

CHENNAI PORT TRUST (PENSION) REGULATIONS, 1987

(PUBLISHED IN PART II SECTION 3 SUB-SECTION (i) OF THE EXTRAORDINARY ISSUE OF THE GAZETTE OF INDIA, DATED 22ND MAY, 1987)

GOVERNMENT OF INDIA

MINISTRY OF SURFACE TRANSPORT
(Ports Wing)

NOTIFICATION

New Delhi the 22nd May, 1987

G.S.R.No.523(E) – In exercise of the powers conferred by Sub-Section (1) of Section, 124, read with Sub-Section (1) of Section 132 of the Major Port Trusts Act, 1963(38 of 1963), the Central Government hereby approves the CHENNAI Port Trust (Pension) Regulations, 1987 made by the Board of Trustees of the CHENNAI Port Trust as set out in the Schedule annexed to this Notification.

2. The said Regulations shall come into force on the date of publication of this Notification in the Official Gazette.

Sd/-

P.M. Abraham,
Addl. Secretary to the Govt. of India,
Ministry of Surface Transport
(File No.PR-12018/9/86-PE.I)

SCHEDULE

CHENNAI PORT TRUST (PENSION) REGULATIONS, 1987

In exercise of the powers conferred under Section 28 of the Major Port Trusts Act, 1963(38 of 1963), the Chennai Port Trust Board hereby makes subject to the approval of the Central Government the following regulations in supersession of the existing Chennai Port Trust Pension Rules and the same is published herein as required under Section 124 of the said Act:-

CHAPTER-I

PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT

These regulations shall be called the Chennai Port Trust (Pension) Regulations, 1987.

2. APPLICATION – These regulations shall apply to -

- (i) Employees governed by the Chennai Port Trust Pension Rules.

- (ii) All persons including Shore Labour appointed.

- (iii) Other employees who may be permitted to opt for pension from time to time.

3. DEFINITION – In these regulations unless the context otherwise requires:-

- (i) 'ACCOUNTS OFFICER' means the Financial Adviser and Chief Accounts Officer of the Board or such other officer of the Accounts Department as may be prescribed by the Chairman.

- (ii) 'ACT' means the 'MAJOR PORT TRUSTS ACT 1963' (38 of 1963)

- (iii) 'AVERAGE EMOLUMENTS' means average determined in accordance with Regulation 24

- (iv) BOARD, CHAIRMAN, DEPUTY CHAIRMAN and Head of Departments shall have the meaning as assigned to them in the Act

- (v) 'CHILD' means a child of the employee, who if a son, is under twenty one years of age and if a daughter is unmarried and is under twenty-four years of age and the expression 'Children shall be construed accordingly.

- (vi) 'CHIEF MEDICAL OFFICER' means the Chief Medical Officer of the Board

- (vii) 'EMOLUMENTS' means emoluments defined as such under Regulation 23

- (viii) 'EMPLOYEE' The words permanent and temporary employee shall have the meaning assigned to them in the CHENNAI Port Trust Employees' (Appointment, Promotion etc.) Regulations;

- (ix) 'FAMILY PENSION' means a pension payable to the family of an employee who dies while in service or after retirement as the case may be;

- (x) 'FOREIGN SERVICE' means in service in which an employee receives his pay with competent sanction from any source other than the funds of the Chennai Port Trust

- (xi) 'GRATUITY' means Gratuity payable under Chapter IX;

- (xii) 'LEAVE' means any kind of leave reckoned by the Fundamental Rules of the Government of India or the Leave Regulations

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framed by the Board which may be applicable to the employee from time to time

(xiii) 'MINOR' means a person who has not completed the age of eighteen years;

(xiv) 'PENSION' includes gratuity except when the term pension is used in contradistinction to gratuity;

(xv) 'QUALIFYING SERVICE' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these regulations;

(xvi) 'RETIREMENT BENEFIT' means pension and gratuity;

(xvii) 'SERVICE' means the period of the employment from the date of its commencement to the date of its quitting and includes all periods of leave with or without pay.

CHAPTER-II

CLASSES OF PENSION AND CONDITIONS

GOVERNING THEIR GRANT

4 Pension falls under the following classes:-

- (i) Superannuation Pension
- (ii) Retiring Pension
- (iii) Invalid Pension
- (iv) Compensation Pension
- (v) Compassionate Allowance
- (vi) Compulsory Retirement Pension

5. SUPERANNUATION PENSION

A superannuation pension shall be granted to an employee who retires on his attaining the age of compulsory retirement

6. RETIRING PENSION

A retiring pension is granted to an employee who retires or is retired in Public interest in advance of the age of retirement in accordance with the Chennai Port Trust Employee's (Retirement) Regulations

7. INVALID PENSIONS

(i) An invalid pension may be granted if an employee retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(ii) An employee applying for an invalid pension shall submit a Medical Certificate of incapacity from the Chief Medical Officer.

(iii) The form of Medical Certificate shall be as may be prescribed

(iv) Where the Chief Medical Officer has declared an employee fit for further service of less laborious character than that which he had been doing he should, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even in a lower post, he may be admitted to invalid pension

(v) If the incapacity is directly attributable to irregular or intemperate habits of an employee, no invalid pension shall be granted. The decision of the Chairman in this regard shall be final.

(vi) If incapacity has not been directly caused by such habits, but had merely been accelerated or aggravated by them, it shall be for the Chairman to decide what reduction should be made on this account.

8. COMPENSATION PENSION

If an employee is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed at least to another equivalent post have the option of –

(i) Taking any compensation pension to which he may be entitled for the service he has already rendered: or

(ii) Accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(iii) If a person who is entitled to Compensation Pension accepts instead another appointment and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the Compensation Pension which could have been claimed if he would not have accepted the appointment

9. COMPASSIONATE ALLOWANCE

An employee who is dismissed or removed from service shall forfeit his pension:

Provided that to an employee so dismissed or removed, in deserving cases a compassionate allowance of not less than the minimum pension and not exceeding two-thirds of pension which would have been admissible to him, if he had retired on Compensation Pension, may be granted.

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10. COMPULSORY RETIREMENT PENSION

An employee compulsorily retired from service as a penalty may be granted, a pension or gratuity or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement, subject however to the minimum pension admissible under these regulations.

CHAPTER - III

11. CONDITIONS FOR ELIGIBILITY FOR PENSION

The following conditions must be fulfilled by an employee governed by these Regulations to be entitled to Pension:

- (i) He must have completed a minimum qualifying service of not less than 10 years
- (ii) The service must be substantive or permanent

CHAPTER - IV

QUALIFYING SERVICE FOR PENSION

12. COMMENCEMENT OF QUALIFYING SERVICE

(i) Qualifying service of an employee shall commence from the date of his taking charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity;

Provided that in the case of officiating or temporary service including service as a probationer it should be followed without interruption by substantive appointment in the same or another post

(ii) Service rendered before attaining the age of eighteen years shall not count as service qualifying for pension except for compensation gratuity

(iii) Casual service shall not count for pension

13. COUNTING OF SERVICE AS APPRENTICE

Service as an apprentice shall not qualify for pension

14. COUNTING OF PERIODS SPENT ON LEAVE

All leave during service for which leave salary is payable and all extraordinary

leave granted on medical certificate shall count as qualifying service

Provided that in the case of "Extraordinary Leave" other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee –

(i) Due to his inability to join or region duty on account of civil commotion: or

(ii) For prosecuting higher scientific and technical studies

15. COUNTING PERIODS UNDER SUSPENSION

Time passed by an employee under suspension pending enquiry into conduct shall count as qualifying service where on conclusion of such enquiry, he has been fully exonerated of the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the regulations governing such cases expressly declares at the time that it shall count to such extent as that authority may declare.

16. FORFEITURE OF SERVICE ON DISMISSAL OR REMOVAL

Dismissal or removal of an employee from service or post entails forfeiture of his past service

17. FORFEITURE OR SERVICE ON RESIGNATION

Resignation from service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service except for the purpose of payment of gratuity under Regulation in Chapter IX in respect of employees to whom the payment of Gratuity Act, 1972 and the rules framed there under apply.

18. COUNTING OF PAST SERVICE ON REINSTATEMENT

(i) An employee who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

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(ii) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

19. ADDITIONS TO QUALIFYING SERVICE IN SPECIAL CIRCUMSTANCES

An employee appointed to a post shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of service or the actual period by which his age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the post to which he is appointed is one -

(i) to which candidate of more than twenty-five years of age are normally recruited; and

(ii) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields is essential

Provided that this concession shall not be admissible to an employee unless his actual qualifying service at the time he quits service is not less than ten years.

