

MUMBAI PORT TRUST



RULES OF THE PROVIDENT FUND

ACCOUNTS DEPARTMENT

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

(Revised upto 30th September 1990)

MUMBAI

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

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Verified. These rules are known as BPT Rules of the Provident Fund and not BPT
Regulations of the Provident Fund.

Approved under the Board' Resolutions Nos.87

dated 13th February, 1951 and 294

dated 8th May 1951.

(Revised upto 30th September 1990)

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

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INTRODUCTION

This compilation of the Rules of the Provident Fund combines in one set the Rules hitherto printed as two separate sets, viz. one in respect of Scheduled Permanent employees and the other in respect of Scheduled Temporary and Non-scheduled Permanent employees. The corresponding rules in the two sets have been consolidated and the opportunity has been taken to revise and amplify, where necessary, the text so as to bring it in accord with existing orders. In the case of employees recruited subsequent to 31st March 1951, the maximum amount of the Special Contribution has been reduced from the existing limit of Rs.25,000 to Rs.15,000. The powers hitherto exercised by the Board for the grant of advances and permitting withdrawals from the Provident Fund have now been transferred to the Chairman.

* Revised from time to time.

MUMBAI PORT TRUST
RULES OF THE PROVIDENT FUND

¹ [1. All employees of the Board, other than those on part-time appointment, holding posts on the permanent establishment in the Schedule sanctioned under Section 21 of the Bombay Port Trust Act, 1879 are required to subscribe to the Provident Fund under these rules with effect from the date of their appointment.]

2. (a) (i) With effect from 1st May 1946 employees classed as temporary under the rules previously in force shall be designated for the purpose of these rules relating to Provident Fund, either as scheduled temporary employees or non-scheduled permanent employees.

(ii) Those employees shall be designated scheduled temporary employees who are employed on a temporary basis but whose posts are on the Schedule prepared and kept under Section 21 of the BPT Act.

(iii) Those employees shall be designated non-scheduled permanent employees whose posts are not on the Schedule prepared and kept under Section 21 of the BPT Act but who have been in service continuously for a period of not less than 1 year, whether monthly rated or daily rated. Docks casual labour in category 'B' referred to in T.R. No. 611 of 14.09.1948 shall be excluded from this category.

¹ Subs. By T.R. No. 937 of 1965 (w.e.f. 05.10.1965)

(b) Scheduled temporary employees and non-scheduled permanent employees as defined by Regulation 2(a) above shall be eligible to subscribe to Provident Fund with effect from the date of completing one year's continuous service 01.05.1946 or any subsequent date provided that any employee who would have been eligible under the rules in force previous to the first day of May, 1946 to subscribe to Provident Fund by virtue of the completion by him of three years' continuous service before the said date, shall be eligible to do so with effect from the date of completion of such service.

¹ [(c) * * * * *]

Note : All authorized leave of absence shall count as continuous service.

²[2A. Notwithstanding anything contained in these Rules, the obligation to subscribe to the Provident Fund shall cease as soon as an employee attains the age of compulsory superannuation or if he has been granted an extension of service, on the expiry of the extension. It shall, however, be open to such an employee to continue his subscription to the Provident Fund at the rate of $8\frac{1}{3}$ per cent of his pay during or in respect of any period of 'Refused' leave or post-superannuation leave preparatory to retirement, which may be granted to him in accordance with the

¹ Deleted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965)

² Inserted by T.R. No. 977 of 1963 (w.e.f. 01.12.1962)

service rules applicable to him. In addition, he will be at liberty to make, in accordance with the relative rules, whatever voluntary contribution he may choose to do during such period of 'refused' leave and/or post-superannuation leave preparatory to retirement. No contribution, compulsory or voluntary, may be made after an employee's final retirement from service.]

3. The Board may, by special resolution, admit employees engaged for definite or indefinite period on agreement or otherwise in permanent appointments included in the Schedule of staff framed under Section 21 of the Bombay Port Trust Act, 1879, to the benefits of the Fund under these rules, such benefits as regards those employees being qualified as hereinafter provided.

4. In the event of the person appointed by the Union Government to hold or officiate in the office of Chairman of the Board not being a Government Officer or eligible on retirement for a pension, the Board may, by resolution and subject to the approval of the Union Government, permit him to subscribe to the Trustees' Provident Fund under these rules.

5. The account of the Pilot Service Provident Fund shall be kept separate and the Board's contribution thereto shall be paid out of the Pilotage Revenue, but these rules shall, unless otherwise expressly stated therein, apply to the Pilot Service Provident Fund.

6. A separate account of the Provident Fund shall be kept in respect of subscribers who shall have been transferred to the Board from any Railway for service in connection with the Bombay Port Trust Railway, but save so far as the same are expressly varied by this rule, these rules shall in all respects apply to such subscribers.

- (a) A subscriber transferred from any Railway to the Board for service aforesaid may, if he so desires, have any amount standing to his credit at the rate of his transfer in the Provident Fund of the railway from which he has been transferred to this Provident Fund, and in case of such transfer the amount transferred shall be placed to his credit in this Provident Fund and shall carry interest under the subject to the provision of Rule 11 of these rules as a subscriber's contribution made after the 31st March 1903, but no such subscriber will be entitled to any contribution by the Board in respect of any amount transferred as aforesaid.
- (b) No amount transferred as aforesaid shall be liable to forfeiture under these rules.
- (c) In the case of subscribers transferred as aforesaid, service on the former Railway shall count towards the period of service required under Rule 1

7. In these rules, where it is necessary to refer to the subscribers under Rules 1, 2, 3, 5 and 6 respectively as separate classes, they are referred to as General Subscribers, Special Subscribers, Pilot Subscribers and Transferred Subscribers respectively.

The expressions "subscriber", or "subscribers" or "all subscribers" by themselves shall, unless otherwise stated in the context, include all the above classes.

8. ¹ [(1) Every subscribers shall contribute to the fund at the uniform rate of ⁸ 1/3 per cent on pay.† Deduction at this rate will be made month by month from the paysheets.] ^{DA.}

Notes: ² [* * * * *]

³ [(2) (A) Applicable to employees who are on scales of pay of which the maximum exceeds ⁴ [Rs.650/-]

(i) The word "pay" means "pay" as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, 9th Edition.

(ii) A subscriber shall contribute to the Provident Fund, while on duty, on his pay. While on leave he shall contribute on the amount of his leave salary. (The term "leave salary" does not include any allowance payable to a subscriber while on leave or any portion of such an allowance unless it is to be taken into account for purposes of the Provident Fund under any other rules for the time being in force.

1. Renumbered	}	- By T.R. No. 1174 of 1967.
2. Deleted		with effect from
3. Inserted		01.08.1967
4. Substituted by T.R. No. 1193 of 1970 (w.e.f. 01.01.1969)		

- ¹ / (iii) The monthly subscription shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped.
- (iv) In the case of subscriber who is first appointed to a post carrying a scale of pay of which the maximum does not exceed Rs. 650, and is subsequently promoted in a substantive capacity to a post carrying a scale of pay of which the maximum exceeds Rs.650, he shall from the date of such promotion, contribute to the Provident Fund on the basis specified in clauses (i) to (iii) above.
- (v) An employee, who holds a post carrying a scale of pay of which the maximum does not exceed Rs.650 and is promoted temporarily to a post carrying a scale of pay of which the maximum exceeds Rs.650, shall contribute to the Provident Fund for so long as he holds the latter post, on the basis specified in clause (i) to (iii) above. If or when such an employee takes leave of any kind or reverts to the post previously held by him or is transferred to a post carrying a scale of pay of which the maximum does not exceed Rs.650 then from the date on which such leave commences or on which such reversion or

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1. Substituted by the MOST's letter No. PW/PER-30/82 dated 03.04.1982 and T.R. No. 120 dated 26.04.1982 (effective from 01.06.1982)

transfer takes effect he will contribute to the Provident Fund on the basis specified at item (8) below.

- (B) Applicable to employees who are on scales of pay of which the maximum does not exceed Rs.650.

(i) In the case of employees other than 'A' Category Dock Shore Mazdoors and Morpias of the Docks Department and Crane Drivers, Hydraulic, 5 & 6 tones and 35 cwt. and Crane Drivers, Electric 3 & 6 tons, of the Engineering Department, the word "pay" for the purpose of these rules comprises –

(a) all payments which come within the ambit of the definition of "pay" given in Article 11(11) of the Trustees' Digest of Pay and Allowances, 9th Edition;

(b) any other payments which are not covered by such definition but which come within the ambit of the definition of "basic wages" given in Section 2(b) of the Employees' Provident Funds Act 1952;

(c) Dearness Allowance ¹ [* * * * *]

(d) Compensatory (City) Allowance;

¹ Deleted by T.R. No. 1193 of 1970
(w.e.f. 01.01.1979)

(e) Cash value of food concessions or free rations or payment in cash in lieu of free rations or a part thereof; and

(f) also for employees governed by the arrangement called the Extension of the Piece-rate System of payment, the premium paid to them over and above their normal wages, but does not include overtime and house rent allowance.

- (ii) In the case of 'A' Category Dock Shore Mazdoors and Mopias of Docks Department and Crane Drivers, Hydraulic, 5 and 6 tons and cwt. and Crane Drivers, Electric, 3 and 6 tons, of the Engineering Department the word 'pay' for the purpose of these rules, comprises piece-rate earnings (b) earnings for work for which payment is made at time rates (c) earnings for ancillary work (d) attendance allowance wherever payable (e) payments for weekly days of rest and (f) payments for paid holidays and casual leave. It does not include house allowance, overtime or any other payment or allowance, whether payable separately or as part of their other earnings which does not come within the definition of "pay" given in clause (i) above.

Notes :

- (1) Where quarters are allotted to employees free of rent, the letting value of such quarters or where quarters are allotted to employees at concessionary rates of rent, the value of such concession shall not be counted as "pay" for the purpose of these rules.
- (2) Should a question arise whether a particular amount payable to an employee is "pay" within the meaning of the definition of "pay" given in clauses (i) and (ii) above, it shall be referred to the Chairman and his decision shall be final. Similarly, should a question arise in regard to overtime or house rent allowance, both of which are excluded from the definition of "pay" given in the above mentioned clauses, it shall be referred to the Chairman and his decision shall be final.
- ¹ [(3) In the case of the employees mentioned in clause (ii) above, the deduction on account of house rent allowance from their earnings shall be made at the following rates:

'A' Category Mazdoors	Dock	Shore	16% of pay in the monthly scale of pay, subject to a minimum of Rs.20
Morpias			16% of pay in the monthly scale of pay.
Crane Driver, Hydraulic, 5 & 6 tons & 35 cwt., and Crane Drivers, Electric, 3 & 6 tons			16% of pay in the monthly scale of pay.

No deduction is, however, to be made for or in respect of the period of leave without pay during which they do not draw any house rent allowance.]

¹ Substituted by T.R. No. 1193 of 1970
(w.e.f. 01.01.1969)

(iii) A subscriber shall contribute to the Provident Fund, while on duty, on his pay and while on leave of any kind, on the leave salary and allowance actually drawn by him during or in respect of such leave but these shall not include house rent allowance or any concession or any payment received by him during or in respect of such leave which is not covered by the definition of pay given in clauses (i) and (ii) above.

