

VISAKHAPATNAM PORT TRUST

Administration Department



VISAKHAPATNAM PORT TRUST EMPLOYEES REGULATIONS INDEX

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THE GAZETTE OF INDIA
EXTRAODINARY

PART II – Section 3 Sub-Section (i)
(PUBLISHED BY AUTHORITY)

No.37, NEW DELHI, SATURDAY FEBRUARY 29, 1964/PHALGUNA 10, 1885

MINISTRY OF TRANSPORT
(TRANSPORT WING)
PORTS
NOTIFICATION

NEW DELHI, THE 28TH FEBRUARY, 1964

G.S.R..296: In exercise of the powers conferred by Sub-Section 2 (2) of Section 1 of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby appoints the 29th day of February, 1964 as the date of which the said Act shall come into force.

(No.19 PG (54) 64/ Vool.V)

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MAJOR PORT TRUST (ADAPTATION OF RULES) REGULATIONS, 1964

G.S.R. 297: In exercise of the powers conferred by section 126, read with sections 28 and 134, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely:

1. Short title and commencement :

- 1) These regulations may be called the Major Port Trusts (adaptation of rules) Regulations, 1964.
- 2) They shall come into force on the 29th day of February, 1964.

2. Application:

They shall apply to the Port Trusts of Visakhapatnam, Cochin and Kandla.

3. Definitions:

- (a) 'Act means the Major Port Trusts Act, 1963.
- (b) "appointed day" means the date on which the act comes into force:
- (c) "Board" shall have the meaning assigned to it in the Act;
- (d) "Existing rules and orders" means the rules and orders made under the various Acts and Rules in force prior to the appointed day in connection with the administration of the posts;
- (e) "Ports" means the ports of Visakhapatnam, Cochin and Kandla.

4. Existing Rules to Continue:

Existing rules and orders and subsequent amendments made by the Central Government from the time to time relating to the following matters shall, to the extent they are not inconsistent with the provisions of the act or any Regulations made there under continue in force namely:

- i) Matters specified in clauses(b), (c) and (e) Section 28 of the Act.
- ii) Matters specified in clause (b) and clauses (e) to (n) of Section 123 of the Act.

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Marks	Description of packages	No. of packages packages un-numbered to be stroke tallied five in a division	Total	WEIGHT		
				T.CWT	Qrs. Lbs. Kls.	Remarks
--	--	--	--	--	--	--
Agent's Tally Clerk, Port's Shed Clerk					Wharf Supdt.	

APPENDIX – 'B'

PORT OF COCHIN

RECEIPT FOR IMPORT CARGO

(LIGUDR)

Landing during the _____ day of _____ 19____
from the Motor /Steam/Ship _____ of M/s. _____

_____ Agents by the Port of Cochin. The following Goods contents and state of the content of unknown cargo handled by Gang No. _____.

MAISTRY _____ at _____ Boating.

Hatch No. _____ Crane / Derrick.

Marks	Description of packages	No. of packages Packages un-numbered to be stroke tallied five in a division	Total	Weight Tonnes	Remarks
--	--	--	--	--	--
Idling From H.M. Time To H.M.					

NOTE: The goods will remain in the Lock fast / in the Transit Shed under the custody of the Steamer Agents from the time they are landed until clearance and the Port will not accept any responsibility for damages or shortages.

Agent's Tally Clerk

Port Shed Clerk

Wharf Superintendent

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APPRNDIC – C

Book No. _____ No. _____ Name and ate of arrival of
Ship _____ Shed No. _____ Tally Clerk's
Name _____

PORT OF KANDLA

Book No. _____ No. _____ Traffic Department
Barge No. _____ Day/ Night of
_____.

Tally Sheet issued under
IMPORT /EXPORT/Shifting

Tally of Cargo Ex.S.S.

Per M.V. _____

Arrived on _____ Agent _____

_____ at Berth ½

3/4/5/6/ Moorings 1/2/3/4/5/6

By Crane No.
Derrick

At Batch No. _____ Time
Commenced/Time finished

CONTENTS AND STATE OF CONTENTS UNKNOWN

Marks	Description	Particulars of Tally	Total
-------	-------------	----------------------	-------

Received copy of tally Sheet

Agent's Representative

Port Tally Clerk Total _____

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MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 1981

G.S.R. 725 – Whereas the draft of the Major Port Trusts (Procedure at Board Meetings) Rules, 1981 was published, as required by sub-section (2) of Section 122 of the Major Port Trusts Act, 1963 (38 of 1963), at Pages 872 – 873 of the Gazette of India, Part-II Section 3, Sub-Section 3, Sub-section (i) dated the 28th March, 1981 under the notification of the Government of India in the Ministry of Shipping and Transport (Ports Wing), No.G.S.R. 343, dated the 12th March, 1981 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 4th April, 1981;

And whereas no objections and suggestions have been received from the public before the expiry of the period aforesaid;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 122 of the said Act, the Central Government hereby makes the following rules namely:-

1. (1) These rules may be called the Major Port Trusts (Procedure at Board Meetings) Rules, 1981.
 - (2) They shall come into force on the date of their final publication in the Official Gazette.
 - (3) They shall, subject to the provisions of Section 16 of Major Port Trusts Act, 1963 (38 of 1963) apply to the business transacted at the meeting of the Board of Trustees of the Ports of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin, New Mangalore and Jawaharlal Nehru.
2. **Frequency of meetings :**
- (1) A meeting of the Board other than special meeting referred to in Rule 3, shall be held at least once in three months.
 - (2) The Board shall, from time to time determine the date and time of its meeting.

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Provided that where the Board is unable to do so for any reason, the Chairman, may do so, for reasons to be recorded in writing.

- (3) A meeting of th Board shall be held at Port premises of the respective ports, except where the Board in advance decides to held any meeting at any other place for to be recorded in writing.

3. **Calling of special meetings:**

The Chairman or in his absence the Dy. Chairman, if appointed may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting of the Board.

4. Circulation of Agenda, etc., Agenda and notes of memoranda thereon, if any for any meeting of the Board shall be circulated to the Trustees at least three days before the date of the meeting.

Provided that in the case of a special meeting, such agenda and notes or memoranda shall-be circulated at least one day before the date of the meeting.

5. Discussions on items not included in the Agenda – The Chairman, or in his absence, the Deputy Chairman, if appointed may at his discretion, include for discussion at any of the meeting of the Board, including a special meeting any item not included in the agenda, if the same is in his opinion of sufficient importance or urgency or both and cannot be held over for the consideration of the Board at any subsequent meeting.
6. Poll. – If a poll is demanded on any question, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the Meeting.

Explanation. – For the purpose of this rule and rules 7 and 8, the expression “President” shall mean the Chairman or in his absence the Deputy Chairman, if appointed, and in the absence of both, any person chosen by the Trustees present from among themselves to preside at the meeting of Board.

7. **Minutes of the Meeting :**

- (1) Minutes of the proceedings at each meeting of the Board shall be recorded in a book to be provided by the Board for this purpose, which shall be signed as soon as practicable by the President of such meeting and shall be open to inspection by any Trustee during office hours.

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- (2) Minutes of the proceedings excepting such portion thereof, as the Chairman or, in his absence the Deputy Chairman, if appointed, may direct in any particular case, shall also be open to the inspection of the public at the office of the Board during office hours.
- (3) The names of the Trustees present at each meeting shall be recorded in the minutes book.
- (4) A Trustee present at any meeting of the Board shall sign his name in a book or register to be provided by the board for the purpose.

8. **Adjournment of meeting:**

The President of a meeting may adjourn it to a later date, which date shall either be announced at the meeting in which case intimation shall be sent to the Trustees absent at the meeting before the date of the meeting.

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MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCES TO TRUSTEES) RULES: 1981

GSR. 134 – Whereas the draft of the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981 was published as required by sub-section (2) of section 122 of the Major Port Trusts Act, 1963 (38 of 1963), at pages 1559 – 1561 of the Gazette of India, Part-II, Section 3, Sub-section (1), dated the 4th July, 1981 under the notification of the Government of India in the Ministry of Shipping and Transport (Ports Wing) No.G.S.R. 626, dated 23rd June, 1981 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty-five days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 11th August, 1981: And whereas no objections and suggestions have been received from the public before the expiry of the period aforesaid.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 122 of the said Act, the Central Government hereby makes the following rules, namely:-

- (1) These rules may be called the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall subject to the provisions of Section 18 of the Act, apply to the Port Trust Boards of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin, New Mangalore and Jawaharlal Nehru.

2. Definitions: Unless the context otherwise requires:

- (a) 'Act' means the Major Port Trusts Act, 1963, (38 of 1963);
- (b) Words and expressions used in these rules have the meanings respectively assigned to them in the act.

3. Fees payable :

Every Trustee of the Board other than the Chairman and the Deputy Chairman, where appointed, or any other Trustee who is a servant of the Government or servant of the Board, shall be entitled to a fee of:

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- (i) Rupees two hundred and fifty for attendance of each ordinary or special meetings of the Board.
- (ii) Rupees hundred for attendance at each meeting of any committee other than the meeting of the committee held on the same day in continuation of the committee held on the same day in continuation of or preparatory to an ordinary or special meeting of the Board:

“Provide that the aggregate amount of fees payable to any Trustee in respect of meetings of the Board and or the committee held during any calendar month shall not exceed rupees on thousand”.

NOTE: A Trustee present at any meeting of the Board or a Committee there of shall sign his name in a book or register to be kept for the purpose.

4. Payment of Travelling Allowance:

- (1) All outstation Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or any of its Committees shall, in addition to such fees as is payable under rule 3, be entitled to receive travelling allowance on the scale applicable to the highest class of officers of the Central Government.
- (2) All outstation Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or of any if its Committees shall, in addition to such fees as are payable under Rule-3 and travelling allowance, also be entitled to receive daily allowance at the rate applicable to the highest class of officers of the Central Government for the period of journey performed to and from the place of Board or Committee meeting and Head Quarters.

NOTE: For the purpose of daily allowance, the period of journey by the shortest possible route and from the place of Board or Committees meeting and the Headquarters, shall be the normal place of residence of the Trustee.

NOTE-II: The Headquarters for the purpose of this rule shall be the normal place of residence of the Trustee.

5. Payment of certain allowances to a Trustee who is a Government Servant or the servant of the Board – A trustee who is a servant of the Government or a servant of the Board and who attends any meeting of the Board or of any of its Committee shall be entitled to receiving traveling allowance and daily allowance in accordance with the provisions of the service rules applicable to him.

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6. Payment of certain allowances to a Trustee who is a member of Parliament or of the legislature of State – Notwithstanding anything contained in Rules 3 and 4, a Trustee who is also a Member of Parliament or a Member of the Legislature of a State shall not be entitled to any fees other than the compensatory allowance as defined in clause (A) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) or, as the case may be, other than the allowances, if any, which a member of the Legislature of the State may under any law for the time being in force in the State relating to the prevention of disqualification of membership of the State Legislature, receive without incurring such disqualification.
7. Repeal and Savings on and from the date of publication of these rules and rules mentioned in the Schedule annexed hereto are hereby repealed.
 - (2) Notwithstanding such repeal anything done or any action taken or any order made or directions given under the said rules shall be deemed to have been done taken, made or given as the case may be under the corresponding provisions of these rules.

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SCHEDULE (See Rule 7)

Sl. No.	Title of the rules repealed
1.	Major Port Trusts (Payment of Fees and Allowance to Trustees) Rules, 1964.
2.	Mormugao Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1964.
3.	Paradip Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1967
4.	Board of Trustees of the Port of Bombay (Payment of Fees and Allowances to Trustees) Rules, 1975.
5.	Board of Trustees of the Port of Calcutta(Payment of Fees and Allowances to Trustees) Rules, 1975.
6.	Board of Trustees of the Port of Madras (Payment of Fees and Allowances to Trustees) Rules, 1975.
7.	Board of Trustees of the Port of Tuticorin (Payment of Fees and Allowances to Trustees) Rules, 1975.
8.	Board of Trustees of the Port of New Mangalore (Payment of Fees and Allowances to Trustees) Rules, 1975.

PW/PGL-25/80
M.R. GATHAWAL, UNDER SECRETARY

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VISAKHAPATNAM PORT EMPLOYEES (TEMPORARY SERVICE) REGULATION, 1991 WITH EFFECT FROM 26.07.1991

In exercise of the powers conferred by Section – 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Visakhapatnam Port Trust hereby makes subject to the approval of Central Government under Section – 124 of the above Act, the following Regulations, in Supersession of the Visakhapatnam Port Employees (Temporary Service) Regulations, 1964, published as G.S.R. 321, dt.24-2-1964, in the Gazette of India.

1. Short title and commencement :

1. These Regulations may be called the Visakhapatnam Port Employees (Temporary Service) Regulations, 1991.
2. They shall come into force on the date of their publication in the official Gazette.
3. They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under that Board. These regulations shall not, however, apply to:
 - i) Employees engaged on contract;
 - ii) Employees not in whole-time employment;
 - iii) Employees paid out of contingencies;
 - iv) Persons employed in extra – temporary Establishment of any, or in work charged establishments other than the persons employed temporarily and who have opted for pensionary benefits;
 - v) Such other categories of employees as may be specified by the Board.

2. Definitions : In these regulations, unless the contract otherwise required :

- a) “appointing authority” means the authority empowered to make appointment to the post under the Visakhapatnam Port Employees’ (Classification, Control and Appeal) Regulations.
- b) “Board” “Chairman”, “Deputy Chairman” and “Head of a Department” shall have the same meanings assigned to them in the Major Port Trusts Act, 1963.

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- c) Employee means an employee of the Board.
- d) "Temporary Service" means officiating service in a temporary or in a permanent post under the Board.
- e) "Service" under the Board means temporary service under the Board.

3. Termination of Temporary Service :

1. (a) The services of a temporary employee, shall be liable to termination at any time by a notice in writing given either by the employee to the appointing authority or by the appointing authority to the employee.

- (b) The period of such notice shall be one month

Provided that the service of any such employee may be terminated forthwith and on such termination the employee shall be entitled to a claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services or, as the case may be for the period by which such notice falls short of one month.

NOTE: The following procedure shall be adopted by the appointing authority while serving notice on such employee under clause (a) :-

- i) The notice shall be delivered or tendered to the employee in person.
- ii) Where personal service is not practicable the notice shall be served on such employee by registered post acknowledgement due to the address of the employee available with the appointing authority.
- iii) If the notice sent by registered post is returned un-served, it shall be published in the local news paper or the newspaper having circulation in the area in which he resides and upon such publication, it shall be deemed to have been personally served on such employee on the date it was published in the local News Paper as mentioned above.

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2. a) Where a Notice is given by the appointing authority terminating services of a temporary employee, or where the services of any such employee is terminated either on the expiry of the period of such notice or forthwith by payment of pay plus allowances, the Board or any other authority specified by the Board in this behalf may, of its own motion or otherwise, re-open the case, and after making such enquiry as it deems fit:-
- i) Confirm the action taken by the appointing authority.
 - ii) Withdraw the notice
 - iii) Reinstatement the employee in service; or
 - iv) Make such other order in the case as it may consider proper; Provided that except in special circumstances, which should be recorded in writing, no case shall be reopened under this sub-regulation after the expiry of three months:-
 - i) From the date of notice, in case where notice is given;
 - ii) From the date of termination of service in case where no notice is given
- (b) Where an employee is re-instated in service under sub-regulation (2), the order of re-instatement shall specify -
- i) The amount or proportion of pay and allowances, if any, to be paid to the employee for the period of his absence between the date of termination of his services and the date of his re-instatement; and
 - ii) Whether the said period shall be treated as a period spent on duty for any specified purpose or purposes.

NOTE: Standard proforma prescribed to be used for termination of services of temporary employees under this regulation are given in Forms-I ii and III.

4. Termination of temporary service on account of Physical unfitness:

Notwithstanding anything contained in Regulation-3, the services of a temporary employee may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

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5. Terminal gratuity payable to temporary employees :

1) Subject to the provisions of sub-regulation-3, a temporary employee who retires on a superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity at the rate of-

- a) One-half of a month's pay for each completed year of his service, if he had completed not less than five years continuous service at the time of retirement, discharge or invalidment.
- b) One month pay for each completed year of his service, subject to a maximum of fifteen months pay or fifteen thousand rupees, whichever is less, if he had completed not less than ten years continuous service at the time of retirement, discharge or invalidment;

Provide that the amount of terminal gratuity payable under this sub-regulation shall not be less than the amount which the employee would have got as a matching board contribution to the provident fund if he were a member of a contributory provident fund scheme from the date of his continuous temporary service subject to the condition that the matching contribution shall not exceed 8 1/3 percent of his pay.

2) In the case of temporary employee who is compulsorily retired from service as a disciplinary measure, the provisions of sub-regulation (1) shall apply subject to the modification that the rate of gratuity payable in his case shall not be less than two –thirds of, but in no case exceeding the rate specified in Clause (1) as the case may be, Clause (b) of sub-regulation (1).

3) In the case of a temporary employee who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further board service by the appropriate medical authority, after he has rendered temporary service of not less than ten years or who has sought Voluntary Retirement by giving three months notice in writing on completion of 20 years service, provision of sub-regulation(1) shall not apply in accordance with, the provisions of Central Civil Service (Pension) Rules, 1972.

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1. Such an employee shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity; and
 2. In the event of his death after retirement, the members of his family shall be eligible for the grant of family pension.
- 4) In the event of death of a temporary employee while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent employees under the CCS (Pension), 1972.

No gratuity shall be admissible under this regulation to an employee, -

- (a) Who resigns his post or who is removed or dismissed from service as a disciplinary measure;
- (b) Who is re-employed after retirement on superannuation or retiring pension.

Provided that a temporary employee who resigned from service to take up, with prior permission, on appointment under a corporation or company wholly or substantially owned or controlled by the Board or in or under a body Controlled or Financed by Board shall be paid terminal gratuity at the rate prescribed under Sub-regulation (!) in respect of the service rendered by him under the Board;

Provided further that a temporary employee who has been absorbed in a Central Autonomous body, with the permission of the present department, shall have an option to count the service rendered th Board for the purpose of pension under the autonomous body if it has a pension scheme, instead of drawing the terminal gratuity under the first proviso.

EXPLANATION: For the purpose of this sub-regulation –

- (i) 'Central Autonomous Body means a body which is financed wholly or substantially from cess or Central Government grants and includes a Central statutory body or a Central University but does not include a public undertaking falling under the purview of the Bureau of Public Enterprises;
- (ii) "Financed substantially" means that more than 50% of the expenditure is met by cess or Central Government grants".

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6. Where gratuity under this regulation is paid to or in respect of an employee who is not covered by the Central Civil Services (Pension) Rules, 1972, no other gratuity or pensionary benefit is payable.

7. For the purpose of this regulation:

- (a) Gratuity shall be calculated on the basis of pay which the employee was receiving immediately before his retirement or on the date of his death;
- (b) "Pay" shall mean pay as defined in Fundamental Rule-9 (21) (a) (i)
- (c) Period of extraordinary leave, if any availed of by the employee concerned shall be taken into account for computing the completed service on the same basis as it is taken into account for the purpose of calculation of Pension and retirement gratuity / death gratuity under Central Civil Services (Pension) Rules, 1972 as amended, from time to time, and
- (d) An increment earned during the currency of earned leave not exceeding 120 days or during the first 120 days of earned leave exceeding 120 day expiring on the date of retirement, though not actually drawn, shall form part of the pay for purposes of calculating terminal /death gratuity".

6. Interpretation:

If any question arises relating to the Interpretation of these regulations, it shall be referred to the Board who shall decide the same.

NOTE:

PRINCIPAL REGULATIONS: The Visakhapatnam Port Employee's (Temporary Service) Regulations 1964 vide, originally issued by the Government vide, GSR 321 dt.24.2.1964. These regulations were subsequently amended vide, Ministry's letters mentioned below:-

1. Notification No.PEV-9/75 dt.20.2.1976
2. Notification No.PEV-32/76 dt.6.02.1976.

SECRETARY
VISAKHAPATNAM PORT TRUST
VISAKHAPATNAM-530 035

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FORM - I
(See Reg. - 3)

Notice of termination of service issued Regulation-3 (i) of the Visakhapatnam Port Employees' (Temporary Service) Regulations, 1991. _____

In pursuance of Sub-regulation (1) of Regulation-3 of the of the Visakhapatnam Port Employees' (Temporary Service) Regulations, 1991 I, _____

(Name and Designation)

Hereby giving notice to Sri/Smt./Kum _____
that his/her services shall stand terminated with effect from the dates of expiry of a period of one month from the date of which this notice is serviced on, or as the case may be tendered to him/her.

Station:
Date:

SIGNATURE OF THE APPOINTING
AUTHORITY

ACKNOWLEDGEMENT

I hereby acknowledge the receipt on this day

Of the notice of termination from service.

Station:
Date:

SIGNATURE OF THE INDIVIDUAL
DESIGNATION:

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FORM – II

(See Reg. – 3)

Order of termination of service issued under the proviso to sub-regulation (2) of Regulation-3 of the Visakhapatnam Port Employees' (Temporary Service) Regulations, 1991.

In pursuance of the Proviso to sub-regulation (1) of Regulation-3 of the Visakhapatnam Port Employees' (Temporary Service) Regulations, 1991,

I _____

hereby

(Name and Designation)

Terminate forthwith the services of Shri/Shrimathi/Kumari _____
_____ and direct that he/she shall be entitled to claim a sub equivalent to the amount of his/her pay plus allowances for the period of notice at the same rates at which he/she was drawing them immediately before the termination of his/her service, or, as the case may be, for the period by which such notice falls short of one month.

SIGNATURE OF THE APPOINTING AUTHORITY

Station:

Date:

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F O R M - II (See Regn. – 3)

Order of termination of Service issued under the Proviso to Sub- Regulation 1) of Regulation-3 of Visakhapatnam Port Employees' (Regulation (1) of Regulation-3 of Visakhapatnam Port Employees' (Temporary Service) Regulations, 1991, during the currency of the Notice of termination of Services already served on him.

In modification of Notice No. _____
dated _____ of termination of service of Sri/Shrimati/
Kimari _____ and
in pursuance of the Proviso to Sub-Regulation (!) of Regulation-3 of the Visakhapatnam
Port Employees'(Temporary Service) Regulations, 1991, I hereby terminate forthwith the
services of Sri/Smt.Kum. _____ and
direct that he/she shall be paid sum equivalent to the amount of pay and allowances for
the period by which the said notice falls short of one month calculated at the same rates
at which he/she was drawing them immediately before the date of this order.

SIGNATURE OF THE APPOINTING AUTHORITY

Station:

Date:

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V.P.E. (CONDUCT) REGULATIONS, 1964

G.S.R. 323: In exercise of the powers conferred by Section -126 read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby makes the following Regulations, namely:

1. SHORT TITLE AND APPLICATION: (1) These regulations may be called the Visakhapatnam Port Employees (Conduct) Regulations, 1964.
2. They shall come into force on the 29th February, 1964.
3. Except as otherwise provided by or under these Regulations, they shall apply to all persons appointed to posts in connection with the affairs of the Visakhapatnam Port.

“Provided that nothing in Sub-Regulation (3) of Regulation 3, Sub-Regulations (2) and (3) of Regulation 4, Regulation 9, 11, Sub-regulation (3) of Regulation 12, Regulation 13, Sub-Regulation (1), (2) and (3) of Regulations 15, Regulations 16, 17 and 18 shall apply to an employee drawing a pay not exceeding Rs.1679/- per mensem and holding a Class-III or Class-IV post.

2. DEFINITIONS: In these Regulations, unless the context otherwise required:-
 - a. ‘Board’ ‘Chairman’, ‘Deputy Chairman’ and ‘Head of a Department’ shall have the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963);
 - b. “Government” means the Central Government;
 - c. “Employee” means an employee of the Board”
 - d. “Member of the family” in relation to an employee includes;
 - i. The wife, child or step child of such employee whether residing with him or not, and in relation to an employee who is a woman, the husband residing wither and dependent on her; and
 - ii. any other person related, whether by blood or by marriage, to the employee or to such employees wife or husband and wholly dependent on such employee but does not include a wife or husband legally separated from the employee, or child or step-child who is no longer, in any way, dependent upon him or her or of whose custody the employee has been deprived of law;

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- e. "Prescribed authority" means the appointing authority as prescribed in the Visakhapatnam Port Employees (Classification, Control and Appeal;) Regulations, 1964.

3. GENERAL:

1. Every employee shall, at all times, maintain absolute integrity and devotion to duty.
2. No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.
3. No employee holding a Class-I post shall except with the previous sanction of the Board, permit his son, daughter or any other dependent to accept any employment with any firm or company with which he has dealings in his capacity as such employee or with any other firm having dealings with the Board.

Provided that where the acceptance of such employment by the son, daughter or other dependent of such employee cannot await the prior permission of the Board or is otherwise considered urgent; the matter shall be reported by the employee to the Board and the employment may be accepted provisionally subject to the permission of the Board

- a. (1) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority.

(2) No employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

EXPLANATION: Nothing in Sub-regulation (2) above shall be construed as empowering an employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

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(3) Oral instructions should not, as far as possible, be issued by senior officers to their subordinates, if the oral instructions are issued by any senior Officer they should be confirmed by him in writing immediately thereafter.

No employee shall:

(3-A) (a) Act in a manner prejudicial to the interest of the Port.

(b) Be absent without sanctioned leave.

(c) Neglect work or show negligence in the performance of work including slowing down the work.

(d) Commit any act which is subversive of discipline or of good behavior.

(e) Abet or attempt the abet any act which amounts to misconduct.

(f) Act in in-subordination or dis-obedience in combination with others”.

(4) Every employee should desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which his child or dependent is employed.

(5) No employee should bid at auctions arranged by or on behalf of the Board.

(6) Participation by an employee in proselytizing activities or the direct or indirect use of his position and influence in such activities is objectionable.

(7) Every employee is expected to maintain a reasonable and decent standard of conduct in his private life and not bring dis-credit to his employer by his mis-demeanour. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance by neglect of the spouse and family, action may be taken against him on that score.

(8) Any employee who is convicted by a court of law or arrested should report the fact of his conviction or arrest his departmental superiors promptly. Failure to do this will render him liable to disciplinary action.

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4. "Taking part in politics and Elections:-

(1) (1) No employee shall take part in an election to any legislature of local authority.

Provided that:-

- i. An employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which no indication of the manner in which is proposes to vote or has voted.
 - ii. An employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.
- (2) No employee shall engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign state, public order, decency or morality of or which involves contempt of Court, defamation or incitement to an offence.
- (3) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

5. **CONNECTION WITH PRESS OR RADIO:**

- (1) No employee shall, except with the previous sanction of the Board, own wholly or in part or conduct or participate in the editing or managing of, any news paper or other periodical publication.
- (2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical; or publish a book himself or through a Publisher, or contribute an article to a book or compilation of articles.

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary artistic or scientific character.

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6. **CRITICISM OF BOARD / GOVERNMENT:** No employee shall, in any radio broadcast or in any document published anonymously or in his own name or pseudonymously in the name of any other person or in any communication to the press or in any other public utterance make any statement of fact or opinion –

- i. Which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust.

Provided that in the case of any employee specified in the proviso to Sub-Regulation (2) of Regulation 1, nothing contained in this regulation shall apply to bonafide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein; or

- ii. Which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust; or
- iii. Which is capable of embarrassing the relations between the Central Government and the Government of any Foreign State;

Provided that nothing in this regulation shall apply to any statements made or views expressed by an employee in his official capacity or due performance of the duties assigned to him.

7. **EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY:**

(1) Save as provided in Sub-Regulation (3), no employee shall except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, Committee or Authority.

(2) Where any sanction has been accorded under Sub-Regulation (1), no employee giving such evidence shall criticize the policy or any action of the Board or of any other Major Port Trust or of the Central Government or of a State Government;

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(3) Nothing in this regulation shall apply to –

- a) Evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State Legislature or by the Board or by any other Major Port Trust, or
- b) Evidence given in any judicial enquiry; or
- c) Evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board, or by any other Major Port Trust or by the Chairman or Deputy Chairman or Head of Department.

8. **UN-AUTHORISED COMMUNICATION OF INFORMATION:** No employee shall, except in accordance with any general or special order of the Board or in the performance in good faith of the duties assigned to him, communicate directly or indirectly, any official document or information to any person to whom he is not authorized to communicate such documents or information.

EXPLANATION: If any employee quotes or copies in his representation, appeal etc., circulars and instructions of the Board or any other Major Port Trust or Government including those marked secret, notes and other information from files which they are ordinarily not expected to have been or to have retained, the action will be construed as not only improper but also as involving contravention of this regulation.

9. **SUBSCRIPTIONS:** No employee shall, except with the previous sanction of the Board or of such authority as may be empowered by it in this behalf, ask for or accept contributions to, or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever.

EXPLANATION: (1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.

(2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.

(3) Collection of subscriptions by an employee any member of a service union of employees from amongst other members of the union -

- i. Is un-objectionable and does not require prior sanction if

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- a) The proceeds are proposed to be utilized for welfare activities of the union;
- b) Where a matter affected the general interest of the members of the union is in dispute, it is permissible, under the rules of the union to spend its funds over such matters.
 - ii. Is objectionable if the proceeds are proposed to be utilized for the defence of an individual member of the union against whom departmental action is being taken on grounds which concern him in particular.

(4) Approach to the public for collecting funds for the union without the previous sanction of the Board is objectionable.

10. **GIFTS:** (1) Save as otherwise provided in these regulations, no employee shall accept permit any member of his family or (any other person nothing on his behalf) to accept any gifts.

EXPLANATION: The expression "GIFT" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the employee.

NOTE: 1 A Casual meal, lift or other social hospitality shall not be deemed to be a gift.

NOTE: 2 An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations etc.

- (2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives but he shall make a report to the Board if the value of any such gift exceeds.
 - i. Rs.500/- in the case of an employee holding any Class-I or Class-II post;
 - ii. Rs.250/- in the case of an employee holding any Class-II post ; and
 - iii. Rs,10/- in the case of an employee holding any Class-IV post.

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- (3) On such occasions as are specified in Sub-Regulation (2) an employee may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Board, if the value of any such gift exceeds;
- Rs.200/- in the case of an employee holding any Class-I or Class-II post;
 - Rs.100/- in the case of an employee holding any Class-III post; and
 - Rs.50/- in the case of an employee holding any Class-IV post.
- (4) In any other case, an employee shall not accept or permit any member or his family or any other person acting on his behalf to accept any gift without the sanction of the Board if the value thereof exceeds -
- Rs.75/- in the case of an employee holding any Class-I or Class – II post ; and
 - Rs.25/- in the case of an employee holding any Class-III or Class – IV post.
- (5) Notwithstanding anything contained in Sub-Regulations (2), (3) and (4) an employee may receive gifts of symbolic nature from foreign dignitaries and retain such gifts.
- (6) Gifts from foreign dignitaries which are not of symbolic nature may be retained by an employee if the market value of the gift in the country of origin does not exceed Rs.3000/-
- (7) Where there is doubt whether a gift received from a foreign dignitary is of symbolic nature or not, or where the market value of the gift in the country of origin apparently exceeds Rs.3,000/- or where there is any doubt about the actual market value of the gifts, the acceptance of such gifts and retention thereof, by the employee shall be regulated by the instructions issued by the Central Government in this regard from time to time.
- (8) An employee shall not accept any gift from any foreign firm which is either contracting with the Government of India or is one with which the employee had, has or is likely to have official dealings, acceptance of gifts by an employee from any other foreign firm shall be subject to the provisions of Sub-Regulation (4).

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11. Public Demonstrations in Honour or Employees :

No employee shall, except with the previous sanction of the Board, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other employee:-

Provided that nothing in this regulation shall apply to:

- i) A farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted service under the Board; or
- ii) The acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

EXPLANATION: Acceptance of invitation to declare buildings etc., open or to lay the foundation stones of new buildings, etc., or to allow public places, institutions to be renamed after him attract the provisions of this regulation.

NOTE: Exercise of pressure or influence of any sort on any employee to induce him to subscribe toward any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Class-III or Class-IV employees under any circumstances for the entertainment of any employee not belonging to Class-III or Class-IV, is for – bidden.

12. PRIVATE TRADE OR EMPLOYMENT:

1. Subject to the provisions of Sub-Regulation (2), no employee shall, except with the previous sanction of the Board.
 - a. Engage directly or indirectly in any trade or business, or
 - b. Negotiate for or undertake any other employment'
 - c. Held an elective office or canvass for a candidate or candidate for an elective office in anybody whether incorporated or not, or.
 - d. Canvass in support of any business of insurance agency, commission agency etc., owned or managed by any member of his family, or
 - e. Take part except in the discharge of his official duties, in the registration, promotion or management of any ban or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any Co-operative Society for Commercial purposes.

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2. An employee may, without the previous sanction of the Board:
 - a) Undertake honorary work of a social or charitable nature or
 - b) Undertake occasional work of a literary, artistic or scientific character, or
 - c) Participate in sports activities as an amateur, or
 - d) Take part in the registration, promotion or management (not involving the holding of an elective office) of a literary scientific or charitable society or of a club or similar organization, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force, or
 - e) Take part in the registration, promotion or management (not involving the holding of elective office) of a Co-operative Society substantially for the benefit of employees, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force.

Provided that -

- i) He shall dis-continue taking part in such activities, if so directed by the Board; and
 - ii) in a case falling under Clause (d) or Clause (3) of this sub-regulation, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity report to the Board giving details of the nature of his participation.
3. Every employee shall report to the Board if any member of his family is engaged in a trade or business of owns or manages an insurance agency or commission agency.
 4. Unless otherwise provided by general or special orders of the Board, no employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

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13. Investment, Lending and Borrowing: (1) No employee shall speculate in any stock, share or other investment.

EXPLANATION: Frequent purchase or sale or both, of shares securities or other investments shall be deemed to be speculation within the meaning of this Sub-Regulation.

2. No employee shall make or remit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his duties.
3. If any question arises whether a security or investment is of the nature referred to in Sub-Regulation (1) or Sub-Regulation (2), the decision of the Board thereon shall be final.
4. No employee shall, except, with the previous sanction of the Board, lend money to any person possessing and or valuable property, within the local limits of his authority or at interest to any person;

Provided that an employee may make an advance of pay to a private servant, or give a loan of small amount, free of interest to a personal friend or relative; even if such person possesses land within the local limits of his authority.

5. No employee shall in the ordinary course of business with a bank or firm of a standing borrow money from, or otherwise place himself under pecuniary obligation to, any person within the local limits of his authority or any other person with whom he is likely to have dealings; nor shall he permit any member of his family, except with the previous sanction of the Board, to enter into any such transaction;

Provided that an employee may accept a purely temporary loan of small amount, free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

6. When an employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of Sub-regulation (4) or Sub-Regulation (5), he shall forthwith report the circumstances to the Board and shall thereafter act in accordance with such orders as may be passed by the Board.

14. Insolvency and habitual indebtedness: (1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceedings for insolvency shall forthwith report full facts to the Board.

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(2) When an attachment order is to be enforced against an employee, the Chairman or Dy. Chairman should: -

- i) Determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so,
- iii) Consider the question of taking disciplinary action against him.

NOTE: The burden of providing that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence the employee could not have foreseen, or ever which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the employee.

15. MOVABLE, IMMOVABLE AND VALUABLE PROPERTY:

- (i) Every employee shall on his first appointment to any post submit a return of his assets and liabilities, in such form as may be prescribed by the Board giving the full particulars regarding –
 - a) The immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;
 - b) Shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
 - c) Other movable property inherited by him or similarly owned acquired or held by him; and
 - d) Debts and other liabilities incurred by him directly or indirectly.

NOTE: 1 Sub-Regulation (1) shall not ordinarily apply to Class-IV servants but the Board may direct that it shall apply to a such employee or class of such employees.

NOTE: 2 In all returns, the values of items of movable property worth less than (Rs.2,000/-) may be added and shown as a lumpsum. The value of articles of daily use such as clothes utensils, crockery, books etc., need not be included in such return.

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NOTE: 3 Where an employee already belonging to holding a post is appointed to any other post, he shall not be required to submit fresh return under this clause.

(ii) Every employee holding any post included in Class-I & Class II shall submit an annual return in such form as may be prescribed by the Board in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

(2) No employee shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him.

(3) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds Rs.10,000/- in the case of an employee holding any Class-I or Class-II post and Rs.5,000/- in the case of an employee holding any Class-III or Class-IV post.

Provided that the previous sanction of the prescribed authority shall be obtained by the employee if any such transaction is with a person having official dealings with him.

(4) The Board may, at any time, by general or special order, require an employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or in his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the employee or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

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EXPLANATION: I For the purposes of this regulation - the expression “movable property” includes –

- a) Jewellery, insurance policies, the annual premium of which exceeds Rs.2,000/- or one sixth of the total annual emoluments received from Board, whichever is less, shares, securities and debentures;
- b) All loans, whether secured or not, advanced or taken by the employee;
- c) Motor cars, motor cycles, horses or any other means of conveyance; and
- d) Refrigerators, radios (radiograms and television sets).

EXPLANATION: II For the purposes of this Regulation “Lease” means, except where it is obtained from, or granted to a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

15A RESTRICTIONS IN RELATION TO ACQUISITION AND DISPOSAL OF IMMOVABLE PROPERTY OUTSIDE INDIA AND TRANSACTIONS WITH FOREIGNERS ETC.

- a) Acquire by purchase, mortgages, lease, gift or otherwise either in his own name or in the name of any member of his family, and immovable property situated outside India.
- b) Dispose of by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;
- c) Enter into any transaction with any foreigner foreign Government, Foreign Organization or concern --
 - i) for the acquisition by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family or any immovable property.
 - ii) for the disposal of by sale, mortgage, gift or otherwise or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

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16. Vindication of Acts and character of employees:-

No employee shall, except with the previous sanction of the Board, have recourse to any court or the press for the vindication of any official act which has been a subject matter of adverse criticism or an attack or defamatory character.

EXPLANATION: Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity.

17. Canvassing of non-official or other outside influence:

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

18. (1) No employee shall enter into, or contract, a marriage with a person having a spouse living, and

(2) No employee having a spouse living, shall enter into, or contract, a marriage with any person;

Provided that the Board may permit an employee to enter into or contract, any such marriage as is referred to in Clause (1) or Clause (2) if it is satisfied that –

- a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage; and
- b) there are other grounds for so doing;
- 3) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Board.

19. Drinking: Subject to the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall:-

- a) During the course of his duty be under the influence of any intoxicating drink or drug and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- b) Consume any intoxicating drink or drug in a public place; or

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- c) Appear in a public place in a state of intoxication or
- d) Habitually use such drinks or drugs to excess.

EXPLANATION: For the purposes of the Regulation, "Public place" means any place or premises (including a conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

20. **Interpretation:** If any question arises relating to interpretation of these regulations, it shall be referred to the Chairman who shall decide the same (w.e.f. 14.9.89).

F O R M -- I

(Form of report / application (for permission) to the prescribed authority for the building of, or addition to, a house).

This is to report to you that I propose to build a house

This is to request that permission may be granted to me for the building of a house.

The estimated cost of the land and the building is given below:-

LAND: (1) Location (Survey numbers, village, district, state)
(2) Area
(3) Cost

BUILDING:

- (1) Bricks (Rate/ Quantity/ Cost)
 - (2) Cement (Rate/ Quantity/ Cost)
 - (3) Iron and Steel (Rate/ Quantity/ Cost)
 - (4) Timber (Rate/ Quantity/ Cost)
 - (5) Sanitary fittings (Cost)
 - (6) Electrical fittings (Cost)
 - (7) Any other special fittings (Cost)
 - (8) Labour charges
 - (9) Other charges if any
- Total cost of land and building.

Yours faithfully,

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(Form of report to the prescribed authority after completion of the building extension of house)

Sir,

In my letter No. _____ dt. _____
 I had, permission was granted to me in order _____
 reported that I proposed to build a house _____
 _____ dt. _____
 for building of house. The house has since been completed and I enclose a valuation report, duly certified by _____

* (A firm of civil engineers or a Civil Engineer of repute).

Yours faithfully,

Date:

(SIGNATURE)

VALUATION REPORT

I/We hereby certify that I/We have valued house _____
 _____ constructed
 by Shri/Smt.* _____ and
 I/We give below the value at which we estimate the cost of the house under the following heading:

<u>Heading</u>	<u>Cost</u>
	Rs. Ps.
1. Bricks	..
2. Cement	..
3. Iron and Steel	..
4. Timber	..
5. Sanitary fittings	..
6. Electrical fittings	..
7. All other special fittings	..
8. Labour charges	..
9. All other charges	..

Total cost of the building:

 Signature of the Valuation Authority

Date:

(here enter details of the house)
 (here enter name etc., of the employee)

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ANNEXURE - 'A'

(Here enter description of the proceedings)

The Board having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to the Board as may be required for my defence and further agree that end in a decision adverse to me.

(SIGNATURE OF THE EMPLOYEE)

ANNEXURE - 'B'

By this Bond I _____ (here give the name and other particular of the employee including the post held by him) acknowledge myself bound to the Board in the sum of Rs. _____ (hereafter a sum representing double the amount advance) to the said Board.

Now, the above written bond is conditioned to be void in case the above bounden (employee), his personal representative or any person acting for and on behalf of the above bounden (employee) shall on demand, pay to the said Board or its representatives or assigns or their attorney authorized to receive the same, the said sum of Rs. _____ but in the event of the above bounden (employee) on his personal representative or any person acting for and on his behalf failing to pay the said sum on demand, the above written bond shall remain in full force and effect.

Date this the _____ day of _____ 19
Witnesses:

Signature of the employee

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ANNEXURE - 'C'

I, Sri/Smt./Kum. _____
declare as under:

- * (i) That I am unmarried / a widower/ a widow
- * (ii) That I am married and have only one wife living.
- * (iii) That I am married and have more than one wife living, application for grant of exemption is enclosed.
- (iv) That I am married and that during the life time of my spouse I have contracted another marriage. Application for grant of exemption is enclosed.
- (v) That I am married and my husband has no other living wife to the best of my knowledge.
- (vi) That I have contracted a marriage with a person who has already one wife or more living.

Application for grant of exemption is enclosed.

**2 I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my application, I shall be liable to be dismissed from service.

* Please delete clauses not applicable

** Applicable in the case of Clauses (i), (ii) and (iii) only

APPLICATION FOR GRANT OF EXEMPTION
(Vide para 1 (iii)/I (iv) of the declaration)

To

Sir,

I request that in view of the reasons stated below, I may be granted exemption from the operation of restriction on the recruitment to service of a person having more than one wife living / woman who is married to a person already having one wife or more living.

Yours faithfully,

Date _____

Signature _____

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ANNEXURE – 'D'

Statements of Immovable property on first appointment for the year _____

1. Name of Employee (in full): _____
2. Present post held _____
3. Present pay _____

Name of District, Sub-Division, Taluq and Village in which property is situated	Name and details of property		Present Value*	If not in own name, state in whose name held and his/her relationship to the employee**	How acquired whether by purchase lease (***) mortgage, in heritage, gift or otherwise with date of acquisition and name with details of the person from whom acquired	Annual income from the property	Remarks
	House and other buildings	Lands					
1.	2.	3.	4.	5.	6	7.	8.

NOTE: The declaration form is required to be filled And submitted by every member of Class-I and Class-II service under Sub-Regulation (3) of Regulation 15 of the Visakhapatnam Port Trust Service (Conduct) Regulations, 1964 on first appointment to the services, and thereafter at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person

} Signature _____
Date _____

** In applicable clause to be struck out

* In case where it is not possible to assess the value accurately, The value accurately, the approximate value in relation to Present conditions may be indicate.

** Include short term lease also.

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Forms for giving prior intimation or seeking previous sanction under Reg.15 (2) in respect of immovable property (other than for building of or additions and alterations to a house).

1. Name and Designation :
2. Scale of pay and present pay :
3. Purpose of application – sanction for transaction/ prior intimation of transaction :
4. Whether property is being acquired or disposed of :
5. Probable date of acquisition / disposal of property :
6. Mode of acquisition / disposal :
7.
 - a) Full details about location. viz., Municipal No. Street/Village/Mandal/ District and State in which situated :
 - b) Description of the property in the case of cultivable land, dry or irrigated land :
 - c) Whether freehold or lease hold :
 - d) Whether the applicant's interest in the Property is in full or part (in case of partial interest, the extent of such interest must be indicated) :
 - e) In case the transaction is not exclusively in the name of the employee particulars of ownership and share of each member :
8. Sale / Purchase price of the property (Market value in the case of gifts) :
9. In case of acquisition, source or sources from which financed / proposed to be financed :
 - a) Personal Savings
 - b) Other sources giving details
10. In the case of disposal of property, was requisite sanction / intimation obtained / given for its acquisition (A copy of the sanction / acknowledgement should be attached. :

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11. a) Name an address of the party with whom :
transaction is proposed to be made.
- b) Is the party related to the applicant ? If so, :
state the relationship
- c) Did the applicant have any dealing with the :
party in his official capacity at any time, or is :
the applicant likely to have any dealings :
with him in the near future?
- d) How was the transaction arranged? :
(Whether through any statutory body or a :
private agency through advertisement or :
through friends and relatives. Full :
particulars to be given)
12. In case of acquisition by gift, whether :
sanction is also required under Regulation :
10 of the VPE ? (Conduct) Regulations, :
1964.
13. Any other relevant fact which the applicant :
may like to mention

DECLARATION

I, _____ hereby declare that the particular given above are true. I request that I may be given permission to acquire / dispose of property as described above from/to the party whose name is mentioned in item 11 above.

OR

I, _____ hereby intimate the proposed acquisition / disposal of property by me as detailed above. I declare that the particulars given above are true.

Station:
Date:

Signature:
Designation:

NOTE – 1: In the above form, different portions may be used according to requirement.

NOTE – 2: Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

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FORMS

Form for giving intimation or seeking previous sanction under Reg. 15 (3) for transaction in respect of movable property.

- 1) Name of the employee :
- 2) Scale of pay and present pay :
- 3) Purpose of application – sanction for transaction/ intimation for transaction :
- 4) Whether property is being acquired or disposed of :
- 5) (a) Probable date of acquisition or disposal of property. :
(b) If the property is already acquired/ disposed of – Actual date of transaction :
- 6) a) Description of the property (e.g.Car/ Scooter/Motor Cycle / Refrigerator / Radio/ Radiogram/ Jewellery/ Loans/ Insurance Policies etc.) :
b) Make mode (and also Registration No. in case of vehicles) where necessary :
- 7) Mode of acquisition/disposal (Purchase/ sale, gift, mortgage, lease or otherwise) :
- 8) Sale/Purchase price of the property (Market value in the case of gifts) :
- 9) In case of acquisition, source of sources from which financed/ proposed to be financed. ;
- 10) In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition (a copy of the sanction/ acknowledgement should be attached) :
- 11) a) Name and address of the party with whom transaction is proposed to be made/has been made :
:

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- b) Is the party related to the applicant? :
If so, state the relationship
 - c) Did the applicant have any dealing with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future? :
 - d) Nature of official dealings with the party
 - e) How was the transaction arranged? (Whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be he given.
- 12) In case of acquisition by gift, whether sanction is also required under Regulation 10 of the VPE (Conduct) Regulations, 1964
- 13) Any other relevant fact which the applicant may like to mention

DECLARATION

I, _____ hereby declare that the particulars given above are true. I request that I may be given permission to acquire/ dispose of property as described above from/to the party whose name is mentioned in item 11 above.

OR

I, _____ hereby intimate the proposed acquisition / disposal of property by me as detailed above. I declare that the particulars given above are true.

Station:

Signature:

Date:

Designation:

NOTE – 1: In the above form, different portions may be used according to requirement.

NOTE – 2: Where previous sanction is asked for, the application should be submitted at least 30 days before the proposed date of the transaction.

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NOTE: The Visakhapatnam Port Employees' (Conduct) Regulations, 1964 were issued by the Government vide G.S.R. No.323, dt.24.02.1964. The regulations were subsequently amended vide Notifications mentioned below:

1. Notification No.PEV-50/76, DT.06.08.1976
2. Notification No.PEV-22/77, DT.17.06.1977
3. Notification No.PEV-9/77, DT.23.06.1977
4. Notification No.PEV-30/79, DT.22.05.1979
5. Notification No.PW/PEV-38/80, dt.24.1.1981
6. Notification No.PR-12013/6/88-PE.I, dt.14.09.1989.

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MINISTRY OF SHIPPING
(PORTS WING)

NOTIFICATION

New Delhi, the 27th August, 2009

G.S.R. 601 (E) – In exercise of the Powers conferred by Sub-section (1) of Section 124, read with Sub-Section (1) of Section 132 of the Major Port Trusts Act 1963 (38 of 1963), the Central Government hereby approves the Visakhapatnam Port Trust Employee's (Recruitment, Seniority and Promotion) Amendment Regulations, 2009 made by the Board of Trustees of Visakhapatnam Port Trust as set out in the Schedule annexed to this Notification.

The said Regulations shall come into force from the date of publication of this Notification in the Official Gazette.

SCHEDULE

VISAKHAPATNAM PORT TRUST

Visakhapatnam Port Trust Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 2009

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Visakhapatnam Port Trust hereby makes the following regulations further to amend the Visakhapatnam Port Trust Employees' (Recruitment, Seniority and Promotion) Regulations 1980 as amended from time to time.

These Regulations may be called the Visakhapatnam Port Trust Employee (Recruitment, Seniority and Promotion) Amendment Regulations 2009.

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THE VISAKHAPATNAM PORT TRUST EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) REGULATIONS, 2004

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of Visakhapatnam Port hereby makes the following regulations, namely.

