

# **MORMUGAO PORT EMPLOYEES' (PENSION AND GRATUITY) REGULATIONS, 1966.**

NOTIFICATION  
MPT/IGA (E. 682)-1/66

As required under section 124 of the Major Port Trusts Act, 1963, the following Regulations which have been adopted by the Board of Trustees are hereby published.

## **SECTION I**

### **1. SHORT TITLE AND COMMENCEMENT :**

**(a)** These regulations shall be called the Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966.

**(b)** They shall come into force with effect from 1.2.1967.

### **2. APPLICATION :**

**(a)** These regulations shall apply to :-

**(i).**all employees appointed to the M.P.T. service on or after the regulations have come into force;

**(ii).**all employees who were, in the service of the M.P.T. before the promulgation of these regulations, other than those mentioned in clause (b) below; and

**(iii).** other employees who may be permitted to opt for these regulations.

**(b)** These regulations shall NOT apply to :-

**(i).**employees contributing to the Mormugao Port Employees' Contributory Fund;

**(ii).**employees contributing to the Portuguese Pension Scheme.

**(iii).** employees who retired before 1-2-67, but may be reemployed on that date or thereafter;

**(iv).**employees paid from contingencies;

**(v).**work-charged establishment;

**(vi).**casual labour;

**(vii).**employees taken on contract basis;

### **3. DEFINITIONS :**

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

**(i).**"Accounts Officer" means the FA & CAO of the Board;

**(ii).**"Act" means the Major Port Trust Act, 1963;

**(iii).**"Board" means the Board of Trustees of the Port of Mormugao appointed under the Act;

**(iv).**"Chairman, "Deputy Chairman" and "Head of Department" shall have the meaning assigned to them in the Major Port Trusts Act, 1963.

**(v).**"Leave" means any kind of leave recognised by the Fundamental Rules of the Central Government or by the Leave Regulations, if any, framed by the Board, whichever may be applicable to the employees;

**(vi).**"Month" means a calendar month;

**(vii).**"Pension" except when the term "Pension" is used in contradiction to Gratuity, "Pension" includes gratuity;

(viii). "Cadre", "Deputation", "Foreign Service", "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 employee.

## **SECTION - II** **GENERAL REGULATIONS**

**EXTENT OF APPLICATIONS** : A pensionable employee's claim to pension shall be regulated by the regulations in force at the time when his service with the Port Trust terminates.

**5.** Every pension shall be held to have been granted subject to the provisions of these regulations.

**6. (i)** Future good conduct shall be an implied condition of every grant of pension. The pension sanctioning authority may, by order in writing withhold or withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that no order shall be passed under this clause by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service.

**(ii).** Where a pensioner is convicted of a serious crime by a court of Law, action under clause(i) shall be take in the light of the judgement of the Court relating to such conviction.

**(iii).**In a case not falling under clause (ii), if the competent authority under clause (i) considers that the pensioner is prima facie guilty of grave misconduct it shall, before passing an order under clause (i)-

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

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

**(iv).**an appeal against an order under clause (i) passed by the pension sanctioning authority shall lie with the Board when such order is passed by the Chairman and with the Central Government where such order is passed by the Board, who shall such orders on the appeal as if deems fit.

**EXPLANATION** :- In this Regulation the expression "Serious crime" includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923) and the expression "grave misconduct" includes the communication or disclosure of any secret official code or pass word or any sketch-plan model, article, note, document or information, such as is mentioned in Section 5 of the said Act (which was obtained while holding office under the Board) so as to prejudicially affect the interests of the General Public or the security of the State.

**7. Right of Competent Authority to withhold or withdraw pension:**

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

Provided that for purpose of this regulation, the Central Government shall be the competent authority in respect of a pensioner, who prior to his retirement, held the post regarded as Head of Department; and the Chairman, in respect of any other pensioner, who prior to retirement held post below the level of Head of Department.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pensions shall not be reduced below the amount of rupees three thousand five hundred per month or as modified or revised for the purpose by the Central Government from time to time, whichever is higher.

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

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

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

- (i) shall not be instituted save with the sanction of the competent authority,
- (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 competent authority may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the employee during his service.

(3) 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 (2), a provisional pension as provided in regulation 8 shall be sanctioned.

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

(5) The competent authority may at any time, either on his own motion or otherwise review any order passed under these regulations, where extenuating or special circumstances exist to warrant such review or when any new materials or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice.

Provided that no order enhancing the amount of the pension or gratuity to be withheld or withdrawn, shall be made by the competent authority unless the employee concerned has been

given a reasonable opportunity of making a representation against the order proposed.

(6) For the purpose of this regulation-

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

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

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

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

**8.(1)** Where any departmental or judicial proceeding is instituted under Regulation 7 above or where a departmental proceeding is continued under clause (a) of the proviso thereto against an employee who has retired on attaining the age of compulsory retirement or other-wise, he shall be paid during the period commencing from the date of his retirement to the date on which upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retire-ment gratuity shall be paid to him until the conclusion of such preceding and the issue of final orders thereon.

**(2)** Payment of provisional pension made under clause (1) shall be adjusted against the final retirement benefits sanctioned to such employees upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specific period.

**NOTE :** The grant of pension under this regulation shall not prejudice the operation of Regulation 45 when final pension is sanctioned upon conclusion of the proceeding.

**CASES IN WHICH CLAIMS ARE INADMISSIBLE:**

**9.** In the following cases no claim to pension shall be admissible-

**(a).**When a person is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.

**(b).**When a person is employed temporarily on monthly wages without specified limit of time or duty; provided however, in such cases, a month's notice of discharge shall be given to such a person and his wages shall be paid for any period by which such notice falls short of a month.

**(c).**When a person's whole time is not retained for the Board's service, but he is merely paid for work done for the Board.

**(d).**When a person holds some other personable office, he earns no pension in respect of an office of the kind mentioned in clause (c) above or in respect of duties paid for by a local allowance.