¹ [(iv) The monthly subscription shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped.]

v) a) In addition to the contribution required to be made by each subscriber under sub-rule (1) of this rule, he may be required by an order issued by the Board in this regard, to make two ad hoc contributions, viz. (i) one out of but not exceeding such ex gratia payment in lieu of bonus in respect of the accounting year 1966-67 as may be due to him and (ii) the other out of but not exceeding such arrears of dearness allowance consequent on the revision of the rate at which dearness allowance is payable, as may be due to him in respect of the period from 1st February 1967 to 31st August, 1967, each contribution being of such quantum or at such rate, as may be fixed by the Board.

¹ Substituted by the MOST's letter No. PW/PER-30/82 dated 03.04.1982 and T.R.No. 120 dated 26.04.1982 (effective from 01.06.1982)

(b) Interest shall be allowed on such ad hoc contribution at the same rate as on the contribution made under sub-rule (1) of this rule. Such ad-hoc contributions shall not be taken into account for calculating the Board's contribution specified in Rule 9 or in determining "pay", as defined in Rule 4 of the Rules contained in Appendix 'B' to these Rules for the purpose of calculation of the Special Contribution.

¹ [(c) (1) The Second ad hoc contribution referred to in sub-clause (a) above may, at the option of the subscriber, be refunded to him together with the interest earned thereon) on, or after 1st April, 1968. If the subscriber does not exercise the option for the refund to him of the said ad hoc contribution, it shall on and from 1st April 1968, be treated as forming part of the subscriber's Provident Fund.]

² [(2) The first ad hoc contribution referred to in sub-clause (a) above, may, at the option of the subscriber, be refunded to him (together with interest earned thereon) on or after 1st September, 1968. If the subscriber does not exercise the option for the refund to him of the said ad hoc contribution, it shall, on and from 1st September 1968 be treated as forming part of the subscriber's Provident Fund.]

1. Renumbered # By TR No.894 of 1968.

2. Inserted #

- (d) No advance from or withdrawal of either of the ad hoc contributions will be permitted till 31st March 1968.
- (e) Notwithstanding anything contained in sub-clause (c) and (d) above, the ad hoc contributions, together with the interest earned thereon, may be refunded earlier than 1st April 1968, to a subscriber whose Provident Fund account is closed.]

8A. (1) It shall be open to a subscriber, if he so desires, to make a voluntary contribution in whole Rupees, in addition to the contribution which he is required to make under Rule 8 above, provided that the total contributions under Rule 8 above and under this rule shall not exceed his pay.

(2) A subscriber wishing to make a voluntary contribution under sub-rule (1) above shall submit an application to that effect to the Chief Accountant through his Head of Department stating inter alia the rate at which the contribution is to be made and the month from which the necessary deductions from his pay are to commence.

(3) Once a subscriber's request for voluntary contribution has been complied with, it shall not be open to him to withdraw or amend the request except as provided in sub-rule (4) below.

(4) A subscriber wishing to stop his voluntary contributions or vary the rate thereof shall be permitted to do so from the beginning of the financial year following the date on which his instructions to that effect are received by the Chief Accountant.

Provided that for reasons, which are considered good and sufficient by the Chief Accountant, and subject to the conditions specified in sub-rule (1), a subscriber may be allowed to increase his voluntary contribution at anytime during the financial year.

(5) The Board's contribution specified in Rule 9 below shall be calculated without taking into account the voluntary contribution credited to a subscriber's account under this rule.

(6) Interest shall be allowed on the voluntary contributions made by a subscriber under this Rule at the same rate as on the contributions made by him under Rule 8 above.

(7) Except as provided above, a subscriber's voluntary contributions shall be treated as forming part of his Provident Fund for all purposes including advances, withdrawals, payments of insurance premia, etc.

¹ [9. The Board's contribution shall be at the rate of 100 per cent on the subscriber's contribution and shall be made

1. Substituted by T.R. No. 937 of 1965.
(w.e.f. 5.10.1965)

* See

Appendix

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half yearly on ¹ 30th September and ² 31st March except in the case of death or retirement of the subscriber when the Board's contribution (if any) shall be made on that of the subscriber upto the time of death or retirement.

1. Provided that in respect of employees joining the Board's service on or after 5th October 1965 the Board's contribution shall be nil.

2. Provided further that in respect of employees opting for the Bombay Port Trust Pension Rules in terms of the option given to them under ³ [Rule 4(ii)] ibid, the entire Board's contribution together with the accumulated interest thereon shall, from the date of effect of the option, revert to the Board and no further contribution will be made by the Board thereafter.

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| 1. | } | Inserted by TR No. 370 dated 13.12.1977 and MOST's Notification No. |
| 2. | | PEB-3/78 dated 29.10.1979 (with effect from 10.11.1979) |
| 3. | | Substituted by TR No. 1234 of 1966 (with effect from 05.10.1965). |

Exception - This Rule shall not apply in respect of any subscription, which a subscriber may choose to make in terms of Rule 2A, during or in respect of any period of "refused" leave or post-superannuation leave preparatory to retirement, which may be granted to him in accordance with the service rules applicable to him. That is to say, no contribution will be made by the Board corresponding or equal to the contribution (including voluntary contribution), if any, which a subscriber may make during or in respect of his "refused" leave or post-superannuation leave preparatory to retirement.

Notes : (1) See also Rules 12 and 13.

- (2) In respect of employees joining the Board's service on or after 5th October 1965 who will automatically be governed by the Bombay Port Trust Pension Rules vide ¹ [Rule ¹ 4(i)] *ibid*, the Bombay Port Trust Rules of the Provident Fund will, in effect be non-contributory from the very beginning. Similarly in respect of employees who opt for the Bombay Port Trust Pension Rules vide ¹ [Rule 4 (ii)] *ibid*, the Bombay Port Trust Rules of the Provident Fund will *ab initio* be treated as non-contributory.]

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1. } Substituted by T.R. No. 1234 of 1966.
2. } (with effect from 05.10.1965)

10. ¹ [In the case of subscribers quitting their service or dying while in their service] the Board may, in their discretion, order that in addition to the contributions credited under Rule 9 the account of the subscriber shall be credited with a special contribution calculated in the manner prescribed and subject to the conditions specified, in Appendix 'B' to these Rules. Such special contribution may be credited, subject to the approval of the Union Government, to the account of a person holding the office of the Chairman and admitted to the Fund under Rule 4.

¹ [Provided that no such special contribution shall be credited to the account of the subscriber who is not entitled to the Board's contribution under the provisions 1 and 2 to Rule 9 and Note (2) thereunder.]

¹ [Note : In the case of an employee who is granted "refused" leave or post-superannuation leave preparatory to retirement, retirement, for the purpose of this Rule, shall be deemed to take place on the date on which such employee shall attain the age of 58 years or if he has been granted an extension of service, on the date on which such extension shall expire.]

11. With effect from 1st April 1927 interest shall be allowed by the Board on all contributions made by the subscribers and also

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1. Substituted by T.R. No. 1174 of 1967 (w.e.f. 01.08.1967)
 2. Inserted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965)
 3. Inserted by T.R. No. 977 of 1963 (w.e.f. 01.12.1962)

on the Board's contribution (excluding any special contributions admissible under Rule 10) actually credited to the subscribers' accounts together with accrued interest thereon 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 :

Note : For the purpose of this rule the rate of interest
should be rounded off to the nearest quarter per cent.

Interest shall be calculated in the manner following, 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 month's interest for the year and proportionately for any shorter period at the appropriate rate or rates shall be calculated upon such total.

¹ [The interest so calculated shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped and shall be added to the principal at the end of the official year or at the closing of the account is closed during the course of a year.]

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1. Substituted by MOST's letter No. PW/PER-30/82 dated 03.04.1982 and T.R. No. 120 dated 26.04.1982 (Effective from 01.06.1982)

12. Separate accounts shall be kept for each subscriber. Each such account shall be divided into parts. The first part shall show the amount of the subscriber's own personal contribution with the interest thereon as it accrues and details of all advances and repayments, insurance premia paid and all other dealings therewith under these rules. The second part shall show the subscriber's share of the Board's [half] ¹ yearly contribution of the Board shall be credited in the account until he has completed five years' service as hereinafter provided.

² [Provided that in respect of a subscriber whose Provident Fund is non-contributory under the provisos 1 & 2 to Rule 9 and the Note (2) thereunder the Provident Fund account shall have only one part pertaining to his personal contribution.

13. (1) A special subscriber shall not be credited with or receive any contribution from the Board until he has completed five years' service. On completion of five years' service Board shall make a contribution at the rate specified in Rule 9 above to be added to the total amount to the credit of the special subscriber as if the contribution had accrued half yearly on the ³ [30th September] and ⁴ [31st March] from the date of the special subscriber's first appointment with interest thereon.

1. Inserted by T.R. No. 370 dated 13.12.1977 and MOST's notification No. PEB-3/78 dated 29.10.1979 (Effective from 10.11.1979).

2. Inserted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965)

3. Inserted by T.R. No. 370 dated 13.12.1977 and MOST's Notification.

4. N.J. PEB-3/78 dated 29.10.1979 (Effective from 10.11.1979).

(2) All other subscribers shall serve years in order to entitle them to receive their shares of the Board's contribution and interest thereon on retirement, but their accounts will nevertheless be credited each ¹ [half] year on ² [30th September and 31st March] from the date of their appointment with their shares of such contribution and interest thereon will be credited to them in the ordinary way and such amount of contribution and interest will be payable on their death as hereinafter provided.

² [Note : See provisos 1 & 2 to Rule 9 and Note (2) thereunder.]

14. (1) In the event of retirement before the completion of five years' service, all subscribers shall be entitled to receive only the amount of their own contribution with interest thereon, but, except in the case of special subscribers, the Board in the case of scheduled permanent staff and the Chairman in the case of scheduled temporary and non-scheduled permanent staff shall nevertheless have power, in case the retirement is necessitated by certified incapacity for further service, or other causes beyond the subscriber's control, to waive forfeiture of the share of the Board's contribution of the subscriber with interest thereon.

1. Inserted by T.R. No. 370 dated 13.12.1979 and MOST's Notification No. PEB-3/78 dated 29.10.1979.

2. (w.e.f. 10.11.1979).

3. Inserted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965)

(2) Any sums standing to the credit of a subscriber on his retirement and withheld under this Rule shall become the property of the Board.

¹ [Note : This Rule does not apply to a subscriber whose Provident Fund is non-contributory under provisos to Rule 9 and the Note (2) thereunder.]

² [15. (1) Before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Board may direct the deduction therefrom of any amount, in the case of a subscriber who is dismissed from the service for grave mis-conduct or on his having been found guilty of a criminal offence subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under Rules 9 and 11.

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced to his credit in the Fund.]

(2) Any forfeiture which may occur during the year shall become the property of the Board.

1. Inserted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965).

2. Substituted by T.R. No. 1174 of 1967 (w.e.f. 01.08.1967).

16. In the case of a subscriber who is concerned in any loss of Port Trust funds or other irregularity which is the subject of an enquiry, the payment of the Board's contribution and the interest thereon shall not be made until the conclusion of the enquiry, unless the Board, in the case of scheduled permanent staff and the Chairman, in the case of scheduled temporary and non-scheduled permanent staff, is satisfied that the results of the enquiry need not be awaited.

