

Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966

SHORT TITLE AND COMMENCEMENT:

(a) These regulations shall be called the Mormugao Port Employees' (C.P.F. Special Contribution) Regulations 1966.

(b) They shall come into force with effect from 1st of the month following the date on which the approval of the Central Government is notified in the Official Gazette.

2. APPLICATION :

They shall apply to all employees governed by the MPE (C.P.F) Regulations, 1965.

3. DEFINITIONS :

In these regulations unless there is anything repugnant in the subject or context :-

(i).“Board” means the Board of Trustees of M.P.T. appointed under the Major Port Trust Acts, 1963.

(ii).“Chairman”, “Deputy Chairman” and “Head of Department” shall have the meanings assigned to them in the Major Port Trusts Act 1963.

(iii).“Emoluments” with effect from the 1st August, 1967 means the emoluments which the employee was receiving immediately before his retirement or death and includes :

(1) If the subscriber is a Class I or Class II employee :-

(a). Substantive pay in respect of a permanent post other than a tenure held in a substantive capacity.

(b).Personal pay which is granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post.

(c).Special pay attached to a permanent post, other than a tenure post, when the special pay has been sanctioned permanently and the post is held in a substantive capacity.

(d).If he has held at any time during the one year immediately preceding the date of quitting service some post (s) higher than the post held substantively by him on that date (including a post treated as having been held in a substantive capacity under the clause (e) below, the pay as in clause (a) to (c) above, increase by one half of the

excess, if any, of the monthly average of the total pay, personal pay, special pay admissible in the post or posts actually held (or which would have been held but for being on leave, foreign service) during that one year, over the pay as in clause (a) to (c) above.

(e). If an employee holding a permanent post in a substantive capacity officiates in a higher permanent post (other than a tenure post) or holds a higher temporary post (other than tenure post) borne on a cadre which includes permanent posts on the same time scale as a temporary post, continuously for not less than three years, and retires or dies while so officiating or holding the higher post his emoluments for the special contribution in respect of the higher post shall be determined under clause (a) to (d) above as if he held, in a substantive capacity, a permanent post on a time scale identical with that of the higher post. For this purpose all kinds of leave, all periods during which an employee officiated in a permanent post or held a temporary post on an identical or higher time scale, and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post(s) or going on deputation on a foreign service, as the case may be, the employee concerned would have officiated in or held the higher post.

NOTE : If immediately before his retirement or death an employee has been absent from duty on authorized leave, his emoluments for the purpose of calculating the special contributions shall be taken at what they would have been had he not been absent from duty:

Provided that the amount of special contribution is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(f). Dearness pay; if admissible.

(g). In respect of employees retiring from service on or after 1.8.1968, the term "Emoluments" means the pay which the employee was receiving immediately before retirement, and shall include:

(1) (i). Pay other than special pay on pay guaranteed in view of his personal qualifications,

which has been sanctioned for a post held by him substantively on in an of-ficiating capacity on to which he is entitled by reasons of his position in a cadre, and

(ii). Technical pay, special pay and personal pay, and

(iii). **Any** other emoluments which may specially be classed as pay by the appropriate authority.

(2) If the subscriber is a class III or class IV employee:-

(a). Substantive pay in respect of a permanent post other than a tenure post held in substantive capacity and Dearness Allowance and Goa Compensatory Allowance based on such pay and interim relief:

(b). Personal pay which is granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post.

(c). Special pay attached to a permanent post, other than a tenure post when the special pay has been sanctioned permanently and the post is held in substantive capacity.

(d). If he has held at any time during the one year immediately preceding the date of quitting service, some post(s) higher than the post held substantively by him on that date including a post treated as having been held in substantive capacity under the clause (e) below, the pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief as in clause (a) to (c) above increased by one half of the excess, if any, of the monthly average of the total pay including Dearness Allowance, Goa Compensatory Allowance and Interim Relief, personal pay and special pay admissible in the post or posts actually held (or which would have been held but for being on leave, foreign service) during that one year over the pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief as in clause (a) to (c) above.

