem necessary, to fill any post for a period not exceeding six months.

18. Deputation.—Any employee may be permitted to serve on deputation or on foreign service under the control of the Central Government or a State

Government, any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government on such terms as may be agreed upon by the Board.

19. Interpretation.—If any question arises relating to the interpretation of these regulations, the matter shall be referred to the Board who shall decide the same.

[No. 19-PG(133)/63.]

G.S.R. 305.—In exercise of the powers conferred by section 126 read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short title, Commencement and Application.—(1) These regulations may be called the Kandla Port Employees' (Study Leave) Regulations, 1964.

(2) They shall come into force on the 29th February 1964.

(3) They shall apply to all employees of the Board.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Port of Kandla.

(b) "Chairman", "Deputy Chairman" and "Board" shall have the same meanings assigned to them in the Major Port Trusts Act, 1963.

(c) "employee" means an employee of the Board.

(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the Fundamental Rules or the Major Port Trusts Act, 1963, as the case may be.

3. Conditions for Grant of Study Leave.—(1) Subject to the conditions specified in these regulations, study leave may be granted to an employee with due regard to the exigencies of the Board's service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or 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 definite advantage to the Board and is related to the sphere of duties of the employee; and

(ii) for the purposes of studies connected with the framework or background of port administration, subject to the conditions that—

(a) the particular study or study tour should be approved by the authority competent to sanction study leave; and

(b) an employee should be required to submit, on his return, a full report on the work done by him while on study.

(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 a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the port service.

(3) Study leave shall not be granted unless—

(i) it is certified by the authority competent to sanction leave that the proposed course of study or training shall be of definite advantage from the point of view of the port administration;

(ii) it is for prosecution of studies in subjects other than academic or literary subjects; 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) Study leave shall not ordinarily be granted to an employee—

- (i) who has rendered less than five years' service in the port; or
- (ii) who does not hold a Class I or Class II post under the Board; or
- (iii) who is due to retire or has the option to retire from the Board's service within three years of the date on which he is expected to return to duty after the expiry of the 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.

4. Authorities competent to sanction Study Leave.—Study leave may be granted—

- (a) by the Board in the case of employees referred to in clause (a) of subsection (1) of section 25 of the Major Port Trusts Act, 1963 (38 of 1963), and
- (b) in all other cases by the Chairman or Deputy Chairman.

5. Maximum amount of Study Leave that may be granted at a time during the entire service.—The maximum amount of study leave, which may be granted to an employee, shall be—

- (i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons; and
- (ii) twenty-four months (inclusive of study leave granted under any other rules or regulations) in all during his entire service.

6. Combination of Study Leave with leave of other kinds.—(1) 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 extraordinary leave involve a total absence of more than twentyeight months from the regular duties of the employee.

Explanation.—The period of twentyeight months of absence referred to in this sub-regulation shall include the period of vacation.

(2) An employee granted study leave in combination with any other kind of leave may, if he so desires, commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave.

7. Regulation of Study Leave extending beyond course of study.—When the course of study falls short of study leave sanctioned, the employee shall resume duty on the conclusion of the course of study, unless the previous assent of the authority competent to sanction leave has been obtained to treat the period of shortfall as ordinary leave.

8. Grant of study allowance.—A study allowance shall be granted 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.

9. Period for which study allowance may be granted.—The period for which study allowance may be granted shall not exceed twenty-four months in all.

10. Rates of study allowance.—(1) The rates of study allowance admissible in the various countries shall be the same as may be determined by the Central Government in respect of officers of similar status.

(2) In cases where an employee is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had he been on duty.

11. Conditions governing grant of study allowance.—(1) Study allowance may 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 otherwise.

(2) An employee may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that:—

- (i) he attends during vacation any special course of study or practical training under the direction of the Board or the authority competent to sanction study leave, as the case may be; or
- (ii) in the absence of any such direction, he produces satisfactory evidence before the authority competent to sanction study leave that he has continued his studies during the vacation.

(3) No study allowance shall be drawn during vacation falling at the end of a course of study except for a maximum period of fourteen days.

Explanation.—The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty-four months for which study allowance is admissible.

(4) Study allowance shall not be granted for any period during which the employee interrupts his course of study to suit his own convenience.

Provided that the authority competent to sanction study leave may authorise the grant of study allowance for any period not exceeding fourteen days at a time during which the employee is prevented by sickness from pursuing his course of study.

(5) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to sanction study leave on claims submitted by the employee from time to time, supported by proper certificate of attendance.

(6) The certificates 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.

(7) When the programme of 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 sanction study leave 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 suggestions as to the possibility of adopting such methods or operations to conditions obtaining in the port. The authority competent to sanction study leave shall decide whether the diary and report show if the time of the employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

(8) (i) In the case of a Class I or Class II employee, the payment of study allowance at the full rate shall be subject to the production of a certificate to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment; and

(ii) in the case of other employees to whom study leave has been granted in relaxation of the provisions of clause (ii) of sub-regulation (5) of regulation 3, such a certificate as is referred to in clause (i) above shall be obtained from him by the Accounts Officer and the same shall be enclosed along with the bill for the drawal of study allowance.

12. Grant of Study Allowance to Employee in receipt of Scholarship or Stipend.—

An employee, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source other than the Port's funds. Such an employee shall ordinarily not be granted any study allowance; but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the employee, if any, from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend, the difference between the value of the net scholarship or stipend and the study allowance may be granted by the leave sanctioning authority.

13. Grant of Study Allowance to Employees who accept part-time employment during study leave.—If an employee, who is granted study leave, is permitted, to receive and retain, in addition to his leave salary, any remuneration in respect of a part-time employment, he shall ordinarily not be granted any study allowance; but in cases, where the net amount of remuneration received in respect of the part-time employment (arrived at by deducting from the remuneration

any cost of fees paid by the employee) is less than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the study allowance may be granted by the leave sanctioning authority.

14. Allowances in addition to Study Allowance.—No allowance of any kind other than the study allowance or the travelling allowance, where specially sanctioned under Regulation 15 shall be admissible to an employee in respect of the period of study leave granted to him.

15. Grant of Travelling Allowance.—An employee shall not ordinarily be paid travelling allowance but the Board may, in exceptional circumstances, sanction the payment of such allowance.

16. Cost of Fees for Study.—An employee granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Board may sanction the grant of such fees:

Provided that in no cases 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.

17. Execution of a Bond.—(1) Every employee in permanent employ who has been granted study leave shall be required to execute a bond in the form given in Appendix A to these regulations before the study leave granted to him commences. If study leave is granted to an employee not in permanent employ, the bond shall be executed in the form in Appendix B to these regulations.

(2) The authority competent to sanction study leave shall send to Accounts Officer a certificate to the effect that the employee has executed the requisite bond.

18. Resignation and Retirement.—(1) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board only drawn by him for the period of study leave, together with interest thereon at rates that may be prescribed by the Board from the date of demand before his resignation is accepted or permission to retire is granted:

Provided that the Board may relax these provisions where an employee is, on return to duty from study leave, forced to retire from the service on medical grounds.

(2) 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. 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.

19. Leave Salary during Study Leave.—(1) During study leave, an employee shall draw leave salary equal to half average pay as defined in Rule 9(2) of the Fundamental Rules subject to the maxima and minima laid down in Rule 89 and 90 thereof or the amount admissible during half-pay leave under regulation 13 of the Kandla Port Employees' (Leave) Regulations, 1964, as the case may be.

(2) The rate of exchange prescribed by the Central Government for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to leave salary during study leave.

20. Commencement of a course of study during leave other than Study Leave.—An employee may, subject to the approval of the proper authority being obtained as required under paragraph 1 of Appendix C to these regulations, undertake or commence a course of study during leave on average pay, and subject to regulations 8 to 15 and 18, draw study allowance in respect thereof.

21. Counting of study leave for promotion, Pension, Seniority, Leave and Increments.—(1) Study leave shall count for promotion, pension and seniority. It shall also count as service for increments as provided in Rule 26 of Fundamental Rules.

(2) The period spent on study leave shall not count for earning leave other than half-pay leave under the Kandla Port Employees, (Leave) Regulations, 1964.

22. **Debiting of study leave to the leave Account.**—Study leave shall be treated as extra leave on half-average pay and shall not be taken into account in reckoning the aggregate amount of leave on half-average pay taken by the employee towards the maximum period admissible.

23. **Procedure for making application for study leave and grant of such leave.**—The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural Instructions given in Appendix C to these regulations.

24. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

APPENDIX 'A'

(See Regulation 17)

Bond for Permanent Port Employees proceeding on Study Leave under Kandla Port Employees (Study Leave) Regulations, 1964.

Know all men by these presents that I resident of in the District of at present employed as in the Port of do hereby bind myself and my heirs, executors and administrators to pay to the Board on demand the sum of Rs. (Rupees.....) together with interest thereon from the date of demand at rates prescribed 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.

Signed and dated this day of one thousand nine hundred and
Signature

Witnesses (1):
(2):

Whereas I am granted study leave by the Board;

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 resigning or retiring from service without returning to duty after the expiry of termination of the period of a study leave or at 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) together with interest thereon from the date of demand at the rates prescribed 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.

Signed and delivered by.....
in the presence of—

Witnesses (1):
(2):

Accepted,
for and on behalf of the Board..

APPENDIX 'B'

(See Regulation. 17)

Bond for Temporary Port Employees proceeding on Study Leave under Kandla Port Employees (Study Leave) Regulations, 1964.

Know all men by these presents that we resident of in the District of at present employed as in the Port of (hereinafter called "the obligor") and Shri son of of and Shri son 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 on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at rates prescribed by the Board, 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.

Signed and dated this day of one thousand nine hundred and

Signature of the obligor:

Sureties (1):
(2):

Witnesses (1):
(2):

Whereas the obligor is granted study leave by the Board;

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 resigning from service without returning to duty after the expiry or termination of the period of study leave 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) together with interest thereon from the date of demand at rates prescribed by the Board.

And upon the obligor Shri and, or Shri and, or Shri 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 impaled or discharged by reason of time being granted or by any forbearance act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sue the obligor before suing the sureties Shri and Shri or any of them for amounts due hereunder

Signed and delivered by the obligor
above-named Shri
in the presence of

Signed and delivered by the surety
above-mentioned Shri
in the presence of

Signed and delivered by the surety
above-named Shri
in the presence of

Accepted,
for and on behalf of the Board.

APPENDIX 'C'

(See Regulation 23)

Procedural instructions for making application for study leave and grant of such leave

1. Except as otherwise provided in these regulations, all applications for study leave shall be submitted with the Accounts Officer's certificate to the authority competent to sanction the study leave through the prescribed channel and the course or courses of study contemplated and any examination which the employee proposes to undergo shall be clearly specified therein. In a case where it is not possible for the employee to give full details in his original 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 sanction the study leave. In such cases he shall not, unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith until he receives approval of the authority competent to sanction the study leave to the course.

2. On completion of a course of study certificates of examinations passed or special courses of study undertaken indicating the dates of commencement and termination of the course, with remarks, if any, of the authority incharge of the course of study shall be forwarded to the authority which sanctioned the leave.

[No. 19-PG(119)/63.]

G.S.R. 306.—In exercise of the powers conferred by proviso to section 24(1), read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Kandla Port (Authorisation of Pilots) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(1) "Board", "Chairman", "Deputy Chairman" shall have the same meaning as in the Major Port Trusts Act, 1963.

(2) "Limits of compulsory Pilotage waters" means the limits defined under sub-section (2) of section (4) of the Indian Ports Act, 1908 (15 of 1908).

(3) "Deputy Conservator" means the officer in whom the direction and management of pilotage are vested.

(4) "Harbour Master" means the officer appointed by the Board to perform such duties as may, from time to time, be assigned by the Deputy Conservator.

(5) "Port" means the port of Kandla.

3. **Harbour Master's control over pilots.**—The Harbour Master shall have control over Pilots in pilotage charge of vessels while entering or leaving the port or mooring or berthing or unberthing at any berth in the port.

4. **Pilots to be licensed.**—(1) All pilots shall hold licenses to perform the duties of a pilot for the port of Kandla. These licenses, subject to the sanction of the Central Government, shall be issued and be revocable by the Board.

(2) A pilot severing his connection with the Board shall forthwith deliver his license to the Board.

5. **Conditions for joining the Pilot Service.**—A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions:—

(a) The conditions of eligibility laid down in regulation 14(b) and 14(c) of the Kandla Port Employees (Recruitment, Seniority, Promotion) Regulations, 1964.

(b) That on the date of appointment as a Probationer Pilot he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.

(c) That he possesses the qualifications detailed in regulation 6 below.

6. Qualifications of candidates.—(1) A candidate for a Pilotage License shall:

(a) produce certificates of good character and sobriety and be in possession of a Certificate of Competency as Master (Foreign-going) granted by the Government of India or its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign-going ship;

(b) obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the purpose;

(c) unless the Board otherwise determines, serve a period of probationary training of not less than 6 months. On completion of the training, the probationer may, if recommended by the Harbour Master and subject to the approval of the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

(2) The fee for a Pilot's License shall be prescribed by the Board from time to time.

7. Subjects of examination.—The examination shall include the following subjects:—

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

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

(1) The Deputy Conservator (Chairman).

(2) The Harbour Master.

(3) A Master of a Foreign-going ship.

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

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

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

11. Pilots to obey the orders of the authority.—A pilot shall obey and execute all lawful orders and regulations given or issued by the Board, the Deputy Conservator and/or the Harbour Master.

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

13. Pilot's behaviour towards the Master of the vessel, etc.—A pilot shall behave with due civility towards the Owner, Master and Officers of any vessel under his charge.

14. Pilots to obtain certificate of services performed by them.—A pilot shall, on boarding a vessel, hand the Arrival/Departure report to the Master, who shall enter therein all the required particulars over his signature.

Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

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

16. Pilots when on duty to carry with them their License, etc.—A pilot when on duty shall always have with him an official Tide Table for the port, a copy of the Port Rules, Pilotage Regulations for the time being in force, and his license.

17. Pilots may leave vessels at anchor in the harbour if not provided with proper food and sleeping accommodation.—A pilot shall be provided with reasonable accommodation, if necessary, and shall be supplied with breakfast between 7 A.M. and 9 A.M., with lunch between noon and 2 P.M. and dinner between 6 P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation for food, namely, Rs. 3/- for any of the meals missed by the Pilot.

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

19. Pilots giving evidence.—A pilot shall not attend to give evidence on any trial or enquiry to which he is not a party unless under *sub-poena* without the permission of the Deputy Conservator, and a pilot under *sub-poena* to give evidence shall at once report the fact in writing to the Deputy Conservator.

20. Pilots to give information of any alterations in navigational marks, etc.—A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position or become aware of any circumstances likely to affect the safety of navigation shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

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

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

23. Commencement of pilot's outward duties.—The duties of a pilot in regard to outward bound vessels shall commence at any wharf, pier, berth, jetty or anchorage on boarding the vessel.

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

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

26. A pilot, on boarding a vessel, shall—

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

27. **Termination of pilot's inward duties.**—The duties of a pilot in regard to any inward bound vessel shall cease at any wharf, pier, berth or jetty or anchorage when the vessel is safely moored or anchored therein.

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

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

Explanation.—In this Regulation, the expression "Master" shall include the first or other officer duly authorised to act for the Master, in the event of the latter being incapacitated from performing the duties of his office.

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

30. **Pilot's examination of charts.**—All pilots shall attend frequently at the office of the Deputy Conservator or Harbour Master to examine the latest plans and charts of the Port and other information concerning the port.

31. **Pilot's uniform.**—A pilot shall wear when on duty such uniform as may be prescribed by the Board.

32. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

[No. 19-PG (134)/63.]

G.S.R. 307.—In exercise of the powers conferred by section 28, read with section 126, of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(a) These regulations may be called the Kandla Port Employees (Leave) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. **Application.**—(a) These regulations shall, subject to the provisions of clause (b), apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

(b) Any employee, who was not governed by the Revised Leave Rules, 1933, before the commencement of these regulations shall be governed by those rules unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these regulations on and from the date of commencement of these regulations.

3. **Definitions.**—In these regulations unless the context otherwise requires,—

(a) "Board", "Chairman", "Deputy Chairman", "Head of Departments" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;

- (b) "commuted leave" means leave taken under sub-regulation (c) of regulation 9;
- (c) "completed year of service" and "one year's continuous service" means continuous service of the specified duration under the Central Government or the Board and includes the period spent on duty as well as on leave, including extraordinary leave.
- (d) "earned leave" means leave earned in respect of periods spent on duty;
- (e) "earned leave due" means the amount of leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior to that date plus the amount of earned leave calculated under regulations 8, 9 or 11 as the case may be, diminished by the amount of earned leave taken on or after the commencement of these regulations;
- (f) "employee" means an employee of the Board;
- (g) "employee in permanent service" means an employee who holds substantially a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;
- (h) "employee in quasi-permanent service" means an employee who has been declared quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1949, or who may be declared as quasi-permanent under the Kandla Port Employees (Temporary Services) Regulations, 1964;
- (i) "half pay leave" means leave earned in respect of completed years of service;
- (j) "half pay leave due" means the amount of half pay leave, calculated under regulation 9 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;
- (k) "leave" includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;

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. Leave cannot be claimed as of right.—The authority empowered to grant leave shall have a discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service.

5. (1) No employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where an employee does not resume his duty after remaining on leave for a continuous period of five years, or where an employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of leave granted to him exceeds five years, he shall, unless the Board in view of the exceptional circumstances of the case otherwise directs, be deemed to have resigned and shall accordingly cease to be in the Board's employment.

6. Any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave.

7. No leave shall be granted beyond the date on which an employee shall compulsorily retire:

Provided that if in sufficient time before the date of compulsory retirement an employee has been denied in whole or in part, on account of exigencies of the Board's service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as prescribed in regulation 8, so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of

compulsory retirement does not exceed the amount of the leave preparatory to retirement actually denied, the half-pay leave, if any, applied for by an employee preparatory to retirement and denied in the exigencies of the Board's service being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement;

Provided further that an employee, whose service has been extended in the interest of the Board's service beyond the date of his compulsory retirement may be granted earned leave as under:—

- (i) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;
- (ii) after the expiry of the period of extension—
 - (a) the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement, diminished by the amount of such leave availed of during period of extension; and
 - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the Board's service; and
- (iii) in determining the amount of earned leave due in respect of the extension with reference to regulation 8, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

Explanation.—For the purposes of this regulation an employee may be deemed to have been denied leave only if in sufficient time before the date on which he shall compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of the Board's service or has ascertained in writing from the sanctioning authority that such leave, if applied for, would not be granted on the aforesaid ground.

8. (1) The earned leave admissible to an employee in permanent employ shall be one-eleventh of the period spent on duty;

Provided that an employee shall cease to earn such leave when the earned leave due amounts to 180 days.

Provided further that the earned leave admissible to an employee of non-Asiatic domicile recruited in India who is in continuous service from a date prior to the introduction of these regulations and is entitled to leave passages shall be one-seventh of the period spent on duty and he shall cease to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of regulations 4 and 7 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 120 days (or 150 days in the case of an employee mentioned in the second proviso to sub-regulation (1)).

(3) Earned leave may be granted to an employee in Class I or Class II service or to an employee mentioned in the second proviso to sub-regulation (1) exceeding a period of 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Nepal and Pakistan:

Provided that where earned leave exceeding a period of 120 days or 150 days, as the case may be, is granted under this sub-regulation, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

9(a) Earned leave shall not be admissible to an employee in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

(b) (i) The earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days (or 45 days in the case of an employee mentioned

in the exception to sub-regulation (1) of regulation 8) as the number of days of vacation not taken bears to the full vacation.

(ii) If in any year the employee does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of regulation 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these regulations, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or not shall not exceed the amount of earned leave due and admissible to the employee at a time under regulation 8.

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

10 (a) The half-pay leave admissible to an employee in permanent employ in respect of each completed year of service shall be 20 days.

(b) The half-pay leave due may be granted to an employee on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half-pay-leave due may be granted on medical certificate only, to an employee in permanent employ subject to the following conditions, namely:—

(i) commuted leave during the entire service shall be limited to a maximum of 240 days;

(ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;

(iii) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days, provided that no commuted leave may be granted under this regulation unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

(d) Save in the case of leave preparatory to retirement, "leave not due" may be granted to an employee in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half-pay leave the employee may earn subsequently.

Explanations.—(1) "Leave not due" should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and it should be limited to the half-pay leave he is likely to earn thereafter.

(2) Where an employee who has been granted 'leave not due' under this clause applies for permission to retire voluntarily, the 'leave not due' shall, if the permission is granted, be cancelled.

(3) Where service in respect of any completed year was rendered partly in a Class III post and partly in Class IV post, the half-pay leave shall be calculated on a *pro-rata* basis separately in respect of Class III service and Class IV service and then added up. The fraction, if any, present in the total half-pay leave for the particular year should be ignored if it is less than half or reckoned as one day if it is half or more.

(4) "Commuted leave" should be treated in the same way as leave on half average pay for the purposes of Supplementary Rules and as leave with allowance for the purpose of pension.

(5) The half-pay leave earned by an employee in respect of a "completed year of service" can be availed of by him during the course of a spell of leave or during an extension thereto within which the date of anniversary of service falls.

(6) "Leave not due" may be granted to permanent and quasi-permanent employees suffering from tuberculosis subject to the condition that the authority competent to sanction leave is satisfied on the basis of the certificate given by the

appropriate medical authority as prescribed by the Board from time to time that there is a reasonable prospect of the employee—

- (i) returning to duty on the expiry of the leave; and
- (ii) earning thereafter leave not less than an amount of "leave not due" availed of by him having regard to the fact that in the normal course the employee would have enough service after his return to duty within which he would be able to wipe off the debit balance.

(7) The concession mentioned in sub-regulation (6) will also apply to permanent and quasi-permanent employees suffering from Leprosy on the authority of the appropriate medical authority to be prescribed by the Board from time to time.

(8) The commuted leave, if granted to an employee and who intends to retire subsequently, should be converted into half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the employee who avails himself of commuted leave, but the question whether the employee concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reasons of his health incapacitating him for further service, no refund should be taken.

(9) The authority empowered to grant leave under this regulation shall not have the power to alter the nature of leave, though under regulation 4 he has power to refuse or revoke leave at any time according to the exigencies of the Board's service. There shall be no restriction on an employee whose application for leave is supported by a medical certificate being at his option granted leave on medical certificate (half-pay leave) even when earned leave is due to him.

11. The provisions of regulations 8, 9 and 10 shall also apply to an employee not in permanent employ except that in respect of the first year of his service, the earned leave admissible shall be one-twentysecond of the period spent on duty:

Provided that no earned leave shall be admissible to such an employee in a vacation department in respect of the first year of his service.

Provided further that in the case of an employee not in quasi-permanent employ—

- (a) no half-pay leave may be granted unless the authority competent to sanction leave has reason 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; and
- (b) no "leave not due" shall be granted.

12. An employee not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as an employee in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this regulation.

13. (a) Extraordinary leave may be granted to any employee in special circumstances—

- (i) when no other leave is admissible, or
- (ii) when other leave is admissible, but the employee concerned applies, in writing, for the grant of extraordinary leave.

(b) Except in the case of an employee in permanent employ and an employee in quasi-permanent employ, the duration of extraordinary leave on any one occasion shall not exceed the following limits:—

- (i) three months;
- (ii) six months, in cases where the employee has completed 3 years continuous service on the date of expiry of leave of the kind due and

admissible under the regulations [including 3 months' extraordinary leave under (i) above] and his request for such leave is supported by a medical certificate as required under these regulations;

- (iii) eighteen months where the employee is undergoing treatment for—
- (1) Pulmonary tuberculosis in a recognised sanatorium; or
 - (2) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon; or
 - (3) 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.
- (iv) twenty-four months where the leave is required for the purposes of prosecuting studies certified to be in the Board's interest, provided that the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the regulations [including three months extraordinary leave under (i) above].
- (v) Where an employee who is not in permanent employ or quasi-permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him, or where such an employee who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under sub-rule (b), he shall, unless the Board in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned his appointment and shall, accordingly, cease to be in Board's employ.

Explanations.—(1) The concession of extraordinary leave upto eighteen months will be admissible also to an employee suffering from pulmonary tuberculosis who receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a 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.

(2) The Tuberculosis institution recognised or to be recognised by the Board from time to time, for the treatment of Board's employees and their families will be deemed as recognised for the purpose of grant of extraordinary leave upto eighteen months to temporary employees undergoing treatment for tuberculosis.

(3) Two spells of extraordinary leave if intervened by maternity leave should be treated as one continuous spell of extraordinary leave for the purpose of clause (b) of regulation 13.

(4) Two periods of extraordinary leave when intervened by a spell of leave on half-pay should be treated as one continuous spell for the purpose of applying the limit of three months mentioned in clause (b) of regulation 13.

(5) A temporary employee suffering from tuberculosis who avails of the concession under clause (b) of regulation 13 shall be required, before resuming duty, to produce fitness certificate from the following authorities:—

- (i) A temporary Class I or Class II employee suffering from Pulmonary Tuberculosis or tuberculosis of any other part of the body, shall produce a fitness certificate from a medical committee as may be prescribed by the Board, irrespective of the fact whether the treatment is at a sanatorium or at the residence of the employee. A Tuberculosis Specialist[†] shall also be co-opted as a member of the Medical Committee.
- (ii) A temporary Class III or Class IV employee suffering from pulmonary tuberculosis, shall produce a certificate of fitness from the Medical Officer of the port or from a Tuberculosis Specialist recognised by a

State Government while such an employee suffering from tuberculosis of any other part of the body shall produce a certificate from a qualified Tuberculosis Specialist or medical officer of the Board.

(6) A temporary employee who is granted extraordinary leave, as a special case, for prolonged periods, in relaxation of the regulations, in continuation of his regular leave, for study in India or abroad, subject to his giving an undertaking in writing to serve the Board for a specified period, after the expiry of his leave shall give an undertaking in the form in annexure I before the extraordinary leave in relaxation of the regulations is granted to him.

14. (1) Except as provided in sub-regulation (2), an employee on earned leave is entitled to leave salary equal to the average monthly pay earned during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which the employee is entitled immediately before proceeding on leave, whichever is greater.

(2) An employee who proceeds on earned leave from a post the maximum pay of which does not exceed Rs. 110 per mensem, is entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(3) 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) or sub-regulation (2), as the case may be, subject to a maximum of Rs. 750/-.

Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(4) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1) or sub-regulation (2), as the case may be.

(5) An employee on extraordinary leave is not entitled to any leave salary.

Explanation.—(1) 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 foreign service out of India shall be substituted for the pay actually drawn while calculating average pay.

Explanation.—(2) For the purpose of this regulation "substantive pay" means the substantive pay of the permanent post which the employee holds substantively or on which he holds a lien or would hold a lien, had the lien not been suspended.

Provided that in the case of an employee in quasi-permanent service, the pay admissible in the post in which he has been declared quasi-permanent, shall be deemed to be the substantive pay:

Provided further that the leave salary of an employee who is in permanent or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three year limit shall include:—

- (a) all periods of leave during which the employee would have officiated in the post but for proceeding on such leave; and
- (b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

Explanation.—(3) Leave salary under these regulations in the case of "probationers" and persons appointed "on probation" should be regulated as follows:—

- (1) in the case of a "probationer" as defined in clause (d) of Audit instruction 2 below F.R. 9(6), whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of regulation 13;

- (ii) in the case of a person who is only appointed to a post "on probation", as distinct from appointment as a "probationer" as defined in clause (d) of the Audit Instruction mentioned above—
- (a) if he was already holding a permanent post in a substantive capacity before being appointed "on probation" to another post, his substantive pay in respect of the permanent post, on which he holds a lien or on which he would have held a lien had such lien not been suspended will be his substantive pay for the purpose of calculation of leave salary under these regulations; and
- (b) if he was only in temporary employ of the Board or if he is a direct recruit appointed to the post 'on probation', the leave salary will be regulated under sub-regulation (1) or (2) of regulation 13 as the case may be.

Explanation.—(4) (a) In the case of an employee who is reinstated after a period passed under suspension and who proceeds on leave shortly after or immediately on reinstatement, the average pay shall be calculated on the basis of the pay actually drawn or allowed to him during the 10 months preceding the month in which the leave commenced.

(b) The leave salary of an employee, who is allowed to draw pay under Fundamental Rule 20 or 35 shall also be calculated similarly, i.e., on the basis of the pay actually drawn by him.

Explanation.—(5) (a) For the purposes of the second proviso to Explanation (2) to regulation 14, to the limit of three years shall include all periods of leave during which an employee in permanent or quasi-permanent employ would have officiated in the post but for proceeding on such leave and all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post. The period of half-pay leave, extraordinary leave, maternity leave, etc., will also, therefore, be included, for calculating the limit of three years.

(b) An employee shall not be allowed the benefit of treating the pay drawn in the post in which he was officiating before proceeding on leave or in which he would have so officiated but for his officiating appointment in an equivalent or still higher post, as substantive pay, for the purpose of regulation 14, unless he furnishes a certificate from the competent authority concerned that during all the period of leave or officiating service in an equivalent or still higher post, he would have continued to officiate in the post concerned but for proceeding on leave or officiating service in an equivalent or still higher post.

(c) In all cases in which it is proposed to allow the benefit of the second proviso to explanation (2) to regulation 14 the authority which is competent to fill the specified post in respect of which the benefit is proposed to be granted shall furnish a certificate as in annexure II to enable the Accounts Officer to admit the claim.

Provided that it shall not be necessary to produce the certificate mentioned above when:—

- (i) an employee has continuously officiated in a Class I or Class II post for more than three years and has not availed of any leave;
- (ii) a Class I or Class II employee has availed of earned leave for which certificate under F.R. 26 (bb)(i) has been furnished to the Accounts Officer and he has been allowed increment without its being postponed;
- (iii) a Class I or Class II employee has officiated in a higher post for which certificate of continued officiation in the lower post but for appointment to the higher post has been furnished to the Accounts Officer and the employee has been allowed to count the period for increment in the lower post.

Explanation (6).—A month's leave salary may be allowed in advance to employees proceeding on leave subject to the following conditions:—

- (i) no advance may be granted when the leave taken is for less than a month or 30 days;

- (ii) 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 to a port employee after deductions on account of income-tax, Provident Fund, house rent, repayment of advance, etc. so that there is no financial risk involved;
- (iii) 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 shall be recovered from the next payment of pay or leave salary or both;
- (iv) the advance may be sanctioned by the Chairman, Deputy Chairman or the Heads of Departments;
- (v) advance in respect of temporary and quasi-permanent employees may be sanctioned without the surety of a permanent employee;
- (vi) the amount of advance will be debited to the Head of account to which the pay etc. of the employee is debited and the adjustment of the advance will be watched through Objection Book by the Accounts Officer;
- (vii) advance under these instructions shall be sanctioned in whole rupees.

15. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

ANNEXURE I

BOND FOR TEMPORARY EMPLOYEES GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF REGULATION 13(b) OF THE COCHIN/KANDLA/VISHAKHAPATNAM PORT EMPLOYEES (LEAVE) REGULATIONS, 1964, FOR STUDY IN INDIA OR ABROAD

Know all men by these presents that I, Mr./Mrs./Miss..... S/o / W/o / D/o..... of..... at present employed as..... in the Ministry/Office of..... do hereby firmly bind myself and my heirs, executors, and administrators, to pay to the Board, his successors and assigns on demand the sum of Rs.....

Dated this.....day of.....one thousand nine hundred and.....

Whereas the Board has, at the request of the above-bounden Mr./Mrs./Miss.. employed as a..... granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of..... month.....days with effect from.....in order to enable him/her to study at.....

And whereas the Board has appointed/will have to appoint a substitute to perform the duties of.....during the period of absence of Mr./Mrs./Miss.....on extraordinary leave,

And whereas it has been agreed between the above bounden Mr./Mrs./Miss.. and the Board that for the better protection of the interest of the Board, the said Mr./Mrs./Miss.....should execute such bond as above written and with such condition as is hereunder written.

Now the condition of the above written obligation is that in the event of the above bounden, Mr./Mrs./Miss.....failing to rejoin on the expiry of the 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 for refusing to serve the Board in any other capacity as may be required by the Board on the existing terms and conditions and on a salary which he/she would have originally drawn if he/she would not have been granted leave for study purposes the said Mr./Mrs./Miss..... or his/her heirs, executors and administrators shall forthwith pay to the Board on demand the said sum of Rs.....

And upon his/her 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.

This bond shall in all respects be governed by the law 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.

The stamp duty on this deed shall be borne and paid by the Board.

In witness to the above written bond and the condition therefor I, Mr./Mrs./Miss.....have hereunto set my hands the..... day of.....one thousand nine hundred and.....

Signed and delivered by the
above bounden Mr./Mrs./Miss.....
in the presence of.....

ANNEXURE II

[See explanation (5) under regulation 13]

Certified that on*.....Shri/Shrimati/Kumari..... has been continuously officiating in the post**.....for more than three years inclusive of the following periods during which he/she would have officiated in that post but the following events:—

	From	To
(1) Periods of officiating in the specified post.		
(2) Periods of officiating in equivalent or higher posts in the same department.		
(3) Periods of deputation.		
(4) Foreign service.		
(5) Period of leave.		

Signature.....
Designation.....

*The date preceding the date of commencement of leave to be specified here.

**Designation of the post to be specified here.

[No. 19-PG(124)/63.]

G.S.R. 308.—In exercise of the powers conferred by section 126 read with clause (b) of section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(a) These regulations may be called the Kandla Port Employees (General Provident Fund) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. **Interpretation.**—In these regulations unless the context otherwise requires,—

(1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board.

