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EXTRAORDINARY

PART II - Section 3 - Sub-section (i)

No. 337 NEW DELHI, FRIDAY, JUNE 17, 1988 / JYAISTHA 27, 1910

MINISTRY OF SURFACE TRANSPORT (Ports Wing)

NOTIFICATION

New Delhi, the 17th June, 1988

1. G.S.R. 712(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 Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Calcutta Port Trust Employees'(Pension) Regulations, 1988 made by the Board of Trustees for the Port of Calcutta and set out in the Schedule annexed to this notification.
2. The said regulations shall come into force on the date of publication of this notification in the Official Gazette.

[F.No.PW/PER/9/85-PE.I]
YOGENDRA NARAIN, Jt. Secy.

SCHEDULE

CALCUTTA PORT TRUST EMPLOYEES' (PENSION) REGULATIONS, 1988

CHAPTER 1

Preliminary

In exercise of the powers conferred by Clause (b) of section 28 of the Major Port Trusts Act, 1963(38 of 1963), the Board of Trustees the Port of Calcutta hereby makes the following regulation:

1. **Short title and commencement.-**

(i) These Regulations may be called the **Calcutta Port Trust Employees' (Pension) Regulations, 1988.**

(ii) These regulations shall come into force on the date of their publication in the official Gazette.

2. **Extent of application.** -These Regulations shall apply :

(i) To all employees other than 'A' Category Cargo Handling Shore Workers appointed substantively to the Board's service on or after 1st June, 1962.

(ii) To all 'A' Category Shore Workers appointed substantively to the Board's service on or after 1st July, 1966.

AND

(iii) To all other employees appointed substantively in the service of the Board who have either duly opted for the Pension scheme or may opt for these Regulations in terms of the option that may be given to them from time to time. Provided that an employee who on his retirement from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further service by the appropriate medical authority after he has rendered temporary service of not less than 20 years shall be brought within the purview of these regulations, and the condition of holding a post in a substantive capacity shall be dispensed with in his case. Such an employee will be eligible for the grant of superannuation or invalid pension death-cum-retirement gratuity and family pension in accordance with the provisions of these regulations. For computing temporary service, the spells of service which are treated as non-qualifying service under these regulations shall be ignored and interruption (s) in service shall amount to forfeiture of past service unless such interruption are condonable under regulation 19 of these regulations.

3. **Definitions.** - In these regulations, unless the context otherwise requires :

(a) Average emoluments' means average emoluments as determined in accordance with regulation 22.

(b) 'Child' means child of the employee who, if a son, is under twenty one years of age and if a daughter, is unmarried and is under twenty four years of age and the expression 'children' shall be construed accordingly :

(c) Chairman', 'Board' and 'Heads of a Department' shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963.

(d) Class I, II, III and IV posts shall have the same meaning as assigned to them in the Calcutta Port Trust Employees' Classification, Control and Appeal) Regulations, 1987.

(e) 'Chief Medical Officer' shall mean the 'Chief Medical Officer' of the Board.

(f) 'Financial Adviser & Chief Accounts Officer' shall mean the 'Financial Adviser & Chief Accounts Officer' of the Board.

(g) 'Date of retirement' or 'date of his retirement', in relation to an employee, means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service.

(h) 'Employee in permanent employ' means an employee who holds, substantively or provisionally substantively a permanent post or who holds lien on such a post had the lien not been suspended.

(i) 'Foreign service' means service in which an employee receives his pay with the sanction of the competent authority from any source other than any fund of the Board.

(j) 'Government' means the Central Government.

(k) "Minor" means a person who has not completed the age of eighteen years.

(l) 'Qualifying service' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pension and gratuities admissible under these regulations.

(m) 'Pension' includes gratuity except when the term Pension is used in contradistinction to gratuity.

(n) 'Retirement benefits' includes pension or service gratuity, and death-cum-retirement gratuity, where admissible.

(o) Gratuity includes -

(i) Service gratuity payable under sub-regulation (1) or Regulation 30.

(ii) 'Death-cum-Retirement Gratuity' payable under Sub-regulation (1) or Sub-regulation (3) of Regulation 32.

(iii) 'Residuary Gratuity' payable under Sub-regulation 2 of Regulation 32.

CHAPTER - II

General Conditions

4. Regulation of claims to pension or family pension

Any claim to pension or family pension shall be regulated by the provisions of these regulations in force at the time when an employee retires or is discharged or is allowed to resign from service or dies, as the case may be.

5. Limitation's on number of pensions

(1) An employee shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) An employee who, having retired on a superannuation or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

6. Pension subject to future good conduct

1 (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these regulations.

(b) The appointing authority may, by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct :

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees sixty per mensem.

(2) Where a pensioner is convicted of a serious crime by a court of law, action under sub-regulation (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-regulation (2), if the authority referred to in sub-regulation (1)

considers that the pensioner is prime facie guilty of grave misconduct, it shall before passing an order under sub-regulation (1).

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the appointing authority, such representation as he may wish to make against the proposal;

and

(b) take into consideration the representation if any, submitted by the pensioner under clause (a).

(4) An appeal against the order passed by the Authority under sub-regulation (1) shall lie to the Chairman and to the Central Govt. as the case may be.

Explanation . - The impression "grave misconduct" includes the communication or disclosure of any secret official code or pass word or any sketch, plan, model, article, note, document or information (which was obtained while holding office under the Trustees) so as to prejudicially affect the interests of the Trustees.

7. Right of Chairman to withhold or withdraw pension.

(1) The Chairman reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and or ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Board, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement :

Provided further that where a part of pension is withheld or withdrawn the amount of such pension or withdrawn the amount of such pension shall not be reduced below the amount of rupees sixty per mensem.

(2) (a) The departmental proceedings referred to in sub-regulation (1) if instituted while the employee was in service whether before his retirement or during his re-employment, shall after the final retirement of the employee, be deemed to be proceedings under this regulation and shall be continued and concluded by the authority by which they were commenced in the same manner as if the employee had continued in service :

Provided that where the departmental proceedings are instituted by an authority subordinate to the Chairman, that authority shall submit a report recording its findings to the Chairman.

(b) The departmental proceedings if not instituted while the employee was in service, whether before his retirement or during his re-employment,

(i) shall not be instituted save with the sanction of the Chairman,.

(ii) shall not be in respect of any event which took place more than four years before such institution,

and

(iii) shall be conducted by such authority and in such place as the Chairman may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the employee during his service.

(3) No judicial proceeding, if not instituted while the employee was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

(4) (i) In the case of an employee who has retired on attaining the age superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-regulation (2) a provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service up to the date of retirement of the employee, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension, shall be sanctioned.

(ii) The provisional pension shall be sanctioned during the period commencing from the date of retirement up to and including the date on which, after the conclusion of the departmental or judicial proceedings final orders are passed by competent authority.

(iii) No gratuity shall be sanctioned to the employee until the conclusion of the departmental or judicial proceedings and issue of final order thereon.

(iv) Payment of provisional pension made under sub-regulation 4(i) shall be adjusted against final retirement benefits sanctioned to such employee upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the provisional pension is reduced or withheld either permanently or for a specified period.

(5) Where the Chairman decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of an employee.

(6) For the purpose of this regulation -

(a) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the employee or pensioner, or if the employee has been placed under suspension from an earlier date, on such date ;

and

(b) Judicial proceedings shall be deemed to be instituted :

(i) in the case of criminal proceedings, on the date which the complaint or report of a police officer, of which the Magistrate takes cognizance is made ;

and

(ii) in the case of civil proceedings, on the date the plaint is presented in the court.

