

HANDLA PORT TRUST



KANDLA PORT EMPLOYEES REGULATIONS

1964.

GA Dep't. ~~Res.~~ General Section ⁽²⁾

KANDLA PORT TRUST



KANDLA PORT EMPLOYEES REGULATIONS

1964.

(CORRECTED UP TO ~~2000-06~~)

2003

KANDLA PORT TRUST

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KANDLA PORT EMPLOYEES REGULATIONS, 1964.

(List of Notifications, under various sections of the Major Port Trusts Act, 1963 published in the Gazette of India Extra Ordinary dated 29-2-1964.)

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KANDLA PORT EMPLOYEES REGULATIONS, 1964.

(List of Notifications, under various sections of the Major Port Trusts Act, 1963 published in the Gazette of India Extra Ordinary dated 29-2-1964.)

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1. CENTRAL GOVERNMENT APPOINTS THE 39TH FEBRUARY, 1964 AS THE DATE ON WHICH THE SAID ACT SHALL COME INTO FORCE.
 2. MAJOR PORT TRUSTS (ADAPTATION OF RULES) REGULATIONS, 1964.
 3. MAJOR PORT TRUSTS (PROCEDURE OF BOARD MEETINGS) RULES, 1964.
 4. MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCES TO TRUSTEES) RULES, 1964.
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THE GAZETTE OF INDIA

EXTRAORDINARY

PART-II

Section-3

Sub-Section (I)

PUBLISHED BY AUTHORITY

Separate paging is given to this Part in order that it may be filed as a separate compilation

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)61-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 Trust (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 Trust 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 there under 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 clauses (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 form in Appendix.
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 seven clear working days from the date of taking charge of such goods under sub-section (2) of section 42 of the Act.
7. **Period of responsibility** - The period after which no responsibility shall attach to the Board in respect of goods taken charge of by the Board, shall, under sub-section (1) of section 43 of the Act, be seven clear working days from the date of taking charge of such goods by the Board.

APPENDIX

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,

Total _____

Agent's Representative _____ Port Tally Clerk _____

MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 1964.

MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 1964.

G.S.R. 725 - In exercise of the powers conferred by sub-section (1) of section 122 of the said Act, and in supersession of the M.P.T.s (Procedure at Board Meetings) Rules, 1964, the Mormugao Port Trust (Procedure at Board Meetings) Rules, 1964, the Paradip Port Trust (Procedure at Board Meetings) Rules, 1967, the Board of Trustees of the Port of Calcutta (Procedure at the Board Meetings) rules, 1975, the Board of Trustees of the Port of Bombay (Procedure at Board Meetings) Rules, 1975, the Board of Trustees of Port of Madras (Procedure at Board Meeting) Rules, 1975, Tuticorin Port Trust (Procedure at Board Meetings) Rules, 1979, and the New Mangalore Port Trust (Procedure at Board Meetings) Rules, 1980 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. (1) These rules may be called the Major Port Trusts (Procedure at Board Meetings) Rules, 1981.
- (2) They shall come into force on the date of their final publication in the Official Gazette.
- (3) They shall, subject to the provisions of section 16 of the Major Port Trusts Act, 1963 (38 of 1963), apply to the business transacted at the meetings of the Boards of Trustees of the Ports of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin, New Mangalore and Nava - Shiva.
2. (1) Frequency of meetings:- A meeting of the Board other than a special meeting referred to in rule 3, shall be held at least once in three months.
- (2) The Board shall, from time to time, determine the date and time of its meetings. Provided that where the Board is unable to do so for any reason, the Chairman, may do so, for reasons to be recorded in writing.
- (3) A meeting of the Board shall be held at Port premises of the respective Ports, except where the Board in advance decides to hold any meeting at any other place for reasons to be recorded in writing.
3. Calling of special meetings :- The Chairman or in his absence the Deputy Chairman, if appointed, may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting of the Board.
4. Circulation of agenda etc :- Agenda and notes or memoranda thereon, if any, for any meeting of the Board shall be circulated to the Trustees at least three days before the date of the meeting. Provided that in the case of a special meeting, such agenda and notes or memoranda shall be circulated at least one day before the date of the meeting.
5. Discussion on items not included in the agenda :- The Chairman, or in his absence, the Deputy Chairman, if appointed, may at his discretion, include for discussion at any of the meetings of the Board, including a special meeting, any item not included in the agenda, if the same is, in his opinion, of sufficient importance or urgency or both and cannot be held over for the consideration of the Board at any subsequent meeting.
6. Poll :- If a poll is demanded on any question, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting. Explanation:- For the purpose of this rule and rules 7 and 8, the expression 'President' shall mean the Chairman or, in his absence, the Deputy Chairman, if appointed and in the absence of both, any person chosen by the Trustees present from among themselves to preside at the meeting of the Board.
7. (1) Minutes of the meeting:- 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.
- (2) Minutes of the proceedings excepting such portion thereof, as the Chairman or, in his absence the Deputy Chairman, if appointed, may direct in any particular case, shall also be open to the inspection of the public at the Office of the Board during office hours.
- (3) The names of the Trustees

- (4) A Trustee present at any meeting of the Board shall sign his name in a book or register to be provided by the Board for the purpose.
- 8. Adjournment of meeting :- The President of the meeting may adjourn it to a later date which date shall either be announced at the meeting in which case intimation shall be sent to the Trustees absent at the meeting at least three days in advance or communicated to the Trustees at least three days before the date of the meeting.

Notification has been published in the Gazette of India Part 2, Sub section 3(i) dated 1st August, 1981 vide G.S.R. No. 725 at pp. 1773-1774.



MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCES TO
TRUSTEES) RULES, 1964.

MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCES TO TRUSTEES)
RULES, 1964.

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G.S.R. 134- In exercise of the powers conferred by Sub-Section (1) of Section 722 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. (1) These rules may be called the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1964.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall, subject to the provisions of Section 18 of the Act apply to the Port Trust Boards of Calcutta, Bombay, Madras, Cochin, Vishakhapatnam, Kandla, Mormugao, Paradip, Tuticorin and New Mangalore.
2. **Definitions :** Unless the context otherwise requires.
 - (a) 'Act' means the Major Port Trust Act, 1963. (38 of 1963).
 - (b) Words and expressions used in these rules have the meanings respectively assigned to them in the Act.
3. **Fees payable :** Every Trustee of the Board other than the Chairman and the Deputy Chairman, where appointed or any other Trustee who is a servant of the Government or servant of the Board, shall be entitled to a fee of —
 - (i) rupees two hundred fifty only for attendance of each ordinary or special meeting of the board.
 - (ii) Rupees one hundred for attendance at each meeting of any committee other than the meeting of the Committee held on the same day in continuation of or preparatory to an ordinary or special meeting of the Board.
Provided that, the aggregate amount of fees payable to any Trustees in respect of the meetings of the Board and/or the Committees held during any calendar month shall not exceed rupees one thousand only.

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

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

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

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

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

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

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

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

7. Repeal and Savings. On and from the date of publication of these rules the rules mentioned in the Schedule annexed hereto are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any order made or directions given under the said rules shall be deemed to have been done, taken, made or given, as the case may be, under the corresponding provision of these rules.

SCHEDULE

(See rule 7)

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

(PW/PGL-25/80)

S/d-

(M.R. Gathwal)

Under Secretary to the Govt. of India

KANDLA PORT EMPLOYEES (ALLOTMENT OF RESIDENCE)
REGULATIONS, 1964.

KANDLA PORT EMPLOYEES (ALLOTMENT OF RESIDENCE) REGULATIONS, 1964

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:-

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 to the service of the Board, herein after 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 legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employees;
 - (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 reposting 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;

Kandla Port Employees (Allotment of Residence) Regulations, 1964.

- (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)(a) Those Employees of the Board, who build Houses in future at the place of their posting within the limits of any local or adjoining municipality, whether with or without Board's assistance, or who become owners of houses in future, either in their own names or in the names of any members of their families, shall be required to vacate Board's accommodation in their occupation from the date their own houses are fit for occupation.
- (b) Those employees of the Board, who have already built houses at the place of their posting within the limits of any local or adjoining municipality, whether with or without Board's assistance, or who own houses either in their own names or in the names of any members of their families, shall be required to vacate the Board's accommodation allotted to them within three months. If they do not vacate Board's accommodation after that period they would be charged licence fee at market rate.
- (c) No Board's accommodation shall be allotted to an employee owning a house at the place of his posting within the limits of any local or adjoining municipality. A certificate shall be obtained from a prospective allottee that he has no house at the Station of his posting within the limits of any local or adjoining municipality, either in his own name or in the name of any member of his family.
- (d) The provisions of such regulations (a), (b) & (c) will not apply to those employees to whom Official residence or rent-free accommodation is made available under the terms of their employment.
- (e) For the purpose of this regulation, 'house' in relation to an employee or member or of his family, means a residential house or part thereof (including inherited house situated within the limits of any local or adjoining municipality) and having accommodation comparable to his entitlement under the Allotment Regulations. If the house has less accommodation than his entitlement, then the employee would be entitled to Board's accommodation on payment of normal licence fee only if he is prepared to lease his house to the Board at rent to be fixed by the Board in accordance with the prescribed norms. 'Member of family' in relation to an employee means the wife or husband or a dependent child of the employee.

NOTE : For the purpose of this regulation-Gandhidham Municipality will be treated as adjoining municipality in respect of the employees whose place of posting is Kandla.

Kandla Port Employees (Allotment of Residence) Regulations, 1964.

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- (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 Chairman 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 Chairman 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 the 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 reason 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 there of 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 provision 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 by the Chairman for the purpose 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 :

(1) Substitute the following table as Table No. 1 in place of the existing table under Regulation 6 of the Kandla Port Employees (Allotment of Residence) Regulations, 1964 :-

Type of residence	Entitlement of employees to the type of residence at Kandla/Gandhidham drawing monthly emoluments in the range given below :
Type I(F)	Upto Rs. 2560/-
Type II(E)	From Rs. 2561 to Rs. 3600/-
Type III(D)	From Rs. 3601 to Rs. 4349/-
Type IV(C)	From Rs. 4350 to Rs. 6499/-
Type V(B)	Class-I & Class-II Officers drawing basic pay from Rs. 6500/- to Rs. 8249/-
Type VI(A)	Dy. Chairman and Heads of Department or Officer Drawing Rs. 8250/- and above.

- Table No. 1 will take effect from 1st January, 1974.
- (2) Insert the following as Table No. II under Regulation 6 of the Kandla Port Employees (Allotment of Residence) Regulations, 1964.

TABLE-II

Type of residence	Entitlement of employees to the type of residence at Vadinar drawing monthly emoluments in the range given below :
"A" Type	Employees drawing basic pay upto Rs. 2800/-
"B" Type	Employees drawing basic pay from Rs. 2801/- to Rs. 4000/-
"C" Type	Employees drawing basic pay from Rs. 4001/- to Rs. 6500/-
"D" Type	Employees drawing basic pay of Rs. 6501/- and above.

7. **Table No. II will take effect from 1st October, 1978.**
- 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 Chairman 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 Chairman 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 of such application has been received before the 20th day of a calendar month.

- Employees (Allotment of Residential Regulations, 1964)**
Allotment of Residence and Office V (1) Where an employee is eligible for allotment :-
8. residence on falling vacant will be allotted by the Estate Manager or any officer appointed by the Chairman for this purpose to an applicant having the earliest priority date for that type of residence subject to the following conditions :-
- The Estate Manager or any officer appointed for this purpose by the Chairman shall not allot a residence of a type higher than that to which the applicant is eligible under regulation 6, unless specially approved by the Chairman.
 - The Estate Manager or any officer appointed for this purpose by the Chairman shall not compel any applicant to accept a residence of a lower type than to which he is eligible under regulation 6.
 - The Estate Manager or any officer appointed for this purpose by the Chairman 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 any officer appointed for this purpose by the Chairman, may cancel the existing allotment of an employee and allot him an alternative residence of more or less of the same class to which he may be entitled in accordance with the scales of accommodation in force, or in emergent circumstances an alternative residence of the type next below the type of residence to which he is entitled, 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 :-
- Residence for the Chairman
 - Pool of residences for Deputy Chairman, if any, and Heads of Departments.
- (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.
- (4) 5% quarters in type 'C' and type 'D' and 10% in type 'E' and 'F' at Gandhiham-Kardla and 5% of quarters in type 'D' and 'C' and 10% in type 'B' and 'A' at OOT Vadinar will be reserved for Scheduled Caste/Scheduled Tribe employees subject to following conditions :-
- The officers/employees should be entitled for allotment in their entitled type and in their turn from the separate waiting list to be maintained for the purpose.
 - Vacancies available in the quota for the purpose would be allotted in the ratio of 2:1 to the Scheduled Caste/Scheduled Tribe employees respectively. In case, however, there is no Scheduled Tribe employee available, the quota reserved would be allotted to Scheduled Caste employees.
 - Scheduled Caste/Scheduled Tribe employees who are already in occupation of general pool accommodation will not be entitled to be considered for allotment of higher types from the reserved quota.
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 by the Chairman for this purpose 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 by the Chairman for this purpose.
- (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 of 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 allotment of the residence, he shall be liable to be debarred from being considered for allotment of a residence for a period of 1 year.

1. (a) "If after applying for allotment of residence an employee withdraws his application before allotment is made in his favour, he shall not be eligible for allotment for a period of six months from the date from which a residence would have been allotted in his favour had he not withdrawn his application."
2. (i) It is incumbent upon an employee already in occupation of a residence, to make an application for allotment of a higher type of residence as soon as he becomes entitled to it. If he fails to make such an application, it will be deemed that the application was made and that the higher type of residence was offered to him at the time when his turn for that type would have come.
- (ii) If an employee occupying a lower type of residence is offered allotment of a residence of the higher type for which he has become entitled, but declines the same and continues to occupy the lower type of residence.
 - (a) He shall be liable to pay licence fee at 7½ per cent or 10 per cent, as the case may be, of his basic pay, and,
 - (b) that such an employee shall not be eligible for another allotment for a period of six months from the date of offer of allotment of the higher class of accommodation.

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 Chairman 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 bonafide use of the employee or members of his family.

TABLE

Events	Permissible period for retention of the residence
(i) Resignation, dismissal, removal or termination of service.	1 month
(ii) Retirement or terminal leave	2 months
(iii) Death of the allottee	4 months
(iv) Transfer to a place outside the port.	2 months
(v) On proceeding on foreign service in India.	2 months
(vi) Temporary transfer in India or deputation to a place outside India.	4 months
(vii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave or Study leave).	For the period of leave but not exceeding 4 months.
(viii) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86.	For the full period of leave on full average pay subject to a 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.

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(21)

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|---|---|
| [x] Leave on medical grounds (other than T.B. leave.) | For the period of leave but not exceeding 8 months. |
| [xi] 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 the 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 eight 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 upto a period of one month or upto 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 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.**— (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 not a permanent employee of the Board, he shall execute a security by 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.

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- (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 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 by the Chairman for this purpose 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 by the Chairman for this purpose 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 appointed by the Chairman for this purpose 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 by the Chairman for this purpose.
- (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 residence as already allotted 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 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 employee shall not grow any tree, shrubs or plants contrary to the instructions issued by the Estate Manager or the officer appointed by the Chairman for this purpose 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 by the Chairman for this purpose. Trees, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the Estate Manager or the officer appointed by the Chairman for this purpose at the risk and cost of the employee concerned.
20. Subletting and sharing of residences. :- (1) (a) No employee shall share the residences allotted to him or any of the out-houses, garages and stables appurtenant thereto except with;
- (i) The employees of the Board eligible for allotment of residences under these regulations;
- (ii) The employees of Dock Labour Board, Food Corporation of India, Customs Department and other Government organisations functioning in the Kandla-Gandhidham area; and
- (iii) Married sons, daughters, brothers and sisters.

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- (b) The servant's quarters, out-houses, garages and stables may be used only for the bonafide 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.
20. A. "When permission is granted to share the residence with employees of other organisations as per regulation 20 (1) (a) (ii) above, an amount equal to 50 percent of the licence fee payable on the pay of highest pay from among those occupying the quarter, shall be payable to the Board by the person drawing the allotment in addition to the licence fee payable by him under the rules of the Board."
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 Trust Act, 1963 (38 of 1963), the following penalties may, in addition, for good and sufficient reasons, be imposed by the Board.
- If an employee to whom 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 by the Chairman for this purpose 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 by the Chairman for this purpose 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 on any application or written statement, with a view to securing the allotment the Estate Manager or the officer appointed by the Chairman for this purpose 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 by the Chairman for this purpose 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.

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- (4) Where action to cancel the allotment is taken on account of unauthorised sub-letting of the premises by the allottee a period of sixty days shall be allowed to the allottee and any other persons residing with him therein to vacate that premises. The allotment shall be cancelled with effect from the date of 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 by the Chairman for this purpose shall be competent to take all or any of the actions under sub-regulations (1) to (5) of this regulation and also to declare the employee, who commits a breach of these regulations and instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years. Where the case relates to a Class I employee, the approval of the Board should be taken.

"6. A. Notwithstanding anything contained in the foregoing sub-clauses, an employee shall also render himself liable to be ineligible for allotment of residential accommodation for a period upto seven years in case he unauthorisedly sublets the port quarter to an outsider"

- (7) Before a penal order is passed under any of the above sub-regulations, a reasonable opportunity of being heard shall be given to the employee.

22. Overstay in residence after cancellation of allotment :- Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or 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 by the Chairman for this purpose to retain a residence on payment of twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 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 duty 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. :- If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government who shall decide the same.

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.

KANDLA PORT EMPLOYEES (TEMPORARY SERVICE)
REGULATIONS, 1964.

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KANDLA PORT EMPLOYEES (TEMPRARY SERVICE) REGULATIONS, 1964.

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 loan 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 establishment, if any or in work-charged establishment,
 - (v) such other categories of employees as may be specified by 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 Employee (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) "Temporary Service" means officiating service in a temporary or in a permanent post under the Board.
 - (v) "Service" under the Board means temporary service under the Board

KANDLA PORT EMPLOYEES(TEMPOARY SERVICE)REGULATIONS,1964.

3. Termination of services of temporary employees:- (a) The service of a temporary employee, shall be liable to termination at any time by notice in writing given either by the employee, 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 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, not withstanding the fact that he was not expected to return to duty at the same station.

4. (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, re-open 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 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 reinstatement shall specify-

KANDLA PORT EMPLOYEES (TEMPORARY SERVICE) REGULATIONS, 1964

- (a) the amount or proportion of pay and allowance, 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.

5. Confirmation of temporary employees - (1) Subject to the provision of this regulation, every temporary employee shall be eligible for a permanent appointment on successful completion of his probation period.

(2) Every appointing authority shall, from time to time, after consultation with appropriate Departmental Promotion Committee, declare a temporary employee who has successfully completed the probation period in the entry grade or post as permanent.

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

KANDLA PORT EMPLOYEES (LEAVE TRAVEL CONCESSION)
REGULATIONS, 1964.

KANDLA PORT EMPLOYEES (LEAVE TRAVEL CONCESSION) REGULATIONS, 1964.

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 Kandla Port Employees (Leave Travel Concession) Regulations, 1964.

(2) They shall come into force on the 28th 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 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 as adopted in relation to the employees of the Board.

* Grades. - (a) The first grade should include all Port employees in receipt of actual pay of Rs. 875/- or more.

(b) The second grade should include all Port employees in receipt of actual pay of Rs. 261 or more but less than Rs. 875/-.

(c) The third grade should include all Port employees whose maximum of pay scale exceeds Rs. 161/-, but whose actual pay is less than Rs. 261/- per month.

(d) The fourth grade should include all Port employees who are in receipt of actual pay of less than Rs. 161/- per month.

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.— The concession shall be admissible to the employee once in a period of two calendar years for visiting his home town except as provided in Regulation 5(3). 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.

Kandla Port Employees (Leave Travel Concession) Regulations, 1964.

(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 the employees and their families separately. The usual prescribed blocks, namely 1964-65, 1966-67 etc, shall remain unchanged.

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

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 actual fares in every case the journeys shall be to the 'home town' and back and 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 total distance travelled (i.e. not on the tele-scopic 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 Boards' assistance shall be limited to the fares for accommodation by the entitled class or the lower class, as the case may be, to the extent actually used.

(3) Once in a block of four calendar years commencing from the year 1974, every employee (including those whose home towns are situated within 400 kms. or in the case of employees in Class IV services/posts 160 kms.) would be entitled to avail himself of the Leave Travel Concession for journeys to any place in India subject to all other conditions laid down in these regulations. In particular, the concession for travelling to any place in India if not utilised during a block of four years, could be carried forward to the first year of the next block of four years.

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The employees who are entitled to Leave Travel Concession for journeys to their home town under these regulations will also be entitled to avail themselves of the concession to travel to any place in India once in a block of four years but, if this concession is utilised, it will be in lieu of and adjusted against, the Leave Travel Concession to the home town including the concession if any, carried forward, to which they may be entitled at the time the journey to any place in India is undertaken. Further, such employees will be entitled to carry forward the concession to travel to any place in India to the first year of the next block of four years only, if they are entitled to a carried forward Leave Travel Concession to home town for that year.

Illustration. — In a case where the employee has carried forward the leave travel concession to the home town pertaining to the block year 1972-73 to 1974 only one out of the three journeys (including the above carried forward) that they are entitled to in the block of years 1974-77 can be utilised for performing a journey to a place other than the home town. In view of the provision for carry forward, this journey can either be performed in the period 1974-77, if not performed, it can be carried forward to 1978, the first year of the next block, provided the leave travel concession for the home-town for the block year 1976-77 has not been utilised.

6. Definition of family — The term of 'family' means an employee, wife or husband, as the case may be, residing with him and children, parents, brothers and sisters living with the employee and entirely dependent on him. Where both the husband and 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 claim for re-imbursement 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.

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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 or 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 timelimit 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 traveling 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 the fare by the class to which the employee is entitled and in the latter case, the fare by the class in which the employee or his family had actually travelled.

(2) 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 tickets to travel in any class, higher or lower, than the entitled class. In such a case, the fares 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 balance will be reimbursable to the employee.

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(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, the extra cost incurred for sleeper accommodation shall be borne by the Board.

(4-a) Employees of the forth grade may be reimbursed in full the surcharge for sleeping accommodation availed of by them while actually travelling by III class (fare minus the fare for initial 160 Kms.) provided the distance travelled is not less than 300 Kms. and the night journey involved is for a period of not less than six hours between 21-00 hours and 06-00 hours.

