

JAWAHARLAL NEHRU PORT TRUST
EMPLOYEES'(PENSION) REGULATIONS,
2011

2011

JAWAHARLAL NEHRU PORT TRUST
Administration Building, Navi Mumbai
400 707.

**JAWAHARLAL NEHRU PORT TRUST EMPLOYEES (PENSION)
REGULATIONS, 2011**

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JAWAHARLAL NEHRU PORT TRUST EMPLOYEES (PENSION) REGULATIONS, 2011

CHAPTER- I PRELIMINARY

1. Short title and commencement

- (ii) These regulations may be called the Jawaharlal Nehru Port Trust Employees' (Pension) Regulations, 2011.
- (ii) The **Regulations** will come into effect from the date of publication in the official gazette.

2. Definitions

- 2.1 In these regulations unless the context otherwise requires:-
- (i) 'Act' means the Major Port Trusts Act 1963
 - (ii) 'Chief Manager (Finance) ' means the Head of the Finance Department of the Jawaharlal Nehru Port Trust, who is entrusted with the functions of maintaining the accounts of the Jawaharlal Nehru Port Trust.
 - (iii) 'Allottee' means an employee to whom Jawaharlal Nehru Port Trusts' accommodation/or leased accommodation has been allotted on payment of License fees or otherwise.
 - (iv) 'Appointing Authority' in relation to a grade or post means the authority empowered under the Jawaharlal Nehru Port Trust Employees' (Classification, Control and Appeal) Regulations, 1988 to **make** appointment to that grade or post.
 - (v) 'Average emoluments' means the average emoluments as determined in accordance with **Regulation** 25.
 - (vi) 'Board', 'Chairman', 'Dy. Chairman' and ' Head of a Department' shall have the meanings respectively assigned to them under Major Port Trusts Act, 1963.
 - (vii) 'Child' means a child of the employee who, if a son is under twenty five years of age and if a daughter, is unmarried and is under twenty five years of age and the expression 'children' shall be construed accordingly.
 - (viii) 'Medical Superintendent' shall mean the Medical Superintendent of the Jawaharlal Nehru Port Trust, who is entrusted with the functions of JNPT Hospital of the Jawaharlal Nehru Port Trust.

- (ix) 'Class I', 'Class II', 'Class III', Class IV' employees shall have the same meaning as assigned to them in the Jawaharlal Nehru Port Trust Employees (Classification, Control and Appeal) Regulations, 1988
- (x) 'Day' means a calendar day beginning and ending at midnight.
- (xi) 'Dearness relief' means a relief as defined in Regulation 75.
- (xii) 'Dues' means dues as defined in Regulation 58.
- (xiii) 'Emoluments' means emoluments as defined in Regulation 24.
- (xiv) 'Employee' means an employee of the Jawaharlal Nehru Port Trust.
- (xv) 'Family Pension' means family pension admissible under Regulation 45 but does not include dearness relief.
- (xvi) 'Foreign Service' means service in which an employee receives his pay, with the sanction of the Appointing Authority / Board of Trustees and also, if necessary, of the Central Government from any source other than the revenues of the trustees.
- (xvii) 'Form' means a form appended to these regulations.
- (xviii) 'Government' means the Central Government.
- (xix) 'Gratuity' includes
 - (a) 'Service gratuity' payable under Regulation 37.4.
 - (b) 'Retirement gratuity/death gratuity' payable under Regulation 39 (A&B) and 39(C).
- (xx) 'Leave' means any kind of leave recognized by Jawaharlal Nehru Port Trust Employees (Leave) Regulation, 1993.
- (xxi) 'Major Port' has the same meaning as in Indian Ports Act 1908.
- (xxii) 'Minor' means a person who has not completed the age of eighteen years.
- (xxiii) 'Month' means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days should first be calculated and the odd number of days calculated subsequently.
- (xxiv) 'Pension' means any class of pension including gratuity except when the term pension is used in contradistinction to gratuity but does not include dearness relief.

(xxv) 'Pension Disbursing Authority' means;

- (i) Chief Manager (Finance) of the Jawaharlal Nehru Port Trust or
- (ii) a branch of any Nationalized Bank or Scheduled Bank authorized by JNPT

(xxvi) '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.

(xxvii) 'Retirement Benefits' includes pension or service gratuity and retirement gratuity whichever is admissible.

(xxviii) 'Service Book' includes service roll, maintained by Personnel Department of Jawaharlal Nehru Port Trust

(xxix) 'Trustees' means the 'Board or the Trustees of the Port Trust Board referred to in Section 3 of Major Port Trusts Act, 1963.

2.2 Words and expression used herein and not defined but defined in other adaptation, rules and regulations framed by the Jawaharlal Nehru Port Trust Board, and approved by the Government have the meanings respectively assigned to them in those rules and regulations.

3. Application

3.1 Save as otherwise provided in these regulations, these regulations shall apply to all employees of the Port Trust Board appointed as on or before 31-12-2003

3.2 These Regulations shall not apply to

- (i) Government servants on deputation to the Board.
- (ii) Persons in casual or daily rated employment and Persons paid from contingencies except to the extent provided in Regulation 10.
- (iii) Persons entitled to the benefit of Contributory Provident Fund.
- (iv) Members of All India Services.
- (v) Persons employed on contract.

3.3 Persons transferred from services and posts to which these regulations do not apply.

- (i) A Person who is transferred permanently to a service or post to which these regulations apply from a service or post to which these regulations do not apply shall become subject to these Regulations.

Provided that it shall be open to him, within six months of the date of issue of the order of his permanent transfer or, if he is on leave on that day, then, within six months of his return from leave, whichever is later, to elect to be governed by the pension regulations to which he was subjected to immediately before the date of his transfer.

- (ii) The option under the **proviso** to Sub Regulation (i) shall be exercised in writing and communicated to the authority making such order of transfer.
- (iii) The option once exercised shall be final.

4 Regulation of claims to pension and family pension

- 4.1 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 retired or is discharged or is allowed to resign from service or dies as the case may be.
- 4.2 The day on which an employee retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall be treated as working day.
- 4.3 An employee who is on Extra-Ordinary Leave / **Earned** Leave on medical certificate and died during leave the date of death shall be treated as a part of leave which he was availing of on the day previous to the day of death;

provided that in the case of employee who is retired prematurely or who retires voluntarily as the case may be the date retirement shall be treated as non working day.

5. Limitations on number of pension

- 5.1 An employee shall not earn two pensions in the same service or post, at the same time or by the same continuous service.
- 5.2 Except as provided in Regulation 13 an employee who having retired on superannuation pension 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. Right of the Board to withhold or withdraw pension.

- 6.1 The Board reserves the right of withholding or withdrawing a pension or part thereof whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part for any grave 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 service.

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 half of the minimum of the lowest pay scale in the Jawaharlal Nehru Port Trust.

- 6.2 The departmental proceedings referred to in Sub-Regulation 6.1, if instituted while the employee was, in service before his retirement, 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 proceeding, are instituted by an authority subordinate to Chairman the authority shall submit report recording its finding to the Chairman

- 6.3 The departmental proceedings, if not instituted, while the employee was in service before his retirement.

- (i) shall not be instituted save with the sanction of the Board.
- (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 Board 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.

- 6.4 In the case of an employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-regulation 6.3 a provisional pension shall be sanctioned.

- 6.5 Where the Board decides not to withhold or withdraw the 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.

- (a) For the purpose of this regulation:-

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

- (b) Judicial proceedings shall be deemed to be instituted;

- (i) in the case of criminal proceedings, on the date on 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.

QUALIFYING SERVICE**7. Commencement of Qualifying Service.**

Subject to the provisions of these regulations, qualifying Service of an employee shall commence from the date he assumes 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 entry grade after satisfactory completion of probation.

Provided further that service rendered before attaining the age of eighteen years shall not count except for compensation gratuity.

Note 1 : No distinction between permanent and temporary employees to be made in the application of Pension Regulations.

Note 2 : Confirmation will be made only once in the grade of an employee, which will be in the entry grade.

Note 3 : Confirmation is de linked from the availability of permanent vacancy in the grade. In other words employees who have completed their probation **satisfactorily** may be considered for confirmation

Note 4 : All the employees who complete probation in their first appointment will be declared as permanent. The distinction between permanent and temporary employee for the grant of pension and pensionary benefit shall cease to exist.

8. Minimum Qualifying Service for pension.

The minimum requirement of Qualifying Service for pension shall be ten years.

9. Permanent transfer of service from one Port Trust to another.

In case of an employee belonging to a Jawaharlal Nehru Port Trust who is permanently transferred to another Port Trust without any interruption, the continuous service rendered by him in the **Jawaharlal** Port Trust in an officiating or temporary capacity, shall qualify for pension.

10. Counting of casual /daily rated service paid from contingencies with regular service.

50% of the period of daily rated/casual service or service paid from contingencies in types of work requiring services of whole time employment and are paid on monthly rates of pay or daily rates computed on monthly basis shall count as qualifying service if they are found fit and appointed to regular establishment, provided, **the service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.**

11. Counting of service on Probation.

Service on probation against a post if followed by confirmation/in the same or another post shall qualify.

12. Counting of service as apprentice.

Service as an apprentice shall not qualify for pension.

13. Counting of military service rendered before employment in the Jawaharlal Nehru Port Trust.

13.1 An employee who is re-employed in the Port before attaining the age of superannuation and who, before such re-employment, had rendered military service, may on his confirmation, opt either-

- (a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military 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 a part of military pension and
 - (iii) the amount of retirement gratuity including service gratuity if any,

and count the previous military service as Qualifying service, in which case the service so allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere which is paid from the Consolidated Fund of India or for which pensionary contributions have been received by the Government:

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 on re-employment, shall be refunded by him.
- (iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of pay shall be set off against the amount of 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 equivalent of gratuity by which the pay of the employee was reduced on initial re-employment and the expression, ' which was not taken into account' shall be construed accordingly.

An employee applying for counting of service under Regulation 13.1 may be allowed to exercise option for the same within period of one year from the date of joining the Port. The refund of pension, gratuity etc already drawn by such employees from the military authorities shall be refunded to the Port with interest from the date of their joining the Port.

- 13.2 (a) The authority issuing the order of appointment shall along with such order require, in writing, the employee to exercise the option within one year from the date of re-employment and also bring to his notice the provision of clause.(b).
- (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 13.1
- 13.3 (a) An employee, who opts for clause(b) of Sub-Regulation 13.1 shall be required to refund the pension, and gratuity or any payment in lieu of gratuity received in respect of his earlier military service, in monthly installments not exceeding thirty six in number, the first installment beginning from the month following 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.
- 13.4 In the case of an employee, who having elected to refund the pension, and gratuity, dies before the entire amount is refunded, the unrefunded amount of pension and gratuity shall be adjusted against the death gratuity which may become payable to the family.
- 13.5 When an order is passed under this regulation allowing previous military service to count as part of service qualifying for pension the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military service and the service in the port.

Note : Continuous military (non-regular /purely temporary) service not rendered in conjunction with war service in the Army, Navy and air Force will count in full towards pension, if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post, subject to the following conditions:-

- (a) The Officer concerned should not have earned a pension under the military rules in respect of the service in question.

- (b) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military service rendered below that age shall be allowed to count for pension.
 - (c) if the officer has been granted any retirement gratuity in respect of such service, such gratuity shall be refundable.
- 13.6 Pensionary benefits received for the past service should be refunded with interest from the date of their receipt to the date of refund at the rate applicable on GPF accumulation from time to time .

14. Counting of periods spent on leave.

- 14.1 All leave during service for which leave salary is payable and all extraordinary 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 employee -

- (i) due to his inability to join or rejoin duty on account of civil commotion; or
- (ii) for prosecuting higher scientific and technical studies.

- 14.2 Extra ordinary leave taken on other grounds is treated as non qualifying service.

Note 1 : Entries regarding service being qualifying or otherwise are required to be made in service records simultaneously with the event.

Note 2 : specific entries in the service record regarding non qualifying periods shall be taken note of and such spells excluded from service.

Note 3 : All spells of Extra ordinary Leave not covered by such specific entries referred to in Note 2 will be deemed to be qualifying service.

15 Counting of periods spent on training.

The Jawaharlal Nehru Port Trust Board/Chairman may by order, decide whether the time spent by an employee under training immediately before appointment to service under the Board shall count as qualifying service provided that during the period of training the employee was on regular scale of pay and, if any interruption falls between the training period and regular appointment that should not exceed the joining time admissible under relevant regulations for the purpose of giving this benefit.

16 Counting of periods of suspension.

Time passed by an employee under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry he has been fully exonerated or the suspension is held to be 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.

Note 1 : Specific entries in this regard should be made in the service book /records. In the absence of any specific entry, period of suspension shall count towards qualifying service.

Note 2 : where departmental proceedings against a suspended employee for the imposition of a major penalty ends finally with the imposition of minor penalty, the suspension can be said to be wholly unjustified and the employee concerned should, therefore, be paid **full** pay and allowances for the period of suspension by passing suitable orders.

17. Forfeiture of service on dismissal or removal.

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

Note: An employee whose services are terminated for failure to pass prescribed examination and who is appointed to another post without any break, will count his previous service towards leave and pension.

18. Counting of past service on reinstatement.

18. 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.
- 18.2 The period of interruption in service between the date of 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 regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

19. Forfeiture of service on resignation

- 19.1 Resignation from service or a **post**, unless it is allowed to be withdrawn in public interest by the appointing authority entails forfeiture of past service. **Notwithstanding** anything contained above, employees resigning from service, shall be eligible for Terminal benefits as per Regulation 40.

- 19.2 A resignation shall not entail forfeiture of past service, if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent under another Port Trust Board, Central, State, Autonomous bodies funded or set up by Central / State Governments where service Qualifies.
- 19.3 Interruption in service in case falling under Sub-Regulation 19.2, due to the, two appointments being at different stations, absence not exceeding the joining time permissible under the regulation of transfer, shall be covered by grant of leave of any kind due to an employee on the date of relief or by formal con donation to the extent to which the period is not covered by leave due to him.