8. Commercial employment after retirement.

(1) If a pensioner who, immediately before his retirement was a Class I officer, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Chairman to such acceptance :

Provided that an employee who was permitted by the Chairman to take up a particular form of commercial employment during his leave preparatory to retirement or during terminal leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement,

(2) Subject to the provisions of sub-regulation (3), the Chairman may, by order in writing, on an application made by a pensioner, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission, to such pensioner to take up the commercial employment specified in the application.

(3) In granting or refusing permission under sub-regulation (2) to a pensioner for taking up any commercial employment, the Chairman shall have regard to the following factors, namely :

(a) the nature of the employment proposed to be taken up and the antecedents of the employer.

(b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflicts with the Board,

(c) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer.

(d) whether the duties of the commercial employment proposed involve liaison or contact work with the Board.

(e) whether his commercial duties will be such that his previous official position or knowledge or experience under the Board could be used to give the proposed employer an unfair advantage.

- (f) the emoluments offered by the proposed employer, and
- (g) any other relevant factor.

(4) Where within a period of sixty days of the date of receipt of an application under sub-regulation (3), the Chairman does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Chairman shall be deemed to have granted the permission applied for.

(5) Where the Chairman grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Chairman to that effect, make a representation against any such condition or refusal and the Chairman may make such orders thereon as he deems fit :

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-regulation without giving the pensioner making representation an opportunity to show cause against the order proposed to be made.

(6) If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Chairman or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this regulation, it shall be competent for the Chairman to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order :

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration :

Provided further that in making any order under this sub-regulation, the Chairman shall have regard to the following factors, namely:-

- (i) the financial circumstances of the pensioner concerned :
- (ii) the nature of, and the employments from the commercial employment taken up by the pensioner concerned and
- (iii) any other relevant factor

(7) Every order passed by the Chairman under this regulation shall be communicated to the pensioner concerned.

(8) In this regulation :-

(a) the expression "commercial employment" means :-

(i) an employment in any capacity including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnerships of such firm, but does not include employment under a corporate, wholly or substantially owned or controlled by the Central or State Government.

(ii) Setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner-

(a) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(b) has professional qualifications but the matters in respect of which such practice to be set up are such as are likely to give his clients and unfair advantage by reason of his previous official position, or

(iii) has to undertake work involving liaison or contact with the offices or officers of the board :

Explanation :- (a) For the purposes of clause(i) "employment under a co-operative society" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, whatever name called in such society.

(b) The expression "date of retirement" in relaxation to an employee re- employed after retirement, without any break, either in the same or in another class-I post under the Board, means the date on which such employee finally ceases to be so re-employed in the service of the Board.

9A. **Employment after retirement outside India.**

If a pensioner, who immediately before his retirement was a Class I Officer, wishes to accept any employment outside India, he shall obtain previous permission of the Board for such acceptance and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Board may direct :

Provided that an employee who permitted to take up a particular form of employment outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

CHAPTER-III

Qualifying Service

9. Commencement of qualifying service.

Subject to the provisions of these regulations, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or an other service or post.

10. Counting of service as on probation and as apprentice.

Service on probation against a post if followed by confirmation in the same or another post shall qualify but the service as an apprentice shall not qualify.

11. Counting of pre-retirement service in the case of re-employed employees.

1. An employee who having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these regulations apply may exercise option either -

(a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which his former service shall not count as qualifying service or

(b) to cease to draw his pension and refund

(i) the pension already drawn, and

(ii) the value received for the commutation of part of pension and

(iii) the amount of death-cum-retirement gratuity including service gratuity if any, and count the previous service as qualifying service :

Provided that :-

(i) the pension drawn prior to the date of re-employment shall not be required to be refunded,

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay shall be refunded by him.

(iii) that element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation - In this clause, the expression which was taken into 'account' means the amount of pension including the pension equivalent of gratuity by which pay of the employee who reduced

on initial re-employment, and the expression which was not taken into account shall be construed accordingly.

2(a) The authority issuing the order of substantive appointment to a service or post as is referred to in sub-regulation (1) shall alongwith such order require in writing the employee to exercise the option under that sub-regulation with three months of the date of issue of such order or if he is on leave on that day, within three months or his return from leave, whichever is later and also bring to his notice the provisions of clause (c).

(b) If no option is exercised within the period referred to in clause (a)' the employee shall be deemed to have opted for clause (a) of sub-regulation (1).

(3) In the case of an employee who opts for clause (a) of sub-regulation (1) the pension or gratuity admissible for his subsequent service is subject to the limitation, that service gratuity or the capital value of the pension and death-cum-requirement gratuity, if any, shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, that would be admissible at the time of the employee's final retirement if the two periods' of service were combined and the value of retirement benefits already granted to him for the previous service.

Note - The capital value of pension shall be calculated in accordance with the commutation table prescribed under Central Civil Services (Commutation of Pension) Rules, 1981 applicable at the time of the second or final retirement.

(4) (a) An employee who opts for clause (b) of sub-regulation (1) shall be required to refund the gratuity received in respect of his earlier service, in monthly installments not exceeding thirty six in number, the first installment beginning from the month in which he exercised the option.

(b) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(c) In the case of an employee, who having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefined gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.

12. Counting of periods spent on leave.

All leave during service for which leave salary is payable and all extra-ordinary leave granted on medical certificate shall count as qualifying service :

provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employ -

(i) due to his inability to join or rejoin duty on account of civil commotion.

or

(ii) for prosecuting higher scientific and technical studies.

12(A) Counting of periods spent on training.

The Chairman may, by order, decide whether the time spent by an employee under training arranged by the Board immediately before appointment to service under the Board of Trustees shall count as qualifying service.

13. Counting of periods of suspension.

Time passed by an employee under suspension pending enquiry into conduct shall count as qualifying service where on conclusion of such enquiry, he has been fully exonerated or the suspension is held to wholly unjustified, in other cases the period of suspension shall not count unless the authority competent to pass orders under the regulation governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

14. Forfeiture of service on dismissal or removal.

Dismissal or removal of an employee from a service or post entails forfeiture of his past service.

15. Counting of past service on reinstatement.

(1) An employee who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of his dismissal; removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order or reinstatement.

16. Forfeiture of service on resignation.

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the interest of the Board's service by the appointing authority, entails forfeiture of past service.

(2) The appointing authority may permit a person to withdraw his resignation in the Board's interest on the following conditions namely,

(i) that the resignation was tendered by the employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of

the resignation has been as a result of a material change in the circumstances which originally compelled him to tender, resignation.

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper,

(iii) that the period of absence from duty between the date on which the resignation become effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the employee on the acceptance of his resignation or any other comparable post, is available.

(3) When an order is passed by the competent authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

17. Effect of interruption in service.

(1) An interruption in the service of an employee entails forfeiture of his past services, except in the following cases :

(a) authorized leave of absence,

(b) unauthorised absence in continuation of authorised leave of absence so long as the post of absence is not filled substantively,

(c) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension.

(2) Notwithstanding anything contained in sub-regulation (1) the appointing authority may, by order, commute retrospectively the periods of absence with out leave as extra-ordinary leave.

18. Condonation of interruption in service.

(a) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of service rendered by an employee under the Board of Trustees shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(c) The period of interruption referred to in clause (a) shall not count as qualifying service.

19. **Period of deputation on foreign service terms.**

An employee deputed on foreign service, will have to pay the pension contribution in respect of his foreign service and count such service as qualifying for pension under this regulation.

