

MUMBAI PORT TRUST EMPLOYEES' (LEAVE) REGULATIONS, 1975

CHAPTER I PRELIMINARY

1. Short title and commencement
2. Extent of application
3. Definitions
4. Employees on foreign service

CHAPTER II GENERAL CONDITIONS

5. Right to leave
6. Regulation of claim to leave
7. Effect of dismissal, removal or resignation on leave at credit
8. Commutation of one kind of leave into another
9. Combination of different kinds of leave
10. Maximum amount of continuous leave
11. Acceptance of service or employment while on leave

CHAPTER III GRANT OF AND RETURN FROM LEAVE

12. Application for leave
13. Leave account
14. Verification of title to leave
15. Leave not to be granted in certain circumstances
16. Grant of leave on medical certificate
17. Leave to an employee who is unlikely to be fit to return to duty
18. Commencement and retirement of leave

19. Combination of holidays with leave
20. Recall to duty before expiry of leave
21. Return from leave
22. Posting after returning from leave
23. Absence after expiry of leave

CHAPTER IV KINDS OF LEAVE DUE AND ADMISSIBLE

24. Earned leave
25. Calculation of Earned Leave
26. Half Pay Leave
27. Commuted Leave
28. Leave not due
29. Extraordinary Leave
30. Person re-employed after retirement
31. Leave preparatory to retirement
32. Leave beyond the date of retirement or quitting of service
- 32A. Cash Payment in lieu of Leave beyond the date of retirement or quitting of service
- 32B. Cash equivalent of leave salary in case of death while in service
33. Leave Salary
34. Employees governed by Factories Act, 1948
35. Advance payment of leave salary

CHAPTER V SPECIAL KINDS OF LEAVE

36. Maternity Leave
37. Special disability for injury intentionally inflicted
38. Special disability leave for accidental injury

39. Quarantine leave

CHAPTER VI MISCELLANEOUS

40. Application of Government Rules in matters not specially provided for in regulations not specially provided for in regulations

41. Interpretation

42. Power to relax

43. Repeal and Savings

THE FIRST SCHEDULE

THE SECOND SCHEDULE

FORM I

FORM II

FORM III

MUMBAI PORT TRUST EMPLOYEES

(LEAVE) REGULATIONS, 1975

In exercise of the powers conferred by clauses (b) and (e) of section 28 of Major Port Trusts Act, 1963 (38 of 1963), and in supersession of the existing regulations and orders on the subject, the Board of Trustees of the Port of Bombay, with the approval of the Central Government, as required by sub-section (1) of section 124 of the said Act, hereby makes the following regulations, the same having been previously published, as required under sub-section (2) of the said section 124, namely :

CHAPTER I

PRELIMINARY

1. **Short title and commencement** – (1) These regulations may be called the Bombay Port Trust Employees (Leave) Regulations, 1975.

(2) They shall come into force on the * date of publication of the sanction of the Central Government in the Official Gazette.
2. **Extent of application** - Save as otherwise provided in these regulations, these regulations shall apply to employees appointed to the services and posts under the Board, but shall not apply to -
 - (a) persons in casual or part-time employment;
 - (b) persons paid from contingencies;
 - (c) persons on deputation from the Central or a State Government or any other source for a limited duration;

- (d) persons employed on contract except when the contract provides otherwise;
- (e) persons in respect of whom special provisions have been made by or under any law for the time being in force.

3. **Definitions** – (1) In these regulations unless the context otherwise requires -

- (a) “authority competent to grant leave”, in relation to a class of posts, means the authority specified against that class in column (3) of the First Schedule to these regulations as competent to grant the kind of leave specified in column (4) of the said Schedule.

Explanation – It shall be within the competence of an authority to exercise the powers for the grant of leave conferred by these regulations upon another authority subordinate to it.

- (b) “Board”, “Chairman”, “Deputy Chairman” and “Head of a Department” shall have the meanings respectively assigned to them in Major Port Trusts Act, 1963.

- ²(c) “Class I posts”, “Class II posts”, “Class III posts” and “Class IV posts” shall have the same meaning as assigned to them in the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976.

- (d) “completed years of service” or “one year’s continuous service” means continuous service of specified duration under the Board and includes the period spent on duty as well as on leave including extraordinary leave.

**21st August 1975*

2. Substituted by TR No.143 of 1979 (w.e.f.9.2.1980)

- ¹[(e) “date of retirement” or ‘date of his retirement’ in relation to an employee, means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service.]

- (f) “foreign service” means service in which an employee receives his pay with the sanction of the competent authority from any source other than the general account or the pilotage account of the Board;

- (g) “Form” means a Form appended to the Second Schedule to these regulations;

- (h) “employee in permanent employ” means employee who holds substantively or provisionally substantively a permanent post or who holds lien on such a post had the lien not been suspended.

- (2) Words and expressions used herein and not defined, but defined in the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules shall have the meanings respectively assigned to them in the said Digest.

4. **Employees on foreign service** – Employees to whom these regulations apply shall continue to be governed by these regulations while on foreign service.

1. Substituted by TR No.383 of 1976 (w.e.f.12.8.1976)

CHAPTER II

GENERAL CONDITIONS

5. **right to leave** – (1) Leave cannot be claimed as of right. (2) When the exigencies of the service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the employee.

6. **Regulation of claim to leave** – An employee's claim to leave is regulated by the regulations in force at the time the leave is applied for and granted.