NOTE:-The Administration should identify such posts with reference to the age or professional experience prescribed for direct recruitment to the said posts in the manner of appointment.

²[19-A The qualifying service on the intended date of retirement of the Classes I and II Officers and Classes III and IV employees of the Trust who seek to retire voluntarily under Regulation 6 or Regulation 7 of the Chennai Port Trust Employees' (Retirement) Regulations shall be increased by the period not exceeding five years subject to the condition that the total qualifying service rendered by the Classes I and II Officers and Classes III and IV employees of the Trust shall not in any case exceed 33 years and it does not take them beyond the date of superannuation.

19-B The qualifying service on the intended date of retirement of Classes I and II Officers and Classes III and IV employees who do not

hold a lien on permanent pensionable post and seek to retire voluntarily under Regulation 7 of the Chennai Port Trust Employees' (Retirement) Regulations shall be increased by the period not exceeding five years subject to the condition that the total qualifying service rendered by these officers and employees of the Trust shall not in any case exceed 33 years and it shall not take them beyond the date of superannuation, provided they have completed a minimum of 20 years of continuous service.

NOTES:

(1) The weightage of five years under Regulations 19-A and 19-B shall not be admissible in cases of Classes I and II Officers and Classes III and IV employees, who are prematurely retired by the Board in the public interest

(2) The weightage of five years under Regulation 19-A and 19-B shall be admissible in cases of Classes I and II Officers who are governed by the definition of pay as applicable to Government employees and to Classes III and IV employees who opted to be governed by the definition of pay as applicable to Government employees for the purpose of computation of Pensionary benefits.

(3) The weightage given will be only in addition to the qualifying service for the purpose of Pension and DCRG and will not entail the employee to any notional fixation of pay for the purpose of computation of Pension and DCRG]

20. EFFECT OF INTERRUPTION IN SERVICE

An interruption in the service of an employee entails forfeiture of his past service, except in the following cases:-

(i) Authorised leave of absence:

(ii) Unauthorised absence in continuation of authorized leave of absence so long as the post of absentee is not filled in substantively;

(iii) Suspension, where it is immediately followed by reinstatement, whether in the same or different post or where the employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension;

(iv) Transfer to non-qualifying service.

² G.S.R No: 214 (E) dated 15.04.1991 (B.R.No: 146 dated 20.10.1990)

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21. COMMUTATION OF PERIODS OF ABSENCE WITHOUT LEAVE INTO EXTRAORDINARY LEAVE

The appointing authority may commute retrospectively period of absence without leave into leave without allowance.

22. CONDONATION OF INTERRUPTION IN SERVICE

(i) The appointing authority may, by order, condone interruption in the service of an employee;

Provided that

(a) The interruption has been caused by reasons beyond the control of the employee;

(b) The total service excluding one or more interruption, if any, is not less than five years duration; and

(c) The interruption, including two or more interruption, if any, does not exceed one year;

(ii) The period of interruption, condoned under this sub-regulation shall not count as qualifying service.

CHAPTER – V

EMOLUMENTS AND AVERAGE EMOLUMENTS

23. EMOLUMENTS

(i) In respect of employees belonging to Class-I or cadres, the expression emoluments means 'Pay' as defined in F.R.9 (21) and Dearness Pay as may be determined from time to time which the Class-I or II Officer was receiving immediately before his / her retirement or on the date of his / her death.

(ii) In respect of a Class-III or IV employee emoluments means any one of the following which he / she was receiving immediately before retirement or on the date of his / her death as he / she may opt –

(a) Pay as defined under F.R.9 (21), Dearness Allowance including Additional Dearness Allowance, Piece Rate earnings, Incentive earnings and other such payments under a Payment by result Scheme wherever applicable: or

(b) Pay as defined under F.R.9 (21), Piece Rates Earnings, Incentive Payment and other such payments under a Payment by Result Scheme wherever applicable.

NOTE:-

(1) The Special Fixed Allowance payable from 1st January 1980 to Classes III and IV employees under the wage settlement dated 4th January, 1981 will be reckoned as pay both under (a) and (b)

(2) The option for the 'emoluments' must be exercised by the employee one month before the date of his retirement or quitting service. In respect of employees who die while in service, the option can be exercised by the family before settlement of accounts.

(iii) If an employee immediately before retirement or death while in service, had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purpose of this regulation.

Provided that any increase in pay either on account of increment or other-wise not accruing during the first 120 days of Earned Leave Preparatory to retirement shall not form part of his emoluments.

(iv) Where the employee immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the employee would have continued to hold the higher appointment but for his proceeding on leave.

(v) If an employee immediately before his retirement or death while in service has been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this regulation.

(vi) In respect of employee on Foreign Service the emoluments which they would have drawn under the Trust had they not been on Foreign Service shall alone be treated as emoluments.

(vii) In respect of categories governed by a Piece Rate / Incentive / Payment by Results Scheme, Emoluments for the purpose of

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Gratuity and family pension mean the emoluments as defined in sub-regulation (ii) supra or the average of the emoluments as defined in Regulation 24 whichever is advantageous to the employee.

(viii) In respect of an employee with a substantive appointment who officiates in another appointment or holds a temporary appointment, emoluments means –

(a) The emoluments which would be taken into account under this regulation in respect of the appointment in which he officiate or of the temporary appointment as the case may be, or

(b) The emoluments which would have been taken into account under this regulation had he remained in his substantive appointment whichever is more favourable to him

24 AVERAGE EMOLUMENTS

(i) The term average emoluments shall mean the average of the emoluments earned by an employee during 10 complete months immediately preceding the date of quitting service or the date of his death as the case may be.

(ii) If during the last 10 months of service the employee had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account subject to provision in regulation 23.

(iii) If during the last 10 months of his service, employee had been absent from duty on extraordinary leave, or had been under suspension the period, whereof does not count as service, the aforesaid period of leave or suspension shall be dis-regarded in the calculation of the average emoluments and equal period before 10 months shall be included.

NOTE : In respect of categories governed by a Piece-Rate / Payment by Result / Incentive Scheme if during the last 10 months immediately preceding the date of quitting service or death, the employee was on leave continuously the average shall be calculated as indicated above, subject however that in respect of Piece-Rate / Payment by Result / Incentive earnings, the same shall be the

average of such earnings earned during the 10 complete months immediately preceding the date of commencement of continuous leave.

25. The term emoluments / average emoluments in regulations 23 and 24 shall not apply for payment of Gratuity to employees governed by 'The payment of Gratuity Act, 1972' in respect of whom Gratuity is payable in accordance with regulation 45 contained in Chapter – IX in these regulations.

CHAPTER VI

AMOUNT OF PENSION

26 In respect of an employee retiring in accordance with the provisions of these regulations after completing a qualifying service of not less than 10 years, the amount of pension shall be the appropriate amount as set out below namely:-

Completed six monthly period of qualifying service	Scale of pension	Maximum pension (in Rs.per annum) in respect of Classes I and II officers and Class III and IV employees who opt for definition of emoluments under Regulation 23(ii)(b) in Chapter V	Maximum Pension (in rupees per annum) in respect of Classes III and IV employees who opt for definition of emoluments under Regulation 23(ii)(a) in Chapter V
(1)	(2)	(3)	(4)
20	10 /80 th of average emoluments	3,750.50	2,700
21	10 ½ /80 th of average emoluments	3,937.50	2,835
22	11 /80 th of average emoluments	4,125.00	2,970
23	11 ½ /80 th of average emoluments	4,312.50	3,105
24	12 /80 th of average emoluments	4,500.00	3,240
25	12 ½ /80 th of average emoluments	4,687.50	3,375
26	13 /80 th of average emoluments	4,875.00	3,510
27	13 ½ /80 th of average emoluments	5,062.50	3,645
28	14 /80 th of average emoluments	5,250.00	3,780
29	14 ½ /80 th of average emoluments	5,437.50	3,915

