

## Digest of Pay and Allowances,

### Leave and Pension Rules

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#### INTRODUCTION

1 to 4 redundant.

5. In any case or matter not specifically provided for in these Rules or in subsequent amendments thereof, the ruling in the Fundamental Rules of the Central Government will, generally, and in so far as they can be adapted to Port Trust requirements, be held to apply, provided that any matter in the said Rules left to the discretion, option, special rule or order of the Central Government, shall be decided by the Chairman or the Board, as the case may be.

6 to 10 redundant

#### PART I

## Pay and General Conditions of Service

### **DEFINITIONS**

11. Unless there be something repugnant in the subject or context, the terms defined in this part are used in the rules in the sense here explained:

(1) "Average pay" means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay provided that in the case of an officer deputed out of India who draws pay as laid down in Article 37(a), his average pay shall be assumed to be the full pay which he would have drawn if on duty in India.

(2) "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.

(3) "Compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

(4) "Duty" includes service as a probationer or apprentice, provided that such service is followed by confirmation.

(5) "Honorarium" means a recurring or non-recurring payment granted to an officer or servant as remuneration for special work of an occasional character.

(6) "Leave on average (or half or quarter average) pay" means leave on leave salary equal to average (or half or quarter average) pay as regulated by Articles 77 and 78.

(7) "Leave salary" means the monthly amount paid by the Board to an officer or servant on leave.

(8) "Lien" means the title of an officer or servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

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

(10) "Officiate" – An officer or servant officiates in a post when he performs the duties of a post on which another person holds a lien. The Chairman or the Board may appoint an officer or servant to officiate in a vacant post on which no other officer or servant holds a lien.

(11) "Pay" means the amount drawn monthly by an officer or servant as –

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre.

(ii) technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Board.

(12) "Permanent post" means a post carrying a definite rate of pay sanctioned without limit of time and included in the schedule of permanent staff under the Bombay Port Trust Act.

(13) "Personal pay" means additional pay granted to an officer or servant --

(a) to save him from a loss of substantive pay in respect of a permanent post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure, or

(b) in exceptional circumstances, on other personal considerations.

(14) "Presumptive pay of a post", when used with reference to any particular officer or servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless he performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

(15) "Special pay" means an addition, of the nature of pay, to the emoluments of a post or of an officer or servant, granted in consideration of --

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility; or

(c) the unhealthiness of the locality in which the work is performed.

(16) "Subsistence grant" means a monthly grant made to an officer or servant who is not in receipt of pay or leave salary.

(17) "Substantive pay" means the pay other than special pay, personal pay or emoluments classed as pay by the Board under Article 11(11)(iii), to which an officer or servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

(18) "Technical pay" means pay granted to an officer in consideration of the fact that he has received technical training in Europe.

(19) "Temporary post" means a post not included in the schedule of permanent staff under the Bombay Port Trust Act.

(20) (a) "Time-scale pay" means pay, which subject to any conditions prescribed, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class

having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(21) "Travelling allowance" means an allowance granted to an officer or servant to cover the expenses which he incurs in travelling in the interests of the Board's service. It includes allowances granted for the maintenance of conveyances.

### **GENERAL CONDITIONS OF SERVICE**

12. Every person appointed to the Port Trust service must produce a certificate of physical fitness from a Port Trust Medical Officer/ Assistant Chief Medical Officer/Chief Medical Officer. When a person who has produced such a medical certificate is discharged from Port Trust Service and is re-engaged on the Scheduled Establishment, a fresh medical certificate need not be produced by him, if the re-engagement takes place within a period of six months from the date of his discharge, unless the appointing authority is of the opinion that there is a doubt regarding the physical fitness of the person concerned.

13. Unless in any case it be otherwise distinctly provided, the whole time of an officer or servant is at the disposal of the Board, and he may be employed in any manner required, without claim for additional remuneration.

14. (a) Two or more officers or servants cannot be appointed substantively to the same permanent post at the same time.

(b) An officer or servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.

(c) An officer or servant cannot be appointed substantively to a post on which another officer or servant holds a lien.

14.A. Unless in any case it be otherwise provided in these rules, an officer or servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

15. (a) The Chairman or the Board may transfer an officer or servant from one post to another; provided that, except

(1) on account of inefficiency or misbehaviour, or

(2) on his written request, an officer or servant shall not be transferred substantively to, or except in a case covered by Article 36, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien, had his lien not been suspended.

(b) Nothing contained in clause (a) of this Article or in clause (8) of Article 11 shall operate to prevent the retransfer of an officer or servant to the post on which he would hold a lien, had it not been suspended.

16. After five years' continuous absence from duty whether with or without leave, an officer or servant ceases to be the Port Trust employee.

16.A. The employment of an officer or servant who tenders resignation shall not terminate until after the expiration of a period of 3 months from the date the resignation is tendered, unless in the meanwhile the Board or the Chairman, as the case may be, directs that the resignation shall take effect from an earlier date.

## **PAY**

17. The initial substantive pay of an officer or servant who is appointed substantively to a post on a time-scale of pay is regulated as follows:

(a) If he holds a lien on a permanent post,

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of Article 24) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay plus personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

(iii) when appointment to the new post is made on his own request under Article 15(a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) and in cases other than cases of re-employment after resignation or removal or dismissal from service covered by clause (b), that if he has previously held substantively or officiated in –

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post, or a temporary post on an identical time-scale, such temporary post being on the same time-scale as a permanent post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Board under Article 11(11)(iii), which he drew on the last

such occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

<sup>1</sup> [17A. Notwithstanding anything contained in these articles, where an employee holding a post in a substantive or an officiating capacity is promoted or appointed in a substantive or an officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

Provided that the provisions of this article shall not apply where an employee holding a Class I post in a substantive or an officiating capacity is promoted or appointed in a substantive or an officiating capacity to a higher post which is also a Class I post.

Provided further that the provisions of clause (2) of Article 25 shall not be applicable in any case where the initial pay is fixed under this article.

Provided also that where an employee is, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post.

Provided that if an employee has previously held substantively, or officiated in –

- (i) the same post, or
- (ii) a permanent or temporary post on the same time-scale, or
- (iii) a permanent post or a temporary post on an identical time-scale

then proviso to Article 17 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

Explanation: In this article, the expression 'Class I post' shall be deemed to have the same meaning with effect from 1<sup>st</sup> November 1973 as is assigned to it in the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976].

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*1 Amendment made by TR No.288 of 13.9.1977 and MOST Notification No.PEB-74/77 of 21.1.1978 and effective from 1.11.1973.*

18. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay, provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

<sup>1</sup> [19. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from an employee by the Chairman or by the authority which has

the power to make a substantive appointment to the post held by the employee, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.]