(5) Employees of the third and fourth grade 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.

(8) 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 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 covered by a recognised public transport system, the Board's assistance should be on the basis of the fares actually charged by such a system for the appropriate class of the 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 III-employees shall be entitled to the second highest class, and Class IV employees shall be entitled to the lowest class;

(3)

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(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 the road mileage at the appropriate reduced rate as prescribed in the Govt. 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 to 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 towns, 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 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 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.

Illustration 1: 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.

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

(i) A newly married wife coming from home town to head-quarters station or a wife who has been living at home-town and did not avail herself of the leave concession in respect of 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 grandparents etc.

(iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey;

(iv) A child legally adopted by an employee while staying in the home-town.

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 head-quarters, 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 head-quarters 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 head-quarters, 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 head-quarters 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 head-quarters, 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 head-quarters.

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

(2) An employee who declares, subject to the satisfaction of the Chairman or Deputy Chairman that his home-town is outside India, shall be entitled to the concession on availing his home-town. The Board's assistance in such a case shall be limited to the share of the fares for journeys (i) up to 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.

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18. (1) The concession will be admissible for journeys performed by the employee during regular leave (including medical leave, leave on average pay, earned leave on half average pay or extra-ordinary leave, maternity leave) and during casual leave, irrespective of the duration of leave. This condition will not apply to journeys performed by the members of the employee. The concession shall not be admissible to an employee who proceeds on leave and then resigns his post without returning to duty.

(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) 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 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 him-self 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 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 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 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.

(38)

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24. Record of assistance. :—A record of all assistance granted under these regulations shall be suitably maintained. In the case of class III and IV employees, the record should be in the form of entries in the service book or other appropriate record 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 the 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 out ward journey only. Where an advance has been drawn for both the outward and return journeys and later it becomes clear that the period of absence of either the employee or the employee's family from head-quarters 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;

25—A. The right of an employee for reimbursement of Leave Travel Concession shall stand forfeit or to be deemed to have been relinquished if the claim for it is not preferred within a year of the date of completion of return journey.

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

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Kandla Port Employees (Leave Travel Concession) Regulations, 1964.

APPENDIX II

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 III

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 v/z _____.

6. That my husband/wife is not employed in Board's service/That my husband/
wife is employed in 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]

KANDLA PORT EMPLOYEES (CONDUCT) REGULATIONS, 1964.

(41)

KANDLA PORT EMPLOYEES (CONDUCT) REGULATIONS, 1964.

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:

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

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

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

(a) "Board", "Chairman", "Deputy Chairman", and "Head of 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. (1) Every employee shall at all times, maintain absolute integrity and devotion to duty.

(2) (i) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm;

(ii) No class I employee shall except with the previous sanction of the Board, permit his son, daughter or other dependent to accept employment in any company or firm with which he has official dealing or any other company or firm having official dealing with the Board.

Provided that where the acceptance of the employment can not await prior permission of the Board, or is otherwise considered urgent, the matter shall be reported to the Board, and the employment may be accepted provisionally subject to the permission of the Board.

(iii) An employee, shall as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm; intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that company or firm.

Provided that no such intimation shall be necessary in the case of Class I employee if he has already obtained the sanction, or sent a report to the Board, under clause (ii).

Kandla Port Employees (Conduct) Regulations, 1964.

(3) No employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person if he or any member of his family is interested in such matter or contract in any other manner and the employee shall refer every such matter of contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

(4) No employee should bid at auctions arranged by or on behalf of the Board except in the case of plots auctioned by the Board for allotment to the general public in the Gandhidham Township area.

✓ (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 spouse 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.

(8) No employee shall,

- (i) Act in a manner prejudicial to the interest of the Port.
- ✓ (ii) Be absent without sanctioned leave or permission.
- ✓ (iii) Neglect work or show negligence in the performance of work including slowing down of work.
- ✓ (iv) Commit any act which is a subversive of discipline or of good behaviour.
- ✓ (v) Abet or attempt to abet any act which amounts to misconduct.
- ✓ (vi) Act in insubordination or disobedience either alone or in combination with others, "in relation to duties"

- (9) (i) No employee shall sublet, lease or otherwise allow occupation by any other person of the Board's accommodation which has been allotted to him.
- (ii) An employee shall, after cancellation of his allotment of Board's accommodation vacate the same within the fixed limit prescribed by the allotting authority.

4 Taking part in election, etc.

(1) No employee shall 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.

(2) No employee shall engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign state, public order, decency or morality or which involves contempt of Court, defamation or incitement to an offence.

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

(2) No employee shall except with the previous sanction of the Board or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his 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 the Board or Government or both:- 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 provision 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 in the due performance of the duties assigned to him.

7. Evidence before Committee or any other Authority:- (1) Save as provided in sub-regulation with any enquiry conducted by any person, committee or authority,

(2) Where any sanction has been accorded under sub-regulation (i), no employee giving such evidence shall criticise the policy or any action 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.

* Letter No. 2-PG(5) 165 Dated 16th Feb. 1965, from the under Secretary to the Govt. of India, Ministry of Transport & Communications, New Delhi.

I am directed to refer to your letter No DCK-G-152-38-64, dated the 28th December, 1964 and to convey the approval of Central Government, under Section 21 of the Major Port Trust Act, 1963 to the proposal of the Port Trust Board to delegate to you the powers of the Board under Regulations 5, 8, 12, 13, 14 (i) and 15 of the Kandla Port Employees (Conduct) Regulations, 1964.

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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.

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-objectable and does not require prior sanction if—

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

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

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

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

Explanation.—The expression 'gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealing with employee.

NOTE :—(1) A casual meal, lift or other social hospitality shall not be deemed to be a gift.

NOTE :—(2) An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firm, organisation, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice an employee may accept gifts from his near relatives but he shall make a report to the Board if the value of any such gift exceeds—

(i) Rs. 500/- in the case of an employee holding any Class I or Class II post;

(ii) Rs. 250/- in the case of an employee holding any Class III post; and

(iii) Rs. 100/- in the case of an employee holding any Class IV posts

(3) On such occasions as are specified in sub-rule (2) an employee may accept gift from his personal friends having no official dealing with him, but he shall make a report to the Board, if the value of any such gift exceeds—

Kandla Port Employees (Conduct) Regulations, 1964.

- (i) Rs. 200/- in case of an employee holding any Class I or Class II post;
- (ii) Rs. 100/- in the case of an employee holding any Class III post.
- (iii) Rs. 50/- in the case of an employee holding any Class IV post.

(4) In any other case, an employee shall not accept, or permit, any member or his family or any other person acting on his behalf, to accept any gift without the sanction of the Board if the value thereof exceeds—

- (i) Rs. 75/- in the case of any employee holding any Class I or Class II post; and
- (ii) Rs. 25/- in the case of an employee holding any Class III or Class IV post.

10-A. No employee shall—

- (i) Give or take or abet the giving or taking of dowry, or
- (ii) Demand, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be any dowry.

Explanation.— For the purposes of this regulation, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

11. Public demonstration in honour of Employees.— No employees 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 employees 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 investments within the meaning of this sub-

Kandla Port Employees (Conduct) Regulations, 1964.

(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. Movable, Immoveable and valuable property.—No employee shall, except with the previous knowledge of the Board, acquire or dispose of any immoveable property 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 Chairman.

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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 radio-grams.

(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 members of his family as may be specified in the order. Such statement shall, if so required by the Board or by the authority so empowered, include details of the means by which or the source from which, such property was acquired.

Explanation:—(1) The construction of a house results in acquisition of 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) Transaction 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.

18-A. Every employee shall ensure that the number of his children does not exceed three —

Provided that nothing in this regulation apply to an employee who has more than three children on the 30th November, 1977.

Provided further that an employee referred to in the preceding provision shall ensure that number of his children does not exceed the number of children he has on that day.

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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) during the course of his duty be under the influence of any intoxicating drinks or drugs; or
- (b) appear in a public place in a state of intoxication; or
- (c) habitually use such drinks or drugs to excess.

20. Prohibition of Sexual Harassment to Working Women.

(1) No employee shall indulge in any act of sexual harassment of any woman at work place. Sexual harassment for this purpose includes such unwelcome sexually determined behaviour (where directly or by implication) as:

- (a) Physical and advances,
- (b) A demand or request for sexual favour,
- (c) Sexually coloured remarks,
- (d) Any other unwelcome Physical, Verbal or non-Verbal conduct of sexual nature.

(2) Every employee shall take all possible steps to ensure that all employees for the time being under his control and authority, keep away from any act of sexual harassment of working women.

(3) Every employee who is in-charge of work place shall take appropriate steps to prevent sexual harassment to any woman at such working place.

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

FORM I

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

This is to report to you that I propose to build a house _____ for the building of a house.
This is to request that permission may be granted to me
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 fitting, (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 reported that

Permission was granted to me*

* Proposed to build a house

In Order _____ dated for the building of a house.

The house has since been completed and I enclose a Valuation Report duly Certified by* _____

Date _____

Yours faithfully,
(Signature)

Kandla Port Employee (Conduct) Regulations 1964.

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. P.
1. Bricks
2. Cement
3. Iron and Steel
4. Timber
5. Sanitary fittings
6. Electrical fittings
7. All other special fitting
8. Labour charges
9. All other charges

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....

Witnesses :

Signature of the employee

- Here enter details of the House.
- Here enter name etc., of the employee.

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ANNEXURE C

Declaration

I, Shri/Shrimati/Kumari _____ declare as under :-

- (i) That I am unmarried/a widower.
- (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.....

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

Date _____

Yours faithfully,

Signature _____

Kandla Port Employees (Conduct) Regulations, 1964.

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

Note 1:- The declaration form is required to be filled and submitted by every member of Class I and class II Services 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 month, 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 _____

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

or in cases where it is not possible to assess the value accurately, the approximate value in relation to present conditions may be indicated.
 or if inapplicable clause to be struck out.
 or if it includes short term lease stop.

KANDLA PORT EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION)
REGULATIONS, 1964.

KANDLA PORT EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) REGULATIONS, 1964.

G.R.S. 304.—In exercise of the powers conferred by Section 128, 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 Heads of Department.

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 Selection 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. Authorized 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 :

**Kandla Port Employees (Recruitment, Seniority and Promotion)
Regulations, 1964.**

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 employee 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. 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.

Explanation:

(i) Confirmation shall be made only once in the entire service of an employee, which will be in the entry grade or post.

(ii) Confirmation shall be delisted from the availability of permanent vacancy in the grade.

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 antecedent, 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. (a) Permanent employees Seniority:—The seniority interse of persons substantively appointed in a grade or post shall be regulated by the order in which they are so appointed determined on the basis of the order in which they are confirmed in the grade or post.

(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 interse 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 interse 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 interse according to the order in which they are approved for promotion by the Departmental Promotion Committee.

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**Kandla Port Employees (Recruitment, Seniority and Promotion)
Regulations, 1964.**

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

13 Reservation to specified sections of the people.—(1) 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 are filled either by direct recruitment or promotion.

(2) The instruction contained in O.M. No. 8/6/74-BPE(IC) dated 22-11-1974 of Ministry of Finance (B.P.E.) New Delhi relating to reservation of posts will *mutatis mutandis* apply to all appointments covered by these regulations and to which direct recruitment is made. Further the concessions to ex-servicemen in regards to maximum age medical standards as well as relaxation in educational qualifications for appointment to Class IV posts, as laid down in the Ministry of Home Affairs O.M. No. 14/42/65, Estt (D) dated 24th August, 1966, will be extended to appointments made by direct recruitment and covered by these regulations.

(3) 1% of the vacancies in the categories of Painter, Meter Reader, Khalsi, Sweeper, Parash, Mali and Water Carrier covered by these Regulations, to which direct recruitment is made, shall be reserved for the deaf. If in any year the vacancies reserved for the deaf in these categories are not filled, the reservation shall be carried over for a period upto two recruitment years.

Explanation:—The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sounds at all even with amplified speech. The cases included in this category will be those having hearing loss more than 90 decibels in better ear (profound impairment) or total loss of hearing in both ears.

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, candidate shall be either:

- (a) A citizen of India, or
- (b) A subject of Sikkim, or
- (c) A subject of Nepal, or
- (d) A subject of Bhutan, or
- (e) A Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (f) A person of Indian origin who has migrated from Pakistan, Burma, Ceylon, and East African Countries, of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to categories (c), (d), (e), and (f) shall be a person whose favour a certificate of eligibility has been given by the Central Government.

Provided further that a candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the recruiting authority and he may also, provisionally be appointed at discretion of the appointment authority subject to the necessary certificate being given to him 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;

Kandla Port Employees (Recruitment, Seniority and promotion) Regulations, 1964.

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 as 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 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 clause. 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 requirement 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.

(i) Payment of travelling expenses to candidates for certain posts :—A candidate for a technical or medical post, if called and appears for interview will be paid travelling expenses, equal to single second class railway return fare by the shortest route if the post is a Class I or Class II post, and at single Third Class railway return fare by the shortest route if the post is a Class III post.

Explanation :—For purposes of this regulation, the decision of the Chairman on the question whether a particular post is a technical or medical post or not shall be final.

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

Class I posts :

Chairman : Chairman of the Board

Members :

(1) Deputy Chairman or in his absence any Head of Department nominated by the Chairman of the Board.

(2) Head of the Department where the vacancy exists :

Class II Posts :

Chairman :

Deputy Chairman of the Board or in his absence Head of Department nominated by the Chairman of the Board.

Members :

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

(2) Another Head of 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) Deputy Secretary of the Board dealing with personnel matters.

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

Class IV posts :

Chairman :—Head of the concerned Department or his deputy, and where the post is of a common category a Head of Department nominated by the Chairman or his deputy.

Members :—(1) Senior Labour Officer.

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

**Kandla Port Employees (Recruitment, Seniority and Promotion)
Regulations, 1964.**

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

Class I Posts :

Chairman : Chairman of the Board

Members :

- (1) Deputy Chairman or in his absence any Head of Department nominated by the Chairman.
- (2) Head of the Department where the vacancy exists

Class II Posts :

Chairman :

Deputy Chairman of the Board or in his absence Head of a Department nominated by the Chairman of the Board.

Members :

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

Class III Posts :

Chairman : Head of a Department nominated by the Chairman.

Members :

- (1) Deputy secretary of the Board dealing with personnel matters.
- (2) Another officer nominated by the Chairman of the Board.

Class IV Posts :

Chairman : Head of the concerned Department or his deputy, and where the post is of a common category a Head of Department nominated by the Chairman, or his deputy.

Members :

- (1) Senior Labour Officer.
- (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.

Any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956) or institution 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 Central Government who shall decide the same.

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

KANDLA PORT EMPLOYEES (STUDY LEAVE) REGULATIONS, 1964.

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KANDLA PORT EMPLOYEES (STUDY LEAVE) REGULATIONS, 1964

G. S. R. 305 :—In the exercise of the powers conferred by section 128 read with section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely :—

1. Short title, 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 28th 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 Chairmen" 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 meaning 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 employees; and

(ii) for the purpose 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 year's 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.

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Kandla Port Employees (Study Leave) Regulations, 1964

(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 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 (i) 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 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 :- 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.

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Kendia Port Employees (Study Leave) Regulations, 1964.

(3) No study allowance shall be drawn during the 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 certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the employee is under going 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 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 Accounts Officer and the same shall be enclosed alongwith 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.

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Kandla Port employees (Study Leave) Regulations, 1964.

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 case shall the cost of fees be paid to an employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part time employment.

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 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 can not 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 maximum and minimum 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.

19 A. In partial modification of regulations 8 to 14 and regulation 19 for courses of study in India, the leave salary payable during study leave shall be equal to the pay (without allowances) that the employees draw while on duty with Board immediately before proceeding on such study leave. No study allowance shall be paid during this period. The amount, if any, received by an employee during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment shall hereafter be adjusted against the leave salary subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary (without allowance) during half pay leave.

Kandla Port Employees (Study Leave) Regulations, 1964.

(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, 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 Central Government who shall decide the same.

APPENDIX 'A'

(See Regulation 17)

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

Know all men by these present that I _____ resident of _____ in the District of _____ at present employed as _____ in the Port of _____ do hereby bin myd self 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.

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Kandla Port Employees (Study Leave) Regulations, 1964.

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 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 over 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 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 _____

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Kandla Port Employees (Study Leave) Regulations, 1964.

Now the condition of the above written obligation is that in the event of 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 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 or examination passed or special courses of study undertaken indicating the dates of commencement and termination of the course, with remarks, if any authority incharge of the study shall be forwarded to the authority which sanctioned the leave.

(No. 19-P.G. (119)/63)

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KANDLA PORT EMPLOYEES (LEAVE) REGULATIONS, 1964.

KANDLA PORT EMPLOYEES (LEAVE) REGULATIONS, 1964.

G.S.R. 307.—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 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 and shall be extended to 'A' and 'B' category shore workers and sorters and markers who have been extended the benefits as admissible to 'B' category shore workers 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 by which he was previously governed 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 sent 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 post or who holds a lien on a post or who would hold a lien on a post had the lien not been suspended;

(h) "half pay leave" means leave earned in respect of completed years of service;

(i) "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;

(j) "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 *die 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.

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Kandla Port Employees (Leave) Regulations, 1964.

6. (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 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 removed from service after following the procedure laid down in the Kandla Port Employees (Classification, Control & Appeal) Regulations, 1964.

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

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

Provided that an employee whose service has been extended in the interest of the Board's service beyond the date of 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 due on the date of compulsory retirement.

(ii) After the expiry of the period extension, the earned leave due on the date of compulsory retirement plus leave earned during the period of extension calculated under regulation 8, diminished by the amount of leave availed during the period of extension, subject to maximum of 180 days which will be allowed to be encashed as per explanation (4) below sub-regulation (7) or regulation 14.

(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 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 insufficient 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) Subjects 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 provision to sub-regulation (1).

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(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 240 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.

8A (i) Encashment of earned leave to an employee while in service will be allowed subject to a limit of 50% of the earned leave standing at the credit of an employee once in a calendar year and further subject to an employee simultaneously availing himself of 7 days' leave;

(ii) The leave account of the employee will be debited with the total of earned leave encashed and availed. The leave salary for such encashment shall be the pay and allowances for which the employee would have been eligible had he actually gone on leave and will be paid in advance.

(iii) The amount paid in lieu of leave shall not count as emoluments for any purpose. It shall not also be subjected to recoveries in respect of loans, advances, etc.

9. (a) Earned leave shall not be admissible to an employee in permanent employment 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 second proviso 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 (1) (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) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;

(ii) 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.

Explanation.—(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) The authority competent to grant leave not due shall obtain an undertaking from the employee that in the event of his resigning or retiring voluntarily from service he shall refund the leave salary paid to him.

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(2) (a) Where an employee who has been granted "leave not due" resigns from service or at his request is permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.

(b) Where an employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent leave has not been earned subsequently.

Provided that (1) no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health for further service or in the event of his death (2) no leave salary shall be recovered in respect of "leave not due" already granted to an employee who has not subsequently earned half pay leave to that extent due to his enforced retirement under the provisions of FR 56 (J).

(3) Where service in respect of any completed year was rendered partly in a Class III posts and partly in Class IV posts, the half-pay leave shall be calculated on a prorata 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 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 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 employees-

(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 employees suffering from Leprosy on the authority of the appropriate medical authority as 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 there fore, be taken from the employee who avails him-self 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.

(10) "Half pay leave" upto a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study i.e. course which is certified to be in the public interest by the leave sanctioning authority.

(F1)

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11. The provisions of regulations 8, 9 and 10 shall also apply to an employee not in permanent employ.

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 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 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

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.

(4) Cancer in a hospital recognised by Government.

(5) Mental disease in a hospital recognised by Government.

(iv) After Care leave (without pay) not exceeding six months as recommended by the Chief Medical Officer of the Board or in his absence by Medical Officer incharge may be granted to employees suffering from T. B. Leprosy. Cancer and mental diseases.

(v) twenty-four months where the leave is required for the purpose 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).

(vi) Where an employee who is not in 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 upto 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.

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Explanation.—(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 re-commended.

(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 Govt. 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) An employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(2) An employee on "half pay leave" or "leave not due" is entitled to leave salary equal to half the amount specified in sub-regulation (1).

(3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1).

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

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 leave salary.

(5) A month's leave salary may be allowed in advance to employees proceeding on leave as provided for in GFRs 1963 as amended from time to time subject to the following conditions —

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

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(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, re-payment of advance etc. so that there is not 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) the advance in respect of temporary and permanent employees may be sanctioned without 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.

"(6) Cash equivalent of leave salary in case of death in service.— In case an employee dies while in service, cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 240 days, shall be paid to his family".

NOTE—In addition to Cash equivalent of leave salary admissible under this subregulation, the family of the deceased employee shall also be entitled to appropriate amount of Dearness Allowance.

(Sub regulation above shall be effective from 1st January, 1977)

(7) Cash equivalent of leave salary in case of retirement.—An employee who retires on superannuation, cash equivalent of leave salary in respect of period of earned leave due at his credit at the time of retirement on superannuation, shall be paid to him subject to the following conditions.

(a) The payment of cash equivalent of leave salary shall be limited to 240 days earned leave;

(b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lumpsum as a one time settlement.

(c) Cash payment be equal to leave salary admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No city Compensatory Allowance and/or House Rent Allowance shall be payable ;

(d) The authority competent to grant leave shall suo-motu, issue order granting cash equivalent of earned leave at credit on the date of retirement.

Explanations.—(1) Persons who are compulsorily retired as a measure of punishment under the disciplinary rules shall not be covered by the provisions of sub-regulation.

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(2) An employee granted leave preparatory to retirement who has been allowed to return to duty shall also be eligible to the benefit under this sub-regulation.

(3) The benefit under this sub-regulation is also admissible to the employees who attain the age of retirement on or after 30-9-1977 and are granted extension of service. In such cases the benefit shall be granted on the date of final retirement on expiry of extension, to the extent of earned at credit on superannuation plus the earned leave earned during the period of extension reduced by earned leave availed during such Period, subject to maximum of 210 days.

(4) An employee granted leave preparatory to retirement shall also be eligible for the benefit under this sub regulation and in that case the said benefit shall be allowed for the earned leave that remains at credit on the date of retirement.

(The provisions of new sub-regulation inserted at above shall be applicable to employees retiring on superannuation on or after 30-9-1977).