(2) "Board", "Chairman", "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963.

(3) "emoluments" means pay, leave salary or subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber and any remuneration of the nature of pay received in respect of foreign service but does not include

conveyance allowance, house rent allowance, overtime fees, cement testing allowance, fee for supervision of floating craft, diving allowance and ration allowance:

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

(4) "employcc" means an employee of the Board.

(5) "family" means—

(i) in the case of a male subscriber, the wife or wives and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

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

(ii) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

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

Explanation.—Child means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber.

(6) "Fund" means the Kandla Port Employees General Provident Fund.

(7) "leave" means any kind of leave recognised by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations, if any, framed under section 28 of the Major Port Trusts Act, 1963, whichever may be applicable to the subscriber.

(8) "year" means the financial year.

(9) Any other expression used in these regulations which is defined in the Provident Funds Act, 1925 (11 of 1925), or in the Fundamental Rules of the Central Government or the Leave Regulations mentioned in sub-regulation (7) (whichever may be applicable to the subscriber) shall have the meanings assigned to them in such Act, Rules or Regulations.

3. Constitution and Management of the Fund.—On and from the date of commencement of these regulations, the Board shall establish and maintain a Provident Fund for the welfare of the employees.

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

4. Application.—(1) All permanent employees, other than re-employed persons, and all temporary employees who have rendered continuous service of one year or more on the date of commencement of these Regulations shall be required to subscribe to the Fund. Temporary employees whose period of service on the date of commencement of these Regulations is less than one year shall be required to subscribe to the Fund from the month following that in which they complete one year's service.

(2) The Board may, at its discretion, require any other category of employees to subscribe to the Fund.

(3) Employees who are subscribers to any Contributory Provident Fund shall not be required to subscribe to the Fund.

5. On the commencement of these regulations, the balance, if any, standing to the credit of an employee in the General Provident Fund constituted under the

Central Provident Fund (Central Services) Rules, 1960, shall be credited to the account of the employee under the Fund constituted under these Regulations.

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

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

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

(2) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this regulation.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

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

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

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

8. Conditions and Rates of Subscriptions.—(1) Conditions of Subscription:

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

Provided that a subscriber may, at his option, not subscribe during any period of leave other than leave on average pay or earned leave of less than a month or 30 days' duration as the case may be:

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

(b) A subscriber shall intimate in writing his election not to subscribe during leave to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this clause shall be final.

(2) Rates of Subscription:

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

(a) it shall be expressed in whole rupees.

(b) it may be any sum so expressed not less than six per cent of his emoluments and not more than his total emoluments:

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

Provided further that in the case of Class IV employees, the minimum rate of subscription shall be Rs. 4/- a month in the case of those drawing a pay of less than Rs. 75/- a month and Rs. 5/- a month in the case of others;

(c) when an employee elects to subscribe at the minimum rate of 6 per cent or 8-1/3 per cent, as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 p. counting as the next higher rupee.

(3) For the purpose of sub-regulation (2), the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that—

(i) if the subscriber was on leave on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty:

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India:

(b) in the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.

(4) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month:

(b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty:

- (c) if he has entered Board's service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;
- (d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
- (e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him to the Board's account on account of subscription for the month of April in the current year.

(5) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year:

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

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

9. **Transfer to Foreign Service or Deputation out of India.**—When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

10. **Realisation of Subscriptions.**—(1) When emoluments are drawn in India, recovery of subscriptions on account of these emoluments and of the principal and interest, an advance shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer:

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

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

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

11. **Interest.**—(1) Subject to the provisions of sub-regulation (5), the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board:

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

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

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

- (1) on the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year,—interest for twelve months;

- (ii) on sums withdrawn during the current year.—Interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;
- (iii) on all sums credited to the subscriber's account after the last day of the preceding year.—Interest from the date of deposit up to the end of the current year;
- (iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty naye paise counting as the next higher rupee):

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

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

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

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

(4) In addition to any amount to be paid under regulation 14 interest thereon up to the end of the month preceding that in which the payment is made, or up to the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

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

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-regulation (3) of regulation 10, sub-regulation (5) of regulation 14, regulation 15, sub-regulation (2) of regulation 17, proviso to regulation 21(b), regulation 24, regulation 25 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-regulation (1) of this regulation.

12. Transfer from Other Services.—(1) Subject to the sanction of the Board in each case, a person who has joined the Board's service from the service of any Government, or other employer, may, if he becomes a subscriber to the Fund, have any amount standing to his credit in a Provident Fund maintained by the Government, or other employer on the date of his joining the Board's service, transferred to his credit in the Fund. The amount so transferred shall carry interest only if shall not entitle the subscriber to any contribution by the Board in respect thereof.

(2) In the event of a subscriber to the Fund being permanently transferred to a service under a Government or any other employer, the balance in the Provident Fund account of the subscriber may, instead of being paid in cash, be transferred to his account with the new employer and thereupon these Regulations shall cease to apply him.

13. Advances from the Fund.—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of

whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes:—

- (a) to pay expenses in connection with the illness or a disability, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him;
- (b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:—
 - (i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;
- (c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him:

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

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

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

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

- (e) to meet the cost of his defence where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged misconduct on his part
- (f) in other cases of acute distress at the discretion of the Chairman.

(2) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance together with interest thereon.

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

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

14. Recovery of Advance.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Chairman or any other officer authorised to sanction the advance may direct; but such number shall not be less than 12 unless the subscriber so elects and more than 24. In special cases where the amount of advance exceeds three months' pay of the subscriber, the authority sanctioning the advance may fix such number of instalments exceeding 24, but not exceeding 36. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in regulation 10 for the realisation of subscriptions, and shall commence, on the first occasion after the advance is made on which the subscriber draws the pay or remuneration on foreign

service, for a full month. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days' duration as the case may be. The recovery may be postponed, on the subscriber's request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of the interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (a) exceeds 20 months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that prescribed in sub-regulation (2). Payments shall be rounded to the nearest rupee in the manner prescribed in clause (iv) of sub-regulation (2) of regulation 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, with interest at the rate provided in regulation 11 forthwith be repaid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding 12 as may be directed by the Chairman or the authority competent to sanction an advance under Explanation 2 to sub-regulation (2) of regulation 13:

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

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

15. Wrongful use of Advance.—Notwithstanding anything contained in these regulations, if the Chairman is satisfied that money drawn as an advance from the Fund under regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question shall with interest at the rate provided in regulation 11 forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Chairman to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recovery shall be made in monthly instalments or moieties of his emoluments till the entire amount is repaid by him.

Explanation.—In this regulation, 'emoluments' do not include subsistence grant.

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

(I) after the completion of 25 years of service (including broken periods of service, if any) of a subscriber or within 8 years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

(a) meeting the cost of higher education, including, where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—

(i) for education outside India for academical, technical, professional or vocational course beyond the High School stage, and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is not less than three years,

- (b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and if he has no daughter, of any other female relation dependent on him,
 - (c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber or any person actually dependent on him, and
- (II) after the completion of twenty three years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—
- (a) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions or alterations to a house already owned or acquired by a subscriber;
 - (b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than 12 months of that date;
 - (c) for constructing a house on a site purchased utilising the sum withdrawn under clause (b);

Explanation.—A subscriber who has availed himself of an advance under the scheme of the Central Government or a State Government for the grant, of advances for house-building purpose, or has been allowed any assistance in this regard from any other Central or State Government sources, shall be eligible for the grant of final withdrawal under sub-clauses (a), (b) and (c) of sub-regulation (II) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of regulation 17.

- (III) The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Accounts Officer who will arrange this as soon as formal sanction of the Chairman is issued.

17. Conditions of withdrawal.—(1) Any sum withdrawn by a subscriber at any one time for one or more purposes specified in regulation 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six months' pay whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to three-fourths of the balance at his credit in the Fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscriber; and (iii) the amount to his credit in the Fund:

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Central or a State Government for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken under the aforesaid schemes or the assistance taken from any other Government source shall not exceed Rs. 75,000/- or 5 years' pay, whichever is less.

(2) A subscriber, who has been permitted the withdrawal of money under regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn shall forthwith be repaid in one lumpsum together with interest thereon at the rate determined under regulation 11 by the subscriber to the Fund and in default of such payment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lumpsum or any such number of monthly instalments as may be determined by the Chairman.

(3) Nothing in sub-regulation (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub-regulation.

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

19. **Payment towards Insurance Policies and Family Pension Funds.**—Subscribers who, before the 17th December 1960, have been substituting in whole or in part, payments towards policies of life insurance for subscriptions or making withdrawals for such payments from the Fund under the provisions of rules 17 to 20 of the General Provident Fund (Central Services), Rules, 1960, will continue to enjoy the benefit under the same terms and conditions *mutatis mutandis*:

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

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

20. **Final withdrawal of accumulation in the Fund.**—When a subscriber quits the service the amount standing to his credit in the Fund shall become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the Board, repay any amount paid to him from the Fund in pursuance of this regulation, with interest thereon at the rate provided in regulation 11 in the manner provided in the proviso to regulation 21. The amount so repaid shall be credited to his account in the Fund.

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

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

21. **Retirement of Subscriber.**—When a subscriber—

(a) has proceeded on leave preparatory to retirement, or

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

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

Provided that the subscriber, if he returns to duty, shall, if required to do so by the Board, repay to the Fund for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this regulation with interest thereon at the rate provided in regulation 11 in cash or securities or partly in cash or partly in securities, by instalments or otherwise by recovery from his emoluments or otherwise, as may be directed by the Chairman.

22. **Procedure on Death of a Subscriber.**—On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(1) when the subscriber leaves a family—

(a) if a nomination made by the subscriber in accordance with the provisions of regulation 6 or of the corresponding rule in force earlier in favour of a member

or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

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

Provided that no share shall be payable to—

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

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

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

(ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of regulation 8 or of the corresponding rule in force earlier in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

23. Manner of Payment of Amounts in the fund.—(1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Accounts Officer to make payment on receipt of written application in this behalf as provided in sub-regulation (3).

(2) If the person to whom, under these regulations any amount or policy is to be paid, assigned, re-assigned, or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery shall be made to such manager and not to the lunatic.

(3) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the Accounts Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

Explanation.—When the amount standing to the credit of a subscriber has become payable under regulation 20, 21 or 22, the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of the subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

24. Procedure on Transfer of an Employee from one Major Port to Another.—If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other major port in which he is governed by similar regulations, the amount of subscription, together with interest thereon standing to his credit in the Fund on the date of transfer shall be transferred to his credit in the fund of such major port:

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

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

Explanation.—The provisions of this regulation shall not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently

re-employed with or without a break in service in another post carrying contributory provident fund benefits.

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

27. **Number of account to be quoted at the time of payment of subscriptions.**—When paying a subscription in India, either by deduction from emoluments or in cash a subscriber should quote the number of his account in the Fund which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

28. **Annual statement of accounts to be supplied to subscriber.**—(1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his accounts in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alteration in any nomination made under regulation 6 or under the corresponding rule in force earlier;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under regulation 6.

(2) Subscribers shall satisfy themselves as to the correctness of the annual statement, and they shall bring to the notice of the Accounts Officer within three months from the date of receipt of the statement by them, any inaccuracy or arrear in such statement.

(3) The Accounts Officer shall, if required by a subscriber, once but not more than once, in a year inform the subscriber of the total amount standing in his credit in the Fund at the end of the last month for which his account has been written up.

29. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be decided by the Board.

FIRST SCHEDULE (REGULATION 6)

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in regulation 2 (5) of the Kandla Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address, and relationship of the person/persons if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber

Dated this..... day of.....19

at.....

Two witnesses to signature.

1.

2.

Signature of subscriber)

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in regulation 2 (5) of the Kandla Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed amongst the said persons in the manner shown against their names.

Name and Address of nominees	Relationship with subscriber	Age	*Amount of share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom [the right of the nominee shall pass in the event of his/her pre-deceasing the subscriber
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Dated the day of 19 ..
 at

Two witnesses to signature.

1

2

Signature of subscriber

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in regulation 2 (5) of the Kandla Port Employees (General Provident Fund) Regulations, 1964, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of nominee shall pass in* the event of his/her pre-deceasing the subscriber
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Dated this day of 19 ..

at

Two witnesses to signature.

1

2

Signature of subscriber

*NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in regulation 2(5) of the Kandla Port Employees (General Provident Fund) Regulations, 1964, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	**Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber
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Dated this day of 19 ..

at

Two witnesses to signature.

Signature of subscriber

1.

2.

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in the column that the nomination shall become invalid in the event of his subsequently acquiring a family.

[No. 19-PG(117)/63.]

G.S.R. 309.—In exercise of the powers conferred by section 126 read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

PART I.—General

1. **Short title and commencement.**—(a) These regulations may be called the **Kandla Port Employees (Classification Control and Appeal) Regulations, 1964.**

(b) They shall come into force on the 29th February, 1964.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

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

or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board;

(f) 'Schedule' means the Schedule to these regulations.

3. **Application.**—(1) These regulations shall apply to all the employees of the Board, except—

- (a) persons in casual employment;
- (b) persons subject to discharge from service on less than one month's notice; and
- (c) persons for whose appointment and other matters covered by these regulations, special provision is made by or under any law for the time being in force, in regard to the matters covered by such law.

(2) Notwithstanding anything contained in sub-regulation (1), the Board may by order exclude from the operation of all or any of these regulations any employee or class of employees.

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

4. **Special provision by agreement.**—Where it is considered necessary to make special provision in respect of an employee inconsistent with any of these regulations, the authority making the appointment may, with the concurrence of such employee, make special provisions and thereupon these regulations shall not apply to such employee to the extent to which such special provisions are inconsistent with these regulations.

5. **Protection of rights and privileges conferred by any law or agreement.**—Nothing in these regulations shall operate to deprive any employee of any right or privilege to which he is entitled—

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

PART II.—Classification

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

Class I posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 950/-.

Class II posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 575/- but not more than Rs. 950/-.

Class III posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 110/- but not more than Rs. 575/-.

Class IV posts, that is to say, posts carrying a pay or scale of pay the maximum of which is less than Rs. 110/-.

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

PART III.—Appointing Authorities

7. **Appointments to class I posts.**—(1) All appointments to Class I posts under the Board which are covered by clause (b) of sub-section (1) of section 24 of the Act, (other than posts the incumbents of which are declared to be Heads of Departments) shall be made by the Board.

(2) All appointments to posts, the incumbents of which are declared to be Heads of Departments, shall be made by the Central Government after consultation with the Chairman.

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

PART IV.—*Suspension*

9. **Suspension.**—(1) An employee may be placed under suspension—

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) The order of suspension shall be made—

- (a) in the case of the Head of a Department or in the case of an employee holding a post referred to in clause (b) of sub-section (1) of section 24 of the Act, by the Board;
- (b) in any other case by the appointing authority:

Provided that no such order relating to the Head of a Department shall have effect until it is approved by the Central Government.

(3) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Board or the appointing authority, as the case may be, and shall remain under suspension until further orders are made by the Board or the appointing authority.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of, or by a decision of a Court of Law, and the disciplinary authority on a consideration on the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(6) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V.—*Discipline*

10. **Nature of penalties.**—The following penalties may, for good and sufficient reasons and, as hereinafter provided, be imposed on an employee, namely:—

- (i) censure;
- (ii) withholding of increments or promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders;
- (iv) reduction to a lower grade or post or to a lower time-scale or to a lower stage in a time-scale;
- (v) compulsory retirement;
- (vi) removal from service which shall not be a disqualification for future employment;
- (vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this regulation:—

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of his appointment;
- (ii) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (iv) reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- (v) reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;
- (vi) replacement of the services of an employee whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services—
 - (a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations and orders governing probation; or
 - (b) of an employee, employed under an agreement in accordance with the terms of such agreement;
 - (c) of a temporary employee under regulation 5 of the Kandla Port Employees (Temporary Services) Regulation, 1964.

11. **Disciplinary Authorities.**—The authorities mentioned in the Schedule shall be competent to impose the penalties on the employees of different graded and services as indicated in the Schedule.

12. **Procedure for Imposing Major Penalties.**—(1) No order imposing on an employee any of the penalties specified in items (iv) to (vii) of regulation 10 shall be passed except after an enquiry held, as far as may be, in the manner hereinafter provided.

(2) The disciplinary authority shall frame charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegation on which they are based, shall be communicated in writing to the employee, and he shall be required to submit, within such time as may be specified by the disciplinary authority (a) to such authority or (b) where a board of inquiry or inquiring officer has been appointed under sub-regulation (3) to that board or officer, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-regulation and in sub-regulation (4), the expression “the disciplinary authority”, shall include the authority competent under the regulations to impose upon the employee any of the penalties specified in item (1) to (iii) of regulation 10.

(3) The disciplinary authority may inquire into the charges itself or if it considers it necessary so to do, it may, either at the time of communicating the charges to the employee under sub-regulation (2) or at any time thereafter, appoint a board of inquiry or inquiring officer for the purpose.

(4) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against the Board's interest to allow him access thereto.

(5) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority or as the case may be, the board of inquiry or the inquiring officer may inquire into such of the charges as are not admitted.

(6) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the inquiring authority). The employee may present his case with the assistance of any other employee but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority is a legal practitioner or unless the disciplinary authority, having regard to the circumstances of the case, so permits.

(7) The inquiring authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(9) The Board may, from time to time, prescribe time limits within which the various stages of enquiry should be completed, namely, inspection of documents by the accused employee, request for access to additional records, inspection of such additional records and submission of statement by the accused employee on the charges made against him. Such time limits may be prescribed in respect of enquiries connected with the imposition of major as well as minor penalties.

(10) The record of the inquiry shall include—

- (i) the charges framed against the employee and the statement of allegations furnished to him under sub-regulation (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(11) The disciplinary authority shall, if it is not the inquiry authority, consider the record of the inquiry and record of its findings on each charge.

(12) (1) If the disciplinary authority, having regard to its findings on the charges is of the opinion that any of the penalties specified in items (iv) to (vii) of regulation 10 should be imposed, it shall—

- (a) furnish to the employee a copy of the report of the inquiring authority and, where a disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority; and
- (b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty provided that such representation shall be based only on the evidence adduced during the enquiry.

(ii) in every case in which it is necessary to consult the Central Government, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in response to such notice, if any, shall be forwarded by the disciplinary authority along with its recommendations to the Central Government for passing orders.

(13) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in items (i) to (iii) of regulation 10 should be imposed, it shall pass appropriate orders in the case.

(14) Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiring authority, and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

13. Procedure for Imposing minor penalties.—(1) No order imposing any of the penalties specified in items (i) to (iii) of regulation 10 shall be passed except after—

- (a) informing in writing the employee of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against such proposal;
- (b) such representation, if any, is taken into consideration by the disciplinary authority; and
- (c) consultation with the Central Government where such consultation is necessary.

(2) The record of the proceedings of such cases shall include—

- (i) a copy of the intimation to the employee of the proposal to take action against him;
- (ii) a copy of the statement of allegations communicated to him;
- (iii) his representation, if any; and
- (iv) the orders on the case together with the reasons therefor.

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

(2) Subject to the provisions of (a) sub-section (1) of section 25 of the Act, and (b) regulation 11, any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in regulation 10 which such disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in regulation 13 or regulation 16 may be followed in the proceeding.

15. Special procedure in certain cases.—Notwithstanding anything contained in regulations 12, 13 and 14—

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

the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit:

Provided that the approval of the Central Government shall be obtained before passing such orders in relation to a Head of a Department.

16. Provisions regarding officers borrowed by the Board.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in these regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

- (i) if it is decided that any of the penalties specified in items (1) to (iii) of regulation 10 should be imposed on him, the disciplinary authority may, subject to the provisions of sub-regulation (2) of regulation 12, after consultation with the lending authority, pass such orders on the case as it deems necessary;

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

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

PART VI—*Appeals*

17. Orders made by Central Government not Appealable.—Notwithstanding anything contained in this part, no appeal shall lie against any order made with the approval of the Central Government.

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

19. Appeals against orders Imposing Penalties.—(1) The authorities mentioned in the Schedule shall be competent to entertain appeals in respect of the penalties indicated in the Schedule.

(2) Any employee of a Board (not being a Head of a Department) aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 21 and in the manner laid down in regulation 22, prefer an appeal—

- (a) to the Central Government, where such order is passed by the Board;
- (b) to the Board, where such order is passed by the Chairman;
- (c) to the Chairman, in any other case;

Provided that where the person who has passed the order becomes, by virtue of his subsequent appointment as the Chairman, the appellate authority in respect of the appeal against the order, such person shall forward the appeal to the Board

and the Board in relation to that appeal shall be deemed to be the appellate authority for the purposes of this regulation.

20. An appeal against an order—

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

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

Explanation.—In this regulation—

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

21. **Period of Limitation for Appeals.**—No appeal under this Part shall be entertained unless it is preferred within a period of three months from the date on which the appellant receives a copy of the order appealed against:

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

22. **Form and contents of Appeals.**—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

23. **Submission of Appeals.**—Every appeal shall be submitted through the authority which made the order appealed against:

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

24. **Withholding of Appeals.**—(1) The authority which made the order appealed against may withhold the appeal if—

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

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

(2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefor.

(3) At the commencement of each quarter, a list of appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

25. Transmission of Appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 24, together with its comments thereon and the relevant records.

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

26. Consideration of Appeals.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 9 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 10 the appellate authority shall consider—

- (a) whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in violations of any of the provisions of the Act or in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate;

and pass orders—

(1) setting aside, reducing, confirming or enhancing the penalty; or

(2) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

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

27. Implementation of orders in Appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII.—*Repeal and Removal of doubts*

28. Repeal.—(1) On the commencement of these regulations, any other rules which were in force in respect of the employees shall stand repealed:

Provided that—

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

(2) An appeal pending or preferred after the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations.

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

SCHEDULE

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers (i) to (vii) in regulation 10).		Appellate authority
		Authority	Penalties	
Posts the incumbents of which are declared to be Heads of Departments under section 24(2) of the Major Port Trusts Act, 1963.	Central Government in consultation with the Chairman.	Board	All [the prior approval of Central Government should be taken before imposing penalties (iv) to (vii)]	..
Class I [other than those of Heads of Depts. but covered by section 24(1) (b) of the Major Port Trusts Act, 1963].	Board	Chairman Board	(i) to (iii) (iv) to (vii)	Board Central Government
Class I (not covered by section 24(1)(b) of the Major Port Trusts Act, 1963) and Class II.	Chairman	Chairman	All	Board
Class III	Head of a Deptt.	Head of a Deptt.	All	Chairman*
Class IV	Head of a Deptt.]	Head of Deptt.	All	Chairman*

*Subject to proviso mentioned in regulation 19.

[No. F. 19-PG(122)/63.]

G.S.R. 310.—In exercise of the powers conferred by sub-section (1) of section 4 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby constitutes the first Board of Trustees in respect of the port of Kandla with effect from the 29th February, 1964, and appoints the following persons as the Chairman and Trustees respectively of the said Board of Trustees, namely:—

Chairman

Shri N. C. Patel.

Trustees

1. Assistant Collector of Customs, Kandla (representing the Customs Department).
2. Chief Operating Superintendent, Western Railway (representing the Indian Railways).
3. Chief Staff Officer to the Flag Officer, Bombay (representing the Defence Services).
4. Director of Ports, Gujarat State (representing the State Government).
5. Dr. Jayant Khatri (representing Labour).
6. Shri Arunkant Shah (representing Labour).
7. Administrator, Gandhidham Municipality (representing Municipality).
8. Shri R. C. Raval (representing Gandhidham Chamber of Commerce).
9. Shri Premchand Gokaldas (representing Gujarat Chamber of Commerce).
10. Shri K. L. Jain (representing Rajasthan Chamber of Commerce).
11. Shri M. H. Parekh (representing Indian National Steamship Owners' Association).

[No. 19-PG(130)/63.]

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

1. **Short Title, Commencement and Application.**—(1) These regulations may be called the Cochin Port Employees (Temporary Service) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under that Board. These regulations shall not, however, apply to:—

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

2. **Definitions.**—In these Regulations, unless the context otherwise requires:—

- (i) "Appointing authority" means the authority empowered to make appointment to the post under the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964;
- (ii) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department' shall have the same meanings assigned to them in the Major Port Trusts Act, 1963;
- (iii) "employee" means an employee of the Board;
- (iv) 'quasi-permanent service' means temporary service commencing from the date on which a declaration issued under Regulation 3 takes effect and consisting of periods of duty and leave (other than extra-ordinary leave) after that date;
- (v) 'specified post' means the particular post, or the particular grade of posts within a cadre, in respect of which an employee is declared to be quasi-permanent under Regulation 3;
- (vi) 'temporary service' means officiating service in a temporary or in a permanent post under the Board;
- (vii) 'service' under the Board means temporary service under the Board.

3. **Counting of service.**—An employee shall be deemed to be in quasi-permanent service:—

- (i) if he has been in continuous service of the Board for more than three years; and
- (ii) if the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character, for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Board may issue from time to time.

Explanation.—For the purpose of computing service for quasi-permanency, service rendered in the port prior to the commencement of these regulations shall also be counted.

4. **Issue of Quasi-Permanent Certificate.**—A declaration issued under Regulation 3 shall specify the particular post or the particular grade of posts within a cadre, in respect of which it is issued, and the date from which it takes effect.

5. **Termination of services of Employees not in Quasi-Permanent Service.**—

(a) The service of a temporary employee, who is not in quasi-permanent service, shall be liable to termination at any time by notice in writing given either by the employee to the appointing authority, or by the appointing authority to the employee.

(b) The period of such notice shall be one month unless otherwise agreed to by the appointing authority and by the employee.

Provided that the service of any such employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice, or as the case may be, for the period by which such notice falls short of one month or any agreed longer period.

Provided further that the Compensatory (City) and House Rent allowances, where admissible, shall be payable on the expiry of the notice period and after it is certified by the Chairman that the employee continued to reside during the period of notice at the station where he was last employed, notwithstanding the fact that he was not accepted to return to duty at the same station.

6. (1) Where a notice is given by the appointing authority terminating the service of the temporary employee or where the service of any such employee is terminated either on the expiry of the period of such notice or forthwith by the payment of pay *plus* allowances, the Board or any other authority specified by

the Board in this behalf may, of its own motion or otherwise, reopen the case and after calling for the record of the case and after making such enquiry as it deems fit, may:—

- (a) confirm the action taken by the appointing authority; or
- (b) withdraw the notice; or
- (c) reinstate the employee in service; or
- (d) make such other order in the case as it may consider proper;

provided that no case shall be re-opened under this sub-clause after the expiry of three months—

- (i) in a case where notice is given, from the date of notice;
- (ii) in a case where no notice is given, from the date of termination of service.

(2) Where an employee is re-instated in service under sub-clause (1), the order of re-instatement shall specify:—

- (a) the amount or proportion of pay and allowances, if any, to be paid to the employee for the period of his absence between the date of termination of service and the date of reinstatement; and
- (b) whether the said period shall be treated as period spent on duty for any specified purposes.

7. Termination of service of Quasi-permanent Employees.—(1) The service of an employee in quasi-permanent service shall be liable to termination:—

- (i) in the same circumstances and in the same manner as that of an employee in permanent service, or
- (ii) when the appointing authority concerned has certified that a reduction has occurred in the number of posts available for employees not in permanent service;

Provided that the service of an employee in quasi-permanent service shall not be liable to termination under sub-clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him, continues to be held by an employee not in permanent or quasi-permanent service.

Provided further that as among employees in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority termination of service consequent on reduction of posts shall ordinarily take place in the order of juniority in the list referred to in Regulation 8.

(2) Nothing in this regulation shall affect any special instructions issued by the Board regarding the manner and the order in which temporary employee belonging to any Scheduled Castes or Scheduled Tribes may be discharged.

Explanation.—Reduction of status from permanent to temporary not being one of the penalties that can be imposed on a permanent employee under the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964, a quasi-permanent employee cannot also be relegated to a temporary status for reasons of inefficiency or as a disciplinary measure.

8. Confirmation of quasi-permanent employees.—(1) Subject to the provisions of this regulation, an employee in respect of whom a declaration has been issued under Regulation 3, shall be eligible for a permanent appointment on the occurrence of a vacancy in the specified post which may be reserved for being filled from among persons in quasi-permanent service in accordance with such instructions as may be issued by the Board in this behalf.

Explanation.—No such declaration shall confer upon any person a right to claim a permanent appointment to any post.

(2) Every appointing authority shall, from time to time, after consultation with the appropriate Departmental Promotion Committee, prepare a list in order of precedence, of persons in quasi-permanent service who are eligible for permanent appointment. In preparing such a list, the appointing authority shall consider both the seniority and the merit of the employees concerned. All permanent

appointments which are reserved under sub-regulation (1) under the control of any such appointing authority shall be made in accordance with such list:

Provided that the Board may order that a permanent appointment to any grade or post may be made purely in order of seniority.

(3) All employees of the Board who were declared quasi-permanent under the Central Civil Services (Temporary Service) Rules, 1949, prior to the commencement of these regulations shall continue to enjoy all the rights and benefits accrued to them under those Rules and shall be treated on the commencement of these Regulations, as if they have been declared quasi-permanent in accordance with these regulations.

9. Conditions of service of quasi-permanent employees.—An employee in quasi-permanent service and holding a specified post shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowance and disciplinary matters as an employee in permanent service holding the specified post.

10. Notwithstanding anything contained in Regulation 5, the service of a temporary employee who is not in quasi-permanent service may be terminated at any time without notice, on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated in service had his appointment been permanent.

11. Benefits available to quasi-permanent employees in the event of discharge.—An employee in quasi-permanent service shall, if his service is terminated otherwise than as a disciplinary measure or by resignation, be eligible for:—

- (a) a gratuity at the rate of half a month's pay for each completed year of quasi-permanent service, such gratuity being payable on the basis of the pay admissible to such employee in respect of the specified post on the last day of his service; and
- (b) any gratuity to which he is entitled in respect of his service under the Board before his appointment to quasi-permanent service.

Provided that nothing in this regulation shall apply to persons borne on an establishment to which Contributory Provident Fund benefits or other similar benefits are attached.

Explanation.—In this regulation, "pay" shall include special pay, if any, attached to the specified post.

12. Interpretation and removal of difficulties.—If any question or any difficulty arises relating to the interpretation of these regulations, the question shall be referred to the Board and the Board shall decide the question.

[No. 19-PG(121)/63.]

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

1. Short Title and Commencement.—(1) These regulations shall be called the **Cochin Port Employees (Leave Travel Concession) Regulations, 1964.**

(2) They shall come into force on the 29th February, 1964.

2. Interpretation.—In these regulations, unless the context otherwise requires,—

- (1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board.
- (2) "Board", "Chairman", "Deputy Chairman", and "Head of a Department", shall have the meanings assigned to them in the Major Port Trusts Act, 1963.
- (3) "Concession" means the leave travel concession admissible under these Regulations.
- (4) "Employee" means an employce of the Board.

- (5) "First, Second, Third and Fourth Grade employees" will have the same meanings assigned to them in the Fundamental Rules and Supplementary Rules of the Central Government.

3. **Extent of application.**—(1) The concession is admissible to the Board's employees of all grades including—

- (a) the industrial and work-charged staff who are entitled to regular leave;
 (b) the officers appointed on a contract basis if the period of contract is more than one year, and re-employed officers on completion of one year's continuous service.

(2) The concession is not admissible to persons who are—

- (i) not in the whole-time employ of the Board, or
 (ii) paid from contingencies.

(3) The concession is not admissible to an employee who has not completed one year of continuous service on the date of the journey performed by him or his family, as the case may be.

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

4. **Frequency of entitlement.**—(1) The concession shall be admissible to the employee once in a period of two calendar years for visiting his home town. It shall cover the employees and their families as defined hereunder.

Explanation.—The term "once in a period of two calendar years" means once in each block of two calendar years starting from the year 1964. Thus, the concession on the first occasion will be admissible during the block of two consecutive years 1964-65. On subsequent occasions it will be admissible during the calendar years 1966-67, 1968-69 and so on.

(2) An employee who has a family living away from his place of work may, instead of having the concession for his family as well as for himself once in a block of two years avail of the concession for himself alone once every year during each block for visiting his home town.

(3) The employees and their families who are unable to avail themselves of the concession in a block of two years may be permitted to avail of the concession before the end of the first year of the next block.

Illustration.—In a case where the employee and his family could not avail themselves of the concession in the 1964-65 block, they may avail of it in the year 1966. The concession due for 1964-65 block should, however, be availed of by them before 31st December, 1966. In case they fail to avail themselves of the concession before that date, their title to the concession for that block shall be treated as having lapsed. The benefit of the concession shall be available to employees and their families separately. The usual prescribed blocks, namely 1964-65, 1966-67 etc., shall remain unchanged.

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

5. **Entitlement.**—(1) Every employee of the I, II and III grades whose 'home town' is situated within a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated within a distance of 160 Kilometres from his headquarters shall not be entitled to the concession. Every employee of the I, II and III grades whose 'home town' is situated beyond a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated beyond a distance of 160 Kilometres from his headquarters shall have himself to meet the entire cost of fares for the initial 400 Kilometres or 160 Kilometres, as the case may be, on each of the outward and return journeys. For the remaining distance (over the initial 400 or 160 kilometres as the case may be) the Board shall meet 90% of the actual fares, the balance of 10% being borne by the employee. In every case the journeys should be to the 'home town' and back and the claim should be for both outward and return journeys. The journey

need not necessarily commence from or end at the headquarters of an employee either in his own case or in the case of his family. But the assistance admissible shall be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible had the journey been performed between the headquarters and the home town of the employee.