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*1 Amendment made by TR No.231 of 13.7.1976 and MOST No.PEB- 59/76 of 7.9.1976 and effective from 16.9.1976.*

20. (1) Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to an employee without the specific sanction of the authority empowered to withhold increments under Article 19 or of any authority whom the Chairman may by a general or special order authorise in this behalf.

(2) The case of every employee held up at an efficiency bar shall be reviewed annually with a view to determining whether the quality of his work has improved and, generally, the defects for which he was stopped at the bar have been remedied to an extent to warrant the removal of the bar.

Explanation : The words "reviewed annually" implies that the review should be made after a full year. However, where the increment at the efficiency bar falls in the latter half of the year and at the time the bar was imposed the reports upto the end of the previous year only were considered and the subsequent report warrants a review of the case, the review may be made before the expiry of a full year.

(3) On each occasion on which an employee is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

Note - In the case of an employee who is allowed to cross the efficiency bar which had previously been enforced against him, once the competent authority has determined the stage at which he should draw pay from the date he is allowed to cross the bar, the next increment above that stage will accrue to him on the usual date of drawal of increment, if it is otherwise admissible.

21. The following provisions prescribe the conditions on which service counts for increments in a time-scale :

(a) All duty in a post on a time-scale counts for increments in that time-scale.

Provided that for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale shall be added to the normal date of increment.

(b) (i) Service in another post, other than a post carrying less pay referred to in clause (a) of Article 15, whether in a substantive or officiating capacity service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate shall count for increments in the time-scale applicable to the post on which the employee holds a lien, as

well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which the employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India.

Provided that the Chairman may, in any case, in which he is satisfied that the extraordinary leave was taken for any cause beyond the employee's control or for prosecuting higher scientific or technical studies, direct that extraordinary leave shall be counted for increments under sub-clause (i) or (ii).

Note : For the purpose of sub-clause (ii) of clause (b) above, a certificate that the employee concerned would have continued to officiate but for his proceeding on leave is necessary. In cases in which no officiating arrangement is made in the leave vacancy and the employee returns to the same post after the expiry of the leave, the certificate may be issued by the leave sanctioning authority. In all other cases, the certificate shall be issued by the appointing authority.

(c) If an employee, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, or is appointed or re-appointed to a lower post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the employee would have officiated in the lower post but for his appointment to the higher post. This clause applies also to an employee who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

(d) Foreign service counts for increments in the time-scale applicable to –

(i) the post in the Board's service on which the employee concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended;

(ii) the post in the Board's service in which the employee was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale, but for his going on foreign service; and

(iii) the post in the Board's service in which the employee was not officiating at the time of his going on foreign service, for so long as he would have officiated in that post or a post on the same time-scale but for his going on foreign service.

Explanation : In this article, the expression "foreign service" means service in which an employee receives his pay with the sanction of the Central Government, or the Chairman, as the case may be, from any source other than the general account of the Board or the pilotage account of the Board.



<sup>1</sup> [21.A. Except as otherwise provided in Notes 1 and 2 below this article, the increment for every employee should be admitted from the first of the month in which it falls due under the provisions of Article 21.

Note 1 :In cases in which the date of next increment falls due, after counting the broken periods equal to one year, on a date later than the first of the month, the increment should be admitted from the first of the month if the employee has been holding the post from the first of that month to the date it falls due. In case he is not holding the post on the first of that month, the increment is admissible only from the date it falls due.

Note 2 : The provisions of this article do not apply to cases in which increments are withheld as a measure of penalty. Increments in such cases will be granted/restored from the date the penalty ceases.

21.B. An authority may grant a premature increment to an employee on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.]

<sup>1</sup> [Provided, however, that the power exercisable by an authority higher than the Chairman under this article may also be exercised by him in respect of a post to which he is empowered to make an appointment.]

<sup>2</sup> [22. The authority which orders the transfer of an employee as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

Provided that the pay allowed to be drawn by an employee under this article shall not exceed the pay which he would have drawn by the operation of Article 17 read with clause (b), or clause (c), as the case may be, of Article 21.

23. (1) If an employee is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, the period of reduction, shall operate to postpone future increments and, if so, to what extent.

(2) If an employee is reduced as a measure of penalty to a lower grade or post or to a lower time-scale, the authority ordering the reduction may or not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

23.A. Where an order of penalty of withholding of increment of an employee or his reduction to a lower grade or post, or to a lower time-scale, or to lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the employee shall, notwithstanding anything contained in these articles, be regulated in the following manner :-

(a) if the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;

(b) if the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation: If the pay drawn by an employee in respect of any period prior to the issue of the orders of the competent authority under this article is revised, the leave salary and allowances (other than travelling allowance), if any, admissible to him during that period shall be revised on the basis of revised pay.]

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*1 Amendment made by TR No.331 of 28.9.1976 and MOST letter of 7.1.1977 and effective from 27.1.1977.*

*2 Amendment made by TR No.342 of 8.11.1977 and MOST (TW) letter No.PEB-84/77 dated 2.5.1978 and effective from 20.5.1978.*

**24. Pay of officiating officers or servants** - Subject to the provisions of Article 36, an officer or servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post on which he holds a lien.

For the purpose of this article, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post on which he holds a lien, or on a scale of pay identical therewith.

25. (1) Subject to the provisions of Articles 24 and 28, an officer or servant officiating in a post will draw the presumptive pay of that post.

(2) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such officer or servant shall be re-fixed under clause (1) above from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage. Provided that the provisions of Articles 17-A shall not be applicable in the matter of re-fixation of pay under clause (2) of this article.

26. Deleted. [TR No.453 of 1930]

27. When an officer or servant officiates in a post the pay of which has been fixed at a rate personal to another officer or servant, the Chairman or the Board may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

28. The Chairman or the Board may fix the pay of an officiating officer or servant at an amount less than that admissible under these rules.

**29. Personal pay** – Except when ordered otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

**30. Pay of temporary posts** – When a temporary post is created which may have to be filled by a person not already in the Board’s service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

31. When a temporary post is created which will probably be filled by a person who is already in the Board’s service, its pay should be fixed by the Chairman or the Board with due regard to –

(a) the character and responsibility of the work to be performed, and

(b) the existing pay of officers or servants of a status sufficient to warrant their selection for the post.

32. A person appointed to a post created experimentally or temporarily will draw the pay of that post. If the post eventually becomes permanent, the incumbent will count his continuous service in the post for all permanent service privileges and for that purpose will be deemed to have held the post on the permanent schedule of staff.

33. Deleted [TR No.287 of 1976]

34. (A) Deleted [TR No.287 of 1976]

(B) Deleted [TR No.287 of 1976]

(C) Deleted [TR No.287 of 1976]

35. Compensatory allowance – The Board may grant a compensatory allowance to any officer or servant which shall be so regulated that the allowance is not on the whole a source of profit to the recipient.

### **COMBINATION OF APPOINTMENTS**

1[36. The Chairman may appoint an employee already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time :

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1[Amendment made by TR No.308 of 14.9.1976 and MOST(TW) letter No.PEB-8/76 of 3.2.1977 and effective from 24.2.1977.