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30	15 /80 th of average emoluments	5,625.00	4,050
31	15 ½ /80 th of average emoluments	5812.50	4185
32	16 /80 th of average emoluments	6,000.00	4320
33	16 ½ /80 th of average emoluments	6,187.50	4,455
34	17 /80 th of average emoluments	6,375.00	4,590
35	17 ½ /80 th of average emoluments	6,562.00	4,725
36	18 /80 th of average emoluments	6,750.00	4,860
37	18 ½ /80 th of average emoluments	6,937.00	4,995
38	19 /80 th of average emoluments	7,125.00	5,130
39	19 ½ /80 th of average emoluments	7,312.50	5,265
40	20 /80 th of average emoluments	7,500.00	5,400
41	20 ½ /80 th of average emoluments	7,687.50	5,535
42	21 /80 th of average emoluments	7,875.00	5,670
43	21 ½ /80 th of average emoluments	8,062.50	5,805
44	22 /80 th of average emoluments	8,250.00	5,940
45	22 ½ /80 th of average emoluments	8,437.50	6,075
46	23 /80 th of average emoluments	8,625.00	6,210
47	23 ½ /80 th of average emoluments	8,812.50	6,345
48	24 /80 th of average emoluments	9,000.00	6,480
49	24 ½ /80 th of average emoluments	9,187.50	6,615
50	25 /80 th of average emoluments	9,375.00	6,750
51	25 ½ /80 th of average emoluments	9,562.50	6,885
52	26 /80 th of average emoluments	9,750.00	7,020

53	26 ½ /80 th of average emoluments	9,937.50	7,155
54	27 /80 th of average emoluments	10,125.00	7,290
55	27 ½ /80 th of average emoluments	10,312.50	7,425
56	28 /80 th of average emoluments	10,500.00	7,560
57	28 ½ /80 th of average emoluments	10,687.50	7,695
58	29 /80 th of average emoluments	10,875.00	7,830
59	29 ½ /80 th of average emoluments	11,062.50	7,965
60	30 /80 th of average	11,250.00	8,100

	emoluments		
61	30 ½ /80 th of average emoluments	11,437.50	
62	31 /80 th of average emoluments	11,625.00	
63	31 ½ /80 th of average emoluments	11,812.50	
64	32 /80 th of average emoluments	12,000.00	
65	32 ½ /80 th of average emoluments	12,000.00	
66	33 /80 th of average emoluments	12,000.00	

NOTES:-

(1) Notwithstanding anything contained above the amount of invalid pension shall not be less than the amount of family pension admissible under Regulation 47 (i) in Chapter-X.

(2) In calculation of the length of service, fraction of a year equal to six months and above shall be treated as completed six monthly period.

(3) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of rupee, it shall be rounded off to next higher rupee.

(4) In no case a pension in excess of the maximum pension prescribed under this regulation shall be allowed.

(5) The amount of pension shall be subject to a minimum of Rs.40 per mensem.

(6) Where the pension including adhoc increase if any, is less than forty rupees per mensem the difference shall be made good by the grant of further increase in pension.

27. In respect of Classes-I and II officers and classes-III and IV employees who opt for definition of emoluments under Regulation 23 (ii) (b) in Chapter-V. who were in service on 31st March, 1979 and retiring from service on or after that date and amount of pension shall be determined in accordance with the following slabs :-

	Amount of monthly pension
(i) Upto first Rs.1,000/- of average emoluments reckonable for pension	50 per cent of average emoluments
(ii) Next Rs.500/- of average emoluments reckonable for pension	45 per cent of average emoluments

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(iii) Balance of average emoluments reckonable for pension	40 per cent of average emoluments subject to an overall ceiling as per note (2) below.	16 17 18 19	7 7 3/8 7 3/4 8 1/8	“ “ “ “
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NOTES:-

(1) The amount of pension arrived at on the basis of the above slabs will be related to the maximum qualifying service of 33 years. For employees who at the time of retirement, have rendered qualifying service of 10 years or more but less than 33 years the amount of their pension will be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 33 years.

(2) The pension as determined in accordance with the above slab plus the relief linked to the All India Working Class Consumer Price Index upto Index 328 admissible under Regulation 32 (iii) and 32 (iv) of Chapter VII shall not exceed Rs.1,500/- per mensem. If the pension itself exceeds Rs.1500 per mensem then the maximum pension for full 33 years of service will be restricted to Rs.1500 per mensem and no relief will be payable upto index level 328.

28. SERVICE GRATUITY

In the case of an employee retiring in accordance with the provisions of these regulations before completing a qualifying service of 10 years, the amount of service gratuity payable in lieu of pension shall be the appropriate amount as set out below, namely :-

Completed six monthly periods of qualifying service	Scale of service gratuity
(1)	(2)
1	1/2 month emoluments
2	1 “
3	1 1/2 “
4	2 “
5	2 1/2 “
6	3 “
7	3 1/2 “
8	4 “
9	4 3/8 “
10	4 3/4 “
11	5 1/8 “
12	5 1/2 “
13	5 7/8 “
14	6 1/4 “
15	6 5/8 “

In calculating the length of service, fractions of a year equal to six months and above shall be treated as a completed six monthly period.

CHAPTER – VII

RELIEF ON PENSION / FAMILY PENSION

29. ADHOC RELIEF ON PENSION

Classes I and II Officers who retired prior to 1st January, 1973 & Classes III & IV employees who retired prior to 1st January, 1969 will be eligible to an adhoc relief at the rates mentioned below with effect from 1st September, 1969 (i.e. pension for the month of September, 1969 paid in October, 1969).

Amount of pension	Rate of adhoc increase in pension
(1)	(2)
Pension upto Rs.30	Rs.15 per mensem
Pension above Rs.30 but not above Rs.75	Rs.17.50 per mensem
Pension above Rs.75 but not above Rs.200	Rs.20 per mensem
Pension above Rs.200	Such adhoc increase as to bring the total pension to Rs.220 per mensem

30. ADDITIONAL ADHOC RELIEF ON PENSION

Classes I and II Officers who retired prior to 1st January, 1973 January, 1969 and classes III and IV employees who retired prior to 1st January, 1969 will be eligible to an additional adhoc relief in addition to the adhoc relief admissible under Regulation 29 above, at the rates mentioned below with effect from 1st January, 1973, i.e. pension for January 1973 paid in February, 1973.

Pension (Based on original pension)	Amount of adhoc relief in pension
Below Rs.85	Rs.15 per mensem
Rs.85 and above but below Rs.210	Rs.21 per mensem
Rs.210 and above but not below Rs.500	Rs.25 per mensem
Rs.500 and above	Rs.35 per mensem

NOTE: - The term original pension including compassionate allowance for the purpose of calculation of additional adhoc relief does not include adhoc increase in

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regulation 29 above, but includes the commuted portion of pension if any.

31. Classes III and IV employees who retired between 1st January 1969 to 31st December, 1973 also will be eligible for the adhoc relief at the rates in regulation 30 above, with effect from 1st January, 1979.

32. PERIODICAL RELIEF ON PENSION

Periodical Relief to pensioners based on the variation in the All India Working Class Consumer Price Index (1960-100) as the base will be granted at the rates and subject to the conditions specified below :-

(i) Classes I and II Officers who retired prior to 1st January, 1974 and Classes III and IV employees who retired prior to 1st January 1969 will be allowed periodical relief at the rate of 5 per cent of the original pension subject to a minimum of Rs.5 and a maximum of Rs.25 per mensem on each occasion for every 16 points increase in the 12 monthly average of the All India Working Class consumer Price Index above 200 points (1960-100) as the base with effect from 1st January, 1973.

(ii) The quantum of periodical relief will be calculated on the amount which is arrived at, on the following basis :-

(a) Original pension as stated in the note under Regulation-30;

(b) Adhoc relief where admissible under Regulation-29;

(c) Additional adhoc relief admissible under Regulation-30

(iii) Classes I and II Officers who retired on or after 1st January 1974 will be allowed periodical relief at the rate of 5 per cent of the original pension sanctioned subject to a minimum of Rs.5 and maximum of Rs.25 per mensem on each occasion for every 20 points rise in the 12 monthly average of the All India Working Class Consumer Price Index above 250 points (1960-100) as the base with effect from 1st January, 1974 restricting it to the Consumer Price Index point upto which it is allowed to Central Government Pensioners.

(iv) Classes III and IV employees who retired on or after 1st January, 1979 and who opt for the definition of emoluments under Regulation 23 (ii) (b) in Chapter-V shall be allowed periodical relief as admissible to Classes I and II Officers in sub-regulation (iii)

of this regulation with effect from 1st January, 1979.

