

PENSION

REGULATIONS -

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~~Shri M. M. K. ...~~
A.I. Services etc

BOMBAY PORT TRUST
PENSION REGULATIONS

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BOMBAY PORT TRUST PENSION REGULATIONS

In exercise of the powers conferred by Section 22 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Trustees of the Port of Bombay, with the approval of the Central Government, as required by the proviso to the said Section, hereby make the following regulations,* namely :-

[T.R.No.
937 dated
5th Oct.
1965]

Section I - General

1. These regulations may be called the Bombay Port Trust Pension Regulations.
2. They shall come into force with effect from 5th October 1965.
3. In these regulations unless there be something repugnant in the subject or context -
 - (a) "Chairman" means the Chairman of the Board referred to in sub-regulation (g) below.
 - ¹ (b) 'Class I', 'Class II', 'Class III' and 'Class IV' employees shall have the same meaning as assigned to them in the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976.]
 - ² [(c)] "Day" means a calendar day beginning and ending at midnight.
 - ² [(d)] "Foreign Service" means service in which an employee receives his pay, with the sanction of the Trustees and also, if necessary, of the Central Government, from any source other than the revenues of the Trustees.

¹ Inserted
² Renumbered

by T.R.No.268 of 23-9-1980 and MOST Notification No.PEB-52/79 of 30-9-1981 (effective from 1-1-1973 in the case of class I and class II posts and 1-1-1979 in the case of class III and class IV posts..

¹ [(e)] "Leave" means any kind of leave recognised by the leave regulations framed by the Board under section 22 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879).

¹ [(f)] "Month" means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

¹ [(g)] "Pension" includes gratuity and death-cum-retirement gratuity except when the term "pension" is used in contra-distinction to gratuity or death-cum-retirement gratuity.

¹ [(h)] "Trustees" means "the Board" or "the Trustees of the Port of Bombay", referred to in section 4 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879).

² [4. These regulations apply :

(i) To all employees appointed to the Trustees' service on or after 5th October 1965.

(ii) To all other employees in the service of the Trustees on 4th October 1965 who have duly opted for the same in terms of the option that may be given to them.

Note:³ [(1) In the case of the 'A' Category Dock Shore Workers of the Docks Department, the date of appointment to the Trustees' service shall be reckoned, for the purposes of these regulations, as the date from which they have been continuously appointed to the 'A' Category.]

¹ Renumbered by TR No.268 of 23-9-1980 and MCSR Notification No. PES-52/79 of 30-9-1981 (effective from 1-1-1973 in the case of class I and class II posts and 1-1-1979 in the case of class III and class IV posts.

² Substituted by TR No.1234 of 1966 (w.e.f. 5-10-1965) :

³ Numbered by TR No.1426 of 1971 (w.e.f. 1-1-1971)

Notwithstanding anything to the contrary contained in these regulations, 'B' Category Shore Workers of the Docks Department have been made eligible from 1st January 1971 for the benefit of these regulations. With effect from 1st January 1971 both in the case of 'A' Category Dock Shore Workers governed by these regulations and the 'B' Category Dock Shore Workers, the qualifying service will be computed in accordance with the proviso to sub-regulation 33(2) []

5. An employee's claim to pension is regulated by the regulations in force at the time when his service with the Trustees terminates.

6. (a) Every pension shall be held to have been granted subject to the conditions contained in these regulations.

(b) In the matter of the application of these regulations and in respect of matters not specifically provided for herein, the corresponding provisions of the Civil Service Regulations or the Liberalised Pension Rules or the Civil Pensions (Commutation) Rules or the Family Pension Scheme for Central Government Employees, 1964, as the case may be, of the Government of India, and the various orders issued thereunder, from time to time, shall be deemed to be applicable in so far as they are not inconsistent with the provisions of these regulations and in so far as they can be adapted to the Trustees' service but subject to such exceptions and modifications as the Trustees may, from time to time, determine.

1 Inserted by T.R.No.1426 of 1971 (with effect from 1-1-1971).

Copy's @ 2 No P/CEE-C/2830 dt 18.5.79 addressed to all NODS cases reg. service to pension & commut. are disposed by the authorities specified below:

Class I pay exceeding Rs 1900/- (exclusive of Allowance)

Class II

Other cases

Ex gratia payment (C/PAY/GEN-(XIV) → S.A.O. (P) 9/13/112-91) Approved by FA/Gen on 15/12/79

Chairman
By Chairman
M (SAM)

¹ [(c) If any question arises relating to the interpretation of these regulations, the decision of the Board thereon shall be final and conclusive.]

² [7. (1) Future good conduct shall be an implied condition of every grant of pension. The Trustees may, by order in writing, withhold or withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

(2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-regulation (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-regulation (2), if the Trustees consider that the pensioner is prima facie guilty of grave misconduct, they shall before passing an order under sub-regulation (1) —

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

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

Note: Except to the extent provided for in regulation 8, no recovery of any amount due to the Trustees can be made from the pension save at the request and with the express consent of the pensioner.]

¹ Inserted by TR No. 503 of 1966 (w.e.f. 10-5-1966)

² Substituted by TR No. 1113 of 1968 (w.e.f. 31-12-1968).

8. The Trustees further reserve the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to the Trustees or if in departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement:

Provided that -

- (a) such departmental proceedings, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be a proceeding under this regulation and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service;
- (b) such departmental proceedings, if not instituted while the employee was in service, whether before his retirement or during his re-employment--
 - (i) shall not be instituted save with the sanction of the Trustees;
 - (ii) shall not be in respect of any event which took place more than four years before such institution; and
 - (iii) shall be conducted by such authority and in such place as the Trustees may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the employee during his service;

*Ex lra provision - IR-1288 of 1970
Reserving authority C.A.*

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

Explanation : For the purposes of this regulation —

- (a) a departmental proceeding shall be deemed to be instituted on the date on which the statement of charges is issued to the employee or pensioner, or, if the employee has been placed under suspension from an earlier date, on such date; and
- (b) a judicial proceeding shall be deemed to be instituted —
- (i) in the case of a criminal proceeding, on the date on which the complaint or report of the police officer, of which the Magistrate takes cognizance, is made, and
- (ii) in the case of a civil proceeding, on the date of presentation of the plaint in the Court.

Note: In a case in which a pension as such is not withheld or withdrawn but the amount of any pecuniary loss, caused to the Trustees, is ordered to be recovered from the pension, the recovery should not ordinarily be made at a rate exceeding one-third of the gross pension, originally sanctioned, including any amount which may have been commuted.

8A. (1) Where any departmental or judicial proceeding is instituted under regulation 6 or where a departmental proceeding is continued under sub-regulation (a) of the proviso thereto against an employee who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional

pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or, if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

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

Note : The grant of pension under this regulation shall not prejudice the operation of regulation 29 when final pension is sanctioned upon conclusion of the proceeding.

9. In the following cases no claim to pension is admitted :-

- (a) when an employee is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.
- (b) when a person is employed temporarily on monthly wages without specified limit of time or duty.
- (c) when a person's whole time is not retained for the Trustees' service, but he is merely paid for work done for the Trustees or when a person is employed on a part-time basis.
- (d) when a person holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in sub-regulation (c).
- (e) when an employee serves under a covenant which contains no stipulation regarding pension, unless the Trustees specially authorize an employee to count such service towards pension.

10.(a) No pension may be granted to an employee dismissed or removed for misconduct, insolvency or inefficiency; but to employees so dismissed or removed compassionate allowance may be granted by the Trustees when they are deserving of special consideration :

Provided that the allowance granted to any employee shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate.

(b) An employee compulsorily retired from service as a penalty may be granted pension at a rate not less than two-thirds and not more than the full invalid pension admissible to him on the date of his compulsory retirement.

10A. Where any compensation is payable to any employee under the Industrial Disputes Act, 1947, in respect of the termination of his service under circumstances entitling him to pensionary benefits under these regulations, the pensionary benefits will be reduced to the extent of the compensation payable under that Act.

11. An employee cannot earn two pensions in the same office at the same time, or by the same continuous service.

Section II - Classification of Pension

12. Pensions are divided into the following four classes :-

- (a) Compensation pension
- (b) Invalid pension
- (c) Superannuation pension
- (d) Retiring pension

13. Compensation pension - If an employee is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option -

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

14. No pension is admissible to an employee for the loss of an appointment or discharge after the completion of a specified term of service.

15. No pension may be awarded for the loss of special pay, personal pay or any compensatory allowance.

16. If an employee who is entitled to compensation pension accepts instead another appointment in the Trustees' service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

17. Invalid pension - An invalid pension is awarded, on his retirement from the Trustees' service, to an employee who by bodily or mental infirmity is permanently incapacitated for the Trustees' service, or for the particular branch of it to which he belongs.

18. Medical authority - An employee applying for an invalid pension shall submit a medical certificate of incapacity issued by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a Consultant.

The Trustees' Chief Medical Officer shall be the Chairman of the Board, and the other two members shall be appointed by the Chairman.

Provided that in the case of an employee on authorised leave of absence and is away from Bombay, the Chairman may, if he is satisfied that the employee is unable to appear before the prescribed medical authority due to the severity of the incapacity, accept a medical certificate of incapacitation issued by a Civil Surgeon or a District Medical Officer or a Medical Officer in charge of a Government Hospital or such other medical authority as he may, at his absolute discretion, in each case prescribe.

19. Form of Medical Certificate -

(a) The form of the certificate to be given is as follows :

" Certified that I (we) have carefully examined _____, son of _____, a _____ in the _____. His age is by his own statement _____ years, and by appearance about _____ years. I (we) consider _____, to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of _____ (state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits. "

Note: If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence :-

" In my (our) opinion, his incapacity is directly due _____ has been accelerated or aggravated to by irregular or intemperate habits. "

[If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made :-

" I am (we are) of the opinion that ----- is fit for further service of a less laborious character than that which he has been doing (or may, after resting for ----- months, be fit for further service of a less laborious character than that which he has been doing.)"]

(b) The object of the alternative certificate, (i.e. of partial incapacity), is that an employee should, if possible, be retained in service even on a lower pay. If this is not possible, the employee may be admitted to pension; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under the regulation.

20. An employee discharged on other grounds has no claim under regulation 17, even though he can produce medical evidence of incapacity for service.

21. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the Trustees to decide what reduction should be made on this account.

Note: The expression 'irregular or intemperate habits', occurring in this regulation, refers to incapacity on account of drug habit or on account of disease resulting from immoral habits. Cases where incapacity occurs due to other causes, e.g., work at irregular hours due to the exigencies of service, and not due to the employee's own volition, do not come under the purview of this regulation.

22. An employee who has submitted under regulation 18 a medical certificate of incapacity for further service shall, if he is on duty, be invalided from service from the date of relief of his duties which should be arranged without delay on receipt of the medical certificate, or, if he is granted leave under Article 84A of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or clause (vii) of Rule 29 of the Bombay Port Trust Rules and Regulations for Non-Scheduled Staff or Chapters 6 and 27 of the Bombay Port Trust Railway Service Rules, 4th Edition, as the case may be, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalided from service on the expiry of that leave or cessation of leave, if any, granted to him under the regulations mentioned above.

23. Superannuation pension - A superannuation pension is granted to an employee entitled or compelled, by regulation, to retire at a particular age.

24. ¹ Retiring pension - An employee may retire from service at any time after completing ^{25 yrs Qual. Service under Vol. Retirement Scheme} 30 years' qualifying service, or after attaining the age specified in clause (d) of Article 44 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or in the corresponding rules in the Bombay Port Trust Railway Service Rules or the Rules and Regulations for Non-Scheduled Staff, provided that he gives in this behalf a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire. The appropriate authority may also require an employee to retire any time after he has completed 30 years' qualifying service or after he has attained the age specified in clause (c) of Article 44 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or in the corresponding rules in the Bombay Port Trust Railway Service Rules or the Rules and Regulations for Non-Scheduled Staff provided that

¹ Substituted by TR No. 459 of 1975 (w.e.f. 15-1-1976)

Vol. Retir. Schem. - Weigunaga 15 yrs - 10/10/1973
 TR-275/1979 w.e.f. 16.11.83 - Vol. Retir. after 20 yrs.
 Committn without medical } w.e.f. 18.4.86 if applied within 1 year
 in case of Vol. } c. 10/10/1973 (1x)/1967

that authority gives in this behalf a notice in writing to the employee at least three months before the date on which he is required to retire or gives to the employee three months' pay and allowances in lieu of such notice. In either case, the employee may be granted cash equivalent of leave salary in lieu of earned leave, subject to a maximum of 180 days and cash equivalent of HPL subject to deduction of pension, pensionary equivalent of their retirement and his retirement shall take effect on the expiry of the leave so granted. ^{paid, in one lump sum the} benefits and relief on pension, if NA, is admissible on pension and such employees ^{are to be treated as finally ceasing to be in P.T. Service from the} dt of the completion of their notice period. (G.O.No. CAT/CA-351/23538 dt. 30.5.85)

Notes: (1) An employee who has given to the appropriate authority, notice of retirement under this regulation has no right subsequently (but during the currency of the notice) to withdraw the same and return to duty. There would, however, be no objection to permission being granted to such an employee, on consideration of the circumstances of his case, to withdraw the notice given by him, but ordinarily such permission will not be granted unless he is in a position to show that there has been a material change in the circumstances in consideration of which the notice was originally given. Where the notice of retirement has been served by ¹the appropriate authority on the employee, it may be withdrawn, if so desired for adequate reasons, provided the employee concerned is agreeable.

✓ (2) The specific provision under this regulation regarding optional retirement should be deemed to be absolute notwithstanding the provision of any other regulation regarding the compulsory retirement of an employee on attaining a particular age. However, the ²appropriate authority may order such retirement under this regulation only when it is necessary in the public interest.

³ (3) "Appropriate authority" means the authority which has the power to make substantive appointments to the post from which the employee is required or wants to retire, provided that where the authority which has such power is lower in rank than the Deputy Chairman, appropriate authority shall mean the Deputy Chairman.

1 Substituted }
 2 Substituted } by T.R.No.469 of 1975
 3 Inserted } (with effect from 15-1-1976).

Section III - Amount of Pension

25. The amount of pension that may be awarded is determined by the length of qualifying service as set out in regulations 33 to 42. Fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible.

26. Pension is fixed in Rupees and not in any other currency.

¹/27. The amount of pension shall be expressed in whole rupees and where the pension calculated according to these regulations contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

Explanation :

- (1) The rounding off to the next higher rupee will apply to all classes of pension, referred to under regulation 12 and to the compassionate allowance referred to in regulation 10. The Family Pension, granted under these regulations, will also be rounded off to the next higher rupee.
- (2) The rounding off is to be done only once. In other words, the pension should be calculated upto whole rupees and if there is any remainder it should be rounded off to the next higher rupee.
- (3) If a pensioner has commuted a part of his pension which consists of full rupees and multiple of five paise, the remaining part of his pension shall not be rounded off further to the next higher rupee.
- (4) This rounding off will not apply to gratuities and to the capitalized value of the commuted portion of pension.
- (5) The rounding off does not apply to temporary increase in pension vide Note 1 under regulation 29.

¹ Substituted by T.R.No.1113 of 1968 (w.e.f. 31-12-1968).

28. (a) The full pension or gratuity and death-own-retirement gratuity admissible under the regulations is not to be given as a matter of course, or unless the service rendered has been really approved.

(b) If the service has not been thoroughly satisfactory, the authority sanctioning the pensionary benefits should make such reduction in the amount as it thinks proper.

Explanations :

- (1) Regulation 28 cannot be used directly to effect a penal recovery, but the sanctioning authority is justified in making the proof of a specific instance of fraud, or negligence, by an employee the ground for a finding that his service has not been thoroughly satisfactory within the meaning of the regulation for the purpose of reducing his pensionary benefits.
- (2) The measure of the reduction in the amount of pension made under the regulation should be the extent by which the employee's service as a whole has failed to reach a thoroughly satisfactory standard and any attempt to equate the amount of reduction with the amount of loss caused to the Trustees is incorrect.
- (3) The regulation contemplates permanent reduction in the amount of pension ordinarily admissible and does not admit of the reduction of the pension payable in respect of any one particular year.
- (4) This regulation does not operate to authorise a reduction of pensionary benefits either to nothing or to a nominal amount.
- (5) No show cause notice is required to be given to an employee when orders are intended to be passed reducing his pensionary benefits under this regulation. However, whenever such an order reducing the pensionary benefits of an employee is passed he shall have a right of appeal.

¹[29. (a) Except in the cases covered by sub-regulations (b) and (c) below, the amount of superannuation, retiring, invalid and compensation gratuity and the pension shall be the appropriate amount, as set out in the Annexure 'A'.

(b) In the case of class I and class II employees retiring from service on or after 1st January 1973, the amount of superannuation, retiring, invalid and compensation gratuity and pension shall be the appropriate as set out in Annexure 'AA'.

(c) In the case of the class III and class IV employees retiring from service on or after 1-1-1979 and who opt for the definition of 'pay' as applicable to the Central Government employees, the amount of superannuation, retiring, invalid and compensation gratuity and pension shall be the appropriate amount as set out in Annexure 'A'.]