CHAPTER-IV

Emoluments and Average Emoluments

20. **Emoluments**

The expression "emoluments" means the basic pay, special pay personal pay and any other emoluments which may be specifically classed as pay by the Board which an employee was receiving immediately before his retirement or on the date of his death and includes dearness allowance, incentive payment and any other allowance if such an allowance or allowances and payments are allowed to be counted as pay for the purpose of pension by the Board.

NOTE:1 If any employee immediately before his retirement or death while in service had been absenting from duty on leave for which leave salary is payable or having been suspended had been re-instated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purpose of this Regulation.

Provided that any increase in pay (other than the increment referred to in Note 4) which he has not actually drawn shall not form part of his emoluments.

NOTE :2 Where an employee immediately before his retirement or death while in service has proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the employee would have continued to hold the higher appointment but for his proceeding on leave.

NOTE: 3 If an employee immediately before his retirement or death while in service had been absent from duty on extra-ordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this regulation.

NOTE:4 If an employee immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not with held, such increment, though not actually drawn, shall form part of his emoluments.

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of

earned leave where such leave was for more than one hundred and twenty days.

NOTE: 5 Pay drawn by an employee while on foreign service shall not be treated as emoluments but the pay which he would have drawn under the Board had he not been on foreign service shall alone be treated as emoluments.

21. **Average emoluments.**

Average emoluments shall be determined with reference to the emoluments drawn by an employee during the last ten months of his service.

NOTE: 1 If during the last ten months of his service an employee had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments.

Provided that any increase in pay (other than the increment referred to in Note(4) which is not actually drawn shall not form part of his emoluments.

NOTE: 2 If, during the last ten months of his service, an employee had been absent from duty on extra-ordinary leave or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

NOTE:3 In the case of employees eligible for payments under any type of payments by Results Scheme and retiring from service on or after 1.1.1979, the period of authorised leave other than causal leave, authorised absence or period under suspension during the period of 10 months prior to the date of his retirement shall be disregarded in the calculation of the average 10 months emoluments and equal period spent on duty before the last 10 months shall be included.

NOTE:4 In the case of any employee who was on earned leave during the last ten months of service and earned an increment which was not withheld such increment though not actually drawn shall be included in the average emoluments.

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

CHAPTER -V

Classes of pensions and conditions governing their grant.

22. **Superannuation pension.**

A Superannuation pension shall be granted to an employee who is retired on his attaining the age of compulsory retirement.

23. **Retiring Pension.**

A retiring pension shall be granted :-

(a) To an employee who retires, or is retired in advance of the age of compulsory retirement, in accordance with the terms and conditions governing the service of the employee.

24. **Invalid pension**

(1) Invalid pension may be granted if any employee retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.

(2) An employee applying for an invalid pension shall submit a medical certificate of incapacity from the Chief Medical Officer of the Board.

(3) Where the Chief Medical Officer of the Board has declared an employee fit for further service of less laborious character than that which he had been doing, he should, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

25. **Compensation pension**

(1) If an employee is selected for discharge owing to the abolition of his permanent post, he shall unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option.:-

(a) of taking compensation pension to which he may be entitled for the service he had rendered, or

(b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension

(2) Notice of at least three months shall be given to the employee in permanent employment before his services are dispensed with on the abolition of his permanent post.

(b). Where notice of at least three months is not given and the employee has not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(c). No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.

(3) In case an employee is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If an employee who is entitled to compensation pension accepts instead another appointment under to Board and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than the compensation pension which he could have claimed if he had not accepted the appointment.

26 Compulsory retirement pension.

(1) An employee compulsorily retired from service as a penalty may be granted , by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two-thirds and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

Explanation : - In this sub-regulation, the expression 'pension' includes gratuity.

(2) A pension granted under sub-regulation (1) shall not be less than the amount of Rupees Sixty per mensem.

27. Compassionate allowance.

(1) An employee who is dismissed or removed from service shall forfeit his pension and gratuity.

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension, or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-regulation (1) shall not be less than the amount of Rupees sixty per mensem.

CHAPTER - VI

Regulation of amounts of Pension

28. Retirement on completion of 30 years, qualifying service.

(1) At any time after an employee has completed thirty years' qualifying service :

(a) he may retire from service or

(b) he may be required by the appointing authority to retire in the Board's interest and in the case of such retirement the employee shall be entitled to a retiring pension.

Provided that -

(a) an employee shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and

(b) the appointing authority may also give a notice in writing to an employee at least three months before the date on which he is required to retire in the Board's interest or three months' pay and allowances in lieu of such notice. Provided further that where the employee giving notice under Clause (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such an employee to retire under this regulation.

1A(a) An employee referred to in Clause (a) of the first proviso to sub-regulation (1) may make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefore

(b) on receipt of a 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, 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.

2. An employee who has elected to retire under this regulation and has given the 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.

3. For the purpose of this regulation the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the employee retires.

29(A) **Retirement on completion of 20 years' qualifying service.**

(1) At any-time after an employee has completed 20 years qualifying service, he may by giving notice not less than three months in writing to the appointing authority, retire from service.

1. (2) The notice of voluntary retirement given under sub-regulation (1) 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.

(3)(a) An employee referred to in sub-regulation (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of not less than three months giving reasons therefore;

(b) On receipt of a request under clause (a), the appointing authority, subject to the provisions of sub-regulation (2) 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.

(4). An employee who has elected to retire under this regulation and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority ;

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

(5). The pension and death-cum-retirement gratuity of the employee retiring under this regulation shall be based on the emoluments as defined under regulation 21 and 22 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6). This regulation shall not apply to an employee who retired from the service of the Board 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 . Explanation - For the purpose of this regulation the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the employee seeks voluntary retirement.

29(B) Addition to qualifying service on voluntary retirement.

(1) The qualifying service as on the date of intended retirement of the employee retiring under Regulation 28(1)(a) or Regulation 29(A) or retiring from service by giving notice of not less than three months in writing to the appointing authority after he has attained the age of fifty years if he is in Class I or Class II service or post (and had entered Board's service before attaining the age of thirty five years) and in all other cases after he has attained the age of fifty years, with or without permission shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the employee does not in any case exceed thirty-three years in case he is governed by the definition of Pay as applicable to Central Government employees for the purpose of pension and thirty years in case he is governed by the enlarged definition of pay as applicable to Class III and Class IV employees of the Major Port Trust and it does not take him beyond the date of superannuation.

(2) The weightage of five years under sub-regulation (1) shall not be admissible in cases of those employees who are prematurely retired in the interest of the Board's service.

30. **Amount of pension**

(1) In the case of an employee retiring in accordance with the provisions of these regulations before completing qualifying service of ten years, the amount of service gratuity shall be the appropriate amount as set out below, namely :

Completed six monthly periods of qualifying service	Scale of service gratuity
1.	1/2 month's emoluments
2.	1 " "
3.	1 1/2 " "
4.	2 " "
5.	2 1/2 " "
6.	3 " "
7.	3 1/2 " "
8.	4 " "
9.	4 3/8 " "
10.	4 1/8 " "
11.	5 1/8 " "
12.	5 1/2 " "
13.	5 7/8 " "
14.	6 1/4 " "
15.	6 5/8 " "
16.	7 " "
17.	7 3/8 " "
18.	7 3/4 " "
19.	8 1/8 " "

(a) In case of Class III and Class IV employees other than those covered by clause (b) of this sub- regulations retiring in accordance with the provisions of these regulations after completing qualifying service of not less than ten year, the amount of pension shall be the appropriate amount as set out below, namely :-

Completed six monthly periods of qualifying service	Scale of pension
--	-------------------------