7. **Effect of dismissal, removal or resignation on leave at credit –**

(1) Except as provided in regulation 32 and this regulation, any claim to leave to the credit of an employee, who is dismissed or removed or who resigns from the Board's service, ceases from the date of such dismissal, removal or resignation, as the case may be.

(2) An employee, who is dismissed or removed from service and is re-instated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal as the case may be.

(3) An employee, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

8. **Commutation of one kind of leave into another -**

(1) At the request of an employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as matter of right.

¹["Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned employee joining his duty on expiry of the relevant spell of leave availed of by him."]

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE : Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of regulation 28.

1. *Inserted by TR No.44 dated 27.2.2001 (w.e.f.5.10.2001)*

9. **Combination of different kinds of leave** – Except as otherwise provided in these regulations, any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave.

Explanation : Casual leave which is not recognized as leave under these regulations shall not be combined with any other kind of leave as admissible under these regulations.

10. **Maximum amount of continuous leave** – Unless the Chairman, in view of the exceptional circumstances of the case, otherwise determines, no employee shall be granted leave of any kind for continuous period exceeding five years.

11. **Acceptance of service or employment while on leave** – (1) An employee (other than an employee who has been permitted to undertake casual literary work or service as an examiner either in a University or in an educational or professional institution) while on leave, including leave preparatory to retirement or leave granted beyond the date of retirement or quitting of service, shall not take up any service or employment elsewhere, including the setting up of a private practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of -

(a) the Chairman, if (i) the proposed service or employment is under a foreign government, or (ii) in an organization controlled by a foreign government or (iii) the venue of the proposed service or employment is outside India and the employers are not nationals of India or are a firm not registered in India; or

(b) the Chairman, or any subordinate authority to which he may delegate the power in this behalf in all other cases, subject to any condition that may be specified in the delegation.

(2) (a) No employee while on leave, other than leave preparatory to retirement or leave granted beyond the date of retirement or quitting of service shall ordinarily be permitted to take up any other service or employment.

- (b) If the grant of such permission is considered desirable in any exceptional case, the employee may have his service under the Board transferred temporarily to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or appointment.
- (c) Notwithstanding anything contained in sub-clause (b), the Chairman may, in exceptional cases and at his sole discretion, grant permission to employees in possession of a Certificate of Competency as Master of a foreign-going ship ¹[or a Certificate of Competency as 1st Class Engineer (Motor) or (Steam and Motor)] to take up, during their regular leave, outside service or

1. *Inserted by TR No.212 dated 12.8.1980 (w.e.f.2.1.1981)*

employment under the Central or a State Government or a Corporation wholly or substantially owned or controlled by the Central or a State Government or a Shipping Company, subject to such terms and conditions as he may prescribe.

- (3) (a) An employee wishing to take up outside service or employment whilst on leave preparatory to retirement or on leave granted beyond the date of retirement or quitting of service should apply in writing through the Head of Department concerned for the prior permission of the authority competent to grant the same.
 - (b) The nature and venue of employment in view or proposed to be taken up or for which the employee wishes to try should be indicated in the application.
 - (c) Normally, the permission sought will be granted, unless the sanctioning authority considers -
 - (i) that the employee while in service had any such dealings with the proposed employer as might provoke the suspicion that he had shown favour to the latter;
 - (ii) that the employee's duties will be such as might bring him in conflict with the Board;
 - (iii) that the employment is not of a thoroughly reputable kind; or
 - (iv) that the employment is likely to lead to a violation of the provisions of Section 117A of the Major Port Trusts Act, 1963.
 - (d) The sanctioning authority may in its discretion, withhold permission in particular cases and will not be bound to disclose the reasons for doing so. Before refusing permission, the sanctioning authority will consider if there are any exceptional circumstances which would make the refusal of permission a real hardship.
 - (e) In cases covered by sub-clause (a) of Clause (1), the sanctioning authority will obtain the concurrence of the Government of India before according the necessary sanction.
- (4) No leave shall be earned in respect of any period of employment during leave preparatory to retirement.
 - (5) Where an employee is on leave beyond the date of ¹[] retirement as provided in Regulation 32 and is employed during such leave in any post under the Board or under the Central or a State Government or under any local authority or Corporation wholly or substantially owned or controlled by the Central or State Government, he may, if he so desires, continue to enjoy his leave concurrently with such employment or may avail himself of the unexpired portion of such leave at the termination of the period of such employment, subject to the maximum limits as prescribed by these regulations.