²[Note: ³[(1)] In addition to the pension indicated in Regulation 29 above, retired employees of the Trustees in receipt of small amounts of pension upto Rs 200 p.m. under these regulations will be granted the following temporary increase in pension until further orders :-

Amount of pension	Rate of temporary increase
Pension upto Rs 30 p.m.	Rs 15.00 p.m.
Pensions above Rs 30 p.m. but not above Rs 75 p.m.	Rs 17.50 p.m.
Pensions above Rs 75 p.m. but not above Rs 200 p.m.	Rs 20.00 p.m.
Pensions above Rs 200 p.m.	Such temporary increase as will bring the total pension to Rs 220 p.m.]

¹ Substituted by TR No. 268 of 23-9-1980 and MOST's Notification No. PEB-52/79 of 30-9-1981 (effective from 1-1-73 in case of class I and class II employees and 1-1-79 in case of class III and class IV employees)

² Substituted by TR No. 1367 of 1969 (w.e.f. 1-9-1969)

³ Re-numbered by TR No. 1439 of 1972 (w.e.f. 1-3-1970)

Note: ¹ (2) If the amount of pension admissible under this regulation together with the temporary increase as per Note (1) above comes to less than Rs (40) ^(*) 160 ^(*) 1-4-75 per mensem, the same shall, with effect from 1st March 1970, be raised to Rs 40 per mensem. Including P.R.

Explanation: With effect from 1st March 1970, the minimum monthly pension under this regulation, including the temporary increase, shall be raised to Rs (40) ^(*) 160 ^(*) 1-4-75 in the case of pensioners including those who retired before 1st March 1970. Where a pensioner has commuted, or may commute in future, a portion of his pension, the extra amount, if any, to be allowed under Note (2) above shall be determined with reference to his pension before commutation.]

² (3) With effect from 1st January 1969, the definition of "emoluments" for the purposes of pension has been enlarged, in the case of employees holding posts carrying scales of pay of which the maximum does not exceed Rs 650. Likewise, in the case of employees who are on scales of pay the maximum of which exceeds Rs 650 a portion of Dearness Allowance has been treated with effect from 1st December 1968 as pay, inter alia, for the purposes of reckoning "emoluments". The temporary increase in pension will not apply to cases in which the benefit of enlarged definition of emoluments or merger of a portion of Dearness Allowance as 'pay' for purposes of emoluments have been extended. However, the provision of Note (2) above in regard to minimum pension of Rs 40 per mensem will apply to such cases also with effect from 1st March 1970.]

1 Inserted by T.R.No. 1439 of 1972
(with effect from 1-3-1970).

2 Inserted by T.R.No. 806 of 1973
(with effect from 1-1-1969).

(*) w.r.o. 1-4-1983

¹/Note : (4.1) In addition to the pension indicated in regulation 29 above and the temporary increase, if any, admissible under Note (1) above, the class III and the class IV employees and officers who retired from service prior to 1-1-1969 shall be granted ad hoc increases in pension, from time to time, as indicated below :

Date from which relief is admissible	Pension range	Ad hoc increase in pension per mensem
i) From 1-1-1973	(Based on original pension or on Rs 40 per mensem where the original pension was less than Rs 40 per mensem).	
	Below Rs.85	Rs 15
	Rs.85 and above but below Rs.210	Rs 21
	Rs.210 and above but below Rs.500	Rs 25
	Rs.500 and above	Rs 35
ii) From 1-8-1975		Relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.
iii) From 1-1-1974		Additional relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.

¹ Inserted by TR No.54 dated 26th February 1978 and MOST's Notification No.FED-16/78 dated 7th June 1978.

Date from which relief is admissible	Pension Range	Ad hoc increase in pension per mensem
iv) From 1-4-1974		Additional relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.
v) From 1-10-1975		Additional relief at the rate of 10% of pension subject to a minimum of Rs 10 per mensem and a maximum of Rs 50 per mensem.
vi) From 1-4-1977		Additional relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.

The term 'original pension' for the purpose of calculation of ad hoc relief does not include the temporary/ad hoc increases in pension granted prior to 1-1-1973 or the pension equivalent of death-cum-retirement gratuity but includes the commuted portion of pension, if any.

Note : (4.2) The relief as mentioned in items (ii) to (vi) of Note (4.1) above, will be calculated on the total of the (i) original pension, (ii) ad hoc relief granted prior to 1-1-1973 and (iii) ad hoc relief as admissible under item (i) ibid.

1/ (5) Class I and class II employees retiring from service on or after 1-1-1969 but before 1-1-1973 shall be granted ad hoc increases in pension from time to time as indicated in Note (4) above.

1 Inserted by TR No.268 of 23-9-1980 and MOST Notification No.FEB-52/79 dated 30-9-1981 (effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

1/29A. An employee in class III or class IV service or post, who retired in accordance with the provisions of these regulations between 1st January 1969 and 31st December 1973, shall, in addition to pension payments admissible under regulation 29 and the notes thereunder, be entitled, with effect from 1st January 1979, to an ad hoc relief at appropriate rate, as set out below, namely :-

Amount of pension (exclusive of temporary increase) of employee	<u>Ad hoc relief</u>
Rs	
Below 85	Rs
85 and above but below 210	15
210 and above but below 500	21
500 and above	25
	35

Section IV - Death-cum-retirement gratuity

30. (1) An employee who has completed five years' qualifying service may be granted a death-cum-retirement gratuity not exceeding the amount specified in sub-regulation (3), when he retires from service and is eligible for a gratuity or pension under regulation 29.
- (2) If an employee, who has completed five years' qualifying service, dies while in service, a gratuity not exceeding the amount specified in sub-regulation (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under regulation 31 or, if there is no such person, it may be paid in the manner indicated below :-

1 Inserted by TR No.21 dated 22nd January 1980 and MOSTP's Notification No.PW-PBB-39/80 dated 2nd February 1981 (Effective from 1st January 1979).

(i) If there are one or more surviving members of the family as in items (i), (ii), (iii) and (iv) of sub-regulation (1) of regulation 31, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares.

(ii) If there are no such surviving members of the family as at (i) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (v), (vi), (vii), (viii) and (ix) of sub-regulation (1) of regulation 31, the gratuity may be paid to all such members, in equal shares.

Provided that the gratuity payable in the manner indicated above in respect of a permanent pensionable employee dying while in service, before completing five years' qualifying service, will be equal to six times the "emoluments" of the employee at the time of his death except in cases in which death occurs in the first year of service when the gratuity admissible will be equal to two months' emoluments.

1/(3) (a)] The amount of gratuity will be one-fourth of the "emoluments" of the employee for each completed six-monthly period of qualifying service, subject to a maximum of 15 times of the "emoluments". In the event of the death of an employee while in service after completing five years' qualifying service, the gratuity will be subject to a minimum of 12 times the "emoluments" of the employee at the time of his death.

Provided that in no case shall it exceed Rs.24,000.

1 Re-numbered by IR No.268 dated 23-9-1980 and MOST's Notification No.PEB-52/79 dated 30-9-1981.

Sppl. Contribn. L.P.D. x 15 months
* BASIC + SDA + FDA + VDA (Full VDA) + P.P.
(No monetary ceiling) R. 1.00.000/5 MAX

1/ (b) In the case of a class I or class II employee retiring from service on or after 1-1-1973, the amount of gratuity will be one fourth of the "emoluments" for each completed six-monthly period of qualifying service subject to a maximum of $16\frac{1}{2}$ times the 'emoluments'. In the event of the death on or after 1-1-1973 of such an employee while in service after completing five years' qualifying service, the gratuity will be subject to a minimum of 12 times the 'emoluments' of the employee at the time of death.

Provided that in no case shall it exceed

(*) Rs. [30,000.] ~~Rs. 50,000/-~~

(c) In the case of a class III or class IV employee who opts for the definition of "pay" for pension as applicable to the Central Government employees and retiring on or after 1-1-1979 the amount of gratuity will be one-fourth of the 'emoluments' of the employee for each completed six-monthly period of qualifying service, subject to a maximum of $16\frac{1}{2}$ times of 'emoluments'. In the event of death on or after 1-1-1979 of such an employee after completing five years' qualifying service, the gratuity will be subject to a minimum of 12 times the 'emoluments' of the employee at the time of his death.

Provided that in no case shall it exceed

50,000/-
(*) Rs. [30,000.] 7

24000
30000
36000
100000

1 Inserted by TR No.268 dated 23-9-1980 and MOST's Notification No.P&B-57/79 dated 30-9-1981 (Effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

(4) If an employee, who has become eligible for a pension or gratuity under regulation 29, dies after he has retired from service, and the sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity under sub-regulation (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times his "emoluments", a gratuity equal to the deficiency may be granted to the person or persons specified in sub-regulation (2).

Note: The residuary gratuity under this sub-regulation is admissible only if the death of the employee takes place within five years from the date of his retirement.

(5) The "emoluments" for the purpose of this regulation will be subject to a maximum of Rs.1,800 per mensem, and will be reckoned in accordance with regulation 43.

Provided that if the emoluments of an employee have been reduced during the last three years of his service otherwise than as a penalty, "average emoluments", as defined in regulation 44, may, at the discretion of the authority which has power to sanction the gratuity under this regulation, be treated as the "emoluments".

¹ [Provided further that in the case of (1) the Crane Drivers, Hydraulic, 5 and 6 tons and 35 cwt. and Crane Drivers, Electric, 3 and 6 tons, and (2) Dock Shore Workers in 'A' and 'B' categories, the "emoluments" for the purpose of death-cum-retirement gratuity shall be increased by the average monthly processing allowance as worked out under Notes (2) and (4) respectively below regulation 44.]

¹ Substituted by TR No.1426 of 1971 (with effect from 1-1-1971).

- Notes:
- (1) In the case of employees who are eligible for the concession in regulation 33(7), the benefit of adding a certain number of years to their qualifying service is admissible only when they retire on attaining the age of superannuation; and not in any other circumstances. It will, therefore, not be permissible to determine the eligibility for, and the amount of, death-cum-retirement gratuity on the basis of total qualifying service including the addition under regulation 33(7), in cases where an employee dies while in service. In cases, however, where an employee retires on attaining the age of superannuation, the death-cum-retirement gratuity will be calculated on the total of service including the addition under regulation 33(7).
 - (2) It is permissible to make recovery of the Trustees' dues from the death-cum-retirement gratuity due in respect of an employee even without obtaining his consent, or without obtaining the consent of the members of his family in the case of a deceased employee, as the case may be.
 - (3) Under sub-section 10 of section 10 of the Income-tax Act, 1961, (Act No.43 of 1961), the death-cum-retirement gratuity under any scheme of a local authority similar to the Liberalised Pension Rules of the Central Government is exempt from Income-tax.
 - (4) No death-cum-retirement gratuity may be granted to an employee dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grant may, however, be made in such cases in accordance with the principles of regulation 10(a).
 - (5) An employee compulsorily retired from service as a penalty may be granted death-cum-retirement gratuity at a rate not less than two-thirds and not more than the full death-cum-retirement gratuity admissible to him on the date of his compulsory retirement.

(6) In the case of an employee dying before receipt of any gratuity that has become admissible to him under sub-regulation (1) of regulation 30 and sub-regulation (a) of regulation 29, the same shall be disbursed in the manner indicated in sub-regulation (2) of regulation 30 and in the event of their being no person/s entitled to receive it as above the gratuity shall lapse to the Trustees.

(7) If a nominee, who was entitled to receive the amount of gratuity on the date of death of the employee, dies before getting the payment, the right to the amount or share of the gratuity shall pass on to the alternate nominee or nominees. In case there is no alternate nominee, the amount or share of gratuity will be paid in equal shares to the co-nominees of the person concerned, if any, and failing that it will be distributed in equal shares among the surviving members of the family of the deceased employee as in the cases of no nomination.

(8) Please also see annexure to Forms 'A', 'B', 'C' and 'D'.

31. (1) For the purposes of this regulation -

(a) "Family" shall include the following relatives of the employee -

Adopted vide OR No. 172/23 G. 1987

- (i) wife ^{or wives (including judicially separated wife or wives)} in the case of a male employee,
- (ii) husband, in the case of a female employee,
- (iii) sons, including step sons and adopted son
- (iv) unmarried ~~and widowed~~ daughters, ^{including step & adopted daughters}
- (viii) ^(v) brothers below the age of 18 years and ^(vi) unmarried and widowed sisters (including step-brothers and step-sisters),
- (vi) father,
- (vii) mother,
- (x) ~~(viii)~~ married daughters, and
- (xi) ~~(ix)~~ children of a pre-deceased son.
- x) widowed daughters, including step/adopted daughters.
- (x) Unmarried sisters and widowed sisters including step sons

[Handwritten signature]

Note: (iii) and (iv) will include step-children and adopted children if under the personal law of the employee adoption is legally recognised as conferring the status of a natural child.

(b) "Person" for the purpose of this regulation shall include any company or association or body of individuals, whether incorporated or not.

(2) An employee shall, immediately on substantive appointment to a permanent post, make a nomination conferring on one or more persons the right to receive any gratuity that may be sanctioned under sub-regulations (2) and (4) of regulation 30 and any gratuity which having become admissible to him under sub-regulation (1) of that regulation and sub-regulation (a) of regulation 29 has not been paid to him before death.

Provided that if, at the time of making the nomination, the employee has a family, the nomination shall not be in favour of any person or persons other than a member of his family.

(3) If an employee nominates more than one person, under sub-regulation (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(4) An employee may provide in a nomination :-

(a) in respect of any specified nominee, that in the event of his pre-deceasing the employee or his dying after the death of the employee but before receiving payment of death-cum-retirement gratuity the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;

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

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

1/ (5) (i) The nomination made by an employee who has no family at the time of making it, or a provision made in a nomination under clause (a) of sub-regulation (4) by an employee whose family consists, at the date of making the nomination, of only one member, shall become invalid in the event of the employee subsequently acquiring a family, or an additional member in the family, as the case may be.

2/ (ii) With effect from 1-1-1973 in the case of class I or class II employees, the 'emoluments' for the purpose of this regulation will be reckoned in accordance with regulation 43B subject to a maximum of Rs. 2,500^{(*) 4000/-} and in the case of a class III and class IV employee who retires/dies on or after 1-1-1979 and has opted to be governed by the Central Government definition of 'pay' for pension the 'emoluments' will be reckoned in accordance with regulation 43E subject to a maximum of Rs. 2,500^{(*) 4000/-}.

1 Renumbered & }
2 Inserted } by TR No.266 dated 23-9-1980 and MOST's
Notification No.PEB-52/79 dated 30-9-1981
(Effective from 1-1-1973 in the case of class I
and class II employees and 1-1-1979 in the case
of class III and class IV employees.

(*) T.R. 210 of 24.11.1985 (effective from 31.3.1985).

(6) (a) Every nomination shall be in such one of the Forms 'A' to 'D' as may be appropriate in the circumstances of the case.

(b) An employee may at any time cancel a nomination by sending a notice in writing to the appropriate authority referred to in sub-regulation (a) below, provided that the employee shall, along with such notice, send a fresh nomination made in accordance with this regulation.

Note: The nomination Forms 'A' to 'D' contain provision for the cancellation of an earlier nomination.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (4), or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-regulation or sub-regulation (5), the employee shall send to the appropriate authority referred to in sub-regulation (a) below a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this regulation.

(8) Every nomination made, by an employee under this regulation, shall be sent by the employee to the Chief Accountant through the Head of his Department.

Notes: (1) On receipt of a nomination, the Head of the Department should make a clear note of the nomination in the service sheet of the employee and thereafter forward the same to the Chief Accountant.

(2) Every nomination made by an employee shall be acknowledged by the Chief Accountant through the Head of the Department in which the employee is employed in the pro forma attached

To be added as Note below 32(1)(i) in place of earlier Note.

When an employee disappears leaving his family, the family can be paid in the first instance (i) amount of salary due, leave encashment due and the amount of Provident Fund having regard to the nomination made by the employee; and (ii) after the lapse of a period of one year, other benefits like Death-cum-Retirement Gratuity/Family Pension may be granted to the family subject to the fulfilment of the following conditions:

- (i) (a) the family must lodge a complaint with the concerned police station and obtain a report that the employee has not been traced after all efforts had been made by the police;
- (b) an indemnity bond should be taken from the nominee/dependants of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim;
- (ii) all outstanding dues against the employee will be assessed and their recovery effected in accordance with the Pension Regulations and any other instructions in force for effecting recovery of dues;
- (iii) the family can apply to the Head of Office of the employee for grant of Family Pension and Death-cum-Retirement Gratuity after one year from the date of disappearance of the employee in accordance with the prescribed procedure for sanction of Family Pension and Death-cum-Retirement Gratuity. In case the disbursement of Death-cum-Retirement Gratuity is not effected within three months of the date of application, interest shall be paid at the rates applicable and responsibility for the delay be fixed. It is with effect from 23-10-1987. (TR 331 of 10-11-1987).

Regulation 32(2)(a)

not include periods of extraordinary leave, suspension and boy service (service put in before attaining 18 years of age) which do not qualify for service pension. In the case of Dock Shore Workers of the Docks Department in categories 'A' and 'B', the term ^{less than one year} ~~one year~~ of continuous service means ~~one year~~ of service in 'B' and/or 'A' categories only which would have normally reckoned as qualifying service.

1 Substituted by T.R.No.1426 of 1971 (with effect from 1-1-1971 for 'B' Category Mazdoors).

(*) T.R. 331 of 10-11-1987.