(2) The fare for the initial 400 Kilometres (160 Kilometres in the case of employees of the fourth grade) of a journey which is the liability of the employee will be the fare as shown in the Railway fare tables (i.e., the fare which the Railways would have charged if the journey were only 400 Kilometres or 160 Kilometres), and not calculated as a proportion of the fare for the total distance travelled (i.e., not on the telescopic rate basis). An employee may travel in any class for the first 400 Kilometres of each journey which is his own liability. Beyond 400 kilometres also, there shall be no objection to an employee travelling in a lower or a higher class, but the Board's assistance shall be limited to 90% of the fares for accommodation by the entitled class or the lower class, as the case may be, to the extent actually used.

6. Definition of family.—The term “family” means an employee's wife or husband, as the case may be, residing with and wholly dependent on the employee and shall be interpreted in the same manner as in S.R. 2(8), as amended from time to time, or other corresponding rule applicable to an employee for the purposes of travelling allowance on transfer. Where both the husband and the wife are employees, the concession shall be admissible to the family on the scale admissible to the husband or the wife and not both.

7. Employees and family independent units.—An employee and his family members may travel either independently or together as may be convenient to them and the claim for re-imbursment in respect of the journey of the one need not depend on the journey performed by the other. The members of the family of an employee (other than those who actually accompany him) may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups at different times, reimbursement of expenditure may be allowed in respect of each such group if the outward journey of the last of such groups commenced before the expiry of six months from the date of commencement of the outward journey by the first group and the return journey of each group shall be completed within six months from the date of commencement of the outward journey by that group. This condition may be relaxed in special cases by the Chairman or Deputy Chairman.

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

- (i) whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and, if so, whether after his entry into service, the employee had been visiting that place frequently;
- (ii) whether the employee owns residential property in that place or whether he is a member of a joint family having such property there;
- (iii) whether his near relations are resident in that place;
- (iv) whether, prior to his entry into the Board's service, the employee had been living there for some years.

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

particular place is to be the determining criterion for the acceptance of declaration of 'home town', the presence of near relations should be of more or less permanent nature.

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

(2) The declaration made by an employee shall be subject in each case to the acceptance by the Chairman or Deputy Chairman who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary. The effective date of declaration of home town shall be the date on which the employee made it and not the date of its acceptance by the Chairman or Deputy Chairman or the date of communication conveying such acceptance.

(3) A declaration of "home town" once made shall ordinarily be treated as final, but in exceptional circumstances the Chairman or Deputy Chairman may authorise a change in such declaration provided that such a change shall not be made more than once during the period of service of the employee. In the case of persons on deputation to the Board, such requests shall be effected only with the approval of the lending authority.

(4) The declaration of home town made after the prescribed time limit may be accepted by the Chairman or Deputy Chairman against the one chance for changing the declaration of home town and this will be treated as a final declaration of home town and no further change of home town will be allowed in such cases.

(5) The Chairman or Deputy Chairman may, for his own convenience maintain a register of home towns in respect of the employees of the Board.

10. Journeys Between Places connected by Rail.—(1) The class of railway accommodation to which an employee and his family shall be entitled is the class to which he is entitled under the normal travelling allowance rules at the time the journeys are undertaken. It is permissible for an employee or his family or both to travel in a class higher or lower than that to which he or his family is entitled; in the former case, the Board's liability for the distance in excess of 400 Kilometres (160 Kilometres in the case of employees of fourth grade) shall be restricted to 90% of the fare by the class to which the employee is entitled and in the latter case, 90% of the fare by the class in which the employee or his family had actually travelled.

(2) An employee or his family members may avail themselves of any concessional return journey tickets offered by the railway authorities (i.e., seasonal concession, students concession, etc.) in conjunction with the leave travel concession. It will be permissible while utilising such a concessional ticket to travel in any class, higher or lower, than the entitled class. In such a case, the fares for the first 400 Kilometres (160 Kilometres in the case of employees of fourth grade) at either end should be calculated proportionately on the basis of the concessional fare charged by the railways and the said amount shall be deducted from the fare for the shortest route between headquarters and the home town, calculated on the basis of the concessional fare charged. The amount reimbursable to the employee will then be 9/10th of the balance.

(3) An employee who is normally entitled to travel by the 1st or 2nd class, may travel by III class in the delux air conditioned trains while availing himself of the concession. The cost on account of the surcharge over the III class fare which is levied in such a case will be apportioned between the Board and the employee in the same manner as the cost of the basic III class fare.

(4) An employee (or his family members) normally entitled to travel by I or II class or railway accommodation, may travel by III class and avail of the 'sleeper' accommodation. In such cases 90% of the extra cost incurred for sleeper accommodation shall be borne by the Board.

(5) Employees of the third and fourth grades may travel by mail or express trains when availing themselves of the concession, and may claim reimbursement accordingly. In such cases, a certificate to the effect that the journey was

actually performed by a mail or express train should be recorded by the claimant on his Travelling Allowance bill.

(6) When an employee or any member of his family perform the journey by a long route (which is not the cheapest) in two different classes of railway accommodation beyond the first 400 Kilometres (160 Kilometres in the case of employees of fourth grade), for example, partly by II class to which he is entitled and partly by III class, the entitled class rate is admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route.

(7) Where an employee or his family or both travels by air or by road or by steamer, between two places connected by rail, the expenditure on Board's assistance shall be limited to what would have been admissible had the employee or his family travelled by rail in the authorised class or 90% of the actual expenses, whichever is less. Where such journey is performed by private car (whether the car belongs to the employee or not) the cost of propulsion being borne by the employee himself, the extent of Board's assistance admissible shall be equivalent to what would have been admissible had the journey been performed by rail by the entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car shall be made. A certificate by the employee to the effect that he or the members of his family or both travelled by private car may be accepted subject to the approval of the Chairman or the Deputy Chairman.

11. Journeys Between Places not connected by Rail.—(1) The Board's assistance for journeys between places which are not connected by rail shall be admissible to the employees for that portion of the journeys for which the leave travel concession is admissible as under:—

- (1) for the journey which is covered by a recognised public transport system, the Board's assistance should be on the basis of the 90% of the fares actually charged by such a system for the appropriate class of accommodation; where there are more than one class of accommodation the appropriate class may be determined as follows:—
 - (a) where there are only two classes, employees drawing pay of Rs 500 per mensem or above shall be entitled to the higher class and those drawing pay less than Rs. 500 per mensem shall be entitled to the lower class;
 - (b) where there are more than two classes, employees drawing pay of Rs. 500 per mensem or above shall be entitled to the highest class, those drawing less than Rs. 500 per mensem other than class IV employees shall be entitled to the second highest class, and Class IV employees shall be entitled to the lowest class;
- (4) the cost of actual railway fare (inclusive of the passenger tax) from the public transport system the Board's assistance shall be on the basis of 90% of the road mileage at the appropriate reduced rate as prescribed in the Government of India's Order No (1) below Supplementary station nearest to his headquarters to his home town; Fundamental Rules and the Supplementary Rules.

In either case, the amount of the Board's assistance should be calculated on the basis of actual fares or mileage allowance as above, as the case may be, at single rate for the employee himself and each entitled member of his family for whom full fares are payable and at half the rates for children between the ages of 3 and 12 years for whom half fares are payable

(2) In respect of places which are not connected by rail, the employee may travel by steamer or air where an alternative means of travel is either not available or is more expensive. In such cases, the Board shall bear the same proportion of cost as in the case of rail journeys.

12. No Incidentals Admissible.—No incidental expenses shall be admissible for journeys performed under the concession.

13. Concession Based on Shortest Route.—The Board's liability for the cost of railway fare between the employee's headquarters and his home town shall be limited to the share of the fare by the shortest route calculated on a "through" ticket basis. The employee or his family members may travel by any route or halt

anywhere on the way to or from home town, but the Board's assistance shall be limited to their share of the fare as above.

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

14. Journeys of Weighted Mileage.—If, for the entire leave travel journey, or a part thereof, an employee has to pay railway fare on the basis of an assumed or weighted mileage (as for example, on the Kalka-Simla Section) or at inflated rates (as for example, on the Siliguri-Darjeeling Section) and if the fare for the total distance travelled by rail (including the fare on the basis of assumed or weighted mileage or at inflated rates, as the case may be) be more than the fare for 400 Kilometres (160 Kilometres in the case of Grade IV employees) at ordinary rates, the employee concerned shall be entitled to the travel concession irrespective of the actual distance between his headquarters and his home town. In such a case, the amount reimbursable by the Board to the employee in respect of each journey shall be $\frac{9}{10}$ th of the difference between—

(i) the cost of actual railway fare (inclusive of the passenger tax) from the railway station nearest to his headquarters to his home town

and

(ii) the cost of the railway fare (inclusive of the passenger tax) at ordinary rates to a point 400 Kilometres (160 Kilometres in the case of Grade IV employees) from the railway station nearest to his headquarters for both the outward and return journeys.

15. Concession for one way Journey.—The concession shall be admissible to the members of employee's family with reference to the facts existing at the time of the forward and return journeys independently.

Illustrations.—I. Entitled to reimbursement in respect of the outward journey only:

- (i) A dependent son or daughter getting employment or getting married after going to home-town or remaining there for prosecution of studies.
- (ii) The family having performed the journey to home-town have no intention of completing the return journey from home-town, provided the employee foregoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to reimbursement in respect of return journey only:

- (i) A newly married wife coming from home-town to headquarters station or a wife who has been living at home-town and did not avail herself of the leave travel concession in respect of the outward journey;
- (ii) A dependent son or daughter returning with parents or coming alone from home-town where he or she has been prosecuting studies or living with grand parents etc;
- (iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey;
- (iv) A child legally adopted by an employee while staying in the home-town.

16. Leave Travel Concession in Combination with Transfer or Tour.—(1) Where an employee going to home-town on regular leave proceeds therefrom on transfer to the new headquarters, he may be allowed as his minimum entitlement, transfer travelling allowance admissible under the regulations. He may be allowed, in addition, leave travel concession under the regulations to the extent the distance from old headquarters to home-town and from home town to the new headquarters exceeds the total distance for which transfer travelling allowance is admissible plus 800 Kilometres (320 Kilometres in the case of employees of fourth grade).

Illustrations.—If 'A' is the old headquarters, 'B' home-town and 'C' the new headquarters, the entitlement of the employee on account of leave travel concession will be (distance AB plus distance BC) minus (distance for which Transfer

Travelling-Allowance is admissible *plus* 800 or 320 Kilometres as the case may be).

(2) In a case where the distance for which the concession admissible as above is negligible, it will be open to the employee not to avail of it at all, he being permitted to avail of it on some other occasion within the block period, subject to the other conditions being fulfilled. The option has to be exercised in respect of self and the members of the family at the time of preferring claim for Transfer Travelling Allowance. When the concession is not availed of, the concession advance, if any, taken by the employee shall be adjusted against his transfer travelling allowance entitlement.

(3) When an employee proceeds with proper prior permission to home-town on regular leave from a tour station and returns to headquarters direct from home town, travelling allowance as on tour may be allowed to him for the journey from the headquarters to the tour station from which the employee proceeds to home-town and the concession for the journey from tour station to home town and back to headquarters, the tour station being deemed to be the starting point for the onward journey.

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

17. Concession Restricted within India.—(1) The concession shall be restricted to journeys within India and shall be admissible for journeys between places connected by rail or partly connected by rail and partly connected by road or by steamer services and not connected by rail.

(2) An employee who declares, subject to the satisfaction of the Chairman or Deputy Chairman that his home-town is outside India, shall be entitled to the concession for visiting his home-town. The Board's assistance in such a case shall be limited to the share of the fares for journeys (i) upto and from the railway station (by the shortest route) nearest to the home-town in India or (ii) the railway station for the nearest port of embarkation/disembarkation in India.

Explanation.—In this regulation 'nearest port' means the port in India nearest to the home-town of the employee.

18. Nature of Leave.—(1) The concession shall be admissible only in the case of journeys performed by the employee during regular leave including medical leave, leave on average pay, earned leave, leave on half average pay or extraordinary leave, maternity leave but not in the case of journey performed during casual leave. The period of such leave shall not be less than 15 days. The concession shall not be admissible to an employee who proceeds on regular leave and then resigns his post without returning to duty. The above mentioned condition shall not apply to journeys performed by the members of family of the employee.

(2) The concession shall be admissible to an employee and his family in respect of only the outward journey from headquarters to home-town during leave preparatory to retirement, refused leave or terminal leave, provided that the concession had not been availed of earlier during that particular block of calendar years. In such cases the journey by both the employee and his family members shall commence within the period of leave.

(3) The limit of 15 days' regular leave for admissibility of the concession may be relaxed by the Chairman or the Deputy Chairman at his discretion in cases where he considers and certifies in writing that it is necessary in the Board's interest to curtail the leave of the employee to a period less than 15 days.

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

19. Contract Employees.—Every employee appointed on contract basis shall be eligible to the concession on completion of one year's continuous service if the period of contract is more than one year. Where the initial contract is for one year but is later extended, the total duration of the contract shall be taken into account

for this purpose. The grant of the concession to employees on contract shall be subject to the condition:

- (i) that the successive blocks of two calendar years in the case of such employees shall be reckoned from the actual dates of their joining posts under the Board. If, however, an officer has joined a post in the port before 1st January 1964, the first block should be reckoned from 1st January, 1964 to 31st December, 1965;
- (ii) that the appropriate administrative authority certifies at the time the employee concerned avails himself of the concession that he is likely to continue to serve under the Board for a period of two years from the date of his joining a post under the Board. The admissibility of the concession during the subsequent two-year period will also be subject to similar condition.

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

21. Mode of Preferring Claim.—Every employee and his family shall have to meet the cost of the fare for the first 400 Kilometres or 160 Kilometres, as the case may be. Cash reimbursement to the extent of 90% of the remaining fare shall be made on presentation of claims in Travelling Allowance bill forms with the usual certificate to the effect that they had actually performed such journeys and travelled by the class of accommodation not lower than the one for which reimbursement is claimed.

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

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

24. Record of Assistance.—A record of all assistance granted under these regulations shall be suitably maintained. In the case of Class III and Class IV employees, the record should be in the form of entries in the service book or other appropriate records and should indicate the date or dates of the journey or journeys to the home town commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion an employee proceeds on leave, the fact that he availed of leave travel concession is indicated in the record.

25. Advance.—To enable the employee to avail of the travel concession, an advance may be made on the following terms and conditions, namely:—

- (a) the amount of advance in each case shall be limited to four-fifths of the estimated amount which Board would have to reimburse in respect of the cost of journeys both ways to the home town and back;
- (b) where the employee and members of his family avail themselves of leave travel concession separately i.e. at different times, the advance may be drawn separately to the extent admissible and adjustment of claims may be made separately. Where, however, a consolidated advance is drawn by the employee in respect of the

members of his family, the adjustment claim shall be prepared in a single bill;

- (c) the advance may be drawn for both the outward and return journeys of the employee or the members of his family or both at the time of commencement of the outward journey, provided that the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or 90 days. Where the period of leave or the period of anticipated absence exceeds the said limit, the advance may be drawn for the outward journey only. Where an advance has been drawn for both the outward and the return journeys and later it becomes clear that the period of absence of either the employee or the employee's family from headquarters is likely to exceed the said limit, one half of the advance should be refunded to the Board forthwith;
- (d) the advance in respect of temporary employees and their families will be sanctioned subject to the production by them of surety of a permanent employee;
- (e) the advance will have to be refunded forthwith if the outward journey is not commenced within 30 days of the grant of the advance;
- (f) the Travelling Allowance claim in adjustment of the advance drawn should be prepared within one month of the completion of the return journey;
- (g) the account of advance drawn for leave travel journeys will be rendered after completion of the journeys in the same way as for an advance of Travelling Allowance on tour.
- (h) the adjustment of the advance will be watched through objection book by the Accounts Officer.

26. **Head of Account.**—The expenditure on the concession or the advance granted in that connection shall be debited to a separate detailed head "Travel Concession" under the Sub-Head "Allowances, Honoraria, etc." subordinate to the appropriate final head of account to which the pay, etc., of the employee concerned is debited.

27. **Interpretation.**—In all cases of doubt regarding the applicability of these regulations to any employee or their interpretation, the decision of the Board shall be final.

APPENDIX I

Certificate to be given by the Chairman/Deputy Chairman
Certified—

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

Signature of the Chairman/Deputy Chairman.

APPENDIX II

Certificate to be given by an employee

1. I have not submitted any other claim so far for Leave Travel Concession in respect of myself or my family members in respect of the block of two years 19_____and 19_____.
2. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with.....children/.....children. This claim is in respect of journey performed by my wife/myself with children/.....none of whom travelled with the party on the earlier occasion.

3. I have not already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with.....children/....
.....children in respect of the block of two years 19_____
and 19_____. This claim is in respect of the journey performed by my wife/myself with.....children/.....children none of whom availed of the concession relating to that block.
4. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me in the year 19____—in respect of block of two years 19____—and 19____—. This claim is in respect of the journey performed by me in the year 19____—. This is against the concession admissible once every year in a prescribed block for visiting home town as all the members of my family are living away from my place of work.

The journey has been performed by me/my wife with.... ..children/
.....children to the declared home-town, viz.....

6. That my husband/wife is not employed in
That my husband/wife is employed in
Board's service
Board's service and the concession has not been

availed of by him/her separately for himself/herself or for any of the family members for the concerned block of two years.

Signature of the employee.

[No. 19-PG(123)/63.]

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

1. **Short title and Application.**—(1) These regulations may be called the Cochin Port Employees (Conduct) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) Except as otherwise provided by or under these regulations, they shall apply to all persons appointed to posts in connection with the affairs of the Cochin Port:

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

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

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Board", "Chairman", "Deputy Chairman", and "Head of a Department" shall have the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963);

(b) "Government" means the Central Government;

(c) "employee" means an employee of the Board;

(d) "members of the family" in relation to an employee includes—

(i) the wife, child or step child of such employee whether residing with him or not, and in relation to an employee who is a woman, the husband residing with her and dependent on her; and

(ii) any other person related, whether by blood or by marriage, to the employee or to such employee's wife or husband and wholly dependent on such employee, but does not include a wife or husband

legally separated from the employee, or child or step-child who is no longer, in any way, dependent upon him or her or of whose custody the employee has been deprived by law;

(c) "prescribed authority" means the appointing authority as prescribed in the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964.

3. General.—(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty.

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

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

(3) Every employee should desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which his child or dependent is employed.

(4) No employee should bid at auctions arranged by or on behalf of the Board.

(5) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.

(6) Every employee is expected to maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his employer by his misdemeanour. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance by neglect of his wife and family, action may be taken against him on that score.

(7) An employee who is convicted by a court of law or arrested should report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this will render him liable to disciplinary action.

4. Taking Part in politics and election.—(1) No employee shall be a member or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where the employee is unable to prevent a member of his family from taking part in or subscribing in aid of, or assisting in any manner, any such movement or activity, he shall make a report to that effect to his immediate superior officer who shall forward the same to the authority competent to remove or dismiss such employee from the service.

Explanation.—In this sub-regulation, "Government" includes a State Government.

(3) If any question arises whether any movement or activity falls within the scope of this regulation, the decision of the Board thereon shall be final.

(4) No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority:

Provided that—

(i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation—The display by an employee on his person, vehicle or residence of any electoral symbol or proposing or seconding a candidate for election shall amount to the using of his influence in connection with an election within the meaning of this sub-regulation

(5) No employee shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other employee

(6) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality

5 Connection with Press or Radio.—(1) No employee shall, except with the previous sanction of the Board, own wholly or in part or conduct or participate in the editing or managing of, any newspaper or other periodical publication

(2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical

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

6 Criticism of Board/Government.—No employee shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion—

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

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

(ii) which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust, or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State

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

7 Evidence before Committee or any other Authority.—(1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority

(2) Where any sanction has been accorded under sub-regulation (1), no employee giving such evidence shall criticise the policy or any action of the Board or of any other major port trust or of the Central Government or of a State Government

(3) Nothing in this regulation shall apply to—

(a) evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State legislature or by the Board or by any other major port trust, or

(b) evidence given in any judicial enquiry, or

(c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board, or by any other major port trust or by the Chairman or Deputy Chairman or Head of a Department.

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

Explanation.—If an employee quotes or copies in his representation, appeal, etc., circulars and instructions of the Board or any other major port trust, or Government including those marked secret, notes and other information from files which they are ordinarily not expected to have been or to have retained, the action will be construed as not only improper but also as involving contravention of this regulation.

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

Explanations.—(1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.

(2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.

(3) Collection of subscriptions by an employee *qua* member of a service union of employees from amongst other members of the union—

(i) is un-objectionable and does not require prior sanction if—

(a) the proceeds are proposed to be utilised for welfare activities of the Union;

(b) where a matter affecting the general interests of the members of the Union is in dispute, it is permissible under the rules of the Union to spend its funds over such matters.

(ii) is objectionable if the proceeds are proposed to be utilised for the defence of an individual member of the Union against whom departmental action is being taken on grounds which concern him in particular.

(4) Approach to the public for collecting funds for the Union without the previous sanction of the Board is objectionable.

10. Gifts.—(1) Save as otherwise provided in these regulations, no employee shall, except with the previous sanction of the Board, accept or permit his wife or any other member of his family to accept from any person any gift of more than trifling value:

Provided that—

Gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as wedding, anniversaries, funerals and religious functions, when the making of receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of a trifling value should be reported to the Board and the gifts shall be disposed of in such a manner as the Board may direct.

Explanations.—(1) For the purpose of this sub-regulation any trowel, key or other similar article offered to an employee at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

If a question arises whether any gift is of a trifling value or not, or where an employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the Board by such employee and the decision of the Board thereon shall be final.

(2) Whether or not a gift should be treated of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift

exceeding in value $\frac{1}{20}$ th of the monthly emoluments of an employee or Rs. 20 (whichever is less) from a person who is not his relation or personal friend shall ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends upto the value of $\frac{1}{8}$ of the monthly emoluments of the employee or Rs. 50, whichever is less, or even upto the value of one-half of such emoluments or Rs. 200, whichever is less, on special occasions such as mentioned in the proviso to sub-regulation (1) may be regarded as of trifling value.

(3) Nothing in this regulation shall be deemed to prevent any employee from sitting, at the request of any public body, for a portrait, bust or statue, not intended for presentation to him.

Explanation.—There is no objection to a farewell entertainment of a substantially private and informal character being held in honour of senior employees and others on the occasion of their retirement or transfer, as permitted under proviso to regulation 11 and gifts of trifling value as defined in the explanation to sub-regulation (2) of regulation 10 presented and accepted on such occasions.

(4) Dowry, either in cash or in kind, by or on behalf of an employee or his dependents from the parents or other relatives, etc., of the bride at the time of the marriage, should be regarded as a customary gift which the recipient may accept without prior sanction; but subject to the provisions of regulations 10 and 15, all such gifts should be reported to the Board or other prescribed authority. If a dowry is given by or on behalf of an employee, the provisions of regulation 15 will apply and the fact should be reported by him to the prescribed authority where such a report is necessary. Similarly, when an employee makes purchases of movable property like jewellery etc., for presentation by way of dowry etc., the fact should be reported to the prescribed authority if the value of the transaction exceeds Rs. 1,000.

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

Provided that nothing in this regulation shall apply to :

(i) a farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted service under the Board; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

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

12. Private Trade or Employment.—(1) No employee shall, except with the previous sanction of the Board, engage, directly or indirectly, in any trade or business or undertake any employment:

Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Board.

Explanation.—Canvassing by an employee in support of the business of insurance agency, commission, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-regulation.

(2) No employee shall, except with the previous sanction of the Board, take part in the registration, promotion or management of any bank or other company registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force.

Provided that an employee may take part in the registration, promotion or management of a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force, or of literary, scientific or charitable society under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

13. Investments, lending and borrowing.—(1) No employee shall speculate in any investment.

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

(2) No employee shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) or sub-regulation (2), the decision of the Board thereon shall be final.

(4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property, within the local limits of his authority or at interest to any person:

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

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

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

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

14. Insolvency and habitual indebtedness.—(1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceeding for insolvency shall forthwith report the full facts to the Board.

(2) When an attachment order is to be enforced against an employee, the Chairman or Deputy Chairman should:—

(i) determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so,

(ii) consider the question of taking disciplinary action against him.

15. Moveable, immoveable and valuable property.—(1) No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immoveable property by lease, mortgage, purchase, sale gift or otherwise, either in his own name or in the name of any member of his family:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority.

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

(2) An employee who enters into any transaction concerning any moveable property exceeding Rs. 1000/- in value by way of purchase, sale, or otherwise shall forthwith report such transaction to the Board:

Provided that no employee shall enter into such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the Board.

Explanation.—For the purpose of this sub-regulation, the expression “moveable property” includes *inter alia* the following property, namely:—

- (a) Jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such employee, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

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

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

Explanations.—(1) The construction of a house results in acquisition of immoveable property and attracts the provisions of this regulation. The purchase of moveable property required for the construction of the house also attracts this regulation.

(2) Transactions as members of a Hindu undivided joint family shall not require the Board’s prior permission. In such cases, transactions in immoveable property should be included in the annual property returns and those in moveable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them.

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

16. Vindication of Acts and Character of Employees.—No employee shall, except with the previous sanction of the Board, have recourse to any Court or the Press for the vindication of any official act which has been a subject matter of adverse criticism or an attack of defamatory character.

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

17. Canvassing of Non-Official or other outside Influence.—No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

18. Bigamous Marriages.—(1) No employee who has a wife living shall contract another marriage without first obtaining the permission of the Board, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female employee shall marry any person who has a wife living without first obtaining the permission of the Board.

(3) Every person who enters into the Board’s service after the commencement of these regulations shall make, before such entry, a declaration in Annexure C.

19 Drinking.—Subject to the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall.—

- (a) while on duty, be under the influence of such drinks or drugs to such an extent as to render him incapable of discharging his duty properly and efficiently; or
- (b) appear in a public place in a state of intoxication; or
- (c) habitually use such drinks or drugs to excess.

20. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

FORM I

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

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

This is to request that permission may be granted to me for the building of a house.

The estimated cost of the land and the building is given below:—

LAND

- (1) Location (survey, numbers, village, District, State).
- (2) Area.
- (3) Cost.

BUILDING.

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

Total cost of Land and Building.

Yours faithfully,

FORM II

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

Sir,

In my letter No., dated I had
Permission was granted to be in Order.....
reported that I proposed to build a house.

datedfor the building of house.

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

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

Yours faithfully,

(Signature)

Date:

Valuation Report

I/We hereby certify that I/we have valued House £..... constructed by Shri/Shrimati @..... and I/we give below the value at which we estimate the cost of the house under the following heading:

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

Table with 2 columns: Heading, Cost Rs. nP. Rows include Bricks, Cement, Iron and steel, Timber, Sanitary fittings, Electrical fittings, All other special fittings, Labour charges, All other charges, and Total cost of the Building.

Date: (Signature of the valuation authority)

ANNEXURE A

(Here enter description of the proceedings)

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

Signature of the employee

ANNEXURE B

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

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

Dated this the.....day of.....19.....

Signature of the employee.

Witnesses:

.....
.....
.....

ANNEXURE C

Declaration

I, Shri/Shrimati/Kumari
 declare as under:—

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

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

Date

Signature.....

*Please delete clauses not applicable.

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

Application for Grant of Exemption

(Vide para 1(iii)/1(iv) of the Declaration)

To.....

The

.....

Sir,

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

Reasons

Yours faithfully

Signature

Date

ANNEXURE D

Statements of immovable Property on first appointment for the year.....

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

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

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

Signature.....
 Date.....

@Inapplicable clause to be struck out.

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

(*) Includes short term lease also.

[No. F. 19-PG(125)/63.]

G.S.R. 314.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short Title and Commencement.**—(1) These regulations may be called the Cochin Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964.

(2) They shall come into force on the 29th February 1964.

2. **Application.**—They shall apply to Class I, Class II, Class III and Class IV posts under the Board, but shall not apply to those posts the incumbents of which are the Heads of Departments.

3. Definitions.—In these regulations, unless the context otherwise requires,—

(a) "Act" means the Major Port Trusts Act, 1963;

(b) "Appointing authority" in relation to any grade or post means the authority empowered under the Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964, to make appointments to that grade or post;

(c) "Board", "Chairman", "Deputy Chairman", and "Heads of Departments" have the meanings respectively assigned to them in the Act;

(d) "Departmental Promotion Committee" means a committee constituted from time to time under regulation 16 for the purpose of making recommendations for promotion or confirmation in any grade or post;

(e) "direct recruit" means a person recruited on the basis of a competitive examination or interview or both by the Staff Selection Committee;

(f) "duty post" means any post of a particular type whether permanent or temporary;

(g) "employee" means an employee of the Board;

(h) "grade" means any of the grades specified in the Schedule of posts prepared and sanctioned by the Board under section 23 of the Act;

(i) "Scheduled Castes" and "Scheduled Tribes" have the meanings assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;

(j) "permanent employee" in relation to any grade or post means an employee who has been substantively appointed to a substantive vacancy in that grade or post;

(k) "select list" in relation to any grade means the select list prepared in accordance with regulation 16;

(l) "Staff Select Committee" means the committee constituted under regulation 15 for the selection of candidates by means of a competitive examination or interview or both for appointment to posts reserved for direct recruitment;

(m) "temporary employee" in relation to any grade means an employee holding a temporary or officiating appointment in that grade.

4. Gradation List of Employees.—A gradation list indicating the respective seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees.

5. Authorised Permanent and Temporary Strength.—The authorised permanent and temporary strength of the various grades shall be as in the Schedule of Staff prepared and sanctioned by the Board from time to time under section 23 of the Act.

6. Substantive Appointments.—All substantive appointments in the various grades or posts shall be subject to the recommendations of the respective Departmental Promotion Committee.

7. Filling up of Vacancies.—The manner of filling up of vacancies by direct recruitment and departmental promotion and the age limit, educational qualifications and experience for direct recruits in respect of the various grades or posts shall be laid down by the Board:

Provided that the upper age limit may be relaxed in the case of a candidate belonging to any Scheduled Caste, Scheduled Tribe or any other special category in accordance with the general orders issued from time to time by the Central Government for appointment to services under it.

8. Probation.—(1) Every person appointed to a grade or post by direct recruitment, promotion or transfer shall be on probation for a period of two years from the date of his appointment.

(2) The period of probation may, if the appointing authority deems fit, be extended or curtailed in any case, but the total period of such extension or curtailment shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the officer, exceed one year.

(3) During the period of probation, any employee may be required to undergo such training and to pass such tests as the Board may, from time to time, prescribe.

9. Confirmation of Employees on Probation.—When an employee appointed on probation to any grade or post has passed the prescribed tests and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post subject to the availability of vacancy. Until an employee on probation is confirmed under this regulation or is discharged or reverted under regulation 10, he shall continue to have the status of an employee on probation.

10. Discharge or Reversion of Employees on Probation.—(1) An employee on probation who has no lien on any post under the Board or Government shall be liable to be discharged from service at any time without notice if—

- (a) on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or
- (b) if on the receipt of any information relating to his nationality, age, health or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being continued in service.

(2) An employee on probation who holds a lien on a post under the Board or Government may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

(3) An employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-regulation (1) of regulation 8 or at the end of the extended period of probation, if any under sub-regulation (2) of that regulation, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be.

11. Seniority.—(a) **Permanent Employees:** The seniority *inter se* of persons substantively appointed in a grade or post shall be regulated by the order in which they are so appointed.

(b) **Temporary Employees:** The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned seniority *inter se* according to rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion.

(c) Direct recruits shall be ranked *inter se* in the order of merit in which they are placed at the examination or interview on the results of which they are recruited, the recruits of an earlier examination or interview being ranked senior to those of a later examination or interview.

(d) Persons appointed against the promotion quota of vacancies shall be ranked *inter se* according to the order in which they are approved for promotion by the Departmental Promotion Committee.

12. Maintenance of a Roster.—A roster shall be maintained for each grade to determine whether a particular vacancy should be filled by direct recruitment or promotion.

13. Reservation to Specified Sections of the People.—Orders issued by the Central Government from time to time for the reservation of appointments or posts under the Central Government in favour of Scheduled Castes and Scheduled Tribes shall apply *mutatis mutandis* to all appointments covered by these regulations and to which direct recruitment is made.

14. (a) Application for direct recruitment.—A candidate for appointment by direct recruitment shall apply before such date, in such form and in such manner as may, from time to time, be prescribed by the Board. He shall also submit such proof of his qualifications as the Board may require.

(b) **Eligibility.**—In order to be eligible for direct recruitment to any grade or post, a candidate shall be either:

- (i) a citizen of India; or
- (ii) a subject of Sikkim; or
- (iii) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal, Bhutan or Tibet who came over to India before the 1st day of January, 1961, with the intention of permanently settling in India shall also be eligible:

Provided further that a candidate who has migrated from Pakistan with the intention of permanently settling in India shall be a person in whose favour a certificate of eligibility has been given by the Central Government which certificate shall be valid only for a period of one year from the date of the appointment of such candidate, beyond which he shall not be retained in service unless he has become a citizen of India.

Provided further that a candidate in whose case a certificate of eligibility is necessary may be provisionally appointed pending the issue of the necessary certificate in his favour by the Central Government.

(c) (i) No male candidate who has more than one wife living or who, having a spouse living, marries in any case, in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any grade or post;

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing, exempt any person from the operation of this sub-regulation.

(ii) No female candidate whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing exempt any such woman from the operation of this sub-clause.

(d) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to a grade or post.

(e) **Decision of the Board Final.**—The decision of the Board on the question whether a candidate does or does not satisfy any or all the requirements of these regulations shall be final.