**(e).**When a person serves under a covenant which contains no stipulation regarding pension unless the Board specially authorises an employee to count such service towards pension.

**MISCONDUCT OR INEFFICIENCY**

### **COMPASSIONATE ALLOWANCE:-**

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

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

**(2)** A Compassionate allowance sanctioned under proviso to sub-regulation (1) shall not be less than the limit specified in sub-regulation (4) of Regulation 46.

**(3)** The Compassionate allowance granted under this regulation shall be treated as pension for purpose of commutation under these Regulations.

### **LIMITATIONS**

**11. (a)** An employee cannot earn two pensions in the same office at the same time or by the same continuous service.

**(b)** Two persons may not simultaneously count service for pension in respect of the same office.

## **SECTION III** **CONDITIONS OF QUALIFYING SERVICE**

### **BEGINNING OF SERVICE:**

**12. (a)** An employee's service does not qualify for pension till he has completed 18 years of age.

**(b)** In other cases, unless it be otherwise provided by special rule or contract the service of every employee begins when he takes charge of the office to which he is first appointed.

### **CONDITIONS OF QUALIFICATION:**

**13. (i)** The service of an employee shall not qualify for pension unless it conforms to the following three conditions:

First- The service must be under the Board.

Second- The employment must be substantive and permanent.

Third- The service must be paid by the Board.

**EXPLANATION :-** For the purpose of the second condition referred to above, temporary or officiating service under the Board, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of:

- (i).** periods of temporary or officiating service in non-pensionable establishment;
- (ii).** periods of casual or daily-rated service; and
- (iii).** periods of service paid from contingencies.

**EXPLANATION :-** The service rendered to the predecessor administrations will count in full as service under the Board subject to such service being continuous and without break or interruption, and no gratuity having been paid for the period by the W.I.P. or Southern Railway. and if paid, subject to the refund and to the extent of refund of any benefits received in the form of employees contribution to the Contributory Provident Fund, including Special Contributions.

### **APPRENTICES AND PROBATIONERS :**

**14.** Service as an apprentice shall not count as qualifying service for pension.

**15.** The service of a probationer who holds a substantive appointment and draws substantive pay shall count as qualifying service for pension.

**16.** The service of an employee who is on probation for a substantive appointment, if he is employed in a vacancy reserved for him pending probation and in which no other employee simultaneously counts service for pension, shall count as qualifying service for pension.

### **DETACHED SERVICE :**

**17.** An employee on a permanent establishment deputed on temporary duty on the understanding that when the temporary duty ceases he will return to the permanent establishment shall count his service on deputation as qualifying service.

### **PIECE WORK :**

**18.** An employee who is paid for piece work shall be treated as having held a substantive post, if-

(i). he is employed not casually, but as a member of a fixed establishment; and

(ii). during the last 72 months of his actual employment he has been attached to one post uninterruptedly for 24 months or it has not been through his own choice or misconduct that he has not been so attached.

### **LEAVE :**

**19.** All periods of leave with allowances shall count as service.

**NOTE -1** Nothing contained in this regulation shall affect other provisions for the time being in force relating to counting of special kinds of leave or absence for pension.

**NOTE -2** Study leave counts as service for pension.

**NOTE -3** Refused leave granted under the provisions of the M.P.E. (Leave) Regulations 1964 shall not count for pension.

**NOTE -4** Extra-ordinary leave may be allowed to count as qualifying service at the discretion of the competent authority in the following circumstances:

(i). if it is taken on medical certificate;

(ii). if it is taken due to the inability of the person concerned to join or rejoin duty due to civil commotion or a natural calamity provided that he had no other type of leave to his credit; and

(iii). if it is taken for prosecuting higher scientific and technical studies.

### **DEPUTATION :**

**20.** When an employee is deputed out of India on duty the whole period of his absence from India shall count as qualifying service. When an employee on leave out of India is employed or is detained after the termination of his leave, on duty, the period of such employment or detention shall also count as qualifying service.

**21.** Time spent on the voyage to India by a employee who is recalled to duty before the expiry, then any recognized leave out of India shall count as qualifying service provided his return to duty is compulsory.

### **FOREIGN SERVICE :**

**22.** Foreign service shall count as qualifying service provided pension contribution has been paid by the foreign employer or the employee himself to the Board in accordance with the terms and conditions of such foreign service.

### **SUSPENSION :**

**23.** Time passed under suspension pending enquiry into conduct shall count in full where, on conclusion of the enquiry, the employee has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension shall not count unless the authority who reinstated the employee expressly declares at the time that it shall count, only to such extent as the said authority may declare.

### **24(1). FORFEITURE OF SERVICE ON RESIGNATION:**

Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

**(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 the Board where service qualifies.

**(3).** Interruption in service in a case falling under sub-regulation (2) due to the two appointments being at different stations not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

**(4).**The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:

**(i)** that the resignation was tendered by the employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and request for withdrawal of the resignation has been made as result of a material change in the circumstances which originally compelled him to tender the resignation;

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

**(iii)** that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days.

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

**(5).**Request for withdrawal of resignation shall not be accepted by the appointing authority where an employee resigns his service or post with a view to taking up an appointment in or under any Government or under the private commercial company or under a Corporation or Company wholly or substantially owned or controlled by the Government or under a body controlled or financed by the Government.

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

Forfeiture of service on Dismissal or Removal and counting of past service on reinstatement.

**25.(1)** Dismissal or removal of an employee from a service or post entails forfeiture of his past service.

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

**(3)** 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 authority which passed the order of reinstatement.

#### **INTERRUPTIONS :**

**26.** An interruption in the service of an employee shall entail forfeiture of his past service, except in the following cases :

- (a).** Authorized leave of absence;
- (b).** unauthorized absence in continuation of authorized leave of absence so long as the post of absentee is not substantively filled if the post is substantively filled the past service of the absentee shall be forfeited;
- (c).** suspension where it is immediately followed by reinstatement whether to the same or a different post, or where the employee dies or is permitted to retire or is retired while under suspension;
- (d).** abolition of post or loss of appointment owing to reduction of establishment;
- (e).** transfer to non qualifying service provided the transfer is made by a competent authority.