(v) Classes III and IV employees who retired between the date from 1st January 1974 to 31st December, 1978 and who are compulsorily governed by definition of pay under Regulation 23 (ii) (a) in Chapter-V with effect from 1st January, 1979 shall be allowed periodical relief at the rate of 4 per cent of the original pension upto the CPI Points up to which the relief is allowed by the Central Government from time to time for its pensioners subject to a minimum of Rs.5 and maximum of Rs.25 on each occasion for every 20 point increase in the 12 monthly average of All India Working Class Consumer Price Index (1960-100) as the base over and above the All India Working Class Consumer Price Index on which the employee was paid variable Dearness Allowance at the time of his / her retirement.

(vi) Classes III and IV employees who opt for the definition of pay under Regulation 23 (ii) (a) in Chapter V and who retired on or after 1st January 1979 will be allowed periodical relief at the rate and subject to the conditions prescribed in Sub-Regulation (v) of this regulation.

NOTES:-

(1) For the purpose of periodical relief in this Regulation the term pension shall mean the pension of the compassionate allowance sanctioned inclusive of commuted portion of pension, if any.

(2) The fraction of a rupee shall be rounded off to the nearest 10 paise fraction of 5 paise being rounded off to the next 10 paise.

(3) The grant of relief mentioned supra is subject to such modification as the Government of India may make in the formula and method from time to time.

33. The payment of adhoc relief, additional adhoc relief and periodical relief shall be suspended when a person in receipt of pension / family pension is re-employed / employed in any of the organizations such as Central or a State Government / Company / corporation / Undertaking or Autonomous body or in a nationalised Bank or in a Local Fund.

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34. RELIEF ON FAMILY PENSION

(i) Adhoc Relief on Family Pension – Families of Classes I and II Officers who retired / died prior to 1st January 1973 and Classes III and IV employees who retired / died prior to 1st January, 1960 will be allowed adhoc relief at the rates under Regulation-30 with effect from 1st October, 1975

(ii) Periodical Relief on Family Pension –

(a) Families of classes I and II Officers who retired / died prior to 1st January 1974 and Classes II and I employees who retired / died prior to 1st January, 1969 will be allowed periodical relief at the rates under Regulations 32 (i) and 32 (ii) with effect from 1st October, 1975

(b) Families of Classes I and II Officers who retired died on or after 1st January, 1974 will be allowed periodical relief at the rates under Regulation 32 (iii) with effect from 1st October, 1975

(c) Families of Classes III and IV employees who retired / died on or after 1st January, 1979 and opt for definition of pay under Regulation 23 (ii) (b) will be allowed periodical relief at the rates under Regulation 32(iii) with effect from 1st January, 1979.

(d) Families of Classes III and IV employees who retired / died between the dates from 1st January, 1974 and 31st December, 1978 and who are compulsorily governed by definition of pay under Regulation 23 (ii) (a) will be allowed periodical relief at the rates under Regulation 32(v) with effect from 1st January, 1979.

(e) Families of Classes III and IV employees who retired / died on or after 1st January, 1979 and opt for definition of pay under Regulation 23 (ii) (a) will be allowed periodical relief at the rates under Regulation 32 (v) with effect from 1st January, 1979

CHAPTER-VIII

COMMUTATION OF PENSION

35.(i) An employee shall be entitled subject to the conditions herein after specified to commute for a lumpsum payment any portion of his pension not exceeding one-third of any pension other than family pension which has been or may be granted to him under these regulations as set out in the table under this regulation.

NOTE:-The compassionate allowance granted under these regulations shall be treated as pension for the purpose of commutation.

(ii) Pensioner other than invalid pensioner can commute without prior medical examination one-third of the pension sanctioned to him at the time of superannuation / retirement within a period of one year from the date of his retirement and the commutation shall become absolute, i.e. the retired employee shall become entitled to receive the commuted value of pension on the date on which his application is received.

(iii) In respect of a pensioner applying for commutation after one year from the date of his retirement and in respect of an invalid pensioner, payment of commuted value of pension is subjected to medical examination. The procedure for payment of the command value in such cases is as set out below:

On receipt of an application for commutation the sanctioning authority shall transmit to the applicant a copy of Accounts Officer's Certificate of the lumpsum payable on commutation in the event of his being reported by such medical authority as the sanctioning authority may prescribe to be a fit subject for commutation and shall at the same time instruct him to appear for examination before the said authority within three months from the date of its order or if he has applied for commutation in advance of the date of his retirement within three months of that date, but in no case earlier than the actual date of retirement. This intimation shall constitute administrative sanction for commutation, but shall lapse if the medical examination does not take place within the period prescribed in the sanctioning order. If the applicant does not appear for examination before the said medical authority, within the prescribed period the sanction authority may, at his discretion, renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by a written notice despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before a medical authority.

Provided that if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice

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dispatched within two weeks from the date on which he receives if this sum is already stated in the sanctioning order, within two weeks from the date on which he receives intimation of the finding of the medical authority.

NOTES:-

(1) If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be deemed to have accepted the sum offered.

(2) Subject to the foregoing provisions of this regulation the commutation shall become absolute and the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue, on the date on which the medical authority signs the medical certificate/. Payment of the commuted value shall be made as expeditiously as possible, but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for the commutation may be withdrawn has expired. What ever the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value were paid on the date on which the commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute the amount drawn shall be deducted form the amount payable in commutation.

(3) If the applicant makes any statement found to be false within his knowledge or willfully suppressed any material fact in answer to any question, written or oral put to him in connection with medical examination the sanctioning authority may cancel the sanction at any time before payment is actually made and such a statement or suppression may be treated as a grave misconduct.

(4) A pensioner after he has once been refused commutation on medical grounds or after he has once declined to accept commutation on the basis of an addition of years to his actual age, may apply for a second medical examination at his own expense if atleast a year has elapsed since his first, such a re-examination shall invariably be made by a Medical Board.

36. CALCULATION OF LUMP SUM PAYABLE ON COMMUTATION

The lumpsum payable on commutation shall be calculated in accordance with a table or tables of present values which shall be prescribed by the Central Government from time to time in their Civil Service Regulations. The table of present values is given at table under this Regulation. In the even of the table values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute payment shall be made in accordance with the modified table but it shall be open to the applicant if the modified table, is less favourable to him than that previously in force to withdraw his application by notice in writing dispatched within 14 days of the date on which he receives notice of the modification.

37. PAYMENT OF COMMUTATION VALUE WHEN PENSIONER DIES

If the pensioner dies on or after the day on which commutation became absolute but before receiving the commutation value, this value shall be paid to his heirs.

38. The authority competent to sanction commutation of pension are as under :-

- i) Chairman in respect of Class I Officers;
- ii) Deputy Chairman in respect of Class II Officers;
- iii) Accounts officer in respect of Classes III and IV employees.

39. The form of application, procedure for medical examination and payment of commuted value shall be such as may be prescribed by the Chairman from time to time.

NOTES:-

(1) If pension has been reduced under Regulation in chapter XII the commutation of pension will be admissible only on such reduced pension provided the reduction in pension is permanent.

(2) The reduction in the amount of pension on account of commutation shall be effective from the date of receipt of the commuted value of pension by the pensioner or three months after the issue of the intimation authorizing the pensioner to collect the

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commuted value of pension whichever is earlier

COMMUTATION TABLE

(vide Regulation 35)

(Commutation value of a pension of Re.1/- per annum)

Age next birth day	Commutation value expressed as number of years purchase	Age next birth day	Commutation value expressed as number of years purchase	Age next birth day	Commutation value expressed as number of years purchase
(1)	(2)	(3)	(4)	(5)	(6)
17	19.28	40	15.87	63	9.15
18	19.20	41	15.64	64	8.82
19	19.11	42	15.40	65	8.50
20	19.01	43	15.15	66	8.17
21	18.91	44	14.90	67	7.85
22	18.81	45	14.64	68	7.53
23	18.70	46	14.37	69	7.22
24	18.59	47	14.10	70	6.91
25	18.47	48	13.82	71	6.60
26	18.34	49	13.54	72	6.30
27	18.21	50	13.25	73	6.01
28	18.07	51	12.95	74	5.72
29	17.93	52	12.66	75	5.44
30	17.78	53	12.35	76	5.17
31	17.62	54	12.05	77	4.90
32	17.40	55	11.73	78	4.65
33	17.29	56	11.42	79	4.40
34	17.11	57	11.10	80	4.17
35	16.92	58	10.78	81	3.94
36	16.72	59	10.46	82	3.72
37	16.52	60	10.13	83	3.52
38	16.31	61	9.81	84	3.32
39	16.09	62	9.48	85	3.13

Note: This table is based on a rate of interest at 4.75 per cent per annum

CHAPTER – IX

GRATUITY

Payment of gratuity to Classes I and II Officers and Classes III and IV employees not governed by the Payment of Gratuity Act, 1972.