When an employee disappears leaving his family, Family Pension can be started after lapse of a period of 1 year, subject to the fulfilment of the following conditions:

- (a) the family must lodge a report with the concerned Police Station and obtain a report that employee has not been traced after all efforts had been made by the Police.
- (b) An indemnity bond should be taken from the nominee/dependants that all payments will be adjusted against the payments due to the employee in case he appears and makes any claim.

11) All outstanding dues against the employer assessed and their recovery effected in accordance with the pension regulations and any other instructions in force for effecting recovery of dues. (ii) The family can apply for F.P.R. if the H.O. for grant of pension is 30 days after the date of retirement. The procedure for sanction of F.P.R. is in accordance with the provisions of sub-section (ii) of Section 10 of P.F.R. Act. In case the application of application is not received within 3 months of the date of retirement, the same must be made at the rate applicable and the responsibility for the delay fixed.

will include the following relatives of the employee :

- (a) wife, in the case of a male employee;
- (b) husband, in the case of a female employee;
- (c) minor sons; and
- (d) unmarried minor daughters.

Notes: (1) (c) and (d) will include children adopted legally before retirement.

(2) Marriage after retirement will not be recognised for purposes of family pension.

² 1/(2)[(a)] The amount of pension will be as specified in the following table :

For P.T. & Govt.

F.Pension to be granted upto first 7 yrs or upto the date of superannuation whichever is earlier.

Pay of the employee	Monthly pension of widow/widower/children
1. Rs 500 and above	12 per cent of pay subject to a maximum of Rs 150.
2. Rs 200 and above but below Rs 500	15 per cent of pay subject to a maximum of Rs 96 and a minimum of Rs 60.
3. below Rs 200	30 per cent of pay subject to a minimum of Rs. 40/150 = (2)

"Pay" for this purpose means the pay as defined in Article 11(11) of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, which the employee was drawing on the date

- 1 Substituted by TR No.1439 of 1972 (with effect from 22-2-1974)
- 2 Renumbered by TR No.266 of 23-9-1980 and MOST's Notification No. PEE-52/79 dated 30-9-1981.
- 3 Minimum Family Pension of Rs.25 raised to Rs.40 by T.R.No.806 of 1973 (with effect from 1-3-1970).

(*) Rs 150/- including P.R. w.r. 1-1-1983.

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of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement, an employee has been absent from duty on leave with allowances, his "pay" should be taken at what it would have been had he not been absent from duty:

Provided that the amount of family pension is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that the employee would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave. However, in case the employee, during the currency of earned leave or leave on average or full pay not exceeding 120 days or 4 months, as the case may be, of the earned leave or leave on full or average pay exceeding 120 days or 4 months, as the case may be, earns an increment, which is not withheld, he is entitled to count the pay which he would have drawn had he remained on duty. If on the date of death while in service or immediately before retirement, the employee has been absent from duty being on extraordinary leave or suspension, "pay" will mean the pay which he drew immediately before proceeding on leave or suspension.

Provided further that in the case of the death of an employee while in service after putting in not less than 7 years' continuous service the amount of pension payable during the first seven years from the date of death or till the date on which the employee would have reached the normal age of superannuation had he remained alive, whichever period is shorter, shall be increased to 50 per cent of the pay last drawn, subject to a maximum of twice the pension specified in the above table.]

Notes: ¹[(1)(a)] In the case of Crane Drivers, Hydraulic, 5 and 6 tons, and 35 cwt. and Crane Drivers, Electric, 3 and 6 tons "pay" means the pay as defined in this sub-regulation in the monthly scales of pay attached to their respective posts of Crane Driver plus Rs.18.98.

²[(b)] In the case of Dock Shore Workers in 'A' and 'B' Categories, "pay" means pay as defined in this sub-regulation in the appropriate monthly scale of pay attached to their respective posts or at the lowest stage of the increments' scale of pay of a 'A' Category Mazdoor, as the case may be, plus Rs 16.12 in the case of Mazdoor or Rs.17.94 in the case of a Morpia plus Rs.4 in the case of such of the 'B' Category Mazdoors as were on the register on 1st January 1969.]

(2) The temporary increase in pension referred to in Note (1) below Regulation 29 will not be admissible in the case of family pension.

³[(3)] The normal date of superannuation referred to in the proviso to this sub-regulation shall, in the case of a person who dies while on extension of service, be deemed to be the date upto which the extension of service had been sanctioned to him before his death.]

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- 1 Re-numbered by T.R.No.1234 of 1966 (with effect from 5-10-1965)
 - 2 Substituted by T.R.No.1426 of 1971 (with effect from 1-1-1971 for 'B' Category Mazdoors).
 - 3 Inserted by T.R.No.503 of 1966 (with effect from 10-5-1966)

In case of death of employee his Gross Contribution to PF, DCR & and P/Pension is not attributable.
Vide. CEO & A's opinion Ref: LDP-1(34)/3657 dt. 22/6/90
- PPO-3432-

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1/ (b) (i) In the case of retirement or death while in service on or after 1-1-1973, of a class I or class II employee, or in the case of retirement or death while in service on or after 1-1-1979, of a class III or class IV employee who opts for the definition of 'pay' for pension as applicable to the Central Government employees, the amount of Family Pension will be as specified in the following table :-

From 1-1-69 onwards
of class III
from 1-1-86 onwards
of class IV

Revision of pension
of Govt letter No
A. 25011/7/86/PE-1
dt. 26.2.88

Pay of the employee	Monthly pension of widow/widower/children
1. Below Rs.400	30 per cent of pay subject to a minimum of Rs.60 and a maximum of Rs.100.
2. Rs.400 and above but below Rs-1,200	15 per cent of pay subject to a minimum of Rs.100 and a maximum of Rs.160.
3. Rs.1,200 and above	12 per cent of pay subject to a minimum of Rs.160 and a maximum of Rs.250.

"Pay" for this purpose means the pay as defined in regulation 43B or 43E, as the case may be.

Provided that in the case of death of an employee while in service after putting in not less than 7 years' continuous service, the amount of Family Pension payable during the first seven years from the date following the date of death or till

1 Inserted by TR No.268 of 23-9-1980 and MOST's Notification No. FEB-52/79 of 30-9-1981 (Effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

the date on which the deceased employee would have attained the age of 65 years had he remained alive, whichever period is shorter, shall be increased to 50 per cent of "pay" last drawn subject to a maximum of twice the Family Pension specified in the above table. Where, however, an employee who is governed by the Workmen's Compensation Act, 1923 (8 of 1923) dies while in service after putting in not less than seven years' continuous service and the family of the deceased is eligible for any compensation under the aforesaid Act, the rate of Family Pension payable during the first seven years following the date of death of the employee or till the date on which the employee would have reached the age of 65 years had he remained alive, whichever period is shorter, shall be equal to 50 per cent of the pay last drawn by the employee or one and a half times the Family Pension specified in the above table whichever may be less.

Provided further that in the event of death of an employee after retirement, the Family Pension at the enhanced rate mentioned in proviso (i) above shall be payable upto the date on which the deceased employee would have attained the age of 65 years had he remained alive or for seven years, whichever period is shorter, but in no case the amount of Family Pension shall exceed the pension sanctioned to the employee at the time of his retirement. Where, however, the amount of Family Pension as specified in the above table exceeds the pension sanctioned at the time of retirement of the employee, the amount of Family Pension as admissible under this proviso shall not be less than the amount of Family Pension as specified in the said table.

(ii) In the case of retirement or death while in service, on or after 1-1-1979, of a class III or class IV employee who opts to be continued to be governed by the liberalised definition of "pay" the rate of Family Pension will be as follows :-

Pay of the employee	Monthly pension of widow/widower/children
1. Below Rs.400	Rs. 50
2. Rs.400 and above but below Rs.800	Rs.100
3. Rs.800 and above but below Rs.1,200	12 per cent of pay subject to a minimum of Rs.100
4. Rs.1,200 and above	Rs.160

Provided that in the case of the death of an employee while in service after putting in not less than 7 years' ^{Quali.} continuous service, the amount of Family Pension payable during the first seven years from the date following the date of death or till the date on which the deceased employee would have attained the age of 65 years had he remained alive, whichever period is shorter, shall be increased to 50 per cent of the pay last drawn by the employee subject to a maximum of one and half times ~~the~~ Family Pension in the above table whichever may be less. The "pay" for the purposes of this proviso will have the same meaning as in regulation 43E.

2-172/14
3-6/194
P.R. 3
upto 1
1/25
send
out cases
on 15

Notes: (1)(a)

In the case of Crane Drivers, Hydraulic, 5 and 6 tons, and 35 cwt. and Crane Drivers, Electric, 5 and 6 tons "pay" means the pay as defined in this sub-regulation in the monthly scales of pay attached to their respective posts of Crane Driver plus Rs.18.98.

(b)

In the case of Dock Shore Workers in 'A' and 'B' Categories, "pay" means pay as defined in this sub-regulation in the appropriate monthly scale of pay attached to their respective posts or at the lowest stage of the incremental scale of pay of a 'A' Category Mazdoor, as the case may be, plus Rs.16.12 in the case of Mazdoor or Rs.17.94 in the case of a Morpia plus Rs.6 in the case of such of the 'B' Category Mazdoors as were on the register on 1st January 1969.

(2) The temporary increase in pension referred to in Note (1) below regulation 29 will not be admissible in the case of family pension.

(3) The normal date of superannuation referred to in the proviso to this sub-regulation shall, in the case of a person who dies while on extension of service, be deemed to be the date upto which the extension of service had been sanctioned to him before his death.

(3) The pension will be admissible :-

(a) in the case of a widow/widower, upto the date of death or re-marriage, whichever is earlier.

TR 172/1987 A1
3.6.1987 NOV

TR 332/15.11.89

upto 1000
Yrs for both
sons & daughters
not crossed 2175
(15-11-89)

- (b) in the case of a minor son, until he attains the age of $\sqrt{21}$ years.
- (c) in the case of an unmarried daughter until she attains the age of $\sqrt{21}$ years or until marriage, whichever is earlier.

Note: In cases where there are two or more widows, pension will be payable to the eldest surviving widow. On her death it will be payable to the next surviving widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

(4) A pension awarded under this regulation will not be payable to more than one member of an employee's family at the same time. It will first be admissible to the widow/widower and thereafter to the minor children.

(5) In the event of the re-marriage or death of the widow/widower, the pension will be granted to the minor children through their natural guardian. In disputed cases, however, payments will be made through a legal guardian.

$\sqrt{2}$ (6) xxx xxx xxx xxx

Note: (i) xxx xxx

(ii) xxx xxx

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(7) Widows/Widowers/Minor children of such employees as are governed by this regulation will not be entitled to family pension under any other regulations unless a specific provision to the contrary exists in those regulations.

1 Substituted by TR No.139 of 8th May 1979 and MOST's Notification No.PEB-54/79 dated 29th October 1979 (with effect from 10th November 1979).

2 Deleted by MOST's letter No.Pw/PEB-15/82 dated 3rd April 1982 and T.R.No.119 dated 26th April 1982 (with effect from 22-9-1977).

- (8) (i)(a) All class III and class IV employees entitled to the benefit of this regulation and whose service sheets are maintained by the respective Heads of Departments are required to furnish details of their family as defined in sub-regulation (1), i.e., date of birth of each member with his/her relationship with the employee. This statement shall be countersigned by the Head of the Department to which the employee belongs or such other authority as prescribed by the Head of the Department in this respect and pasted to the service sheet of the employee. Employees are, thereafter, required to keep this statement up-to-date. Additions and alterations in this statement will be made by the prescribed authority as above, from time to time, on receipt of information from the employees concerned.
- (b) All other employees whose service sheets are maintained by the Chief Accountant are required to furnish to that officer through their Heads of Departments the details of their 'family' and further required to keep these particulars up-to-date. The Chief Accountant shall paste this statement to the service sheet of the employee and make additions and alterations in the statement on receipt of information from the employee.
- (ii) The manner in which the details of the 'family' and any additions and alterations thereto from time to time are to be communicated shall be as prescribed by the Chief Accountant.

(9) As in the case of the grant of an ordinary pension, the good conduct of the recipient is an implied condition of every grant of a pension under this regulation. The Trustees reserve the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and Trustees' decision in such matters will be final.

(10) The procedure to be followed in respect of claims arising under this regulation shall be such as may be prescribed by the Chief Accountant from time to time.

Notes: (1) Where both husband and wife are the Trustees' employees, the regulation does not debar such an employee pensioner from drawing family pension in addition to his/her pay or pension. In the event of the death of the father and mother, who were both employees, the minor children will be eligible to draw two pensions, subject to a total of Rs 150 per month, provided both the employees are entitled to family pension benefit under this regulation. (M 22)

(2) Notwithstanding anything contained in any other regulation, and subject to the provisions of Note (3) below, the family pension scheme is applicable to all permanent and temporary employees who are subject to the Bombay Port Trust Pension Regulations and who, in the event of death while in service, have completed ^{at least} ~~not~~ less than one year's continuous service as defined in Note below sub-regulation 32(1)(i).

(3) The family pension scheme under this regulation is not applicable to (i) persons re-employed in the Trustees' service after retirement unless the scheme was applicable to them on retirement preceding the re-employment, (ii) persons paid from contingencies, (iii) persons appointed on contract, (iv) casual and daily-rated employees and (v) persons appointed for a specific period on a specific job.

1 Deleted and re-numbered } by TR No.1254 of 1966 (with effect from 5-10-1965)

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¹ (4) In the case of 'A' and 'B' category Dock Shore Workers of the Docks Department, the period of ~~less than~~ one year's continuous service shall be reckoned in the manner indicated in the Note below sub-regulation 32(1)(i). 'C' Category Mazdoor are excluded from the purview of the Pension Regulations and hence the Family Pension Scheme does not apply to them.]

² (11) (a) With effect from 1st January 1969, i.e., in respect of family pension becoming payable for the first time on or after 1st January 1969, "pay" for the purposes of this regulation shall be same as emoluments as defined in regulation 43D.]

³ (b) With effect from 1st March 1970 the minimum monthly family pension of Rs. ⁴⁰25 specified against entry No. 3 of the table in sub-regulation (2) above shall be increased to Rs. ^{150 (including P.F.)}40. Likewise, the monthly family pension under this regulation as on 1st March 1970, shall be increased to Rs. ^{150 (including P.F.)}40 with effect from 1st March 1970, i.e., beginning with the family pension for the month of March 1970 payable in ^{April 1970} April 1970.]

⁴ (12) (a) With effect from 1-10-1975, the families of the employees who retired or died prior to 1-1-1969, will be granted relief as mentioned below :-

(i) A relief to the extent of 25% of pension drawn from time to time subject to a minimum of Rs. 25 and maximum of Rs. 125 per mensem on an ad hoc basis;

1 Inserted by T.R.No.1426 of 1971 (with effect from 1-1-1971)
2 Inserted by T.R.No. 806 of 1973 (with effect from 1-1-1969)
3 Re-numbered by TR No.806 of 1973 (with effect from 1-3-1970)
4 Inserted by T.R.No.55 dated 28th February 1979 and MOST's letter No. PW/PEB-15/78 dated 27th April 1982.

(ii) In addition to the relief mentioned in (i) above ad hoc relief on the following rates are also admissible :-

Family Pension Range	<u>Ad hoc</u> relief in pension
(Based on original pension or on Rs.40 the minimum, whichever is more)	
1. Below Rs.85	Rs.15
2. Rs.85 and above but less than Rs.210	Rs.21
3. Rs.210 and above but less than Rs.500	Rs.25
4. Rs.500 and above	Rs.35

The quantum of relief in (i) above will be calculated on the amount which is arrived at on the following basis :

- (a) Original pension
- (b) Ad hoc relief as mentioned in (ii) above.

(b) With effect from 1-4-1977 a further relief on an ad hoc basis in addition to (a) above will be granted to the extent of 5% of pension subject to a minimum of Rs.5 and a maximum of Rs.25.7

Section VI - Qualifying Service

33. (1) (a) Except for compensation gratuity, an employer's service does not qualify till he has completed eighteen years of age.

(b) In other cases, the service of every employee begins when he takes charge of the office to which he is first appointed.

(2) Continuous temporary or officiating service under the Trustees, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of -

- (i) periods of temporary or officiating service in non-pensionable establishment;
- (ii) periods of casual-daily-rated service; and
- (iii) periods of service paid from contingencies.

Provided that in respect of an employee who elects to be governed by these regulations in terms of the option given to him under regulation ¹[4(ii)], the continuous daily-rated service put in by him prior to 1st May 1946 shall, subject otherwise to the provision of this sub-regulation, count as service qualifying for pension.

²[Provided further that in the case of 'A' and 'B' Category Shore Workers of the Docks Department, the service put in by them in the 'A' and/or 'B' Categories but excluding therefrom periods of absence in circumstances not entitling them to wages or leave salary or holiday wages or attendance allowances shall, for the purposes of these regulations, be treated as qualifying for pension.

1 Substituted by T.R.No.1234 of 1966 (with effect from 9-10-1966)

2 Substituted by T.R.No.1196 of 1971 (with effect from 1-1-1971)

Provided further that, notwithstanding anything to the contrary contained in any other regulation, in the case of 'A' and 'B' Category Shore Workers of the Docks Department, their entire period of continuous enlistment as 'C' Category Mazdoors in excess of the first four years will be reckoned as qualifying service.]

