

CHENNAI PORT TRUST (GENERAL PROVIDENT FUND) REGULATIONS, 1997

(PUBLISHED IN PART II SECTION 3 SUB-SECTION (i) OF THE EXTRA-ORDINARY ISSUE OF THE GAZETTE OF INDIA, DATED 27th MAY, 1997)

MINISTRY OF SURFACE TRANSPORT

(PORTS WING)

NOTIFICATION

New Delhi, the 27th May, 1997

G.S.R. 282 (E) - In exercise of powers conferred by Sub-section (1) of Section 124, read with Sub-section (1) of Section 132 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Chennai Port Trust (General Provident Fund) Regulations, 1997 made by the Board of Trustees for the Port of Chennai Port Trust and 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/-

K.V. RAO, Jt. Secy.

[F.No.PR-12016/9/96-PE-I]

SCHEDULE

CHENNAI PORT TRUST (GENERAL PROVIDENT FUND) REGULATIONS, 1997

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 the following Regulations in supersession of the Chennai Port Trust Regulations relating to Provident Fund and Gratuity.

1 Short Title:

These regulations may be called the Chennai Port Trust (General Provident Fund) Regulations, 1997.

2. Application:

They shall apply to all permanent and temporary employees and re-employed pensioners (other than Civil pensioners) appointed on or after 1.4.1963 and who have completed one year of service and admitted to the Chennai Port Trust General Provident Fund.

CLARIFICATION:

- (i) A probationer shall be treated as a temporary employee for purpose of this regulation.
- (ii) A temporary employee who completes one year of continuous service during middle of a month can subscribe to the Fund from the subsequent month.
- (iii) A temporary employee (including probationers) who has been appointed against a regular vacancy and is likely to continue for more than a year may subscribe to the Fund any time before completion of one year of service.

NOTE: A person joining the Trust's service after resigning the service under State or Central Government or Corporate Body owned or controlled by Government and

- (a) he has already completed one year of service previously in the State or Central Government or Corporate Body owned or controlled by Government and
- (b) if the amount standing to his credit with the previous employer is transferred to the Central Provident Fund Account with the Trust.

3. Definition:

- (1) In these regulations unless the context otherwise requires:
 - (a) "**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.
 - (b) "**Act**" means the Major Port Trust Act, 1963 (38 of 1963).
 - (c) "**Board**" means the Trustees of the Port of Chennai appointed under the Act.
 - (d) "**Chairman**" "Deputy Chairman" "Head of Departments" shall have the meaning assigned to them under the Act.
 - (e) "**Emoluments**" means save otherwise provided pay, leave

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salary or subsistence grants as defined in Fundamental Rules of the Central Government or in the Regulations if any framed by the Board whichever may be applicable and such other allowances that may be classified as pay for this purpose from time to time and includes non-practicing allowances granted to Medical Officers in lieu of private practice but does not include conveyance allowances, house rent allowance, city compensatory allowance, overtime and all other allowances not classified as pay.

(f) **“Employees”** – The word permanent and temporary employee shall have the meaning assigned to them in the “Chennai Port Trust Employees (Recruitment, Promotion and Seniority) Regulations”.

(g) ¹**“Family”** means

(i) In the case of a male subscriber, the wife or wives parent, children, minor brother, unmarried sisters, deceased sons, widow and children and where no parents of the subscriber is alive, a paternal grand parent.

(ii) In the case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased sons, widow and children and where no parents of the subscriber is alive, a paternal grand parent.

Provided that if a subscriber proves that his / her wife / husband has been judicially separated from him / her or has ceased under the customary law of the community to which she / he belongs to be entitled to maintenance as per the Law in force she / he shall hence forth deemed to be no longer a member of the subscriber’s family in matters to which these regulations relate unless the subscriber subsequently intimates by express notification in writing to the Accounts Officer she / he shall continue to be so regarded.

EXPLANATION – **‘Child’** means legitimate child and include an adopted child where adoption is recognized by the personal law governing the subscriber and treated

as a member of the family and to whom the employee has through a special will given the same status as of a natural birth.]

(h) **“Fund”** means the Chennai Port Trust General provident Fund”.

(i) **“Leave”** means any variety of leave under the Chennai Port Trust leave Regulations.

(j) **“Sanctioning Authority”** for the purpose of these Regulations shall be as prescribed in the Schedule attached to this Regulation.

(k) **“Year”** means a financial year.

(2) Any other expression used in these regulations which is defined either in the Provident Fund Act, 1925 (19 of 1925) or in the Fundamental Rules of the Central Government or any other Regulations framed by the Board is used in the sense therein defined.

4. Constitution and Management of the Fund:

(i) The Fund shall be administered by the Board and shall be maintained in rupees.