Short Title and Commencement

1.
 - (1) These Regulations may be called the Visakhapatnam Port Trust Employees (Recruitment, Seniority and Promotion) Regulations 2004.
 - (2) They shall come into force on the date of publication of the approval of the Central Government as required under the provisions of Section 124 and 132 of Major Port Trusts Act, 1963 in the Gazette of India.

Application

2. These Regulations shall apply to all posts created under Section 27 of the Act under the Board (including those covered by clause (a) of sub-section (1) of section 24 of the Act.)

Definition

3. In these regulations, unless the context otherwise requires.
 - (a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963).
 - (b) "Analogous post" means a post of which the duties and level of responsibilities and the pay ranges are comparable to those of the post to which selection is to be made.
 - (c) "Appointing Authority" in relation to any grade or post means the authority empowered under the Visakhapatnam Port Trust Employees (Classification, Control and Appeal) Regulations 1968, to make appointment to that grade or post.

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- (d) “Board” Chairman, Deputy Chairman and “Head of Department” have the meanings respectively assigned to them under the Act.
- (e) “Class-I posts”, Class-II posts” Class-III posts” and Class-IV posts” shall have the same meaning as assigned to them in Regulation 4 of the Visakhapatnam Port Trust Employees (Classification, Control and Appeal) Regulations, 1968.
- (f) “Departmental Promotion Committee Constituted” means a committee from time to time under Regulation 26 for the purpose of making recommendation for promotion to or confirmation in any grade or post.
- (g) “Direct Recruit” means a person recruited on the basis of a competitive examination or test and / or interview by services selection committee.
- (h) “Employee” means an employee of the Board.
- (i) “Grade” means any of the grades specified in the Schedule of Employees prepared and sanctioned under Section 23 of the Act.
- (j) “Lien” means the title of an employee to hold on regular basis, either immediately or on the termination of a period of periods of absence, a post to which he has been appointed on regular basis and on which he is not on probation.
- Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in the grade.
- (k) “Permanent Employee” means an employee who has been substantively appointed to a permanent post.
- (l) “Schedule” means the schedule appended to these regulations.

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- (m) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in Clauses (24) and (25) of article 366 of the Constitution of India.
- (n) "Select List" in relation to any grade or post means the select list prepared in accordance with regulation 13 for that grade or post.
- (o) "Selection Post" means a post declared as such under Regulation 5 of these regulations.
- (p) "Services Selection Committee" means the Committee constituted under Regulation 12 for the selection of candidates by means of a written test, a trade test and / or interview for appointment to posts reserved for direct recruitment.
- (q) "Temporary Employee" means an employee holding a temporary post of officiating in a permanent post or on probation in his appointment in the service of the Board.

MANNER OF APPOINTMENT

4. All appointments to the posts to which these regulations apply shall be made in accordance with the provisions of these regulations. Appointment may be made either by promotion or by absorption or deputation or direct promotion or by absorption or deputation or direct recruitment, Deputation will be of employees from the Major Ports, Central Govt., State Govts, Autonomous bodies, Govt. Companies fulfilling the criteria of eligibility prescribed for the post. The normal period of deputation is 3 years which is extendable to 4 years. In exceptional circumstances, this can be extended to five years.

"Provided that the appointment in respect of posts treated as Heads of Department and posts one level below the HOD, all the vacancies shall be filled by "Composite method of recruitment", i.e. through promotion/transfer/deputation on absorption basis failing which deputation and failing both by direct recruitment. The promotion / transfer on absorption will be from the officers form Major Port Trust fulfilling the criteria of eligibility prescribed in the Schedule annexed to the Regulation."

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SCHEDULES

5. The manner of appointment i.e. whether by direct recruitment or by departmental promotion or absorption or deputation, the qualification, age education, training requirements of experience, classification of posts as selection posts or non-selection posts and other matters connected with the appointments to various posts shall be shown in the Schedule annexed to these Regulations in respect of Class-I posts. In respect of Class-II, Class-III and Class-IV posts the manner of appointment shall be as laid down by the Board from time to time. The Schedule shall also show the authorized permanent and temporary strength of the various grades as shown in the Schedule of Employees prepared under the provisions of Section-23 of the Major Port Trusts Act 1963. This strength is liable to change from time to time under the provisions of Section-27 of the Major Port Trusts Act, 1963. The eligibility requirements prescribed for direct recruitment will apply in the case of promotion to the extent mentioned in Column-9 of the schedule and requirement of experience for promotion will be as prescribed in Column 12 of the schedule.

Provided that the prescribed upper age limits may be relaxed by the Central Govt. in case of the HODs and by the Chairman in all other cases for reasons to be recorded in writing for direct recruitment / absorption deputation as under:-

- (i) Up to 5 years where the minimum experience prescribed is 10 years or more and up to 3 years where the minimum experience prescribed is 5 to 9 years.
- (ii) In the case of a candidate who is an ex-serviceman, i.e. ex-employee of India's Defence Force, and who has put in not less than 6 months continuous service in the Defence Forces, upto the extent of the service rendered by him in the Defence Forces plus three years where the vacancy to be filled is a vacancy reserved for such ex-servicemen and dependents of those killed in action and upto the extent of the service rendered by him in the Defence Forces, where the vacancy to be filled is an unreserved vacancy; and

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- (iii) In the case of candidate belonging to the Scheduled Castes or the Scheduled Tribes or other Backward Classes in accordance with such orders as the Central Government may issue from time to time in this regard.

Provided further that the requirement of experience is relaxable at the discretion of the Central Govt. in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes if at any stage of selection, the Central Govt., is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

ROSTER OF VACANCIES

6. A roster shall be maintained for each grade to show whether a particular vacancy should be filled by direct recruitment or promotion. However, if a vacancy which is reserved for direct recruitment cannot be filled by direct recruitment, it may be filled by promotion and the next vacancy shall be filled by direct recruitment. Similar practice can be followed in the case of a vacancy reserved for promotion but cannot be filled by promotion method.

RESERVATION

7. (1) Orders issued by the Central Govt. from time to time for reservation of posts under it, whether to be filled by direct recruitment or promotion infavour of the Scheduled castes and Scheduled Tribes shall apply mutatis mutandis to all appointments covered by these regulations.

(2) Orders issued by the Central Govt., from time to time for the reservation of posts under it in favour of other Backward classes, Ex-servicemen and Dependents of those killed in action, Sportsmen and Physically handicapped persons shall also apply mutatis mutandis to appointments covered by these regulations and to which direct recruitment is made.

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8. NATIONALITY, CHARACTER, PHYSICAL FITNESS ETC. FOR DIRECT RECRUITMENT;

(1) In order to be eligible for direct recruitment to any grade or post, a candidate must be –

(a) A Citizen of India; or

(b) A subject of Nepal: or

(c) A subject of Bhutan; or

(d) A Tibetan refugee who came over to India before the 1st January, 1962 with the Intention of permanently settling in India or.

(e) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or the East African countries of Kenya, Uganda, the United Republic of Tanzania, Zambia, Malawi permanently settling in India.

Provided that a candidate belonging to category (a) shall produce such proof of his nationality as the Chairman may, from time to time require. Provided further that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of Eligibility has been issued by the Govt. of India.

Provided also that a candidate in whose case the proof of nationality or a certificate of eligibility is necessary may be provisionally appointed, pending the production by him of the necessary certificate in his favour from the Central Govt., as the case may be. In such cases the provisional appointment shall not exceed a period of one year.

(2) The Chairman may, with the prior approval of the Central Govt., modify or waive any of the requirements of sub regulation (1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfills the requirement of these regulations.

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(3) No person

(a) Who has entered into or contracted a marriage with person having a spouse living: or

(b) Who having a spouse living has entered into or contracted a marriage with any person.

Shall be eligible for appointment to any grade or post to which these regulations apply.

Provided that the Central Govt. in case of HODs and Chairman in all other cases may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this sub regulation.

(4) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to any grade or post. No candidate who has been convicted by a Court of law for an offence involving moral turpitude or who has been adjudged as an insolvent shall be eligible for appointment to a grade or post.

(5) A candidate shall be in good mental and physical health and free from any physical defects likely to interfere with the discharge of his duties as an employee of the Board. A candidate who after such medical examination as the Central Govt. in case HODs and Chairman in all other cases may specify, is found not to satisfy those requirements shall not be appointed.

(6) If any question arises whether a candidate does or does not satisfy all or any of the requirements of this regulation, the same shall be decided by the Central Govt., in case of HODs and Chairman in all other cases.

ELIGIBILITY OF EXISTING EMPLOYEES FOR DIRECT RECRUITMENT

9. When the posts required to be filled by direct recruitment are advertised, employees already in service may also apply, provided they possess the prescribed qualifications and experience. Age limit in such cases will not apply.

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ADVERTISEMENT OF VACANCIES

10. (1) Vacancies of Class-III * IV posts to be filled by direct recruitment shall be notified to the Local Employment Exchange. In case sufficient number of eligible and suitable candidates are not available, the vacancies be advertised in News papers published with in the State. Class. I & Class. II posts intended to be filled by direct recruitment shall be advertised in National and Local dailies and / or Employment News.

(2) The crucial date for determining the qualification, experience and age shall be the first day of the month in which the post is notified / advertised unless otherwise specified.

CONDUCT OF WRITTEN OR SKILL TESTS IN CERTAIN CASES:

11. The Appointing Authority may decide whether a written or skill test or both should be held and also name the officer who should hold the said test and the manner in which the test should be held and other details thereof. It shall be open to the Appointing Authority to engage a consultant or a firm of consultants to conduct a written or skill test.

SERVICES SELECTION COMMITTEE:

12.(1) There shall be a Services Selection Committee for each grade or post, as mentioned in sub regulation (2) to conduct interviews of eligible candidates for making selection of candidates for appointment to different posts by direct recruitment.

(2) The category of posts and the composition of the Services Selection Committees referred to in sub regulation (1) shall be the following, namely:

a) For HODs

Joint Secretary (Ports) of the Ministry of Shipping - Chairman
Chairman / Dy. Chairman of the Port - Member

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Any other Port Chairman or an officer having wide experience in the field to be nominated by the Ministry of Shipping – Member

Representative of SC/ST & OBCs nominated by the Ministry of Shipping- Member

b) For Class1 Posts

(i) Chairman

- Chairman

(ii) Deputy Chairman

- Member

(iii) HOD incharge of the Department in which the vacancy occurs

- Member

(iv) HOD in charge of the Personnel

- Member

(v) Representative of SC/ST & OBCs nominated

- Member

By the Chairman

c) For Class II Posts

i) Deputy Chairman

- Chairman

ii) Head of the Department in which the vacancy arises

- Member

iii) Head of the Department incharge of Personnel

- Member

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- iv) Representative of SC/ST & OBC's nominated by the Chairman
 - Member

- d) For Class-III and Class-IV posts (Common Categories)
 - i) Deputy Chairman or in his absence, HOD nominated – Chairman by the Chairman of the Board
 - ii) Head of the Department in which the vacancy arises
 - Member
 - iii) A senior Officer in the grade not below Rs.16000
 - Member
 - 400-20800 to be nominated by the Chairman
 - iv) Representative of SC/ST & OBC's nominated by the Chairman
 - Member

- e) For Class-III and Class-IV posts (Uncommon Categories)
 - i) HOD, where the vacancy arises
 - Chairman
 - ii) Head of the Department in charge of Personnel
 - Member
 - iii) A senior Officer of the concerned Division in the grade not below Rs.16000-400-20800 to be
 - Member
 - Nominated by the Chairman
 - iv) Representative of SC/ST & OBC's nominated by the Chairman
 - Member

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The Appointing Authority may also nominate any person not in the service of the Board to be a member of Services Selection Committee if such a person is specialized in the relevant field. Where any member of a Services Selection Committee is not available, the Appointing Authority may nominate another officer of appropriate level in his place to attend the meeting.

- (3) Where recruitment to vacancies in grades common to more than one department is made in a common selection, the composition of the committee shall be decided by the Chairman in each case.

13. **SELECT LIST:**

The Services Selection Committee may recommend, in the order of merit, as adjudged by it, the names of the selected candidates to be kept on a select list for consideration of appointment to posts earmarked for direct recruits. Such a list shall be deemed to be valid for a period of 12 months, from the date on which the list is approved by the Appointing Authority. It is open to the Appointing Authority to extend the validity of the list for a period not exceeding six months or until a fresh select list is approved, whichever is earlier.

14. **CONSIDERTAIION OF RECOMMENDATIONS OF SERVIES SELECTION COMMITTEE AND ADHOC APPOINTMENTS**

All appointments by direct recruitment shall be made by the Appointing Authority on the recommendations of the concerned Services Selection Committee.

Provided that it shall be open to the Appointing Authority, for reasons to be recorded in writing, not to accept the recommendations of Services Selection Committee.

Provided further that where the Appointing Authority is an authority subordinate to the Chairman and the authority disagrees with such recommendations in any case, it shall record its reasons for such disagreement and submit the case to the Chairman who shall decide the same.

Provided also that in the case of a purely temporary post, a leave vacancy or a vacancy earmarked for direct recruitment requiring immediate filling up, the Chairman may appoint a person who is eligible to fill the vacant post for a period of six months at a time and not exceeding one year on adhoc basis, subject to the condition that:

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- (1) Ad-hoc appointment, where unavoidable, should be made only strict subject to fulfilling the qualifications, experience provided in the RRs.
- (2) Total period of appointment to a temporary post will not exceed the tenure the post.
- (3) In other cases, the temporary appointment should be replaced by a regular appointment from the select list as soon as possible.

15. **CANVASSING SUPPORT, A DISQUALIFICATION**

An endeavor on the part of a person to canvass support by direct or indirect method for appointment to a post or for promotion to a higher post shall disqualify him for the appointment or promotion.

16. **SUPPRESSION OF FACTS, A DISQUALIFICATION**

Any candidate who is found to have knowingly furnished any particulars which are false or have suppressed material information of a character, which if known would ordinarily have debarred him from getting an appointment to a grade or post, is liable to be disqualified, and, if appointed, to be dismissed from service.

17. **CANCELLATION OF APPOINTMENT ORDER**

If a candidate selected for the post earmarked for direct recruits fails to join duty within the date mentioned in the offer of appointment and where no such date is mentioned within 30 days of the date of the Appointing Authority may agree, the offer of appointment shall be deemed to have been canceled.

18. **PAYMENT OF TRAVELING ALLOWANCE FOR ATTENDING INTERVIEW**

In the case of posts filled by direct recruitment, all journeys which the candidates (including persons already in the service of the Board) may have to perform for the purpose of written and practical tests or interviews shall be at their own costs. However, candidates belonging to Scheduled Castes or the Scheduled Tribes called for written or trade tests or interview shall be granted traveling allowance equal to first class rail fare by shortest practicable route both ways on production of proof to the effect that he has actually performed the inward journey.

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19. PROBATION PERIOD

- (1) Every person appointed to a post by direct recruitment or promotion or absorption shall, subject to the provisions of sub-regulation (2) & (3), be on probation for a period of two years except in case of persons appointed on absorption basis through composite method of recruitment in the posts of HODs and Dy. HODs carrying the scales of pay of Rs.160000-400-20800 and above.

Provided that where the appointment itself is for a period specified in the appointment order, such appointment shall stand terminated on the expiry of such period, unless such period is extended by the Appointing Authority.

Provided that, when the appointment is made by the direct recruitment and the post carries a scale of pay, the maximum of which does not exceed Rs.11,975/- the period of probation shall be one year.

Provided that, there shall not be any probation in case of appointments by promotion within Class-III and Class-IV grades.

Provided further that, if an employee on probation to a grade or post is appointed to officiate in a higher grade or post, he shall be eligible to count the duration of his appointment to a higher grade or post to complete probation in his lower grade or post. Similarly, if an employee has previously been appointed to officiate in a grade or post, he may on appointment to the similar grade or post on probation will be eligible to count such officiating period (Excluding Ad-hoc service) to complete probation in the grade or post.

- (2) The period of probation may, if the Appointing Authority deems fit, be extended for a specific period at a time, but the total period of such extensions shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employee, exceed one year.
- (3) During the period of his probation, an employee may be required to undergo such departmental training and pass such departmental tests, as the Appointing Authority may, from time to time, specify in this behalf.

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20. CONFIRMATION OF EMPLOYEES ON PROBATION

(1) General

- (i) Confirmation will be made only once in the service of an employee which will be in the entry grade.
- (ii) Confirmation is de-linked from the availability of permanent vacancies in the grade. In other words, an officer who has successfully completed the probation may be considered for confirmation.

(2) Confirmation in the grade to which initially recruited.

- (i) As at present, the appointee should satisfactorily complete the probation.
- (ii) The case will be placed before DPC (for confirmation)
- (iii) A specific order of confirmation will be issued, when the case is cleared from all angles.

(3) On Promotion

- (i) If the recruitment rules do not prescribe any probation, an officer promoted on regular basis (after following the prescribed DPC, etc., procedure) will have all the benefits that the person confirmed in that grade would have.
- (ii) Where probation is prescribed, the Appointing Authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If work of the officer has not been satisfactory or needs to be watched for some more time, he may revert him to the post or grade from which he was promoted or extend the period of probation as the case may be.

Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactorily, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

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Confirmation of probationers: A person appointed against a permanent post as a direct recruit with definite conditions of probation is to be confirmed in the grade with effect from the date on which he successfully completes the period of probation. The decision whether he should be confirmed or his probation extended should be taken soon after the expiry of the initial probationary period, i.e. ordinarily within 6 to 8 weeks and communicated to the employee together with the reasons in case of extension. Even though the meetings of the DPC may be held after the termination of the period of probation of direct recruits, a person appointed against a permanent post with definite conditions of probation is to be confirmed in the grade with effect from the date on which he successfully completes the period of probation. A probationer who is not making satisfactory progress or who shown himself to be inadequate for the service should be informed of his shortcomings well before the expiry of the original probationary period so that he can make severe efforts at self-improvement.

In the case of probation, the DPC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

21. **DISCHARGE OR REVERSION OF EMPLOYEES ON PROBATION**

- (1) If an employee on probation in his first appointment is not considered fit, on the basis of his conduct or performance, for confirmation at the end of the period of probation prescribed in Regulation 19, he shall be discharged from the service of the Board.
- (2) If an employee on probation who holds a lien on a post and does not complete the period of probation as specified under Regulation 19, to the satisfaction of the Appointing Authority, he may be reverted to the post on which he holds a lien.

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- (3) If an employee during the period of probation on a post is considered unfit for further retention in that post on the basis of performance or conduct or failure to pass the departmental test if prescribed, he shall be liable to be discharged from service at any time, if he has no lien on any post or reverted to the post in which he holds a lien.

22. DEPARTMENTAL TEST FOR PROMOTION CONFIRMATION IN CERTAIN CASES:

The Chairman may specify, from time to time, the posts confirmation in or promotion to which shall be subject to the passing of a qualifying departmental test, if any. The Chairman may also specify, from time to time, the details of the qualifying departmental test such as the procedure for holding the test, the syllabus for the within which the test shall be passed by the candidates, etc.

23. REVERSION DUE TO FAILURE IN DEPARTMENTAL TEST

An employee promoted to a post shall pass such qualifying departmental test, if any, as may be specified by the Chairman from time to time, within such period, as may be specified by him failing which the employee shall be reverted. When the passing of a test is specified as a condition precedent to promotion to a higher post, no employee shall be considered for promotion to such a post, until he passes the prescribed test.

24. SENIORITY LIST

An up-to-date gradation list indicating the inter-se-seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees in each grade. The list shall be circulated every year.

25. FIXATION OF SENIORITY

- (1) The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned inter-se seniority according to rotation of vacancies between direct recruits and promotes which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion as indicated in the schedule. In cases, where exchange of vacancies has been resorted to, as per Regulation 6, the seniority will be as per the mode of filling up.

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- (2) Direct recruits shall be ranked inter-se in the order of merit in which they are placed in the select list on the basis of their performance in the examination or interview or both the recruits of an earlier select list being ranked senior to those of a later select list.
- (3) Persons appointed against promotion quota of vacancies shall be ranked inter-se according to the order in which they are approved for promotion by the Department Promotion Committee.
- (4) Notwithstanding anything contained in sub-regulations (1) to (3) above, the seniority already determined prior to the commencement of these regulations shall remain unaffected.

26. DEPARTMENTAL PROMOTION COMMITTEE

- (1) There shall be a Departmental Promotion Committee for each grade or post to recommend a panel of employees for appointment to different posts by promotion in accordance with these regulations.
- (2) The composition of the Departmental Promotion Committee will be the same as that of the Service Selection Committee as laid down in Regulations 12 and the validity of the panel shall be the same as mentioned in Regulation 13.

27. FIELD OF SELECTION FOR PROMOTION

- (1) Where one or more posts in a grade are required to be filled by promotion through selection method from employees holding posts in the feeder grade in accordance with the prescribed recruitment rules, employees holding the eligible posts and having the prescribed qualifications and experience for promotion shall be considered for promotion, if they fall within the zone of consideration.
- (2) The following procedure shall be observed while recommending employees for promotion through selection method:
 - a) The Departmental Promotion Committee (DPC) shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the Officers as 'fit' or 'unfit' only those who are graded 'fit' by the DPC shall be included and arranged in the select list in order of their inter-se seniority in the feeder grade. Officers who are graded as 'unfit' by the DPC shall not be included in the select list.

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- b) The Departmental Promotion Committees shall also consider the cases of eligible employees who are on foreign service or on study leave.
- c) The instructions issued by the Govt. from time to time on procedure to be followed in DPC proceedings in respect of Govt. servants shall mutates mutandis apply.

Note: For absorption to the post carrying pay scale of Rs.16000-400-20800 and above and for which composite method of recruitment is adopted, the benchmark in the overall grading shall be 'Very Good'. In all other cases, the benchmark shall be "good".

- (3) For promotion to non-selection posts, where no benchmark is specified, the criteria for selection shall be seniority-cum-fitness.

28. AD-HOC APPOINTMENTS

In case of immediate necessity when a panel recommended by the Departmental Promotion Committee has been used up the Appointing Authority may make a purely ad-hoc appointment to a post, by appointing the senior most eligible and suitable employee in the feeder grade or post, up to a period of six months at a time and not exceeding one year or till a new panel is recommended by the Departmental Promotion Committee, whichever is earlier. The ad-hoc appointment, where unavoidable, should be made only strictly subject to fulfilling the qualifications, experience provided in the RRs.

29. COMPASSIONATE APPOINTMENTS

Notwithstanding anything contained in these regulations, the Chairman may dispense with the normal procedure of recruitment prescribed in these regulations and appoint to a Class-III or Class-IV post the legitimate son or daughter or the surviving spouse of an employee of the Board, who dies while in service, if the person to be so appointed possesses the prescribed qualifications and experience and is otherwise found suitable.

30. INTERPRETATION

In the application of these Regulations all the instructions of the Central Government as amended from time to time which are not contrary to any of the provisions of these Regulations and all instructions issued from time to time by the Central Government which cover matters not specifically covered will be followed.

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Where a doubt arises as to the interpretation of any of these Regulations, the matter shall be referred to the Chairman for a decision.

31. REPEAL AND SAVINGS

All the regulations, procedures, practices, and customs corresponding to these regulations and in force immediately before the commencement of the regulations are hereby repealed.

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

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**STATEMENT OF RECRUITMENT RULES FOR CLASS-I
POSTS OF GAD**

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VISAKHAPATNAM PORT EMPLOYEES' (AUTHORISATION OF PILOTS) REGULATIONS, 1964

...

G.S.R. 326 – In exercise of the powers conferred by proviso to Section 24 (i) read with Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following Regulations, namely:

1. Short title and commencement: (1) These Regulations may be called the Visakhapatnam Port Employees (Authorization of Pilots), Regulations, 1964.
2. Definitions – In these Regulations unless the context other-wise requires:
 - (i) “Board”, Chairman”, “Deputy Chairman” shall have the same meaning as in the Major Port Trusts Act, 1963.
 - (ii) “Pilotage waters” means all the navigable water ways inside the Harbour and upto 4 cables East of the Entrance Channel buoys.
 - (iii) “Deputy Conservator” means the Officer in whom the direction and Management of Pilotage are vested.
 - (iv) “Port” means the Port of Visakhapatnam.
3. Deputy Conservator’s Control over Pilots:- The Deputy Conservator shall have control over pilots in Pilotage charges of vessels while entering or leaving the Port or mooring or berthing or unberthing at any berth in the Port.,
4. Pilots to be Licensed: (1) All pilots shall held licenses to perform the duties of a Pilot for the Port of Visakhapatnam. These Licenses, subject to the sanction of the Central Government, shall be issued and the revocable by the Board.
 - (2) A Pilot serving in connection with the Board shall forthwith deliver his licence to the Board.
5. Conditions for joining the Pilot Service: A person shall not be licensed as a Pilot unless and until he satisfied the Board that he fulfills the following conditions.

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(a) The conditions of eligibility laid down in Regulation 14 (b) and 14 (c) of the Visakhapatnam Port Employees (Recruitment, Seniority & Promotion) Regulations, 1964.

(b) That on the date of appointment as a probationer Pilot he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.

(c) That he possess the qualification detailed in regulation 6 below.

6. Qualifications of candidates --

1) A candidate for pilotage licence shall :

a) Produce certificates of good character and sobriety and be in possession of a Certificate of Competency as Master (Foreign-going) granted by the Government of India or its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign – going ship;

b) Obtain a certificate a Physical fitness from such medical authority as may be prescribed by the Board for the purpose;

c) Unless the Board otherwise determines, serve a-period of probationary training of not less than 6 months . On completion of the training, the probationer may, if recommended by the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

2) The fees for a pilot's licence shall be prescribed by the Board from time to time.

7. Subjects of examination: The examination shall include the following subjects:

Regulations and Rules framed for navigating in the Port; the course and distance between any two places; the rise and set of tides; the depth and character of sounding; the anchorages rock; sheels and other danger, the land marks, buoys and beacons and lights within the Port, the management of ships and steamers, how to bring them to anchor and to keep the clear of their anchors in a tideway; to moor and unmoor and get underway; to handle a vessel under all conditions and such other subjects as maybe determined by the Examination Committee in this respect.

8. Examination Committee: The examination shall be conducted in the manner prescribed by the Board by an examination committee constituted as follows:

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- (1) The Deputy Conservator (Chairman)
- (2) The Barbour Master
- (3) A master of a Foreign-going ship.

9. Failure to pass in examination: In the event of a probationer falling to pass the specified examination within nine months of his appointment, he will be liable to be discharged.
10. Pilot's Distinguishing Flag: Each pilot shall be provided with a distinguishing Flag which is to be hoisted on the vessels while in his charge in such a position where it can best seen and apart from other signals.

The same flag hoisted at the Signal station will be used in communicating with the vessel when the Pilot is on board.

11. Pilot to obey the orders of th Authority. A Pilot shall obey and execute all lawful orders and regulations given or issued by the Board, of the Deputy Conservator.
12. Pilot's behaviour: A pilot shall at all times exercise strict sobriety. He shall throughout the time he is in charge of a vessel, use his utmost care and diligence for her safety and the safety of the other vessels and property. He shall, when necessary keep the lead going while the vessel is underway. He shall not lay be the vessel aground without a written order from the owner or officer in command.
13. Pilot's behavior towards the Master of the vessel etc. A pilot shall behave with due civility towards the owner, Master and Officers of any vessel under his charge.
14. Pilots to obtain Certificate of Services performed by them: A Pilot shall, on boarding a vessel, hand the Arrival / Departure report to the Master, who shall enter therein all the required particulars over his signature.

Transporting and Anchoring Certificates shall be filled in by the Pilot and presented to the Master for signature when the duties of the Pilot are completed.

15. Pilot to go board vessels in good time:- A Pilot about to take charge of a vessel which is outward bound, or which is about to be moved from berth in which she is lying, shall go on board and report himself to the officer in command, at the time appointed i.e., in sufficient time for her to be moved out to sea or to her destination.

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16. Pilots when on duty to carry with them their licence, etc., A Pilot when on duty shall always have with him an official Time Table for the Port, a copy of the port Rules, Pilotage Regulations for the time being in force, and his licence.
17. Pilot may lease the vessels at anchor in the harbour if not provided with proper food and sleeping accommodation: A Pilot shall be provided with reasonable accommodation, if necessary, and shall be supplied with breakfast between 7 a.m. and 9a.m. with lunch between noon and 2 p.m. and dinner between 6 pm. and 8 p.m. (I.S.T.) failing which the master shall compensation for good namely Rs.3/- for any of the meal missed by the Pilot.
18. Pilots to see that anchors are ready to let go: A Pilot, before taking charge of a vessel outward bound shall enquire of the Master of the Vessel whether the steering gear is connected and in proper working order and direct that both the anchors be ready for letting go.
19. Pilots giving evidence: A Pilot shall not attend to give evidence on any trial or enquiry to which he is not a party unless under sub-poene without the permission of the Deputy Conservator, and a pilot under sub-poene to give evidence shall at once report the fact in writing to the Deputy Conservator.
20. Pilots give information of any alterations in a navigational marks, etc.: A Pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position, or become aware of any circumstances likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the Deputy Conservator.
21. Pilots to report casualties – A Pilot whenever any accident has happened to or been caused by a vessel while in his charge, shall as soon as possible, report the facts in writing in the approved form to the Deputy Conservator.
22. Deputy Conservator to regular attendance of Pilots on vessels: Pilots on shore duty shall be detailed by the Deputy Conservator to vessels requiring their services and a list showing the rotation in which pilots (Having regard to their respective classes) are to be allotted to such vessels, shall be kept in the office of the Deputy Conservator.

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23. Commencement of Pilot's outward duties: The duties of a Pilot in regard to outward bound vessel shall commence at any wharf, pier, berth, jetty or anchorage on boarding the vessel.
24. Pilot's outward duties shall cease: The duties of a pilot in regard to an outward bound vessel: shall cease when he has piloted the vessel to the limits of the compulsory pilotage waters.
25. Pilot's inward duties shall commence: The duties of a pilot in regard to an inward bound vessels shall commence when the vessel enters the compulsory pilotage limits of the Port.
26. A Pilot, on boarding a vessel, shall –
- Ascertain whether there is, or has been during the voyage, any infectious disease on board. If there is, or has been, and the disease is of a serious nature as laid down in the Quarantine Rules, he shall anchor the vessel, hoist the Quarantine Signal and carry out the instructions contained in the Port Quarantine Rules in this respect.
 - ascertain the vessel's present draft and see that both anchors are clear to be let go; see that the National design is hoisted and the flags denoting the Name of the vessel and any other signals, as required by the Port rules from time to time, are hoisted in such a manner as to be clearly seen from the Port signal station.
27. Termination of Pilot's duties: The duties of a pilot in regard to any inward bound vessel shall cease at any wharf, pier, berth or jetty or anchorage when the vessel is safely moored or anchored, therein.
28. Moving of vessels: No pilot shall move or direct the moving of any vessel within the port from one position to another unless the following conditions are fulfilled.
- If the vessel is under-way, the master shall be on board;
 - If the Master leaves the vessel before the movement is completed, the pilot shall direct the vessel to be anchored in such safe position as may be most easily reached by the vessel, and shall not give directions to proceed with the moving until the return of the Mater to the vessel.

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- c) Throughout the moving the number of officers and crew on board an available for duty shall be sufficient to perform any duty which may be required, and if the pilot on boarding considers that the number is not sufficient, he shall call the Master's attention to the Port Rules and refuse to proceed with the moving unless the Master first signs a declaration under his own hand expressly assuming entire responsibility.

EXPLANATION: In this Regulation, the expression "MASTER" shall include the first or other officer duly authorized to act for the Mater, in the event of the latter being incapacitated from performing the duties of his office.

29. Loss of Licence: A Pilot losing his licence shall forthwith give notice thereof to the Deputy Conservator stating the circumstances in which the licence was lost, and the Deputy Conservator shall, unless he is satisfied that the loss has been caused by the pilot's misconduct, issue the pilot a temporary licence pending the grant of a duplicate licence by the Board.
30. Pilot's Examination of charts: All Pilots shall attend frequently at the office of the Deputy Conservator to examine the latest plans and charts of the Port and other information concerning the Port.
31. Pilot's uniform: A Pilot shall wear where on duty such uniform as may be prescribed by the Board.
32. INTERPRETATION: If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government, who shall decide the same.

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THE VISAKHAPATNAM PORT EMPLOYEES' (WELFARE FUND) REGULATIONS, 1967

(As amended upto the Visakhapatnam Port Employees' (Welfare Fund)

AMENDMENT REGULATIONS, 1989

The Board of Trustees of Visakhapatnam Port Trust hereby publish the following Regulations made by it in exercise of the powers conferred by Clause (b) of Section 28 of Major Port Trusts Act, 1963, the same having been published in pursuance of Sub-Section(2) of Section 124 of the said Act an after having been amended and approved by the Central Government as required by Sub-Section (1) of Section 124 thereof, namely:

1. **SHORT TITLE AND COMMENCEMENT:**

- (i) These Regulations may be called the Visakhapatnam Port Employees' (Welfare Fund) Regulations, 1967.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. **DEFINITIONS:**

In these Regulations, unless the context otherwise requires:

- (1) "Board " "Chairman" and "Deputy Chairman" shall have the same meanings as in, the Major Port Trusts Act, 1963;
- (2) "Employee" means an employee of the Board whether permanent or temporary and includes any employee on foreign service and any permanent or temporary employee of the Central and State Government or a local or other authority on deputation with the Board.

-
- The principal Regulations of the Visakhapatnam Port Employees' (Welfare Fund) Regulations, 1967 having a provision of One Lakh Rupees under Regulation (7) came into force on 6-4-1967 as approved by the Central Government and published in Rules Supplement to Part I of the Andhra Pradesh Gazette dt.6-4-1967.

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(3) Fund” means the Visakhapatnam Port Employees’ Welfare Fund formed under Rule 3.

(4) “General Account” means the general account of the Board.

3. CONSTITUTION OF THE FUND:

There shall be formed a fund to be called the Visakhapatnam Port Employees’ Welfare Fund and there shall be credited thereto:

- (a) Such contributions from the general account as may be sanctioned by the Board from time to time;
- (b) Fines recovered from the employees;
- (c) Contributions to any Employee’ provident fund withheld under the relevant rules regulating the Provide Fund;
- (d) Interest and profit on investments belonging to the fund; and
- (e) Any other sum or property made over to the Fund by way of gift or donation.

4. ADMINISTRATION OF THE FUND:

The Fund shall be administered by the Chairman who may, at his discretion, constitute an Advisory Committee for the purpose.

5. EXPENDITURE FROM THE FUND:

The objects on which the Fund may be expended shall be the following, namely:

- (a) Donations, subscriptions and gift to institution, clubs, co-operative societies etc., connected with welfare of employees and their families;
- (b) Literacy classes, handicraft education and reading rooms for employees and their families;
- (c) Special rewards to employees for saving of life and property and other meritorious acts within the Port;
- (d) to provide artificial limbs or other aids to employees who are partially or permanently disabled due to accidents on duty;
- (e) Payment towards cost of special drugs recommended by the Medical Officer of the Board for the use of the employees;
- (f) Financial assistance to the employees and the members of their families in acute distress;

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- (g) Grants for conducting sports, competitions, dramas, music, film shows, bhajans, etc., for employees and celebrations of Independence and Republic Days by employees;
- (h) Payment of hot and cold weather charges for the benefit of employees;
- (i) Grant of Scholarships : Financial assistance towards education for employees and their children; and
- (j) Any other time of expenditure for the benefit of employees and their families at the discretion of the Chairman.

6. **DISBURSEMENT FROM FUND:**

Disbursement from the Fund shall be made either with the “Specific sanction of (a) the Chairman or (b) by the Deputy Chairman or any authority authorized by the Chairman” and in accordance with the general instructions of the Chairman from time to time.

@ This was introduced by publication in Sub-Section (i) of Section 3 of Part-II of the Gazette of India” renumbered as(j)

& This was introduced under amendment made to the Visakhapatnam Port Employees’ (Welfare Fund) Regulations, 1967 and came into force on 24-1-1974 as approved by the Ministry of Shipping & Transport in their letter No.17-PE(36)/73 dated 21-9-1973 and published in Rules Supplement in the Andhra Pradesh Gazette dated 24-1-1974.

7. **MAXIMUM AMOUNT IN FUND**

The maximum amount that may be held in the Fund shall be limited to Rs.25,00,000/-.

8. **DISPOSAL OF SURPLUS IN THE FUND:**

Any surplus in the Fund over and above the prescribed maximum shall be credited to the Board’s general account.

9. **INTERPRETATION:**

In the case of doubt, all questions relating to this Fund shall be decided by the Chairman.

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FOOT NOTE:

The Principal Regulations were published in the Rules Supplement to Part-I of Andhra Pradesh Gazette dt.6-4-1967 and subsequently amended vide:-

- 1) GSR No.1536 in Gazette of India, dt.30.12.1978.
- 2) GSR 416 in Gazette of India, dt.18-4-1981 (Ministry's reference No.PEW-62/79/V, dt.2-4-81).
- 3) GSR 497 (E) in Gazette of India Extraordinary, dt.14.3.1986 (Ministry's reference No.PW/PEV-13/84).
- 4) GSR 67 (E) in Gazette of India Extraordinary dt.31.1.1989 (Ministry's reference No.PR-12016/88-PE-I).
- 5) GSR 309 (E) in Gazette of India Extraordinary dt.13.6.1991 (Ministry's reference No.PR/12016/21/89-PE-I)
- 6) GSR 31 (E) in Gazette of India Extraordinary, dt.22.1.1997 (Ministry's reference No.PR-12016/10/93-PE-I).

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VISAKHAPATNAM PORT EMPLOYEES' (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS, 1968

....

The Board of Trustees of Visakhapatnam Port Trust, hereby published the following Regulations, made by it in exercise of the powers conferred by Clause (a) of Section 28 of the Major Port Trusts Act, 1963, the same having been published in pursuance of Sub-Section (2) of Section 124 of the said Act and after having been amended and approved by the Central Government as required by Sub-Section (1) of Section 124 thereof namely:

PART 'I' General:

1. Short Title & Commencement:

- (1) These regulations may be called the Visakhapatnam Port Employees' Classification, Control & Appeal) Regulations, 1968.
- (2) They shall come into force in the date of their publication in the official gazette.

2. DEFINITION: In these regulations, unless the context otherwise required –

- a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963);
- b) 'appointing authority' in relation to an employee means the authority prescribed as such In the schedule;
- c) 'Board' Chairman' and 'Head of Department' have the meanings assigned to them in the Act;
- d) 'Disciplinary Authority means the authority competent under these regulations to impose on an employee any of the penalties specified in regulation8;
- e) 'Employee' means an employee of the Board and includes any such person on foreign surving or whose services are temporarily placed at the disposal of the Board and also any person in the service of the Central Government or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board;
- f) 'Retired employee' means retired employee of the Board.
- g) 'Schedule' means the schedule to these regulations.

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3. APPLICATION (1) These regulations shall apply to every employee of the Board, but shall not apply to -
- any person in casual employment;
 - any person subject to discharge from service on less than one month's notice; and
 - any person for whom special provision is made, in respect of matters covered by these regulations by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the Board before or after the commencement of these regulations in regard to matters covered by such special provisions.
- (2) Notwithstanding anything contained in sub-regulation (1) the Board may, by order, exclude any class of employees from the operation of all or any of these regulations.
- (3) If any doubt arises as to whether these regulations or any of them apply to any person, the matter shall be referred to the Board for its decision.

PART – II – CLASSIFICATION

4. CLASSIFICATION OF POSTS (1) All posts under the Board, other than these ordinarily held by persons to whom these regulations, do not as follows.
- Class-I Posts shall mean the posts the maximum of the scale of pay of which is Rs.15,100/- and above.
 - Class-II Posts shall mean the post the maximum of the scale of pay which exceeds Rs.11,975/- but is less than Rs.15,100/-
 - Class-III Posts shall means the post of the maximum of the scale of pay which exceeds Rs.7,330/- but not more than Rs.11,975.
 - Class-IV Posts carrying the scale of pay the maximum of which is Rs.7,330/-

(Approved by Board, vide Resolution No.26/2001-2002, dt.30.04.2001 vide Agenda Item No.S/18 of 2001-2002)

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- (2) Any order, relating to classification of posts in the Port of Visakhapatnam in force immediately before the commencement of these regulations, shall continue in force until altered, rescinded or amended by an order of the Board under Sub-regulation (1).
- (3) Notwithstanding any thing contained in Regulation-4 the Board shall reclassify the posts as Class-I, Class-II, Class-III and Class-IV from time to time depending upon the revision of scale of pay of the employees of the Board.

PART – III - APPOINTING AUTHORITIES

5. **APPOINTMENTS OF CLASS-I POSTS:** (1) All appointments to Class-I posts under the Board which are covered by clause (a) of sub-section (1) of Section-24 of the Act, shall be made by the Central Government after consultation with the Chairman.
- (2) All appointments to Class-I posts under the Board, which are not covered by Clause (a) of Sub-Section (!) of Section-24 of all Act shall be made by the Chairman.
6. **APPOINTMENT TO OTHER POSTS:** All appointments other than the appointments referred to in regulations 5 shall be made by the authorities specified in this behalf in the schedule.

PART-IV - SUSPENSION

7. **SUSPENSION:** (1) An employee may be placed under suspension –
- Where a disciplinary proceedings against him is contemplated or is pending; or
 - Where case against him in respect of any criminal offence is under investigation, inquiry or trial;
 - Where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State.
- (2) The order of suspension shall be made -
- In the case of an employee holding a post referred to in Clause (a) or Sub-section (1) of Section 24 of the Act by the Chairman;
 - In any other case by the appointing authority; provided that no such order relating to an employee holding a post referred to in Class (a) of Sub-section (1) of Section 24 of the Act shall have effect until it is approved by the Central Government.

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- (3) An employee shall be deemed to have been placed under suspension by an order of appointing authority --
- a) With effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours;
 - b) With effect from the date of his conviction, if, in the even of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forth eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction;

EXPLANATION: The period of 48 hours referred to in Clause (b) of this sub-regulations shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- (4) Where a penalty of dismissal, removal of compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued inforce on and from the date of the original order of dismissal, removal of compulsory retirement and shall remain in force until further orders.
- (5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is sent aside or declared or rendered void in consequence of or by a decision of a court of law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to held a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of he original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

“Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.”

- (6) (a) Any order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the competent authority to do so.

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- (b) Where an employee is suspended or is deemed to have been suspended, (Whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
- (7) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.
- (8) "An order of suspension made or deemed to have been made under this Rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time".
- (9) "Notwithstanding anything contained in sub-regulation – 6 & 7, an order of suspension made or deemed to have been made under sub-Regulations 1 to 3 of this Regulations shall not be valid after a period of ninety days, unless it is extended after review, for a further period before the expiry of ninety days."

PART – V – DISCIPLINE

- (8) PENALTIES: The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee namely --

MINOR PENALTIES:

- i) Censure
- ii) Withholding of his promotion;
- iii) Recovery from his pay of the whole or part of a pecuniary loss caused by him to the Board by negligence or breach of orders.
- iv) Reduction to lower stage in the time scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.
- v) withholding of increments of pay;

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MAJOR PENALTIES:

- vi) Save as provided in clause (iv) reduction to lower stage in a time-scale of pay for a specific period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- vii) Reduction to a lower time-scale of pay; grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to that grade, post or service; from which the employee was reduced and his seniority and pay on such restoration to that grade post or service; from which the employee was reduced and his seniority and pay on such restoration to that grade post or service;
- viii) Compulsory retirement;
- ix) Removal from service which shall not be a dis-qualification for future employment;
- x) Dismissal from service which shall ordinarily be a disqualification for future employment;

“Provided that, in every case in which he is charged of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing of forbearing to do any official act is established, the penalty mentioned in Clause (ix) or Clause (x) shall be imposed;

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

EXPLANATION:- The following shall not amount to a penalty within the meaning of this regulation;

- i) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of the appointment.

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- ii) Stoppage of an employee at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- iii) Non-promotion whether in a substantive or offg. Capacity of an employee, after consideration of his case to a grade or post for promotion to which he is eligible.
- iv) reversion to a lower grader or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be un-suitable for such higher grade or post or on any administrative ground un-connected with his conduct;
- v) reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;
- vi) replacement of the services of an employee whose services have been approved from the Central Government or a State Government or an authority under the control of the Central Government or a State Government at the disposal of the authority which had lent his service;
- vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- viii) termination of the services --
 - a) Of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the regulations and orders governing probation; or
 - b) Of an employee, employed under an agreement in accordance with the terms of such agreement;
 - c) Of a temporary employee in accordance with the provisions of Visakhapatnam Port Employees' (Temporary Services) Regulation, 1991.

REGULATION-8 (a)

The penalties specified in Regulation-8 may for good and sufficient reasons, as hereinafter provided, be imposed on an employee appointed through direct recruitment in respect of misconduct, committed before his employment if the misconduct was of such a nature as has rational connection with his present employment and renders him unfit and unsuitable for continuing in service.

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9. DISCIPLINARY AUTHORITIES:- The authorities mentioned in the schedule shall be competent to impose the penalties on the employees of different grades and services as indicated in the said schedule.
10. PROCEDURE FOR IMPOSING MAJOR PENALTIES: (1) No order imposing any of the penalties specified in clause (vi) to (x) of regulation-3 shall be made except after an inquiry held, as far as may be, in the manner provided in this regulation and regulation -11.
- (2) “whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any articles of charge and imputations of misconduct or misbehavior against an employee, it may itself inquiry into or appoint under this regulation on Inquiring authority from among the serving employees of the Board/ retired employees of the Board and /or serving/ retired officers of public sector / undertakings/ State Govt. Deptt. / Central Govt. Deptts. Where CCS (CCA) rules are in force, to inquire into the truth thereof”.
- (3) Where it is proposed to hold an inquiry against the employee under this regulation and regulation 11, the disciplinary authority shall draw up or cause to be drawn up.
- i) The substance of the imputation of misconduct or misbehaviour.
- ii) Into definite and distinct articles of charges.
- a) A statement of all relevant facts including any admission or confession made by the employee;
- b) A list of documents by which, and a list witnesses by whom the articles of charge are proposed to be sustained.
- (4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations, of misconduct or mis-behaviour and a list of documents and witness by which article of charge is proposed to be sustained and shall require the employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

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- (5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers it necessary so to do, appoint under Sub-regulation (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation-11.
- (b) If no written statement of defence is submitted by the employee, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary so to do, appoint, under-sub-regulation (20), an inquiring authority for the purpose.
- (c) Where the disciplinary authority itself enquires into any articles of charge or appoint an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint any person to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge. -
- (6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority --
- i. A copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - ii. A copy of the written statement of defence, if any, submitted by the employee;
 - iii. A copy of the statements of witnesses, if any, referred to in Sub-regulation (3);
 - iv. Evidence proving the delivery of the documents referred to in sub-regulation (3) to the employee; and
 - v. A copy of the order appointing the "Presenting Officer".
- (7) The employee shall appear in person before the inquiring authority on such day at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in the behalf, or within such further time, not exceeding ten days as the inquiring authority may allow.

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- (8) The employee may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the presenting officer appointed by the disciplinary authority is a Legal Practitioner or, the disciplinary authority having regard to the circumstances of the case, so permits.

NOTE: (1) "In the case of an employee who was in Port Service prior to the 1st October, 1956 he may, with the consent of the disciplinary authority, take the assistance of an official of a Trade Union recognized by the port.

NOTE: (2) The employee shall not take the assistance of any other employee who has three pending disciplinary cases on hand in which he has to give assistance.

(8)(A): An employee may also take the assistance of a retired employee to present the case on his behalf subject to the following conditions:

- (i) If the retired employee is also a legal practitioner, the restrictions on engaging legal practitioner by a delinquent employee to present the case on his behalf contained in Sub-regulation (8), would apply, and
 - (ii) In the matter of payment of travelling and other expenses to the retired employee assisting an employee in disciplinary proceedings, the retired employee concerned will be deemed to belong to the grade of employees to which he belonged immediately before his retirement for the purpose of these regulations. The expenditure on account of travelling and other expenses will be borne by the board.
- (9) If the employee who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiry authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign and record and obtain the signature of the employee, thereon.
- (10) The inquiry authority shall return a finding of guilty in respect of these articles of charge to which the employee pleads guilty.

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- (11) The inquiry authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the presenting officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days after recording an order that the employee may, for the purpose of preparing his defence –
- (i) Inspect within 5 days of the order or within such further time not exceeding 5 days as the inquiry authority may allow, the documents specified in the list referred to in sub-regulation (3).
 - (ii) Submit a list of witnesses to be examined on his behalf.

NOTE: If the employee applied orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-regulation (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses or behalf of the disciplinary authority.

- (iii) Give a notice within 10 days of the order or within such further time not exceeding 10 days as the inquiring authority may allow, for the discovery or production of any documents which are in possession of the board but not mentioned in the list referred to in sub-regulation (3).

NOTE: The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Board.

- (12) The inquiry authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisitions.

Provided that the inquiry authority may, for reasons to be recorded by it in writing, refuse, to requisition such of the documents as are, in its opinion, not relevant to the case.

- (13) On receipt of the requisition referred to in sub-regulation (12) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiry authority:

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Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the Port's interest, it shall inform the inquiry authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employees and withdraw the requisition made by it for the production or discovery of such documents.