(3) The service of an employee will not qualify for pension unless it conforms to the following three conditions :-

First - The service must be under the Trustees, i.e., the employee's appointment, duties and pay should be regulated by the Trustees or under conditions determined by the Trustees.

Second - The employment must be substantive and permanent.

Provided that in the case of an employee holding in a substantive capacity a permanent post on the date of his retirement, temporary or officiating service under the Trustees followed without interruption by confirmation in the same or another post shall count in full as qualifying service except in respect of :-

- (i) periods of temporary or officiating service in non-pensionable establishment;
- (ii) periods of casual or daily-rated service except to the extent provided for under the proviso to sub-rule 33(2); and
- (iii) periods of service paid from contingencies.

Note: Notwithstanding anything contained in any other set of regulations applicable to non-scheduled employees, a non-scheduled employee will be deemed to be holding, in a substantive capacity, a permanent post only if he has been confirmed in a non-scheduled permanent post.

Third - The service must be paid for from the Trustees' revenues.

(4) The Trustees may, however, in the case of service paid from their revenues, even though either or both of the first two conditions mentioned in sub-regulation (3) are not fulfilled —

- (a) declare that any specified period of service rendered as a class III or class IV employee shall qualify for pension;
 - (b) in individual cases, and subject to such conditions as they may think fit to impose in each case, allow service rendered by an employee to count for pension.
- (5) (a) Service as an apprentice does not qualify.
(b) Service as a probationer followed by confirmation in a post on pensionable establishment qualifies.
- (6) (a) When an employee is deputed out of India on duty, the whole period of his absence from India counts.
(b) Foreign service in respect of which pension contributions have been received or remitted by the Trustees count as qualifying service.
(c) Periods of disablement and consequent absence from duty following an injury sustained by an employee in the course of or arising out of his employment, which is not covered by special disability leave (injury leave) or other regular leave count as qualifying service provided such absences are covered by payment of compensation under the Workmen's Compensation Act, 1923.

Explanation : For the purposes of this sub-regulation the waiting period, if any, during which no compensation is payable shall be deemed to be a period covered by payment of compensation.

(7) An employee appointed to a post may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of his length of service or the actual period by which his age at the time of recruitment exceeds twenty-five years or a period of five years, whichever is least, if the post is one to which candidates of not less than twenty-five years of age are normally recruited.

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

Note: The concession, under this sub-regulation, of adding a certain number of years to his qualifying service is admissible only if the employee is directly appointed to the particular post in question and not if he is appointed to that post while holding any other post under the Trustees. The Trustees will, from time to time, prepare a list of such posts in respect of which the concession under this sub-rule may be extended.

1/34. Periods of leave - With the exception of extraordinary leave, all periods of leave taken by an employee under the various leave regulations of the Trustees shall count as qualifying service. Extraordinary leave may be allowed to count for the pensionary benefits, at the discretion of the Chairman, in the following circumstances, viz., (1) if it is taken on medical certificates (2) if it is taken due to the inability of the person concerned to join or re-join duty due to civil commotion or natural calamity, provided that he has no other type of leave to his credit or (3) if it is taken for prosecuting higher scientific and technical studies.

1 Substituted by T.R.No.1439 of 1972 (with effect from 22-2-1974).

35. Notwithstanding the provisions of Regulation 34, refused leave granted under Article 65 or Rule 5B of Appendix 'D' of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or Article 85 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 7th Edition, or Rule 6 of Appendix 'D' to the Bombay Port Trust Rules and Regulations for Non-Scheduled Staff or Rule 10 in Chapter 27 of the Bombay Port Trust Railway Service Rules, 4th Edition, and post superannuation leave preparatory to retirement granted under Article 65 or Rule 5(A) in Appendix 'D' of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or Article 86 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 7th Edition, or Chapter 6 of the Bombay Port Trust Railway Service Rules, 4th Edition, shall not count as qualifying service.

Note: An employee granted 'refused' leave or post-superannuation leave preparatory to retirement shall be deemed to have quitted service from the date of compulsory retirement or on the expiry of extension of service, as the case may be, and the retirement benefits under these Regulations will be payable to him immediately after the date of compulsory retirement or on the expiry of extension of service, as the case may be, without waiting for the expiry of the 'refused' leave or the post superannuation leave preparatory to retirement. However, leave salary admissible during 'refused' leave or the post superannuation leave preparatory to retirement will be the same as admissible in the normal course reduced by the pension and the pension equivalent of the other retirement benefits under these Regulations.

36. The Trustees may at their discretion decide in the case of an employee (including a person on training for, but not actually appointed to, the Trustees' service) who is selected to undergo a course of training whether the time spent in training shall count as service qualifying for pension.

37. Periods of suspension - Time passed under suspension pending inquiry into conduct counts in full where, on conclusion of the inquiry, the employee has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension will not count unless the Trustees expressly declare at the time that it shall count, and then it shall count only to such extent as the Trustees may declare.

38. Resignation and Dismissals - Resignation from the Trustees' service or dismissal or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

39. (a) An employee who is dismissed, removed or compulsorily retired from the Trustees' service, but is re-instated on appeal or revision, is entitled to count his past service.

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

40. Interruptions -

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

- (a) Authorised leave of absence
- (b) Unauthorised absence in continuation of authorised leave of absence only for so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

- (c) Suspension where it is immediately followed by reinstatement, whether in the same or a different office, or when the employee dies or is permitted to retire or is retired while under suspension.
- (d) Abolition of office or loss of appointment owing to reduction of establishment.
- (e) Transfer to non-qualifying service in an establishment under the Trustees. The transfer must be made by the competent authority; an employee who resigns qualifying service cannot claim the benefit of this exception.

(2) The Trustees may, subject to the following conditions, condone interruptions in service (either between two spells of permanent or temporary service or between a spell of temporary service and permanent service or vice versa) :-

- (a) the interruptions should have been caused by reasons beyond the control of the employee concerned;
- (b) service preceding the interruption should not be of less than five years' duration and in cases where there are two or more interruptions, the total service, the pensionary benefits in respect of which will be lost if the interruptions are not condoned, should not be less than five years; and
- (c) the interruptions should not be more than of one year's duration. In cases where there are two or more interruptions, the total of the periods of all interruptions that are condoned should not exceed one year.

Provided that the condonation granted before the introduction of these Regulations shall be allowed to stand, the provision of this regulation notwithstanding.

(3) The authority which sanctions the pension may commute retrospectively periods of absence without leave into extraordinary leave.

41. Method of calculation of qualifying service - Length of qualifying service for the purposes of these Regulations is worked out by deducting from the gross qualifying service (i.e., the period from the date of commencement of qualifying service for pension, upto the date prior to the date of retirement, by service, if any, and periods of refused leave or post superannuation leave being excluded) periods of service not qualifying for pension (i.e., periods of suspension not qualifying for pension, overstayal of leave, extraordinary leave, etc.)

42. (1) If an employee on non-pensionable establishment subscribing to the Provident Fund under the Bombay Port Trust Regulations of the Provident Fund is permanently transferred to pensionable service under the Trustees, he shall, at his option, be entitled —

(a) to continue to retain the contributory Provident Fund benefits, in which case he shall, notwithstanding the provision of any other regulations, not be entitled to any pension; or

(b) to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer —

(i) he shall cease to be eligible for the Trustees' contribution to the Provident Fund whether ordinary, or special;

- (ii) the amount of contribution by the Trustees, with interest thereon, standing to his credit in the Provident Fund, shall revert to the Trustees and be credited to the Pension Fund, if any, which may be established by the Trustees or be disposed of in any other manner as decided by them; and
- (iii) he shall be entitled to count towards pension the entire continuous service on the non-pensionable establishment during which he actually subscribed to the Contributory Provident Fund.

(2) An employee shall communicate his option under sub-regulation (1) above by a letter addressed to the Chief Accountant, through the Head of the Department in which he is employed, within three months of the date of the order transferring him permanently to pensionable service; and if no such option is exercised within the period prescribed above the employee shall be deemed to have exercised his option in the manner referred to in sub-regulation (1)(a) above.

Note: An employee who has exercised, or is deemed to have exercised, his option to retain his Contributory Provident Fund benefit, under this regulation is not entitled to any pension. The option once exercised is final and cannot be revoked later on score that the Pension Regulations have been revised to the advantage of employees.

Section VII - Emoluments reckoned for Pension

43. The term "emoluments" for the purposes of these Regulations means the emoluments which the employee was receiving immediately before his retirement and includes —

- (a) substantive pay in respect of a permanent post held in a substantive capacity;

- (b) personal pay which is granted in lieu of loss of substantive pay in respect of a permanent post;
- (c) fees or commission if they are authorised emoluments of an appointment and are in addition to pay (in this case, "emoluments" means the average earning for the last six months of service);
- (d) special pay, other than a temporary special pay, attached to a permanent post, where the special pay has been sanctioned permanently and the post is held in a substantive capacity;

Note: Where certain posts in a cadre have special pay attached to them permanently, but the special pay is drawn by the person actually performing the duties of the post notwithstanding the fact that some other person is actually shown as substantively confirmed in, or officiating against, that post, the special pay attached to such post cannot be reckoned under this sub-regulation.

- (e) Save as otherwise provided in Regulation 43A, one half of
 - (i) the difference between the total of the emoluments referred to in sub-regulations (a), (b) and (d) above and the pay actually drawn in higher officiating or temporary appointments;
 - (ii) special pay other than that referred to in sub-regulation (d) above;
 - (iii) pay drawn in temporary or officiating appointments during the period during which an employee is not holding a lien on a permanent post;
 - (iv) personal pay other than that referred to in sub-regulation (b) above.

Notes: (1) If immediately before his retirement or death, an employee has been absent from duty on earned leave or leave on full or average pay or any other leave with allowances, his emoluments for the purposes of calculating service gratuity and/or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty.

Provided that the amount of gratuity/death-cum-retirement gratuity is not increased on account of increase in pay not actually drawn except in the case of increase occurring during the currency of —

- (a) the earned leave or leave on average or full pay not exceeding 120 days or 4 months, as the case may be, or
- (b) the first 120 days or 4 months, as the case may be, of the earned leave or leave on full or average pay exceeding 120 days or 4 months, as the case may be,

Law and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

- (2) "Non-practising Allowance" granted to Doctors should be allowed to count for purposes of 'emoluments' to the same extent as special pay, in other words, the "Non-Practising Allowance" shall count towards pension in full if it was received in respect of a permanent post held in a substantive capacity and to the extent of half in all other cases.
- (3) If it is certified under Note (1) above that an employee would have held in an officiating or temporary capacity a post different from the one from which he went on leave, then the officiating or temporary pay should be reckoned with reference to the post which the employee held immediately before going on leave or the post which he would have held but for proceeding on leave, whichever of the two posts is lower.

- (4) Pay drawn on foreign service is not to be taken into account for the purposes of "emoluments".

Explanation : Only increase in pay accruing due to an employee during the currency of (1) earned leave or leave on full or average pay not exceeding 120 days or 4 months, as the case may be, or (2) the first 120 days or 4 months, as the case may be, of the earned leave or leave on average or full pay exceeding 120 days or 4 months, as the case may be, may be taken into account for purpose of "emoluments" even though such increase in pay has not been actually drawn by the employee concerned. Any such increase in pay accruing (1) during the various kinds of leave as above but after the expiry of the first 120 days or 4 months, as the case may be, or (2) during the currency of any other kind of leave with allowances shall not be taken into account for the purposes of "emoluments".

43 A. (1) If an employee holding a permanent post in a substantive capacity —

- (a) officiating in a higher permanent post or holds a higher temporary post borne on a cadre which includes permanent posts on the same time-scale as the temporary post, continuously for not less than 5 years, and retires or dies while so officiating or holding the higher post; or
- (b) is confirmed in such higher permanent post at any time during the last three years of his service after having officiated in that post continuously for three years or more,

his emoluments for pension in respect of the higher post for any period beyond three years' continuous service in that post shall be determined under Regulation 43 as if he held, in a substantive capacity a permanent post on a time-scale identical with that of the higher post.

(2) For computing the length of continuous service in respect of the higher post under sub-regulation (1), all kinds of leave, all periods during which an employee officiated in a permanent post or held a temporary post on an identical or higher time-scale and the time spent on deputation and foreign service shall be included; provided that it is certified that but for his proceeding on leave or serving in other post(s) or going on deputation or foreign service, as the case may be, the employee concerned would have officiated in or held the higher post.

43 B. In respect of an employee retiring from service on or after (date of Government sanction), the term "emoluments", wherever used in these Regulations, means the "pay" as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, which the employee was receiving immediately before his retirement.

Note: If an employee immediately before his retirement/death, has been absent from duty on leave with allowances, his emoluments for the purposes of calculating service gratuity and/or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty.

Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.]

²43 C. In the case of employees retiring from service on or after 1st January 1969 the term "emoluments" for the purpose of calculating

1 Inserted by T.R.No.1113 of 1968 (with effect from 31-12-1968)

2 Inserted by T.R.No. 806 of 1973 (with effect from 1-1-1969).

average emoluments on the basis of the last three years of service under Regulation 44 shall be as indicated below :-

- (A) Applicable to employees who have been holding during last three years of service posts carrying scales of pay of which the maximum does not exceed Rs 650.
- (i) In the case of employees other than 'A' & 'B' Category Dock Shore Mazdoors and Mopias of the Docks Department and Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt. and Crane Drivers, Electric, 5 & 6 tons of Engineering Department, the word "emoluments" for the purpose of this regulation 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 Fund Act, 1952;
 - (c) Dearness Allowance in force from time to time;
 - (d) Compensatory (City) Allowance;
 - (e) Cash value of food concessions or free rations or any 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 premia paid to them over and above their normal wages, but does not include overtime and house rent allowance.
- (ii) In the case of 'A' and 'B' Category Dock Shore Mazdoors and Mopias of the Docks Department and Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt. and Crane Drivers, Electric, 5 & 6 tons of the Engineering Department, the word "emoluments", for the purpose of this regulation, comprises (a) 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, (f) payments for paid holidays and casual leave and (g) equation allowance, wherever payable. It does not include house rent allowance, overtime or any other payment or allowance, whether paid 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 "emoluments" for the purpose of this regulation.
- (2) 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 rate applicable to their pay in the appropriate monthly scale of pay.
- (3) In respect of periods of leave of any kind taken during the period of last three years of service, emoluments mean the leave salary and allowances actually drawn by the employee 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 emoluments given in clauses (i) and (ii) above.
- ¹ (4) With effect from 1-1-1979 'average emoluments' will be worked out according to regulation 44 B. ⁷

(B) Applicable to employees who are holding during the last three years of service posts carrying scales of pay of which the maximum exceeds Rs 650.

The term "emoluments" shall have the same meaning as in regulation 43 B.

¹ Inserted by TR No. 268 of 23-9-1980 and MOST's Notification No. FEB-52/79 of 30-9-1981 (Effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

(C) Applicable to employees who have been holding during the last three years of service posts carrying scales of pay of which the maximum does not exceed Rs 650 as well as those carrying scales of pay of which the maximum exceeds Rs 650.

(i) In the case of an employee who has been holding 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, emoluments shall from the date of such promotion, mean the same as in sub-regulation (B) above. Emoluments in respect of the period during which he holds a post carrying a scale of pay of which the maximum does not exceed Rs.650 shall be as in sub-regulation (A) above.

(ii) In the case of an employee holding 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, emoluments shall, for so long as he holds the latter post, be on the basis indicated in sub-regulation (B) 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 transfer takes effect, emoluments shall be as indicated in sub-regulation (A) above.

Notes: 'B' Category Shore Workers of the Books Department were brought under the Pension Regulations with effect from 1st January 1971 only.

43 D. In respect of an employee retiring from service on or after 1st January 1969 the term "emoluments" for the purposes of service gratuity and/or death-cum-retirement gratuity shall be as follows:-

(A) In the case of an employee holding in a substantive capacity a post carrying a scale of pay of which the maximum exceeds Rs.650, "emoluments" mean 'pay' as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, which the employee was receiving immediately before his retirement.

Note: If an employee immediately before his retirement/death, has been absent from duty on leave with allowances, his emoluments for the purposes of calculating service gratuity and/or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty.

Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(B) In the case of an employee holding in a substantive capacity a post carrying a scale of pay of which the maximum does not exceed Rs 650 and officiating in a post carrying a scale of pay of which the maximum exceeds Rs.650 emoluments shall mean :

(a) "Pay" as defined in Article 11(11) of the Trustees' Digest of Pay & Allowances, Leave and Pension Rules, 9th Edition, which the employee was receiving immediately before his retirement/death,

or

(b) (i) the substantive pay as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, etc., 9th Edition, plus personal pay and/or special pay, if any, as defined in Article 11(13) and 11(14), respectively, of the same Digest, which the employee was drawing or entitled to draw at the time of retirement or death plus Dearness Allowance and Compensatory (City) Allowance appropriate to such substantive pay and personal pay and/or special pay, if any, (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 holding at the time of retirement/death a post carrying a scale of pay of which the maximum does not exceed Rs 650, emoluments shall mean -

(a) the amount subscribed by him to his Provident Fund under Regulation 8 of the Bombay Port Trust Regulations of the Provident Fund during the last 12 months of service immediately preceding the date of retirement or death

OR

(b) "pay" as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, etc., 9th edition, which the employee was drawing or entitled to draw immediately before his retirement/death plus (i) Dearness Allowance and Compensatory (City) Allowance appropriate to such pay 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 Processing Allowance at the following rates :-

	Rs.
'A' and 'B' Category Shore Mandoors	16.42
Morplas	17.94
Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt. and Crane Drivers, Electric, 3 & 6 tons	18.98

whichever is more.