(ii) The Board may, be resolution in writing, prescribed which of the powers conferred upon the Board by these regulations may be exercised by the Sanctioning Authority and may alter or cancel any such Resolution.

²**[5.** [Deleted] vide Notification No.GSR 47(E) dated 3.2.2006.]

6. Nominations:

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

Provided that, if at the time of making the nomination the subscriber has a family, the nomination shall not be in favour

¹ G.S.R No: 51(E) dated 17.01.2000 (B.R.No: 99 dated 20.08.1999)

² G.S.R.No: 47(E) dated 03.02.2006 (B.R.No:176 dated 26.03.2003)

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of any person or persons other than the members of his / her family.

(2) If a subscriber nominates more than one person under sub-regulation (1) he shall specify in the nomination the amount or 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 made in the form set forth in the Schedule.

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

(5) A subscriber may provide in a nomination -

(a) in respect of any specified nominee, that in the event of his pre-deceasing the subscriber, the right conferred upon that nominee shall pass to such other persons 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 / she shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

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

Provided that if at the time of making the nomination the subscriber has 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 / her 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) of the proviso there, the subscriber shall send to the Accounts Officer a notice in writing canceling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.

¹ [(7). Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, becomes operative on its acceptance which shall be conveyed to the subscriber within one month from the date of its receipt by the Account Officer.]

NOTE: In this regulation, unless the context otherwise requires, 'Person' or 'Persons' shall include a company or association or body of individuals, whether incorporated or not'.

7. Subscriber's Accounts:

An account shall be opened in the name of each subscriber in which shall be shown:

- (i) the subscriber's subscriptions.
- (ii) Interest as provided by regulation No.12.
- (iii) Bonus as provided under Regulation 14 on subscription
- (iv) All advances paid and recovered and withdrawals from the fund.

8. Conditions of Subscription:

(a) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period of suspension:

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

NOTE: A subscriber need not subscribe during the period treated as 'Dies-non'.

(b) When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the regulations of the fund in the same manner as if he were not so transferred or sent on deputation.

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- (c) A subscriber may at his option not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half pay.
- (d) The subscriber shall intimate his election not to subscribe during the leave referred to in sub-clause (c) above by a written communication to the Accounts Officer through the head of his department before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of subscriber intimated under this sub-regulation shall be final.
- (e) Notwithstanding anything contained in (a) above a subscriber shall not subscribe to the fund for the month in which he quits service.

9. Rate of Subscriptions:

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

- (a) It shall be expressed in whole rupees.
- (b) It may be any sum so expressed not less than 6 percent of his emoluments and not more than his total emoluments.
- (c) The amount of subscription so fixed by giving a months notice to the accounts officer may be
 - (i) reduced once at any time during the course of the year.
 - (ii) Enhanced twice during the course of the year.
 - (iii) Reduced and enhanced as aforesaid provided that the amount as subscription so reduced shall not be less than the minimum prescribed in Clause (b).
 - (iv) If the amount of subscription payable contain a fraction of a rupee it shall be rounded off to the nearest whole rupee.

Emoluments for the purpose of this regulation shall be calculated at the rate

payable to him monthly had he been on duty.

NOTE: Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement, shall for the purpose of this regulation, be deemed to be emoluments drawn on duty.

10. Realization of subscriptions:

Subscriptions due shall be deducted monthly from the establishment pay bills and the deductions shall be adjusted to the credit of the Fund Accounts.

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

The amounts so credited shall, after the close of each month, be posted in a Provident Fund Ledger, to be kept by the Accounts Officer, from the establishment pay bills.

11. Investments:

All moneys not immediately required for the purposes of the Fund shall from time to time be invested by and held in the name of the Board in securities authorized by the Indian Trust Act, 1882 or in fixed deposits in the State Bank of India or in nationalized Banks or in such investments as may be approved by Central Government from time to time and the Board may from time to time by the sale of securities, standing in its name or the realization of fixed deposits raise such sum or sums as may be required for the purpose of the Fund.

12. Interest on Investments:

- (a) Interest shall be allowed by the Board on all contributions made by the subscriber, including the amount if any, credited during the course of the year towards proceeds of insurance policy or policies under regulation 13 together with interest thereon actually credited to the subscriber's account respectively at the same rate of interest per annum as that which shall have been earned by the Board during the previous official

year upon the Provident Fund investments made under Regulation 11.

NOTE: For purpose of this regulation, the rate of interest shall be rounded off to the nearest quarter percent.

Interest shall be calculated in the following manner, that is to say, the total (excluding fractions of a rupee) of the minimum monthly balances to the credit of each subscriber for the year or for any shorter period necessitated by the closing of an account shall be ascertained and a single months interest for the year and proportionately for any shorter period at the appropriate rate or rates shall be calculated upon such total.

The interest so calculated shall be added to the principal at the end of the official year or at the closing of the account, if closed during the course of a year.

