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BCMBAY PORT TRUST EMPLOYEES
[Compensatory (City) Allowance]
REGULATIONS, 1975

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

1. Short title and commencement -

(1) These Regulations may be called the Bombay Port Trust Employees [Compensatory (City) Allowance] Regulations, 1975¹.

(2) They shall come into force on the date² of publication of Government's sanction in the official Gazette.

2. Application - Save as otherwise provided in these regulations, these regulations shall apply to every employee of the Board, but shall not apply to -

(a) persons in casual or part-time employment;

(b) persons paid from contingencies;

(c) persons on deputation from the Central or a State Government or a local or other

authority for a limited duration;

¹ Sanctioned by the Board by TR.No. 542 dated 23.9.1975 and by the Central Govt. vide MOST's letter No.PEB(78)/75 dated 22.12.1975.

² Effective from 1.1.1976.

- (d) persons appointed on ad hoc or personal rates of pay, unless the orders sanctioning their appointment specifically provide for the drawal of compensatory (city) allowance in addition to pay;
- (e) apprentices.

5. Definitions - In these regulations, unless the context otherwise requires -

- (a) 'Board', 'Chairman', 'Dy. Chairman' and 'Head of a Department' have the meanings respectively assigned to them in the Major Port Trusts Act, 1963 (38 of 1963);
- (b) 'employee' means an employee of the Board;
- (c) 'Pay' means pay as defined in Article 11(11) of the B.P.T. Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, and includes 'dearness pay', wherever admissible;
- (d) (i) class I post means a post carrying a pay of, or a scale of pay the maximum of which is Rs.1100 or more.

(ii) class II post means a post carrying a pay of, or a scale of pay the maximum of which is more than Rs.650, but less than Rs.1100.

(iii) class III post means a post carrying a pay of, or a scale of pay the maximum of which is more than Rs.160, but not more than Rs.650.

(iv) class IV post means a post carrying a pay of, or a scale of pay the maximum of which is Rs.160 or less.

(c) words and expressions used herein and not defined, but defined in the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or the Bombay Port Trust Employees (Leave) Regulations, 1975, shall have the meanings in the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or Bombay Port Trust Employees (Leave) Regulations, 1975.

4. Eligibility for allowance and rates thereof -

(1) Save as otherwise provided in these regulations, an employee may be paid compensatory (city) allowance at ten per cent of pay per mensem, if he holds a class III or class IV post, and ten per cent of pay, subject to a maximum of Rs.100, per mensem, if he holds a class I or class II post.

(2) Compensatory (city) allowance may be granted to a married as well as an unmarried employee. It may be granted to an employee during his absence on

tour from Bombay. In cases where both husband and wife are employees of the Board, both of them may be granted the allowance, on the basis of their respective pay, if the allowance is otherwise admissible.

5. Regulation of allowance in different circumstances -

The drawal of compensatory (city) allowance in the following circumstances shall be regulated as hereinafter provided :

(a) Leave :

(i) Compensatory (city) allowance may be granted during leave at the rate at which the allowance was granted immediately before the commencement of the leave. For this purpose, leave means total leave of all kinds, not exceeding 120 days, and the first 120 days of the leave, if the actual duration of the leave exceeds that period, but does not include leave preparatory to retirement, leave preparatory to final cessation of service, refused leave or terminal leave or terminal leave or extraordinary leave taken otherwise than on medical certificate. When holidays are combined with leave, the entire period of holidays and leave shall be taken as one spell of leave.

NOTE - If an employee who has been granted leave on medical certificate exceeding 120 days is retired on grounds of ill-health incapacitating him for further service, no recovery shall be made of compensatory (city) allowance already drawn in respect of that leave, notwithstanding the fact that the entire leave is treated as leave preparatory to retirement.

(ii) The limit of 120 days shall be extended to 8 months in the case of an employee suffering from T.B., cancer or other ailments during the period of his leave on medical certificate, irrespective of whether the leave is on medical certificate from the very commencement or it is in continuation of other leave.

Provided that the limit of 8 months may be extended by the Chairman or the Deputy Chairman for such further period, or periods, as he may decide, at his sole discretion.

Provided further that the medical certificate accompanying the application for leave shall be a medical certificate signed or countersigned by a Medical Officer of the Board.

(b) Deputation for training out of India :

Compensatory (city) allowance may be granted to an employee deputed for training out of India at the rate admissible from time to time for the first six months of his absence from his post in India under the Board.

(c) Training in India :

Compensatory (city) allowance may be granted to an employee who is deputed for training or a course of instruction in India and whose period of training or course of instruction is treated as duty, for the entire period of training or course of instruction, at the rate admissible to him from time to time.

(d) Suspension :

Compensatory (city) allowance may be granted to an employee under suspension, subject to such conditions, as the authority ordering his suspension may direct, on the basis of the pay he was in receipt of on the date of suspension.

(e) Re-employment :

Compensatory (city) allowance may be granted to an employee who is re-employed in the Board's service

Provided that -

- (a) if he is governed by the pension scheme, the allowance shall be calculated on the basis of the maximum pay of the post in which he is re-employed, in case his pay plus pension exceeds that maximum and on the basis of his pay plus pension, in all other cases;
- (b) if he is governed by the contributory provident fund scheme, the allowance shall be calculated on the basis of the pay, he would have drawn in the post in which he is re-employed, had no deduction been made therefrom on account of the pensionary equivalent of his retirement benefits.

6. Application of Government orders in matters not specifically provided for in regulations - In any case or matter not specifically provided for in these regulations or in subsequent amendments thereof, the provisions of the orders issued by the Central Government from time to time in

respect of its employees shall, generally and in so far as they can be adapted to the Board's requirements, be held to apply.

7. Repeal and saving - All regulations corresponding to these regulations and in force immediately before the commencement of these regulations are hereby repealed.

Provided that any order made or action taken under the regulations so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.