¹ [16A. If departmental proceedings are instituted while an employee who is governed by these Rules is in service, whether before his retirement or during his re-employment, the same shall, after the final retirement of the employee, be deemed to be proceedings under these Rules 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.

Explanation - For the purpose of this rule, a departmental proceeding shall be deemed to be instituted on the date on which a copy of the article of charges and a statement of the imputations of mis-conduct or mis-behaviour in support of the articles of charge are issued to the employee, or, if the employee has already been placed under suspension from an earlier date, in such date.]

1. Inserted by T.R. No. 51 of 11.02.1986 and MOST's (Ports Wing) letter No. PR-12016/6/86-PE-I dated 05.01.1987 (effective from 17.12.1986).

17. (1) Every member shall be required to nominate a person or persons to receive the amount that may stand to his credit in the Fund, excluding any special contribution admissible under Rule 10, in the event of his death before the amount has become payable, or where the amount has become payable, before payment has been made.

(2) If a member nominates more than one person he shall indicate the amount or fractional share payable to each nominee, so as to cover the whole amount that may stand to his credit at the time of payment excluding any special contribution admissible under Rule 10.

(3) A nomination may be cancelled or modified only by a fresh nomination which shall be complete in itself.

(4) If anyone or more of several nominees die before the member and the nomination has not been cancelled or modified by the member under sub-rule (3) above, the said nomination so far as it relates to such deceased nominee or nominees shall be treated as null and void and the amount pertaining to the deceased nominee will be disposed of under clauses (v) and (vi) of sub-rule (1) of Rule 18.

(5) All nominations shall be in writing in the form printed as Appendix 'C' to these rules, signed by the member and attested by two witnesses, and shall be sent by the member to the Office of the Chief Accountant to the Board for registration and record.

(6) A nomination shall take effect to the extent that it is valid on the date on which it is received in the Office of the Chief Accountant to the Board.

(7) Nothing in this Rule shall be deemed to invalidate, or to require the replacement by a nomination thereunder of a nomination made before the 29th April 1943 under the rules then in force.

(8) Any nomination whether made before or after the date hereof shall not extend to any special contribution admissible under Rule 10.

¹ [18. (1) On the death of subscriber before the amount standing to his credit has become payable or where the amount has become payable, before payment has been made.

(i) When the subscriber leave a family -

(a) If a nomination made by the subscriber in accordance with the provisions of Rule 17 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.

1. Substituted by T. R. No. 85 of 28.03.1989 and MOSFT's (Ports Wing) letter No. PR-12016/10/89-PG-I dated 21st December 1989 (Effective from 15.11.1989).

- (b) If no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit thereof to which the nomination does not relate as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares.

Provided that no share shall be payable to –

- (1) sons who have attained majority.
- (2) sons of a deceased son who have attained majority;
- (3) married daughters whose husbands are alive.
- (4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4).

Provided further that the widow or widows and child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

(ii) When the subscriber leaves no family :-

- (a) if a nomination made by him in accordance with the provisions of Rule 17 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination ;
- (b) if no such nomination is made by him in accordance with the provisions of Rule (17, in favour of any person or persons other than a member or members of his family, the amount standing to his credit in the Fund shall become payable.
 - [i] if the amount does not exceed rupees five thousand to any person appearing to the Accounts Department to be entitled to receive it;
 - [ii] if the amount exceeds rupees five thousand, to any person, who produces Probate or Letters of Administration or Succession Certificate.]

(2) The amount due under any Policy of Insurance which has been assigned to the Trustees under these rules will be deemed to have been received and credited to the subscriber's account for purposes of calculating the amount to be dealt with under this Rule on the death of a subscriber unless the Trustees are satisfied that, for some reason, such Policy money is irrecoverable.

(3) For the purpose of removing any doubt, it is also explained that no contribution by the Board is payable on the death of a special subscriber within five years of his becoming a subscriber. Out of the death of any other subscriber within such period the Board's contribution, with interest thereon, is payable.

¹ / (4) Any special contribution credited to a subscriber's account under Rule 10 shall where the subscriber is not alive, be payable as provided hereunder, namely

- (a) where a subscriber, male or female, dies after retirement, but before receiving payment of the special contribution, the same shall be payable to his or her legal heirs.
- (b) In the case of a subscriber, male or female dying while in the service of the Board and leaving behind him/her neither a spouse nor a dependant child the special contribution shall be payable to his/her legal heirs.
- (c) In the case of a subscriber, male or female, dying while in the service of the Board and leaving behind no spouse but a child or children not dependent on him/her, the special contribution shall be payable to his/her legal heirs.
- (d) In the case of a male subscriber dying while in the service of the Board and leaving behind a widow or widows and/or a dependent child or children the special contribution shall be payable to the widow/s and/or the child or children, in such shares as the Board may determine provided that where any such subscriber leaves behind an independent child or children such independent child or children may not be entitled to any part of the special contribution.

¹ Substituted by TR No.704 of 1964.

- (e) In the case of a female subscriber dying while in the service of the Board and leaving behind a widower but no child, the special contribution shall be payable to her legal heirs.
 - (f) In the case of a female subscriber dying while in the service of the Board and leaving behind a dependent child or children, the special contribution shall be payable to such child or children in such shares as may be determined by the Board and for this purpose it shall be immaterial whether or not the female subscriber also leaves behind a widower.
 - (g) In the case of a female subscriber dying while in the service of the Board and leaving behind children, some of whom are dependent and some independent, the special contribution shall be payable only to the dependent child or children and for this purpose, it shall be immaterial whether or not the female subscriber also leaves behind a widower.]
- ¹ [19A. (1) The Chairman, may, at his discretion, grant advances out of the Fund.
- (a) To any subscriber to meet the expenses incurred or to be incurred, by himself or any member of his family actually dependent on him, on
 - (i) overseas passage for reasons of health or education;
 - (ii) education outside India whether in an academic, technical, professional or vocational course; and
 - (iii) medical, engineering and other technical courses in India, beyond the High School stage, provided that the course of study is of not less than three years' duration.

¹Renumbered by TR No.713 of 1967 (w.e.f. 27.6.1967)

- (b) To any subscriber to defray the expenses incurred, or to be incurred, in connection with the duly certified illness of himself or any member of his family, who is dependent on him.
- (c) To any subscriber to purchase or build a suitable house within the Indian Union.
- (d) To any subscriber to pay obligatory expenses on a scale appropriate to the subscriber's status, in connection with marriages, funerals or ceremonies which by his religion, it is incumbent on him to perform,

Provided that an advance shall not, except for special reasons, exceed three months' pay and shall in no case exceed the amount of the subscriber's own contribution with accrued interest and that no advance will be granted unless the Chairman is satisfied that it is necessary having regard to the financial position of the subscriber.

Provided further that the powers of the @Chairman in regard to advance under (a), (b) and (d) may be exercised by Heads of Departments as constituted under Section 23(4) of the Bombay Port Trust Act.

(2) No further advance shall be granted except for special reasons and with the Chairman's specific sanction in each case, until after the expiry of at least 12 months after

@Please refer Appendix 'F' to TR No.143 dated 8.5.1979.

the final repayment of all previous advances unless the previous advances still outstanding or repaid during the preceding 12 months do not together exceed two thirds of the amount admissible under sub-rule (1) above.

(3) The amount of any advance to a subscriber under this rule shall be debited to the separate account of such subscriber as against his own contribution to the Fund and will operate to reduce pro tanto the amount standing to his credit in the Fund from time to time until the advance shall be recovered; the recoveries being credited to the said account as and when made. No interest will be credited to the account as and when made. 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.

(4) It shall be an inherent condition of every advance that it shall be recoverable by deduction from the pay of the subscriber to whom it is made, by monthly instalments of such number as may be fixed by the Chairman in each case subject to the following maxima.

(a) Advance under (1)(a), (b) and (d) :
Thirty-six instalments.

(b) Advances under (1)(c): ¹ [One hundred and twenty instalments.]

¹Substituted by TR No.705 of 1964.

Such recoveries to commence from the first month in respect of which the subscriber shall draw full pay after the advance has been made. No instalment will be recovered from the issue salary of any subscriber who is on leave. Advances under (1) (c) are further subject to the condition that the outstanding balance of the advance is to be refunded in full before the premises are mortgaged or sold, and that until such refund in full all documents of title thereto in the possession or under the control of the subscriber shall be deposited with the Chief Accountant to the Trustees. In special cases the Chairman may permit a mortgage or sale of the premises before such refund in full on condition that the mortgage money or proceeds of sale are sufficient to cover such refund and that such refund is made immediately on completion of the transaction out of such mortgage money or proceeds of sale. The Chairman may also in his discretion waive the condition regarding the mortgage of the premises in the case of mortgages to Government under the state aided building scheme.

Note : (1) In the case of a Chairman admitted to the fund under the provisions of Rule 4 above the powers vested by this Rule in the Chairman shall be exercised by the Board.

(2) Family means and includes subscriber's wife or husband, children, step children, adopted children, parents, sisters and minor brothers.

¹/2(198)(1) The Chairman may, at his discretion, permit any subscriber who has completed (fifteen) years of service (including broken periods of service, if any) or who is due to retire within the next ten years on account of superannuation, whichever is earlier, to withdraw any amount not exceeding that hereinafter specified from his own contribution to the fund and the interest accrued thereon, for the purpose of building or acquiring a suitable house including the cost of site or reconstructing or making additions or alterations to a house already owned or acquired by a subscriber or for repayment of any outstanding amounts on account of loans previously taken for the purpose. (* *)

* * * * *

*) Such withdrawal will not be permitted unless the house is situated within the limits of Greater Bombay or at the intended place of residence of the subscriber after retirement.

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1. Inserted by TR No.1194 of 1966. (w.e.f. 15.11.1966)
 2. Renumbered by TR No.713 of 1967 (w.e.f. 27.6.1967)
 3. Substituted by TR No.17 dated 13.1.1981, and BOST Notification No.PW-PED-31/81 dated 21.5.1981 (Effective from 20th June 1981).
 4. Deleted by TR No.713 of 1967 (w.e.f. 27.6.1967)

Provided that any sum withdrawn by a subscriber shall not exceed.

(i) one half of the amount actually contributed by him along with interest thereon standing to his credit or six months' pay, whichever is less.

OR

(ii) the actual cost of the house including the cost of site, or the estimated cost of the proposed additions and alterations,

OR

(iii) the amount required for repayment of the loan if any previously taken for such purpose together with interest due thereon, whichever is the least.

Provided further that the Chairman may sanction the withdrawal of an amount equal to three-fourths of the amounts actually contributed by the subscriber, together with the interest thereon standing to his credit having due regard (i) to the status of the subscriber, (ii) the amount of the subscriber's own contribution and the interest thereon standing to his credit and (iii) the number of years of service that the subscriber will have to put in before he attains the age of superannuation.

(2) The withdrawal shall be permitted for the building, acquisition or repayment of loan in respect of only one house provided the subscriber does not already own a house within the limits of Greater Bombay or his intended place of residence after retirement.

(3) In the case of the construction of a house or additions and alterations the withdrawal will only be permitted in two or not more than four equal instalments. The second and later instalments of the withdrawal will not be paid unless satisfactory proof of the progress of the constructions or additions and alterations is furnished.