**NOTE :** An employee who voluntarily resigns qualifying service cannot claim the benefit of this exception.

**27.** The authority which sanctions the pension may commute retrospectively the periods of absence without leave into leave without allowances.

#### **CONDONATION OF INTERRUPTIONS :**

**28.** Interruptions in service (either between two spells of permanent or temporary service or between a spell of temporary service and permanent service or vice versa) may be condoned by the Board subject to the following conditions:

- (a)** the interruptions should have been caused by reasons beyond the control of the employee concerned;
- (b)** service preceding the interruption should not be less than five years' duration and in cases when there are two or more interruptions, the total service, pensionary benefits in respect of which will be lost if the interruptions are not condoned should not be less than five years; and
- (c)** the interruption should not be more than of one year's duration. In cases where there are two or more interruptions, the total of the periods of all interruptions that are condoned should not exceed one year.

### **SECTION IV** **CLASSIFICATION OF PENSIONS**

**29.** Pensions are divided into the following four classes :-

- (a)** .Compensation pensions.
- (b)** .Invalid pensions.



(c). Superannuating pensions.

(d). Retiring pensions.

**(A) COMPENSATION PENSION:**

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

(a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or

(b) of accepting, another appointment or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension.

**RESTRICTIONS :**

**31.** No pension shall be admissible to an employee for the loss of appointment on discharge after the completion of a specified term of service.

**32.** No pension shall be awarded for the loss of a duty or local allowance.

**ACCEPTANCE OF NEW APPOINTMENT :**

**33.** If an employee who is entitled to Compensation pension accepts instead another appointment in the Board's service, and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not less than he could have claimed if he had not accepted the appointment.

**(B) INVALID PENSION :**

**34.** An invalid pension may be awarded on retirement from the Board's service to a person who by bodily or mental infirmity is permanently incapacitated for the Board's service.

Where an employee holding a Class III or Class IV post or a lower scale of pay or in the case of a worker employed under any payment by Results/Schemes/Piece Rates Scheme is offered a job where he will not be eligible to any payment under such scheme, on account of any medical disability, accident etc. as an alternative to being discharge/removed the Central Government Orders whether pension may be worked out, separated for the earlier period at the subsequent period will apply.

**MEDICAL CERTIFICATE :**

**35.** If an applicant for an invalid pension is 55 years old or upwards, no certificate by a Medical Officer shall be necessary, it shall be sufficient for the Head of the Department to certify to the incapacity of the applicant. Other-wise the incapacity for service shall be established by a medical certificate issued by the Board's Medical Officer.

**36.** The Form of Medical Certificate shall be as specified in Form 'F' appended to these regulations.

**37.** An employee discharged on other grounds shall have no claim for an invalid pension even though he may produce medical evidence of incapacity for service.

**38.** If the incapacity is directly due to irregular or intemperate habits, no pension shall be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, the Board may take such reduction as it may deem fit in the pension payable.

**39.** An employee who has submitted a medical certificate of incapacity for further service in accordance with these regulations shall not except for special reasons, be retained in active service, pending a decision on his application for pension, nor shall he be granted leave of absence.

Without the special orders of the Board or the Chairman as the case may be, service after the date of such medical certificate shall not count for pension.

**(C) SUPERANNUATION PENSION :**

**40.** A superannuation pension may be granted to an employee entitled or compelled by rule, to retire at a particular age.

**(D) RETIRING PENSION :**

**41.** A retiring pension may be granted to an employee who is permitted to retire after completing 30 years qualifying service provided that he shall give in this behalf a notice in writing to the Board, at least 3 months before the date on which he wishes to retire. The Board may also require an employee to retire any time after he has completed 30 years' qualifying service, provided that the Board shall give in this behalf, a notice in writing to the employee at least 3 months before the date on which he is required to retire, or three months' pay or allowances in lieu of such notice.

**SECTION V**  
**AMOUNT OF PENSIONS GENERAL**

**42.** The amount of pension that may be granted shall be determined by the length of service as set forth in these regulation. Fractions of a year equal to six months and above shall be treated as a complete six months period for the purposes of calculation of any pension admissible to such an employee.

**43.** The amount of pension as finally calculated shall be rounded off to the next higher rupee.

**44.** A pension shall be fixed in rupees and not in any other currency even through it may be paid outside India.

**45. (a)** The full pension admissible under the regulations shall not be given as a matter of course or unless the service rendered has been really approved.

**(b)** If the service has not been thoroughly satisfactory the authority sanctioning the pension may take such reduction in amount as it may deem fit.

**46. (1)** In the case of an employee retiring in accordance with the provisions of these regulations before completing qualifying service of ten years the amount of service gratuity shall be the appropriate amount as set out in part (a) of the table I appended to these regulations.

**(2) (a)** In the case of an employee retiring in accordance with the provisions of these regulations after completing qualifying service of not less than ten years, the amount of pension shall be the appropriate amount as set out in part (b) of the Table I appended to these Regulations.

Provided that in the case of Class I/II employee retiring in accordance with the provisions of these regulations after completing qualifying service of not less than ten years, the amount of pension shall be the appropriate amount as set out in Table III appended to these regulations.

**(b)** Notwithstanding anything contained in clause (a) the amount of invalid pension shall not be less than the amount of family pension admissible under sub regulation (1) or sub regulation (2) or sub regulation (7) of regulation 53 as the case may be.

**(3)** The amount of retiring pension shall not exceed 30/80ths of average emoluments subject to a maximum of Rs.8,100/-per annum.