Provided that no such appointment –

(a) of an employee referred to in clause (a) of sub-section (1) of section 24 of the Major Port Trusts Act, 1963; or

(b) to a post referred to in the clause as aforesaid,

shall be made except with the prior approval of the Central Government. In such cases, the employee’s pay is regulated as follows :

(i) where an employee is formally appointed to hold full charge of duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the Chairman reduces his officiating pay under article 28, but no additional pay shall, however, be allowed for performing the duties of a lower post;

(ii) where an employee is formally appointed to hold dual charge of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge :

Provided that if the employee is appointed to an additional post which carries a special pay, he shall be allowed such special pay;

(iii) where an employee is formally appointed to hold charge of another post or posts which is or are not in the same office, or which, though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or the highest post, if he holds charge of more than two posts, in addition to ten per cent of the presumptive pay of the additional post or posts, if the additional charge is held for a period not exceeding 3 months and in exceptional cases 9 months;

(iv) no additional pay shall be admissible to an employee who is appointed to hold current charge of the routine duties of another post or posts irrespective of the duration of the additional charge;

(v) if a compensatory allowance is attached to one or more of the posts, the employee shall draw such compensatory allowance as the Chairman may fix :

Provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

37. Deleted [TR No.65 of 1933].

### **TRAINING OUT OF INDIA**

38. When an officer of the Engineering Department is selected for training in Great Britain under the scheme sanctioned by Trustees' Resolution No.495 of 1928, his pay, allowances, etc. shall be regulated as follows :

(a) the period of training in Great Britain shall not exceed two years, exclusive of the time spent on the voyage from and to India;

(b) the officer shall be allowed his full substantive pay for the period of his training and the homeward and outward voyage, subject to a minimum of Rs.300 per mensem; the Board may also permit the officer to draw any compensatory allowance admissible to him under the rules as if he was on duty in Bombay;

(c) the full period under (b) will count as a qualifying service for leave, provident fund and special contribution and also for increments in his substantive grade which will, however, be drawn only with effect from the date of the officer's return to duty.

## **SERVICE IN THE ARMY IN INDIA RESERVE OF OFFICERS**

39. The pay, leave and allowances of any employee of the Board who is a Member of the Army in India Reserve of officers will be governed by the following regulations when such employee is called up for training or to Army service necessitating his absence from Port Trust duties :

(1) The absentee will retain a lien on his Port Trust appointment and his service in the Army in India Reserve of Officers under the above conditions will count as service for leave, increments of pay and gratuity under the Port Trust rules.

(2) While undergoing training he will receive his Port Trust pay in addition to his military pay and allowances and when called for army service such pay and allowances as may be decided by the Board when the occasion arises.

## **DISMISSAL, REMOVAL AND SUSPENSION**

1[40. The pay and allowances of an employee who is dismissed or removed from service cease from the date of such dismissal or removal.

41. (1) An employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:

(a) a subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half pay and, in addition, dearness allowance, if admissible on the basis of such leave salary :

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows :

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the employee;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee;

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1[Amendment made by TR No.287 of 24.8.1976 and MOST(TW) letter No.PEB-86/76 of 1.3.1977 and effective from 17.3.1977.

(iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

(b) compensatory (city) allowance and house rent allowance admissible from time to time on the basis of the pay of which the employee was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-regulation (1) shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation :

Provided that in the case of an employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement under sub-regulation (4) or sub-regulation (5) of regulation 7 of the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

42. (1) When an employee who has been dismissed, removed or compulsorily retired is re-instated as a result of appeal or review or would have been so re-instated but for his retirement on superannuation while under suspension preceding the dismissal, removal or compulsory retirement, the authority competent to order re-instatement shall consider and make a specific order –

(a) regarding the pay and allowances to be paid to the employee for the period of his absence from duty including the period of suspension preceding his dismissal, removal, or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order re-instatement is of the opinion that the employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the employee shall, subject to the provisions of sub-regulation (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal, or compulsory retirement, as the case may be :

Provided that where such authority is of the opinion that the termination of the proceedings instituted against an employee had been delayed due to reasons directly attributable to the employee, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the employee shall, subject to the provisions of sub-regulation (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-regulation (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-regulation (2), the employee shall, subject to the provisions of sub-regulations (6) and (7), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice.

Provided that any payment under this sub-regulation to an employee other than an employee who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for re-instatement of such employee are passed by the appellate authority or reviewing authority or immediately preceding the date of retirement on superannuation, as the case may be.

(5) In a case falling under sub-regulation (4) the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose.

Provided that if the employee so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the employee.

Note : The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of –

(a) extraordinary leave in excess of three months in the case of temporary employees; and

(b) leave of any kind in excess of five years in the case of permanent employees.

(6) The payment of allowances under sub-regulation (2) or sub-regulation (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-regulation (2) or sub-regulation (4) shall not be less than the subsistence allowance and other allowances admissible under article 41.

(8) Any payment made under this article to an employee on his re-instatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of re-instatement. Where the emoluments admissible under this article are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the employee.

42A. (1) Where the dismissal, removal or compulsory retirement of an employee is set aside by a court of law and such employee is re-instated without holding any further inquiry, the period of absence from duty shall be regularised and the employee shall be paid pay and allowances in accordance with the provision of sub-regulation (2) or (3), subject to the directions, if any, of the court.

(2) (i) Where the dismissal, removal or compulsory retirement of an employee is set aside by the court solely on a technical ground and where he is not exonerated on merits, the employee shall, subject to the provisions of sub-regulation (7) of article 42, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the employee of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period as may be specified in the notice :

Provided that any payment under this sub-regulation to an employee other than an employee who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which the judgement of the court was passed, or the date of retirement on superannuation of such employee, as the case may be.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgement of the court shall be regularised in accordance with the provisions contained in sub-regulation (5) of article 42.

(3) If the dismissal, removal or compulsory retirement of an employee is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of re-instatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-regulation (2) or sub-regulation (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this article to an employee on his re-instatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of re-instatement. Where the emoluments admissible under this article are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the employee.

42B. (1) When an employee who has been suspended is re-instated or would have been so re-instated but for his retirement on superannuation while under suspension, the authority competent to order re-instatement shall consider and make a specific order –

(a) regarding the pay and allowances to be paid to the employee for the period of suspension ending with re-instatement or the date of his re-instatement on superannuation, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in article 41, where an employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the



period between the date of suspension and date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order re-instatement is of the opinion that the suspension was wholly unjustified, the employee shall, subject to the provisions of sub-regulation (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended;

Provided that where such authority is of the opinion that the termination of the proceedings instituted against him had been delayed due to reasons directly attributable to the employee, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing that the employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-regulation (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-regulations (2) and (3), the employee shall, subject to the provisions of sub-regulations (8) and (9) be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings any order passed under sub-regulation (1) before the conclusion of the proceedings against the employee shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-regulation (1) who shall make an order according to the provisions of sub-regulation (3), or sub-regulation (5), as the case may be.