- (b) In the case of subscriber who dies or quits service or retires during the course of a year, interest shall be paid upto the end of the month preceding that in which payment is made or upto the end of the sixth month after the month in which such amount become payable, whichever of these periods be less at the appropriate rate fixed for the previous financial year.

Provided that where the Accounts Officer has personally satisfied himself that the delay in payment was caused by circumstances beyond the control of the subscriber and that administrative delays involved in the matter have paid upto the end of one year after the month in which such amount become payable.

In the case of a subscriber who dies and the amount at his credit is not paid due to his nominee being a minor, interest shall be credited to the subscriber's account in accordance with this Regulation with the date of payment or upto the end of six months after the month in which the subscriber dies whichever is earlier.

13. Payment towards Insurance Policies:

Payment towards Insurance Policies on mutually agreed terms between subscriber and the Board shall apply only to subscribers who before the 1st August, 1969 have been permitted for making withdrawals from the funds for payment towards Life Insurance Policies and this facility shall not be extended to any new policy after the 1st August, 1969.

14. Incentive Bonus:

A subscriber to the fund who on 1.4.1978 and 1.4.1979 and thereafter on 1st April, every year has not withdrawn any amount from his Provident Fund Account during the preceding five years or three years as the case may be, will be entitled to a bonus at the rate of 1% on the entire balance at his credit on 31.3.1978 and 31.3.1979 and 31st March, of the preceding year, thereafter.

NOTE:

- i) Payment on Bonus interest during 1978-79 the five year period to be taken into account will be the period from 1.4.1974 to 31.3.1979 and so on.
- ii) The period of non-withdrawal is reduced to 3 years commencing from 1st April, 1979.
- iii) The term 'withdrawal' means both refundable and non-refundable withdrawals. Withdrawal for financing insurance policies will not make subscribers ineligible for the benefit.
- iv) The bonus so calculated will be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee). This will be credited to the account of the subscriber in addition to the interest of the Provident Fund balances.
- v) The bonus will be admissible only when a subscriber has been subscribing to the fund during the preceding 5 years / 3 years except where the rules permit temporary suspension of subscription for a

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short period e.g. while on leave or under suspension.

- vi) The year for the purpose of calculating bonus will mean financial year. But if a subscriber joins the fund or quits service in the middle of a year, the year of joining and the year of quitting services will be deemed to be full year.
- vii) The amount of bonus will be debited to the Board's Revenue Account.

15. Transfer from / to other services :

A person who has joined the Board's service from the service of any Government or a Railway Administration 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, Railway Administration 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.

In the event of subscriber being permanently transferred to the service under a Government, a Railway Administration 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 to him / her.

16. Advances from the Fund:

A temporary advance may be granted to a subscriber, from the amount of subscription together with interest thereon standing to the credit of the subscriber at the discretion of the Chairman subject to the following conditions:

(1). Payment of Advances :

For one or more of the following purposes:-

- (i) Illness: to pay expenses in connection with the illness or confinement or a disability of the subscriber and member of his family or any person actually dependent on him.
- (ii) Obligatory expenses: to pay obligatory expenses on a scale appropriate to subscriber's status which by customary usage, the subscriber has

to incur in connection with betrothal / marriage, funerals or other ceremonies, of persons actually dependent on him;

- (iii) Education: to meet the cost of higher education of the subscriber and members of his family or any persons who is actually dependent on him in the following types of cases :-

- a) for education outside India for academic, technical, professional or vocational course beyond the high school stage and
- b) for any medical, engineering or other technical or specialized course in India beyond the High School stage, provided that the course of study is not less than three years.

- (iv) Legal: to meet cost of legal expenses incurred by the subscriber in the following types of cases :

- a) where he takes recourse to legal proceedings to vindicate his position in regard to any allegations made against him in respect of any acts done by him in the discharge of his official duties; or
- b) where he is prosecuted in a court of law in respect of any alleged official misconduct or where the subscriber engages a legal practitioner to defend himself in an enquiry.

Provided that no advance shall be admissible.

- i) where an employee takes recourse to a court of law in respect of any incidents unconnected with his position as a Board's employee.

- ii) Where an employee sues the Board in respect of any of his service grievances or against the imposition of any penalty on him.

- (v) Reconstruction: to meet expenses for the reconstruction of huts or houses damaged by cyclones, floods, fire etc.

- (vi) Any other purpose : In special circumstances if the sanctioning authority is satisfied that the

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subscriber concerned requires the advances for reasons not specified in these regulations and also in cases of acute distress.

(2). Conditions for payment of Advances

:

- (i) An advance shall not except for special reasons exceed 3 months pay or the amount standing to the credit of the subscriber in the Fund whichever is less.

NOTE: The term pay occurring in this Regulation means emoluments as defined in Regulation 3.

