

# KANDLA PORT EMPLOYEES (CLASS III AND CLASS IV) SPECIAL CONTRIBUTION TO CONTRIBUTORY PROVIDENT FUND REGULATIONS, 1967

In pursuance of sub section (2) of section 124 of the Major Port Trusts Act, 1963 the Board of Trustees of Kandla Port hereby publishes the following regulations made by it in exercise of the powers conferred by Section 28 of the said Act, namely:—

**Short title and commencement**—[I] (i) These regulations may be called the Kandla Port Employees (Class III and Class IV) special Contribution to Contributory Provident Fund Regulations.

(ii) They shall come into force with effect from 1st August 1967 and shall supersede the existing orders governing the grant of special contribution to Contributory Provident Fund to the extent these orders are inconsistent with the Provisions of these Regulations.

(iii) They shall be applicable to the above classes of employees of the Port who are governed by the Contributory Provident Fund Rules for the time being applicable and who are eligible to Special Contribution under the existing orders issued by the Government of India as modified by these Regulations.

[II] (a) In these Regulations unless the context otherwise requires :—

(i) "Family" shall have the same meaning as assigned in the Contributory Provident Fund Rules (India) (as adopted), 1962)

(ii) "Board" shall have the meaning as assigned in the Major Port Trusts Act, 1963

(iii) "Employee" means a Class III or Class IV employee of the Board whose service conditions are subject to the regulation making powers of the Board.

(iv) (a) "Emoluments" means pay, leave salary, subsistence grant as defined in the fundamental Rules and includes Dearness Allowance, City Compensatory Allowance and Interim Relief.

(b) The term 'emoluments' will exclude all types of remuneration other than those mentioned above i e, House Rent Allowance, overtime allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, Holidays and Off days, fees for supervisions of floating craft honorarium, conveyance allowance, cement testing allowance, diving allowance, ration allowance and any payment which is in the nature of incentive bonus not connected with the output of work, family allowance, children's education allowance, voyage allowance etc.

Provident that 'emoluments' will mean only the emoluments admissible to a subscriber on the date of quitting service in the permanent post on which he holds a lien or would hold lien had it not been suspended.

Provided further that a permanent employee who has been officiating on the of quitting service in higher posts continuously for 3 years or more will be treated if he has held that officiating post in substantive capacity for the purpose of calculation of special contribution. For this purpose all period of level or duty in still higher or posts during the 3 year immediately preceding the date of quitting service will towards the limit of 3 years if it is certified by the appointing authority that the employee would have continued to officiate in that post but for such periods of leave or officiating service in the still higher post or posts.

(v) "Service" means continuous service during which a subscriber holds a lien or suspended lien on a permanent post paid from the Port's revenues, but includes the following periods.

(a) Officiating or temporary service or service as paid apprentice or as a probationer if followed without break, by permanent service.

(b) Which the Board may by general or special order permit to be counted as

**Kandla Port Employees (Class III and Class IV) special contribution to Contributory Provident Fund Regulations.**

[III] Eligibility for special contribution.—If an employee quits service on :—

- (a) Completion of 10 years' service, otherwise than by way of dismissal;
- (b) Retirement with less than 10 years, service on account of permanent physical or mental incapacity or abolition or appointment if other suitable employment cannot be found for him, provided that he had joined service on or before reaching the age of 40 years;

And in either of the cases mentioned in (a) and (b) above the appointing authority is satisfied in each case that the service of the employee was good, efficient and faithful.

(c) On completion of 15 years' service under any circumstances including dismissal. The appointing authority may order that the subscriber's provident Fund account shall be credited with a special contribution calculated in the manner prescribed in Regulation IV below :—

[IV] The special contribution shall, subject to the provision of Regulation V below, be as follows—

(a) If service does not fall short of 15 years half a month's emoluments for each completed year of services but not exceeding 15 month's emoluments.

(b) If service falls short of 15 years, half a month's emoluments for each completed year of service but not exceeding 6 months' emoluments, provided that the appointing authority may, on being satisfied that the circumstances are special, increase the special contribution to one month's emoluments for each completed year of service subject to a maximum of 6 month's emoluments.

**NOTE :—** A class III employee on permanent promotion to class II or class I post shall be eligible for special contribution as applicable to class I and class II employees in respect of his entire service.

[V] The amount of special contribution calculated in accordance with Regulation IV above may in any particular case, be withheld or reduced by the appointing authority.

Provided that where the appointing authority is lower in rank than the authority competent to dismiss the employee concerned the contribution shall not be withheld or reduced save with the previous sanction of the later authority.

Provided further that where the service of an employee has been terminated on account of dismissal after completion of 15 years' service and the Port has suffered any monetary loss attributable to the misconduct of the employee leading to his dismissal, the amount of such monetary loss shall be deducted from the amount of special contribution payable to him under these regulations.

Provided further that the retrenchment compensation if any payable under the Industrial Disputes Act., will be off set against special contribution otherwise payable under these regulations.



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[VI] If a subscriber dies while in service and leaves behind him a widow or a dependent child or children the appointing authority may direct a special contribution to be made to the subscriber's provident fund account calculated in the manner prescribed above as if the subscriber had on the date of his death quitted service on retirement on account of permanent incapacity. If the deceased subscriber was female, the appointing authority may direct the special contribution to be made to her provident fund account even though the father of the dependent children left behind by her may be earning.

(VII) The families of such employees who are permanent and who die while in service will also be eligible for a gratuity as indicated below in lieu of special contribution if that is more favourable to them.

(i) In the event of death in the first year of service:- Gratuity equal to the difference between the employee's two months' emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the fund.

(ii) In the event of death after the first year of service and before completing five years' service:- Gratuity equal to the difference between the employee's six months' emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the fund.

(iii) In the event of death after completing five years' service:- Gratuity equal to the difference between the employee's twelve months emoluments and the amount of Board's contribution together with interest thereon standing to his credit in his fund.

[VII] "Notwithstanding anything contained in the above regulations as applicable to the employees of the Board, it is clarified that with effect from the date of coming into force of the payment of Gratuity Act, 1972 (Act 39 of 1972), the amount payable to an employee by way of Board's Special Contribution to his Contributory Provident Fund Account shall be set off against the amount of gratuity payable under the Payment of Gratuity Act, 1972 and the rules framed thereunder."