(7) In a case falling under sub-regulation (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose :

Provided that if the employee so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the employee.

Note - The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of –

(a) extraordinary leave in excess of three months in the case of a temporary employee; and

(b) leave of any kind in excess of five years in the case of a permanent employee.

(8) The payment of allowances under sub-regulation (2), sub-regulation (3) or sub-regulation (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-regulation (3) or sub-regulation (5) shall not be less than the subsistence allowance and other allowances admissible under article 41.

43. Leave may not be granted to an employee under suspension].

## **COMPULSORY RETIREMENT**

(Notes)

1[44. (a) Except as otherwise provided in this Article, every employee shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

(b) An employee may be granted extension of service after he attains the age of fifty-eight years with the sanction of the appropriate authority if such extension is in the interests of the Port Trust and the grounds therefor are recorded in writing :

Provided that no extension under this clause shall be granted beyond the age of sixty years, except in very special circumstances.

(c) Notwithstanding anything contained in this Article, the appropriate authority shall, if it is of the opinion that it is in the interest of the Port Trust so to do, have the absolute right to retire any employee by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice –

(i) if he holds a class I or class II post, after he has attained the age of fifty years;

(ii) in any other case, after he has attained the age of fifty-five years.

(d) Any employee may, by giving notice of not less than three months in writing to the appropriate authority, retire from service, after he has attained the age of fifty years, if he holds a class I or class II post and in all other cases, after he has attained the age of fifty-five years.

Provided that it shall be open to the appropriate authority to withhold permission to an employee under suspension or against whom any disciplinary or vigilance proceedings are pending or contemplated, who seeks to retire under this clause.

(e) An employee who has given notice under clause (d) or to whom notice has been given under clause (c) may be granted, from the date on which the notice expires, leave due and admissible to him, which may extend beyond the date on which he retires or is retired from service, but not extending-

(i) if his date of birth is the first of a month, and –

(1) he had entered Port Trust service before the 1<sup>st</sup> July 1952, beyond the date on which he attains the age of fifty-eight years and six months;

(2) he has entered Port Trust service on or after the 1<sup>st</sup> July 1952, beyond the date on which he attains the age of fifty-eight years;

(ii) If his date of birth is not the first of a month, and –

(1) he had entered Port Trust service before the 1<sup>st</sup> July 1952, beyond the last day of the month in which he attains the age of fifty-eight years and six months;

(2) he has entered Port Trust service on or after the 1<sup>st</sup> July 1952, beyond the last day of the month in which he attains the age of fifty-eight years;

Provided that an employee who is retired by the appropriate 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.

## **P A R T II**

### **LEAVE**

Different regulations brought out in one volume as BPT Employees (Leave) Regulations, 1975, by TR No.311 of 10.6.1975 (effective from 21.8.1975 )

45 to 69 redundant.

### **CASUAL LEAVE**

70. Casual leave is not recognised under these rules. Technically, therefore, an officer on casual leave is not treated as absent from duty, and his salary is not intermitted. Casual leave, however, must not be given so as to cause evasion of standing rules, or so as to extend the term of leave beyond the time admissible by rules.

71. Casual leave may be given, at the discretion of Heads of Departments, under the provisions of the Board's Circular of 1896 ([see Appendix A](#) ).

### **ANNUAL LEAVE**

72. Deleted [TR No.154 of 1958].

73. A part-time officer in superior service may be granted leave as follows :-

(a) Earned leave at one-twenty-second of the period spent on duty provided that when the earned leave due amounts to 30 days he ceases to earn such leave.

(b) Extraordinary leave for a period not exceeding 3 months on any one occasion.

Note - Temporary part-time Consultants & Honoraries of the BPT Hospital are to be granted leave on the above basis – TR No.324 of 1968.

74. to 86 - redundant.

## **PART VI**

Regulations governing the grant of pension, gratuity or compassionate allowance to the surviving relatives of officers and servants of the Board killed, and to officers and servants of the Board injured, in the execution of their duties.

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109. In any case where an officer or servant of the Board is killed in the execution of his duty and the surviving relatives who are also dependants of such officer or servant, owing to reasons which the Board deem sufficient, are not entitled to receive under the Provident Fund or Gratuity rules framed under Section 22 of the Bombay Port Trust Act No.VI of 1879, a sum which, in the opinion of the Board, would be adequate for their support, the Board may grant to the surviving relatives who are also dependants of such officer or servant, in addition to the Provident Fund benefit admissible under the rules, such pension, gratuity or compassionate allowance, as they may deem proper.

Provided, however, that this regulation shall not apply to any officer or servant to whom the provisions of the Indian Workmen's Compensation Act No.VIII of 1923 are applicable.

Provided also that in the case of officers specified in Section 24 of the Bombay Port Trust Act, the total benefit granted in any case under the above regulations shall not, except with the previous sanction of the Central Government, exceed the amount that would have been admissible to the family of an officer of corresponding rank and status in the service of the Crown.

Note : Relief to families of employees killed in execution of their duties to be paid 36 months' last drawn pay minus Workmen's Compensation due, if any.

(See Order under TR No.121 of 26.4.1982)

110. In any case where an officer or servant of the Board is injured in the execution of his duty otherwise than through his own negligence or wilful action, and such injury is certified by the Port Trust Medical Officer to result in permanent total or partial disablement and permanent incapacity for further service in Bombay Port Trust, and owing to reasons which the Board deem sufficient, such officer or servant is not entitled to receive under the Provident Fund or Gratuity Rules framed under Section 22 of the Bombay Port Trust Act, No.VI of 1879, a sum which, in the opinion of the Board, would be adequate for his support, the Board may grant such officer or servant in addition to the Provident Fund benefit admissible under the rules such pension, gratuity or compassionate allowance, as they may deem proper.

Provided, however, that this regulation shall not apply to any officer or servant, to whom the provisions of the Indian Workmen's Compensation Act No.VIII of 1923 are applicable.

Provided also that in the case of officers specified in Section 24 of the Act the total benefit granted in any case under the above regulation shall not, except with the previous sanction of the Central Government, exceed the amount that would have been admissible to an officer of corresponding rank and status in the service of the Crown.

### **Digest of Pay and Allowances,**

### **Leave and Pension Rules**

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Appendix G	<a href="#">Rules for the grant of certain special kinds of leave.</a>

### APPENDIX A

([See Article 71](#))

### **CASUAL LEAVE RULES**

1. These rules, as sanctioned by the Board, are as follows :-

(i) Casual leave, or a short occasional absence on full pay, is not claimable, but may be granted as a favour when it can be done without causing extra expense to the Board, and Heads of Departments will subject to this condition, exercise the option of granting or withholding it.