- (14) (a) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority.
- (b) the witnesses shall be examined by or on behalf of the presenting officer and may be cross-examined by or on behalf of the employee.
- (c) The presenting officer shall be entitled to re-examine the witness or any points on which they have been Cross Examined, but not on any new matter, without the leave of the inquiry authority.
- (d) The inquiry authority may also put such questions to the witnesses as it thinks fit.
- (15) (a) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the presenting officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examination any witness and in such case the employee shall be entitled to have, if he demands its, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence exclusive of the day of adjournment and the day to which the inquiry in adjourned.
- (b) The inquiry authority shall give the employee an opportunity of inspecting such documents before they are taken on the record.
- (c) The inquiry authority may also allow the employee to produce any evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

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NOTE: New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) (a) when the case for the disciplinary authority is enclosed, the employee shall be required to state his defence, orally or in writing as he may prefer;
- (b) If the defence is made orally, it shall be recorded and the employee shall be required to sign the record, in either case, a copy of the statement of defence shall be given to the presenting officer if any, appointed.
- (17) (a) The evidence on behalf of the employee shall then be produced.
- (b) The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross examination, re-examination and examination by the inquiry authority according to the provisions applicable to the witnesses for the disciplinary authority.
- (18) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.
- (19) The inquiring authority may, after the completion of the production of evidence, hear the presenting officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desired.
- (20) If the employee to whom a copy of the articles of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose of does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiry authority may hold the inquiry ex-parte.

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(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of regulation 8, (but not competent to impose any of the penalties specified in clause (vi) to (x) of that Regulation 8) has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (vi) to (x) of regulation 8 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record, or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these regulations.

(c) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry cases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which, exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded if necessary in the interests of justice, it may recall, examine, cross examine and re-examine any such witnesses as herein before provided.

(22) (i) After the conclusion of the inquiry a report shall be prepared and it shall contain

- a) The articles of charge and the statement of the imputations of misconduct or misbehaviour;
- b) The defence of the employee in respect of each article of charge;
- c) An assessment of the evidence in respect of each article of charge;
- d) The findings on each article of charge and the reasons, therefore.

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EXPLANATION: If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings or such article of charge;

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity, of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include.

(a) The report prepared by it under clause (i);

(b) The written statement of defence; if any, submitted by the employee;

(c) The oral and documentary evidence produced in the course of the inquiry;

(d) The written briefs, if any, filed by the presenting officer or the employee or both during the course of the inquiry; and

(e) The orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

11. **ACTION ON THE INQUIRY REPORT:** (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to inquiring authority for further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of regulation 10 as far as may be.

“(1a) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any held by the disciplinary authority or where the disciplinary authority is not the disciplinary authority, a copy of the report of the disciplinary authority to the employee who shall be required to submit, if he so desires his written representation or submission to the disciplinary authority with 15 days, irrespective of whether the report is favourable or not to the employee”.

“(1b) The disciplinary authority shall consider the representation, if any, submitted by the employee before proceedings further in the manner specified in Sub-regulation (2) to (4)”.

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- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its findings on such charge, if the evidence on record is sufficient for the purpose.
- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (v) regulation 8 should be imposed on the employee, it shall notwithstanding anything contained in regulation 12 make an order imposing such penalty.

“Provided that in every case where it is necessary to consult the Central Government, the record of the inquiry, shall be forwarded by the disciplinary authority to the Central Government for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the employee”.

- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the enquiry is of the opinion that any of the penalties specified in clauses (vi) to (x) of Regulation 8 should be imposed on the employee it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed

Provided that in every case where it is necessary to consult the Central Government, the record of the inquiry shall be forwarded by the Disciplinary authority to the Central Government for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the employee.

12. PROCEDURE FOR IMPOSING MINOR PENALTIES:

Subject to the provision of Sub- Regulation (3) of Reg. 11.

- (1) No order imposing on an employee any of the penalties specified in clause (i) to (v) of regulation 8 shall be made except after –
 - (a) Informing in writing the employee of the proposal to take action against him and of the imputation of misconduct or mis-behaviour on which it is proposed to be taken and giving him an opportunity to make any representation as he may wish to make against the proposal.

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- (b) Holding an inquiry in the manner laid down in sub-regulations (3) to (2) of regulation 10, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) Taking the representation, if any, submitted by the employee under clause () and the record of inquiry, if any,

NOTE: Notwithstanding anything contained clause (b) of sub-regulation (1) if in a case it is proposed after considering the representation, if any, made by the employee under clause (a) of that Sub-regulation to with hold increments of pay and such with holding of increments is likely to affect adversely the amount of pension payable to the employee or to with hold increments I likely to affect adversely the amount of pension payable to the employee or to with hold increments of pay for a period exceeding three years or to with hold increments of pay with cumulative effect for any period, an inquiry shall be hold in the manner laid down in sub-regulation (3) to (23) of Regulation 10, before making any order imposing on the employee any such penalty.

- (d) Recording a finding on each imputation of misconduct or mis-behaviour; and
- (e) Consulting the Central Government where such consultation is necessary.

(2) The record of the proceedings of such cases shall include:-

- (a) A copy of the intimation to the employee of the proposal to take action against him;
- (b) A copy of the statement of imputations of misconduct or mis-behaviour delivered to him;
- (c) His representation, if any;
- (d) To evidence produced during the inquiry;
- (e) The advice of the Central Government, if any;
- (f) The findings on each imputation of misconduct or mis-behaviour and

13. Communication of orders: Orders made by the disciplinary authority shall be communicated to the employees we shall also be supplied with a copy of its finding on each article of charge, or where the disciplinary authority is not the inquiring authority, a statement of the findings of the disciplinary authority together with brief

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reasons for its disagreement, if any, with the findings of the inquiring authority and also a copy of the advice, if any, given by the commission, and where the disciplinary authority has not accepted the advice of the commission a brief statement of the reasons for such non-acceptance”.

14. COMMON PROCEEDINGS: (1) Where two or more employees are concerned, in any case, the Chairman or the authority competent to impose a penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in the common proceedings.

NOTE: If the authorities competent to impose the penalty of dismissal on such employees are different an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with consent of the others.

(1) Subject to the provisions of sub-section (1) of Section – 25 of the Act, and of Regulation-9, any such order shall specify -

i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;

ii) the penalties specified in Regulation 8 which such disciplinary authority shall be competent to impose and

iii) whether the procedure prescribed in Regulation 10 and 11 or Regulation 12, or Regulation 17 shall be followed in the proceeding.

15. SPECIAL PROCEEDINGS IN CERTAIN CASES: Notwithstanding anything contained in Regulations 10, 12 and 14.

i) where any penalty is imposed on employee on the ground of conduct which had led to his conviction on a criminal charge; or

ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not practicable to hold an inquiry in the manner provided in these regulations or

iii) Where the Chairman is satisfied that in the interest of the security of the Port it is not expedient to follow such procedure:

the disciplinary authority may consider the circumstances of the case and pass such order thereon as it deems fit;

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“Provided that the employee may be given opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under Clause(i)”

“Provided further that the Central Government shall to consulted where such consultation is necessary, before any orders are made in any case under this Regulation.”

Provided further that the approval of the Central Government shall be obtained before passing such orders in relation to a Head of Department.

16. PROVISIONS REGARDING OFFICERS LENT BY THE BOARD:

(1) Where the services of an employee are lent by the Board to the Central Government or a State Government or an authority should subordinate thereto or to a local or other authority hereinafter in this regulation referred to as “the borrowing authority” the borrowing authority shall have the powers of the appointing authority shall have the powers of the appointing authority for the purpose of placing employee under suspension and of the Disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the Chairman of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against an employee –

i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) or Regulation 8 should be imposed on the employee, it may after consultation with the Chairman make such orders on the case as it deems necessary.

Provided that in the event of difference of opinion between the borrowing authority and the Chairman, the services of an employee shall be replaced at the disposal of the board.

ii) if the borrowing authority is of the opinion that any of the penalties specified in Clauses (vi) to (x) of Regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the Board and transmit to the Chairman the proceedings of the inquiry and thereupon the Central Government / Chairman, as the case may be, may pass such orders as it may deem necessary.

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Provided that before passing any such orders the disciplinary authority shall comply with the provisions of sub-regulation (3) and (4) of Regulation 11.

EXPLANATION: The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary as far as may be in accordance with Regulation 10.

11. PROVISIONS REGARDING OFFICERS BORROWED BY THE BOARD:

- 1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government or a State Government or an authority subordinate there to or a local or other authority, the authority lending his services (hereafter in these regulations referred to as the 'lending authority') shall forthwith be informed of the circumstances leading to the order of his suspension or of the commencement of the disciplinary proceeding, as the case may be.
- 2) In the light of the findings in the disciplinary proceeding taken against the employee:
 - i) if it is decided that any of the penalties specified in Clauses (1) of Regulation-8 should be imposed on him, the disciplinary authority may subject to the provisions of sub-regulation (3) of Regulation 11, after consultation with the lending authority, pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be replaced at the disposal of the lending authority;

- ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (vi) to (x) of Regulation-8 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

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PART - VI - APPEALS

18. ORDERS MADE BY CENTRAL GOVERNMENT NOT APPEALABLE:

Notwithstanding anything contained in this part no appeal shall lie against –

- i) any order made with approval of the Central Government;
- ii) any order of an interlocutory nature of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension;
- iii) any order passed by an inquiring authority in the course of an inquiry under Regulation 10.

19. APPEALS AGAINST ORDERS OF SUSPENSION:

An employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

20. APPEALS AGAINST ORDERS IMPOSING PENALTIES:

- (1) The authorities mentioned in the schedule shall be competent to entertain appeals in respect of the penalties indicated in the said schedule.
- (2) Any employee of a Board aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in Regulation -22 and in the manner laid down in Regulation 023, prefer an appeal –
 - (a) To the Central Government, where such order is passed by the Chairman;
 - (b) To the Dy. Chairman in any other case, provided that where the person who made the order appealed against becomes, by virtue of his subsequent appointment the appellate authority in respect of such order, an appeal against such order, shall lie to the Central Government and the Central Government in relaxation to that appeal shall be needed to be the appellate authority for the purpose of this regulation.

21. ORDERS AGAINST WHICH APPEAL LIES:

Subject to the provisions of regulations, an employee may prefer an appeal against all or any of the following orders, namely;

- i. An order of suspension made or deemed to have been made under Regulation 7;
- ii. An order imposing of the penalties specified in Regulation 8 whether made by the disciplinary authority or by any appellate or revising authority;

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- iii. An order enhancing any penalty, imposed under Regulation 8;
- iv. An order which –
 - a. Denies or varies to his disadvantage his pay, allowances, pension or other conditions of service, as regulated by regulations or by agreement; or
 - b. Interprets to his disadvantage the provisions of any such regulation or agreement.
- v) an order --
 - a) Stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
 - b) Reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
 - c) Reducing or withholding the pension or denying the maximum pension admissible to him under the Regulations;
 - d) Determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
 - e) Determining his pay and allowances –
 - i. For the period of suspension, or
 - ii. For the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post time scale or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post, or
 - f) Determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

EXPLANATION: In this regulation

- i. The expression “employee” includes a person who has ceased to be in a Board’s service;

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- ii. The expression 'pension' includes additional pension gratuity and any other retirement benefit.

22. PERIOD OF LIMITATION FOR APPEAL:

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant;

PROVIDED that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

23. FORM AN CONTENTS OF APPEALS:

- 1) Every person preferring an appeal shall do so separately and in his own name.
- 2) (a) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against;

(b) The appeal shall contain all material statement and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be completed in itself.
- 3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

24. CONSIDERATION OF APPEAL:

In the case of appeal against an order of suspension the appellate authority shall consider whether in the light of the provisions of Regulation 7 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

2) In the case of an appeal against an order imposing any of the penalties specified in Regulation 8 or enhancing any penalty imposed under the said Regulation, the appellate authority shall consider –

- a) Where the procedure laid down in these regulations has been complied with, and if not, whether such non-compliance has resulted in the failure of justice;

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- b) Whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- c) Whether the penalty or enhanced penalty imposed is adequate, in adequate or severe:

And pass orders –

- i) Confirming, enhancing, reducing or setting aside the penalty; or
- ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that –

- i. The Government shall be consulted in all cases where such consultation is necessary.
 - ii. if such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (vi) to (x) of Regulation 8 and an inquiry under Regulation 10 has not already been held in the case, the appellate authority shall, subject to the provisions of Regulation 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provision of Regulation 10 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit;
 - iii. “if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clause (v) to (ix) of Regulation – 8 and an enquiry under Regulation – 10 has been held in the case, the appellate authority will make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty”.
 - iv. No order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of Regulation – 12, of making a representation against such enhance penalty.
- 3) In an appeal against any other orders specified in Regulation 19 to 21, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

25. IMPLEMENTATION OF ORDERS IN APPEAL:

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

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PART – VII

REVISION AND REVIEW

26. REVISION:

(1) Notwithstanding anything contained in these regulations:

(i) The Central Government; or

(ii) The Chairman, as appellate authority within 6 (six) months of the date of the order proposed to be revised may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these Regulations or under regulations repealed by Regulation 30, from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Central Government where such consultation is necessary, and may

(a) Confirm, modify or not side the order; or

(b) Confirm, reduce enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) Remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) Pass such other orders as it may deem fit.

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clause (vi) to (ix) of Regulation-8 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses and if an inquiry under Regulation-10, has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in Regulation – 10 subject to the provisions of Regulation-15, and except after consultation with the Central Government where such consultation is necessary.

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- 2) No proceeding for revision shall be commenced until after;
- (i) The expiry of the period of limitation for an appeal; or
 - (ii) The disposal of the appeal, where any such appeal has been preferred.
- (3) An application for revision shall be dealt with the same manner as if it were an appeal under these regulations.

27. REVIEW:

The Central Government / Chairman may, at any time, either on his own motion or otherwise review any order passed under these regulations when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice.

Provided that no order imposing or enhancing any penalty shall be made by the Central Government / Chairman unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Regulation 8, or to enhance the minor penalty imposed by the order sought to be reviewed to any of the Major penalties and if an inquiry under Regulation 10, has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Regulation 10, subject to the provisions of Regulation 15, and except after consultation with the Central Government where such consultation is necessary.

PART VIII - MISCELLANEOUS

28. SERVICE OF ORDERS & NOTICES:

Every order, notice and other process made or issued under these Regulations shall be served in person of the employee concerned or communicated to him by registered post.

29. POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY:

Save as otherwise expressly provided in these Regulation, the authority competent under these regulations to make any order may, for good and sufficient reasons or if a sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay.

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30. SUPPLY OF COPY OF GOVERNMENT ADVICE:

Whenever the Government is consulted as provided in the Regulations a copy of the advice by the Government and where such advice has not been accepted also brief statement of the reasons for such non acceptance, shall be furnished to the employee concerned along with a copy of the order passed in the case, by the authority making the order.

31. REPEAL :

- (1) On the commencement of these regulations, the Visakhapatnam Port Employees: (Classification, Control & Appeal) Regulations 164 and any notifications or orders made thereunder shall stand repealed.

PROVIDED THAT

- a) Such repeal shall not affect the previous operation of the said regulations, or any notification or order made thereunder of anything done or any action taken thereunder:
 - b) Any proceeding under the said regulations pending at the time of commencement of these regulations shall be continued and disposed of as far as may be in accordance with the provision of these regulations, as if such proceedings were proceedings under the regulations.
- (2) An appeal pending or preferred after commencement if these regulations against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these regulations as if such orders were made and the appeals were preferred under these Regulations.

32. REMOVAL OF DOUBTS:

Where a doubt arises as to whether any authority is subordinate or higher than any other authority or as to the interpretation of any of the provisions of these regulations, the matter shall be referred to the Board for its decision.

NOTE

PRINCIPAL REGULATIONS

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SCHEDULE

Sl. No.	Description	Appointing Authority	Authority Competent to impose penalty	Nature of penalty	Appellate Authority
1	2	3	4	5	6
I	Posts covered by clause(a) of sub-section-1 of Section 24 of MPT Act, 1963	Central Government after consultation with the Chairman	Chairman Central Govt.	(i) to (v) Minor penalties All	Central Govt. Central Govt.
II	Class-I posts, other than those covered by clause (a) of Sub-Section (!) of Section 24 of MPT Act, 1963	Chairman	Dy.Chairman Central Govt.	(i) to (v) Minor penalties All	Chairman Central Govt.
III	Class II	Chairman	Dy.Chairman Chairman	(i) to (v) All	Chairman Central Govt.
IV	Class III	a) Head of Department b) In cases, where there is no Head of the Dept.	Head of Department Deputy Chairman	All All	Deputy Chairman Chairman
V	Class IV	a) Head of Department b) In cases, where there is no Head of the Dept.	Head of Department Deputy Chairman	All All	Deputy Chairman Chairman

(F No.PR-12016/20/2002-PE-I)
R.K. JAIN, Jt. Secy.

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FOOT NOTE: The Principal Regulations were published in Rules supplement to Part – II of AP Gazette dt.29-8-68

(a) Rules supplement of Part-II of AP Gazette	-	8-5-69
(b) Rules supplement of Part-II of AP Gazette	-	5-2-70
(c) Rules supplement of Part-II of AP Gazette	-	4-3-71
(d) Rules supplement of Part-II of AP Gazette	-	23-1-75
(e) Rules supplement of Part-II of AP Gazette Extraordinary'	-	1-2-75
(f) GSR No. 1623	-	26.11.77
(g) GSR No. 654	-	21-4-79
(h) GSR No. 1261 (E)	-	5-12-86
(i) GSR No. 201 (E)	-	3-4-91
(j) GSR No. 659 (E)	-	23-8-94
(k) GSR No. 160 (E)	-	19-3-97
(l) GSR No. 110 (E)	-	15-2-99
(m)GSR No. 132 (E)	-	16-2-2000

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VISAKHAPATNAM PORT EMPLOYEES (ALLOTMENT OF RESIDENCES)

REGULATIONS, 1968

...

In exercise of the powers conferred by section 123 of the Major Port Trusts Act, 1963 (38 of 1963) Visakhapatnam Port Trust Board, hereby makes the following first Regulations the same having been approved by the Central Government under Section 124 of that Act, namely:

1. Short title and commencement:

(1) These Regulations may be called the Visakhapatnam Port Trust Employees (Allotment of Residences) Regulations, 1968.

(2) They shall come into force on the date of their publication in the official Gazette w.e.f. 05.12.1968.

2. Application:

These Regulations shall apply to the allotment of residences to all employees in the Port of Visakhapatnam.

3. Definitions:

In these Regulations, unless the context otherwise requires:-

(a) 'Allotment' means the grant of a licence to an employee to occupy a house owned leased or requisitioned by the Board or a portion thereof for use by him as residence.

(b) "Allotment year" means the year beginning on 1st January or such other period as may be notified by the Board.

(c) "Board", "Chairman" and "H.O.Ds" have the meaning respectively assigned to them in the Major Port Trusts Act, 1963.

(d) "Eligible office" means an office under the Board which has been declared by the Board as eligible for recommendation under these Regulations.

N. B. "References in the Regulations to the word 'Rent' shall be construed as reference to the words "Licence fee" and these Regulations shall be deemed to have been amended accordingly".

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(e) “Emoluments” means the emoluments as defined in FR-45- C but does not include the compensatory allowances.

Explanation: In the case of an employee who is under suspension the emoluments drawn by him on the first day of the allotment year, in which he is placed under suspension, or if he is placed under suspension in the first day of the allotment year, the emoluments drawn by him immediately before that date shall be taken as his emoluments.

(f) “Family” means the wife or husband, as the case may be and children, step children, legally adopted children, parents brothers or sisters as ordinarily reside with and are dependent on the employee.

(g) “Rent” means the sum of money payable monthly as determined by the Board from time to time in respect of a residence allotted under these Regulations.

(h) “Residence” means any residence from the time being under the administrative control of the Chairman or the officer appointed for the purpose by the Board.

(i) “Sub-letting” includes sharing of accommodation by an allottee with members of the family as defined in Clause-(f) shall not be deemed to be “Sub-letting”.

Explanation: Any sharing of accommodation by an allottee with members of the family as defined in Clause-(f) shall not be deemed to be “Sub-letting”.

(j) “Type” in relation to an employee means the Type of residence to which he is eligible under Regulation-6.

4. Ineligibility of employees owning houses for allotment under these Regulations:

1. No employee shall be eligible for allotment of accommodation under these Regulations or, if he is already in occupation of such accommodation, to its continued retention if-

(a) He owns, or has, since the allotment of accommodation under these regulations, become the owner in full or in part whether in his own name or in the name of any other person of a house which is located within 12 KM of the place of his duty and in which he can, in the opinion of the Board, reside consistently with his official position; or

(b) His wife or any dependent child owns, or has since the allotment of accommodation under these Regulations, become the owner, in full or part of a house which is located within 12 KM of the place of his duty and in which he can in the opinion of the Board, reside consistently with his official position;

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Explanation:-I In this sub-regulation, an employee is said to own a house in the name of any other person if the employee has acquired or transferred a house in the name of such other person –

- i. Without intending thereby to benefit such other person: and
- ii. The employee is in actual or constructive possession of the house or enjoys its rents or profits

Explanation-II: For the purposes of this sub-regulation, an employee shall be deemed to be the owner of a house if he is in possession thereof under an agreement of sale although the title has not been conveyed to hi.

- (2) (a) Any employee who subsequent to the date of his making application for allotment of accommodation under these Regulation becomes ineligible for such allotment under Clause (a) or Clause (b) or sub-regulation (1) shall notify the fact to the Head of his department within a period of seven days from the date of the acquisition of a house by him or his wife or any dependent child.
- (b) If an allotment has already been sanctioned, such allotment shall be cancelled immediately and the employee shall vacate the accommodation forthwith.
- (3) Notwithstanding anything contained in sub-regulation (1) and (2), the Board may allot or re-allot accommodation to an employee, if -
 - (a) The house owned by hi, or by any member of his family has been requisitioned by Government; or
 - (b) It is proved to the satisfaction of the Board that such house was given out on lease;
 - (i) Before the posting of the employee for service under the Board; or
 - (ii) Before the acquisition of such house by him, or by any member of his family.

And the Board is satisfied that it is not possible for the loss or for reasons beyond his control to obtain vacant possession of the house.

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(4) Notwithstanding anything contained in this Regulations:

- (i) Employees who own private accommodation within the specified distance limits of their place of duty, and who were under earlier orders declared ineligible for allotment of accommodation will also be eligible for allotment of accommodation in their turn on the basis for the normal allotment rules; and
- (ii) All such employees shall, however, be charged rent at the rate of the standard rent calculated under F.R. 45-B.

(5) Allotment to husband and wife: Eligibility in cases of employees who were married to each other –

(1) No employee shall be allotted a residence under these Regulations if the wife or the husband, as the case may be, if the employee as already been allotted a residence, unless such residence is surrendered;

(2) Where two employees in occupation of separate residences allotted under these regulations marry each other, they shall within the month of the marriage surrender one of the residence.

(3) If a residence is not surrendered as required under Sub-Regulation (2), the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of such one of them as the Chairman or the Officer appointed for the purpose by the Board may decide shall be deemed to have been cancelled on the expiry of such period.

(6) "Orders issued by the Central Government from time to time, for the reservation in allotment of Type-I, Type-II, Type-III and Type-IV quarter to Scheduled Castes and Scheduled Tribes, shall apply mutatis-mutandis, to allotment covered by these regulations".

(7) Classification of Residences:

Save as otherwise provided by these Regulation, an employee shall be eligible for allotment of a residences of the type shown in the Table follow:

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Type of residence	Existing monthly emoluments of employees as on the first day of the allotment year in which the allotment is made w.e.f. 1-1-92 in respect of Class I & II Officers and 1-1-93 in respect of Class-III & IV employees.	Proposed monthly emoluments of employees as on the first day of the allotment year in which the allotment is made consequent of revision of pay scales w.e.f. 1.1.97 in respect of Class-I & II Officers and from 1-1-98 in respect of Class III & IV Employees
(1)	(2)	(3)
1. Type-1A single roomed existing Type-I	Class-IV employees are eligible	--
2. Type-IIA double roomed B.G. and existing Type-II	All Class- employees drawing less than Rs.2,940/- p.m.	All Class- employees drawing less than Rs.5,760/- p.m.
3. Type-III (TS-5 TS-14) PLP & Existing Type-III Quarters	All Class- employees drawing less than Rs.5,690/- p.m. but not less than Rs.2,940	All Class- employees drawing less than Rs.11985/- p.m. but not less than Rs.5,760/-
4. Type-IV (E-Type, existing T-IV Quarters	All Class-I & II Officers drawing pay less than Rs.5,500/- but not less than Rs.4,000/-	All Class-I & II Officers drawing pay less than Rs.10,800/- but not less than Rs.8,600/-
5. Type-V All quarters in Maharaniipeta, D-II and existing T-V quarters in Harbour Park extension area	All Class-I Officers drawing less than Rs.7,500/- but not less than Rs.5,500/-	All Class-I Officers drawing less than Rs.15,100/- but not less than Rs.10,850/-
6. Type-VI, All Bungalows in Harbour Park and existing T-VI quarters area	All Class-I Officers drawing the pay Rs.7,00/- and above	Officers drawing Rs.15,100/- and above

7. (a) Notwithstanding anything contained in Regulation-7 Board shall classify the pay ranges to purpose of allotment of various types of residences owned by the Board from time to time depending upon the revision of scales of pay of the employees of the Board.

(8) Authority to allot:

Residences shall be allotted.

(a) In the case of Class-I & I Class-II Officers, by the Chairman or the Officer appointed for the purpose of the Board; and

(b) In the case of Class-III and Class-IV employees by the Chairman or a Committee appointed by him at his discretion.

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(9) Non-acceptance of allotment or offer or failure to occupy the allotted residence after acceptance;

- (1) If a residence is allotted to an employee and if he does not occupy the residence within fifteen days from the date of the receipt of the letter of allotment, he shall not be eligible for allotment of quarters thereafter any house rent allowance he may be entitled to, shall also be stopped unless the Chairman, as a special case, for reasons to be recorded in writing decides otherwise.
- (2) If an employee occupying a lower type of residence is allotted a residence of the type for which he is eligible, he shall immediately occupy the higher type allotted, failing which the employee shall be made to vacate the lower type occupied by him and shall also be debarred from future allotment of quarters.

(10) Period for which allotment subsists and the concessional period from further retention;

- (1) An allotment shall be effective from the date of which it is accepted by the employee and shall continue in force until –
 - (a) The expiry of the concession period permissible under sub-regulation (2) after he ceases to be on duty in an eligible office under the Board;
 - (b) It is cancelled by the Chairman or the Officer appointed for this purpose by the Board or is deemed to have been cancelled under any provisions in these regulations.
 - (i) It is surrendered by the employee; or
 - (ii) The employee ceases to occupy the residence.
- (2) A residence allotted to an employee may, subject to sub-regulation (3) be retained on the happening of any of the events specified to column 1 of the table below for the period specified in the corresponding entry to column 2 thereof.

Provided that the residence is required for the bonafide use of the employee or members of his family.

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T A B L E

<u>Events:</u>	<u>Permissible period for retention of the residence</u>
i) Resignation, dismissal removal or termination of service	1 Month
ii) Retirement or terminal leave	4 Months
iii) Death of the allottee	12 Months
iv) Transfer to a place outside the Port limits	2 Months
v) On proceeding on foreign service in India	2 Months
vi) Temporary transfer in India or deputation to a place out side India	4 Months
vii) Leave (other than leave preparatory to retirement, refused leave, terminal leave medical leave or study leave)	For the period of leave but not exceeding 4 months
viii) Leave preparatory to retirement or refused leave granted under F.R. 86	For the full period of leave on full average pay subject to maximum of 4 months inclusive of the period permissible in the case of retirement
ix) Study leave in or outside India	(a) In case the employee is in occupation of accommodation below his entitlement for the entire period of study leave. (b) In case the employee is in occupation of his entitled type of accommodation, for the period of study leave; but not exceeding six months; provided that where the study leave extend beyond six months he may be allotted alternative – accommodation one type below his entitlement on the expiry of six months or from the date of commencement of the study leave if he so desires.
x) Deputation outside India	For the period of deputation but exceeding 6 months.
xi) Leave on medical grounds (other than T.B. Leave)	For the period of eave but not exceeding eight months.
xii) Medical leave on grounds of T.B.	For the full period of leave.
xiii) On proceeding on training	For the full period of training

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Explanation: The period permissible on transfer mentioned against item (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave, if any, sanctioned to, and availed of, by the employee before joining duty at the new office.

- 3) Where a residence is retained under sub-regulation (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty in an eligible office under the Board.
- 4) An employee who has retained the residence by virtue of the concession under item (i) or item (ii) of the table under sub-regulation (2) shall, on re-employment in an eligible office under the Board within the period specified in the said table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence under these regulations:

Provided that if the emoluments of the employee on such re-employment do not entitle him to the Type of residence occupied by him, he shall be allotted a lower type of residence on the occurrence of a vacancy.

- 5) Notwithstanding anything contained in sub-regulations (2) or (3) or (4), when an employee is dismissed or removed from service or when his services have been terminated and the Chairman is satisfied that it is necessary or expedient in the public interest so to do, he may cancel the allotment of the residence made to such employee either forthwith or with effect from such date prior to the expiry of the period of one month referred to in item (1) of the table below sub-regulation (2) as he may specify.

11. Provisions relating to rent:

(1) (a) Where an allotment of accommodation or alternative accommodation has been accepted the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment, whichever is earlier.

(b) An employee who after acceptance fails to take possession of that accommodation within fifteen days from the date of receipt of the allotment letter, shall be charged rent from such date upto a period of one month or upto the date of re-allotment of that particular accommodation, whichever is earlier.

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(2) (a) Where an employee, who is in occupation of a residence is allotted another residence and the occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the date of occupation of the new residence.

(b) He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.

(3) The Competent Authority may permit an employee during his temporary absence from his station to store his furniture and other property at his own risk, free of rent in the residence occupied by him immediately prior to such absence, unless –

(a) The employee, if any, who discharges the duties of the absent employee is responsible for payment of the rent of the residence, or

(b) Arrangements are made to allot the residence to another employee during such temporary absence.

Provided that if a claim for vacancy remissions of property tax or taxes for specific services such as water, electricity and, scavenging becomes in admissible consequent on the storage of furniture, and amount equal to the vacancy remission of tax that would otherwise have accrued shall be recovered from the Port Trust employee who enjoyed the concession:

Provided further that the permission for storage of furniture and the like, free of rent, shall be given for a limited period not exceeding eight months.

12. Personal liability of the employee for payment of rent till the residence is vacated and furnishing of surety by temporary Officers:

(1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services provided the rein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment have been cancelled under any of the provisions of those regulations until the residence along with the out-house apartment thereto have been vacated and full vacant possession thereof has been restored to the Board.

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- (2) Without prejudice to any action that may be taken under Section 130 and 131 of the Major Port Trusts Act, 1963, an employee also renders himself liable to disciplinary action such as may be decided upon by the Board for any breach of the provisions of Sub-Regulation (1).

13. Surrender of an allotment and period of notice:

- (a) An employee may at any time surrender an allotment by giving intimation so as to reach the Chairman or the Officer appointed for this purpose by the Board at least ten days before the date of vacation of the residence.
- (b) The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Chairman or the Officer appointed for the purpose by the Board or the date specified in the letter, whichever is later.
- (c) If he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days by which the notice given by him falls short of ten days.

14. Maintenance of Residence:

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Board.

15. Sub-letting and sharing of residences:

No employee shall share his residence with another Port employee or sub-let his residence.

- (A) (1) Notwithstanding anything contained in Regulation -14, an employee may with the previous approval in writing of the Chairman, share the residence allotted to him with another employee of the Board entitled to accommodation or a similar scale.

(2) The employee who has been allotted such quarter, shall be personally responsible for the payment of rent, and other charges including damages beyond fair wear and tear and the rent to be charged by him to his tenant should not exceed the house rent allowance payable to him.

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(B) (1) The Chairman / Committee /Officer appointed for the purpose may at his/ its discretion, allot a quarter jointly to two employees entitled to accommodation on a similar scale.

(2) Where joint allotment of quarters is made, both the allottees would be entitled to 50% of the House Rent allowance where otherwise admissible to them under Rules of the Port Trust.

(3) An employee shall not be entitled to House Rent allowance if:

i) He / She resides in accommodation allotted to his / her parents / Son/ daughter by the Port Trust Board or by the Central Government, State Government, an Autonomous public undertaking or semi government organization such as a Municipality, Nationalised Banks, Life Insurance Corporation of India etc.,

ii) His wife / her husband has been allotted accommodation at the same station by the Port Trust Board or by the Central Government, State Government, an Autonomous public undertaking or semi government organization such as a Municipality, Nationalised Banks, Life Insurance Corporation of India etc., whether he/she resides in the accommodation or he/ she resides separately in accommodation rented by him/her.

3) Where the joint allotment of quarters is made for two employee entitled to same scale accommodation, both of them should pay 50% of the house rent applicable to them according to the rules.

16. Overstay in residence after cancellation of allotment:

Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these Regulations, the residence remains in occupation of the employee to whom it was allotted or of any person claiming through him, "its electricity and water supply connections etc., may be disconnected by the Board and such employee or person, as the case may be, shall be liable to pay damages for use and occupation of the residence, equal to the market rent as may be determined by the Board from time to time.

Provided that an employee, in special cases, may be allowed by the Board to retain a residence on payment of twice the standard rent under F.R.45-A for a period not exceeding six months beyond the period permitted under Regulation – 10.

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17. Continuance of allotment made prior to the issue of these Regulations:

Any allotment of residence which is subsisting immediately before the commencement of these Regulations under the rules then in force shall be deemed to be an allotment duly made under these regulations.

18. Interpretation:

If any question arises as to the interpretation of these regulations, the same shall be decided by the Chairman.

19. Power to Relax:

20. Delegation of Powers:

The Board or the Chairman may delegate all or any of the powers conferred upon it or by him by these regulations to an employee under its or his control subject to such conditions as it or he may deem fit to impose.

21. Consequences of breach of Regulations:

Without prejudice to any action that may be taken under Sections-130 and 131 of the Major Port Trusts Act, 1963, the following penalties may be imposed by the Board, namely:-

- (a) If an employee to whom a residence has been allotted un-authorizedly sublets the residence or shares it with another or erects any un-authorized structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electrical or water connection or commits any other breach of the Regulations or the term and conditions of the allotment or use the residence or permits the residence to be used for any purpose which the Board considers to be improper or conducts himself in a manner which in the opinion of the board is prejudicial to the maintenance of harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the Board may cancel the allotment of the residence and take any further disciplinary action as it deems necessary.

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(b) (i) If an employee sublets the residence allotted to him or any portion thereof in contravention of these Regulations he may, without prejudice to any other action that may be taken against him, be charged for an enhanced rent not exceeding four times the standard rent under F.R. 45 A.

(ii) The quantum of rent to be covered and the period for which the same may be recovered in each case shall be decided by the Chairman at his discretion.

(iii) In addition the employee maybe debarred from future allotment of accommodation under these Regulations.

PRINCIPAL REGULATIONS: The Visakhapatnam Port Trust Employees' (Allotment of Residences) Regulations, 1968 have been approved by the Ministry of Transport and Shipping (Transport Wing) in their Lr. No.17-E (49)/ 67, dt.07.11.1968. These Regulations have been amended as mentioned below.

1. No. 17-PE (47)/70, dt.09.02.1971.
2. No. 17-PE (47)/70, dt.03.06.1971.
3. No. 17-PE (73)/72, dt.04.01.1974.
4. No. 17-PE (73)/74, dt.18.06.1974.
5. No. PEV-31/79, dt.22.05.1979.
6. No. PEV-5/81, dt.14.07.1981

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THE CLASS-I OFFICERS OF THE VISAKHAPATNAM PORT (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATION, 1970

...

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

1. Short title and commencement :

- (1) These Regulations may be called the Class-I Officers of the Visakhapatnam Port (Acceptance of Employment after retirement) Regulations, 1970.
- (2) They shall come into force on the date of their publication in the official gazette.
- (3) In these regulations unless the context otherwise requires –
 - (a) “Board”, “Chairman”, shall have the same meaning assigned to them in the Major Port Trusts Act, 1963.
 - (b) “Class-I service” shall mean the service Classified as such by the Board from time to time under the Visakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1968.

2. Permission for employment within India:

- (1) No persons who has held a Class-I post under the Board immediately before retirement (whether governed by the Pension of Contributory Provident Fund Scheme or State Railway Provident Fund Scheme) shall accept any employment within India including an employment as contractor for or in connection with the execution of public works or as an employee of such contractor, before the expiry of two years from the date of retirement, without obtaining the previous permission of the Board.
- (2) No person who is covered by these Regulations and has not obtained the necessary permission shall be given any such contract and a condition shall be incorporated in the terms of the contract that it is liable to cancellation if either the contractor, himself or any of his employees is found to be a person to whom these orders apply and he had not obtained the necessary permission.

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3. Officers whether governed by the pension or the Provident Fund Rules, has be required to sign, at the time of sanctioning the retirement benefits, an undertaking that they shall not seek employment within two years of retirement without obtaining the previous permission of the Board, or the Chairman, as the case may be.

Note: The undertaking shall be given on a non-judicial stamp paper, the cost of which shall be borne by the retiring officer concerned.

4. In default, an officer –
 - (a) If governed by the pension scheme of the Trust, shall forfeit his pension for the period during which he is also employed or for such longer period as the Board or the Chairman may direct; and
 - (b) If governed by the contributory Provident Fund Scheme, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary.

Provided that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein.

5. The grant of permission under this Regulation shall be subject to the fulfillment of the following criteria namely.
 - a) Has the officer while in service had any such dealing with the proposed employer as might provoke the suspicion that he had show favour to the latter;
 - b) Will his duties such that his official knowledge and experience could be used to give the employer and unfair advantage;
 - c) Will his duties such as might bring him into conflict with the Port Trust;

- Note:
1. Employment involving contract or liaison work with Board shall not be considered as employment of a thoroughly reputable kind.
 2. The reputation of the firm, which offers employment will also be taken into account, while granting permission. For instance, the fact that the firm is back-listed by Government will be one of the factor, which will render the employment to be considered as not being a reputable kind.

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- e) are there any exceptional circumstances, which would make the refusal of consent a real hardship
6. In respect of officers of the Engineering Department, whether in the executive or administrative side, permission within two years of retirement for seeking employment a contractor for or in connection with the execution of works of the Trust or as employees of such contractors who are executing such work may be given very rarely and only in special circumstances.
7. The application for permission to take up an employment within two years of retirement shall be made in the form given in the Annexure to these Regulations.

3. Permission for employment outside India:

- 1) No person (whether governed by the Pensioner the contributory provident fund schemes of the Trust) who has held a Class-I post under the Board immediately before his retirement shall accept any employment under foreign government or employment outside India without obtaining the previous permission of the Board.
- 2) The person shall be required to sign and undertaking to this effect at the time of sanctioning retirement benefit.
- 3) In default, an officer:
 - (a) If governed by the pension scheme of the Trust, shall forfeit the period for the period during which he is also employed or for such longer period as the Board or the Chairman may direct; and
 - (b) If governed by the contributory Provident Fund Schemes of the Trust, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary.

Provided that an officer permitted by the competent authority to take up such an employment during his leave preparatory to refinement shall not be required to obtain fresh permission on retirement for the continuance therein'

Provided further that the employment under foreign Government shall include employment under a local authority or corporate or any other institution or organization which functions under the control and/or supervision if a foreign Government.

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- 4) Permission necessary in respect of temporary officers – Permission for acceptance of employment after retirement will be necessary even if the case of the officer who immediately before retirement held a Class-I post in an Officiating or temporary capacity.
- 5) Reckoning of two years period – The period of two years for the purpose of these Regulations shall in the case of an Officer who is re-employed after retirement without a break in the same or another Class-I post be reckoned from the date from which he finally quite the Board's service.

A N N E X U R E

FORM OF APPLICATION FOR PERMISSION TO ACCEPT EMPLOYMENT WITHIN A PERIOD OF TWO YEARS AFTER RETIREMENT.

1. Name of the Officer
(in block letters)

2. Date of retirement

3. Particulars of the Department in which the Officer served during the last five years proceeding retirement (with duration).

Name of the Department	Post held From	Duration to
------------------------	-------------------	----------------

4. Post held at the time of retirement and period for which held .

5. Pay scale of the post and the pay drawn by the Officer at the time of retirement

6. Retirement benefits:

(1) If governed by the contributory Provident Fund Schemes:

- (2) (a) Amount of Special contribution
- (b) Amount of Trust's contribution
- (c) Amount of any other contribution

(ii) If governed by the Pension Scheme:

a) Pension expected / sanctioned
(communication, if any, should be mentioned)

b) Gratuity, if any

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7. Details regarding employment proposed to be taken up.
- a) Name on the firm /Company/Cooperative Society etc.,
 - b) Whether the official and during his official career any dealing with the firm/ company etc.,
 - c) Duration or nature of the official dealing with the firm/company etc.
 - d) Name of job/post offered.
 - e) Whether post wa advertised, if not how was offer made.
 - f) Description of the duties of the job/post
 - g) Does it involve liaison/ contract work with VPT
 - h) Remuneration offered for the post / job
8. Any information which the applicant desires to furnish the support of his request.

Station:

Dt.:

SIGNATURE OF THE APPLICANT

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THE VISAKHAPATNAM PORT EMPLOYEES (COMPASSIONATE FUND) REGULATIONS, 1970.

...

The Board of Trustees of Visakhapatnam Port Trust, hereby publish the following regulations made by it, in exercise of the powers conferred by Clause (b) of Section 28 of the Major Port Trust Act, 1963, the same having been published in pursuance of sub-section (2) of Section 124 of the said Act, and after having been approved by the Central Government as required by sub-section (1) of Section 124, thereof, namely;

1. Short title and commencement:

- (i) These Regulations may be called the Visakhapatnam Port Employees (compassionate Fund) Regulations, 1970.
- (ii) They shall come into force on the date of their publication in the official Gazette.

2. Definition – In these Regulations, unless, the context otherwise requires:-

- i) “Board”, “Chairman”, and “Deputy Chairman” shall have the same meaning as in the Major Port Trusts Act, 1963.
- ii) “Employees” means, an employee of the Port whether permanent or temporary and includes any permanent or temporary employees of the Central or State Government or a local or other authority on deputation (foreign service) with the Board.
- iii) “Fund” means, the Visakhapatnam Port Compassionate Fund, formed under rule 3.
- iv) “General Account” means a General Account of the Board.

3. Constitution of the Fund:

The Visakhapatnam Port Employees’ Compassionate Fund shall be constituted with an annual incurring grant of Rs.80,000/- from the general account. The balance, if any, in a financial year shall be carried over from year to year, so however, that the maximum amount in the fund in a financial year shall be limited to Rs,1,00,000/- . The fund shall be administered by the Chairman assisted by the Secretary, FA&CAO., and the Labour Officer.

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4. Objective: The fund is primarily intended for the relief of the families of the deceased Port Trust Employees.
5. Application – Applications should be sent to the Chairman, through the Labour Officer with six months from the date of expiry of the deceased employee. In special cases the delay in submission of applications may be condoned by the Chairman at his discretion.
6. Conditions for the grant of Assistance from the Fund:
 - i) Grants from the Fund shall be restricted to the case of exceptionally deserving character, where the family is left in indigent circumstances.
 - ii) Death due to or accelerated by special devotion to duty establishes a claim for special consideration.
 - iii) Ordinarily, weightage will be given, according to the length of the service of the deceased employee.
 - iv) Grants will not ordinarily be made from the fund to the families of the retired Port Employees, but cases in which retirement of where the employee is totally or permanently, disabled, will be considered.
 - v) No family pension will be granted from the fund.
 - vi) In exceptional cases, suitable recurring grant may be sanctioned for a limited period, an assistance towards special needs, such as expenditure on education for minor children. These recurring grants will be subject to such conditions as the Chairman may impose to satisfy himself regarding the continuance of the need utilization of the amount etc.,
7. Grant of assistance from the Fund to meet expenditure towards funeral expenses.

A lumpsum amount as may be fixed from time to time by the Chairman in consultation with the Visakhapatnam Port Employee' Welfare Fund Advisory Committee shall be made from the fund to the next of kin towards funeral expenses of an employee deceased while in service.
8. Procedure for sanction – The form of application for the grant from the Funds is at Appendix (1). The applications, as seen as they are received by the Labour Officer, will be forwarded to the Heads of Departments, who should screen them and forward them to the Chairman, through the Labour Officer for consideration, only in cases where the genuine need is established to their satisfaction.

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9. Accounting – The account of the Fund will be maintained by the Financial Advisor and Chief Accounts Officer of the Port Trust.
10. All grants from the Fund will be purely exgratia.
11. Interpretation – The decision of the Chairman, Visakhapatnam Port Trust in all matters relating to the Fund shall be final.

APPENDIX – I

APPLICATION FOR THE GRANT FROM THE COMPASSIONATE FUND OF THE VISAKHAPATNAM PORT TRUST

P A R T - I

(to be completed by the applicant)

1. (a) Name of the deceased

(b) Particulars of family members with their age and occupation. (In the case of persons gainfully employed, income should also be stated). (in the case of Children receiving education, name of the institution and the classes in which they are studying).
2. Asset:
 - a) Amount of Life Insurance
 - b) CASH and Bank Balance
 - c) Total value of other assets
(Movable or immovable property)
 - d) Income earned from the assets.
3. (a) Name and address of the applicant

(c) Relationship of the applicant to the deceased Port Employee
4. Reasons for assistance from the compassionate fund of the Visakhapatnam Port Trust.

I certify that the information given above is correct.

(Signature of the Applicant)

Date:

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P A R T - II

(to be completed by the Applicant)

Descriptive roll, in duplicate of the applicant for an award from the compassionate fund.

- (a) Height
- (b) Age
- (c) Colour
- (d) Personal marks of identification if any on the hand:
- (e) Signature and or left hand Thumb and finger impressions

Small Finger	Ring Finger	Middle Finger	Index Finger	Thumb
-----------------	----------------	------------------	-----------------	-------

(Attested by (two persons of respectability in the tow/ village where the applicant resides)

- 1.
- 2.
- 3.

P A R T - III

(To be completed by the Heads of the Department)

- 1. (a) Last appointment held by the deceased Port employee
(b) Pay and allowances at the time of death.
(c) Age of the Port Employee at the time of death
- 2. (a) Total service rendered permanent / quasi / Permanent/ temporary
(b) Pensionable or non-pensionable
(c) Whether family is eligible for any retirement benefit. If so, state the details.
(d) Provident Fund balance at the credit of subscriber indicating separately the Government's contribution, if any payable.
- 3. Remarks of the superior officer on the work of the deceased.
- 4. Was death due to or accelerated by deviation extraordinary deviation to duty – (Details to be given).
- 5. Recommendation of the Head of the Department, regarding the amount of grant.
- 6. Any other remarks.

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THE VISAKHAPATNAM PORT TRUST EMPLOYEES (FAMILY SECURITY) REGULATIONS 1976

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963) the Visakhapatnam Port Trust Board, with the previous approval of the Central Government as required by sub-section (1) of Section 124 of the said Act, hereby makes the following regulations, the same having been previously published as required under sub-section (2) of the said Section – 124 of the said Act, namely:-

These Regulations will take effect from 1-10-1976.

1. Short Title: Those Regulations may be called “The Visakhapatnam Port Trust Employee (Family Security) Regulations”.
2. Application: These Regulations shall apply to all employees of the Board inclusive of those who re on deputation from other organizations in the service of the board and those who are permanent employees of the Board and are on deputation for the time being to other organisations.
3. Objects: The object of those Regulations is to enable to get a lumpsum payment to the families of the employees who die while in service and who are medically incapacitated for further continuance in the Trust’s service.
4. Definition: In these Regulations, unless the context otherwise requires.
 - (a) “Board” and “Chairman” shall have the meaning assigned to them under the Major Port Trusts Act, 1963.
 - (b) ‘Fund’ means the Visakhapatnam Port Trust Employees’ Family Security Fund.
 - (c) ‘Committee’ means the Committee constituted under Regulation 6 below.
 - (d) ‘Employees’ means all employees of the Board, other than Casual Labour.
 - (e) ‘Limb’ means leg or arm.
5. Constitution of the Fund:

The Board shall constitute a fund by contributions from the employees and the Board as under:

 - (a) Every employee shall make a monthly contribution of Rs.20/- to the fund to be recovered from him monthly pay bill.
 - (b) The Board shall make an annual contribution of Rs.3 lakhs to the fund at such interval as may be decided upon by the Chairman from time to time.

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- (c) The interest accumulated thereon from time to time.
- (d) The quantum of contribution by the Board and the employees will be subject to alteration by the Board in the light of the average annual number of casualties from time to time.
6. Administration of the Fund
- a) A committee consisting of three Officers nominated by the Chairman shall administer the fund.
- b) The accumulations in the fund shall be invested by the Committee in the manner prescribed by the Chairman from time to time.
7. Advisory Committee: An Advisory Committee consisting of three Officers of the Management other than these nominated for administering the scheme and three representatives of the employees shall be constituted by the Chairman to advise him on the administration of the Scheme.
8. Quantum of Assistance: (A) A lumpsum payment of Rs.20,000/- shall be paid:
- i) to the nominee of every employee who dies due to accident while on duty or who dies while on duty for any other cause.
- ii) to the employee who becomes totally disabled due to the accident while on duty by the loss of two limbs or by the loss of two eyes.
- b) A lumpsum payment of Rs.15,000/- shall be paid to the nominee of the employee who dies while in service but not on duty.
- c) In the absence of a nominee, the amount shall be paid to the person to whom the pensionary benefits are normally payable. For this purpose P.F. nomination holds good.
9. In respect of an employee who superannuates or who is compulsorily retired, discharged, dismissed or removed from service or who resigns his post, his monthly contribution without interest shall be refunded to him.
10. General: (a) The payment from the fund shall be in addition to the other terminal benefits if any to which the family of the deceased or the medically incapacitated employee is entitled to.
- b) The procedure for the payment shall be as laid down by the Chairman from time to time.
- c) The contribution made by the employee to the Fund shall be refunded except as provided for in Regulation 9 above.
- d) The decision of the Chairman shall be final in respect of all matters connected with the fund.