(4) The subscriber shall commence the work of construction of or additions and alterations to the house within a period of six months from the date of withdrawal of the amount from the Fund and complete it within a period of one year from the date of commencement of the work, or within such extension of time as may be sanctioned. If the house has to be repaid, this should be done within three months from the date of the withdrawal of the amount.

(5) If the amount sanctioned for withdrawal from the subscriber's contribution to the Fund exceeds the actual expenditure for building or acquiring a suitable house including the cost of the site or the outstanding balance of the loan previously taken for such purposes together with interest due thereon or the actual cost of additions and alterations the excess shall be refunded forthwith in one lump sum for being credited to the subscriber's account in the Fund. The actual

expenditure incurred in connection with the preparation of the sale or transfer deeds will be reckoned as part of the cost of the house.

(6) The subscriber as long as he continues in the service of the Port Trust shall not part with the possession of the house or any interest therein by way of mortgage, transfer, sale, gift, exchange, lease or otherwise howsoever without the previous consent in writing of the Chairman. In case of any breach of this sub-rule the subscriber will be forthwith liable to repay the entire amount of the withdrawal in one lump sum for being credited to his account in the Fund.

(7) A subscriber shall also be permitted, subject to the other conditions hereinabove mentioned, to withdraw an appropriate amount for the purpose of purchasing on ownership basis a residential flat even though the land on which it is built does not become his property, provided that within three months of the withdrawal or such further period as the Chairman may permit he produces proof to the effect that

- (a) he has made payment for the residential flat;
- (b) he has become a member of the Co-operative Housing Society, Limited Company or any other incorporated body recognized in law) formed by the purchasers of the flats in the building and
- (c) the builder has transferred the legal title to the building to the said Co-operative Housing Society, Limited Company or incorporated body.

(8) Every subscriber who desires to take advantage of this rule shall sign an undertaking in the form printed as Appendix 'K' to these Rules.]

¹ [19C.(1) The Chairman may at his discretion, permit a subscriber who has completed twenty years of service (including broken periods of service, if any) or who is due to retire within the next ten years on account of superannuation, whichever is earlier, to withdraw any amount not exceeding that hereinafter specified from his own contribution to the Provident Fund and the interest accrued thereon, for meeting the expenditure in connection with the betrothal/marriage of the subscriber, his sons or daughters or any other female relation actually dependent on him.

Provided that any sum withdrawn by a subscriber shall not exceed –

- (i) one-half of the amount actually contributed by him alongwith interest thereon standing to his credit,
 - or
 - (ii) six months' pay
- whichever is less.

1. Inserted by TR No.72 dated 24.2.1981 and MOST's Notification No.PW-PED-32/81 dated 19th May 1981. (Effective from 6th June 1981).

Provided further that the Chairman may sanction the withdrawal of an amount equal to three-fourths of the amounts actually contributed by the subscriber, together with the interest thereon, standing to this credit, having regard to (i) the status of the subscriber, (ii) the amount of the subscriber's own contribution and the interest thereon standing to his credit; and (iii) the number of years of service that the subscriber will have to put in before he attains the age of superannuation.

(2) The withdrawal may be allowed to the subscriber not earlier than three calendar months proceeding the month in which the betrothal/marriage is actually to be performed.

(3) If the amount of withdrawal exceeds the actual expenditure on betrothal/marriage, the excess shall be refunded by the subscriber forthwith in one lump sum for being credited to his Provident Fund.

(4) The subscriber shall furnish a certificate within a period of one month from the date of the betrothal/marriage or if he is on leave on the date of betrothal/marriage, within one month of return from leave, that the amount withdrawn has already been utilized for the betrothal/marriage. If the subscriber fails to furnish the requisite certificate and if the amount withdrawn is utilized for a purpose other than the

betrothal/marriage, the entire amount shall be recovered forthwith from him in one lump sum for being credited to his Provident Fund.

(5) The Chairman may, at his discretion, permit a subscriber who has already been granted an advance for the purpose of betrothal/marriage under Rule 19A(1)(c) to convert the balance outstanding against such advance into final withdrawal, provided the conditions prescribed under sub-rule (1) above are fulfilled.]

20. Subscriber's contribution to the Fund may be applied, either wholly or partially, to payment of subscriptions to a recognized Family Pension Fund or of `premia on a Policy of Insurance, either whole life or endowment, on the subscriber's own life taken out or to be taken out from the Life Insurance Corporation of India or the Indian Posts and Telegraphs Department, subject to the following conditions :

(1) Any insurance policy under this scheme shall be of such a nature that it can be assigned to the Trustees of the Port of Bombay and it shall be so assigned and handed over to the Trustees' Chief Accountant, before the policy is recognized for the purpose of these rules.

(2)(a) Subscribers who desired to take advantage of this scheme and who have already taken out a policy of insurance must apply by letter to the Chief Accountant substantially in the form set out hereafter.

(b) Subscribers who desire to take advantage of this scheme and who have not yet taken out a Policy of Insurance must apply by letter to the Chief Accountant giving full particulars of the policy that it is their intention to take out. The Chief Accountant will issue the necessary instructions to subscribers in these cases after the proposed Policy has been approved by him.

Note : In the case of a subscriber desiring to take out a new policy, the first premium may be paid out of his contributions to the Provident Fund in anticipation of the issue of the policy and its subsequent assignment to the Trustees, at the discretion of the Chief Accountant and subject to such conditions as may be stipulated by him.

(3) The prescribed payments shall be made on the subscriber's behalf by the Trustees' Chief Accountant to the Pension Fund, the Life Insurance Corporation of India or the Indian Posts and Telegraphs Department, as the case may be. These payments will be debited to the subscriber's Provident Fund account (first part) and interest will not be credited to the subscriber under Rule 11 in respect of the amount so debited.

(4) If, during the subscriber's leave the amount of his contributions to the Provident Fund is less than the amount payable to the Pension Fund or the Life Insurance Corporation of India or the Indian Posts and Telegraphs Department, as the case may be the difference shall be deducted from his leave salary.

(5) In the event of the subscriber taking leave without pay and the Trustees having to advance the whole or any portion of the premium due, the subscriber shall refund the advance, plus interest at the rate applicable for the year under Rule 11, on his return from leave by deduction from his pay in instalments to be fixed by the Chairman.

(6) Subscribers may repay at any time, either in full or in part, the amount deducted from their Provident Fund for payment of premia and such repayment will then rank for interest under these rules.

(7) In the event of the death of a subscriber who has assigned his Life Policy to the Trustees under this scheme, the Policy money will be collected from the Life Insurance Corporation of India or the Indian Posts and Telegraphs Department, as the case may be and when collected will be treated as if it had been part of the subscriber's own contribution credited to him at his death and shall be paid to the person or persons entitled thereto under these rules accordingly.

(8) In the case of the retirement or dismissal of a subscriber who has assigned his Life Policy to the Trustees under this scheme, the Policy shall be reassigned and returned to him.

(9) In the event of an endowment policy maturing while the subscriber is still in the service of the Board, the proceeds thereof shall be paid to the subscriber after deduction of the premia paid under this scheme and the interest, if any, accruing thereon.

(10) A letter of application to the Chief Accountant under sub-rule 2(a) of this Rule should be in the following form :

To,
The Chief Accountant,
Bombay Port Trust.

Dear Sir,

I beg to request that the enclosed Insurance Policy on my life No. _____ taken out from the Life Insurance Corporation of India/the Indian Posts and Telegraphs Department may be accepted for assignment to the Trustees under and for the purposes of Rule 20 and other appropriate rules of the Trustees' Provident Fund to which I am a subscriber. I am familiar with and agree to the terms of the rules in this behalf.

Yours etc.

21. (1) On the death or retirement of the subscriber payment shall be made on application to the Chief Accountant and shall include interest calculated under the provisions of Rule 11 upto the date the account is closed or to the expiration of six months as aforesaid.

Provided that if at the date of retirement of any subscriber the whereabouts of such subscriber cannot be ascertained after such enquiries as the Trustees may consider reasonable have

been made, then the Trustees may in their absolute discretion allow interest to be calculated under the provisions of Rule 11 commencing from the expiration of the period of six months referred to above to such date or dates as they may think fit from time to time upto a date not later than the date when the death of such subscriber shall be presumed by an order of a competent court or if the death of the subscriber be subsequently established upto the date of such death, but so that no interest shall in any event be calculated beyond the expiration of seven years from (a) the last date when such subscriber was to the knowledge of the Trustees alive or (b) the date of the retirement, whichever is the earlier date.

And provided further that the Trustees may at any time or from time to time in their absolute discretion pay such interest allowed from time to time as aforesaid to the nominee/s of the subscriber under a nomination registered in the office of the Chief Accountant upon (a) an application being made by such nominee/s for that purpose and (b) such nominee/s furnishing an indemnity in the form of the indemnity Bond printed as Appendix 'G' to these rules and in the event of any such interest being paid by the Trustees to any such nominee/s the receipt of the nominee/s for the same shall be a complete discharge to the Trustees for the payment so made and no person shall have any claim whatsoever against the Trustees in respect thereof. Notwithstanding anything aforesaid

and in the event of the subscriber's continued existence being subsequently established, then such subscriber shall not be entitled to claim any interest whatsoever for any period after the expiration of six months from the date of retirement and the Trustees shall be entitled to deduct from any sum payable to the subscribers any interest paid by the Trustees to such nominee/s in respect of any period subsequent to the expiration of six months from the date of retirement.

Provided always that on the death of a subscriber payment of any money due under any Policy of Insurance held by the Trustees under these rules shall be made only when such money shall have been received by the Trustees and no interest shall accrued or be payable on such policy money. An account shall be deemed to be closed when an application for payment shall have been made by a nominee or where there is more than one nominee when application for payment shall first have been made by any one of the nominees or where there is no nominee when application for payment shall have been made by a person claiming or persons jointly claiming to be entitled to the same, and when a refund voucher is passed by the Chief Accountant in pursuance of such application.

¹ [(1A) Notwithstanding anything contained in sub-rule (1), in a case, other than (i) a case in which if at the date of retirement the whereabouts of the subscriber cannot be ascertained after such enquiries as the Trustees may consider reasonable have been made and (ii) a case in which on the death of a subscriber any money due under any policy of Insurance held by the Trustees under these rules is payable only when such money is received by the Trustees and no interest on the Fund balance beyond a period of six months upto a period of one year may be authorized by the Financial Adviser and Chief Accounts Officer or Additional Chief Accounts Officer after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber and in every such case, the administrative delay involved in the matter shall be investigated and action, if any, required, taken.]

21 (2) (a) On the retirement of a subscriber, and if he so desires, and, subject to his sending an intimation to that effect to the Financial Adviser and Chief Accounts Officer at least one month before the date of his retirement, the amount standing at his credit in the Provident Fund may be retained in the said Fund for a fixed period of 5 years, such period being reckoned from the date of his retirement.

1. Inserted by TR No. 251 dated 10.07.1979 and MOST's Notification No. PEB-17/78 dated 29.11.1979 (Effective from 08.12.1979)

*See Appendix 'J'

21(2)(b) The amount so retained in the Provident Fund will earn interest in accordance with the provisions of Rule 11 of these rules, until the date when the account is eventually closed or the expiration of six months after the expiry of the aforesaid period of 5 years whichever shall be the earlier date.