(f) **Exemption.**—The Board may modify or waive any of the requirements of regulation 7 or sub-regulation (b) or both when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils all the requirements of those clauses. The prior approval of the Central Government shall be obtained in cases requiring relaxation of the conditions of sub-regulation (b).

(g) **Physical fitness of candidate.**—A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as an officer of the Board. A candidate who, after such physical examination as the Board may prescribe, is found not to satisfy those requirements will not be appointed.

(h) **Payment of fees by candidates.**—A candidate shall, at the time of making the application, pay such fees as the Board may from time to time prescribe.

15. Constitution of Staff Selection Committees.—A Staff Selection Committee shall be constituted for each grade as indicated below:

Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

(1) Head of the Department where the vacancy exists.

(2) Another Head of a Department nominated by the Chairman of the Board.

Class III posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

Class IV posts.

Chairman

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary or Assistant Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

16. **Departmental promotion committee.**—A departmental promotion committee shall be constituted for each grade or post as indicated below:

Class I and Class II posts.

Chairman

Chairman of the Board.

Members:

- (1) Head of a Department where the vacancy exists.
- (2) Another Head of a Department nominated by the Chairman of the Board.

Class III and Class IV posts.

Chairman

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

The Departmental Promotion Committee shall meet once or twice a year as may be necessary and prepare a "Select list" of employees fit for appointment against the promotion quota of vacancies in the various grades or posts. Where promotion is made on the basis of merit, normally the field of selection shall not be less than three times and shall not be more than five times the number of vacancies subject to employees with necessary qualifications or experience being available. The Departmental Promotion Committee may at its discretion alter these limits to suit exceptional circumstances. Employees shall be arranged according to the order of merit adjudged by the Committee and the select list so prepared shall be utilised for filling up vacancies likely to arise during the course of the year. While adjudging the merit of an employee, due regard shall be given to his seniority also.

17. **Filling up of vacancies ad hoc.**—(1) When no suitable employee is available for appointment, by promotion or direct recruitment, the appointing authority may fill such vacancy for such time as may be necessary by the deputation of an officer employed under any other part authority, the Central Government, a State Government or any local authority, statutory undertaking or any Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government.

(ii) The appointing authority may also make other temporary arrangements, as it may deem necessary, to fill any post for a period not exceeding six months.

18. Deputation.—Any employee may be permitted to serve on deputation or on foreign service under the control of the Central Government or a State Government, any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government on such terms as may be agreed upon by the Board.

19. Interpretation.—If any question arises relating to the interpretation of these regulations, the matter shall be referred to the Board who shall decide the same.

[No. 19-PG(133)/63].

G.S.R. 315.—In exercise of the powers conferred by section 126 read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short title, Commencement and Application.—(1) These regulations may be called the Cochin Port Employees' (Study Leave) Regulations, 1964.

(2) They shall come into force on the 29th February 1964.

(3) They shall apply to all employees of the Board.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Port of Cochin.

(b) "Chairman", "Deputy Chairman" and "Board" shall have the same meanings assigned to them in the Major Port Trusts Act, 1963.

(c) "employee" means an employee of the Board.

(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the Fundamental Rules or the Major Port Trusts Act, 1963, as the case may be.

3. Conditions for grant of study leave.—(1) Subject to the conditions specified in these regulations, study leave may be granted to an employee with due regard to the exigencies of the Board's service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or 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 definite advantage to the Board and is related to the sphere of duties of the employee; and

(ii) for the purposes of studies connected with the framework or background of port administration, subject to the conditions that—

(a) the particular study or study tour should be approved by the authority competent to sanction study leave; and

(b) an employee should be required to submit, on his return, a full report on the work done by him while on study.

(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 a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the port service.

(3) Study leave shall not be granted unless—

(i) it is certified by the authority competent to sanction leave that the proposed course of study or training shall be of definite advantage from the point of view of the port administration;

(ii) it is for prosecution of studies in subjects other than academic or literary subjects; 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) Study leave shall not ordinarily be granted to an employee—

- (i) who has rendered less than five years' service in the port; or
- (ii) who does not hold a Class I or Class II post under the Board; or
- (iii) who is due to retire or has the option to retire from the Board's service within three years of the date on which he is expected to return to duty after the expiry of the 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.

4. Authorities competent to sanction study leave.—Study leave may be granted—

- (a) by the Board in the case of employees referred to in clause (a) of sub-section (1) of section 25 of the Major Port Trusts Act, 1963 (38 of 1963), and
- (b) in all other cases by the Chairman or Deputy Chairman.

5. Maximum amount of study leave that may be granted at a time during the entire service.—The maximum amount of study leave, which may be granted to an employee, shall be—

- (i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons; and
- (ii) twenty-four months (inclusive of study leave granted under any other rules or regulations) in all during his entire service.

6. Combination of study leave with leave of other kinds.—(1) 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 extraordinary leave involve a total absence of more than twenty-eight months from the regular duties of the employee.

Explanation.—The period of twenty-eight months of absence referred to in this sub-regulation shall include the period of vacation.

(2) An employee granted study leave in combination with any other kind of leave may, if he so desires, commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave.

7. Regulation of study leave extending beyond course of study.—When the course of study falls short of study leave sanctioned, the employee shall resume duty on the conclusion of the course of study, unless the previous assent of the authority competent to sanction leave has been obtained to treat the period of shortfall as ordinary leave.

8. Grant of study allowance.—A study allowance shall be granted 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.

9. Period for which study allowance may be granted.—The period for which study allowance may be granted shall not exceed twenty-four months in all.

10. Rates of study allowance.—(1) The rates of study allowance admissible in the various countries shall be the same as may be determined by the Central Government in respect of officers of similar status.

(2) In cases where an employee is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had he been on duty.

11. Conditions governing grant of study allowance.—(1) Study allowance may 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 otherwise.

(2) An employee may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that—

(i) he attends during vacation any special course of study or practical training under the direction of the Board or the authority competent to sanction study leave, as the case may be; or

(ii) in the absence of any such direction, he produces satisfactory evidence before the authority competent to sanction study leave that he has continued his studies during the vacation.

(3) No study allowance shall be drawn during vacation falling at the end of a course of study except for a maximum period of fourteen days.

Explanation.—The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty-four months for which study allowance is admissible.

(4) Study allowance shall not be granted for any period during which the employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to sanction study leave may authorise the grant of study allowance for any period not exceeding fourteen days at a time during which the employee is prevented by sickness from pursuing his course of study.

(5) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to sanction study leave on claims submitted by the employee from time to time, supported by proper certificate of attendance.

(6) The certificates 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.

(7) When the programme of 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 sanction study leave 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 suggestions as to the possibility of adopting such methods or operations to conditions obtaining in the port. The authority competent to sanction study leave shall decide whether the diary and report show if the time of the employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

(8) (i) In the case of a Class I or Class II employee, the payment of study allowance at the full rate shall be subject to the production of a certificate to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment; and

(ii) in the case of other employees to whom study leave has been granted in relaxation of the provisions of clause (ii) of sub-regulation (5) of regulation 3, such a certificate as is referred to in clause (i) above shall be obtained from him by the Accounts Officer and the same shall be enclosed along with the bill for the drawal of study allowance.

12. Grant of study allowance to employee in receipt of scholarship or stipend.—An employee, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source other than the port's funds. Such an employee shall ordinarily not be granted any study allowance; but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the employee, if any, from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend, the difference between the value of the net scholarship or stipend and the study allowance may be granted by the leave sanctioning authority.

13. Grant of study allowance to employees who accept part-time employment during study leave.—If an employee, who is granted study leave, is permitted to receive and retain, in addition to his leave salary, any remuneration in respect of

a part-time employment, he shall ordinarily not be granted any study allowance; but in cases, where the net amount of remuneration received in respect of the part-time employment (arrived at by deducting from the remuneration any cost of fees paid by the employee) is less than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the study allowance may be granted by the leave sanctioning authority.

14. Allowances in addition to study allowance.—No allowance of any kind other than the study allowance or the travelling allowance, where specially sanctioned under Regulation 15 shall be admissible to an employee in respect of the period of study leave granted to him.

15. Grant of travelling allowance.—An employee shall not ordinarily be paid travelling allowance but the Board may, in exceptional circumstances, sanction the payment of such allowance.

16. Cost of fees for study.—An employee granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Board may sanction the grant of such fees:

Provided that in no cases 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.

17. Execution of a bond.—(1) Every employee in permanent employ who has been granted study leave shall be required to execute a bond in the form given in Appendix A to these regulations before the study leave granted to him commences. If study leave is granted to an employee not in permanent employ, the bond shall be executed in the form in Appendix B to these regulations.

(2) The authority competent to sanction study leave shall send to Accounts Officer a certificate to the effect that the employee has executed the requisite bond.

18. Resignation and retirement.—(1) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board only drawn by him for the period of study leave, together with interest thereon at rates that may be prescribed by the Board from the date of demand before his resignation is accepted or permission to retire is granted:

Provided that the Board may relax these provisions where an employee is, on return to duty from study leave, forced to retire from the service on medical grounds.

(2) 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. 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.

19. Leave salary during study leave.—(1) During study leave, an employee shall draw leave salary equal to half average pay as defined in Rule 9(2) of the Fundamental Rule subject to the maxima and minima laid down in Rules 89 and 90 thereof or the amount admissible during half-pay leave under regulation 13 of the Cochin Port Employees' (Leave) Regulations, 1964, as the case may be.

(2) The rate of exchange prescribed by the Central Government for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to leave salary during study leave.

20. Commencement of a course of study during leave other than study leave.—An employee may, subject to the approval of the proper authority being obtained as required under paragraph 1 of Appendix C to these regulations, undertake or commence a course of study during leave on average pay and subject to regulations 8 to 15 and 18, draw study allowance in respect thereof.

21. Counting of study leave for promotion, pension, seniority, leave and increments.—(1) Study leave shall count for promotion, pension and seniority. It shall also count as service for increments as provided in Rule 26 of Fundamental Rules.

(2) The period spent on study leave shall not count for earning leave other than half-pay leave under the Cochin Port Employees (Leave) Regulations, 1964.

22. Debiting of study leave to the leave account.—Study leave shall be treated as extra leave on half-average pay and shall not be taken into account in reckoning the aggregate amount of leave on half-average pay taken by the employee towards the maximum period admissible.

23. Procedure for making application for study leave and grant of such leave.—The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural Instructions given in Appendix C to these regulations.

24. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

APPENDIX 'A'

(See Regulation 17)

BOND FOR PERMANENT PORT EMPLOYEES PROCEEDING ON STUDY LEAVE UNDER COCHIN PORT EMPLOYEES (STUDY LEAVE) REGULATIONS, 1964.

Know all men by these presents that I..... resident of..... in the District of..... at present employed as..... in the Port of..... do hereby bind myself and my heirs, executors and administrators to pay to the Board on demand the sum of Rs..... (Rupees.....) together with interest thereon from the date of demand at rates prescribed 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.

Signed and dated this..... day of..... one thousand nine hundred and.....

Signature.....

Witnesses (1):

(2):

Whereas I..... am granted study leave by the Board;

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 resigning or retiring from service without returning to duty after the expiry of termination of the period of a study leave or at 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.....) together with interest thereon from the date of demand at the rates prescribed 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.

Signed and delivered by
..... in the presence of

Witnesses (1)

(2)

Accepted.

for and on behalf of the Board.

APPENDIX 'B'

(See Regulation 17)

BOND FOR TEMPORARY PORT EMPLOYEES PROCEEDING ON STUDY LEAVE UNDER COCHIN PORT EMPLOYEES (STUDY LEAVE) REGULATIONS, 1964.

Know all men by these presents that we..... resident of..... in the District of..... at present employed as..... in the Port of..... (hereinafter called "the obligor") and Shri..... son of..... of..... and Shri..... son 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 on demand the sum of Rs..... (Rupees.....) together with interest thereon from the date of demand at rates prescribed by the Board, 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.

Signed and dated this..... day of..... one thousand nine hundred and.....

Signature of the obligor:.....

Sureties (1):

(2):

Witnesses (1):

(2):

Whereas the obligor is granted study leave by the Board:

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..... resigning from service without returning to duty after the expiry or termination of the period of study leave 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.....) together with interest thereon from the date of demand at rates prescribed by the Board.

And upon the obligor Shri..... and, or Shri..... and, or Shri..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sue the obligor before suing the sureties Shri..... and Shri..... or any of them for amounts due hereunder.

Signed and delivered by the obligor above-named Shri..... in the presence of.....

Signed and delivered by the surety above-mentioned Shri..... in the presence of.....

Signed and delivered by the surety above-named Shri..... in the presence of.....

Accepted. for and on behalf of the Board

APPENDIX 'C'

(See Regulation 23)

PROCEDURAL INSTRUCTIONS FOR MAKING APPLICATION FOR STUDY LEAVE AND GRANT OF SUCH LEAVE.

1. Except as otherwise provided in these regulations, all applications for study leave shall be submitted with the Accounts Officer's certificate to the authority competent to sanction the study leave through the prescribed channel and the course or courses of study contemplated and any examination which the employee proposes to undergo shall be clearly specified therein. In case where it is not possible for the employee to give full details in his original 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 sanction the study leave. In such cases he shall not, unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith until he receives approval of the authority competent to sanction the study leave to the course.

2. On completion of a course of study certificates of examinations passed or special courses of study undertaken indicating the dates of commencement and termination of the course, with remarks, if any, of the authority in charge of the course of study shall be forwarded to the authority which sanctioned the leave.

[No. 19-PG(119)/63]

G.S.R. 316.—In exercise of the powers conferred by proviso to section 24(1), read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby makes the following regulations, namely:—

1. **Short title and Commencement.**—(1) These regulations may be called the Cochin Port (Authorisation of Pilots) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(1) "Board", "Chairman", "Deputy Chairman" shall have the same meaning as in the Major Port Trusts Act, 1963.

(2) "Limits of compulsory Pilotage waters" means the limits defined under subsection (2) of section (4) of the Indian Ports Act, 1908 (15 of 1908).

(3) "Deputy Conservator" means the officer in whom the direction and management of pilotage are vested.

(4) "Harbour Master" means the officer appointed by the Board to perform such duties as may, from time to time, be assigned by the Deputy Conservator.

(5) "Port" means the port of Cochin.

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

4. **Pilots to be licensed.**—(1) All pilots shall hold licenses to perform the duties of a pilot for the port of Cochin. These licenses, subject to the sanction of the Central Government, shall be issued and be revocable by the Board.

(2) A pilot severing his connection with the Board shall forthwith deliver his license to the Board.

5. **Conditions for joining the pilot service.**—A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions:—

(a) The conditions of eligibility laid down in regulation 14(b) and 14(c) of the Cochin Port Employees (Recruitment, Seniority, Promotion) Regulations, 1964.

(b) That on the date of appointment as a Probationer Pilot he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.

(c) That he possesses the qualifications detailed in regulation 6 below.

6. Qualifications of Candidates.—(1) A candidate for a Pilotage license shall—

- (a) produce certificates of good character and sobriety and be in possession of a Certificate of Competency as Master (Foreign-going) granted by the Government of India or its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign-going ship;
- (b) obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the purpose;
- (c) unless the Board otherwise determines, serve a period of probationary training of not less than 6 months. On completion of the training, the probationer may, if recommended by the Harbour Master and subject to the approval of the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

(2) The fee for a Pilot's License shall be prescribed by the Board from time to time.

7. Subjects of Examination.—The examination shall include the following subjects:—

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

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

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

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

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

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

11. Pilots to obey the orders of the authority.—A pilot shall obey and execute all lawful orders and regulations given or issued by the Board, the Deputy Conservator and/or the Harbour Master.

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

13. Pilots' behaviour towards the Master of the vessel, etc.—A pilot shall behave with due civility towards the Owner, Master and Officers of any vessel under his charge.

14. Pilots to obtain certificate of services performed by them.—A pilot shall, on boarding a vessel, hand the Arrival/Departure report to the Master, who shall enter therein all the required particulars over his signature.

Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

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

16. **Pilots when on Duty to carry with them their License, etc.**—A pilot when on duty shall always have with him an official Tide Table for the port, a copy of the Port Rules, Pilotage Regulations for the time being in force, and his license.

17. **Pilots may leave vessels at anchor in the Harbour if not provided with proper food and sleeping accommodation.**—A pilot shall be provided with reasonable accommodation if necessary, and shall be supplied with breakfast between 7 A.M. and 9 A.M. with lunch between NOON and 2 P.M. and dinner between 6 P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation for food, namely, Rs. 3/- for any of the meals missed by the Pilot.

18. **Pilots to see that Anchors are ready to let go.**—A pilot, before taking charge of a vessel outward bound, shall enquire of the Master of the vessel whether the steering gear is connected and in proper working order and direct that both the anchors be ready for letting go.

19. **Pilots giving evidence.**—A pilot shall not attend to give evidence on any trial or enquiry to which he is not a party unless under *sub-poena* without the permission of the Deputy Conservator, and a pilot under *sub-poena* to give evidence shall at once report the fact in writing to the Deputy Conservator.

20. **Pilots to give information of any alterations in navigational marks, etc.**—A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position, or become aware of any circumstances likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

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

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

23. **Commencement of Pilot's outward duties.**—The duties of a pilot in regard to outward bound vessels shall commence at any wharf, pier, berth, jetty or anchorage on boarding the vessel.

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

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

26. A pilot, on boarding a vessel, shall.—

(a) ascertain whether there is, or has been during the voyage, any infectious disease on board. If there is, or has been and the disease is of a serious nature as laid down in the Quarantine Rules, he shall anchor the vessel, hoist the Quarantine Signal and carry out the instructions contained in the Port Quarantine Rules in this respect.

(b) ascertain the vessel's present draft and see that both anchors are clear to be let go; see that the National Design is hoisted and the flags denoting the name of the vessel and any other signals, as required by the Port Rules from time to time, are hoisted in such a manner as to be clearly seen from the Port Signal Station.

27. **Termination of Pilots' Inward Duties.**—The duties of a pilot in regard to any inward bound vessel shall cease at any wharf, pier, berth or jetty or anchorage when the vessel is safely moored or anchored thereto.

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

(a) if the vessel is under-way, the Master shall be on board;

(b) if the Master leaves the vessel before the movement is completed, the pilot shall direct the vessel to be anchored in such safe position as

may be most easily reached by the vessel and shall not give directions to proceed with the moving until the return of the Master to the vessel;

- (c) throughout the moving the number of officers and crew on board and available for duty shall be sufficient to perform any duty which may be required, and if the pilot on boarding considers that the number is not sufficient, he shall call the Master's attention to the Port Rules and refuse to proceed with the moving unless the Master first signs a declaration under his own hand expressly assuming entire responsibility.

Explanation.—In this regulation, the expression "Master" shall include the first or other officer duly authorised to act for the Master, in the event of the latter being incapacitated from performing the duties of his office.

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

30. Pilots' Examination of Charts.—All pilots shall attend frequently at the office of the Deputy Conservator or Harbour Master to examine the latest plans and charts of the Port and other information concerning the port.

31. Pilot's Uniform.—A pilot shall wear when on duty such uniform as may be prescribed by the Board.

32. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

[No. 19-PG(134)/63.]

G.S.R. 317.—In exercise of the powers conferred by section 28, read with section 126, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short title and commencement.—(a) These regulations may be called the Cochin Port Employees (Leave) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. Application.—(a) These regulations shall, subject to the provisions of clause (b), apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

(b) Any employee, who was not governed by the Revised Leave Rules, 1933, before the commencement of these regulations shall be governed by those rules unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these regulations on and from the date of commencement of these regulations.

3. Definitions.—In these regulations, unless the context otherwise requires,—

(a) "Board", "Chairman", "Deputy Chairman", "Head of Departments" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;

(b) "commuted leave" means leave taken under sub-regulation (c) of regulation 9;

(c) "completed year of service" and "one year's continuous service" means continuous service of the specified duration under the Central Government or the Board and includes the period spent on duty as well as on leave, including extraordinary leave.

(d) "earned leave" means leave earned in respect of periods spent on duty;

(e) "earned leave due" means the amount of leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior

to that date plus the amount of earned leave calculated under regulations 8, 9 or 11, as the case may be, diminished by the amount of earned leave taken on or after the commencement of these regulations;

(f) "employee" means an employee of the Board;

(g) "employee in permanent service" means an employee who holds substantially a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;

(h) "employee in quasi-permanent service" means an employee who has been declared quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1949, or who may be declared as quasi-permanent under the Cochin Port Employees (Temporary Service) Regulations, 1964;

(i) "half pay leave" means leave earned in respect of completed years of service;

(j) "half pay leave due" means the amount of half pay leave, calculated under regulation 9 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;

(k) "leave" includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;

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. Leave cannot be claimed as of right. The authority empowered to grant leave shall have a discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service.

5. (1) No employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where an employee does not resume his duty after remaining on leave for a continuous period of five years, or where an employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of leave granted to him exceeds five years, he shall, unless the Board in view of the exceptional circumstances of the case otherwise directs, be deemed to have resigned and shall accordingly cease to be in the Board's employment.

6. Any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave.

7. No leave shall be granted beyond the date on which an employee shall compulsorily retire:

Provided that if in sufficient time before the date of compulsory retirement an employee has been denied in whole or in part, on account of exigencies of the Board's service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as prescribed in regulation 8, so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement does not exceed the amount of the leave preparatory to retirement actually denied, the half-pay leave, if any, applied for by an employee preparatory to retirement and denied in the exigencies of the Board's service being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement:

Provided further that an employee, whose service has been extended in the interest of the Board's service beyond the date of his compulsory retirement may be granted earned leave as under:—

(i) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;

(ii) after the expiry of the period of extension—

- (a) the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension; and
- (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the Board's service; and

(iii) in determining the amount of earned leave due in respect of the extension with reference to regulation 8, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

Explanation.—For the purposes of this regulation an employee may be deemed to have been denied leave only if in sufficient time before the date on which he shall compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of the Board's service or has ascertained in writing from the sanctioning authority that such leave, if applied for, would not be granted on the aforesaid ground.

8. (1) The earned leave admissible to an employee in permanent employ shall be one-eleventh of the period spent on duty:

Provided that an employee shall cease to earn such leave when the earned leave due amounts to 180 days:

Provided further that the earned leave admissible to an employee of non-Asiatic domicile recruited in India who is in continuous service from a date prior to the introduction of these regulations and is entitled to leave passages shall be one-seventh of the period spent on duty and he shall cease to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of regulations 4 and 7 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 120 days [or 150 days in the case of an employee mentioned in the second proviso to sub-regulation (1)].

(3) Earned leave may be granted to an employee in Class I or Class II service or to an employee mentioned in the second proviso to sub-regulation (1) exceeding a period of 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Nepal and Pakistan:

Provided that where earned leave exceeding a period of 120 days or 150 days, as the case may be, is granted under this sub-regulation, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

9. (a) Earned leave shall not be admissible to an employee in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

(b) (i) The earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days [or 45 days in the case of an employee mentioned in the exception to sub-regulation (1) of regulation 8] as the number of days of vacation not taken bears to the full vacation.

(ii) If in any year the employee does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of regulation 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these regulations, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or not shall not exceed the amount of earned leave due and admissible to the employee at a time under regulation 8:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

10. (a) The half-pay leave admissible to an employee in permanent employ in respect of each completed year of service shall be 20 days.

(b) The half-pay leave due may be granted to an employee on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate only, to an employee in permanent employ subject to the following conditions, namely:—

- (i) commuted leave during the entire service shall be limited to a maximum of 240 days;
- (ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;
- (iii) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days, provided that no commuted leave may be granted under this regulation unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

(d) Save in the case of leave preparatory to retirement, "leave not due" may be granted to an employee in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half-pay leave the employee may earn subsequently.

Explanations.—(1) "Leave not due" should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and it should be limited to the half-pay leave he is likely to earn thereafter.

(2) Where an employee who has been granted 'leave not due' under this clause applies for permission to retire voluntarily, the "leave not due" shall, if the permission is granted, be cancelled.

(3) Where service in respect of any completed year was rendered partly in a Class III post and partly in Class IV post, the half-pay leave shall be calculated on a *pro-rata* basis separately in respect of Class III service and Class IV service and then added up. The fraction, if any, present in the total half-pay leave for the particular year should be ignored if it is less than half or reckoned as one day if it is half or more.

(4) "Commuted leave" should be treated in the same way as leave on half average pay for the purposes of Supplementary Rules and as leave with allowance for the purpose of pension.

(5) The half-pay leave earned by an employee in respect of a "completed year of service" can be availed of by him during the course of a spell of leave or during an extension thereto within which the date of anniversary of service falls.

(6) "Leave not due" may be granted to permanent and quasi-permanent employees suffering from tuberculosis subject to the condition that the authority competent to sanction leave is satisfied on the basis of the certificate given by the appropriate medical authority as prescribed by the Board from time to time that there is a reasonable prospect of the employee—

- (i) returning to duty on the expiry of the leave; and
- (ii) earning thereafter leave not less than an amount of "leave not due" availed of by him having regard to the fact that in the normal course the employee would have enough service after his return to duty within which he would be able to wipe off the debit balance.

(7) The concession mentioned in sub-regulation (6) will also apply to permanent and quasi-permanent employees suffering from Leprosy on the authority of the appropriate medical authority to be prescribed by the Board from time to time.

(8) The commuted leave, if granted to an employee and who intends to retire subsequently, should be converted into half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the employee who avails himself of commuted leave, but the question whether the employee

concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reasons of his health incapacitating him for further service, no refund should be taken.

(9) The authority empowered to grant leave under this regulation shall not have the power to alter the nature of leave, though under regulation 4 he has power to refuse or revoke leave at any time according to the exigencies of the Board's service. There shall be no restriction on an employee whose application for leave is supported by a medical certificate being at his option granted leave on medical certificate (half-pay leave) even when earned leave is due to him.

11. The provisions of regulations 8, 9 and 10 shall also apply to an employee not in permanent employ except that in respect of the first year of his service, the earned leave admissible shall be one-twentysecond of the period spent on duty:

Provided that no earned leave shall be admissible to such an employee in a vacation department in respect of the first year of his service.

Provided further that in the case of an employee not in quasi-permanent employ—

(a) no half-pay leave may be granted unless the authority competent to sanction leave has reason 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; and

(b) no "leave not due" shall be granted.

12. An employee not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as an employee in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this regulation.

13. (a) Extraordinary leave may be granted to any employee in special circumstances—

(i) when no other leave is admissible, or

(ii) when other leave is admissible, but the employee concerned applies, in writing, for the grant of extraordinary leave.

(b) Except in the case of an employee in permanent employ and an employee in quasi-permanent employ, the duration of extraordinary leave on any one occasion shall not exceed the following limits :—

(i) three months;

(ii) six months, in cases where the employee has completed 3 years continuous service on the date of expiry of leave of the kind due and admissible under the regulations [including 3 months' extraordinary leave under (i) above] and his request for such leave is supported by a medical certificate as required under these regulations;

(iii) eighteen months where the employee is undergoing treatment for—

(1) Pulmonary tuberculosis in a recognised sanatorium; or

(2) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon; or

(3) 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.

(iv) twenty-four months where the leave is required for the purposes of prosecuting studies certified to be in the Board's interest, provided that the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the regulations [including three months extraordinary leave under (i) above].

- (v) Where an employee who is not in permanent employ or quasi-permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him, or where such an employee who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under sub-rule (b), he shall, unless the Board in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned his appointment and shall, accordingly, cease to be in Board's employ.

Explanations (1)—The concession of extraordinary leave upto eighteen months will be admissible also to an employee suffering from pulmonary tuberculosis who receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a 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.

(2) The Tuberculosis institution recognised or to be recognised by the Board, from time to time, for the treatment of Board's employees and their families will be deemed as recognised for the purpose of grant of extraordinary leave upto eighteen months to temporary employees undergoing treatment for tuberculosis.

(3) Two spells of extraordinary leave if intervened by maternity leave should be treated as one continuous spell of extraordinary leave for the purpose of clause (b) of regulation 13.

(4) Two periods of extraordinary leave when intervened by a spell of leave on half-pay should be treated as one continuous spell for the purpose of applying the limit of three months mentioned in clause (b) of regulation 13.

(5) A temporary employee suffering from tuberculosis who avails of the concession under clause (b) of regulation 13 shall be required, before resuming duty, to produce fitness certificate from the following authorities:—

- (i) A temporary Class I or Class II employee suffering from Pulmonary Tuberculosis or tuberculosis of any other part of the body, shall produce a fitness certificate from a medical committee as may be prescribed by the Board, irrespective of the fact whether the treatment is at a sanatorium or at the residence of the employee. A Tuberculosis Specialist shall also be co-opted as a member of the Medical Committee.
- (ii) A temporary Class III or Class IV employee suffering from pulmonary tuberculosis, shall produce a certificate of fitness from the Medical officer of the port or from a Tuberculosis Specialist recognised by a State Government while such an employee suffering from tuberculosis of any other part of the body shall produce a certificate from a qualified Tuberculosis Specialist or medical officer of the Board.

(6) A temporary employee who is granted extraordinary leave, as a special case, for prolonged periods, in relaxation of the regulations, in continuation of his regular leave, for study in India or abroad, subject to his giving an undertaking in writing to serve the Board for a specified period, after the expiry of his leave shall give an undertaking in the form in annexure I before the extraordinary leave in relaxation of the regulations is granted to him.

14. (1) Except as provided in sub-regulation (2), an employee on earned leave is entitled to leave salary equal to the average monthly pay earned during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which the employee is entitled immediately before proceeding on leave whichever is greater.

(2) An employee who proceeds on earned leave from a post the maximum pay of which does not exceed Rs. 110/- per mensem, is entitled to leave salary equal to the pay drawn immediately before proceeding on leave

(3) 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) or sub-regulation (2), the case may be, subject to a maximum of Rs. 750/-:

Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(4) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1) or sub-regulation (2), as the case may be.

(5) An employee on extraordinary leave is not entitled to any leave salary.

Explanation (1).—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 foreign service out of India shall be substituted for the pay actually drawn while calculating average pay.

Explanation (2).—For the purpose of this regulation 'substantive pay' means the substantive pay of the permanent post which the employee holds substantively or on which he holds a lien or would hold a lien, had the lien not been suspended.

Provided that in the case of an employee in quasi-permanent service, the pay admissible in the post in which he has been declared quasi-permanent, shall be deemed to be the substantive pay :

Provided further that the leave salary of an employee who is in permanent or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three year limit shall include:—

- (a) all periods of leave during which the employee would have officiated in the post but for proceeding on such leave; and
- (b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

Explanation (3).—Leave salary under these regulations in the case of "probationers" and persons appointed "on probation" should be regulated as follows:—

- (i) in the case of a "probationer" as defined in clause (d) of Audit Instruction 2 below F.R. 9(6), whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of regulation 13;
- (ii) in the case of a person who is only appointed to a post "on probation", an distinct from appointment as a "probationer" as defined in clause (d) of the Audit Instruction mentioned above—
 - (a) if he was already holding a permanent post in a substantive capacity before being appointed "on probation" to another post, his substantive pay in respect of the permanent post, on which he holds a lien or on which he would have held a lien had such lien not been suspended will be his substantive pay for the purpose of calculation of leave salary under these regulations; and
 - (b) if he was only in temporary employ of the Board or if he is a direct recruit appointed to the post 'on probation', the leave salary will be regulated under sub-regulation (1) or (2) of regulation 13 as the case may be.

Explanation (4).—(a) In the case of an employee who is reinstated after a period passed under suspension and who proceeds on leave shortly after or immediately on reinstatement, the average pay shall be calculated on the basis of the pay actually drawn or allowed to him during the 10 months preceding the month in which the leave commenced.

(b) The leave salary of an employee, who is allowed to draw pay under Fundamental Rule 20 or 35 shall also be calculated similarly, i.e., on the basis of the pay actually drawn by him.

Explanation (5).—(a) For the purposes of the second proviso to Explanation (2) to regulation 14, to the limit of three years shall include all periods of leave during

which an employee in permanent or quasi-permanent employ would have officiated in the post but for proceeding on such leave and all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post. The period of half-pay leave, extraordinary leave, maternity leave, etc., will also, therefore, be included, for calculating the limit of three years.

(b) An employee shall not be allowed the benefit of treating the pay drawn in the post in which he was officiating before proceeding on leave or in which he would have so officiated but for his officiating appointment in an equivalent or still higher post, as substantive pay, for the purpose of regulation 14, unless he furnishes a certificate from the competent authority concerned that during all the period of leave or officiating service in an equivalent or still higher post, he would have continued to officiate in the post concerned but for proceeding on leave or officiating service in an equivalent or still higher post.

(c) In all cases in which it is proposed to allow the benefit of the second proviso to explanation (2) to regulation 14 the authority which is competent to fill the specified post in respect of which the benefit is proposed to be granted shall furnish a certificate as in annexure II to enable the Accounts Officer to admit the claim.

Provided that it shall not be necessary to produce the certificate mentioned above when:—

- (i) an employee has continuously officiated in a Class I or Class II post for more than three years and has not availed of any leave;
- (ii) a Class I or Class II employee has availed of earned leave for which certificate under F.R. 26 (bb)(i) has been furnished to the Accounts Officer and he has been allowed increment without its being postponed;
- (iii) a Class I or Class II employee has officiated in a higher post for which certificate of continued officiation in the lower post but for appointment to the higher post has been furnished to the Accounts Officer and the employee has been allowed to count the period for increment in the lower post.