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VISAKHAPATNAM PORT EMPLOYEES' (RETIREMENT) REGULATIONS, 1989

In exercise of the powers by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Visakhapatnam, hereby makes the following Regulations, in supersession of the Visakhapatnam Port Employees' (Age of Retirement) Regulations, 1974 published in Andhra Pradesh Gazette, dt.18.7.1974 viz.,

1. Short Title and Commencement:

- i) These Regulations may be called the Visakhapatnam Port Employees' (Retirement) Regulations, 1989.
- ii) They shall come into force on the date on which the Central Government's approval is published in the official Gazette.

2. Definitions: in these Regulations unless the context otherwise requires.

- i) 'Board' and 'Chairman' shall have the same meaning as assigned to them under the Major Port Trusts Act, 1963.
- ii) 'Government' means the Central Government.
- iii) Class- I, II, III & IV employees shall have the same meanings as assigned to them in the Visakhapatnam Port Employees' (Classification, Control and Appeal) Regulations, 1968.
- iv) 'Employee' means an employee of the Board.
- v) 'Workman' means a highly skilled, skilled, semi-skilled or unskilled artisan employed a monthly rate of pay.
- vi) 'Ministerial Employee' means an employee of a subordinate service whose duties are entirely clerical.
- vii) 'Lien' means the title of an employee to hold substantively, either immediately or on the termination of a period of periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively; and
- viii) 'Appropriate Authority' means the authority which has the power to make substantive appointments to the post from which the employee is required or wants to retire.

3. Age of Retirement :

- i) Except or otherwise provided in these Regulations, every employee who joined Board's service on or after 18.7.1974 shall retire on superannuation on the afternoon of the last day of the month in which he attains the age of sixty years.

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ii) All employees in Class- I, II and Class- III posts, other than workman appointed prior to 18.7.1974, shall also retire from service on the afternoon of the last day of the month in which they attain the age of sixty years.

iii) A 'Workman' and an employee in Class-IV post, who joined Board's Service prior to 18.7.1974, shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

4. Extension of Service / Re-employment after retirement:

a) A Workman referred to in Sub-Regulations (3) of Regulation 3 may be granted extension of service or re-employed under very special circumstances to be recorded in writing, after he attains the age of Sixty years with the sanction of the appropriate authority.

b) An employee to whom Sub-Regulation (1) and (2) of Regulation 3 applies, may be granted extension of service or re-employed after he attains the age of sixty years with the sanction of the appropriate authority, if such extension is in the public interest and grounds thereof are recorded in writing.

Provided that no extension / re-employment under this Regulation shall be granted beyond the age of sixty years except in very special circumstances.

Provided further that the appropriate authority shall have the right to terminate the extension of service or re-employment before the expiry of such extensions / re-employment by giving a notice in writing of not less than three months in the case of a permanent employee, or one month in the case of a temporary employee, or pay and allowances in lieu of such notice.

The criteria and procedure for extension / re-employment is given in Annexure-I to these Regulations.

5. Compulsory Retirement before the age of Superannuation:

Notwithstanding anything contained in these Regulations, the appropriate authority shall, if it is of the opinion that it is in the public interest 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) After the employee attains the age of -

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a) Fifty years in the case of employees holding a Class-I or Class-II post in a substantive or temporary capacity and had entered Board's service before attaining the age of 35 years.

b) Fifty five years in other cases.

(ii) After he had complete -

a) 30 years of qualifying service in respect of an employee who is governed by the Pension Scheme, or

b) 30 years of service in respect of Class-III employee who is not governed by the Pension Scheme.

Provided nothing in Clause 1 applies to an employee holding Class-IV post who entered into Board's service on or before 23.7.1966.

(The second provision has been deleted with effect from 8.5.91)

(iii) (a) If on a review of the case either on a representation from the employee retired prematurely or otherwise, it is decided to reinstate the employee in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies-non, depending upon the facts and circumstances of the case.

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowance, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by a Court of Law.

(b) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

(C) Any payment made under this regulation 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 compulsory retirement and the

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date of reinstatement. Where the emoluments admissible under this regulation are equal to or less than the emoluments earned during the employment elsewhere, nothing shall be paid to the employee.

6. Voluntary Retirement before the age of Superannuation:

1. An employee may be giving notice of not less than 3 months in writing to retire from the service of the Board;
 - i) after he has attained the age of –
 - a) Fifty years in the case of employees holding Class-I or II posts who had entered service before attaining the age of 35 years; or
 - b) Fifty five years in other cases.
 - ii) After he has completed -
 - a) 30 years of qualifying service in respect of an employee who is governed by the Pension Scheme, or
 - b) 30 years of service in respect of an employee who is not governed by the Pension Scheme.
 - c) 20 years of qualifying service in respect of an employee who is governed by the Pension Scheme.
- b) It shall be open to the appropriate authority to withhold permission to the employee under suspension who seeks to retire under this regulation.
2. a) An employee who has elected to retire under this regulation may make a request in writing to the appointing authority to accept notice of less than three months giving reasons thereof.
 - b) On receipt of request under Clause (a) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

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3. An employee, who has elected to retire under this regulation and has given necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority.

Provided that the request for withdrawal shall be within the intended date of his retirement.

4. The notice of Voluntary Retirement given under this regulation shall require acceptance by the appointing authority.

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

5. The Pension and Death-cum-Retirement Gratuity of the employee retiring under Sub-regulation 1 (i) © of this regulation shall be based on the emoluments as defined under Pension Rules and the increase, not exceeding five years, in his qualifying service shall not entitle him to any national fixation of pay for purpose of calculating Pension and gratuity.

6. The Sub-regulation (i) (ii) © of this regulation shall not apply to an employee who retires from Board's service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking Voluntary Retirement.

7. (1) The qualifying service as on the date of intended retirement of the employee retiring, under Sub-regulation I (i), (ii) (a) (ii) (c) of this regulation, shall be increased by the period not exceeding thirty three years and it does not take him beyond the date of superannuation.

(2) The weightage of five years under Sub-regulation (1) above, shall not be admissible in cases of those employees who are prematurely retired by the Board in public interest under Regulation 5 (1) (ii).

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NOTE 1: The three months notice referred to in Regulation 5 and 6 may be given before the employee attain the age specified therein, provided that the actual retirement takes place after he has attained the relevant age or has completed the prescribed number of year of service, as the case may be.

NOTE 2: In computing the notice period of 3 months referred to in the regulations, the date of serving of the notice and the date of its expiry shall be included.

NOTE 3: An employee who is granted extension of service after he has attained the prescribed age of superannuation, shall not be promoted to another post during the period of extension.

NOTE 4: The date on which an employee attains the date of 60 years, determined with reference to the date of birth declared by the employee at the time of his appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as Matriculation Certificate or extract from Birth Register. The date of birth so declared by an employee and accepted by the appropriate authority shall not be subject to any alteration after the preparation of his Service book and in any event, after the completion of probation period or declaration. An alteration in the date of birth of an employee can be made within such period and with the sanction of the competent authority strictly as specified in F.R. 56, Note 6 and in no other case, the request for alteration will be entertained.

NOTE 5: An employee whose date of birth is the first of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

7. Procedure for Retention in Service:

For the purpose of regulation 5, it will be necessary to determine, if retention of an employee beyond the age of 50/55 years will be in public interest. For this purpose, the procedure laid down in Annexure-III should be followed.

8. Power to relax:

The power to relax the 3 months notice period provided for Regulation 5 and 6 rests (a) with the Government in the case of Officers including Heads of Departments who were appointed by them (b) and in other cases of employees of the Board, with the Chairman of the Board. It is not open to the appropriate authority to curtail that period in any individual case.

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9. Repeals:

On the commencement of these Regulations, the Visakhapatnam Port Employees (Age of Retirement) Regulations, 1974, are repealed.

10. Central Govt. Rules to be followed in the application of these Regulations:

In applying the foregoing Regulations and in respect of matters not dealt with in these Regulations, the provision contained in F.Rs. and Pension Rules, 1972 and the orders of the Central Government issued thereunder from time to time, shall be followed in so far as they are not inconsistent with the provisions of these Regulations, subject to such exceptions and modifications as the Board may from time to time determine.

11. Interpretation:

If any question arises relating to interpretation of these Regulations, it shall be referred to the Board who shall decide the same.

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ANNEXURE-I

CRITERIA FOR EXTENSION OF SERVICE / RE-EMPLOYMENT TO THE EMPLOYEES

1. No proposal for extension of service / re-employment beyond the age of superannuation should ordinarily be considered.
2. Extension of service / re-employment can be justified only in very rare and exceptional circumstances. Even in such cases, 60 years of age should be the deadline for non-scientific/ non-technical posts and 62 years in the case of scientific / technical personnel. This should not be construed to mean that extensions of services / re-employment can be granted to non-scientific / non-technical personnel upto the age of 60 years and to scientific/ technical personnel upto the age 62 years, more or less as a matter of course. The over-riding consideration for the grant of extension of service / re-employment is that it must be clearly in the public interest and in addition satisfy one or the following two conditions.
 - (i) That other officers are not ripe enough to take over the job; or
 - (ii) That the retiring officer is of outstanding merit.
3. No extension of services, re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select successor had been taken well in advance, but the selection could not be finalized in time or justifiable reasons.
4. A proposal for the grant of extension of service / re-employment based merely on the consideration that the Officer's predecessor had been given extension of service / re-employment should obviously not be accepted.
5. The proforma given in Annexure-II may be utilized for sending proposal for grant of extension of re-employment to the employee beyond the age of superannuation.

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ANNEXURE – II

Proforma for grant or extension / re-employment to Government Employees beyond the age of superannuation:

1. Designation of the Post :
2. Duration of the Post :
3. Scale and Terms of the post and prerequisite attached, if any :
4. Whether financial sanction for the creation of the posts / continuance of post for the duration shown at (2) has been obtained :
5. Method of Recruitment :
6. Name and the terminal date of appointment of the out-going incumbent of the post :
7. Name of the officer proposed for appointment and the service to which he belongs :
8. Full service particulars of the Officer with date of birth and Pay draw :
9. Names of the Officers considered :
10. If promotion post, whether copies of proceedings of a Departmental Promotion Committee are being enclosed. If not, why not? :
11. Whether character role of the Officer proposed and those considered are being sent. If not, why not? :
12. (i) If the proposal involves extension/ technical or non-operational/non-technical :
 - (a) Whether the post of operational/ technical or non-operational/ non-technical
 - (b) Whether the officer is to be granted extension of service or re-employment.

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- (c) Periods of extension/ re-employment granted earlier to the Officer, if any :
- (d) Date from which extension/ re-employment is to be granted:
- (e) Period of extension of service / re-employment.

ii) Justification for grant of extension/ re-employment if the post of operational/ technical

iii) Justification for grant of extension of service / re-employment of the post is non-technical/ non-operational:

iv) (a) The date from which it was known that vacancy would occur:

(b) Action taken to elect a successor with chronological details :

(c) If selection is being made, reasons why this could not be finalized in good time, and :

(d) If proposal involves extension of service / re-employment, can some officiating or adhoc arrangements be made ending fresh appointment by proper selection? If not, why not?

13. Whether the prescribed Integrity Certificate from the :
appropriate authority is enclosed:

Format of Certificate: Having scrutinized the character, role and personal file of Shri/Smt/Kum. _____ and have taken into account all other available information, I certify that he/she has a good reputation for integrity and honesty.

AUTHORITY COMPETENT TO
GRANT EXTENSION / RE-EMPLOYMENT

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ANNEXURE - III

PROCEDURE FOR REVIEWING THE CAES OF EMPLOYEES FOR RETENTION IN SERVICE

1. The case of the employee concerned should be reviewed six months before attaining the age of 50/55 years or complete 30 years service / 30 years of qualifying service, whichever occurs earlier.
2. The following Committees shall be constituted, to which all cases shall be referred for recommendation as to whether the employees concerned should be retired from service in the public interest or whether he/she should be retained in service.

Class- I and Class- II Posts:

Chairman

Chairman of the Board or

“Deputy Chairman of the Board”

Members:

- (1) Head of the Department where the vacancy exists
- (2) Another Head of the Department nominated by the Chairman of the Board.

Class – III & Class – IV Posts:

Chairman : Head of Department where the vacancy exists.

Members: Two Officers to be nominated by the Chairman of the Board.

3. The criteria to be followed by the Committee in making their recommendations would be as follows:
 - a) Employees whose integrity is doubtful, will be retired.
 - b) Employees who are found to be ineffective will also be retired. The basic consideration in identifying such employees should be the fitness / competence of the employee to continue in the post which he is holding.
 - c) While the entire service record of an employee should be considered at the time of review, an employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years period, his service in the higher post, has been found satisfactory.

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- d) No employees should ordinarily be retired on grounds of ineffectiveness, if in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case.
4. The appropriate authority shall take further action for the recommendations of the Committee. In every case, where it is proposed to retire an employee in exercise of powers conferred by these Regulations, the appropriate authority should record in the file that it has formed its opinion that it is necessary to retire the employee in pursuance of these Regulations, in the public interest. This decision should not be an arbitrary decision or should not be based on collateral grounds.
5. The Regulations relating to premature retirement should not be used -
- a) To retire an employee on grounds of specific acts of misconduct, as a short-cut to initiating formal disciplinary proceedings; or
- b) For reduction of surplus staff or as a measure of effecting general economy without following the regulations and instructions relating to retrenchment.
6. Once a decision has been taken by the appropriate authority to retain an employee beyond the age of fifty / fifty five years or beyond the date of completion of 30 years service / 30 years of qualifying service for pension. He would ordinarily continue in service till he attains the age of retirement. If however, the appropriate authority considers at any time after a review aforesaid that the retention of the employee will not be in the public interest, that authority may take necessary action to retire the officer by following the prescribed procedure.
7. When the appropriate authority has come to the conclusion that an employee may be prematurely retired, the three months notice referred to in Regulation 5 (i) and 5 (ii) (b) may be given before the employee attains the specified age or has completed 30 years of service, as the case may be. But, the retirement should take place after the employee has attained the relevant age or has completed 30 years of service as the case may be. A notice even longer than three months or before the employee attains the age of 50/55 years completed 30 years service could be given but the date from which he has required to retire as specified in the notice should not be before he attains the age of 50 / 55 years., or complete

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30 years service, as the case may be. In cases of retirement under Regulation 5 (ii) of these Regulations, 1972, while the notice of such retirement could be given before the employee actually completes 30 years of service qualifying for pension, the date of expiry of the notice on which the employee's retirement would be effective should be one falling on or after the date of his completion of 30 years of service qualifying for pension. The orders requiring an employee to retire after completing 30 years qualifying service should, as a Regulation, not be issued until after the fact that the employee has indeed completed, or would be completing on the date of retirement, qualifying service of 30 years, has been verified in consultation with the account / audit officer concerned.

8. While computing the notice period of not less than three months, under these regulations, the date of service of the notice and the date of its expiry shall be excluded. The date of premature retirement of an employee should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.
9. The notice of retirement served on employee in pursuance of these regulations will be as in the form set out in Annexures IV and V.
10. In case where an employee refuses to accept the service of notice of retirement or order of retirement along with cheque / cash equivalent to three months' pay and allowances, it should be ensured that the refusal of the employee is witnessed by two officers. In such case, a copy of the notice / order of retirement may be sent under registered post; with acknowledgement due to the individual concerned at the last officially known address, with covering letter, stating that the original notice / order of retirement was taken by such and such for delivery to him/her on such and such date and that he / she refused to accept the same and in the said circumstances, its copy is being sent by registered post for his / her record. In such a case, the date of effect of the notice of retirement / order of retirement would be from the fore-noon of the date following the date of refusal by the individual (witnessed by two officers where the person concerned has refused to accept the cheque / cash equivalent to three months pay and allowances, the same procedure that is followed in case where an employee has failed to accept his /her dues from an employee may be followed, in so far as its disbursement is concerned.

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11. An employee who has been served with a notice order of premature retirement: under the provisions mentioned above, may submit a representation within three weeks from the date of service of such notice / order.
12. On receipt of 4 representation, the Administration / Ministry / Department / Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/ order of premature retirement. This examination should be completed within two weeks, from the date of the receipt of the representation. After such examination, the case should be placed before the appropriate Committee for consideration. The composition of the Committee for the purpose of consideration of the regulations against premature retirement shall be as indicated in Annexure –IV.
13. The Committee considering the representation shall make its recommendation on the representation within two weeks from the date of receipt of the reference from the Departments concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the Committee on the representation.
14. If, in any case, it is decided to reinstate a prematurely retired employee in a service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement to duty or as leave or dies non, as the case may be taking into account the merits of each case.
15. In the case of an employee who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representation against such premature retirement was unjustified, the date of superannuation of the employees have already arrived or had passed, it has been decided that the authorities empowered to pass final orders, may at their discretion reinstate the superannuated employees notionally with effect from the date of compulsory retirement and treat the period up to the date of superannuation, as duty, leave or dies-non may be considered appropriate by the competent authority.

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16. Representations from employees who have been served with a notice / order of premature retirement, but have obtained Stay Order(s) from the Court against the order / notice of premature retirement, need not be considered by the concerned departments or sent up to the Committee until the disposal of the Court case. Thereafter, the cases may be examined as outlined above.
17. In order to ensure that the review is undertaken regularly and in due time departments maintain a suitable register for registers of employees under their control who are due to attain the age of 50/55 years or complete 30 years of service, as the case may be. This Register should be scrutinized at the beginning of every quarter by a senior officer in the Department and the review undertaken according to the following schedule:

Quarter in which review is to be made	Cases of employee who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for Pension as the case may be, in the Quarter indicated as below to be reviewed.
1. January to March	July to September of the same year
2. April to June	October to December of the same year
3. July to September	January to March of the same year
4. October to December	July to September of the same year

NOTE: Principal Regulations:

The Visakhapatnam Port Employees (Retirement) Regulation, 1989, have been approved by the Ministry of Surface Transport (Ports Wing), vide their Notification No.PR-12012/11/89-PE-I, dt.19.12.1989, and subsequently amended vide.

1. Notification No.PR-12015/3/91 PE-1, DT.8.5.1991.

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ANNEXURE – V

FORM OF NOTICE TO RETIRE AN EMPLOYEE WITH PAY IN LIEU OF NOTICE

O R D E R

WHEREAS THE _____
(Appropriate Authority) is of the opinion that it is in the public interest to do so:

Now, therefore, in exercise of the powers conferred by Regulation (5) of Visakhapatnam Port Trust Employees (Retirement) Regulations, 1979, the _____ (appropriate authority) hereby retires Shri/Smt./Kum. _____ with immediate effect, he/she having already obtained the age of 50/55 years or having already completed 30 years of service / 30 years of service qualifying for pension on the

Shri/Smt./Kum. _____ shall be paid a sum equivalent to the amount of his/her pay plus allowances for a period of three months calculated at the same rate at which he/she was then drawing, immediately before his/her retirement.

SIGNATURE
DESIGNATION OF THE
APPROPRIATE AUTHORITY

To
Shri/Smt. _____

ACKNOWLEDGEMENT

I, _____, now holding the post of _____.

Hereby acknowledge the receipt of the original of the order or retirement as aforesaid along with cash or crossed cheque No. _____ dated _____ for Rs. _____)Rupees _____

_____ only)

SIGNATURE

Countersigned

Name:

Designation:

Place:

Date:

SAR /

Designation:

Place:

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VISAKHAPATNAM PORT TRUST EMPLOYEES' (EDUCATIONAL ASSISTANCE) REGULATIONS, 1990

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (Act, 38 of 1963), the Board of Trustees of the Visakhapatnam Port Trust hereby makes the following Regulations:

- 1) Short title and commencement : These Regulations may be called the Visakhapatnam Port Trust Employees' (Educational Assistance) Regulations, 1990.

They shall come into effect from the date on which the approval of the Central Government is published in the Central Government Gazette.

- 2) Application :

- (i) These Regulations shall apply to the employees of the Board including those on deputation to the Board but, shall not apply to:

- a) Person in Casual or daily rated or adhoc or part-time employment.
- b) Persons employed on contract except where the contract provided otherwise, and
- c) Persons paid from contingencies.

- (ii) These Regulations, shall also apply to the employees on deputation to other organizations or Foreign Service provided necessary provision in regard to the drawl of educational assistance under these Regulations from such organizations or foreign employers is expressly made in the terms of deputation or Foreign Service.

- 3) Definitions: In these Regulations, unless the context otherwise requires:

- a) 'Child' means a child of an employee and includes a step-child and an adopted child, who is wholly dependent on the employee.
- b) 'Board' 'Chairman' and 'Head of Department' shall have the same meanings as assigned to them, respectively in the Major Port Trusts Act, 1963.
- c) 'Employee' means an employee of the Board.
- d) 'Higher secondary' or 'Senior secondary' classes means XI and XII including classes under 10+2+3 shows like S.S.C. (upto X), Intermediate, Pre-university, Polytechnic, (Diploma courses), Degree courses in science or non-science

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examination conducted by Universities of Andhra Pradesh Govt. provided the child has passed the secondary or equivalent before joining such class.

- e) 'Primary Classes' means classes 1 to V , but, does not include kinder garden or Nursery classes.
- f) 'Recognized School' means government school or any educational institution whether in receipt of Government aid or not, recognized by the Central or State Government or Union territory administration or by a University or a recognized educational authority having jurisdiction over the area where the Institution is situated. For the purpose of these Regulations, education up to the Senior level shall be treated as school education.
- g) 'Secondary Classes' means classes VI to X.
- h) Tuition fee means tuition fee payable and actually paid and includes.
 - i) Science fee,
 - ii) Laboratory fee, in case science fee is not separately charges.
 - iii) Special fee charged for agriculture as an elective additional subject, and
 - iv) Any fee charged for subjects like music which re taught as part of the regular school curriculum programme of work experience.

Provided that if tuition fee charged from a science student is higher than that charged from a non-science student, science fee, though separately charged, shall not be included in tuition fee for purposes of these regulations.

Explanation: 'Tuition fee' does not, however, include –

- (i) Domestic science fund charges
- (ii) Library fee
- (iii) Games fee
- (iv) Admission fee, and
- (v) Extra-curricular activity fees

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General Conditions

- 4) Eligibility: Subject to the provisions of Regulations 11 to 24 all employees without any pay limit shall be eligible to draw children's educational allowance, re-imbusement of tuition fee and Hostel subsidy.
- 5) 1) IN case both wife and husband are employees and are governed by the provisions of these Regulations, the Children's educational allowances or reimbursement of tuition fee or hostel subsidy, as the case may be shall be admissible to one of them only.

2) In case the wife or husband of an employee is employed outside the Board, the employee shall be eligible to draw the allowance or reimbursement of subsidy under these Regulations, only if his/her spouse is not entitled to the benefit of any such allowances or reimbursement of subsidy from his/her employer and a declaration to that effect shall be obtained from the employee.
- 6) 1) The Children's educational allowance or the reimbursement of tuition fees or Hostel subsidy shall be admissible to an employee while he/she is on duty or is under suspension or is on leave (including extraordinary leave).

Provided that during any period which is treated as 'dies non' the employee shall not be eligible for the allowance/ reimbursement/ subsidy for the period.

2) If an employee dies or ceases to be in service by reason for retirement, resignation, discharge, dismissal or removal from service in the course of an academic year, the allowance or reimbursement or hostel subsidy shall be admissible till the end of the academic year or upon the month in the case of discharge, dismissal or removal in which the event takes place.
- 7) Children's educational allowance, reimbursement of tuition fees or hostel subsidy shall be admissible only in respect of children between the age limits of 5 and 20 years. An employee shall not be eligible to draw children's educational allowance, reimbursement of tuition fee or hostel subsidy for child for more than two academic years in the same class.
- 8) Assistance under thee Regulations shall be available upto 3 children born upto 31-12-87 and shall be restricted to two children born thereafter.

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Provided that where an employee claims children's educational allowance in respect of some of his children and hostel subsidy in respect of other children, the total number of children in respect of whom the allowance or subsidy is drawn shall not exceed two.

- 9) The Children's educational allowance, reimbursement of tuition fee or hostel subsidy as the case may be, shall be admissible to an employee in respect of a child only if the child attends the school regularly.

Provided that no such allowance, reimbursement of subsidy shall be admissible in any case where the period of absence from the school without proper leave exceeds one month notwithstanding that the name of the child remains on the rolls of the school.

- 10) The children's educational allowance, reimbursement of tuition fee, or hostel subsidy, as the same may be shall be admissible to an employee in respect of his children regardless of the act that any scholarship is received provided that if free scholarship is awarded, reimbursement of tuition fee/ hostel subsidy shall be admissible to the extent of fees actually paid.

Children-'s Educational allowance:

- 11) (1) An employee is eligible to draw children's educational allowance when he is compelled to send his child to a school away from the station at which he is posted and / or residing owing to the absence of a school of the requisited standard at that station.

(2) For the purpose of this regulation, the following schools shall not be deemed to be schools of the requisites standard.

- a) In so far as an Anglo Indian Child is concerned, a school not run by the Anglo Indian community or a school not affiliated to the council for Indian School Certificate examination of the Indian council or Secondary Education.
- b) A school run by a body or certain religious persuasion which the child is prevented by the tenants of his religious persuasion from attending due to religious instructions being compulsorily imparted in such a school, and
- c) A school where teaching is conducted in a language different from the language of the child

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Explanation: I: The language of the child will be the medium of instruction in the school where the child was getting education earlier and in the case of a child admitted in a school for the first time the mother tongue of the child by birth or by adoption

Explanation: II: The admissibility of children's education allowance will have to be determined with reference to the standard of the school, viz., primary, secondary or high secondary or senior secondary and the medium of instruction and the language of the child and not to the absence of any particular subject in a particular institution.

- 12) The allowance shall be admissible to an employee at a station where there is no school of the requisite standard only if the nearest school of such standard is so situated that there is no convenient train or bus service to take the child from his residence near the time of the opening of the school and bring him back not too long after the school is closed for the day and the journey by such train / bus service take more than an hour.
- 13) If an employee is transferred from a station, where there is no school of the requisite standard only if the nearest school of such standard is so situated that there is no convenient train or bus service to take the child from his residence near the time of the opening of the school and bring him back not too long after the school is closed for the day and the journey by such train / bus service take more than an hour.
- 14) If a child of an employee is denied admission to a school or the 'requisite standard at the station at which the employee is posted and / or residing because of there being no vacancy, or for any other reasons, and the child is, compelled to attend a school away from the employee's place of posting and or residence the employee shall be entitled to the allowance as if there were no schools of the requisite standard at that station.

i) Explanation: The availability of vacancy in a school shall be determined with reference to the position existing at the time of the admission of the child in the school whether it be at the start or in the middle of the session, in consultation with competent educational authorities of the area and not on the basis of the certificate of the school authorities.

- 15) An employee in receipt of the allowance shall continue to be eligible to draw such allowance during any period, not exceeding four months.

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- (i) When he may go and stay with the child in respect of whom the allowance is drawn while leave or during the suspension or temporary transfer;
- (ii) When the child may come to live with the employee provided it is certified by a registered medical practitioner that the child is forced to remain away from studies due to illness; and
- (iii) When the child may come to live with the employee during vacation, provided the child continues to be on the rolls of the school.

16) The allowance shall be admissible to an employee at the following rates.

Primary, Secondary and Rs.100 per month per child
High Secondary Class (1 to XII)

17)(1) The allowance shall be admissible to an employee through the year notwithstanding that no tuition fee is paid during the vacation.

(2) In the case of a child who is successful at the final secondary / higher secondary / senior secondary examination Board of Intermediate, pre-university examination, the allowance shall be admissible to the employee upto the end of the month in which the examination is completed or upto the end of the month upto which the school fees are charged, whichever is later.

(3) In the case of a child who fails in the final Secondary / higher secondary / senior secondary examination, Board of Intermediate examination or Pre-University examination but resumes his studies, the allowance shall be admissible to the employee for the period of vacation intervening provided that fees are paid for the period of vacation.

REIMBURSEMENT OF TUITION FEE

18) An employee shall be eligible to the reimbursement of tuition fee payable and actually paid in respect of his child provided that no children's educational allowance under these regulations is admissible to him.

19) The tuition fee payable and actually paid by an employee in respect of his child may be reimbursed, subject to the following limits.

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- | | |
|--|--|
| a) Class – I to X | Rs.40/- per month per child |
| b) Class XI to XII | Rs.50/- per month per child |
| c) Board of Intermediate
Pre-University | Rs.105/- per month per child |
| d) Class I to XII | Rs.100/- per month per child in respect of
Physically handicapped and mentally retorted
Children |

Note: 'Science fee' upto the limit of Rs.10/- p.m. for XI and XII Classes and rs.15/- p.m. for Intermediate course will be reimbursable in addition to the tuition fee in respect of children studying in class IX to XII and also Intermediate 1st and 2nd year offering science subjects.

20) (1) The reimbursement of tuition fee charged by a college run by a University or affiliated to a University for pre-university / two years class of an intermediate college or of a Technical college of Engineering / Medical or three years class of Polytechnic or for a correspondence course shall however, be reimbursed in full subject to their being restricted to the rates prescribed by Govt. College including corresponding classes.

(2) In case where minimum qualifications for admission in the three years Diploma course in Polytechnics is 10th class of the revised pattern of education and student joins the Polytechnic after passing X class of the revised pattern of education, the reimbursement of tuition fee shall also be allowed for the 1st, 2nd and 3rd year classes of the above course.

21) "Notwithstanding anything to the contrary in those Regulations, reimbursement of tuition fee in case of physically handicapped / mentally retarded child of an employee shall be permitted even if the institution in which the child studying is not recognized by the Central / State Government or Union territory administration, as the case may be"

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(a) The institution in which the child is studying in one which is recognized or approved or aided by the Central Government and State Government or Union Territory Administration.

(b) The fee charged are approved by the Central Govt., or State Govt., or Union Territory administration as the case may be.

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Explanation: If the institution is recognized or approved or aided, but the fees charged are not approved by Central Government or State Govt., or Union Territory administration, the fee reimbursable shall be subject to a ceiling of Rs.50/- per month.

HOSTEL SUBSIDY

22) (1) An employee shall be eligible to the grant of a subsidy at the rate of Rs.300/- per month per child if because of his transfer he is obliged to keep his children in the hostel of a residential school away from the station at which he is posted and / or is residing.

(2) However, if the date of admission to the Hostel is earlier than the date of transfer and if such admission is made in anticipation of the transfer, the hostel subsidy may be made from the effective date of transfer.

23) The Hostel subsidy shall be payable upto 10 plus 2 stage in states and Union Territories where the pattern of 10 plus 1 plus 2 has been adopted and upto higher secondary and Senior secondary, Board of intermediate, pre-university and 2 years degree courses including Engineering / Medical upto there years in other sates and Union Territories irrespective of the fact that the children study in a Kendriya Vidyalaya or any other recongnized school.

24) The Hostel subsidy shall not be admissible in respect of a child for whom children's educational allowance is drawn by an employee.

Procedure for payment of children's Educational Allowance Reimbursement of Tuition fee and Hostel subsidy.

25) An employee, claiming children's educational allowance reimbursement of tuition fees or hostel subsidy shall furnish a certificate in the prescribed form 1, 23 and 4 as the case may be, to the Head of department at the time of preferring his initial claim and thereafter in the months of March and July every year. Where the certificate to the next higher authority.

26) The Head of Department in regard to officers working in his department and the next higher authority namely the Chairman in regard to the Head of Department shall after making such enquiry as may be considered necessary issue a certificate indicating the amount of allowance admissible to the employee on the basis of which the allowance shall be drawn by the drawing and disbursing officer.

Provided that in the case of children's educational allowance, it shall be permissible for the allowance being drawn on provisional basis, pending verification as above, for short periods not exceeding three months, subject to an undertakings being obtained from the employee that if, as a result of verification, it is established that a school of

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the requisite standard does exist at the station of posting / residence or near such station as referred to in regulation-12 he shall refund the allowance paid to him.

Provided further that the Head of Department or the next higher authority namely the Chairman, as the case may be, may at his discretion, make enquiry at periodic interval regarding admissibility of assistance under these regulations.

- 27) The drawing and disbursing officer shall certify on the pay bill that the certificates mentioned in Regulation 26 in respect of the employee covered by the pay bill have been obtained.
- 28) An employee transferred from one station to another shall furnish a fresh certificate at the new station in case he continues to be eligible to draw children's educational allowance or hostel subsidy.
- 29) Interpretation of Regulation: If any question arises as to the interpretation of these regulations, the same shall be decided by the Board.
- 30) Repeal and savings: All rules corresponding to these regulations and any order issued in this regard from time to time and in force immediately before the commencement of these regulations are hereby replaced.

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

- 31) Central Government orders / Instructions/ Rules to be followed in the application of these Regulations:

In applying the foregoing regulations and in respect of matters not dealt with in these regulations, the Central Civil services (Educational Assistance) Orders 1988 and the orders / instructions of the Central Government issued thereunder from time to time shall be followed in so far as they are not inconsistent with the provisions of these Regulations subject to such exceptions and modifications as the Board may from time to time determine.

NOTE:

Principal Regulations:

The Visakhapatnam Port Trust Employees (Educational Assistance) Regulations, 1990 have been approved by the Ministry of Surface Transport Ir. No.Pr-12016/19/89-PE.I, dt.15.11.1990.

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F O R M - I

(See Regulations 25)

CHILDREN'S EDUCATIONAL ALLOWANCE:

1. Certified that my child / children mentioned below in respect of whom children's educational allowance is claimed is / are wholly dependent upon me and I am compelled to send my child / children away from the place of my posting/residence due to non-availability of the school of the requisite standard due to non-availability of the school of the requisite standard at the station of my posting / residence or due to non-availability of a vacancy in such a school at the station of my posting / residence.

Name of the child	Date of birth	School / College in which studying location thereof and residence of the child	The place where the	Class in which the child is studying	Monthly educational allowance admissible	Amount of allowance claimed for the period from July to Feb.20 March to June 20
1	2	3	4	5	6	7
1.						
2.						
3.						

2. Certified that my child / children in respect of whom children's educational allowance is claimed is / are studying in the schools mentioned in column (3) which is / are recognized school (s) (not applicable to schools run by Central Government / State Govt./ Union Territory Administration / Municipal Corporation/ Municipal Committee / Panchayat Samiti/ Zilla Parishad)

3. Certified that:

i) My wife/ Husband is / is not a employee of the Board.

ii) My wife / Husband is a employee of th Board and that she / he will not claim children's educational allowance is respect of our child / children.

iii) My wife/ husband is employed which _____ she / he is/ is not entitled to children's educational allowance in respect of our child / children.

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4. Certified that during the period covered by the claim the child / children attended the school regularly and did not absent himself / herself / themselves from the school without proper leave for a period exceeding one month.
5. Certified that the child / children has / have been not studying in the same class for more than two academic years.
6. In the even of any change in the particulars given above which affect my eligibility for children's educational allowance, I undertake to intimate the same promptly and also to refund excess payments, if any made.

(SIGNATURE OF THE EMPLOYEE)

Name in Block letters _____

Designation & Office _____

Date: _____

Place of posting:

(Strike out whatever is not applicable)

X employer other than Board to be mentioned

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F O R I - 2

(See Regulations 25)

REIMBURMENT OF TUITION FEE

1. Certified that the child children mentioned below in respect of whom reimbursement of tuition fee is claimed is / are wholly dependent up me :

Name of the child and religion	Date of birth	School in which studying	Class in which studying	Monthly tuition fee actual paid from July, to May, 20 April to March 20	Tuition fee actually claimed	Amount reimbursed
1	2	3	4	5	6	7
1.						
2.						
3.						

2. Certified that the tuition fee indicated against the child / each of the children had actually been paid by me (cash receipt / counterfoil of the Bank credit vouchers to be attached with the initial claim).
3. Certified that :
- (i) My wife / Husband is / is not an employee of the Board
 - (ii) My wife / Husband is an employee of the Board but she / he will not claim reimbursement of tuition fee in respect of our child / children.
 - (iii) My wife/ husband is employed with _____ she/ he is / is not entitled to reimbursement of tuition fees in respect of our child / children.
4. Certified that during the period covered by the claim the child / children attended the school (s) regularly and did not absent himself / herself / themselves from the school (s) without proper leave for a period exceeding one month.
5. Certified that the child / children mentioned has/ have not been studying in the same class for more than two academic years.

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6. Certified that I or my wife / husband have/ has not claimed and will not claim the children's educational allowance in respect of the children mentioned above.
7. Certified that my child / children in respect of whom reimbursement of tuition fee is claimed is / are studying in the schools which is / are recognized schools (s) (not applicable to schools run by Central Government / State Government / Union Territory Administration / Municipal Corporation / Municipal Committee / panchayat samithi/ Zill Parishad).
8. IN the event of any change in the particulars given above which affect my eligibility for reimbursement of tuition fees, I undertake to intimate the same promptly and also to refund excess payments, if any made.

(SIGNATURE OF THE EMPLOYEE)

Designation & Office_____

Date:

(Strike out what is not applicable)

X Employer other than Board to be mentioned.

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F O R I - 3

(See Regulations 25)

HOSTEL SUBSIDY

1. Certified that my child Sri / Kum. _____ is studying in _____ (Name of the school) was admitted to Hostel of the school on _____ (certificate from the Head of the school attached).
2. Certified that
 - a) My wife/husband is/ is not in Board's service is / is not drawing Hostel subsidy in respect of my child / children.
 - b) The total number of children in respect of whom the Hostel subsidy and children' educational allowance have been claimed does not exceed two.
3. I undertake to inform my employer forthwith in the event of my withdrawing the child from the period and also in the event of there being any change in the particulars mentioned earlier.

(SIGNATURE OF THE EMPLOYEE)

Name in Block letters: _____

Designation & Office _____

Date _____

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VISAKHAPATNAM PORT EMPLOYEES' (FESTIVAL ADVANCE) REGULATIONS, 1991.

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (39 of 1963) the Board of Trustees of the Visakhapatnam Port Trust, hereby makes the following Regulations, namely:-

P A R T - I

1. Short title:

1. These Regulations may be called the Visakhapatnam Port Employees' (Festival Advance) Regulations, 1991.

2. Definitions: In these regulations, unless the context otherwise requires:

- a) 'Accounts Officer' means the Financial Adviser & Chief Accounts Officer of the Board or any other officer authorized by him in this behalf.
- b) "Advance" means the advance admissible under these regulations.
- c) "Board", "Chairman", Deputy Chairman" and "Head of Department" shall have the same meanings as assigned to them in the Major Port Trusts Act, 1963.
- d) "Employee" means an Class-III & IV employees of the Board.
- e) "Calendar Year" means the year beginning on 1st January and ending 31st December.
- f) "Financial Year" means the year beginning of the 1st April and ending on the 31st March following.
- g) "Important Festival" means:
 - (i) New Year's day (of all religious and faiths)
 - (ii) Pongal
 - (iii) Republic Day
 - (iv) Masivarathri
 - (v) Sriramanavami
 - (vi) Ramzan (Id-ul-fitr)
 - (vii) Bakrid (Id-ul-Zuha)
 - (viii) Independence day
 - (ix) Vinayakachaturdhi
 - (x) Vijayadasami
 - (xi) Deepavali
 - (xii) Christmas

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Administration Department



(xiii) Any other festival which the Chairman may declare, by a General or special order, after taking into consideration the importance attached locally to such festival.

3. Extent of application:

1) Save as otherwise provided, in these regulations, the advance is admissible to all categories of employees in Class-I, Class-II, Class-III and Class-IV irrespective of their pay range.

2) The advance is not admissible to:

- i) Persons not in whose time employee of the Board
- ii) Persons paid from contingencies, and
- iii) Apprentices.

4. Conditions of Eligibility:

1) An advance shall be granted only on the eve of any one of the important festivals irrespective of the religious faith of the employee concerned as provided under sub-regulations (g) of Regulation 2 of these Regulations.

2) An advance shall be admissible only on the occasion in a calendar year.

3) The advance shall not be granted to an employee more than once in a calendar year even if the festival qualifying for advance falls twice in a calendar year.

4) An advance under these regulations shall be granted to an employee if he is on duty, or on Earned leave or on any other leave equivalent there to including maternity leave, but excluding leave preparatory to retirement or leave preparatory to final cessation of service on the date on which the advances applied for.

5) An advance under these Regulations shall not be granted to an employee unless an advance already granted to him has been fully recovered.

6) An advance shall not be granted to a temporary employee unless he is likely to continue in service with the Board for a period of at least one year beyond the month in which the advance is disbursed.

7) The advance shall not be granted to an employee unless he applied for it in writing at least a fortnight before the date of the festival for which the advance is applied for. This condition can however, be relaxed by the authority who is empowered to sanction this advance in individual cases.

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5. Interest free advance: The advance granted under these Regulations shall be free of interest.
6. Amount of advance: The amount of advance which may be granted to an employee shall not exceed rs.3000/- (Rupees three thousand only)
7. Form of application for advance: The application for advance shall be made in the form prescribed in Annexure-I to these regulations.
8. Disbursement of advances: The amount of advance sanctioned under these regulations shall be disbursed to the employee before the festival in respect of which the advance is sanctioned.
9. Recovery of advance:
 - 1) The amount of advance granted under these regulations shall be recovered in not more than 10 equal monthly instalments.
 - 2) The recovery of the amount of advance shall commence with the issue of pay or leave salary as the case may be for the month following that in which such amount is disbursed.
 - 3) The recovery of the amount of advance, shall, in the case of an employee, governed by the Minimum Wages Act 1948 or the Payment of wages Act 1936, or both, be subject to the provisions of the said acts.
10. Accounts of Advances: The procedure for the maintenance of accounts and watching the recoveries shall be as specified in Annexure-II to these regulations.
11. Interpretation of Regulations: If any question arises as to the interpretation of these regulations, the same shall be decided by the Board.
12. Repeal and savings: All rules corresponding to those regulations and any orders issued in this regard from time to time and in force immediately before the commencement of these regulations are hereby repealed.

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

NOTE These regulations were approved by the Government vide Ministry's Lr. No.PR-12015/2/89-pe.1, DT.13.3.91 and published in the Gazette of India vide GSR NO.130€, dt.13.3.91, Amendment: MOST's Lr. No.PR-12015/2/89-pe-I, DT.5.8.92.

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ANNEXURE-I
(See Regulation – 7)

VISAKHAPATNAM PORT TRUST
FORM OF APPLICATION FOR ADVANCE IN CONNECTION WITH
IMPORTANT FESTIVAL

1. Name of Applicant :
2. Applicant's Designation :
3. Employee Number :
4. Department, Office and Section :
5. Pay on the date of Application :
6. Whether on duty or on leave on the Date of application and, if on leave The nature of leave. :
7. Date of first appointment :
8. Date of superannuation or retirement :
9. Festival in connection with which advance is required :
10. Amount of advance required : Rs.
11. Number of instalments in which Advance is desired to be repaid :
12. Name of pay sheet, in which advance will be drawn :
13. Certified that -
 - i) I have not drawn an advance in connection with a Festival during the current calendar year and
 - ii) The advance granted to me in connection with a festival in the previous calendar year has been fully repaid.

(SIGNATURE OF THE APPLICANT)
(WITH DATE)

-
- Score out if not applicable.

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ANNEXURE – II (See Regulation – 10)

PROCEDURE FOR MAINTENANCE, ETC. OF ACCOUNTS OF ADVANCES IN CONNECTION WITH FESTIVALS.

1. Heads of Departments should ensure that the conditions attached to the grant of advances in connection with important festival are fulfilled and that proper accounts are maintained in their departments and the recoveries are watched.
2. The payment on account of advances should be accounted for under the head "FESTIVAL ADVANCE, _____ 200 _____. To facilitate the maintenance of accounts, the festival and the year to which the advance pertains should be conspicuously indicated at a suitable place on the first page of the relative pay sheet.
3. The recommendations for the grant of advance should be made by the Heads of Departments in the prescribed form, vide Form A in Part- II of this Annexure, to the Accounts Officer in accordance with the instructions that may be issued by him from time to time. The accounts Officer shall also issue detailed instructions from time to time in regard to Programme of disbursement, in respect of each festival.
4. In support of the deductions, the Heads of Department should attach to the monthly / supplementary pay sheet through which the recovery of the advance is effected a "Schedule of Recoveries" vide Form-B in Part-III of this Annexure. A separate schedule should be prepared in respect of each festival.
5. The Heads of Departments should maintain a duplicate of Form-A to watch the recoveries on account of advances. Columns 1 to 7 should be filled in when the recommendation for payment of advance is prepared and forwarded to the Accounts Officer. The recoveries as and when made, through the pay sheet should be noted in column 9 to 15. In case the recoveries are made in cash and remitted to the R.E. Section of Accounts Department a suitable indication should be given in the "Remarks" column to facilitate reconciliation and the fact should be intimated to the Accounts Officer. Similarly, the reasons for the non-recovery of any amount which should have been normally recovered should be indicated brief in the "Remarks" column e.g., "Pay not drawn", "Pay not due", "Transferred to" _____ etc.
6. The Heads of Department should furnish to the Accounts Officer within a month from the month in which recovery should have normally been completed an extract from the register maintained in his office in respect of each advance showing details of the cases in which advance has not been fully recovered, the outstanding amount and the reasons therefore.

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ANNEXURE – II

PART – II

FORM – A

VISAKHAPATNAM PORT TRUST

MONTH _____ VOUCHER No. _____ SHEET No. _____

SUPPLEMENTARY PAY SHEET FOR ADVANCE IN CONNECTION WITH _____

2000 (enter name of festival and year)

FOR EMPLOYEES OF _____ DEPARTMENT _____

SECTION PART _____ ADVANCE YEAR _____

Sl. No.	Name of employee designation	Date of continuous appointment	Pay scale	Pay	Amount of advance	Ticket No.	Stamped acquaintance of	Month	Month	Month	Month	Month	Month	Amount outstanding	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
				Rs.	Rs.			Rs.							
<p>Total:</p>															

VISAKHAPATNAM _____ 2000
AUDITED BY _____

_____ PREPARED BY
HEAD OF DEPARTMENT

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ANNEXURE – II

PART – III

FORM – B

VISAKHAPATNAM PORT TRUST

Schedule of recoveries of advance in connection with _____ 200 for the month (enter name of the festival and year) of _____ 200
Name of pay sheet _____ Part No. _____
_____ Department _____.

Sl. No.	Name of employee	Designation	S.No. in pay sheet	Previous balance	Amount recovered	Balance outstanding	Remarks
1	2	3	4	5	6	7	8
				Rs.	Rs.	Rs.	

Date

SIGNATURE OF HEAD OF DEPARTMENT

1. The total of column (6) should agree with the total deductions shown in the pay sheet an account of the particulars advance.
2. A separate schedule should be prepared for each advance.
3. In respect of persons transferred from one section to another the name of the pay sheet and its part number through which the advance was paid should be given in the remarks column of schedule attached to the pay sheet through which the recoveries are affected.

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VISAKHAPATNAM PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1992.

In exercise of the powers conferred under section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Visakhapatnam Port Trust Board hereby makes the following Regulations, subject to approval of Central Government as required under section 124 of the aforesaid Act.

1. Short title and commencement: These Regulations may be called the Visakhapatnam Port Trust Employees' (Contributory outdoor and Indoor Medical Benefit after Retirement) Regulations, 1992. They shall come into force from the date on which the approval of the Central Government is published in the Central Government Gazette.
2. Extent of application:
 - a) These Regulations are applicable to : (i) retired Visakhapatnam Port Trust employees and to their spouses (ii) Surviving spouses of the employees who die while in service after completion of 5 years of continuous service in the Visakhapatnam Port Trust, and is eligible for family pension and (iii) to surviving spouses of retired employees who die after retirement provided he or she is not gainfully employed in the public / Private undertaking and / or covered by any medical benefit scheme of the undertaking, either for himself or as dependent.
 - b) "Retired Visakhapatnam Port Trust Employees" in relation to these Regulations means:
 - (i) Employees of all Classes, viz., Class-I, Class-II, Class-III and Class-IV, who retire from the Visakhapatnam Port Trust Service, on attaining the age of superannuation under the service regulations applicable to them.
 - (ii) Class-I and Class- II officers who retire by giving the requisite notice, or pay and allowances in lieu of such notice, or may be retired by giving the requisites notice or pay and allowances, in lieu of such notice, after attaining the age of fifty (50) years and all Class-III and Class-IV employees who retire by giving the requisite notice or pay and allowances, in lieu of such notice, or are retired by giving the requisite notice or pay and allowance in lieu of such notice, after attaining the age of fifty five (55) years.

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- (iii) Employees irrespective of their class, who were medically invalidated from service after completion of 15 years of continuous service in Visakhapatnam Port Trust.
- (iv) Employees of all classes who retired from the Port service under Voluntary Retirement scheme on or after 2.4.1992.
3. The option to enroll as members for obtaining medical benefits under these Regulations should be given within a month of the date of retirement. In the case of those who have already retired orders while in service after completion of 15 years continuous service or medically invalidated from service after completion of 15 years of continuous service such option should be exercised by the retired employees and / or dependent within six (6) months from the date these regulations come into effect or death as the case may be.
4. Contribution: A) to become member for availing medical benefits under these regulations is purely voluntary. Only those retired employees or surviving spouses of deceased employees who made the payment either by deduction from their retirement benefits or in cash, of the one time lumpsum contribution set out below, are eligible for availing medical benefits under these regulations for themselves and / or their spouses for life. The amount of one time lumpsum contribution will be determined by the Board from time to time.

Class of employees	Amount of lumpsum contribution Rs.
Class – I	1,200/-
Class – II	900/-
Class – III	600/-
Class – IV	400/-

NOTE: For the purpose of Regulation 2 and 3 (a) the expression 'Class-I, Class-II, Class-III, Class-IV' has the same meaning as respectively assigned to it in the Visakhapatnam Port Trust Employees' (Classification, Control and Appeal) regulations, 1968. The actual classification will, however be determined with reference to the post substantially held by the employee at the time of his/ her retirement /death/medical invalidation.