21(2)(c) During the above mentioned period of 5 years, withdrawals, but no advances, will be permitted from the Provident Fund on the following basis:

- (i) Only one withdrawal will be permitted on each period of 12 months, the first of such periods being reckoned from the date of the subscriber's retirement.
- (ii) The amount to be withdrawn in any such period of 12 months shall not exceed one-fifth of the amount at the credit of the subscriber in the Provident Fund on the date of his retirement.
- (iii) Except in the case of the final withdrawal, the interval between one withdrawal and the next one shall not be less than 12 months.
- (iv) The amount/s not withdrawn in any period/s of 12 months may be added together and withdrawn in a subsequent period of 12 months. For example, if a subscriber does not withdraw in any particular period of 12 months one-fifth of the amount standing at his credit in the Provident Fund on the date of his retirement, he may be allowed to withdraw two-fifths of the said amount in the next period of 12 months.

- (v) In the event of a subscriber dying the aforesaid period of 5 years, the Provident Fund amount or the balance thereof together with the interest will be payable to his nominee or heir or successor, as the case may be, in accordance with the provisions of Rule 18. However, in such a case, if the nominee or heir or successor or where more than one such person are involved, all of them jointly make a request to that effect in writing, the Financial Adviser and Accounts Officer may at his discretion, agree to the Provident Fund amount or the balance thereof being left in the Provident Fund until the completion of the period of 5 years from the date of the retirement of the deceased subscriber. Any amount left in the Provident Fund in such circumstances will be subject to the aforesaid rules in regard to interest, withdrawals, etc.

22. In case of leave granted preparatory to retirement a subscriber may be permitted, at the discretion of the Chairman, to withdraw up to ninety percent of the amount outstanding to his credit in the Fund, such permission being subject to the condition that if in any exceptional case the subscriber does not eventually retire, the full amount must be refunded as a condition of continued employment. ¹[A payment made under this rule will not affect the rules in regard to subscription or the Board's Contribution and interest during such leave.]

²[Note (i) In the case of a Chairman admitted to the Fund under the provisions of Rule 4 above, the powers vested by this rule in the Chairman shall be exercised by the Board.]

1.	Substituted	}	by TR No. 977 of 1963. (w.e.f. 01.12.1962)
2.	Numbered		

¹[Note (ii): For the purpose of this rule, that expression 'leave granted' preparatory to retirement shall include leave applied availed of by an employee with permission to retire on the expiry thereof.]

²[22A. Notwithstanding anything contained in Rules 21 and 22, a subscriber may, subject to his giving such notice as may be prescribed by the Financial Adviser and Chief Accounts Officer, be permitted to withdraw the entire amount at his credit in the Provident Fund Account on attaining the age of compulsory superannuation or if he has been granted an extension of service, on the expiry of the extension. After such a withdrawal is effected, no contribution of any kind may be made by the subscriber to the Provident Fund.]

23. When, in consequence of retirement, a subscriber becomes entitled to receive any sum out of the Fund, payment shall, if the service terminate while he is in India, be made to him in India.

24. If at the date of his retirement a subscriber whose domicile is not in India is residing in any country other than India in which gold is the standard of currency, payment of the amount due on such retirement excluding any special contribution credited under Rule 10 shall be made in sterling at the

1.	Inserted	} by TR No. 977 of 1963 (w.e.f.01.12.1962)
2.	Inserted	

current rate of exchange subject to the condition that the rate of 1s. 6d. for the rupee is fixed as the minimum rate at which the conversion into sterling shall be effected, in the case of subscribers, who joined the Trustees' service before 1st July, 1926, and 1s. 4d. for the rupee in the case of subscribers who joined the Trustees' service on or after 1st July, 1926.

25. The provisions of Section 6(a) of the Act shall apply to the Fund and accordingly when a subscriber's share becomes payable the Board may deduct therefrom any money claims the Board may have against the subscriber under these Rules or otherwise not exceeding the amount of the Board's contribution and interest accrued thereon.

26. A subscriber shall have the option of converting any portion of his Provident Fund not exceeding $\frac{2}{3}$ rd of the sum due to him on his retirement, excluding any special contribution credited under Rule 10, into an annuity payable by the Trustees during life time. The amount of such annuity per mensem shall be determined by dividing the amount to be converted by a divisor to be ascertained from the following table.

Nearest exact age	Divisor	Nearest exact age	Divisor
41	185.3	45	172.9
42	182.3	46	169.8
43	179.3	47	166.6
44	176.2	48	163.1

Nearest exact age	Divisor	Nearest exact age	Divisor
49	159.6	58	127.3
50	156.4	59	123.4
51	153.1	60	119.5
52	149.4	61	115.4
53	145.8	62	111.5
54	142.2	63	107.5
55	138.6	64	103.5
56	134.9	65	99.6
57	131.2	..	

Note: This rule shall not apply to schedule temporary and non-scheduled permanent staff.

27. The Trustees may by resolution of the Board from time to time make such alterations in these rules as appear necessary, subject to the sanction of the Union Government so far as such alterations affect the officers mentioned in Section 24 of the Mumbai Port Trust Act, 1879, and the Chairman.

28. The decision of the Board on all questions arising out of these rules shall be final.

THE PROVIDENT FUND ACT, 1925

No. 19 of 1925

An Act to amend and consolidate the law relating to Government
and other Provident Funds.

[27th August, 1925]

Whereas it is expedient to amend and consolidate the law relating to Government and other Provident Funds :

It is hereby enacted as follows

1. Short title, extent and commencement - (1) This Act may be called the Provident Funds Act, 1925.

2. It extends to the whole of India except the State of Jammu and Kashmir.

3. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions - In this Act, unless there is anything repugnant in the subject or context.

- (a) "compulsory deposit" means a subscription to or deposit in a Provident Fund which, under the rules of the Fund, is not, until the happening of some specified contingency, repayable on demand otherwise than for the purpose of the payment of premia in respect of a policy of life insurance, or the payment of subscriptions or premia in respect of a family pension funds, includes any contribution and any interest or increment which has accrued under the rules of the fund on

any such subscription, deposit or contribution, and also any such subscription, deposit, contribution, interest on increment remaining to the credit of the subscriber or depositor after the happening of any such contingency;

- (b) "contribution " means any amount credited in a Provident Fund by any authority administering the Funds, by way of addition to, subscription to or deposit or balance at the credit of an individual account in the Fund; and "contributory Provident Funds" means a Provident Fund the rules of which provide for the crediting of contributions.
- (c) "dependant" means any of the following relatives of a deceased subscriber to or a depositor in a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child, and, where no parent of the subscriber or depositor is alive, a paternal grant-parent,
- (d) "Government Provident Fund" means a Provident Fund, other than Railway Provident Fund, constituted by the authority of the Secretary of State, the Central Government, the Crown Representative or any State Government for any class or classes or persons in the service of the Government or of persons employed by bodies existing solely for educational purpose and references in this Act of the Government shall be construed accordingly;
- (e) "Provident Fund" means a fund in which subscriptions or deposits of any class or classes of employees.

are received and held in their individual accounts, and includes any contribution and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund;

(f) "Railway administration" means -

- (i) any company administering a railway or tramway in any part of India either under a special Act of Parliament of the United Kingdom or an Indian law, or under contract with the Government; or
- (ii) the manager of any railway or tramway administered by the Central Government or by a State Government,

and includes, in any case referred to in sub-clause (ii), the Central Government or the State Government, as the case may be;

(g) "Railway Provident Fund" means a Provident Fund constituted by the authority of a railway administration for any class or classes of its employees.

3. Protection of compulsory deposits - (1) A compulsory deposit in any Government or Railway Provident Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor, and neither the Official Assignee nor any receiver appointed under the Provident Fund Insolvency Act, 1920, shall be entitled to, or have any claim on any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in any such Fund at the time of his decease and payable under the rules of the Fund to any dependant of the

subscriber or depositor, or to such person as may be authorized by law to receive payment on his behalf, shall, subject to any deduction authorized by this Act and, save where the dependant is the widow or child of the subscriber or depositor, subject also to the rights of an assignee under an assignment made before the commencement of this Act, vest in the dependant, and shall, subject as aforesaid, be free from any debt or other liability incurred by the deceased or incurred by the dependant before the death of the subscriber or depositor.

4. Provisions regarding repayments - (1) When under the rules of any Government or Railway Provident Fund the sum standing to the credit of any subscriber or depositor or the balance thereof after the making of any deduction authorized by this Act has become payable, the Officer whose duty it is to make the payment shall pay the sum or balance, as the case may be, to the subscriber or depositor or if he is dead, shall -

- (a) if the sum or balance or any part thereof vests in a dependant under the provisions of Section 3, pay the same to the dependant or to such person as may be authorized by law to receive payment on his behalf; or
- (b) if the whole sum or balance, as the case may be, does not exceed five thousand rupees, pay the same or any part thereof, which is not payable under Clause (a), to any person nominated to receive it under the rules of the Fund or if no person is so nominated, to any person appearing to him to be otherwise entitled to receive it; or

- (c) in the case of any sum or balance or any part thereof, which is not payable to any person under Clause (a) or Clause (b) pay the same, -

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1889

- (i) to any person nominated to receive it under the rules of the Fund, on production by such person of probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a certificate granted under the Succession Certificate Act, 1809 or under the Bombay Regulation VIII of 1827 entitling the holder thereof to receive payment of such sum, balance or part, or

- (ii) where no person is so nominated, to any person who produces such probate, letters or certificate

Provided that where the whole or any part of any sum standing to the credit of the subscriber or depositor has been assigned to any other person before the commencement of this Act, and notice in writing of the assignment has been received by the Officer from the assignee, the Officer shall, after making any deduction authorized by this Act and any payment due under Clause (a) to or on behalf of the widow or children of the subscriber or depositor -

- (i) if the subscriber or depositor or if he is dead, the person to whom in the absence of any valid assignment the sum or balance would be payable under this sub-section gives his consent in writing, pay the sum or part or the balance thereof, as the case may be, to the assignee or

(ii) if such consent is not forthcoming, withhold payment of the sum, part or balance, as the case may be, pending a decision of a competent Civil Court as to the person entitled to receive it.

(2) The making of any payment authorized by Sub-section (1) shall be a full discharge to the Government or the railway administration, as the case may be, from all liability in respect of so much of the sum standing to the credit of the subscriber or depositor as is equivalent to the amount so paid.

5. Rights of nominees - (1) Notwithstanding anything contained in any law for the time being in force or in any disposition, whether testamentary or otherwise, by a subscriber to or depositor in, a Government or Railway Provident Fund for the sum standing to his credit in the Fund, or of any part thereof, where any nomination, duly made in accordance with the rules of the Fund, purports to confer upon any person the right to receive the whole or any part of such sum on the death of the subscriber or depositor occurring before the sum has become payable or before the sum having become payable, has been paid, the said person shall, on the death as aforesaid of the subscriber or depositor, become entitled, to the exclusion of all other persons, to receive such sum or part thereof as the case may be, unless -

- (a) such nomination is at any time varied by another nomination made in like manner or expressly cancelled by notice given in the manner and to the authority prescribed by those rules, or
- (b) such nomination at any time becomes invalid by reason of the happening of some contingency specified therein, -

and if the said person predeceases the subscriber or depositor, the nomination shall, so far as it relates to the right conferred upon the said person, become void and of no effect.