20 Effect of interruption in Service

- 20.1 An interruption in the service of an employee entails forfeiture of his past service except in the following cases.
- (i) authorized leave of absence.
 - (ii) Unauthorized absence in continuation of authorized leave of absence so long as the post of **absentee** is not filled substantively.
 - (iii) Suspension where it is immediately followed by reinstatement whether in the same or a different post or where an employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension.
 - (iv) Joining time while on transfer from one post to another.
- 20.2 Notwithstanding anything contained in Sub-Regulation 20.1 the appointing authority, may **by** order, commute retrospectively the periods of absence without leave as extra ordinary leave. .

21. Absence from duty not regularized.

Period of absence of an employee not covered by grant of leave shall be treated as 'dies non' for all purpose viz. increment, leave and pension. Such absence will constitute an interruption of service for the purpose of pension and unless the appointing authority treats retrospectively the period of absence as leave without allowances, the entire past service will stand forfeited.

22. Condonation of interruption in service

- (i) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of service in the ports, rendered by an employee and paid from the respective ports revenues, shall be treated as automatically condoned and the pre interruption service treated as **qualifying** service.
- (ii) Nothing in Sub-Regulation (i) shall apply to interruption caused by resignation, dismissal or removal from service.

- (iii) The period of interruption referred to in Sub-Regulation (i) shall not count as Qualifying service.

Note 1: Before making an entry in the service roll regarding forfeiture of past service suitable opportunity of representation should be given to an employee and being heard in person if so desired by him/her.

Note2: Non condonation of break in service for concomitant disabilities should not be the guiding factor for non condonation of break in service for purposes of pensionary benefits under the Pension Regulations.

23 Verification of Qualifying Service after 15 years service or 5 years before retirement

23.1 On an employee completing fifteen years of service or on his being left with five years of service, before the date of retirement whichever is earlier, the Personnel Department in consultation with the 'Chief Manager (Finance) shall verify the service rendered by the employee, determine the Qualifying Service and communicate to him in Form – 18; the Qualifying Service so determined.

23.2 The verification so done shall be treated as final and shall not be reopened except when necessitated by s subsequent change in the regulation or orders governing the conditions under which the service qualifies for pension.

Note: An employee may, however, represent if he has any doubt about the service verification, so done, within a period of six months.

CHAPTER -III

RECKONABLE EMOLUMENTS FOR GRANT OF PENSION

24. Emoluments

The expression 'emoluments' means basic pay as defined in FR 9(21) (a) (i) of the fundamental rules which an employee was receiving immediately before his retirement or on the date of his death and will also include non-practicing allowance granted to medical officer in lieu of private practice and stagnation increment/s. Dearness allowance would, however, form part of the emoluments in the normal course whenever it is treated as Dearness Pay for pensionary benefits.

Note 1: If an employee immediately before his retirement or death while in service 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 the emoluments for the purpose of this regulation. .

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

Note 2: Where an employee before his retirement/death while in service 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 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 withheld, 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 official while on foreign service shall not be treated as emoluments, but the pay which he would have drawn in his parent organization had he not been on foreign service shall alone be treated as emoluments.
- Note 6: Where a pensioner who is re-employed in the Port, elects to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.
- Note 7: Under the existing rules, employees are authorized their annual increment on the first day of the month, in which it falls due. Employees who are to retire in the afternoon of the last day of the preceding month, shall not be entitled to the benefit of increment due on the first day of succeeding month, for the purpose of reckonable emoluments for pension.

25. 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 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 average emoluments and equal period before the ten months shall be included.
- Note 2: In cases where pay and allowances for the period of suspension is restricted to subsistence allowance and pay scale revised meanwhile, the notional pay in the revised scale be taken in to account.
- Note 3: The other conditions stipulated below regulation 26, shall mutatis mutandis apply.

26. Determination of the period of ten months for Average Emoluments

In the case of an employee who retires on a date other than last date of the month, the average emoluments for ten months shall be calculated as illustrated below:

Period	Years	Months	Days
18-12-2007 to 31-12-2007	0	0	14
1-1-2008 to 30-9-2008	0	9	0
1-10-2008 to 16-10-2008	0	0	16
	0	10	0

It will be noted that the fractions of a month at either end when added, work out to one full month; a month for this purpose may be reckoned as consisting of thirty days, so that fractions at either end will be expressed as $14/30$ and $16/30$. The addition of fractions totaling 30 days together with nine full months will work out to ten months. This formula will also apply for the month of February, irrespective of whether the month has 28 or 29 days.

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CHAPTER – IV

**CLASSES OF PENSION AND CONDITIONS
GOVERNING THEIR GRANT**

27. Classes of Pension

Pensions are classified into the following six classes

1. Superannuation Pension
2. Retiring Pension
3. Invalid Pension
4. Compensation Pension
5. Compulsory **Retirement** Pension
6. Compassionate Allowance

28. Superannuation Pension

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

The retirement shall, however, take effect from the afternoon of the last day of the month in which the superannuation falls. An employee whose date birth is 1st of a month shall retire from service on the last day of the preceding month on attaining age of sixty years.

29. Reckoning of date of birth when exact date/month is not known

If an employee is unable to state his exact date of birth but can state the year or year and month of birth, the 1st July or the 16th of the month respectively shall be treated as the date of his birth. If he is only able to state his approximate age, his date of birth shall be assumed to be the corresponding date after deducting the number of years representing his age from the date of his appointment.

Note 1: The retirement of an official is automatic on the last day of the month in which he attains the age of compulsory retirement. If the last day of a month happens to be a closed holiday, the retiring employee should formally relinquish charge of office on the afternoon of that day itself even if **it** happens to be holiday.

30. Retiring Pension.

(a) A retiring pension shall be granted to an employee who retires or retired in advance of the age of retirement in accordance with the provisions of Chapter – III ; Regulation 3. (2) & (4) Jawaharlal Nehru Port Trust Employees (Retirement) Regulations , 1995.

- (b) The orders regarding retirement on the last day of the month will not apply to the cases of premature retirement.

31. Invalid Pension.

Invalid Pension may be granted if an employee retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service. The employee concerned should submit a medical certificate of incapacity from the medical authorities of the Port Hospital namely:-

- (a) A Medical Board duly constituted by the Chairman in the case of Class I & II officers and in the case of Class III employees whose pay exceeds the minimum of the Class I pay scale.
- (b) Medical Superintendent of the hospital in other cases.

Note: A lady Doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

- (c) Where a medical authority referred to in this regulation 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 a lower post and if there is no means of employing him even on a lower post, he may be admitted to invalid pension.

32.1 Compensation Pension.

If an employee is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed in another post, within a period of six months 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 accepting another appointment on such pay as may be offered and continuing to count his previous service for pension, or
- (b) of taking compensation pension to which he may be entitled for the service he rendered.

- 32.2. (a) Notice of at least three months shall be given to the employee in permanent employment before his service is dispensed with on the abolition of his permanent post.
- (b) Where notice of at least three months is not given before dispensing with the service of an employee, the appointing authority may sanction the payment of a sum not exceeding the pay and allowances, for the period actually falling 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.

- 32.3 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.
- 32.4 If an employee who is entitled for compensation pension accepts instead another appointment in the board, and subsequently becomes entitled to receive a pension, the amount of such pension shall not be less than the compensation pension, which he would have received had he not accepted the appointment.

33. Compulsory Retirement Pension

- 33.1 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 compulsory retirement.
- 33.2 A pension granted or awarded under Sub- Regulation 33.1 above shall not be less than half of the minimum basic pay of the lowest pay scale from time to time.

Note: Guiding principle for reduction of pensionary benefits:

Regulation 34 prescribe the limit for retirement benefits which would be admissible to an employee on whom the penalty of compulsory retirement may be imposed. This form of penalty has been introduced to provide for cases in which the continuance of an employee in service is considered to be undesirable but the extreme penalties of removal or dismissal, with the consequent loss of pension, is considered to be too severe.

The intention is that employee on whom the penalty of compulsory retirement is imposed should ordinarily be granted full compensation pension and retirement gratuity admissible on the date of compulsory retirement. The authority competent to impose penalty of compulsory retirement may make such reductions in the pensionary benefits within the limits prescribed as it may think appropriate.

34. Compassionate Allowance

- 34.1 An employee who is dismissed or removed from services shall forfeit his pension and gratuity.

Provided that the authority competent to dismiss or remove an official from service may sanction compassionate allowance not exceeding two third of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

- 34.2 The compassionate allowance shall not be less than half of the minimum of basic pay of the lowest pay scale from time of time.

Note 1: Each case has to be considered on merits and conclusion has to be reached on the question whether there are any extenuating features in the case as would make the punishment awarded, though it may have been necessary in the interests of the port, unduly hard on the employee.

Note 2: Where the cause of misconduct carries with it the legitimate inference that the employee's service has been dishonest, there can seldom be any good case for a compassionate allowance.

Note 3: Compassionate allowance is one of the various kinds of pensions and as such commutation of pension would apply to the compassionate allowance in the same manner as in respect of any other class of pension.

Note 4: The reliefs on pension would be admissible to a retired employee on compassionate allowance from the respective dates from which various reliefs are sanctioned.

CHAPTER-V

Regulation of Amounts of Pension

35. Retirement on completion of 33 years of qualifying service

35.1 (i) At any time after an employee has completed thirty three years of qualifying service.

- (a) he may retire from service, or
- (b) he may be required by the appointing authority to retire in the public interest, and in case of such retirement, he shall be entitled to 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 public 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 provision is under suspension, it shall be open to the appointing authority to withhold permission to such an employee to retire under this regulation.

Provided further that; the provisions of clause (a) of this Sub-Regulation shall not apply to an employee, including scientist or technical expert who is on specific contract assignment to a foreign Government, unless after having been transferred to India he has resumed the charge of the post in India and served for a period of not less than one year.

- 35.2 (a) An employee referred to in clause (a) of the first proviso to this regulation may make a request in writing to the appointing authority to accept notice of less than three months giving reasons there of.
- (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 period of notice will not cause any administrative inconvenience, appointing authority may relax the requirement of notice of three months on condition that the employee shall not apply for commutation of part of his pension before the period of notice of three months.

- 35.3 An employee, who has elected to retire under this regulation and has given necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority, provided that the request for withdrawal shall be within the intended date of his retirement.

36. Retirement on completion of 20 years of qualifying service.

- 36.1 At any time after an employee has completed twenty years of qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service subject to acceptance by the appointing authority. When 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 such period.

Note :- The general conditions as stipulated and incorporated under regulation 35.2 and 35.3 shall apply to this regulation also.

- 36.2 The pension and retirement gratuity of the employee retiring under this regulation shall be based on emoluments as defined under Regulation 26 and 27 .
- 36.3 This regulation shall not apply to an employee who retires from service for
- 36.4 Temporary employees are also eligible to seek voluntary retirement on completion of twenty years service.

36.5 Instructions to Regulate Voluntary Retirement

- (i) If an employee retires under the scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of leave not due and the leave salary paid in respect of such leave not due shall be recovered.
- (ii) Before an employee give notice of voluntary retirement with reference to Regulation 36; he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed 20 years service qualifying for pension.
- (iii) Acceptance of notice of voluntary retirement may be generally given in all cases except cases in which disciplinary proceedings are pending or contemplated against an employee concerned for the imposition of major penalty and the disciplinary authority having regard to the circumstance of the case is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or prosecution is contemplated or may have been launched in a court of law against the employee concerned.

- (iv) Where the notice of voluntary retirement given by an employee requires acceptance by the appointing authority, the employee giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the authority concerned issues an order contrary before the expiry of the period of notice.
- (v) An employee giving notice of voluntary retirement may also apply before the expiry of notice, for the leave standing to his/her credit which may be granted to him/her to run concurrently with the period of notice, but not extending beyond the date on which he/she may superannuate. Extra ordinary leave of any kind cannot be termed as leave standing to the credit of an employee and, therefore, it cannot run concurrently with the period of notice given by him for seeking voluntary retirement.

37 Amount of Pension

- 37.1 Once an employee has rendered minimum qualifying service of 20 years, pension shall be paid at 50% of the emolument or average emoluments received during the last 10 months which ever is more beneficial to the employee.
- 37.2 The amount of pension shall be subject to the minimum at 50% of lowest pay scale in port trust and maximum at 50% of highest pay scale in port trust.
- 37.3 Dearness relief admissible to all categories of Pensioners / Family pensioners on basic pension as admissible to Port employees.
- 37.4 In the case of employee retiring in accordance with the provisions of these regulations, before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half a month's emoluments on the date of retirement, for very completed six monthly period of qualifying service.
- 37.5 In the case of employees retiring in accordance with the provisions of these regulations, before completing qualifying service of twenty years but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under Sub Regulation 37.1 of these regulations and in no case the amount of pension shall be less than fifty percent of the minimum pay of the lowest pay scale per month.
- 37.6 The amount of invalid pension shall not be less than the amount of family pension admissible under Regulation 45 of these regulations.
- 37.7 In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one -half year and reckoned as qualifying service.
- 37.7 The amount of pension finally determined shall be expressed in whole rupees and where the pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

37.8 The amount of service gratuity as finally calculated should be rounded off to the next higher rupee.

38. Additional Pension to Pensioners

The quantum of Pension available to the Pensioners shall be increased as follows;

<u>Age of Pensioner</u>	<u>Additional Quantum of Pension</u>
From 80 years to less than 85 years	20% of basic Pension
From 85 years to less than 90 years	30% of basic Pension
From 90 years to less than 95 years	40% of basic Pension
From 95 years to less than 100 years	50% of basic Pension
100 years or more	100% of basic Pension

39. Retirement / Death Gratuity

A Retirement Gratuity

An employee, who has completed 5 years of qualifying service and has become eligible for service gratuity or pension under Regulation 39 shall, on his retirement be granted retirement gratuity equal to 1/4th of emoluments for each completed six monthly period of qualifying service subject to a maximum of 16 ½ times the emoluments.