- (ii) An advance shall not except for special reasons be granted until the final repayment of all previous advances.
- (iii) When a advance is sanctioned before repayment of last installment of any previous advance is completed, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.

17. Repayment of Advance :

- a) An advance shall be recovered from the subscriber in such number of equal monthly installments as the Chairman may, direct but such number shall not be less than 12 unless the subscriber so elects or in any case, more than 36. A subscriber may at his option repay in a smaller number of installments than that specified above. Each installment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary to admit of a fixation of such installments.
- b) Recovery shall be made in the manner provided in Regulation 10 for the realization of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant for a full month. Recovery shall not be made except with the subscriber's

consent while he is on leave or in receipt of subsistence grant and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

- c) If more than one advance has been made to a subscriber, each advance shall be treated separately for purpose of recovery.

18. Wrongful use of advance :

Notwithstanding anything contained in these Regulations if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Regulation 16, has been utilized for a purpose other than that for which drawal of the money was originally sanctioned, the amount in question shall forthwith be repaid by the subscriber to the Fund, or in default be ordered by the sanctioning authority to be recovered by deduction from the emoluments of the subscriber even if he be on leave in one or more monthly installments not exceeding twelve as may be fixed by the sanctioning authority.

NOTE: The term emoluments as used in the regulation does not include subsistence grant.

19. Interest on Advance:

No interest will be credited to the account of any subscriber to whom an advance has been made on any amount for the time being debited to his account as representing an outstanding advance.

20. Final withdrawals from the Fund:

(1) A subscriber may be permitted by the sanctioning authority to make final withdrawals from the amount of subscription and interest thereon standing to the credit of the subscriber in his / her Provident Fund Account subject to the conditions specified therein.

(A) HOUSING: During the service of a subscriber for one or more of the following purposes, namely for:

- (a) building or acquiring a suitable house or ready-built flat for his / her residence including the cost of the site proposed to be acquired from

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the State Housing Board / Co-operative Building Societies:

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

Provided that the amount actually subscribed by the subscriber along with the interest thereon standing to the subscriber's credit or the actual cost of the house / flat including the cost of the site and for repayment of a loan, if any expressly taken, in that behalf whichever is less.

- (c) Purchasing a house site for building a house thereon for his / her residence or repaying any outstanding amount on account of loan expressly taken for this purpose;

Provided that the loan was taken out more than twelve months before the date of receipt of the said application.

Provided further that the amount of the withdrawal shall not exceed one half of the amount actually subscribed by him along with the interest thereon standing to his / her credit in the Fund, or the actual cost of the site whichever is less.

CLARIFICATION: The actual expenditure incurred in connection with the sale or transfer and execution of deeds may be reckoned as part of the cost of the site.

- (d) Constructing a house on a site purchased under Clause (c) :

Provided that the amount of withdrawal for the purpose shall not exceed the balance of amount actually subscribed by him / her together with interest thereon standing to the credit of the subscriber or the actual cost of construction of the house whichever is less.

- (e) additions or alternations to a house or a flat already owned or acquired by a subscriber without assistance

from the Fund or other Government sources ;

Provided that the amount of the withdrawal does not exceed the cost thereof or the amount actually subscribed by him along with interest thereon or Rs.10,000/- whichever is less.

NOTE:

1) While sanctioning withdrawals under these regulations, the sanctioning authority should satisfy himself that the size and the cost of the house / flat / site are not disproportionate to :

- i) the status of the subscriber concerned
- ii) the resources available in his / her Provident Fund Account.
- iii) that the amount is actually required for the purpose of purchasing the house / flat / site or for purpose as the case may be, and
- iv) that the subscriber will acquire full title to the house / flat / site proposed to be purchased.

2) Withdrawal under sub-clause (a) or (e) or Clause (A) shall also 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.

3) Withdrawal under Sub-clauses (a), (d) or (e) or Clause (A) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of 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.

4) In the case of construction of a house / flat under sub-clause (a) or (d) the withdrawal will be permitted only in equal installments (not less than two and not more than four in number), the installments after the first being authorized by the sanctioning authority on the basis of the progress of construction of the house / flat.

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5) The construction of the house should be commenced within six months of withdrawal of money and should be completed within a period of two years from the date of the commencement of construction.

The sanctioning authority may, at his discretion relax the limit of six months prescribed above to one year.

6) If the amount is withdrawn either wholly or partly for the purpose of repayment of a loan previously raised for the purpose of purchasing or redeeming of the house / flat under sub-clause (b) the loan should be liquidated within three months of withdrawal.

7) The withdrawal may be allowed in one installment in cases of outright purchase of a house site or for repayment of loan earlier taken for the purpose, and in not more than three installments if payment for the site is to be made on an installment basis.