Notes:

- (1) In the case of an employee who was not eligible to subscribe to the Provident Fund under the Bombay Port Trust Regulations of the Provident Fund either in respect of the whole period of 12 months referred to above or a part thereof, the amount subscribed by him in respect of such period shall be taken to mean what it would have been under Regulation 6 of the Bombay Port Trust Regulations of the Provident Fund had he been eligible to subscribe.
- (2) In the case of Dock Shore Workers in Category 'A' and Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt., and Crane Drivers, Electric, 5 & 6 tons, their pay for the purposes of the above Regulation means their pay in the appropriate monthly scales of pay attached to their respective posts.

Notes:

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

Provided that any increase in pay (other than the increment referred to in Note (4)) which is not actually drawn shall not form part of his emoluments.

- (2) Where an employee immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the employee would have continued to hold the higher appointment but for his proceeding on leave.
- (3) If an employee immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this regulation.
- (4) If an employee immediately before his retirement or death while in service was on earned leave or leave on average pay, as the case may be, and accrued an increment which was not withheld,
- (a) during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave exceeding one hundred and twenty days, or
- (b) during the currency of leave on average pay not exceeding four months, or during the first four months of leave on average pay exceeding four months,

such increment, though not actually drawn, shall form part of his emoluments.

(3) In the case of Dock Shore Mazdoor in Category 'B', his pay for the purpose of the above Regulations means his pay at the lowest stage of the incremental scale of pay of a 'A' Category Mazdoor plus Rs 6 in the case of such of the 'B' Category Mazdoors as were on the register on 1st January 1969.

(4) 'B' Category Shore Workers of the Docks Department were brought under the Pension Regulations with effect from 1st January 1973 only. /

45 B. In the case of retirement/death while in service on or after 1.1.1979 of class III and class IV employees who opt for the definition of "pay" for pension as applicable to the Central Government employees, the term 'emoluments' means pay as defined in Article 11(11) of the Statutes' Digest of Pay and Allowances, Leave and Pension Regulations, 9th Edition.

Provided that the 'emoluments' for the calculation of Service Gratuity, Death-cum-Retirement Gratuity and Family Pension will be enhanced by the following amounts in the case of :

	Rs.
'A' and 'B' Category Shore Mazdoors	16.12
Marpins	17.94
Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt. and Crane Drivers, Electric, 5 & 6 tons.	19.98

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Provided further that in the case of employees who are governed by the Payments by Result Scheme, piece-rate earnings, incentive payments and such other payments which attract liability to contribute to Provident Fund will also continue to be treated as 'emoluments' for calculation of 'average emoluments'.

1 Inserted by T.R.No.268 dated 23-9-1980 and MOST's Notification No.PEB-52/79 dated 30-9-1981 (Effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

¹ [44-A] The term "Average Emoluments" means the average calculated upon the last three years of service.

- (1) If during the last three years of his service, an employee has been absent from duty on leave other than extraordinary leave or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken, as what they would have been had he not been absent from duty or suspended:

Provided always that except as provided in sub-regulation (1-A) and the proviso to Note (1) below Regulation 43 his pension must not be increased on account of increase in pay not actually drawn.

- (1-A) In the case of an employee who, while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of average emoluments.

- (2) If during the last three years of his service, an employee has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the three years being included.

¹ Renumbered by T.R.No.268 dated 23-9-1960 and MOST's Notification No. FEB-52/79 dated 30-9-1981.

(3) Excepting as provided in sub-regulations (1) and (2) only, emoluments actually received can be included in the calculation. For example, when an employee is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, the intermediate increments are not reckoned in the calculations.

Notes:

- (1) In the case of Crane Drivers, Hydraulic, 5 & 6 tons and 35 cwt., and Crane Drivers, Electric, 3 and 6 tons the "average emoluments" shall be worked out on the basis of the monthly scales of pay attached to the posts of Crane Driver as above and not on the basis of their piece-rate earnings.
- (2) However, in the case of the employees listed in Note (1) above, the "average emoluments" worked out on the basis of Regulation 44 read with Note (1) above shall be increased by the average monthly processing allowance calculated on the following basis during the period of three years (including periods of leave with/without allowances and periods of suspension not counting as service) immediately preceding the date of retirement :-
 - (i) At 75 Paise per day for all days on which the employee is engaged, either for the whole day or for a part of the day, in work for which payment is made at piece-rates.
 - (ii) At 75 Paise for each day on which the employee is unemployed and is paid only his daily wages plus differentials provided that he was engaged, either wholly or partially, in piece-rate work on the immediately preceding day.
 - (iii) No such processing allowance shall be taken into account for any day on which the employee is engaged wholly in time-rate work or is absent due to the day being a holiday or Sunday or for other reasons or is on leave or is engaged in work falling outside the scope of the piece-rate scheme. Also, no such processing allowance shall be taken into account for a day on which the employee is unemployed and receives only his daily wage plus differentials but did not handle any piece-rate work on the immediately preceding day.

(iv) The processing allowance worked out as above shall be divided by 36 to arrive at the average processing allowance to be added to the 'average emoluments' as separately worked out on the basis of Regulation 44 read with Note (1) above.

¹ (3) In the case of the 'A' Category Dock Shore Workers of the Docks Department the 'average emoluments' shall be worked out on the basis of the monthly scales of pay attached to their respective posts and not on the basis of their piece-rate earnings.

(4) However, in the case of the 'A' Category Mazdoors and Morpias, the 'average emoluments' worked out on the basis of Regulation 44 read with Note (3) above shall be increased by the average monthly processing allowance calculated on the following basis during the period of three years (including periods of leave with or without allowance and periods of suspension not counting as service), immediately preceding the date of retirement :

(i) At 62 Paise per day in the case of a Mazdoor and at 69 Paise per day in the case of a Morpia for all days on which the employee is engaged, either for the whole day or for a part of the day, in work for which payment is made at piece-rates.

(ii) At 62 Paise in the case of a Mazdoor and at 69 Paise in the case of a Morpia for each day on which the employee receives attendance allowance provided that he was engaged either wholly or partially in piece-rate work on the immediately preceding day.

(iii) No such processing allowance shall be taken into account for any day on which the employee is engaged wholly in time-rate work or receives attendance allowance but did not handle any piece-rate work on the immediately preceding day or is engaged in work falling outside the scope of the piece-rate scheme or is on leave or is absent due to the day being a holiday or Sunday or for other reasons.

¹ Inserted by T.R.No.1234 of 1966 (w.o.f. 5-10-1965)

(iv) The processing allowance worked out as above shall be divided by 36 to arrive at the average processing allowance to be added to the 'average emoluments' as separately worked out on the basis of Regulation 44 read with Note (3) above.]

¹/(5) The provisions of Notes (3) and (4) in so far as they pertain to 'A' Category Dock Shore Mazdoors will apply mutatis mutandis to the 'B' Category Dock Shore Mazdoors with effect from 1st January 1971. The average emolument in the case of 'B' Category Shore Mazdoors shall mean the lowest stage of the incremental monthly scale of pay attached to the post of 'A' Category Dock Shore Mazdoor plus Rs 6 in the case of such of the 'B' Category Mazdoors as were on the register on the 1st January 1969.]

²[44 B. In the case of a class I and class II employee retiring from service on or after 1-3-1976 and in the case of a class III and class IV employee retiring from service on or after 1-1-1979, the term 'average emoluments' means the average calculated upon the last ten months of service.

Provided that in the case of an employee eligible for payment under any type of Payment by Result Schemes the period of authorised leave other than Casual Leave, authorised absence or period under suspension during the period of ten months prior to the date of retirement shall be disregarded in the calculation of average emoluments and equal period spent on duty before the last ten months shall be included.

Note: While the period to be taken for calculation of average emoluments has been reduced, the other provisions of regulation 44 A will continue to apply mutatis mutandis.

45. Any part of an employee's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, will be excluded.

1 Inserted by T.R.No.1426 of 1971 (with effect from 1-1-1971)

2 Inserted by T.R.No.265 of 23-9-1960 and MOST's Notification No.PWB-52/79 dated 30-9-1961 (Effective from 1-1-1975 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

Section VIII - Acceptance of commercial appointment
or employment under a Government
outside India after retirement

46. (a) If a pensioner, who immediately before retirement was holding a post the maximum of the pay scale attached to which is Rs.1,000 or above wishes to accept any commercial appointment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the Trustees to such acceptance. No pension shall be payable to a pensioner who accepts a commercial appointment without such sanction in respect of any period for which he is so employed or such longer period as the Trustees may direct:

Provided that an employee permitted by the appropriate authority to take up a particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) In this Regulation "commercial appointment" means employment in any capacity including that of an agent, under a company, cooperative society (other than a cooperative society whose membership is restricted to the Trustees' employees only), firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also directorship of such company and a partnership of such firm.

Notes:

- (1) The expression "the date of retirement" in relation to an employee re-employed by the Trustees after retirement, without any break, either in the same or in another post of the above description shall mean the date on which such employee finally ceases to be so re-employed in the Trustees' service.

- (2) For the purpose of this Regulation employment under a cooperative society shall include the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like but by whatever name called in such a society.
- (3) Normally, permission for the acceptance of a commercial appointment will be granted unless the Trustees consider —
- (a) that the pensioner while in service had any such dealings with the proposed employer as might provoke the suspicion that he had shown favour to the latter;
 - (b) that his duties will be such as might bring him in conflict with the Trustees or that the knowledge and experience gained while in Trustees' service could be used to give the proposed employer an undue advantage;
 - (c) that the employment is not of a thoroughly reputable kind.

46A. (a) If a pensioner, who immediately before retirement was held a post the maximum of the pay scale attached to which is Rs. 1,000 or over, wishes to accept any appointment under a Government outside India, he should obtain the previous sanction of the Trustees to such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such a longer period as the Trustees direct.

Provided that an employee permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment after retirement.

(b) For the purpose of this Regulation "employment under a Government outside India" shall include employment under a local

authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

(c) Before granting the permission under this Regulation the Trustee will obtain the concurrence of the Government of India.

Section IX - Applications for and grant of pensions

47. Every employee shall submit a formal application for pension in Form 'E'. An employee should, in his own interest, submit his formal application for pension to the Head of the Department in which he is working one year in advance of the date of his actual or anticipated retirement.

Provided that --

- (i) in cases in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled;
- (ii) an employee proceeding on leave preparatory to retirement (other than post-superannuation leave) in excess of one year shall submit the application at the time of proceeding on such leave;
- (iii) an employee proceeding on post-superannuation leave preparatory to retirement shall submit the application one year before proceeding on such leave.

Notes:

- (1) This Regulation is intended to obviate delay in the settlement of claims for pension and to ensure that an employee may not retire under the misapprehension that he has earned a pension which is subsequently found to be inadmissible. There is indeed no limitation on the period after retirement within which an application for pension or gratuity must be submitted; but in the absence of special orders, a pension applied for after the employee has retired begins from the date of application. (See also Regulation 53).
- (2) If the employee is himself the Head of the Department, he shall submit the application in Form 'F' direct to the Chief Accountant, no formal application in Form 'E' being necessary.

42. (1) The Head of the Department receiving a formal application under Regulation 47 shall immediately draw up an application in Form 'F'. Even where the formal application has not been received, the Head of the Department shall draw up the application in Form 'F' as soon as it becomes known that an employee is due to retire within one year and shall not delay it till the employee has actually submitted the formal application for pension. In the latter case, entries against items 16, 19, 20, 21 and 22 on Form 'F' shall not be filled in at the initial stage. The relevant entries shall be made soon after the formal application is received. However, if by the time the formal application is received, the application in Form 'F' has already been sent to the Chief Accountant, the formal application shall immediately be forwarded to the Chief Accountant who will complete the necessary entries against items 16, 19, 20, 21 and 22.

(2) The Head of the Department shall certify on the form whether the character, conduct and past services of the applicant are such as to entitle him to the favourable consideration of the sanctioning authority. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

Note: In the case of an application in respect of a Head of Department these particulars (item No.24 of the Form) shall be filled in by the Chairman at the time of submitting the application for the Board's sanction.

(3) All periods of extraordinary leave, suspension, etc., which are not reckoned as service should be carefully recorded on the form.

(4) If the application is for an invalid pension, the requisite medical certificate shall be attached to the application.

49. (1) After completing the application in the manner prescribed in the preceding Regulation, it shall be forwarded along with the necessary documents to the Chief Accountant with a forwarding letter in Form 'G'.

(2) The Chief Accountant on receipt of the application shall apply the necessary checks and record his audit endorsement in Part II of Form 'F', showing (i) the total period of qualifying service which has been accepted after verification with reference to the employee's enlistment card and/or the service sheet and, if necessary, with reference to the paysheets, if available in his office and/or the original records available with the Department in which the employee is or was employed, and (ii) the amount and the date from which pension and/or gratuity are admissible.

(3) After recording his audit endorsement as in the foregoing sub-regulation, the Chief Accountant shall submit the application to the authorities specified below for sanction --

(a) in the case of applicants who held immediately before retirement or are holding posts maximum of whose scale of pay exclusive of allowance is less than one thousand Rupees - the Chairman, and

(b) in all other cases - the Trustees.

50. The Chief Accountant, on receipt of the sanction to the grant of pension and/or gratuity shall prepare the pension payment order on the basis of the orders of the pension sanctioning authority, and shall not issue it more than a fortnight in advance of the date on which the employee is due to retire.

51. (1) Should the amount of pension granted to an employee be afterwards found to be in excess of that to which he is entitled under these Regulations, he shall be called upon by the Chief Accountant to refund such excess. For this purpose, the employee concerned shall be served with a notice by the Chief Accountant requiring him to refund the excess payments within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice the Chief Accountant shall order that such excess payment shall be adjusted by short payment of pension in future, in one or more instalments, as the Chief Accountant may, in his absolute discretion, order.

Note: The provisions of the above sub-regulation are applicable to the grant of family pension as well.

(2) If, after the pension application in Form 'P' has been forwarded to the Chief Accountant, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Chief Accountant by the Head of the Department. If no such event occurs, a report to that effect, together with a certificate as to the satisfactory nature of the service rendered by the employee after the pension application was originally forwarded, shall be sent to the Chief Accountant within a week from the date on which the employee retires.

52. The pension sanctioning authority may order the withholding of the death-cum-retirement gratuity either in whole or in part until the employee in occupation of the Post Trust quarters vacates the same.

Section X - Payment of Pensions

55. Apart from special orders, a pension is payable from the date on which the pensioner ceased to be borne on the establishment, or the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The Regulation may be relaxed, in this particular, by the authority sanctioning the pension when the delay is satisfactorily explained.

1/54. All pensions and service gratuity and death-cum-retirement gratuity shall be payable in Rupees at the office of the Chief Accountant or at the request and cost of the pensioner and subject to the provisions of regulation 58 and subject further to such conditions as the Chief Accountant may prescribe in this regard, at any place in India either by Postal Money Order or by Registered Insured Post or by cheque.

Provided that, where the amount of the monthly pension (other than service gratuity and death-cum-retirement gratuity) does not exceed such amount as may be prescribed by the Chief Accountant from time to time, with the approval of the Chairman, the money order commission charges may be borne by the Board where the amount of monthly pension is remitted by Postal Money Order.]

55. A service gratuity or death-cum-retirement gratuity is payable in a single sum.

56. A pension is payable monthly on and after the first day of the following month.

1 Substituted by TR No.425 dated 28th December 1976 and MOST's Notification No.FEB-3/77 dated 19th May 1978 (Effective from 3rd June, 1978).

57. Pension is payable for the day on which the pensioner dies.

58. Subject to the provision of Regulation 54, a pensioner must, as a rule, take payment in person after necessary identification.

Provided that the Chief Accountant may upon such conditions as he may, from time to time, impose except (1) any pensioner or class of pensioners, (2) a female pensioner not accustomed to appear in public and (3) any pensioner who is unable to appear in consequence of bodily illness or infirmity from personal appearance, upon production of a life certificate signed by an authority prescribed by him (Chief Accountant).

59. (a) On the death of a pensioner, payment of any arrears of pension actually due may be made to his heirs.

Note: The arrears of pension of a deceased employee may be paid to the heirs of the deceased, without the production of the usual legal authority, to the extent of Rs.500 under the orders of the Chief Accountant after such enquiry into the rights and title of the claimants as may be deemed sufficient by the Chief Accountant. Any excess above Rs.500 may similarly be paid by the Chief Accountant on execution of an indemnity bond with such sureties as the Chief Accountant may require, if he is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration. In any case of doubt, payment should be made only to the person producing legal authority.

(b) Except as provided in these Regulations, if an employee dies before actually retiring or being discharged, his heirs have no claim to anything in respect of his pension.