1. *Deleted by TR No.383 of 1976 (w.e.f.12.8.1976)*

GRANT OF AND RETURN FROM LEAVE

12. **Application for leave** - Any application for leave or for extension of leave shall be made in Form I to the authority competent to grant leave.
13. **Leave Account** - A leave account shall be maintained for each employee by the Accounts Department in the case of employees holding Class I or Class II posts and by the Head of Department or officer(s) authorised by him in the case of employees holding other post.
14. **Verification of title to leave** - No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.
15. **Leave not to be granted in certain circumstances** – Leave shall not be granted to an employee against whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from service.
16. **Grant of leave on medical certificate** – (1) An application for leave on medical certificate made by an employee shall be accompanied by a medical certificate in Form II given by a Port Trust Medical Officer, or a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness.
- (2) A Port Trust Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee will ever be fit to resume his duties and in such case, the opinion that the employee is permanently unfit for service under the Board shall be recorded in the medical certificate.
- (3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting the Chief Medical Officer to have the applicant medically examined at the earliest possible date, if the Chief Medical Officer has himself not given the medical certificate.
- (4) It shall be the duty of the Chief Medical Officer to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a Medical Officer nominated by him.
- (5) The grant of medical certificate under this regulation does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and the orders of that authority awaited.
- (6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding 7 days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.
17. **Leave to an employee who is unlikely to be fit to return to duty** -
- (1) (a) When a Port Trust Medical Officer has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such an employee.
- (b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:
- (i) If the Port Trust Medical Officer is unable to say with certainty that the employee will never again be fit for service, leave not exceeding 12 months in all may be granted and such leave shall not be extended without further reference to a Port Trust Medical Officer.
- (ii) If an employee is declared by a Port Trust Medical Officer to be completely and permanently incapacitated for further service, leave or an extension of leave, may be granted to him after the report of the Port Trust Medical Officer has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the Port Trust Medical Officer does not exceed six months.
- (2) An employee who is declared by a Port Trust Medical Officer to be completely and permanently incapacitated for further service shall –
- (a) if he is on duty, be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the Port Trust Medical Officer; if, however, he is granted leave under sub-regulation (1) he shall be invalidated on the expiry of such leave;

(b) if he is already on leave, he will be invalidated on the expiry of that leave or extension of leave, if any, granted to him under sub-regulation (1).

18. **Commencement and termination of leave** - Except as provided in regulation 19, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

19. **Combination of holidays with leave** - (1) When the day, immediately preceding the day on which an employee's leave begins, or immediately following the day on which his leave expires is a holiday or one of a series of holidays, the employee may be permitted to leave the station at the close of the day before, or return to it on the day following, such holiday or series of holidays;

Provided that his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance.

(2) On condition that the departing employee remains responsible for the moneys in his charge, the Head of Department may, in any particular case, waive the application of the proviso to sub-regulation (1).

(3) Unless the authority competent to grant leave in any case otherwise directs-

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances take effect from the day on which the leave would have ended if holidays had not been suffixed.

Note : 1) A weekly rest day or a substituted rest day or an optional holiday may be treated as a holiday for the above purpose.

¹[2] Prefixing and suffixing holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld.

3) In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.]

20. **Recall to duty before expiry of leave** - ¹[(1) In case an employee is called to duty before the expiry of leave, such recall to duty shall be treated as compulsory in all cases.]

²[(2) Deleted]

(3) ³[An employee who is called to duty before the expiry of his leave,] shall be entitled -

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date he starts for Bombay, and to draw -

1. *Inserted by TR No.98 dated 24.4.1984 (w.e.f.1.1.1983)*

2. *Deleted by TR No.98 dated 24.4.1984 (w.e.f.1.1.1983)*

3. *Substituted by TR No.98 dated 24.4.1984 (w.e.f.1.1.1983)*

(i) traveling allowance as admissible for the journey; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn but for recall to duty.

(b) If the leave from which he is recalled is out of India, to count the time spent on voyage as duty for purposes of calculating leave, and to receive -

(i) leave salary during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;

(ii) A free passage to India;

(iii) A refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;

(iv) Traveling allowance, as admissible for travel from the place of landing in India to Bombay.

21. **Return from leave** – (1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) An employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness from a Port Trust Medical Officer in Form III.

22. **(1) An employee returning from leave** is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(2) Such employee shall report his return to duty to the authority which granted him leave or to the authority, if any, which the authority which granted him leave may nominate for this purpose and await orders.

Note: An employee who had been suffering from Tuberculosis may be allowed to resume duty on the basis of Fitness Certificate which recommends light work for him.

23. **Absence after expiry of leave** – (1) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due, being treated as extraordinary leave.

(2) Willful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

CHAPTER IV

KINDS OF LEAVE, DUE AND ADMISSIBLE

24. **Earned Leave** – ¹(1) (a) (i) An employee shall be entitled to 30 days' ²[] earned leave in a calendar year.

(ii) The leave account of every employee shall be credited with earned leave in advance in two instalments of 15 days each on the first January and July every year. ²[]

(b) The leave at the credit of an employee at the close of previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

³[Provided that where the earned leave at the credit of an employee as on the last day of December or June is 300 days or less but more than 285 days, the advance credit of 15 days Earned Leave on first day of January or July to be afforded in the manner indicated under Clause (a) (ii) of sub-regulation (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half year and the balance, if any, shall be credited to the leave account at the close of the half year, subject to the condition that balance of such earned leave plus leave already at credit does not exceed the maximum limit of 300 days.]

(c) (i) Where an employee not in permanent employ is appointed without interruption of service substantively to a permanent post, his leave account shall be credited with the earned leave which

would have been admissible if his previous duty had been rendered as an employee in permanent employ diminished by any earned leave already taken.

- (ii) Where an employee had availed himself of leave on half pay or extraordinary leave since the date of permanent appointment, such leave may, subject to the provisions of regulation 8, be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

⁴ [Note : The provisions of this clause shall apply to employees whose first year of service or any part thereof in temporary capacity was rendered before the date of publication of the Government's sanction to the BPT Employees (Leave) Amendment Regulations, 1975, in the Official Gazette, when the rate of earning such leave used to be $1/22^{\text{nd}}$ of the period spend on duty.]