(e). If an employee holding permanent post in a substantive capacity officiates in a

higher permanent post (other than a tenure post) or holds a higher temporary post (other than a tenure post) borne on a cadre which includes permanent posts on the same time scale as the temporary post continuously for not less than three years and retires or dies while so officiating or holding the higher post, his emoluments for the special contribution in respect of the higher post shall be determined under clause (a) to (d) above as if he held, in a substantive capacity, a permanent post on a time scale identical with that of the higher post. For this purpose, all kinds of leave, all periods during which an employee officiated in a permanent post or held a temporary post on identical or higher time scale, and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post(s) or going on deputation on foreign service, as the case may be, the employee concerned will have officiated in or held the higher post.

NOTE: If immediately before his retirement or death of an employee has been absent from duty on authorised leave, his emoluments for the purpose of calculating the special contribution shall be taken at what they would have been had he not been absent from duty.

Provided that the amount of special contribution is not increased on account of increase of pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief not actually drawn and that the benefit of higher officiating or temporary pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(f). In respect of employees retiring from service on or after 1.8.1968 the term “Emoluments” means the pay which the employee was receiving immediately before retirement and shall include:

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

(ii). Technical pay, special pay and personal pay and

(iii). Any other emoluments which may specially be classed as pay by the appropriate authority.

(iv). “Family”, “Fund”, and “Leave” shall have the meaning as defined in the MPE (Contributory Provident Fund) Regulations, 1965.

(v). “Month” means a calendar month.

(vi). “Cadre”, “Deputation”, “Foreign Service”, “Identical time scale”, “Lien”, “Officiate”, “Permanent Post”, “Personal Pay”, “Same time scale”, “Special pay”, “Substantive Pay”, “Temporary Post” and “Tenure Post” shall have the meaning as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board whichever may be applicable to the subscriber.

(vii). “Service” for the purpose of the special contribution means continuous service during which a subscriber holds a lien or a suspended lien on a permanent post paid monthly from the revenues of the Board but includes the period of officiating or temporary service or service as a probationer, if followed without break by permanent service and service which the Board may by a general or special order permit to be counted as service.

EXPLANATION : In respect of employees who were contributing to the Staff Provident Fund which was administered by the Board prior to the commencement of the M.P.E.(C.P.F.) Regulations, 1965 service for the purpose of this regulation shall be reckoned from the date of their joining service with the W.I.P.G. Rly., or the Southern Railway subject to such service having been continuous and without break or interruption and to no gratuity having been paid for that period by the

W.I.P.G. Rly., or the Southern Rly.

(viii).Subscriber means a person who is required or is permitted to subscribe to the Contributory Provident Fund under the Mormugao Port Employees' (Contributory Provident Fund) Regulations 1965.

4. CONDITIONS FOR GRANT OF SPECIAL CONTRIBUTION:-

(1).If a subscriber being a Class I or Class II employee, quits service on :-
(a) completion of thirty years' service; or
(b) attainment of the age of fifty years; or
(c) retirement on account of permanent incapacity due to bodily or mental infirmity; or
(d) abolition of appointment due to reduction of establishment, if other suitable employment cannot be found for him; or

(2).If a subscriber as on 1st August, 1967 or thereafter not being a Class I or Class II employee quits service:-
(a) completion of the thirty years' service; or
(b) attainment of the age of fifty-five years; or
(c) retirement or resignation after ten years' service on grounds admitted by the Chairman as good and sufficient from the point of view of the Administration; or
(d) discharge as distinguished from dismissal, after ten years' service; or
(e) retirement due to permanent physical or mental incapacity, or abolition of appointment, if other suitable employment cannot be found for him;
(f) on completion of 15 years' service under any circumstances including dismissal or removal for misconduct. (substituted vide B.R.135 of 21.10.67 Govt.'s sanction no.7-PE (28) 67 dated 7.2.69).

(3).If the appropriate Sanctioning Authority is satisfied that the service of the subscriber has been good, efficient and faithful, the Board, the Chairman or the Deputy Chairman as the case may be, may order that subscriber's Provident Fund Account shall be created with a special contribution calculated in the manner prescribed in Regulation 5 below.