20.	10/80ths of average emolument
21.	10 1/2/80ths of average emolument
22.	11/80ths of average emolument
23.	11 1/2/80ths of average emolument
24.	12/80ths of average emolument
25.	12 1/2/80ths of average emolument
26.	13/80ths of average emolument
27.	13 1/2/80ths of average emolument
28.	14/80ths of average emolument
29.	14 1/2/80ths of average emolument
30.	15/80ths of average emolument
31.	15 1/2/80ths of average emolument
32.	16/80ths of average emolument
33.	16 1/2/80ths of average emolument
34.	17/80ths of average emolument
35.	17 1/2/80ths of average emolument
36.	18/80ths of average emolument
37.	18 1/2/80ths of average emolument
38.	19/80ths of average emolument
39.	19 1/2/80ths of average emolument
40.	20 /80ths of average emolument
41.	21 1/2/80ths of average emolument
42.	21/80ths of average emolument
43.	21 1/2/80ths of average emolument
44.	22/80ths of average emolument
45.	22 1/2/80ths of average emolument
46.	23/80ths of average emolument
47.	23 1/2/80ths of average emolument
48.	24/80ths of average emolument
49.	24 1/2/80ths of average emolument
50.	25/80ths of average emolument
51.	25 1/2/80ths of average emolument
52.	26/80ths of average emolument
53.	26 1/2/80ths of average emolument
54.	27/80ths of average emolument

55.	27 12/80ths of average emolument
56.	28/80ths of average emolument
57.	28 1/2/80ths of average emolument
58.	29/80ths of average emolument
59.	29 1/2/80ths of average emolument
60.	30/80ths of average emolument

2(b) In case of Class I and Class III Officers

and

Those Class III and Class IV employees who have opted or may opt for definition of 'Pay' for the purpose of pension as applicable to the Central Govt. employees in terms of the option given/that may be given to them and retiring from service in accordance with the provisions of these regulations after completing qualifying service of not less than 33 years the amount of pension shall be determined as follows, namely :-

Average Emoluments	Amount of monthly pension
(i) Upto first rupees 1,000/-	50% of the average emoluments
(ii) Next Rs. 500/-	45% of average emoluments
(iii) Balance	40% of average emoluments subject to a maximum of Rs. 1,500/- p.m. including relief on pension payable upto index level 328

There will be no ceiling on the amount of monthly pension for employees retiring on or after 31.3.85.

2(c) In case of an employee as referred to in clause 2(b) as above retiring in accordance with the provisions of these regulation before completing qualifying service of 33 years but after completing qualifying service of 10 years, the amount of pension shall be proportionate to the amount of pension admissible under clause 2(b) provided however that in no case the amount of pension shall be less than Rs.60/- per mensem ;

(3) In calculating the length of qualifying service, fraction of a year equal to 3 months and above shall be treated as a completed one-half year and reckoned as qualifying service.

(4) The amount of pension finally determined under clause 2(b) or 2(c) shall be expressed in whole rupees and where the pension contains a fraction of a rupee shall be rounded off to the next higher rupee.

31. **Minimum limit of Invalid pension**

In respect of an employee who retires on invalid pension in terms of regulation 25, the amount of invalid pension shall not be less than the amount of Family Pension.

32. **Death-cum-Retirement Gratuity**

(1)(a)(i) An employee who has completed five years' qualifying service and has become eligible for service gratuity or pension under regulation 30 shall on his retirement be granted death-cum-retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16-1/2 times the emoluments in respect of Class I and Class II employees and 15 times the emoluments in case of class III and class IV employees :

Provided that in case of a class III or a class IV employees who has opted to have his emoluments calculated in the manner as that of a class I or class II employees for the purpose of payment of death-cum-retirement gratuity, the amount of the death-cum-retirement gratuity subject to clause a (ii) below will subject to a maximum of 16-1 /2 times the emoluments.

NOTE : In calculating the length of qualifying service, fraction of year equal to 3 months and above shall be treated as a completed one half year and reckoned as qualifying service of an employee other than an employee covered by the payment of Gratuity Act. 1972 (Act No.39 of 1972) and the Rules made there under.

(a) (ii) In case of employee covered by the payment of Gratuity Act, 1972 (Act No. 39 of 1972) and the rules made there under quitting service.

(a) On retirement on account of permanent in-capacity due to bodily or mental infirmity or on grounds accepted by the Board as and sufficient reason for retirement, or

(b) after he has rendered continuous service for not less than 5 years -

- A. On his superannuation; or
- B. On his retirement or resignation, or
- C. On his termination of service for any reasons whatsoever other than that mentioned in Sub-regulation 1(a), (ii) (a) above.

Death-cum-retirement gratuity shall be admissible at the rate of fifteen days' emoluments drawn by such an employee for every completed year of service or part thereof in excess of six months service to a maximum of twenty month's emoluments ;

Provided that when a employee as referred to in this sub-clause is offered a post on a lower scale of pay on account any accident, medical disability etc. as an alternative to being discharged/removed, death-cum-retirement gratuity may be worked out separately for the earlier period and subsequent period.

(c) The amount of gratuity payable under the payment of Gratuity Act, 1972 (Act 39 of 1972) and the rules made there under shall be set off against the death-cum-retirement gratuity payable under these regulations.

Notwithstanding any thing contained in this sub regulation the death-cum-retirement gratuity of an employee, whose services have been terminated for an act, willful commission, or negligence causing any damage or loss to, or destruction of, property belonging to the Board shall be forfeited to the damage or loss so caused. Provided further that the death-cum-retirement gratuity payable to an employee may be wholly or partially forfeited if the death-cum-retirement gratuity payable to an employee may be wholly or partially forfeited if the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part or for any act of the employee which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.

N.B. - In sub-clause 1(a) (ii) (b)

(1) "Completed year of service" means continuous service for one year.

(2) 'Continuous service' means continuous service as defined in Section 2A of the Payment of Gratuity Act, 1984.

(b) If an employee dies while in service after completing five years' qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of his emoluments or the amount determined under clause (a), whichever is higher and it shall be paid to his family in the manner indicated in sub-regulation (1) of regulation 34.

(c) For the purpose of clauses (a) and (b) the amount of death-cum-retirement gratuity payable under this regulation, in case shall exceed thirty six thousand rupees in case of employees retiring prior to 31st March, 1985 and Rs.50,000/- in case of those employees retiring on or after 31st March, 1985.

(2) If an employee who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad-hoc increase, if any, together with the death-cum-retirement gratuity admissible under sub regulation (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-regulation 1 of regulation 34.

3 (a) If an employee dies in the first year of his qualifying service, a death-cum-retirement gratuity equal to two times of his emolument at the time of his death shall be paid to his family in the manner indicated in sub regulation 1 of regulation 34.

(b) If an employee dies after completion of one year of qualifying service but before completing five years of qualifying service, the amount of death-cum-retirement gratuity shall be

equal to six times of his emoluments.

(4) The emoluments for the purpose of gratuity admissible under this regulation shall be subject to a maximum of two thousand five hundred rupees per mensem, in case of those employees retiring prior to 31st March, 1985 and Rs.4000/- per mensem in case of those employees retiring on or after 31st March, 1985 and shall be reckoned in accordance with regulation 21, except that piece rate earnings, incentive payment and other such payments under payment by result schemes which are treated as 'Pay' shall be reckoned with reference to such earning drawn during the last ten months of the service of the employee.

In case of an employee coming under the purview of "The payment of Gratuity Act, 1972 (No.39 of 1972)", emolument for the purpose of gratuity also include dearness allowance irrespective of whether such an employee has opted for definition of 'Pay' for the purpose of pension as applicable to Central Government employees or not.