1 Substituted by TR No.385 of 1976 (w.e.f.1.1.1976)

2. Deleted by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

3. Inserted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

4. Inserted by TR No.661 of 1975 (w.e.f.19.2.1976), TR No.44 of 27.2.2001

- (d) A period spent in foreign service shall count as duty for purposes of this regulation, if contribution towards leave salary is paid on account of such period.
- (2) Subject to the provisions of regulations 5 and 32 and sub-regulations (1) and (3) of this regulation, the maximum earned leave that may be granted at a time shall be 180 days.
- (3) Earned leave may be granted to an employee holding a Class I or Class II post for a period exceeding 180 days, but not exceeding 300 days, if the entire leave so granted or any portion thereof is spent outside India.

Provided that where earned leave for a period exceeding 120 days is granted under this sub-regulation, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limit.

¹ [25. Calculation of earned leave – (1) Earned leave shall be credited to the leave account of an employee at the rate of $2\frac{1}{2}$ days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.

²(a) The credit for the half year in which an employee is due to retire or resign from the service shall be afforded only at the rate of $2\frac{1}{2}$ days per completed calendar month upto the date of retirement or resignation.

(b) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of $2\frac{1}{2}$ days per completed calendar month upto the end of the calendar month in which he is removed or dismissed from service or dies while in service.

²[(3) If an employee has taken any leave in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by $1/10^{\text{th}}$ of the period of extra-ordinary leave only availed of during the previous half year, subject to a maximum reduction of 15 days.]

³[(4) When an employee ceases to be in service in the course of a half year due to retirement, resignation, death or any other cause, the quantum of earned leave to be credited to his leave account under sub-regulation (2) shall be reduced by $2[1/10^{\text{th}}$ of the period of extra-ordinary leave only] availed of by him between the commencement of that half year and the date on which he ceases to be in service.

¹[(5) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.]

1. Substituted by TR No.385 of 1976 (w.e.f.1.1.1976)

2. Substituted by TR No.98 dated 24.4.1984 (w.e.f.1.1.1983)

3. Substituted by TR No.195 of 1977 (w.e.f.27.8.1977)

- ¹[26. Half pay leave – (1) (a) An employee shall be entitled to half pay leave of 20 days in respect of each completed year of service.
- (b) The half pay leave account of every employee shall be credited with half pay leave in advance, in two installments of 10 days each on the first day of January and July of every calendar year.
- (c) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which an employee is likely to render in the half year of the calendar year in which he is appointed.
- (d) the credit for the half year in which an employee is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.
- (e) When an employee is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.
- (f) Where a period of absence or suspension of an employee has been treated as “dies non” in a half year, the credit to be afforded to his half pay leave account at the commencement of the next half year, shall be reduced by 1/18th of the period of “dies non” subject to a maximum of 10 days.

(2) The leave under this rule may be granted on medical certificate or on private affairs.

(3) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day:

Provided that in the case of an employee not in permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the employee will return to duty on its expiry except in the case of an employee who has been declared completely and permanently incapacitated for further service by a Port Trust Medical Officer.

(4) If an employee is on leave on the day on which he completes half year of service, he shall be entitled to half pay leave without having to return to duty.]

27. Commuted leave – (1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to an employee, subject to the following conditions :

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.

1. Substituted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

(b) * * * * *

(c) @ @ @ @ @

(d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due :

(e) * * * * *

¹ [1(A) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the interest of the Port Trust by the leave sanctioning authority.]

(2) Where an employee who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

Provided that no recovery shall be made if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

Note : Commuted leave may be granted at the request of the employee even when earned leave is due to him.

28. Leave not due (1)²[(A)] Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employ subject to the following conditions :

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;
- (b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;
- (d) leave not due shall be debited against the half pay leave the employee may earn subsequently;
- (e) * * * * *

1. Inserted by TR No.661 of 1975 (w.e.f.19.2.1976)

2. Renumbered by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

*** deleted by TR No.98 dated 24.4.1984*

@@ deleted by TR No.661 of 1975 (w.e.f. 19.2.1976)

¹[1(B) Leave not due may be granted to an employee not in permanent employ who is suffering from tuberculosis, leprosy, cancer or mental illness for a period not exceeding 360 days during the entire service subject to the fulfillment of conditions in clauses (a), (b) and (d) of sub-regulation (1)(A) and also subject to the following further conditions:

- (i) that the employee has put in a minimum of one year's service;
- (ii) that the post from which the employee proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clauses (c) and (d) of sub-regulation (2) of regulation 29.]

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

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

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

29. Extraordinary leave – (1) Extraordinary leave may be granted to an employee in special circumstances –

(a) when no other leave is admissible;

(b) when other leave is admissible, but the employee applies in writing for the grant of extraordinary leave.

(2) Unless the Chairman in view of the exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employ shall be granted extraordinary leave on any one occasion in excess of the following limits:

(a) Three months;

(b) Six months, where the employee has completed ²[one year's] continuous service on the date of expiry of leave of the kind due and admissible under these regulations, including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these regulations:

1. Inserted by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

2. Substituted by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

(c) ¹[eighteen] months, where the employee who has completed one year continuous service is undergoing treatment for cancer, or for mental illness, in an institution recognised for the treatment of such disease or from a specialist in such disease;

(d) eighteen months, where the employee who has completed one year's continuous service is undergoing treatment for -

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium:

Note : The concession of extraordinary leave up to eighteen months shall be admissible also to an employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under qualified tuberculosis specialist and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist; or

(iii) leprosy in a recognised leprosy institution or by a qualified specialist in leprosy.

(e) twenty-four months, where the leave is required for the purpose of prosecuting higher technical or professional studies which, in the opinion of the Chairman, is of value to the Port Trust, provided the employee concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these regulations, including three months extraordinary leave under clause (a).