(ii) Leave of this description, not being provided for by the Pension and Leave Rules, is not recognised under them, does not affect any privileges they confer, and need not be reported to the Board.

(iii) Casual leave means absence with the previously obtained consent and on the responsibility of a superior. It may be given by Heads of Departments to their subordinates, of whatever rank

or grade, without further sanction or report, and should be obtained by them under the same circumstances from the Chairman.

(iv) The limit of casual leave to each individual is twenty days in the calendar year, but not more than half of the limit can be granted in an unbroken period.

Note : In the case of Dock Masters, Master Pilots and Pilots casual leave in excess of 10 days may be granted at a time on grounds of certified illness.

(v) Casual leave cannot be granted immediately preceding or following any other leave or any succession of holidays. The expression "succession of holidays" is used to prevent casual leave being taken with, for instance, Christmas holidays.

(vi) Person on casual leave may leave Bombay for the time with the knowledge and consent of the authority who sanctioned the leave.

(vii) Authentic memoranda of the periods of absence on casual leave by the members of the department should be kept in each office and an officer, before disposing of an application for casual leave, should refer to such memoranda to see that the limit in the year has not been exceeded.

(viii) Subject to the Chairman's approval, Heads of Departments may grant special casual leave on full pay to all employees who are members of a unit in the Home Guards, the Indian Territorial Force, St. John's Ambulance Brigade Overseas, or of officially recognised Scouts Associations, to attend parades, training camps, practice firing or other military duties. Such leave will not be debited to the ordinary casual leave account referred to in sub-rule (iv) and is not subject to conditions in sub-rules (iv), (v) and (vii).

2. Attention is drawn to the fact that such leave is granted as a favour only, and entirely at the discretion of Heads of Departments.

3. Much inconvenience to the business of the Board is at times experienced by members of the establishment absenting themselves for a day or two at a time without previous sanction as required by Rule 1(iii).

With reference to such a case, it is pointed out :-

(a) that absence without leave involves forfeiture of pay and allowances and constitutes an interruption of service unless subsequently condoned;

(b) that it rests with Heads of Departments to deal with such cases in accordance with the merits of each. They can either –

(1) exact the full penalty and report the case; or

(2) recommend, should there be sufficient reason, the grant of leave without pay, which would condone the interruption of service; or

(3) grant, should the circumstances justify it, casual leave retrospectively, and so condone the absence, or recommend the grant of other leave, should casual leave not be admissible.

(c) in judging of the merits of each case, it is within the discretion of the Head of the Department to require the production of a medical certificate, if necessary, if the plea is sickness. But, as a general rule, it is not the custom to require a medical certificate for periods of absence not exceeding two days.

Notes to Appendix `A`

Special Casual Leave/Additional Special Casual Leave

I. Family Welfare Programme :

1. Vasectomy : TRs Nos.1085/1959, 409/1976, 74/1977, 120/1979,

2. Tubectomy : TRs Nos.1350/1959, 409/1976, 120/1979

3. I.U.D. : TR No. 716/1967

4. Recanalisation : TR No. 120/1979

(CA's circular No.CA/F/FWP-1(80)/13766 of 23<sup>rd</sup> April 1980)

II. Blood Donation : : TR No. 1287/1967

III. Sports : : TRs. No. 543/1975 48/1982 (For Asiad only)

IV. Attendance for Labour Conferences : TRs. No. 971/1959 209/1960

V. Workers' Education Scheme : TR No. 1163/1970

VI. Members of Territorial Army : TRs. No. 900/1953, 1480/1971, 1610/1972, 254/1973

VII. Anti-Rabic Treatment : (See Appendix G-I).

**APPENDIX – C**

([Annexure 'A'](#)) ([Annexure 'B'](#)) ([Annexure 'C'](#))

**I. Rules relating to Medical Attendance and Treatment**

**Rule I** : All employees irrespective of their class, category or pay and their families as defined below shall be entitled to medical attendance and treatment free of charge at Port Trust dispensaries.

Note : (a) "For the purpose of this Rule, "employees" shall not include persons employed by or through contractors or `C` Category Mazdoors employed in the Docks or Apprentices."

(b) An employee's family shall include (**Should be residing with and wholly dependant on 'the employee'**) :

- (i) his wife, if the employee is a male;
- (ii) her husband, if the employee is a female;
- (iii) legitimate children including children legally adopted;
- (iv) step-children; and
- (v) Parents.

Explanation :

(1) An employee's wife, if she is herself employed in a Department either of the Central or State Government or in a Corporation/Undertaking, financed partly or wholly by the Central or a State Government or in a Local Body or a private organisation, which provides medical services to its employees and the eligible children of such an employee would be entitled to choose either the facilities admissible under these Rules or the medical facilities provided by the organisation in which she is employed. In case she and/ or the eligible children avails/avail herself/themselves of the facilities provided for in these Rules, the employee, who claims reimbursement, should furnish a declaration that no claim is being made for the reimbursement of the same medical expenses from any other source.

(2) In a case where both husband and wife are Port Trust employees, the wife, as well as the eligible children, may be allowed to avail themselves of the medical concessions provided for in these Rules according to his/her status.

(c) By "medical attendance" is meant the examination of an employee or a member of his family, for the diagnosis of his illness, by the Medical Officer or the Asstt. Medical Officer in charge of, or attached to, a dispensary including Pathological, Bacteriological, Radiological or any other method of examination which the Medical Officer or the Asstt. Medical Officer may consider necessary, to the extent that the equipment and facilities for carrying out such examination are available at the dispensary. It may also include a further examination by the Chief Medical Officer or the Asstt. Chief Medical Officer in cases in which the Medical Officer or the Asstt. Medical Officer may consider it necessary or advisable to consult the Chief Medical Officer or the Asstt. Chief Medical Officer.

(d) By "treatment" is meant the tendering of necessary medical advice and the supply of such medicines, vaccines, sera, injectiles or other therapeutic substances as may be available at the dispensary from time to time. It includes, in surgical cases, such operations as may conveniently be performed by the Medical Officer or the Asstt. Medical Officer with the appliances, instruments, etc., at his disposal at the dispensary and the post operative care and treatment for which facilities may exist at the dispensary.

(e) In the event of the death of an employee while in service, a member of his family undergoing treatment at any of the Port Trust dispensaries at time of death of the employee may continue to receive the treatment at the dispensary for a period not exceeding three months from the date of death of the employee on the same terms and conditions as applicable to him immediately before the death of the employee.



**Rule II :** (a) Each dispensary shall be provided, for the purpose of the medical attendance and treatment referred to in the above Rule, with such instruments, appliances, equipment, plant, etc., as may be approved by the Board on the recommendation of the Chief Medical Officer. No charge shall be levied for the use of any such instruments, appliances, equipment, plant, etc. in the case of Port Trust employees and their families. The list of medicines, vaccines, sera, injectiles, etc. to be stocked in each dispensary and supplied free to Port Trust employees and their families, shall be prepared and revised from time to time by the Chief Medical Officer and a copy of the up-to-date list shall be displayed on the Notice Board of the dispensary.