(5) Subject to the provisions of sub-regulations 1(a)(ii) of this regulation, if the emoluments of an employee have been reduced during the last ten months of his service otherwise than as a penalty, average emoluments as referred to in regulation 22 shall be treated as emolument.

33. **Definition of family.**

For the purpose of regulation 34,35 and 36 family in relation to an employee means,

- (i) wife or wives (including judicially separated wife or wives) in the case of a male employee,
- (ii) husband, (including judicially separated husband) in the case of a female employee,
- (iii) sons including step sons and adopted sons,
- (iv) unmarried daughters including step daughters and adopted daughters,
- (v) widowed daughters including step daughters and adopted daughter,
- (vi) father including adoptive parents in the case of individuals whose personal law permits adoption
- (vii) mother including adoptive parents in the case of individuals whose personal law permits adoption
- (viii) brothers below the age of eighteen years including step brothers,
- (ix) unmarried sisters and widowed sisters including step sisters.
- (x) married daughters, and

(xi) children of a pre-deceased son.

34. Persons to whom gratuity payable is payable :

(a) The gratuity payable under regulation 32 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under regulation 36.

(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below :-

(i) If there are one or more surviving members of the family as in clauses (i), (ii), (iii) and (iv) of regulation 33, to all such members in equal shares ;

(ii) If there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix) (x) and (xi) of regulation 33, to all such members in equal shares.

(2) If an employee dies after retirement without receiving the gratuity admissible under sub-regulation 1 of regulation 32 the gratuity shall be disbursed to the family in the manner indicated in sub-regulation (1) :

Provided that in the case of death of an employee entitled to payment of gratuity under the Payment of Gratuity Act 1972 (Act No.39 of 1972), gratuity payable to him shall be paid to his nominee or if no nomination has been made to his family in the manner as specified in sub-regulation 1(b) of this regulation and in case the deceased employee has not made any nomination or the nomination made by him does not subsist and he leaves behind no family, the gratuity shall be paid to his legal heirs.

(3). The right of a female member of the family, or that of a brother, of an employee who dies while in service or after retirement to receive the share of gratuity shall not be affected if the female member marries or re-marries, or the brother attains the age of eighteen years, after the death of the employee and before receiving her or his share of the gratuity.

(4). Where gratuity is granted under Regulation 32 to a minor member of the family of the deceased employee, it shall be payable to the guardian on behalf of the minor.

34(A) Debarring a person from receiving gratuity.

(1) If a person, who in the event of death of an employee while in service is eligible to receive gratuity in terms of Regulation 34, is charged with the offence of murdering the employee or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-regulation (1), the person concerned -

(i) is convicted for the murder or abetting in the murder of employee, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(ii) is acquitted of the charge of murdering or abetting in the murder of the employee his share of gratuity shall be payable to him.

(3) The provisions of sub-regulation (1) and sub-regulation (2) shall also apply to the undisbursed gratuity referred to in -regulation (2) of regulation 34.

35. **Lapse of death-cum-retirement gratuity.**

Subject to the provision of sub-regulation (2) of regulation 34, where an employee dies while in service, after retirement without receiving the amount of gratuity, and leaves behind no family, and

(a) has made no nomination, or

(b) the nomination made by him does not subsist, the amount of death-cum-retirement gratuity payable in respect of such employee under regulation 32 shall lapse to the Board.

36. **Nominations**

(1) An employee shall, on his initial confirmation in a service or post, make a nomination in form as may be, as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under regulation 32 :

Provided that if at the time of making the nomination -

(i) the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family, or

(ii) the employee has no family, the nomination may be made in favour of a persons or persons, or a body of individuals, whether incorporated or not.

(2) If an employee nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.

(3) An employee may provide in the nomination -

(i) that in respect of any specified nominee who pre-deceases the employee, or who dies after the death of the employee but before receiving the payment of gratuity the right conferred on that nominee shall pass to such other person as may be specified in the nomination ;

Provided that if at the time of making the nomination the employee has a family consisting of

more than one member the person so specified shall not be a person other than a member of his family.

Provided further that where an employee has only one member in his family, and a nomination has been made in his favour, it is open to the employee to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not.

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by an employee who has no family at the time of making it, or the nomination made by an employee under the second proviso to clause (i) of such-regulation (3) where he has only one member in his family shall become invalid in the event of the employee subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) An employee may, at any time, cancel a nomination by sending a notice in writing to the authority mentioned in sub-regulation (7) ;

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this regulation.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-regulation (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of that sub-regulation, the employee shall send to the authority mentioned in sub-regulation (7) a notice in writing canceling the nomination together with a fresh nomination made in accordance with this regulation.

(7) (a) Every nomination made (including every notice of cancellation, if any given) by an employee under this regulation, shall be sent to the Head of Department in which the employee belongs.

(b) The Head of the Department shall immediately on receipt of the nomination referred to in sub-regulation (a) countersign it indicating the date of receipt and keep it under his custody.

(c) The Head of the Department may authorise his sub-ordinate officers not below the rank of Deputy to countersign the nomination forms of the employees.

(8) Every nomination made, and every notice of cancellation given, by an employee shall, to the extent that it is valid, take effect from the date on which it is received by the authority mentioned in sub-regulation (7).

1. Without prejudice to the provisions contained in sub-regulation (3).

Where an employee dies -

(a) after completion of one year of continuous service or

(a)(a) before completion of one year of continuous service provided the deceased employee concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Board's service, or

(b) after retirement from service and was on the date of death in receipt of pension or compassionate allowance referred to in Chapter V, the family of the deceased shall be entitled to a family pension (hereinafter in this regulation referred to as family pension) the amount of which shall be determined in accordance with the Table below :-

Pay of an employee	Amount of monthly family pension
(i) Below Rs. 400	30% of pay subject to a minimum of Rs.60 and a maximum of Rs.100.
(ii) Rs. 400 and above but below Rs. 1,200	15% of pay subject to a minimum of Rs.100 and a maximum of Rs.160.
(iii) Rs.1,200 and above	12% of pay subject to a minimum of Rs.160 and a maximum of Rs.250. Provided that in case of a Class III or a Class IV employee retiring from service on or after 2-1-69 who has not opted to have emoluments calculated in the manner as those of a Class I or a Class II employee for the purpose of payment of death-cum-retirement gratuity and pension, the family of the deceased shall be entitled to a family pension, with effect from 1.1.79, the amount of which shall be determined in accordance with the Table below :

Pay of an employee	Amount of monthly family pension
(i) Below Rs. 400	Rs. 60
(ii) Rs. 400 and above but below Rs. 800	Rs.100.
(iii)	12% of pay subject to a minimum of Rs.100

Rs.800 and above but below Rs. 1200	
(iv) Rs 1200 and above	Rs. 160

Explanation : The expression 'continuous one year of service' wherever it occurs in this regulation shall be construed to include less than one year of continuous service as defined in Clause (a.a).

(2) The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee, provided that in no case a family pension in excess of the maximum prescribed under this regulation shall be allowed.

(3) (a) (i) Where an employee, who is not governed by the Workmen's Compensation Act, 1923, (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-regulation (1) whichever is less, and the amount so admissible shall be payable from the date following the date of death of the employee for a period of seven years, or for a period upto the date on which the deceased employee would have attained the age of 65 years had he survived, whichever is less.

(ii) In the event of death of an employee (other than a Class-III or Class-IV employee who has not opted for definition of pay as applicable to central government employees for the purpose of pension) after retirement the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period upto the date on which the retired deceased employee would have attained the age of 65 years had he survived whichever is less :

Provided that in no case the amount of family pension determined under this clause shall exceed the pension sanctioned on retirement from the Board, provided further that where the amount of pension authorized on retirement is less than the amount of family pension admissible under sub-regulation (1), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-regulation (1).