However in respect of Class I/II employees the amount of retiring pension shall not exceed 30/80ths of average emoluments subject to a maximum of Rs.8,100/-per annum.

Provided that in no case shall the pension be less than Rs.25/-.

**(4)** In case an employee retires on superannuation retiring, invalid or compensation pension on or after 1<sup>st</sup> March, 1970 and if the amount of pension calculated in accordance with the regulations in force at the time of his retirement is less than Rs.40/-per month, the same shall be raised to Rs.40/-per month.

**(5)** In the case of pensioner who is in receipt of pension as on 1.3.1970 of less than Rs. 40/- per month, the same shall be raised to Rs.40/-per month with effect from 1.3.1970.

**(6)** In respect of Class III &IV employees retiring on or after 31.12.1978 periodical relief on pension will be allowed for every 20 points increase in the 12 monthly average of CPI (1960 series) over and above the CPI on which the employee was paid variable Dearness Allowance at the time of retirement at the rate of 4% of his pension upto the CPI point which the relief is allowed by the Central Government from time to time for its pensioners. If the Central Government makes any modifications in the formula of periodical relief payable to Central Government pensioners suitable adjustments in these rates will be made.

## **SECTION VI** **DEATH-CUM-RETIREMENT GRATUITY**

**47. (1) (a)** An employee who has completed five year's qualifying service and has become eligible for service gratuity or pension under regulation 46 shall on his retirement be granted death-cum-retirement gratuity equal to 1/4<sup>th</sup> of his emolument for each completed six monthly period of qualifying service a subject to a maximum of 15 times the emoluments.

**(b)** If an employee dies while in service after completing five years qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of his emoluments or the amount as determined under Clause (a) whichever is higher and it shall be paid to his family in manner indicated in sub-regulation (1) of Regulation 47A.

Provided that the amount of death-cum-retirement gratuity payable under this regulation in no case, exceed twenty four thousand rupees.

Provided further that in the case of Class I & II employees, the existing maximum limit of 15 times the emolument shall be raised to 16.5 times the emoluments and maximum monetary limit of Rs.24,000/- shall be raised to Rs.30, 000/-.

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

gratuity equal to the deficiency may be granted to his family in the manner indicated in sub regulation (1) of Regulation 47A.

**(3)(a)** If an employee dies in the first year of his qualifying service, a death-cum-retirement gratuity equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub regulation (1) of regulation 47A.

**(b)** If an employee dies after completion of one year of qualifying service but before completing five year of qualifying service, the amount of death-cum-retirement gratuity shall be equal to six times of his emoluments.

**(4).**The emoluments for the purpose of gratuity admissible under this regulation shall be subject to a maximum of one thousand eight hundred rupees per mensem and shall be reckoned in accordance with relation 49.

Provided that if the emoluments of an employee have been reduced during the last ten months of his service other-wise than as penalty average emoluments as referred to in regulation 50 may at the discretion of the pension sanctioning authority, be treated as emoluments.

Provided further that in the case of Class I & II employees the maximum emoluments for the purpose of death cum retirement gratuity of Rs.1800/- per mensem prescribed shall be raised to Rs.2500/-per mensem.

**(5).**For the purpose of this regulation and regulation 47A and 48 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).**Father including adoptive parents in the case of individuals;

**(vi).**Mother whose personal law permits the adoption;

**(vii).**Brothers below the age of 18 years including step-brothers;

**(viii).**Unmarried sisters and widowed sisters including step-sisters;

**(ix).**Married daughters and;

**(x)**Children of pre deceased son.

**PENSIONS TO WHOM GRATUITY IS PAYABLE:**

**47 (A) (1).(a)** The gratuity under the Regulation 47 shall be paid to the persons on whom the right to receive the gratuity is conferred by means of a nomination under Regulation 48.

**(b)** If there is no such nomination or if the nomination does not subsist, the gratuity shall be

paid in the manner indicated below.

**(i)** If there are one or more surviving members of family as in Clause (i), (ii), (iii) & (iv) of sub-regulation (48), to all such members in equal shares.

**(ii)** If there are no such surviving members of the family as in sub-clause (i) above but there are one or more members as in Clauses (v), (vi), (vii), (viii), (ix) & (x) of sub-regulation (1) of Regulation 48, to all such members in equal shares.

**(2).**If an employee dies after retirement without receiving the gratuity admissible under sub-regulation (1) of Regulation 47 the gratuity shall be disbursed to the family in the manner indicated in sub-regulation (1).

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

**(4).**Where gratuity is granted under Regulation 47 to a minor member of the family of deceased employee, it shall be payable to the guardian on behalf of the minor.

#### **LAPSE OF DEATH-CUM-RETIREMENT GRATUITY:**

**47 (B)** Where an employee dies in service or after retirement without receiving the amount of gratuity and leaves behind no family and

(a) has no nomination, or

(b) the nomination made by him does not subsist, the amount of death-cum-retirement gratuity payable in respect of such employee under Regulation 47 shall lapse to the Board.

#### **NOMINATIONS:**

**48. (1)** An employee shall on his initial confirmation in a service or post, make a nomination in one of the forms A to D as maybe appropriate post, make a nomination in one of the forms A to D as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under Regulation 47.

**(i)** Provided that if at the time of making the nomination the employee has a family the nomination shall not be in favour of any person or persons other than the members of his family, or

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

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

**(3).**An employee may provide in a nomination:

**(i)** that in respect of any specified nominee who pre-deceases the employee or who dies after the employee but before receiving the payment of gratuity, 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 a member of his family.

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

**(ii)** That the nomination shall become invalid in the event of the happening of the contingency provided there in.

**(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 proviso to clause (i) of sub-regulation (3) where he has only one member in his family shall become invalid in the event of the employee subsequently acquiring a family, or an additional member in the family as the case may be.

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

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

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

**(7).(a)** Every nomination made (including every notice of cancellation, if any, given by an employee under the regulation) shall be sent to the Accounts Officer through the Head of the Department.