8) The house site shall be purchased within a period of one month of the withdrawal or the withdrawal of the first installment as the case may be. In fulfillment of this condition, the sanctioning authority may require the production of receipts issued by the seller, the house building society, etc., in token of the amount of withdrawal / installment having been utilized for making payment towards purchase of the site.

9) A subscriber, who has availed himself of an advance under the scheme of the Ministry of works, Housing and supply for the grant of advances for the House Building purposes or has been allowed any assistance in this regard from any other Government or Port Trust Source shall be eligible for the grant of final withdrawal under this regulation for the purpose specified therein.

Provided that the sum withdrawn under this regulation together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source or Port Trust Source shall not exceed the maximum limit that may be prescribed from time to time under the aforesaid scheme.

10) In the case of acquisition of a house / flat / site from the State Housing Board / Co-operative Building Societies, withdrawal will be permissible of the actual amount subscribed along with interest thereon in order to make:

- i) the initial payment on allotment of a house / flat and
- ii) one lumpsum payment to the Housing Board later while in service to reduce the installment dues or to liquidate the balance installments dues.

In the case of employees who have already paid the initial lumpsum amount from their own private resources one final withdrawal will be allowed to the extent of amount subscribed by them and interest thereon either to reduce the installment dues or to liquidate the balance installment dues.

11) The house / flat / site proposed to be acquired or redeemed by the subscriber with the help of the amount withdrawn as aforesaid shall be situated at the place of his / her duty or at his / her intended place of residence after retirement.

12) Withdrawals will be permitted for building, acquisition or redemption of one house or site only.

Provided the employee does not already own a house / site at the place of his / her duty or at his / her intended place of residence after retirement.

13) The subscriber who avails of the above withdrawals shall execute an agreement and submit declarations in the form and manner as may be prescribed and required for the above purpose.

14) Only on withdrawal shall be allowed under this sub-regulation for purposes of housing.

15) The subscriber shall submit a report in the prescribed form to the sanctioning authority on or before the 31st December in each year so long as he is in the Board's service that the house / flat / site remains in his sole ownership and that he has not parted with the possession thereof by way of transfer, sale, mortgage, gift, exchanges, lease for a term exceeding three years or

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otherwise howsoever without the previous permission of the sanctioning authority in writing. He / She shall also submit if required, the tax receipts, title deed etc. The amount withdrawn shall become repayable in one installment with interest thereon at the appropriate rate or rates fixed from time to time under Regulation 12 from the month of such withdrawal by the subscriber. If the house is sold or gifted or exchanged or mortgaged or leased for a term exceeding three years at any time before retirement without the sanctioning authority's previous permission. In default, it shall be ordered by the Sanctioning Authority that the amount be recovered from the subscriber's emoluments either in a lump sum or in such number of monthly installments as may be decided by the Sanctioning Authority.

(B) After completion of fifteen years of service (including broken period of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier for one or more of the following purposes.:

NOTE: In the case of employees who are admitted to the General Provident Fund, under note to Regulation 2, the service, rendered under State or Central Government or Corporate Body owned or controlled by the government shall count for purposes of final withdrawal under this Regulation.

(a) Education: for meeting the cost of higher education 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 specialized course in India beyond the High School stage; provided that the courses are under taken from the recognized institutions.

The amount will be limited to 3 months emoluments but in no case shall the amount exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the fund.

The withdrawal will not be permissible more than once every six months.

The subscriber concerned should satisfy the sanctioning authority within a period of six months from the date of withdrawal of the amount that it has been utilized for the purpose for which, it was intended.

Notwithstanding the provisions in sub clause (i) and (vi) of sub regulation (2) of this Regulation, in case where a portion of the money withdrawn by the subscriber is not likely to be spent within six months of the date of withdrawal and the subscriber contemplates making a further withdrawal during the following half year, he may, by notifying in writing to the sanctioning authority, before the expiry of the said period of six months, adjust the excess amount in the proposed withdrawal provided that such excess amount is not more than 10 percent of the amount utilised and action to withdraw further amount is taken within one month of the expiry of six months period.

b) Betrothal / Marriage :

For meeting the expenditure in connection with the betrothal / marriage of the subscriber or his daughter(s) or his son(s) and any other female / male relation actually dependent on the subscriber.

The amount of withdrawal in respect of each marriage will be the amount actually subscribed by the subscriber along with the interest thereon standing to his credit, or ten months emoluments for daughter / female dependent or six month emoluments for son / male dependent as the case may be which ever is less.

NOTE:

- i) for the purpose of this Regulations the word 'Marriage' includes betrothal ceremony also.
- ii) The betrothal ceremony and marriage ceremony shall be treated as separate purposes . A subscriber who has withdrawn on the occasion of betrothal ceremony is eligible to make another final withdrawal on the occasion of marriage ceremony also.