40. DEATH-CUM-RETIREMENT GRATUITY

(i) An employee to whom the 'Payment of Gratuity Act, 1972' does not apply and who has completed five years of qualifying service and has become eligible for service gratuity

under regulation 28 or pension under Regulation 26 or 27 shall on his retirement be granted death-cum-retirement gratuity equal to one fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of –

(a) Fifteen times the emoluments in respect of Classes III and IV employees who opt for the definition of emoluments under Regulation 23 (ii) (a);

(b) Sixteen and half times the emoluments in all other cases;

Provided that in respect of employees retiring after 4th January, 1981 and employed on a post covered by Payment by Results Schemes / Piece Rate Schemes / Premium Schemes is offered a job where he will not be eligible to any payment under such scheme or where a worker is reverted to a lower scale, on account any medical disability, accident, etc. the Gratuity where beneficial will be computed in two parts (viz.)

(a) gratuity, determined on the emoluments payable at the time of such reversion or assignment to time rated job, for the service rendered upto that date, and

(b) Additional Gratuity determined on the emoluments last payable, at the time of termination of employment for the service rendered after such reversion for assignment to time rated job.

(ii) If an employee to whom the "Payment of Gratuity Act, 1972" does not apply dies while in service after completing five years of qualifying service, the amount of death-cum-retirement gratuity shall be equal to twelve times of his emoluments or the amount determined under sub-regulation (i) whichever is higher and it shall be paid to his family in the manner indicated in Chapter-XI.

Provided that the amount of death-cum-retirement Gratuity payable under this regulations, shall in no case exceed –

(a) Rs.24,000/- in respect of Classes III and IV employees who opt to be governed by the definition of emoluments under Regulation 23 (ii) (a);

(b) Rs.30,000/- in all other cases

(iii) If an employee to whom the "Payment of Gratuity Act, 1972" does not apply dies

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after completing one year of qualifying service but before completing five years of qualifying service, the amount of death-cum-retirement gratuity shall be equal to six times of his emoluments.

(iv) If an employee to whom the "Payment of Gratuity Act, 1972" does not apply dies in the first year of his qualifying service the amount of death-cum-retirement gratuity shall be equal to two times of his emoluments at the time of his death.

(v) If an employee dies while in service gratuity amount may be paid to the person or persons on whom the right to receive gratuity is conferred under Regulation-50 or if there is no such person, it may be paid in the manner indicated below:-

(a) If there are one or more surviving members of the family as in items (i), (ii), (iii) and (iv) of Regulation-50, it may be paid to all such members except to a widowed daughter in equal shares.

(b) If there are no such surviving members of the family as at (a) above but there are one or more surviving widowed daughters and / or one or more surviving members of the family as in items (v) to (ix) of Regulation-50 the gratuity may be paid to all such members in equal shares.

NOTE: With effect from 11th July, 1979, interest may be allowed on delayed payments of gratuity at the rate of 5 % for the period beyond three months after the gratuity becomes due and would be payable till the end of the month preceding the month in which the payment is actually made. The interest will be allowed only where it is clearly established that the payment of Death-cum-Retirement gratuity was delayed on account of administrative lapse or for reasons beyond the control of the employees concerned. In all cases where interest has to be paid action should be taken to fix responsibility for the delay and disciplinary action should be taken against the officer responsible for it.

41. RESIDUARY GRATUITY

If an employee to whom the 'payment of Gratuity Act, 1972' does not apply and who has become eligible for pension or service gratuity, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of

his death on account of such gratuity or pension including adhoc increase, if any, together with the death-cum-retirement gratuity admissible under Regulation-40 and the commuted value of any portion of pension commuted by him are less than the amount equal to the deficiency may be granted to his family in the manner indicated in Chapter-XI.

42. Emoluments for the purpose of gratuity admissible under this regulation shall be subject to maximum of :-

(i) Rs.1,800/- per mensem in respect of Classes III and IV employees who opt for emoluments under Regulation 23 (ii) (a),

(ii) Rs.2,500/- per mensem in other cases;

Provided that if the emoluments of an employee have been reduced during the last three years of service otherwise than as penalty, average, emoluments as referred to in Regulation 24 may, at the discretion of the authority which has power to sanction gratuity be treated as emoluments.

43. LAPSE OF DEATH-CUM-RETIREMENT GRATUITY

When an employee dies while in service or after retirement without receiving the amount of gratuity and

- (i) leaves behind no family; or
- (ii) has made no nomination; or
- (iii) the nomination made by him does not subsist;

the amount of death-cum-retirement gratuity payable to him under Regulation-40 shall lapse to the Board.

44. (i) Payment of Gratuity to temporary employees – a temporary employee to whom 'the Payment of Gratuity Act, 1972' does not apply and who retires on superannuation or is discharged from service on account of retrenchment or is declared invalid for further service shall be eligible for a gratuity at the rate of one half of emoluments for each completed year of his service. Provided that he had completed not less than five years of continuous service at the time of retirement, discharge or invalidation;

Provided that in respect of employees retiring after 4th January, 1981 and employed

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on a post covered by payment by results schemes / Piece Rate Schemes / Premium schemes is offered a job where he will not be eligible to any payment under such scheme, or where a worker is reverted to a lower scale, on account of any medical disability, accident, etc., the gratuity where beneficial will be computed in two parts, (viz) :-

- (a) Gratuity, determined on the emoluments payable at the time of such reversion or assignment to time rated job, for the service rendered up to that date, and
 - (b) Additional gratuity determined on the wages last payable at the time of termination of employment for the service rendered after such reversion or assignment to time rated job.
- (ii) The family of a temporary employee to whom 'The Payment of Gratuity Act, 1972 does not apply dies while in service, shall be eligible for a death gratuity on the scale and subject to the conditions specified below:-
- (a) On death after completion of one year of service, but before completion of three years' service, a gratuity equal to one month's emoluments;
 - (b) On death after completion of three years of service but before completion of five years of service, a gratuity equal to two month's emoluments;
 - (c) On death after completion of five years of service but before 10 years of service, a gratuity equal to three month's emoluments or the amount of gratuity as calculated under sub-regulation (i) above, if it is greater;
- (iii) A temporary employee to whom ' The Payment of Gratuity Act, 1972 does not apply dies while in service or retires or is discharged for reasons other than by way of disciplinary measure or resignation after rendering a continuous service of not less than 10 years shall be eligible for a gratuity at the rate of one month's emoluments for each completed year of service subject to the following maximum;
- (a) In case of death, 15 months emoluments or Rs.15,000/- which ever is less;
 - (b) In other cases Rs.15,000/-

(iv) The grant of gratuity under this Regulation does not debar a person from the benefits of the Family Pension Scheme under Chapter-X if otherwise eligible.

(v) The grant of gratuity under the above regulation shall be subject to the service rendered by the employee concerned being held by the authority competent to appoint him to be satisfactory.

(vi) No gratuity will be admissible-

(a) In a case where the employee concerned resigns his post or is removed / dismissed from Trust's service;

(b) To a probationer or other employee discharged for failure to pass the prescribed test or examination; and

(c) To a re-employed pensioner.

(vii) An employee who has received gratuity under this regulation will cease to be eligible for any other gratuity or Pensionary benefit

45. Payment of Gratuity to employees governed by 'The Payment of Gratuity Act, 1972 and the Rules framed thereunder.

(i) In respect of employees to whom the 'Payment of Gratuity Act, 1972' applies shall be eligible for gratuity in accordance with the provisions of the 'Payment of Gratuity Act, 1972' (Act XXX of 1972) and rules framed thereunder from time to time subject to the following liberalization.