(3) (a) Where an employee is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub regulation (2), he shall be required to execute a bond undertaking to refund to the board the actual amount of expenditure incurred by the Board during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent employees having a status comparable to or higher than that of the employee.

(4) Two spells of extraordinary leave, if intervened by any kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-regulation (2)

- (5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

1. Substituted by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

30. Persons re-employed after retirement - In case of person reemployed after retirement, the provisions of these regulations shall apply as if he had entered service of the Board for the first time on the date of his reemployment

- ¹[31. Leave preparatory to retirement – An employee may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 300 days together with half pay leave due, subject to the condition that such leave extend upto and includes the date of retirement.

Note : The leave granted under this regulation shall not include extraordinary leave.]

- ¹[32. Leave beyond the date of retirement or quitting of service – (1) Except as provided in sub-regulation (2) to (8), no leave shall be granted to an employee beyond –

- (a) the date of his retirement , or
- (b) the date of his final cessation of duties, or
- (c) the date on which he retires by giving notice to the appointing authority or he is retired by the appointing authority by giving him notice, or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service, or
- (d) the date of his resignation from service

- (2) Where an employee has, insufficient time before the date of his retirement :

- (a) applied formally for leave due as preparatory to retirement and the leave has been refused in whole or in part, or
- (b) ascertained in writing from the authority competent to grant leave that such leave if applied for would not be granted.

On account of the exigencies of service, then he may be granted from the date of retirement the amount of earned leave which was due to him on the said date of retirement subject to the maximum limit of 180 days or 300 days as the case may be, as prescribe in regulation 24, so long as –

- (i) the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of retirement does not exceed the amount of leave preparatory to retirement actually denied.
- (ii) the half pay leave, if any, applied for by him as leave preparatory to retirement and denied in the exigencies of service, being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of retirement.

1. Substituted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

Note : Compulsory retirement in service or recall from leave preparatory to retirement shall be treated as constructive refusal of leave preparatory to retirement.

- (3) When an employee who had been prevented from applying for leave preparatory to retirement by reasons of having been under suspension, is reinstated within 180 or 300 days, as the case may be, preceding the date of retirement and in whose case the authority competent to order reinstatement holds that the suspension was wholly unjustified, he shall be allowed to avail himself of such leave as he was prevented from applying for, subject to maximum of 180 or 300 days, as the case may be, as prescribed in regulation 24.

(4) Where an employee who retired from service while under suspension was prevented from applying for leave preparatory to retirement on account of having been under suspension and in whose case the authority competent to order reinstatement holds that the suspension was wholly unjustified, he shall be allowed to avail himself of leave at his credit subject to a maximum of 180 or 300 days, as the case may be, as prescribed in regulation 24, after the termination of proceedings as if it had been refused as aforesaid.

(5) where the service of an employee has been extended in the interest of service beyond the date of his superannuation, he may be granted earned leave, subject to a maximum of 180 or 300 days, as the case may be, as prescribed in regulation 24 as follows :

(i) during the period of extension, any earned leave due in respect of the period of such extension and, to the extent necessary, the earned leave which could have been granted to him under sub-regulation (2), had he retired on the date of retirement;

(ii) after expiry of the period of extension –

(a) the earned leave which could have been granted to him under sub-regulation (2) had he retired on the date of retirement reduced by the amount of such leave availed of during the period of extension; and

(b) any leave earned during the period as has been applied formally for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of service.

(6) An employee to whom clause (c) of sub-regulation (1) applies, may be granted leave due and admissible to him which may extend beyond the date on which he retires or is retired from service, but not extending beyond the date on which he attains the age of retirement or superannuation :

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

Note : An employee on attaining the age of retirement or on the expiry of such extension of service as may be granted to him thereafter shall cease to have any lien on any post.

(7) Where the services of an employee not in permanent employ is terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted earned leave to his credit, subject to maximum of 150 days, even though such leave extends beyond the date on which he ceases to be in service. If the employee himself resign or quits service, he may be granted earned leave to the extent of half of such leave to his credit subject to a maximum of 150 days.

Provided that the leave so granted to such employee, other than an employee re-employed after the date of retirement, does not extend beyond the date of his retirement.

(8) The grant of leave under this regulation except under clause (i) of sub-regulation (5) and sub-clause (a) of clause (ii) of that sub-regulation shall be regarded as terminal leave and shall not be constructed as extension of service.]

¹[32A Cash payment in lieu of leave beyond the date of retirement or quitting of service-

(1)(a) Where an employee retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall sue mote issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the employee, on the date of his retirement or superannuation, subject to a maximum of 300 days.

(b) The cash equivalent under clause (a) shall be payable in one lump sum as a one-time settlement.

(2) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On

conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Port Trust dues, if any.

- (3) (a) Where the service of an employee has been extended in the interest of service beyond the date of his retirement, he may be granted –

1. *Inserted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)*

- (i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180 days or 300 days as the case may be, as prescribed in regulation 24.
- (ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-regulation (2) in respect of earned leave at credit on the date of retirement plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 300 days.
- (b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-regulation shall be calculated in the manner indicated in clause(b) of sub-regulation (1) above.
- (4) An employee who retires or is retired from service in the manner mentioned in clause (c) of sub-regulation (1) may be granted by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 300 days and also in respect of all the half pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the half pay leave plus dearness allowance admissible on that leave salary for the first 300 days, at the rates in force on the date the employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as a one time settlement. No House Rent Allowance or City Compensatory Allowance shall be payable.