(b) If any medicines, vaccines, sera, injectiles or other therapeutical substances not included in the above list are required in a particular case, the same shall be purchased by the employee at his own cost and he shall subsequently be reimbursed by the Administration the cost involved, subject to the Chief Medical Officer or the Asstt. Chief Medical Officer furnishing a certificate in the form prescribed in Annexure `A' to these Rules.

Note : An employee shall not be entitled to any payment from the Administration under this Rule in respect of preparations which are not medicines, but are in the nature of foods, tonics, toilet preparations or disinfectants.

**Rule III :** (a) A list of Port Trust dispensaries is given in Annexure `B' to these Rules. The list may be altered or added to from time to time with the approval of the Board.

(b) The days of the week on which and the hours during which each dispensary shall be open for providing the medical attendance and treatment mentioned in Rule I shall be fixed by the Chief Medical Officer from time to time. Necessary arrangements shall, however, be made for attending to emergency cases outside the hours so fixed at such dispensaries as may be decided by the Chief Medical Officer.

**Rule IV :** A Port Trust employee who, due to the severity of his illness, is unable to come personally to a Port Trust dispensary for the necessary medical attendance and treatment, may request the Medical Officer in charge of, or attached to, the dispensary nearest to his residence or, if the employee is on an "authorised" scale of pay rising to over Rs.575 per month, the Asstt. Chief Medical Officer, to attend on him at his residence. The Medical Officer or the Asstt. Chief Medical Officer, so requested shall call on the ailing employee as soon as it is possible for him to do so. No fees or other charges shall be payable to the Port Trust Doctors for such visits.

**Rule V :** (a) It shall be open to a Port Trust employee to request the Medical Officer in charge of, or attached to, the dispensary nearest to his residence to visit the residence for the treatment of a sick member of his family who is too ill to come personally to a Port Trust dispensary for the necessary medical attendance and treatment. If the Medical Officer so requested is satisfied that the patient is really too ill to come personally to the dispensary, he shall call at the residence of the employee as soon as it is possible for him to do so. Same as provided in the exception below, the Medical Officers shall be entitled to recover fees for such visits from the employees concerned on the following scale :

(1) Employees whose basic pay exceed Rs.200 per month : Rs.3 per visit

(2) Employees whose basic pay is Rs.200 or under : Rs.2 per visit

No separate conveyance charges shall be payable by the employees concerned to the Medical Officers for such visits.

Exception : Employees, who are on "authorised" scale of pay of which the maximum is Rs.110, or less, and who reside in Port Trust quarters, shall not be liable to pay fees under this Rule.

(b) An employee who is on an "authorised" scale of pay the maximum of which exceeds Rs.575 may also call the Assistant Chief Medical Officer to his residence for examining and advising on the treatment of a sick member of his family. The Assistant Chief Medical Officer (full time) shall be entitled to recover fees for such visits from the employees concerned at the rate of Rs.7 per visit. The part-time Assistant Chief Medical Officer shall be entitled to charge fees for such visits at the rate of Rs.20 per visit, of which Rs.7 shall be paid by the employee and Rs.13 by the Administration. No separate conveyance shall be payable to the Assistant Chief Medical Officer for such visits either by the employee or by the Administration.

Note : (1) The right of calling to his residence a Medical Officer or the Assistant Chief Medical Officer under Rules IV and V above is not available to an employee living beyond Jogeshwari or Bhandup.

(2) In all cases of minor ailments or where they are not too ill to travel, the patients must personally attend at a dispensary for the necessary Medical attendance and treatment.

Rule VI : Medicines, injectiles, etc., prescribed by a Port Trust doctor during his visit to an employee's residence under Rule IV or V above, shall if available at any of the Port Trust dispensaries, be supplied free of charge. If any medicines, injectiles, etc. prescribed by a Port Trust doctor during such a visit to an employee's residence, are not available at any of the Port Trust dispensaries, the same shall be purchased by the employee at his own cost and he shall subsequently be reimbursed by the Administration the cost involved, subject to the Chief Medical Officer or the Asstt. Chief Medical Officer furnishing a certificate in the form prescribed in Annexure `A` to these Rules.

Rule VII : (a) If the Port Trust doctor attending on an employee or a member of an employee's family is of the opinion that the case of the patient is of such a serious or special nature as to require consultation with or attendance by a Specialist or Consultant, he may, with the approval of the Chief Medical Officer or the Asstt. Chief Medical Officer send the patient to the Specialist or if the patient is too ill to travel, arrange with the Specialist or Consultant for the latter to attend on the patient at his residence.

(b) The fees of the Specialist or Consultant shall be paid by the Port Trust in full where the patient is an employee and to the extent of two-thirds where the patient is a member of an employee's family.

Provided that in the case of a member of the family of an employee suspected to be suffering from pulmonary tuberculosis, the fees of such specialist or consultant for taking out X-Rays shall be paid by the Port Trust in full.

Note : (1) Consultation with an Eye Specialist shall be admissible under this Rule but while the fees of such a Specialist shall be payable by the Port Trust in full or to the extent of two-thirds as the case may be, the cost of glasses shall be borne in either case by the employee himself.

(2) Medicines, injectiles, etc., prescribed by the Specialist, shall, if available at any of the Port Trust dispensaries, be supplied free of charge. If any such medicines, injectiles, etc., are not available at any of the Port Trust dispensaries, the same shall be purchased by the employee at his own cost and he shall subsequently be reimbursed by the Administration the cost involved, subject to the Chief Medical Officer or the Asstt. Chief Medical Officer furnishing a certificate in the form prescribed in Annexure `A` to these Rules.

**Rule VIII** : An employee, who lives beyond Bhandup or Jogeshwari, or an ailing member of such an employee's family, who is too ill to come personally to a Port Trust dispensary for the necessary medical attendance and treatment may, with the approval of the Chief Medical Officer or the Asstt. Chief Medical Officer place himself under the treatment of a local Medical Practitioner and the full cost in the case of the employee himself or one-half of the cost in the case of a member of the employee's family of such treatment including the cost of medicines, injectiles, etc., shall be reimbursed to the employee by the Financial Adviser & Chief Accounts Officer on production of a bill countersigned by the Chief Medical Officer or the Asstt. Chief Medical Officer. The approval to treatment at the hands of a local Medical Practitioner, in the circumstances mentioned above, shall not be accorded by the Chief Medical Officer or the Asstt. Chief Medical Officer unless he is reasonably satisfied about the genuineness of the case. Also the approval shall be withheld in cases in which the Chief Medical officer or the Asstt. Chief Medical Officer is of the opinion that the employee, or the member of his family, should seek admission as an in-patient to a Government or Municipal Hospital in Bombay. In such cases, the hospital charges shall be payable by the Port Trust on the same scale and subject to the same conditions as are prescribed in Rule IX below.