(8) Cash equivalent of leave salary in case of retirement under voluntary retirement scheme.

A Board employee who retires by giving notice to the Board or is retired by the Board by giving notice or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service may be granted, suo-motu by the competent authority to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 210 days and also in respect of all the H.P.L. at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for HPL plus DA admissible on that leave salary for the first 180 days at the rates in force on the date the Board's employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits and adhoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lumpsum as one time settlement. No HRA or CCA shall be payable.

Provided that if leave salary for the Half Pay Leave component falls short of pension and other pensionary benefits, cash equivalent of H.P.L. shall not be granted.

Provided further that an employee of the Board who is retired by the Board by giving him pay and allowances in lieu of notice, may apply for leave within the period of which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed. -

9. Cash equivalent of leave salary in case of resignation/termination of services/termination of re-employment of re-employed pensioners/invalidation.

9(a) (i) Where the services of an employee of the Board are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suo-motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to the maximum of 180 days.

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(9(a) (ii) If an employee of the Board resigns or quits service, he may be granted, *suo-motu*, by the authority competent to grant leave cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to maximum of 120 days.

Note :- The above benefit will be available to all employees irrespective of whether the employee is permanent or temporary.

(9(a) (iii) An employee of the Board who is re-employed after retirement may, on termination of his re-employment, be granted, *suo-motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 120 days including the period for which encashment was allowed at the time of retirement.

(9(a) (iv) An employee of the Board who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted *suo-motu* by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted leave cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to leave salary as calculated under sub-regulation 8 of Regulation 14 of Kandla Port Employees (Leave) Regulations, 1964. An employee of the Board who is not in permanent employ or quasi permanent employ shall not, however be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

(9(b) The cash equivalent under sub-regulations 8 and 9(a) shall be equal to leave salary admissible for leave calculated under sub-regulation 1 to 4 or as the case may be plus dearness allowance admissible on that leave salary at the rates in force on the date the Board's employee ceases to be in service. The amount so calculated shall be paid in one lumpsum as one time settlement. No CCA or HRA shall be payable.

Note (1) The leave salary payable for the earned leave and HPL components granted under Regulations 14(8) and 14(9) as the case may be shall be calculated in the manner indicated below; -

(a) Earned leave

Cash equivalent

= Pay admissible plus
Dearness Allowance
admissible on the
date of cessation
of service.

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x

No. of days of
unutilised EL at
credit on the date
of incident subject
to maximum limit
as the case may be.

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(b) Half Pay Leave
Cash payment in
lieu of HPL
component

= HPL salary plus D.A.
if admissible (minus)
pension, PEG and
relief on pension if
D.A. is admissible on HPL.

No. of days of HPL
due on the date of
cessation of service
subject to the
limits prescribed
under the rules.

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Note (2) :- Encashment of earned leave due and admissible subject to maximum of 30 days shall be allowed in case of premature/voluntary retirement or retirement on invalidation even if the same exceeds the period between the date on which the employee retires and the date on which he would have retired in normal course on superannuation.

(d) An employee of the Board who retires or superannuates shall be allowed to encash the Half Pay Leave (HPL) & his credit subject to condition that pension and pension equivalent of other retirement benefits shall be deducted from the amount payable as cash equivalent.

(1) The encashment will be subject to the following conditions:-

(i) The amount of encashment of HPL will be calculated in the manner as provided under Note (1) (b) below and Regulation 37 (b) of Regulation 34 and paid together with Encashment of Earned Leave.

(ii) The amount so calculated shall be paid at one lumpsum in a one time settlement.

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

ANNEXURE I

Bond for Temporary Employees Granted Extraordinary Leave in Relaxation of Regulation 13 (b) of the Kandla/Kanadu/Vishakhapatnam Port Employees (Leave) Regulations 1964, for Study in India or Abroad.

KNOW all men by these presents, that the I. Mr./Mrs./Miss _____

S/o. W/o. D/o. _____ of _____ at
present employed as _____ in the Ministry/Office of _____
do hereby fully 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 _____ 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 study at _____

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 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 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.

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

In witness to the above written bond and the condition therefore 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 14)

Certified that one _____ Shri/Shrimati/Kumari _____
_____ has been continuously officiating in the post of _____
_____ 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 _____

a. The date preceding the date of commencement of leave to be specified here.
b. Designation of the post to be specified here.

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KANDLA PORT EMPLOYEES (GENERAL PROVIDENT FUND)
REGULATIONS, 1964.

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**KANDLA PORT EMPLOYEES (GENERAL PROVIDENT FUND)
REGULATIONS, 1964**

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) "employee" means an employee of the Board.

(5) "family" means—

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

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

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

Provided that if a subscriber by notice in writing to the Accounts officer express 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.

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Kandla Port Employees (General Provident Fund) Regulations, 1964.

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. Transfer of the balance.—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 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, alongwith 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.

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Provided 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 8-13 per cent, it may be any sum, so expressed, not less than 15% 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 8-13 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 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:

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(3) 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 accounts 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 spent on deputation out of India, he shall remain subject to the rules of 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 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 of 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 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 on interest shall not be required to pay any interest.

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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 rates 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 upto 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 upto the end of the current year;

(iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee) :

Provided that when the amount standing to the credit of a subscriber has become payable interest shall thereupon be credited under this regulation in respect only of the period from the beginning of the current year or from the date of deposit as the case may be, upto 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 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 the 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 upto the end of the month preceding that in which the payment is made, or upto the sixth month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

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

(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 1st day of the year in which he asks for it.

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(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. Advance from the Fund.—(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes:—

(a) to pay expenses in connection with illness, confinement or a disability including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him;

(b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber and members of his family 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 betrothal or marriages or other ceremonies;

(d) to meet the cost of legal proceedings instituted by or against the subscriber, any member of his family or any person actually dependent upon him, the advance in this case being available in addition to any advance admissible for the same purpose from any other source.

(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) to meet the cost of plot or construction of house or flat for his residence or to make any payment towards the allotment of plot or flat by the Board or State Housing Board or a House Building Co-operative Society.

(g) in other cases of acute distress at the discretion of the chairman.

(h) To meet the cost of purchase of consumer durables such as TV, VCR/VCR, Washing machine, cooking range, geyser, computer, refrigerator, air cooler/air conditioner etc.

(1a) The Chairman may (in special circumstances) sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1).

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(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.

Explanation.—(1) For the purpose of this regulation pay includes dearness pay, where admissible.

(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.

(3) When an advance is sanctioned under sub-regulation (2) before repayment of last instalment of any previous advance is completed, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalments for recovery shall be fixed with reference to the consolidated amount.

(4) After the date of coming into effect of the new procedure, applications for temporary advances from General Provident Fund and sanctions to temporary advances from General Provident Fund will be made issued in the proforma 1 & 11.

14. Recovery of advance.—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, with the issue of the pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar month which either does not carry any leave salary or carried leave salary equal to or less than half pay or half average pay as the case may be. The recovery may be postponed, on the subscriber's written request by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) 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 forthwith be repaid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lumpsum or in monthly 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.

(4) Recoveries made under this regulation shall be credited as they are made to be 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 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 moiety of his emoluments till the entire amount is repaid by him.

Explanation.—In this regulation, "emoluments" do not include subsistence grant.

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✓ 18. Withdrawals from the Fund.—Subject to the conditions specified therein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-regulation (2) of Regulation 13 at any time:

✓ (I) after the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund for one or more of the following purposes, namely:

(a) meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely:

(i) for education outside India for academic technical, professional or vocational 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:

✓ (b) meeting the expenditure in connection with the Betrothal (merriage) of the subscriber or his sons or daughters, and any other female relation actually dependent on him;

(c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber and members of his family or any person actually dependent on him;

(d) To meet the cost of purchase of consumer durables such as TV, VCR/VCP, Washing machine, cooking range, grinders, computers, refrigerator, air cooler/air conditioners etc.

✓ (II) after the completion of the ten 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 of subscription and interest thereon standing to the credit of the subscriber in the Fund for one or more of the following purposes, namely:

✓ (a) building or acquiring a suitable house or ready built flat for his residence including the cost of the site.

(b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence.

✓ (c) purchasing a house site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose.

(d) reconstructing or making additions or alterations of a house or flat already owned or acquired by a subscriber.

(e) renovating, additions or alterations or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from the Board at a place other than the place of duty.

(f) constructing a house on a site purchased under clause (c).

III Within six months before the date of the subscriber's retirement from the amount standing to his credit in the Fund for the purpose of acquiring a farm land or business or both.

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Note: 1. A subscriber who has availed himself of an advance under the scheme approved by the board for the grant of advance for house building purpose or has been allowed any assistance in this regard from any other government source/Board, shall be eligible for the grant of final withdrawal under sub-clause (a), (c) (d), and (f) of sub-regulation II for the purpose 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 (i) of regulation 17. If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Board, he shall be eligible for the grant of final withdrawal under sub-clause (a), (c) and (f) of sub-regulation II for purpose of a house site or for construction of another house or for acquiring a ready built flat at the place of his duty.

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

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

Note: 4. Withdrawal under sub-clause (a) or (d) of sub regulation II shall be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive provident fund money in the nomination made by the subscriber.

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

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

17. Conditions of withdrawal. 1. Any sum withdrawn by a subscriber at any one time for the 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 upto three-fourths of the balance at his credit in the fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscriber; and (iii) the amount to his credit in the Fund.

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Provided that in no case the maximum amount of withdrawals for purposes specified in sub-regulation (1) of regulation 16 shall exceed the maximum amount as admissible under regulation 7 of the Kandla Port Employees (Grant of Advance for Building Houses) Regulations, 1978.

Provided further that in the case of a subscriber who has availed himself of an advance under the scheme of the Central or a State Government for the grant of advances for house building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken, under the aforesaid schemes or the assistance taken from any other Government source shall not exceed the maximum amount admissible under sub-regulation (b) of regulation 6 of Kandla Port Employees (Grant of Advance for building houses) Regulations, 1978.

✓ **Note:** 1. A withdrawal sanctioned to a subscriber under clause (a) of sub-regulation 1 of regulation 16 may be drawn in instalments, the number of which shall not exceed four in a period of twelve calendar months counted from the date of sanction.

Note: 2. In case where a subscriber has to pay in instalments for a site or a house or flat purchased or a house or flat constructed through the Board, or a State Housing Board or a House Building Co-operative Society, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment. Every such payment shall be treated as payment for a separate purpose for the purpose of sub-regulation (1) of Regulation 17.

(2) A subscriber, who has been permitted the withdrawal of money under regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn shall forthwith be repaid in one lumpsum 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) (a) A subscriber who has been permitted under clause (d), clause (e) or clause (f) of sub-regulation II of regulation 16 to withdraw money from the amount standing to his credit in the fund shall not part with the possession of the house built or acquired or house site purchased with the money so withdrawn, whether by way of sale mortgage (other than mortgage to the Board), gift, exchange or otherwise without the previous permission of the Board.

Provided that such permission shall not be necessary for

(i) the house or house site being leased for any term not exceeding three years or,

(ii) its being mortgaged in favour of a Housing Board, the Life Insurance Corporation or any other Corporation owned or controlled by the Central Government which advances loans for construction of a new house or making additions or alterations to an existing house.

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(b) The subscriber shall submit a declaration not later than the 31st day of December of every year as to whether the house or the house site as the case may be, continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale, mortgage, or lease deed and also the documents on which his title to the property is based.

(c) If, at any time before his retirement, the subscriber parts with the possession of the house or house site without obtaining the previous permission of the Board he shall forthwith repay the sum so withdrawn by him in a lumpsum to the fund, and in default of such repayment the sanctioning authority shall after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in lumpsum or in such number of monthly instalments as may be determined by it.

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 regulation 18, 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 subscribing 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 or 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 case of retrenchment by immediate employment whether under the Board or under any other major port-authority.

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21. Retirement of Subscriber.—Where 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 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 rate provided in regulation 11 in cash or securities 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 8 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 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 husband 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 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.

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Kandla Port Employees (General Provident Fund) Regulations, 1964.

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

(3) Payments of the 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. The following procedure shall be adopted for claiming payment by a subscriber, namely :-

(i) To enable a subscriber to submit an application for withdrawal of the amount in the Fund, the Head of Office shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation, or before the date of his anticipated retirement if earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber shall submit the application to the Accounts Officer through the Head of Office or Department for payment of the amount in the fund. The application shall be made:-

(a) For the amount standing to his credit in the Fund as indicated in the Accounts Statement for the year ending one year prior to the date of his superannuation, or his anticipated date of retirement, or

(b) for the amount indicated in his ledger account in case the Accounts statement has not been received by the subscriber.

(ii) An employee of the Board due to retire on superannuation shall be exempted from making a subscription to the fund during the last three months of his service. The discontinuance of subscription is compulsory and not optional.

(iii) The subscriber shall submit another application immediately after the last fund deduction has been made and the exemption from subscription to the fund has begun to operate, for the payment of subscriptions made by him and the refund of instalments against advances if any during the periods not covered by the first application referred to at (1) above.

(iv) The Accounts Officer on receipt of the application for final payment of GPF account made by the subscriber one year in advance of the date on which he attains the age of superannuation shall verify the ledger account upto that period, and after receiving the second application verify the ledger account for the remaining nine months and authorise the payment atleast a month before the date of his superannuation. The amount would, however, be payable on the date following the date of retirement of the subscriber.

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Kandla Port Employees (General Provident Fund) Regulations, 1964.

(v) The Heads of Office/Department shall forward application to the Accounts Officer indicating the advance taken and recoveries effected against the advances which are current and the number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals, if any, taken by the subscriber.

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

24. Procedure on Transfer of an Employee from one Major Port to Another.—If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other major port in which he 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 Funds, 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 in 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 of the 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 not with standing any thing obtained in these regulations, deal with 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 Account Officer shall send to each subscriber a statement of his accounts in the Fund showing the opening balance as on the 1st April 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 error 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.

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

(93)

Kandla Port Employees (General Provident Fund) Regulations, 1964.

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 any 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 & address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address & relationship of the person/persons 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 Relationship of ship with nominee 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 & relationship of the person/persons, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.

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.

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Kandla Port Employees (General Provident Fund) Regulations, 1964.

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 predeceasing 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) 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 nominee	Relationship with subscriber	Age	* Amount of share of accumulation 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
-----------------------------	------------------------------	-----	--	---	--

Dated this _____ 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.

* * 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.

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Kandla Port Employees (General Provident Fund) Regulations, 1964.

PROFORMA I

APPLICATION FORM FOR GRANT OF ADVANCE FROM CPF/GPF DEPOSITS

1. Name of the subscriber.
2. Account No.
3. Designation.
4. Pay.
5. Balance at credit of the subscriber on the date of application.
6. Amount of advance outstanding, if any and the purpose for which advance was taken then.
7. Amount of advance required.
8. Purpose for which the advance is required.
9. Amount of the consolidated advance (Items 6 & 7) and number (and amount) of monthly instalments in which the consolidated advance is proposed to be repaid.
10. Full particulars of the pecuniary circumstances of the subscriber, justifying the application for the temporary withdrawal.

Place :

Date :

Signature of the Applicant.

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Kandla Port Employee (General Provident Fund) Regulations, 1964.

KANDLA PORT TRUST

PROFORMA-II

Secretary's Office,
Post Box No. 50,
Gandhidham(Kutch)

No. GA/BL

Dated the

OFFICE ORDER

Sanction is hereby accorded under Rule 13 (2) of the C. P. Fund Rule India), 1962 for the grant of a temporary advance of Rs. _____ (Rupees _____ only) to Shri/Shrimati/Kumari _____ from his/her C. P. F. Account No. KPT-CPF-_____ to enable him to defray expenses on account of _____

2. Asum of Rs. _____ (Rupees _____ only) out of the advance of _____

sanctioned and paid to him/her in _____ respectively has not been recovered as on date.

This amount together with the advance now sanctioned aggregating Rs. _____ (Rupees _____ only) will be recovered in 36 monthly instalments of Rs. _____ each commencing from the salary of _____ payable in _____

Copy to :-

Secretary.

1. A. A. O.
2. F. A. & C. A. O.
3. Shri _____
4. Personal File of Shri _____
5. Pay Bill Section, G. A. Deptt.

KANDLA PORT EMPLOYEES (CLASSIFICATION, CONTROL AND APPEAL)
REGULATIONS, 1964.

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KANDLA PORT (AUTHORISATION OF PILOTS) REGULATIONS, 1964.

79

KANDLA PORT (AUTHORISATION OF PILOTS) REGULATIONS, 1964.

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 underthug at any berth in the port.

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

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

5. Conditions for joining the Pilot Service.—A person shall not be licenced 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 and Promotion) Regulations, 1964.

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

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

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

(a) produce certificates of good character and sobriety and 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 Licence shall be prescribed by the Board from time to time.

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

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.

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Kandla Port (Authorisation of Pilots) Regulations, 1964.

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 on 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 order 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. Pilot's 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 licence, etc.—A pilot when on duty shall always have with him an official Tide Table for the port, a copy of the Port Rules, Pilotage Regulations for the time being in force, and his licence.

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

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Kandla Port (Authorisation of Pilots) Regulations 1964.

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

A pilot who has observed any alteration in the depth of the channels or no 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 effect 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 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 letgo; 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.

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Kandla Port (Authorisation of Pilots) Regulations, 1964

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

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

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

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

(No. 19-PG (134)/(163))

APPENDIX A

BOND TO BE EXECUTED BY PILOTS.

Know all men by this presents that I, resident of in the District of at present employed as a probationary Pilot in the Port of Kandla do hereby bind myself and my heirs, executors, and administrators to pay to the Board on demand a sum of Rs. 15000/- (Rupees fifteen thousand only) on account of my having been placed for training as per regulation 6(3) of Kandla Port (Authorisation of Pilots) Regulations, 1964.

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 such that in the event of my resignation or leaving service before serving Kandla Port Trust for a minimum period of 5 years on completion of my probationary period of 2 years or in the event of my removal or dismissal from service for any kind of misconduct during the prescribed period of the said 5 years, I shall forthwith pay to the Board or as may be directed by the Board on demand, the said sum of Rs. 15,000/- (Rupees fifteen thousand only) on account of my having been placed on training as aforesaid.

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.

Dated this Day of on thousand nine hundred

Signed and delivered by In the presence of witness.

1.

2.

Accepted for and on behalf of the Board

KANDLA PORT TRUST (GRANT OF REWARDS TO WATCH AND WARD STAFF)
REGULATIONS, 1968.

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**KANDLA PORT TRUST (GRANT OF REWARDS TO WATCH & WARD STAFF)
REGULATIONS, 1968.
NOTIFICATION**

In pursuance of Sub-Section (1) of Section 124 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of Kandla Port hereby publishes with the approval of the Central Government the following regulations made by it in exercise of the powers conferred by clause (b) of section 28 of the said Act, namely :—

1. Short title, application and commencement.—(i) These Regulations may be called the Kandla Port Trust (Grant of Rewards to Watch and Ward Staff) Regulations, 1968.

(ii) They shall apply to all the members of the Watch and Ward Staff including Chowkidars and Guards of the Port.

(iii) They shall come in to force on the day of publication in the official Gazette.

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

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963).

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

(c) "Watch and Ward Staff" means the members of the watch and ward Staff including Chowkidars and Guards of the Port.

(d) "Fund" means the funds allotted by the Board of Trustees for this purpose.

3. Scheme.—(i) When any person found in possession of stolen materials is apprehended by the Watch and Ward Staff and the Prosecution of the culprit ends in conviction in a court of law, the person/persons responsible for the apprehension may be granted a suitable reward if he/they has/have shown merit of high order.

(ii) In cases in which the offenders could not be convicted by the court for any technical reason but the offence is otherwise established, and in the opinion of the granting authority the case requires appreciation of the work done relating to apprehension of the alleged offender or seizure of the stolen materials, the concerned Watch and Ward staff may be suitably rewarded, if the case so Warrants.

(iii) The Watch and Wards staff may be granted a reward for the personal bravery displayed or signal service rendered by them for the prevention of an offence pertaining to the assets; property or personal.

(iv) The Watch and Ward staff may be granted a reward in exceptional cases for smartness or diligence which in the opinion of the granting authority is calculated to promote the efficiency of the staff.

(v) In special cases, the Watch and Ward staff may be reimbursed the expenditure incurred by them which is not covered by any allowance, in connection with the collection of intelligence or any other purpose which has appreciably benefited the Port in connection with enquiry, detection of offence, maintaining security, law and order.

4. The staff concerned shall not develop the notion that rewards given to them are payment for services rendered. Rewards will be granted wholly at the discretion of the competent authority as a token of appreciation in cases of exceptional devotion, sacrifice, courage, and merit beyond what is normally expected of Port Trust employees in their performance of their duties.

5. Nature of rewards.—The rewards will consist of—

(a) Merit certificates, and/or

(b) Cash payment.

6. Granting authority.—The Granting Authority shall be the Chairman, Kandla Port Trust.

7. Amount of reward.—The amount of the cash reward shall not exceed Rs. 100 in an individual case.

8. Rewards whether in cash or in form of merit certificate will be entered into service rolls of the persons concerned.

9. Funds.—The Cash rewards shall be paid from the funds allotted by the Board of Trustees for this purpose.

Gandhidham Kutch, 24th December, 1968.

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KANDLA PORT EMPLOYEES (WELFARE FUND) REGULATIONS, 1985.

106

KANDLA PORT EMPLOYEES(WELFARE FUND) REGULATIONS, 1965.

NOTIFICATION

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

1. Short title and commencement.—(1) These Regulations may be called the Kandla Port Employees (Welfare Fund) Regulations, 1965.

(2) They shall come into force on the day of publication in the Official Gazette.

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

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

(2) "Employee" means an employee of the Board whether permanent or temporary and includes any employee on foreign services an any permanent or temporary employee of the Central or State Government or a local or other authority on deputation with the Board.

(3) "Fund" means the Kandla Port Welfare Fund formed under Regulation 3;

(4) "General Account" means the general account of the Board.

3. Constitution of Fund.—There shall be formed a Fund to be called the Kandla Port Welfare Fund and shall be credited thereto,—

(a) Such contributions from the general account as may be sanctioned by the Board from time to time;

(b) fines recovered from the employees;

(c) contributions to any Employee's Provident Fund withheld under the relevant rules regulating the Provident Fund;

(d) interest and profit on investments belonging to the Fund; and

(e) any other sum or property made over to the fund by way of gift or donation.