**(b)** The Accounts Officer shall immediately on receipt of the nomination referred to in sub-clause (a) countersign it indicating the date of receipt and keep it under his custody.

**(c)(1).** The Accounts Officer may authorise his subordinate officers to countersign the nomination forms of the employees.

**(2).**Suitable entry regarding receipt of nomination shall be made in the service book of the employee by the Head of the Department before it is sent to the Accounts Officer.

**(8).**Every nomination made and every notice of cancellation given by an employee shall to the extent that it is valid take effect from the date on which it is received by the Accounts Officer.

**(9).**Every nomination made, and every notice of cancellation given by an employee shall, to the extent it is valid to take effect on the date on which it is received by the Accounts Officer.

**(10).**In the case of an employee in quasi-permanent service, who dies before confirmation and who is entitled to gratuity under the M.P.E. (Temporary Service) Regulations 1964, no nomination is required. The gratuity admissible to him shall on his death, be payable to his family in the order of preference mentioned below: -

**(i)** Eldest surviving widow in the case of a male employee.

**(ii)** Husband in the case of a female employee.

**(iii)** Eldest surviving son.

- (iv) Eldest surviving unmarried daughter.
- (v) Eldest widowed daughter.
- (vi) Father.
- (vii) Mother.
- (viii) Eldest surviving brother below the age of 18 years.
- (ix) Eldest surviving unmarried sister.
- (x) Eldest surviving widowed sister.
- (xi) Eldest surviving married daughter.

## **SECTION VII**

### **EMOLUMENTS AND AVERAGE EMOLUMENTS**

**49.** The term 'Emoluments' for the purpose of Section V and VI means the emoluments which the employee was receiving immediately before his retirement and includes:

**(a).** substantive pay in respect of a permanent post other than a tenure post 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).** save as otherwise provided in clause (e) below one half of the difference between the total of the emoluments referred to in clause (a), (b) and (c) above and the pay actually drawn in higher officiating or temporary appointments; or one half of the pay drawn in temporary or officiating appointments;

**(e).** if an employee holding a permanent post in a substantive capacity:-

**(i)** 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 the 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; or

**(ii)** is confirmed in such higher permanent post at any time during the last three years of his service after having officiated in that post continuously for three years or more, his emoluments for pension in respect of the higher post for any period beyond three years' continuous service in that post shall be determined under clause (a) to (d) above as of he held, in a substantive capacity, a permanent post on a time scale identical with that of the higher post.

**(f).** in respect of employees retiring from service on or after 1.8.68, the term 'emoluments' means the pay which the employee was receiving immediately before retirement, and shall include:-

**(i).** pay other than special pay or pay granted 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 reason 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.

**(g).**In respect of Class III and IV employees retiring from service on or after 31.12.1978 the term 'emoluments' means the pay which the employee was receiving immediately before retirement and shall include:

**(i)** pay other than special pay granted 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;

**(ii).** technical pay, special pay and personal pay;

**(iii)** Dearness Allowance/Variable Dearness Allowance as admissible from time to time, piece rate earnings, incentive payments, premium payments and other such payments under payment by result scheme; and,

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

**NOTE:** With effect from 1.12.68 in the case of class I and class II employees only, the Dearness Pay appropriate to the pay of the employee shall be treated as pay.

**EXPLANATIONS: - (1)** For computing the length of continuous service in respect of the higher post referred to above, 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 or 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 or foreign service, as the case may be, the employee concerned would have officiated in or held the higher post.

**(2)** If immediately before his retirement or death, an employee has been absent from duty on leave with allowances, his emoluments for the purposes of calculating service gratuity and/or death-cum-retirement gratuity shall be taken at what they would have been had he not been absent from duty.

Provided that the amount of gratuity 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.

**(3)** In case where an employee in quasi-permanent service is appointed substantively to a permanent post at any time during the last three years of his service, the emoluments drawn by him in quasi-permanent capacity during the period he was not holding a permanent post shall be treated as if drawn in a permanent post held in substantive capacity.

**50.** Average emoluments shall be determined with reference to the emoluments drawn by him during the last ten months of his service.

**NOTE:** This is effective from 1-3-1976 in respect of Class I & II employee retiring on or after 29.2.1976 and effective from 1.1.1979 in respect of class III & IV employee retiring from 31.12.1978.

**EXPLANATION:** (1) If during the last ten month of his service an employee has been absent from duty on leave with allowances, or having been suspended has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended.



Provided always that except as provided in explanation 2 below, his pension shall not be increased on account of increase in pay not actually drawn.

- (2). In case of an employee who while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of average emoluments.
- (3). If during the last ten months of his service, an employee has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period of suspension does not account as service, the periods so passed shall be disregarded in the calculation of the average, an equal period before the three years being included.
- (4). For the purpose of calculation average emoluments' an increase of pay which took effect during the currency of earned leave not exceeding 120 days in any one spell during the last ten months of service shall be included for the purpose of this regulation even though the increase in pay due to promotion or increment is not actually drawn during the earned leave.
- (5). Excepting as provided in explanation 1, 3 and 4 above only emoluments actually received shall be included in the calculation. For example, when an employee is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodic increments these intermediate increments shall not be reckoned in the calculations.
- (6). In the case of employee/worker eligible to payments under any type of payments by Results Schemes, the period of authorised leave other than casual Leave authorised absence or period under suspension during the period of 10 months prior to date of his retirement should be disregarded in the calculation of the average of 10 months emoluments and equal period spent on duty before the last 10 months shall be included.

51. Allowances which do not count as part of an employee's pay, but which are specially intended to provide for expenses incidental to his duty, shall be excluded.