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- b) The benefits under these Regulations would not be admissible until a retired employee or his / her spouse and in the case of an eligible deceased employee, his her surviving spouse has paid the prescribed one time lumpsum contribution.
- c) The lumpsum contribution once paid, will not be refunded on any ground whatsoever.

Registration: a) The application in the prescribed proforma Annexure 'A'

Annexure 'A' (attached) – for the medical facilities under these Regulations should be made in duplicate to the Head of Department from where the employee retired / invalidated or in case of his / her death, by his/her spouse, for verification of the particulars mentioned therein. While submitting the application, 2 copies of passport size photographs of the retired employee/ his spouse should also be sent to the Head of Department along with a declaration in the proforma Annexure 'C' (attached) – that he / his is not gainfully employed in any public / private undertaking and / or covered by any medical benefit scheme of the undertaking and the receipt of having paid the lumpsum contribution referred to in receding para. This declaration should be renewed every year on the 1st of April. The cost of photographs in respect of retired employees and his / her spouse for joining the scheme shall be borne by the Port Trust.

b) On receipt of the application by the Head of Department the contents of the application will be scrutinized with reference to records available in that department and forwarded to the Chief Medical Officer. The Head of Department or an officer appointed by him, while forwarding the application to the Chief Medical Officer, should certify on the application as detailed hereunder:-

“ I have personally verified the contents of the application with reference to records available with this department and it is certified that the applicant is eligible for the benefit under the Visakhapatnam Port Trust Employees' (Contributory, outdoor and indoor medical benefit after retirement) Regulations, 1992.

c) In case it is found that the applicant is not eligible for any benefit under these Regulations, he should be intimated so, in writing, by the concerned Head of Department.

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d) If the applicant is found not eligible for benefit under these regulations the lumpsum payment made by him will be refunded to him on the basis of the advise of the respective head of department.

e) If; the applicant is found eligible for benefit under these Regulations, the Head of Department will issue to the retired / invalid employees or spouse as the case may be an identity book in the prescribed proforma Annexure 'B' (attached) - with a copy of photograph duly pasted on it. The second copy of the photograph should be pasted on the application and kept for records. The cost of the [identity book if any, should be borne by the retired employees/ spouse.

f) If the retired employee or his spouse in case of death of employee, is gainfully employed in public / private undertaking and covered by any medical benefit scheme of the undertaking, or on the death of the beneficiary under these regulations, the fact should be intimated to the Chief Medical Officer immediately in writing by the retired employee / spouse or by the next kind of the deceased, as the case may be. On receipt of such information CMO/VPT should take necessary action to cancel the identity book issued to him/ her.

g) A monthly return in respect of such identity books issued/ cancelled during the month, should be sent to the Financial Adviser & Chief Accounts Officer on or before 10th of the succeeding month.

h) On receipt of the application and the lumpsum contribution, the Chief Medical Officer of the Visakhapatnam Port Trust should grant the retired employee or surviving spouse as the case may be, a registration number and shall at his discretion, allot him/ her a dispensary at which he / she should be registered.

The retired employee and his/ her spouse shall be eligible for registration only at the dispensary to which he / she is allotted and except at the discretion of the Dy. Chief Medical Officer or the Chief Medical Officer, he/she will not be accepted at any other dispensary. He/she will be entitled to outdoor medical attendance and treatment only at the dispensary where he/she is registered. The outdoor medical attendance and treatment at the Visakhapatnam Port Trust

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hospital, shall be admissible only on a reference from the dispensary to the Hospital. However, in emergencies and at the discretion of the Chief Medical Officer, he/she may be accepted for outdoor medical attendance and treatment at the Visakhapatnam Port Trust Hospital direct.

6. Scope: One payment of contribution, the Medical attention and treatment will be made available to retired employees and their spouses on the same scale and conditions as is normally admissible to employees in service subject to the following conditions.

- a) Outdoor medical attendance and treatment includes such pathological, bacteriological radiological (including taking of 'X' Ray plates) or other methods of examination (including ECG and Ultrasound scanning) as the Chief Medical Officer/ Deputy Chief Medical Officer, may consider necessary and to the extent that the equipment and facilities are available at the dispensary or outpatient department of the Hospital. It will, if so considered necessary, by Chief Medical Officer / Dy. Chief Medical Officer also include such physical therapy, dental treatment as may conveniently be given at the dispensary or outpatient department of the Hospital.
- b) If for any investigations, reference is required to an outside consultant, agency, hospital or a nursing home, the entire charges therefore should be borne by the retired employee his/her spouse and paid directly by him/her to the outside consultant agency, hospital, nursing home, as the case may be.
- c) If in the course of medical examination of a retired employee / his/ her spouse an emergency arise necessitating hospitalization in the Visakhapatnam Port Trust Hospital, such hospitalization should be limited to the minimum period considered necessary by the Chief Medical Officer.
- d) Such medicines and injections as may be prescribed at the dispensary or Visakhapatnam Port Trust hospital will be supplied without any charge if they are available from the stock of medicines and injections maintained at the dispensary or the hospital. If any medicines and injections are not available at the Visakhapatnam Port Trust Dispensary or Hospital, the same should be purchased by the Accounts Department, the cost involved on production of the cash memo / receipted bill, duly certified by the Chief Medical Officer / Dy. Chief Medical Officer.

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- e) A minimum of five (5) beds at a time will be reserved for retired employees and or spouses and these beds will be allowed to retired employees and / or spouses in preference to serving employees and their dependents. Out of 8 cabins available, one will be reserved for the retired officers.
 - f) If all or any of the beds reserved for retired employees and / or spouses are not occupied, the unoccupied beds may be allotted to serving employees and their dependents.
 - g) A serving employee and / or dependant who is allotted a bed from out of the aforesaid 5 beds reserved for retired employees and / or spouses will not be discharged prematurely on the ground that an eligible retired employees and / or his spouse subsequently required admission.
 - h) If the Medical circumstances of a retired employee or his spouse seeking admission into the Visakhapatnam Port Trust Hospital are such that, in the judgment of the Chief Medical Officer, he or she needs medical attention or hospitalization as an emergency, the retired employees and / or/ his / her spouse may be given admission even in excess of the 5 beds reserved for retired employees and / or spouses, referred to in above, but such hospitalization should be limited to the minimum period considered necessary by the Chief Medical Officer.
 - i) Ambulance service shall be provided for those retired employees residing within the Municipal Corporation / Municipality limits and in the case for the servicing employees.
7. Expenditure on the regulations: The contribution and other charges collected from retired employees / their spouses under these Regulations will be credited to the Visakhapatnam Port Trust Employees' Welfare Fund and the expenditure on providing the medical benefit will also be met from that fund.
8. Penalty:
- a) The renewal of the declaration referred to in Regulation 5(a) above is the sole responsibility of the retired employee / his spouse as the case may be.

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- b) If a retired employee / his spouse/ spouse of the eligible deceased employee who have enjoyed benefit under these regulations under one time lumpsum payment is subsequently found to be gainfully employed in the public / private undertaking during the period in which he / she had availed the treatment, the cost of full medical treatment at outsiders rate with 5% penalty charges will be levied, and collected from them and they will forfeit the right to avail further benefit under these regulations.

9. Miscellaneous:

- a) The Chief Medical Officer, Visakhapatnam Port Trust will ensure that the medical facilities are extended only to the persons enumerated in the identity cards.
- b) The Chief Medical Officer, Visakhapatnam Port Trust is required to maintain a separate register in the form shown in Annexure 'D' (attached) – showing therein the persons / persons to whom the medical facilities are extended under these Regulations and this register will be made available for periodical inspection by the Financial Adviser & Chief Accounts Officer or by an officer nominated by the Financial Adviser & Chief Accounts Officer.

10. Power to relax: Where the Board is satisfied that the operation of any of these regulations causes undue hardship in any particular case he may by order for reasons to be recorded in writing, dispense with or relax the requirements of the Regulation to such extent and subject to such exceptions and conditions as may be considered necessary for dealing with the case in a just and equitable manner.

11. Interpretation: When a doubt arise as to the interpretation of these Regulations the matter will be referred to the Chairman, Visakhapatnam Port Trust, whose decision shall be final.

Note: Principal Regulations:

The Visakhapatnam Port Trust Employees (Contributory Outdoor and indoor medical benefit after retirement) Regulations, 1992 have been approved by the Government vide, Ministry of Surface Transport's letter No.PR-12015/6/91-PE-1, dt.2.4.1992 and published the same in Official Gazette under G.S.R. No.398 € dt.2.4.1992.

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ANNEXURE – B

VISAKHAPATNAM PORT TRUST

VISAKHAPATNAM PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1992

IDENTITY CARD No. _____

1. Name of the Retired Employee :
2. Name of surviving wife / husband :
3. Designation on the date of retirement with }
name of department and staff No./PPO No }
4. Date of retirement :
5. Last pay drawn :
6. Rate of contribution :
7. Marks of identification : i)
ii)
8. Particulars of payment
i)
ii)
iii)
9. Signature of Retired employee / applicant _____
10. Signature of Head of the Department
with rubber stamp _____

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ANNEXURE – A

VISAKHAPATNAM PORT TRUST

APPLICATION FORM FOR JOINING THE VISAKHAPATNAM PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1992.

1. Name of the retired employee :
(in block letters)
2. (a) Designation & Class of post :
(b) Department :
(c) Staff No./ PPO No.
3. Date - (i) Appointment :
(ii) Retirement :
4. Last pay drawn :
5. Name of surviving wife / husband :

Name	Relation	Date of Birth	Present age
1)			
2)			

6. Name of the applicant

7. Permanent Address

(SIGNATURE OF THE APPLICANT)

NOTE: Two copies of the passport size photographs of the members joining these regulations must accompany.

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ANNEXURE – C

VISAKHAPATNAM PORT TRUST

Declaration to be filled by retired employees at the time of joining the Visakhapatnam Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefit after retirement) Regulations, 1992 and thereafter on 1st of April every year.

...

1. I, the undersigned _____ staff No. _____
Designation _____ of _____ Department retired from the service of the Board with effect from _____ do hereby declare that I am / I am not employed in any Public or Private Sector undertaking and I am / I am not covered by any Medical Benefit scheme by such employer.
2. (In the case of those who are employed gainfully in Public or Private Sector job).

I took up this job on _____ and my term of appointment is for a period from _____ to _____. I understand that I am not entitled to free consultation, free medicine, free investigation from the Board's Hospital for duration of Visakhapatnam Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefit after retirement) Regulations, 1992.

Signature:

Identity Card No:

Issued by _____ :

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ANNEXURE – D

VISAKHAPATNAM PORT TRUST

FORM OF REGISTER TO BE MAINTAINED UNDER THE VISAKHAPATNAM PORT TRUST EMPLOYEES' CONTRIBUTORY OUTDOOR AND INDOOR MEDIAL BENEFIT (AFTER RETIREMENT) REGULATIONS, 1992 BY THE TRUST'S C.M.O.

Name of the retired employee	No. of family members including the retired employees	Designation staff NO. and name of department	Contribution deposited with the FA&CAO				Signature of the officer collecting the contribution	Remarks
			For the period from _____ to _____	Amount	Date of payment	Cash receipt No.		
1	2	3	4	5	6	7	8	9

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THE VISAKHAPATNAM PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT) REGULATIONS, 1992.

GSR.244(E): In exercise of the powers conferred by section 28, read with section 124 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Port of Visakhapatnam hereby makes the following regulations, namely:

1. Short title and commencement – These Regulations may be called the Visakhapatnam Port Trust (Recruitment of Head of Department) Regulations, 1991.
2. Application – They shall apply to all posts covered by clause (a) of Sub-section (1) of Section 24 of the Act.
3. Definitions – In these regulations, unless the context otherwise requires:-
 - a) “Act”, means the Major Port Trusts Act, 1963(38 of 1963).
 - b) “appointing authority” means the authority empowered under the act to make appointment to that post;
 - c) “Board”, “Chairman”, “Deputy Chairman” and “Head of Department” have the meaning respectively assigned to them under the Act;
 - d) “direct recruit” means a person recruited upon application for direct recruitment to a post of Head of Department on the basis of an examination or interview, or both and include a person already in the Board’s service who may, upon a application for direct recruitment, be allowed to appear for such examination or interview of both, and is selected;
 - e) “Schedule” means the Schedule appended to these Regulations;
 - f) “Schedule castes” and “Scheduled Tribes” shall have the meanings assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;
 - g) “Selection post” means a post to which appointment is to be made on the basis of merit:
 - h) “Selection Committee” means the Committee constituted under Regulation-II for the purpose of making recommendation for transfer / deputation promotion or direct recruitment of a candidate to a post of Head of Department.
 - i) “analogous posts” means a post of which the duties and level of responsibilities and / or the pay ranges are comparable to those of the post to which selection is to be made;

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- j) "Employees on probation" means the incumbent appointed to the post on probation under these Regulations and in whose case the successful completion of probation period has not yet been ordered by a Competent Authority.
4. Appointment – All appointments to posts of Heads of Departments to which these regulations apply shall be made in accordance with the provisions of these regulations appointments may be made either by promotion, transfer or deputation of employees or by direct recruitment.
5. Method of recruitment - The method of recruitment, the qualifications in respect of age, education, training, requirements of minimum experiences, essential and/ or desirable, classification or posts as selection posts and other matters connected with the appointment to various posts shall be as shown in the schedule;

Provided that the prescribed upper age limit may be relaxed -

- (i) By the Central Government upto 5 years where the minimum experience prescribed is 10 years or more and upto 3 years where the minimum experience prescribed is 5 to 9 years;
- (ii) In the case of a candidate belonging to a Scheduled Tribe, in accordance with such orders as the Central Government may issued from time to time for appointment to services or posts under it in favour of Scheduled Castes and Scheduled Tribes.

Provided further that the prescribed educational and other qualifications may, for good and sufficient reasons, be relaxed by the Central Government, if a candidate is otherwise round suitable and well qualified.

6. Probation – (1) Every person appointed a post of Head of Department specified in column 2 of the Schedule, whether by direct recruitment or by promotion or transfer / deputation, shall, subject to the provisions of Sub-Regulation (2) and Sub Regulation (3) of Regulation – 8 be on probation for a period of two years.

(2) The period of probation may, if the appointing authority deems fit, be extended for a specific period at a time, but the total period of such extensions shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employees, exceed the initial period of the probation prescribed.

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7. Confirmation - (1) when a person appointed on probation to a post of Head of Department has completed his probation to the satisfaction of the appointing authority, the appointing authority shall convey its approval to that effect. He shall also be eligible for confirmation in that post if he is not confirmed in a lower post earlier held by him under the Board.

(2) Until a Head of Department on probation is confirmed / declared to have completed probation to the satisfaction of the appointing authority under this regulation or is discharged or reverted under regulation – 8, he shall continue to have the status of an employee on probation.

8. Discharge or reversion of Head of Department on probation -

(1) A person appointed on probation to a post of Head of Department who has no lien on any post shall be liable to be discharged from service at any time on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service;

(2) A Head of Department on probation who holds a lien on a post may be reverted at any time in the circumstances specified in Sub- Regulation (1).

(3) A Head of Department on probation who is not considered suitable for confirmation or who has not completed probation to the satisfaction of the appointing authority at the end of the period of probation prescribed in Regulation – 6, Regulation (1) or Sub-Regulation (2), as the case may be.

9. Application for direct recruitment – A candidate for appointment by direct recruitment shall apply before such date in such form and in such manner as may from time to time be prescribed by the Chairman. He shall also submit such proof of his age, question or experience, as the Chairman may require.

10. Eligibility and dis-qualifications for direct recruitment.

(1) In order to be eligible for direct recruitment to a post of Head of Department, a candidate must be –

a) A citizen of India or

b) A subject of Nepal, or

c) A subject of Bhutan; of

d) A Tibetan or refugee who came over to India before the 1st January, 1962 with the intention of permanently setting in India; or

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- e) A person of Indian origin who has migrated from Pakistan, Bangladesh, Burma, Sri Lanka or the East African countries of Kenya, Uganda or the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to category (a) shall produce such proof of his nationality, as the Chairman, may, from time to time required.

Provided further that a candidate belonging to categories (b), (c), (d) and € shall be a person in whose favour a certificate of eligibility has been issued by the Government of India;

- (2) No person --

- (a) Who was entered into or contract a marriage with person having a spouse living, or
- (b) Who having a spouse alive, has entered into or contracted a marriage with any other person, shall be eligible for appointment to any grade or post to which these regulations apply;

Provided that the appointing authority may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing exempt any person from the operation of this sub-regulation.

- (3) A candidate must satisfy the appointing authority that his character and antecedents are such as to make his suitable for appointment to any grade or post. No candidate who has been convicted by a Court of Law for any offence involving moral turpitude or who has been adjudged as insolvent shall be eligible for appointment.
- (4) If any; question arises whether a candidate does or does not satisfy all or any other requirements of this regulation, the same shall be decided by the Central Government.
- (5) The Central Government, may modify or waive any of the requirements of sub-regulation (1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfills the requirements of these regulations.
- (6) Physical fitness of candidate – A candidate shall good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as a Head of Department. A candidate who after such medical

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examination as the appointing authority may specify, is found not to satisfy those requirements will not be appointed provided that a candidate already in the service of the Board or any other Central Government organization shall not be required to undergo such medical examination.

11. Selection Committee – (1) A Selection Committee may be constituted to advise and assist the appointing authority in the matter of making selection of candidates for appointment to posts of Heads of Department.

(3) The Selection Committee shall be composed of the following, persons, namely:-

- (i) Additional Secretary / Joint Secretary to the Government of India, Ministry of Surface Transport.
- (ii) Chairman, Visakhapatnam Port Trust
- (iii) Any other officer having wide experience as may be nominated by the Central Government.

12. Manner of Recruitment – (1) (a) When a post of Head of Department to which these Regulations apply falls vacant and is to be filled by promotion / transfer/ deputation, the Chairman shall forward to the appointing authority names, age, qualifications, experience and other relevant particulars of all officers who are eligible for promotion/ transfer/ deputation to the post together with his recommendations whenever the schedule provides for deputation also, the Chairman may if considered necessary or if directed by the Central Government call for application from eligible candidates from other Major Port Trusts / Central / State Governments / Public Sector Units / Autonomous Bodies. (b) The appointing authority may, on receipt of such information either;

i) Make an appointment by promotion / transfer/ deputation from amongst the candidates so sponsored or

ii) Refer the candidates to the Selection Committee referred to in regulation 11 with directions to scrutinize the case and make appropriate recommendation and then make an appointment by promotion / transfer / deputation on the basis of such recommendation, or

iii) Direct that the vacancy be filled by direct recruitment in the manner laid down in these regulations.

(2) All appointments by direct recruitment shall be made by the appointing authority on the recommendations of the Selection Committee, provided that if shall be open to the appointing authority, for reasons to be recorded in writing not to accept such recommendation in any particular case.

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13. Advertisement of posts – Vacancies intended to be filled by direct recruitment shall be advertised and a copy of the advertisement shall be sent to the local employment exchange.
14. Canvassing support shall be dis-qualification – Any endeavor on the part of a person or his relations or friends to canvass support by direct or indirect method for his application for appointment to a post of Head of Department to which these regulations apply shall dis-qualify him for the appointment.
15. Supersession of facts – Any candidate who is found to have knowingly furnished any particulars which are false or to have suppressed material information of a character which, if known would ordinarily have debarred him from getting an appointment in the Board's service is liable to be disqualified and, if appointed, to be dismissed from service.
16. Eligibility of existing employees for direct recruitment when the posts required to be filled by direct recruitment are advertised, employees already in service may also apply provided that they possess the prescribed qualifications and experience.
17. Cancellation of appointment orders – If a candidate selected for direct appointment to a post fails to join duty within the date mentioned in the appointment order and where no such date is mentioned, within 30 days of the date of issue of the appointment order, or within such extended period as the appointing authority fix, the appointment order shall be deemed to have been cancelled.
18. Payment of travelling allowance for attending interviews. All candidates called for interview and / or written test in connection with selection to a post shall be entitled to reimbursement / of travel expenses from the place of posting / residence to the venue of interview / written test and back by rail in first class or the actual expenditure whichever is less.
19. Interpretation -- if any question arises as to the interpretation of these regulations or in respect of any matter not herein above or subsequently provided for, the same shall be decided by the Central Government.
20. Provided, that any order made or action taken under the regulations, procedures, practices and customs so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.

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Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Secretary	Rs.18,500-450-23900	Selection post	45 years	Essential: a) Educational: Degree of a recognized university or equivalent. b) Experience: 10 years experience in a managerial position dealing with Administration / Personal / General Management from the Major Ports / Govt./ Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Post Graduate Degree or P.G. Diploma in Personnel Management/ Industrial Relations or MBA or Bachelor Degree in Law of Knowledge in Computers.	Age : No Qualification: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / transfer deputation from Major Ports (Composite recruitment failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy. Secretary/ Personnel Officer / analogous posts from the Major Ports with 5 years regular service in the grade failing which by transfer or deputation of officers in Govt./ semi Govt., organizations/ public sector undertakings or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by the Ministry of Shipping.

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Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Manager (Operations)	Rs.18,500-450-23900	Selection post	45 years	Essential: a) Educational: Degree of a recognized university or equivalent. b) Experience: 10 years experience in a managerial position dealing with Personal Industrial Relations Administration/ General Management from the Major Ports / Govt./ Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Post Graduate Degree or P.G. Diploma in Personnel Management/ Industrial Relations or MBA or Bachelor Degree in Law of (2) Knowledge in Computers.	Age : No Qualification: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / transfer deputation from Major Ports (Composite recruitment failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy. Secretary/ Personnel Officer / analogous posts from the Major Ports with 5 years regular service in the grade failing which by transfer or deputation of officers in Govt./ semi Govt., organizations/ public sector undertakings or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by the Ministry of Shipping.

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
FA& CAO	Rs.19,500-500-25000	Selection post	45 years	Essential: a) Membership of the Institute of the Chartered Accounts of India (CA)/ Membership of the Institute of Cost and Works Accounts of India (ICWA) with not less than 5 years experience in managerial position in Financial Department of a Major Ports/Govt./ Semi Govt. Organizations/ Public Sector Undertakings or Autonomous bodies. C) Desirable: Knowledge in Computers.	Age : No Qualification: Relaxable in the case of officer belonging to Central Audit and Accounts Service and those with SAS qualification.

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Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Senior Dy.FA&CAO analogous posts from the Major Ports with 3 years regular service of Dy.FA&CAO/ analogous posts from the Major Ports with 5 years regular service failing which by transfer or deputation of officers in Govt./ Semi. Govt. Organizations/ Public Sector undertakings or Autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Financial Adviser, Ministry of Shipping 3.Chairman/VPT

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Traffic Manger	Rs.19,500-500-25000	Selection post	45 years	Essential: a) Educational: Degree of a recognized University or equivalent b) Experience: Atleast 10 years experience in a managerial position dealing with sea traffic / transportation preferable connected with a Major Port in a Major Ports / Govt./Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Knowledge in Computers	Age: No Qualifications: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Docks Manager analogous posts from the Major Ports with 3 years regular service or Dy. Traffic Manager/ analogous post from the Major Ports with 5 years regular service in the grade and above failing which by transfer or deputation of officers in Govt./ Semi Govt. organizations/ public sector undertakings or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the filed nominated by Ministry of Shipping.

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Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Chief Engineer	Rs.19,500-500-25000	Selection post	45 years	Essential: a) Educational: A Degree in Civil Engineer from a recognized university or equivalent. b) Experience: Atleast 15 years experience in a managerial capacity with at least 7 yeraas in Port Planning and construction in any Major Ports / Govt./Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Experience in Project management in a responsible position/ Knowledge in Computers	Age: No Qualifications: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy. Chief Engineer/ analogous post form the Major Ports with 5 years regular service, failing which by transfer or deputation of officers in Govt. / Semi Govt. organizaitons/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. Development Adviser Ministry of Shipping.

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Chief Mechanical Engineer	Rs.19,500-500-25000	Selection post	45 years	Essential: a) Educational: A Degree in Mechanical or Electrical Engineer from a recognized university or equivalent or First Class MOT certificate (Steam and Diesel) or equivalent. b) Experience: 15 years experience in Mechanical / Electrical or Marine Engineering works in Major Ports/ Govt./ Semi. Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Experience in responsible position in Project management and operation of cargo handling equipment and Port crafts/ Knowledge in Computers	Age: No Qualifications: Yes

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Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / Transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy.CME/ Plant Manager/ Sr Marine Engineer/ Analogous post from the Major Ports with 5 years regular service, failing which by transfer or deputation of officers in Govt. / Semi Govt. organizations/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by Ministry or Shipping.

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Deputy Conservator	Rs.20,500-500- 26,500	Selection post	45 years	Essential: a) Professional Certificate of competency as Master of Foreign going vessel issued by Ministry of Shipping or equivalent. b) Experience: 10 years experience as Master of Foreign going ship or in pilotage and dredging in Major Ports. c) Desirable: Experience in Port operations / Knowledge in Computers	Age: No Qualifications: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / Transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Harbour Master/ analogous post from the Major Ports with 3 years regular service/ Dredging Supdt./ Dock Master analogous post from the Major Ports with 5 years regular service failing which by transfer or deputation of officers in Govt. / Semi Govt. organizations/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by Ministry or Shipping.

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Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Chief Medical Officer	Rs.17,500-400-22,300	Selection post	45 years	Essential: a) Should be a Medical Graduate of a recognized university with Post Graduate Degree/ P.G. Diploma in any branch of Medical Science. b) Experience: should have atleast 10 years of professional experience including at least 5 years Administrative experience in any Major Hospital belonging to a Major Ports /Govt. Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies . c) Desirable: Knowledge in Computers	Age: No Qualifications: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / Transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy. Chief Medical Officer/ analogous post from the Major Ports with 5 years regular service, failing which failing which by transfer or deputation of officers in Govt. / Semi Govt. organizations/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by Ministry or Shipping.

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Chief Materials Manager	Rs.17,500-400-22,300	Selection post	45 years	Essential: a) Educational: Graduate in any branch of Engineering or equivalent. b) Experience; Should have recognized qualification in Materials Management and at least 10 years experience in managerial post in the spheres of material management / purchase of stores in a Major Port / govt./Semi Govt. organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Knowledge in Computers	Age: No Qualifications: Yes
Period of	Method of recruitment whether	In case of recruitment by promotion /	The composition of		

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probation	by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	selection committee
7	8	9	10
2 years	By promotion / Transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Material Manager/ analogous post from the Major Ports with 5 years regular service, failing which failing which by transfer or deputation of officers in Govt. / Semi Govt. organizations/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by Ministry or Shipping.

Name of the post	Scale of pay	Whether selection or non selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for Direct recruitment will apply in case of promotion / transfer/ deputation
1	2	3	4	5	6
Director (Research & Planning)	Rs.17,500-400-22,300	Selection post	45 years	Essential: a) Educational: Post Graduate Degree in Economics, Statistics, Econometrics or Business Management / Administration. b) Experience: Should be well versed with modern methods of economic analysis and preferably econometrics/ operations research . Should have not less than 5 years experience as head of a Research Unit in the field of economic planning/ preferably in the field or transport in a Major Port / Govt./ Semi Govt. Organizations/ Public Sector Undertakings or Autonomous bodies. c) Desirable: Knowledge in Computers	Age: No Qualifications: Yes

Period of probation	Method of recruitment whether by direct recruitment or composite recruitment i.e., promotion/ transfer/ deputation from the Major Ports	In case of recruitment by promotion / transfer/ deputation grades from which promotion transfer/ deputation to be made from the Major Ports	The composition of selection committee
7	8	9	10
2 years	By promotion / Transfer deputation from Major Ports (Composite recruitment) failing which, by transfer or deputation of officers as indicated at column (9), failing which by direct recruitment.	Promotion: Dy. Director (R&P) analogous post form the Major Port with 5 years regular service, failing which by transfer or deputation of officers in Govt. / Semi Govt. organizations/ public sector undertaking or autonomous bodies (Period of deputation ordinarily not exceeding 3 years)	1. Additional Secretary / Joint Secretary, Ministry of Shipping. 2. Chairman/VPT 3. An officer having wide experience in the field nominated by Ministry or Shipping.

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NOTIFICATION

IN EXERCISE OF THE POWERS CNFERRD BY SECTION 28 OF THE MAJOR PORT TRUSTS ACT, 1963, (ACT 38 OF 1963) THE BOARD OF TRUSTEES OF THE VISAKHAPATNAM PORT TRUST, HEREBY MAKES SUBJECT TO THE APPROVAL OF CENTAL GOVERNEMNT UNDER SECTION 124 OF THE ABOVE ACT, THE FOLLOWING REGULATIONS, IN SUPERSESSION OF THE V.P.E.(LEAVE) REGULATIONS, 1964 AND THE VP.E. (STUDY LEAVE) REGULATIONS, 1964 PUBLISHED AS G.S.R. NO.327 AND 325 IN THE GAETTE OF INDIA, NAMELY:

CHAMPER-I : PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT:

- a) These Regulations may be called the Visakhapatnam Port Employee's (Leave) Regulations, 1992.
- b) They shall come into force on the date on which the Central Government's approval there to is published in the Gazette of India.

2. EXTENT OF APPLICATION:

Save as otherwise provided in these Regulations, these regulations shall apply to all employees in the service of the Board but shall not apply to:

- a) Persons in casual or daily rated or part time employment;
- b) Shore and ore handling labour.
- c) Persons employed on contract except when the contract provides otherwise; and
- d) Persons serving under the Board on deputation from the Central or a State Government or any other source for a limited duration.

3. (1) DEFINITIONS:

In these Regulations, unless the context otherwise requires:

- a) "Board", "Chairman", "Deputy Chairman" and "Head of Department" shall have the meanings assigned to them in the Major Port Trusts Act, 1963.
- b) "Authority competent to grant leave" means the authority empowered to grant leave under the delegation of powers under the Major Port Trusts Act, 1963.

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- c) "Completed year of service" and "one year's continuous service means continuous service of the specified duration under the Board and includes the period spent on duty as well as on leave, including extra ordinary leave.
 - d) "Commutated leave" means leave taken under Regulations-27.
 - e) "Date of retirement" of "date of his retirement" in relation to an employee means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service.
 - f) "Earned leave" means leave taken under Regulation (24).
 - g) "earned leave due" mean the amount of leave to the credit of an employee on the date of commencement of these Regulations under the leave Regulations in force prior to that date plus the amount of earned leave calculated under Regulation-24 diminished by the amount of earned leave taken on or after the commencement of these regulations.
 - h) "extra ordinary leave" means leave taken under Regulation-29.
 - i) "Employee" means an employee of the Board.
 - j) "Employee in permanent employment" means an employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended.
 - k) "Form" means form appended to the Schedule of these Regulations.
 - l) "Half pay leave" means leave earned in respect of completed years of service
 - m) "Half pay leave due" means the amount of half pay leave, calculated under regulation 26 for the entire service, diminished by the amount of half pay leave on private affairs and on medical certificate, taken before the commencement of these regulations and half pay leave taken on or after the date.
 - n) "Foreign service" means service in which an employee receives his pay with the sanction of the Board from any other source other than the Port Funds.
- 2) Words and expressions used herein, but defined in the Fundamental Rules and Supplementary Rules or in any other Acts or Rules, shall have the meanings respectively assigned to them in these Acts and Rules.

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EXPLANATION: The period of suspension of an employee which is treated as dais-non, should not be reckoned as service for the purpose of these Regulations.

4. (1) EMPLOYEES ON TEMPORARY TRANSFER OR ON FOREIGN SERVICE:

Employees to who these regulations apply shall continue to be governed by thee Regulations while on deputation to Central or a State Government of any other organization with in India.

(2) In these case of employees or Foreign Service outside India or on deputation, these regulations shall apply only to the extent provided in the terms and conditions of foreign service or deputation as the case may be.

5. TRANSFER FROM SERVICES OR POSTS GOVERNED BY OTHER LEAVE RULES:

Unless it be otherwise provided in these Regulations, a permanent employee to whom these Regulations do not apply:

- (a) When transferred temporarily to a service or post to which these Regulations apply shall remain subject to the leave rules which were applicable to him before such transfer; and
- (b) When appointed substantively to a permanent post of which thee regulation apply, shall become subject [to these regulations from the date of such appointment in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Regulation-24. The leave so carried forward shall first be exhausted before the leave earned under these Regulations is availed of The leave salary in respect of the leave carried forward shall be borne by the department from which the employee is transferred.

CHAPTER – II: GENERAL CONDITION

6. RIGHT TO LEAVE:

- (i) Leave cannot be claimed as of right:
- (ii) When the exigencies of public service so required, leave of any kind may be refused or revoked by the authority competent to grant it, but, it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the employee.

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7. An employee's claim to leave is regulated by the Regulations in force at the time the leave is applied for and granted.

8. EFFECT OF DISMISSAL, REMOVAL OR RESIGNATION ON LEAVE AT CREDIT:

- (1) Except as provided in Regulation-32 and in this regulation, any claim to leave to the credit of an employee who is dismissed or removed or who resigns from Board's service, cases from the date of such dismissal or removal or resignation.
- (2) Where an employee applies for another post, but outside the Board and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.
- (3) An employee, who is dismissed or removed from service and is reinstated on appeal or revision, or due to court orders or any Industrial tribunal orders or in such similar cases, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.
- (4) An employee who having retired on compensation or invalid pension or gratuity is reemployed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

9. COMMUTATION OF ONE KIND OF LEAVE INTO ANOTHER:

- I. At the request of an employee, the authority which granted him the leave may commute it retrospectively [into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right
 - (1) (a) Provided that no such request shall be considered unless received by such authority or any other authority designated in the behalf within a period of 30 days of the concerned employee joining his duty on the expiry of the relevant spell of leave availed of by him.
 - (2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

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NOTE: Extra-ordinary leave granted on medical certificate or other wise may be commuted retrospectively into leave not due subject to the provisions in Regulation-29.

10. COMMUTATION OF DIFFERENT KINDS OF LEAVE:

Except as otherwise provided in these regulations, any kind of leave under these Regulations may be granted in combination with or in continuation of any other kind of leave

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

11. MAXIMUM AMOUNT OF CONTINUOUS LEAVE:

UNLESS THE Board under exceptional circumstances of the case otherwise determines, no employee shall be granted leave of any kind for a continuous period exceeding five years.

12. ACCEPTANCE OF SERVICE OR EMPLOYMENT WHILE IN LEAVE:

- (1) An employee while on leave including leave preparatory to retirement or leave granted beyond date of retirement or quitting service, shall not take up any service or employment elsewhere, including the setting up of a private professional practice as Accountant, consultant Legal or Medical Practitioner, without obtaining the previous sanction of the authority empowered to appointed him.
- (2) (a) No employee while on leave other than leave preparatory to retirement or leave granted beyond the date of retirement shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the employee may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.
- (c) An employee while on leave preparatory to retirement shall not be permitted to take up private employment. He may however, be permitted to take up employment with a public sector undertaking or a body referred to in regulation-31 in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Regulations-37.

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- (3) (a) In case an employee who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Board and is agreeable to return to duty, the un-expired portion of the leave from the date of re-joining shall be cancelled.
- (b) The leave so cancelled under Clause (a) above, shall be regulated in accordance with the provisions of Regulations-32.

CHAPTER – III

GRANT OF AND RETURN FROM LEAVE

13. APPLICATION FOR LEAVE:

Any application for leave or for extension of leave shall be made in Form-1 to the authority competent to grant leave.

14. LEAVE ACCOUNT:

A leave account shall be maintained in Form-2 for each employee in Class-I and II service by the Financial Adviser & Chief Accounts Officer and in Class-III and IV service by the Head of Department or an Officer authorized by him.

15. VERIFICATION OF TITLE TO LEAVE:

No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

NOTE: The order sanctioning leave shall indicate the balance of earned leave / half day leave at the credit of the employee.

16. LEAVE NOT TO BE GRANTED IN CERTAIN CIRCUMSTANCES :

Leave shall not be granted to an employee, whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from service.

17. GRANT OF LEAVE ON MEDICAL CERTIFICATE TO CLASS- I & II AND CLASS- III & IV EMPLOYEES:

(1) An application for leave on medical certificate made by :

- (i) A Class-I and Class-II employee shall be accompanied by a Medical certificate, in form No.3 given by Medical Officer attached to the Port trust Hospital of authorized Medical Attendant, as the case may be.

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- (ii) A Class-III & IV employee, shall be accompanied by Medical Certificate in Form 4 given by the Medical Officer attached to the Port Trust Hospital or Authorized Medical attendant or a Registered Medical Practitioner; defining as clearly as possible the nature and probable duration of illness.
- (2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties and in such a case, the opinion that the employee is permanently unfit for service under the Board shall be recorded in the medical officer
- (3) The authority competent to grant leave may at its discretion, secure a second medical opinion by requesting the Chief Medical Officer of the Port Trust Hospital or the Chief Medical Officer of the District in which the employee is serving or in which he falls ill or to which he proceeds for treatment, to have the applicant medically examined on the earliest possible date.
- (4) It shall be the duty of the Medical Officer examining the employee under Sub-Regulation (3) above to express an opinion both as regards the facts of the illness and as regards the necessity for the period of leave recommended and for that purpose he may require the applicant to appear either before himself or before a medical officer nominated by himself.
- (5) The grant of a medical certificate under these regulations does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.
- (6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application of leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.
18. LEAVE TO AN EMPLOYEE WHO IS UNLIKELY TO BE FIT TO RETURN TO DUTY:
- (1) (a) When a medical authority has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such employee.

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(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:

- (i) If the Medical authority is unable to say with certainty that the employee will never again be fit for services, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority:
- (ii) If an employee is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority, does not exceed six months.

(2) An employee who is declared by a Medical authority to be completely and permanently incapacitated for further service shall;

- (a) If he is on duty, be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority, it however he is granted leave under sub-regulation (1) he shall be invalidated from service on the expiry of such leave.
- (b) If he is already on leave, be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-regulation (1).

19. COMMENCEMENT AND TERMINATION OF LEAVE:

Except as provided in Regulation-20, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

20. COMBINATION OF HOLIDAYS WITH LEAVE:

- (1) (i) When the day, immediately preceding the day on which an employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is holiday or one of series of holidays, the employee shall be deemed to have been permitted (except in cases where of administrative reasons permission for prefixing/ suffixing holidays, to leave specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays:

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

(ii) In case of leave on medical certificate :

(a) When the employee is certified medically unwell to attend office, holiday (s), if any immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday (s), if any immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave: and

(b) When an employee is certified medically fit for joining duty, holiday (s) if any succeeding the day, he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any preceding the day he is so certified shall be treated as part of the leave.

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

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

(a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the day after the holidays: and

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

NOTE: A compensatory leave granted in lieu of duty performed by an employee on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

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21. RECALL TO DUTY BEFORE EXPIRY OF LEAVE:

1. In case, an employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the employee shall be entitled.
 - a. If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw;
 - (i) Travelling allowance under rules made in this behalf for the journey; and
 - (ii) Leave salary until he joins his post, at the same rate at which he would have drawn it but for recall to duty.
 - b. If the leave from which he recalled is out of India, to count the time spent on the voyage to India as duty, for purposes of calculating leave and to receive;
 - i. Leave salary, during the voyage to India and for the period from the date of joining his post at the same rate at which he would have drawn but for recall to duty;
 - ii. a free passage to India;
 - iii. refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or 3 months whichever is shorter;
 - iv. traveling allowance, under regulations for the time being in force, for travel from the place of landing in India to the place of duty.

22. RETURN FROM LEAVE:

- (1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.
- (2) Notwithstanding any thing contained in Sub-Regulation (1) an employee on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded leave preparatory to retirement.
- (3) (a) An employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form-5.

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- (b) If the employee is a Class-I or Class-II employee the certificate under Clause (s) above shall be obtained from the Chief Medical Officer of the Port Trust Hospital or from an authorized medical attendant, not below the rank of Civil Surgeon Gr.I as the case may be.
- (c) In the case of a Class-III or Class-IV employee the authority under which the employee is employed on return from leave may, in its discretion, accept a certificate signed by a registered medical practitioner.
- (4) (a) An employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave.
- (b) such employee shall report his return to duty to the authority which granted him leave or to the authority, if any specified in the order, granting him the leave and await orders.

NOTE: An employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate, which recommends light work for him.

23. ABSENCE AFTER EXPIRY OF LEAVE:

1. Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against him leave account on though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.
2. Willful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

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CHAPTER – IV

KINDS OF LEAVE DUE AND ADMISSIBLE

24. EARNED LEAVE:

(1) (a)(i) An employee shall be entitled to 30 days earned leave in a calendar year. The leave account of every employee shall be credited with earned leave in advance in two instalment of 15 days each on the first of January and July every calendar year.

“(ii) When an employee joins a new post without availing full joining time by reason that – (a) He is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled, or (b) He proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family, the number of days of joining time admissible under Sub-rule 4 of Rule 5 of the C.C.S. (joining time) Rules, 1979, subject to maximum of 15 days reduced by the number of days of joining time actually availed of shall be credited to his leave account as earned leave.

Provided that the earned leave at his credit together with the un-availed joining time allowed to be, so credited shall not exceed 300 days.”

(b) The leave at the credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days, provided that where the earned leave at the credit of the employees as on the last day of December, or June is 300 days or less but more than 225, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicate under sub-regulation (1) of clause (a) of sub-regulation (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

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(2) Subject to the provisions of Regulations-6 and 32 and sub-regulations (1) and (3) of this Regulations, the maximum earned leave that may be granted at a time to an employee in India shall be 180 days.

(3) Earned leave may be granted to an employee in Class-I or Class-II service for a period exceeding 180 days but not exceeding 300 days if the entire leave so granted or any portion thereof is spent outside India.

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

(4) A period spent in Foreign Service shall count as duty for purposes of this regulation, if contribution towards leave salary is paid on account of such period.

25. CALCULATION OF EARNED LEAVE:

1. Earned leave shall be credited to the leave account of an employee at the rate of 2 ½ days for each completed calendar month of service which he is likely (to render in a half year of the calendar year in which he is appointed.

2. (a) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of 2 ½ days per completed calendar month up to the date of retirement or resignation.

(b) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

3. If an employee has availed of extra-ordinary leave and / or some period of absence has been treated as Dias-non in a half-year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10" of the period of such leave and / or dias-non, subject to maximum of 15 days.

4. While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day".

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26. HALF PAY LEAVE:

1. The half pay leave account of every employee shall be credited with half pay leave in advance, in two instalments of 10 days each on the first day of January and July of every calendar year.

2. (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.

(b) The credit for the half year in which an employee is due to retire or resigns from service shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.

(c) When an employee is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month upto the end of calendar month proceeding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of employee has been treated as "dias-non" in a half year, the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one eighteenth of the period of "dies-non", subject to a maximum of ten days.

3. The leave under this regulation may be granted on medical certificate or on private affairs.

4. While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day;

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

27. COMMUTED LEAVE:

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

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

b) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.

2) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave utilized for an approved course of study certified to be in the Board's interest by the leave sanctioning authority.

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

Provided that no such recovery shall be made if the retirement is by further service or in the event of his death, employee for further service or in the event of his death.

N O T E: Commuted leave may be granted at the request of employee even when earned leave is due to him.

28. LEAVE NOT DUE:

(1) Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employee limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions.

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

b) Leave not due shall be limited to the half pay leave, he is likely to earn thereafter;

c) Leave not due shall be debited against the half pay leave, the employee may earn subsequently.

2) 'Leave not due' may also be granted to such of the temporary employees as are suffering from Tuberculosis, Leprosy, Cancer or mental illness for a period not exceeding 360 days during the entire service subject to the fulfillment of the conditions in clauses (a) to (c) of sub-regulation (1) and also subject to the following further conditions;

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- i) The employee has put in a minimum of one year's service .
- ii) The post from which the employee proceeds on leave is likely to last till his return to duty; and
- iii) The request for grant of such leave is supported by a medical certificate.

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

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

Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death, or he is retired by giving him notice or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service.

29. EXTRAORDINARY LEAVE:

(1) Extraordinary leave may be granted to an employee, in special circumstances:-

a) When no other leave is admissible:

b) When other leave is admissible, but the employee applied in writing for the grant of extraordinary leave.

2) Unless the Board under exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employee shall be granted extraordinary leave on any one occasion in excess of the following limits;

a) Three months;

b) Six months where the employee has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under those regulations including 3 months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these regulations.

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c) Eighteen months on medical certificate where the employee who has completed on year continuous service is undergoing treatment for –

i) Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognized sanitarium

NOTE: The concession of extraordinary leave upto 18 months shall be admissible also to an employee suffering from pulmonary Tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produce a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable changes of recovery on a expiry of the leave recommended.

ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon; or staff surgeon; or

iii) Leprosy in a recognized Leprosy Institution or by a Civil Surgeon or Staff Surgeon or a Specialist in Leprosy Hospital recognized as such by the State Administrative Medical Officer concerned;

iv) Cancer or for mental illness in an institution recognized for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such disease”.

NOTE: For this purpose “Medical Certificate” include a medical certificate issued by the Chief Medical Officer or the Port Trust Hospital.

d) twenty four months, where the leave is required for the purpose of prosecuting studies certified to be in the Board’s interest, provided the employee concerned has completed three year continuous service on the date of expiry of leave of the kind due and admissible under these regulations, including three months extra ordinary leave under clause (a).

3. (a) Where an employee is granted extraordinary leave in relaxation of the provisions contained in Clause (d) of sub-regulation (2), shall be required to execute a bond in Form-6 undertaking to refund to the Board the actual amount of expenditure incurred by the Board during such leave plus that incurred by any other Agency with interest thereon in the event of his not returning to duty on the expiry for such leave or quitting the service before a period of three years after return to duty.

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

c) Employees belonging to the Scheduled castes or the Scheduled Tribes may, for the purpose of attending the pre-examination training course at the centers notified by Government, from time to time, be granted extraordinary leave by the Competent Authority, in relaxation of the provisions of sub-regulation (2).

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

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

29 (a) LEAVE TO PROBATIONER, A PERSON ON PROBATION AND AN APPRENTICE:

1. (a) A Probationer shall be entitled to leave under these regulations, if he had held his post substantively otherwise than on probation.

(b) If for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend –

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

2. A person appointed to a post on probation shall be entitled to leave under these regulations as temporary on permanent employee according to his appointment is against temporary or permanent post.

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Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these regulations as a permanent employee.

3. An apprentice shall be entitled to:

a) Leave on medical certificate, on leave salary, equivalent to half pay for a period not exceeding one month on any year of apprenticeship.

b) Extraordinary leave under Regulation – 29.

30. PERSONS RE-EMPLOYED AFTER RETIREMENT:

In the case of a person re-employed after retirement the provisions of these regulations shall apply, as if, he had entered Board's service for the first time on the date of his re-employment.

31. LEAVE PREPARATORY TO RETIREMENT:

In the case of a person re-employed after retirement the provisions of these regulations shall apply, as if, he had entered Board's service for the first time on the date of his re-employment.

NOTE: The leave granted as leave preparatory to retirement shall not include extraordinary leave.

2)a) Where an employee who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government or a Body controlled refinanced by the Government (hereinafter referred to the local body) applied for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority.

b) the employee on foreign service shall also be allowed to en-cash earned leave at his credit on the date of retirement in the manner provided in Sub-Regulation (2) (1) leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer;

3) Where an employee is on Foreign Service in or under local body other than the one mentioned in sub-regulation (2) (1) leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer;

Provided that where an employee continues in service under such foreign employer, the employee shall not be eligible for grant of cash payment in lieu of leave under Regulation 32.

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32. LEAVE/ CASH PAYEMNT IN LIEU OF LEAVE BEYUOND THE DATE OF RETIREMENT / COMPULSORY RETIREMENT OR QUITTING OF SERVICE:

1. No. leave shall be granted to an employee --

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice or he is retired by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, of

(d) the date of his resignation from service.

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

b) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one time settlement. No house rent allowance or city compensatory allowance shall be payable:

Pay admissible on the date of Retirement plus dearness allowance Admissible on that date	X	Number of days of unutilized earned leave at credit on the date of retirement subject to a maximum of 300 days
Cash = _____		
Equivalent	30	

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

On conclusion of the proceedings, he will be come eligible to the amount so with hold after adjustment of dues if any.

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

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180days / 300 days, as the case may be, as prescribed in regulation.

(ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-regulation (2) in respect of earned leave at credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 300 days.

b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-regulation shall be calculated in the manner indicate in clause (b) of sub-regulation (2) above.

5. An employee who retires or is retired from service in the manner mentioned in clause (c) of sub-regulation (1), may be granted, suomotu by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 300 days and also in respect of all the half pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and / or equal to the leave salary as admissible for half pay leave plus dearness allowance admissible on that leave salary for the first 300 days, at the rates in force on the date the employee so retires or is retired from service. He one pension equivalent of other retirement benefits adhoc relief / graded relief on pension shall be deducted from the leave salary paid for the period of the half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in and lumpsum is a one time settlement. No house rent allowance or city compensatory allowance shall be payable. Provided that if leave salary for the half pay leave component falls short of lumpsum and other pensionary benefits cash equivalent of half pay leave shall not be granted.

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5.(A) Where an employee is compulsorily, retired as a measure of penalty under the provisions of the VPE (Classification, Control and Appeal) Regulations, 1968 and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) as per rules, the authority competent to grant leave shall suomotu issue an order granting cash equivalent of leave salary for earned leave, if any at credit of the employee on the date of such retirement, subject to a maximum of three hundred days in the manner indicated in clause (b) of sub-regulation (2)".

6.(a)(i) Where the service of an employee terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suomotu, by the authority competent to grant leave, cash equivalent in respect of earned leave, at his credit on the date on which he ceases to be in service subject to a maximum of 300 days.