- B** If an employee who has become eligible for service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and 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 retirement gratuity admissible under Regulation 39(A) 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 indicated in Regulation 42

C Death Gratuity

If an employee dies while in service, the death gratuity shall be paid to his family in the manner indicated in Regulation 42 at the rates given in the table below:

	Qualifying Service	Amount of death gratuity
(a)	Less than one year	Two times the emoluments plus dearness allowance.
(b)	One year or more but less than 5 years	Six times the emoluments plus dearness allowance.
(c)	Five years or more and up to 20 years	Twelve times the emoluments plus dearness allowance
(d)	Above 20 years	Half of the emoluments plus dearness allowance for each six monthly period of Qualifying service subject to a maximum of 33 times of the emoluments

Provided that the amount of retirement gratuity or death gratuity payable under this regulation shall in no case exceed Rs.10 lakhs .

Provided further that where the amount of retirement gratuity or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

Provided further that retirement gratuity as per these regulations or under the Payment of Gratuity Act 1972, whichever is more beneficial is payable.

Note 1: These regulations do not prohibit grant of gratuity/family pension to the family of an employee who commits suicide.

Note 2: When an employee disappears leaving his family, the family can be paid in the 1st instance the amount of salary due, leave encashment due and the amount of employee's contribution to the Provident Fund having regard to the nomination made by the employee and after the elapse of a period of one year, other retirement benefits or death gratuity / family pension to the family subject to fulfillment of the following condition.

- (a) The family must lodge a report with the concerned police station and obtain a report that the employee has not been traced after all efforts have been made by Police
- (b) The family can apply to the Head of the Department of the employee for grant of family pension and death / retirement gratuity after one year from the date of disappearance of the employee. In case, the disbursement of death / retirement gratuity is not effected within three months of the date of application, the interest shall be paid at the rates applicable and responsibility for the delay fixed.
- (c) An indemnity Bond to be taken from the nominee / dependent that all payments will be adjusted against any claim.
- (d) The above orders regulate genuine cases of disappearance under normal circumstances and not the cases in which officials disappear after committing frauds, etc. In the latter type of cases family pension needs to be sanctioned only if the employees is acquitted by the court of law or after the conclusion of the disciplinary proceedings, etc. as the case may be.
- (e) The above instructions shall be applicable to missing pensioners also, mutatis mutandis.
- (f) The date of disappearance of the employee/pensioner will be reckoned from the date of First Information Report lodged with the police and the benefits of family pension and gratuity are to be sanctioned from that date.
- (g) Death gratuity will be payable to the families, not exceeding the amount which would have been payable as Retirement Gratuity and Death Gratuity, shall be payable after the death is conclusively established or on the expiry of seven years period from the date of missing.

40. Extension of Retirement/Death Gratuity benefits to employees governed by CPF Scheme.

From the date of coming into force of these Regulations all CPF beneficiaries in service as on or before 31st December, 2003 should be deemed to have come over to the Pension Scheme on and from that date, unless they specifically opt out, to continue under CPF Scheme. In the case of those employees who will continue under the CPF Scheme **they** will be entitled to retirement gratuity and death gratuity at the same rate/scale as is admissible to temporary quasi permanent or permanent employees, as the case may be borne on pensionable establishment.

Note: These orders do not apply to the employees who on re-employment are allowed to subscribe to CPF. These orders also do not apply to employees appointed on contract basis where the contribution to CPF is regulated in accordance with the terms of contract.

41. For the purpose of payment of Death Gratuity, 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 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 daughters.
- (vi) Father/Mother including adoptive parents in the case of individuals whose personal law permits adoption.
- (vii) Brothers below the age of eighteen years including step brothers.
- (viii) Unmarried sisters and widowed sisters including step sisters.
- (ix) Married daughters and
- (x) Children of predeceased son.

42. Persons to whom gratuity is payable

- 42.1 The gratuity payable under Regulation 39 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 44.
- 42.2 If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below.

- (a) If there are one or more surviving members of the family, as in clauses (i) (ii) (iii) and (iv) of Regulation 41 to all such members in equal shares.
 - (b) If there are no such surviving members of the family as in sub-clause (a) and but there are one or more members as in clause v to x of Regulation 41, to all such members in equal shares.
- 42.3 If an employee dies after retirement without receiving the gratuity admissible, the gratuity shall be disbursed to the family indicated in Sub Regulation 1 and 2 above
- 42.4 The right of a female member of a 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 remarries, 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.
- 42.5 When a gratuity is payable to a minor member of the family of the deceased employee, it shall be payable to the natural/legal guardian on behalf of the minor.

42(A) Share of a nominee who dies or becomes disqualified to be distributed equally among the others

The share of a gratuity otherwise payable to a member of the family who has died or become disqualified before receiving the actual payment, shall be distributed equally among the remaining members of the family. It should be ensured by the Drawing Officer, before making actual payment of a death/retirement gratuity whether all the members of the family in whose favour sanction was issued have continued to be qualified. If not, and if any of them is dead, the fact should be reported immediately to the sanctioning authority for the issue of revised sanction in favour of the remaining members of the family.

42(B) Payment of a minor's share of death retirement gratuity in the capacity of minor's natural legal guardian

- (i) Payment of minor(s) share of death / retirement gratuity is to be made to the natural guardian of the minor(s) and in the absence of a natural guardian to the person who furnishes the guardianship certificate.
- (ii) **Where no valid nomination subsists**
 - (a) When a share is payable, to minor sons or minor unmarried daughter, it should be paid to the surviving parent, excepting where the parent happens to be a Muslim lady. Where, however, there is no surviving parent or the surviving parent is a Muslim lady, payment shall be made to the person producing the guardianship certificate.

- (b) When a share is payable to widowed minor daughter(s), production of a guardianship certificate would be necessary.
- (c) If in a rare case the wife herself happens to be a minor, the death/retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.
- (d) When the death / retirement gratuity becomes payable to a minor Brother or a minor unmarried sister, the payment should be made to the father or, in his absence the mother of the beneficiary except in case where the mother happens to be a Muslim lady. In this case too, if there is no surviving parent or the surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship **certificate**. If any share is payable to a widowed minor sister, the production of guardianship certificate would be necessary.
- (e) Payment of death / retirement gratuity to the extent of Rs. 10,000/- (or the first Rs.10,000/- where the amount payable exceeds Rs.10,000) in favour of a minor may be made to his /her guardian, in the absence of a natural guardian without the production of a formal guardianship certificate but subject to the production of an indemnity bond as indicated in Appendix with suitable sureties to the satisfaction of the appointing authority.

The stamp duty payable on the indemnity bond will be borne by the Port Trust. The indemnity bond should, therefore, be executed on any durable plain paper.

The indemnity bond should be signed by the obligor and the surety/sureties or their respective attorneys appointed by power of attorney on behalf of the board, the bond will be signed by the Head of the Department, where the employee worked.

(iii) Where a valid nomination subsists

- (a) Where the nomination is in respect of one or more of the members of the family, the position stated in Regulation 42B (ii) would apply.
- (b) Where there is no family, the nomination in favour of an illegitimate child or married sister would also be valid. The position would be as follows:
 - (i) If the nominee is an illegitimate child, the share will be payable to the mother, and in her absence the production of guardianship certificate would be necessary.
 - (ii) If the share is payable to a married minor girl, the share shall be payable to the husband.

42 (C) Debarring a person from receiving gratuity

- (i) If a person who in the event of death of an employee while in service, is eligible to receive gratuity in terms of Regulation 42 is charged with the offence his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.
- (ii) If on the conclusion of criminal proceeding referred to in sub regulation (i) the person concerned -
 - (a) is convicted for the murder or abetting in the murder of the employee, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,
 - (b) is acquitted of the charge of murdering or abetting in the murder of the employee, his share of gratuity shall be payable to him.
- (iii) The provision contained in Sub Regulation (i) & (ii) of 42 shall also apply to undisbursed gratuity referred to in Regulation 42.3

43. Lapse of retirement gratuity/death gratuity

Where an employee dies while in service or 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 retirement/death gratuity payable in respect of the employee shall lapse to the Port Trust.

Provided that the amount of death gratuity / retirement gratuity shall be payable to the person in whose favour a succession certificate, in respect of the gratuity in question has been granted by a Court of law.

44. Nominations

- 44.1 An employees shall, on his confirmation at the entry post in service, make a nomination in Form 1 and 2 as may be, as appropriate, in the circumstances of the case, conferring on one or more persons the right to receive the retirement gratuity/death gratuity payable under Regulation 39

Provided that if at the time of making the nomination

- (a) the employee has a family, the nomination shall not be in favour of any persons or persons other than members of his family ; or
- (b) the employee has no family, the nomination may be made in favour of a person or persons , or a body of individuals whether incorporated or not.

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

44.3. An employee may provide in the nomination.

- (a) that in respect of any nominee who predeceases him or who dies after the death of the employee but before receiving the payment of gratuity, the right conferred on the **nominees** 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 the member of his family.

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

- (b) that the nomination will become invalid in the event of happening of contingencies provided therein.

44. 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 (a) of Sub Regulation 44.3 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 family, as the case may be.

44. 5. An employee may at any time cancel a nomination by sending a notice in writing to the Head of the Department

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

44.6. Immediately on the death of nominee in respect of whom no special provision has been made in the nomination under clause (a) of Sub Regulation 44.3 or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of the sub rule, the employee shall send to the Head of the Department a notice in writing canceling the nomination together with a fresh nomination made in accordance with this regulation.

44.7 (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 the department.

(b) The Head of the Department shall immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under custody.

Provided that the Head of the Department may authorize his subordinate officers to countersign the nomination forms for class III and class IV employees.

(c) suitable entry regarding receipts of nomination shall be made in the service book of the employee concerned.

44.8 Every nomination made and every notice of cancellation given by an employees shall to the extent that it is valid, take effect from the date on which it is received by the Head of the Department

Note : 1 All employees should be advised to preserve copies of nominations made by them and of the related notices and acknowledgments, either in their personal custody or in safe deposit along with their other important documents etc. where they may be expected to come into possession of the beneficiaries.

Note : 2 The Head of the Department shall arrange to obtain the nomination and keep them after counter signature in safe custody in a separate confidential file which should be lodged for safe keeping so that there should be no difficulty in locating the documents when the occasion for making a reference to them arises.

Note : 3 Annual periodical review shall be conducted to ensure that every employee has submitted a nomination in the prescribed form to avoid production of succession certificate by families to receive the death / retirement gratuity.

45 Family Pension.

For the purpose of this regulation :-

45(A) (a) “Continuous Service” means service rendered in a temporary or permanent capacity in a pensionable Ports service and does not include.

(i) Period of suspension, treated as such, if any, and

(ii) Period of service, if any rendered before attaining the age of eighteen years.

(b) “Family” in relation to an employee means

- (i) Wife in the case of male employee, or husband in the case of female employee.
- (ii) A judicially separated wife or husband , such separation not granted on the ground of adultery and the person surviving was not held guilty of adultery
- (iii) Son / daughter (including legally adopted son / daughter) up to the date of his /her marriage or the date he / she starts earning or till the age of 25 years , whichever is the earliest.
- (iv) Unmarried / Widowed / Divorced daughter up to the date of marriage /remarriage or till she starts earning or up to the date of death, whichever is the earliest..
- (v) Parents who are wholly dependent on the employee when he /she was alive provided the deceased employee had not left behind neither widow nor a child.

(c) **Pay means**

- (i) the emoluments as specified in Regulation 24; or
- (ii) the average emoluments as referred to in Regulation 25 if the emoluments of the deceased employee have been reduced during the last ten months of his service otherwise than as penalty.

Provided that the element of dearness allowance which has been treated as dearness pay shall not be treated as pay for the purpose of this regulation.

45B (i) The family of the deceased employee shall be entitled to family pension where an employee dies-

- (a) after completion of one year continuous service or
- (aa) before completion of one year 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 entering service in the Port Trust or
- (b) after retirement from service and was on the date of death in receipt of pension or compassionate allowance other than pension on absorption in or under a Corporate, Body etc;

the family of deceased shall be entitled to family pension as indicated below;

Family pension shall be calculated at uniform rate of 30% of basic pay in all cases and shall be subject to a minimum of 50% of minimum of the lowest pay scale and maximum of 30% of the highest pay in the Ports.

- (c) (i) The quantum of family pension available to the old family pensioners shall be increased as follows,

<u>Age of Family Pensioner</u>	<u>Additional Quantum of Family Pension</u>
From 80 years to less than 85 years	20% of basic Pension
From 85 years to less than 90 years	30% of basic Pension
From 90 years to less than 95 years	40% of basic Pension
From 95 years to less than 100 years	50% of basic Pension
100 years or more	100% of basic Pension

- (ii) The minimum amount of enhanced family pension shall be determined with reference to 50% of the minimum pay of the lowest post.
- (iii) The family pension shall be at a uniform rate of 30% of Pay for all categories of employees subject to the minimum as specified under Sub Regulation (ii) above maximum of 30% of highest pay in Ports.

Note 1: The expression continuous one year of service wherever it occurs in this regulation shall be constructed to include less than one year of continuous service as defined in clause (aa)

Note 2: The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where it contains a fraction of a rupee, it shall be rounded off to the next higher rupee, If the family pension is payable to more than one person each share containing fraction of a rupee should rounded off to the next higher rupee except in cases where family pension including all shares put together exceed the maximum limit admissible under Sub Regulation (iii) above.

Note 3: In respect of pension paid for part of a month due to the death of pensioner or for any other reasons, it should be rounded off to the next higher rupee.

- (iv) Where an employee, who is not governed by the Workmen's Compensation Act; 1923, dies while in service after having rendered not less than seven years of continuous service, the rate of family pension payable to the family shall be equal to 50% of pay last drawn or twice the family pension admissible under Sub Regulation (ii) and (iii) 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 ten years.

In the event of death of an employee after retirement, the family pension as determined under Sub Regulation 45B (iv) shall be payable for a period of seven years or for a period up to the date on which the retired deceased employee would have attained the age of 67 years had he / she survived, whichever is less.

Provided that in no case the amount of family pension determined under Sub Regulation 45B (iv) shall exceed the pension authorized on retirement from Port service.

Provided further whether the amount of pension authorized on retirement is less than the amount of family pension admissible under Sub Regulation 45B (ii) the amount of family pension determined under this regulation shall be limited to the family pension admissible under Sub Regulation 45B (ii)

Note : For the purpose of this regulation, Pension authorized on retirement includes the part of pension which the retired employee may have commuted before death.