Explanation (6).—A month's leave salary may be allowed in advance to employees proceeding on leave subject to the following conditions:—

- (i) no advance may be granted when the leave taken is for less than a month or 30 days;
- (ii) 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 to a post employee after deductions on account of income-tax, Provident Fund, house rent, repayment of advance, etc. so that there is no financial risk involved;
- (iii) 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 shall be recovered from the next payment of pay or leave salary or both;
- (iv) the advance may be sanctioned by the Chairman, Deputy Chairman or the Heads of Departments;
- (v) advance in respect of temporary and quasi-permanent employees may be sanctioned without the surety of a permanent employee;
- (vi) the amount of advance will be debited to the Head of account to which the pay etc. of the employee is debited and the adjustment of the advance will be watched through Objection Book by the Accounts Officer;
- (vii) advance under these instructions shall be sanctioned in whole rupees.

15. *Interpretation.*—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

ANNEXURE I

BOND FOR TEMPORARY EMPLOYEES GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF REGULATION 13(b) OF THE COCH N/KANDLA/VISHAKHAPATNAM PORT EMPLOYEES (LEAVE) REGULATIONS, 1964, FOR STUDY IN INDIA OR ABROAD.

KNOW ALL MEN BY THESE PRESENTS THAT I, Mr./Mrs./Miss.....
 S/o W/o D/o of
 at present employed as in the Ministry/Office of
 do hereby firmly bind himself and my heirs, executors, and administrators, to pay
 to the Board, his successors and assigns on demand the sum of Rs.

Dated this day of one thousand
 nine hundred and.....

Whereas the Board has, at the request of the above-bounden Mr./Mrs./Miss.
 employed as a granted him/her regular
 leave, followed by extraordinary leave without pay and allowances, for a period
 of month days with effect from
 in order to enable him/her to study at

AND WHEREAS the Board has appointed/will have to appoint a substitute to
 perform the duties of during the period of absence of
 Mr./Mrs./Miss, on extraordinary leave,

AND WHEREAS it has been agreed between the above bounden Mr./Mrs./Miss.
 and the Board that for the better protection of the
 interest of the Board, the said Mr./Mrs./Miss should
 execute such bond as above written and with such condition as is hereunder
 written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT
 in the event of the above bounden, Mr./Mrs./Miss failing to
 rejoin on the expiry of the 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 for refusing to serve the
 Board in any other capacity as may be required by the Board on the existing terms
 and conditions and on a salary which he/she would have originally drawn if he/she
 would not have been granted leave for study purposes the said Mr./Mrs./Miss
 or his/her heirs, executors and administrators shall forthwith pay
 to the Board on demand the said sum of Rs.

AND upon his/her 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.

THIS BOND shall in all respects be governed by the law 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.

THE stamp duty on this deed shall be borne and paid by the Board.

IN WITNESS to the above written bond and the condition therefor, I, Mr./Mrs./
 Miss have hereunto set my hands the day of
 one thousand nine hundred and

Signed and delivered by the
 above bounden Mr./Mrs./Miss,
 in the presence of

ANNEXURE II

[See explanation (5) under regulation 13]

Certified that on* Shri/Shrimati/Kumari
 has been continuously officiating in the post ** for more than
 three years inclusive of the following periods during which he/she would have
 officiated in that post but the following events:—

From To

(1) Periods of officiating
 in the specified post.

	From	To
(2) Periods of officiating in equivalent or higher posts in the same department.		
(3) Periods of deputation.		
(4) Foreign service.		
(5) Period of leave.		
	Signature	
	Designation	

*The date preceding the date of commencement of leave to be specified here.

**Designation of the post to be specified here.

[No. 19-PG(124)/63.]

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

1. **Short title and Commencement.**—(a) These regulations may be called the Cochin Port Employees (General Provident Fund) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. **Interpretation.**—In these regulations unless the context otherwise requires,—

(1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board.

(2) "Board", "Chairman", "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963.

(3) "emoluments" means pay, leave salary or subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber and any remuneration of the nature of pay received in respect of foreign service but does not include conveyance allowance, house rent allowance, overtime fees, cement testing allowance, fee for supervision of floating craft, diving allowance and ration allowance;

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

(4) "employee" means an employee of the Board;

(5) "family" means—

(i) in the case of a male subscriber, the wife or wives and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber;

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

(ii) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber;

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

Explanation.—Child means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber;

(6) "Fund" means the Cochin Port Employees General Provident Fund;

(7) "Leave" means any kind of leave recognised by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations. If any, framed under section 28 of the Major Port Trusts Act, 1963, whichever may be applicable to the subscriber;

(8) "Year" means the financial year;

(9) Any other expression used in these regulations which is defined in the Provident Funds Act, 1925 (11 of 1925), or in the Fundamental Rules of the Central Government or the Leave Regulations mentioned in sub-regulation (7) (whichever may be applicable to the subscriber) shall have the meanings assigned to them in such Act, Rules or Regulations.

3. Constitution and Management of the Fund.—On and from the date of commencement of these regulations, the Board shall establish and maintain a Provident Fund for the welfare of the employees.

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

4. Application.—(1) All permanent employees, other than re-employed persons, and all temporary employees who have rendered continuous service of one year or more on the date of commencement of these Regulations shall be required to subscribe to the Fund. Temporary employees whose period of service on the date of commencement of these Regulations is less than one year shall be required to subscribe to the Fund from the month following that in which they complete one year's service.

(2) The Board may, at its discretion, require any other category of employees to subscribe to the Fund.

(3) Employees who are subscribers to any Contributory Provident Fund shall not be required to subscribe to the Fund.

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

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

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

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

(2) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this regulation.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to

such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein;

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

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

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

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

8. **Conditions and rates of subscriptions.**—(1) Conditions of Subscription:

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

Provided that a subscriber may, at his option, not subscribe during any period of leave other than leave on average pay or earned leave of less than a month or 30 days duration as the case may be:

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

(b) A subscriber shall intimate in writing his election not to subscribe during leave to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this clause shall be final.

(2) Rates of Subscription:

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

(a) It shall be expressed in whole rupees,

(b) It may be any sum so expressed not less than six per cent of his emoluments and not more than his total emoluments:

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

Provided further that in the case of Class IV employees, the minimum rate of subscription shall be Rs. 4/- a month in the case of those drawing a pay of less than Rs. 75/- a month and Rs. 5/- a month in the case of others:

(c) when an employee elects to subscribe at the minimum rate of 6 per cent or 8 1/3 per cent, as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 pP. counting as the next higher rupee.

(3) For the purpose of sub-regulation (2), the emoluments of a subscriber shall

(a) in the case of a subscriber who was in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date;

Provided that—

(i) if the subscriber was on leave on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

(b) in the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.

(4) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

(b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(c) if he has entered Board's service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;

(d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

(e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him to the Board's account on account of subscription for the month of April in the current year.

(5) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year:

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

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

9. Transfer to Foreign Service or Deputation out of India.—When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

10. Realisation of subscriptions.—(1) When emoluments are drawn in India, recovery of subscriptions on account of these emoluments and of the principal and interest, an advance shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer:

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

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the fund or is in default in any month or months during the course of a year otherwise than as provided for in regulation 8, the total amount due to the Fund on account of arrears of subscriptions shall, with interest thereon

at the rate provided in regulation 11, forthwith be paid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13.

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

11. Interest.—(1) Subject to the provisions of sub-regulation (5), the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board:

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

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

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

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

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

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

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

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

(4) In addition to any amount to be paid under regulation 14, interest thereon up to the end of the month preceding that in which the payment is made, or up to the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a

cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be.

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-regulation (3) of regulation 10, sub-regulation (5) of regulation 14, regulation 15, sub-regulation (2) of regulation 17, proviso to regulation 21(b), regulation 24, regulation 25 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-regulation (1) of this regulation.

12. Transfer from other services.—(1) Subject to the sanction of the Board in each case, a person who has joined the Board's service from the service of any Government, or other employer, may, if he becomes a subscriber to the Fund, have any amount standing to his credit in a provident Fund maintained by the Government, or other employer on the date of his joining the Board's service transferred to his credit in the Fund. The amount so transferred shall carry interest only; it shall not entitle the subscriber to any contribution by the Board in respect thereof.

(2) In the event of a subscriber to the Fund being permanently transferred to a service under a Government or any other employer, the balance in the Provident Fund account of the subscriber may, instead of being paid in cash, be transferred to his account with the new employer and thereupon these Regulations shall cease to apply him.

13. Advances from the Fund.—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes:—

- (a) to pay expenses in connection with the illness or a disability, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him;
- (b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:—
 - (i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;
- (c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him;

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

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

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

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

(e) to meet the cost of his defence where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged misconduct on his part

(f) in other cases of acute distress at the discretion of the Chairman.

(2) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance together with interest thereon.

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

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

14. Recovery of advance.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Chairman or any other officer authorised to sanction the advance may direct; but such number shall not be less than 12 unless the subscriber so elects and more than 24. In special cases where the amount of advance exceeds three months' pay of the subscriber, the authority sanctioning the advance may fix such number of instalments exceeding 24, but not exceeding 36. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in regulation 10 for the realisation of subscriptions, and shall commence, on the first occasion after the advance is made on which the subscriber draws the pay or remuneration on foreign service, for a full month. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days' duration, as the case may be. The recovery may be postponed, on the subscriber's request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of the interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (a) exceeds 20 months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that prescribed in sub-regulation (2). Payments shall be rounded to the nearest rupee in the manner prescribed in clause (iv) of sub-regulation (2) of regulation 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, with interest at the rate provided in regulation 11 forthwith be repaid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding 12 as may be directed by the Chairman or the authority competent to sanction an advance under Explanation 2 to sub-regulation (2) of regulation 13:

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

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

15. Wrongful use of advance.—Notwithstanding anything contained in these regulations, if the Chairman is satisfied that money drawn as an advance from the Fund under regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question shall with interest at the rate provided in regulation 11 forthwith be repaid by

the subscriber to the Fund, or in default, be ordered by the Chairman to be recovered by deduction in one lump sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recovery shall be made in monthly instalments or moieties of his emoluments till the entire amount is repaid by him.

Explanation.—In this regulation, 'emoluments' do not include subsistence grant.

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

(I) after the completion of 25 years of service (including broken periods of service, if any) of a subscriber or within 8 years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

- (a) meeting the cost of higher education, including, where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—
 - (i) for education outside India for academic, technical, professional or vocational course beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is not less than three years,
- (b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and if he has no daughter, of any other female relation dependent on him.
- (c) meeting the expenses in connection with the illness, including where necessary the travelling expenses, of the subscriber or any person actually dependent on him, and

(II) after the completion of twenty three years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund for one or more of the following purposes, namely:—

- (a) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions or alterations to a house already owned or acquired by a subscriber;
- (b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than 12 months of that date;
- (c) for constructing a house on a site purchased utilising the sum withdrawn under clause (b);

Explanation.—A subscriber who has availed himself of an advance under the scheme of the Central Government or a State Government for the grant, of advances for house-building purpose, or has been allowed any assistance in this regard from any other Central or State Government sources, shall be eligible for the grant of final withdrawal under sub-clauses (a), (b) and (c) of sub-regulation (II) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of regulation 17.

(III) The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Accounts Officer who will arrange this as soon as formal sanction of the Chairman is issued.

17. Conditions of Withdrawal.—(1) Any sum withdrawn by a subscriber at any one time for one or more purposes specified in regulation 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six months' pay whichever is less. The sanctioning authority may,

however, sanction the withdrawal of an amount in excess of this limit up to three-fourths of the balance at his credit in the Fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscriber; and (iii) the amount to his credit in the Fund:

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Central or a State Government for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken under the aforesaid schemes or the assistance taken from any other Government source shall not exceed Rs. 75,000/- or 5 years' pay, whichever is less.

(2) A subscriber, who has been permitted the withdrawal of money under regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn shall forthwith be repaid in one lumpsum together with interest thereon at the rate determined under regulation 11 by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lumpsum or any such number of monthly instalments as may be determined by the Chairman.

(3) Nothing in sub-regulation (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub-regulation.

18. **Conversion of an advance into a withdrawal.**—A subscriber who has already drawn or may draw in future an advance under regulation 13 for any of the purposes specified in sub-clauses (a), (b) and (c) of clause (1) of regulation 16, may convert, at his discretion by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against him into a final withdrawal on his satisfying the conditions laid down in regulations 16 and 17.

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

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

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

20. **Final withdrawal of accumulation in the fund.**—When a subscriber quits the service the amount standing to his credit in the Fund shall become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the Board, repay any amount paid to him from the Fund in pursuance of this regulation, with interest thereon at the rate provided in regulation 11 in the manner provided in the proviso to regulation 21. The amount so repaid shall be credited to his account in the Fund.

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

Explanation (2).—A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to have quit the service when he is transferred without any break in service to a new post under any other major port authority (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case

his subscriptions together with interest thereon shall be transferred to his account in the other Fund in accordance with the rules of that Fund. The same shall hold good in cases of retrenchment by immediate employment whether under the Board or under any other major port authority.

21. Retirement of subscriber.—When a subscriber—

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

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

Provided that the subscriber, if he returns to duty, shall, if required to do so by the Board, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this regulation with interest thereon at the rate provided in regulation 11 in cash or securities or partly in cash or partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the Chairman.

22. Procedure on death of a subscriber.—On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(i) when the subscriber leaves a family—

(a) if a nomination made by the subscriber in accordance with the provisions of regulation 6 or of the corresponding rule in force earlier in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

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

Provided that no share shall be payable to—

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

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

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

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

23. Manner of payment of amounts in the Fund.—(1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Accounts Officer to make payment on receipt of written application in this behalf as provided in sub-regulation (3).

(2) If the person to whom, under these regulations any amount or policy is to be paid, assigned, re-assigned, or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912,

the payment or re-assignment or delivery shall be made to such manager and not to the lunatic.

(3) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the Accounts Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

Explanation.—When the amount standing to the credit of a subscriber has become payable under regulations 20, 21 or 22, the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of the subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

24. Procedure on transfer of an employee from one major port to another.—If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other major port in which he is governed by similar regulations, the amount of subscription, together with interest thereon standing to his credit in the Fund on the date of transfer shall be transferred to his credit in the fund of such major port:

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

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

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

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

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

28. Annual statement of accounts to be supplied to subscriber.—(1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his accounts in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alteration in any nomination made under regulation 6 or under the corresponding rule in force earlier;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under regulation 6;

(2) Subscribers shall satisfy themselves as to the correctness of the annual statement, and they shall bring to the notice of the Accounts Officer within three months from the date of receipt of the statement by them, any inaccuracy or arrear in such statement.

(3) The Accounts Officer shall, if required by a subscriber, once but not more than once, in a year inform the subscriber of the total amount standing in his credit in the Fund at the end of the last month for which his account has been written up.

29. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be decided by the Board.

FIRST SCHEDULE (REGULATION 6)

Forms of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in regulation 2(5) of the Cochin/Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
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Dated this day of 19 ..

at

Two witnesses to signature

Signature of subscriber.

1.

2.

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in regulation 2(5) of the Cochin/Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed amongst the said persons in the manner shown against their names.

Name and Address of nominees	Relationship with subscriber	Age	*Amount of share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
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Dated the day of 19 ..

Signature of subscriber.

at

Two witnesses to signature

1.

2.

*Note.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person,

I, having no family as defined in regulation 2(5) of the Cochin/Port Employees (General Provident Fund) Regulations, 1954, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has been paid, or having become payable has not been paid:—

Name and address of nominee	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any, to whom the right of nominee shall pass in the event of his/her predeceasing the subscriber.
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Dated this day of 19 ..

at

Two witnesses to signature

Signature of subscriber.

1.
2.

* Note.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

IV.—When the subscriber has no family and wishes to nominate more than one person,

I, having no family as defined in regulation 2(5) of the Cochin/Port Employees (General Provident Fund) Regulation, 1964, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	**Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
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Dated this day of 19 ..

at

Signature of subscriber.

Two witnesses to signature

1.
2.

*Note.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**Note.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

G.S.R. 319.—In exercise of the powers conferred by section 126 read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

PART I—General

1. Short title and commencement.—(a) These regulations may be called the **Cochin Port Employees (Classification, Control and Appeal) Regulations, 1964.**

(b) They shall come into force on the 29th February, 1964.

2. Definitions.—In these regulations, unless the context otherwise requires,—

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

3. Application.—(1) These regulations shall apply to all the employees of the Board, except—

- (a) persons in casual employment;
- (b) persons subject to discharge from service on less than one month's notice; and
- (c) persons for whose appointment and other matters covered by these regulations, special provision is made by or under any law for the time being in force, in regard to the matters covered by such law.

(2) Notwithstanding anything contained in sub-regulation (1), the Board may by order exclude from the operation of all or any of these regulations any employee or class of employees.

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

4. Special provision by agreement.—Where it is considered necessary to make special provision in respect of an employee inconsistent with any of these regulations, the authority making the appointment may, with the concurrence of such employee, make special provisions and thereupon these regulations shall not apply to such employee to the extent to which such special provisions are inconsistent with these regulations.

5. Protection of rights and privileges conferred by any law or agreement.—Nothing in these regulations shall operate to deprive any employee of any right or privilege to which he is entitled—

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

PART II—Classification

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

Class I posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 950/-.

Class II posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 575/- but not more than Rs. 950/-.

Class III posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 110/- but not more than Rs. 575/-.

Class IV posts, that is to say, posts carrying a pay or scale of pay the maximum of which is less than Rs. 110/-.

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

PART III—Appointing authorities

7. **Appointments to Class I posts.**—(1) All appointments to Class I posts under the Board which are covered by clause (b) of sub-section (1) of section 24 of the Act, (other than posts the incumbents of which are declared to be Heads of Departments) shall be made by the Board.

(2) All appointments to posts, the incumbents of which are declared to be Heads of Departments, shall be made by the Central Government after consultation with the Chairman.

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

PART IV—Suspension

9. **Suspension.**—(1) An employee may be placed under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) The order of suspension shall be made—

(a) in the case of the Head of a Department or in the case of an employee holding a post referred to in clause (b) of sub-section (1) of section 24 of the Act, by the Board;

(b) in any other case by the appointing authority:

Provided that no such order relating to the Head of a Department shall have effect until it is approved by the Central Government.

(3) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Board or the appointing authority, as the case may be, and shall remain under suspension until further orders are made by the Board or the appointing authority.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in

consequence of, or by a decision of a Court of Law, and the disciplinary authority on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(6) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V—Discipline

10. **Nature of penalties.**—The following penalties may, for good and sufficient reasons and, as hereinafter provided, be imposed on an employee, namely:—

- (i) censure;
- (ii) withholding of increments or promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders;
- (iv) reduction to a lower grade or post or to a lower time-scale or to a lower stage in a time scale;
- (v) compulsory retirement;
- (vi) removal from service which shall not be a disqualification for future employment;
- (vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this regulation:—

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

(b) of an employee, employed under an agreement in accordance with the terms of such agreement.

(c) of a temporary employee under regulation 5 of the Cochin Port Employees (Temporary Services) Regulation, 1964.

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

12. Procedure for imposing major penalties.—(1) No order imposing on an employee any of the penalties specified in items (iv) to (vii) of regulation 10 shall be passed except after an enquiry held, as far as may be, in the manner hereinafter provided.

(2) The disciplinary authority shall frame charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the employee, and he shall be required to submit, within such time as may be specified by the disciplinary authority (a) to such authority or (b) where a board of inquiry or inquiring officer has been appointed under sub-regulation (3) to that board or officer, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-regulation and in sub-regulation (4), the expression “the disciplinary authority”, shall include the authority competent under the regulations to impose upon the employee any of the penalties specified in items (i) to (iii) of regulation 10.

(3) The disciplinary authority may inquire into the charges itself or if it considers it necessary so to do, it may, either at the time of communicating the charges to the employee under sub-regulation (2) or at any time thereafter, appoint a board of inquiry or inquiring officer for the purpose.

(4) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against the Board's interest to allow him access thereto.

(5) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority or as the case may be, the board of inquiry or the inquiring officer may inquire into such of the charges as are not admitted.

(6) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the inquiring authority). The employee may present his case with the assistance of any other employee but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority is a legal practitioner or unless the disciplinary authority, having regard to the circumstances of the case, so permits.

(7) The inquiring authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(9) The Board may, from time to time, prescribe time limits within which the various stages of enquiry should be completed, namely, inspection of documents by the accused employee, request for access to additional records, inspection

of such additional records and submission of statement by the accused employee on the charges made against him. Such time limits may be prescribed in respect of enquiries connected with the imposition of major as well as minor penalties.

(10) The record of the inquiry shall include—

- (i) the charges framed against the employee and the statement of allegations furnished to him under sub-regulation (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(11) The disciplinary authority shall, if it is not the inquiry authority, consider the record of the inquiry and record of its findings on each charge.

(12) (i) If the disciplinary authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in items (iv) to (vii) of regulation 10 should be imposed, it shall—

- (a) furnish to the employee a copy of the report of the inquiring authority and, where a disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority; and
- (b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty provided that such representation shall be based only on the evidence adduced during the enquiry.

(ii) in every case in which it is necessary to consult the Central Government, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in response to such notice, if any, shall be forwarded by the disciplinary authority along with its recommendations to the Central Government for passing orders.

(13) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in items (i) to (iii) of regulation 10 should be imposed, it shall pass appropriate orders in the case.

(14) Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiring authority, and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

13. Procedure for imposing minor penalties.—(1) No order imposing any of the penalties specified in items (i) to (iii) of regulation 10 shall be passed except after—

- (a) informing in writing the employee of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against such proposal;
- (b) such representation, if any, is taken into consideration by the disciplinary authority; and
- (c) consultation with the Central Government where such consultation is necessary.

(2) The record of the proceedings of such cases shall include—

- (i) a copy of the intimation to the employee of the proposal to take action against him;

- (ii) a copy of the statement of allegations communicated to him;
- (iii) his representation, if any; and
- (iv) the orders on the case together with the reasons therefor.

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

(2) Subject to the provisions of (a) sub-section (1) of section 25 of the Act, and (b) regulation 11, any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in regulation 10 which such disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in regulation 13 or regulation 16 may be followed in the proceeding.

15. **Special procedure in certain cases.**—Notwithstanding anything contained in regulations 12, 13 and 14—

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

the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit:

Provided that the approval of the Central Government shall be obtained before passing such orders in relation to a Head of a Department.

16. **Provisions regarding officers borrowed by the Board.**—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central or State Government or an authority subordinate thereto or a local or other authority, the authority lending his services. (hereinafter in these regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

- (i) if it is decided that any of the penalties specified in items (i) to (iii) of regulation 10 should be imposed on him, the disciplinary authority may, subject to the provisions of sub-regulation (2) of regulation 12, after consultation with the lending authority, pass such orders on the case as it deems necessary:

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

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

PART VI—Appeals

17. **Orders made by Central Government not appealable.**—Notwithstanding anything contained in this part, no appeal shall lie against any order made with the approval of the Central Government.

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

19. Appeals against orders imposing penalties.—(1) The authorities mentioned in the Schedule shall be competent to entertain appeals in the respect of the penalties indicated in the Schedule.

(2) Any employee of a Board (not being a Head of a Department) aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 21 and in the manner laid down in regulation 22, prefer an appeal—

- (a) to the Central Government, where such order is passed by the Board;
- (b) to the Board, where such order is passed by the Chairman;
- (c) to the Chairman, in any other case:

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

20. An appeal against an order—

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

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

Explanation.—In this regulation—

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

21. Period of limitation for appeals.—No appeal under this Part shall be entertained unless it is preferred within a period of three months from the date on which the appellant receives a copy of the order appealed against:

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

22. Form and contents of appeals.—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

23. Submission of appeals.—Every appeal shall be submitted through the authority which made the order appealed against:

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

24. Withholding of appeals—(1) The authority which made the order appealed against may withhold the appeal if—

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

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

(2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefor.

(3) At the commencement of each quarter, a list of appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

25. Transmission of appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 24, together with its comments thereon and the relevant records.

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

26. Consideration of appeals.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 9 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 10 the appellate authority shall consider—

- (a) whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in violations of any of the provisions of the Act or in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders—
 - (1) setting aside, reducing, confirming or enhancing the penalty; or
 - (2) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv) to (vii) of regulation 10 and an enquiry under regulation 12 has not already been held in the case, the appellate authority shall, subject to the provisions of regulation 15, itself hold such an enquiry or direct that such enquiry to be held and thereafter on consideration of the

proceedings of such enquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

27. **Implementation of orders in appeal.**—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII—*Repeal and Removal or doubts*

28. **Repeal.**—(1) On the commencement of these regulations, any other rules which were in force in respect of the employees shall stand repealed:

Provided that—

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;

(b) any proceeding under the said rules pending at the commencement of these regulations shall be conducted and disposed of as far as may be in accordance with the provisions of these regulations.

(2) An appeal pending or preferred after the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations.

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

SCHEDULE

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers (i) to (vii) in regulation 10)		Appellate authority
		Authority	Penalties	
Posts the incumbents of which are declared to be Heads of Departments under Section 24(2) of the Major Port Trusts Act, 1963.	Central Government in consultation with the Chairman.	Board	All [the prior approval of Central Government should be taken before imposing penalties (iv) to (vii)]	..
Class I other than those of Heads of Dep'ts. but covered by section 24(1) (b) of the Major Port Trusts Act, 1963]	Board	Chairman	(i) to (iii)	Board
		Board	(iv) to (vii)	Central Government
Class I not covered by section 24(1) (b) of the Major Port Trusts Act, 1963) and Class II.	Chairman	Chairman	All	Board
Class III	Head of a Deptt.	Head of a Deptt.	All	Chairman*
Class IV	Head of a Deptt.	Head of a Deptt.	All	Chairman*

* Subject to proviso mentioned in regulation 19.

[No. F. 19-PG (122)/63.]

G.S.R. 320.—In exercise of the powers conferred by sub-section (1) of section 4 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby constitutes the first Board of Trustees in respect of the port of Cochin with effect from the 29th February, 1964, and appoints the following persons as the Chairman and Trustees respectively of the said Board of Trustees, namely:—

Chairman

Shri P. R. Subramanian.

Trustees

1. Collector of Customs and Central Excise, Cochin (representing the Customs Department).

2. Chief Operating Superintendent, Southern Railway (representing the Indian Railways).
3. Commodore-in-charge, Cochin. (representing the Defence Services).
4. Secretary, Public Works Department, Government of Kerala. (representing the State Government).
5. Municipal Commissioner, Ernakulam.
6. Shri G. S. Dhara Singh (representing Labour)
7. Shri K. M. Pareed. (representing Labour).
8. Shri P. Achuthan Pillai (representing Indian Chamber of Commerce, Cochin)
9. Shri M. Sankara Menon (representing Cochin Chamber of Commerce).
10. Shri Joseph Chakola (representing Ernakulam Chamber of Commerce).
11. Shri Chandulal Kanji Mehta (representing All India Sailing Vessels Industries Association).
12. Shri G. J. Ashcr, (representing Indian National Steamship Owners' Association).
13. Shri K. J. Herschell, Chairman, Ft. Cochin Municipality. (representing Municipal interests)

[No. 19-PG(130)/63.]

(Transport Wing)

G.S.R. 321.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title, commencement and application.**—(1) These regulations may be called the Vishakhapatnam Port Employees (Temporary Service) Regulations, 1964.
 - (2) They shall come into force on the 29th February, 1964.
 - (3) They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under that Board. These regulations shall not, however, apply to:—
 - (i) employees engaged on contract;
 - (ii) employees not in whole-time employment;
 - (iii) employees paid out of contingencies;
 - (iv) persons employed in extra-temporary establishments, if any, or in work charged establishments;
 - (v) such other categories of employees as may be specified by the Board.
2. **Definitions.**—In these Regulations, unless the context otherwise requires;—
 - (i) "Appointing authority" means the authority empowered to make appointment to the post under the Vishakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1964;
 - (ii) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department' shall have the same meanings assigned to them in the Major Port Trusts Act, 1963;
 - (iii) "employee" means an employee of the Board;
 - (iv) 'quasi-permanent service' means temporary service commencing from the date on which a declaration issued under Regulation 3 takes effect and consisting of periods of duty and leave (other than extra-ordinary leave) after that date;
 - (v) "specified post" means the particular post, or the particular grade of posts within a cadre, in respect of which an employee is declared to be quasi-permanent under Regulations 3;
 - (vi) 'temporary service' means officiating service in a temporary or in a permanent post under the Board;
 - (vii) 'service' under the Board means temporary service under the Board.
3. **Counting of service.**—An employee shall be deemed to be in quasi-permanent service:—
 - (i) if he has been in continuous service of the Board for more than three years; and
 - (ii) if the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character, for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Board may issue from time to time

Explanation.—For the purpose of computing service for quasi-permanency, service rendered in the post prior to the commencement of these regulations shall also be counted.

4. **Issue of Quasi-permanent certificate.**—A declaration issued under Regulation 3 shall specify the particular post or the particular grade of posts within a cadre, in respect of which it is issued, and the date from which it takes effect.

5. **Termination of Services of Employees not in Quasi-Permanent service.**—(a) The service of a temporary employee, who is not in quasi-permanent service, shall be liable to termination at any time by notice in writing given either by the employee to the appointing authority, or by the appointing authority to the employee.

(b) The period of such notice shall be one month unless otherwise agreed to by the appointing authority and by the employee.

Provided that the service of any such employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice, or as the case may be, for the period by which such notice falls short of one month or any agreed longer period.

Provided further that the Compensatory (City) and House Rent allowances, were admissible, shall be payable on the expiry of the notice period and after it is certified by the Chairman that the employee continued to reside during the period of notice at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at the same station.

6. (1) Where a notice is given by the appointing authority terminating the service of the temporary employee or where the service of any such employee is terminated either on the expiry of the period of such notice or forthwith by the payment of pay plus allowances, the Board or any other authority specified by the Board in this behalf may, of its own motion or otherwise, reopen the case and after calling for the record of the case and after making such enquiry as it deems fit, may:—

- (a) confirm the action taken by the appointing authority; or
- (b) withdraw the notice; or
- (c) reinstate the employee in service; or
- (d) make such other order in the case as it may consider proper; provided that no case shall be re-opened under this sub-clause after the expiry of three months—
 - (i) in a case where notice is given, from the date of notice;
 - (ii) in a case where no notice is given, from the date of termination of service.

(2) Where an employee is re-instated in service under sub-clause (1), the order of re-instatement shall specify:—

- (a) the amount or proportion of pay and allowances, if any, to be paid to the employee for the period of his absence between the date of termination of service and the date of reinstatement; and
- (b) whether the said period shall be treated as period spent on duty for any specified purposes.

7. **Termination of Service of Quasi-Permanent employees.**—(1) The service of an employee in quasi-permanent service shall be liable to termination:—

- (i) in the same circumstances and in the same manner as that of an employee in permanent service, or
- (ii) when the appointing authority concerned has certified that a reduction has occurred in the number of posts available for employees not in permanent service;

Provided that the service of an employee in quasi-permanent service shall not be liable to termination under sub-clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him, continue to be held by an employee not in permanent or quasi-permanent service.

Provided further that as among employees in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority termination of service consequent on reduction of posts shall ordinarily take place in the order of juniority in the list referred to in Regulation 8.

(2) Nothing in this regulation shall affect any special instructions issued by the Board regarding the manner and the order in which temporary employees belonging to any Scheduled Caste or Scheduled Tribe may be discharged.

Explanation.—Reduction of status from permanent to temporary not being one of the penalties that can be imposed on a permanent employee under the Visakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1964, a quasi-permanent employee cannot also be relegated to a temporary status for reasons of inefficiency or as a disciplinary measure.

8. Confirmation of Quasi-Permanent employees.—(1) Subject to the provisions of this regulation, an employee in respect of whom a declaration has been issued under Regulation 3, shall be eligible for a permanent appointment on the occurrence of a vacancy in the specified post which may be reserved for being filled from among persons in quasi-permanent service in accordance with such instructions as may be issued by the Board in this behalf.

Explanation.—No such declaration shall confer upon any person a right to claim a permanent appointment to any post.

(2) Every appointing authority shall, from time to time, after consultation with the appropriate Departmental Promotion Committee, prepare a list in order of precedence, of persons in quasi-permanent service who are eligible for permanent appointment. In preparing such a list, the appointing authority shall consider both the seniority and the merit of the employees concerned. All permanent appointments which are reserved under sub-regulation (1) under the control of any such appointing authority shall be made in accordance with such list;

Provided that the Board may order that a permanent appointment to any grade or post may be made purely in order of seniority.

(3) All employees of the Board who were declared quasi-permanent under the Central Civil Services (Temporary Service) Rules, 1949, prior to the commencement of these regulations shall continue to enjoy all the rights and benefits accrued to them under those Rules and shall be treated on the commencement of these Regulations, as if they have been declared quasi-permanent in accordance with these regulations.

9. Conditions of Service of Quasi-Permanent employees.—An employee in quasi-permanent service and holding a specified post shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowance and disciplinary matters as an employee in permanent service holding the specified post.

10. Notwithstanding anything contained in Regulation 5, the service of a temporary employee who is not in quasi-permanent service may be terminated at any time without notice, on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated in service had his appointment been permanent.

11. Benefits available to Quasi-Permanent employees in the event of discharge.—An employee in quasi-permanent service shall, if his service is terminated otherwise than as a disciplinary measure or by resignation, be eligible for:—

- (a) a gratuity at the rate of half a month's pay for each completed year of quasi-permanent service, such gratuity being payable on the basis of the pay admissible to such employee in respect of the specified post on the last day of his service; and
- (b) any gratuity to which he is entitled in respect of his service under the Board before his appointment to quasi-permanent service.

Provided that nothing in this regulation shall apply to persons borne on an establishment to which Contributory Provident Fund benefits or other similar benefits are attached.

Explanation.—In this regulation, "pay" shall include special pay, if any, attached to the specified post.