(ii) If an employee resigns or quits service, he may be granted, suomotu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of (150) days;

(iii) An employee who is reemployed after retirement may, on termination on his reemployment, be granted suomotu, by the authority competent to grant leave cash equivalent in respect of earned leave at his credit on the date of termination of reemployment subject to a maximum of 300 days, (including the period for which encashment was allowed at the time of retirement).

(b) The cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-regulation (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of clause (a), the pay on the date of the termination of reemployment shall be the pay fixed in the scale of post of reemployment before adjustment of pension and pension equivalent of other retirement benefits, and the dearness allowance appropriate to that pay.

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33. CASH EQUIVALENT OF LEAVE SALARY IN CASE OF DEATH IN SERVICE:

In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for (300) days shall be paid to his family (in the manner specified in Regulation-35 without any reduction on account of pension equivalent of death-cum-retirement gratuity.

NOTE: In addition to the cash equivalent of leave salary admissible under this regulation the family of the deceased employee shall also be entitled to payment of dearness allowance only as per orders issued in this behalf separately.

34. CASH EQUIVALENT OF LEAVE SALARY IN CASE OF INVALIDATION FROM SERVICE

An employee who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, suo motu, by the authority competent to grant leave, due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions. Covering his service, the cash equivalent thus payable shall be equal to the leave salary as calculated under sub-regulations (5) of Regulation-32. An employee not in permanent employment shall not however, be granted cash equivalent of leave salary in respect of half-pay leave standing at his credit on the date of his invalidation from service.

35. PAYMENT OF CASH EQUIVALENT OF LEAVE SALARY IN CASE OF DEATH, ETC., OF EMPLOYEE.

In the event of the death of an employee while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Regulation – 32, 33 and 34 such amount shall be payable:

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male employee or to the husband, if the deceased was a female employee:

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EXPLANATION: The expression “eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

- ii) failing a widow or husband, as the case may be to the eldest surviving son; or an adopted son;
 - iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
 - iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;
 - v) failing (i) to (iv) above, to the father;
 - vi) failing (i) to (v) above, to the mother;
 - vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;
 - viii) failing (i) to (vii) above, to the eldest surviving unmarried sister; and
 - ix) failing the above, to the eldest surviving widowed sister.
- “35. (a) Cash equivalent of leave salary in case of permanent absorption in public sector undertaking / autonomous body wholly or substantially owned or controlled by the Central Government / State Government an employee who has been permitted to be absorbed in service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled of financed by one or more than one such Government shall, if such absorption is declared by the Government to be in the public interest, be granted suo-motu by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days. This will be calculated in the same manner as indicated in clause (b) of sub-regulation 2 of Regulation 32”
36. An employee on his application shall be allowed the encashment of earned leave, under the following terms and conditions.:
- (a) Encashment will be allowed only once in a Calendar year. It will be limited to 50% of the leave standing at the credit of an employee and will be subject to an employee simultaneously availing himself of 7 days leave. The leave account will be debited by the total of leave en-cashed and availed.

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(b) The amount admissible on such encashment shall be the pay and allowances for which he would have been eligible had he actually gone on leave and will be paid in advance.

37. LEAVE SALARY:

1) An employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

N O T E: In respect of any period spent on foreign service out of India, the pay which the employee would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

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

3) An employee on commuted leave salary equal to the amount admissible under sub-regulation (1)

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

5) In the case of any employee who is granted leave earned by him during the period of re-employment the leave salary shall be based on the pay, drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

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

(b) where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave credit under clause (b) of Sub0Regulation (2) of regulation 25, the over payment of leave salary shall be recovered in such cases.

38. DRAWAL OF LEAVE SALARY:

The leave salary payable under these regulations shall be drawn in rupees in India.

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39. ADVANCE OF LEAVE SALARY:

An employee including an employee on foreign service, proceeding on leave for a period not less than 30 days may be allowed in advance in lieu of leave salary upto a month's pay subject to the following conditions:-

- (i) The amount of the advance shall be restricted to the net amount of leave salary including allowances as well as the 1st month of leave that is clearly admissible after deductions on account of Income tax, provident fund, House rent repayment of advance etc., so that there is no financial risk involved.
- (ii) The advance should be adjusted in full in the leave salary bill in respect of the leave availed. In case where the advance cannot be so adjusted in full, the balance shall be recovered from the next payment of pay or leave salary or both.
- (iii) The advance may be sanctioned by the Chairman, Dy. Chairman or the Heads of Department, as the case may be.
- (iv) Advance in respect of a temporary employee may be sanctioned without the surety of a permanent employee.
- (v) The amount of advance shall be debited to the head of account to which the pay etc., of the employee is debited.
- (vi) advance under these regulations shall be sanctioned in whole rupees.

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C H A P T E R - V

40. MATERNITY LEAVE: Special kinds of leave other than study leave.

(1) A female employee (including on apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 135 days from the date of its commencement.

(2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Maternity leave not exceeding six weeks may also be granted to a female employee in case of miscarriage, including abortion, (irrespective of No. of surviving children) on production of medical certificate as laid down in Regulation – 17.

(4) a) Maternity leave may be combined with leave of any other kind.

b) Notwithstanding the requirement of production of medical certificate contained in Sub-regulation (1) of Regulation 27 or sub-regulation (1) of Regulation 28, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under Sub-regulation (1).

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

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

(7) A female employee in whose case the period of 90 days of maternity leave has not expired on the date of publication of this notification shall also be entitled to the maternity leave of 135 days . Similarly, paternity leave to a male employee may also be allowed in case his wife had given birth to the child on a date not prior to 135 days from the date of issue of this notification.

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40 (A) Leave to female employee on adoption of a child:

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

41. SPECIAL DISABILITY LEAVE FOR INJURY INTENTIONALLY INFLICTED:

(1) The authority competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

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

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

(3) The period of leave granted shall be such as is certified by the Medical Officer of the Board and shall in no case exceed 24 months.

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

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

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

(7) leave salary during such leave shall, --

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

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

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

(8) In case of a person to whom the Workmen Compensation Act, 1923 (8 to 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section -4 of the said Act.

42. SPECIAL DISABILITY LEAVE FOR ACCIDENTAL INJURY;

(1) The provisions of Regulation-41 shall apply also to an employee whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

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

(i) That the disability, if due to disease, must be certified by the Medical Officer of the Board to be directly due to the performance of the particular duty;

(ii) That, if the employee has contracted such disability during service otherwise than with a military force, it must be in the opinion of the authority competent to sanction leave, exceptional in character; and

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

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43. HOSPITAL LEAVE:

(1) The authority competent to grant leave may grant hospital leave to:-

(a) Class-IV employees and

(b) Such Class-III employees whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks, while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2) Hospital leave shall be granted on the production of medical certificate from the Medical Officer of the Board.

(3) Hospital leave may be granted for such period as the authority granted it may consider necessary, on leave salary.

i) equal to leave salary while on earned leave for the first 120 days of the period of such leave; and

ii) equal to leave salary during half pay leave, for the remaining period of any such leave.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

(5) In the case of a person to whom the Workmen's Compensation act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) sub-section (1) of section – 4 of the said Act.

44. COMPULSORY LEAVE TO MEDICAL OFFICER IN CHARGE OF RADIOLOGY AND RADIOGRAPHER-CUM-DARK ROOM ASSISTANTS:

1) Every Medical Officer in –charge of Radiology and Radiographer-cum-dark room Assistant, shall be granted leave for one month every year compulsorily and out of one month leave, half of the leave shall only be debited to the employee's leave account and the balance shall be borne by the Board.

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2) An employee who proceeds on special leave mentioned in Sub-Regulation (1) above shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave for the portion of leave borne by the Board.

CHAPTER – VI (STUDY LEAVE)

45. CONDITIONS FOR GRANT OF STUDY LEAVE:

1) Subject to conditions specified in this chapter, study leave may be granted to an employee with due regard to the exigencies of Board's service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

2) Study leave may also be granted –

i) for a course of training or study tour in which the employee may not attend a regular academic or semi academic course if the course of training or the study tour is certified to be of definite advantage to Board from the point of view of public interest and is related to sphere of duties of the employee and;

ii) for the purpose of studies connected with the frame work or background of public administration subject to the conditions that –

a) the particular study or study tour should be approved by the authority competent to grant leave, and

b) the employee should be required to submit, on his return, a full report on the work done by him while on study leave.

iii) for the studies which may not be closely or directly connected with the work of an employee, but which are capable of widening his mind in a manner likely [to improve his abilities as an employee and to equip him better to collaborate with those employed on other branches of the public service.

NOTE: application for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Accounts Department.

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3) Study leave shall not be granted unless –

i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;

ii) It is for prosecution of studies in subjects other than academic or literary subject.

Provided that Medical Officer may be granted study leave for prosecuting a course of Post-graduate study in Medical sciences if the Board certified to the effect that such study leave shall be valuable in increasing the efficiency of such medical office in the performance of his duties;

Provided also that a specialist or a technical person may be granted study leave, on merits of each case for prosecuting a post graduate course of study directly related to the sphere of his duty in case the competent authority certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep abreast with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Board.

iii) the department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India;

Provided that in releasing foreign exchange to employees proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such employee comply with the minimum educational criteria as specified in the general orders issued by the said department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expenses.

4. Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

5. Study leave may be granted to an employee.

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i) who has satisfactorily completed period of probation and has rendered not less than five years regular continuous service including the period of probation under the Board.

ii) who is not due to reach the age of superannuation from the Board's service within three years from the date of which he is expected to return to duty after the expiry of the leave, and

iii) Who executes a bond as laid down in Regulation 49(3) undertaking to serve the Board for a period of three years after the expiry of the leave)

6) Study leave shall not be granted to an employee with such frequency as to remove him from contract with his regular work or to cause cadre difficulties owing to his absence on leave.

46. MAXIMUM AMOUNT OF STUDY LEAVE:

The maximum amount of study leave, which may be granted to an employee shall be –

a) Ordinarily twelve months at any one time, and

b) during his entire service, twenty four months in all (inclusive of similar kind of leave for study or training granted under any other rules or regulations).

47. AUTHORITY COMPETENT TO SANCTION STUDY LEAVE

Study leave may be granted:

a) by the Board in the case of employees referred to in clause (a) of sub-section (i) of Section-24 of the Major Port Trusts Act, 1963 (38 of 1963); and

b) by Chairman or Deputy Chairman as the case may be in all other cases.

48. APPLICATIONS FOR STUDY LEAVE:

(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave;

(b) The course courses of study contemplated by the employee and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the employee to give full details in his application, or if, after leaving India, he is to make any change in the Programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission of the authority competent to grant leave as the case may be,

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and shall not unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection there with until he receives the approval of the authority competent to grant the study leave for the course.

49. SANCTION OF STUDY LEAVE:

1) A report regarding the admissibility of the study leave shall be obtained from the Accounts Department in respect of Class-I & II Officers.

Provided that the study leave, if any, already availed of by the employee shall be included in the report.

2) Whether the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave through the Central Government.

NOTE: The Head of the Mission shall be contacted by the employee for issue of any letters of introduction or for other similar facilities that may be required.

3) (a) Every permanent employee who has been granted study leave or extension of such study leave shall be required to execute a bond in Form-8, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every employee not in permanent employee who has been granted study leave or extension of such study leave shall be required to execute a bond in form-9 or form-10 as the case may be before the study leave or extension of such study leave granted to him commences.

(c) The Authority competent to grant leave shall send to the Accounts Department a certificate to the effect that the employee referred to Clause (a) or clause (b) has executed the requisite bond.

4) (a) On completion of the course of study, the employee shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any of the authority in charge of the course of study.

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(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

50. ACCOUNTING OF STUDY LEAVE AND COMBINATION WITH LEAVE OF OTHER KINDS:

1. Study leave shall not be debited against the leave account of the employees.
2. Study leave may be combined with other kinds of leave but in no case shall the grant of this leave combination with leave, other than extraordinary leave, involve, a total absence of more than 28 months generally and 36 months of the courses leading to Ph.D Degree from regular duties of the employee.

EXPLANATION: The limit of 28 months 36 months of absence prescribed in this regulation includes the period of vacation.

3. An employee granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in Regulation – 53 being satisfied, draw study allowance in respect thereof.

Provide that the period of such leave coinciding with the course of study shall not count as study leave.

51. REGULATION OF STUDY LEAVE EXTENDING BEYOND COURSE OF STUDY:

When the course of study falls short of study leave granted to an employees, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

52. LEAVE SALARY DURING STUDY LEAVE:

- 1) During study leave availed of outside India, an employee shall draw leave salary equal to the pay that the employee while on duty with Board immediately before proceeding on such leave and in addition the dearness allowance, house rent allowance and study allowance as admissible in accordance with the provisions of Regulations 53 to 56.

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2)a) During study leave availed of in India, an employee shall draw leave salary equal to the pay that the employee drew while on duty with Board immediately before proceeding on such leave and in addition the dearness allowance and house rent allowance as admissible in accordance with the provisions of Regulation 56.

b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship. Stipend or remuneration in respect of any part time employment.

c) The amount, if any, received by an employment during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment as envisaged in sub-regulation (2) of Regulation-53 shall be adjusted against the leave salary payable under this sub-regulation subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

d) No study allowance shall be paid during study leave for courses of study in India.

53. CONDITIONS FOR GRANT OF STUDY ALLOWANCE:

(1) A study allowance shall be granted to an employee who has been (granted study leave for studies outside India) for the period spent in prosecuting a definite course of study at a recognized Institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where an employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-government sources, or any other remuneration in respect of any part time employment.

(a) No study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the employee from the value of the scholarship or stipend or remuneration) excess the amount of study allowance otherwise admissible.

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(b) In case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the Authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which an employee interrupts his course of study to suit his own convenience;

Provided that the authority competent to grant leave or the Head of Mission may authorize the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that -

a) the employee attends during vacation and special course of study or practical training under the direction of the Board of the Authority competent to grant leave, as the case may be;

b) In the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be that he has continued his studies during the vacation.

Provided that in respect of vacation failing at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

54. RATE OF STUDY ALLOWNACE:

1) The rates of study allowance shall be as follows:

<u>Nam of the country</u>	<u>Study allowance per diem</u>
AUSTRALIA	1.00 (Sterling)
CONTINENT OF EUROPE	1.65 (Sterling)
NEWZEALAND	1.20 (Sterling)
UNITED STATES OF AMERICA	2.75 (Sterling)
UNITD KINGDOM	2.00 (Sterling)

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(2) The rates of study allowance prescribed in Sub- Regulation (1) may be revised by the Board from time to time.

(3) The rates of study allowance to be granted to an employees who takes study leave in any country other than the one specified in sub-regulation (1) shall be such as may be specially determined by the Board in each case.

55. PROCEDURE FOR PAYMENT OF STUDY ALLOWNACE:

1) Payment of study allowance shall be subject to the furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part time employment.

2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the employee that he would refund to the Board any over payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

3)(a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission on other cases, on claims submitted by the employee from time to time, supported by proper certificates of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded as the end of the term, if the employee is undergoing study in an educational Institution, or at intervals not exceeding three months if he is undertaking study at any other institution.

4) a) When the Programme of study approved does not include, or does not consist / entirely of, such a course of study, the employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a dairy showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and included suggestions as to the possibility of adopting such methods or operations to conditions obtaining to the Port.

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Administration Department



b) The authority competent to grant leave shall decide whether the dairy and report show that the time of the employee was properly utilized and shall determine accordingly for what periods study allowance may be granted.

56. ADMISSIBILITY OF ALLOWANCES IN ADDITION TO STUDY ALLOWANCE:

1) For the first 120 days of the study leave, house rent allowance shall be paid at the rates admissible to the employee from time to time at the station from where he proceeded on study leave. The continuance of payment of house rent allowance beyond 120 days shall be subject to the production of a certificate as prescribed in Para-8(d) of Ministry of Finance O.M. No.2(37)-E.II(B)/64 dated 27.11.1965, as amended from time to time

2) Except for house rent allowance as admissible under Sub-Regulation (1) and the dearness allowance and the study allowance, where admissible, no other allowance shall be paid to an employee in respect of the period of study leave granted to him.

57. TRAVELLING ALLOWANCE DURING STUDY LEAVE:

An employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstance sanction the payment of such allowance.

58. COST OF FEES FOR STUDY:

An employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Board may sanction the grant of such fees.

Provided that in no case shall the cost of fees be paid to an employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part time employment.

59. RESIGNATION OR RETIREMENT AFTER STUDY LEAVE OR NON COMPLETION OF THE COURSE OF STUDY:

1) If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty (or fails to complete course of study and is thus unable to furnish the certificates as required under sub-regulation (4) of Regulation-49) he shall be required to refund.

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i) The actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and

ii) The actual amount, if any, of the cost incurred by other agencies such as Foreign Governments, Foundations and Trusts in connection with the course of study. Together with interest there on at rates for the time being in force on loans given by the Board, from the date of demand, before his resignation in accepted or permission to retire is grant or his quitting service otherwise;

Provided that except in the case of employees who fail to complete the course of study nothing in this regulation shall apply.

a) to an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

b) to an employee who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Board and is subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

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CHATER - VII

MISCELLANEOUS

60. INTERPRETATION:

Where any doubt arises as to the interpretation of these Regulations, it shall be referred to the Board and its decision shall be final.

61. POWER TO RELAX:

Where the Chairman is satisfied that the operation of any of these Regulations causes undue hardship in any particular case, he may be order for reasons to be recorded in writing, dispense with o relax the requirements of the regulation to such extent and subject to such exceptions and conditions as may be considered necessary for dealing with the case in a just and equitable manner.

62. REPEAL AND SAVING:

1) On the commencement of these Regulations, the Visakhapatnam Port Employees (Leave) Regulations, 1964 in force immediately before such commencement and other provisions regarding regulation of leave contained in the Fundamental Rules and the Supplementary Rules of the Government of India, as far as they are applicable to the employees of the Board, shall, in so far as it provides for any of the matter contained in these regulations, cease to operate.

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

63. CENTRAL GOVERNEMNT RULES TO BE FOLLOWED IN THE APPLICATION OF THESE REGULATONS.

In applying the foregoing regulations and in respect of matters not dealt with in these regulations, the C.C.S. (Leave) Rules, 1972 and the order of Central Government issued there under from time to time, shall be followed in so far as they are not inconsistent with the provisions of these regulations, subject to such exceptions and modifications as the Board may from time to time determine.

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(2) (a) The study leave availed of by such an employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the employee under sub-regulation (2), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

3) notwithstanding anything contained in this regulation, the Board may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-regulation (1) by the employee concerned or class of employees.

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THE SCHEDULE
(Sec. Reg.3(k)
FORM-1
(Sec. Reg. 13)

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name of applicant
2. Post held
3. Department, Office and Section
4. Pay
5. House rent and other compensatory Allowance drawn in the present post
6. Sundays, and holidays, if any proposed
To be prefixed / suffixed to leave
7. Grounds on which leave is applied for
8. Date of return from last leave, and
The nature and period of that leave
9. I propose / do not propose to avail myself of leave travel
Concession for the Block year _____ during the ensuing leave
10. Address during leave period

SIGNATURE OF APPLICATE (WITH DATE)

11. Remarks and / or recommendation
Of the Controlling Officer.

SIGNATURE (WITH DATE)
DESIGNATION

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

12. Certified that _____ (nature of leave) for _____
(period) from _____ to _____ is admissible under Regulation _____ of the
V.P.E. (Leave) regulations, 1992

SIGNATURE (WITH DATE)
DESIGNATION

14. Orders of the authority competent to grant leave

SIGNATURE (WITH DATE)
DESIGNATION

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FORM – 2
(See Regulation – 14)
Date of Birth
FORM OF LEAVE ACCOUNT

Name of employee:

Date of commencement of continuous service:

Date of permanent employment:

Date of retirement / resignation:

Particulars of service

HALF PAY LEAVE

EARNED LEAVE

In the half year of a Calendar

										LEAVE								
										Against earnings on half pay								
From	To	Completed months of service in the half year of a calendar	E.L. credited at the beginning of half year	No. of days of E.O.L.(Cl:36) availed of during the previous	E.L. to be deducted (1/10 th of the period in Col.5)	Total E.L. at credit in days (Co.: 4+11.6)	Leave taken											
							From	To	No. of days	Balance of E.L. on return from leave (Coo.7 – 10)	Completed months of service in the half year of a calendar	H.P.L. Credited at the beginning of half year	No. of days treated as "diesnon" during the previous half year	HPL to be deducted (1/18 th of the period in Col. 14)	Total HPL at credit in days (Col.35-13-15)	From	To	No. of days

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----

(on private affairs & M.C. including commuted leave & leave not due)

Commutated leave on Medical certificate on full pay			Commutated leave W/O M.C. for s studies certified to be in Board's interest limited to 180 days (HPL Converted into 90 days commuted leave in entire service)			On medical certificate			Otherwise than on M.C. limited to 180 days			Other kind of leave						
From	To	No. of days	From	To	No. of days	From	To	No. of days	From	To	No. of days	Total of leave not due (col. 29 & 32)	Total half pay leave taken (Co. 19, 26 & 33)	Balance of half pay leave on return from leave (Col.16-34)	Other kind of leave			
20	21	22	23	24	25	Commutated leave converted into half pay leave (twice of Col. 22 & 25)			27	28	29	30	31	32	33	34	35	36

NOTE: 1) The earned leave due should be expressed in days

NOTE: 2) When an employee is appointed during the course of a half year of a particular calendar year earned leave should be credited at the rate of 2 ½ days for each completed calendar month and the fraction of a day will be rounded to the nearest day.

NOTE: 3) The entries in column 6 should be in complete days. Fraction of a day will be rounded to the nearest day

NOTE: Period of extraordinary leave should be noted in red ink.

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Form – 3 (See Regulation – 17)

MEDICAL CERTIFICATE FOR CLASS – I AND II OFFICERS RECOMMENDED LEAVE OR EXTENSION OR LEAVE OR COMMUTATION OF LEAVE.

....

Signature of the employee _____

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

CMO/DY.CMO/RMO/SMO/MO
PORT HOSPITAL

Dated: _____

NOTE:1. This form should be adhered to as closely as possible and should be filled in after the signature of the employee has been taken. The certifying officer is not at liberty to certify that the employee requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an applicant should go before a CMO/Dy.CMO/RMO/SMO/MO to decide the question of his / her fitness for service:

NOTE: 2. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

VISAKHAPATNAM PORT TRUST

Administration Department



Form – 4 (See Regulation – 17)

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

Signature of the employee _____

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

CMO/DY.CMO/RMO/SMO/MO
PORT HOSPITAL

Dated: _____

- Note. 1: The nature and probable duration of the illness should be specified
- Note. 2: This form should be adhered to as closely as possible and should be filled in after the signature of the employee has been taken. The certifying officer is not at liberty to certify that the employee requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him whether the applicant should go before a CMO/Dy.CMO/RMO/SMO/MO to decide the question of his / her fitness for service:
- Note.3: Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a Medical officer not below the rank of C.M.O., who shall express an opinion both as regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may after require the employee to appear before himself or before a medical officer nominated by himself.
- Note.4: No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

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Form – 5 (See Regulation – 22(3))

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of employee _____

We, the members of medical board

I, _____ Chief Medical Officer / Dy.Chief Medical Officer/
Registered Medical Officer / Senior Medical Officer / Medical Officer/ Registered Medical
Practitioner

Do hereby certify that we / I have carefully examined Shri/ Shirmati/ Kumari _____
whose signature is given above, and find that he / she recovered from his / her illness and is now
fit to resume duties in Board's service. We / I also certify that before arriving at this decision.
We/ I have examined the original medical certificate (s) and statement(s) of the case (or certified
copies thereof) on which leave was granted or extended and have taken these into consideration
in arriving at our / my decision.

Members of the Medical Board

- 1) _____
- 2) _____
- 3) _____

Chief Medical Officer / Dy.Chief Medical Officer/ Registered Medical Officer
/ Senior Medical Officer/ Medical Officer/ Registered Medical Practitioner

Dated: _____

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

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Form – 6 (See Regulation – 29(3))

BOND FOR TEMPORARY EMPLOYEE GRANTED EXTRA ORDINARY LEAVE IN RELAXATION OF REGULATION 29(2) (d)

...

Know all men by thee presents that we, _____ residents of _____ in the District of _____ at present employed as _____ in the office of _____ (hereinafter called "the obligor") and Shri/ Shrimathi/Kumari _____ son / daughter of _____ of _____ hereafter called "the sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Board of Trustees its successors and assigns (hereinafter called the "Board) on demand the sub of Rs. _____ (Rupees _____) together with interest thereon from the date of demand at Board rate for the time being in force on Board loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS, the Board has at the request of the above bounden Shri/Shrimati/Kumari _____ employed as a _____ granted him/ or regular leave, followed by extra ordinary leave without pay and allowances, for a period of _____ months _____ days with effect from _____ in order to enable his / her to study at _____.

AND WHEREAS for the better protection of the Board the obligor has agreed to execute this bond with two sureties with such condition as hereunder written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the even of the above bounden Shri/Smt./Kumari _____ failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/ her and serve the Board after rejoining for such period not exceeding a period of _____ years as the Board may require or refusing to serve the Board in any other capacity as maybe required by the Board on a salary to which he/she would be entitled under the regulations, the said Shri/Smt./Kumari _____ or his / her executors and administrators shall forthwith pay to the Board on demand the said sum of Rs. _____ together with interest thereon from the date of demand at Board rates for the time begin in force on Board loans.

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AND upon the obligor Shri/Smt./Kumari _____ and, of Shri/Smt./Kumari _____ the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue.

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any for bearance, act or omission of the Board or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sue the obligor before suing the sureties Shri/Smt./Kumari _____ and Shri/Smt./Kumari _____ or any of them for amounts due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The employees has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ on thousand nine hundred and _____

Signed and delivered by the obligor

Above named Shri/Smt./Kum.

In the presence of _____

Witness 1. _____

2. _____

Signed and delivered by the surety

Above named Shri/Smt./Kum

In the presence of _____

Witness 1. _____

2. _____

Signed and delivered by the surety

Above named Shri/Smt./Kum.

In the presence of _____

VISAKHAPATNAM PORT TRUST Administration Department



Witness 1. _____

2. _____

ACCEPTED
For and on behalf of the
Board of Trustees

VISAKHAPATNAM PORT TRUST

Administration Department



FORM - 7

See Regulation 49 (3)

BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

...

KNOW all men by these presents that I, _____ resident of _____ in the District of _____ at present employee as _____ in the office of _____ do hereby bind myself and my heirs, executors and administrators to pay to the Board of Trustees (hereinafter called the Board) on demand the sub of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at Board's rates for the time being in force on Boards loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS I, _____ am granted study leave by board.

AND WHEREAS for the better protection of the Board I have agreed to execute this bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT (in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service) without returning to duty after the expiry of termination of the period of study leave or failing to complete the course of study) or at any time within a period of three years after my return to duty. I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at Board rates for the time being in force on Board loans.

AND upon my making such payment the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

VISAKHAPATNAM PORT TRUST

Administration Department



The employee has agreed to bear the stamp duty payable on this bond.

Singed and dated this _____ day of _____ one thousand and nine hundred and _____ Signed and delivered by _____.

In the presence of _____

Witness 1. _____

2. _____

ACCEPTED
For and on behalf of the
Board of Trustees

VISAKHAPATNAM PORT TRUST

Administration Department



FORM - 8

(See Regulation 49(3))

BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOYMENT WHEN PROCEEDING WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I, _____ resident of _____ in the district of _____ at present employee as _____ in the office of _____ do hereby bind myself and my heirs, executors and administrators to pay to the Board of Trustees (hereinafter called "the Board" on demand the sub of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at Board's rates for the time being in force on Boards loans, or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

WHEREAS I, _____ was granted study leave by Board for the period from _____ to _____ in consideration of which I executed a bond, dated _____ for Rs. _____ (Rupees _____ only) in favour of the Board of Trustees.

NOW WHEREAS for the better protection of the Board granted to me at my request until _____.

AND WHEREAS for the better protection of the Board I have agreed to execute this bond with such conditions as hereunder are written.

NOW THE CONDITON OF THE BAOVE WRITTEN OBLIGATION IS THAT (in the even of my failing to resume duty, or resigning or resigning or retiring from service or otherwise quitting service) without returning to duty after the expiry or termination of the period of study leave so extended (or failing to complete the course of study) or any time within a period of three years after my return to duty. I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at Board rates for the time being in force on Board loans.

AND upon my making such payment the above written obligations shall be void and of no effect, otherwise it shall be void and of no effect otherwise it shall be and remain in full force and virtue.

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The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

The employee has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ one thousand and nine hundred and _____

Signed and delivered by _____
In the presence of _____

Witness 1. _____
2. _____

ACCEPTED
For and on behalf of the
Board of Trustees

VISAKHAPATNAM PORT TRUST

Administration Department



FORM - 9

(See Regulation – 49 (3))

BOND TO BE EXECUTED BY AN EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN PROCEEDING ON DUTY LEAVE.

....

KNOW ALL MEN BY THESE PRESENTS THAT WE, _____ RESIDENTS OF _____ IN THE DISTRICT OF _____ at present employee as _____ in the office or _____ (hereinafter called "the obligor") and Shri/Smt./Kumari _____ son/daughter of _____ and Shri/Smt./Kumari _____ Son/ daughter of _____ and Shri/Smt./Kumari _____ son/ daughter of _____ of _____ (hereinafter called 'the sureties') do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Board of Trustees (hereinafter called "the Board" on demand the sum of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at the Board rates for the time being in force on Board loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by Board.

Whereas the obligor is granted study leave by the Board.

AND WHEREAS for the better protection of the Board, the obligor has agreed to execute this bond with such condition as hereunder is written.

AND WHEREAS THE said sureties have agreed to execute this bond as sureties on behalf of the above bounden _____.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event of the obligor Shri/Smt./Kumari _____ (failing to resume duty, or resigning from service or otherwise quitting service) without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study) or at any time within a period of three years after his return to duty, the obligor and the sureties) shall forthwith pay to the Board or as may be directed by the Board demand the said sum of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at the Board rates for the time being in force on Board loans.

AND upon the obligor Shri/Smt./Kumari _____ and or Shri/Smt./Kumari _____ and or Shri/Smt./Kumari _____ the

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sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be; and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sum the obligor before suing the sureties Shri/Smt./Kumari _____ and Shri/Smt./Kumari _____ or any of them for amount due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The employee has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ one thousand nine hundred and _____.

Signed and delivered by the obligor

Above name Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

2. _____

Signed and delivered by the surety

above named Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

2. _____

VISAKHAPATNAM PORT TRUST Administration Department



Signed and delivered by the surety

above name Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

2. _____

ACCEPTED
For and on behalf of the
Board of Trustees

VISAKHAPATNAM PORT TRUST

Administration Department



FORM - 10

(See Regulation – 49 (3))

BOND TO BE EXECUTED BY AN EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

....

KNOW ALL MEN BY THESE PRESENTS THAT WE, _____ RESIDENT OF _____ IN THE DISTRICT OF _____ at present employee as _____ in the office or _____ (hereinafter called "the obligor") and Shri/Smt./Kumari _____ son/daughter of _____ and Shri/Smt./Kumari _____ son/daughter of _____ and Shri/Smt./Kumari _____ son/daughter of _____ of _____ (hereinafter called ' the sureties') do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Board of Trustees (hereinafter called "the Board") on demand the sum of Rs. _____ (Rupees _____ only) together with interest thereon from the date of demand at the Board rates for the time being in force on Board loans or, of payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by Board.

Whereas the obligor is granted study leave by the Board for the period from _____ to _____ in consideration of which he executed bond, dated _____ for Rs. _____ (Rupees _____ only) in favour of Board.

AND WHEREAS the extension of study leave has been granted to the obligor at his request until _____ AND WHEREAS for the better protection of the Board, the obligor has agreed to execute this bond with such condition as hereunder is written.

AND WHEREAS THE said sureties have agreed to execute this bond as sureties on behalf of the above bounden _____.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event of the obligor Shri/Smt./Kumari _____ (failing to resume duty, or resigning from service or otherwise quitting service) without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study) or at any time within a period of three years after his return to duty, the obligor and the sureties) shall forthwith pay to the Board or as may be directed by the Board demand the said sum of Rs. _____ (Rupees _____ only) together

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with interest thereon from the date of demand at the Board rates for the time being in force on Board loans.

AND upon the obligor Shri/Smt./Kumari _____ and or Shri/Smt./Kumari _____ the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be; and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sum the obligor before suing the sureties Shri/Smt./Kumari _____ and Shri/Smt./Kumari _____ or any of them for amount due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The employee has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ day of _____ one thousand nine hundred and _____.

Signed and delivered by the obligor

Above name Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

2. _____

Signed and delivered by the surety

above named Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

VISAKHAPATNAM PORT TRUST Administration Department



2. _____

Signed and delivered by the surety

above name Shri/Smt./Kumari _____

In the presence of _____

Witness 1. _____

2. _____

ACCEPTED
For and on behalf of the
Board of Trustees

VISAKHAPATNAM PORT TRUST

Administration Department



VISAKHAPATNAM PORT TRUST

NOTIFICATION

G.S.R. 558 (E) DT.17-8-1993

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Visakhapatnam Port hereby makes the following Regulations, in super session of the Visakhapatnam Port Employees' (L.T.C.) Regulations, 1964 published as G.S.R. 322, dt.24-2-1964 in the Gazette of India; via.

1. Short title and commencement:- (1) These Regulations may be called the Visakhapatnam Port Trust Employees' (Leave Travel Concession) Regulations, 1993.

(2) They shall come into force on the date of their publication in the Central Government Gazette.

2. Definition: In these Regulations, unless the context otherwise requires:-

- a) "Accounts Officer" means the Financial Adviser & Chief Accounts Officer of the Board or any of the Officer nominated by him.
- b) "Board" "Chairman", "Dy. Chairman" and "Head of Department" shall have the same meanings as assigned to them in the Major Port Trusts Act, 1963.
- c) "Concession" means the Leave Travel Concession" admissible under these Regulations.
- d) "Disciplinary Authority" shall have the same meaning as assigned to it in the Visakhapatnam Port Employees' (Classification, Control & Appeal) Regulations, 1968.
- e) "Employee" means an employee of the Board.
- f) "First, Second, Third, Fourth Grade Employees" will have the same meanings as assigned to them in the Fundamental Rules and Supplementary Rules of the Central Government.
- g) "A place in India" will cover any place within the territory of India, whether it is on the Mainland or overseas.
- h) "Shortest direct route" shall have the same meaning as given in Supplementary Rule 30 and orders issued thereunder from time to time.

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i) "Family" means:

(i) the Government servant's wife or husband, as the case may be, and two surviving unmarried children or step children wholly dependent on the Government servant irrespective of whether they are residing with the Government servant or not;

(ii) married daughters who have been divorced, abandoned or separated from their husbands and are residing with the Government servant and are wholly dependent on the Government servant;

(iii) parents and/or step mother residing with and wholly dependent on the Government servant;

(iv) unmarried minor brothers as well as unmarried, divorced, abandoned, separated from their husbands widows sisters residing with and wholly dependent on the Government servant, provided their parents are either not alive or are themselves wholly dependent on the Government servant.

EXPLANATIONS:

1. The restriction of the concession to only two surviving children or step children shall not be applicable in respect of (i) these employees who already have more than two children prior to the coming into force of this restriction i.e. 20-10-1997; (ii) children born within one year of the coming into force of the restriction; (iii) where the number of children exceeds two as a result of second child birth resulting in multiple births.
2. Not more than one wife is included in the term "family" for the purpose of these Rules. However, if a Government servant has two legally wedded wives and the second marriage is with the specific permission of the Government, the second wife shall also be included in the definition of "Family".
3. Though it is not necessary for the spouse and children to reside with the Government servant so as to be eligible for the Leave Travel Concession, the concession in their cases shall, however be restricted to the actual distance travelled or the distance between the headquarters/place of posting of the Government servant and the hometown/place of posting of the Government servant and the hometown/place of visit, whichever is less.
4. Children of divorced, abandoned, separated from their husbands or widowed sisters are not included in the term "Family".

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5. A member of the family whose income from all sources, including pension temporary increase in pension but excluding dearness relief on pension of stipend etc., does not exceed Rs.1500 p.m. is deemed to be wholly dependent on the Government servant.

(j) "Near Relation" means - any relation by blood / affinity.

3. Extent of application:- (1) Subject to provisions of Sub-Regulation (2) these Regulations shall apply to the employees of the Board of all grades including:-

- (a) The industrial and work charged staff who are
- (b) The employees appointed on contract basis.
- (c) The re-employed employees.
- (d) The employees under the State Government who are on deputation to the Port Trust.

(2) These Regulations shall not apply to:

- (a) Employees not in whole time employment
- (b) Employees in casual and daily rated employment.
- (c) Employees paid from contingencies.
- (d) Employees eligible to any other form of travel concession available during leave or otherwise.

4. Special provisions regarding certain categories of employees –

(1) In the case of employees belonging to categories mentioned in clause (b), (c) and (d) of Sub Regulation (1) of Regulation 3, the leave travel concession shall be admissible on completion of one year's continuous service under the Board and provided that it is certified by the appropriate authority, that the employee concerned is likely to continue to serve under the Board for a period of at least two years in the case of Leave Travel Concession to Hometown and at least four years in the case of Leave Travel Concession to any place in India to be reckoned from the date of his joining the post under the Board.

(2) In the case of Officers appointed on contract basis, where the initial contract is for one year but is later extended, the total duration of the contract will be taken into account for the purpose of leave travel concession.

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- (3) In the case of persons re-employed, immediately after retirement without any break, the period of re-employed service will be treated as continuous with the previous service for the purpose of leave travel concession and the concession allowed for the re-employed period, provided that the leave travel concession would have been admissible to the re-employed Officer, had he not retired but had continued as serving officer.

Illustration:- If an Officer has availed of the concession to visit any place in India in respect of a block of four years before his retirement and he is reemployed without any break, he cannot avail this concession till the expiry of the articular block of four years.

5. Scope:- The leave travel concession will cover the employee himself and his family.
6. Change of Home Town:- (1) The home town once declared shall be treated as final. In exceptional circumstances, the Chairman or Dy. Chairman may authorize a change in such declaration provided that such a change shall not be made more than once during the service of an employee.

(2) 'Home Town' means the permanent home town or village as entered in the service book or other appropriate official record of the employee concerned or such other place as has been declared by him, and accepted by the Chairman or the Dy. Chairman.

(a) For detailed check, the following criteria shall be applied one after the other:-

i) Whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and, if so, whether after his entry into service, the employee had been visiting that place frequently.

ii) Whether the employee owns residential property in that place or whether he is a member of a joint family having such property there:

iii) Whether his near relations are residents in that place; and

iv) Whether, prior to his entry into the Board's service, the employee had been living there for some years.

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The criteria, one after the other, need be applied only in cases where the immediate proceeding criterion is not satisfied.

(b) Where the employee or the family of which he is a member owns residential or landed property in more than one place, it shall be left to the employee to make a choice of any such place as his home town giving reasons for the same provided that the decision of the Chairman or Dy. Chairman whether or not to accept such a place as the home town of the employee shall be final.

(c) Where the presence of near relations at a particular place is to be the determining criterion for the acceptance of declaration of 'Home Town', the present of near relations should be of more or less permanent nature.

7. Declaration of place of visit under LTC to any place in India:-

When the concession to visit any place in India is proposed to be availed of by an employee or any member of the family of such employee, the intended place of visit shall be declared by the employee to his controlling Officer. The declared place of visit may be changed before the commencement of the journey with the approval of his controlling Officer but it may not be changed after the commencement of the journey except in exceptional circumstances where it is established that the request for change could not be made before the commencement of the journey owing to the circumstances beyond the control of the employee. This relaxation may be made by the Chairman or Dy. Chairman as the case may be.

8. Admissibility of LTC: (1) The Leave Travel Concession shall be admissible to persons of the categories specified in clauses (b), (c) and (d) of sub-regulation (1) OF regulation-3 only if they have completed one year service under the Board on the date of journey performed by him or his family, as the case may be, to avail of the concession.

(2) The leave travel concession shall be admissible during any period of leave, including casual leave and special casual leave.

(3) Where both the husband and wife are employees of the Board the concession shall be admissible to the family on the scale admissible to the husband or wife but not both.

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9. Types of Leave Travel Concession:- (a) The leave travel concession to home town shall be admissible irrespective of the distance between the headquarters of the employees and his home town once in a block of two calendar years, such as 1992 – 93, 1994-97 and son on.

(b) The leave travel concession to any place in India shall be admissible irrespective of the distance of the place of visit from the headquarters of the employee, once in a block of four calendar years, such as 1990-93, 1994-97 and so on.

Provided that in the case of an employee to whom leave travel concession to home town is admissible, the leave travel concession to any place in India availed of by him shall be in lieu, of and adjusted against the leave travel concession to home town available to him at the time of the commencement of the journey;

(c) An employee whose family leaves away from him at his home town may, in lieu of all concessions under this scheme, including the leave travel concession to visit any place in India once in a bloc of our year which would otherwise be admissible to him and members of his family choose to avail of leave travel concession for self only to visit the home town every year.

10. Counting of L.T.C. against particular blocks: An employee and member of his family availing of Leave Travel Concession may travel in different groups at different times during a block of two or your years, as the case may be. The concession so availed of will be counted against the block of two years or four years within which the outward journey commenced, even if the return journey was performed after the expiry of the block of two years of four years. This will apply to availing of leave travel concession carried forward in terms of Regulation-II.

11. Carry over of Leave Travel Concession: An employee who is unable to avail of the leave travel concession within a particular block of two years or four years may avail of the same within the first year of the next block of two year or four years. If an employee is entitled to Leave Travel Concession to Home Town, he can carry forward the Leave Travel Concession to any place in India, for a block of four years only if he has carried forward the leave travel concession to home town in respect of the second block of two years within the block of four years.

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12. Place to be visited by employees and members of his family under LTC to any place in India: An employee and each member of his family may visit different places of their choice during a block of four years. It shall not be necessary for members of family of an employee to visit the same place as that visited by the employee himself at any time earlier during the same block.
13. Entitlement (1) Journey by rail: For travel by train under leave travel concession, entitlement to different classes of accommodation shall be as under:-
- (i) Employee in respect of pay of Rs.9,000/- and above but below Rs.12,000/- 2nd AC 2 tier sleeper/ 1st Class/ AC.3 tier in normal trains and 2nd AC 2 tier sleeper in Rajdhani And AC chair car in Shatabdi express.
- (ii) Employees in respect of pay of Rs.5,000/- and above but below Rs.9,000/- 1st class /AC 3 Tier Sleeper/ AC Chair Car in normal trains.

NOTE: (a) Where none of the classes of accommodation is provided in any train connecting the concerned stations by the direct shortest route the employee may travel by A.C. Two tier.

(b) Claim for travel by Rajdhani / Shatabdi trains will be allowed only where journey is actually undertaken by these trains. Both ends of journey should be directly connected by Shatabdi/ Rajdhani trains.

(ii) Employee in respect of pay of less than Rs.5,000/- per annum Second Class sleeper in normal trains.

(2) Journey by Road: The Board's assistance towards the cost of journeys between places not concerned by rail will be admissible to the employee as under:-

(i) Where a public transport system with vehicles running between fixed points, at regular intervals and charging fixed rates exists, the assistance is the fare actually charged by such a system for the appropriate class of accommodation of the transport system, the appropriate class of accommodation of the transport system.

NOTE: Appropriate Class' means as follows:

- (a) Officers entitled to: travel by 1 class on rail By any type of Bus including Super, Deluxe, Deluxe, Express, etc., but excluding Air-conditioned Bus

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- (b) Other Officers: By ordinary bus only. The claims for travel in Express Bus may also be admitted, if the journey is actually performed by such bus on account of non-availability of seats in ordinary bus.
- (ii) For the portion of journey not connected by a recognized public transport system, the assistance shall be on the basis of road mileage at the appropriate scheduled rate as laid down under Government of India order (ii) below S.R. 46.
- (iii) Notwithstanding anything contained in sub-regulation (1) or clauses (i) and (ii) of Sub-regulation (2) where an employee travelling by road takes a seat or seats in a bus, Van or other vehicles operated by Tourism Development Corporation in the Public Sector.
- States Transport Corporation and Transport Services run by other Government or local bodies to visit any place in India, the reimbursement shall be either the actual hire charges or the amount reimbursable on the journey to the declared place of visit had the journey been undertaken by entitled class by rails by the shortest direct route, whichever is less. Reimbursement shall not be admissible for journey by a private car (owned, borrowed or hired, or a bus, van or other vehicle owned by Private operators).
- (3) By Air: The employee may travel by air between places not connected by rail, where an alternative means of travel is either not available or is more expensive.
- (4) In regard to places in territory of India connected by shipping services: The entitlement of an employee to travel by ship will be regulated in accordance with the provisions of S.R. 40.
- (5) Travel between places not connected by any means of Transport: for travel between place not connected by any other means of transport, an employee can avail of animal transport like pony, elephant, camel, etc. In such cases, mileage allowance will be admissible at the same rate as per journeys on transfer.

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Explanation: For the purpose of this Regulation 'Pay' shall mean pay as defined in Fundamental Rule 9 (21) (a) (i) drawn as on the date of commencement of the journey.

- (6) An employee who declares, subject to the satisfaction of the Chairman or Dy. Chairman that his Home Town is outside India, shall be entitled to the concession for visiting Home Town. The Board's assistance in such a case shall be limited to the share of the fares for journeys (i) upto and from the Railways Station by the shortest route, nearest to the home town in India or (ii) the railway station for the nearest port of embarkation/ dis-embarkation in India.

Explanation: In this regulation 'nearest Port' means the Port in India nearest to the home town of the employee.

14. Concession for one way journey: The concession shall be admissible to the members of employees family with reference to the facts existing at the time of the forward and return journeys independently.

(I) Illustration: 1. Entitled to reimbursement in respect of the outward journey only:-

- (i) A dependent son or daughter getting employment or getting married after going to home town or remaining there for prosecution of studies:
- (ii) The family having performed the journey to home town have not intention of completing the return journey from the home town provided the employee forgoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to re-imbusement in respect of return journey only:-

- (i) A newly married wife coming from home town to head quarter's station or a wife who has been living at home town and did not avail herself of the leave travel concession in respect of the outward journey.
- (ii) A dependent son or daughter returning with parents or coming one form home town where he or she has been prosecuting studies or living with grand parents etc.
- (iii) A child who was previously below three or twelve years of age but has completed three or twelve years of age only at the time of the return journey:

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(iv) A child legally adopted by an employee while staying in the home town.

15. LEAVE TRAVEL CONCESSION IN COMBINATION WITH TRANSFER OR TOUR:

- (1) Where an employee going to home town on regular leave proceeds there from on transfer to the new headquarters he may be allowed as his minimum entitlement, transfer travelling allowance admissible under the Regulations. He may be allowed, in addition, leave travel concession under the regulations to the extent the distance from old head quarters to home town and from home town to the new head quarters exceeds the total distance for which transfer travelling allowance is admissible plus 800 Kilometers (320 Kilometers in the case of employees of fourth grade).

Illustration: If 'A' is the old head quarters, 'B' home town and 'C' the new head quarters, the entitlement of the employee on account of leave travel concession will be, distance AB ;us distance BC minus (distance for 320 kilometers, as the case may be)

- (2) In case where the distance for which the concession admissible as above, is negligible, it will be open to the employee not to avail of it at all, he being permitted to avail of it on some other occasion within the block period, subject to the other conditions being fulfilled. The option has to be exercised in respect of self and the members of the family at the time of preferring claim for Transfer Traveling Allowance. When the concession is not availed of, the concession advance, if any, taken by the employee shall be adjusted against his transfer traveling allowance entitlement.
- (3) When an employee proceeds with p[roper prior permission to home town on regular leave from a tour statin and returns to Head Quarters direct home town, travelling allowance as on tour may be allowed to him for the journey from the head quarters to the tour statin from which them employee proceeds to home town and the concession for the journey from tour station to home town and back to head quarters, the tour station being deemed to be the starting point for the onward journey.

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(4) In case employee proceeds to a tour station from home town with proper prior permission and returns to head quarters there from, he may be allowed the concession as admissible under these regulations from head quarter to home town and travelling allowance as on tour from the journey from home town to tour station and back to head quarters.

16. Reimbursement :- Reimbursement under leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route. Cash Reimbursement shall be made on presentation for claims in Travelling allowance bill forms with the usual certificate to the effect that they had actually performed such journeys and travelled by the class of accommodation not lower than the one for which reimbursement is claimed.

Two certificates, one from the Controlling Officer and the other from the employee concerned as at Appendices I and II shall be submitted to the Accounts Officer along with Travelling Allowance bills for travel concession.

17. Forfeiture of claim -- A claim for Reimbursement of expenditure incurred on journey under leave travel concession shall be submitted within three months after the completion of the return journey if no advance had been drawn. Failure to do so will entail forfeiture of the claim and no relations shall be permissible in this regard.

18. Grant of advance and adjustment thereof:-

- i) Advance may be granted to employees to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to 90 per cent of the estimated amount which Board would have to reimburse in respect of the cost of the journey both ways.
- ii) If the family travels separately from the employees, the advance may also be drawn separately to the extent admissible.
- iii) The advance may be drawn both for the forward and return journeys at the time of the commencement of the forward journey, provided the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or ninety days. If this limit is exceeded, then the advance may be drawn for the outward journey only.

