

MUMBAI PORT TRUST



RULES OF THE PROVIDENT FUND

ACCOUNTS DEPARTMENT

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

(Revised upto 30th September 1990)

MUMBAI

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

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

Approved under the Board' Resolutions Nos.87
dated 13th February, 1951 and 294
dated 8th May 1951.

(Revised upto 30th September 1990)

BOMBAY PORT TRUST

RULES OF THE PROVIDENT FUND

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INTRODUCTION

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

* Revised from time to time.

MUMBAI PORT TRUST
RULES OF THE PROVIDENT FUND

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

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

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

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

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

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

¹ [(c) * * * * *]

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes: ² [* * * * *]

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

- (i) The word "pay" means "pay" as defined in Article 11(11) of the Trustees' Digest of Pay and Allowances, 9th Edition.
- (ii) A subscriber shall contribute to the Provident Fund, while on duty, on his pay. While on leave he shall contribute on the amount of his leave salary. (The term "leave salary" does not include any allowance payable to a subscriber while on leave or any portion of such an allowance unless it is to be taken into account for purposes of the Provident Fund under any other rules for the time being in force.

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

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

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

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

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

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

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

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

(c) Dearness Allowance ¹ [* * * * *]

(d) Compensatory (City) Allowance;

¹ Deleted by T.R. No. 1193 of 1970
(w.e.f. 01.01.1959)

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

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

- (ii) In the case of 'A' Category Dock Shore Mazdoors and Mopias of Docks Department and Crane Drivers, Hydraulic, 5 and 6 tons and cwt. and Crane Drivers, Electric, 3 and 6 tons, of the Engineering Department the word 'pay' for the purpose of these rules, comprises (a) piece-rate earnings (b) earnings for work for which payment is made on time rates (c) earnings for ancillary work (d) attendance allowance wherever payable (e) payments for weekly days of rest and (f) payments for paid holidays and casual leave. It does not include house 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 "pay" for the purpose of these rules.
- (2) Should a question arise whether a particular amount payable to an employee is "pay" within the meaning of the definition of "pay" given in clauses (i) and (ii) above, it shall be referred to the Chairman and his decision shall be final. Similarly, should a question arise in regard to overtime or house rent allowance, both of which are excluded from the definition of "pay" given in the above mentioned clauses, it shall be referred to the Chairman and his decision shall be final.
- ¹ [(3) In the case of the employees mentioned in clause (ii) above, the deduction on account of house rent allowance from their earnings shall be made at the following rates:

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

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

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

- (iii) A subscriber shall contribute to the Provident Fund, while on duty, on his pay and while on leave of any kind, on the leave salary and allowance actually drawn by him during or in respect of such leave but these shall not include house rent allowance or any concession or any payment received by him during or in respect of such leave which is not covered by the definition of pay given in clauses (i) and (ii) above.
- ¹ [(iv) The monthly subscription shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped.]
- v) a) In addition to the contribution required to be made by each subscriber under sub-rule (1) of this rule, he may be required by an order issued by the Board in this regard, to make two ad hoc contributions, viz. (i) one out of but not exceeding such ex gratia payment in lieu of bonus in respect of the accounting year 1966-67 as may be due to him and (ii) the other out of but not exceeding such arrears of dearness allowance consequent on the revision of the rate at which dearness allowance is payable, as may be due to him in respect of the period from 1st February 1967 to 31st August, 1967, each contribution being of such quantum or at such rate, as may be fixed by the Board.

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

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

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

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

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

2. Inserted #

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

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

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

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

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

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

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

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

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

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

1. Substituted by T.R. No. 937 of 1965.

(w.e.f. 5.10.1965)

* See

Appendix

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

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

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

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

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

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

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

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

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

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

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

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

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

on the Board's contribution (excluding any special contributions admissible under Rule 10) actually credited to the subscribers' accounts together with accrued interest thereon respectively at the same rate of interest per annum as that which shall have been earned by the Board during the previous official year upon the Provident Fund investments :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1. Inserted by T.R. No. 370 dated 13.12.1979 and MOST's Notificaiton No. PEB-3/78 dated 29.10.1979.
 2. (w.e.f. 10.11.1979).
 3. Inserted by T.R. No. 937 of 1965 (w.e.f. 05.10.1965)

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

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

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

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

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

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

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

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

¹ [16A. If departmental proceedings are instituted while an employee who is governed by these Rules is in service, whether before his retirement or during his re-employment, the same shall, after the final retirement of the employee, be deemed to be proceedings under these Rules and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service.

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

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

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

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

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

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

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

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

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

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

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

(i) When the subscriber leave a family -

(a) . If a nomination made by the subscriber in accordance with the provisions of Rule 17 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

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

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

Provided that no share shall be payable to –

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

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

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

(ii) When the subscriber leaves no family :-

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

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

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

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

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

¹Substituted by TR No.704 of 1964.

- (e) In the case of a female subscriber dying while in the service of the Board and leaving behind a widower but no child, the special contribution shall be payable to her legal heirs.
- (f) In the case of a female subscriber dying while in the service of the Board and leaving behind a dependent child or children, the special contribution shall be payable to such child or children in such shares as may be determined by the Board and for this purpose it shall be immaterial whether or not the female subscriber also leaves behind a widower.
- (g) In the case of a female subscriber dying while in the service of the Board and leaving behind children, some of whom are dependent and some independent, the special contribution shall be payable only to the dependent child or children and for this purpose, it shall be immaterial whether or not the female subscriber also leaves behind a widower.]

¹ [19A. (1) The Chairman, may, at his discretion, grant advances out of the Fund.

- (a) To any subscriber to meet the expenses incurred or to be incurred, by himself or any member of his family actually dependent on him, on
 - (i) overseas passage for reasons of health or education;
 - (ii) education outside India whether in an academic, technical, professional or vocational course; and
 - (iii) medical, engineering and other technical courses in India, beyond the High School stage, provided that the course of study is of not less than three years' duration.

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

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

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

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

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

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

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

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

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

- (a) Advance under (1)(a), (b) and (d) :
Thirty-six instalments.
- (b) Advances under (1)(c): ¹ [One hundred and twenty instalments.]

¹Substituted by TR No.705 of 1964.

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

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

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

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

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

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

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

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

OR

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

OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To,
The Chief Accountant,
Bombay Port Trust.

Dear Sir,

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

Yours etc.

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

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

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

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

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

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

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

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

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

*See Appendix 'J'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PROVIDENT FUND ACT, 1925

No. 19 of 1925

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

[27th August, 1925]

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

It is hereby enacted as follows

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

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

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

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

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

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

- (b) "contribution " means any amount credited in a Provident Fund by any authority administering the Funds, by way of addition to, subscription to or deposit or balance at the credit of an individual account in the Fund; and "contributory Provident Funds" means a Provident Fund the rules of which provide for the crediting of contributions.

- (c) "dependant" means any of the following relatives of a deceased subscriber to or a depositor in a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child, and, where no parent of the subscriber or depositor is alive, a paternal grant-parent,

- (d) "Government Provident Fund" means a Provident Fund, other than Railway Provident Fund, constituted by the authority of the Secretary of State, the Central Government, the Crown Representative or any State Government for any class or classes or persons in the service of the Government or of persons employed by bodies existing solely for educational purpose and references in this Act of the Government shall be construed accordingly;

- (e) "Provident Fund" means a fund in which subscriptions or deposits of any class or classes of employees.