12 Interpretation and removal of difficulties.—If any question or any difficulty arises relating to the interpretation of these regulations, the question shall be referred to the Board and the Board shall decide the question.

[No. 19-PG(121)/63.]

G.S.R. 322.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1 Short title and commencement.—(1) These regulations shall be called the Visakhapatnam Port Employees (Leave Travel Concession) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. Interpretation.—In these regulations, unless the context otherwise requires,—

- (1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board.
- (2) 'Board', 'Chairman', 'Deputy Chairman', and 'Head of a Department', shall have the meanings assigned to them in the Major Port Trusts Act, 1963.
- (3) 'Concession means the leave travel concession admissible under these Regulations.
- (4) 'employee' means an employee of the Board.
- (5) 'First, Second, Third and Fourth Grade employees' will have the same meanings assigned to them in the Fundamental Rules and Supplementary Rules of the Central Government.

3. Extent of application.—(1) The concession is admissible to the Boards' employees of all grades including—

- (a) the industrial and work-charged staff who are entitled to regular leave;
- (b) the officers appointed on a contract basis if the period of contract is more than one year, and re-employed officers on completion of one year's continuous service.

(2) The concession is not admissible to persons who are—

- (i) not in the whole-time-employ of the Board, or
- (ii) paid from contingencies.

(3) The concession is not admissible to an employee who has not completed one year of continuance service on the date of the journey performed by him or his family, as the case may be.

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

4. Frequency of entitlement.—(1) The concession shall be admissible to the employee once in a period of two calendar years for visiting his home town. It shall cover the employees and their families as defined hereunder.

Explanation.—The term "once in a period of two calendar years" mean once in each block of two calendar years starting from the year 1964. Thus, the concession on the first occasion will be admissible during the block of two consecutive years 1964-65. On subsequent occasions it will be admissible during the calendar years 1966-67, 1968-69 and so on.

(2) An employee who has a family living away from his place of work may, instead of having the concession for his family as well as for himself once in a block of two years, avail of the concession for himself alone once every year during each block for visiting his home town.

(3) The employees and their families who are unable to avail themselves of the concession in a block of two years may be permitted to avail of the concession before the end of the first year of the next block.

Explanation.—In a case where the employee and his family could not avail themselves of the concession in the 1964-65 block, they may avail of it in the year 1966. The concession due for 1964-65 block should, however, be availed of by them before 31st December, 1966. In case they fail to avail themselves of the concession before that date, their title to the concession for that block shall be treated as having lapsed. The benefit of the concession shall be available to employees and their families separately. The usual prescribed blocks, namely 1964-65, 1966-67 etc., shall remain unchanged.

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

5. Entitlement.—(1) Every employee of the I, II and III grades whose 'home town' is situated within a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated within a distance of 160 Kilometres from his headquarters shall not be entitled to the concession. Every employee of the I, II and III grades whose 'home town' situated beyond a distance of 400 Kilometres and every employee of the IV grade whose 'home town' is situated beyond a distance of 160 Kilometres from his headquarters shall have himself to meet the entire cost of fares for the initial 400 Kilometres or 160 Kilometres, as the case may be, on each of the outward and return journeys. For the remaining distance (over the initial 400 or 160 Kilometres) as the case may be the Board shall meet 90 per cent. of the actual fares, the balance of 10 per cent. being borne by the employee. In every case the journeys should be to the 'home town' and back and the claim should be for both outward and return journeys. The journey need not necessarily commence from or end at the headquarters of an employee either in his own case or in the case of his family. But the assistance admissible shall be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible had the journey been performed between the headquarters and the home town of the employee.

(2) The fare for the initial 400 Kilometres (160 Kilometres in the case of employees of the fourth grade) of a journey which is the liability of the employee will be the fare as shown in the Railway fare tables (i.e. the fare which the Railways would have charged if the journey were only 400 Kilometres or 160 Kilometres), and not calculated as a proportion of the fare for the total distance travelled (i.e. not on the telescopic rate basis). An employee may travel in any class for the first 400 Kilometres of each journey which is his own liability. Beyond 400 Kilometres also, there shall be no objection to an employee travelling in a lower or a higher class, but the Board's assistance shall be limited to 90 per cent. of the fares for accommodation by the entitled class or the lower class, as the case may be, to the extent actually used.

6. Definition of family.—The term "family" means an employee's wife or husband, as the case may be, residing with and wholly dependent on the employee and shall be interpreted in the same manner as in S.R. 2(8), as amended from time to time, or other corresponding rule applicable to an employee for the purposes of travelling allowance on transfer. Where both the husband and the wife are employees, the concession shall be admissible to the family on the scale admissible to the husband or the wife and not both.

7. Employees and Family Independent Units.—An employee and his family members may travel either independently or together as may be convenient to them and the claim for reimbursement in respect of the journey of the one need not depend on the journey performed by the other. The members of the family of an employee (other than those who actually accompany him) may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups at different times, reimbursement of expenditure may be allowed in respect of each such group if the outward journey of the last of such groups commenced before the expiry of six months from the date of commencement of the outward journey by the first group and the return journey of each group shall be completed within six months from the date of commencement of the outward journey by that group. This condition may be relaxed in special cases by the Chairman or Deputy Chairman.

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

- (i) whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the employee had been visiting that place frequently;
- (ii) whether the employee owns residential property in that place or whether he is a member of a joint family having such property there;
- (iii) whether his near relations are resident in that place;

- (iv) whether, prior to his entry into the Board's service, the employee had been living there for some years.

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

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

(2) The declaration made by an employee shall be subject in each case to the acceptance by the Chairman or Deputy Chairman who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary. The effective date of declaration of home town shall be the date on which the employee made it and not the date of its acceptance by the Chairman or Deputy Chairman or the date of communication conveying such acceptance.

(3) A declaration of "home town" once made shall ordinarily be treated as final but in exceptional circumstances the Chairman or Deputy Chairman may authorise a change in such declaration provided that such a change shall not be made more than once during the period of service of the employee. In the case of persons on deputation to the Board, such requests shall be effected only with the approval of the lending authority.

(4) The declaration of home town made after the prescribed time limit may be accepted by the Chairman or Deputy Chairman against the one chance for changing the declaration of home town and this will be treated as a final declaration of home town and no further change of home town will be allowed in such cases.

(5) The Chairman or Deputy Chairman may, for his own convenience, maintain a register of home towns in respect of the employees of the Board.

10. Journeys between places connected by Rail.—(1) The class of railway accommodation to which an employee and his family shall be entitled is the class to which he is entitled under the normal travelling allowance rules at the time the journeys are undertaken. It is permissible for an employee or his family or both to travel in a class higher or lower than that to which he or his family is entitled; in the former case, the Board's liability for the distance in excess of 400 Kilometres (160 Kilometres in the case of employees of fourth grade) shall be restricted to 90 per cent. of the fare by the class to which the employee is entitled and in the latter case, 90 per cent. of the fare by the class in which the employee or his family had actually travelled.

(2) An employee or his family members may avail themselves of any concessional return journey tickets offered by the railway authorities (e.g. seasonal concession, students concession, etc.) in conjunction with the leave travel concession. It will be permissible while utilising such a concessional ticket to travel in any class, higher or lower, than the entitled class. In such a case, the fares for the first 400 Kilometres (160 Kilometres in the case of employees of fourth grade) at either end should be calculated proportionately on the basis of the concessional fare charged by the railways and the said amount shall be deducted from the fare for the shortest route between headquarters and the home town, calculated on the basis of the concessional fare charged. The amount reimbursable to the employee will then be 9/10th of the balance.

(3) An employee who is normally entitled to travel by the 1st or 2nd class, may travel by III class in the delux air-conditioned trains while availing himself of the concession. The cost on account of the surcharge over the III class fare which is levied in such a case will be apportioned between the Board and the employee in the same manner as the cost of the basic III class fare.

(4) An employee (or his family members) normally entitled to travel by I or II class of railway accommodation may travel by III class and avail of the 'sleeper'

accommodation. In such cases, 90 per cent. of the extra cost incurred for sleeper accommodation shall be borne by the Board.

(5) Employees of the third and fourth grades may travel by mail or express trains when availing themselves of the concession, and may claim reimbursement accordingly. In such cases, a certificate to the effect that the journey was actually performed by a mail or express train should be recorded by the claimant on his Travelling Allowance bill.

(6) When an employee or any member of his family performs the journey by a long route (which is not the cheapest) in two different classes of railway accommodation beyond the first 400 Kilometres (160 Kilometres in the case of employees of fourth grade) for example, partly by II class to which he is entitled and partly by III class, the entitled class rate is admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route.

(7) Where an employee or his family or both travels by air or by road or by steamer, between two places connected by rail, the expenditure on Board's assistance shall be limited to what would have been admissible had the employee or his family travelled by rail in the authorised class or 90 per cent. of the actual expenses, whichever is less. Where such journey is performed by private car (whether the car belongs to the employee or not) the cost of propulsion being borne by the employee himself, the extent of Board's assistance admissible shall be equivalent to what would have been admissible had the journey been performed by rail by the entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car shall be made. A certificate by the employee to the effect that he or the members of his family or both travelled by private car may be accepted subject to the approval of the Chairman or the Deputy Chairman.

11. Journeys between places not connected by Rail.—(1) The Board's assistance for journeys between places which are not connected by rail shall be admissible to the employees for that portion of the journeys for which the leave travel concession is admissible as under:—

(i) for the journey which is covered by a recognised public transport system, the Board's assistance should be on the basis of the 90 per cent. of the fares actually charged by such a system for the appropriate class of accommodation; where there are more than one class of accommodation the appropriate class may be determined as follows:—

(a) where there are only two classes, employees drawing pay of Rs. 500 per mensem or above shall be entitled to the higher class and those drawing pay less than Rs. 500 per mensem shall be entitled to the lower class;

(b) where there are more than two classes, employees drawing pay of Rs. 500 per mensem or above shall be entitled to the highest class, those drawing less than Rs. 500 per mensem other than class IV employees shall be entitled to the second highest class, and class IV employees shall be entitled to the lowest class;

(ii) for the portion of the journey which is not connected by a recognised public transport system the Board's assistance shall be on the basis of 90 per cent. of the road mileage at the appropriate reduced rate as prescribed in the Government of India's Order No. (1) below Supplementary Rule 46 in the Posts and Telegraphs Compilation of the Fundamental Rules and the Supplementary Rules.

In either case, the amount of the Board's assistance should be calculated on the basis of actual fares or mileage allowance as above, as the case may be, at single rate for the employee himself and each entitled member of his family for whom full fares are payable and at half the rates for children between the ages of 3 and 12 years for whom half fares are payable.

(2) In respect of places which are not connected by rail, the employee may travel by steamer or air where an alternative means of travel is either not available or is more expensive. In such cases, the Board shall bear the same proportion of cost as in the case of rail journeys.

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

13. **Concession based on shortest route.**—The Board's liability for the cost of railway fare between the employee's headquarters and his home town shall be limited to the share of the fare by the shortest route calculated on a "through" ticket basis. The employee or his family members may travel by any route or halt anywhere on the way to or from home town, but the Board's assistance shall be limited to their share of the fare as above.

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

14. **Journeys of weighted mileage.**—If, for the entire leave travel journey, or a part thereof, an employee has to pay railway fare on the basis of an assumed or weighted mileage (as for example, on the Kalka-Simla Section) or at inflated rates (as for example, on the Siliguri-Darjeeling Section) and if the fare for the total distance travelled by rail (including the fare on the basis of assumed or weighted mileage or at inflated rates, as the case may be) be more than the fare for 400 Kilometres (160 Kilometres in the case of Grade IV employees) at ordinary rates, the employee concerned shall be entitled to the travel concession irrespective of the actual distance between his headquarters and his home town. In such a case, the amount reimbursable by the Board to the employee in respect of each journey shall be 9/10th of the difference between—

- (i) the cost of actual railway fare (inclusive of the passenger tax) from the railway station nearest to his headquarters to his home town
and
- (ii) the cost of railway fare (inclusive of the passenger tax) at ordinary rates to a point 400 Kilometres (160 Kilometres in the case of Grade IV employees) from the railway station nearest to his headquarters for both the outward and return journeys.

15. **Concession for one way Journey.**—The concession shall be admissible to the members of employees' family with reference to the facts existing at the time of the forward and return journeys independently.

Illustrations:—I. Entitled to reimbursement in respect of the outward journey only:

- (i) A dependent son or daughter getting employment or getting married after going to home-town or remaining there for prosecution of studies;
- (ii) The family having performed the journey to home-town have no intention of completing the return journey from home-town, provided the employee forgoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to reimbursement in respect of return journey only;

- (i) A newly married wife coming from home-town to headquarters station or a wife who has been living at home-town and did not avail herself of the leave travel concession in respect of the outward journey.
- (ii) A dependent son or daughter returning with parents or coming alone from home-town where he or she has been prosecuting studies or living with grand parents etc.;
- (iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey;
- (iv) A child legally adopted by an employee while staying in the home-town.

16. **Leave travel concession in combination with transfer or Tour.**—(1) Where an employee going to home-town or regular leave proceeds therefrom on transfer to the new headquarters, he may be allowed as his minimum entitlement, transfer travelling allowance admissible under the regulations. He may be allowed, in addition, leave travel concession under the regulations to the extent the distance from old headquarters to home town and from home-town to the new headquarters exceeds the total distance for which transfer travelling allowance is admissible plus 800 kilometres (320 Kilometres in the case of employees of fourth grade).

Illustration:—If 'A' is the old headquarters, 'B' home-town and 'C' the new headquarters, the entitlement of the employee on account of leave travel concession will be (distance AB plus distance BC) minus (distance for which Travelling-Allowance is admissible plus 800 or 320 kilometres as the case may be).

(2) In a case where the distance for which the concession admissible as above is negligible, it will be open to the employee not to avail of it at all, he being permitted to avail of it on some other occasion within the block period, subject to the other conditions being fulfilled. The option has to be exercised in respect of self and the members of the family at the time of preferring claim for Transfer Travelling Allowance. When the concession is not availed of, the concession advance, if any, taken by the employee shall be adjusted against his transfer travelling allowance entitlement.

(3) When an employee proceeds with proper prior permission to home-town on regular leave from a tour station and returns to headquarters direct from home town, travelling allowance as on tour may be allowed to him for the journey from the headquarters to the tour station from which the employee proceeds to home-town and the concession for the journey from tour station to home town and back to headquarters, the tour station being deemed to be the starting point for the onward journey.

(4) In case an employee proceeds to a tour station from home town with proper prior permission and returns to headquarters therefrom, he may be allowed the concession as admissible under these regulations from headquarters to home-town and travelling allowance as on tour from the journey from home-town to tour station and back to headquarters.

17. Concession Restricted within India.—(1) The concession shall be restricted to journeys, within India and shall be admissible for journeys between places connected by rail or partly connected by rail and partly connected by road or by steamer services and not connected by rail.

(2) An employee who declares, subject to the satisfaction of the Chairman or Deputy Chairman that his home-town is outside India, shall be entitled to the concession for visiting his home-town. The Board's assistance in such a case shall be limited to the share of the fares for journeys (i) upto and from the railway station (by the shortest route) nearest to the home-town in India or (ii) the railway station for the nearest port of embarkation/disembarkation in India.

Explanation.—In this regulation 'nearest port' means the port in India nearest to the home-town of the employee.

18. Nature of Leave.—(1) The concession shall be admissible only in the case of journeys performed by the employee during regular leave including medical leave, leave on average pay, earned leave, leave on half average pay or extraordinary leave, maternity leave but not in the case of journey performed during casual leave. The period of such leave shall not be less than 15 days. The concession shall not be admissible to an employee who proceeds on regular leave and then resigns his post without returning to duty. The above mentioned condition shall not apply to journeys performed by the members of family of the employee.

(2) The concession shall be admissible to an employee and his family in respect of only the outward journey from headquarters to home-town during leave preparatory to retirement, refused leave or terminal leave, provided that the concession had not been availed of earlier during that particular block of calendar years. In such cases, the journey by both the employee and his family members shall commence within the period of leave.

(3) The limit of 15 days' regular leave for admissibility of the concession may be relaxed by the Chairman or the Deputy Chairman at his discretion in cases where he considers and certifies in writing that it is necessary in the Board's interest to curtail the leave of the employee to a period less than 15 days.

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

19. Contract Employees.—Every employee appointed on contract basis shall be eligible to the concession on completion of one year's continuous service if the period of contract is more than one year. Where the initial contract is for one year but is later extended, the total duration of the contract shall be taken into

account for this purpose. The grant of the concession to employees on contract shall be subject to the condition:

- (i) that the successive blocks of two calendar years in the case of such employees shall be reckoned from the actual dates of their joining posts under the Board. If, however, an officer has joined a post in the port before 1st January, 1964, the first block should be reckoned from 1st January, 1964 to 31st December, 1965;
- (ii) that the appropriate administrative authority certifies at the time the employee concerned avails himself of the concession that he is likely to continue to serve under the Board for a period of two years from the date of his joining a post under the Board. The admissibility of the concession during the subsequent two-year period will also be subject to similar conditions.

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

21. Mode of preferring claim.—Every employee and his family shall have to meet the cost of the fare for the first 400 Kilometres or 160 Kilometres, as the case may be. Cash reimbursement to the extent of 90 per cent of the remaining fare, shall be made on presentation of claims in Travelling Allowance bill forms with the usual certificate to the effect that they had actually performed such journeys and travelled by the class of accommodation not lower than the one for which reimbursement is claimed.

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

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

24. Record of Assistance.—A record of all assistance granted under these regulations shall be suitably maintained. In the case of Class III and Class IV employees, the record should be in the form of entries in the service book or other appropriate records and should indicate the date or dates of the journey or journeys to the home town commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion an employee proceeds on leave, the fact that he availed of leave travel concession is indicated in the record.

25. Advance.—To enable the employee to avail of the travel concession, an advance may be made on the following terms and conditions, namely:—

- (a) the amount of advance in each case shall be limited to four-fifths of the estimated amount which Board would have to reimburse in respect of the cost of journeys both ways to the home town and back;
- (b) where the employee and members of his family avail themselves of leave travel concession separately i.e. at different times, the advance may be drawn separately to the extent admissible and adjustment of claims may be made separately. Where, however, a consolidated advance is drawn by the employee in respect of the members of his family, the adjustment claim shall be prepared in a single bill;
- (c) the advance may be drawn for both the outward and return journeys of the employee or the members of his family or both at the time of

commencement of the outward journey, provided that the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or 90 days. Where the period of leave or the period of anticipated absence exceeds the said limit, the advance may be drawn for the outward journey only. Where an advance has been drawn for both the outward and the return journeys and later it becomes clear that the period of absence of either the employee or the employee's family from headquarters is likely to exceed the said limit, one half of the advance should be refunded to the Board forthwith;

- (d) the advance in respect of temporary employees and their families will be sanctioned subject to the production by them of surety of a permanent employee;
- (e) the advance will have to be refunded forthwith if the outward journey is not commenced within 30 days of the grant of the advance;
- (f) the Travelling Allowance claim in adjustment of the advance drawn should be prepared within one month of the completion of the return journey;
- (g) the account of advance drawn for leave travel journeys will be rendered after completion of the journeys in the same way as for an advance of Travelling Allowance on tour.
- (h) the adjustment of the advance will be watched through objection book by the Accounts Officer.

26. **Head of Account.**—The expenditure on the concession or the advance granted in that connection shall be debited to a separate detailed head "Travel Concession" under the Sub-Head "Allowances, Honoraria, etc." subordinate to the appropriate final head of account to which the pay, etc., of the employee concerned is debited.

27. **Interpretation.**—In all cases of doubt regarding the applicability of these regulations to any employee or their interpretation, the decision of the Board shall be final.

APPENDIX I

Certificate to be given by the Chairman/Deputy Chairman

Certified—

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

Signature of the Chairman/Deputy Chairman.

APPENDIX II

Certificate to be given by an employee

1. I have not submitted any other claim so far for Leave Travel Concession in respect of myself or my family members in respect of the block of two years 19— and 19—.
2. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with..... children/..... children. This claim is in respect of journey performed by my wife/myself with children/..... none of whom travelled with the party on the earlier occasion.
3. I have not already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with children/..... children in respect of the block of two years 19— and 19—. This claim is in respect of the journey performed by my wife/myself with children/..... children none of whom availed of the concession relating to that block.

4. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me in the year 19_____ in respect of block of two years 19_____ and 19_____. This claim is in respect of the journey performed by me in the year 19_____. This is against the concession admissible once every year in a prescribed block for visiting home town as all the members of my family are living away from my place of work.
5. The journey has been performed by me/my wife with.....
children/..... children to the declared home-town viz.....
.....
6. That my husband/wife is not employed in
That my husband/wife is employed in
Board's service and the concession has not been
Board's service.

availed of by him/her separately for himself/herself or for any of the family members for the concerned block of two years.

Signature of the employee.

[No. 19-PG(123)/63.]

G.S.R. 323—In exercise of the powers conferred by section 126 read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and Application.**—(1) These regulations may be called the Vishakhapatnam Port Employees (Conduct) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) Except as otherwise provided by or under these regulations, they shall apply to all persons appointed to posts in connection with the affairs of the Vishakhapatnam Port.

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

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

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Board", "Chairman", "Deputy Chairman", and "Head of a Department", shall have the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963);

(b) "Government" means the Central Government;

(c) "employee" means an employee of the Board;

(d) "members of the family" in relation to an employee includes—

(i) the wife, child or step child of such employee whether residing with him or not, and in relation to an employee who is a woman, the husband residing with her and dependent on her; and

(ii) any other person related, whether by blood or by marriage, to the employee or to such employee's wife or husband and wholly dependent on such employee but does not include a wife or husband legally separated from the employee, or child or step-child who is no longer, in any way, dependent upon him or her or of whose custody the employee has been deprived by law;

(e) "prescribed authority" means the appointing authority as prescribed in the Vishakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1964.

3. General.—(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty.

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

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

(3) Every employee should desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which his child or dependent is employed.

(4) No employee should bid at auctions arranged by or on behalf of the Board.

(5) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.

(6) Every employee is expected to maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his employer by his mis-demeanour. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance by neglect of his wife and family, action may be taken against him on that score.

(7) An employee who is convicted by a court of law or arrested should report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this will render him liable to disciplinary action.

4. Taking part in politics and Election.—(1) No employee shall be a member or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established and where the employee is unable to prevent a member of his family from taking part in or subscribing in aid of, or assisting in any manner any such movement or activity, he shall make a report to that effect to his immediate superior officer who shall forward the same to the authority competent to remove or dismiss such employee from the service.

Explanation.—In this sub-regulation, "Government" includes a State Government.

(3) If any question arises whether any movement or activity falls within the scope of this regulation, the decision of the Board thereon shall be final.

(4) No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority:

Provided that:—

(i) An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation.—The display by an employee on his person, vehicle or residence of any electoral symbol or proposing or seconding a candidate for election shall amount to the using of his influence in connection with an election within the meaning of this sub-regulation.

(5) No employee shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence; or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other employee.

(6) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

5. Connection with press or Radio.—(1) No employee shall, except with the previous sanction of the Board, own wholly or in part or conduct or participate in the editing or managing of, any newspaper or other periodical publication.

(2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

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

6. Criticism of Board/Government.—No employee shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion—

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

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

(ii) which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State:

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

7. Evidence before Committee or any other authority.—(1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-regulation (1), no employee giving such evidence shall criticise the policy or any action of the Board or of any other major port trust or of the Central Government or of a State Government.

(3) Nothing in this regulation shall apply to—

(a) evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State legislature or by the Board or by any other major port trust; or

(b) evidence given in any judicial enquiry; or

(c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board, or by any other major port trust or by the Chairman or Deputy Chairman or Head of a Department.

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

Explanation.—If an employee quotes or copies in his representation, appeal, etc., circulars and instructions of the Board or any other major port trust, or Government including those marked secret, notes and other information from files which they are ordinarily not expected to have been or to have retained, the action will be construed as not only improper but also as involving contravention of this regulation.

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

Explanation (1).—Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.

(2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.

(3) Collection of subscriptions by an employee *qua* member of a service union of employees from amongst other members of the union—

(i) is un-objectionable and does not require prior sanction if—

(a) the proceeds are proposed to be utilised for welfare activities of the Union;

(b) where a matter affected the general interests of the members of the Union is in dispute, it is permissible under the rules of the Union to spend its funds over such matters.

(iii) is objectionable if the proceeds are proposed to be utilised for the defence of an individual member of the Union against whom departmental action is being taken on grounds which concern him in particular.

(4) Approach to the public for collecting funds for the Union without the previous sanction of the Board is objectionable.

10. Gifts.—(1) Save as otherwise provided in these regulations, no employee shall, except with the previous sanction of the Board, accept or permit his wife or any other member of his family to accept from any person any gift of more than trifling value:

Provided that—

Gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as wedding, anniversaries, funerals and religious functions when the making or receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of a trifling value should be reported to the Board and the gifts shall be disposed of in such a manner as the Board may direct.

Explanations.—(1) For the purpose of this sub-regulation any trowel, key or other similar article offered to an employee at the laying of the foundation stone or the opening of a public building or any ceremonial function shall be deemed to be a gift.

If a question arises whether any gift is of a trifling value or not, or where an employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the Board by such employee and the decision of the Board thereon shall be final.

(2) Whether or not a gift should be treated of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding in value 1/20th of the monthly emoluments of an employee or Rs. 20/- (whichever is less) from a person who is not his relation or personal friend shall

ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends upto the value of 1/8 of the monthly emoluments of the employee or Rs. 50/-, whichever is less, or even upto the value of one-half of such emoluments or Rs. 200/- whichever is less, on special occasions such as mentioned in the proviso to sub-regulation (1) may be regarded as of trifling value.

(3) Nothing in this regulation shall be deemed to prevent any employee from sitting, at the request of any public body, for a portrait, bust or statue, not intended for presentation to him.

Explanation.—There is no objection to a farewell entertainment of a substantially private and informal character being held in honour of senior employees and others on the occasion of their retirement or transfer, as permitted under proviso to regulation 11 and gifts of trifling value as defined in the explanation to sub-regulation (2) of regulation 10 presented and accepted on such occasions.

(4) Dowry, either in cash or in kind, by or on behalf of an employee or his dependents from the parents or other relatives, etc., of the bride at the time of the marriage, should be regarded as a customary gift which the recipient may accept without prior sanction; but subject to the provisions of regulations 10 and 15, all such gifts should be reported to the Board or other prescribed authority. If a dowry is given by or on behalf of an employee, the provisions of regulation 15 will apply and the fact should be reported by him to the prescribed authority where such a report is necessary. Similarly, when an employee makes purchases of moveable property like jewellery etc., for presentation by way of dowry etc., the fact should be reported to the prescribed authority if the value of the transaction exceeds Rs. 1,000/-.

11. Public Demonstrations in Honour of Employees.—No employee shall, except with the previous sanction of the Board, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee:—

Provided that nothing in this regulation shall apply to:—

(i) a farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted service under the Board; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

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

12. Private Trade or Employment.—(1) No employee shall, except with the previous sanction of the Board, engage, directly or indirectly, in any trade or business or undertake any employment:

Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Board.

Explanation.—Canvassing by an employee in support of the business of insurance agency, commission, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-regulation.

(2) No employee shall, except with the previous sanction of the Board, take part in the registration, promotion or management of any bank or other company registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force.

Provided that an employee may take part in the registration, promotion or management of a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force, or of literary, scientific or charitable society under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

13. Investments, lending and borrowing.—(1) No employee shall speculate in any investment.

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

(2) No employee shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) or sub-regulation (2), the decision of the Board thereon shall be final.

(4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property, within the local limits of his authority or at interest to any person:

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

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

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

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

14. Insolvency and Habitual Indebtedness.—(1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceeding for insolvency shall forthwith report full facts to the Board.

(2) When an attachment order is to be enforced against an employee, the Chairman or Deputy Chairman should:—

(i) determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so,

(ii) consider the question of taking disciplinary action against him.

15. Movable, Immovable and valuable Property.—(1) No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immovable property by lease, mortgage, purchase, sale gift or otherwise, either in his own name or in the name of any member of his family:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority.

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

(2) An employee who enters into any transaction concerning any movable property exceeding Rs. 1000/- in value by way of purchase, sale, or otherwise shall forthwith report such transaction to the Board:

Provided that no employee shall enter into such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the Board.

Explanation.—For the purpose of this sub-regulation, the expression "moveable property" includes *inter alia* the following property, namely:—

- (a) Jewellery, insurance policies, shares, securities and debentures;
- (b) loans advanced by such employee, whether secured or not;
- (c) motor cars, motor cycles, horses or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

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

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

Explanations.—(1) The construction of a house results in acquisition of immoveable property and attracts the provisions of this regulation. The purchase of moveable property required for the construction of the house also attracts this regulation.

(2) Transactions as members of a Hindu undivided joint family shall not require the Board's prior permission. In such cases, transactions in immoveable property should be included in the annual property returns and those in moveable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them.

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

16. **Vindication of Acts and Character of Employees.**—No employee shall, except with the previous sanction of the Board, have recourse to any Court or the Press for the vindication of any official act which has been a subject matter of adverse criticism or an attack of defamatory character.

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

17. **Canvassing of non-official or other outside influence.**—No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

18. **Bigamous Marriages.**—(1) No employee who has a wife living shall contract another marriage without first obtaining the permission of the Board, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female employee shall marry any person who has a wife living without first obtaining the permission of the Board.

(3) Every person who enters into the Board's service after the commencement of these regulations shall make, before such entry, a declaration in Annexure 'C'.

19. **Drinking.**—Subject to the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall—

- (a) while on duty, be under the influence of such drinks or drugs to such an extent as to render him incapable of discharging his duty properly and efficiently; or

- (b) appear in a public place in a state of intoxication; or
 (c) habitually use such drinks or drugs to excess.

20. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

FORM I

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

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

This is to request that permission may be granted to me for the building of a house.

The estimated cost of the land and the building is given below:—

LAND

- (1) Location (survey numbers, village, District, State).
- (2) Area.
- (3) Cost.

BUILDING.

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

Yours faithfully,

FORM II

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

Sir,

In my letter no..... dated..... I had
 Permission was granted to me in Order.....
 reported that I proposed to build a house.....
 dated..... for the building of house
 The house has since been completed and I enclose a Valuation Report, duly
 Certified by @.....

*(A firm of Civil Engineers or a Civil Engineer of repute).

Yours faithfully,

Date

(Signature)

VALUATION REPORT

I/We hereby certify that I/we have valued House† constructed by Shri/Shrimati‡ and I/we give below the value at which we estimate the cost of the house under the following heading

Table with 2 columns: Heading, Cost (Rs nP.). Rows include Bricks, Cement, Iron and steel, Timber, Sanitary fittings, Electrical fittings, All other special fittings, Labour charges, All other charges, and Total cost of the Building.

Date (Signature of the Valuation authority)

†(Here enter details of the House).
‡(Here enter name etc of the employee)

ANNEXURE A

(Here enter description of the proceedings)

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

Signature of the employee.

ANNEXURE B

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

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

Dated this the day of 19.

Signature of the employee

Witnesses:

Witness signature lines

ANNEXURE C

Declaration

I, Shri/Shrimati/Kumarideclare as under:—

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

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

Date

Signature

*Please delete clauses not applicable.

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

Application for Grant of Exemption

[Vide para. 1(iii)/1(iv) of the Declaration]

To

The.....

.....

Sir,

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

Reasons

Yours faithfully

Date

Signature

ANNEXURE D

Statements of Immoveable Property on first appointment for the year.....

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

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

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

Signature.....
Date.....

@Inapplicable clause to be struck out.

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

(†) Includes short term lease also.

[No. F. 19-PG(125)/63.]

G.S.R. 324.—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Vishakhapatnam Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. **Application.**—They shall apply to Class I, Class II, Class III and Class IV posts under the Board, but shall not apply to those posts the incumbents of which are the Heads of Departments.

3. **Definitions.**—In these regulations unless the context otherwise requires,—

(a) "Act" means the Major Port Trusts Act, 1963;

(b) "Appointing authority" in relation to any grade or post means the authority empowered under the Vishakhapatnam Port Employees

(Classification, Control and Appeal) Regulations, 1964, to make appointments to that grade or post;

- (c) "Board", "Chairman", "Deputy Chairman", and "Heads of Departments" have the meanings respectively assigned to them in the Act;
- (d) "Departmental Promotion Committee" means a committee constituted from time to time under regulation 16 for the purpose of making recommendations for promotion; or confirmation in any grade or post;
- (e) "direct recruit" means a person recruited on the basis of a competitive examination or interview or both by the Staff Selection Committee;
- (f) "duty post" means any post of a particular type whether permanent or temporary;
- (g) "employee" means an employee of the Board;
- (h) "grade" means any of the grades specified in the Schedule of posts prepared and sanctioned by the Board under section 23 of the Act;
- (i) "Scheduled Castes" and "Scheduled Tribes" have the meanings assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;
- (j) "permanent employee" in relation to any grade or post means an employee who has been substantively appointed to a substantive vacancy in that grade or post;
- (k) "select list" in relation to any grade means the select list prepared in accordance with regulation 16;
- (l) "Staff Select Committee" means the committee constituted under regulation 15 for the selection of candidates by means of a competitive examination or interview or both for appointment to posts reserved for direct recruitment;
- (m) "temporary employee" in relation to any grade means an employee holding a temporary or officiating appointment in that grade.

4. Gradation list of employees.—A gradation list indicating the respective seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees.

5. Authorised permanent and temporary strength.—The authorised permanent and temporary strength of the various grades shall be as in the Schedule of Staff prepared and sanctioned by the Board from time to time under section 23 of the Act.