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- iii) If two or more marriages are to be celebrated simultaneously, the amount admissible in respect of each marriage will be determined as if the withdrawals are sanctioned separately one after the other.
- iv) The withdrawal will be allowed not earlier than three months preceding the month in which the marriage actually takes place.
- v) In respect of the same marriage, a subscriber may either withdraw the money in terms of this regulation or draw temporary advance under Regulation 16.
- vi) The subscriber should submit a report to the sanctioning authority within a period of one month from the date of marriage, or if he is on leave, within one month or return from leave, that the money withdrawn has actually been utilized for the purpose for which it was intended.

c) Illness: for meeting the expenditure for prolonged illness of the subscriber or any person actually dependent on the subscriber.

The amount of withdrawal will be the amount actually subscribed by the subscriber along with interest thereon standing to the credit of the subscriber or 6 months emoluments whichever is less.

The subscriber should submit a report to the sanctioning authority within a period of one month from the date of withdrawal of the amount that it has been utilized for the purpose or which it was drawn.

(C) PURCHASE OF MOTOR CAR / MOTOR CYCLE / SCOOTER ETC.

After completion of 15 years of service (including the broken periods of service, if any) of a subscriber or 5 years prior to attaining the age of superannuation, withdrawal may be permitted for purchasing a motor car / motor cycle / scooter or for repaying a loan already taken by the subscriber for this purpose, subject to

- i) the subscriber's basic pay should be Rs.3,500/- per month or more in the case of purchase of motor car and

Rs.1,500/- per month or more in the case of motor cycle / scooter etc.

- ii) the amount of withdrawal is limited to Rs.50,000/- for purchase of motor car and Rs.8,000/- for purchase of motor cycle / scooter etc. or the amount standing to the subscriber's credit whichever is less.
- iii) Such a withdrawal shall be allowed only on one occasion.
- iv) In the case of withdrawal for purchase of another motor car / motor cycle / scooter, advances for the purpose under the scheme for purchase of car / motor cycle / scooter will not be admissible.
- v) The motor car / motor cycle / scooter should be purchased within one month of the withdrawal of the money and proof of purchase should be produced to the satisfaction of the sanctioning authority failing which the entire amount is refundable to the fund together with interest at the appropriate rate as fixed under Regulation 12.
- vi) The subscriber shall submit a report to the sanctioning authority every year as long as the subscriber is in the Board's service that the motor car / motor cycle / scooter remains in his sole ownership. He shall not sell, mortgage or transfer the car / motor cycle / scooter without the previous permission of the Chairman and in case it is so parted with the amount of withdrawal shall be refunded to the credit of the subscriber's Provident Fund together with interest at the appropriate rate as fixed under Regulation 12.
- vii) The subscriber who avails of the above withdrawal shall give an undertaking to the sanctioning authority on a stamp paper in the prescribed form.

(D) 90% WITHDRAWAL:

A subscriber may be permitted to withdraw within 12 months before the date of retirement an amount not exceeding 90% of the amount standing to the credit of the

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subscriber payable to him from the Fund without linking to any purpose.

(2). Conditions for Final withdrawals:

- i) Redeposition: Any sum withdrawn at any one time for one or more purposes specified under this Regulation from the Fund which is found to be in excess of that actually required by the subscriber / unutilized for the purposes should be redeposited forthwith into the Fund together with the interest due thereon at the appropriate rate or rates fixed from time to time under Regulation 12.
- ii) Repayment : A subscriber who has been permitted to withdraw the money from the fund at any time for one or more purposes under this Regulation shall satisfy the sanctioning authority within the specified period, that the money has been utilized 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 has not been applied for the purpose for which it was withdrawn, shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from subscriber's emoluments either in one lumpsum or in such number of installments as may be determined by the sanctioning authority.
- iii) The subscriber shall execute agreements, submit declarations and produce documentary evidences appropriately as required for the amount withdrawn for one or more purposes under these regulations in the manner and form as may be prescribed and directed by Chairman.

(3). Conversion:

Any outstanding balance against the temporary advances drawn for the purpose, aforesaid under Regulation 16 may at the written request of a subscriber, be converted into a final withdrawal under this regulation

provided he had on the date of such drawal satisfied the conditions mentioned therefor.

21. Closing of accounts & payments :

(1) The account of each subscriber shall be closed and the amount standing to his credit in the fund shall become payable on his quitting service -

- i) when he is dismissed / resigns.

Provided that a subscriber who has been dismissed / resigned from service, is subsequently reinstated in service shall if required to do so by the Board, repay to the Accounts Officer for credit to his account any amount paid to him with interest at the rate provided in Regulation 12.

- ii) When he retires on superannuation or has been permitted to retire under the Chennai Port Trust Employees (Retirement) Regulations or has been declared by the Trust's Chief Medical Officer as unfit for further service; or

- iii) When he dies.