Provided that if leave salary for the half pay leave component falls short of pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted.

- (5) Where an employee is compulsorily retired as a measure of penalty under the provisions of the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976, and the disciplinary authority has not imposed any reduction in the amount of his pension under Rule 8 of the Bombay Port Trust Pension Rules, the authority competent to grant leave shall issue an order granting cash equivalent of leave salary for earned leave, if any, at credit of the employee on the date of such retirement, subject to a maximum of 300 days in the manner indicated in clause (b) of sub-regulation (2).
- (6)(a) (i) Where the services of an employee are terminated by notice or by giving pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days.
- (ii) If an employee resigns or quits service, he may be granted by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days; and
- (iii) An employee who is re-employed after retirement may, on termination of his re-employment, be granted by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 300 days, including the period for which encashment was allowed at the time of retirement.
- b) the cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-regulation (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-

employment before adjustment of pension and pension equivalent of other retirement benefits and the dearness allowance appropriate to that pay.]

¹ [2[32B.] Cash equivalent of leave salary in case of death while in service - In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for death on the date immediately following the death and in any case, not exceeding leave salary for 240 days, shall be paid to his family. ³ []

Note: In addition to the cash equivalent of leave salary admissible under this regulation, the family of the deceased employee shall also be entitled to payment of dearness allowance appropriate to the leave salary] ¹

⁴[33. Leave salary – (1) Except as provided in sub-regulation (5) and (6), an employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.]

³[Note :]

⁵[Note: In respect of any period spent on foreign service out of India, the pay which an employee would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.]

1. Inserted by TR No.661 of 1975 (w.e.f. 19.2.1976)

2. Renumbered by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

3. Deleted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

4. Substituted by TR No.384 of 1976 (w.e.f. 20.1.1977)

5. Inserted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

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

* * * * *

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

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

² [(5) If an employee who is permitted during leave, whether as preparatory to retirement or preparatory to final cessation of service or otherwise, to take up outside employment, including the setting up of a private professional practice as Accountant, Consultant or Legal or Medical Practitioner, whether in a Government or local authority or a public sector undertaking, his leave salary shall be paid as otherwise admissible. However, if an employee is permitted, during such leave, to take up outside employment under a private employer, his leave salary as otherwise admissible shall be restricted to the amount of leave salary admissible while on half pay leave.]

³ [(6) If during such re-employment an employee is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.]

⁴[(7)(a) If, in the case of an employee who retires or resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

Where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave credited under clause (b) of sub-regulation (2) of regulation 25, the overpayment of leave salary shall be recovered in such cases.]

34. Employees governed by Factories Act, 1948 – ⁴[(1) In the case of an employee who is a 'worker' within the definition of that word as contained in the Factories Act, 1948, and who is refused leave after the earned leave at his credit has reached the maximum limit of [300] days prescribed in regulation 24 or the earned leave at his credit reaches such limit while the orders refusing him leave are effective, further credit of earned leave shall be permitted at the rate of 2 ½ days per completed calendar month from the proposed date of the commencement of the refused leave until the orders refusing him leave shall cease to have effect.]

@ @ @ Deleted by TR No.143 of 1979 (w.e.f. 9.2.1980)

* * * Deleted by TR No.661 of 1975 (w.e.f. 19.2.1976)

1. Substituted by TR No.384 of 1976 (w.e.f. 20.1.1977)

2. Substituted by TR No.98 dated 24.4.1984 (w.e.f. 1.1.1983)

3. Substituted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

4. Inserted by TR No.385 of 1976 (w.e.f. 1.1.1976)

If the services of an employee who is a 'worker' within the definition of that word as contained in the Factories Act, 1948, are terminated for the reason other than his superannuation, before he has taken the entire earned leave ¹ [] in respect of his service in the factory establishment or if, having applied for and having not been granted such leave, such employee quits his employment before he has taken the leave, he shall be paid an amount equal to the leave salary and service allowances which he would have received had he availed himself of the unavailed of leave from the date following that on which services are terminated or he quits his employment.

(3) (a) When an employee is transferred from an establishment to which the Factories Act, 1948, applies, to some other establishment to which that Act does not apply, he shall be allowed to carry forward the balance of earned leave at his credit on the date of such transfer, subject to the condition that the leave so carried forward shall be consumed before the further earned leave for service on the other establishment is availed of.

(b) When an employee is transferred from an establishment to which the Factories Act, 1948, does not apply to some other establishment to which that Act applies, he shall be allowed to carry forward the earned leave at his credit, subject to the condition that such leave shall be utilised only after the further earned leave for service on the factory establishment has been exhausted.

35. Advance payment of leave salary – An employee who proceeds on leave for a period not less than 30 days may be paid his leave salary for the first 30 days of leave at the commencement of the leave subject to the following conditions:

No advance payment of leave salary may be made unless the application for such payment is made by the employee not less than two weeks prior to the commencement of the leave.

No employee who has served for less than three years under the Board will be eligible for the payment.

The amount of the advance payment should be restricted to the net amount of leave salary plus the allowances appropriate thereto for the first 30 days of leave which is clearly admissible to the employee after usual deductions.

If the employee to whom the advance payment of leave salary is made is unable to proceed on leave for any reason, the payment will be treated as payment against the next payment of duty pay and allowances and/or leave salary. If it is found subsequently that such a payment is less than the pay and allowances actually due to him, the difference will be paid through a supplementary paysheet.