46 Period for which family pension is payable.

The period for which family pension is payable shall be as follows ;

Category – I

- (a) Widow or widower, up to the date of death or remarriage , whichever is earlier;
- (b) Son / daughter (including widowed daughter) up to date of his /her marriage / remarriage or the date he/she starts earning or till the age of 25 years, whichever is earliest.

Category – II

- (a) Unmarried/Widowed /Divorced daughter, not covered by Category-I above, up to the date of Marriage/remarriage or till the she starts earning or up to the date of death, whichever is the earliest.
- (b) Parents who are wholly dependent on the employee when he/she Was alive provided the deceased employee had left behind neither widow nor a child, Family pension to dependents parents, unmarried/divorced/widowed daughter will continue till the date of death. Family pension to unmarried/divorced/widowed daughters in Category-II and dependent parents shall be payable only after the other eligible family members in Category-I have ceased to be eligible to receive family pension and there is no disable child to receive the family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in the category. Dependency criteria for grant of family pension shall be minimum family pension with dearness relief thereon.

Provided that if son or daughter of an employee is suffering from any disorder, or disability of mind or is physically crippled so as to render him or her unable to earn a living even after attaining the age twenty five years, the family pension shall be payable to such son or daughter for life subject to the following conditions namely.

- (a) If such son or daughter is one among two or more children of the employee, the family pension shall be initially payable to the minor children in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension, until the last minor child attains the age of twenty five years and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind **including mentally retarded** or who is physically crippled or disabled and shall be payable to him/her for life.

Provided that where the family pension is payable to twin children it shall be paid to such children in equal shares.

Provided that when one child ceases to be eligible his/her share shall revert to the other child and when both of them cease to be ineligible, the family pension shall be payable to next eligible single child/twin children.

- (b) If there are more than one children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible.
- (c) The family pension shall be paid to such a son and daughter through the guardian as if attained the age of majority.

Note 1: 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 so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of Medical Superintendent of the JNPT Hospital setting out, as far as possible the exact mental or physical condition of the child.

Note 2: The person receiving the family pension as guardian of such son or daughter, or such son or daughter not receiving the family pension through guardian, shall produce every three years a certificate from the Medical Superintendent of the JNPT hospital, to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled. If such a pensioner is residing in a place far away from the JNPT Hospital or where port hospital does not exist, certificate from the Civil Surgeon of the Government hospital is necessary.

- (d) A daughter shall become ineligible for family pension from the date she gets married.
- (e) The family pension payable to such a son or daughter shall be stopped if he or she starts earning a minimum wage not less than the minimum Pay of the lowest post. In such cases it shall be the duty of the guardian or son or daughter to furnish a certificate to the Bank/Accounts Officer as the case may be, every month that:

- (i) he or she has not yet started earning as mentioned above.
- (ii) in case of daughter, that she has **not** yet married.

- (f) Where a family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares. On the death of a widow, her share of family pension shall become payable to her eligible child. If the widow is not survived by any child, her share of 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.
- (g) Where a 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. The share or shares of 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 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.
- (h) Where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from the divorced wife or wives the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of death of the employee or pensioner had she not been so divorced.

Provided that on the share or shares of 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 the other widow or widows and or to the 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.

- (i) Where the family pension is payable to twin children it shall be paid to such children in equal shares.

Provided that when one such child ceases to be eligible, the family pension shall be payable to the next eligible single child/twin children.

- (i) (a) Except as provided under Regulation 46 (f to h), the family pension shall not be payable to more than one member of the family at the same time.
- (b) If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to **widow or widows, failing which to the eligible child.**

- (c) Family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of family pension.
- (ii) Where a deceased employee or pensioner leaves behind more children than one the eldest eligible child shall be entitled to family pension for the period mentioned as the case may be and after the expiry of that period the next child shall become eligible for the grant of family pension.
- (iii) Where the family pension is granted to a minor it shall be payable to the guardian on behalf of the minor.
- (iv) In case both wife and husband are employees of the Board and are governed by the provision 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 pensions in respect of the deceased parents **subject to a maximum as in Regulation 45B (iii)**
- (v) Where a female employee or a 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. In a case, where 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** was held guilty of committing adultery.
- (vi) Where a female or male employee dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such a child or children. **Where the surviving person has ceased to be the guardian of such child / children,** the family pension shall be payable to the actual guardian of such a child or children.
- (vii) (a) As soon as an employee enters Port Trust's service, he shall be directed to give details of his family, in Form 3, to the Personnel Department
- (b) An employee shall communicate to the Personnel Department any subsequent change in the size of his family, including the fact of marriage of his female child.
- (c) As and when the disability referred to in proviso to Regulation 46 manifests itself in a child which makes him or her unable to earn his or her living, the fact should be brought to the notice of the Personnel Department duly supported by a Medical certificate from the Medical Superintendent of the JNPT Hospital. This may be indicated in Form 3 by the Personnel Department. As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh medical certificate from the Medical superintendent of the JNPT Hospital and if residing outside the Port Town from a medical officer not below the rank of a civil surgeon of the government Hospital; that the child still suffers from the disability.

- (d) The Personnel Department or the authorized officer shall, on receipt of Form 3, get it pasted on the service book of the employee concerned and **acknowledge** receipt of the said Form 3 and all further communications received from the employee in this behalf. Regarding any change in the size of the family, as and when communicated by the employee shall be incorporated in Form 3 by the Personnel Department.

47. Military Pensioner on retirement from military service, on retiring pension, service pension or invalid pension governed for the grant of family pension by Army/Navy/Air Force instructions.

A military pensioner, if re-employed in Port service before attaining the age of superannuation shall for the purpose of eligibility for the family pension admissible under this regulation or the family pension already authorized under the aforesaid Army/Navy/Air-Force instructions be governed as follows:

- (i) If he dies while in Port Trust service in a temporary capacity in the course of re-employment his family may be allowed to opt for the family pension under this regulation or the family pension authorized at the time of retirement or discharge from the military/Navy/Air-Force service under the respective military/Navy/Air-force instructions.
- (ii) If he retires from Port Trust's service without holding a permanent post in a substantive capacity, his family in the event of his death after retirement shall be eligible for family pension under Army/Navy/Air-Force instructions.
- (iii) If within one year of joining the Port Trust's service in the course of his re-employment, he has opted to retain his military pension for the past military service, he shall exercise another option to receive family pension admissible under this regulation or the family pension already authorized under Army/Navy/Air-Force Instructions. The option shall be exercised within a period of three months of the date of issue of orders of substantive appointment in port trust service or if he is on leave on that day, within three months of his return from leave whichever is later. If no option is exercised within the period, aforesaid the pensioner shall be deemed to have opted for family pension authorized under Army/Navy /Air-force Instructions.
- (iv) If on confirmation in the Port Trust service in the course of re-employment, he has opted to surrender military pension and count in lieu thereof military service for Port Pension., he shall be governed by the family pension admissible under this regulation.
- (v) Family Pension admissible under this regulation shall not be granted to a person who is already in receipt of family pension or is eligible therefore under any other rules of central Government / Autonomous Body / Local Fund under the Central or State Government.

Provided that a person who is otherwise eligible for family pension under this regulation may opt to receive family pension if he forgoes family pension admissible under any other service.

EXPLANATION

1. In case of **Lunatic**.

When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the officer under whose authority such sum would be payable, if the payee were not a lunatic, may pay so much of the said sum as he thinks fit to the person in charge of lunatic and may pay the surplus, if any, or such a part thereof, as he thinks fit for the maintenance of such members of the lunatics family as are dependent on him for maintenance.

2. Procedure when the eldest surviving son of family forgoes his/her claim and gives his consent in writing in favour of younger brother or sister.

The Port Trust would not in such a case get a good discharge from the eldest son or other member of family having a prior claim to the pension the safer and more appropriate course would be to sanction the pension only in favour of the member entitled to it under the regulations. Similarly gratuity should also be paid to all the members of the family in equal shares, as has been provided for in the regulations even though any of the members may volunteer or desire that his/her share may be paid to some other member of the family.

3. When a widow gives birth to an illegitimate child

As there was no legal re-marriage, it was held by Ministry of Law, that in such cases, pension should be allowed to continue, as if there has been no remarriage.

4. Posthumous child

The term child includes posthumous child of the Port employees and, therefore, entitled for pensionary benefits.

5. Family pension payable to a minor to the de facto guardian on production of Indemnity Bond.

- (a) Death / retirement gratuity is paid in **lump sum**. It is easy to specify the amount for which the indemnity bond is to be executed by the de facto guardians. Family pension is, however, payable monthly and also till the minor attains the age of 18 years or the date of marriage in the case of daughter.
- (i) The limit of Rs.10,000/- fixed for death/retirement gratuity, applies also to the family pension payable to the minor child. The indemnity bond is to be executed for the total amount of family pension payable to the minor till the date of attainment of majority i.e. Till the age of 18 years.
- (ii) When the total payment exceeds Rs.10,000/- the family pension can be paid to the de facto guardian on production of guardianship certificate only. If no guardianship certificate is produced the arrears of family pension can be paid to the minor only after he/she attains the age of 18 years.

6. Family pension to post retired spouses

The benefit of family pension will be admissible to the post retired spouses from the date following the date of death of pensioner.

7. Family pension to children born after retirement

The sons and daughters born after retirement will also be eligible for family pension.

CHAPTER – VI

DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

48. Preparation of list of employees due for retirement

- 48.1 Personnel Department shall have a list prepared every six months, that is, on the 1st January and the 1st July each year of all employees who are due to retire within the next twenty four months of that date. A copy of every such list shall be supplied to the Chief Manager (Finance) of the Port Trust not later than 31st January and 31st July as the case may be, of that year.
- 48.2 In the case of an employee retiring for reasons other than by way of superannuation the Personnel Department shall promptly inform the Chief Manager (Finance) , as soon as the fact of such retirement becomes known to him.
- 48.3 A copy of intimation sent by the Personnel Department to Chief Manager (Finance) should be endorsed to the Estate Officer of the Port Trust, if an employee is an allottee of the Ports accommodation or leased accommodation provided by the Port.

49. Preparation of Pension Papers

Personnel Department shall undertake the work, of preparation of pension papers in Form 5 one year before the date on which an employee is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement whichever is earlier. The completion of pension papers should be in three stages.

(i) First Stage : Verification of Service

The Personnel Department or his authorized officer, shall scan through the service book to ensure that the certificates of verification for the entire service are recorded. In respect of the unverified portions, the same should be got done with the pay bills, **aquittance** rolls or other relevant records and thereafter record necessary certificate in the service book.

(ii) Second Stage

- (a) **It should be ensured during verification, that there are no other omissions, imperfections or deficiencies, which may have a direct bearing on the determination of emoluments and service qualifying for pension.**
- (b) In order to ensure that the emoluments drawn during the last **ten** months of service, have been correctly shown in the service book, the Personnel Department or his authorized officer, may verify the correctness of emoluments for a period of two years preceding the date of retirement of an employee and not for any period prior to that date.

(iii) Third Stage

As soon as the second stage is completed and in any case not later than ten months prior to the date of retirement of the employee, the Head of the Department shall take the following action.

- (a) He shall furnish to the retiring employee a certificate regarding length of Qualifying service proposed to be admitted for purpose of pension and gratuity as also the emoluments and the average emoluments proposed to be reckoned with for retirement gratuity and pension. If it is not acceptable to him, he shall furnish to the Personnel Department the reasons for non-acceptance inter alia supported by the relevant documents in support of his claim.
- (b) In case of any difficulty in determining the length of qualifying service on account of non availability of service records, the retiring employee shall be asked to file a written statement of service and shall, at the foot of the statement make and subscribe to a declaration as to the truth of the statement.
- (c) Forward to the retiring employee Form 4 advising him to submit the same duly completed in all respects so as to reach the Personnel Department not later than eight months prior to his date of retirement.
- (d) The Personnel Department shall complete part I of Form 5 not later than six months before the date of retirement.
- (e) The pension papers shall be forward to the Chief Manager (Finance) not later than six months before the date of retirement of an employee.

50. Intimation of the particulars of Port dues to the Chief Manager (Finance)

The Personnel Department shall furnish to Chief Manager (Finance) the particulars of amounts due to the Port Trust at least two months before the date of retirement of an employee so that the dues are recovered out of gratuity before its payment is authorized. Any additional dues that come to notice shall be promptly reported to the Chief Manager (Finance) for effecting recovery.

51. Provisional Pension

- 51.1 There may be isolated cases, where in spite of following the procedures in the preparation and submission of papers to the Chief Manager (Finance), it may not be possible to assess the final pension for issue of PPO. In such cases, the Personnel Department shall without delay, take steps to determine the qualifying service and emoluments qualifying for pension, shall determine the provisional pension and provisional gratuity.
- 51.2 After the amount of pension and gratuity have been determined, the Personnel Department shall take further action as follows.

- (a) He shall issue a sanction letter addressed to the employee, a copy thereof to the Chief Manager (Finance), authorizing:
 - (i) 100 percent of pension as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the employee and
 - (ii) 100 percent of gratuity as provisional gratuity with holding ten percent of gratuity or five thousand rupees whichever is less.
 - (b) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of the employee. If the amount of final pension and gratuity has been determined by the Personnel Department in consultation with the Chief Manager (Finance) before the expiry of the said six months, the Chief Manager (Finance) shall issue PPO, and draw the difference between the final amount of gratuity and provisional amount of gratuity paid, after adjusting the Port Trust dues, if any, which may have come to notice after the payment of provisional gratuity.
 - (c) If the amount of provisional pension disbursed to an employee **is** on the final assessment found to be in excess of the final pension assessed by the Chief Manager (Finance), it shall be open to the Chief Manager (Finance) to adjust the excess amount of pension out of gratuity withheld or recover the excess amount of pension in installments by making short payment of pension payable in future.
 - (d) If the amount of provisional gratuity **disbursed** by the Chief Manager (Finance), is larger than the amount finally assessed, the retired employee shall not be required to refund the excess amount actually disbursed to him. Such excess amount finally assessed are minimized and the officials responsible for the excess payment shall be accountable for the overpayment.
- If the final amount of pension and gratuity have not been determine by the personnel Department with consultation with Chief Manager (Finance) within the six months The Chief Manager shall treat the provisional pension and gratuity as final and issue payment order immediately on the expiry of six months.
- (e) If the employee was an allottee of Port accommodation/leased accommodation the withheld DCRG should be refunded on receipt of “No Demand Certificate” from the Estate Officer.