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- iv) If the limit of three months or ninety days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded to the Board forthwith.
- v) The advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. However, in cases where reservation can be made sixty five days before the proposed date of the outward journeys and advance is granted accordingly, the employees should produce the tickets within ten days of the drawl of advance, irrespective of the date of commencement of journey.
- vi) Where an advance has been drawn by an employee, the claim for re-imburement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On an employee (s) failure to do so, he shall be required to refund the entire amount of advance forthwith in one lumpsum.
- vii) The advance in respect of temporary employees and their families will be sanctioned subject to the production by them of surety of a permanent employee.
- viii) In cases of advances regulated under these regulations, while issuing the sanction granting the LTC advance, the sanctions should invariably stipulate that in cases where the employees have not properly used and LTC advance in time to the satisfaction of the competent authority or the conditions laid down in the sanction are not complied with or if the rules for granting advances for LTC have been violated a penal interest @2 ½ percent above the rate of interest for purchase of conveyance (other than Motor cars) shall be charged.

19. Fraudulent claim, of leave travel concession:-

- (1) If a decision is taken by the Disciplinary Authority to initiate disciplinary proceedings against an employee on the charge of preferring a fraudulent claim of leave travel concession, such employee shall not be allowed, the leave travel concession till the finalization of such disciplinary proceedings.

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- (2) If the disciplinary proceedings result in imposition of any of the penalties, specified in Regulation 8 of the Visakhapatnam Port Employees' (Classification, Control and Appeal) Regulations, 1968 the employee shall not be allowed the next two sets of the LTC in addition to the set already withheld during the pendency of the disciplinary proceedings. For reasons to be recorded in writing, the controlling authority can also disallow more than two sets of leave travel concession.
- (3) If the employee is fully exonerated of the charge of fraudulent claim of leave travel concession, he shall be allowed to avail of the concession withhold earlier as additional set(s) in future block years but before the normal date of his superannuation.

Explanation – For the purpose of this regulation, leave travel concession to home town and leave travel concession to any place in India as specified in clauses (a) (b) of Regulation 8 shall constitute two sets of the leave travel concession.

20. Interpretation – If there is any doubt regarding any of the provisions in these regulations the matter shall be referred to be Board which shall decide the same.
21. Power to relax – Save as otherwise provided in these regulations, where Chairman or Dy. Chairman is satisfied that the operation of any of these regulations causes undue hardship in any particular case, the Chairman or Dy. Chairman as the case may be, may by order, for reasons to be recorded in writing dispense with or relax the requirements of that Regulation to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.
22. Notwithstanding anything contained in Regulation 13, the Board shall reclassify the pay ranger for the purpose of eligibility of travel from time to time, depending upon the revision of scales of pay or the employees of the Board.
23. Saving -- All the existing instructions of the Govt. which are not contrary to any of the provisions of these regulations and all instructions issued from time to time by the Govt., which cover matters not specifically covered by these regulations, shall continue to be in force until they are amended, modified or cancelled.

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APPENDIX - I

Certificate to be given by the Controlling Office certified:-

- (a) that Shri / Shrimanthi/Kumari (name of the employee) _____ has rendered continuous service for one year or more on the date of commencing the outward journey.
- (b) that necessary entries as required under Regulation-24 of these Regulations have been made in the service book of Shri / Shrimanthi/Kumari_____.

Signature of the Chairman /
Dy. Chairman

APPENDIX - II

Certificate to be given by the employee:-

1. I have not submitted any other claim so far for Leave Travel Concession in respect of myself or my family members in respect of the block two years 19_____and 19_____
2. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my wife with_____ children/ _____ children. This claim is in respect of journey performed by my wife/myself with children/ _____.
3. I have already drawn T.A. for the Leave Travel Concession in respect of a journey performed by me/my/ wife with _____ children _____ children in respect of the block of two years 19_____ 19*_____ by my wife/myself with _____ children _____ Children none of whom availed of the concession relating to that block.

This claim is in respect of the journey performed.

4. I have already drawn T.A. for the Leave Travel Concession in respect of journey performed by me in the year 19_____ in respect of block of two years 19_____ this claim is in respect of the journey performed by me in the year 19_____. This is against the concession admissible once every year in a prescribed block for visiting home town as all the members of my family are living away from my place of work.

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5. The journey has been performed by me/my wife with _____ children
_____ Children to the declared home town viz.,
_____.

6. That my husband / wife is not employed in
That my husband/wife is employed in Board's service and the concession his not
been

_____ Board's service

Availed of by him/her separately for himself or for any of the family members for
the concerned block of two years..

EMPLOYEES

SIGNATURE OF THE

VISAKHAPATNAM PORT TRUST

Administration Department



VISAKHAPATNAM PORT EMPLOYEES' (G.P.F. REGULATIONS, 1993: G.S.R. 704(E)dt.12.11.93.

In exercise of the powers conferred by Section 28 of the M.P.T. Act, 1963 (38 of 1963) the Visakhapatnam Port Trust hereby makes the following Regulations, in supersession of the V.P.E.(GPF) Regulation, 1964 published as G.S.R. No.328, dt.29.2.1964 in Gazette of India, subject to approval of Central Government as required under Section 124 of the aforesaid Act.

1. Short title & Commencement: a) These Regulations may be called Visakhapatnam Port Trust' (General Provident Fund) Regulations, 1993.

(b) They shall come into force from the date of publication of these regulations in the Central Government Gazette.
2. Interpretation: In these regulations unless the context otherwise required:
 - 1) "Accounts Officer" means the Financial Adviser & Chief Accounts Officer of the Board;
 - 2) "Board" "Chairman", "Deputy Chairman" shall have the same meaning as assigned to them in the Major Port Trusts Act, 1963.
 - 3) "Emoluments" means pay, leave salary or subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber and any remuneration of the nature of pay received in respect of foreign service but does not include conveyance allowance, house rent allowance, overtime allowance, cement testing allowance, fee for supervision of floating crafts, diving allowance and ration allowance.

Provided that "emoluments " in respect of the lighterman and Crane (Electric) Drivers shall mean the amount as may be fixed by the Board from time to time;
- 4) 'Employee" means an employee of the Board;
- 5) "Family" means;
 - i) In the case of male subscriber, the wife or wives, parents, children, minor brothers, un-married sisters, deceased son's widow and children, and where no parents of the subscriber is alive, a Paternal grandparent.

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Provided that if a subscriber proves that his wife had been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these Regulations relate unless the subscriber subsequently intimates, in writing to the Accounts Officer that she shall continue to be so regarded.

- ii) In the case of a female subscriber the husband, parents, children, minor brothers, un-married sisters, deceased sons widow and children and where no parents of the subscriber is alive, a paternal grand parent.

Provided that if a subscriber by notice in writing to the Head of Department expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently cancels such notice in writing.

NOTE: "Child" means a legitimate child and includes an adopted child, where adoption is recognized by the personal law governing the subscriber or a ward under the Guardians and Wards Act, 1890 (8 of 1890) who lives with the employee and is treated as a member of the family and to whom the employee has, through a special will, given the same status as that of a natural born child.

6. "Fund" means the Visakhapatnam Port Employees" General Provident Fund.
7. "Leave" means any kind of leave recognized by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations, if any, framed under Section 28 of the Major Port Trusts Act, 1963 whichever may be applicable to the subscriber.
8. "Year" means the financial year.
9. Any other expression used in these regulations which is defined either in the Provident Fund Act, 1925 (19 of 1925), or in the Fundamental Rules of Central Government or the leave Regulations mentioned in sub-regulation (7) (whichever maybe applicable to the subscriber) shall have the meaning as assigned to them in such Act, Rules or regulations.

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10. Nothing in those regulations shall be deemed to have the effect of terminating the existence of the GPF, as therefore existing or of constituting any new Fund.
11. The G.P.F. constituted heretofore shall be deemed to be in force and shall be treated as if constituted and continued under these regulations.

3. Constitution and Management of the Fund:

The fund shall be administered by the Board and shall be maintained in India in rules.

4. Conditions of eligibility:

(1) All permanent employees, other than re-employed persons, and all temporary employees who have rendered continuous service of one year or more on the date of commencement of these regulations shall be required to subscribe to the Fund. Temporary employees whose period of service on the date of commencement to these regulations is less than one year shall be required to subscribe to the Fund from the month following that in which they complete one year's service.

(2) The Board may at its discretion, require any other category of employees to subscribe to the Fund.

(3) Employees who are subscribers to any contributory provident fund shall not be required to subscribe to the Fund.

5. On the commencement of these regulations, the balance, if any, standing to the credit of an employee in the General Provident Fund constituted under the V.P.E. (GPF) Regulations, 1964 shall be credited to the account of the employee under the fund constituted under these Regulations.
6. "Nominations" (1) A subscriber shall at the time of joining the fund, submit to the concerned Head of Department a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death, before that amount has become payable or having become payable has not been paid.

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Provided that a subscriber who has a family at the time of making the nomination shall make such nomination only in favour of a member or members of his family.

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the fund shall, if the amount to his credit in such other fund has been transferred to his credit in the fund, be deemed to be a nomination duly made under this regulation until he makes a nomination in accordance with this regulation.

2) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the fund at any time.

3) Every nomination shall be made in the forms set forth in the first schedule appended.

4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Head of Department. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this regulation.

5) A subscriber may provide in a nomination –

(a) In respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;

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

Provided that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternative nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

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6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (A) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto the subscriber shall send to the Head of Department a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.

7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Head of Department.

(7) Subscriber's account: An account shall be opened in the name of each subscriber in which shall be shown:

- i) His subscriptions;
- ii) Interest, as provided by regulation – 11, on subscriptions; and
- iii) Advances and withdrawals from the fund.

8. Conditions of subscriptions:

1) A Subscriber shall subscribe monthly to the fund except during the period when he is under suspension;

Provided that a subscriber may, at his option, not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay;

Provided further that a subscriber on reinstatement after period passed under suspension shall be allowed the option of paying in one lumpsum, or in instalments, any sum not exceeding the maximum amount of arrear subscriptions payable for the period.

NOTE: A subscriber need not subscribe during the period treated as dies-non.

- (ii) The subscriber shall intimate in writing his election not to subscribe during leave (referred to in the first proviso to sub-regulation (1) of Regulation 8) to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this sub-regulation shall be final.

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- (iii) A subscriber who has under Regulation 22 withdrawn the amount standing to his credit in the fund shall not subscribe to the fund after such withdrawal unless he returns to duty.
- (iv) Notwithstanding anything contained in sub-regulation (i) a subscriber shall not subscribe to the fund for the month in which he quits service unless, before the commencement of the said month, he communicates to the Head of Department in writing his option to subscribe for the said month.

9. Rates of subscription:

- (i) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely:
 - a) It shall be expressed in whole rupees;
 - b) It may be any sum, so expressed not less than six percent of his emoluments and not more than his total emoluments;

Provided that in the case of a subscriber who has previously been subscribing to a contributory provident fund at the higher rate of 0 – 1/3 percent, it may be any sum, so expressed not less than 8 1/3% of his emoluments and not more than his total emoluments.

- c) When an employee elects to subscribe at the minimum rate of 6% or 8 1/3% as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 ps. Counting as the net higher rupee.
- (ii) For the purpose of sub-regulation (i), the emoluments of a subscriber shall be –
 - (a) In the case of a subscriber who was in Board's service on the 31 March, of the preceding year, the emoluments to which he was entitled on that date.

Provided that:

- i) If the subscriber was on leave on the said date, and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

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- ii) If the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had been on duty in India.

- b) In the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the fund.

- iii) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner.
 - a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

 - b) If he was on leave on the 31st March of the preceding year, and elected not to subscribe during such leave, or was under suspension on that date by the deduction which he makes in this behalf, from his first pay bill after his return to duty.

 - c) If he was entered Board's service for the first time during the year, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the fund;

 - d) If he was leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

 - e) If he was on foreign service on the 31st March of the preceding year, by the amount credited by him to the Board's account on account of subscription for the month of April, in the current year.

- iv) The amount of subscription so fixed may be –
 - a) reduced once at any time during the course of the year;

 - b) enhanced twice during the course of the year; or

 - c) reduced and enhanced as aforesaid.

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in sub-regulation (1).

Provided further that if a subscriber is on leave without pay or leave on half pay or half average pay for a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above.

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10. Transfer to foreign service or deputation out of India:

When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the regulations of the fund in the same manner as if he were not so transferred or sent on deputation.

11. Realisation of subscriptions:

i) When emoluments are drawn in India or from an authorized office of disbursement outside India, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves.

ii) When emoluments are drawn from any other sources, the subscriber shall forward his dues monthly to the Accounts Officer;

Provided that in the cases of a subscriber on deputation to a body corporate, owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.

iii) If a subscriber fails to subscribe with effect from the date on which he is required to join the fund or is on default in any month or months during the course of a year otherwise than is provided for in regulation 8, the total amount due to the fund on account of arrears of subscriptions shall, with interest thereon at the rate provided in regulation 12, forthwith be paid by the subscriber to the fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by the authority competent to sanction and advance for the grant of which special reasons are required under sub-regulation (2) of Regulation – 14.

Provided that the subscribers whose deposits in the fund carry no interest shall not be required to pay any interest.

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12. Interest: (i) Subject to the provisions of sub-regulation (5), the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board.

Provided that a subscriber who was previously subscribing to any other provident fund of the Central Government and whose subscriptions, together with the interest thereon, have been transferred to his credit in his fund under regulation 24 shall be allowed interest at 4 percent, if he had been receiving that rate of interest under the rules of such other fund.

ii) Interest shall be credited with effect from last day in each year in the following manner:

a) On the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year interest for twelve months;

b) On sums withdrawn during the current year – interest from the beginning of the current year upto the last day of the month preceding the month of withdrawal;

c) On all sums credited to the subscriber's account after the last day of the preceding year – interest from the date of deposit up to the end of the current year.

d) The total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee)

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall there up on be credited under this regulation in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing to the credit of the subscriber became payable.

iii) In this regulation, the date of deposit shall in the case of a recovery from emoluments be deemed to be the first day of the month in which it is recovered, and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, of it is received by the Accounts Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month:

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Provided that where there has been delay in the drawl of pay of leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the fund, the interest on such subscription shall be payable from the month in which the pay or leave salary of the subscriber was due under the Regulations, irrespective of the month in which it was actually drawn;

Provided further that in the case of an amount forwarded in accordance with the proviso to sub-regulating (ii) of regulation 11, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of the month.

Provided further that where the emoluments for a month after drawn and disbursed on the last working day of the same month, the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

iv) In addition to any amount to be paid under regulation 20, 21 or 22 interest thereon upto the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the month in which such amount, became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

Provided that where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only upto the end of the month preceding the date so intimated, or the date of posting the cheque as the case may be.

Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government or an autonomous organization registered under the Societies Registration act, 1860 (Act 21 of 1860) is subsequently absorbed in such body corporate or organization with effect from a retrospective date for the purpose of calculating the interest due on the fund accumulations of the subscriber the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber become payable subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the fund only for the purpose of awarding interest under this sub-regulation.

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NOTE: Payment of interest on the Fund balance beyond a period of six months may be authorized:

- a) The Head of Accounts Office upto a period of one year and
- b) The Chairman / Dy. Chairman upto any period.

After he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made, and in every such case, the administrative delay involved in the matter shall be fully investigated and action, if any, required, taken.

v) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

vi) The interest on amounts which under sub-regulation (iii) of regulation 11, Regulation 20 or 21 are replaced to the credit of the subscriber in the fund, shall be calculated at such rates as may, be successively prescribed under sub-regulation (i) of this regulation and so far as may be in the manner described in this regulation.

vii) In case a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of the drawl, the over drawn amount, irrespective of whether the over drawl occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest thereon in one lumpsum, or in default, be ordered to be recovered by deduction in one lumpsum, from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emolument till the entire amount together with interest, is recovered. For this sub-regulation the rate of interest to be charged on overdrawn amount would be 2 ½ % over and above the normal rate on provide; fund balance under sub-regulation (i) The interest realized on the overdrawn amount shall be credited to Board's fund.

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13. Transfer from other services: (1) Subject to the sanction of the Chairman / Dy. Chairman in each case, a person who has joined the Board's service from the service of any Government or other employer, may, if he comes a subscriber to the fund, have any amount standing to his credit in a provident fund maintained by the Government, or other employer on the date of his joining the Board's service, transferred to his credit in the fund. The amount so transferred shall carry interest only it shall not entitle the subscriber to any contribution by the Board in respect thereof.

(2) In the event of a subscriber to the Fund being permanently transferred to a service under a government of any other employer, the balance in the provident fund account of the subscriber may, instead of being paid in cash, be transferred to this account with the new employer and there upon these regulations shall cases to apply to him.

(3) The Provident Fund money held in Visakhapatnam Port Trust should continue to earn interest at the normal rate till the date of transfer of the amount.

14. Advance from the Fund : (1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months pay or half the amount standing to his credit in the fund, whichever is less, for one or more of the following purposes.

a) to pay expenses in connection with the illness or confinement or a disability, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him.

b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him in the following cases, namely.

i) For education outside India for academic, technical professional or vocational course beyond the high school stage:

and

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ii) For any medical, Engineering or other technical or specialized course in India beyond the High School stage, provided that the course of study is for not less than 3 years.

c) To pay obligatory expenses on a scale appropriate to the subscribers status which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies.

d) to meet the cost of legal proceedings instituted by or against the subscriber for indicating his position in regard to any allegations made against him in respect or any act done or purporting to be done by him in the discharge of his duty, any member of his family or any person actually dependent upon him, the advance admissible for the same purpose from any other source.

e) to purchase consumer durable such as TV/VCR/CR/VCP/ Washing Machine, Cooking range, geysers, computer etc.,

Provided that the advance under this sub-regulation shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his duty or against the Board in respect of conditions of service or penalty imposed on him.

f) To meet the cost of the subscriber's Defence where he engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on this part.

g) In other cases of acute distress at the discretion of the Chairman.

2. The appropriate sanctioning authority may in special circumstances, sanction the payment to any subscriber of an advance, if it is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1).

3. An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance together with interest thereon.

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4. When an advance is sanctioned under sub-regulation (3) before repayment of last instalment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalments for recovery shall be fixed with references to the consolidated amount.

5. After sanctioning the advance, the amount shall be drawn on an authorization from the accounts officer in case when the application for final payment had been forwarded to the Accounts Officer under clause (ii) of sub-regulation (3) of Regulation (23)

NOTE: (1) For the purpose of this regulation, pay includes dearness pay where admissible.

NOTE: (2) For the purpose of this regulation, the appropriate sanctioning authority shall be the authority that may be authorized by the Board to sanction advances from time to time.

NOTE: 3) A subscriber shall be permitted to take an advance once in every six months under item (b) of sub-regulation (!) of regulation-14 However, the Chairman may on an application by the employee duly explaining the circumstances relax the said proviso.

15. **RECOVERY OF ADVANCE:** An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Chairman or any other Officer authorized to sanction the advance direct but such number shall not be less than 12 unless the; subscriber so elects and more than 24. In special cases where the amount of advance exceeds three months pay of the subscriber under sub-regulation (3) of Regulation 14, the authority sanctioning the advance may fix such number of instalment exceeding to be more than 24, but in no case more than 36. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced if necessary, to admit of the fixation of such instalments.

2) Recovery shall be made in the manner prescribed in Regulation 11 for the realization of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave for 10 days or more in a calendar month which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay, as the case may be. The recovery may be postponed, on the subscriber's written request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

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3) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall with interest at the rate provided in Regulation 12 forthwith be repaid by the subscriber to the fund or in default be ordered by the Accounts Officer to be recovered by deduction from the amounts of the subscriber in a lumpsum or in monthly instalments not exceeding 12 as may be directed by the Chairman or the authority competent to sanction an advance for the grant of which, special reasons are required under sub-Reg.(3) or Regulation 14.

Provided that, before such advance is disallowed, the subscriber shall be given an opportunity to explain to the sanctioning authority in writing and within fifteen days of the receipt of the communication why the repayments shall not be enforced and if an explanation is submitted by the subscriber within the said period of fifteen days, it shall be referred to the sanctioning authority for decision, and if no explanation within the said period is submitted by him the repayment of the advance shall be enforced in the manner prescribed in this sub-regulation.

4) Recoveries made under this regulation shall be credited as they are made to the subscribers account in the fund.

16. Wrongful use of advance: Notwithstanding anything contained in these regulations, if the sanctioning authority has reason to doubt that money drawn as an advance from the fund under Regulation 14 has been utilized for a purpose other than that for which sanction was given to the drawl of the money, he shall communicate the subscriber the reasons for his doubt and require him to explain in writing and within fifteen days of the receipt of such communication whether the advance has been utilized for the purpose for which sanction was given to the drawl of the money. If the sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of fifteen days, the sanctioning authority shall direct the subscriber to repay the amount is question to the fund forthwith or, in default, order the amount to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If, however, the total amount to be repaid be more than half the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments tilt h entire amount is repaid by him

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NOTE: In this regulation the term emoluments, does not include subsistence grant.

17. WITHDRAWALS FROM THE FUND:

1) Subject to the conditions specified therein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-regulation (3) or regulation 14 at any time.

(A) After the completion of fifteen years, of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the fund, for one or more of the following purposes, namely;

a) Meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely.

i) for education outside India for academic, technical professional or vocational course beyond the High School stage and;

ii) for any medical, engineering or other technical or specialized courses in India beyond the High School stage, as indicated in second schedule.

b) meeting the expenditure in connection with the betrothal / marriage of the subscriber or his sons or daughters, and any other female relation actually dependent on him.

c) meeting the expenditure in connection with illness, including where necessary, the travelling expenses, if the subscriber and members of his family or any person actually dependent on him;

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d) meeting the cost of consumer durables such as TV/VCR/VCP/washing machines, cooking range, geysers, computers etc.

(B) During the service of a subscriber from the amount standing to his credit in the fund for one or more of the following purposes, namely.

a) building or acquiring a suitable house or ready built flat for his residence including the cost of the site or any payment towards allotment of a plot or flat by the VUDA, State Housing Board or a house building society.

b) repaying an outstanding amount on account of loan expressly taken for building or requiring a suitable house or ready built flat for his residence;

c) purchasing a house site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose;

d) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber;

e) renovating, additions or alterations or upkeep of ancestral house or a house built with the assistance of loan from Board.

f) Constructing a house on a site purchased under clause (c).

(C) Within 12 months before the date of subscriber's retirement on superannuation from the amount standing to the credit in the fund, without linking to any purpose.

NOTE: A subscriber who has availed himself on an advance under the scheme of the Ministry of Works & Housing for the grant of advance for house building purpose or has been allowed any assistance in this regard from any other source, shall be eligible for the grant of final withdrawal under sub clause (a), (c), (d) and (f) of clause (B) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of Regulation 18.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Board shall be eligible for the grant of final withdrawal under sub-clause (a), (c) and (f) of clause (B) for purchase of a house site or for construction of another house or for acquiring a ready built flat at the place of his duty.

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NOTE(2): Withdrawal under sub-clause (a), (b), (e) or (f) of clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved.

NOTE(3): The amount of withdrawal sanctioned under sub-clause (b) of clause (B) shall not exceed $3/4^{\text{th}}$ of the balance on date of application together with the amount of previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal. The formula to be followed is $3/4^{\text{th}}$ of (the balance as on date plus amount of previous withdrawal (s) for the house in question) minus the amount of the previous withdrawal(s).

NOTE(4): Withdrawal under sub-clause (a) or (d) of clause (B) shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive provident fund money in the nomination made by the subscriber.

NOTE(5): Only one withdrawal shall be allowed for the same purpose under this regulation. But marriage or education of different children or illness or different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (a) or (f) clause (B) for completion of the same house shall be allowed upto the limit laid down under Note (3).

NOTE(6): A withdrawal under this Regulation shall not be sanctioned if an advance under Regulation 14 is being sanctioned for the same purpose and at the same time.

(2) Whenever a subscriber is in a position to satisfy the competent authority about the amount standing to his credit in the Central Provident Fund Account with reference to the latest available statement of General Provident Fund account together with the evidence of subsequent contribution, the competent authority may itself sanctioned withdrawal within the prescribed limits, as in the case of a refundable advance. In doing so the competent authority shall taken into account any withdrawal or refundable advance already sanctioned by it in favour of the subscriber. Where, however, the subscriber is not in a position to satisfy the competent authority about the amount standing to his credit or where there is any

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doubt about the admissibility of the withdrawal applied for, a reference may be made to the Accounts Officer by the competent authority for ascertaining the amount standing to the credit of the subscriber with a view to enable the competent authority to defer mine the admissibility of the amount of withdrawal. The sanction for the withdrawal should prominently indicate the General Provident Fund number and the Accounts Officer maintaining the accounts and a copy of the sanction should invariably be endorsed to that Accounts Officer. The sanctioning authority shall be responsible to ensure that an acknowledgement is obtained from the Accounts Officer that the sanction for withdrawal has been noted in the ledger account of the subscriber. In case the Accounts Officer reports that the withdrawal as sanctioned is in excess of the amount to the credit of the subscriber or otherwise inadmissible, the sum withdrawn by the subscriber shall forthwith be repaid in one lumpsum by the subscriber to the fund and in default of such repayment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in lumpsum or in such number of monthly instalments as may be determined by the sanctioning authority.

3) After sanctioning the withdrawal the amount shall be drawn on an authorization from the Accounts officer in case where the application for final payment had been forwarded to the Accounts Officer under clause (ii) of Sub-regulation (3) of Regulation 23.

18. CONDITIONS FOR WITHDRAWAL: (1) Any sum withdrawn by a subscriber at any one item for one or more of the purposes specified in regulation 17 from the amount standing to his credit in the Fund shall not ordinarily exceed one half of such amount or six months' pay, whichever is less. The sanctioning authority may, however sanction the withdrawal of an amount in excess of this limit upto three fourths of the balance at his credit in the fund having due regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the fund in case of withdrawal under Clause (A) and upto 90% of balance at credit in case of withdrawals under clause (8) of Sub-regulation (1) Regulation 17.

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Provided that in no case the maximum amount of withdrawal for purposes specified in clause (b) of Sub-regulation (1) of Regulation 17 shall exceed the maximum limit prescribed from time to time under the house building advance rules for the grant of advances for house building purposes.

Provided further that the withdrawal admissible under Regulation 17(1), (c) shall not exceed 90% of the amount standing to the credit of the subscriber in the fund.

Provided further that in the case of a subscriber who has availed himself of an advance under the rules for the grant of advances for house building purpose, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this clause, together with the amount of advance taken under the aforesaid schemes or the assistance taken from any other Government source shall not exceed the ; maximum limit prescribed from time to time under the said rules.

NOTE(1): A withdrawal sanctioned to a subscriber under sub-clause (a) of clause(A) of sub-regulation (1) of Regulation 17, may be drawn in instalments, the number of which shall not exceed four in a period of 12 calendar months counter from the date of sanction.

NOTE(2): A Subscriber shall be permitted to make a withdrawal once in every six months under sub-clause (A) of Clause(A) of sub-regulation (1) of Regulation 17. Every such withdrawal shall be treated as a withdrawal for a separate purpose for the purposes of sub-regulation (1) of Regulation 18.

NOTE(3): In case where a subscriber has to pay in instalments for a site or a house or flat purchased, or a house or flat constructed, though the VUDA or a State Housing Board or a house building Co-operative society, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment. Every such payment shall be treated as a payment for a separate purpose for the purposes of sub-regulation (1) of regulation 18.

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2) A subscriber who has been permitted to withdraw money from the fund under regulation 17 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilized for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose, for which it was withdrawn shall forthwith be repaid in one lumpsum by the subscriber to the fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lumpsum or in such number of monthly instalments, as may be determined by the sanctioning authority.

Provided that, before repayment of a withdrawal is enforced under this sub-regulation, the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced and if the sanctioning authority is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days, the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-regulation.

3)(a) A subscriber who has been permitted under sub-clause (a) sub-clause (b) or sub-clause (c) or clause (B) of sub-regulation (!) of Regulation 17 to withdraw money from the amount standing to his credit in the fund, shall not part with the possession of the house built or acquired or house site purchased with the money so withdrawn whether by way of sale, mortgage (other than mortgage to the sanctioning authority), gift, exchange or otherwise, without the previous permission of the sanctioning authority. He shall also not part with the possession of such house or house site by way of exchange or lease for a term exceeding three years, without the previous permission of the sanctioning authority.

(b) The subscriber shall submit a declaration not later than the 31st day of December of every year as to whether the house or the house site as the case may be continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so, required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale mortgage or lease deed and also the documents on which his title to the property is based.

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(c) If at any time before his retirement, the subscriber parts with the possession of the house or house site without obtaining the previous permission of the sanctioning authority he shall forthwith repay the sum so withdrawn by him in lumpsum to the fund, and in default of such repayment, the sanctioning authority shall, after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in a lumpsum or in such number of monthly instalments, as may be determined by it.

NOTE: A subscriber who has taken loan from Board in lieu thereof mortgaged the house or house site to the Board shall be required to furnish the declaration to the following effect, viz.

I do hereby certify that the house or house site for the construction of which or for the acquisition of which I have taken a final withdrawal from the Provident Fund continues to be in my possession but stands mortgaged to Board.

19. **CONVERSION OF AN ADVANCE INTO A WITHDRAWAL:** A subscriber who has already drawn or may draw in future an advance under regulation 14, for any of the purposes specified in sub-regulation (1) of Regulation 17 may convert, at his discretion by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against it into a final withdrawal in his satisfying the conditions laid down in regulation 17 and 18.

NOTE(1): The Head of Department in the case of Class-III & IV employees and the Accounts Officer concerned in the case of Class-I & II subscribers may be asked by the administrative authority to stop recoveries from the pay bills when the application for such conversion is forwarded to the Accounts Officer by that authority. In the case of Class-I & II subscribers, the administrative authority shall endorse a copy of the letter forwarding the subscriber's intimation to the Accounts Officer from where he draws his pay in order to permit stoppage of further recoveries.

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NOTE(2): For the purpose of sub-regulation (1) of Regulation 18, the amount of subscription with interest thereon standing to the credit of the subscriber in the account at the time of conversion plus the outstanding amount of advance shall be taken as the balance. Each withdrawal shall be treated as a separate one and the same principle shall apply in the event of more than one conversion.

20. FINAL WITHDRAWAL OF ACCUMULATION IN THE FUND:

When a subscriber quits the service, the amount standing to his credit in the fund shall become payable to him.

Provided, that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the sanctioning authority repay any amount paid to him from the fund in pursuance of this regulation, with interest thereon at the rate provided in regulation 12 in the manner provided in the proviso to regulation 21. The amount so repaid shall be credited to this account in the Fund.

EXPLANATION (1): A Subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently reemployed, with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post under any other major Port authority (in which he is governed by another set of provident fund rules) and without retaining any connection with his former post. In such a case, his subscriptions together with interest thereon shall be transferred to his account in other fund in accordance with the rules of that fund. The same shall hold good in case of retrenchment by immediate employment whether under the Board or under any other Major Port Authority.

NOTE: Transfers shall include cases of resignations from service in order to take up appointment in another Department of the Central Government or under the State Government without any break and with proper permission of the competent authority. In cases where there has been a break in service it shall be limited to the joining time allowed on transfer to a different station.

The same shall hold good in cases of retrenchments followed by immediate employment whether under the board or under any other Major Port Authority.

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EXPLANATION(2): When a subscriber other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, is transferred, without any break, to the service under a body corporate, owned or controlled by Government, the amount of subscriptions, together with interest thereon, shall not be paid to him it shall be transferred with the consent of that body to his new provident fund account under that body.

Transfers shall include cases of resignation from service an order to take up appointment under a body corporate owned or controlled by Government without any break and with proper permission of the competent authority. The time taken to join the new post shall not be treated as a break in service if it does not exceed the joining time admissible to an employee on transfer from one post to another.

Provided that the amount of subscription together with interest thereon, of a subscriber opting for service under a Public Enterprise may, if he so desires, be transferred to his new Provident Fund Account under the Enterprises if the concerned Enterprise also agrees to such a transfer. If, however, the subscriber does not desire the transfer or the concerned Enterprise does not operate a Provident Fund the amount aforesaid shall be refunded to the subscriber.

21. RETIREMENT OF SUBSCRIBER: When a subscriber while on leave, has been permitted to retire or been declared by a competent medical authority to be unfit for further service, the amount standing to his credit in the Fund shall become payable to him.

Provided that the subscriber, if he returns to duty, shall, except where the Board decides otherwise, repay to the fund, for credit to his account, the amount paid to him from the fund in pursuance of this regulation with interest thereon at the rate provided in Regulation 12 in cash or securities or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (3) of Regulation 14.

22. PROCEDURE ON DEATH OF A SUBSCRIBER: On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made;

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i) When the subscriber leaves a family –

a) If a nomination made by the subscriber in accordance with the provisions of regulation 6 in favour of a member or members of his family subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates shall become payable to his nomination or nominees in the proportion specified in the nomination;

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

Provided that no share shall be payable to ---

- 1) Sons who have attained majority;
- 2) Sons of a deceased son who have attained majority;
- 3) Married daughters whose husbands are alive;
- 4) Married daughters of a deceased son whose husband are alive;

If there is any member of the family other than whose specified in clauses (1), (2), (3), (4);

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

ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of regulation 6 in favour of any person or persons subsists the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

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23. MANNER OF PAYMENT OF AMOUNTS IN THE FUND: (1) When the amount standing to the credit of a subscriber in the fund becomes payable, it shall be the duty of the Accounts Officer to make payment as provided in Sub-regulation(3)

(2) If a person to whom, under these regulations, any amount or policy, is to be paid, assigned or re-assigned or delivered, is a lunatic for whose Estate Manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery shall be made to such Manager and not to the lunatic.

Provided that where no Manager has been appointed and the person to whom the sum of payable is certified by a Magistrate to be a lunatic, the payment shall under the orders of the Collector be made in terms of Sub-section (1) of Section 95 of the Indian Lunacy Act, 1912 to the persons having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependents on him for maintenance.

(3) Payments of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely:-

(a) for the amount standing to his credit in the Fund as indicated in the Accounts statement for the year ending one year prior to the date of his superannuation, or his anticipated date of retirement, or

(b) for the amount indicated in his ledger account in case the accounts statement has not been received by the Subscriber.

(i) The Head of Department shall forward the application to the Accounts Officer indicating the recoveries effected against the advance which are still current and the number of instalments yet to be recovered and also indicate the withdrawals, if any, taken by the subscriber after the period covered by the last statement of the subscriber's account sent by the Accounts Officer

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(ii) The Accounts Officer shall, after verification with the ledger account, issue an authority for the amount payable to the subscriber at least a month before the date of superannuation but payable on the date of superannuation.

(iii) The authority mentioned in clause (iii) will constitute the first instalment of payment. A second authority for payment will be issued as soon as possible after superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the details forwarded by the Heads of Department under clause (ii) plus the refund of instalments against advances which were current at the time of the submission of details by the Heads of Department.

(iv) After forwarding the details referred of clause (ii) for final payment to the Accounts Officer, advance/withdrawal may be sanctioned but the amount of advance / withdrawal shall be drawn on an authorization from the Accounts Officer concerned who shall arrange this as soon as the formal sanction of sanctioning authority is received by him.

NOTE: When the amount standing to the credit of a subscriber has become payable under Regulation 20, 21 or 22 the Accounts Office shall authorize prompt payment of the amount in the manner indicated in Sub-regulation (3).

24. PROCEDURE ON TRANSFER OF AN EMPLOYEE FROM ONE MAJOR PORT TO ANOTHER:

a) If an employee who is a subscriber to the Fund is permanently transferred to pensionable service in any other Major Port in which he is governed by similar regulations, the amount of subscription, together with interest thereon standing to his credit in the Fund on the date of transfer shall be transferred to his credit in the fund of such Major Port.

Provided that where the rules so require, the consent of the Major Port authority concerned shall be obtained.

b) If an employee who is a subscriber to the State Railways Provident Fund or any other contributory Provident Fund of the Central Government or a State Contributory Provident Fund is permanently transferred to pensionable service in a Department of Major Port in which he is governed by these regulations and unless such a subscriber elects to continue to be governed by the rules of such fund, when such an option as given –

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- i) the amount of subscriptions with interest thereon, standing to his credit in such contributory Provident Fund on the date of transfer shall with the consent of the concerned authority, if any, be transferred to his credit in the fund;
- ii) The amount of contributions, with interest thereon, standing to his credit in such Contributory Provident Fund shall, with the consent of the concerned authority, if any, be credited to the credit of that fund.
- iii) He shall thereupon be entitled to count towards pension, service rendered prior to the date of permanent transfer to the extent permissible under the relevant pension Regulations.

NOTE:1 The Provisions of this regulation do not supply to a subscriber who has retired from service and is subsequently re-employed with or without a break in service, or to a subscriber who was holding the former appointment on contract.

NOTE:2 The provision of this regulation shall, however, apply to persons who are appointed without break, whether temporarily or permanently to a post carrying the benefits of these regulations after resignation or retrenchment from service under another Major Port.

25. PROCEDURE ON TRANSFER TO BOARD SERVICE OF A PERSON FROM THE SERVICE UNDER A BODY CORPORATE OWNED OR CONTROLLED BY GOVERNMENT.

If an employee admitted to the benefit of the fund was previously a subscriber to any Provident Fund of a body corporate owned or controlled by Government, the amount of his subscriptions and the employer's contribution, if any, together with the interest thereon shall be transferred to the credit in the Fund with the consent of that body.

26. TRANSFER OF AMOUNT TO CONTRIBUTORY PROVIDENT FUND (INDIA).

If a subscriber to the fund is subsequently admitted to the benefit of a contributory provident fund under the Board, the amount of his subscriptions in the Fund, together with interest thereon, shall be transferred to the credit of his account in the contributory provident fund (India).

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NOTE: The provisions of this regulation shall not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying contributory provident fund benefits.

27. RELAXATION OF THE PROVISIONS AND REGULATIONS IN INDIVIDUAL CASES:

When the Board is satisfied that the operation of any of these regulations causes or is likely to cause undue hardship to a subscriber, the Board may, notwithstanding anything contained in these regulations, deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

28. NUMBER OF ACCOUNT TO BE QUOTED AT THE TIME OF PAYMENT OF SUBSCRIPTIONS:

When paying a subscription in India, either by a deduction from emoluments or in cash, a subscriber should quote the number of his account in the fund which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

29. ANNUAL STATEMENT OF ACCOUNTS TO BE SUPPLIED TO SUBSCRIBER:

- 1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his account in the fund showing the opening balance as on the 1st April of the Year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the Statement of account an enquiry whether the subscriber –
 - a) desires to make any alteration in any nomination made under Regulation – 6 ;
 - b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under Regulation – 6;
- 2) Subscribers shall satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within three months from the date of receipt of the statement.

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- 3) The Accounts Officer shall, if required by a subscriber, once but not more than once, in a year inform the subscriber of the total amount standing in his credit in the Fund at the end of the last month for which his account has been written up.

30. CENTRAL GOVERNMENT RULES TO BE FOLLOWED IN THE APPLICATION OF THESE REGULATIONS.

In applying these regulations and in respect of matters not dealt with the Regulations, the provision contained in G.P.F. (Central Services) Rules, 1960 and the orders / instructions etc., of the Central Government issued there under from time to time, shall be followed in so far as they are not inconsistent with the provision of these Regulations, subject to such exceptions and modifications as the Board may from time to time determine.

31. REPEAL: The Visakhapatnam Port Employees' (GPF) regulations, 1964 are hereby repealed.

32. INTERPRETTAION OF REGULATION: If any question arises to the interpretation of these Regulation, the same will be decided by the Board.

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FORM – I

VISAKHAPATNAM PORT TRUST
FIRST SCHEDULE (REGULATION-6)

FORM OF NOMINATION

Account No. _____

I, _____ hereby nominate the person(s) mentioned below who is / are Members (S) / Non-members(s) of my Family as defined in Regulation-2(5) of Visakhapatnam Port Employees' (General Provident Fund) Regulations, 1993, to receive the amount that may stand to my credit in the Fund as indicated below in the event of my death before, that amount has become payable or having become payable has not been paid.

Name and full address of the nominee(s)	Relation ship with the subscriber	Age of the nominee(s)	Share payable to each nominee	Contingencies on the happening of which the nomination will become invalid	Name, address and relation ship of the person(s), if any, to whom the right of nominee shall pass in the event of his, her predeceasing the subscriber	If the nominee is not a member of the Family as provided in Regulation-2(5) indicate the reasons
1	2	3	4	5	6	7

Dated this _____ day of 20____ at _____

SIGNATURE OF THE SUBSCRIBER _____

Two witness to signatures

NAME IN BLOCK LETTERS _____

Name and address

DESIGNATION _____

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Space for use by the Head of Department / Accounts Office.

Nomination by Shri/Smt.Kum. _____ Designation _____

Date of receipt of Nomination _____

SIGNATURE OF HEAD OF
DEPT./ ACCOUNTS OFFICER _____
DESIGNATION _____
DATE _____

Instructions of Subscriber:

- a) Your name maybe filled in
- b) Name of the fund may be completed suitably.
- c) Definition of term "Family" as given in the Visakhapatnam Port Employees' (General Provident Fund) Regulations, 1993 is reproduced below:

Family means --

- (i) In the case of male subscriber, the wife or wives, parents, children Minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grandparent.

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall hence forth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded;

- (ii) In the case of family subscriber, the husband, parents, children, minor brothers unmarried sisters, deceased sons widow and children and where no aren't of the subscriber is alive, a paternal grandparent.

Provided that is a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels such notice in writing.

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NOTE: "child" means legitimate child and includes and adopted child where adoption is recognized by the personal law governing the subscriber.

- d) Col.4: If only one person is nominated, the words 'in full' should be written against the nominee. If more than one person is nominated, the share payable to each nominee over the whole amount of the Provident Fund shall be specified.
- e) Col.5: Death of nominee(s) should not be mentioned as contingency in this column.
- f) Col.6: Do not mention your name.
- g) Draw line across the blank space below last entry to prevent insertion of any name after you have signed.

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SECOND SCHEDULE (REGULATIONS 14 & 17)

...

Particulars of the courses of study for which advances / withdrawals may be given.

- a) Diploma course in the various fields of Engineering and Technology, e.g. Civil Engineering, Mechanical Engineering, Electrical Engineering, Tele-communication/ Radio Engineering, Metallurgy, Automobile Engineering, Textile Technology, Leather Technology, Printing Technology, Chemical Technology, etc. etc. conducted by recognized Technical Institutions.
- b) Degree course in the various fields of Engineering and Technology, e.g. Civil Engineering, Mechanical Engineering, Electrical Engineering,, Tele-Electrical Communication Engineering, and Electronics, Mining Engineering, Metallurgy, Aeronautical Engineering, Chemical Engineering, Chemical Technology, Textile Technology, Leather Technology, Pharmacy, Ceramics etc., etc. conducted by Universities and recognized Technical Institutions.
- c) Post-graduate courses in the various fields of Engineering and Technology conducted by the Universities and Recognized Institutions.
- d) Degree and Diploma courses in Architecture, Town Planning and Allied fields conducted by recognized Institutions.
- e) Diploma and certificate courses in commerce conducted Recognized Institutions.
- f) Diploma courses in the Management conducted by recognized Institutions.
- g) Degree courses in Agriculture, Veterinary Science an allied subjects conducted by Recognized Universities and Institutions.
- h) Courses conducted by Junior Technical Schools.
- i) Courses conducted by Industrial training Institutes under the Ministry of Labour & Employment (DGE&T)
- j) Degree and Diploma courses in Arts, Applied Art and allied subjects conducted by Recognized Institutions.
- k) Draftsmanship courses by Recognized Institutions.
- l) Medical Courses (including Allopathic, Homeopathic, Ayurvedic and Unani systems) conducted by Recognized Institutions.

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- m) B.Sc. (Home Science) courses
- n) Diploma course in Hotel Management conducted Recognized Institutions.
- o) Degree and post-graduate courses in Home science.
- p) Pre-professional course in Medicine if part of regular 5 years course in medicine.
- q) Ph.D in Biochemistry.
- r) Bachelor and Master degree courses in Physical education
- s) 5 years Degree, 3 years degree and post-graduate course in Law
- t) 'Honours' course in 'Microbiology'.
- u) Associate-ship of the Institute of Chartered Accountants
- v) Associate-ship of the Institute of Costs and Works Accountants.
- w) Degree and Masters course in Business Administration or Management.
- x) Diploma course in Hotel Management
- y) M.Sc. Course in Statistics.
- z) Any Computer course

NOTE: Payment of initial charges for admission to the National Academy, Khadakvasala will also qualify for advance or final withdrawals.

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F O R M - 2 (See Regulation 24)

Form of Application for Final Payment / Transfer to Corporate bodies / Other Governments of balances in the _____ Provident Fund Account.

To

The F.A.&C.A.O.,

(Through the Head of Deptt.)

Sir,

I am to retire/ have retired/ have been discharged / dismissed / have been permanently transferred to _____/have resigned finally from Board service / have resigned service under Board to take up appointment with _____ and my resignation has been accepted with effect from _____ forenoon/ afternoon. I joined service with _____ on _____ forenoon/ afternoon.

2. My Provident Fund Account No. is _____.

3. I desire to receive payment through my office/ through the Accounts Department. Particulars of my personal marks of identification, left hand thumb and finger impressions (in the case of illiterate subscribers) an specimen signature (in the case of literate subscribers) in duplicate, duly attested by a Class-I Officer of the Board are enclosed.

P A R T – I

(To be filled in when the application for final payment is submitted up to one year prior to retirement)

4. I request that the amount of Rs. _____ standing in the credit in my Provident Fund Account as indicated in the Accounts Statement issued to me for the year _____ (Enclosed) / as appearing in my ledger account being maintained by Accounts Department may please be arranged to be paid to me as first installment of final payment.

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5. After payment of the first instalment of my Provident Fund balance, I will apply for the payment of subsequent instalments in Part-II of the Form immediately on retirement.

Yours faithfully,

Station:

Signature:

Name:

Date:

Address:

This applies only when payment is not desired through the Head of Department.

(FOR USE BY HEADS OF DEPARTMETNS)

Forwarded to the FA & CAO for necessary action.

2. The Provident Fund Account No. of Shri/Shrimathi/Kumari (as certified from the statements furnished to him/her from year to year) is _____
3. He/ She is due to retire from Boards Service on _____
4. Certified that he / she had taken the following advances in respect of which _____ instalment of Rs. _____ are yet to be recovered and credited to the Fund Account. The details of the final withdrawals granted to him/ her are also indicate below.

Temporary Advances

Final Withdrawals

- 1.
- 2.
- 3.
- 4.

Signature of the Head of Department

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PART - II

(To be submitted by the Subscriber immediately after his retirement. This Part is also applicable in the case of subscribers who apply for final payment for the first time after the date of superannuation, discharge, resignation, etc.,).

In continuation of my earlier application, dated for the final payment of Provident Fund balance, I request that the entire balance at my credit with interest due under the rules may be paid to me.

OR

I request that the entire amount at my credit with interest due under the rules may be paid to me/ transferred to_____.

Signature :

Name :

Address :

(FOR USE BY HEAD OF DEPARTMENTS)

Forwarded to the FA&CAO, for necessary action/ in continuation of Endorsement No._____ Dt._____.

2. He/ She has finally retired/ has been discharged/ dismissed/ has been permanently transferred to_____ / has resigned finally from Boards Service / has resigned service under Board to take up appointment with_____ and his/ her registration has been accepted with effect from_____ forenoon/ afternoon. He joined service with _____ on _____ forenoon/ afternoon.
3. The last fund deduction was made form his/ her pay in this office Bill No._____ dt._____ for Rs._____ (Rupees_____) cash voucher No._____ Dt._____ the amount of deduction being Rs._____ and recovery on account of refund of advance Rs/_____ and V.P.F. _____.

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4. Certified that he/ she was neither sanctioned any temporary advance or any final withdrawal from his/ her Provident Fund Account during the 12 Months immediately preceding the date of his/her quitting service under Board.

OR

Certified that the following temporary advances/ final withdrawals were sanctioned to him/ her and drawn from his/ her Provident Fund Account during the 12 months immediate preceding.

The date of his / her quitting service under Board.

<u>AMOUNT OF ADVANCE / WITHDRAWAL</u>	<u>DATE</u>	<u>VOUCHER NO.</u>
---------------------------------------	-------------	--------------------

- 1.
- 2.
- 3.
- 4.

5. Certified that no amount was withdrawn the following amounts were withdrawn from his/ her Provident Fund Account during the twelve months immediately proceeding the date of his / her quitting service under Board for payment of Insurance premium or for the purchase of a new policy.

<u>AMOUNT</u>	<u>DATE</u>	<u>VOUCHER NO.</u>
---------------	-------------	--------------------

- 1.
- 2.
- 3.
- 4.

5. It is certified that no demands/ following demands of Board are due for recovery.

6. Certified that he/ she has not resigned from Boards service with its prior permission to take up an appointment in another Major Port Department or department of the Central Government or under a State Government or under a body corporate owned or controlled by the State.

SIGNATURE OF HEAD OF DEPARTMENT

-
- @ Certificate No.6 to be furnished in the case of contributory Provident Fund only.
@@ Please score out if not necessary.

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(See Regulation 22)

F O R M - 3

Form of application for final payment of balance in the Provident Fund Account of a SUBSCRIBER to be used by the nominee or any other claimants where no nomination subsists.

To
The F.A. & C.A.O.

(Through the Head of the Department)

Sir,

It is requested that arrangements may kindly be made for the payment of the accumulations in the _____ Provident Fund Account of Shri/Smt._____.

The necessary particulars required in this connection are given below:

1. Name of the employee
2. Date of Birth ...
3. Post held by the employee ...
4. Date of Birth ...
5. Proof of death in the form of a death certificate issued by the Municipal Authorities, etc., if available
6. Provident Fund Account No. allotted to the subscriber
7. Amount of Provident Fund standing to the credit of the subscriber at the time of his death, if known ...
8. Details of the nominee alive on the date of death of the subscriber if a nomination subsists ...