Provided that where provision has been duly made in the nomination in accordance with the rules of the Fund, conferring upon some other person such right is the stead of the person deceased, such right shall, upon the decease s aforesaid of the said person, pass to such other person.

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1925

(2) Notwithstanding anything contained in the Indian Succession Act, 1925 or the Bombay Regulation VIII of 1827, any person, who becomes entitled as aforesaid may be granted a certificate under that Act or that Rule, as the case may be, entitling him to receive payment of such sum or part and such certificate shall not be deemed to be invalidated or superseded by any grant to any other person of probate or letters of administration to the estate of the deceased.

11 of
1946

(3) The provisions of this section, as amended by Sub-section (1) of Section 2 of the Provident Funds (Amendment) Act, 1946, shall apply also to all such nominations made before the date of the commencement of that Act.

Provided that the provisions of this sections as so amended shall not operate to affect any case, in which before said date any sum has been paid or has under the rules of the Fund become payable, in pursuance of any nomination duly made in accordance with those rules.

5. Power to make deduction - When the sum standing to the credit of any subscriber or depositor in any Government or Railway Provident Fund which is Contributory Provident Fund becomes payable there may, if the authority specified in this behalf in the terms of the Fund so directs, be deducted

therefrom and paid to Government or the railway administration, as the case may be --

- (a) any amount due under a liability incurred by the subscriber or depositor to Government or the railway administration, but not exceeding in any case the total amount of any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions, or
- (b) where the subscriber or depositor has been dismissed from his employment for any reasons specified in this behalf in the rules or the Fund, or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.

7. Protection for Acts done in good faith - No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

8. Power to apply the Act to the Provident Fund - (1) The appropriate Government may, by notification in the Official Gazette, direct that the provisions of this Act shall apply to any Provident Fund established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loans Act, 1914, and on the making of such declaration, this Act shall apply accordingly as if such Provident Fund were a Government Provident Fund and such local authority were the Government.

9 of
1914

(2) The appropriate Government may, by notification in the Official Gazette, direct that the provisions of this Act shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the

Schedule or of any group of such institutions, and on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and the authority having custody of the Fund were the Government.

Provided that Section 6 shall apply as if the authority making the contributions referred to in that section were the Government.

(3) The appropriate Government may, by notification in the Official Gazette, add to the Schedule the name of any public institution if may deem fit and any such addition shall take effect as if it had been made by this Act.

(4) In this section the "appropriate Government" means -

- (a) in relation to a cantonment authority, a port authority for a major port, and any institution which or the objects of which, appear to the Central Government to fall within List I in the Seventh Schedule to the Constitution of the Central Government; and
- (b) in other cases, the State Government.

Explanation : "The State Government " in relation to an institution registered under the Societies Registration Act, 1860 means the State Government of the State in which the Society is registered.

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1860

56 & 57
Vict.,
C.5

9. Savings as to estates of soldiers - Nothing in Section 4 or Section 5 shall apply to money belongings to any estate for the purpose of the administration of which the Regimental Debts Act, 1893 applies.

10. [Repeals] Repealed by the Repealing Act, 1927 (12 of 1927), Section 2 and Schedule

THE SCHEDULE
LIST OF INSTITUTIONS

[See sub-section (2) of Section 8]

1. The Pasteur Institute of India, Kasauli.
2. The Calcutta Improvement Tribunal
3. A Court of Wards
4. The Indian Central Cotton Committee
5. The Trustees for the European Hospital for mental disease at Ranchi
6. The National Association for supplying female medical aid to the women of India.
7. A College Affiliated to a University established by Statute
8. The Indian Coal Grading Board
9. The Lady Minto's Indian Nursing Association
10. The Indian Red Cross Society
11. The Indian Lac Cess Committee
12. The Madras State Branch of the Indian Red Cross Society
13. The Imperial Bank of India
14. The Bihar and Orissa Medical Examination Board.
15. * * * * *
16. The Institution created for the control of emigrant labour under the Tea Districts Emigrant Labour Act, 1932
17. The Bombay Board of Film Censors
18. The Calcutta University

* Deleted

19. The Central Board of Irrigation
20. The Reserve Bank of India
21. * * * * *
22. The Benares Hindu University
23. The Medical Council of India
24. The Indian Coffee Cess Committee
25. The Inter State Board for Anglo - Indian and European Education
26. The Indian Research Fund Association
27. The Delhi Joint Water and Sewage Board
28. The Tuberculosis Association of India
29. The Coal Mines Stowing Board
30. A Group Committee of the Sleeper Pool of Indian Railway
31. The Indian Coffee Market Expansion Board
32. The Coal Mines Rescue Stations Committee
33. The Indian Coffee Board
34. * * * * *
35. The Indian Rubber Board
36. The Indian Central Sugarcane Committee
37. All-India Cattle Show Committee
38. The Coal Mines Labour Welfare Fund
39. The Indian Coconut Committee
40. The Indian Central Tobacco Committee

* Deleted.

41. The Employee State Insurance Corporation
 42. The Indian Tea Licensing Committee
 43. The Coal Board established under the Coal Mines
(Conservation and Safety) Act, 1952
 44. The Delhi Road Transport Authority, New Delhi
 45. The Central Tea Board
 46. The Indian Central Oilseeds Committee
 47. The Central Institute of Research in Indigenous Systems of Medicine,
Jamnagar
 48. The Indian Standards Institution, Delhi
 49. The Cotton Textiles Funds Committee
 50. The Deshbandhu College, Kalkaji
 51. The Damodar Valley Corporation
 52. The Central Silk Board
 53. The University Grants Commission, New Delhi
 54. The Khadi and Village Industries Commission
 55. The Lawrence School (Sanawar) Society
 56. The Kalavati Saran Children's Hospital, New Delhi.
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GOVERNMENT OF INDIA

Marine Department

Resolution No. 966 -1442

Bombay Castle, 15th December 1926.

Letter from the Secretary, Bombay Port Trust, No. 3125, dated the 30th July 1926.

"I am directed to forward herewith copies of the Bombay Port Trust Provident Fund Rules for permanent and temporary employees revised with effect from 1st April 1926, in conformity with the provisions of the Provident Funds Act, XIX of 1925, and approved by the Trustees under their Resolution No. 394, dated 13th July 1926, and to ask that Government may be moved to extend the provisions of the new Provident Funds Act to the Bombay Port Trust Provident Funds under the provisions of Section 8 of the said Act.

I am to state that the provisions of the Provident Funds Act, IX of 1897 (which has been revoked by the new Act), were extended to the Port Trust Provident Fund under Government Resolution, Marine Department, No. 13, dated 26th January 1929."

Memorandum to the Accountant General, dated the 21st August 1926.

Memorandum from the Accountant General No. O.A. 8.333, dated the 26th September 1926.

Memorandum to the Remembrancer of Legal Affairs, dated the 8th November 1926.

Memorandum from the Remembrancer of Legal Affairs, No. 2787, dated the 23rd November 1926.

RESOLUTION - In exercise of the power conferred by Section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Governor in Council is pleased to extend the provisions of the said Act to the Provident Fund of the Bombay Port Trust.

2. The necessary notification should be published on the Bombay Government Gazette.

By orders of the Governor in Council,

A. H. DRACUP

Under Secretary to Government.

Copy of Government of Bombay, Marine Department,
Notification No. 963/1786 dated 15.12.1926, in the Bombay Government Gazette, Part I,
dated 16.12.1926, page 2742.

" In exercise of the powers conferred by Section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Governor in Council is pleased to direct that the provisions of the said Act shall apply to the Provident Funds established for the benefit of their employees by the Trustees of the Port of Bombay."

Rules for grant of Special Contribution
to Provident Funds of employees or their
widows and/or children.

.....

¹ [1(A). In the case of an employee, who at the time of quitting service in any of the following circumstances, is on a scale of pay of which the maximum exceeds Rs. ² [650], the Special Contribution shall be admissible at the rate of half of a month's pay for every completed year of continuous service, subject to a maximum of 15 months' pay of Rs.*35,000/- whichever is less.

- (a) On completion of not less than 30 years' continuous service, or
- (b) On attainment of the age of 50 years or at any time thereafter, or
- (c) On being required to quit service on the attainment of the age of ³[50] years or at any time thereafter by a notice served by the ⁴[appropriate] authority in accordance with the service rules applicable to the employees, or
- (d) On retirement on attaining the age of superannuation or on being required to retire on account of certified permanent physical or mental incapacity, or
- (e) On being required to retire owing to the abolition of his appointment, no other suitable employment being found for him in the service of the Board, or

1. Substituted by TR No.1174 of 1967 (w.e.f.01.08.1967).

2. Substituted by TR No.1193 of 1970 (w.e.f.01.01.1969).

3.) Substituted by TR No.469 of 1975 (w.e.f.15.01.1976).

4) * Revised from time to time.

Provided that where an employee's continuous service at the time of quitting service in any of the circumstances mentioned in clauses (b) to (e) above falls short of 15 years, the maximum Special Contribution payable shall not exceed six month's pay.

(B) In the case of an employee who dies while in the service of the Board and who at the time of his death is on a scale of pay of which the maximum exceeds Rs.650/-, the Special Contribution to be credited to his account shall be such as he would have been eligible for had he been required to retire on account of physical or mental incapacity provided that where such an employee dies while in the service of the Board after completing 5 years' continuous service, the Special Contribution to be credited to his account shall not be less than 12 months' pay, subject to a maximum of Rs.35,000/-

(C) The payment of Special Contribution is conditional in all cases on the service of the employee or the late employee, as the case may be, being certified as good, efficient and faithful.

2. (A) In the case of an employee, who at the time of quitting service in any of the following circumstances, is on a scale of pay of which the maximum does not exceed Rs.650/-, the Special Contribution shall be admissible at the rate of half a month's pay for every completed year of continuous service subject to a maximum of 15 months' pay.

- (a) On completion of not less than 30 years' continuous service, or
- (b) On attainment of the age of 55 years or at any time thereafter irrespective of whether the employee quits service voluntarily or is required to quit service by a notice served by the appointing authority in accordance with the service rules applicable to the employee, or
- (c) On retirement on attaining the age of superannuation or on being required to retire on account of certified permanent physical or mental incapacity, or

- (d) On being required to retire owing to the abolition of his appointment and no other suitable employment being found for him in the service of the Board, or
- (e) On resignation, discharge or removal from the service of the Board after having completed not less than 10 years' continuous service, or
- (f) On dismissal from the service of the Board, as a penalty for misconduct, after having completed not less than 15 years' continuous service.

Provided that where an employee's continuous service at the time of quitting service in any of the circumstances mentioned in clauses (b) and (e) above falls short of 15 years, the maximum Special Contribution payable shall not exceed six months' pay.

Provided further than in the case of an employee who is required to retire on account of the abolition of his appointment or on account of certified permanent physical or mental incapacity and whose continuous service at the time of such retirement is less than 15 years, the Trustees may at their discretion, sanction the payment to him of Special Contribution at the rate of one month's pay for each completed year of service, subject to a maximum of six months' pay.