52. Authorization of Pension and Gratuity by Chief Manager (Finance)

- 52.1 The Chief Manager (Finance) shall exercise the requisite checks, record the Account statement in part II of Form 5 and assess the pension and gratuity and issue the Pension payment order not later than one month in advance of the date of retirement of the employee. The amount of gratuity as determined by the Accounts Officer shall be drawn and disbursed after adjusting Port Dues, if any.

- 52.2 Payment of retirement/Death Gratuity, withheld amount of retirement/Death Gratuity will be made by cheque/demand draft to be drawn in favour of the pensioner, duly crossed "Accounts Payee". If the pensioners make a specific request in writing for issue of uncrossed cheque/demand draft, the amount of retirement gratuity/withheld amount of retirement gratuity, which does not exceeds Rs.10,000/- may be paid by open cheque instead of crossed cheque "Accounts Payee" subject to the condition that the payment will be made only to the payee after proper identification or to a person holding a letter of authority from the payee whose signatures must be verified and after identifying the messenger.

53 Port Employees on deputation on foreign service

Processing of grant of pension and gratuity to an employee who retires while on foreign service to another port or Central/State Government Department, shall be made by the Personnel Department or the Cadre authority which sanctioned such deputation to other ports, central/state governments. The Accounts Officer of the parent port will issue the Pension Payment Order and sanction for retirement gratuity.

54. Recovery of Pension Contribution

- 54.1. According to the terms of foreign service, there are cases, in which, the responsibility and liability of an employee himself to maintain the continuity of pensionable service by payment of pension contribution. In such cases it will be necessary to ascertain whether liability to pay the pension contribution is discharged; so that the foreign service is reckoned as Qualifying Service.
- 54.2 Where, however, the responsibility for making pension contribution is that of the borrowing organization and where either some of the recoveries of such contributions are incomplete, while the authorities concerned shall pursue the matter with the borrowing department separately for appropriate action, this should have no bearing on the processing and finalization of pension papers.

55. Interest on Delayed Payment of Gratuity

- 55.1 Gratuity shall be payable on the date it is due. For any delay in payment attributable to administrative lapses, interest shall be paid at the rate as in sub Regulation 56.3.
- 55.2 Every case of delayed payment of gratuity attracting payment of interest shall be reported to the Chairman for sanction and he should be satisfied that the delay in payment of gratuity was caused on account of administrative lapse.
- Responsibility shall be fixed against the employees who are responsible for the delay in the payment of gratuity.
- 55.3 Interest rate for delayed payment of retirement/death gratuity will be at the rate of 10% per annum beyond three months.

- 55.4 Payment of arrears of gratuity in cases where the amount of gratuity already paid is enhanced on account of revision of emoluments or liberalization in the provisions relating to gratuity from a date prior to the date of retirement of the employee concerned; interest at the rate specified in Sub Regulation 55.3 above, may be allowed for a delay beyond three months of the date of issue of said order.

56. Provisional Pension where departmental or judicial proceedings may be pending

- 56.1 In respect of an employee against whom departmental or judicial proceedings are instituted or where a departmental proceedings are continued, the Chief Manager (Finance) shall authorize the provisional pension equal to the maximum pension which would have been admissible on the basis of 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.
- 56.2 The provisional pension shall be authorized by the Chief Manager (Finance) during the period commencing from the date of retirement and up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.
- 56.3 No gratuity shall be paid to the employee until the conclusion of the departmental/Judicial proceedings and issue of final orders thereon.
- 56.4 Payment of provisional pension shall be adjusted against the final retirement benefits upon conclusion of proceedings and no recovery shall be made where the pension finally sanctioned is less than provisional pension or the pension is reduced or withheld either permanently or for a specific period.

57. Revision of Pension after Authorization

- 57.1 Pension once authorized after final assessment shall not be revised to the disadvantage of the employee unless such revision becomes necessary on account of detection clerical error subsequently.
- 57.2 A retired employee concerned shall be served with a notice by the Personnel Department to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.
- 57.3 In case the employee fails to comply with the notice, the Personnel Department shall, by order in writing, direct that such excess payment, shall be adjusted in installments by short payment of pension in future in one or more installments.

58. Recovery and adjustment of Port' dues

- 58.1 It shall be the duty of the Personnel Department to ascertain and assess the Port dues payable by an employee due for retirement.

- 58.2 The Port dues as ascertained and assessed by the , Personnel Department which remain outstanding till the date of retirement of the employee, shall adjusted against the amount of retirement gratuity becoming payable.

Note: Dues include arrears of license fees, if any, balance of House Building or conveyance or any other advance, over payment of pay and allowances or leave salary and arrears of Income Tax etc.

- 58.3 Family pension is like any other pension and recoveries of port dues or non-port dues are not permissible from it without obtaining the consent of the pensioner.

CHAPTER – VII

DETERMINATION AND AUTHORISATION OF THE AMOUNT OF FAMILY PENSION AND DEATH GRATUITY IN RESPECT OF EMPLOYEES' DYING WHILE IN SERVICE

59. Obtaining of claims for family pension and death gratuity

- 59.1 When the Personnel Department has received an intimation about the death of an employee while in service, he shall ascertain whether any death gratuity or family pension or both is or are payable in respect of the deceased employee.
- 59.2 (a) Where the family of a deceased employee is eligible for the death gratuity, the Personnel Department shall ascertain whether the deceased employee has nominated any person or persons to receive the gratuity and if a nomination does not subsist, the person to whom the gratuity may be payable.
- (b) The Personnel Department shall, then address the person concerned in Form 7 or Form 8 as may be appropriate for making a claim in Form 9.
- 59.3 Where the family of the deceased employee is eligible for family pension, the Personnel Department shall address the widow or widower in Form 10 for making a claim in Form 11 and
- 59.4 Where the deceased employee is survived only by a child or children the guardian of such a child or children may submit a claim in Form 11 to the Personnel Department
- Provided that the guardian shall not be required to submit a claim in the said Form on behalf of child, if the child has **attained** the age of eighteen years, and such child may himself or herself submit a claim in the said Form.
- 59.5 If on the date of death, the employee was an allottee of Port accommodation or leased accommodation, the Personnel Department shall obtain a No Demand Certificate from the concerned officer.

60. Completion of Form 12

The Personnel Department shall process the claim for family pension, as given below:

- (i) Within a month of the date of receipt of intimation of the date of death of a Port employee, claim or claims from the family shall be obtained in Form 12 **is to be completed by HOD.**
- (ii) Ensure that verification of service for the entire service are recorded in the service book. If there are any periods of unverified service, the Personnel Department shall accept the unverified portion of service as verified on the basis of the available entries in the service book.

- (iii) Ensure that service was continuous and was not forfeited.
- (iv) Ensure verification of the corrections of emoluments for a maximum period of one year preceding the date of death of the official.
- (v) In case the employee was on extra ordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.
- (vi) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of the intimation regarding the date of death of the employee and the amount of family pension and death gratuity shall also be calculated accordingly.

61. Determination of the amount of family pension and gratuity where service records are incomplete.

If in any particular case, the service book has not been maintained properly, the verification of service shall be confined to the following spells of service.

(A) FAMILY PENSION

- (i) If the deceased employee on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Personnel Department and the amount of family pension determined under Regulation 46.
- (ii) If the deceased employee on the date of death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Personnel Department and the amount of family pension and the period for which it is payable shall be determined in accordance with the provisions of Regulations 45.
- (iii) If the last seven years is not capable of being verified and accepted by the Personnel Department, but the service rendered during the last year is capable of being verified and accepted, the Personnel Department, pending the verification of service for seven years shall calculate the amount of family pension **at ordinary rates**.
- (iv) the service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of regulation.
- (v) The determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of an employee.

(B) DEATH GRATUITY

- (i) If the deceased employee had on the date of death rendered more than 5 years of qualifying service but less than 20 years of qualifying service, and the spell of last 5 years has been verified and accepted by the Personnel Department the amount of death gratuity shall be equal to 12 times of his emoluments plus appropriate Dearness allowance as indicated in Table below Regulation 39 © Where the verified accepted service is less than five years the amount of death gratuity shall be the amount as indicated in item (a) or (b) in the table below Regulation 39 © as may be applicable.
- (ii) If the deceased official had rendered more than twenty years of service, and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub clause,(i) the family of the deceased employee shall be allowed on provisional basis and the death gratuity equal to 12 times of emoluments. Final amount of gratuity shall be determined on the acceptance and verification of the entire spell of service which shall be done by the Personnel Department within six months from the date on which the authority for payment of provisional gratuity was issued. The balance if any becoming payable as a result of determination of final amount of death gratuity shall then be authorized to the beneficiaries.

Note: The Personnel Department has to ensure that action to obtain the claim or claims from the beneficiaries, completion of Form 12 and assessment of Portdues is initiated simultaneously, Special efforts have to be taken to get the claims in the respective forms from the family or the deceased employee as early as possible. Where the family is residing in Head Quarters Station, the claim papers to be obtained personally and for this purpose the service of Welfare Officer could be utilized. If the family is residing outside the head Quarters, all forms and other documents which are required to be sent to the family should be forwarded with clear instructions so that unnecessary correspondence is avoided.

62. Forwarding of Papers to the Chief Manager (Finance)

- 62.1 On receipt of claim or claims; the Personnel Department shall complete forms 12 and send the said form in original to the Chief Manager (Finance) with a covering letter in Form 13 along with the employees service book duly completed up to-date and any other documents relied upon for the verification of service claimed. This shall be done not later than one month of the receipt of claim by the . Personnel Department
- 62.2 The Personnel Department shall retain one copy of the aforesaid Form 12 for his office record.
- 62.3 The Personnel Department shall draw the attention of the Chief Manager (Finance) to the details of Port dues outstanding against the employee viz.

- (a) Dues pertaining to Ports accommodation and recoverable from gratuity before payment is authorized.
- (b) The maximum amount of gratuity to be held over for the purpose of adjustment of dues shall be limited to Rs.5,000/-.

63. Sanction, drawal and disbursement of provisional family pension and gratuity

- 63.1 Only in exceptional cases the Personnel Department shall accord sanction for provisional family pension not exceeding the family pension and hundred percent of the gratuity as determined in accordance with the provisions of regulations. In such cases the following procedure shall be adopted.
- (a) he shall issue sanction letter in favour of the claimant or claimants endorsing a copy thereof to the Chief Manager (Finance) indicating the amount of provisional family pension and hundred percent of gratuity as determined.
 - (b) he shall indicate the amount recoverable from gratuity.
- 63.2 The Chief Manager (Finance) shall disburse the provisional family pension and gratuity immediately after the same is drawn and intimate the Personnel Department
- 63.3 The payment of provisional family pension shall continue for a period of six months from the date following the date of death of the employee within which the final family pension shall be sanctioned. by Chief Manager (Finance)

64. Authorization of final pension and balance of the gratuity by the Chief Manager (Finance)

- 64.1 On receipt of claim papers completed in all respects, the Chief Manager (Finance) shall, within a period of three months from the date of receipt of the documents apply the requisite check of Form 12 and assess the amount of family pension and gratuity.
- 64.2 The payment of family pension shall be effective from the date following the date on which the payment of provisional pension ceased.
- 64.3 Arrears of family pension, if any, in respect of the period for which provisional family pension was drawn and disbursed by the Personnel Department shall also be authorized by the Chief Manager (Finance) .
- 64.4 The fact of issue of the pension payment order shall be promptly reported to the Personnel Department by the Chief Manager (Finance) and adjustment particulars of port dues from the gratuity.

65. Payment of family pension and death gratuity when an employee dies while on foreign service.

Action to authorize the family pension and death gratuity in such cases shall be taken by the Personnel Department or the Cadre authority which sanctioned the deputation on foreign service of the Port employee.

SANCTION FOR FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONER

66. Sanction of payment of family pension and residuary gratuity on the death of a pensioner.

66.1 Where the Personnel Department has received an intimation regarding the death of a retired port employee who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner.

66.2 (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of family pension as indicated in the Pension Payment Order, shall become payable to the widow or widower as the case may be from the day following the date of death of the pensioner.

(ii) On receipt of claim in Form 11 from the widow or widower, the Pension Disbursing Authority from whom the deceased pensioner was drawing the pension shall authorize the payment of family pension to the widow or widower as the case may be.

66.3 (i) Where the deceased pensioner is survived by a child or children, the guardian of the child or children may submit a claim in Form 11 to the Personnel Department for the payment of family pension.

(ii) If the son or unmarried daughter has attained the age of eighteen years, such a person may himself or herself submit a claim in the said form.

(iii) On receipt of a claim from the guardian, the Personnel Department shall sanction the family pension in Form 14.

66.4 (i) Where the widow or widower in receipt of family pension remarries and has, at the time of remarriage child or children from the former spouse who is or are eligible for family pension, the remarried individual shall be eligible to draw the family pension on behalf of such child or children if such individual continues to be the guardian of such child or children.

(ii) For the purpose of clause (i) above, the married individual shall apply to the Personnel Department on plain paper furnishing the following particulars.

- (a) a declaration that the applicant continues to be the guardian of such child or children.
 - (b) the date of remarriage.
 - (c) the name and date of birth of the child or children from the former spouse.
 - (d) the pension payment authority from where the family pension on behalf of such children or children is desired.
 - (e) full postal address of the applicant.
- (iii) If the remarried person, has for any **reason** ceased to be the guardian of such a child or children, the family pension shall become payable to the person entitled to act as guardian of such a child or children under the law for the time being in force and such a person may submit a claim in Form 11 to the Personnel Department for payment of family pension.

Provided that where the son or unmarried daughter if he or she has attained the age of eighteen years, such person may himself or herself claim in the said form.

- (iv) On receipt of the claim referred to in sub-clause (iii) the Personnel Department shall sanction Family pension in Form 15.
- 66.5 (i) Where a widow or widower in receipt of family pension dies and leaves behind child or children who is or are eligible for family pension the guardian may submit a claim in Form 11 to the Personnel Department for the payment of family pension.
- (ii) On receipt of the claim under sub-clause (i) the Personnel Department shall sanction family pension in Form 15.