## **SECTION VIII FAMILY PENSION**

52. A family pension, not exceeding the amount specified in regulation 53 below may be granted to the family of an employee who dies whether while in service or after retirement, if at the time of death, the retired employee was in receipt of a compensation invalid, retiring or superannuation pension. In the case of death while in service, the employee should have completed a minimum period of one year of service. Provided that the employee was on a pensionable establishment whether temporary or permanent.

53.(1) The amount of family pension shall be as follows :-

### **Pay of the employee**

(a) Rs.800 and above

### **Monthly pension of widow/widower/children.**

12% of pay subject to a maximum of Rs.150/-.

- |   |   |
|---|---|
| <b>(b)</b> Rs.200 and above but below Rs. 800/- | 15% of pay subject to a maximum of Rs. 96/- and minimum Rs. 60/-. |
| <b>(c)</b> Below Rs.200/-                       | 30% of pay subject to a minimum Rs. 25/-                          |

**(2)** In the case of class I & class II Officers, the amount of family pension shall be as follows, with effect from 1.1.73.

<b>Pay of the Govt. Servant</b>	<b>Amount of monthly family Pension</b>
<b>(a)</b> Below Rs.400/-	30% of pay subject to a minimum of Rs.60/- and a maximum of Rs.100/-
<b>(b)</b> Rs.400/- and above but below Rs.1200/-	15% of pay subject to a minimum of Rs.100/- and a maximum of Rs.160/-
<b>(c)</b> Rs.1200/- and above	12% of pay subject to a minimum of Rs.160/- and minimum of Rs. 250/-.

**(3).** In case an employee dies on or after the 28<sup>th</sup> February, 1970 and his family is eligible for pension and if the amount of family pension calculated in accordance with the regulations in force at the time of his death, is less than Rs.40 per month, the same shall be raised to Rs.40/-.

**(4).** In the case of a pensioner, who is in receipt of family pension as on 1.3.1970, of less than Rs.40/- per month, the same shall be raised to Rs.40 per month with effect from 1<sup>st</sup> March, 1970.

**(5).** "Pay" for the purpose of this regulation means the pay which the employee was drawing on the date of the death while in service or immediately before his retirement and includes:

- (a)** Pay, and
- (b)** Special pay and Personal Pay, and
- (c)** Any other emoluments which may be specially classed as pay by the Board.

**EXPLANATION:** If on the date of his death while in service or immediately before his retirement an employee has been absent from duty on leave with allowance, his pay should be taken at what it would have been had he not been absent from duty, provided that the amount of family pension is not increased on account of increase in pay not actually drawn and that 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. However, in case an employee during the currency of leave on average pay not exceeding four months or the first four months of any period of leave on average pay exceeding four months earn an increment which is not with held, he is entitled, to count the pay which he would have drawn had he remained on duty.

If on the date of death while in service or immediately before retirement, an employee has been absent from duty being on extra ordinary leave or suspension, "pay" means, the pay which he drew immediately before proceeding on such leave or suspension.

Provided that -

- (i)** For a period of seven years from the date of death or till the date on which the employee would have reached the normal age of superannuation, had he

remained alive, whichever period is shorter, the pension payable under this Regulation will be at 50% of the pay last drawn, subject to a maximum of twice the pension admissible above.

- (ii)** In the event of death of officers retiring from class I and class II posts after retirement the family pension at the enhanced rate shall be payable upto the date on which the deceased employee would have attained the age of 65 years had he survived, or for seven years whichever period is less, but in no case amount of family pension shall exceed the pension sanctioned to the employee at the time of retirement. However, in cases where the amount of family pension as admissible under Regulation 53 (2) (now amended) above exceeds the pension sanctioned at the time of retirement the amount of family pension sanctioned under the sub- clause shall not be less than that amount. The pension sanctioned at the time of retirement shall be the pension inclusive of the part of pension, which the retired employee may have commuted before death.
- (iii).** The pension payable thereafter will be at the rates laid down in Regulation 53 (1) or 53 (2) as the case may be.
- (iv).** This concession, will not be applicable if the employee had put in less than seven years continuous service prior to his death.

**NOTE:** In the case of a person who dies while on extension of service, the date upto which the extension of service had been sanctioned to him before his death will deemed to be the normal date of superannuation.

- (6).** The amount of family pension as finally calculated shall be rounded off to the next higher rupee.
- (7).(i)** the amount of family pension in respect of class III and class IV employees shall be determined in accordance from 1.1.1979.

<b>Pay of the employee</b>	<b>Amount of monthly family pension</b>
<b>(a)</b> Below Rs. 400/-	30% of pay subject to a minimum of Rs.60/- and a maximum of Rs.100/-
<b>(b)</b> Rs.400/- and above but below Rs. 1200/-	15% of pay subject to a minimum of Rs. 100/- and a maximum of Rs.160/-
<b>(c)</b> Rs. 1200/- and above	12% of pay subject to a minimum of Rs. 160/- and a maximum of Rs.250/-.

**NOTE: (i).** "Pay" for the purpose of this regulation means the emoluments as specified in Regulation 49 including the enlarged definition of pay as proved vide Board Res. No. 473 dt. 16.11.1973.

**(ii).** Periodical relief on pension will be allowed for every 20 points increase in the 12 monthly average of C.P.I.(1960) Series over and above the CPI on which the employee was paid variable DA at the time of retirement at the rate of 4% of his pension upto the CPI point up to which the relief is allowed by Central Government from time to time for its pensioners. If the Government makes any modification in the formula of periodical relief payable to Government pensioners, suitable adjustment in these rates will be made.

**(iii).** Where an employee/worker dies while in service after having rendered not less than 7 years continuous service the rate of family pension payable for a period of 7 years or till the date on which the deceased employee would have attained the age of 65 years, had he survived, whichever period is less, shall be equal to 50% of the pay last drawn or one and a half times the family pension otherwise admissible, whichever is less. For this purpose the pay will be as defined in the case of the Central Government employees but will include piece rate earnings, incentive payments, premium payment and other such payments under payment by result scheme. The pension payable thereafter will be at the rates laid down in clause (i) above.