6. Substantive appointments.—All substantive appointments in the various grades or posts shall be subject to the recommendations of the respective Departmental Promotion Committee.

7. Filling up of vacancies.—The manner of filling up of vacancies by direct recruitment and departmental promotion and the age limit, educational qualifications and experience for direct recruits in respect of the various grades or posts shall be laid down by the Board:

Provided that the upper age limit may be relaxed in the case of a candidate belonging to any Scheduled Caste, Scheduled Tribe or any other special category in accordance with the general orders issued from time to time by the Central Government for appointment to service under it.

8. Probation.—(1) Every person appointed to a grade or post by direct recruitment, promotion or transfer shall be on probation for a period of two years from the date of his appointment.

(2) The period of probation may, if the appointing authority deems fit, be extended or curtailed in any case, but the total period of such extension or curtailment shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the officer, exceed one year.

(3) During the period of probation, any employee may be required to undergo such training and to pass such tests as the Board may, from time to time, prescribe.

9. **Confirmation of employees on probation.**—When an employee appointed on probation to any grade or post has passed the prescribed tests and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post subject to the availability of vacancy. Until an employee on probation is confirmed under this regulation or is discharged or reverted under regulation 10, he shall continue to have the status of an employee on probation.

10. **Discharge or reversion of employees on probation.**—(1) An employee on probation who has no lien on any post under the Board or Government shall be liable to be discharged from service at any time without notice if—

- (a) on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or
- (b) if on the receipt of any information relating to his nationality, age, health or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being continued in service.

(2) An employee on probation who holds a lien on a post under the Board or Government may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

(3) An employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-regulation (1) of regulation 8 or at the end of the extended period of probation, if any under sub-regulation (2) of that regulation, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be.

11. **Seniority.**— (a) *Permanent Employees.*—The seniority *inter se* of persons substantively appointed in a grade or post shall be regulated by the order in which they are so appointed.

(b) *Temporary Employees.*—The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned seniority *inter se* according to rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion.

(c) Direct recruits shall be ranked *inter se* in the order of merit in which they are placed at the examination or interview on the results of which they are recruited, the recruits of an earlier examination or interview being ranked senior to those of a later examination or interview.

(d) Persons appointed against the promotion quota of vacancies shall be ranked *inter se* according to the order in which they are approved for promotion by the Departmental Promotion Committee.

12. **Maintenance of a roster.**—A roster shall be maintained for each grade to determine whether a particular vacancy should be filled by direct recruitment or promotion.

13. **Reservation to specified sections of the people.**—Orders issued by the Central Government from time to time for the reservation of appointments or posts under the Central Government in favour of Scheduled Castes and Scheduled Tribes shall apply *mutatis mutandis* to all appointments covered by these regulations and to which direct recruitment is made.

14. (a) **Application for direct recruitment.**—A candidate for appointment by direct recruitment shall apply before such date, in such form and in such manner as may, from time to time, be prescribed by the Board. He shall also submit such proof of his qualifications as the Board may require.

(b) **Eligibility.**—In order to be eligible for direct recruitment to any grade or post, a candidate shall be either:

- (i) a citizen of India; or
- (ii) a subject of Sikkim; or
- (iii) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal, Bhutan or Tibet who came over to India before—

the 1st day of January, 1961, with the intention of permanently settling in India shall also be eligible:

Provided further that a candidate who has migrated from Pakistan with the intention of permanently settling in India shall be a person in whose favour a certificate of eligibility has been given by the Central Government which certificate shall be valid only for a period of one year from the date of the appointment of such candidate, beyond which he shall not be retained in service unless he has become a citizen of India.

Provided further that a candidate in whose case a certificate of eligibility is necessary may be provisionally appointed pending the issue of the necessary certificate in his favour by the Central Government.

(c) (i) No male candidate who has more than one wife living or who, having a spouse living, marries in any case, in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing, exempt any person from the operation of this sub-regulation.

(ii) No female candidate whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any grade or post:

Provided that the Board may, if satisfied that there are special grounds for doing so and for reasons to be recorded in writing exempt any such woman from the operation of this sub-clause.

(d) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to a grade or post.

(e) **Decision of the Board final.**—The decision of the Board on the question whether a candidate does or does not satisfy any or all the requirements of these regulations shall be final.

(f) **Exemption.**—The Board may modify or waive any of the requirements of regulation 7 or sub-regulation (b) or both when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils all the requirements of those clauses. The prior approval of the Central Government shall be obtained in cases requiring relaxation of the conditions of sub-regulation (b).

(g) **Physical fitness of candidate.**—A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharged of his duties as an officer of the Board. A candidate who, after such physical examination as the Board may prescribe, is found not to satisfy those requirements will not be appointed.

(h) **Payment of fees by candidates.**—A candidate shall, at the time of making the application, pay such fees as the Board may from time to time prescribe.

15. **Constitution of staff selection committees.**—A staff Selection Committee shall be constituted for each grade as indicated below:

Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

(1) Head of the Department where the vacancy exists.

(2) Another Head of a Department nominated by the Chairman of the Board.

Class III posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary or Assistant Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

16. **Departmental Promotion Committee.**—A departmental promotion committee shall be constituted for each grade or post as indicated below:

Class I and Class II posts.

Chairman:

Chairman of the Board.

Members:

- (1) Head of a Department where the vacancy exists.
- (2) Another Head of a Department nominated by the Chairman of the Board.

Class III and Class IV posts.

Chairman:

Head of a Department nominated by the Chairman of the Board.

Members:

- (1) Secretary of the Board.
- (2) Another officer nominated by the Chairman of the Board.

The Departmental Promotion Committee shall meet once or twice a year as may be necessary and prepare a "Select list" of employes fit for appointment against the promotion quota of vacancies in the various grades or posts. Where promotion is made on the basis of merit, normally the field of selection shall not be less than three times and shall not be more than five times the number of vacancies subject to employes with necessary qualifications or experience being available. The Departmental Promotion Committee may at its discretion alter these limits to suit exceptional circumstances. Employes shall be arranged according to the order of merit adjudged by the Committee and the select list so prepared shall be utilised for filling up vacancies likely to arise during the course of the year. While adjudging the merit of an employee, due regard shall be given to his seniority also.

17. **Filling up of vacancies ad hoc.**—(1) When no suitable employee is available for appointment, by promotion or direct recruitment, the appointing authority may fill such vacancy for such time as may be necessary by the deputation of an officer employed under any other port authority, the Central Government, a State Government or any local authority, statutory undertaking or any Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government.

(ii) The appointing authority may also make other temporary arrangements, as it may deem necessary, to fill any post for a period not exceeding six months.

18. **Deputation.**—Any employee may be permitted to serve on deputation or on foreign service under the control of the Central Government or a State

Government, any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956), or institutions receiving grants from Government on such terms as may be agreed upon by the Board.

19. **Interpretation.**—If any question arises relating to the interpretation of these regulations, the matter shall be referred to the Board who shall decide the same.

[No. 19-PG(133)/63.]

G.S.R. 325.—In exercise of the powers conferred by section 126 read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title, commencement and application.**—(1) These regulations may be called the Vishakhapatnam Port Employees' (Study Leave) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

(3) They shall apply to all employees of the Board.

2. **Definitions.**—(1) In these regulations, unless the context otherwise requires,—

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Port of Vishakhapatnam.

(b) "Chairman", "Deputy Chairman" and "Board" shall have the same meanings assigned to them in the Major Port Trusts Act, 1963.

(c) "employee" means an employee of the Board.

(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the Fundamental Rules or the Major Port Trusts Act, 1963, as the case may be.

3. **Conditions for grant of Study leave.**—(1) Subject to the conditions specified in these regulations, study leave may be granted to an employee with due regard to the exigencies of the Board's service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or 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 definite advantage to the Board and is related to the sphere of duties of the employee; and

(ii) for the purposes of studies connected with the framework, or background of port administration, subject to the conditions that—

(a) the particular study or study tour should be approved by the authority competent to sanction study leave; and

(b) an employee should be required to submit, on his return, a full report on the work done by him while on study.

(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 a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the port service.

(3) Study leave shall not be granted unless—

(i) it is certified by the authority competent to sanction leave that the proposed course of study or training shall be of definite advantage from point of view of the port administration;

(ii) it is for prosecution of studies in subjects other than academic or literary subjects; 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) Study leave shall not ordinarily be granted to an employee—

(i) who has rendered less than five years' service in the port; or

(ii) who does not hold a Class I or Class II post under the Board; or

(iii) who is due to retire or has the option to retire from the Board's service within three years of the date on which he is expected to return to duty after the expiry of the 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.

4. Authorities competent to sanction Study Leave.—Study leave may be granted—

(a) by the Board in the case of employees referred to in clause (a) of subsection (1) of section 25 of the Major Port Trusts Act, 1963 (38 of 1963), and

(b) in all other cases by the Chairman or Deputy Chairman.

5. Maximum amount of Study Leave that may be granted at a time during the entire service.—The maximum amount of study leave, which may be granted to an employee, shall be—

(i) ordinarily twelve months at any one time, which shall not be exceeded save for exceptional reasons; and

(ii) twenty four months (inclusive of study leave granted under any other rules or regulations) in all during his entire service.

6. Combination of Study Leave with leave of other kinds.—(1) 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 extraordinary leave involve a total absence of more than twenty eight months from the regular duties of the employee.

Explanation.—The period of twenty eight months of absence referred to in this sub-regulation shall include the period of vacation.

(2) An employee granted study leave in combination with any other kind of leave may, if he so desires, commence his study before the end of the other kind of leave but the period of such leave coinciding with the course of study shall not count as study leave.

7. Regulation of Study Leave extending beyond course of study.—When the course of study falls short of study leave sanctioned, the employee shall resume duty on the conclusion of the course of study, unless the previous assent of the authority competent to sanction leave has been obtained to treat the period of shortfall as ordinary leave.

8. Grant of Study Allowance.—A study allowance shall be granted 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.

9. Period for which Study Allowance may be granted.—The period for which study allowance may be granted shall not exceed twenty four months in all.

10. Rates of Study Allowance.—(1) The rates of study allowance admissible in the various countries shall be the same as may be determined by the Central Government in respect of officers of similar status.

(2) In cases where an employee is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had he been on duty.

11. Conditions governing grant of study Allowance.—(1) Study allowance may 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 otherwise.

(2) An employee may be allowed to draw study allowance for the entire period of vacation during the course of study subject to the conditions that—

(i) he attends during vacation any special course of study or practical training under the direction of the Board or the authority competent to sanction study leave, as the case may be; or

(ii) in the absence of any such direction, he produces satisfactory evidence before the authority competent to sanction study leave that he has continued his studies during the vacation.

(3) No study allowance shall be drawn during vacation falling at the end of a course of study except for a maximum period of fourteen days.

Explanation.—The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty four months for which study allowance is admissible.

(4) Study allowance shall not be granted for any period during which the employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to sanction study leave may authorise the grant of study allowance for any period not exceeding fourteen days at a time during which the employee is prevented by sickness from pursuing his course of study.

(5) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to sanction study leave on claims submitted by the employee from time to time, supported by proper certificate of attendance.

(6) The certificates 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.

(7) When the programme of 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 sanction study leave 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 suggestions as to the possibility of adopting such methods or operations to conditions obtaining in the port. The authority competent to sanction study leave shall decide whether the diary and report show if the time of the employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

(8) (i) In the case of a Class I or Class II employee, the payment of study allowance at the full rate shall be subject to the production of a certificate to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment; and

(ii) in the case of other employees to whom study leave has been granted in relaxation of the provisions of clause (ii) of sub-regulation (5) of regulation 3, such a certificate as is referred to in clause (i) above shall be obtained from him by the Accounts Officer and the same shall be enclosed along with the bill for the drawal of study allowance.

12. Grant of study allowance to employee in receipt of scholarship or stipend.—An employee, who is granted study leave, may be permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source other than the Port's funds. Such an employee shall ordinarily not be granted any study allowance; but in cases where the net amount of the scholarship or stipend (arrived at by deducting the cost of fees paid by the employee, if any, from the value of the scholarship or stipend) is less than the study allowance that would be admissible but for the scholarship or stipend, the difference between the value of the net scholarship or stipend and the study allowance may be granted by the leave sanctioning authority.

13. Grant of study allowance to employees who accept part-time employment during Study Leave.—If an employee, who is granted study leave, is permitted to

receive and retain, in addition to his leave salary, any remuneration in respect of a part-time employment, he shall ordinarily not be granted any study allowance; but in cases, where the net amount of remuneration received in respect of the part-time employment (arrived at by deducting from the remuneration any cost of fees paid by the employee) is less than the study allowance that would be admissible but for the remuneration, the difference between the net remuneration and the study allowance may be granted by the leave sanctioning authority.

14. **Allowances in addition to study allowance.**—No allowance of any kind other than the study allowance or the travelling allowance, where specially sanctioned under Regulation 15 shall be admissible to an employee in respect of the period of study leave granted to him.

15. **Grant of travelling allowance.**—An employee shall not ordinarily be paid travelling allowance but the Board may, in exceptional circumstances, sanction the payment of such allowance.

16. **Cost of fees for study.**—An employee granted study leave shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases the Board may sanction the grant of such fees:

Provided that in no cases 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.

17. **Execution of a bond.**—(1) Every employee in permanent employ who has been granted study leave shall be required to execute a bond in the form given in Appendix A to these regulations before the study leave granted to him commences. If study leave is granted to an employee not in permanent employ, the bond shall be executed in the form in Appendix B to these regulations.

(2) The authority competent to sanction study leave shall send to Accounts Officer a certificate to the effect that the employee has executed the requisite bond.

18. **Resignation and retirement.**—(1) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund double the amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board only drawn by him for the period of study leave, together with interest thereon at rates that may be prescribed by the Board from the date of demand before his resignation is accepted or permission to retire is granted:

Provided that the Board may relax these provisions where an employee is, on return to duty from study leave, forced to retire from the service on medical grounds.

(2) 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. 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.

19. **Leave salary during study leave.**—(1) During study leave, an employee shall draw leave salary equal to half average pay as defined in Rule 9(2) of the Fundamental Rules subject to the maxima and minima laid down in Rules 89 and 90 thereof or the amount admissible during half-pay leave under regulation 13 of the Vishakhapatnam Port Employees (Leave) Regulations, 1964, as the case may be.

(2) The rate of exchange prescribed by the Central Government for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to leave salary during study leave.

20. **Commencement of a course of study during leave other than study leave.**—An employee may, subject to the approval of the proper authority being obtained as required under paragraph 1 of Appendix C to these regulations, undertake

or commence a course of study during leave on average pay, and subject to regulations 8 to 15 and 18, draw study allowance in respect thereof.

21. Counting of study leave for promotion, pension, seniority, leave and increments.—(1) Study leave shall count for promotion, pension and seniority. It shall also count as service for increments as provided in Rule 26 of Fundamental Rules.

(2) The period spent on study leave shall not count for earning leave other than half-pay leave under the Vishakhapatnam Port Employees (Leave) Regulations, 1964.

22. Debiting of study leave to the leave account.—Study leave shall be treated as extra leave on half-average pay and shall not be taken into account in reckoning the aggregate amount of leave on half-average pay taken by the employee towards the maximum period admissible.

23. Procedure for making application for study leave and grant of such leave.—The procedure for making application for study leave and grant of such leave shall be as laid down in the Procedural Instructions given in Appendix C to these regulations.

24. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

APPENDIX 'A'

(See Regulation 17)

Bond for Permanent Port Employees proceeding on Study Leave under Vishakhapatnam Port Employees (Study Leave) Regulations, 1964.

KNOW ALL MEN BY THESE PRESENTS THAT I..... resident of in the District of at present employed as in the Port of do hereby bind myself and my heirs, executors and administrators to pay to the Board on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at rates prescribed 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.

Signed and dated this day of one thousand nine hundred and

Signature

Witnesses (1):

(2):

WHEREAS I.....am granted study leave by the Board;

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 resigning or retiring from service without returning to duty after the expiry or termination of the period of a study leave or at 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) together with interest thereon from the date of demand at the rates prescribed 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.

Signed and delivered by in the presence of

Witness (1)

(2)

Accepted
for and on behalf of the Board.

APPENDIX 'B'

(See Regulation 17)

Bond for Temporary Port Employees proceeding on Study Leave under Vishakhapatnam Port Employees (Study Leave) Regulations, 1964.

KNOW ALL MEN BY THESE PRESENTS THAT WE..... resident of in the District of at present employed as in the Port of (hereinafter called "the obligor") and Shri, son of of and Shri, son 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 on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at rates prescribed by the Board, 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.

Signed and dated this day of one thousand nine hundred and

Signature of the obligor:

Sureties (1):

(2):

Witnesses (1):

(2):

WHEREAS the obligor is granted study leave by the Board:

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..... resigning from service without returning to duty after the expiry or termination of the period of study leave 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.....) together with interest thereon from the date of demand at rates prescribed by the Board.

And upon the obligor Shri and, or Shri and, or Shri the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue:

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sue the obligor before suing the sureties Shri and Shri or any of them for amounts due hereunder.

Signed and delivered by the obligor above-named Shri in the presence of

Signed and delivered by the surety above-mentioned Shri in the presence of

Signed and delivered by the surety above-named Shri in the presence of

Accepted
for and on behalf of the Board.

APPENDIX 'C'

(See Regulation 23)

Procedural instructions for making application for study leave and grant of such leave

1. Except as otherwise provided in these regulations, all applications for study leave shall be submitted with the Accounts Officer's certificate to the authority competent to sanction the study leave through the prescribed channel and the course or courses of study contemplated and any examination which the employee proposes to undergo shall be clearly specified therein. In a case where it is not possible for the employee to give full details in his original 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 sanction the study leave. In such cases he shall not, unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith until he receives approval of the authority competent to sanction the study leave to the course.

2. On completion of a course of study certificates of examinations passed or special courses of study undertaken indicating the dates of commencement and termination of the course, with remarks, if any, of the authority in charge of the course of study shall be forwarded to the authority which sanctioned the leave.

[No. 19-PG(119)/63.]

G.S.R. 326.—In exercise of the powers conferred by proviso to section 24(1), read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and Commencement.**—(1) These regulations may be called the Vishakhapatnam Port (Authorisation of Pilots) Regulations, 1964.

(2) They shall come into force on the 29th February, 1964.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(1) "Board", "Chairman", "Deputy Chairman" shall have the same meaning as in the Major Port Trusts Act, 1963.

(2) "Pilotage Waters" means all the navigable waterways inside the harbour and upto 4 cables East of the Entrance Channel buoys.

(3) "Deputy Conservator" means the officer in whom the direction and management of pilotage are vested.

(4) "Port" means the port of Vishakhapatnam.

3. **Deputy Conservator's control over Pilots.**—The Deputy Conservator shall have control over Pilots in pilotage charge of vessels while entering or leaving the port or mooring or berthing or unberthing at any berth in the port.

4. **Pilots to be Licensed.**—(1) All pilots shall hold licenses to perform the duties of a pilot for the port of Vishakhapatnam. These licenses, subject to the sanction of the Central Government, shall be issued and be revocable by the Board.

(2) A pilot severing his connection with the Board shall forthwith deliver his license to the Board.

5. **Conditions for joining the Pilot Service.**—A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions:—

(a) The conditions of eligibility laid down in regulation 14(b) and 14(c) of the Vishakhapatnam Port Employees (Recruitment, Seniority, Promotion) Regulations, 1964.

(b) That on the date of appointment as a probationer Pilot he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.

(c) That he possesses the qualifications detailed in regulation 6 below.

6. Qualifications of candidates.—(1) A candidate for a Pilotage License shall:

- (a) produce certificates of good character and sobriety and be in possession of a Certificate of Competency as Master (Foreign-going) granted by the Government of India or its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign-going ship;
- (b) obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the purpose;
- (c) unless the Board otherwise determines, serve a period of probationary training of not less than 6 months. On completion of the training, the probationer may, if recommended by the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

(2) The fee for a Pilot's License shall be prescribed by the Board from time to time.

7. Subjects of Examination.—The examination shall include the following subjects:—

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

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

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

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

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

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

11. Pilots to obey the orders of the Authority.—A pilot shall obey and execute all lawful orders and regulations given or issued by the Board, or the Deputy Conservator.

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

13. Pilots' behaviour towards the Master of the vessel, etc.—A pilot shall behave with due civility towards the Owner, Master and Officers of any vessel under his charge.

14. Pilots to obtain Certificate of Services performed by them.—A pilot shall, on boarding a vessel, hand the Arrival/Departure report to the Master, who shall enter therein all the required particulars over his signature.

Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

15. Pilots to go on board vessels in good time.—A pilot about to take charge of a vessel which is outward bound, or which is about to be moved from berth in which she is lying, shall go on board and report himself to the officer in command

at the time appointed, i.e., in sufficient time for her to be moved out to sea or to her destination.

16. Pilots when on duty to carry with them their license, etc.—A pilot when on duty shall always have with him an official Time Table for the port, a copy of the Port Rules, Pilotage Regulations for the time being in force, and his license.

17. Pilots may leave vessels at anchor in the harbour if not provided with proper food and sleeping accommodation.—A pilot shall be provided with reasonable accommodation, if necessary, and shall be supplied with breakfast between 7 A.M. and 9 A.M., with lunch between noon and 2 P.M. and dinner between 6 P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation for food, namely, Rs. 3 for any of the meals missed by the Pilot.

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

19. Pilots giving evidence.—A pilot shall not attend to give evidence on any trial or enquiry to which he is not a party unless under *sub-poena* without the permission of the Deputy Conservator, and a pilot under *sub-poena* to give evidence shall at once report the fact in writing to the Deputy Conservator.

20. Pilots to give information of any alterations in navigational marks, etc.—A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position, or become aware of any circumstances likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

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

22. Deputy Conservator to regular attendance of pilots on vessels.—Pilots on shore duty shall be detailed by the Deputy Conservator to vessels requiring their services and a list showing the rotation in which pilots (having regard to their respective classes) are to be allotted to such vessels, shall be kept in the office of the Deputy Conservator.

23. Commencement of pilot's outward duties.—The duties of a pilot in regard to outward bound vessels shall commence at any wharf, pier, berth, jetty or anchorage on boarding the vessel.

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

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

26. A pilot, on boarding a vessel, shall—

(a) ascertain whether there is, or has been during the voyage, any infectious disease on board. If there is, or has been, and the disease is of a serious nature as laid down in the Quarantine Rules, he shall anchor the vessel, hoist the Quarantine Signal and carry out the instructions contained in the Port Quarantine Rules in this respect.

(b) ascertain the vessel's present draft and see that both anchors are clear to be let go; see that the National Design is hoisted and the flags denoting the name of the vessel and any other signals, as required by the Port Rules from time to time, are hoisted in such a manner as to be clearly seen from the Port Signal Station.

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

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

(a) if the vessel is under-way, the Master shall be on board;

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

Explanation.—In this Regulation, the expression "Master" shall include the first or other officer duly authorised to act for the Master, in the event of the latter being incapacitated from performing the duties of his office.

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

30. Pilots' examination of charts.—All pilots shall attend frequently at the office of the Deputy Conservator to examine the latest plans and charts of the Port and other information concerning the port.

31. Pilot's uniform.—A pilot shall wear when on duty such uniform as may be prescribed by the Board.

32. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board and the Board shall decide the question.

[No. 19-PG(134)/63.]

G.S.R. 327.—In exercise of the powers conferred by section 28, read with section 126, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:

1. Short title and commencement.—(a) These regulations may be called the Vishakhapatnam Port Employees (Leave) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. Application.—(a) These regulations shall, subject to the provisions of clause (b), apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

(b) Any employee, who was not governed by the Revised Leave Rules, 1933, before the commencement of these regulations shall be governed by those rules unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these regulations on and from the date of commencement of these regulations.

3. Definitions.—In these regulations, unless the context otherwise requires,—

(a) "Board", "Chairman", "Deputy Chairman", "Head of Departments", shall have the meanings assigned to them in the Major Port Trusts Act, 1963;

(b) "Commuted leave" means leave taken under sub-regulation (c) of regulation 9;

(c) "completed year of service" and "one year's continuous service" means continuous service of the specified duration under the Central Government or the Board and includes the period spent on duty as well as on leave, including extraordinary leave.

(d) "earned leave" means leave earned in respect of periods spent on duty;

(e) "earned leave due" means the amount of leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior to

that date plus the amount of earned leave calculated under regulations 8, 9 or 11 as the case may be, diminished by the amount of earned leave taken on or after the commencement of these regulations;

(f) "employee" means an employee of the Board;

(g) "employee in permanent service" means an employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;

(h) "employee in quasi-permanent service" means an employee who has been declared quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1949, or who may be declared as quasi-permanent under the Vishakhapatnam Port Employees (Temporary Service) Regulations, 1964;

(i) "half pay leave" means leave earned in respect of completed years of service;

(j) "half pay leave due" means the amount of half pay leave, calculated under regulation 9 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;

(k) "leave" includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave;

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. Leave cannot be claimed as of right. The authority empowered to grant leave shall have a discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service.

5. (1) No employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where an employee does not resume his duty after remaining on leave for a continuous period of five years, or where an employee after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of leave granted to him exceeds five years, he shall, unless the Board in view of the exceptional circumstances of the case otherwise directs, be deemed to have resigned and shall accordingly cease to be in the Board's employment.

6. Any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave.

7. No leave shall be granted beyond the date on which an employee shall compulsorily retire:

Provided that if in sufficient time before the date of compulsory retirement an employee has been denied in whole or in part, on account of exigencies of the Board's service, any leave applied for and due as preparatory to retirement, then he may be granted, after the date of compulsory retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days, as prescribed in regulation 8, so long as the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement does not exceed the amount of the leave preparatory to retirement actually denied, the half-pay leave, if any, applied for by an employee preparatory to retirement and denied in the exigencies of the Board's service being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement:

Provided further that an employee, whose service has been extended in the interest of the Board's service beyond the date of his compulsory retirement may be granted earned leave as under:—

(i) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;

(ii) after the expiry of the period of extension—

- (a) the earned leave which could have been granted to him under the preceding proviso had he retired on the date of compulsory retirement, diminished by the amount of such leave availed of during the period of extension; and
- (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the Board's service; and

(iii) in determining the amount of earned leave due in respect of the extension with reference to regulation 8, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

Explanation.—For the purposes of this regulation an employee may be deemed to have been denied leave only if in sufficient time before the date on which he shall compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of the Board's service or has ascertained in writing from the sanctioning authority that such leave, if applied for, would not be granted on the aforesaid ground.

8. (1) The earned leave admissible to an employee in permanent employ shall be one-eleventh of the period spent on duty:

Provided that an employee shall cease to earn such leave when the earned leave due amounts to 180 days.

Provided further that the earned leave admissible to an employee of non-Asiatic domicile recruited in India who is in continuous service from a date prior to the introduction of these regulations and is entitled to leave passages shall be one-seventh of the period spent on duty and he shall cease to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of regulations 4 and 7 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 120 days [or 150 days in the case of an employee mentioned in the second proviso to sub-regulation (1)].

(3) Earned leave may be granted to an employee in Class I or Class II service or to an employee mentioned in the second proviso to sub-regulation (1) exceeding a period of 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Nepal and Pakistan:

Provided that where earned leave exceeding a period of 120 days or 150 days, as the case may be, is granted under this sub-regulation, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

9. (a) Earned leave shall not be admissible to an employee in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

(b) (i) The earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days [or 45 days in the case of an employee mentioned in the exception to sub-regulation (1) of regulation 8] as the number of days of vacation not taken bears to the full vacation.

(ii) If in any year the employee does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of regulation 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave under these regulations, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or not shall not exceed the amount of earned leave due and admissible to the employee at a time under regulation 8.

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

10. (a) The half-pay leave admissible to an employee in permanent employ in respect of each completed year of service shall be 20 days.

(b) The half-pay leave due may be granted to an employee on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate only, to an employee in permanent employ subject to the following conditions, namely:—

(i) commuted leave during the entire service shall be limited to a maximum of 240 days;

(ii) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;

(iii) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days, provided that no commuted leave may be granted under this regulation unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

(d) Save in the case of leave preparatory to retirement, "leave not due" may be granted to an employee in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half-pay leave the employee may earn subsequently.

Explanations.—(1) "Leave not due" should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of the leave and it should be limited to the half-pay leave he is likely to earn thereafter.

(2) Where an employee who has been granted 'leave not due' under this clause applies for permission to retire voluntarily, the 'leave not due' shall, if the permission is granted, be cancelled.

(3) Where service in respect of any completed year was rendered partly in a Class III post, and partly in Class IV post, the half-pay leave shall be calculated on a *pro-rata* basis separately in respect of Class III service and Class IV service and then added up. The fraction, if any, present in the total half-pay leave for the particular year should be ignored if it is less than half or reckoned as one day if it is half or more.

(4) "Commuted leave" should be treated in the same way as leave on half average pay for the purposes of Supplementary Rules and as leave with allowance for the purpose of pension.

(5) The half-pay leave earned by an employee in respect of a "completed year of service" can be availed of by him during the course of a spell of leave or during an extension thereto within which the date of anniversary of service falls.

(6) "Leave not due" may be granted to permanent and quasi-permanent employees suffering from tuberculosis subject to the condition that the authority competent to sanction leave is satisfied on the basis of the certificate given by the appropriate medical authority as prescribed by the Board from time to time that there is a reasonable prospect of the employee—

(i) retiring to duty on the expiry of the leave; and

(ii) earning thereafter leave not less than an amount of "leave not due" availed of by him having regard to the fact that in the normal course the employee would have enough service after his return to duty within which he would be able to wipe off the debit balance.

(7) The concession mentioned in sub-regulation (6) will also apply to permanent and quasi-permanent employees suffering from Leprosy on the authority of the appropriate medical authority to be prescribed by the Board from time to time.

(8) The commuted leave, if granted to an employee and who intends to retire subsequently, should be converted into half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave should be recovered. An undertaking to this effect should, therefore, be taken from the employee who avails himself of commuted leave, but the question whether the employee concerned should be called upon to refund the amount drawn in excess

as leave salary should be decided on the merits of each case i.e. if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon him by reasons of his health incapacitating him for further service, no refund should be taken.

(9) The authority empowered to grant leave under this regulation shall not have the power to alter the nature of leave, though under regulation 4 he has power to refuse or revoke leave at any time according to the exigencies of the Board's service. There shall be no restriction on an employee whose application for leave is supported by a medical certificate being at his option granted leave on medical certificate (half-pay leave) even when earned leave is due to him.

11. The provisions of regulations 8, 9 and 10 shall also apply to an employee not in permanent employ except that in respect of the first year of his service, the earned leave admissible shall be one-twentysecond of the period spent on duty :

Provided that no earned leave shall be admissible to such an employee in a vacation department in respect of the first year of his service.

Provided further that in the case of an employee not in quasi-permanent employ—

(a) no half-pay leave may be granted unless the authority competent to sanction leave has reason 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; and

(b) no "leave not due" shall be granted.

12. An employee not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty had been duty as an employee in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this regulation.

13. (a) Extraordinary leave may be granted to any employee in special circumstances—

(i) when no other leave is admissible, or

(ii) when other leave is admissible, but the employee concerned applies, in writing, for the grant of extraordinary leave.

(b) Except in the case of an employee in permanent employ and an employee in quasi-permanent employ, the duration of extraordinary leave on any one occasion shall not exceed the following limits:—

(i) three months;

(ii) six months, in cases where the employee has completed 3 years continuous service on the date of expiry of leave of the kind due and admissible under the regulations [including 3 months' extraordinary leave under (i) above] and his request for such leave is supported by a medical certificate as required under these regulations;

(iii) eighteen months where the employee is undergoing treatment for—

(1) Pulmonary tuberculosis in a recognised sanatorium; or

(2) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon; or

(3) 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.

(iv) twenty-four months where the leave is required for the purposes of prosecuting studies certified to be in the Board's interest, provided that the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the regulations [including three months extraordinary leave under (i) above].

(v) Where an employee who is not in permanent employ or quasi-permanent employ fails to resume duty on the expiry of the maximum period of

extraordinary leave granted to him, or where such an employee who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the extraordinary leave granted exceeds the limit up to which he could have been granted such leave under sub-rule (b), he shall, unless the Board in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned his appointment and shall, accordingly, cease to be in Board's employ.

Explanations (1).—The concession of extraordinary leave upto eighteen months will be admissible also to an employee suffering from pulmonary tuberculosis who receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a 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.

(2) The Tuberculosis institution recognised or to be recognised by the Board, from time to time, for the treatment of Board's employees and their families will be deemed as recognised for the purpose of grant of extraordinary leave upto eighteen months to temporary employees undergoing treatment for tuberculosis.

(3) Two spells of extraordinary leave if intervened by maternity leave should be treated as one continuous spell of extraordinary leave for the purpose of clause (b) of regulation 13.

(4) Two periods of extraordinary leave when intervened by a spell of leave on half-pay should be treated as one continuous spell for the purpose of applying the limit of three months mentioned in clause (b) of regulation 13.

(5) A temporary employee suffering from tuberculosis who avails of the concession under clause (b) regulation 13 shall be required, before resuming duty, to produce fitness certificate from the following authorities:—

(i) A temporary Class I or Class II employee suffering from Pulmonary Tuberculosis or tuberculosis of any other part of the body, shall produce a fitness certificate from a medical committee as may be prescribed by the Board, irrespective of the fact whether the treatment is at a sanatorium or at the residence of the employee. A Tuberculosis Specialist shall also be co-opted as a member of the Medical Committee.