(2) Payment on death of subscriber:

- a) When the subscriber leaves a family

i) if a nomination made by the subscriber in accordance with the provisions of Regulation 6 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.

ii) 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 standing to his credit in the Fund, the whole amount or the 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

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member or members of his family, become payable to the member of his family in equal shares.

Provided that no share shall be payable to

1. sons who have attained legal majority.
2. sons of a deceased son who have attained legal majority.
3. married daughters whose husbands are alive, and
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 also 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;

NOTE: Any sum payable under these regulations to a member of the family of a subscriber vests in such member under sub-section (2) of Section-3 of the Provident Fund Act, 1925.

b) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Regulation 6 in favour of any persons or persons subsists the amount standing to his credit in the fund or part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

NOTE:

- 1) when a nominee is dependant of the subscriber as defined in clause (c) of section 2 of the Provident Fund Act, 1925. The amount vests in such nominee under sub-section 2 of Section-3 of that Act.
- 2) when the subscriber leaves no family and no nomination made by him in accordance with the provisions of regulation 6 subsists, or if such nomination relates only to part of the amount standing to his credit in the

fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of Section 4 of the Provident Fund Act, 1925 are applicable to the whole amount or the part thereof to which the nomination does not relate.

- 3) When a nominee is not a dependant of the subscriber as defined in clause (c) of Section 2 of the Provident Fund Act, 1925, the amount if it does not exceed Rs.10,000/- it shall be paid to the nominee only on production of succession certificate, probate, or letters of administration.

c) When the Subscriber leaves nominees who are minors:

In the case of subscriber who dies and one or more of whose nominees to the fund is a minor or are minors at the time of the subscriber's death the share due to the minor (s) shall be paid.

- a) to the guardian of the minor (s) appointed by the Court of Law.

Provided that the Provident Fund money to the extent of Rs.10,000/- (or the first Rs.10,000/- where the amount payable exceeds Rs.10,000/-) on behalf of the minor(s) can be made to his /their natural guardian or when no natural guardian exists, to the person considered fit by the Chairman to received payment on behalf of the minor (s) without requiring him to produce a guardianship certificate. The person receiving payment on behalf of the minor / minors should be required to execute a bond signed by two sureties agreeing to indemnify the Board against any subsequent claim. The balance in excess of Rs.10,000/- if any shall be paid according to law.

Provided further that in cases where the natural guardian is a Hindu widow or Hindu widower, the payment of Provident Fund money on behalf of her or his minor children shall be made to her or him as the case may be irrespective of the amount involved without with out production of guardianship certificate or any indemnity bond unless there is anything concrete to show that the interests of the mother or the father as the case may be are adverse to those of the minor children.

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It is essential, however, that in the absence of a natural guardian there should be adequate 'Prima facie' grounds for making payment to the persons claiming it. Such ground can exist only if he / she is shown by a sworn affidavit to be a de-facto guardian and his/her bonafides have been ascertained. Even if guardian has not yet been ascertained. Even if a guardian has not yet been appointed by the Court. If the minor and his property are in the custody of some person such person is in law a de-facto guardian. The person who comes forward to claim payment on behalf of the minor should satisfy the Chairman by an affidavit that he is in charge of the property of the minor and is looking after it or that the minor has no property other than the Provident Fund money; the minor is in his custody and care. The affidavit is to be produced in addition to the indemnity bond with suitable sureties; or

- b) to the nominee when the amount is claimed by the nominee after he or she has attained majority.

Provided that in every case interest shall be allowed in accordance with the note to regulation 12 (b) till the date of payment or to the end of sixth month after the month in which the subscriber dies whichever is earlier.

22. CREDITING TO REVENUE ACCOUNT:

All balances of Provident Fund unclaimed for more than three complete account years will at the end of each year be credited to the Board's Revenue account.

A sum credited to the Board's Revenue account cannot, without the sanction of the Board, be refunded to the person or persons who could have drawn it any time before its credit to the Revenue Account.

23. ASSIGNMENT OF POLICY:

- i) If the person to whom, under these regulations, any amount of 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 reassignment or

delivery will be made to such manager and not to the lunatic.

- ii) In case where no Manager for the estate of the lunatic has been appointed, the payment or re-assignment of the policy may be made in terms of Section 95 (1) of the Indian Lunacy Act to the person having charge of the Lunatic under the orders of the Collector. The Chairman of the Board shall pay only the amount which he thinks fit to the person having charge of the Lunatic and the balance, if any or such part thereof as he thinks fit, is to be paid for the maintenance of such members of the lunatic family as are dependent on him for maintenance. But before this is done, the person to whom the payment becomes payable under the rules will have to be certified by the Magistrate as Lunatic.