Section XI - Commutation of Pension

60. An employee shall be entitled to commute for a lump sum payment any portion, not exceeding one-third of any pension which has been or may be granted to him under these Regulations. But any such commutation shall be subject to the condition that the uncommuted residue of the pension shall not be less than Rs.240 per annum.

Provided that an employee against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Regulation 8 shall not be permitted to commute any part of his pension during the pendency of such proceedings.

^{1/} Provided further the the compassionate allowance granted under Regulation 50(a) shall be treated as pension for the purpose of commutation under these Regulations.

Provision of comm. Payment to medical exam. (Sub rule (ii) of Rule 18 of 1951. Commutation is subject to (commutation of pen) Rules 1951.

61. (1) On receipt of an application for commutation the sanctioning authority shall accord its administrative approval and the Chief Accountant shall transmit to the applicant a copy of his certificate of the lump sum payable on commutation in the event of his being reported by the medical authority prescribed in Regulation 70 to be a fit subject for commutation and shall, at the same time, instruct him to appear for examination, before the said medical authority within three months from the date of the administrative approval or if he has applied for commutation in advance of the date of his retirement, within three months of that date, but in no case earlier than the actual date of retirement. The administrative sanction to commutation, shall lapse if the medical examination does not take place within the period prescribed above. If the applicant does not appear for

¹ Substituted by T.R.No.138 dated 8th May 1979 and MOST's Notification No.FEB-55/79 dated 6th November 1979. (Effective from 17th November 1979).

examination before the said medical authority within the prescribed period the sanctioning authority may, at his discretion renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before the medical authority.

Provided that if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within 2 weeks from the date on which he receives intimation of the revised sum payable on commutation, or, if this sum is already stated in the sanctioning order, within 2 weeks from the date on which he receives intimation of the finding of the medical authority.

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

Note: An employee retiring from service on or after 1-1-1979 and applying for commutation of pension after the date of retirement but before completion of one year from the date of his retirement on superannuation will not be subjected to medical examination. The commutation of pension, in such cases, shall become absolute on the date of receipt of the application by the Chief Accountant. An employee, who has applied for commutation of pension under the provisions of this Note will have no option to withdraw his application.]

(2) Subject to the provisions contained in sub-regulation (1) and to the withdrawal of an application under the proviso to sub-regulation (1) of this Regulation, the commutation shall become absolute, that is, the title to receive the commuted portion of the

1 Inserted by T.R.No.266 dated 23rd September 1980 and MOST's Notification No.FEB-52/79 dated 30-9-1981 (Effective from 1-1-1979 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

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

(3) If the applicant makes any statement found to be false (within his knowledge) or wilfully suppresses any material fact in answer to any question, written or oral, put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made and such a statement or suppression may be treated as grave misconduct for the purpose of Regulation 7.

Notes:

(1) A pensioner applying for a commutation, who has once been rejected on the recommendation of the medical authority as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by that authority, may be allowed to present himself once more subsequently for medical examination with a view to the revision of the original finding, at his own cost, provided that --

(i) an interval of not less than a year shall elapse between the date of the first medical examination and that of the second; and

(ii) the second examination shall invariably be by a Medical Board referred to in Regulation 70.

- (3) If a pensioner, whose age for the purpose of commutation of pension has been directed by the medical authority to be taken as greater than his actual age, makes a request within the period prescribed in the proviso to sub-regulation (1) above that the amount to be commuted may be reduced, such a request is tantamount to a withdrawal of his application and should be treated as a new application for commutation.

62. The lump sum payable on commutation shall be calculated in accordance with a table of present values which shall be prescribed by the Government of India from time to time under the Civil Pensions (Commutation) Rules. For the purposes of this Regulation the age in the case of impaired lives shall be assumed to be such age, not being less than the actual age, as the certifying medical authority may direct. In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute payment shall be made in accordance with the modified table, but it shall be open to the applicant if the table so modified is less favourable to him than the table before it was so modified to withdraw his application by notice in writing sent within 14 days of the date on which he receives notice of the modification.

Note: For the purposes of this Regulation, any changes made by the Government of India in the table of present values shall be deemed to have effect only from the date on which such changes are tabled for the Board's information. (The table of present values now in force is reproduced in Annexure 'B'.)

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

64. The authority competent to sanction commutation of pension in the case of employees, who at the time of retirement from the Trustees' service are or were holding posts, the maximum of whose scale of pay exclusive of allowance is less than one thousand rupees is the Chairman and in every other case the Trustees.)

65. An application for commutation of pension ^{after retirement} should be made in Part I of Form 'H' appended to these Regulations accompanied by two passport size photographs (one duly attested and pasted on the application itself at the appropriate place provided for the purpose and the other without attestation and loosely attached to the application form) and addressed to the Chairman through --

(1) if the applicant is still in service or has retired but his pension has not yet been sanctioned, the Head of the Department in which he is or was employed;

(2) in all other cases, the Chief Accountant. *P.A. G. G. G.*

66. The Head of the Department on receipt of the application under sub-regulation (1) of regulation 65 above should transmit it forthwith to the Chief Accountant.

67. The Chief Accountant should complete Part II of Form 'H' without delay and submit it, together with copies of the medical reports or statements of the case, if the applicant has been granted an invalid pension, or has previously commuted any portion of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds to the authority competent to accord administrative sanction to the commutation of the pension.

68. On receipt of the requisite sanction the Chief Accountant should --

MUMBAI PORT TRUST

Draft Resolutions of the Board, in the meeting No.8 held on 22nd October, 2021

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
1.	184	Confirmation of the minutes of the Board meeting held on 21 st September 2021.	<i>Board confirmed the minutes of the Meeting held on 21.9.2021 with the modifications/corrections to Resolution No. 162 and Resolution No. 169 both dated 21.9.2021..</i>	GAD
2.	185	Tender No. MEED.08/2021 - Tender for build, operate and maintenance basis of 02 Nos. electronic weighbridges of 60 MT capacity at 7 ID and 7/8 VD Mumbai Port Trust (Mumbai) on Revenue Sharing Basis for a period of 10 years.	<i>Board accorded approval to the Chief Mechanical Engineer's proposal at para 10 of the note.</i>	MEED
3.	186	Fixation of Scale of Rates (SoR) and Revision of Rent / Compensation w.e.f. 1.10.2012 to 30.9.2017 for 12 remaining zones in MbPT areas.	<i>Board accorded approval to the Land Allotment Committee's Recommendations at para 6 of the note.</i>	Estate
4.	187	C.S No. 929 and 930 at Malbar Hill Division, fixation of SOR- 2017-22 Zone 7/66 by Land Allotment Committee thereof.	<i>Board accorded approval to the Land Allotment Committee's Recommendation at para 6 and action as proposed by Estate Manager in para 8 (a) and 8 (b) of the note.</i>	Estate
5.	188	RR No. 1417 and 1942 at Cumbala Hill Division, fixation of SOR- 2017-22 Zone 7/64 by Land Allotment Committee thereof.	<i>Board accorded approval to the Land Allotment Committee's Recommendation at para 6 and action as proposed by Estate Manager in para 8 (a) and 8 (b) of the note.</i>	Estate

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
6.	189	Fixation of rates as per PGLM Policy for proposed Jetty at Karanja inside Port Limit- Reg. - Approval by Land Allotment Committee thereof.	<i>Board accorded approval to the Land Allotment Committee's Recommendations at para 10 and action as proposed by Estate Manager in para 12(a), 12 (b) and 12 (c) of the note.</i>	Estate
7.	190	Consideration of rate of SoR 2017-2022 for all the plots in RR zones 96/436, 15/105, 16/110 and 11/84E.	<i>Board accorded approval to the Land Allotment Committee's Recommendation at para 3 of the note.</i>	Estate
8.	191	RR 1206, RR 1388 and RR 1868 at Colaba (Sassoon Dock) Estate, fixation of SoR- 2017-22 Zone 1/6 by Land Allotment Committee thereof.	<i>Board accorded approval to the Land Allotment Committee's Recommendation at para 8 and action as proposed by Estate Manager in para 10 (a) and 10 (b) of the note.</i>	Estate
9.	192	Consideration of Valuation Report of Mumbai Port Trust land at Worli Bunder for fixation of SoR 2017-22 (RR Zone 13/97 of Worli Division).	<i>Board accorded approval to the Land Allotment Committee's Recommendation at para 3 and action as proposed by Estate Manager in para 4 and 5 of the note.</i>	Estate
10.	193	Accrued huge outstanding amounts payable to MbPT by the operators of Pay & Park and Road Charge Collection contracts. (i) Tender No.E-04/2019–Operation and Management of Pay & Park in Parking space near 15 VD for Eastern Water-front Development Projects. (ii) Tender No.E-01/2020–License to Operate Pay and Park – Phase-I.	<i>Board, after discussions, accorded approval to the following -</i> (i) <i>the defaulting contractors may be given an opportunity to clear the dues in three instalments within a reasonable time, not necessarily one month as proposed, say two months.</i> (ii) <i>if the contractors do not clear the first instalment in time, Show Cause Notices be issued for termination and removing them from MbPT's pay and park plots;</i> (iii) <i>legal course of action be initiated against the defaulting operators for recovery of outstanding dues; and</i>	Civil

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
		<p>(iii) Tender No.E-121/2018 – License to Operate Pay and Park – Phase-II.</p> <p>(iv) Tender No.E-99/2016–License to Operate Pay and Park – Phase-I.</p> <p>(v) Tender No.E-72/2017 – License to Collect Charge for the use of MbPT Roads.</p> <p>(vi) Tender No.E-72/2017(Temp) – License to Collect Charge for the use of MbPT Roads.</p>	<p>(iv) <i>debar the existing defaulting contractors from participating in the fresh tender to be issued.</i></p>	
11.		Erection of temporary shed at Golden Yard, Wadala for storage of bulk cargoes.	<i>Board deferred the proposal.</i>	Traffic
12.	194	Design, Engineering, Procurement, Supply, Installation and Commissioning of SCADA and PLC Automation System with 5 Years AMC services at Marine Oil Terminal, Mumbai Port Trust located at Jawahar Dweep and Pir Pau.	<p><i>Board, after discussions, accorded approval to the Chief Mechanical Engineer's proposal as under –</i></p> <p>(a) <i>to the recommendations of Standing Investment Committee for an investment of ₹22,66,66,000 including 3% contingencies and 18% GST plus ₹1,11,30,000 including 3% contingencies and 18% GST for five years of AMC Services and charge the expenditure to capital,</i></p> <p>(b) <i>to the Estimate No. MEED.28/2021-22 for the subject work amounting to ₹22,66,66,000 including 3% contingencies and 18% GST,</i></p> <p>(c) <i>to the Pre-Qualification Criteria mentioned in the para 9 of the note to incorporate in the tender to be invited.</i></p>	MEED

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
13.	195	Administration Report – 2020-21.	<i>Board, after discussions, accorded approval to the Administration Report, 2020-21 for submission to the Government in terms of Section 106 of the Major Port Trusts Act, 1963.</i>	GAD
14.	196	<p>Invocation of Force Majeure – Reliefs to be granted due to Covid-19 pandemic in contracts awarded by MbPT.</p> <p>(i) Tender No.E-04/2019 – Operation and Management of Pay & Park in Parking space near 15 VD for Eastern Waterfront Development Projects.</p> <p>(ii) Tender No.E-99/2016 – License to Operate Pay and Park – Phase-I.</p> <p>(iii) Tender No.E-121/2018 – License to Operate Pay and Park – Phase-II.</p> <p>(iv) Tender No.E-72/2017 – License to Collect Charge for the use of MbPT Roads.</p>	<i>Board, after discussions, accorded approval to grant reliefs to the Operators of Pay & Park and Road Charge Collection tenders as proposed by the Chief Engineer in para 6 of the note.</i>	Civil

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
15.	197	Re-approval of 70m tower foundation bolts & structure, design from IIT, Bombay for the work under Tender No.MEED.08/2019 : Augmentation/ Replacement of VTMS of Mumbai Harbour.	<i>Board, after discussions, accorded approval to the Jt. Director's proposal to place the Work Order on IIT Bombay amounting to ₹2,95,000 including 18% GST for 'Proof checking of structural design and drawings of 70m high Telecommunication Tower near SDMID building Indira Docks' and to make 100% advance payment to IIT Bombay.</i>	Jt. Director
16.	198	Appointment of Technical Advisory Services, Operation and Maintenance of HT Electrical Network, System and Consumer Energy Metering and Billing Support.	<i>Board, after discussions, accorded approval to the Chief Mechanical Engineer's proposal as under:</i> <i>(i) Sanction to the Estimate No. MEED.42/2021-22 amounting to ₹11,52,00,000 inclusive of GST and 3% contingency.</i> <i>(ii) Pre-Qualification criteria for the proposed Tender work.</i>	MEED
17.	199	Concessional storage charges for Cement Cargo brought by Coastal Vessels/MBCs in Docks.	<i>Board, after discussions, accorded approval to the Traffic Manager's proposal to extend the scheme as approved by the Board by TR No.154 dated 24.11.2020 for a further period of one year from 21.10.2021 and to be reviewed thereafter.</i>	Traffic
18.	200	Extension of contract of professional functionaries posted in Mumbai Port Trust.	<i>Board, after discussions, accorded approval as under -</i> <i>(i) the contract of professional functionaries for a further period of 3 years extendable by another 2 years with an increment of ₹1000 per annum subject to performance review every year and the other terms and conditions remaining the same as mentioned in their original offer letter.</i> <i>(ii) to inform the Ministry accordingly.</i>	GAD

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
19.	201	Extension of allotment of space to AbadIndia AshoreBase Resources. - Tender No. TM/ID/01/2018.	<i>Board, after discussions, acceded to the request of AbadIndia AshoreBase Resources at para 7.1 subject to all pending recoveries including interest for delayed payment and also compliance of comments of the Finance Department at para10 of the note.</i>	Traffic
20.	202	Extension of the existing list of empanelled Private Hospitals, Exclusive Eye Hospitals/Centers, Exclusive Dental Clinics, Cancer Hospitals/Units and Diagnostic Centers as per the existing CGHS/MbPT Standard L1 Rates as agreed in Memorandum of Understanding for availing Credit Facilities to Provide Treatment to Mumbai Port Trust Patients as per the existing same terms and conditions for a Period of next Two Years from the date of expiry of existing contract period or till establishment of super specialty services by the Concessionaire at the MbPT Hospital, whichever is earlier.	<i>Board, after discussions, accorded approval to -</i> <i>(i) Chief Medical Officer's proposal at para 16 of the note;</i> <i>(ii) amend year of existing empanelment from '2022' to '2021' in respect of hospitals mentioned at Sl. Nos. 11 to 15 of para 13;</i> <i>(iii) extend the empanelment of Jaslok Hospital for a further period of two years from the date of expiry of current empanelment;</i> <i>(iv) discontinue the empanelment of the services of Balaji Hospital from the existing date of expiry of the empanelment.</i>	Medical
21.	203	Request from Indian Oil Corporation Ltd (IOCL) for allotment of MbPT Vacant Plot bearing Survey No.478, located at Pir-Pau along with Ammonia Tank, Plant and Machineries (vacated by RCF Ltd.)	<i>Board accorded approval to the Estate Manager's proposal to accept IOCL's request as brought out in para 4 and as proposed in para 5 and 6 of the note.</i>	Estate

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
22.	204	Action Taken Report on the decisions taken in the Board meeting held on 21 st September 2021.	<i>Board noted the Action Taken Report, on the decisions taken in the Board meeting held on 21st September 2021.</i>	GAD
23.	205	Establishment of a Conciliation & Settlement Mechanism for Contractual Disputes under the contract/ agreements with the Contractors/ Concessionaires/ Consultants/ Service Providers at Major Ports - Panel of Independent Experts, Constitution of Conciliation & Settlement Committee and Guidelines - Arbitration proceedings between Indira Container Terminal Pvt. Ltd. (ICTPL), Claimant, and the Board of Trustees of Mumbai Port Trust (MbPT).	<i>Board, after discussions, accorded approval for -</i> <i>(a) selection of three CSC experts from the list of five experts as at Sr.No.2 of para 3 of the note, for OCT project.</i> <i>(b) formation of CMD as set out at Sr.No.3 of para 3 of the note, for OCT and for other projects.</i> <i>(c) payment of MbPT share of fee of ₹45,00,000 to the CSC [para 3(9)].</i>	Civil
24.	206	Insurance of Port Properties.	<i>Board accorded ex-facto approval to the FA&CAO's proposal at paras 17 and 18 of the note.</i>	Finance
25.	207	Tender No. E-09/2019 – Essential Civil repairs to Buildings Nos. 1 to 6, 11, 14, 15, 17 to 21, 23, 24 and 27 (17 Buildings) at New Colony Nadkarni Park, Wadala – Extension of time period	<i>Board, after discussions, accorded approval for extending the time period of contract by 183 days, i.e., from 18.7.2021 to 16.1.2022.</i>	Civil

Sl. No.	BR No.	SUBJECT	Resolution passed	Department/ Division
26.	208	Submission of Annual Life Certificate by Pensioners/ Family Pensioners - reg.	<p><i>Board accorded approval to the Financial Adviser and Chief Accounts Officer's proposal to-</i></p> <p>(i) <i>not to insist for DLCs from the pensioners who have successfully done DLCs from the period from January/February 2021 to October 2021; and</i></p> <p>(ii) <i>allow the pensioners to submit medical certificate alongwith the hard copy of the life certificates in whose cases fingerprints are not being read by the Biometric machine generally due to old age.</i></p>	
27.	209	Termination of Contract awarded to Nirmala Auto Care Center-Tender No.E-83A/2020 : License to collect charge for the use of MbPT roads through e-Tender cum e-Auction.	<p><i>Board accorded approval to -</i></p> <p>(i) <i>Chief Engineer's proposals at paras 8 and 9 of the note;</i></p> <p>(ii) <i>debar the sister firm/companies where the directors of Nirmala Auto Care Center are also associated with those firms/companies in any capacity.</i></p>	Civil
28.	210	MbPT Financial Assistance – Report of Departmental Standing Committee (DSC) on Finance and investments on Financial restructuring of MbPT.	<p><i>Board accorded in principle approval to the FA&CAO's proposal for raising loan to the tune of ₹850 to ₹1000 crores from Sister Ports at a rate of interest of FD + 1% with a moratorium period of 2 years and loan tenure of 8 years.</i></p> <p><i>[S/Shri Sudhakar Apraj and Kersi Parekh dissented]</i></p>	Finance

c6/Pro 22 October 2021/actiontaken 20210921

BOMBAY PORT TRUST

FORM 'A'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the employee has a family and wishes to nominate one member thereof.