4. Administration of the Fund. The Fund shall be administered by the Chairman who may, at his discretion, constitute an Advisory Committee for the purpose.

5. Expenditure from the Fund.—The objects on which the Fund may be expended shall be the following, namely:

(a) donations, subscriptions and gifts to institutions, clubs, co-operative societies, etc. connected with the welfare of employees and their families;

(b) grant of scholarships to children of employees and literacy classes, handicrafts education and reading rooms for employees and members of their families;

(c) special rewards to employees for saving of life and property and other meritorious act within the port;

(d) to provide artificial limbs or other aids to employees who are partially or permanently disabled due to accidents on duty;

(e) payment towards cost of special drugs recommended by the Medical Officer of the Board for the use of the employees;

(f) financial assistance to the employees and the members of their families in acute distress;

(g) grants for conducting sports, competitions, dramas, music, film shows, Bhajen, etc. for employees and celebration of Independence and Republic Days by employees;

(h) payment of hot and cold weather charges for the benefit of employees;

(i) any other item of expenditure for the benefit of employees and their families, at the discretion of the Chairman.

Kandla Port Employees (Welfare Fund) Regulations, 1965.

6. Disbursement from Fund—Disbursements from the Fund shall be made with the specific sanction of the Chairman in each case.
7. Maximum amount in Fund—The maximum amount that may be held in the Fund shall be limited to Rs. 50,000.
8. Disposal of surplus in the Fund—Any surplus in the Fund over and above the prescribed maximum shall be credited to the Board's general account.
9. Interpretation—In the case of doubt, all questions relating to this Fund shall be decided by the Chairman.

Authority:

Secretary:

Government's letter No. 19-PG (132)63 Dated the 13th February, 1965.



KANDLA PORT TRUST (PLOT ALLOTMENT COMMITTEE)
REGULATIONS, 1965.

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**KANDLA PORT TRUST (PLOT ALLOTMENT COMMITTEE)
REGULATIONS, 1965.**

NOTIFICATION

Gandhidham (Kutch)

In pursuance of Sub-Section (2) of Section 17 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of Kandla Port hereby publishes, with the approval of the Central Government, the following Regulations, made by it in exercise of powers conferred by Sub-Section (a) of Section 123 of the said Act, namely :—

1. Short title and Application.—(i) These regulations may be called the Kandla Port Trust (Plot Allotment Committee) Regulations, 1965.

(ii) They shall apply to the business transacted at the meetings of the Plot Allotment Committee constituted by the Board under Sub-Section (1) of Section 17 of the Major Port Trusts Act, 1963 (38 of 1963).

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

(a) "Act" means the major Port Trusts Act, 1963 (38 of 1963);

(b) "Board" shall have the meanings as assigned to it in the Act;

(c) "Chairman" means the Chairman of the Committee, either nominated by the Board or elected by the members of the Committee.

(d) "Committee" means the Plot Allotment Committee constituted under Sub-Section (1) of Section 17 of the Major Port Trusts Act, 1963 (38 of 1963);

(e) Words and expressions used in these Regulations have the meanings assigned to them in the Act.

3. Membership.—The Plot Allotment Committee shall consist of 6 members including the Chairman appointed by the Board from amongst the Trustees.

4. Frequency of meetings.—The meeting of the Committee shall be held on such date and such time and place as may be determined by the Chairman.

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

6. Circulation of agenda papers.—The papers connected with the Agenda relating to the meeting of the Committee, 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.

7. Discussion on items not included in the Agenda.—The Chairman may, at his discretion, include for discussion at any of the meetings of the Committee, 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 consideration of the committee at any subsequent meeting.

8. Quorum.—No business shall be transacted at any meeting of the Committee, unless three members including the Chairman of the meeting are present throughout such meeting.

9. Absence of Chairman at a meeting.—In absence of the Chairman any person chosen by the members present from among themselves shall preside at meetings of the committee.

10. Decisions at Committee meeting.—All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and, in case of an equality of the votes, the person presiding shall have a second or casting vote.

(110)

Kandla Port Trust, (Plot Allotment Committee) Regulations, 1965.

11. Poll.—If a poll is demanded, the names of the members voting and the nature of their votes shall be recorded by the Chairman of the meeting.

12. Minutes of the proceedings of the meeting.—(a) The minutes of each meeting of the Committee shall be recorded and shall be signed as soon as practicable by the Chairman of such meeting.

(b) The names of the members present at each meeting shall be recorded in the minutes.

(c) The minutes of the meeting shall be placed on the table of the Board at its next meeting for information.

13. Adjournment of meeting.—The Chairman of the 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.

14. The functions of the Committee.—The functions of the committee shall be as detailed in Annexure-A, to these regulations.

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Kandla Port Trust (Plot Allotment Committee) Regulations, 1965.

ANNEXURE—'A'

Functions of the Plots Allotment Committee.

The functions of the Committee shall be :

1. To decide the sizes of plots to be provided in the various areas.
2. To classify and earmark the plots to be allotted for various purposes.
3. To Prescribe terms and conditions of application and also the particulars and information to be called for alongwith applications for allotment of plots on lease.
4. To scrutinize the applications and—
 - (a) to allot uncontested plots to suitable applications, and
 - (b) where the plots are contested, to make allotment by limited auction open only to the suitable contesting applicants by invitation. The auction shall be supervised by not less than 2 members of the Committee.

NOTE :—The allotment of plots on lease for a term exceeding 30 years is subject to approval of Central Government.

Authority :—

Government's letter No. 2-PG(28)/65, dated the 20th June, 1965.

KANDLA PORT TRUST (COMMITTEE PROCEDURE) REGULATIONS, 1965.

Resolution No. 214 of the Board meeting held on 19-11-65, Friday at 3-00 p.m.
THE KANDLA PORT TRUST (COMMITTEE PROCEDURE) REGULATIONS, 1965.

1. Short title and application.—(1) These regulations may be called the Kandla Port Trust (Committee Procedure) Regulations, 1965.

(2) They shall apply to the meetings and the transaction of business relating to any committee constituted by the Board under Sub section (1) of Section 17 of the Major Port Trusts Act, 1963 (38 of 1963).

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

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963).

(b) "Committee" means a committee constituted under sub-section 17 of the Act.

(2) All other words and expression used herein but not defined shall have the meanings respectively assigned to them in the Act.

3. Frequency of meetings.—The meeting of the Committee shall be held on such date and such time and place as the Chairman of the Committee may, from time to time, determine.

4. Circulation of agenda papers.—The papers connected with the Agenda for any meeting of the Committee, other than a special meeting thereof, shall be circulated to the members atleast three days before the date of the meeting, and in the case of a special meeting such papers shall be circulated atleast one day before the date of the meeting.

5. Transaction of business by the Committee.—All the business transacted at the meetings of the Committee shall be so transacted with not less than three members of the Committee (including the person presiding) attending such meetings.

6. Chairman of the Committee.—The Chairman of the Committee shall be a member of the Committee appointed as such by the Board.

7. Presiding at meetings.—The Chairman of the Committee shall preside at the meetings of the Committee, and in his absence, the members present may choose one from amongst themselves to preside at such meetings.

8. Discussions on item not included in the Agenda.—The person presiding at a meeting of the Committee at his discretion, include (including a special meeting) for discussion at the meeting any item not already included in the agenda if, in his opinion, it is of such importance and urgency that it cannot be held over for consideration at any subsequent meetings of the committee.

9. Decisions at Committee of the meeting.—All decisions at a meeting of the committee shall be taken by a majority of the votes of the members present and voting and, in case of an equality of the votes, the person presiding shall have a second or casting vote.

10. Poll.—If a poll is demanded, the names of the members voting and the nature of their votes shall be recorded by the person presiding at the meeting.

11. Minutes of the proceedings of the meeting.—(1) The minutes of each meeting of the Committee shall be recorded and shall be signed, as soon as may be after the close of the meeting, by the persons presiding.

(2) The names of the members present at each meeting, shall be recorded in the minutes.

(3) The minutes of every such meeting shall be placed for information on the table of the Board at its next meeting.

12. Adjournment of meetings.—The person presiding at the meeting may, in consultation with the members present, adjourn it to a later date which shall be announced at the meeting or communicated to the members at least three days before such date.

13. Calling of special meeting.—The Chairman may, on his own motion, and shall upon the written request made by not less than two members, call a special meeting of the committee.

**KANDLA PORT TRUST EMPLOYEES (ACCEPTANCE OF EMPLOYMENT
AFTER RETIREMENT) REGULATIONS, 1978.**

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**KANDLA PORT TRUST EMPLOYEE'S (ACCEPTANCE OF EMPLOYMENT
AFTER RETIREMENT) REGULATIONS, 1976.**

In exercise of the powers conferred under Section 29 of the Major Port Trust Act 1963 (38 of 1963), the Board of Trustees of the Port Kandla hereby makes the following regulations, namely :—

1. Short title and commencement—(a) These regulations may be called the Kandla Port Trust Employees (Acceptance of Employment after Retirement) Regulations, 1976.

(b) They shall come into force on the date on which the Central Government's approval thereto is published in the official gazette.

2. Application—These regulations shall apply to all employees holding class I Posts.

3. Definition—In these regulations, unless the context otherwise requires :—

(a) "Board" & "Chairman" shall have the meaning assigned to them in the Major Port Trusts Act, 1963.

(b) "Class I posts" shall mean the posts classified as such by the Board from time to time under the Kandla Port Trust Employees' (Classification, Control & Appeal) Regulations, 1964.

(c) "Competent Authority" shall mean 'Chairman' for the purpose of these regulations.

4. Permission for the Employment—(a) No person who has held a Class I post under the Board immediately before retirement shall accept any commercial employment including an employment as contractor for or in connection with the execution of Board's works or as an employee of such contractor, before the expiry of two years from the date of retirement without obtaining the previous permission of the competent authority.

For the purpose of this regulation, the terms 'Commercial Employment' means—

(i) an employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading commercial industrial, financial or a professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government.

(ii) setting up practice, either independently or as a partner of a firm, as advisers or consultant in matters in respect of which the pensioner—

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

(iii) has to undertake work involving liaison or contact with the offices or officers of the Board

(b) No person who is covered by these regulations and has not obtained the necessary permission shall be given any contract with the Board.

(c) The officers concerned to whom these regulations apply shall be required to sign at the time of sanctioning the retirement benefits, an undertaking in such form as may be prescribed by the competent authority that they will not accept any commercial employment within two years of retirement without obtaining the previous permission of the competent authority.

NOTE :—The undertaking shall be given on a non-judicial stamp paper of appropriate value, the cost of which shall be borne by the retiring officer.

(d) In default, an officer—

(i) If governed by the Pension Regulations of the Board, shall forfeit his pension for the period during which he is so employed or for such longer period as the competent authority may direct, and

Kandla Port Trust Employee's (Acceptance of Employment after Retirements) Regulations, 1978.

(ii) if governed by the Contributory Provident Fund Regulations, shall be liable to compensate the Board to the extent the competent authority may decide for not honouring the undertaking made earlier to the contrary.

Provided that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for continuance therein.

(e) The application for permission to take up an employment within two years of retirement shall be made in such form as may be prescribed by the competent authority (Appendix-A).

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

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Kandla Port Trust Employees (Acceptance of employment after Retirement)
Regulations, 1978.

APPENDIX-A

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

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

Name of the Department	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held.
5. Pay scale of the post and the pay drawn by the Officer at the time of retirement.
6. Retirement benefits:-
 - (i) If governed by the Contributory Provident Fund Scheme :
 - (a) amount of Special Contribution ...
 - (b) amount of Trust's Contribution ...
 - (c) amount of any other Contribution ...
 - (ii) If governed by the Pension Scheme :
 - (a) Pension expected/anticipated (commutation, if any, should be mentioned).
Gratuity, if any ...
7. Details regarding employment proposed to be taken up
 - (a) Name of the firm/company/co-operative society etc.
 - (b) Whether the official had during his official career any dealings with the firm/company etc.
 - (c) Duration or nature of the official dealings with the firm/company, etc.
 - (d) Name of job/post offered. ...
 - (e) whether post was advertised, if not how was offer made.
 - (f) Description of the duties of job/post ...
 - (g) Does it involve liaison/contract work with Kandla Port Trust.
 - (h) Remuneration offered for the post/job ...
8. Any information which the applicant desires to furnish in support of his request.

Station :

Dated :

Signature of the Officer

11e

KANDLA PORT EMPLOYEES (FESTIVAL ADVANCE) REGULATIONS, 1970.

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KANDLA PORT EMPLOYEES (FESTIVAL ADVANCE) REGULATIONS, 1976.
PREAMBLE

In pursuance of Sub-Section (2) of Section 124 of the Major Port Trusts Act the Board of Trustees of the Port of Kandla hereby publishes the following Regulations Made by it in exercise of the powers conferred by Section 28 of the aforesaid Act, namely:-

1. Short title and commencement.—(1) These Regulations shall be called the Kandla Port Employees (Festival Advances) Regulations, 1976.

(2) They shall come into force on the date of publication in the Official Gazette, after the Central Government's approval of these Regulations:—

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

(a) "Accounts Officer" means the Financial Advisor & Chief Accounts Officer of the Board or any other Officer authorized by him in this behalf,

(b) "Advance" means the advance admissible under these Regulations.

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

(ii) The term Class I and Class II officers shall have the same meaning as defined in the Regulation 6 of K. P. T. (CCA) Regulations, 1964.

(d) "Calendar year" means the year beginning on 1st January and ending on 31st December

(e) "Employee" means all class III and IV employees (including work charged and 'A' Category Shore Labour).

(f) "Financial year" means the year beginning on the 1st April and ending on the 31st March following:

(g) "Important Festival" means—

(i) Republic Day.

(ii) Independence Day.

(iii) Holi.

(iv) Diwali.

(v) Dussehra.

(vi) Pongal.

(vii) Onam.

(viii) Guru Nanak's Birth Day.

(ix) Christmas.

(x) Rosh Hoshanah.

(xi) Id Ul-Fitr.

(xii) Id Ul-Zuha.

(xiii) Any other festival which the Chairman may declare by a general or special order, after taking into account the importance attached locally to such festival.

(h) "Pay" means the pay as defined under F. R. 9(21)(a). The term "Pay" includes dearness pay wherever applicable.

3. Extent of applications.—(1) As provided under these Regulations, the advance shall be granted to all employees (including workcharged and "A" category shore labour) holding Class III or Class IV post or equivalent to that post.

(2) The advance shall not be granted to:—

(i) employees holding a Class I or Class II post;

(ii) persons not in whole time employ with the Board;

(iii) persons paid from contingencies;

(iv) apprentices in all trades;

Kandla Port Employees (Festival Advance) Regulations, 1976.

(vi) employees working on adhoc basis for a specified period with out continuity in service.

(vii) employees who have not completed one year of continuous service with the Board on the date of the festival qualifying for advance.

4. Conditions of Eligibility.—(1) An advance shall be granted only on the eve of any one of the important festivals irrespective of the religious faith of the employee concerned as provided under sub-regulations (a) of Regulation 2 of these Regulations.

(2) An advance shall be admissible only on one occasion in a Calendar year.

(3) The advance shall not be granted to an employee more than once in a Calendar year even if the festival qualifying for advance falls twice in a Calendar year.

(4) An advance under these regulations shall be granted to an employee if he is on duty, or on earned leave or on any other leave equivalent thereto, including maternity leave but, excluding leave preparatory to retirement or leave preparatory to final cessation of service on the date on which the advance is applied for.

(5) An advance under these Regulations shall not be granted to an employee unless an advance already granted to him has been fully recovered.

(6) An advance shall not be granted to a temporary employee unless he is likely to continue in service with the Board for a period of atleast 12 months beyond the month in which the advance is disbursed.

(7) The advance shall not be granted to an employee unless he applied for it in writing atleast a fortnight before the date of the festival for which the advance is applied for. This condition can however, be relaxed by the officer who is empowered to sanction this advance in individual cases.

5. Interest free advance.—(1) The advance granted under these Regulations shall be free of interest.

6. Amount of advance.—(1) The amount of advance which may be granted to an employee under these regulations shall not exceed three thousand five hundred only.

7. Form of application for advance.—(1) The application for advance shall be made in the form prescribed in Appendix I to these Regulations.

8. Disbursement of advance.—The amount of advance sanctioned under these regulations shall be disbursed to the employee before the festival in respect of which the advance is sanctioned.

9. Recovery of advance.—(1) The amount of advance granted under these regulations shall be recovered in not more than ten equal monthly instalments.

(2) The recovery of the amount of advance shall commence with the issue of pay or leave salary as the case may be, for the month following that in which such amount is disbursed.

(3) The recovery of the amount of advance shall, in the case of an employee, governed by the Minimum Wages Act, 1948, or the Payment of Wages Act, 1936, or both shall be subject to the provisions of said Acts.

10. Accounts of Advances.—The procedure for the maintenance of accounts and watching the recoveries shall be as specified in Appendix II to these Regulations.

11. Interpretation of Regulations.—(1) If any question arises as to the interpretation of these Regulations, the same shall be decided by the Board.

12. Repeal and Saving.—(1) All rules corresponding to these Regulations and in force immediately before the commencement of these regulations are hereby repealed.

KANDLA PORT EMPLOYEES (FESTIVAL ADVANCE) REGULATIONS, 1976.

APPENDIX I

(See regulation 7)

Kandla Port Trust

Form of application-cum-surety for advance in connection with important Festival.

- (1) Name of applicant ...
- (2) Applicant's Designation ...
- (3) Department Office/Section ...
- (4) Basic Pay on the date of application ...
- (5) Length of service with date of first-appointment.
- (6) Whether on duty or on leave on the date of a application and if on leave, the nature of leave.
- (7) Festival for which advance is required ...
- (8) Amount of advance required ...
- (9) Number of instalments in which advance is desired to be repaid
- (10) Certified that :-

- (i) I have not drawn a Festival Advance during the current calendar year and
- (ii) the advance granted to me in connection with a festival in the previous calendar year has been fully repaid.

If the advance is sanctioned, I hereby authorise the Chairman, Kandla Port Trust, to recover the amount in equal monthly instalments from my salary bills. I also authorise the Chairman, Kandla Port Trust, to recover any outstanding balance from the amount of my provident fund or any other dues due to me from the Board in case I leave the Trust's service or in the case of death before the complete repayment of said advance.

...
...A gift to

Station :

Date :

Signature of the applicant

Surety to be furnished by the Temporary Employees from the permanent employees of the Board for grant of Festival Advance

I stand surety for above employee and agree and hereby authorise the Chairman, Kandla Port Trust, to deduce the whole or any part of the above advance from my salary /wages or Provident Fund at the discretion of the Chairman.

Name

Designation

Signature of Surety

Kandla Port Employees (Festival Advance) Regulations, 1976.

APPENDIX II

(See Regulation 10)

Procedure for maintenance of account and watching of recoveries of Festival Advances

PART I

- (1) The Drawing Officers should ensure that the conditions laid down under these Regulations for grant of Festival Advance are fulfilled and that proper accounts are maintained in their Departments/Offices/Divisions etc. and recoveries are watched.
- (2) The payment on account of festival advances should be accounted for under the Head "Festival Advance" G L Code number 846 _____ 197 "
(enter the name of festival & year)

The Drawing Officers should classify the bills accordingly. To facilitate the maintenance of accounts, the festival and the year to which the advance pertain should be conspicuously indicated at a suitable place on the first page of the bill.

(3) If the Drawing Officers are competent to sanction the advance under these Regulations no separate order sanctioning the advance shall be required to be attached to the bill for such advances. The Drawing Officers should maintain a register in the prescribed Form 'A' in Part-II of this Appendix, to watch the recoveries on account of the advances.

(4) In support of the deductions, the Drawing Officers should attace to the monthly Supplementary pay bill through which the recovery of the advance is effected an abstract showing the "Schedule of Recoveries" in the prescribed Form 'B' in Part II of this Appendix. A separate schedule should be prepared in respect of each festival. The schedule should be prepared in triplicate and sent to Accounts Officer every month. The pay and Audit Section should ensure that the total amount of recoveries shown in the 'Schedule of Recoveries' is agreed with the deduction column of the pay bill received from the Drawing officers. If the amount of advance is repaid any employee by cash, the same should be communicated by the drawing officer or cash section to the Accounts Officer (Pay) immediately after such payment to facilitate noting in the register maintained for that purpose by the Pay and Audit Section of the Finance Department. The Pay Audit Section shall ensure the correctness of monthly debits and credits posted under the Code G.L. 846 by maintenance of suitable objection Books and Board Sheets which shall be closed regularly and balances worked out.

KANDLA PORT EMPLOYEES (REIMBURSEMENT OF TUITION FEES)
REGULATION, 1966.

(129)

KANDLA PORT EMPLOYEES (REIMBURSEMENT OF TUITION FEES) REGULATIONS, 1966.

In pursuance of sub-section (2) of Section 124 of the Major Port Trust Act, 1963 (38 of 1963), the Board of Trustees of Kandla Port hereby publishes with the approval of the Central Government the following regulations made by it in exercise of the Power conferred by clause (e) of Section 28 of the said Act, namely :—

1. Short title and commencement.—(i) These regulations may be called the Kandla Port Employees (Reimbursement of Tuition Fees) Regulation, 1966.

(ii) They shall come into force with effect from 1-8-1966.

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

(i) "The Chairman", and "Head of Department" shall have the same meaning as in the Major Port Trusts, Act, 1963.

(ii) "Employees" means an employee of the Board whether permanent or temporary and includes any employee on foreign service and any permanent quasi-permanent or temporary employee of the Central of State Government or a local or other authority on deputation with the Board.

3. Tuition Fees.—(i) The tuition fees payable and actually paid on behalf of the children of Port Employees for education in India should be subject to the terms and conditions mentioned in regulation 4 below be reimbursed to port employees at rates not exceeding those approved by the Government of the area for Government schools where the education is not free. In the State where education is free and no fees have been prescribed for the schools run by the State Government reimbursement of fees charged by the Government aided and recognised unaided Schools and also Departmental Schools except those meant for the blind deaf and dumb students, may be made at the rates actually paid subject to the following ceilings :—

Subject to maximum of

Class I to V - Rs. 40/- per month

Class VI to XII - Rs. 50/- per month

Children Education Allowance per child

Class I to XII - Rs. 100 per month

Class XII The amount charged for that Class in the Govt. Schools.