24. PROCEDURE FOR PAYMENT:

The procedure for payment of the amount standing to the credit of the subscriber, execution of bonds, agreements, submission of declaration and production of documentary evidences appropriately as may be required for the purposes under these regulations shall be in the manner and forms as may be prescribed by Chairman from time to time.

25. INTERPRETATION:

If any question arises relates to the interpretations of these regulations, the same will be decided by the Board.

26. APPLICATION OF GOVERNMENT RULES:

In applying the provisions of these regulations and in matters not dealt within these regulations, the orders and decisions of the Government contained in government's General Provident Fund (Central Services) Rules shall subject to such exceptions and modifications as the Board may decide from time to time, be adopted with the prior approval of the Central Government pending formal amendment to these regulations.

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27. REPEAL AND SAVING:

On commencement of these regulations, the Chennai Port Trust Regulations relating to Provident Fund and Gratuity which were in force immediately before these regulations come into force shall cease to have any effect.

Provided that any order made or action taken or liberalization allowed under the provisions of the repealed regulations shall be deemed to have been made or taken or availed of under the corresponding provisions of these regulations.

SCHEDULE

SANCTIONING AUTHORITY FOR THE PURPOSE OF THE CHENNAI PORT TRUST GENERAL PROVIDENT FUND REGULATIONS – REGULATION NO.3

Reg No.	Description of powers delegated	Authority to which the power is delegated
13.	The Board's Power to sanction applications from subscribers to the Board's Provident Fund for permission to utilize the subscription to the fund towards the payment of premium on policies of Life Assurance.	Chairman
16	The Board's powers to grant temporary advance to the Provident Fund Subscribers from the amount standing to his / her credit.	Chairman
	Deputy Chairman	Full powers in the case of all employees including Heads of Departments.
	Heads of Departments	Full powers in the case of all employees excluding Heads of Departments.
	(Cases involving relaxation will require the sanction of Deputy Chairman/ Chairman)	Full powers in the case of Classes I & II and Classes III & IV employees of their departments.
20	Final withdrawal from Provident Fund.	Chairman
	Dy. Chairman	Full powers in the case of employees including Heads of Departments. Full powers in the case of employees excluding Heads of Departments.

22 The Board's power to sanction Chairman payment to these concerned from the Revenue Account of sums credited thereto viz. balances of Provident Fund unclaimed for more than three complete account years.

FORM OF NOMINATION

SCHEDULE REFERRED TO IN REGULATION 6 OF THE CHENNAI PORT TRUST GENERAL PROVIDENT FUND REGULATIONS

Account No.....

I,hereby nominate the person(s) mentioned below who is / are member(s) / non-member(s) of my family as defined in the Chennai Port Trust General Provident Fund Regulations to receive the amount that may stand to my credit in the Fund as indicated below. In the event of my death before that amount has become payable or having become payable has not been paid.

Name and full address	Relationship with the subscriber	Age of the nominee	Share payable to each nominee	Contingencies on the happening of which the nomination will become invalid	Name, address and relationship of the person(s) if any to whom the right of nominee shall pass in the event of his / her predeceasing the subscriber.	If the nominee is not a member of the family as provided in Regulation 3 indicate the reasons
1	2	3	4	5	6	7

Dated this ...day of 20..... at ...

Signature of the subscriber

Name in Block letters.....

Designation.....

Two witnesses to signature

Name and Address

2.

(For use by the Accounts Department)

ACCEPTED

FINANCIAL ADVISER AND
CHIEF ACCOUNTS OFFICER

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- a) Your name may be filled in.
- b) Name of the Fund may be completed suitably.
- c) Definition of term "family" as given below:
Family means –
- i) In the case of a male subscriber, the wife or wives, parent, children minor brothers, unmarried sisters, deceased sons, widow and children and where no parents of the a subscriber is alive, a paternal grand parent.
- Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall hence forth 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 sons, widow and children and where no parents of the subscriber is alive, a paternal grand parent:
- Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relates, unless the subscriber subsequently cancels such notice in writing.
- NOTE** 'Child' means legitimate child and include an adopted child where adoption is recognized by the personal law governing the subscriber who lives with an employee and treated as a member of the family and to whom the employee has through a special will given the same status as of the natural born child.
- d) Col.4 If only one person is nominated the words ' in full' should be written against the nominee. If more than one person is nominated, the share payable to each nominee over the whole amount of the Provident Fund shall be specified.
- e) Col.5 Death of nominee(s) should not be mentioned as contingency in this column.
- f) Col.6 Do not mention your name.
- g) Draw a line across the blank space below last entry to prevent insertion of any name after you have signed.
- *****
- Foot Note: - Principal Regulations amended with approval of the Government vide:
¹GSR No.51(E) dated 17.1.2000.
²GSR No.47(E) dated 03.02.2006
- d) Col.4 If only one person is nominated the words ' in full' should be written against the