CHAPTER V

SPECIAL KINDS OF LEAVE

36. Maternity Leave – ¹[(1) A female employee ²[with less than two surviving children] may be granted maternity leave by an authority competent to grant leave for a period of ²[135] days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.]

Maternity Leave may also be granted in the case of miscarriage, including abortion, subject to the condition that –

³[(a) the quantum of maternity leave for miscarriage including abortion does not exceed 45 days in the entire service of the female employees.]

(b) The application for the leave is supported by a medical certificate as laid down in Regulation 16.

¹[(3) (i) Maternity Leave may be combined with leave of any other kind.

Notwithstanding the provisions contained in sub-regulation (1) of Regulation 27, only leave (including commuted leave) for a period not exceeding ²[one year] applied for in continuation of Maternity Leave, may be granted ²[without production of medical certificate.]

¹[(4) Leave in further continuation granted under sub-regulation (3)(ii), may be granted on production of a medical certificate, signed/countersigned by a Port Trust Medical Officer, for the illness of the female employee. Such leave may also be granted in case of illness of a new-born baby, subject to production of a medical certificate signed/countersigned by a Port Trust Medical Officer, to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.]

⁴ [(5) The maternity leave shall not be debited against the leave account.]

1. Substituted by TR No.141 dated 5.5.1979 (w.e.f. 5.6.1980)

2. Inserted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

3. Substituted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)

4. Inserted by TR No.661 of 1975 (w.e.f. 19.2.1976)

¹[(6) A male MbPT employee (including an apprentice) with less than two surviving children may be granted Paternity Leave for a period of 15 days. During the period of such leave he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in case of Maternity Leave). It may not normally be refused under any circumstances.

A female Mumbai Port Trust employee on adoption of a child, may be granted leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period upto one year or till such time the child is one year old, whichever is earlier. However, this facility will not be admissible in case she is already having two surviving children at the time of adoption.]

37. Special Disability Leave for injury intentionally inflicted – (1) The authority competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused by any person other than the employee himself, in or in consequence of, the due performance of his official duties or in consequence of his official position.

Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in case where the disability manifested itself more than three months after the occurrence of its cause.

The period of leave granted shall be such as is certified by the Chief Medical Officer or the Asstt. Chief Medical Officer of the Port Trust and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-regulation (7), be debited against the leave account.

1. *Inserted by TR No.44 dated 27.2.2001 (w.e.f. 5.10.2001)*

(7) Leave salary during such leave shall –

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-regulation (5), be equal to leave salary while on earned leave; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave :

Provided that an employee may, at his option be allowed to leave salary as in clause (a), for period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account.

(8) The case of an employee to whom the Workmen's Compensation Act, 1923, applies shall be dealt with in accordance with either by these regulations or the provisions of that Act, whichever may be more advantageous to him.

38. Special Disability Leave for accidental injury –

(1) The provisions of regulation 37 shall apply also to an employee, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions :-

(i) that the disability, if due to disease , must be certified by the Chief Medical Officer or the Asstt. Chief Medical Officer of the Port Trust to be directly due to the performance of the particular duty; and

(ii) that the disability must be in the opinion of the authority competent to sanction leave, exceptional in character; and

(iii) that the period of absence recommended by the Chief Medical Officer or the Asstt. Chief Medical Officer may be covered in part by leave under this regulation and in part by any other kind of leave and that the amount of disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

39. Quarantine leave – (1) Where, in consequence of the presence of an infectious disease referred to in sub-regulation (2), in the family or household of an employee at his residence, his attendance at his office or place of work is considered hazardous to the health of other employees, such employee may be granted quarantine leave.

(2) For the purpose of sub-regulation (1), cholera, small-pox, plague, diphtheria, typhus fever and cerebrospinal meningitis may be considered as infectious diseases. Chicken-pox shall not, however be considered as an infectious disease unless the Port Trust or Municipal or Government Medical or Health Officer considered that because of doubt as to the true nature of disease (for example small-pox) there is reason for grant of leave.

(3) (a) Quarantine leave may be granted by the authority competent to grant leave on the certificate of Port Trust, Municipal or Government Medical or Health Officer for a period not exceeding 21 days, or, in exceptional circumstances, 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the employee.

(4) Quarantine leave, subject to the maximum laid down in sub-regulation (3), may also be granted, when necessary, in continuation of other leave.

(5) An employee on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

CHAPTER VI

MISCELLANEOUS

40. Application of Government Rules in matters not specifically provided for in regulations – In any case or matter not specifically provided for in these regulations or in subsequent amendments thereof, the rulings of the Central Government in regard to the Central Civil Services (Leave) Rules, 1972, shall, generally and in so far as they can be adapted to the Board's requirements, be held to apply.

41. Interpretation – Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Chairman, whose decision thereon shall be final.

42. Power to relax – Where the Chairman is satisfied that the operation of any of these regulations causes under hardship in any particular case, he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that regulation to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

43. Repeal and savings – (1) on the commencement of these regulations, every rule, regulation, resolution or order in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these regulations, cease to operate.

(2) Notwithstanding, such ceaser of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of, an employee, under the old regulations, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these regulations.