(ii) The tuition fees charged in respect of children of port employees who are physically handicapped or mentally retarded may be reimbursed to them subject to the general conditions laid down in Regulation 4 and the following further conditions :—

(a) Actual fee charged or Rs 20/- per month, whichever is less, will be admissible

(b) The actual fee charged are approved by the Central Government/State Government Union Territory Administration.

(c) The institution is recognised/approved by the Central Government/State Government Union Territory Administration.

(d) In case of the blind and other orthopaedically handicapped, the standard in which the children are studying corresponds to Primary, Secondary or Higher Secondary Classes in normal schools.

(e) In the case of deaf and dumb children, the Standard in which child is studying is the one approved by the Central Government/State Government or Union Territory Administration.

(f) In the case of mentally retarded, no levels have been prescribed but the reimbursement may be allowed subject to a maximum of 10 years and further subject to (i) satisfactory progress at certified by the Head of the institution and ii) promotion at such intervals as is the normal practice.

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Kandla Port Employees (Reimbursement of Tuition Fees) Regulations, 1966

(g) Wherever the progress of the student is not satisfactory without adequate justification such as (i) illness as certified by the competent medical authority (ii) a major tragic event in the family such as death of mother, father or guardian, or (iii) some other circumstances beyond the control of the student, the Board will have the right if the case so warrants to stop payment of the allowance.

Suitable certificate may be obtained from the head of the institution about satisfactory progress, as mentioned in sub-para (f) and (g) above, half yearly in January and July each year.

4. (a) Eligibility :

(i) All Port employees whether permanent, quasi-permanent or temporary, who have put in not less than one year service and whose pay does not exceed Rs. 1930 per month will be eligible for claiming re-imbursement of tuition fees.

In the case of an employee who draws pay at a rate exceeding above limit of Rs. 1930 for part of a month, reimbursement will be allowed for that month only if he draws pay at a rate not exceeding the above prescribed limits for at least 15 days in that month.

The term pay for the purpose of these regulations shall be taken to mean the pay as defined in FR 9(21) and will also include dearness pay in the case of Class I & II Officers.

(ii) Persons on deputation to the Port Trust will also be eligible for the concession for the duration of their deputation. For the month in which they Join Port Service and that in which they leave it, the concession will be admissible only if the service under the Port Trust is not less than 15 days.

(iii) Port employees deputed to foreign service in India will be eligible to claim reimbursement from the foreign employers and necessary provision to this effect should be made in the terms of deputation.

In the case of persons already so deputed also, it is intended that the benefit of the concession should be given. In such cases the existing terms of deputation should be suitably revised by mutual agreement between the borrowing and lending authorities.

(iv) Where both husband and wife are Port employees, the allowance will be admissible in respect of one of them only, provided that it will not be admissible if the pay of either of them exceeds the limit laid down in Sub-regulation 4(a) (i).

(v) If a Port employee's wife or husband is employed outside the Port Trust is entitled to the facility of re-imbursement of fees in respect of her/his children from that employer, the concession to the Port employee will be correspondingly reduced.

(vi) The concession will be admissible to a Port employee who is on duty, under suspension or on leave including leave preparatory to retirement. It will not be admissible in respect of children of deceased, retired or discharged Port employees. If any Port employee dies, or ceases to be in Port employment in the middle of an academic year, the allowance will be admissible only till the end of the month in which the event takes place. In case of death of a male Port employee in the middle of the academic year, the allowance will be admissible upto a period of four months after the demise of the Port employee.

NOTE :- The pay with reference to which the concession will be given while the Port employee is under suspension or on leave will be the pay admissible to him at the time he was placed under suspension or proceeded on leave.

(vii) The concession will be limited to education in the middle, High and Higher Secondary Schools and corresponding class in Technical and other vocational schools and Pre-University classes or the first year classes of an intermediate college or a technical college anywhere in India. In case of education in Pre-University classes or the first year classes of an intermediate college, or a technical college the fees will be reimbursed, provided that the children in respect of whom the re-imbursement is claimed, have passed the Secondary/High School, Matriculation or equivalent examination but not the Higher Secondary or equivalent examination.

Kandla Port Employees (Reimbursement of Tuition Fees) Regulations, 1966.

Tuition fees payable and actually paid for primary education in Government and aided schools in West Bengal where primary education is not free should also be reimbursed. For study in recognised unaided schools in that State the reimbursement should not exceed the fees prescribed in that State for corresponding classes in Government Schools.

The fees paid by the Port employees in respect of their children studying in first year class of the Polytechnic may be re-imbursed to them w.e.f. 15th March, 1977 subject to the fulfilment of the all basic conditions for grant of re-imbursement of tuition fees.

NOTE :- Re-imbursement of tuition fees is permissible in respect of children admitted to correspondence course conducted by Universities or evening colleges affiliated to Universities as long as the basic conditions for the grant of re-imbursement of tuition fees, prescribed from time to time are satisfied.

(viii) This concession would not be admissible to the Port employees residing at Gopalpuri, Gandhidham and Kandla who have been offered seats for their children in the Port's schools at Gopalpuri or at Kandla, depending on the place of residence of the employee, who have not got their children admitted in those schools, unless the mother tongue of the children being other than the medium of instruction provided in the Port School and the child/children is/are actually studying in a school where this facility is in existence, or in an English medium school in the Kandla-Gandhidham area.

(b) Conditions of Re-imbursement :

i) The concession will be admissible only if the child is enrolled in (a) a school which is recognised by the educational authorities of the Government of the area in which the school is situated, or (b) a school which prepared students for the matriculation examination conducted by a University and which is affiliated to and is recognised by such a University or (c) a school which is affiliated to the Central Board of Secondary Education, New Delhi:

For education in a college, tuition fees to be reimbursed, subject to the satisfaction of all the other conditions laid down in this regard, should not exceed those for the corresponding classes in a Govt. college.

For education in a Government College, tuition fees to be reimbursed subject to the satisfaction of all the other conditions laid down in this regard, shall be at the rates prescribed by the Government. For education in recognised aided/unaided colleges, the tuition fees actually payable and paid in respect of Pre-University class or First year class of an Intermediate college of technical college, may be reimbursed subject to the condition that in no case will the re-imbursement exceed Rs. 185/- (Rupees one hundred sixty five only) per term. In addition, laboratory fees not exceeding Rs. 30/- per term may also be reimbursed in respect of science students and special fees charged for Agriculture as an elective/additional subject may also be reimbursed.

In respect of Special type of Government schools also, the tuition fees to be reimbursed should not exceed those prescribed by the Government of the State in which the school is situated for the corresponding classes in a convential Government school.

(ii) The concession will be admissible only in respect of a Port employee's legitimate children including step-children (where adoption is recognised under the personal law of the Port employee) who are wholly dependent on the Port employee.

(iii) No reimbursement will be admissible in respect of a child for more than academic year in the same class.

(iv) Where a child is in receipt of any Government or non-Government Scholarship and is required to pay tuition fees to the school, no reimbursement will be made in cases where the scholarship amount is in excess of the tuition fees paid. In cases where scholarship amount is less than the tuition fees, the difference to the extent admissible may be allowed to the employees.

Kandla Port Employees (Reimbursement of Tuition Fees) Regulations, 1966.

In cases where partial free-ship is awarded to the student, only the tuition fees actually paid will be the basis for reimbursement.

(v) Reimbursement will be restricted to tuition fees only and will not cover special fees like library fees, games fee, extra-curricular activity fee etc. which will have to be borne by the Port Employee himself. Admission fee is also not reimbursable.

(vi) The reimbursement under these regulations will not be admissible in respect of children for whom children's Educational Allowance is claimed under Ministry of Finance O.M. No. F. 10(1)-Est (Spl)/80, dated 30-1-1962, as amended from time to time and as applicable to Port employees.

5. Head of Account-The expenditure on account of reimbursement of tuition fees in terms of these regulations will be debitable to the same head of account to which the Port Employee's pay and allowances are debited. The procedure to be followed for claiming reimbursement under this scheme is contained in the Appendix to these regulations.

6. Interpretation-In all cases of doubt regarding the applicability of these regulations to any employee or their interpretation, the decision of the Chairman shall be final.

Secretary,
Kandla Port Trust.

APPENDIX I

Procedure to be followed for claiming re-imbursement of tuition fees.

1. The reimbursement shall be made on the strength of a certificate from head of school in the form annexed (Annexure II). This certificate will be obtained by the Government servant and submitted at the time of preferring the initial claim and subsequently at the beginning and in the middle of each academic year or when the children are transferred from one school to another. The claim for the reimbursement of tuition fees shall be made each month or quarter or half year by the Government servant in respect of children in existing form (Annexure-I to these regulations) except that no receipts in support of the payment of the tuition fees need be produced. The payment covering the reimbursement shall be drawn in the regular monthly pay bills in the case of fees paid monthly on the basis of the claim. The reimbursement shall however be claimed only in arrears and not in advance.

2. The drawing officer and in the case of class I and Class II officers, the Head of Department will verify that the reimbursement claimed is in accordance with the prescribed conditions and in particular he shall verify it with reference to the rate of tuition fees approved by the Government of the area for the Government schools.

3. The drawing officers, and in the case of Class I and Class II officers, the Head of Department shall furnish with the bills a certificate in the following form :-
"Certified that the relevant information and certificate in the prescribed form have been submitted by the port employee and the certificate from the Head Master of the school that the school is a recognised one, has also been submitted by the Port employee in support of the initial claim or at the beginning of each academic year and that the claims have been verified and found admissible."

4. The drawing officer, or the Head of Department, should maintain a suitable record of the claims received, admitted or rejected and reimbursed in respect of each Port employees, and make it available, to the local audit/inspection, alongwith the certificates, and information furnished by the Port employees the receipts of education authorities in support of the claims preferred by them and other documents, if any. The record to be maintained will be in the form as shown in Annexure-III.

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Kandla Port Employees (Reimbursement of Tuition Fees) Regulations, 1966.
ANNEXURE-I

1. Date of last claim _____
2. Period for which reimbursement was claimed _____
3. Period to which present claim pertained _____

Name of Schools in which studying and location of the school (State also whether it is a Govt. or a Govt. aided School)	Class in which studying.	Monthly tuition fees paid actually (Receipts to be attached)	Amount of Government Scholarship if any
1	2	3	4
1.			
2.			
3.			

Amount of Scholarship received from other sources, (N. B; Merit Scholarships and Scholarships specifically earmarked for items other than tuition fees need not be maintained)

Amount of reimbursement claimed.

5 6

(1) Certified that my child/children mentioned above in respect of whom reimbursement of tuition fees is claimed, is/are studying in the school (mentioned in column (2) which is/are recognised schools and that the tuition fees indicated against each have actually been paid by me.

(2). Certified that—

My wife/husband is not in Port service.

My wife/husband is in Port Service and that no reimbursement would be claimed by her/him and also the pay drawn by her/him does not exceed Rs. 600/- p.m.

My wife/husband is not employed outside the Port Trust.

My wife/husband is employed with @ _____ She/he is not entitled to re-imbursement of tuition fees in respect of our children.

She/he is entitled to re-imbursement of tuition fees in respect of our children as follows :—

(3). Certified that none of the children mentioned above has been studying in the same class for more than two years.

(4) Certified that I have not claimed and will not claim the children's Educational Allowance under the Ministry of Finance O.M. 3/4 No. F-10 (1) -EST (Spl)-60 dated 30.1.1962 as adapted by the Port Trust in respect of the children mentioned above (strike out if not applicable).

Strike off what is not applicable.

@Employer other than the Port Trust to be mentioned.

Dated _____

Signature and designation of the Port Employee.

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Kandla Port Employees (Reimbursement of Tuition Fees) Regulations, 1966.

ANNEXURE-II

School/College.
(Name and location of the institution)

Certificate that Shri/Miss _____ Son/daughter of Mr./Mrs _____
is a student of _____ Class since _____
He/She is/his not in receipt of Scholarships of Rs. _____ per month/quarter from _____
He/She has paid tuition fees @ Rs. _____ per month/
quarter/Half year for the period from _____ to _____
as per details given below:

1. Tuition fees @ Rs.
2. Science fees @ Rs.
3. Music fees @ Rs.
4. @ Rs.
5. @ Rs.

2. It is also certified that _____ School/College is recognised by
the educational authorities of _____ State (Not applicable for
Government Schools run by Municipal Corporation Committees).

Date from which
continuously studying
the same Class.

Principal/Head Master/
Head Mistress

ANNEXURE-III

Register of claim towards reimbursement of tuition fees of children.

Sr. No.	Name	Designation	Period to which the claim pertains	Amount claimed	Amount admitted	Dated initials of drawing officer/Head of Department	Remarks
1	2	3	4	5	6	7	8

N.B :- A separate register to be maintained for each office.

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

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

(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 service.

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 physical or mental incapacity or abolition or appointment in other employment 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 month's emoluments, provided that the appointing authority may under special circumstances as indicated in (i) below:
If an employee has to quit the service on account of :—

- (a) his physical or mental capacity; or (b) Abolition of post and no suitable alternative employment can be offered.

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 after giving an opportunity of being heard to the concerned employee to explain his case, 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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Kandla Port Employees (Class III and Class IV) special contribution to
Contributory Provident Fund Regulations.

[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.

[VIII] "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."

[ix] If any question arises relating to the interpretation of these Regulations, it shall there on be decided by the Board.



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कंदला पोर्ट ट्रस्ट
KANDLA PORT TRUST



कंदला पोर्ट ट्रस्ट कर्मचारी (गृह निर्माण अग्रिम) विनियम, 1978

KANDLA PORT EMPLOYEES (GRANT OF ADVANCE
FOR BUILDING HOUSES) REGULATIONS, 1978

KANDLA PORT TRUST
12/93
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**KANDLA PORT EMPLOYEES
(GRANT OF ADVANCES FOR BUILDING HOUSES)
(REGULATIONS, 1978)**

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963(38 of 1963), the Board of Trustees of the Port of Kandla hereby makes the following regulations :-

1. Short title and commencement

- (i) These regulations may be called the Kandla Port Employees (Grant of Advances for Building of houses) Regulations, 1978.
- (ii) They Shall come into force on the date of publication in the official gazette of the Central Government's Approval to these regulations.

2. Extent of application

These regulations shall apply to all employees of the Board borne on the regular establishment.

3. Definitions.

- (i) In these regulations, unless the context otherwise requires :-
- (a) 'Act' means the Major Port Trusts Act, 1963.
- (b) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of Department' shall have to same meaning as assigned to them in the Major Port Trusts Act, 1963.
- (c) 'Employee' means service rendered with the Board including Government service which was rendered by persons who have become Board's employee under section 28(1) (f) of the Major Port Trusts Act, 1963.

4. Eligibility

House Building advance may be granted to the following categories of employees of the Board :-

- (a) Permanent employees of the Board including Shore Workers confirmed in 'A' Category.
- (b) Any employee or Shore Worker A&B category, not covered by (a) above who has rendered at least 5 years continuous service provided that the sanctioning authority is satisfied that he is likely to continue in the service of the Board at least till the house for which the advance is sanctioned is built and/or mortgaged to the Board.

(Amended vide note No. GA/BL/2710-II(PF/II)/dt 10-9-87)

Notes.

1. In case both the husband and wife are in the employment of the Board, the advance will be admissible to only one of them.
2. In case an employee's husband or wife is employed elsewhere and has obtained a house building purchase loan from his/her employer, no advance under these regulations will be granted.
3. In respect of employees who are due to retire within a period of 5 years from the date of application for advance, it should be ensured that they are likely to continue in the Board's service till the house for the construction/purchase for which the loan is sanctioned, is built or purchased and mortgaged to the Board.

5. Purpose

The advance may be granted for

- (a) Construction of a new house on a plot of land already acquired by the employee, and
- (b) Purchase of a ready built house.
- (c) Enlarging living accommodation in an existing house owned by the employee or jointly with spouse. The total cost of the existing structure (excluding cost of land) and the proposed additions should not exceed the prescribed cost ceiling.
- (d) Acquiring flats through membership of Co-operative Group Housing Societies

6.

Conditions to be fulfilled

An applicant for the grant of an advance must satisfy the following conditions :-

- (a) The cost of the house to be built/purchased including additions and alterations but excluding the cost of plot shall be restricted to the following ceiling:
150 times the basic pay of the employee applying for house building advance subject to a minimum of Rs. 2.50 lakhs and a maximum of Rs. 6.00 lakhs. Where the Administrative Department is satisfied on the merits of the case, they may relax the cost ceiling upto a maximum of 25% of the cost ceiling mentioned above in individual cases.
- (b) Where a Part employee makes or has made a final withdrawal from his Provident Fund Account in connection with the construction/acquisition of a house/flat or a residential plot including additions and alterations in addition to availing of an advance under these regulations, the total of the advance sanctioned under these regulations and the withdrawal from the Provident Fund should not exceed 75 times the Basic Pay, or Rs. 2.5 lakhs, whichever is less.
- (c) The floor area of the house to be constructed or purchased from the advanced sanctioned under these regulations should not be less than 22 sq.meters.

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- (d) The actual amount of advance will be determined by the Chairman on the basis of the plans, detailed specification and estimates to be furnished by the applicant, justifying the amount of individual advance applied for, and shall be restricted to the estimated cost of construction within the prescribed ceiling. The amount of advance will further be restricted to the amount which an employee can repay partly from the Special Contribution to the Provident Fund or in the case of an employee governed by the Pension Scheme, from the gratuity or D.C.R.G. and or partly by individual monthly deductions from his pay before the date of his superannuation.
- (e) Not more than one advance shall be sanctioned under these regulations to an employee during his/her entire service.

7. Amount of Advance:

An advance not exceeding an amount equal to 75 times the basic pay or the estimated cost of the house whichever is the least subject to maximum of Rs. 2.50 lakhs based on paying capacity, may be granted by the Chairman for the construction/purchase of a house/flat.

For enlarging living accommodation in an existing house, the amount admissible will be 75 times the basic pay or Rs. 60,000/- whichever is less.

NOTE:- The repaying capacity of the applicant employee will be computed on the following lines.

<u>Length of remaining service:</u>	<u>Slab of repaying capacity:</u>
(a) Officials retiring after 20 years	50% of basic pay
(b) Officials retiring after 10 years But not later than 20 years	60% of basic pay. 80% of DCRG may also be adjusted.
(c) Officials retiring within 10 years	66.2/3% of basic pay. 90% of DCRG may also be adjusted.

8. Disbursement and security.

- (a) The advance sanctioned to an employee shall be disbursed in the following manner :-
- An amount equivalent to 40% of the sanctioned advance will be payable to the employee on his mortgaging in favour of the Board the land alongwith the building to be constructed thereon. Provided, however, that in cases where the ownership of the land does not vest in the Purchaser, the employee shall execute an agreement with the Board in the prescribed form at Appendix-I agreeing to mortgage the land together with the house to be built thereon as soon as the construction of the house is completed and the title to the property is acquired by him.
 - An amount equal to 40% of the sanctioned advance will be payable when the construction of the house reaches the plinth level; and
 - The balance 20% of the sanctioned advance will be Payable when the construction reaches the roof level.
- (b) Where an advance is required for the Purchase of a ready-built house/flat,
- The amount of the sanctioned advance, may, at the discretion of the Chairman, be paid in instalments or in one lumpsum, provided that he is satisfied on the evidence supplied to him about the clean and marketable title to the property and its proper valuation and on the employee executing an agreement in the prescribed form at Appendix-II to mortgage the house.

- (ii) the acquisition of the house must be completed and it should be mortgaged to the Board within two months of the receipt of the advance failing which the outstanding advance together with interest thereon, shall be refunded to the Board forthwith, unless an extension of the limit is granted by the Chairman.

An advance required for Re-payment of loan raised from non-Government sources for the purpose of construction/acquisition of a house/flat shall be paid as follows:

- (1) The Chairman may sanction the payment of the entire amount required by, and admissible to, the applicant in one lumpsum on the applicant's executing an agreement in the prescribed form at Appendix-II for the repayment of the advance. The acquisition of the house must be completed and the house mortgaged to the Board within two months of the receipt of the advance, failing which the advance, together with the interest thereon, shall be refunded to the Board forthwith, unless an extension of the time-limit is sanctioned by the Chairman.
- (2) The Chairman shall be the sole judge as to the stage of construction of the house that has been reached for the purpose of determining whether any instalment of the sanctioned advance, which is related to the progress of construction, is payable or not, as well as the actual amount of such instalment. He may also vary the time of disbursement of the instalments of advance according to actual necessity on submission of the relevant information, particulars and documents.
- (3) (a) In addition to their executing an agreement, referred to above, the following categories of applicants shall be required to furnish the surety of two approved permanent employees in the prescribed form (Appendix-III) before the sanctioned advance or any part thereof is actually disbursed to them :-
 - (i) All applicants who are not permanent employees
 - (ii) All applicants who are due to retire from the Board's service within a period of 18 months following the date of application for the grant of advance.
- (b) The liability of the sureties will continue till the house built/purchased is mortgaged to the Board or till the advance together with the interest due thereon, is repaid to the Board, whichever happens earlier.

Note :- (i) Utilisation of an advance for any purpose other than that for which it is sanctioned shall render the employee concerned liable to disciplinary action under the service rules applicable to such employee. He may also be called upon to refund to the Board forthwith, the entire advance drawn by him together with interest accruing thereon.

- (ii) The Chairman, may from time to time, prescribe or modify in general, and/or in individual case, the procedure and instructions relating inter alia to the time and the mode of the disbursement of the advance, applications and other forms to be submitted by the employees, scrutiny of documents, mortgages, agreements of bonds regarding the properties, inspection and maintenance of the properties concerned and their insurance and other connected matters.

- (d) The Public Sector Undertakings/Autonomous Bodies and other Registered Societies funded by the Government should be treated as non-Government sources for the purpose of sanctioning house building advance provided such persons were otherwise eligible for sanction of house building advance at the time loans from non-Government sources were obtained.

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In all cases Board will have first charge over the property.

Expression 'other loans taken from non-Government sources' also includes private loans obtained by the Board servants for the house building purposes.

The house building advance would be admissible to the Board employees for repayment of the loan raised by them under the 'Ownership Housing Scheme' of HUDCO for acquisition/construction of house/flat through the Development Authorities, Housing Boards, etc. however, before sanctioning above building advance to the employees for repayment of this loan, Board should ensure that they were eligible for house building advance on the date the Development Authorities/Housing Boards/ Co-operative Societies etc. had raised the loan for them from HUDCO and they had requested the Development Authorities, Housing Board etc. for arranging the loan for them only after they had applied for house building advance and the same was not sanctioned to them due to paucity of funds.