Name of Employee
(in block letters)

Designation.
Section, Branch and Department

I, hereby nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by the Trustees in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee	Relation-ship with employee	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity	Amount or share of gratuity payable to each

contd.

PF Nomination Form - 35139 -
- mother -

This nomination supersedes the nomination made by me earlier on ----- which stands cancelled.

Dated this ----- day of ----- 19 --
at -----.

Witnesses (full names and addresses) to signature.

1. _____

Signature of employee.

2. _____

Note :- The last column should be filled in to cover the whole amount of gratuity.

(To be filled in by the Head of the Department)

No. -----

Forwarded to the Chief Accountant for safe custody. The present nomination supersedes the nomination made by the employee earlier on ----- vide this Office No. ----- dated ----- . The employee is working as a ----- in ----- and his pay is drawn at Serial No. ----- of the ----- paysheet.

(Head of the Department).

(For use in the Chief Accountant's Office)

Duly acknowledged vide this Office No. ----- dated -----

No. -----

To

(Through -----)

Sir,

In acknowledging the receipt of your nomination dated ----- in respect of Death-cur-Retirement Gratuity in Form ----- which supersedes the nomination made by you earlier on ----- I am to state that the same has been duly placed on record.

Yours faithfully,

Chief Accountant.

POMBAY PORT TRUST

FORM 'B'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the employee has a family and wishes to nominate more than one member thereof.

Name of employee (in block letters) }

Designation, Section, Branch and Department }

I, hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the Trustees in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Names and addresses of nominees	Relation with employee	Age	Amount or share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity	Amount or share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on --- which stands cancelled.

N.B. - The employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(contd.)

Dated this _____ day of _____ 19__
at _____

Witnesses (with full names and
addresses) to signature

1. _____

Signature of employee

2. _____

Note 1. Fourth column should be filled in so as to cover
the whole amount of gratuity.

Note 2. The amount/share of gratuity shown in last column should
cover the whole amount/share payable to the original
nominees.

(To be filled in by the Head of the Department)

No. _____

Forwarded to the Chief Accountant for safe custody. The
present nomination supersedes the nomination made by the employee
earlier on _____ vide this Office No. _____ dated _____.
The employee is working as a _____ in _____
and his pay is drawn at Serial No. _____ of the _____
paysheet.

(Head of the Department).

(For use in the Chief Accountant's Office)

Duly acknowledged vide this Office No. _____ dated _____

No. _____

To _____

(Through _____)

Sir,

In acknowledging the receipt of your nomination dated
_____ in respect of Death-cum-Retirement Gratuity in
Form _____ which supersedes the nomination made by you
earlier on _____ I am to state that the same has been duly
placed on record.

Yours faithfully,

Chief Accountant.

BOMBAY PORT TRUST

FORM 'C'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the employee has no family and wishes to nominate one person.

Name of the employee (in block letters) }

Designation. }
Section, Branch and Department }

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned by the Trustees in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee	Relationship with employee	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons; if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity	Amount or share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on - - - - - which stands cancelled.

(contd.)

Dated this _____ day of _____ 19 ____
at _____,

Witness (with full names
and addresses) to signature

1. _____

Signature of employee

2. _____

(To be filled in by the Head of the Department)

No. _____

Forwarded to the Chief Accountant for safe custody. The present nomination supersedes the nomination made by the employee earlier on _____ vide this Office No. _____ dated _____. The employee is working as a _____ in _____ and his pay is drawn at Serial No. _____ of the _____ payment.

(Head of the Department)

(For use in the Chief Accountant's Office)

Duly acknowledged vide this Office No. _____ dated _____

No. _____

To

(Through _____)

Sir,

In acknowledging the receipt of your nomination dated _____ in respect of Death-cum-Retirement Gratuity in Form _____ which supersedes the nomination made by you earlier on _____ I am to state that the same has been duly placed on record.

Yours faithfully,

Chief Accountant.

DOXEY FORT TRUST

FORM 'D'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the employee has no family and wishes to nominate more than one person.

Name of employee
(in block letters)

Designation
Section, Branch and Department

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by the Trustees in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death:-

Names and addresses of nominees	Relation-ship with employee	Age	Amount or share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity	Amount or share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on ----- which stands cancelled.

N.B. - The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(contd.)

Dated this ----- day of ----- 19 --

Witnesses (with full names and addresses) to signature.

1. _____
2. _____

Signature of employee.

Note 1 - 4th column should be filled in so as to cover the whole amount of gratuity.

Note 2 - The amount/share of gratuity shown in last column should cover the whole amount/share payable to the original nominees.

(To be filled in by the Head of the Department)

No. -----

Forwarded to the Chief Accountant for safe custody. The present nomination supersedes the nomination made by the employee earlier on ----- vide this Office No. ----- dated ----- The employee is working as a ----- in ----- and his pay is drawn at Serial No. ----- of the ----- paysheet.

(Head of the Department)

(For use in the Chief Accountant's Office)

Duly acknowledged vide this Office No. ----- dated -----

To ----- No. -----

(Through -----)

Sir,

In acknowledging the receipt of your nomination dated ----- in respect of Death-cum-Retirement Gratuity in Form ----- which supersedes the nomination made by you earlier on ----- I am to state that the same has been duly placed on record.

Yours faithfully,

Chief Accountant.

Annexure to Forms 'A', 'B', 'C' & 'D'

Instructions regarding
Nominations for death-cum-retirement gratuity

ELIGIBILITY

It is compulsory for every employee borne on the pensionable establishment and governed by the Pension Regulations to make immediately on his confirmation a nomination in one of the Forms 'A', 'B', 'C' or 'D', as the case may be.

If at the time of making the nomination, the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

Where the employee has no family, the nomination can be made in favour of a person or persons, or a body of persons, corporate or incorporate.

DEFINITION
OF FAMILY

2. The family of an employee for the purpose of making nominations in respect of death-cum-retirement gratuity includes the following relatives :-

- (i) wife, in the case of a male employee,
- (ii) husband, in the case of a female employee,
- (iii) sons,
- (iv) unmarried and widowed daughters,
- (v) brothers below the age of 18 years and unmarried and widowed sisters (including step-brothers and step-sisters),
- (vi) father,
- (vii) mother,
- (viii) married daughters and
- (ix) children of a pre-deceased son.

including step-children and adopted children if under the personal law of the employee adoption is legally recognised as conferring the status of a natural child.

FORM FOR
NOMINATION

3. An employee can make nomination in favour of one or more members of his family. In the case of an employee having a family the nomination in favour of one member should be made in Form 'A', and that in favour of more than one member in Form 'B'. In the case of an

employee having no family the nomination in favour of one member should be made in Form 'G' and that in favour of more than one member in Form 'D'.

Note - The nomination made by an employee who has no family shall become invalid on his subsequently acquiring a family.

4. If an employee nominates more than one person he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of gratuity.

NOMINEE'S
SHARE

The eligibility of a person to receive the amount or share of death-cum-retirement gratuity will be determined with reference to the facts as they stand on the date of death of an employee and any subsequent event (e.g. re-marriage of a widow, marriage of an unmarried daughter, sister, etc.) will not affect that entitlement.

5. If, however, an employee dies without making a nomination conferring on one or more persons, the right to receive the amount of death-cum-retirement gratuity, it shall be paid in equal shares to those surviving members of the family who belong to those categories (i) to (iv) of the definition except widowed daughters. If there is no such surviving member, but there are one or more surviving widowed daughters and/or one or more members of the family of the employee who belong to categories (v) to (ix), the gratuity shall be paid to all such persons in equal shares.

If, however, a person who was entitled to receive D.C.R. gratuity on the date of death of an employee dies before getting the payment, the amount or share of gratuity admissible to him should be distributed in equal shares among the surviving eligible members of the family or the deceased employee.

In case there is no family member and also the nomination has not been made in favour of any other person or persons, the amount of gratuity will lapse to the Trustees.

6. An employee may provide in the nomination that in respect of any specified nominee who pre-deceases the employee, or who dies after the death of the employee but before receiving payment of gratuity, the right conferred upon that nominee shall pass on to such other members of the employee's family as may be specified in the nomination.

Provided that where an employee has only one member in his family, in whose favour the nomination should be made, the alternative nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons, corporate or incorporate.

ALTERNATE
NOMINATION

Provided further that such alternative nomination becomes invalid in the event of the employee subsequently acquiring an additional member in the family:

It is open to an employee to nominate more than one alternate nominee against any of the original nominee/nominees.

If a nominee who was entitled to receive the amount of death-cum-retirement gratuity on the date of death of the employee dies before getting the payment, the right to the amount or share of the gratuity shall pass on to the alternate nominee or nominees. In case there is no alternate nominee, the amount or share of gratuity will be paid in equal shares to the co-nominees of the person concerned, if any, and failing that it will be distributed in equal shares among the surviving members of the family of the deceased employee as in the cases of no nomination.

7. An employee may at any time send a fresh nomination to the appropriate authority indicating therein that it supersedes the earlier nomination made by him as provided for in relevant Forms.

CANCELLATION OF NOMINATION

The employee shall immediately on the death of a nominee in respect of whom no alternate nominee exists or on the occurrence of any event by reason of which the nomination becomes invalid, send to the appropriate authority a fresh nomination made as in the preceding sub-para.

Every nomination made by an employee, shall be sent by him to the Chief Accountant through the Head of the Department in which he is employed. All the nominations are kept under the custody of the Chief Accountant.

8. Every nomination made by an employee shall, to the extent that it is valid, takes effect on the date on which it is received by the Chief Accountant.

DATE FROM WHICH A NOMINATION BECOMES VALID

9. While a nomination as also any change therein will normally be made by an employee during service, he can if he so desires make a fresh nomination after retirement but before getting payment.

RIGHT TO MAKE NOMINATION AFTER RETIREMENT

10. The nomination shall become invalid in the event of happening of a contingency specified therein.

Death should not be specified as one of the contingencies on the happening of which the nomination shall become invalid.

11. An acknowledgment to the employee concerned confirming that the nominations made by him and the related notices have been duly received and placed on record should invariably be sent to every employee making a nomination, by the Chief Accountant through the Head of the Department in which the employee is employed. The employees should also in the interest of their nominees, preserve copies of the nominations made by them and of the related acknowledgement, either in their personal custody or in the safe deposit along with their other important personal documents, etc., where they may be expected to come into possession of the beneficiaries in the event of their death.

BOMBAY PORT TRUST
FORM 'E' (Pension)

Formal application for pension

From

To

Sir,

Sub: Application for sanction
of pension.

I beg to say that I am due to retire from service with effect from the -----, my date of birth being -----.
I, therefore, request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement. I desire to draw my pension at the office of the Chief Accountant, Bombay Port Trust/to have my pension remitted to me at the following address by Postal Money Order :

2. I hereby declare that I have neither applied for, nor received, any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

3. I enclose :-

- (i) two specimen signatures of mine, duly attested;
- (ii) two copies of a passport size photograph of mine, also duly attested;
- *(iii) two slips each bearing my left-hand thumb and finger impressions;
- (iv) two slips each showing particulars of my height and identification marks.

* This is required only in the case of persons who are illiterate and cannot sign their names.

(contd.)

†4. My present address is -----
----- and my address after
retirement will be -----
-----.

Yours faithfully,

(Signature)
Designation

Date: -----

† Any subsequent change of address should be duly notified.

BOMBAY PORT TRUST
FORM 'F' (Pension)

PART - I

Application for Pension or Gratuity and
Death-cum-Retirement Gratuity.

1. Name of applicant :
2. Father's name (and also Husband's name in the case of a woman employee) :
3. Religion and Nationality :
4. Permanent residential address showing village/town, district and State :
5. Present or last appointment, including name of establishment :
6. Present or last substantive appointment :
7. Date of beginning of service. :
8. Date of ending of service. : Y. ___ M. ___ D. ___
9. Length of service with details of interruptions and non-qualifying periods :
10. Class of pension or gratuity applied for, and cause of application :
11. Average emoluments :
12. Proposed pension :
13. Proposed gratuity :
14. Proposed death-cum-retirement gratuity :
15. Date from which pension is to commence :
16. Place of payment of pension :
17. Whether nomination made for death-cum-retirement gratuity :

(contd.)

PART - II

23. Length of qualifying service :

- (i) Date of beginning of service
qualifying for pension - - - - -
- (ii) Date of ending of service - - - - -
- (iii) Total service - - - - -
- (iv) Less service not counting for pension
 - (a) Extraordinary leave without
allowance - - - - -
 - (b) Period of suspension - - - - -

Total : - - - - -

- (v) Service qualifying for pension.
[Column (iii) - Column (iv)]
- (vi) Additional service for super-
annuation pension under
Regulation 53(7) of the Pension
Regulations
- (vii) Total qualifying service for
superannuation pension in
respect of employee to whom
Regulation 53(7) is applicable
[Column (v) + Column (vi)]

24. Remarks by the Head of the Department
(or the Chairman in the case of
Head of the Department)

1. As to character and past
conduct of applicant
2. Explanation of any suspension
or de-gradation
3. Any other remarks
4. Specific opinion whether the
service claimed is established
and should be admitted or not

Signature of Head of
the Department/the Chairman.

(contd.)

PART - II

Certificate of admissibility by the Chief Accountant

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation/pension/gratuity/death-cum-retirement gratuity, with reasons for disallowances, if any.
2. Amount of superannuation/retiring/invalid/compensation/pension/gratuity/death-cum-retirement gratuity that has been admitted.
3. Date from which pension is admissible.
4. Date from which death-cum-retirement gratuity is admissible.

Chief Accountant.

(contd.)

PART - III

Orders of the Chairman :

The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari ----- has been thoroughly satisfactory, hereby orders the grant of the full pension/gratuity/death-cum-retirement gratuity which has been certified by the Chief Accountant as admissible under the Regulations. The grant of this pension/gratuity and death-cum-retirement gratuity shall commence from -----.

A sum of Rs. ----- on account ----- is to be held over from the death-cum-retirement gratuity till the outstanding dues are assessed and adjusted. Death-cum-retirement gratuity should not be paid unless the employee vacates the Port Trust Quarters in his occupation.

or

The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari ----- has not been thoroughly satisfactory, hereby orders that the full pension/gratuity and death-cum-retirement gratuity which has been certified by the Chief Accountant as admissible under the Regulations, shall be reduced by the specified amounts or percentage indicated below :-

Amount or percentage reduction in pension	-----
" " " " " " gratuity	-----
" " " " " " death-cum-retirement gratuity	-----

A sum of Rs. ----- on account ----- is to be held over from the death-cum-retirement gratuity till the outstanding dues are assessed and adjusted.

Death-cum-retirement gratuity should not be paid unless the employee vacates the Port Trust Quarters which are in his occupation.

This order is subject to the condition that should the amount of pension/gratuity and death-cum-retirement gratuity as certified by the Chief Accountant be afterwards found to be in excess of amounts to which the pension is entitled under the Regulations, he/she will be called upon to refund such excess.

Chairman,
BOMBAY PORT TRUST.

(contd.)

PART - III

No. -----

Forwarded to the Secretary for obtaining the sanction of the Trustees to the grant of pension/gratuity and death-cum-retirement gratuity as certified in Part II which is due and admissible under the Bombay Port Trust Pension Regulations.

Chief Accountant.

PART - IV

No. -----

The Board at its meeting held on ----- vide Resolution No. ----- has sanctioned the pension/gratuity/death-cum-retirement gratuity subject to the conditions specified in the said Resolution.

Secretary.

DOMDAY POKE TRUST

FORM 'G' (Pension)

Sir,

I have the honour to forward herewith pension papers of Shri ----- Date ----- of this Department as per list enclosed for favour of report on his title to pension and obtaining thereafter the requisite sanction.

Yours faithfully,

(Head of the Department).