67. Authorization of payment by **Chief Manager (Finance)**

On receipt of sanction for payment of family pension or of residuary gratuity or of both, the **Chief Manager (Finance)** shall authorize the payment of the same.

CHAPTER-VIII**PAYMENT OF PENSIONS****68. Date from which pension becomes payable**

- (i) Pension other than Family pension shall become payable from the date on which an employee ceases to be borne on the Port establishment.
- (ii) Pension including family pension shall be payable for the day on which the recipient dies.

69. Currency in which pension is payable

All pensions including gratuities admissible under these regulations shall be payable in rupees in India.

70. Manner of payment of gratuity and pension

- (i) Except as otherwise provided in these regulations, Gratuity shall be paid in lump sum.
- (ii) A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month to which the pension relates except for the month of March when it shall be payable on or after 1st working day of April.

71. Non Drawal of Pension

- (i) The disbursing officers shall report to the Accounts Officer cases of Pension undrawn for one year and more and including cases of deceased pensioners.
- (ii) In the case of pension undrawn for more than one year, further payment shall be restored only on receipt of advice from the Accounts Officer.
- (iii) Life Certificate to be furnished once a year by a pensioner duly attested by a senior employee of the Port, Officers of Central/State Government and the Manager of the respective bank through which pension is drawn.
- (iv) unmarried daughter, widows/widower of deceased employees when they get married, to be reported to the Personnel Department / HOD.

CHAPTER-IX

MISCELLANEOUS

72. Permission to take Commercial employment is required before expiry of one year

If a pensioner, who immediately before his retirement was a Class-I officer, takes up commercial employment at any time before the expiry of **one year** from the date of his retirement, without the prior permission of the Port Trust or the Government as the case may be, or commits a breach of any conditions subject to which permission to take up the employment has been granted to him under these provisions, it shall be competent for the Port Trust or the Government to declare by order in writing and for the reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such periods as may be specified in the order.

73. Employment after retirement under a Government outside India.

If a pensioner who immediately before his retirement was a Class-I Officer, wishes to accept any appointment under any Government outside India, he shall obtain previous permission of the Central Government 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 Government may direct.

Provided that an employee who is permitted to take up such appointment outside India during his leave preparatory to retirement, subsequent permission for his continuance after retirement need not be obtained.

Explanation:- “Employment outside India” includes employment under a local authority or Corporation, under an international organization of which Government of India is not a member.

74. Pension on absorption in or under a Corporation, Company or body

74.1 An employee who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government, or **State Government**, or in a Body controlled or financed by the Central Government or a State Government, shall be deemed to have retired from Port service from the date of such absorption and subject to Sub Regulation 74.3 below he shall be eligible to receive retirement benefits which he may have elected, or deemed to have elected, and from such date as may be determined, in accordance with the orders of the Central Government from time to time.

Explanation: Date of absorption shall be

- (i) in case an employee joins a Corporation or Company or Body on immediate absorption basis, the date on which he actually joins that Corporation or Company or body or **State Government**

- (ii) in case an employee initially joins a Corporation or Company or body or Central/State Government on foreign service terms retaining a lien in the Port Service, the date from which his unqualified resignation is accepted by the Port Trust.

74.2 The provisions of sub regulation it shall also apply to Port employees who are permitted to be absorbed in Joint Sector Undertakings, wholly under the joint control of Central Government and State Governments/Union Territory Administration or under the joint control of two or more State Governments/Union Territory Administration.

74.3 Where there is a pension scheme in a body controlled or financed by the Central Government in which a Port Employee is absorbed, he shall be entitled to exercise option either to count the service rendered in the Port Trust, in that Body for pension or to receive pro-rata retirement benefits for the service rendered in the Port Trust in accordance with the orders issued by Central Government from time to time.

Explanation: Body means Body or Autonomous Body.

75. Dearness Relief on Pension/Family pension

Relief against price rise may be granted to the pensioners and family pensioners in the form of dearness relief at 100% neutralization at all levels. Such Dearness Relief shall become due for payment on the average rise/fall in the consumer price index once in three months on the same pattern of serving employees.

76. Interpretation

Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Jawaharlal Nehru Port Trust Board for a decision. The powers for interpretation of doubts will rest with the Port Trust board. But in case of different interpretation of the same provisions by the Ports, the Government, either on receiving a reference from the respective Port or suo moto, will be authorized to give an interpretation, which will be binding on all the ports.

77. Power to Relax

Where Port Trust Board is satisfied that the operation of Regulations causes undue hardship in any particular case, may refer by order for reasons to be recorded in writing refer to Government for a decision.

78. Repeal and Saving

- (i) On the commencement of these regulations every rule / regulations or order including Office Memorandum in force immediately before such commencement shall in so far as it provides for the matter contained in these regulations cease to operate.
- (ii) Notwithstanding such cesser of operations:
 - (a) every form regarding the details of family of any employee for the purpose of Family Pension

- (b) any nomination for the payment of death-cum-retirement gratuity or Family Pension any form regarding the details of family of an employee for the purpose of family pension required to be made or given by an employee under the old rule but not made or given **before commencement of these regulations shall be made or given after such commencement in accordance with** the provisions of these Regulations.
- (c) any case which pertains to the authorization of pension Death cum Retirement Gratuity 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 as if these regulations have not been made.

Subject to the provisions of sub clause (ii) (c) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these regulations.

56
INDEMNITY BOND
[In the case of missing employee]

KNOW ALL MEN by these presents that we (a).....(b).....
the wife/son/brother/nominee, etc. of (c)..... Who was holding the
post of in the Port Trust of is reported to have
been missing since (hereinafter referred to as 'missing employee')
residence of hereafter called " the Obligor") and
(d).....son/wife/daughter of Shri..... resident
of And son/wife/daughter of
resident of the sureties for and on behalf of the
Obligor (hereinafter called "the Sureties") are held firmly bound to the Board of Trustees in
the sum of Rs..... (in words) equivalent of the amount on account of
payment of salary, leave encashment, GPF, Retirement/Death Gratuity and each and every
sum being the monthly family pension well and truly to be paid to the Port Trust of
..... on demand and without a demur together with simple interest @
.....% p.a. from the date of payment thereof until repayment, successors and
assigns by these presents.

Signed this..... Day ofone thousand nine
hundred and

WHEREAS (c) was at the time of his disappearance in the
employment of the Port Trust receiving a pay at the rate of Rs..... (in works) only
per month from the Port Trust of

AN WHEREAS the said (c) disappearance in
the day of 19..... and there was due to
him at the time of his disappearance the sum equivalent of (i) salary due/(ii) leave
encashment, (iii) GPF and (iv) Retirement/Death Gratuity.

AND WHEREAS the Obligor is entitled to family pension at Rs.....
(Rupees only) plus admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid
sum and approached the Port Trust for making payment thereof to avoid undue delay and
hardship.

AND WHEREAS the Port Trust has agreed to make payment of the said sum of
Rs..... (in words) and monthly family pension @ Rs..... (in words)
only and relief thereon to the Obligor upon the Obligor and the Sureties entering into a
Bond in the above mentioned sum to indemnify the Port Trust against all claims to the
amount so due to the aforesaid missing Port Trust employee.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed
to execute the Bond on the terms and manner hereinafter contained. 65

NOW THE CONDITION OF THIS BOND is such that if after payment has been
made to the Obligor, the Obligor and/or the Surety/Sureties shall in the event of a claims
being made, be any other person or the missing employee on appearance, against the Port
Trust with respect to the aforesaid sum of Rs..... (in words) and each and
every sum paid by Port Trust as monthly pension and relief as aforesaid then refund to the
Port Trust the said sum of Rs.....(in words) and each and every sum paid by

Port Trust as monthly pension and relief together with simple interest @ % per annum and shall, indemnify and keep the Port Trust harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above, written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties there under shall not be impaired or discharged by reasons of time being granted by or any forbearance act or omission of the Port Trust whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liabilities not shall it be necessary for the Port Trust to sue the Obligor before suing the Surety/Sureties or either of them for the amount due there under, and the Port Trust to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named 'Obligor' in the presence of

1.....

2.....

Signed by the above named "Surety"/Sureties'

1.....

2.....

Accepted for and on behalf of the Board of Trustees, Port Trust of

.....

.....
(Name and designation of witness)

- Note-I :
- (a) Full name of the claimant referred to as the 'Obligor'
 - (b) State relationship of the 'Obligor' to the 'missing Port employee.
 - (c) Name of the 'missing Port Employee,
 - (d) Full name or names of the Sureties with name or names of the father(s)/husband (s) and place of residence.

Note-II: The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

Note-III: The rate of simple interest will be as prescribed by the Government from time to time.

INDEMNITY BOND
[In the case of missing pensioner]

KNOW ALL MEN by these present that we (a)..... (b) the widow/son/brother/nominee, etc. of (c) who had retired from the post ofin the Department of Port Trust and who was in receipt of pension from..... is reported to have been missing since..... (hereinafter called “the Obligor”) and (d) son/wife/daughter of Shri..... resident of and Son/wife/daughter of Shri..... resident of the sureties for and on behalf of the Obligor (hereinafter called “the Sureties”) are held firmly bound to the Board of Trustees in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Port Trust on demand and without a demur together with simple interest at the rate of % per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this day of two thousand

WHEREAS (c)..... was at the time of his disappearance a Port Trust pensioner receiving a pension at the rate of Rs.....(in words) only per month and relief thereon from the Port Trust.

AND WHEREAS the said (c) disappeared on the day of 200..... and there was due to him at the time of his disappearance the sum equivalent of arrears of pension due.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Port Trust has agreed to make payment of the said sum of Rs..... (in words) and the monthly family pension at Rs.....(in words) plus relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above mentioned sum to indemnify the Port Trust against all claims to the amount so due to the aforesaid missing Government pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the Surety/Sureties shall on the event of a claim being made, by any other person or the missing pensioner on appearance, against the Government with respect to the aforesaid sum of Rs..... (in words) and the sums paid by the Port Trust as monthly family pension and relief as aforesaid then refund to the Port Trust the said sum of Rs..... (in words) and each and every sum

paid by Port Trust as monthly family pension and relief together with simple interest @.....% per annum and shall, otherwise, indemnify and keep the Port Trust harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above-written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties there under shall not be impaired or discharged by reason or time being granted by or any forbearance act or omission of the Port Trust whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Port Trust to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Port Trust agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above-named 'Obligor' in the presence of

1.....

2.....

Signed by the above named 'Surety'/Sureties

1.....

2.....

Accepted for and on behalf of the Board of Trustees by

.....

(Name and designation of the officer directed or authorized to accept the Bond for and on behalf of the Board of Trustees of the Port Trust in the presence of

.....

.....

(Name and designation of witness)

NOTE-I (a) Full name of the claimant referred to as the 'Obligor'

(b) State relationship of the 'Obligor' to the 'missing pensioner'

(c) Name of the missing pensioner.

(d) Full name or names of the sureties with name or names of the father(s) husband(s) and place of residence.

NOTE-II The obligor as well as Sureties should have attained majority so that the based may have legal effect in force.

NOTE-III The rate of simple interest will be as prescribed by the Port Trust from time to time. It is 6% per annum at present.

**JAWAHARLAL NEHRU PORT TRUSTS EMPLOYEES (PENSION)
REGULATIONS, 2011**

**FORM 1
[See Regulation 39 & 44]**

Nomination for Retirement Gratuity/Death Gratuity

When the Port Employees has a family and wishes to nominate one member, or more than one member, thereof.

I....., hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorized by the Port Trust in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death--

Original nominee(s)				Alternate nominee(s)	
Names and address of nominee/nominees	Relation-ship with the Employees	Age	Amount or share of gratuity payable each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the employee or the nominee dying after the death of the employee but before receiving payment of gratuity.	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on which stands cancelled.

NOTE: (i) The employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this..... day of 19 at.....

Witnesses to signature:

1.
2.

Signature of Employee

(To be filled by the Head of Department)

Nomination by

Signature of Personnel Department

Designation

Date

Office

.....

**Proforma for acknowledging the receipt of the nomination form
by the Personnel Department**

To

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination, dated the/
cancellation, dated the of the nomination made earlier in respect of gratuity
in Form I am to state that it has been duly placed on record.

Signature of Personnel Department

Place.....

Dated the

Designation

NOTE: the employee is advised that it would be in the interest of his nominees if copies of
the nominations and the related notices and acknowledgments are kept in safe custody
so that they may come into the possession of the beneficiaries in the event of his
death.

-
- * This column should be filled in so as to cover the whole amount of the
gratuity.
- ** The amount/share of the gratuity shown in this column should cover the whole
amount/share payable to the original nominees(s)
-

62
FORM 2
[See Regulation 39 & 44]
Nomination for Retirement Gratuity/Death Gratuity

When the Port Employee has no family and wishes to nominate one person or more than one person.

I,, having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorized by the Port Trust in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death--

Original nominee(s)				Alternate nominee(s)	
Names and address of nominee/ nominees	Relation- ship with the Employees	Age	Amount share of gratuity payable each*	or Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre- deceasing the employee or the nominee dying after the death of the employee but before receiving payment of gratuity.	Amount share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

This nomination supersedes the nomination made by me earlier on which stands cancelled.

NOTE: (i) The employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this..... day of 19 at.....

Witnesses to signature:

1.
2.

Signature of Employee
(To be filled by the Head of Department)

Nomination by Signature of Personnel Department
Designation Date
Office

**Proforma for acknowledging the receipt of the nomination form
by the Personnel Department**

To

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination, dated the...../ cancellation,
dated the of the nomination made earlier in respect of gratuity in
Form..... I am to state that it has been duly placed on record.

Signature of Personnel Department

Place.....

Dated the

Designation.....

NOTE : the employee is advised that it would be in the interest of his nominees if copies of
the nominations and the related notices and acknowledgments are kept in safe custody so that
they may come into the possession of the beneficiaries in the event of his death.

* This column should be filled in so as to cover the whole amount of the gratuity

** The amount/share of the gratuity shown in this column should cover the whole
amount/share payable to the original nominees(s).