Explanation :

(i) For the purpose of this sub-clause, pension, authorised on retirement includes the part of the pension which the retired employee may have commuted before death.

(ii) Where a deceased Class-III and a Class-IV employee did not opt to have his emoluments calculated in the manner as those of a Class-I and Class-II employee for the purpose of payment of death-cum-retirement gratuity and pension, the words 'twice the family pension' appearing in Sub-regulation(3) (a) (i) shall be replaced by 'one and half time the family pension'. This will

have effect from 1-1-79 and for this purpose, the pay will be defined as in the case of Central Govt. employee but will include piece-rate earnings, incentive payments, premium payments and other such payments under payment by Results scheme.

(b) (i) Where an employee who is governed by the Workmen's Compensation Act, 1923 (8 of 1923) dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or one and a half times the family pension admissible under sub-regulation (1), whichever is less. For this purpose, the pay will be as defined in the case of Central Government employees but will include piece rate earnings, incentive payments, premium payments and other such payments under payment by Results scheme.

(ii) The family pension so determined under sub-clause (1) shall be payable for the period mentioned in clause (a) of sub-regulation-3 provided that where a compensation is not payable under the aforesaid Act, and that where the family of the deceased employee is not eligible for any compensation under the aforesaid Act, the family shall be paid family pension on the scheme, and for the period, mentioned in clause (a).

(c) After the expiry of the period referred to in clause (a) the family, in receipt of family pension under that clause or clause (b) shall be entitled to family pension at the rate admissible under sub-regulation (1).

4. (a) (i) Where an award under the Calcutta Port Trust Employees' (Extra ordinary pension) regulation 1985 is admissible, no family pension under this regulation shall be authorised.

5. The period for which family pension is payable shall be as follows :-

(i) in the case of a widow or widower, upto the date of death or remarriage, whichever, is earlier,

(ii) in the case of a son, until he attains the age of twenty one years and

i. (iii) in the case of an unmarried daughter, until she attains the age of twenty-four years or until she gets married, whichever is earlier : provided that if the son or daughter of an employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-one years in the case of the son and twenty-four years in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :

(i) If such son or daughter is one among two or more children of the employee, the pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-regulation 7 of this regulation until the last minor child attains the age of twenty-one or twenty four as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life.

(ii) If there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely :-

(a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the lifetime of the elder ;

(b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the lifetime of the elder;

(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;

(iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature as to prevent him her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from the Chief Medical Officer of the Board setting out as far as possible, the exact mental or physical condition of the child :

(v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from the Chief Medical Officer of the Board to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Explanations -(a) Only that disability which manifest itself before the retirement or death of the employee while in service shall be taken into account the purpose of grant of family pension under this sub-regulation.

(b) A daughter shall become ineligible for family pension under this sub-regulation from the date she gets married.

(c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) In such cases it shall be the duty of the guardian to furnish a certificate every month that (i) he or she has not started earning his/her livelihood, (ii) in case of daughter that she has not yet married.

(6) (a) (i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

(ii) On the death of a widow, her share of the family pension shall become payable to her eligible child :

* Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such

other widow, in full, to her.

Provided further that on the share or shares of the family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse but shall be payable to other widow or widows and /or to other child or children otherwise eligible, in equal shares or if there is only one widow or child, in full to such widow or child.

(b) Where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the employee or pensioner.

* * Provided that on the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse but shall be payable to the other widow or widows and/or to other child or children otherwise eligible in equal shares or if there is only one widow or child, in full, to such widow or child".

(7) (i) Except as provided in sub-regulation (6) the family pension shall not be payable to more than one member, of the family at the same time.

(ii) If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

(iii) If sons and unmarried daughters are alive, unmarried daughter, shall not be eligible for family pension unless the sons attain the age of twenty one years and there by become ineligible for the grant of family pension.

(8) Where a deceased employee or pensioner leaves behind more children than one the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub- regulation (5), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

(9) Where family pension is granted under this regulation to a minor, it shall be payable to the guardian on behalf of the minor.

(10) In case both wife and husband are employees and are governed by the provisions of this regulation and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pension in respect of the deceased parents, subject to the limits specified below, namely :-

(a) (i) If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-regulation (3), the amount of both the pensions shall be limited to five hundred rupees per mensem.

(ii) If one of the family pensions ceases to be payable at the rate mentioned in sub-regulations

(3), and in lieu thereof the pension at the rate mentioned in sub-regulation (1) becomes payable, the amount of both the pension shall also be limited to five hundred rupees per mensem.

(b) If both the family pensions are payable at the rates mentioned in sub-regulation (1) the amount of two pensions shall be limited to two hundred and fifty rupees per mensem.

(11) Where a female employee or male employee dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving. Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the employee takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty or committing adultery.

(12). (a) Where a female employee or male employee dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(13) (a) If a person, who in the event of death of an employee while in service, is eligible to receive family pension under this regulation, is charged with the offence of murdering the employee or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a) the person concerned:

(i) is convicted for the murder or abetting in the murder of the employee, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the employee.

(ii) is acquitted of the charge of murder or abetting in the murder of the employee, the family pension shall be payable to such a person from the date of death of the employee.

(c) The provision of Clause (a) and Clause (b) shall also apply for the family pension becoming payable on the death of an employee after his retirement.

(14) For the purpose of this regulation : -

(a) 'continuous service' means service rendered in temporary or permanent capacity and does not include-

- (i) period of suspension, if any, and
 - (ii) period of service, if any, rendered before attaining the age of eighteen year.
- (b) 'family', in relation to an employee means -
- (i) wife in the case of a male employee or husband in the case of a female employee, provided the marriage took place before retirement of the employee :
 - (i) (a) A judicially separated wife or husband, such separation not being granted on the ground of adultery, provided the marriage took place before the retirement of the employee, and the person surviving was not held guilty of committing adultery.
 - (ii) Son who has not attained the age of twenty one years and unmarried daughter who has not attained the age of thirty years including such son and daughter adopted legally before retirement but shall not include son or daughter both after retirement .
- (c) (i) 'Pay' means the emoluments as specified in regulation 21, except that piece-rate earnings, incentive payment and other such payments under payment by Result Schemes which are treated as pay shall be reckoned with reference to such earning drawn during the last ten months of the service of the employee, or
- (ii) The average emoluments as referred to in regulations 22, if the emoluments of the deceased employee have been reduced during the last ten months of his service otherwise than as penalty.

CHAPTER - VII

Procedure for grant of Pension and Death-cum-Retirement Gratuity.

38. Procedure for grant of pension and Death-cum-Retirement Gratuity.

The procedure for the grant of pension, family pension and death-cum-retirement gratuity shall be such as may be prescribed by the Chairman from time to time.

39. Preparation of list of employee due for retirement.

(1) Every Head of Department shall have a list prepared once in a year, that is, on the 1st January each year of all employees who are due to retire within the next 6 to 18 months of that date.

(2) A copy of every such list in duplicate shall be supplied to the Financial Adviser and Chief Accounts officer not later than the 31st January of that year.

(3) In the case of an employee retiring for reasons other than by way of Superannuation, the Head or Department shall promptly inform the Financial Adviser and Chief Accounts Officer as soon as the fact of such retirement becomes known to him.