(ii) A temporary Class III or Class IV employee suffering from pulmonary tuberculosis, shall produce a certificate of fitness from the Medical Officer of the port or from a Tuberculosis Specialist recognised by a State Government while such an employee suffering from tuberculosis of any other part of the body shall produce a certificate from a qualified Tuberculosis Specialist or medical officer of the Board.

(6) A temporary employee who is granted extraordinary leave, as a special case, for prolonged periods, in relaxation of the regulations, in continuation of his regular leave, for study in India or abroad, subject to his giving an undertaking in writing to serve the Board for a specified period, after the expiry of his leave shall give an undertaking in the form in annexure I before the extraordinary leave in relaxation of the regulations is granted to him.

14. (1) Except as provided in sub-regulation (2), an employee on earned leave is entitled to leave salary equal to the average monthly pay earned during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which the employee is entitled immediately before proceeding on leave, whichever is greater.

(2) An employee who proceeds on earned leave from a post the maximum pay of which does not exceed Rs. 110/- per mensem, is entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(3) 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) or sub-regulation (2), as the case may be, subject to a maximum of Rs. 750/-:

Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(4) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1) or sub-regulation (2), as the case may be.

(5) An employee on extraordinary leave is not entitled to any leave salary.

Explanation (1).—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 foreign service out of India shall be substituted for the pay actually drawn while calculating average pay.

Explanation (2).—For the purpose of this regulation “substantive pay” means the substantive pay of the permanent post which the employee holds substantively or on which he holds a lien or would hold a lien, had the lien not been suspended:

Provided that in the case of an employee in quasi-permanent service, the pay admissible in the post in which he has been declared quasi-permanent, shall be deemed to be the substantive pay:

Provided further that the leave salary of an employee who is in permanent or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

The three year limit shall include:—

- (a) all periods of leave during which the employee would have officiated in the post but for proceeding on such leave; and
- (b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

Explanation (3).—Leave salary under these regulations in the case of “probationers” and persons appointed “on probation” should be regulated as follows:—

- (i) in the case of a “probationer” as defined in clause (d) of Audit Instruction 2 below F.R. 9(6), whether he is already substantive in any other cadre or not, the pay drawn by him during the period of his probation will be regarded as his substantive pay for the purpose of regulation 13;
- (ii) in the case of a person who is only appointed to a post “on probation”, as distinct from appointment as a “probationer” as defined in clause (d) of the Audit Instruction mentioned above—
 - (a) if he was already holding a permanent post in a substantive capacity before being appointed “on probation” to another post, his substantive pay in respect of the permanent post, on which he holds a lien or on which he would have held a lien had such lien not been suspended will be his substantive pay for the purpose of calculation of leave salary under these regulations; and
 - (b) if he was only in temporary employ of the Board or if he is a direct recruit appointed to the post ‘on probation’, the leave salary will be regulated under sub-regulation (1) or (2) of regulation 13 as the case may be.

Explanation (4).—(a) In the case of an employee who is reinstated after a period passed under suspension and who proceeds on leave shortly after or immediately on reinstatement, the average pay shall be calculated on the basis of the pay actually drawn or allowed to him during the 10 months preceding the month in which the leave commenced.

(b) The leave salary of an employee, who is allowed to draw pay under Fundamental Rule 20 or 35 shall also be calculated similarly, *i.e.*, on the basis of the pay actually drawn by him.

Explanation (5).—(a) For the purposes of the second proviso to Explanation (2) to regulation 14, to the limit of three years shall include all periods of leave during which an employee in permanent or quasi-permanent employ would have officiated in the post but for proceeding on such leave and all periods of officiating service rendered in an equivalent or a still higher post but for appointment to

which he would have officiated in that post. The period of half-pay leave, extraordinary leave, maternity leave, etc., will also, therefore, be included, for calculating the limit of three years.

(b) An employee shall not be allowed the benefit of treating the pay drawn in the post in which he was officiating before proceeding on leave or in which he would have so officiated but for his officiating appointment in an equivalent or still higher post, as substantive pay, for the purpose of regulation 14, unless he furnishes a certificate from the competent authority concerned that during all the period of leave or officiating service in an equivalent or still higher post, he would have continued to officiate in the post concerned but for proceeding on leave or officiating service in an equivalent or still higher post.

(c) In all cases in which it is proposed to allow the benefit of the second proviso to Explanation (2) to regulation 14 the authority which is competent to fill the specified post in respect of which the benefit is proposed to be granted shall furnish a certificate as in annexure II to enable the Accounts Officer to admit the claim:

Provided that it shall not be necessary to produce the certificate mentioned above when:—

- (i) an employee has continuously officiated in a Class I or Class II post for more than three years and has not availed of any leave;
- (ii) a Class I or Class II employee has availed of earned leave for which certificate under F.R. 26 (bb) (i) has been furnished to the Accounts Officer and he has been allowed increment without its being postponed;
- (iii) a Class I or Class II employee has officiated in a higher post for which certificate of continued officiation in the lower post but for appointment to the higher post has been furnished to the Accounts Officer and the employee has been allowed to count the period for increment in the lower post.

Explanation (6).—A month's leave salary may be allowed in advance to employees proceeding on leave subject to the following conditions:—

- (i) no advance may be granted when the leave taken is for less than a month or 30 days;
- (ii) 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 to a post employee after deductions on account of income-tax, Provident Fund, house rent, repayment of advance, etc. so that there is no financial risk involved;
- (iii) 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 shall be recovered from the next payment of pay or leave salary or both;
- (iv) the advance may be sanctioned by the Chairman, Deputy Chairman or the Heads of Departments;
- (v) advance in respect of temporary and quasi-permanent employees may be sanctioned without the surety of a permanent employee;
- (vi) the amount of advance will be debited to the head of account to which the pay, etc., of the employee is debited and the adjustment of the advance will be watched through Objection Book by the Accounts Officer;
- (vii) advance under these instructions shall be sanctioned in whole rupees.

15. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

ANNEXURE I

BOND FOR TEMPORARY EMPLOYEES GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF REGULATION 13 (b) OF THE COCHIN/KANDLA/VISHAKHAPATNAM FORT EMPLOYEES (LEAVE) REGULATIONS, 1964, FOR STUDY IN INDIA OR ABROAD.

Know all Men by these Presents that I, Mr./Mrs./Miss S/o/W/o/D/o..... of.....at present employed asin the Ministry/Office ofdo hereby firmly bind myself and my heirs, executors and administrators, to pay to the Board, his successors and assigns on demand the sum of Rs.....

Dated this.....day ofone thousand nine hundred and.....

Whereas the Board has, at the request of the above-bounden Mr./Mrs./Miss..... employed as agranted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of..... month..... days with effect from.....in order to enable him/her to study at.....

And whereas the Board has appointed/will have to appoint a substitute to perform the duties of during the period of absence of Mr./Mrs./Miss.....on extraordinary leave.

And whereas it has been agreed between the above bounden Mr./Mrs./Miss.....and the Board that for the better protection of the interest of the Board, the said Mr./Mrs./Miss..... should execute such bond as above written and with such condition as is hereunder written.

Now the condition of the above written obligation is that in the event of the above bounden, Mr./Mrs./Miss.....failing to rejoin on the expiry of the 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 for refusing to serve the Board in any other capacity as may be required by the Board on the existing terms and conditions and on a salary which he/she would have originally drawn if he/she would not have been granted leave for study purposes the said Mr./Mrs./Miss.....or his/her heirs, executors and administrators shall forthwith pay to the Board on demand the said sum of Rs.....

And upon his/her 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.

This Bond shall in all respects be governed by the law 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.

The stamp duty on this deed shall be borne and paid by the Board.

In Witness to the above written bond and the condition therefor I, Mr./Mrs./Miss.....have hereunto set my hands the.....day of one thousand nine hundred and.....

Signed and delivered by the above bounden Mr./Mrs./Miss..... in the presence of.....

ANNEXURE II

[See Explanation (5) under regulation 13]

Certified that on*.....Shri/Shrimati/Kumari has been continuously officiating in the post**.....for more than three years inclusive of the following periods during which he/she would have officiated in that post but the following events:—

- (1) Periods of officiating in the specified post. From To
(2) Periods of officiating in equivalent or higher posts in the same department.

*The date preceding the date of commencement of leave to be specified here.
**Designation of the post to be specified here.

- (3) Periods of deputation.
- (4) Foreign service.
- (3) Period of leave.

Signature.....

Designation.....

[No. 19-PG (124) /63.]

G.S.R. 328.—In exercise of the powers conferred by section 126 read with clause (b) of section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. Short Title and Commencement.—(a) These regulations may be called the Vishakhapatnam Port Employees (General Provident Fund) Regulations, 1964.

(b) They shall come into force on the 29th February 1964.

2. Interpretation.—In these regulations unless the context otherwise requires,—

(1) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board;

(2) "Board", "Chairman" "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;

(3) "emoluments" means pay, leave salary or subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber and any remuneration of the nature of pay received in respect of foreign service but does not include conveyance allowance, house rent allowance, overtime fees, cement testing allowance, fee for supervision of floating craft, diving allowance and ration allowance;

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

(4) "employee" means an employee of the Board;

(5) "family" means—

(i) in the case of a male subscriber, the wife or wives and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

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

(ii) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children or a deceased son of the subscriber:

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

Explanation.—Child means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber;

(6) "Fund" means the Vishakhapatnam Port Employees General Provident Fund;

(7) "leave" means any kind of leave recognised by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations, if

any, framed under section 28 of the Major Port Trusts Act, 1963, whichever may be applicable to the subscriber;

(8) "year" means the financial year;

(9) Any other expression used in these regulations which is defined in the Provident Funds Act, 1925 (11 of 1925), or in the Fundamental Rules of the Central Government or the Leave Regulations mentioned in sub-regulation (7) (whichever may be applicable to the subscriber) shall have the meanings assigned to them in such Act, Rules or Regulations.

3. Constitution and Management of the Fund.—On and from the date of commencement of these regulations, the Board shall establish and maintain a Provident Fund for the welfare of the employees.

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

4. Application.—(1) All permanent employees, other than re-employed persons, and all temporary employees who have rendered continuous service of one year or more on the date of commencement of these Regulations shall be required to subscribe to the Fund. Temporary employees whose period of service on the date of commencement of these Regulations is less than one year shall be required to subscribe to the Fund from the month following that in which they complete one year's service.

(2) The Board may, at its discretion, require any other category of employees to subscribe to the Fund.

(3) Employees who are subscribers to any Contributory Provident Fund shall not be required to subscribe to the Fund.

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

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

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

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

(2) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this regulation.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share

payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein;

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

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

(6) immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

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

8. **Conditions and Rates of Subscriptions.**—(1) **Conditions of Subscription:**

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

Provided that a subscriber may, at his option, not subscribe during any period of leave other than leave on average pay or earned leave of less than a month or 30 days' duration as the case may be:

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

(b) A subscriber shall intimate in writing his election not to subscribe during leave to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this clause shall be final.

(2) **Rates of Subscription:**

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

(a) it shall be expressed in whole rupees,

(b) it may be any sum so expressed not less than six per cent of his emoluments and not more than his total emoluments:

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

Provided further that in the case of Class IV employees, the minimum rate of subscription shall be Rs. 4/- a month in the case of those drawing a pay of less than Rs. 75/- a month and Rs. 5/- a month in the case of others;

(c) when an employee elects to subscribe at the minimum rate of 6 per cent or 8-1/3 per cent, as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 nP. counting as the next higher rupee.

(3) For the purpose of sub-regulation (2), the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that—

(i) if the subscriber was on leave on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

(b) in the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.

(4) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

(b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(c) if he has entered Board's service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;

(d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

(e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him to the Board's account on account of subscription for the month of April in the current year.

(5) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year:

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

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

9. Transfer to Foreign Service or Deputation out of India.—When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

10. Realisation of Subscriptions.—(1) When emoluments are drawn in India, recovery of subscriptions on account of these emoluments and of the principal and interest, an advance shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer:

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

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the fund or is in default in any month or months during the

course of a year otherwise than as provided for in regulation 8, the total amount due to the Fund on account of arrears of subscriptions shall, with interest thereon at the rate provided in regulation 11, forthwith be paid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13:

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

11. **Interest.**—(1) Subject to the provisions of sub-regulation (5), the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board:

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

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

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

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

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

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

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

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

(4) In addition to any amount to be paid under regulation 14, interest thereon up to the end of the month preceding that in which the payment is made, or up to the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

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

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-regulation (3) of regulation 10, sub-regulation (5) of regulation 14, regulation 15, sub-regulation (2) of regulation 17, proviso to regulation 21(b), regulation 24, regulation 25 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-regulation (1) of this regulation.

12. Transfer from other services.—(1) Subject to the sanction of the Board in each case, a person who has joined the Board's service from the service of any Government, or other employer, may, if he becomes a subscriber to the Fund, have any amount standing to his credit in a Provident Fund maintained by the Government, or other employer on the date of his joining the Board's service, transferred to his credit in the Fund. The amount so transferred shall carry interest only; it shall not entitle the subscriber to any contribution by the Board in respect thereof.

(2) In the event of a subscriber to the Fund being permanently transferred to a service under a Government or any other employer, the balance in the Provident Fund account of the subscriber may, instead of being paid in cash, be transferred to his account with the new employer and thereupon these Regulations shall cease to apply him.

13. Advances from the Fund.—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes:—

- (a) to pay expenses in connection with the illness or a disability, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him;
- (b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:—
 - (i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;
- (c) to pay obligatory expenses on a scale appropriate to the status which by customary usage the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him:

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

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

- (d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the

discharge of his duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source:

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

(e) to meet the cost of his defence where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged misconduct on his part.

(f) in other cases of acute distress at the discretion of the Chairman.

(2) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance together with interest thereon.

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

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

14. Recovery of Advance.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Chairman or any other officer authorised to sanction the advance may direct; but such number shall not be less than 12 unless the subscriber so elects and more than 24. In special cases where the amount of advance exceeds three months' pay of the subscriber, the authority sanctioning the advance may fix such number of instalments exceeding 24, but not exceeding 36. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in regulation 10 for the realisation of subscriptions, and shall commence, on the first occasion after the advance is made on which the subscriber draws the pay or remuneration on foreign service, for a full month. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days' duration as the case may be. The recovery may be postponed, on the subscriber's request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent. of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of the interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (a) exceeds 20 months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that prescribed in sub-regulation (2). Payments shall be rounded to the nearest rupee in the manner prescribed in clause (iv) of sub-regulation (2) of regulation 11.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, with interest at the rate provided in regulation 11 forthwith be repaid by the subscriber to the Fund or in default be ordered by

the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding 12 as may be directed by the Chairman or the authority competent to sanction an advance under Explanation 2 to sub-regulation (2) of regulation 13:

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

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

15. Wrongful use of Advance.—Notwithstanding anything contained in these regulations, if the Chairman is satisfied that money drawn as an advance from the Fund under regulation 15 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question shall with interest at the rate provided in regulation 11 forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Chairman to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recovery shall be made in monthly instalments or moieties of his emoluments till the entire amount is repaid by him.

Explanation.—In this regulation, 'emoluments' do not include subsistence grant.

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

(I) after the completion of 25 years of service (including broken periods of service, if any) of a subscriber or within eight years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

- (a) meeting the cost of higher education, including, where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—
 - (i) for education outside India for academical technical, professional or vocational course beyond the High School stage, and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is not less than three years,
- (b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and if he has no daughter, of any other female relation dependent on him,
- (c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber or any person actually dependent on him, and

(II) after the completion of twenty three years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

- (a) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions or alternations to a house already owned or acquired by a subscriber;
- (b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than 12 months of that date;
- (c) for constructing a house on a site purchased utilising the sum withdrawn under clause (b);

Explanation.—A subscriber who has availed himself of an advance under the scheme of the Central Government or a State Government for the grant, of advances for house-building purpose, or has been allowed any assistance in this regard from any other Central or State Government sources, shall be eligible for the grant of final withdrawal under sub-clauses (a), (b) and (c) of sub-regulation (II) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of regulation 17.

(III) The actual withdrawal from the Fund shall be made only on receipt of an authorisation from the Accounts Officer who will arrange this as soon as formal sanction of the Chairman is issued.

17. **Conditions of withdrawal.**—(1) Any sum withdrawn by a subscriber at any one time for one or more purposes specified in regulation 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six months' pay whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to three-fourths of the balance at his credit in the Fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscribers and (iii) the amount to his credit in the Fund:

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Central or a State Government for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken under the aforesaid schemes or the assistance taken from any other Government source shall not exceed Rs. 75,000 or 5 years' pay, whichever is less.

(2) A subscriber, who has been permitted the withdrawal of money under regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under regulation 11 by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or any such number of monthly instalments as may be determined by the Chairman.

(3) Nothing in sub-regulation (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub-regulation.

18. **Conversion of an advance into a withdrawal.**—A subscriber who has already drawn or may draw in future an advance under regulation 13 for any of the purposes specified in sub-clauses (a), (b) and (c) of clause (1) of regulation 16, may convert, at his discretion by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against him into a final withdrawal on his satisfying the conditions laid down in regulations 16 and 17.

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

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

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

20. Final withdrawal of accumulation in the Fund.—When a subscriber quits the service the amount standing to his credit in the Fund shall become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the Board, repay any amount paid to him from the Fund in pursuance of this regulation, with interest thereon at the rate provided in regulation 11 in the manner provided in the proviso to regulation 21. The amount so repaid shall be credited to his account in the Fund.

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

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

21. Retirement of subscriber.—When a subscriber—

(a) has proceeded on leave preparatory to retirement, or

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

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

Provided that the subscriber, if he returns to duty, shall, if required to do so by the Board, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this regulation with interest thereon at the rate provided in regulation 11 in cash or securities or partly in cash or partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the Chairman.

22. Procedure on death of a subscriber.—On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(i) when the subscriber leaves a family—

(a) if a nomination made by the subscriber in accordance with the provisions of regulation 6 or of the corresponding rule in force earlier in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

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

Provided that no share shall be payable to—

(1) sons who have attained majority;

(2) sons of a deceased son who have attained majority;

(3) married daughters whose husbands are alive,

(4) married daughters of a deceased son whose husbands are alive,

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

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

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

23. Manner of payment of amounts in the Fund.—(1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Accounts Officer to make payment on receipt of written application in this behalf as provided in sub-regulation (3).

(2) If the person to whom, under these regulations any amount or policy is to be paid, assigned, re-assigned, or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery shall be made to such manager and not to the lunatic.

(3) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the Accounts Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

Explanation.—When the amount standing to the credit of a subscriber has become payable under regulation 20, 21 or 22, the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of the subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

24. Procedure on transfer of an employee from one major port to another.—If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other major port in which he is governed by similar regulations, the amount of subscription, together with interest thereon standing to his credit in the Fund on the date of transfer shall be transferred to his credit in the fund of such major port.

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

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

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

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

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

28. **Annual statement of accounts to be supplied to subscriber.**—(1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his accounts in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber—

- (a) desires to make any alteration in any nomination made under regulation 6 or under the corresponding rule in force earlier;
- (b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under regulation 6;

(2) Subscribers shall satisfy themselves as to the correctness of the annual statement, and they shall bring to the notice of the Accounts Officer within three months from the date of receipt of the statement by them, any inaccuracy or arrear in such statement.

(3) The Accounts Officer shall, if required by a subscriber, once but not more than once, in a year inform the subscriber of the total amount standing in his credit in the Fund at the end of the last month for which his account has been written up.

29. **Interpretation.**—If any question arises relating to the interpretation of these regulations, it shall be decided by the Board.

FIRST SCHEDULE (REGULATION 6)

Form of Nomination

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in regulation 2(4) of the Vishakhapatnam Port Employees (General Provident Fund Regulations) 1964, to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid:—

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any, to whom the right of the nominee shall pass in the event of his/her pre-deceasing the subscriber.
..

Dated this day of 19

at

Two witnesses to signature.

Signature of scriber

1.

2.

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in regulation 2(5) of the Vishakhapatnam Port Employees (General Provident Fund) Regulations, 1964, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed amongst the said persons in the manner shown against their names.

Name and Address of nominees	Relationship with subscriber	Age	*Amount of accu- mulations to be paid to each.	Contingencies on the happening of which the no- mination shall become invalid.	Name, address and relationship of the persons/ persons, if any to whom the right of the nominee shall pass in the event of his/ her predeceasing the subscriber
1	2	3	4	5	6

Dated the day of 19

at

Signature of subscriber.

Two witnesses to sign ure

- 1
- 2

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III.—When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in regulation 2(5) of the Vishakhapatnam Port Employees (General Provident Fund) Regulations, 1964, hereby nominate the person mentioned below to receive the amount that my stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid. :—

Name and address of nominee	Relationship with subscriber	Age	@Contingencies on the happening of which the nomination shall become invalid.	Name, address and rela- tionship of he person/ persons, if any to whom the right of nominee shall pass in @the event of his/ her predeceasing the subscriber
1	2	3	4	5

Da ed this day of 19

at

Signature of subscriber

Two witnesses to signature.

- 1
- 2

@ NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subse-
quently acquiring a family.

IV.—When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in regulation 2(5) of the Vishakhapatnam Port Employees (General) Provident Fund Regulations, 1964, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	**Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of h person/persons if any, to whom the right of the nominee shall pass in the event of his/her predeceasing th subscriber
1	2	3	4	5	6

Dated this day of 19

Signature of subscriber.

At

Two witnesses to signature

1.

2'

*Note.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**Note.—Where a subscriber who has no family makes a nomination, he shall specify in the column that the nomination shall become invalid in the event of his subsequently acquiring a family.

[No. 19-PG(117)/63.]

G.S.R. 329.—In exercise of the powers conferred by section 126 read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

PART I—General

1. **Short title and commencement.**—(a) These regulations may be called the Vishakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1964.

(b) They shall come into force on the 29th February, 1964.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963);

(b) 'appointing authority' in relation to an employee means the authority prescribed as such in the Schedule;

(c) 'Board', 'Chairman' and 'Head of a Department' have the meanings assigned to them in the Act;

(d) 'disciplinary authority', in relation to the imposition of a penalty on an employee, means the authority competent under these regulations to impose on him that penalty;

(e) 'employee' means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in the service of the Central or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board;

(f) 'Schedule' means the Schedule to these regulations.

3. Application.—(1) These regulations shall apply to all the employees of the Board, except—

- (a) persons in casual employment;
- (b) persons subject to discharge from service on less than one month's notice; and
- (c) persons for whose appointment and other matters covered by these regulations, special provision is made by or under any law for the time being in force, in regard to the matters covered by such law.

(2) Notwithstanding anything contained in sub-regulation (1), the Board may by order exclude from the operation of all or any of these regulations any employee or class of employees.

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

4. Special provision by agreement.—Where it is considered necessary to make special provision in respect of an employee inconsistent with any of these regulations, the authority making the appointment may, with the concurrence of such employee, make special provisions and thereupon these regulations shall not apply to such employee to the extent to which such special provisions are inconsistent with these regulations:

5. Protection of rights and privileges conferred by any law or agreement.—Nothing in these regulations shall operate to deprive any employee of any right or privilege to which he is entitled—

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

PART II—Classification

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

Class I posts, that is to say posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 950.

Class II posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 575 but not more than Rs. 950.

Class III posts, that is to say, posts carrying a pay or a scale of pay the maximum of which is not less than Rs. 110 but not more than Rs. 575.

Class IV posts, that is to say, posts carrying a pay or scale of pay the maximum of which is less than Rs. 110.

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

PART III—Appointing authorities

7. Appointments to class I Posts.—(1) All appointments to Class I posts under the Board which are covered by clause (b) of sub-section (1) of section 24 of the Act, (other than posts the incumbents of which are declared to be Heads of Departments) shall be made by the Board.

(2) All appointments to posts, the incumbents of which are declared to be Heads of Departments, shall be made by the Central Government after consultation with the Chairman.

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

PART IV—*Suspension*

9. **Suspension.**—(1) An employee may be placed under suspension—

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial.

(2) The order of suspension shall be made—

- (a) in the case of the Head of a Department or in the case of an employee holding a post referred to in clause (b) of sub-section (1) of section 24 of the Act, by the Board;
- (b) in any other case by the appointing authority.

Provided that no such order relating to the Head of a Department shall have effect until it is approved by the Central Government.

(3) An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Board or the appointing authority, as the case may be, and shall remain under suspension until further orders are made by the Board or the appointing authority.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of, or by a decision of a Court of Law, and the disciplinary authority on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(6) An order of suspension made or deemed to have been made under this regulation may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V—*Discipline*

10. **Nature of Penalties.**—The following penalties may, for good and sufficient reasons and, as hereinafter provided, be imposed on an employee, namely:—

- (i) censure;
- (ii) withholding of increments or promotion;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders;
- (iv) reduction to a lower grade or post or to a lower time-scale or to a lower stage in a time scale;
- (v) compulsory retirement;
- (vi) removal from service which shall not be a disqualification for future employment;
- (vii) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this regulation:—

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of his appointment;
- (ii) stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (iv) reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- (v) reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;
- (vi) replacement of the services of an employee whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services—
 - (a) of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations and orders governing probation; or
 - (b) of an employee, employed under an agreement in accordance with the terms of such agreement.
 - (c) of a temporary employee under regulation 5 of the Vishakhapatnam Port Employees (Temporary Services) Regulation, 1964.

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

12. Procedure for Imposing Major Penalties.—(1) No order imposing on an employee any of the penalties specified in items (iv) to (vii) of regulation 10 shall be passed except after an enquiry held, as far as may be, in the manner hereinafter provided.

(2) The disciplinary authority shall frame charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the employee, and he shall be required to submit, within such time as may be specified by the disciplinary authority (a) to such authority or (b) where a board of inquiry or inquiring officer has been appointed under sub-regulation (3) to that board or officer, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-regulation and in sub-regulation (4), the expression “the disciplinary authority”, shall include the authority competent under the regulations to impose upon the employee any of the penalties specified in item (i) to (iii) of regulation 10.

(3) The disciplinary authority may inquire into the charges itself or if it considers it necessary so to do, it may, either at the time of communicating the charges to the employee under sub-regulation (2) or at any time thereafter, appoint a board of inquiry or inquiring officer for the purpose.

(4) The employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify provided, that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against the Board's interest to allow him access thereto.

(5) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority or as the case may be, the board of inquiry or the inquiring officer may inquire into such of the charges as are not admitted.

(6) The disciplinary authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the inquiring authority). The employee may present his case with the assistance of any other employee but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority is a legal practitioner or unless the disciplinary authority, having regard to the circumstances of the case, so permits.

(7) The inquiring authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(9) The Board may, from time to time, prescribe time limits within which the various stages of enquiry should be completed, namely, inspection of documents by the accused employee, request for access to additional records, inspection of such additional records and submission of statement by the accused employee on the charges made against him. Such time limits may be prescribed in respect of enquiries connected with the imposition of major as well as minor penalties.

(10) The record of the inquiry shall include—

- (i) the charges framed against the employee and the statement of allegations furnished to him under sub-regulation (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(11) The disciplinary authority shall, if it is not the enquiry authority, consider the record of the inquiry and record of its findings on each charge.

(12) (1) If the disciplinary authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in items (iv) to (vii) of regulation 10 should be imposed, it shall—

- (a) furnish to the employee a copy of the report of the inquiring authority and, where a disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority; and
- (b) give him a notice stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty provided that such representation shall be based only on the evidence adduced during the enquiry.

(ii) in every case in which it is necessary to consult the Central Government, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in response to such notice, if any, shall be forwarded by the disciplinary authority along with its recommendations to the Central Government for passing orders.

(13) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in items (i) to (iii) of regulation 10 should be imposed, it shall pass appropriate orders in the case.

(14) Orders passed by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report or the inquiring authority, and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

13. Procedure for Imposing Minor Penalties.—(1) No order imposing any of the penalties specified in items (i) to (iii) of regulation 10 shall be passed except after—

- (a) informing in writing the employee of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against such proposal;
 - (b) such representation, if any, is taken into consideration by the disciplinary authority; and
 - (c) consultation with the Central Government where such consultation is necessary.
- (2) The record of the proceedings of such cases shall include—
- (i) a copy of the intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of allegations communicated to him;
 - (iii) his representation, if any; and
 - (iv) the orders on the case together with the reasons therefor.

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

(2) Subject to the provisions of (a) sub-section (1) of section 25 of the Act, and (b) regulation 11, any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in regulation 10 which such disciplinary authority shall be competent to impose; and
- (iii) whether the procedure prescribed in regulation 13 or regulation 16 may be followed in the proceeding.

15. Special Procedure in Certain Cases.—Notwithstanding anything contained in regulations 12, 13 and 14—

- (i) where a penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge; or
 - (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to follow the procedure prescribed in the said regulations; or
 - (iii) where the Board is satisfied that in the interest of the security of the port it is not expedient to follow such procedure;
- the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit;

Provided that the approval of the Central Government shall be obtained before passing such orders in relation to a Head of a Department.

16. Provisions regarding Officers borrowed by the Board.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central or a State Government or

an authority subordinate thereto or a local or other authority, the authority lending his services, (hereinafter in these regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee—

- (i) if it is decided that any of the penalties specified in items (i) to (iii) of regulation 10 should be imposed on him, the disciplinary authority may, subject to the provisions of sub-regulation (2) of regulation 12, after consultation with the lending authority, pass such orders on the case as it deems necessary:

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

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

PART VI—Appeals

17 Orders made by Central Government not appealable.—Notwithstanding anything contained in this part no appeal shall lie against any order made with the approval of the Central Government.

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

19. Appeals against orders imposing penalties.—(1) The authorities mentioned in the Schedule shall be competent to entertain appeals in respect of the penalties indicated in the Schedule.

(2) Any employee of a Board (not being a Head of a Department) aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 21 and in the manner laid down in regulation 22, prefer an appeal—

- (a) to the Central Government, where such order is passed by the Board;
 (b) to the Board, where such order is passed by the Chairman;
 (c) to the Chairman, in any other case;

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

20. An appeal against an order—

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

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

Explanation.—In this regulation—

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

21. Period of limitation for appeals.—No appeal under this Part shall be entertained unless it is preferred within a period of three months from the date on which the appellant receives a copy of the order appealed against:

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

22. Form and contents of appeals.—(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

23. Submission of appeals.—Every appeal shall be submitted through the authority which made the order appealed against:

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

24. Withholding of appeals.—(1) The authority which made the order appealed against may withhold the appeal if—

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

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

(2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefor.

(3) At the commencement of each quarter, a list of appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

25. Transmission of appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 24, together with its comments thereon and the relevant records.

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

26. Consideration of appeals.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 9 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 10 the appellate authority shall consider—

(a) whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in violations of any of the provisions of the Act or in failure of justice;

(b) whether the findings are justified; and

(c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders—

(1) setting aside, reducing, confirming or enhancing the penalty; or

(2) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that—

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (iv) to (vii) of regulation 10 and an enquiry under regulation 12 has not already been held in the case, the appellate authority shall, subject to the provisions of regulation 15, itself hold such an enquiry or direct that such enquiry to be held and thereafter on consideration of the proceedings of such enquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

27. Implementation of orders in appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII—*Repeal and Removal of doubts*

28. Repeal.—(1) On the commencement of these regulations, any other rules which were in force in respect of the employees shall stand repealed:

Provided that—

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;

(b) any proceeding under the said rules pending at the commencement of these regulations shall be conducted and disposed of as far as may be in accordance with the provisions of these regulations.

(2) An appeal pending or preferred after the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations.

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

SCHEDULE

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose [with reference to item numbers (i) to (vii) in regulation 16].		Appellate authority
		Authority	Penalties	
Posts the incumbents of which are declared to be Heads of Departments under section 24 (2) of the Major Port Trusts Act, 1963.	Central Government in consultation with the Chairman.	Board	All [the prior approval of Central Government should be taken before imposing penalties (iv) to (vii)]	..
Class I [other than those of Heads of Depts. but covered by section 24(1) (b) of the Major Port Trusts Act, 1963]	Board	Chairman	(i) to (iii)	Board
		Board	(iv) to (vii)	Central Government
Class I (not covered by section 24(1) (b) of the Major Port Trusts Act, 1963) and Class II.	Chairman	Chairman	All	Board
Class III	Head of a Deptt.	Head of a Deptt.	All	Chairman*
Class IV	Head of a Deptt.	Head of a Deptt.	All	Chairman*

* Subject to proviso mentioned in regulation 19.

[No. F. 19-PG(122)/63.]

G.S.R. 330.—In exercise of the powers conferred by sub-section (1) of section 4 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby constitutes the first Board of Trustees in respect of the Port of Vishakhapatnam with effect from the 29th February, 1964, and appoints the following persons as the Chairman and Trustees, respectively of the said Board of Trustees, namely:—

Chairman

Shri C. R. Reddy.

Trustees

1. Deputy Collector of Customs, Vishakhapatnam, (representing the Customs Department).
2. Chief Operating Superintendent, South Eastern Railway (representing the Indian Railways).
3. Commodore, East Coast (representing the Defence Services).

4. Collector, Vishakhapatnam District, Visakhapatnam (representing the State Government).
5. Commissioner, Visakhapatnam Municipality.
6. Shri M. V. Bhadrani (representing Labour)
7. Shri B. G. M. A. Narasingarao (representing Labour).
8. Shri A. V. Bhanaji Row (representing Vizagapatam Chamber of Commerce).
9. Shri K. S. Dutt (representing Federation of Chambers of Commerce and Industry, Andhra Pradesh)
10. Shri G. Ramayya (representing India Steamship Agents Association).
11. Shri T. S. N. Raju, Chairman, Visakhapatnam Municipal Council (representing Vishakhapatnam Municipal Council)

[No. 19-PG(130)/64.]

NAGENDRA SINGH, Additional Secy.