- (e) Where the advance is required to acquire flats through membership of co-operative group housing societies as per Regulation No.5 (d), advance may be granted to the employees who are members of such societies without the necessity of mortgaging the land and/or building, where such flats are situated.

The Board employee shall execute a Personal Bond and also furnish a Surety Bond. The Surety Bond shall be executed jointly by two sureties who are permanent employees of adequate status of Kandla Port Trust/Central/State Government employees having sufficient length of service up to the period of recovery of the advance with interest from the loanee. The surety should not be husband/wife or member of the same joint family and, as far as practicable, should not have stood surety for anybody else.

Original agreement between the Housing Society and the applicant employees, the share certificates issued by the Society, the letter from the Society allotting the flat to the members and original receipts for payment made to the Society should be produced for verification.

A certificate to the effect that the Co-operative Group Housing Society is registered with the Registrar of Co-operative Societies of the concerned State should also be obtained.

9. Interest: Advances granted under these regulations on and from 26th January, 1983, shall carry simple interest from the date of Payment of advance, the amount of interest being calculated on the balances outstanding on the last day of each month. The interest payable on the advances sanctioned in any year shall be at the same rates which the Government of India charges for house building advances to their employees in that year. The rate of interest at the time of sanction of the advance will remain unchanged till the advance is fully repaid. Rebate as allowed by the Central Government to their employees will be allowed to the employees of the Board in case all the conditions relating to sanction including those relating to recovery are fulfilled completely to the satisfaction of the sanctioning authority.

NOTE:- The rate of interest to such employees who or whose spouses have undergone sterilization operation on or after 1.8.79 even after release of the first instalment of house building advance will be ½ % less than the normal rate of interest. The rebate of ½ % will however be admissible from the date of sterilization. This concession will be subject to the following conditions:-

- (1) The port employees must be within the reproductive age group. In the case of a male port employee, this would mean that he should not be over 50 years and his wife should be between 20 to 45 years of age in the case of a female port employee, shall must not be above 45 years and her husband must not be over 50 years of age.
- (2) The port employees should have two or three living children.
- (3) The sterilization operation must be conducted and the sterilization certificate must be issued by the Central Government Hospital or under the auspices of the C.G.H.S. Where this is not possible, the sterilization Port Hospital or an Institute recognized by the Central Government for this purpose will suffice.
- (4) The sterilisation operation can be undergone either by the port employee or his/her spouse provided the conditions at Sr. Nos.1 to 3 above are fulfilled.

10. Construction, maintenance, etc.

- (1) The construction of a house shall be -
- (a) carried out exactly in accordance with the approved plans and specifications on the basis of which the amount of advance has been computed and sanctioned. The plans and specifications must not be departed from without the prior written concurrence of the Chairman. The employee shall certify when applying for the instalment of the advance admissible at the plinth or roof level, that the constructions carried out strictly in accordance with the plan and estimate furnished to the Board, that the construction has actually reached plinth or roof level and that the amount already drawn has actually been used on the construction of the house. The Chairman, may, if necessary, arrange to have an inspection carried out to verify the correctness of the certificates.

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(b) Completed within 24 months of the date of which the first instalment of advance is paid to the employee. Failure to do so will render the employee liable to refund the entire amount advance to him together with interest thereon in one lump sum. An extension of time limit may be allowed by the Chairman in those cases where the work is delayed due to circumstances beyond the control of the employee. The date of completion must be reported to the Chairman within a period of three months from the date of completion of the house and within one month in case of purchase of a ready built house or flat.

(2) Immediately on completion or purchase of house, as the case may be, the employee concerned shall insure and keep insured the house at his own cost with the Life Insurance Corporation of India or any other insurance Company approved by the Board in the joint names of the Board and such employee, against the risk of loss or damage by fire, flood and lightning to the extent of the amount advanced to him and the interest thereon, and forward the Insurance Policy for the perusal of the appropriate authority.

The loanee Board employees who have been mentioned House Building Advance for acquisition of flat/houses through the membership of Co-operative Group Housing Societies, will get their flats individually insured against the damage by fire, flood and lightning extending the policy to include the rights and interests of the Boards. In such an event the Housing Society can take insurance in the housing complex excluding the flats for which they have permitted individual allottees/loanee owners to be insured separately.

The flat should be covered for full value either on replacement or value basis or on market value basis and not for the amount of outstanding loans only because Fire Insurance Policy also is always subject to the condition that losses are payable in the proportion which the sum insured bears to the actual value of the property as on date of loss."

- (3) The house must be maintained in good repair at the cost of the employee. It shall also be kept free from all encumbrances, and all the municipal and other local rates and taxes should be paid regularly until the advance has been repaid to the Board in full and the employee shall furnish an annual certificate to this effect to the Chairman.
- (4) After the completion of the construction of the house, an annual inspection may be carried out by any officer of the Port Trust under instructions from the Chairman to ensure that it is maintained in good repair, until the advance has been repaid in full. The employee shall afford full facility for such inspection.

Note: Furnishing of a false certificate will render the employee liable to suitable disciplinary action under the service rules applicable to him. He may also be called upon to refund to the Board forthwith the entire advance drawn by him together with the interest accrued thereon.

11. Repayment of the advance:

1. The advance granted to an employee under these regulations together with interest thereon, shall be repaid in full by monthly instalments within a period not exceeding 20 years. First, the recovery of the advance shall be made in not more than 120 monthly instalments and thereafter the interest shall be recovered in not more than 60 monthly instalments.

(a) The amount to be recovered monthly shall be fixed in whole-Rupess, except in the case of the last instalment when the remaining balance including any fraction of a Rupee shall be recovered.

(b) The recovery of advance shall commence from the month following the completion of construction of a house or from the 24th months after the month in which the first instalment of advance is paid to the employee, whichever is earlier. In the case of advance taken for purchasing a ready-built house/flat the recovery shall commence from the pay of the month following that in which the advance is drawn.

(Amended vide Note No. GA/BL/2710-II PF. file dt. 10-9-87)

(141)

(c) It will be open to the employee concerned to repay the amount in a shorter period, if he so desires. In any case, the entire advance must be repaid in full (with interest thereon) before the date on which he is due to retire from the Board's service.

(d) In order to avoid hardship to an employee, who is due to retire within 20 years of the date of an application for the grant of an advance and who under the service rules applicable to him is eligible for the grant of the Board's Contribution/Special Contribution to the Provident Fund or gratuity/Death-cum-Retirement, Gratuity, the Chairman may permit him to repay the advance with interest in convenient monthly instalments (the amount of which shall not be less than the amount of monthly instalments on the basis of repayment within a period of 20 years) during the remaining period of his service, provided he agrees to the incorporation of a suitable clause in the prescribed agreement and the mortgage deed to the effect that the Board shall be entitled to recover the balance of the advance with interest, remaining unpaid at the time of his retirement, or death preceding retirement, from the whole or any specified part of the Board's Contribution/Special Contribution to the Provident Fund or Gratuity/Death-cum-Retirement Gratuity, that may be sanctioned to him.

(e) In case the employee does not repay the balance of the advance due to the Board or before the date of his retirement, it shall be open to the Board to enforce the security of the mortgage at any time thereafter, and the balance of the advance together with interest and cost of recovery by sale of the house or in such other manner as may be permissible under the law.

(2) Recovery of the advance shall be effected through the monthly pay/leave salary/subsistence allowance bills of the employees where for any reason pay and allowance of the employees for any month be insufficient to meet the amount of instalment payable by him, the short-fall shall be paid by him in cash. The recoveries will not be held up or postponed except with the prior approval of the Chairman. In the event of the subsistence allowance payable being reduced on prolonged suspension of the employee, the recoveries may be suitably reduced by the Chairman.

(3) If an employee ceases to be in service for any reasons other than normal retirement on the date of his superannuation or if he dies before the repayment of the advance in full, the entire outstanding amount shall become payable to the Board forthwith. The Chairman may however, in deserving cases, permit the employee or his heirs, as the case may be or sureties in cases covered by Regulation 8(3) above, if the house has not been completed and/or mortgaged to the Board by that time, to repay the outstanding amount together with interest thereon in suitable instalments. Failure on the part of the employee or his heirs, as the case may be to repay the advance for any reason whatsoever, will entitle the Board to enforce the mortgage and take such other action to effect recovery of the outstanding amount as may be permissible under the law.

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- (4) The property mortgaged to the Board shall be reconveyed to the employee or his heirs, as the case may be, after the advance together with the interest thereon, has been repaid to the Board in full.

12. Application for advance.

An employee who desires to take an advance shall apply to the Board in form given at appendix IV, and shall, together with such application, submit the following documents :-

- (1) Documentary evidence that he possesses clear title in respect of the land on which the building is proposed to be constructed.
- (2) Such documents as would show that the employee has or would be investing 20 percent of the cost of construction from his own resources.
- (3) Plans and estimates prepared by a qualified architect/Engineer and passed by the authority/authorities concerned, where necessary, for the construction of the house.
- (4) If the building is a ready-built one, the plans thereof as passed by the authority concerned and the valuation of the building by a qualified person should be furnished.
- (5) A declaration to the effect that the house to be constructed or acquired will not be utilised as a source of income or profit, except to such extent and for such period as the Chairman may approve.

13. Scrutiny of documents:

If, on scrutiny of the documents submitted by the employee, the Chairman, considers it necessary, he may call for such further information or documents as may be specified. If the Chairman is satisfied on the basis of the documents submitted about the eligibility for the advance, intimation will be given to the employee in writing regarding the willingness or otherwise of the Board to sanction the advance applied for. On receipt of such intimation from the Board, the employee shall execute an agreement on the stamp paper of the appropriate value with the Board in the Form Appendix II if the employee is agreeable to avail of the advance on the terms laid down by the Board. If so required by the Board, the agreement shall be registered. The cost of stamp and registration will be borne by the employees.

14. Mortgage of the property.

- (1) Where the advance is sanctioned for construction of house, the employee shall mortgage the land as well as the building to be constructed thereon in Form at Appendix V before the first instalment of advance is paid to him. Provided, however, that in cases where the ownership of the land does not vest in the purchaser, the employee shall execute an agreement with the Board in the prescribed form at Appendix I agreeing to mortgage the land together with the house to be built thereon as soon as the construction of the house is completed and the title to the property is acquired by him.
- (2) Where the advance is for the purchase of a ready-built house (including land on which the building is constructed) the mortgage should be executed as soon as the employee completes the purchase.

16. Final valuation of the buildings.

After the construction of the house, the employee concerned shall arrange for the final valuation of the house by a qualified Engineer and submit the relative report to the Board.

16. Alienation etc. of property mortgaged to the Board.

No employee shall, except with the approval of the Chairman, transfer or otherwise alienate the house constructed or purchased with an advance taken from the Board or otherwise part with possession or any other interest whatsoever in such house until the advance (with interest) has been repaid in full or until the mortgage in favour of the Board in respect of the property is redeemed. (This however would not prejudice the right of the employee on his retirement or his heirs after his death, sell or transfer the property subject to the advance being fully repaid before such sale or transfer).

17. Reconveyance of property.

The property mortgaged to the Board by the employee shall be re-conveyed by the Board, after the entire amount of the advance has been fully repaid with interest in the form at Appendix-V1.

18. Incidental costs.

All costs of land incidental to the investigation of title, deposit of the title deeds, execution and registration of the mortgage deed or creating a charge or mortgage by deposit of title deeds and execution of bonds/agreements, as the case may be, in favour of the Board, shall be borne and paid by the concerned employee. All costs in respect of reconveyance of the property to the employee after the advance with interest thereon has been repaid in full, shall also be paid by the employee.

19. Interpretation:

If any question arises about the application or interpretation of these regulations, the decision of the Board thereon shall be final and binding upon the employee.



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LIBRARY

APPENDIX - 1
KANDLA PORT TRUST
(REGULATION 8 & 14)

Special form of Agreement to be executed by a Kandla Port Trust employee before drawing the first instalment of advance for, building a house in case in which the land is purchased by him with his own funds, but the title to the land will be passed to him after the house is built.

AN AGREEMENT MADE THIS _____ day of _____ One thousand nine hundred and _____ BETWEEN Shri _____ son of Shri _____ at present serving as _____ (hereinafter called 'the Borrower', which expression shall unless excluded by or repugnant to the subject or context include his heirs, executor, administrators and legal representatives) of the one part and the Board of Trustees of the Port of Kandla (hereinafter called 'the Board' which expression shall unless excluded by or repugnant to the subject or context include his successors in office and assigns) of the other part.


WHEREAS the Borrower has agreed to purchase the land at _____ described in the Schedule hereto annexed from _____ (insert name of the vendor) and has paid the price out of his own funds and obtained possession of the said land,

AND WHEREAS the Borrower desires to construct a house on the said land, AND WHEREAS conveyance of the said land will be executed in favour of the Borrower by the said _____ (insert name of the vendor) only when the house is constructed and WHEREAS THE BORROWER has under the provision of the regulations framed by the Board to regulate the grant of advances to its employees for building, etc., of houses (hereinafter referred to as the "said regulations" which expression shall where the context so admits, include any amendment thereof or addition thereto for the time being in force) applied to the Board for an advance of Rs. _____ (insert full amount sanctioned) to the Borrower vide office order No. _____ dated _____ a copy of which is annexed to these presents for the purpose aforesaid on the terms and conditions set forth therein.

NOW IT IS HEREBY AGREED BY AND between the parties hereto as follows:

- (1) In consideration of the sum of Rupees _____ (insert first instalment) to be paid by the Board after the execution of this agreement and the balance of Rupees _____ to be paid by the Board to the Borrower as provided in the said regulations, the Borrower, with intent to secure repayment of the said sum of Rupees _____ (insert full amount Sanctioned), hereby assigns to the Board by way of security all his rights as Purchaser of the said land described in Schedule hereto, in respect of the said land and as against the said _____ (insert name of the vendor)

(2) The Borrower hereby agrees with the Board.

- (a) to repay to the Board the said amount of Rupees _____ (insert full amount sanctioned) with interest calculated in accordance with the said regulations for the time being in force by _____ (number to be filled) monthly instalments of Rupees _____ from his pay commencing from the month of _____ nineteen hundred and _____ or from the month following the completion of the house whichever is earlier and the Borrower hereby authorises the Board to make such deduction from his monthly pay, leave salary and subsistence allowance bills.
- (b) to complete construction of the said house within twelve months of the date of drawal of the first instalment strictly in accordance with the approved plan and specification on the basis of which the amount of advance has been computed and sanctioned or within such extended period as may be laid down by the Board and to obtain the necessary conveyance or assurance in his favour within a period of three months from the date of completion of the house.
- (c) if the actual amount paid for the construction of the house is less than the amount received by the Borrower to repay the difference to the Board forthwith.
- (d) to execute a document mortgaging the said land alongwith the house built thereon to the Board as security for the amount advanced to the Borrower as also for the interest payable on the said amount in the form provided by the said regulations, as soon as the house has been built and the necessary conveyance or assurance has been executed in his favour.
- (3) If the Borrower fails to complete the construction of the said house or to obtain the necessary conveyance or assurance in his favour or to execute the necessary mortgage deed as herein before provided, or if the Borrower becomes insolvent or quits the service of the Board or dies, the amount of the advance, together with the interest, accruing thereon shall immediately become due and payable to the Board and the Board shall be entitled without prejudice to its other rights to proceed to realize the security hereby granted.
- (4) The Board shall be entitled to recover the balance of the said advance with interest remaining unpaid at the time of his retirement or death preceding retirement from the whole or any specified part of the gratuity that may be sanctioned to him.
- 

THE SCHEDULE OF THE PROPERTY REFERRED TO ABOVE

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Plot No. _____ NU.

at Gandhidham,

Bounded on

North by _____

South by _____

East by _____

West by _____

IN WITNESS WHERE OF THE BORROWER has hereunto set his hand and
Shri _____ for and on behalf of the Board of Trustees of the
Port of Kandla hereunto set his hand.

Signed by the said Borrower,

(Signature of the Borrower)

In the presence of :

1st witness :

Address :

Occupation :

2nd witness :

Address :

Occupation :

Signed by Shri _____

Chairman,
Kandla Port Trust
(For and on behalf of the Board
of Trustees of the Port of Kandla)

In the presence of :

1st witness :

Address :

Occupation :

2nd witness :

Address :

Occupation :

KANDLA PORT TRUST

Agreement by the Port Trust employee to mortgage and to repay the Advance through pay bill.

REGULATION NO. 8

AN AGREEMENT made this _____ day of _____
one thousand nine hundred and _____ BETWEEN _____
son/wife/daughter of _____ aged _____
an employee of the Kandla Port Trust, hereunless excluded by or repugnant
to the context be deemed to include his heirs, executors, legal representatives and
administrators of the ONE PART and the Board of Trustees of the Port of Kandla
constituted under the Major Port Trusts Act (38 of 1963) hereinafter referred to as
the Board (which expression shall unless excluded by or repugnant to the context
be deemed to include their successors and assigns) of the OTHER PART,

AND WHEREAS the employee has approached the Board for advance of Rs. _____
(Rupees _____) for the said purpose
under and in accordance with the Kandla Port Trust Employees' (Grant of advances
for Building of Houses) Regulations (hereinafter referred to as "the Regulations").

AND WHEREAS the employee has requested that the advance may be
sanctioned on the faith of the statements and representations made by him in his
application.

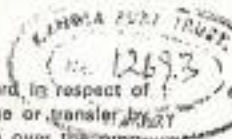
AND WHEREAS the Board have accordingly expressed their willingness to
grant such advance to the extent admissible to the employee and upon and subject to
the terms and conditions hereinafter expressed and contained.

NOW it is hereby agreed by and between the parties here to as follows :

1. The Board agrees to grant an advance to the employee of a sum of
Rs. _____.
2. The employee agrees and undertakes to repay the amount of advance with
interest subject to the terms and conditions hereinafter contained, principal
amount of Rs. _____ (Rupees _____)
will be repaid in 180 (one hundred eighty) equal monthly instalments of
Rs. _____ (Rupees _____) each.
Thereafter, the interest calculated as aforesaid and accrued on the whole of the
advance of Rs. _____ (Rupees _____)
will be paid in sixty equal monthly instalments. The repayment of the principal
amount of the Advance with interest as aforesaid will be made by deduction
from the pay and allowances or leave salary of the employee if he duly
observes and performs the said terms and conditions. The first of such instal-
ments shall be recovered from the pay and allowances or leave salary of the
employee for the month following the month in which the building is comple-
ted/purchased or on the expiry of a period not exceeding twelve months from
the date of disbursement of the first instalment of the advance, whichever is
earlier.

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3. The employee agrees that the grant and disbursement of the advance to the employee shall be in accordance with the Regulations.
4. In respect of the disbursement of the advance its repayment and all other conditions, the provisions of the Regulations shall be read as part and parcel of this agreement.
5. If for any reason the construction/purchase of the house could not be proceeded with or if the amount of the advance received from the Board is in excess of the cost of the house, the employee shall forthwith repay the amount of the advance, or as the case may be, the amount of the excess to the Board.
6. The employee agrees and undertakes to execute a mortgage deed in the form annexed to the Regulations mortgaging the plot of land described in the schedule hereunder written and the house to be constructed thereon/purchased with right of private sale and all other rights and privileges available under the transfer of property Act, 1882, to or in favour of the Board. The employee further undertakes to make out clear and marketable title to the land and the house intended to be so mortgaged.
7. The employee shall maintain the house constructed/purchased out of the advance received from the Board in good and tenable repair and condition at his own cost and shall pay all the Municipal rates, taxes and other outgoings in respect of the property covered by the mortgage executed in favour of the Board, until the amount of the advance has been repaid in full with interest and also furnish to the Board annual certificates in that behalf.
8. The house constructed/purchased out of the advance received from the Board shall be insured by the employee with the Life Insurance Corporation of India or any other approved Insurance Company previously approved in writing by or on behalf of the Board in the joint names of the Board and the employee for a sum not less than the amount of advance sanctioned by the Board and the employee shall keep it so insured against loss or damage by fire, flood, lightning and earthquake. The cost of such insurance shall be borne by the employee.
9. The employee shall until the entire amount of the advance with interest has been repaid or so long as the mortgage of the property in favour of the Board subsists, afford the Board full facility for carrying out inspection after completion of the construction/purchase and thereafter to ensure that the house is maintained in good repair.
10. If at any stage there is any depreciation in the value of the house constructed/purchased the Board shall be entitled to demand from the employee further security to make up the deficiency within a period to be fixed by the Board, if on such demand being made by the Board to the employee, the employee fails to comply with the demand the outstanding amount of this advance (with interest) will become immediately payable in full and the Board shall be entitled to proceed to recover the same in any manner open to them.



11. So long as any moneys are outstanding and payable to the Board, in respect of the advance, the employee shall not be entitled to charge or transfer any property mortgaged to the Board without the previous consent of the Board being obtained in writing.
12. If the Chairman is of the opinion that the progress of work of construction of the said house is unsatisfactory, he shall be at liberty to decline to make payment of any unsatisfactory, he shall be at liberty to decline to make payment of any underdistributed instalment of the said advance or at his discretion to postpone the payment thereof until such time he is satisfied that the cause or causes for their dis-satisfaction with the progress and quality of Work has or have been removed and the Board shall incur no liability or responsibility to the employee either in damages or otherwise for declining to make payment or postponement of payment of any undisbursed instalments in the circumstances above mentioned.
13. The employee authorises the Board to deduct from his pay and allowances leave salary every month, the amount of instalment as provided in clause 2 hereof due and payable by him towards the aforesaid advance and interest.
14. The employee agrees that in case he proceeds on leave for any period without pay and allowances while the advance or any part thereof or interest thereon is outstanding he will pay to the Board direct the amount of the instalment or instalments which would otherwise have been recovered from his pay and allowances had he not been on such leave.
15. The employee agrees that where for any reason his pay and allowances for any month be insufficient to meet the amount of instalment payable by him, the shortfall shall be paid by him direct to the Board.
16. The employee agrees that in the event of default, on his part to, pay any instalment as provided for in the Regulations or in the event of his death while in service or of his ceasing to be an employee of the Board for any reason, the Board shall be entitled to recover the amount then owing by him to the Board together with the amount of interest from his Provident Fund balance of gratuity/Special Contribution to CPF/DCRG payable to or in respect of him or any other amount payable by the Board to or in respect of him.
17. The employee agrees in all respects to be bound by the provisions of the Regulations and undertakes not to revoke this Agreement so long as the said advance or any part thereon or interest thereon is outstanding.
18. AND it is hereby further agreed and declared that on any default in complying with the Regulations and the terms and conditions of the advance, the outstanding amount of the advance with interest will become immediately repayable and the Board may proceed to recover it in any manner open to them.