(4) A copy of the intimation sent by the Head of Department to the Financial Adviser & Chief Accounts Officer shall also be endorsed to the Land Manager in respect of Class -I, Class -II and Class III employees and to the Labour Adviser & Industrial Relations Officer in respect of Class - IV employees if the employees concerned are allottees of Port Trust Accommodation

(5) The Head of Department shall also have a separate list prepared once in a year, that is, on the 1st January each year of all Class IV employees promoted to Class III posts who are due to retire within the next 6 to 18 months of that date and a copy of every such list in duplicate shall be supplied to the Financial Adviser and Chief Accounts Officer not later than the 31st January of that year. The list shall also contain particulars as regards (1) date of continuous officiating appointment of the concerned employee to Class III post and (2) particulars of reference under which the staff Recommendation Sheet on confirmation, Health Certificate, Service Sheet in respect of service rendered in Class IV posts and Leave Account of the concerned employee has been forwarded to the Office of the Financial Adviser and Chief Account's Officer and the date of confirmation of the employee in the Class III post. In case of Class - IV employees officiating in Class-III post, not yet confirmed in such post the list should show the date of continuous officiating appointment of such an employee to the Class-III post.

40. **Preparation of Pension Papers**

Every Head of Department shall undertake the work of preparation of pension papers 9 months before the date on which an employee is due to retire on superannuation. While doing so, the Head of Department shall go through the service sheets of Class -IV employees and satisfy himself as regards the correctness of the entries recorded therein. The Head of Department shall complete preparation of Pension Papers and forward the pension proposal along with all relevant documents to the Financial Adviser and Chief Accounts Officer not later than four months before the date of retirement of the employee. Before forwarding the Pension Proposals, the Head of Department shall as far as possible ascertain and assess the Board's due payable by an employee due for retirement and intimate the same to the Financial Adviser and Chief Accounts Officer at the time of forwarding the Pension Papers to him so that the dues are recovered out of the gratuity before its payment is authorised. If after the particulars of Boards dues have been intimated to the Financial Adviser and Chief Accounts Officer, any additional Board's dues come to the notice of the Head of Department such dues shall be promptly reported to the Financial Adviser and Chief Accounts Officer.

NOTE :- If the application is for an invalid Pension, the requisite certificate of the Chief Medical Officer shall be attached to the Pension Proposal.

41. **Intimation to Financial Adviser and Chief Accounts Officer regarding any event having bearing on Pension.**

If after the Pension Papers have been forwarded to the Financial Adviser and Chief Accounts

Officer within the period specified in regulation 40, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Financial Adviser and Chief Accounts Officer.

42. Authorization of Pension and gratuity by the Financial Adviser and Chief Accounts Officer.

On receipt of Pension papers referred to in regulation 40 the Financial Adviser and Chief Accounts Officer shall apply the requisite checks, assess the amount of pension and gratuity and authorize the payment of same not later than one month in advance of the date of the retirement of the employee. After payment of pension and death-cum-retirement gratuity is authorised the Financial Adviser and Chief Accounts Officer shall arrange for preparation of pension and death-cum-retirement gratuity bill. The Financial Adviser and Chief Accounts Officer shall also arrange to verify the correctness of entries in the service sheets maintained in his receipt of the list of employees promoted to Class-III office in respect of Class-I, Class-II and Class III employees on receipt of the list of such employees as referred to in sub-regulation (2) of regulation 39. On receipt of the list of employees promoted to Class- III posts from Class-IV post as referred to sub-regulation 5 of regulation 39, Financial Adviser and Chief Accounts Officer shall cause the service sheet in respect of the service rendered in a Class-III post by any of the employees mentioned in the list to be opened immediately, if not opened earlier.

43. Recovery of excess payment.

Should the amount of pension /death-cum-retirement gratuity granted to an employee be afterwards found to be in excess of that to which he is entitled under these regulations these he shall be called upon by the Financial Adviser and Chief Accounts Officer to refund such excess. For this purpose the employee concerned shall be served with a notice by the Financial Adviser and Chief Accounts Officer requiring him to refund the excess payments within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice, the Financial Adviser and Chief Accounts Officer shall order that such excess payment shall be adjusted by short payment of pension in future in one or more installments as he will think fit.

CHAPTER - VIII

Dues of the Board

44.(i) Recovery and adjustment of dues of the Board.

It shall be the duty of every retiring employee to clear all dues of the Board before the date of his retirement

(ii) Where a retiring employee does not clear the dues of the Board and such dues are ascertainable :-

(a) an equivalent cash deposit may be taken from him; or

(b) out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable dues of the Board shall be deducted there from.

Explanation :- The expression "ascertainable dues of the Board" includes balance of house building or conveyance, advance, dues on account of occupation of accommodation provided by the Board, over payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961).

Unrealised and unassessed dues of the Board.

45. (a) If any of the dues of the Board (other than those referred to in regulation 44) remain unrealised and unassessed for any reasons, suitable cash deposit may be taken from the retiring employee or such portion of gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

(b) The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty -five percent thereof .

(c) Effort shall be made to assess and adjust the recoverable dues of the Board as early as possible.

(d) The dues of the Board as assessed shall be adjusted against the cash deposit or the amount with held from the gratuity and the balance , if any, shall be released to the retired employee.

CHAPTER IX

Payment of pension and death-cum-retirement gratuity.

46. **Payment of pension.**

(1) Subject to the provisions of regulation 8, a pension other than family pension shall become payable from the date on which an employee ceases to be borne on the establishment.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

(3) A pension including family pension shall be payable for the day on which its recipient

dies.

(4) On the death of pensioner, payment of any arrears of pension actually due may be made to his legal heirs in the manner as prescribed by the Chairman from time to time.

47. **Payment of Death-cum-retirement Gratuity.**

Except as otherwise provided in these regulations a gratuity shall be paid in lump sum.

CHAPTER - X

COMMUTATION OF PENSION

48. **Application for commutation.**

On the application of an employee the Chairman may subject to the conditions hereafter specified sanction the commutation for a lump payment of a portion not exceeding one third of any pension which has been or may be granted to him under these regulations :

Provided that an employee against whom judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued, shall not be permitted to commute any part of his pension during the pendency of such proceedings.

49. **Medical examination for commutation.**

(1) On receipt of the application for commutation the Head of department under whom the pensioner was employed immediately before his retirement from the service, shall forward the case with his recommendation to the Chairman through the Financial Adviser and Chief Accounts Officer.

(2) An applicant who -

- (i) retires on invalid pension under Regulation 25 of these regulations; or
- (ii) is compulsorily retired from service as a penalty and is granted pension under regulation 27 of these regulations; or
- (iii) is in receipt of compassionate allowance under regulation 28 of these regulations; or
- (iv) has retired from service on one of the pension referred to in sub-regulation (3), but his

application for

commutation has not been received in the office of the Financial Adviser and Chief Accounts Officer within one year of his retirement

shall be eligible to commute a fraction of his pension subject to the limit specified in Regulation 48 after he has been declared fit by the Chief Medical Officer or such other Medical Authority as may be directed by the Chairman.

On the Chairman accepting the proposal for commutation, the Head of Department shall direct the pensioner to appear before the Chief Medical Officer, or in the case of pensioner residing abroad in foreign countries as well as those living at a considerable distance from Calcutta such other Medical Authority as may be directed by the Chairman, for a certificate as to whether the pensioner is a fit subject for commutation, within three months of the date of receipt of the direction . If the pensioner does not present himself for medical examination within the period of three months as stated above, the Chairman may grant an extension of time not exceeding three months for such presentation after which date the application for commutation shall be considered as withdrawn. The medical certificate will be forwarded to the Chairman through the Financial Adviser and Chief Accounts Officer by the Heads of Departments and the Financial Adviser and Chief Accounts Officer will thereupon report to the Chairman the commuted value of the pension and for this purpose the applicant's age next birthday will be determined by reference to the date of the medical report. The pensioner may however, after giving notice in writing to the Head of the Department withdraw his application at any time before subjecting himself to medical examination before the Chief Medical Officer but in no case after he has appeared before the Chief Medical Officer or such other Medical Authority as referred to in sub-regulation (1).