64
FORM 3
[See Regulation 46 (xi) (a)]

Details of Family

Name of the Employee
Designation
Date of birth
Date of appointment

Details of the members of my family
* as on

<i>Sr. No.</i>	<i>Name of the members of family*</i>	<i>Date of Birth</i>	<i>Relationship with the Officer</i>	<i>Initials of the Head of Department</i>	<i>Remarks</i>
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9					

I hereby undertake to keep the above particulars up-to-date by notifying to the Head of Department any addition or alternation.

Place: Signature of Employee

Dated the

* Family for this purpose means family as defined in Regulation 46 of **Jawaharlal Nehru Port Trusts Employees (Pension) Regulations; 2011.**

NOTE: Wife and husband shall include respectively judicially separated wife and husband.

FORM 4

[See Regulation 49 (iii)(a)]

Particulars to be obtained by the Head of Department from the retiring employee eight months before the date of his retirement.

- 1. Name
- 2. (a) Date of birth
(b) Date of retirement
- 3. Two specimen signatures (to be furnished in a separate sheet) duly attested by an officer of the Port Trust.
- 4. Three copies of passport size joint photograph with wife or husband (to be attested by the Head of Office).
- 5. Two slips showing the particulars of height and personal identification marks duly attested by an officer of the Port Trust.
- 6. Present address
- 7. Address after retirement
- 8. Name of the Bank or the Accounts Cash Office through which the pension is to be drawn.
- 9. Details of the family in Form 3.
- 10. Indicate whether family pension is admissible from any other source – Military or State Government and/or a public sector undertaking/autonomous body/Local Fund under the Central or a State Government.

Place

Signature

Dated the

Designation

Department

- 1. Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate to sign his name. If such an employee on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impression of the right hand. Where an employee has lost both the hands, he may give his toe impressions. Impressions should be duly attested by an officer of the Port Trust.
- 2. Two copies of the passport size photograph of self only need be furnished if the employee is governed by Regulation 46 and is unmarried or a widower or widow.
- 3. Where it not possible for an employee to submit a photograph with his wife or her husband, he or she may submit separate photograph. The photographs shall be attested by the Head of Department.
- 4. Specify a few conspicuous marks, not less than two, if possible.
- 5. Any subsequent change of address should be notified to the Personnel Department.

FORM 5
Form for assessing Pension/Family Pension and Gratuity

[See Regulation 49]

PART I

1. Name of the retiring employee
2. Father's/Husband's name
3. Height
4. Marks of Identification
5. Date of Birth
6. Department to which belong
7. Particulars of post held at the time of retirement
 - (a) Name of the Department
 - (b) Post held
 - (c) Whether the appointment mentioned above was under Port Trust or outside the Port Trust on foreign service term.
8. Whether declared substantive in any post under the Port Trust.
9. Date of beginning of service
10. Date of ending of service
11. Cause of ending of service--
 - (a) Voluntary retirement on being declared surplus
 - (b) Permanent absorption in public sector undertaking/autonomous body
 - (c) Due to abolition of post
 - (d) Superannuation
 - (e) Invalidation on medical ground
 - (f) Voluntary/premature retirement at the initiative of the employee.

- (g) Premature retirement at the initiative
of the Port
- (h) Compulsory retirement
- (i) Removal/dismissal from service
- (j) Death
12. In the case of compulsory retirement, the orders of the competent authority whether pension may be allowed at full rates or at reduced rates and, in case of reduced rates, the percentage at which it is to be allowed.
13. In case of removal/dismissal from service whether orders of competent authority have been obtained for grant of compassionate allowances and if so, at what rate
14. Particulars relating to military service, if any--
- (a) Period of military service
- (b) Terminal benefits drawn/being drawn for military service
- (c) Whether opted for counting of military service towards pension
- (d) If answer to (c) above is in the alternative, whether the terminal benefits have been refunded.
- (e) In case of ex-servicemen who are eligible for family pension under the Armed Forces Rules, whether opted to retain family pension under the Armed Forces Rules or to draw family pension under the Civil Rules.
15. Particulars relating to service to service in autonomous body, if any—

(a) Particulars of Service :

Name of Organization	Post held	Period From	To
-------------------------	-----------	----------------	----

(b) Whether the above service is to be counted for pension.

(c) Whether the autonomous organization has discharged its pensionary liability to the Port Trust

16. Whether any departmental or judicial proceedings are pending against the retiring employees.

17. Qualifying service--

(a) Details of omission, imperfection or deficiencies in the Service Book which have been ignored.

(b) Period not counting qualifying service--

(i) Boy servicemen

(ii) Extraordinary Leave not counting as qualifying service.

(iii) Periods of suspension not treated as qualifying service.

(iv) Interruption in service

(v) Periods for foreign service with United Nations bodies for which United Nations pension has been availed.

(vi) Any other period not treated as qualifying service (give details)

(c) Additions to qualifying service--

(i) Military service

(ii) Ware service

(iii) Weightage on voluntary retirement on being declared surplus

(iv) Weightage

(v) Benefit of service in an autonomous body

(vi) Weightage

(d) Net qualifying service.

(e) Qualifying service expressed in terms of completed six monthly period (period of three months and over is treated as completed six monthly period)

18. Emoluments--

- (a) Emoluments drawn during 6 months preceding retirement--

From	To	Rate of Pay	Amount
------	----	-------------	--------

- (b) If the officer was on foreign service immediately preceding retirement, the national emoluments which he would have drawn under Port Trust but for being on foreign service.

- (c) Average emoluments reckoned for pension

- (d) Emoluments reckoned for retirement gratuity/ death gratuity including dearness allowance.

- (e) Emoluments reckoned for family pension

19. Date on which the retiring employee submitted his application for pension in Form 4

20. Complete and up-to-date details of the family as given in Form 3--

Sr. No.	Name of the Member of the family	Date of Birth	Relation with the Employee
(1)	(2)	(3)	(4)

21. Whether nomination made for death gratuity retirement gratuity

22. The date on which action initiated to --

- (a) assess the service and emoluments qualifying for pension.

- (b) assess the Port dues other than the dues relating to the allotment of Port accommodation

23. Details of dues recoverable out of gratuity
 - (a) License fee for Port accommodation
 - (b) Dues referred to in Regulation 58
24. (a) Proposed pension/service gratuity
 - (b) Proposed dearness relief on pension
(as on the date of retirement)
 - (c) Date from which pension is to commence.
25. Rate of Family Pension --
 - (a) Enhanced rate
 - (b) Period for which family pension will be payable
at enhance rate.
 - (c) Ordinary rate
 - (d) Date from which ordinary rate of family pension
will be payable.
26. Amount of retirement gratuity/death gratuity
27. Commutation of pension --
 - (a) Whether simultaneously applied for commutation
of pension with the pension application
(applicable only in the case of those who retire
on superannuation pension)
 - (b) The portion of pension commuted
 - (c) Commuted value of pension
 - (d) Amount of residuary pension after deducting
commuted portion
 - (e) Date from which reduced pension is payable
28. Name and address of Bank/Accounts Officer from
where pension is to be drawn.
29. Head of Account to which pension and gratuity
are debit able.
30. Post-retirement address of the retiree

PART II

1. Date of receipt of pension papers by the Accounts Officer from Personnel Department
1. Entitlements admitted—
 - A. Length of qualifying service**
 - B. Pension --**
 - (i) Class of pension
 - (ii) Amount of monthly pension
 - (iii) Date of commencement
 - C. Commutate of Pension --**
 - (i) Commuted value of portion of pension commuted, if any
 - (ii) Residuary pension after communication
 - (iii) Date from which reduced pension is payable.
 - (iv) Date of restoration of commuted portion of pension subject to the pensioner continuing to live.
 - D. Retirement/Death Gratuity --**
 - (i) Total amount payable
 - (ii) Amount to be adjusted towards Government dues
 - (iii) Amount to be withheld for adjustment of un assessed dues
 - (iv) Net amount to be released immediately
 - E. Family Pension –**
 - (i) At enhanced rate
 - (ii) Period for which Family Pension at enhanced rate is payable
 - (iii) At normal rate
3. Head of Account to which the amount of pension, retire/death gratuity and family pension are to be debited.

PENSION CALCULATION SHEET

1. Name
2. Designation
3. Date of birth
4. Date of entry in service
5. Date of retirement
6. Length of qualifying service reckoned for pension/gratuity (as indicated in PPO)
7. Emoluments drawn during the last 6 months
8. (1) Average emoluments for pension (as indicated in PPO)
- (2) (a) Pension admissible for 20 years of qualifying service :- 50% of Average emoluments
- (b) For a Qualifying service of less than 20 years, pension as admissible for 20 years of qualifying service to be proportionately reduced.
9. (1) Emoluments for gratuity (as indicated in PPO)
- (2) Retirement gratuity admissible
- (a) For 33 years of qualifying service gratuity to be granted equal to $\frac{1}{4}$ the emoluments including D.A. For each completed six monthly period of qualifying service subject to a maximum of $16\frac{1}{2}$ times the emoluments.
10. (1) Emoluments for Family Pension (as indicated in PPO).
- (2) Family Pension admissible
- Calculations to be shown as follows :-
- (a) **Ordinary Family Pension :**
Pay last drawn X Prescribed % subject to prescribe minimum and maximum
- (b) **Enhanced Family Pension :**
Family Pension at ordinary rate as at (a) above
x 2, subject to prescribed minimum and maximum

Personnel Department

Countersigned

FORM 6**[Form of letter to the Accounts Officer forwarding the pension papers of an Employee]**

To

The Accounts Officer/
Chief Manager (Finance).....
.....
.....Subject :- **Pension papers of Shri/Shrimati/Kumari.....
for authorization of pension.**

Sir,

I am directed to forward herewith the pension papers of Shri/Shrimati/Kumari of this Department for further necessary action.

2. The details of Port dues which will remain outstanding on the date of retirement of the employee and which need to be recovered out of the amount of retirement gratuity are indicated below--

- | | | |
|-----|--|-----|
| (a) | Balance of the house-building or conveyance advance | Rs. |
| (b) | Overpayment of pay and allowances including leave salary | Rs. |
| (c) | Income Tax deductible at source under the Income Tax Act, 1961. | Rs. |
| (d) | Arrears of license fee for occupation of Ports accommodation. | Rs. |
| (e) | The amount of license fee for the retention of Ports accommodation for the permissible period of two months beyond the date of retirement. | Rs. |
| (f) | Any other assessed dues and the nature thereof | Rs. |
| (g) | The amount of gratuity to be withheld for adjustment of un assessed dues, if any | Rs. |

Total :

3. Your attention is invited to the list of enclosures which is forwarded herewith.
4. The receipt of this letter may be acknowledged and this Department informed that necessary instructions for the disbursement of pension have been issued to disbursing authority concerned.
5. The retirement gratuity will be drawn and disbursed by this Department on receipt of authority from you. The outstanding Port dues as mentioned in para 2 above will also be recovered out of the retirement gratuity before making payment.

Yours faithfully,

PERSONNEL DEPARTMENT

List of enclosures

1. Form 4 and Form 5 duly completed.
2. Medical certificate of incapacity (if the claim is for invalid pension).
3. Statement of the saving effected and the reasons why employment could not be found elsewhere (if claim is for compensation pension or gratuity).
4. Service Book (date of retirement to be indicated in the service book).
5. (a) Two specimen signatures, duly attested by an officer of the Port or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impression, duly attested by an officer of the Port.

*(b) Three copies of passport size photograph with wife or husband (either jointly or separately) duly attested by the Head of Department.

(c) Two slips showing the particulars of height and identification marks, duly attested by an officer of the Port.
6. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of the employee.
7. Brief statement leading to reinstatement of the employee in case the employee has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

NOTE: When initials or name of the employee are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter. 86

FORM 7

**Form of letter to the member or members of the family of a
deceased employee where valid nomination
for the grant of the death gratuity exists**

To

.....
.....
.....

**Subject: Payment of death gratuity in respect of the late
Shri/Shrimati**

Sir/Madam.

I am directed to state that in terms of the nomination made by the late Shri/Shrimati (Designation) in the Department a death gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 9.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,

Personnel Department

To

.....

.....

.....

Sir/Madam,

(i) Wife/husband including judicially separated wife/husband

(ii) Sons]
] including step children and adopted children

(iii) Unmarried daughters]

- (i) widowed daughters including step daughters and adopted daughter;
- (ii) father] including adoptive parents in case of individuals whose personal
- (iii) mother] law permits adoption;
- (iv) brother below the age of eighteen years and unmarried and widowed sisters including step brothers and step sisters;
- (v) married daughters; and
- (vi) children of a pre-deceased son.

Yours faithfully,

Personnel Department

FORM 9
Form of application for the grant of death gratuity
on the death of an employee

(To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf)

1. (i) Name of the claimant in case he is not minor
(ii) Date of birth of the claimant
2. (i) Name of the guardian in case the claimants are minors
(ii) Date of birth of the guardian.
3. (i) Name of the deceased employee in respect of whom gratuity is being claimed

(ii) Date of death of Employee

(iii) Department in which the deceased served last
4. Relationship of the claimant/guardian with the deceased employee.
5. Full Postal Address of the claimant/guardian
6. (i) Where gratuity is claimed by the guardian on behalf of minors, the names of the minor, their ages, relationship with the deceased employee etc.

Serial No.	Name	Age	Relationship with the deceased employee	Postal Address
1.				
2.				
3.				
4.				

- (ii) Place of payment of Pension and Gratuity
7. Place of payment of Pension and Gratuity
(Accounts Officer Cash, Nationalized Bank Branch, or Scheduled Bank)

Signature/Thumb-impression of the claimant/guardian

8. Two specimen signatures * or left thumb and finger impression of the claimant/ guardian duly attested

(To be furnished in a separate sheet)

9. ** Attested by--

	Name	Full Address	Signature
(i)
(ii)

10. Witnesses :

(i)
(ii)

* To be furnished in case the applicant is not literate enough to sign his name.

** Attestation should be done by two or more persons of respectability in the town, village or Pargana in which the applicant resides.

FORM 10
[See rule 45]

Form of letter to the widow/widower of an employee for grant of Family Pension

To

.....
.....
.....