Provided that the special contribution shall not be credited to a subscriber's account if he is dismissed from service and shall not be credited, save with the sanction of

the Appropriate Sanctioning Authority, if he has been removed from service by reasons of misconduct.

Provided further that the retrenchment compensation, if any, payable under Industrial Disputes Act, will be off set against the Special Contribution otherwise payable under these Regulations.

NOTE :(1) If employee is transferred permanently to a body corporate owned or controlled by Government, an amount on account of Special Contribution, if such contribution would be admissible to him had he on that date, resigned service, shall also, with the consent of that body, be paid to that body for credit to the employee's Contributory Provident Fund Account under that body.

(2) An employee who is physically or mentally incapacitated for the post which he occupies but is not incapacitated for performing other duties and who does not accept an alternative employment offered to him, may be granted the special contribution under this regulation provided the Chairman is satisfied that the alternative employment offered to him was not suitable.

(5).AMOUNT OF SPECIAL CONTRIBUTION:

(1) Subject to the provisions of sub regulation (2), the special contribution shall be calculated as follows:

(i). If service does not fall short of 15 years, one fourth of a month's emoluments for each completed six monthly period of service but not exceeding 15 months emoluments or Rs.35,000 whichever is less; and

Provided that in the case of Class I or Class II employees, the existing, maximum limit of 15 months emoluments shall be raised to 16^{1/2} months' emoluments and the maximum monetary limit of Rs.35.000/- shall be raised to Rs.45000/-.

(ii).If service falls of short 15 years, half a month's emoluments for each completed year of service but not exceeding six months, provided that, in the case of Class III and Class IV employee the Chairman may, on being satisfied that the circumstances are special, increase the special contribution to half a month's emoluments for each completed, six monthly period of service subject to a

maximum of 6 month's emoluments.

(2) The amount of special contribution calculated in accordance with sub-regulation (1) above may in any particular case be withheld or reduced by the Board, or, in the case of a Class III or Class IV employee by the Chairman.

(3) If a subscriber dies while in service, the Chairman may in addition to the contribution admissible under Regulation 11 of the Mormugao Port Employees' (Contributory Provident Fund) Regulations, 1965, direct a special contribution to be made to the subscriber's provident Fund account calculated in the manner prescribed above as if the subscriber had on the date of his death quitted service on retirement on account of permanent incapacity provided that the special contribution so credited shall not be less than the following:

(a) If the subscriber had not completed one year's service

The amount by which the Board's contribution together with interest there-on standing to his credit in the Fund falls short of two months' emoluments.

(b) If the subscriber had completed one year's service but not five year's service

The amount by which Board's contribution together with interest thereon standing to his credit in the Fund falls short of six months' emoluments.

(c) If the subscriber had completed five years or more

Twelve months' emoluments.

If the deceased subscriber was a female, the Chairman may direct the special contribution to be made to her provident fund account even through the father of the dependent children left behind by her may be earning.

(4).No interest shall accrue on the special contribution.

(5).The amount of special contributions payable shall be rounded off to the nearest whole rupee (fifty paise and above counting as the next higher rupee).

(6) INTERPRETATION:- If any question arises relating to the interpretation of these regulations, it shall be referred to the Board, whose decision thereon, shall be final.

FOOT NOTE:

Principal Regulations were published vide Notification No. MPT/IGA(E-806)/65.

References of the subsequent amendments:

- (i) Govt. sanction No. 7PE (28)67 dtd. 7/8/68
- (ii) Govt. sanction No. 7PE(4)/68 dtd. 10/6/68
- (iii) Govt. sanction No. 7PE(17)/68 dtd. 13/12/68
- (iv) Govt. sanction No. 7PE(28)/67 dtd. 7/8/69
- (v) Govt. sanction No. 7PE(15)/70 dtd. 30/7/70
- (vi) Govt. sanction No. 7PE(50)/72 dtd. 12/2/73
- (vii) Govt. sanction No. 7PE(30)/73 dtd. 23/8/73
- (viii) Govt. sanction No. PR-12016/16/94-PE-I dtd. 17/11/1995
and published vide G.S.R. No. 757(E) dtd. 17/11/1995.