(ii) Wages for the purpose of computing gratuity shall include pay s defined under F.R.9(21) Dearness Allowance including Additional Dearness Allowance, Piece Rate earnings, Incentive earnings and other such payments under a payment by Results Scheme wherever applicable, provided that in respect of categories governed by Piece Rate, Incentive and Payment by Result Scheme wages shall be computed on the average of total wages received by them for a period of 3 months or 10 months immediately preceding the termination of employment whichever is beneficial

NOTE:-

(1) The Special Fixed Allowance payable from 1st January, 1980 to Classes III

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and IV employees under the wage settlement, dated 4th January, 1981 will be reckoned as pay;

(2) If an employee immediately before retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended, had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purpose of this regulation.

Provided that any increase in pay either on account of increment or otherwise not accruing during the first 120 days of earned leave preparatory to retirement shall not form part of his emoluments;

(iii) (a) In respect of employees who die while in service after completing five years of continuous service, the amount of Gratuity payable shall not be less than twelve months wages;

(b) If an employee dies after completing one year of service but before completing five years of service the amount of Gratuity shall be equal to six months wages.

(c) If an employee dies in the first year of his service the amount of gratuity payable shall be two months wages.

(iv) The disbursement of Gratuity payable under this Regulations the manner of filing nominations etc. shall be as prescribed under ' the Payments of Gratuity Act, 1972' and the rules framed thereunder.

(v) Residuary Gratuity ;_ If an employee to whom ' The Payment of Gratuity Act, 1972' applies and who has become eligible for pension or service gratuity dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including adhoc increase, if any, together with the gratuity admissible under this regulation and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times his emoluments a residuary gratuity equal to the deficiency may be granted to his family.

CHAPTER – X

FAMILY PENSION

46. (i) In respect of an employee governed by Pension Scheme, Family Pension at the prescribed rates is payable.

(a) To the family of an employee who dies while in service after completing a continuous service of not less than one year

(b) To the family of an employee in receipt of a pension including compassionate allowance who dies after retirement.

(ii) Family for the purpose of this rule shall mean and include –

(a) While in the case of male employee or husband in the case of female employee provided in all these cases the marriage took place before the retirement of the employee

(b) Wife and husband shall include respectively judicially separated wife and husband;

(c) Son including legally adopted son who has not attained the age of 21 years and unmarried daughter including legally adopted unmarried daughter who has not attained the age of 24 years.

NOTE: The above provision shall not include son / daughter born after retirement.

47. RATES OF FAMILY PENSION

(i) The rates of family pension admissible to the family of an employee in the event of death while in service or in the case of death after retirement shall be as under;

(a) In respect of Classes I and II Officers and Classes III and IV employees who opt for definition of pay under regulation 23 (ii) (b)

<u>Emoluments of the employee</u>	<u>Amount of monthly family pension</u>
Below Rs.400/-	30 per cent of emoluments subject to a minimum of Rs.60/- and maximum of Rs.100/-
Rs.400/- and above but below Rs.1,200/-	15 per cent of emoluments subject to a minimum of Rs.100/- and a maximum of Rs.160/-
Rs.1,200/- and above	12 per cent of the emoluments subject to a minimum of Rs.160/- and a maximum of Rs.250/-

NOTE: Emoluments for the purpose of calculation of family pension for the above rates would mean pay as defined under Regulation 23(ii) (b).

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(b) In respect of Classes III and IV employees who opt for definition of pay under Regulation 23 (ii) (a)

<u>Emoluments of the employee</u>	<u>Amount of monthly family pension</u>
Below Rs.400/-	Rs.60/-
Rs.400/- and above but below Rs.800/-	Rs.100/-
Rs.800/- and above but below Rs.1,200/-	12 per cent of pay subject to a minimum of Rs.100/-
Rs.1,200/- and above	Rs.160/-

NOTE: - Emoluments for the purpose of calculation of family pension would mean pay as defined under regulation 23 (ii) (a).

(ii) Death while in service –

(a) Where an employee who is not governed by the Workmen's Compensation Act, 1923 or who has not received any compensation for death analogous to that payable under the provision of the Workmen's Compensation Act, dies while in service after having rendered not less than seven years of continuous service the rate of family pension payable to the family would be equal to 50 percent of the emoluments last drawn or twice the family pension admissible at the rates indicated under sub-Regulation (i) above whichever is less and the amount so admissible shall be payable from the date following the date of death of the employee for a period of 7 years or for a period upto to the date on which the deceased employee would have attained the age of 65 years had he survived would have attained the age of 65 years had he survived whichever is earlier.

(b) Where an employee is governed by the Workmen Compensation Act, 1923 or who is entitled to compensation analogous to that under the said Act, dies while in service after having rendered not less than 7 years of continuous service the rate of family pension payable to the family shall be equal to 50 per cent of the emoluments last drawn or one and half times the family pension admissible under Sub-Regulation (i) above whichever is less and the family pension so determined shall be payable for the period mentioned in Clause (a) above.

NOTE:-

(1) Where compensation is not payable under the aforesaid Act, even in respect of an employee governed by the Workmen's Compensation Act, the rate family pension will

be as indicated in Sub-regulation (ii) (a) above.

(2) Pay for the purpose of 50 percent of emoluments last drawn under sub-Regulation (ii) (a) and (b) above would mean pay as defined under regulation 23 (ii) (b).

(iii) Death after retirement – In the event of death of an employee after retirement the family pension as determined under Sub-regulation (ii) (a) shall be payable for a period of seven years or for a period upto the date on which the retired deceased employee would have attained the age of 65 year had he survived whichever is earlier.

Provided that in no case the amount of family pension determined under this clause shall exceed the pension sanctioned on retirement of the said employee. Provided further, the amount of family pension admissible in all these cases is subject to the minimum rate of family pension indicated in Sub-regulation (i) above.

(iv) After the expiry of the period for payment of enhanced rate of family pension as under sub-regulations above as the case may be, the family in receipt of family pension shall be entitled to the family pension at the rate admissible under sub-Regulation (i)

NOTE:

(1) In the case of an employee who dies while on extension of service, the date upto which the extension of service had been granted to him before his death will be deemed to be normal date of his superannuation.

(2) The amount of family pension shall be fixed at monthly rates can be expressed in whole rupees and where the family pension contained a fraction of a rupees, it shall be rounded off to the next higher rupee. Provided that in no case a family pension in excess of the maximum prescribed under this regulation shall be allowed.

(3) The rounding off the amount of family pension has to be done at the final stage, i.e. after doubling amount initially calculated.

48.The period for which family pension is payable shall be as follows:-

(i) In the case of a widow or widower upto the date of death or remarriage whichever is earlier.

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(ii) In the case of son until he attains the age of 21 years and in the case of unmarried daughter, until she attains the age of 24 years or gets married whichever is earlier.

(iii) In the case of both wife and husband are employed in the Port Trust and are governed by this regulation and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of death of the husband and wife the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely:-

(a) If the surviving child, or children is / are eligible to draw two family pensions at the rate mentioned in Regulation-47 (ii) and (iii) the amount of both the pension shall be limited to five hundred rupees per mensem.

(b) If one of the family pensions ceases to be payable at the rate mentioned in Regulation 47 (ii) and (iii) in lieu thereof the pension at the rate mentioned in regulation 47 (i) becomes payable, the amount of both the pensions shall also be limited to five hundred rupees per mensem.

(c) If both the family pensions are payable at the rates mentioned in regulation 47 (i) the amount of the two pensions shall be limited to two hundred and fifty rupees per mensem.

Provided that if the son or daughter of an employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 21 years in the case of the son and 24 years in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

(i) If such son or daughter is one among two or more children of the employee, the family pension shall be initially payable to the minor children in the order set out below:-

(ii) If there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order, namely :-

Firstly to the son, and if there are more than one son the younger of them will get the family pension only after the life time

of the elder; secondly to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life time of the elder.

(iii) The family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;

(iv) Before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical conditions of the child.

(v) The person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a Medical Officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

EXPLANATIONS:-

(1) Only that disability which manifests itself before the retirement or death of the employee while in service shall be taken into account for the purpose of grant of family pension under this regulation.

(2) A daughter shall become ineligible for family pension under this sub-regulation from the date she gets married.

(3) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his / her livelihood.

(4) In such cases it shall be the duty of the guardian to furnish a certificate every month that;

(a) he or she has not started earning his / her livelihood;

(b) In case of daughter, that she has not yet married.

NOTES:

(1) Where an employee is survived by more than one widow, the pension will be paid to them in equal shares. On the death of a widow, her share of the pension will become payable to her eligible minor child. If at the time of her death a widow leave no eligible

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minor child the payment of her share of pension will cease.