¹ THE FIRST SCHEDULE

[See regulation 3(1) (a)]

AUTHORITIES COMPETENT TO GRANT LEAVE

Sr. No.	Description of Post	Authority competent to grant leave and the kind of leave which it may grant	
		Authority	Kind of Leave
1	2	3	4
*1	Class I [the incumbent of which is to be regarded as the Head of Department under section 24 of the MPT Act, 1963].	Chairman	Earned Leave, Half Pay Leave, Commuted Leave, Leave not due,

*2	All the Class I posts other than HOD's posts and Class II posts.	Head of Department	Extraordinary Leave, Maternity Leave, Special disability leave. Earned Leave, Half Pay Leave, Commuted Leave, Leave not due, Extraordinary Leave, Maternity Leave, Special disability leave.
3	Class III [the maximum of the pay scale attached to the post of Jr. Assistant or an equivalent post].	Head of Department	Earned Leave, Half Pay Leave, Commuted Leave, Leave not due, Extraordinary Leave, Maternity Leave, Special disability leave.
4	Class III [the post not covered by Sr. no. 3 above] and Class IV posts.	(i) Head of Department (ii) Head of Department or any subordinate authority of the rank not below that of Deputy to Head of Department nominated by Head of Department.	(i) Special disability leave (ii) Earned Leave, Half pay leave, Commuted leave, Leave not due, Extraordinary Leave, Maternity Leave.

** Inserted by G.S.R.No.38 (E) dated 15.1.1999*

(MOS No.PR-12016/14/P)PE-II dated 15.1.1999

1 Substituted by TR No.143 of 1979 (w.e.f. 9.2.1980)

THE SECOND SCHEDULE

[See Regulation 3(1)(g)]

FORM – I

(See Regulation 12)

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name of applicant :
2. Post held :
3. Department, Office and Section :
4. Pay :
5. House Rent and other compensatory allowances drawn in the present post :
6. Nature and period of leave applied for and date from which required :
7. Holidays, if any, proposed to be prefixed/suffixed to leave :
8. Grounds on which leave is applied for :
9. Date of return from last leave and the nature and period of that leave :
- *10. I propose/ do not propose to avail myself of leave travel concession for the block years _____ during the ensuing leave. :
11. Address during leave period :
- *12. In the event of my resignation or voluntary retirement from service, :

I undertake to refund

- (i) the difference between the leave salary drawn during commuted leave and that admissible during half pay leave, which would have been admissible had sub-regulation (1) of regulation 27 not been applied;
- (ii) the leave salary drawn during 'leave not due' which would not have been admissible had sub-regulation (1) of regulation 28 not been applied.

*[Score out whatever be not applicable]

SIGNATURE OF APPLICANT

(with date)

13. Remarks and/or recommendation of the Controlling (Supervisory) Officer

SIGNATURE (with date)

DESIGNATION

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

[By Accounts Department in case of Class I and Class II employees]

14. Certified that _____

(Nature of leave)

for _____ from _____ to _____

(period)

is admissible under regulation _____ of the BPT Employees (Leave) Regulations, 1975.

SIGNATURE (with date)

DESIGNATION

15. Orders of the authority competent to grant leave.

SIGNATURE (with date)

DESIGNATION

FORM II

MEDICAL CERTIFICATE FOR EMPLOYEES RECOMMENDED LEAVE OR EXTENSION OF
LEAVE OR COMMUTATION OF LEAVE

(See Regulation 16)

Signature of employee/ _____
Thumb Impression

I, _____, after careful personal examination of the case hereby certify that
Shri / Shrimati / Kumari _____, whose signature/ thumb impression is given
above, is suffering from _____ and I consider that a period of absence from duty of
_____ with effect from _____ is absolutely necessary for the restoration of
his/her health.

Port Trust Medical Officer

_____ Hospital / Dispensary

or Registered Medical Practitioner

Dated : _____

Note : 1. The nature and probable duration of the illness should be specified.

Note : 2. This form should be adhered to as closely as possible and should be filled in after the signature/ thumb impression of the employee has been taken. The certifying doctor is not at liberty to certify that the employee requires a change from or to a particular locality. Such certificates should only be given at explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him.

Note : 3. Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by the Chief Medical Officer who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the employee to appear before himself or before a medical officer nominated by himself.

Note : 4. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

¹ [Note : 5. Signature / thumb impression need not be taken on the certificate, if the certificate is issued on the advice of the BPT Hospital by the BPT dispensary at which the employee is registered for medical attendance and treatment.]

FORM III

[See Regulation 21(2)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

* (To be issued when the employee was under the treatment of a Port Trust Medical Officer)

Signature of employee/ _____

Thumb impression

I, _____, Medical Officer, B.P.T. _____ Dispensary, BPT Hospital, do hereby certify that I have carefully examined Shri/Shrimati/Kumari _____, whose signature/ thumb impression is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Port Trust service. I also certify that before arriving at this decision, I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at any decision.

MEDICAL OFFICER

Dated _____

B.P.T. _____ Dispensary / Hospital

Note : The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificates of the case should be prepared in duplicate, one copy being retained by the employee concerned.

¹ * & 1. Inserted by TR No.661 of 1975 (w.e.f. 19.2.1976)

¹ [FORM III]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

(To be used when the employee was not under the treatment of a Port Trust Medical Officer)

Signature of employee/ _____

Thumb impression

I, _____, Medical Officer, B.P.T. _____ Dispensary/BPT Hospital, do hereby certify that I have examined Shri/Shrimati/Kumari _____, whose signature/ thumb impression is given above, and find him/her today fit to perform his/her duties in Port Trust service.

MEDICAL OFFICER

Dated _____

B.P.T. _____ Dispensary / Hospital

1. Inserted by TR No.661 of 1975 (w.e.f. 19.2.1976)