**Rule IX** : An employee or a member of his family suffering from an illness for which facilities for proper diagnosis or suitable treatment are not available at any of the Port Trust dispensaries or cannot be provided by the Port Trust Medical Department, shall be entitled to seek the necessary attendance and treatment as either an out-patient or an in-patient at a Government or Municipal Hospital in Bombay and provided that the approval of the Chief Medical Officer or the Asstt. Chief Medical Officer is obtained, the hospital fees and charges shall in such a case be borne by the Port Trust in full.

Note : (1) The liability of the Port Trust to reimburse employees, undergoing treatment at a Government or Municipal Hospital, their expenses to the extent mentioned in this Rule, will be limited to the fees and charges levied by the Hospital for medical attendance, routine medicines, laboratory and other investigations, x-ray examinations and surgical operations and also, in the case of in-patient, the charges levied for normal nursing but not for diet, unless the patient undergoing such treatment is an employee, or is a member of the family of an employee, drawing a monthly pay of not exceeding Rs.180. The cost of special nursing, tonics and restorative and also, in the case of employees in receipt of a monthly pay exceeding Rs.180, of diet shall be borne by the employee himself. If, in connection with such hospital treatment, an employee is required to purchase any medicines, injectiles, etc., which are not available at the hospital, he shall be reimbursed the cost of such medicines, injectiles, etc., subject to his producing a certificate duly signed by the Medical Officer in charge of the case and countersigned by the Port Trust Chief Medical Officer or the Asstt. Chief Medical Officer, that the medicines, injectiles, etc., in question, were essentially required for the treatment of the patient.

(2) The hospital treatment referred to in the above Rule, shall not include treatment undergone in a private hospital or nursing home, a nursing home attached to a Government or Public

Hospital, or treatment for child-birth nor shall it include treatment in a sanatorium for tubercular patients or other specialised institutions, except those referred to in the following Notes. It shall, however, include antirabic treatment undergone at the Haffkine Institute, Bombay, treatment for an infectious disease at the City Fever Hospital or treatment for eye diseases at a Government or Municipal Eye Hospital. (In the case of treatment at a Government or Municipal Eye Hospital, the cost of glasses, if any, supplied by the Hospital authorities as part of the treatment shall be borne by the employee himself).

(3) The Hospital treatment, referred to in the above Rule, shall include treatment for cancer at the Tata Memorial Hospital, if in the opinion of any surgeon of the Hospital, hospitalisation is absolutely necessary. For this purpose, all cases of cancer should first be referred to the out-patients Department for a private consultation with any of the Surgeons of the Hospital, the relative fees being reimbursed to the employee in accordance with Rule VII.

(4) The Hospital treatment referred to in the above Rule shall also include treatment for mental diseases, at the N.M. Mental Hospital, Thane, subject to the condition that the treatment for which reimbursement of medical expenses will be admissible in terms of the above Rule shall not exceed six months, unless the Medical Superintendent of the Mental Hospital certifies that treatment for a reasonable period, upto six months, beyond the initial six months' limit, is likely to lead to complete recovery of the patient. Further notwithstanding the provisions of Note (1) above, the reimbursement of diet charges in the case of patients suffering from mental diseases and undergoing treatment in the Mental Hospital as in-patients, will be allowed, in full, if the employee is in receipt of pay not exceeding Rs.380 p.m. in an "authorised" scale. In the case of employees in receipt of a pay exceeding Rs.380 p.m. in an "authorised" scale, 20% of the hospitalisation charges will be reckoned as diet charges and will not be reimbursed.

(5) In the event of the death of an employee while in service a member of his family, undergoing treatment in terms of the above Rule at the time of the death of the employee may continue to receive the treatment for a period not exceeding three months from the date of death of the employee on the same terms and conditions as provided for in the above Rule.

**Rule X** : In according his approval, under Rule IX above, to an employee undergoing treatment at a hospital in which different classes of accommodation are provided, the Chief Medical Officer or the Asstt. Chief Medical Officer shall indicate the particular class to which the employee should seek admission. It will be open to the employee to seek admission to a higher class but in such a case, the reimbursement for hospital fees and charges will be made on the basis of the class approved by the Chief Medical Officer.

**Rule XI** : The bill of the hospital in the cases mentioned in Rule IX above, shall be sent by the employee to the Chief Medical Officer who shall scrutinise it, certify thereon the amount payable by the Port Trust and forward the same to the Financial Adviser & Chief Accounts Officer for payment. In scrutinising such bills, the Chief Medical Officer shall have the power to disallow any items which he may consider as falling under the category of special nursing, extra diet, tonics, restoratives, etc.

**Rule XII** : If in the opinion of the Chief Medical Officer or the Asstt. Chief Medical Officer it is necessary for an employee or a member of his family to be admitted to a private hospital or nursing home or a nursing home attached to a Government or Public Hospital, he may send the patient to such private hospital or nursing home and the Port Trust shall pay two-thirds of the cost of such treatment. In such a case, the patient shall be attended on from day to day either

by the Chief Medical Officer or by one of his Assistants as may be decided by the Chief Medical Officer. Except as provided in the note below this Rule, no fees or conveyance charges shall be payable to the Chief Medical Officer or any of his Assistants for attending on employees or members of their families undergoing treatment at such a private hospital or nursing home. Should consultation with a Specialist be considered necessary by the Chief Medical Officer or the Asstt. Chief Medical Officer in such a case, he shall arrange for such consultation and the fees of the Consultant or Specialist shall be payable to the extent of two-thirds by the Port Trust the balance being paid by the employee himself. Similarly, should it be necessary to summon a Surgeon and an Anaesthetist to perform an operation on the patient, the fees of such Surgeon and Anaesthetist together with the incidental expenses including charges levied by the private hospital or nursing home for the use of its operation theatre shall be borne by the Port Trust and the employee in the ratio of two to one. The cost of special nursing, special diet, tonics and restoratives shall, however, be borne fully by the employee himself.

Note : "In the event of the death of an employee while in service, a member of his family undergoing treatment in terms of the above Rule at the time of the death of the employee, may continue to receive the treatment for a period of three months from the date of death of the employee on the same terms and conditions as provided for in the above Rule."

**Rule XIII** : An employee who receives, while on duty, an injury of a nature requiring immediate attention at a hospital shall be entitled to proceed to any Government, or Public Hospital in Bombay for necessary treatment and the cost of such treatment shall be borne by the Port Trust subject to certification by the Chief Medical Officer or the Asstt. Chief Medical Officer.

**Rule XIV** : In cases in which an employee receives, while on duty, an injury of such a nature as calls for an X-Ray or other special examination by or consultation with an outside Medical Practitioner or Specialist, arrangements may be made for such examination or consultation and the fees and charges therefor shall be payable by the Port Trust subject to certification by the Chief Medical Officer or the Asstt. Chief Medical Officer.