(3) An applicant who is authorized -

(i) a superannuation pension under regulation 23 of the Pension Regulations; or

(ii) a retiring pension under regulation 24 of the pension regulation ; or

(iii) a compensation pension on abolition of permanent post under regulation 26 of the pension regulations ; or

(iv) a pension in whole or in part on the finalization of the departmental or judicial proceeding referred to in regulation 8 of the pension regulations and issue of final orders thereon;

shall subject to the limit specified in regulation 48 be eligible to commute a fraction of his pension without medical examination provided the application for commutation is received in the office of the Financial Adviser and Chief Accounts Officer within one year of the date of retirement of the applicant :

Provided that in the case of an applicant referred to the clause (iv) of sub-Regulation (3) of

Regulation 49, the period of one year referred to in this sub-regulation shall reckon from the date of the issue of the orders consequent on the finalization of the departmental or judicial proceedings. The Financial Adviser and Chief Accounts Officer will report to the Chairman the commuted value of the pension and for this purpose the applicant's age next birthday will be determined by reference to the date of birth recorded in the service sheet and taken into account for the purpose of processing pension.

An employee who is due to retire on superannuation and desires payment of the commuted value of pension being authorized at the time pension being authorized, shall be eligible to apply for commutation of a fraction of pension prior to the date of retirement provided that -

- (a) the employee retires on superannuation pension only :
- (b) the application is submitted to the Head of Department so as to reach him not later than three months before the date of superannuation. No such application shall be entertained if the period is less than three months from the date of superannuation of the employee; and
- (c) the Board shall have no liability for the payment of the commuted value of pension if the employee dies before the date of superannuation or forfeits claim to pension before such retirement.

The Head of Department shall forward the application for commutation of pension to the Financial Adviser and Chief Accounts Officer along with the pension proposal.

(4) In the event of the Chief Medical Officer or in the case of pensioner residing abroad in foreign countries as well as those living at a considerable distance from Calcutta, such other Medical Authority referred to in sub-regulation (2) above declaring the age of the pensioner for purpose of commutation of pension to be greater than his actual age, the pensioner will be required by the Head of Department to state in writing within two weeks from the date of receipt of intimation whether in these circumstances he still wishes to commute a portion of the pension. If the pensioner does not withdraw in writing his application for commutation within the period of two weeks prescribed above, he shall be assumed to have accepted the commutation.

(5) If the pensioner makes any statement found to be false within his knowledge or willfully suppresses any material facts in answer to any question written or oral, put to him in connection with his medical examination, the Chairman may cancel the sanction to commutation at any time before payment is actually made, and such a statement or suppression may be treated as grave misconduct for which the Board reserve to it the right of withholding or withdrawing the pension any part of it.

(6) A pensioner applying for a commutation, who has once been rejected on the recommendation, of the Chief Medical Officer or in the case of pensioners residing abroad in foreign countries as well as those living at a considerable distance from Calcutta by such other medical Authority referred in sub-regulation (2) above, as not being a fit subject for commutation, or who has once declined to accept commutation on the basis of an addition of years to his age next birthday recommended by that officer or authority may be allowed to present himself once more subsequently for medical examination with a view to the revision of the original finding at his own cost provided that an interval of not less than a year shall elapse between the date of the first medical examination and that of the second.

(7) The pensioner shall himself pay the fees of the Chief Medical Officer in the case of pensioners residing abroad in foreign countries as well as those living at a considerable distance from Calcutta such other Medical Authority referred to in sub-regulation (2) above, if demanded by that officer or authority and shall himself defray all other expenses in connection with medical examination.

(8) The commutation shall become absolute, that is the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value will accrue on the date on which the Medical Authority signs the medical certificate. Provided further that in a case falling under sub-regulation (3) the commutation shall become absolute that is the retired employee shall become entitled to receive the commuted value on the date on which his application is received in the office of the Financial Adviser and Chief Accounts Officer.

(9) The lump sum payable on commutation shall be calculated in accordance with a table or tables of present values which shall be prescribed by the Government of India from time to time for its employees and as applicable to the applicant on the date on which the commutation becomes absolute.

(10) Payment of the commuted value shall be made as expeditiously as possible. Whatever the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value were paid on the date on which commutation become absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable on commutation.

(11) (a) An applicant shall make a nomination in the prescribed form (printed at Annexure -I)

conferring on one or more persons

the right to receive the commuted value of pension in case the applicant dies without receiving the commuted value on or after the date on which commutation become absolute.

(b) If there is no such nomination or if the nomination made does not subsist and the pensioner dies on or after the day on which commutation became absolute but before receiving the commutation value, this value shall be paid to his legal heirs.

(12) The compassionate allowance granted under regulation (28) shall be treated as pension for the purpose of commutation.

(13) An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorized.

For the payment of difference, the applicant shall not be required to apply afresh :

Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees one hundred after being declared fit by the Chief Medical Officer or such other Medical Authority as referred to in sub-regulation (2) and as a result of retrospective enhancement of pension he becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the difference between the commuted value of one hundred rupees per mensem and the commuted value of the fraction of the original pension without further medical examination, the commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to medical examination.

49. (A) **Restoration of commuted portion of pension.**

The pensioners who have commuted the, admissible portion of their pension and on 1-4-1985 or thereafter have completed or will complete 15 years from their respective dates of retirement may be allowed to have the commuted portion of their pension restored, excepting in the case of Port employees who got themselves absorbed under Public Sector Undertakings/Autonomous Body and have received or opted to receive commuted value of 1/3rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after commuting 1/3rd of pension.

50. **Interpretation.**

Where any doubt arises as to the interpretation of these regulations, it shall be referred to

the Board for decision.

51. Power to relax.

Where the Board is satisfied that the operation of any of these regulations causes undue hardship in any particular case, the Board, 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 the Board may consider necessary for dealing with the case in a just and equitable manner.

52. Repeal and Saving.

(1) On the commencement of these regulation, every rule or order in force immediately before such commencement shall, cease to operate.

(2) Notwithstanding such ceaser of operation :

(a) any nomination for the payment of death-cum-retirement gratuity required to be made or given by an employee under the old rules and/or order but not made or given before the commencement of these regulation shall be made or given after such commencement in accordance with the provision of these regulations;

(b) any case which pertains to the sanction of pension to an employee who had retired before the commencement of these regulations and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules and or orders as if these regulations had not been made ;

(c) any case which pertains to the sanction of death-cum-retirement gratuity and family pension to the family of a deceased employee or of a deceased pensioner and is pending before the commencement of these regulations shall be disposed of in accordance with the provisions of the old rules or orders if these regulations had not been made ;

(d) Subject to the provisions of clauses (b) and (c) anything done or any action taken under the old rules and/or orders shall be deemed to have been done or taken under the corresponding provisions or these regulations.

**(SUDHIR
SHANKER NAGAR)
Section Officer
Ministry of Surface Transport**

The Calcutta Port Trust Employees' (Pension) First Amendent Regulations was published in The Gazette of India Extraordinary vide GSR 472(E) dated 4th May 1992.

* Substituted vide First Amendment Regulations, 1992.

* * Incorporated vide First Amendment Regulation, 1992.