Provided further that in the case of an employee dismissed from service for misconduct involving monetary loss to the Port Trust, the amount of loss caused to the Port Trust by such misconduct shall be deducted from the amount of Special Contribution payable to him and if the latter amount is insufficient for the purpose, the balance shall be recovered from the Board's contribution and interest payable to him under Rules 9 and 11 of the B.P.T. Rules of the Provident Fund.

(B) In the case of an employee who dies while in the service of the Board before completing 5 years' continuous service and who at the time of his death is on a scale of pay of which the maximum does not exceed Rs.650/-, the Special Contribution to be credited to his account shall ordinarily be limited to half a month's pay for each completed year of service but which may, in special cases, where the circumstances warrant it, be raised to a full month's pay for each completed year of service.

Provided that where such an employee dies while in the service of the Board after completing 5 years' continuous service, the Special Contribution to be credited to his account shall not be less than 12 month's pay.

(C) Except in the cases covered by clause (f) at item (A) above, the payment of Special Contribution is conditional on the service of the employee or the late employee, as the case may be, being certified as good, efficient and faithful.

3. An employee's entire continuous full time service in the Port Trust including all authorized leave of absence shall count both for the purpose of the calculation of the minimum period, if any, required to qualify for the Special Contribution and for the purpose of working out the quantum of Special Contribution.

Provided that in the case of Dock Shore Workers in Category 'A' such employees' previous service with Toliwallas and/or as 'B' Category Shore Mazdoors shall be taken into account only for the purpose of computing the minimum period of 10 and 15 years prescribed in clauses (c) and (f), respectively, at item (A) of Rule 2 above to qualify for Special Contribution.

Provided further than the period of any 'refused' leave or any 'post-superannuation leave' that may be granted to an

Employee, in accordance with the service rules applicable to him, after he attains the age of superannuation or after the ~~expire~~ of such extension of service as may be granted to him thereafter shall not count as service for the purpose of these Rules.

4. For the purpose of the Rules contained in this Appendix -

(A) In the case of an employee who, at the time of quitting service or at the time of his death, was holding in a substantive capacity a post carrying a scale of pay of which the maximum exceeded Rs.650/- the term "pay" means his substantive pay and also Personal Pay, if any, ¹ [and in the case of medical personnel the non-practicing allowance, if any, attached to the post held substantively.]

(B) In the case of an employee who at the time of quitting service or at the time of his death was holding on a temporary basis a post carrying a scale of pay of which the maximum exceeded Rs.650/-, the term "pay" means :

(a) the amount contributed by him to his Provident Fund under Rule 8 of the B.P.T. Rules of the Provident Fund during the twelve completed months immediately preceding the month in which he quitted service or died while in the service of the Board, as the case may be; or

(b) ² [the substantive pay as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, 9th Edition, plus personal pay and/or special pay, if any, as defined in Article 11(13) and 11 (15).

1. Inserted by TR No.1210 of 1969.

2. Substituted by TR No.1193 of 1970 (w.e.f.01.01.1969).

respectively of the same Digest, which the employee was drawing or was entitled to draw at the time of quitting service or at the time of his death, as the case may be, plus (i) Dearness Allowance and Compensatory (City) Allowance appropriate to such substantive pay and personal pay and/or special pay, if any, and (ii) the cash value of any food concession or free rations or any payment in cash in lieu of free rations or a part thereof.]

whichever is more.

(C) In the case of an employee who, at the time of quitting service or at the time of his death, was holding a post carrying a scale of pay of which the maximum did not exceed Rs.650/- the term "pay" means :

(a) the amount contributed by him to his Provident Fund under Rule 8 of the B.P.T. Rules of the Provident Fund during the twelve completed months immediately preceding the month in which he quitted service or died while in the service of the Board, as the case may be; or

(b) ¹ /the substantive pay as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, 9th Edition, plus personal pay and/or special pay, if any, as defined in Article 11(13) and 11 (15) respectively of the same Digest, which the employee was drawing or was entitled to draw at the time of quitting service or at the time of his death, as the case may be, plus

1. Substituted by TR No.1193 of 1970 (w.e.f.01.01.1969).

(i) Dearness Allowance and Compensatory (City) Allowance appropriate to such substantive pay and personal pay and/or special pay, if any, and (ii) the cash value of any food concession or free rations or any payment in cash in lieu of free rations or a part thereof; and also (iii) Processing Allowance at the following rates.

'A' Category Dock Shore Mazdoors	Rs.16.12
Morpias	Rs.17.94
Crane Drivers, Hydraulic	Rs.18.98
5 and 6 tons and 35 cwt., and Crane Drivers, Electric, 3 and 6 tons,]	

whichever is more.

Notes :

- (a) In the case of an employee who is granted refused leave or post-superannuation leave after he has attained the age of superannuation or after the expiry of such extension of service as may have been granted to him thereafter the month in which such refused leave or such post-superannuation leave commences shall be reckoned as the month in which he quits service.
- (b) In the case of an employee who is on leave at the time of quitting service or at the time of his death as the case may be, the substantive pay and personal pay and/or special pay, if any, for the purpose of Rule 4 above shall be the substantive pay and personal pay and/or special pay, if any, which he would have drawn on such date but for his having been on leave including increases in such pay which he would have been entitled to had he been on duty on such date.

- (c) In the case of a scheduled temporary employee or a non-scheduled permanent employee the substantive pay and personal and/or special pay, if any, for the purpose of Rule 4 above means the pay inclusive of persona and/or special pay, if any which he was drawing in his own post at the date of quitting service or at the date of his death or which he would have drawn in such post but for his being on leave or for his holding, by reason of transfer or promotion, on a purely temporary basis or in an acting capacity, another post at the date of quitting service or at the date of his death. In the case of an employee who is on leave or is holding temporarily a post other than his own post at the date of quitting service or at the date of his death, the pay which he would have drawn in his own post shall include any increase in such pay which he would have received and personal and/or special pay, if any, which he would have been drawn had he been on duty on such date and holding his own post.

In the case of scheduled temporary and non-scheduled permanent employees in the event of a doubt or dispute arising as to which post should be regarded as the employee's own post for the purpose of this note the Chairman's decision on the question shall be final.

- (d) In the case of the Dock Shore Workers in Category 'A' and the Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt., and Crane Drivers, Electric, 3 & 6 tons, their substantive pay for the purpose of Rule 4 above means their pay at the time of quitting service or at the time of their death on the scales mentioned below

¹ [Category	Pay-scale
1. Mazdoors	Rs.104-2-116-3-131-EB-3-140
2. Morpias & Baroots	Rs.125-3-134-4-170
3. Special Morpias	Rs.150-4-170-5-190
4. Cart & Wagon Unloaders	Rs.146-4-170-5-185
5. Crane drivers, Hydraulic 5 & 6 tons.	} Rs.150-4-170-5-195-EB-6-225
6. Crane drivers, Hydraulic 35 cwt.	
7. Crane drivers, Electric 3 & 6 tons.	

1. Substituted by TR No.1193 of 1970 (w.e.f.01.01.1969).

APPENDIX C
PERMANENT EMPLOYEES

BOMBAY PORT TRUST PROVIDENT FUND
NOMINATION FORM

To,
The Bombay Port Trust.

I hereby direct that the amount at my credit in my Provident Fund account of the Bombay Port Trust at the time of my death shall be

paid to the under mentioned person

distributed among the under mentioned persons
in the manner shown against their names.

I clearly understand that this nomination is not applicable to the Special Contribution admissible under Rule 10 of the Provident Fund Rules.

Name and address of the nominee or nominees	Whether dependent as defined in Section 2(C) of the Provident Funds Act of 1925, or not; if dependent, nature of relationship	Age of the nominee	Amount of share of accumulation in the Fund to be paid to the nominee.
1	2	3	4

* This is in supersession of my former nomination.

(1) Witness _____ Signature or thumb impression _____
Address : _____ Post held _____

(2) Witness _____ Station _____
Address : _____ Date _____

Contd... ..

- Note : 1. "Dependent" means any of the following relatives of a subscriber – namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child and where no parent of a subscriber is alive, a paternal grand-parent.
2. In the even of the nominee being a minor, the date of birth should be stated in Column 3.
3. Column 4 should be filled in to cover the whole amount at credit.
-

* Strike out where necessary.

Scheduled temporary

EMPLOYEES

Non- Scheduled permanent

BOMBAY PORT TRUST PROVIDENT FUNDNOMINATION FORM

To,
The Bombay Port Trust.

I hereby direct that the amount at my credit in my Provident Fund account of the Bombay Port Trust at the time of my death shall be

paid to the under mentioned person

distributed among the under mentioned persons
in the manner shown against their names.

I clearly understand that this nomination is not applicable to the Special Contribution admissible under Rule 10 of the Provident Fund Rules.

Name and address of the nominee or nominees	Whether dependent as defined in Section 2(C) of the Provident Funds Act of 1925, or not; if dependent, nature of relationship	Age of the nominee	Amount of share of accumulation in the Fund to be paid to the nominee.
1	2	3	4

* This is in supersession of my former nomination.

(1) Witness _____ Signature or thumb impression _____
Address : _____ Post held _____

(2) Witness _____ Station _____
Address : _____ Date _____

Contd... ..

- Note : 1. "Dependent" means any of the following relatives of a subscriber – namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child and where no parent of a subscriber is alive, a paternal grand-parent.
2. In the even of the nominee being a minor, the date of birth should be stated in Column 3.
3. Column 4 should be filled in to cover the whole amount at credit.
-

* Strike out where necessary.

Appendix to the Trustees' Resolution No. 310
dated 29th June 1943.

-----²¹
Indemnity Bond under Rule 24(3) of the MbPT Rules
of the Provident Fund for permanent and
temporary employees respectively.

WHEREAS _____ an employee of the Trustees of the Port of Bombay (hereinafter referred to as the 'Trustees') and a subscriber to the Bombay Port Trust Provident Fund retired from the service of the said Trustees on the ____ day of ____ AND WHEREAS at the date of such retirement the whereabouts of the said _____ could not be ascertained and although enquiries to the satisfaction of the Trustees have been made such whereabouts are still unascertained and it is not known whether he is alive AND WHEREAS the said _____ had prior to his retirement executed a nomination of his Provident Fund in accordance with the Rules of the Fund and such nomination was registered in the office of the Financial Adviser and Chief Accounts Officer, Bombay Port Trust, AND WHEREAS under such nomination _____ and _____ was / were entitled to receive the Provident Fund of the said _____ in the event of the said _____ dying while in the service of the Trustees AND WHEREAS under Rule 21 of the Provident Fund Rules the Trustees are empowered in their absolute discretion to allow interest calculated as therein mentioned from the expiration of six months from the date of retirement until such date as the Trustees may from time to time decide but subject as in Rule 21 provided and to pay any such interest as may be allowed from time to time to then nominee/s of the subscriber upon an application being made for that purpose by the nominee/s and upon an indemnity bond being made for ~~that purpose by the nominee/s and upon an indemnity bond being executed~~ AND WHEREAS the said _____ being the nominee/s of the said _____ have applied to the Trustees for the payment of interest under Rule 21 AND WHEREAS the Trustees are willing to pay to the said _____ ~~// have applied to the Trustees for payment of interest under Rule 21 AND WHEREAS the Trustees are willing to pay to the said _____~~ being such nominee/s of the said _____ calculated from the expiration of the period of six months from the date of retirement of the said _____ upto the _____ upon having this indemnity executed NOW I/we the said _____ hereby undertake and agree that if at any time it be established that the said _____ is alive I/we will upon demand pay to the Trustees the amount of such interest which the Trustees have paid to me/us in pursuance of Rule 21 and will further indemnify and hold the Trustees harmless against

2 being
such
nominee/s of
the said _____
interest on
the Provident
Fund of the
said _____ calculated from

all loss, costs, charges and expenses which the Trustees may be put to by reason of the payment of such interest and I/we hereby further undertake and agree that if at any time it be established that the said _____ was alive on some date subsequent to the expiration of six months from the said date of retirement but has since died I / we will repay to the Trustees all interest so paid which relates to any period subsequent to the date of death and further that all such interest so repayable to the Trustees may be deducted by the Trustees from the Provident Fund monies of the said _____ which may become payable to me/us upon the death of the said being established or presumed by the competent Court.