**Rule XV** : Arrangements have been made for dental treatment for Port Trust employees in Bombay with the Government Dental College and Hospital and all employees shall be entitled to the above treatment subject to compliance with such rules and regulations as may be framed in that regard from time to time. Subject likewise to the above rules and regulations, these facilities can also be availed of by the family of a Port Trust employee.

**Rule XVI** : "Where a Port Trust employee loses a limb as a result of accident in the course of his duty, whether he is paid any compensation or not under the Workmen's Compensation Act, 1923 (8 of 1923) or any other law or rules, (and whether he is retained in service or not after the accident) he shall be supplied by the Port Trust with an artificial limb."

**Rule XVII** : An employee, who takes ill suddenly or receives an injury while on duty and his condition renders it impossible or risky for him to travel on his own to a Port Trust dispensary or a Government or Public Hospital or to his house, shall be provided with the required conveyance at the cost of the Port Trust. If a Port Trust vehicle is used for the purpose, necessary remarks shall be made in the log book of the vehicle. If a taxicab or other public conveyance is used, the cost shall be reimbursed by the Financial Adviser and Chief Accounts Officer, subject to certification by the officer under whom the employee was working at the time.

**Rule XVIII** : A Port Trust employee on leave of any kind shall be eligible for the same medical assistance for himself and members of his family as would be admissible if the employees were on duty.

Note : The Bombay Port Trust Employees (Medical Attendance & Treatment) Regulations, 1976, sanctioned by the Trustees under TR No.141 of 1976 are not sanctioned by Government as yet.

## **II Rules relating to Dental Treatment**

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1. (a) All employees of the Port Trust and their wives and children shall be eligible for free dental treatment as may be considered necessary by the Port Trust Medical Officer.

(b) An employee or his wife or child in need of dental treatment should present himself/herself before the Port Trust Medical Officer, who will examine him/her and decide whether treatment at the dental hospital is necessary. Where treatment is considered necessary, the Medical Officer will fill in a card and hand it over to the employee who should then present himself/herself with the card at Sir Currimbhoy Ebrahim Memorial Dental College. After treatment at the hospital, the hospital authorities will fill in the card and return it to the employee who should return it to the Port Trust Medical Officer.

(c) Deleted [TR No.1485 of 1972]

2. Hospital bills for dental treatment will be received in the Medical Department and verified with the Schedule of Fees fixed by the Government in respect of the general public treated at the hospital. Thereafter, they will be countersigned and passed on to the Financial Adviser & Chief Accounts Officer for payment. In certifying the bills, the Port Trust Medical Officer shall record the following certificate on them :-

“Verified that the treatment for which this bill has been preferred was in respect of a Port Trust employee and/or his family and that the charges billed for are in accordance with the Government Schedule of Rates for treatment of the general public at the hospital.

Medical Officer "

## **APPENDIX F**

Rules (1) to (7) & (8)(d) -- Brought out as BPT Employees (Leave) Regulations, 1975 – TR No.311 of 1975.

Rule (8) relating to the re-employment of Port Trust employees in the Port Trust service during their leave preparatory to retirement or after their retirement.

(a) An employee who is re-employed, after he has retired or proceeded on leave preparatory to retirement, in a Department of the Port Trust, will be treated as a new entrant and his initial pay, on such re-employment, will be fixed at the minimum stage of the scale of pay prescribed for the post in which he is re-employed, provided that where it is felt that the fixation of initial pay at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each completed year of service which the employee rendered, before he retired or proceeded on leave preparatory to retirement, in a post not lower than that in which he is re-employed.

(b) where it is found that the pay, as fixed in accordance with sub-rule (a) above, plus the pensionary equivalent of his retirement benefits, exceeds (i) the pay which he was drawing immediately before he retired or proceeded on leave preparatory to retirement or (ii) Rs.3,000 whichever is less, necessary adjustments will be made in the pay so as to ensure that the total of pay and the pensionary equivalent of his retirement benefits does not exceed the above limit.

Note : Once the initial pay has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time-scale of the post to which he is appointed provided that the pay plus the pensionary equivalent of his retirement benefits together do not, at any time, exceed Rs.3,000 per month. Where the pay fixed is not a stage in the scale on account of adjustment prescribed in (b) above, the increment in pay may be allowed after each year of service at the rates of increment admissible as if the pay had been fixed at the minimum or higher stage as the case may be.

(c) In addition to pay as fixed under sub-rule (a) or (b) above, as the case may be, the employee may be granted dearness, house rent and compensatory (city) allowances, if any, admissible on the basis of such pay.

(d) Deleted [TR No.311 of 1975].

(e) No leave except casual leave will be admissible to such an employee during or in respect of his re-employment which coincides with his leave preparatory to retirement. On the expiry of his leave preparatory to retirement, however, he will earn "earned" leave at the rate admissible to a temporary employee and such leave or the unutilised balance of such leave may be availed of as terminal leave on the termination of his re-employment.

(f) Notwithstanding anything to the contrary contained in the Bombay Port Trust Rules of the Provident Fund, an employee who is re-employed in the Port Trust –

(a) will be allowed to subscribe to the Provident Fund on the basis of the pay, exclusive of all pensionary elements including portion of pension commuted, on such re-employment drawn by him in terms of sub-rule (a) or (b) above as the case may be, but only from the date following the date on which the 'leave preparatory to retirement' granted to him in respect of his previous service comes to an end and upto the date of termination of his re-employment, excluding any period of deferred or refused or terminal leave that may be granted to him in respect of such re-employment; and

(b) will be credited, in the normal manner, with the Board's contribution to the Provident Fund in respect of the subscriptions referred to in (a) above, provided the period of his re-employment exceeds one year.

Explanation :

(i) For the purpose of eligibility to the Board's contribution to Provident Fund, the period of re-employment will be reckoned from the date of his re-employment.

(ii) No Provident Fund Special Contribution will be admissible to such an employee in respect of period of his re-employment.

**APPENDIX G**

I. Rules for the grant of leave to Port Trust employees for anti-rabic treatment at a recognized anti-rabic center.

(T.R. No.273 of 1952)

(1) Special casual leave upto a maximum of 20 days may be allowed to an employee who has been bitten or licked by a rabid dog or a suspected rabid animal and has actually undergone anti-rabic treatment at a recognized center for such treatment. This leave should be sanctioned only on the production of a certificate from the officer-in-charge of the anti-rabic center.

(2) If leave in excess of 20 days is required, other leave as may be admissible under the rules may be allowed. Such additional leave will be debited to the leave account.

(3) Leave for anti-rabic treatment to an employee whose maximum pay does not exceed Rs.350 p.m. may be granted by the head of the Department; in all other cases the sanction of the Chairman or the Board shall be necessary.

II. and III ) Brought out in one volume as BPT Employees (Leave Regulations, 1975, by TR No.311 of

10.6.1975 (effective from 21.8.1975).