(2) Where an employee survived by a widow, but has left behind an eligible minor child from another wife, the eligible minor child will be held the share of pension which the mother would have received if she had been alive at the time of the death of the employee.

(3) Except as provided in the notes (1) and (2) pension awarded under this regulation shall not be payable to more than one member of an employee's family at the same time; It will first be admissible to the widow / widower and thereafter to the minor children.

(4) If sons and unmarried daughters are alive unmarried daughters will not be eligible for family pension unless the sons attain the age of 21 years and there by become ineligible for the grant of family pension.

(5) Where a deceased employee or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension up to the age of 21 years in respect of sons and 24 years in respect of unmarried daughters as the case may be and after the expiry of that period the next child shall become eligible for the grant of family pension.

(6) In the event of remarriage or death of the widow / widower, the pension will be granted to the minor children through their natural guardian, if any otherwise through their defacto guardian on production of indemnity bonds etc. on the analogy of the orders contained in the Ministry of Finance, Government of India O.M. No.F.10 (3) EV (A) /61, dated the 29th June, 1961. In disputed cases, however, payment will be made through a legal guardian, i.e. guardian appointed by a Court of Law in accordance with the instructions contained in the said O.M.

(7) A judicially separated wife / husband does not lose her / his legal status of wife / husband of the employee and is thus eligible for the benefit of the family pension.

49. FURNISHING OF FAMILY DETAILS

All employees entitled to the benefits of these regulations shall furnish details of their family as defined in sub-regulation (ii) of Regulation-46 i.e. the date of birth of each member with his / her relationship with the employee in the form as may be prescribed.

The statement shall be countersigned by the Head of the Department and pasted in the service book of the employee. The employee shall thereafter keep the statement up-to-date. Additions and alterations in the statement will be made by an officer of the concerned department authorized in this behalf from time to time on receipt of information with supporting documents from the employee concerned.

NOTE:-

Effect of commutation of pension on the quantum of Family pension –

(1) The commutation of pension has no effect on the quantum of family pension as the rate of family pension is based on the pay which the employee was drawing immediately before his retirement and not on the pension sanctioned to him.

(2) Broken periods of service for determining the eligibility for family pension –

The term one year of service occurring under these regulations does not include broken periods of service. The service for the purpose should be continuous.

CHAPTER – XI

NOMINATIONS

50. The provisions contained in this Chapter relating to nomination will apply in respect of employees relating to nomination will apply in respect of employee to whom 'The Payment of Gratuity Act, 1972' does not apply.

FAMILY

For the purpose of this regulation, family in relation to an employee means –

- (i) Wife or wives including judicially separated wife or wives in the case of a male employee;
- (ii) Husband, including judicially separated husband in the case of a female employee;
- (iii) Sons including step sons and adopted sons;
- (iv) Unmarried daughters including step daughters and adopted daughters;

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- (v) Father including adoptive parents in the case of individuals whose personal law permits adoption;
- (vi) Mother including adoptive parents in the case of individuals whose personal law permits adoption
- (vii) Brothers below the age of eighteen years including step brothers;
- (viii) Unmarried sisters and widowed sisters including step sisters;
- (ix) Married daughters; and
- (x) Children of predeceased son.

51 (i) NOMINATIONS

An employee shall on his initial confirmation, in a service or a post make a nomination in the appropriate form as may be prescribed conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under Regulation-40;

Provided that if at the time of making the nomination

(a) The employee has a family the nomination shall not be in favour of a person or persons other than the members of his family; or

(b) The employee has no family, the nomination may be made in favour of a person or persons or a body of individuals whether incorporated or not.

(ii) If an employee nominates more than one person under sub-regulation (i) he shall specify in the nomination the amount of share payable to each of the nominee in such manner as to cover the entire amount of gratuity.

(iii) An employee may provide in the nomination :-

(a) That in respect of any specified nominee who pre-deceased the employee or who dies after the death of the employee but before receiving the payment of gratuity, right conferred on that nominee shall pass to such other persons as may be specified in the nomination.

Provided that if at the time of making the nomination the employee has a family consisting of more than one member, the persons so specified shall not be a person other than a member of his family.

Provided further that where an employee has only one member in his family and a nomination has been made in his favour it is open to the employee to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not.

(b) That the nomination shall become invalid in the event of the happening of the contingency provided therein.

(iv) The nomination made by an employee who has no family at the time of making it, or the nomination made by an employee under the second proviso to clause (a) of sub-regulation (iii) where he has only one member in his family shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family as the case may be.

(v) An employee may at any time cancel a nomination by sending a notice in writing to the Accounts Officer provided he shall along with such notice send a fresh nomination made in accordance with this regulation.

(vi) 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 (iii) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-regulation, the employee shall send to the Accounts Officer a notice in writing canceling the nomination together with a fresh nomination made in accordance with this regulation.

(vii) Every nomination made and every notice of cancellation given by an employee under this regulation shall be sent by an employee under this regulation to the Accounts Officer through the Head of his Department and the Accounts Officer shall, if it is in order, accept it under his signature and date it and keep it under his custody.

(viii) Every nomination made and every notice of cancellation given by an employee shall to the extent that it is valid take effect on the date on which it is accepted by the Accounts Officer.

CHAPTER – XII GENERAL CONDITIONS

52. Regulation of claims to pension or family pensions –

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(i) Any claim to pension or family pension shall be regulated by the provisions of these regulations in force at the time when an employee retires or is retired or is discharged or is allowed to resign from service or dies as the case may be

(ii) The day on which an employee retires or is retired or is discharged or is allowed to resign from service or dies as the case may be, shall be treated as his last working day;

Provided that in case of employee who is retired prematurely or who retire voluntarily under the CHENNAI PORTTrust Employees' (Retirement) Regulations, the date of retirement shall be treated as a non-working day.

(iii) Pension including family pension shall be payable for the day on which its recipient dies.

(iv) Except for family pension admissible under Chapter-X full pension under these regulations shall not be sanctioned unless the service rendered has been approved as satisfactory.

53. REDUCTION IN THE AMOUNT OF PENSION FOR UNSATISFACTORY SERVICE

(i) If the services rendered by an employee prior to the date of his retirement has not been satisfactory, the Chairman may be order, make reduction in the amount of pension or gratuity or both as he may think proper;

Provided that the Chairman shall, before passing an order under this sub-regulation serve or cause to be served a notice upon the person concerned specifying the reduction proposed to be made in such amount on account of his unsatisfactory service under the Board and all upon such person to submit within 15 days of the receipt of the notice or such further time as may be allowed by that authority such representation as the person concerned may wish to make against the proposed order and take into consideration the representation, if any, submitted by such person before passing such an order;

Provided further that the amount of pension shall not be reduced below the limit specified in Note-5 under Regulation-26;

(ii) (a) The reduction referred to in sub-regulation (i) shall be of permanent character.

(b) The measure of reduction in the amount of pension shall be to the extent by which the employee's service as a whole has failed to reach a satisfactory standard and no attempt shall be made to equate the amount or reduction with the amount of loss caused to the Board.

(iii) The pension authorized under these regulations shall not be reduced although proof of the service having not been satisfactory may come to the notice of the Chairman subsequent to the authorization of pension.

(iv) Nothing in this regulation shall apply :

(a) Where a part of pension has been withheld or ordered to be recovered under Regulation-56.

(b) Where Death-Cum-Retirement Gratuity is admissible under Regulation-40 (ii) and to family pension payable;

(c) To effect any recovery which has the result of punishment;

(d) Where a part of pension has been reduced under Regulation-10.

54. Limitations on number of pensions:-

An employee who having retired on a superannuation or retiring pension is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

55. (i) (a) Pension subject to future good conduct –

Future good conduct shall be an implied condition of every grant of pension and its continuance under these regulations.

(b) The Chairman, may by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of serious crime or is found guilty of grave misconduct:

Provided that where a part of pension is withheld or withdrawn the amount of such pension shall not be reduced below the minimum limit.

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(ii) Where a pensioner is convicted of serious crime by a Court of Law, action under sub-regulation (i) (b) shall be taken in the light of the Judgment of the Court relating to such conviction;

(iii) In a case not falling under sub-regulation (ii) if the authority referred to sub-regulation (i) (b) considers that the pensioner is prima facie guilty of grave misconduct it shall before passing an order under sub-regulation (i) (b).