**(iv).** The dependence of the deceased employee already in receipt of family pension will also be allowed the benefits of above liberalisation in this sub-regulation w.e.f. 1.1.1979. Necessary adjustments in the pensionary benefits in respect of employees who retire between 1.1.1979 and 31.12.1973, on account of difference in CPI number on which their wages were based will be made on the basis of formula to be worked out by Central Government.

**54.** "Family" for the purpose of this section will include the following relatives of the employee: -

- (a)** Wife, in the case of a male employee;
- (b)** Husband, in the case of a female employee;
- (c)** Minor son; and
- (d)** Unmarried minor daughter.

**NOTE 1:** (c) and (d) shall include children adopted legally before retirement.

**NOTE 2:** Marriage after retirement shall not be recognized for the purpose of this section.

**55.** The pension shall be admissible: -

- (a).** In the case of widow/widower upto the date of death or remarriage, whichever is earlier
- (b).** In the case of minor son until he attains the age of 18 years.
- (c).** In the case of unmarried daughter until she attains the age of 21 years or marriage, whichever is earlier.

**NOTE:** In the case where there are two or more widows, pension shall be payable to the eldest surviving widow. On her death or re-marriage, as the case may be, it shall be payable to the next surviving widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

**56.** Pension awarded under this section shall not be payable to more than one member of an employee's family at the same time. It first shall be admissible to the widow/ widower and thereafter to the minor children.

**57.** In the event of re-marriage or death of the widow/widower, the pension shall be granted to the minor children through their natural guardian. In dispute cases, however, payments shall be made through a legal guardian.

**58.** As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this section. The Board reserves to itself the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and the decision of the Board in all such matters shall be final.

**59.** All employees governed by these regulations shall furnish details of their 'family' as defined in regulation 54 in Form 'E' appended to these regulations in duplicate to the Head of Department who shall countersign the same and forward one copy to the Accounts Officer, who shall acknowledge receipt of these communications. The duplicate copy shall be pasted in the Service Book of the employee. It shall be the responsibility of the employee to keep these particulars upto date. Additions and alterations in his statement shall be made by the Head of Department/ Accounts Officer from time to time on receipt of information from the employee.

## **SECTION IX APPLICATION FOR PENSIONS**

### **Applications**

**60.** Every employee shall submit a formal application for pension in form 'G', appended to these regulations accompanied with three copies of his joint photograph with his wife to the Head of his Department. Wherever possible it shall be submitted one year in advance of the date of his actual or anticipated retirement.

**(i)** Where the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled, and

**(ii)** Where an employee proceeds on leave preparatory to retirement in excess of six months he shall submit the application at the time of proceeding on such leave.

**NOTE:-** Where the employee is himself the Head of Department, he shall submit the application direct to the Accounts Officer.

**61. (i)** The Head of the department shall find in the particulars required by the first two pages of Form 'H' appended to these regulations. He shall record whether the character, conduct and past service of the applicant are such as to entitle him to the grant of pension. He shall also record there on his own opinion whether the service claimed has been established and should be admitted or not.

**(ii)** All periods of leave, suspension etc, which are not reckoned as service shall be carefully recorded on the form.

**(iii)** If the application is for an invalid pension, the requisite medical certificate shall be attached to the application.

**62.** After completion, the application in the manner prescribed, it shall be forwarded to the Accounts Officer with the necessary documents and the service register.

**63.** The Account Officer shall complete page 3 of the form of the application for pension and after verification shall submit it to the Chairman for sanction by the competent authority.

**64.** The authority competent to sanction pension/gratuity in the case of class II, III and IV employees shall be the Deputy Chairman, class I exceeding Heads of Departments and those on maximum of pay scale of which (exclusive of allowances) exceeds two thousand Rupees, the Chairman and in every other case the Board.

## **SECTION X PAYMENT OF PENSIONS**

### **PENSION PAYMENT ORDER:-**

**65.** Each pension sanctioned shall be incorporated in a pension payment order form as in Form 'I' appended to these regulations. This form is in two parts; one part is to be retained carefully in the custody of the Account Department and the other part shall be delivered to the pensioner. Each payment made shall be entered on the reverse both of the pensioner's part and of the Account Department's part of the pension payment order both entries being attested at the time of payment by the signature of the disbursing officer.

### **PAYMENT OF PENSION:**

**66.** A pension other than a wound or extraordinary pension shall be payable from the date on which the pensioner ceases to be borne on the establishment.

**67.** Pension shall be payable for the day of death also.

### **PLACE OF PAYMENT:**

**68.** A pension shall be ordinarily payable at the office of the Accounts Officer. As a rule, a pensioner shall take payment in person, after identification by comparison with the pension payment order.

**69.** Where a pensioner desires to draw his pension at a place other than the office of the Account Officer, he shall make a request in writing to that effect to the Accounts Officer and the pension shall be remitted to him by money order or a demand draft at his cost, if so desired by him, In such cases, a life certificate issued by a Magistrate or Gazetted Officer shall be sent to the Accounts Officer with every claim for pension.

**70.** Notwithstanding anything contained in regulation 68 above the Accounts Officer shall, at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner. For this purpose he should require the personal attendance and due identification of all pensioners who are not incapacitated by bodily illness or infirmity from so attending and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.

### **PAYMENT TO AGENTS:**

**71.** A pensioner may be permitted at the discretion of the Dy. Chairman to draw his pension through a duly authorised agent approved by the Dy. Chairman provide the agent executes a bond to refund overpayments and produces a life certificate at least once a year duly signed by a Magistrate or a Gazetted Officer. In all such cases a pensioner shall be exempted from personal appearance.

### **LAPSES AND FORFEITURES :**

**72.** If a pension remains undrawn for more than one year, it shall cease to be payable. If the pensioner afterwards appears, the Accounts Officer may renew his payment.