List of enclosures

1. Application for pension in Form 'F' with details duly filled in.
2. Invalid certificates (if the claim is for invalid pension).
3. Service sheet duly completed.
4. Memoranda of average emoluments.
5. A copy of Part I of application for pension (Form 'F') duly attested.
6. (a) Two specimen signatures duly attested, or in the case of persons not literate enough to sign their names in English or Hindi or Marathi two slips bearing the left hand thumb and finger impressions, duly attested;
(b) Two copies of passport size photograph duly attested.
7. Formal application for pension in Form 'E'.
8. Address of the employee after retirement.
9. Where the benefit of higher rates of pay is claimed under Note 1 below Rule 43 of the Pension Rules in respect of a spell or spells of leave during the last three years of an employee's service, a certificate to the effect that he would have continued to hold the higher post for the entire period if he had not proceeded on such leave.

BOMBAY PORT TRUST

COMMUTATION OF PENSION - FORM 'H'

PART I - FORM OF APPLICATION

I ----- desire to
commute Rs.* P. of my
@ ----- pension of Rs. P.
a month. I certify that I have
answered correctly each and all
of the questions below.

Space for pasting
attested passport size
photograph of the
applicant.

Place -----

Signature -----
(or left hand thumb impression)

Date -----

Designation -----

Enc: 2nd copy of
passport size
photograph
(unattested)

Address -----

* The portion of the pension to be commuted should consist
of whole Rupees or of Rupees and a multiple of five Paise.

@ The class of pension (superannuation, retiring, invalid,
compensation) should be stated.

Questions

Answers

1. What is the date of your birth?
2. How much of your pension do you wish to commute?
3. (a) Have you already commuted a portion of your pension? If so, give particulars.

(contd.....)

Questions

Answers

(b) Has any application from you for commutation of pension ever been rejected or have you ever accepted/declined to accept commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority? If so, give particulars.

- 4. If you are already drawing your pension, quote the No. of your Pension Payment Order.
- 5. Without prejudice to the discretion of the sanctioning authority from what date approximately do you wish this commutation to have effect?
- 6. State the amount of Provident Fund money (including any non-refundable withdrawals) and the amount of death-cum-retirement gratuity received by you.

Place -----

Signature -----
(or left hand thumb impression)

Date -----

No. -----

(For use in cases governed by Rule 65(1) of the Bombay Port Trust Pension Rules)

Forwarded to the Chief Accountant for report.

Signature -----

Date -----

Designation -----

(contd.)

PART - II

No. -----

Submitted to the Chairman for his administrative sanction

Forwarded to the Secretary for obtaining the administrative sanction of the Trustees.

2. Subject to the medical authority's recommending commutation, the lump sum payable will be as stated below :-

(a) Sum payable, if commutation becomes absolute before the application's next birthday, which falls on -----

On the basis of normal age, i.e. ----- years Rs. -----

On the basis of normal age plus one	year, i.e. -----	years	Rs. -----
" " " two	years i.e. -----	years	Rs. -----
" " " three	years i.e. -----	years	Rs. -----
" " " four	years i.e. -----	years	Rs. -----
" " " five	years i.e. -----	years	Rs. -----

(b) Sum payable, if commutation becomes absolute after the applicant's next birthday before his next birthday but one

On the basis of normal age, i.e. ----- years Rs. -----

On the basis of normal age plus one	year i.e. -----	years	Rs. -----
" " " two	years i.e. -----	years	Rs. -----
" " " three	years i.e. -----	years	Rs. -----
" " " four	years i.e. -----	years	Rs. -----
" " " five	years i.e. -----	years	Rs. -----

Dated -----

Chief Accountant.

PART - III

No. -----

Returned to the Chief Accountant.

The Board at its meeting held on ----- vide Resolution No. ----- has administratively sanctioned the commutation.

Dated -----

Secretary.

(Contd.)...

PART - IV

Forwarded to the Chief Medical Officer in original
on ----- with a request that he will arrange for the
medical examination of the applicant by the proper medical
authority as early as possible within three months from
the -----

(here enter the date of administrative sanction or the
date of retirement)

but not earlier than the date of retirement of the applicant
which is ----- and inform the applicant direct in
sufficient time where and when he should appear for the
examination.

*The next birthday of the applicant falls on -----
and his medical examination may be arranged before that date
but within the period prescribed above.

Chief Accountant.

* (To be struck out when the next birthday falls
beyond the prescribed date.)

BOMBAY PORT TRUST
COMMUTATION OF PENSION. - FORM 'I'

PART - I

Subject to the medical authority's recommending commutation and the conditions prescribed in Part II of this Form, the lump sum payable will be as stated below :-

(a) Sum payable, if commutation becomes absolute before the applicant's next birthday, which falls on - - - - -.

On the basis of normal age, i.e. - - - - years Rs.

On the basis of normal age plus one years i.e. - - - - years Rs. - - -

" " " two years i.e. - - - - years Rs. - - -

" " " three years i.e. - - - - years Rs. - - -

" " " four years i.e. - - - - years Rs. - - -

" " " five years i.e. - - - - years Rs. - - -

(b) Sum payable, if commutation becomes absolute after the applicant's next birthday but before his next birthday but one

On the basis of normal age, i.e. - - - - years Rs.

On the basis of normal age plus one year i.e. - - - - years Rs. - - -

" " " two years i.e. - - - - years Rs. - - -

" " " three years i.e. - - - - years Rs. - - -

" " " four years i.e. - - - - years Rs. - - -

" " " five years i.e. - - - - years Rs. - - -

Dated - - - - -

Chief Accountant:

PART - II

The commutation for lump sum payment of the pension of ----- is administratively sanctioned by the Chairman/Board on ----- on the basis of the report contained in Part I above. The table of present values, on the basis of which the calculations in the report in Part I above is made, is subject to alteration at any time without notice, and consequently they are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or, if the medical authority directs that years shall be added to that age, to the consequent assumed age.

2. The Chief Medical Officer has been requested to arrange for the medical examination and inform Shri ----- direct where and when he should appear for the examination. He should bring with him the enclosed Form 'J' with the particulars required in Part I completed except for the signature.

Chief Accountant.

Station -----

Date -----

To

BOMBAY PORT TRUST
COMPUTATION OF PENSION

FORM 'J'

MEDICAL EXAMINATION BY THE -----
(here enter the Medical authority)

PART - I

Statement to be filled in by the applicant for commutation of a portion of his pension under the Bombay Port Trust Pension Rules.

The applicant must complete this statement prior to his examination by the ----- and
(here enter the medical authority)
must sign the declaration appended thereto in the presence of that authority.

1. State your name in full.
(in BLOCK LETTERS)
2. State place of birth.
3. State your age and date of birth.
4. Furnish the following particulars concerning your family:-

Father's age, if living, and state of health	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages at and cause of death
--	--	---	---

Mother's age, if living, and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at and cause of death
--	--	--	--

5. Have any of your near relations suffered from tuberculosis (consumption, scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease?
6. Have you ever been abroad? Where and for what period and how long since?
7. Have you ever served in the Navy, Army, Air Force or in any Government Department?
8. Have you ever been examined -
 - (a) for Life Insurance or/and
 - (b) by any Government Medical Officer or Port Trust Medical Officer/Board, State Medical Board, Civil or Military? If so, state details and with what result?
9. Have you ever been granted leave on medical certificate? If so, state period/s of leave and nature of illness.
10. Have you ever -
 - (a) had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity and other disease of the ear, syphilis, gonorrhoea, or
 - (b) had any other disease or injury which required confinement to bed or medical or surgical treatment or
 - (c) undergone any surgical operation or

(contd...)

(3) suffered from any illness, wound or injury sustained while on active service with Armed Forces during the World War II?

11. Have you rupture ?
12. Have you varicocoele, varicose veins or piles ?
13. Is your vision in each eye good ?
14. Is your hearing in each ear good ?
15. Have you any congenital or acquired malformation, defect or deformity?
16. When were you last vaccinated ?
17. Is there any further matter concerning your health not covered by the above questions such as presence of albumen or sugar in the urine, marked increase or decrease in your weight in the last three years or being under treatment of any doctor within the last three months and the nature of illness for which such treatment was taken?

DECLARATION BY APPLICANT

(To be signed in presence of the medical authority)

I declare all the above answers to be, to the best of my belief, true and correct.

I will fully reveal to the medical authority all circumstances within my knowledge that concern my health and fitness.

I am fully aware that wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under Rule 7 of the Bombay Port Trust Pension Rules.

(Applicant's signature)

Signed in the presence of _____

(Signature and designation of medical authority).

PART - II

(To be filled in by the examining medical authority)

1. Apparent age.
2. Height.
3. Weight.
4. Girth of abdomen at level of umbilicus.
5. Pulse rate -
 - (a) Sitting.
 - (b) Standing.What is the character of pulse ?
6. What is the condition of arteries ?
7. Blood pressure -
 - (a) Systolic.
 - (b) Diastolic.
8. Is there any evidence of disease of the main organs -
 - (a) Heart.
 - (b) Lungs.
 - (c) Liver.
 - (d) Spleen.
 - (e)
9. Does chemical examination of urine show (i) albumen, (ii) sugar? State specific gravity.
10. Has the applicant a rupture ? If so, state the kind and if reducible.
11. Describe any scars or identifying marks.
12. Any additional information.

(contd...)

PART - II

(To be filled in by the examining medical authority)

1. Apparent age.
2. Height.
3. Weight.
4. Girth of abdomen at level of umbilicus.
5. Pulse rate -
(a) Sitting,
(b) Standing.
What is the character of pulse ?
6. What is the condition of arteries ?
7. Blood pressure -
(a) Systolic,
(b) Diastolic.
8. Is there any evidence of disease of the main organs -
(a) Heart.
(b) Lungs.
(c) Liver.
(d) Spleen.
(e)
9. Does chemical examination of urine show (i) albumen, (ii) sugar? State specific gravity.
10. Has the applicant a rupture ? If so, state the kind and if reducible.
11. Describe any scars or identifying marks.
12. Any additional information.

(contd...)

PART - III

I have carefully examined A.B. and am of opinion
We

that :- Either he is in good bodily health and
he is not

has the prospect of an average duration of life or (in the
is not a fit subject for commutation

case of an impaired life which is yet considered a fit subject
for commutation) " as ----- is suffering
from ----- his age for purpose of commutation,
i.e. his age next birthday should be taken to be -----
years more than his actual age".

Station -----

Dated -----

(Signature and designation of
examining medical authority).

Bombay Port Trust Terminal Benefits
(Temporary Service) Rules

In exercise of the powers conferred by Section 22 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Trustees of the Port of Bombay, with the approval of the Central Government, as required by the proviso to the said Section, hereby make the following rules, namely :

1. These Rules may be called the Bombay Port Trust Terminal Benefits (Temporary Service) Rules.
2. They shall be deemed to have come into force with effect from 5th October 1965.
3. (a) Subject to the provisions of sub-rule (b) they shall apply to -

- (1) all employees who join the Trustees' service on or after 5th October 1965 and who do not hold in a substantive capacity or a provisionally substantive capacity a permanent post, either scheduled or non-scheduled, under the Trustees;
- (2) all employees who opt for the Bombay Port Trust Pension Rules under Rule 4(ii) ibid and who do not hold in a substantive capacity or a provisionally substantive capacity a permanent post, scheduled or non-scheduled, under the Trustees.

(3) 21 * * * * *

(b) These Rules do not apply to -

- (i) employees not in whole time employment of the Trustees;

1 Substituted by T.R.No.1234 of 1966 (w.e.f. 5.10.1965)

2 Deleted by T.R.No.1423 of 1971.

- (ii) employee engaged on contract;
- (iii) employees paid out of contingencies;
- (iv) shore workers of the Docks Department in the Category 'C';
- (v) (1) employees engaged on daily rate basis other than the 'A' & 'B' Categories Dock Shore Workers and
(2) employees engaged on casual basis.]

4. (1) An employee governed by these rules, who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for a gratuity on the scale specified below :-

- (a) If the superannuation, discharge from service or invalidation takes place after completion of not less than five years' continuous service but before completion of ten years' continuous service, a gratuity at the rate of one-third of a month's pay for each completed year of his service;
- (b) If the superannuation, discharge from service or invalidation takes place after completion of not less than 10 years' continuous service, a gratuity at the rate of one month's pay for each completed year of service, subject to a maximum of Rs. 12,000.

(2) In the event of death, while in service, of an employee governed by these rules, his family shall be eligible in the manner provided for in Explanation (3) below for a death gratuity on the scale and subject to the condition

1 Substituted by T.R.No. 1004 of 1972 (w.e.f. 1.10.1967).

specified below :

- (a) if the death takes place after completion of one year's continuous service but before completion of three years' continuous service, a gratuity equal to one month's pay;
- (b) if the death takes place after completion of three years' continuous service but before completion of five years' continuous service a gratuity equal to two months' pay;
- (c) if the death takes place after completion of five years' continuous service but before completion of ten years' continuous service, a gratuity equal to three months' pay;
- ¹ (a) if the death takes place after completion of not less than ten years' continuous service, a gratuity at the rate of one month's pay for each completed year of service, subject to a maximum of 12 months' pay or Rs 12,000, whichever is less.

Provided that the grant of gratuity under this Rule shall be subject to the service rendered by the employee concerned being held by the Trustees or the Chairman to be satisfactory.

Provided further that no gratuity shall be admissible in a case where the employee concerned resigns his post or is removed or dismissed from service as a disciplinary measure.

Provided further that no gratuity shall be admissible under this Rule to an employee re-employed after retirement from Trustees' service.

¹ Substituted by T.R. No.1113 of 1963 (w.e.f. 31.12.1968)

Explanations :

- (1) "Pay" for the purpose of determining the amount of terminal or death gratuity under this Rule, excepting sub-rules (1)(b) and (2)(d), shall include pay on the last day of service but shall not include special pay, personal pay and other emoluments classed as "Pay". In the case of an employee who was on leave with or without allowance, on the date of his retirement, discharge, invalidment or death, "Pay" for this purpose shall be the pay which he drew immediately before proceeding on such leave, provided that the benefit of increase in pay not actually drawn due to increment for promotion to a post carrying a higher rate of pay falling during earned leave or leave on average pay not exceeding 120 days or the first 120 days of earned leave or leave on average pay where such leave exceeds 120 days, shall also be admissible.
- (2) "Pay" for the purpose of determining the amount of terminal or death gratuity under sub-rules (1)(b) and (2)(d) of this Rule shall mean the average of the last twelve months' pay as defined in the Trustees' Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition.
- (3) In the case of an employee dying before receipt of any gratuity that has become admissible to him under sub-rule 4(1), the same or the death gratuity payable in respect of an employee under sub-rule 4(2) shall be payable to the family in the order of preference mentioned below :
 - (1) Eldest surviving widow in the case of a male employee;
 - (2) Husband in the case of a female employee;
 - (3) Eldest surviving son;
 - (4) Eldest surviving unmarried daughter;
 - (5) Eldest surviving widowed daughter;
 - (6) Father;
 - (7) Mother;
 - (8) Eldest surviving brother below the age of 18 years;

- (9) Eldest surviving unmarried sister;
- (10) Eldest surviving widowed sister;
- (11) Eldest surviving married daughter.

¹ (4) In case of death of an employee while in service his family is also entitled to the family pension subject to the provision contained in this behalf in the Bombay Port Trust Pension Rules.]

(5) It is clarified that employees, governed by these Rules, who retire on superannuation or are discharged or are declared invalid for further service shall not be eligible to the benefits under the family pension scheme under the Bombay Port Trust Pension Rules.

² (6) In case of 'B' Category Dock Shore Workers, "continuous service" for the purpose of gratuity under Rule 4 shall mean the period during which they have been continuously enlisted as 'B' Category Shore Workers but excluding therefrom periods of absence in circumstances not entitling them to wages or leave salary or holiday wages or attendance allowance plus the entire period of continuous enlistment as 'C' Category Mazdoor in excess of the first four years. In the case of 'A' Category Dock Shore Workers, "continuous service" shall mean previous service as 'B' Category Shore Workers as reckoned above plus service in the 'A' Category. "Pay" for the purpose of gratuity in the case of 'B' Category Shore Workers shall mean the minimum of the monthly scale of pay attached to the post of 'A' Category Mazdoor, plus, in the case of such 'B' Category Workers as were on the register on the 1st January 1969, a differential on account of pay of Rs 6 allowed to them in conformity with the recommendations of the Central Wage Board for Port and Dock Workers regarding their fixation of pay. In the case of 'A' Category Dock Shore Workers, "Pay" shall mean the appropriate pay in the monthly scales of pay attached to their respective posts.]

¹ Substituted by T.R.No. 1426 of 1971 (w.e.f. 1.1.1971)

² Substituted by T.R.No. 1004 of 1970 (w.e.f. 1.10.1967)

¹ [7) With effect from 1st January 1969, "Pay" for the purposes of determining the amount of terminal or death gratuity under this rule shall be the same as "emoluments" as in Rule 43D of the Bombay Port Trust Pension Rules.]

² [5. Where compensation is payable under the Industrial Disputes Act, 1947, the amount of such compensation will be set off against the amount of gratuity payable under these Rules, if the amount of gratuity is more than the amount of compensation. If, however, the amount of the said compensation is higher than gratuity payable under these Rules, no gratuity will be paid.]

¹ Inserted by T.R. No. 906 of 1973 (w.e.f. 1.1.1969)

² Inserted by T.R. No. 1234 of 1966 (w.e.f. 3.10.1965)