THE SCHEDULE OF THE PROPERTY REFERRED TO ABOVE

IN WITNESS WHERE OF THE Employee and the Chairman of the Board
have set their hands on the day and year first above written.
SIGNED AND DELIVERED BY
within named

(Signature of the employee)

SIGNED SEALED AND DELIVERED

Shri _____

Chairman

Witness :

Witness :

Secretary,
Kandla Port Trust.

THE COMMON SEAL OF THE TRUSTEES
OF THE PORT OF KANDLA affixed

In the presence of

SECRETARY,
KANDLA PORT TRUST.

KANDLA PORT TRUSTSURETY BOND

(Regulation No. 8(3) (a))

We (1) _____ of _____ (2) _____
 _____ of _____ (Department etc.) do

_____ (hereinafter referred to as "the Borrower") and do hereby guarantee that the Borrower shall do and perform all that he has undertaken to do and perform under the Agreement dated the _____ date of _____ 19 _____ executed by him with the Board of Trustees of the Port of Kandla and do hereby jointly and severally hold and firmly bind ourselves, our respective heirs, executors and administrators and legal representatives unto the said Board (hereinafter referred to as 'the Board') in the sum of Rs. _____ (In words Rupees _____) together with interest thereon being the amount due and payable by the Borrower under the said agreement or such sum as the Board shall deem to be sufficient to cover any loss or damage the Board may have sustained by reason of default or on the part of the Borrower and we do hereby further agree that any forbearance in enforcement of the said agreement or any other indulgence granted to the Borrower or any variation of the terms of the said Agreement or any time given to the Borrower with or without our consent or even knowledge or any other conditions or circumstances under which in law a surety would be discharged will not discharge us from our liability to pay the said sum and for the purpose of enforcement of this Bond our liability under this Bond will be as principal debtors and joint and several with that of the Borrower.

Dated this _____ day of _____ 19 _____

Signed by the above named

Shri _____

and

Shri _____

The sureties above named in the presence of,

KANDLA PORT TRUST

Application form to be submitted by the employee.
(Regulation No. 12)

1 (a) Name of the employee :
(in full).

(b) Provident Fund A/c. No. :

(c) Substantive appointment :

(d) Present officiating :
appointment, if any.

(e) Department/office to :
which attached.

2 Date of birth and age :
in years and months

3 Father's/Husband's Name :

4 Service particulars

(a) Date of first appointment :
in continuous service.

(b) Date of confirmation :

(c) Date of retirement :
(Attaining the age of
58 years).

5 Pay and allowances

A Pay:

(i) Substantive pay : Rs.

(ii) Officiating pay : Rs.

(iii) Personal pay : Rs.

(iv) Special pay : Rs.

(v) Dearness pay : Rs.

B Allowances :

(i) Dearness allowance : Rs.

(ii) A.D.A. : Rs.

(iii) Other allowances : Rs. _____ Rs. _____

Total Rs. _____

6 Present residential address of the applicant therein.

7 (a) Does the applicant own any house site at any place in his own name? If so, give the cost of the same, from whom the site was purchased and when? Whether the site purchased is from the applicant's own resources, or otherwise? Whether he possess clear title over the said land?—

(b) If the plot is held by the applicant under leasehold tenure give full particulars of the lease:—

(i) If plot is in Gandhidham under the scheme approved by the Board.

(ii) At any other place :

8 Amount of advance required :

9 (A) If the advance is required for constructing a house, indicate.

(a) Approximate floor area of : _____ square metres the house/flat proposed to be constructed.

(b) Estimated cost :

(i) cost of land : Rs. _____

(ii) Cost of building : Rs. _____

Total : Rs. _____

(c) Rate of construction : Rs. _____ per square metres.

(B) (a) whether the plan(s) have been duly approved by the GDA/KPT OR other concerned authorities.

(b) Whether the estimate has been certified by a qualified engineer and if he has taken into account all essential items of construction including plumbing, sanitation and electric fittings, and compound wall/garage where necessary.

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(C) If the advance is required for acquiring land with a ready-built house, please state -

- (a) Exact location : _____
- (b) Floor area : _____ square metres.
- (c) Plinth area of the house : _____ square metres.
- (d) Name and address of the owner, _____
- (e) Approximate price expected to be paid : _____
- (f) Approximate age of the house : _____ years.
- (g) Approximate period upto which the house is expected to last as certified by a qualified Engineer/Architect. _____
- (h) Have you satisfied yourself that the transaction would result in your acquiring an indisputable title to the house?

(D) If the advance is required for purchasing a flat on ownership/tenant co-partnership basis in multi-storied building, please state.

- (a) Exact location : _____
- (b) Floor area. : _____ square metres.
- (c) Plinth area of the flat : _____ square metres.
- (d) Name of the Co-operative Housing Society and address : _____
- (e) Approximate price expected to be paid : Rs. _____
- (f) Approximate age of the flat : _____ years.
- (g) Approximate period upto which the flat is expected to last as certified by a qualified Engineer/Architect. _____ years.

(E) If the advance is required for payment of loan or advance taken from other source, please state -

- (a) Amount of loan or advance taken : _____
- (b) Amount outstanding as on date of application : _____
- (c) Particulars of the source. : _____
- (d) Cost of acquisition of house. : _____
- (e) Location : _____
- (f) Area of the plot. : _____ square metres.

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9 Agency to whom the construction of house is proposed to be entrusted. :

10 Scheduled plot on which house is to be constructed. :

All that piece or parcel of land situated in the Registration Sub-District of _____ within the Registration District of _____ bearing Sr. No. _____ Plot No. _____ (any other relevant number necessary for registration or required or given by local authorities) Municipal Ward and Street Nos. _____ and bounded on the North by _____ on the South by _____ on the East by _____ on the West by _____ and containing by admeasurement (here give the area) _____ square metres.

11 Period and mode of repayment of: principal and interest desired.

12 Amount that can be allotted monthly towards repayment of advance.

13 Is the applicant a member of joint-family or has become divided? If divided, give the date of partition. :

14 Particulars of applicant's sons and daughters and other dependents, if any :

(a) Name of sons and daughters : Age (Occupation if any)

(i)

(ii)

(iii)

(iv)

(v)

(b) Names of dependents other than sons and daughters. Age Relationship.

(i)

(ii)

15 Value of immovable property possessed by the applicant (other than the house to be constructed/acquired now). Give also the nature of the property and place where situated with full details and how they were acquired.

16 Amount of debt or liabilities due by the applicant, if any.

Give details regarding names of creditors, original amounts and dates of the loans nature of the loan, purpose, mode of repayment, amount outstanding on documentary evidence.

17 (a) Amount at the applicant's credit in his Provident Fund Account as on date.

Rs.

(b) Any advance or withdrawal availed of from the Provident Fund? If so, give the date of advance withdrawal and the purpose. Whether repaid monthly? If so, the amount so repaid. Amount outstanding as on date.

Rs.

18 Any other information which the applicant desires to furnish.

I hereby further declare that all the facts and figures mentioned in this application for individual advance are true and correct to the best of my knowledge.

place :

Date :

signature of the applicant.

CERTIFICATE

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Certified that :

- (i) the particulars shown against item Nos. 1 to 4 of the application have been verified and are correct ;
- (ii) the employee is/is not officiating against a long term vacancy ;
- (iii) the employee is eligible for a housing loan to the extent of Rs. _____ under the Kandla Port Trust employees' Housing Loans Regulations, subject to his title to the property being found in order.

place :

Date :

HEAD OF THE DEPARTMENT.

Appendix - V

To,
The Chairman,
Kandla Port Trust,
Gandhidham,

Dear Sir,

I confirm having deposited with you at Bhuj on _____
for following documents with intent to create an equitable mortgage of land and
the house to be constructed on the said land in favour of the Kandla Port Trust for
Rs. _____ (Rupees _____)

together with interest due to the Kandla Port Trust, being the amount agreed to be
advanced to me for the purpose of purchase of land and construction of a building/
outright purchase of a house with land.

List of documents :

- 1.
- 2.
- 3.
- etc.

Yours faithfully,

Appendix - VI

(FORM OF RECONVEYANCE BY THE BOARD)

(Regulation No. 17)

THIS DEED OF RECONVEYANCE MADE THE _____
_____ day of _____ 19____ BETWEEN THE
Board of Trustees of the Port of Kandla, constituted under the Major Port Trusts Act
(38 of 1963) hereinafter called the "Mortgagee" (which expression shall, unless
repugnant to the context or meaning thereof, include their successors and assigns)
of the one part and _____
_____ of _____
(hereinafter called the "Mortgagor" which expression shall unless repugnant to the
context or the meaning thereof, include its successors and assigns/his/her/heirs,
executors, administrators and assigns) of the other part.

WHEREAS by an Indenture of mortgage, dated the _____
_____ day _____ of _____ 19____ an
made BETWEEN the Mortgagor of the one part and the Mortgagee of the other
part and registered in the books of the Sub-Registrar of Taluka Anjar of District
Kachchh on the _____ day of _____ 19____
under Serial No. _____ (hereinafter called the "PRINCIPAL INDENTURE"),
the Mortgagor granted assigned and conveyed the property at _____
and more particularly described in the Scheduled hereunder written (hereinafter referred
to as the "said mortgaged property") unto the Mortgagee to secure an advance of
Rs. _____ made by the Mortgagee to the Mortgagor, subject neverthe-
less to the proviso for redemption therein contained, on repayment of the said sum
of Rs. _____ and interest.

AND WHEREAS all moneys due and owing on the security of the
PRINCIPAL INDENTURE have been fully paid and satisfied and the Mortgagor is now
desirous of having such reconveyance of the said mortgaged property as is hereinafter
contained.

NOW THIS INDENTURE WITNESSETH that in consideration of the said money due and owing under the PRINCIPAL INDENTURE being paid and satisfied the Mortgagees do hereby grant, assign, reconvey and release unto the Mortgagor, ALL THAT piece of land, here ditaments and premises comprised in and granted or otherwise assured by the said PRINCIPAL INDENTURE and more particularly described in the Schedule hereunder written with all rights, easements and appurtenances as in the PRINCIPAL INDENTURE expressed and all the estates, right title interest, property claim and demand whatsoever of the Mortgagees into, out of or upon the said land hereditaments and premises by virtue of the PRINCIPAL INDENTURE to have and to hold the said land hereditaments and premises hereby granted, assigned, released and reconveyed unto and to the use of the Mortgagor, for ever freed and discharged from all moneys secured and intended to be secured by the said PRINCIPAL INDENTURE and from all actions, suits, accounts claim and demands for, or, in respect of, the said moneys or any part thereof, or, for or in respect of, the PRINCIPAL INDENTURE or of anything relating to the premises and THE Mortgagees hereby covenant with the Mortgagor that the Mortgagees have not done or knowingly suffered or been party or privy to anything whereby the mortgagees are prevented from granting and reconveying the said land, hereditaments and premises or any part thereof, are/is or can be impeached, incumbered or affected in title estate or otherwise howsoever.

In WITNESS WHERE OF the Chairman has hereunto set his hands on the day and year first above written.

SCHEDULE ABOVE REFERRED TO

SIGNED, SEALED AND DELIVERED BY

SHRI _____

Chairman.

Chairman.

Witness (1) _____

(2) _____

Secretary
Kandla Port Trust.

THE COMMON SEAL OF THE BOARD OF TRUSTEES OF
THE PORT OF KANDLA affixed in the
presence of

SECRETARY
KANDLA PORT TRUST.

PERSONAL BOND

KNOW ALL MEN BY THESE PRESENTS that I, Son of (hereinafter referred to as "the Bounden") am held and firmly bound unto the Board of Trustees of the Port of Kandla (hereinafter referred to as Board) in the sum of Rs. to be paid to the Board for which payment will and truly to be made I bind myself, my heirs, executors, administrators and legal representatives by these presents.

Signed the day of 20.....

WHEREAS THE BOUNDEN applied to the Board for loan of Rs. (hereinafter referred to as "the said loan") for the purpose of purchase/construction of a residential flat in the building/society known as and situated at And more particularly described in the Schedule hereunder written and which building is to be transferred shortly to the Society Ltd., a Co-operative Society having its Registered Office at (hereinafter referred to as "the Society") which has been duly sanctioned by the Board on the terms and conditions, interalia, that the Bounden do execute in favour of the Board a Bond in the manner hereinafter contained.

NOW THIS BOND IS CONDITIONED TO BE VOID if the Bounden -

(a) duly pays to the Board the said sum of Rupees within a period of years from the the day of and subsequent instalments to be paid in the first week of each calendar month, the first of such instalments to be paid in the first week of 20.... And the subsequent instalments to be paid in the first week of each and every succeeding calendar month thereafter and after the Bounden had paid the principal amount of the said loan in regular instalments as hereinbefore provided, the Bounden duly pays to the Board within a further period of years thereafter the amount of interest on the diminishing balances of the said loan until payment at the rate of per cent per annum such interest to be paid by equal monthly instalments of Rs. each to the interest that the entire loan and interest thereon shall be repaid within a period of year from the Day of 20.... Provided however, that if the Bounden fails to pay any instalments of principal and/or interest on its due date, then and in every such case the amount of such instalment of principal or interest so in arrears

shall bear such higher rate of interest at the rate of per cent per annum and the amount of each of the said instalments of interest shall be proportionately increased PROVIDED FURTHER that nothing herein contained shall be construed as a relaxation of the Bounden's obligation to duly and punctually pay the said instalments of principal and interest on their respective due dates or otherwise prejudice an right or remedy of the Board.

(b) Within one month from the date of these presents utilizes the amount of each instalment of the said loan in the purchase/construction of residential flat in the building known as..... and situated at..... And more particularly described in the Schedule hereunder written.

(c) On transfer being executed in favour of the Bounden of the house or plot, he would mortgage it to the Board of Trustees as security for the loan obtained from the Board.

(d) Does not transfer, assign, underlet the said flat or an interest therein or part with possession thereof or transfer or otherwise alienate the said shares/debentures without the previous consent in writing of the Board.

(e) So long as the said loan and interest or any part thereof outstanding and if so required by the Board, handover the shares/debentures of the Society to the Board along with properly signed blank transfer forms as further security for the said loan;

IT IS HEREBY AGREED BY THE BOUNDEN AS UNDER-

(1) The said loan or the balance thereof for the time being due by the Bounden to the Board and all other moneys due under these presents, shall become immediately payable in each and every of the following events:

- (a) If the Bounden fails to pay any instalment or repayment of principal on its due date as and when it may, become due and payable.
- (b) If the Bounden makes defaults in payment of any instalment of interest on its due date as hereinabove provided.
- (c) If any distress or execution shall be levied upon any property of the Bounden or a receiver thereof be appointed.

- (d) If the Bounden commits a breach of any one of the said covenants or provisions and on his part to be observed and performed.
 - (e) If the Bounden dies or retires from or ceases to be in the service of the Board.
 - (f) If the Bounden presents a petition for being adjudged insolvent or is adjudicated insolvent.
- (2) Board shall have the absolute right and full liberty to deduct every month from the Bounden's salary the amount of monthly instalments and appropriate the same towards the said monthly instalments in repayment of principal and interest and for the purpose aforesaid the Bounden hereby irrevocably authorize the Board to take such deductions without the necessity of an further consent or concurrence of the Bounden.
- (3) In the event of the retirement or death before retirement of the Bounden, Board will be entitled to recover the entire unpaid balance of the said loan remaining unpaid at the time of such retirement or death and all unpaid interest thereon from the gratuity, if any, that may be sanctioned to the Bounden under the service rules applicable to him.
- (4) Whenever any instalment of the principal or interest or any other sum due and payable by the Bounden under these presents shall be in arrears, Board shall be entitled to recover the same as an arrear of land revenue provided always. That this clause shall not affect any other rights, powers and remedies of the Board.

In witness whereof the Bounden above-mentioned has hereto set his hand the day and year first hereinabove written.

THE SCHEULE ABOVE REFERRED TO

Signed and delivered by
Shri

The Bounden within named in the presence of:

1.

2.

SURETY BOND

We, (1)

(2)

of.....(Department, etc.) , do hereby declare ourselves sureties for Shri/Smt.(hereinafter referred to as 'the Bounden') and do hereby guarantee that the Bounden shall do and perform all that he has undertaken, to do and perform under the Bond, dated the day of20....., executed by him in favour of the Board of Trustees of the Port of Kandla and do hereby bind ourselves, our respective heirs, executors and administrators to pay a sum of Rs.....(In words Rupees.....) being the amount due and payable by the Bounden under the said Bond or such sum as the Board shall deem to be sufficient, to cover any loss or damage the Board may have sustained by reason of default of the Bounden. And we do hereby further agree that the Board may without prejudice to any rights and remedies recover from us the said sum as arrears of land revenue and we do hereby further agree that any forbearance in enforcement of the said Bond or an other indulgence granted to the Bounden, or any variation of their terms of the said Bond or any time given to the Bounden or any other conditions or circumstances under which in law a surety would be discharged will not discharge us from our liability to pay the said sum and for the purpose of enforcement of this Bond our liability under this Bond will be as principal debtors and joint and several with that of the Bounden. Dated this..... Date of..... 20.....

Signed by..... In the presence of:-

1.Shri..... of Department.....Office

and

2.Shri..... of Department.....Office.

KANDLA PORT TRUST EMPLOYEES (JOINING TIME) REGULATIONS, 1989

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1. SHORT TITLE AND APPLICATION :-

- (1) these regulation may be called the Kandla Port employees (Joining Time) regulations, 1989.
- (2) These regulations shall apply to all employees of the Board but shall not apply to 'A', 'B' and 'C' Category shore workers and daily rated Workers.

2. DEFINITION : In these regulation unless the context otherwise requires

- (a) "Board", "chairman", Deputy Chairman" and Head of Department" shall have the same meaning as assigned to them in the Major Port Trust Act, 1936 (38 of 1963),
- (b) "employee" means an employee of the Board,
- (c) "Joining Time" means time allowed to an employee in which to join a new post or to travel to a station to which he is posted;
- (d) "Transfer" means the movement of an employee from one post to another either within the same station or to another station to take up duties of a new post or in consequences of change of his headquarters.

3. JOINING TIME :

- (1) Joining time shall be granted to an employee on transfer in public interest to enable him to join the new post either at the same or a new station. No joining time is admissible in case of temporary transfer for a period not exceeding 180 days. Only the actual transit time, as admissible in case of journeys on tour, may be allowed.
- (2) The surplus staff transferred from one post to another shall be eligible for joining time.
- (3) Employees, who are discharged due to reduction of establishment of one officer (Department and re-appointed to another Office) Department shall be entitled to joining time, if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the old post, the period of break may be converted into joining time without pay by the Head of Department provided that the break does not exceed 30 days and the employee has rendered not less than 3 years continuous service on the date of his discharge.
- (4) For appointment to posts under the Board on the results of a competitive examination and or interview open to the employees and others, the employees entitled to joining time under these regulations. But temporary employees who have not completed 3 years or regular continuous service, though entitled to joining time would not be entitled to joining time pay.

4. (1) The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date if the charge is made over in the afternoon.

- (2) The joining time shall be calculated from old head quarters in all cases including where an employee receives his transfer orders or makes over charge of the post in a place other than his old headquarters, of where the headquarters of an employee while on tour is changed to the tour station itself or where his temporary transfer is converted into permanent transfer.
- (3) Not more than one day's joining time shall be allowed to an employee to join a new post within the same station or which does not involve a change of residence from one station to another. For this purpose, the term 'Same Station' will be interpreted to mean the area falling within the jurisdiction of the Municipality, or Corporation including such as Suburban Municipalities, notified area or cantonments as are contiguous to the named municipality etc.

NOTE :- A transfer to Kandia from Gandhidham and vice versa will be considered as within the same station for the purpose or regulating joining time under these regulations.

- (4) In cases involving transfer from one station to another and also involving change of residence, the employees shall be allowed joining time to a maximum of 10 days with reference to the distance between the old headquarters and the new headquarters and the new headquarters by direct route and ordinary mode(s) of travel. When holiday(s) follow(s) joining time the normal joining time may be deemed to have been extended to cover such holidays(s).

NOTE :- Distance means actual distance and not weighted mileage for which fare is charged by the Railway in certain ghat/hill station.

- (5) (1) When an employee joins the new post without availing of the full joining time, the number of days, of joining time, as admissible in sub regulation (4) of regulation 4 subject to maximum of 10 days, reduced by the number of days actually availed of shall be credited to his leave account as earned leave subject to a ceiling of 180 days.
- (2) Joining time may be combined with vacation and/or regular leave of any kind or duration except casual leave.
- (3) If an employee in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of upto the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place, at which he received the revised orders as if he is transferred from that place.

6. JOINING TIME PAY:

An employee on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to Dearness Allowance, if any, appropriate to the joining time pay. In addition, he can also draw compensatory allowances like City Compensatory Allowance, House Rent Allowance as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent traveling allowance.

7. **MISCELLANEOUS:**

When the Chairman is satisfied that the operation of any of these regulations causes undue hardship to any particular case, the Chairman may be order, for reason to be recorded in writing dispense with or relax the requirement of that regulation to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner with the approval of the Board.

8. **INTERPRETATION:**

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

9. **REPEAL:**

All rules corresponding to these regulations in force immediately before the commencement of these regulations and applicable to the employees to whom these regulations apply, are hereby repealed.

KANDLA PORT EMPLOYEES (MEDICAL ATTENDANCE) REGULATION, 2000

In exercise of the powers conferred under Section-28 of the Major Port Trusts Act, 1963 (38 of 1963) the Kandla Port Trust Board hereby makes the following regulations.

1. Short Title:

- (i) These regulations may be called the Kandla Port Employees (Medical Attendance) Regulations, 2000.
- (ii) These Regulations shall come into force from the date of Publication in the official gazette, the Central Government's approval thereto.