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- | | Name of the nominee | Relationship with the subscriber | Shares of the nominee |
|----|---------------------|----------------------------------|-----------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

9. In case the nomination is in Favour of a person other than A member of the family, the Details of the family if the Subscriber subsequently Acquired a family.

- | | Name of the nominee | Relationship with the subscriber | Age on the date of death |
|----|---------------------|----------------------------------|--------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

10. In case no nomination subsists, the details of the surviving members of the family on the date of death on the subscriber. In the case of a daughter or of a daughter of a deceased son of the subscriber, married before the death the death of the subscriber, it should be stated against her name whether her husband was alive on the date of death of the subscriber.

- | | Name of the nominee | Relationship with the subscriber | Age on the date of death |
|----|---------------------|----------------------------------|--------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

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11. In the case of amount due to a minor
Child whose mother (widow of subscriber)
Is not a Hindu, the claim should be
Supported by Indemnity Bond or Guardianship
Certificate, as the case may be
12. If the subscriber has left no family and no
Nomination subsists, the names of persons
To whom the Provident Fund money is payable
(to be supported by letter or probate or
Succession certificate, etc.)

	Name of the nominee	Relationship with the subscriber	Address
1.			
2.			
3.			

13. Religion of the Claimants (s) ...

*14. The payment is desired through the office of FA&CAO/ through the department. In this connection the following documents duly attested by Class-I Officer on service are attached:-

- i) Personal marks of identification ..
- ii) Left/ Right hand thumb or finger impressions (in the case of illiterate claimants)..
- iii) Specimen signatures in duplicate (in the case of literate claimants) ...

Yours faithfully,

Station _____

(Signature of Chairman)

Date: _____

(Full name and address)

*This applies only when payment is not desired through the Head of Department.

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(FOR USE OF HEAD OD DEPARTEMNT)

Forwarded to the F.A.&C.A.O. _____ for necessary action. The particulars furnished above have been duly verified.

2. The Provident Fund Account No. _____ of Shri/Smt./Kum. _____ (as verified from the annual statement furnished to him/her is _____)

3. He/She died on _____. A death certificate issued by the Municipal Authorities has been produced/ is not required in this cae as there is no doubt about his/ her death.

4. The last fund deduction was made from his/her pay for the month of _____ drawn in this office bill No. _____ dated _____ for Rs. _____ (Rupees _____) (Cash voucher No. _____ Dt. _____ the amount of deduction being Rs. _____ and recovery, on account of Refund of advance of Rs. _____ and V.P.T. of Rs. _____.

5. Certified that he/she was neither sanctioned any temporary advance for any final withdrawal from his/her Provident fund account during the 1 months immediately proceeding the date of his/her death.

OR

Certified that the following temporary advances / final withdrawals were sanctioned to him/her and drawn from his/her Provident Fund Account during the 12 months immediately preceding the date of his/ her death.

	Amount of Advances/ withdrawals	Date and place of encashment	Voucher number
1.	_____	_____	_____
2.	_____	_____	_____

7. It is certified that no demand _____ of Board is / are due for recovery.

Following demands

(Signature of the Head of Department)

NOTE: Certificate No.6 to be furnished in the case of C.P.F. only.

VISAKHAPATNAM PORT TRUST

Administration Department



F O R M – 4 (See Regulation 14)

Proforma for application for advance from Provident Funds

Department of _____

Application for Advance from _____
(Here enter the name of Fund)

1. Name of the subscriber :
2. Account Number (with Departmental suffix) :
3. Designation :
4. Pay : Rs.
5. Balance at credit of the subscriber on the date of application as below :
 - i) Closing balance as per statement for the year : Rs.
 - ii) Credit from _____ to _____ on account of monthly subscription : Rs.
 - iii) Refunds : Rs.
 - iv) Withdrawals during the period from _____ to _____ : Rs.
 - v) Net balance at credit : Rs.
6. Amount of advance / outstanding, if any, and the purpose for which advance was taken by them. Amount of advance taken Rs. _____
Balance outstanding as on date} Rs. _____
7. Amount of advance required : Rs.
8. a) Purpose for which the advance is required :
b) Rules under which the request is covered :
c) If advance is sought for House Building, etc. following information may be given :
 - i) Location and measurement of the plot :
 - ii) Whether plot is freehold or on lease :
 - iii) Plan for construction :

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Administration Department



- iv) If the flat or plot being purchased is from a H.B. Society, the name of the Society, the location and measurements, etc. :
- v) Cost of construction :
- vi) If the purchase of flat is from VUDA or any Housing Board, etc., the location dimension, etc., may be given :
- (d) If advance is required for education of children, following details may be given :
- i) Name of the son/ daughter :
- ii) Class and Institution / College whether studying :
- iii) Whether a day scholar or a hostler :
- (e) If advance is required for treatment of ailing family members, following details may be given :
- i) Name of the patient and relationship :
- ii) Name of the Hospital/ Dispensary/ Doctor where the patient is undergoing treatment :
- iii) Whether outdoor/ indoor patient :
- iv) Whether reimbursement available or not :
- NOTE:- In case of advance under B (c) to B (e), no certificate or documentary evidence would be required.
9. Amount of the consolidated advance (items 6, 7) and number of monthly installments in which the consolidated advance is proposed to be repaid : Rs, _____ installment.
10. Full particulars of the pecuniary circumstances of the subscriber, justifying the application for the advance.

I certify that particulars given above are correct and complete to the best of my knowledge and belief and that nothing has been concealed by me.

Signature of the Applicant:
Name:
Designation:
Department:

Date:

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Proforma for sanction of advance from Provident Funds:

No.
Department /
Office

ORDER

Sanction of the _____ is hereby accorded under Regulation _____ of _____ for the grant of an advance of Rs. _____ (Rupees _____ only) to Shri/Smt./Kum. _____ from his/her GPF Account No. _____ to enable his/ her to defray express on _____.

2. The advance will be recovered in _____ monthly installment of Rs. _____ each, commencing from the salary for the month of _____ payable in _____.

3. A sum of Rs. _____)Rupees _____ only) out of advance of Rs. _____ sanctioned in _____ and paid to him/ her in _____ will be outstanding till the commencement of the recovery of the consolidated amount as specifying below. This amount together with the advance now sanctioned aggregating to Rs. _____ will be recovered in _____ monthly instalments of Rs. _____ each commencing from the salary for the month of _____ in payable in _____.

4. The balance at the credit of Shri. _____ as on _____ is detailed below.

- | | | |
|------|--|-----------|
| i) | Balance as per account slip for the year | Rs. _____ |
| ii) | Subsequent deposits and refund of advance at the rate PM from _____ to _____ | Rs. _____ |
| iii) | Total of Co. (i) and (ii) | Rs. _____ |
| iv) | Subsequent withdrawals, if any | Rs. _____ |
| v) | Balance as on date of sanction Co. (iii)& (iv) | Rs. _____ |

SANCTIONING AUTHORITY

To _____

VISAKHAPATNAM PORT TRUST

Administration Department



FORM - 5

(Regulation - 17)

Proforma for application for withdrawal from Provident Funds

Department of _____

Application for withdrawal from _____

(Here enter the name of Fund)

1.	Name of the subscriber	:	
2.	Account Number	:	
3.	Designation (with departmental suffice)	:	
4.	Pay	:	
5.	Date of joining service and the date of superannuation	:	
6.	Balance at credit of the subscriber on the date of application as below	:	
	i) Closing balance as per statement for the year _____	:	
	ii) Credit from _____ to _____ on account of monthly subscriptions	:	
	iii) Refunds made to the fund after the closing balance, vide (i) above	:	
	iv) Withdrawal during the period from _____ to _____	:	
	v) Net balance at credit on date of application	:	
7.	Amount of withdrawal required	:	
8.	a) Purpose for which the withdrawal is required	:	
	b) Rule under which the request is covered	:	
9.	Whether any withdrawal was taken for the same purpose earlier, if so, indicate the amount and the year	:	
10.	Name of the Accounts Officer maintaining the provident Fund account	:	

Signature of Applicant

Name;

Designation:

Department:

Date

VISAKHAPATNAM PORT TRUST

Administration Department



Proforma for sanctioning withdrawals from Provident Funds

No. _____

Department of _____

To

_____ (Name of Accounts Office maintaining the provident fund account _____)

Subject: Withdrawal from the _____ (here enter the name of the fund) by Shri _____.

Sir,

I am directed to convey sanction of the _____ under Regulation of the _____ Regulations _____ to the withdrawal by Shri _____ (here enter the designation) of sum of Rs. _____ (Rupees _____ only) from his _____ Fund Account Rs. _____ (with departmental suffix) to enable him to meet expenditure.

2. The amount of withdrawal does not exceed six months pay of Shri _____ Fund half the amount at his credit/ subscription in the _____ Fund Account, which ever is less/ three fourths of the amount at the credit/ subscription of Shri _____ (as defined in FRs).

3. It is certified that Shri _____ is within 10 years of his retirement on superannuation / has completed twenty/ twenty five years of his Boards service on _____

4. It is also certified that the total amount drawn, including the withdrawal from the GPF from all Board sources by Shri _____ for house building purposes does not exceed the maximum limit prescribed from time to time under Rules 2(a) and 3(b) of the scheme of the Ministry of works and Housing for grant of advances for house building purposes.

5. The balance at the credit of Shri _____ as on _____ is detailed below:

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- i) Balance as per account slip for the year _____ Rs. _____
- ii) Subsequent deposits and refunds of advance at the rate Rs. _____
Pm. from _____ to _____
- iii) Total of col. (i) and (ii) Rs. _____
- iv) Subsequent withdrawals, if any Rs. _____
- v) Balance as on date of sanction Col. (iii) & (iv) Rs. _____

6. Shri. _____ was last sanctioned a part-final withdrawal by this office for an amount of Rs. _____ vide _____ after the accounts statement for the year _____ *Shri _____ is understood (as stated by him_ to have been last sanctioned a part-final withdrawal of Rs. _____ by _____.

Yours faithfully,

Sanctioning Authority

Copy forwarded to:

- 1.
2. Shri _____ His attention is drawn to the rovisions of the Regulations of V.P.E. (G.P.F.), Regulations, 1993 according to which a subscriber who has been permitted to withdrawal money from the fund should satisfy the sanctioning authority that the money has been utilized for the purpose for which it was withdrawn. A certificate to the effect that the withdrawal sanctioned above has been utilized for the purpose for which it has been sanctioned may therefore, please be furnished within _____ months of the drawl of the money.
3. Account Officer

-
- The alternative certificate is to be recorded in the sanctions of those subscribers in whose case the particulars of last sanction for part-final withdrawal, are not available with the office for reasons such as transfer of an employee from another office. etc.,

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FORM – 6

(See Regulation – 19)

Form of Application for conversion of an advance into a final withdrawal:

1.	Name of the Subscriber	:	
2.	Designation an Office to which attached	:	
3.	Pay	:	
4.	Name of the Provident Fund and Account Number	:	
5.	Balance at credit on the date of application (amount actually subscribed by him along with interest due thereon in the case of G.P.F. Subscriber).	:	
6.	(a) Balance outstanding to be converted into a final withdrawal	:	
	(b) Interest due on the amount of advance taken	:	
7.	(a) Purpose for which advance taken	:	
	(b) Date of payment of the advance	:	
	(c) Amount of advance sanctioned	:	
8.	Particulars of communication under which advance was sanctioned	:	
9.	Whether any advance or final withdrawal has been drawn previously for the purpose mentioned above. If so, particulars thereof	:	
10.	(a) Total service, including broken periods, if any, on date of this application	:	
	(b) Period of service left on the date of application for attaining the age of superannuation.	:	
	(c) The date of Superannuation	:	

Place:

SIGNATURE OF THE APPICANT

Date:

Date:

No.

The above particulars have been verified to be correct.

Signature & Designation

Of recommending authority :

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NOTIFICATION

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Port of Visakhapatnam hereby makes the following Regulations:

1. Short title and commencement: These Regulations may be called the Visakhapatnam Port Employees (Grant of Advances for purchase of conveyances) Regulations, 1993.

They shall come into effect from the date of publication in the Official Gazette.

2. Definitions: In these Regulations, unless the context otherwise requires:-

a) "Accounts Officers" means the Financial Adviser and Chief Accounts Officer of the Visakhapatnam Port Trust.

b) "Board", "Chairman", "Deputy Chairman" and "Head of Department" shall have the same meanings as assigned to them respectively in the Major Port Trusts Act, 1963 (38 of 1963).

c) "Class-I post" shall mean any of the following:

a) i) All posts of Heads of Department.

ii) All posts carrying pay or scale of pay (excluding of allowances), the maximum of which is Rs.15100/- per month or more.

iii) Any other posts not covered by (a) and (b) above especially declared to be Class-I posts by the Board.

b) Class II post shall mean the following: All posts carrying pay or scale of pay (excluding allowances) the maximum of which is Rs.14,600/- per month or more.

c) Class-III & IV employees shall mean all posts carrying pay or scale of pay (excluding allowances) the maximum of which is rs.11,975/- in respect of Class-III post and Rs.6860/- in the case of Class-IV.

d) "Pay" means the amount as defined in rule 9 (21) (a) of the Fundamental Rules drawn monthly by an employee excluding allowances and any other emoluments specially classified as pay by the Visakhapatnam Port Trust for the purpose of this rule.

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- e) "Employee" means an employee of the Board.
- f) "Conveyance/ Personal Computers" means motor Car / Motor Cycle/ Scooter, Moped, Bicycle and Personal Computer.
3. Extent of Application: (1) All Employees appointed to the services or posts, under the Board shall be eligible to an advance under these Regulations.
- 2) These Regulations shall not apply to:-
- a) Persons in Casual or Part-time employment
- b) Persons on deputation from the Central or a State Government or any other source:
- c) Persons employed on contract except when the contract provided otherwise:
- d) Temporary employees who do not substantively hold an appointment under the Board
except as provided for under Regulation – 4.
- 4) Advance to temporary employees: An advance may be granted to an employee for the purchase of a conveyance / personal computer who is not confirmed, but, if it is certified by his Head of Department that he is likely, in due course, to be absorbed in a permanent cadre under the Board, provided that the said employee furnished along with his application a surety bond in the form prescribed in Annexure – I to these Regulations from an employee holding a substantive appointment under the Board and having a status comparable to or higher than that of the employee who applied for the advance.
- 5) Advance not to be granted to employee under suspension: Notwithstanding any thing contained in regulation 6, an advance for the purpose of a conveyance / personal computer shall not be granted to an employee who is under suspension and, if an advance has already been sanctioned to him before he was placed under suspension, the payment of such advance shall not be made to him during the period of his suspension.

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6) Conditions of Eligibility:

1) An employee may be granted an advance for the purchase of a conveyance of his duties which involves travelling and if the authority competent to sanction the advance is satisfied that the possession of a conveyance/ personal computer would be useful to the employee in the discharge of his official duties and that the employee has the capacity to repay the advance and maintain the conveyance in good running condition.

2) The advance for the purchase of a motor car shall be granted to these employees holding Class-I post whose basic pay is in the scale the maximum of which is Rs.15,100/- per month or more. The advance for purchase of motor cycle / Scooter and Moped shall be granted to all the employees. The authority competent to sanction this advance, may, however, relax this condition in deserving cases.

3) An advance for the purchase of a conveyance shall not be granted to an employee who has already purchased the conveyance and paid for it, unless it had been purchased within a period of three months commencing from the date of the advance was applied for, and has been paid for by raising a temporary loan.

4) An advance for the purchase of a conveyance shall not, except as provided in regulation 19, be sanctioned unless the outstanding balance in respect of an Advance previously granted for the same purpose, together with interest thereon, has been fully repaid.

5) A fresh advance shall not be granted within five years from the date of the grant of the previous sanction except with the special sanction of the Board.

6) A fresh advance may be granted within five years from the date of the grant of the previous advance, without the special sanction of the Board, in case the previous advance was for the purchase of a Motor cycle, scooter etc., but the employee desires to draw a fresh advance for the purchase of a Motor car and the previous advance with interest thereon has been fully repaid.

7) Powers of sanction: An advance may be sanctioned for the purchase of a conveyance / personal computer in accordance with the provisions of these regulations:-

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- a) In the case of an employee holding a Class-I post, b the Chairman:
- b) In any other case by the Dy. Chairman.
- c) An advance may be sanctioned for the purchase of a Personal Computer to an employee by the Head of the Department in accordance with provision of these Regulations.
- 8) Amount of advance: Motor Car: The amount of advance which may be granted to an employee for the purchase of a new car for the first occasion shall not exceed two lakhs and fifty thousand rupees or twenty month basic pay or 80% of the cost of a new car, whichever is the lower.
- (a) Second Hand Car:
- 20 (twenty) months basic pay subject to a maximum of Rs.1.80 lakhs of the actual cost of the car to be certified by the notified assessor whichever is lower.
- 9) The quantum of advance that may be granted on the second or subsequent occasions for the purchase of a Motor Car shall be restricted to Rs.80,000/- (Rupees eighty thousand only) less the profit earned on the sale of the previous car purchased with advance or Twenty months basic pay of the employee on the Price of Motor Car to be purchased whichever is the least. The expression "Profit" used in this regulation means the excess of the sale proceeds of the previous car purchased with advance taken from Port Trust over the purchase price paid by the employee.

Such second or subsequent advances for the purchase of a Motor Car will be admissible only after four years, reckoned from the date of drawal of the last advance, have elapsed.

Provided that this restriction of 4 years shall not apply in the following cases:

- a) Where an advance had been, allowed earlier for the purchase of a Motor Cycle but it is desired to draw the advance for the purchase of Motor Car.
- b) Where an employee disposes of his Motor Car in India prior to his posting abroad or deputation / training abroad lasting more than one year and returns to India without a Motor Car.

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c) Where an employee is appointed to a regular post abroad and does not take his Motor Car along with him.

An employee holding regular post or on training / deputation abroad for period exceeding one year who is otherwise eligible for the grant of Motor Car advance.

Under these regulations may be granted an advance admissible to him in the above sub-regulations in two installments first at the time of purchase of the car abroad and the second at the time of payment of customs duty on the car brought in India on completion of his tenure.

2) Motor Cycle etc.,

“First advance for the purchase of Motor Cycles/ Scooter/Moped shall not exceed to eight months basic pay subject to maximum of Rs.30,000/- or 80% of the actual cost of the Motor Cycle / Scooter/ Moped, whichever is the least.

Second or subsequent advance for the purchase of a motor cycle/ scooter/ Moped shall not exceed Rs.30,000/- (Rupees thirty thousand only) less the profit earned or scale of the Motor cycle/ scooter/ Moped purchased on Board's loan or eight months pay of the employee or anticipated price of the Motor cycle/ scooter/ Moped to be purchased whichever is the least. If the actual price of the conveyance, paid by the employee is less than the amount of advance, he shall refund the balance to the Board forthwith.

NOTE: In this Regulation the expression 'actual price include sales tax and the cost of such items, eg. Spare wheel, tyre and a tube or a pillion set in a scooter, on the purchase of which the purchaser has no choice. It does not, however cover the cost of certain accessories, eg. Radio in a car, plastic covers, which are not essential and are purchased by the customer of his own volition, insurance and registration charges of the vehicles are also not included in 'actual price'.

NOTE-2: The expression 'actual price' used in this Regulation shall also cover in the case of first purchase, the following items:-

- i) The cost of transportation of the conveyance upto the place of the duty of employee concerned at the time of purchase irrespective of whether the transport is arranged by the distributors or by the employee himself, and
- ii) The octroi charges if any actually aid.

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10. For Class-I & II Officers ; Personal Computer advance subject to a ceiling of Rs.80,000/- on the first occasion and rs.75,000/- on the second occasion at the same rate of interest as applicable to Motor Car advance recoverable in not more than 100 installments may be granted.

For Class- III & IV Employees: Personal Computer advance shall be given upto 10 months basic pay or Rs.80,000/- or the actual cost of the Personal Computer whichever is the least for the purchase of Personal Computer and interest will be the same rate of interest as in the case of Class-I & II Officers and the said advance will be recoverable in a maximum of 100 monthly installments.

11. Before granting the advance of purchase of personal Computer, the cost price of the Personal Computer, the cost price of the Personal Computer mentioned in the application with supporting documents shall be cutinized and certified by the Director (R&P) of the Board.
12. Interest:- Simple interest at the rates fixed by the Central Government from time to time in respect of advances made by it to Government servants for the purchase of conveyance shall be charged on advances granted to employees for the purchase of conveyance, under these Regulations. Such interest shall be calculated on the balance outstanding on the last day of each month.

Note:- If in any particular case an advance is drawn in more than one instalment the rate of interest recoverable should be determined with reference to the date on which the first instalemnt is drawn.

13. Form of application for advance: Application for advance for the purchase of a conveyance shall be made in the form prescribed in Annexure- II to these Regulations.
14. Recovery of Advances:- (1) The amount of advance granted to an employee shall be recovered from him in such number or equal monthly instalments as he may elect, but such number shall not be more than 150 if the advance is granted for the purchase of a Motor car and shall not be more than 100, if the advance is granted for the purchase of Motor cycle, etc., it shall be open to the employee to repay the amount in a shorter period, if they so desire.

(2) Each instalemnt an account of repayment of an advance except the last one shall be a number of whole rupees, the amount of last instalemnts being raised or lowered if necessary to admit of fixation of such instalemnt and recovery of the balance including any fraction of a rupee.

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(3) The authority competent to sanction an advance may, in exceptional cases, vary the amount of monthly instalments provided that the whole amount of advance is completely recovered and the number of instalments not exceeding that initially fixed for repayment of the advance.

(4) The recovery of the amount of advance shall commence with the first issue of pay, leave salary or subsistence allowance as the case may be, after the advance is drawn.

(5) With regard to the other provisions relating to application, recovery of advance interest and other conditions not inconsistent with these regulations the provisions mentioned in General Financial Rules of the Central Government and amended from time to time shall apply.

15. Recovery of Interest: 1. The amount of interest calculated under Regulation 9 shall be recovered in the minimum number of monthly instalments, the amount of each such instalment being not more than the amount of the instalment fixed under Regulation 11.

2. The recovery of interest shall commence from the month immediately followed that in which the repayment of the advance for the purchase of a conveyance is completed.

16. Sale of Transfer: Except with the prior permission of the authority competent to sanction an advance an employee shall not sell or transfer the conveyance so long as the amount of advance together with interest on such amount is not completely repaid.

17. Advance to be refunded if the conveyance / personal computer is not purchased within one month:

Unless an employee who is sanctioned as advance for the purchase of a conveyance / personal computer completes the purchase of and pays for, the conveyance within one month from the date on which he draws the advance, he shall refund to the Board forthwith the full amount of the advance together with interest on that amount for one month.

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Note: The sanctioning authority as specified in Regulation 7 may, in exceptional cases, extend the period of one month prescribed in this regulation to two months.

Note:2 Where an employees refunds the full amount of the advance before the end of the month in which the payment of the advance was mad to him, the interest may be recovered for the actual period the advance was retained by the employee.

18. Agreement and mortgage Bond: An employee shall before the payment is made to him of the advance sanctioned for the purpose of purchasing a conveyance, execute an agreement in the form prescribed in Annexure-III to these Regulations, if the advance is granted to him under sub-Regulation (!) of regulation 6 or in the form prescribed in Annexure-IV to the Regulations, if the advance is granted to him under Sub-Regulation (3) of Regulation 6. Immediately on completing, but not later than one month from the date of the purchase of a conveyance he shall also execute a mortgage bond, in the form prescribed in Annexure-V and or Annexure-VI, as the case maybe, to these Regulations, hypothecating the Motor-Car, or Motor Cycle/ personal computer etc., to the Board as security for the advance.

19. Advance with interest to be refunded forthwith when mortgage bond is not executed in time:

The failure to execute mortgage bond in time will render the employee who has taken the advance liable to refund forthwith the whole of the amount of advance with interest accrued unless good and sufficient reason is shown to the contrary and the authority competent to sanction an advance extends the period prescribed in this regard.

20. Condition for grant of a second or subsequent advance before the earlier advance and interest has been repaid:

When an employee is permitted, by the authority competent to sanction an advance, to sell a conveyance, before the amount of advance and the interest thereon is fully repaid, in order to purchase another conveyance, that Authority may, if the sale proceeds of the previous conveyance are not sufficient to purchase another, sanction a second advance to the employee subject to the following conditions:

a) The entire sale proceeds of the previous conveyance shall be applied towards the purchase of the newly purchased conveyance;

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b) The amount of advance that may be granted on a second or subsequent occasion for the purchase of a Motor Car shall be equal to the difference between the price of the Vehicle to be purchased and the sale proceeds left over with the employee after the repayment of earlier outstanding advance, including interest, subject to the following ceilings:-

Rs.80,000/- (Rupees eighty thousand only) less than profit earned on the sale of the Motor Car purchased on Board's loan, or twenty months pay of the employee of the price of the Motor Car to be purchased whichever is the least:

Provided further that the amount of advance that may be granted on the second or subsequent occasion for the purchase of a Motor Cycle/Scooter/Moped, shall be equal to the difference between the price of the vehicle to be purchased and the sale proceeds left over with the employee after the repayment of the earlier outstanding advance, including interest, subject to the following ceiling:

Rs.20,000/- (Rupees twenty thousand only), less the profit earned on the sale of the Motor Cycle/Scooter/Moped purchased on Board's loan or eight months pay of the employee or anticipated price of the Motor Cycle/Scooter/Moped, whichever is the least.

c) The recovery of the advance shall continue to be made within the same number of instalments previously fixed:

d) The newly purchased Motor Car/ Motor Cycle etc., shall be insured and mortgaged to the Board;

e) A fresh Mortgage bond shall be executed in favour of the Board for the revised amount due and not for the amount originally advanced.

21. Restrictions in case of employee due to retire within maximum period prescribed for payment:

If any advance is granted to an employee who is due to retire within the maximum period prescribed for the repayment under Regulation 11, the number of instalments shall be so regulated that the repayment of advance with interest, if any, is completed before retirement, or termination of service, as the case may be.

22. Date of drawal of Advance: (a) The date of the employee taking the payment accepting cheque from the Accounts Department shall be deemed to be the date of drawal of an advance for the under mentioned purposes:-

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i) Recovery of first instalment towards repayment of the advance (vide Sub-Regulation (4) of Regulation (11).

ii) Completion of the negotiations and purchase of the Motor Car or Motor cycle etc. (vide Regulation 14).

iii) Calculation of interest (vide Reg.9)

(b) An employee who is on leave in India and for whom an advance has been sanctioned will not be allowed to draw the advance earlier than one month before the date of expiry of leave.

23. Detailed accounts of individual advances:

The Accounts Officer shall maintain detailed accounts of individual advance, watch their recovery and see that the conditions attached to each advance are fulfilled.

24. Custody and disposal of mortgage Bond:

The mortgage bond shall be kept in the safe custody of the Accounts Officer. On repayment of the advance in full together with the interest due thereon, the Accounts Officer shall make an endorsement to that effect on the bond and return the same to the employee through the concerned departments.

25. Advance for purchase of a Bicycle:-

1) Any employee, may be granted an advance for the purchase of a bicycle, on an application in Annexure VIII provided that:

i) The amount of such advance shall not exceed Rs.1500/- (Rupees One thousand five hundred only) for the purchase of a new bicycle and Rs.400/- for the purchase of a second hand bicycle as the case may be and shall be restricted to the anticipated price inclusive of sales tax of the said bicycle. If the actual price of the bicycle paid by the employee is less than the amount of the advance sanctioned, he shall, refund the balance to the Board forthwith.

ii) The amount of such advance shall be recovered in the manner prescribed in Regulation 12 in equal monthly instalments not exceeding 25.

iii) The amount of interest calculated under Regulation 10 shall be recovered in the manner prescribed in Regulation 13.

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- 2) If an employee without a substantive appointment, is granted an advance for the purchase of a bicycle, but ceases to be in Board's service before the amount of the advance and the interest thereon is completely repaid, the balance shall, to the extent possible, be adjusted against the pay and allowances due to the employee. Any amount, as then remains unpaid, shall be recovered forthwith from the Surety, if any.
26. Interpretation: If any question arises, relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.
27. Repeal and Savings: 1) On the commencement of these regulations, every rule, regulation, resolution or order in force immediately before such commencement shall, in so far as it provides for any of the matter contained in these Regulations, cease to operate.
- 2) Notwithstanding such condition of operation anything done or any action taken under any previous rules, regulation, resolution or order shall be deemed to have been done or taken under the corresponding provisions of these regulations.
28. Central Government Rules / orders to be followed in application of these Regulations:
- In applying the foregoing regulations and in respect of matters not dealt with in these regulations, the General Financial Rules of the Central Government from time to time, shall be followed in so far as they are not inconsistent with the provisions of these regulations, subject to such exceptions and modifications as the Board may from time to time determine.

Sd/-
SECRETARY
VISAKHAPATNAM PORT TRUST
VISAKHAPATNAM

Foot Note: The Principal Regulations were published in the Official Gazette of India vide G.S.R. 1 (E) dt.3-1-1994 and subsequent amendment vide

- (1) G.S.R. 280(E) Central Gazette of India dt.27-5-1997.
(2) G.S.R. 904(E) Central Gazette of India dt.19-12-2001.
(3) G.S.R. 841(E) Central Gazette of India dt.26.12.2002.
(4) G.S.R. 283(E) Central Gazette of India dt.12-05-2006

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ANNEXURE – I

(See regulation – 4)

FORM OF SURETY BOND

Know all men b those presents that I _____
son of _____ residing at _____ at
_____ in the district of _____ at
present employed as permanent _____ in
the _____ (hereinafter called “the Surety”) and held an
firmly bond upto the Board of Trustees of the port of Visakhapatnam (hereinafter called” the
Board) in the sub of Rs. _____ (Rupees _____ only) with
interest as hereinafter specified and on costs 2nd all charges and expenses that shall or may
have been incurred by or occasioned to the Board for which payment to be well and truly made I
hereby bind myself, my heirs, executors, administrator and representatives firmly by these
presents. In witness where of I have signed this-bond this _____ day
of _____ one thousand nine hundred and _____.

Whereas the Board has agreed to grant to _____ Son of _____
at resident of _____ In the district of _____ at
present employed at
Temporary _____ in the _____
(hereinafter called “the borrower”) at the borrower’s own request an advance of Rs. _____
(Rupees _____ only) for the _____ and
whereas the Borrower has undertaken to repay the said amount in _____
equal monthly instalemnts with interest as calculated at the rate and in the manner prescribed
under regulation _____ of the Visakhapatnam Port Trust Employees (Grant of
Advances for purchase of Conveyance) Regulations, 1993 thereon or so much thereof as shall
for the time being remain due and unpaid from the day of the advance.

And whereas in consideration of the Board having agreed to grant the aforesaid advance
to the Borrower the Surety has agreed to execute the above bond with such conditions as is
hereunder written.

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Now, the conditions of the above written Bond is that if the said Borrower shall, while employed in the said _____ duly and regularly pays or causes to be paid to the Board the amount of the aforesaid advance owing to the board by instalment with interest as calculated in the aforesaid manner thereon or on so much thereof as shall for the time being remain due and Rs. _____ (Rupees _____ only) with interest as calculated in the aforesaid manner shall be duly paid, then this Bond shall be duly paid, then this Bond shall be void otherwise the same shall be and remain in full force and virtue.

But so nevertheless that of the Borrower shall die or become insolvent or at any time cease to be in the service of the Board, the whole or so much of the said principle sum of Rs. _____ (Rupees _____ only) thereof as shall then remain unpaid and the interest due on the said principle sum calculated in the aforesaid manner from the day of the advance shall immediately become due and payable to the Board and be recoverable from the surety in one instalment by virtue of this bond.

The obligation undertaken by the surety shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Board of the said Borrower whether with or without the knowledge or consent of the surety.

Signed and delivered

By the said _____

At _____

This _____

of _____

(Signature of Surety)

(Designation) _____

Office to which attached _____

In the presence of _____

(i) _____

(ii) _____

Signature, Address and Occupation of the

Witnesses:

ACCEPTED

For and on behalf of the board

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ANNEXURE – II

(See Regulation – II)

Application

APPLICATION FORM FOR ADVANCE FOR THE PURCHASE OF MOTOR CAR/
MOTOR CYCLE ETC.

1. Name of the Applicant :
2. Applicant's designation :
3. Whether entitled to conveyance/ Motor Car allowance and if so, the rate per mensum :
4. Pay:
 - (i) Substantive pay :
 - (ii) Officiating pay or pay drawn in temporary post :
 - (iii) Special/ Personal pay :
5. Anticipated price of motor-car/ motor cycle etc. :
(Excluding the cost of optional accessories and insurance and registration charges)
6. Amount of advance required :
7. Date of superannuation of retirement :
8. Number of instalment in which the advance is desired to be repaid :
9. Whether advance for similar purpose was obtained previously to be paid :
10. Whether the intention is to purchase :
 - a) a new or an old motor-car/ Motor-Cycle etc. :
 - b) If the intention is purchase an old Car/ Motor Cycle etc., whether it has been ascertained that the Car/ Motor Cycle etc., will be accepted for insurance :

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11. Are any negotiations or preliminary enquiries :
being made so that delivery may be taken of
the Motor Car / Motor Cycle etc., within on
month from the date of drawal of the advance
12. (a) Certified that the information given is
complete and true.
- (b) Certified that I have not taken delivery of
the Motor Car/ Motor Cycle etc., on account of
which I apply for the advance that I shall
complete negotiation for the purchase of, pay
finally and take possession if the Motor Car/
Motor Cycle etc., before the expiry of one
month from the date of drawal of the advance,
and that I shall insure it from the date of taking
delivery of it.

Applicant's Signature

Dt.

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ANNEXURE – III (See Regulation 16)

FORM OF AGREEMENT TO BE EXECUTED AT THE TIME OF DRAWING AS ADVANCE FOR THE PURCHASE OF MOTOR-CAR OR MOTOR CYCLE ETC.

An agreement made on _____ day of _____ One thousand nine hundred and ninety nine between _____ son of _____ residing at _____ by caste _____ by occupation service holder being employed under the Visakhapatnam Port as _____ (hereinafter called the Borrower which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Board of Trustees of the Port of Visakhapatnam having their office at Visakhapatnam (hereinafter called the Board) of the other part.

Wheread the borrower has under the provisions of the Visakhapatnam Port Trust Employees (Grant of Advance for purchase of conveyances) Regulations, 1993 (hereinafter referred to as the said Regulations which expression shall include any amendments thereof for the time being in force), applied to the Board for a loan of Rs. _____ for the purchase of a motor _____ and whereas the Board has agreed to lent the said amount to the borrower on the terms and conditions hereinafter contained now it is hereby Agreed between the parties hereto that in consideration of the sum of Rs. _____ paid by the Board to the borrower (the receipt of which the Borrower hereby Acknowledges) the Borrower hereby Agrees with the Board(1) to pay the Board the said amount with interest, calculated according to the said Regulations by monthly deductions from his salary as provided in the said Regulations and hereby authorized the Board to make such deductions, and (2) within one month from the date of these presents to extend the full amount of the said loan in purchase, of a motor _____ or if the actual prices paid is less than the loan to repay the difference to the Board forthwith, and (3) to execute a documents hypothecating the said motor _____ to the Board as security for the amount lent to the borrower as aforesaid and interest in the form provided by the said Regulations and it is hereby lastly Agreed and Declared that if the Motor _____ has not been purchase and hypothecated as aforesaid within one

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month from the date of these present or if the Borrower within that period becomes insolvent or quits the service of the Board or dies, the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

In witness where of the Borrower and _____ For and on behalf of the Board have here-unto set their hands the day and year first before written.

Signature by the said in the presence of

(Signature of Witness)

(Signature and designation of
the Borrower)

Signed by (Name and Designation)

For and on behalf of the Board of Trustees
Of the Port of Visakhapatnam in the presence of

(Signature of witness)

(Signature and designation of
the Borrower)

(Name and designation of the Borrower)

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ANNEXURE – IV (See Regulation 16)

FORM OF AGREEMENT TO BE EXECUTED AT THE TIME OF DRAWING AS ADVANCE FOR THE PURCHASE OF MOTOR – CAR OR MOTOR CYCLE ETC.

An agreement made on _____ day of _____ One thousand nine hundred and between _____ son of _____ residing at _____ by _____ by occupation service holder being employed under the Visakhapatnam Port as _____ (hereinafter called the Borrower which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Board of Trustees of the Port of Visakhapatnam (hereinafter called the Board) of the other part.

Whereas the borrower has purchased / agreed to purchase the motor _____ described in the schedule hereunder written (hereinafter referred to as the said Motor _____) And whereas the Borrower has under the provisions of the Visakhapatnam Port Trust Employees (Grant of Advance for purchase of conveyances) Regulations, 1993 (hereinafter referred to as the said Regulations which expression shall include any amendments thereof for the time being in force), applied to the Board for a loan of Rs. _____ or the purchase of a motor _____ and whereas the Board has agreed to bond the said amount to the borrower on the terms and conditions hereinafter contained. Now it is hereby agreed between the parties hereto that in consideration of the sum of Rs. _____ paid by the Board to the Borrower (the receipt of which the Borrower hereby Acknowledges) the Borrower hereby Agrees with the Board (i) to pay the Board the said amount with interest, calculated according to the said Regulations by monthly deductions from his salary as provided in the said Regulations and hereby authorized the Board to make such deductions, and (2) within one month from the date of these presents to extend the full amount of the said loan in the repayment of any loan obtained by him from a private party/ the _____ (band) for the purchase of the said motor _____ or if the actual prices paid is less that the loan to repay the difference to the Board forthwith, and (3) to execute a documents hypothecating the said motor _____ to the Board as security for the amount lent to the borrower as aforesaid and interest in the form provided by the said Regulations and it

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is hereby lastly Agreed and Declared that if the Motor _____ has not been purchased and hypothecated as aforesaid within one month from the date of these present or if the Borrower fails to repay the amount of the loan obtained by him from a private party _____ (bank) for the express purpose of purchasing the said motor _____ within one month from the date of presents or if the Borrower within that period becomes insolvent or quits the service of the Board or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

THE SCHEDULE

Description of Motor	
Maker's Name	:
Description	:
Number of Cylinders	:
Engine No.	:
Chassis No.	:
Cost price	:

In witness where of the Borrower and _____ for and on behalf of the Board have here-unto set their hands the day and year first before written.

Signature by the said in the presence of

(signature of Witness)

Signed by (Name and Designation)

For and on behalf of the Board of Trustees

Of the Port of Visakhapatnam in the presence of

(signature of Witness)

(Signature and designation of the Borrower)

(Signature and designation of the Officer)

- Name and designation of the Borrower

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ANNEXURE – V

(See Regulation 16)

FORM OF MORTGGE BOND FOR MOTOR CAR / MOTOR CYCLE ETC.

INITIAL ADVANCE

The Indenture made this _____ day of _____ One thousand
nine hundred and between _____ son of
_____ residing at
_____ by occupation service holder
being employed under the Visakhapatnam Port as
_____ (hereinafter called the Borrower which
expression shall include his heirs, administrators, executors and legal representatives)
of the one part and the Board of Trustees of the Port of Visakhapatnam (hereinafter
called the Board) of the other part.

Whereas the Borrower has applied for and has been granted an advance of
Rupees _____ to purchase a Motor _____ on the terms of
Regulations _____ of the Visakhapatnam Port Trust Employees
(Grant of Advances for purchase of Conveyances) Regulations, 1993 (herein after
referred to as the said Regulations which expression shall include any amendment
thereof or addition thereto for the time being in force) and whereas one of the conditions
upon which the said advance has been / was granted to the Borrower is/ was that the
Borrower will/ would hypothecate the said Motor _____ of the boards is security
for the amount lent to the Borrower and whereas the Borrower has purchased with or
partly with the amount so advanced as aforesaid the Motor particulars whereof are set
out in the schedule hereunder written.

Now this Indenture witnessed that in pursuance of the said agreement and for the
consideration aforesaid the Borrower doth hereby convents to pay to the Board the sum
of Rupees _____ - aforesaid or the balance, thereof remaining
unpaid at the date of these presents by equal payments of Rupees
_____ each on the first day of every month and will pay
interest on the sum for the time being remaining due and owing calculated according to
the aid Regulations and the Borrower doth agree that such payment may be recovered
by monthly deductions from his salary in the manner provided by the said Regulations
and in the manner provided by the said Regulations and in further pursuance of the said
agreement the Borrower doth hereby assign and transfer unto the Board the Motor
_____ the particulars whereof are set out
in the schedule hereunto written by way of security for the aid advance and the interest
thereon as required by the said Regulations.

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And the Borrower doth hereby agree and declare that he has paid in full the purchase price of the said Motor _____ and that the same is his absolute property and that he has not pledged and so long as any money remains payable to the Board in respect of the said advance will not sell, pledge or part with the property in or possession of the said Motor _____ provided always and it is hereby agreed and declared that if any of the said instalments of principal or interest shall not be paid or recovered in manner aforesaid within ten days after the same due or if the Borrower shall die at any time cease to be in Board's service or if the Borrower shall sell or pledge part with the property in or possession of the said Motor _____ or become insolvent or make any composition or arrangement with his creditors or if any person shall take proceedings in execution of any decree or judgment against the Borrower the whole of the said principal sum which shall then be remaining due unpaid together with interest thereon calculated as aforesaid shall forthwith become payable and it is hereby Agreed and declared that the Board may on the happening, of any of the events hereinbefore mentioned seize and take possession of the said Motor _____ and either remain in possession thereof without removing the same or else may remove and sell the said Motor _____ either by public auction or private contract and by out of the sale moneys retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payment properly incurred or made in maintaining, defending or realizing his rights hereunder and shall pay over the surplus, if any to the Borrower, his executors, administrators or personal representatives provided further that the aforesaid power taking possession or selling of the said Motor _____ shall not prejudice the right of the Board to sue the Borrower or his personal representatives for the said balance remaining due and interest or in the case of the Motor _____ being sold the amount by which the net sale proceeds fall short of the amount owing and the Borrower hereby further agrees that he will not permit or suffer the said Motor _____ to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said Motor _____ the Borrower will forthwith have the same repaired and made good.

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THE SCHEDULE

Description of Motor _____

Maker's Name :

Description :

Number of Cylinders :

Number of Cylinders :

Engine No. :

Chassis No. :

Cost price :

In witness where of the said _____
(Borrower's name) and _____ for and on behalf of the Board have
hereunto set their respective hands the day and year first before written.

- Signature by the said in the presence of

In the presence of

1) _____

2) _____

(Signature of Witness)

(Signature and designation of the Borrower)

Signed by (Name and Designation

For and on behalf of the Board of Trustees of the Port of Visakhapatnam in the presence of

In the presence of

1) _____

2) _____

(Signature of Witness)

(Signature and designation of the Officer)

- Name and designation of the Borrower

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ANNEXURE – VI

(See Regulation – 16)

FORM OF MORTGAGE BOND FOR MOTOR CAR / MOTOR CYCLE ETC.,
SECOND ADVANCE WHEN EARLIER ADVANCE WITH INTEREST FULLY
REPAID.

This Indenture made this _____ day of _____ between
_____ Shri _____ son of
_____ hereinafter called “the Borrower” which
expression shall unless excluded by or repugnant to the subject or context,
include his heirs, administrators, executors and legal representatives of the one
part and the Board of Trustees of the Port of Visakhapatnam having their office at
Visakhapatnam (hereinafter called the “Board”) of the other part.

Whereas by a Deed of Mortgage dated the _____ day of
_____ the Borrower mortgaged to the Board the Motor Car / Motor
Cycle etc., described in the schedule thereto (hereinafter referred to as the old
“Motor Car / Motor Cycle”, etc., to secure the Motor Car / Motor Cycle etc.,
purchase advance of Rs. _____ (in words as well as in figures)
with interest at the rate and on conditions mentioned in the said Deed of Mortgage
hereinafter referred to as the “Principal Deed”.

And whereas put of the said Rs. _____ advanced to the
Borrower by the Board the Borrower has made part repayments and a sum of
Rs. _____ (in words as well as in futures) towards principal plus interest
there on as per the terms of the principal Deed still remain due and payable by the
Borrower to the Board.

And whereas the Borrower being in need of new Motor Car/ Motor Cycle
etc., (hereinafter referred to as the Motor Car / Motor Cycle etc., applied to the
Board for permission to sell his old Motor Car / Motor Cycle etc., and purchase a
new one and whereas the Borrower has been permitted to sell the Old Motor Car
/ Motor Cycle etc., and utilize the said proceeds of the old Motor Car and in terms
of regulations of the Visakhapatnam Port Trust Employee (Grnat of Advances for
purchase of conveyances) Regulations, 1993 (hereinafter referred to as the said
“Regulations” which expression shall include any amendment thereof or addition
thereto for the time being in force) towards be purchase of the new Motor Car /
Motor Cycle etc., on condition that the new Motor Car / Motor Cycle etc., shall be

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mortgaged to the Board by way of security for the repayment of the sums thus due and owing from the borrower to Board. And whereas the sum of Rs._____ is new due from the Borrower from principal and whereas the Borrower is liable in addition to pay interest as per the terms of the principal deed.

Now this Indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid the Borrower doth hereby convenient to pay to the Board the sum of Rupees_____ aforesaid by equal monthly instalments of Rs._____ each on the first day of every month and will pay interest on the sum of Rs._____ originally advanced to hereinafter referred as the principal according to the terms of the principal deed and the Borrower doth agree that such payments may be recovered by monthly deductions from his salary in the manner provided by the said Regulations, and in further pursuance of the said agreement the Borrower doth hereby assign and transfer unto the Board the Motor Car / Motor Cycle etc., the particulars whereof are set out in the schedule hereunto written by way of security for the said advance and the interest thereon as required by the said Regulations.

And the Borrower doth hereby agree and declare that he has paid in full the purchase price of the said Motor Car / Motor Cycle etc., that the same is his absolute property and that he has not pledged and so, long as any money remains payable to the Board in respect of the principal will not sell, pledge or part with the property in or possession of the said Motor Car / Motor Cycle etc., provided always and it is hereby agreed and declared that if any of the said instalments of principal or interest shall not be paid or recovered in manner aforesaid within ten days after the same due or if the Borrower shall die at any time cease to be in Board's service or if the Borrower shall sell or pledge part with the property in or possession of the said Motor Car / Motor Cycle etc., or become insolvent or make any composition or arrangement with his creditors or if any person shall take proceedings in execution of any decree of judgment against the Borrower the balance of the principal which shall then be remaining due unpaid together with interest on principal calculated as aforesaid shall forthwith become payable and it is hereby agreed and declared that the Board may on the happening, of any of the events hereinbefore mentioned seize and take possession of the said Motor Car / Motor Cycle etc., and either remain in possession thereof without removing the same or else may remove and sell the said Motor Car / Motor Cycle etc., either by public auction or private contract and by out of the sale moneys retain the balance of the principal then remaining unpaid and any interest still due the principal calculated as aforesaid and all costs, charges, expenses and payments properly _____ or made in maintaining,

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defending or realizing his rights hereunder and shall pay over the surplus, if any; to the Borrower, his executors, administrators or personal representatives provided further that the aforesaid power taking possession or selling of the said Motor Car / Motor Cycle shall not prejudice the right of the Board to sue the Borrower or his personal representatives for the said balance remaining due and interest or in the case of the Motor Car / Motor Cycle etc., being sold the amount by which the net sale proceeds fall short of the amount owing and the Borrower hereby further agrees that he will not permit or suffer the said Motor Car / Motor Cycle etc., to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said Motor Car / Motor Cycle etc., the Borrower will forthwith have the same repair and made good.

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THE SCHEDULE

Description of Motor : _____
Maker's Name : _____
Description : _____
Number of Cylinders : _____
Engine No. : _____
Chassis No. : _____
Cost price : _____

In witness where of the Mortgager / borrower has hereunto set his hand and Sri _____ in the office of _____ for and on behalf of the Board have hereunto set his hand.

Signed by the said in the presence of: -

1) _____

2) _____

(Signature of Witness)

(Signature and designation of the Borrower)

Signed by (Name and Designation)

1) _____

2) _____

For and on behalf of the Board of Trustees of the Port of Visakhapatnam in the presence of:-

1) _____

2) _____

(Signature & Designation of the Officer)

*Name and Designation of the Borrower

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ANNEXURE – VII

VISAKHAPATNAM PORT TRUST

APPLICATION FORM FOR ADVANCE FOR PURCHASE OF BICYCLE

Emp. No. _____

Designation: _____

1. Name in full :
2. Amount of advance applied for :
3. Date of appointment :
4. Whether permanent / Quasi permanent / Ty. Permanent /Quasi Permanent/ Temporary

Declaration:

In the event of the bicycle advance applied for being sanctioned, I declare that:

1. I will repay the amount of the advance in 24 instalments commencing from the month following that in which the advance is actually made. I also agree to pay interest on the advance at the rate prescribed in this regard from time to time for loans and advances.
- b) I undertake to refund forthwith any surplus money that will be available out of the advance after paying the cost of the cycle.
- c) I clearly understand that suspension of the recoveries of any deductions from my salary will not be permitted by reason of deductions of account of cycle advance applied for.
- d) I do also hereby declare that the distance of my residence from the Head quarters office is more than 8 kms.
- e) I agree that the cycle purchased with the advance will be considered to be the property of the Board and I will not sell or mortgage until the advance with interest accrued thereon is fully repaid.
- f) I will submit the original 'receipt' received from the dealer of the party for the purchase of bicycle with 15 days of the receipt of the advance sanctioned to me failing which it will be open to the Board to recover the entire amount of the cycle advance from my salary forthwith.
- g) I have not taken cycle advance within the last two years.
- h) The cycle in my possession purchased with the help of earlier advance has become unserviceable. The statement should be supported by the satisfactory evidence to be produced before the sanctioning authority.

Section:

Signature of the applicant

Department:

Date:

Full Residential address