(a) Serve upon the pensioners a notice specifying that action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit within 15 days of the receipt of the notice or such further time not exceeding 15 days as may be allowed by the Chairman, such representation as he may wish to make against the proposal;

(b) Take into consideration the representation, if any, submitted, by the pensioner under clause (a).

(iv) An appeal against order under sub-regulation (i) (b) of this regulation shall be to the Board and the Board should pass such orders as it may deem fit on the appeal.

1[56. RIGHT TO WITHHOLD OR WITHDRAW PENSION:

The Chairman reserves to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to the Board, if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or negligence during his service, including service rendered on re-employment after retirement;

Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the minimum limit permissible.

(i) Provided further that –

Such departmental proceedings, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceedings under the regulation and shall be continued and concluded by the authority by which it

was commenced in the same manner as if the employee had continued in service;

(ii) Such departmental proceedings, if not instituted while the employee was in service, whether before his retirement or during his re-employment –

(a) Shall not be instituted save with the sanction of the Chairman or the Board as the case may be.

(b) Shall not be in respect of an event which took place not more than four years before the institution of such proceedings and

(c) Shall be conducted by such authority and in such place or places as the Chairman may direct, in accordance with the procedure applicable to proceedings in which the order of dismissal from service may be made in relation to the employee during his service.

(iii) No judicial proceedings if not instituted while the employee was in service whether before retirement or during re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

EXPLANATION :

For the purpose of this regulation-

(1) Departmental proceedings shall be deemed to have been instituted on the date when the charges framed against the pensioner are issued to him or if the employee has been placed under suspension from an earlier date, on such date; and

(2) Judicial proceedings shall be deemed to have been instituted -

(i) In the case of criminal proceedings on the date on which the complaint or report of the Police Officer of which the Magistrate takes cognizance, is made; or a charge sheet is submitted to the criminal court; and

(ii) In the case of Civil Proceedings on the date on which the plaint is presented or as the case may be an application is made to Civil Court.

(3) Where the Chairman decided not to withhold or withdraw a pension but orders recovery of pecuniary loss caused to the Board from pension, the recovery shall not ordinarily be made at the rate exceeding one

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third of the pension admissible on the date of retirement of an employee.

156-A PROVISIONAL PENSION WHERE DEPARTMENTAL OR JUDICIAL PROCEEDINGS MAY BE PENDING;

(1) Where any departmental or judicial proceedings is instituted in respect of an employee referred to under Regulation 56 (1) or where departmental proceedings are continued under Clause (i) of the second proviso thereto against an employee who has retired on attaining the age of superannuation or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of his retirement, or if he was under suspension on the date of his retirement upto the date immediately preceding the date on which he was placed under suspension; but no Death-Cum-Retirement Gratuity shall be paid to him until the conclusion of such proceedings and the issued of final order thereon;

Provided that where departmental proceedings have been instituted under Regulation-14 of the Chennai Port Trust Employees' (Classification, Control and Appeal) Regulations, 1988 for imposing any of the penalties specified in the Clauses (a) (i), (ii) and (iv) of Regulation 8 of the said Regulations, the payment of Death-cum-Retirement Gratuity shall be authorized to be paid to the employee.

(2) Payment of provisional pension made under sub-regulation (1) above shall be adjusted against the final retirement benefits, sanctioned to such an employee upon conclusion of the aforesaid proceedings, but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.]

57. REVISION OF PENSION AFTER SANCTION

(i) Pension once sanctioned after final assessment shall not be revised to the disadvantage of the employee unless such revision becomes necessary on account of a clerical error;

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered without the sanction of the Chairman if the clerical error is detected after a period of two years from the date of sanction of pension.

(ii) For the purpose of sub-regulation (i), the employee concerned shall be serviced with a notice requiring him to refund the excess payments of pension within a period of two months from the date of receipt of notice by him.

(iii) In case of an employee fails to comply with the notice, the pension sanctioning authority, by order in writing direct that such excess payment shall be adjusted by short payments of pensions in future in one or more installments as may be decided.

58. DRAWAL OF PENSION:

Pension may be drawn and paid in any of the following manner as may be desired by the pensioner :-

(i) By cash at the office of the Accounts Officer

(ii) By Demand Draft / Cheque at his cost;

(iii) By postal Money order;

Pension upto Rs.100/-shall be remitted to the pensioner at Trust's cost.

(iv) Payments through specified banks that may be notified.

59. LAPSES AND FORFEITURES:

In a pension remains undrawn for more than one year, it shall cease to be payable. If the pensioner afterwards appear, the Accounts Officer may renew his payment.

60. PAYMENT OF ARREARS OF PENSION ON DEATH OF A PENSIONER;

On death of a pensioner payment of arrears actually due may be made to his/ her heirs;

Provided that they apply within one year of death. Payment may not be made thereafter without the sanction of the Chairman.

CHAPTER-XIII MISCELLANEOUS

61. AUTHORITY COMPETENT TO SANCTION PENSION:

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The authority to sanction pension shall be –

- i) The Chairman in respect of Class I Officers;
- ii) Deputy Chairman in respect of Class II Officers;
- iii) Accounts Officer in respect of Class-III and IV employees.

62 The procedure for payment of pension, commutation of pension, gratuity and family pension and the forms required therefore for the purpose of these regulations shall be such as may be prescribed by Chairman from time to time.

63 (i) In applying in foregoing provisions of these regulations and in respect of matters not dealt within the said regulations the orders of Government contained in the Central Civil Services (Pension) Rules, 1972 as amended from time to time shall be subject to such exceptions and modifications as the Board may from time to time determine.

(ii) In case the Central Government liberalize or modify the existing benefits to their employees the question of extending such liberalization or modification to the employees governed by these regulations subject to such conditions, exceptions and modifications as may be necessary shall be decided by the Board with the approval of Government of India.

In case such liberalization or modifications are extended they shall take effect from the date they are made applicable to Central Government employees unless otherwise decided by the central Government, pending formal amendment to these regulations.

64 The Board may by a resolution in writing prescribe which of the powers conferred upon the Board by these regulations may be exercised by the Chairman and / or Deputy Chairman and may later or cancel any such resolution.

65 EX-GRATIA PENSION:

(1) Employees who retired on Contributory Provident Fund before 1st April, 1963 after completing 20 years of continuous service and who therefore had no chance to elect for the pensionary benefits shall be granted to en-gratia pension as below with effect from 1st January, 1967.

Pay drawn by the employee at the time of retirement Amount of ex-gratia pension

(1)

(2)

	From 1 st January, 1967 Rs.P.	From 1 st February, 1972 Rs.P.
(a) Rs.80/- or less per mensem	15.00	25.00
(b) Above Rs.80/- upto Rs.130/- per mensem	17.50	27.50
(c) Above Rs.130/- upto Rs.200/- per mensem	20.00	30.00
(d) Above Rs.200/- upto Rs.500/- per mensem	22.50	32.50

(ii) These pensioners will not be admissible to those who were dismissed / removed from service and to those who resigned from service.

(iii) With effect from 1st January, 1973, the adhoc increase / relief granted by Government to its ex-gratia pensioners will be granted to Trust ex-gratia pensioners also with effect from the same dates and subject to the same conditions as applicable to the ex-gratia pensioners of the Government of India.

Amendment Regulations:

MOST's Notification GSR No.931 (E) dt.30.11.1990 & GSR No.202 (E) dt.3.4.1991

MOST's Notification GSR No.214 (E) dt.15.4.1991

NOTE: The rate of increase at the following rates has been allowed.

Pay drawn by the employee at the time of retirement.	D a t e							
	1 st Jan. 1973	1 st Aug. 1973	1 st Jan. 1974	1 st April. 1974	1 st Oct. 1975	1 st April. 1977	1 st Sept. 1977	1 st Dec. 1978
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Rs.80 or less	15	5	5	5	10	5	5	5
Above Rs.80 and upto Rs.130	15	5	5	5	10	5	5	5
Above Rs.130 and upto Rs.200	15	5.50	5.50	5.50	11	5.50	5.50	5.50
Above Rs.200 and upto Rs.500	21	9	9	9	18	9	9	9

The procedure for the payment of the pension will mutates-mutandis apply for the grant and payment of Ex-gratia Pension also.

Chennai Port Trust
Centenary Building,
Rajaji Salai,
Chennai – 600 001.

ASHOKE JOSHI,
CHAIRMAN

Dated 29th April, 1987.

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