IN WITNESS, whereof I/we the said _____ have hereunto set my/our hand/hands this ____ day of _____ 20 19

Signed by the said _____

in presence of _____

APPENDICES 'E' AND 'F'

DELETED by TR No. 937 of 5th October 1965.
(w.e.f. 05.10.1965)

Transitory Provisions

A – (Applicable only to Permanent Superior Staff)

Pursuant to Resolution of the Board No. 84 of 8th March 1919¹⁹¹⁰ and 761 of 29th October 1918 the following concession are sanctioned.

- (1) The Board shall have power at their discretion in the case of a subscriber of exceptionally long and approved service either upon his retirement or at the time of his death or in the event of his dying while in the service of the Board or before his claim on the Fund shall have been discharged, to enhance the amount of the Board's contribution plus interest to an amount not exceeding the sum it would have amounted to had the subscriber contributed at the rate of $8\frac{1}{3}$ per cent on his pay from the date on which he joined the service of the Board.
- (2) In the event of the death of a subscriber of exceptionally long and approved service while in the service of the Board and the exercise by the Board in his case of the foregoing discretion, the amount of the enhanced contribution and interest awarded by the Board shall, for all the purpose of the Provident Fund Rules, be deemed to form part of the amount standing to the credit of the subscriber in the Provident Fund.

Note : Exceptionally long service means at least 25 years active service exclusive of leave other than privilege leave.

B – The Board, under their Resolution No. 709 dated 17th August 1920, granted the following concessions to all permanent inferior servants admitted to the Provident Fund, who, prior to 1st April 1920 were eligible for pension or for a retiring gratuity of one month's pay for each year of service and who relinquished their right in those respects by joining the Provident Fund.

For each year of continuous service prior to 1st April 1920, up to a maximum of 30 years service in all, the Board shall contribute to the subscriber's Provident Fund at his death or retirement a sum equal to one month's pay as at

employee's Provident Fund at his death or retirement a sum equal to half a month's pay as at 1st April 1920 subject to the under mentioned conditions :

- (1) In the case of daily rated employee's pay will be calculated at 26 days to the month.
- (2) In the case of monthly rated employees pay will be calculated at the monthly rate excluding overtime
- (3) Special contribution will not carry interest.
- (4) The special contribution will not be credited in the case of any employee –

- (a) who retire voluntarily before attaining the age of 55 years unless such retirement takes place with the consent and approval of the Head of his Department, or

- (b) who has less than 15 years' service except in the following special circumstances and provided that he might ordinarily have completed 15 years' qualifying service.

- (i) At death or on discharge in consequence of reduction of establishment or a certificate of unfitness on medical grounds (not due to the employee's own fault), a special contribution may be granted which shall ordinarily be limited to half a month's pay for each year of service or six months pay in all but which may in special cases, where circumstances warrant it be raised to a full month's pay for each year of service subject to a similar maximum.

Note : Continuous service for the purpose of these provisions means the actual service recorded in the pay-sheets and includes absence with permission. No leave of any kind will count as service except injury leave under Article 67 of the Trustees Digest (7th Edition)

FORM 'A'

To
The Financial Adviser &
Chief Accounts Officer.
Bombay Port Trust

Through : The _____
Bombay Port Trust.

Sir,

Sub : Voluntary Provident Fund Scheme.
.....

I request that I may be allowed to make voluntary Provident Fund contribution of Rs. _____ * p.m. as provided for in Rule 8A of the Trustees' Provident Fund Rules. Deductions in respect thereof may be commenced from my pay for the month of _____ 19____ payable in the month of _____ 19____.

Yours faithfully,

Place :

Date :

(Signature or thumb impression)

1. Name in full :
2. Designation :
3. Provident Fund Account Number :
4. Pay p.m. and Scale :
5. Dearness pay p.m. :
6. Name of the paysheet in which pay is drawn :

* Note : The amount should be in whole rupees only.

No. _____

Forwarded to the Financial Adviser & Chief Accounts Office, Bombay Port Trust for further necessary action.

Head of Department

FORM 'A'

To
The Financial Adviser &
Chief Accounts Officer.
Bombay Port Trust

Through : The _____
Bombay Port Trust.

Sir,

Sub : Voluntary Provident Fund Scheme.
.....

I request that I may be allowed to make voluntary Provident Fund contribution of
Rs. _____ * p.m. as provided for in Rule 8A of the Trustees' Provident
Fund Rules. Deductions in respect thereof may be commenced from my pay for the
month of _____²⁰19 payable in the month of _____¹⁹19.

Yours faithfully,

Place :

Date :

(Signature or thumb impression)

1. Name in full : .
2. Designation : .
3. Provident Fund Account Number : .
4. Pay p.m. and Scale : .
5. Dearness pay p.m. : .
6. Name of the paysheet in which pay is :
drawn

* Note : The amount should be in whole rupees only.

No. _____

Forwarded to the Financial Adviser & Chief Accounts Officer, Bombay Port Trust
for further necessary action.

Head of Department

APPENDIX 'I'

[Rule 8A (4)]

FORM 'B'

To
The Financial Adviser &
Chief Accounts Officer.
Bombay Port Trust

Through : The _____
Bombay Port Trust.

Sir,

Sub : Voluntary Provident Fund Scheme.
.....

I am at present making a contribution of Rs. _____ * p.m. to Voluntary Provident Fund. I request that with effect from the next financial year beginning from the salary for March ²⁰19 paid in April ²⁰19 I may be permitted to discontinue the above contribution / alter the above contribution to Rs. _____ * p.m.

Yours faithfully,

Place :

Date :

(Signature or thumb impression)

1. Name in full :
2. Designation :
3. Provident Fund Account Number :
4. Pay p.m. and Scale :
5. Dearness pay p.m. :
6. Name of the paysheet in which pay is drawn :

* Note : The amount should be in whole rupees only.

No. _____

Forwarded to the Financial Adviser & Chief Accounts Office, Bombay Port Trust for further necessary action.

Head of Department

BOMBAY PORT TRUST

To
The Financial Adviser &
Chief Accounts Officer.
Bombay Port Trust

(Through : _____)

With reference to Rule 21(2) of the Bombay Port Trust Provident Fund Rules, I hereby give notice of my intention to leave in the Provident Fund as a deposit for a fixed period of five years, the full amount which will be at my credit in the said Fund on the date of my final retirement from the Trustees' service, namely, _____ I am familiar with the provisions of the above rule and agree to abide by them. I also understand that once you have taken action on this notice, it will not be open to me to withdraw or amend it in any respect at anytime thereafter.

Yours faithfully,

Date : _____

(Signature or thumb impression)

Applicant's Full Name : _____

Designation : _____ P.F. Account No. _____

Date of final retirement : _____

Full Address : _____

No. _____

Date : _____

Forwarded to the Financial Adviser & Chief Accounts Office, Bombay Port Trust for further necessary action.

Head of Department

APPENDIX 'K'
{ Rule 19 B }

To

The Financial Adviser &
Chief Accounts Officer,
Bombay Port Trust.

Through : The _____
Bombay Port Trust

Sir,

Sub : Withdrawal from the Provident Fund
for the purposes of house building
and purchase of residential flat.

In consideration of the Chairman having agreed at my request to permit, for the purpose of building or acquiring a suitable house including the cost of the site thereof or for the purchase of a flat, withdrawal of the sum of Rs. _____ (Rupees _____ only) from the amount standing to my credit in B.P.T Provident Fund under the provisions of Rule 138 of the B.P.T. Provident Fund Rules, I hereby undertake to observe and perform the terms and conditions contained therein, in so far as they are applicable to me and in particular to comply with the following terms and conditions, viz.,

- (i) The amount for which the withdrawal is applied for shall be actually utilized by me for the purposes of building or acquiring a suitable house including the site thereof or for purchasing a residential flat;
- (ii) That if the amount permitted to be so withdrawn is in excess of the actual expenditure incurred by me for building or acquiring a suitable house including the cost of the site thereof or for the purpose of purchasing a flat, the excess amount shall be refunded by me for being credited to my contribution to the Provident Fund forthwith without demur in one lump sum, whether the same shall have been demanded or not;

- (iii) That the house proposed to be built or acquired by me with the amount to withdrawn or the flat proposed to be purchased by me with the amount so withdrawn shall be situated within the limits of Greater Bombay or where I intend to reside after my retirement from service.
- (iv) That in the event of my building a house, the construction of the house shall be commenced within 6 months of the drawal of the aforesaid amount and shall be completed within a period of 1 year from the date of commencement of construction or within such extended period as may be allowed to me. In the event of a ready built house being purchased, any loan previously obtained by me for such purchase from private parties shall be repaid within 3 months of the drawal of the amount. In the event of my purchasing a residential flat, the amount shall be paid within 3 months of the withdrawal of such amount.
- (v) That in the event of my building a house the right to build on the site on which the house is proposed to be built will be acquired by me forthwith.
- (vi) That approved plans and permits where necessary from the local authorities for the purchase of building materials to the extent required shall be furnished by me.
- (vii) That in the case of withdrawal for the purchase of a ready built house, I would secure an undisputable title to the house and the land on which the house is built, before purchase price is paid. In the event of the drawal for the purchase of the residential flat, I shall become a member of a Limited Company, Co-operative Housing Society or any other incorporated body (recognized in law) formed by the purchasers of the flats in the building;

- (viii) That so long as I am in service, I shall submit every year a declaration in the prescribed form on or before 1st April that the house so built or acquired or the residential flat purchased continues to be in my sole ownership and possession,
- (ix) That while in service the house so built or acquired or the residential flat purchased shall not be transferred by me by way of mortgage, transfer, sale, gift, exchange or lease.

I hereby declare that my private savings together with the amount permitted to be withdrawn will be sufficient to build or acquire the house of the type proposed or to purchase the residential flat and that I do not own any house or residential flat other than the one which is intended to be built or acquired or purchased within the limits of Greater Bombay or at my intended place of residence after my retirement. I further declare that if the house is not purchased or built, or the flat acquired in accordance with the provisions of the Rules of the Provident Fund or if I commit any breach of any of the aforesaid terms and conditions, I shall repay for the credit of my account the whole of the amount permitted to be withdrawn from the fund in pursuance of the said Rules.

Stated this _____ day of _____ 19

Place _____ Signature _____