Subject : Payment of Family Pension, in respect of
late Shri/Shrimati

Sir/Madam,

I am directed to state that in terms of Regulation 45 of Port employee (Pension) Regulation 1994, is payable to you as widow/widower of the late Shri/Shrimati(Designation) of the Department of

2. You are advised that a claim for the grant of Family Pension, may be submitted in the enclosed Form 11.

3. The Family Pension, will be payable till your death or remarriage, whichever event occurs earlier. In the event of your death or remarriage, the Family Pension, shall be granted to the child or children, if any, through the guardian.

Yours faithfully,

Personnel Department

FORM -11
[See Regulation 59]

**Form of application for the grant of Family Pension, on the death of
employee/pensioner**

1. Name of the applicant
 - (i) Widow/Widower
 - (ii) Guardian if the deceased person is survived by child or children
2. Name and age of surviving widow/widower and children of the deceased Employee/pensioner

Serial No.	Name	Relationship with the deceased person	Date of Birth by Christian era
1.			
2.			
3.			
4.			
5.			
6.			

3. Name and No. of the PPO of the deceased pensioner
4. Date of death of the employee/pensioner
5. Department in which the deceased employee/pensioner served last
6. If the applicant is guardian, his date of birth and relationship with the deceased employee/pensioner
- 6-A. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of the husband/wife
7. Full address of the applicant.
8. Place of payment of Pension and Gratuity (Accounts Officer, Cash, Nationalized Bank Branch or Scheduled Bank.
9. Enclosures
 - (i) Two specimen signatures of the applicant,' duty attested (To be furnished in two separate sheets).
 - (ii) Two copies of passport size photograph of the applicant, duly attested.

- (iii) Two slips each bearing left hand thumb and finger impressions* of the applicant, duly attested.
 - (iv) Description Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc, (Specify a few conspicuous marks, not less than two, if possible.)
 - (v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the local panchayat or from the head of a recognized school if the child is studying in such school. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Department.
10. Indicate whether family pension is admissible from any other source – Military or State Government and/ or a public sector undertaking/autonomous body/ local fund under the Central or a State Government.
11. Signatures or left hand thumb-impression* of the applicant.
12. Attested by :
- | Name | Full Address | Signature |
|------------|--------------|-----------|
| (i) | | |
| (ii) | | |
13. Witnesses :
- | | | |
|------------|-------|-------|
| (i) | | |
| (ii) | | |

NOTE : Attestation should be done by two officers of the Port Trust or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

° Form TR 40-a as amended.

* To be furnished in case the applicant is not literate enough to sign his name.

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage. (ii) name of the place at which payment is desired and (iii) her full address in the application for family pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which family pension was originally admitted to her.

FORM 12
(See Regulation 60)

PART I
Section I

1. Name of the deceased Employee's
2. Father's name (and also husband's name in the case of female employee)
3. Date of birth (by Christian era).....
4. Date of death (by Christian era)
5. Religion
6. Department/in which last employed
7. Appointment held last
 - (i) Substantive
 - (ii) Officiating
8. Date of beginning of service
9. Date of ending of service
10. (i) Total period of military service for which pension, gratuity was sanctioned : and...

(ii) Amount and nature of any pension, gratuity received for the military service
11. Amount and nature of any pension received for previous civil service, if any....
12. Government under which service has been rendered in order of employment....
13. The date on which intimation regarding the death of the employee was received by the Personnel Department.
14. The date on which action initiated to
 - (i) obtain claim or claims from the claimants in the appropriate form for death gratuity and family pension as provided in Regulation 59;
 - (ii) assess the dues other than the dues pertaining to occupation of Port accommodation as provided in Rule

- (iii) assess the service and emoluments qualifying for death gratuity and family pension as provided in Regulation 61.

15. Whether nomination made for death gratuity

16. Length of service qualifying for death gratuity/pension

17. Periods of non-qualifying service-

From

To

- (i) Interruption in service condoned under Regulation 22.

- (ii) Extraordinary leave not qualifying for gratuity.

- (iii) Period of suspension treated as non-qualifying

- (iv) Any other service not treated as qualifying service

Total period of non-qualifying service:

18. (a) Emoluments reckoning for death gratuity
(b) Amount of death gratuity

19. (i) Proposed Family Pension at --

- (a) enhanced rates [if service rendered at the time of death is more than seven years as in Regulation 45(B)(v)]

]

- (b) ordinary rates – [as in Regulation 46B].

(ii) Period of tenability of Family Pension

From

To

- (a) enhanced rates

- (b) ordinary rates

20. Persons to whom family pension is payable

Name

Relationship with the deceased employee

Full postal address

21. Details of dues recoverable out of gratuity--
- (i) License fee for occupation of Ports accommodation [See Regulation 62]
 - (ii) Amount of death gratuity to be held over pending receipt of information from the Estate Manager/Officer
 - (iii) Dues referred to in Regulation 62.3 (a)
22. Date on which claims received from the claimants
23. Name of guardian who will receive payment of death gratuity and family pension in the case of minors
24. Place of payment (Accounts (Cash), Nationalized Bank or Scheduled Bank)
25. Head of Accounts to which death gratuity and family pension are debit able.

Place

Signature of Personnel Department

Dated the

Section II

Details of provisional family pension and gratuity to be drawn and disbursed by the Personnel Department in accordance with Regulation 51.

Provisional family pension	Rs..... p.m.
Gratuity [the amount mentioned in item 18(b) Part I]	Rs.....
(a) Licence fee recoverable from gratuity for occupation of Port accommodation [as in item 21(I) of Part I]	Rs.....
(b) Amount of gratuity to be held over pending receipt of information from the Estate Manager/ Officer of Estates [as in item 21 (ii) of Part I]	Rs.....
(c) Other dues as mentioned in item 21 (iii) of Part I	Rs.....
(d) Total of (a), (b) and (c)	Rs.....

Place

Signature of Head of Department

Dated the

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PART II
Account Enforcement
Section I

1. Total period of qualifying service which has been accepted for --

(i) Death gratuity
(ii) Family Pension
2. Net amount of gratuity after adjusting Ports dues
3. Amount and the period of tenability of Family Pension, if death took place

	<u>Amount</u> Rs.	<u>Period of tenability</u> From To	
(i) before seven years service			
(ii) after seven years service			
4. Date from which family Pension is admissible
5. Head of Account to which death gratuity and family pension are chargeable

Section II

1. Name of the deceased employee
2. Date of death of the employee's
3. Date on which pension papers received by the Accounts Officer
4. Amount of gratuity authorized
5. Date of commencement of family pension
6. Date on which payment of family pension and gratuity authorized
7. Amount of recoverable from gratuity
8. Amount of gratuity held over pending receipt of 'No demand certificate'

Place

Accounts Officer

Dated the

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FORM 13

Form of letter to the Chief Manager (Finance) forwarding papers for the grant family pension and death gratuity to the family of an employee who dies while in service

To,

Chief Manager (Finance)

.....

.....

.....

Subject : **Grant of family pension and death gratuity.**

Sir,

I am directed to say that Shri..... designation died on His family has 12 duly completed is forwarded herewith for further necessary action.

2. Dues in respect of the deceased Government servant will be recovered out of the death gratuity as indicated in Section II of Part I of Form 12.

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. The receipt of this letter may be acknowledged and this Ministry/Department informed that necessary instructions for the disbursement of family pension and death gratuity have been issued to the disbursing authority concerned.

Yours faithfully,

Personnel Department

List of enclosures

1. Form 12 duly completed
2. Service book (date of death to be indicated in the service book)
3. Two specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two copies of passport size photograph of the claimant or guardian duly attested.
5. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.
6. Postal address of the claimant or guardian.

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FORM 14

Form of letter sanctioning Family Pension to the child or children of a retired employee who dies after retirement but does not leave behind a widow or widower

To,
The Chief Manager (Finance)
.....
.....
.....

Subject : **Grant of family pension to the child/children**

Sir,
I am directed to say that Shri/Shrimati..... formerly (Designation) in Department was authorised pension of Rs..... with effect from on his/her retirement from service.

2. Intimation has been received in this Department that Shri/Shrimati.....died on and that at the time of death left no widow/widower but was survived by the following children* :-

Sl. No	Name	Son/Daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				

3. In terms of Regulation 45 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulation 2011, the amount of Family Pension has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minor to Shri/Shrimati..... who is the guardian.

4. Sanction for the grant of Family Pension of Rs..... per month to the children mentioned above is hereby accorded. The Family Pension will take effect from..... and subject to the provisions of Regulation 45 of Jawaharlal Nehru Port Trust Employees (Pension) Regulation 2011, will be tenable till

5. The Family Pension is debatable to the Personnel Department

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of this letter may kindly be acknowledged and this Department informed that instructions for the payment of Family Pension, to the guardian have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office

List of enclosures

1. Permanent address of the guardian.
2. Place of payment (Accounts Office, Cash, or Branch of Nationalized Bank or Scheduled Bank)
3. Specimen signature or ** {left hand thumb and finger impression of the claimant or guardian duly attested}
4. Two attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian, duly attested.

FORM 15

Form of letter sanctioning Family Pension to the child or children on the death or re-marriage of a widow/widower who was in receipt of Family Pension

To,

The Chief Manager (Finance)

.....
.....
.....

Subject : **Grant of family pension to the child/children**

Sir,

I am directed to say that Shri/Shrimati.....widow/widower of late Shri/Shrimati.....formerly(Designation) in this Department was authorized the payment of Family Pension of Rs..... with effect from The Family Pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in thisDepartment that Shri/Shrimati died/re-married on

3. At the time of death/re-marriage Shri/Shrimai had the following children * :-

Sl. No.	Name	Son/Daughter	Date of birth in Christian era	Date from which the family pension ceases to be payable
(1)				
(2)				
(3)				
(4)				

4. In terms of Regulation 46 of Jawaharlal Nehru Port Trust Employees (Pension) Regulation; 2011, the amount of Family Pension has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minor to Shri/Shrimati..... who is the guardian.

5. Sanction for the grant of Family Pension of Rs..... per month to the children mentioned above is hereby accorded. The Family Pension will take effect from and subject to the provisions of Regulation 46 of Jawaharlal Nehru Port Trust Employees (Pension) Regulation 2011, will be tenable till

* The names of children should be mentioned in the order of eligibility mentioned in Regulation 46 of Jawaharlal Nehru Port Trust Employees (Pension) Regulation 2011

5. Sanction for the grant of Family Pension of Rs..... per month to the children mentioned above is hereby accorded. The Family Pension will take effect from and subject to the provisions of Sub Regulation 46 (vi) of Jawaharlal Nehru Port Trust Employees (Pension) Regulation 2011, will be tenable till
6. The Family Pension is debatable to the Personnel Department
7. Attention is invited to the information furnished in the list of enclosures.
8. The receipt of this letter may kindly be acknowledged and this Department informed that instructions for the payment of Family Pension, to the guardian have been issued to the disbursing authority concerned.

Yours faithfully,

Personnel Department

List of enclosures

1. Permanent address of the guardian.
2. Place of payment (Accounts Officer, Cash or Branch or Nationalized Bank or Scheduled Bank.
3. Specimen signature or * left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian, duly attested.

* To be furnished in the case of the guardian who is not literate enough to sign his or her name.

FORM 16**Form of application for the grant of Residency Gratuity on the death of a pensioner****(To be filled in separately by each applicant)**

- | | | |
|----|--|------|
| 1. | Name of applicant | ... |
| 2. | (i) Name of the guardian in case
the applicant is a minor | |
| | (ii) Date of birth of guardian | |

If a retired employee in receipt of 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 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 becomes payable to the family.

- | | | |
|-----|---|-------|
| 3. | Name of the deceased pensioner | |
| 4. | Department in which the deceased
pensioner served last | |
| 5. | Date of death of the pensioner | |
| 6. | Date of retirement of the deceased pensioner | |
| 7. | Amount of monthly * pension (including
ad-hoc increase, if any) sanctioned to
deceased pensioner. | |
| 8. | Amount of retirement gratuity received
by the deceased pensioner | |
| 9. | The amount of *pension (including ad-hoc
increase, if any) drawn by the deceased
till the date of death. | |
| 10. | If the deceased had commuted a portion of
pension before his death, the commuted
value of the pension | |
| 11. | Total of items 8, 9 and 10
..... | |
| 12. | Amount of death gratuity equal to 12 times
of the emoluments | |
| 13. | The amount of residuary gratuity claimed, i.e.
the difference between the amount shown
against items 12 and 11. | |

14. Relationship of the applicant with the deceased pensioner
15. Date of birth of the applicant
16. Name of the Bank at which payment is desired. If payment is desired at the cash office of a Accounts Department this should be indicated.
17. Full Address of the Applicant `
18. Signature or thumb impression of the applicant (To be furnished in a separate sheet duly attested **)
19. Attested by :

	<u>Name</u>	<u>Full Address</u>	<u>Signature</u>
(i)
(ii)

20. Witnesses :

	<u>Name</u>	<u>Full Address</u>	<u>Signature</u>
(i)
(ii)

* When an employee has retired before earning a pension, the amount of service gratuity should be indicated.

** Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, village or pargana in which the applicant resides.

FORM 17

(Regulation 31)

Form of Medical Certificate

** Certified that * I/(we) have carefully examined son of
in the
His age by his own statement is be completely and permanently
incapacitated for further service of any kind in the Department to which he belongs in
consequence of (here state disease or cause)."

(If the incapacity does not appear to be complete and permanent, the certificate should
be modified accordingly and the following addition should be made.)

"*I am/we are of opinion that is fit for further service of
a less laborious character than that which he had been doing/may, after resting for
..... months, be fit for further service of less laborious character than that which he
had been doing."

Medical Authority

Place :

Dated the :

* Strike out whichever is not applicable

FORM 18

(Regulation 23)

Form of certificate of verification of service for pension Certificate

It is clarified, in consultation with the Accounts Officer, that Shri.....
Designation has completed a qualifying service of
years months..... days as on(date), as per
details given below. The service has been verified on the basis of his service documents and
in accordance with the regulations regarding qualifying service in force at present. The
verification of service under shall be treated as final and shall not be re-opened except when
necessitated by a subsequent change in the rules and orders governing the conditions under
which the service qualifies for pension.

DETAILS OF QUALIFYING SERVICE

	From	To
1.		
2.		
3.		

Signature of Department

To,

Shri

(Name and Designation)