2. Eligibility:

These regulations shall apply to:

- (i) All the employees borne on the Schedule of Staff of the Board.
- (ii) "A," "B" and "C" category Shore Workers.
- (iii) Daily Rated Workers engaged by the Board shall be eligible for OPD attendance only.
- (iv) Apprentices who are in the whole time service of the Port Trust Board shall be eligible for OPD attendance only.
- (v) All employees on deputation to the Port Trust Board from the State/Central Governments, other Port Trusts and Public Sector Undertakings subject to the provisions of their terms of deputation.
- (vi) The members of family of the employees of the Board listed at Clause-1 and 2 as defined in Regulation-9 below.
- (vii) In the case of retired employees of Port Trust Board, medical facilities from the Board will be made available in accordance with the Kandla Port Trust Retired Employees (Contributory Outdoor and Indoor Medical Benefits) Scheme, 1996, as amended from time to time.

3. Definitions:

In these regulations unless the context otherwise requires: -

- (i) "Act" means the Major Port Trusts Act, 1963.
- (ii) "Approved Hospital" means the hospitals and dispensaries run by Kandla Port Trust, Central Government, Railways and hospitals run by Public Sector Undertakings, State Government, local authority viz. Municipal Committee or Corporation, District Board etc. or any other hospitals and institutions as may be recognised by the Kandla Port Trust Board from time to time.
- (iii) "Board" means the Board of Trustees of the Port of Kandla as constituted under the Major Port Trusts Act, 1963 as amended from time to time.
- (iv) "Chairman", "Deputy Chairman" and "Heads of Department" shall have the meaning assigned to them respectively in the Major Port Trusts Act, 1963.

- (v) "Chief Medical Officer" mean the Chief Medical Officer of the Port Trust Board and Head of the Medical Department.
- (vi) "Medical Officer" means the doctor in employment in the Medical Department of Kandla Port Trust Board and Specialists engaged by the Port Trust on part-time basis as well as Medical Officers in-Charge of the patients of the Government/recognised hospitals when such reference is made by C. M. O.

Note: (1) Part-time specialists outside port hospital precincts are Just like private medical practitioners and so cannot be Regarded as authorized medical attendants, under these Regulations.

- (2) No medical attendance/treatment shall be rendered by a Medical Officer while he/she is on leave.
- (vii) "Financial Advisor and Chief Accounts Officer" means The FAS&AO of the Port Trust Board and head of the Finance Department.
- (viii) "Employee" means temporary or permanent employee of The Board (also see sub-regulations (I) to (V) of Regulation-2 of these Regulations.
- (ix) "Patient" means the employee of the Port Trust Board, Any of his/her eligible family members and any of those covered under Regulation 2 above who has fallen ill and undergoing treatment/medical attendance in the Trust's hospital, Government hospital or any other recognised hospital on a reference by Board's Chief Medical Officer.
- (x) "Private Doctor" or "Private Hospital" means a registered medical practitioner/hospital other than the Board's doctor/hospital as at sub-regulation (ii) and (vi) above.
- (xi) "Sanctioning Authority" means the sanctioning authority for the purpose of reimbursement of hospital charges, cost of drugs etc. as prescribed in Appendix-I to these regulations.
- (xii) "Trust's Hospital" means the Kandla Port Trust hospitals and dispensaries functioning at different locations.
- (xiii) "Treatment" means the use of all facilities in various faculties of medical science available in hospitals as per sub-regulations (ii) above, and includes: -
 - (a) The employment of such pathological, bacteriological, radiological, and cardiological or any other methods as are considered necessary by the Medical Officer as defined in sub-Regulation (vi) above.
 - (b) The supply of such vaccines, serum, other therapeutic substances and medicines including Vitamin, Dextrose, Iron preparations, Folic Acid, Calcium, etc. in any form, as may be prescribed by the treating doctors in the Board's hospital or by the specialist to whom the case is being

referred, as are not ordinarily available in hospital but are a must for the treatment of certain special nature of diseases as are defined in Regulations-6, below based on C. S. (M. A) Rules Section-3 or any other nature of ailments for saving the life of a patient for the prevention of serious deterioration in the condition of patient except -

- (I) Preparations, which are not medicines but are primarily foods, toilet preparations or disinfectants as specified in Schedule-I of Central Services (M. A) Rules.
- (II) Expensive drugs, laxatives or other detergent and proprietary preparations as specified in Schedule-II to the C. S. (MA) Rules and in respect of which drugs of equal therapeutic value are available.
- (III) List of medicines and the items, which can be prescribed in respect of Ayurvedic, Unani, Siddha, and Homeopathic systems for which refund is admissible will be same as defined in Schedule-III of Appendix to C. S. (MA) Rules.
- (c) Massage treatment is admissible only when the same is undertaken on the advice of CMO/any Medical Officer of the Board or by the specialist of the referred hospital.
- (d) The expenses incurred in connection with physiotherapeutic and occupational therapeutic treatments are admissible provided the treatment is obtained to recoup certain physical weakness/defect, which may have occurred as a result of some disease/accident. NO REIMBURSEMENT will, however, be admissible if such treatment is obtained - (a) to improve general physical fitness/stamina; (b) for cosmetic purpose; (c) to improve figure, etc.
- (e) Treatment for the same ailment should not be taken simultaneously in more than one system of medicine. In case treatment being received simultaneously for different ailments, reimbursement will be allowed provided it can be certified by attending doctors of either system that such treatment received with the knowledge of each other.
- (f) The expenses incurred for purchase of blood and blood transfusion of Port Trust Hospitals, Government hospitals, and other institutions recognised for the purpose are reimbursable.
- (g) The expenses incurred at recognised hospitals on various items registrations, services, procedures, drugs, operation theatre, operations, consultations, etc. except room rent will be reimbursed in full.
- (h) Such accommodation as is ordinarily provided in the hospital and suited to the status of the employee. In the case of approved hospitals within the Gujarat State, the rates as applicable in GRMI, Ahmedabad and that of

outside State the rates as applicable in the approved rate of that hospital, where patient has been referred will be the criteria for regulating reimbursement. In respect of Port Trust employees, the class of accommodation is determined as per eligibility shown hereunder, which would be revised suitably from time to time: -

- (A) B.P. upto Rs. 3500/- : General Ward
- (B) B.P. between Rs. 3501/- : Semi Private and Rs. 4500/-
- (C) B.P. between Rs. 4501/- : Private - II and Rs. 7000/-
- (D) B.P. Rs. 7001/- and : Private - I Above.

However, cost of special articles of diet, milk, tea/coffee, telephone, cosmetics, toiletry will not be reimbursed. Where the rates of accommodation include provision of diet, the rate shall be reduced by 20%.

Note: - In the event of accommodation suited to the status of the employee concerned being not available, accommodation of a higher class may be allotted provided it can be certified by the Medical Superintendent of the Hospital: -

- (a) that accommodation of the appropriate class was not available at the time of admission of the patient and;
- (b) That the admission of the patient into the hospital could not be delayed without danger of his/her health until accommodation of the appropriate class became available.
- (c) That in case even-if at a point of time the accommodation of appropriate class was available and it was considered not advisable to shift the patient under medical advice.
- (d) That in case a patient needs special accommodation for a certain duration owing to the serious nature of ailment, surgical procedures, etc. which is considered absolutely necessary by the treating specialists at recognised hospitals and there is no choice left to the patient the expenses incurred on that account will be reimbursed.
- (i) Such nursing as is ordinarily provided to in-patients by hospitals; and as considered absolutely essential by the treating specialists owing to serious condition of the patient for certain hours/days.

4. Medical Attendance:

- (i) "Medical Attendance" is distinct from "Medical Treatment." "Medical Attendance" means attendance at the outpatient department of hospital or dispensary. Cost of injections, drugs, etc. during medical attendance is reimbursable. Thus medicines should not be prescribed for more than 10 days at a stretch except in chronic ailments that is requiring prolonged treatment.

- (iii) An employee and his/her eligible dependent family members shall be entitled free of charge, to medical attendance by Board's Medical officers.

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5. Medical Treatment:

- (i) An eligible patient shall be entitled, free of charge, in-patient treatment in the Port Trust Hospitals.
- (ii) Where the Port Trust Medical Officer refers the patient for treatment in a recognised hospital or State Government hospital either due to absence of facilities in the Port Trust Hospital or the patient had fallen ill is beyond eight kilometers from the Port Trust hospital, this should be with the specific permission of the Board's CHIEF MEDICAL OFFICER. Where such permission could not be obtained prior to commencement of the treatment, this should be obtained immediately after such admission stating the reasons therefor.
- (iii) In respect of cases referred to sub-regulations (i) and (ii) above, any amount paid by the employee on account of the Board shall on production of certificate in writing by the concerned Medical Officer reimburse such treatment. The scale of rates applicable for various purposes would be as per sub-regulation 3 (xiii) above.
- (iv) Charges incurred on account of treatment for immunizing and prophylactic purpose is reimbursable to employees in respect of themselves or members of their families in the cases of communicable, contagious and infectious diseases as considered necessary by Board's Medical Officers and concerned specialist at the referred hospital.

6. Other Medical Facilities:

- (i) Reimbursement is admissible for the following kinds of treatment as per these regulations -
 - (1) Avitaminosis and Hypovitaminosis.
 - (2) Correction of Squint (eye)
 - (3) Diseases(s) causing general debility and secondary anemia.
 - (4) Venereal diseases and Delirium Tremens.
 - (5) Pre-natal, Confinement and post-natal treatment at Port Trust Hospitals/Government hospital and recognised hospitals on a reference by CHIEF MEDICAL OFFICER.
 - (6) Medical termination of pregnancy performed at Port Trust Hospitals/Government hospital.
 - (7) Operation for sterilization.

- (8) Anti-rabbits treatment.
- (9) Dental treatment - (only in approved hospitals) Surgical operations needed for removal of Odontomes and impacted wisdom tooth; treatment of gum boils, Extraction, Scaling and gum treatment including Pyorrhea and Gingivitis, Filling of teeth, (cost of denture not reimbursable) Root canal treatment.

Note: - Existing facilities for reimbursement of expenditure incurred on dental treatment in Government hospitals be extended to similar treatment availed of in private recognised hospitals on the advice of CHIEF MEDICAL OFFICER, if such treatment is not available in K.P.T. hospital.

10. Treatment of sterility:

Special Diseases:

11. Cancer/Diabetes/Mental. Diseases/Poliomyelitis/ Cerebral Palsy and Spastics/ Tubercular, Diseases/Leprosy/Thalassaemia Major, etc. as notified by Central Government from time to time.

Major/serious ailments: -

12. Cardio vascular surgery and related diseases.
 13. Kidney transplants and related diseases.
 14. Other organ transplant.
 15. Joint replacement and surgery.
 16. Bone marrow transplant.
 17. Medical and Oncological disorder, such as Leukemia and neoplastic conditions.
 18. Micro vascular surgery and neuro surgery.
 19. Treatment with Laser which obviates the Need of open surgery.
 20. Treatment with Argon, Krypton and Yag Laser in Ophthalmic cases.
 21. Extra corporeal stone disintegration by Ultrasonic shock, waves, etc.
- (ii) **Artificial Appliances** - Reimbursement if certified As essential by concerned specialists of Port Trust/ Government hospital or recognised hospital on a reference

by Board's CHIEF MEDICAL OFFICER, admissible in the following cases:

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- (a) Procurement/Adjustment/Repair of artificial Orthopaedic appliances.
- (b) Procurement/Adjustment/Repair of Artificial Hearing Aid.
- (c) Cost of Heart PaceMaker and Replacement of Pulse Generator.
- (d) Replacement of diseased Heart valves, artificial Electronic Larynx.
- (e) Cost of knee and hip implants.

Note: -

- (a) Where under the advice of the concerned Specialists, the artificial appliance once purchased is to be repaired/adjusted, it has to be ensured that the cost of repairs/adjusted of appliances is less than the cost of replacement thereof.
 - (b) Reimbursement of cost of artificial appliances prescribed in the case of patients should be allowed only after three years, for a maximum limit of three times.
 - (c) The list of artificial appliances whose cost would be reimbursable to the employees and the entitled members of their families will be as per provisions of CS (MA) Rules.
- (iii) CT Scan charges reimbursable if undertaken on the advice of specialist of Port Trust/Government hospital and recognised hospital only on a reference by Board's CHIEF MEDICAL OFFICER.
- (iv) Surgical/Clinical charges incurred for Kidney donor for employee himself/herself or to an eligible member of his/her family as defined in these regulations.
- (v) Inter-Ocular Lens Implantation - (a) Actual cost of Implantation and treatment there to reimbursable if undertaken at Government hospital; if undertaken at private recognised hospitals, the cost of Rs. 6,500/- whichever is less. Cost of Spectacles, if any, in such cases will not be admissible for reimbursement.
- (b) For conventional cataract operation, cost of Spectacles for correction of distant/near vision limited to Rs. 200/- reimbursable. Replacement of Spectacles if advised by Ophthalmologist of Port Trust once in every three years.
- (c) Admissible for members of family also.

7. **Procedure for sanctioning claims for Reimbursement of medical attendance/Treatment charges: -**

- (i) Claims for reimbursement of hospital charges covered under these regulations shall be submitted by the employees in the prescribed form as defined in CS (MA) Rules to the concerned Controlling Officer/Head of Department within 90 days from the date of completion of treatment. In case the treatment is prolonged and continued, claims may be submitted in stages for a period of not less than 30 days.
- (ii) Delay in submission of claim beyond the prescribed time limit may be condoned by the respective controlling authority or merits of each case before the same is signed by the treating doctor.
- (iii) The following vouchers and certificates from the hospitals in which the patient has undergone treatment should be submitted by the employee concerned alongwith the claims in the prescribed form:
- (a) Hospital Bill with full names of the patient and if a family member, names and full particulars of the employee concerned. The details of the various charges should also be given.
 - (b) Receipt for payment made if the bill itself is not a receipt.
 - (c) Admission and discharge certificate.
 - (d) Cash memos for purchase of medicines (need not be stamped or bear the supplier's acknowledgment) shall be countersigned by the Medical Officer Incharge of the patient at the hospital.
 - (e) In refereed cases, the cash memos, hospital bills, etc. shall be countersigned by CHIEF MEDICAL OFFICER of Port Trust Board.
 - (iv) The claims of the employees shall be scrutinized by the respective controlling officers and the sanction of the Chairman obtained wherever necessary and the claim forwarded after countersignature to the FA&CAO for payment.
 - (v) A register shall be maintained in each department/division to continuously detail the claim reimbursed, in a chronological order to enable periodical review to prevent abuse of medical reimbursement facilities. (ANNEXURE-I).
 - (vi) A patient treated under allopathic system may purchase medicines from all Chemists and Druggists licensed under the Drugs and Cosmetics Act and rules thereunder. In the case of patient treated under Ayurvedic, Unani, Siddha and

Homeopathic systems, the medicines shall be purchased only from authorized dealers. In all cases, medicines prescribed should be purchased on the same day or the following day positively.

8. Medical Advance :-

- (i) Admissible to all employees of the Port Trust irrespective of pay limits.
- (ii) Ordinarily not more than one advance should be granted in respect of the same illness or injury. However Chairman, if satisfied with the circumstances he can sanction second/subsequent advance. In cases requiring prolonged treatment, reimbursement of medical expenses may continue to be allowed to the extent otherwise admissible under these regulations and advances already sanctioned in such cases should not be adjusted for so long as a certificate from treating Doctor as the patient is produced to that effect that the patient is required to continue treatment and that the anticipated cost of future treatment will not be less than the amount of advance already granted to him/her by Kandla Port Trust.
- (iii) Advance is restricted to in-patient treatment in a government hospital or recognised hospital only on a reference by CHIEF MEDICAL OFFICER.
- (iv) Admissible for outpatient treatment for TB and Cancer to the extent of Rs. 10,000/- or the amount recommended by the treating doctor whichever is less, where the duration of the treatment is three months or less.
- (v) For TB where the duration of treatment is more than three months, 80% of the estimated cost or Rs. 36,000/- whichever is less, on the certificate of the hospital authority as to the duration and cost of treatment.
- (vi) For major/serious illness, 80% of the amount certified by the treating specialist of the hospital concerned or the package deal wherever it exists.
- (vii) The advance may be paid in one or more instalments for the same illness or injury subject to the ceiling prescribed above.
- (viii) There should be no limit on the total amount that could be drawn as medical advance for different nature of illness on different spells.
- (ix) Advance so granted is properly monitored by the controlling officer concerned for adjustment against the relevant claim and excess amount, if any recovered from pay in four instalments commencing from the following month in which treatment is completed. In cases of prolonged treatment, reimbursement may continue to be

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allowed provided necessary certificate from treating specialist to the effect that the patient is required to continue treatment and that the anticipated cost of future treatment will not be less than the amount of the advance already granted and in that case the advance being adjusted in the final claim.

- (x) The advance is paid directly to the hospital concerned by means of Demand Draft and not to the employee.
- (xi) Application for advance is accompanied by necessary certificate from the treating specialist indicating the duration of treatment and the anticipated cost thereof.
- (xii) In case of serious illness/accident where the employee concerned is unable to apply, the advance may be sanctioned on an application in writing made on his/her behalf by spouse or other legal heir.

9. **Concessions for Families:-**

1. The term "Family" for the purpose of these regulations shall mean an employee's wife or husband, as the case may be, children (including legally adopted), dependent parents, dependent parents, widowed daughters, minor brothers and sisters wholly dependent upon the port employee in the event of parent/s not alive.
2. **Dependency -** Members of the family (other than one spouse) whose income does not exceed Rs. 1500/- per month are treated as wholly dependents on the port employee. Parents residing with the rest of the family members in a station other than employee's headquarters are also eligible, subject to limit of income as above, for medical facilities and reimbursement thereof. However, the declaration regarding the income and the residence of parents should be furnished by employee concerned once in the beginning of the every calendar year. In case of pensioners, the original pension (before commutation) should be taken into account for the purpose.
3. A female employee has a choice to include either her parents or her parents-in-law; option exercised can be changed only once during entire service.
4. Children including legally adopted children subject to the following conditions:-
 - Son : Till he starts earning or attaining the Age of 25 years, whichever is earlier.
 - Daughter : Till she starts earning or gets married, Whichever is earlier, irrespective of Age-limit.
 - Son/Daughter : No age-limit suffering from Permanent Disability of any kind (physical or Mental).

5. Where both the husband and wife are port employees, either of them may prefer claim for self and eligible members of their family according to their choice. For this purpose, a joint declaration is required to be furnished as to who will prefer the claim to the respective controlling authority. This declaration shall remain in force till such time it is revised on written request by both.
6. When spouse employed in State/Central Government etc. - when husband or wife of the port employee, as the case may be, employed in a State/Central Government or Public Undertaking or Private organization which provide medical facilities would be entitled to choose either the facilities available under these Regulations or those provided by the organization in which he/she is employed. The procedure for making the choice or revision will be the same as at sub-para: 5 above.
7. Every employee shall obtain from the concerned controlling officer, the personal medical IDENTITY CARD, and the family identity card, duly furnishing the particulars of his/her family members. The identity card should contain the photographs of all the eligible members of the family who are included in the family identity card. Failure to produce the personal medical identity card/family medical identity card at the time of reporting for "Medical Attendance" or "Treatment" (i.e. in OPD as well as indoor treatment) will make the employee or members of his/her family concerned ineligible for available medical facilities in Port Trust Hospital/Dispensaries under these Regulations or any reference, to outstation hospitals as considered by Board's CHIEF MEDICAL OFFICER.

10.

T. A. for Medical Attendance & Treatment: -

- (i) The patient (whether port employee or a member of his/her family) and also an attendant. Wherever recommended by CHIEF MEDICAL OFFICER, is entitled to travelling allowance plus daily allowance for the period of journey undertaken by rail as per the entitled class or the lower class by which the journey is actually performed, road, sea for obtaining appropriate medical attendance or treatment. If the patient travels by any other means of conveyance including his/her private conveyance, T. A. would be admissible to the extent otherwise admissible, i.e. limited to entitled class of rail/road journey. However, no D. A. for halt.
- (ii) Travelling allowance as specified above will be admissible only when -
 - (a) It is certified by Port Trust CHIEF MEDICAL OFFICER that the journey undertaken was absolutely necessary to obtain appropriate medical attendance and treatment, on as reference.

- (b) The journey undertaken was outside the limits of city and exceeded 8 KMs each way.
 - (c) It was unsafe for the patient to travel unattended and that an attendant was necessary to accompany the patient.
- (iii) Free ambulance service is provided to the patients covered under these regulations in case of emergency within the same Municipal area within the radius of 8 kilometers each way to convey the patient to Port Trust Hospital. Also this service is provided in case of reference in acute emergency.
- (iv) **Reimbursement of Ambulance charges: -**
- (a) It should be certified that the conveyance of the patient by any other means would definitely endanger his/her life or grossly aggravate the conditions of health.
 - (b) If the ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another for purposes of certain medical examinations, investigations etc.
 - (c) If the ambulance used belonged to Government or local fund or a social service organization such as the Red Cross Society, etc.
 - (d) If the ambulance is used to bring the body of a patient to headquarters for last rites from the outside hospital where he/she was referred by CHIEF MEDICAL OFFICER of the Board.
- (v) **T. A. for donor of kidney - admissible at the following rates**
- (a) If the donor is a private person, T. A. at the rates of the recipient port employee;
 - (b) If the donor is another government servant or his family member, T. A. is admissible at the rates applicable to the donor Government employee.
- (vi) **Advance of T. A. - Advance of T. A. to the extent admissible as on tour on production of a copy of reference letter issued by Board's Chief Medical Officer shall be allowed.**
- (a) the amount of advance granted should be adjusted within one month of the completion of inward journey;
 - (b) A second advance will not be admissible until the account of the first advance has been adjusted.

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(vii) **Special Concession to TB and CANCER patients** - Port employees should avail of the concessions granted by the Ministry of Railways in the appropriate of accommodation or lower accommodation and the T. A. bills be regulated to the extent admissible under the relevant orders in the matter.

11. **Procedure for payment to approved hospital:** -

Kandla Port Trust shall make the payment of advance for in-patient treatment to the extent of 80% of certified amount direct to the hospital by demand draft to meet the initial cost of treatment. The final settlement of hospital bills/charges will be made by the employee will be adjusted against the relevant claim and excess amount, if any recovered from the pay of employee immediately in monthly installment not exceeding four as per provision contained in Regulation 8 of these regulations.

12. **Interpretation:** -

If any question arises as to the interpretation of these regulations, the same shall be decided by the Chairman.

13. **Power to Relax:** -

The power to relax any of the provisions of these regulations shall rest with the Board.

14. **Repeal and Saving:** -

On the commencement of these regulations, every rule, regulation, resolution, or order in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these Regulations cease to operate.