### **PAYMENT OF ARREARS :**

**73.** On the death of pensioner, payment of arrears actually due may be made to his heirs, provided that they apply within one year of his death, Payment, may not be made thereafter without the sanction of the Dy.Chairman.

**74.** Subject to the provisions of the preceding regulation, the arrears of pension for

the deceased pensioner may be paid to the heirs of the deceased without production of a legal authority to the extent of Rs. 500/- under the order of the Dy. Chairman, after such enquiry into the right and title of the claimants as may be deemed sufficient. Any excess above Rs.500/- may similarly be paid under the orders of the Dy. Chairman on execution of an indemnity bond with such sureties as may be stipulated if the Dy. Chairman is satisfied of the right and title of the claimants and considers that undue delay and hardship would be caused by insisting on the production of letters of administration. In any case of doubt, payment shall be made to the person producing Legal Authority.

### **FAMILY PENSION :**

**75. (i)** On receiving information of death of an employee while in service, the Head of the Department shall send a letter as prescribed in Form 'J' appended to these regulations to the family of the deceased and ask for the necessary documents mentioned therein.

**(ii)** On receiving the documents referred to in clause (i) above the pension sanctioning authority shall sanction the family pension as in Form 'K' appended to these regulations and send all these documents along with the service book of the employee to the Accounts Officer who will then issue the Pension Payment Order to the beneficiary.

**76.** Where death occurs after retirement, the widow/widower shall be required to send an application for the grant of family pension as in form 'L' appended to these regulations together with the death certificate of the pensioner and the pensioner's part of the Pension Payment order to the Account Officer. If the widow/widower is also not there and the family pension is payable to the minor children through their natural guardian, the guardian shall apply on behalf of the children with two copies of his photograph and the other necessary documents. The Accounts Officer shall thereafter issue a fresh Pension Payment Order and shall make the necessary payment. No fresh sanction for the payment of the family pension shall be necessary.

## **SECTION XI** **COMMUTATION OF PENSIONS**

**77.** An employee of the Board shall be entitled subject to the condition herein-after specified to commute for a lumpsum payment any portion not exceeding one third of any pension which has been or may be granted to him under these regulations.

Provided that an employee against whom Judicial or a departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Regulation 7 shall not be permitted to commute any part of his pension during the pendency of such proceedings.

**NOTE:** The eligibility of a pensioner to commute a portion of pension should be determined with reference to the original pension as calculated under Regulation 46 (2) and if the pension so calculated is Rs.20/- or less no amount of pension can be commuted.

**78. (1).** On receipt of an application for commutation, the sanctioning authority shall transmit to the applicant a copy of the Accounts Officer's certificate of the lumpsum payable on commutation in the event of his being reported by such medical authority

as the sanctioning authority may prescribed to be a fit subject for commutation and shall at the same time instruct him to appear for examination before the said authority within three months from the date of its order, or if he has applied for commutation in advance of the date of his retirement, within three months of that date, but in no case earlier than the actual date of retirement. This intimation shall constitute administrative sanction to commutation, but shall lapse if the medical examination does not take place within the period prescribed in the sanctioning order. If the applicant does not appear for examination before the said medical authority within the prescribed period, the sanctioning authority, may, at his discretion renew administrative sanction for a further period of three months without obtaining a fresh application for the commutation of pension. The applicant may withdraw his application by a written notice dispatched at any time before the medical examination is due to take place, but this option shall expire on his appearance before a medical authority.

Provided that if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice dispatched within two weeks from the date on which he receives intimation of the revised sum payable on commutation or if this sum is already stated in the sanctioning order, within two weeks from the date on which he receives intimation of the medical authority.

**NOTE:** If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be deemed to have accepted the sum offered.

Provided that an employee who applied for commutation of pension within one year of the date of retirement on superannuation will not be subjected to medical examination. Application for commutation of pension under this proviso will be made after the date after retirement and the commutation shall become absolute, that is, the retired employee shall become entitled to receive the commuted value on the date on which his application is received by the Head of Department. An employee who has applied for commutation of pension under this proviso will have no option to withdraw his application. The reduction in the amount of pension on account of commutation shall become operative from the date of receipt of commuted value of the pension by the pensioner or three months after the issue of the authority asking the pensioner to collect the commuted value of the pension by the pensioner by the Accounts Officer whichever is earlier. This date will be entered in both parts of the Pension Payment Order by the disbursing Officer.

**(2).** Subject to the provisions contained in sub-regulation (3) and subject to the provisions for withdrawal of an application contained in the proviso to sub-regulation (1) of this regulation, the commutation shall become absolute, i.e., the pensioner shall become entitled to receive the commuted value, on the date on which the Medical Authority signs the medical certificate. Payment of the commuted value shall be made as expeditiously as possible but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for the commutation may be withdrawn, has expired. The reduction in the amount of pension on account of commuted value of the pension by the pensioner or three months after the issue of the authority asking the pensioner to collect the commuted value of the pension by the Accounts Officer whichever is earlier. This date will be entered in both parts of the pension payment order by the disbursing officer.

**NOTE 1:** The applicant who has clearly indicated his intention to commute the maximum amount of his pension or expressed the amount proposed to be commuted



as a fraction or percentage of the full and final pension, within the maximum permissible limit and is allowed to commute such fraction or percentage of the anticipatory or the provisional pension sanctioned to him on the earlier occasion shall neither be required to apply afresh nor to produce a fresh certificate of medical examination for commutation of the difference between the fraction or percentage of the final pension and the anticipatory or provisional pension. As the commutation in such cases is payable in two instalments one, out of the anticipatory or provisional pension and the other after final assessment of pension the report from the Accounts Officer will have to be called for in Part II of Form 'M' for commutation of Pension twice. A fresh sanction of the Administrative authority for the difference of the commuted value i.e. the maximum value accrued minus value commuted provisionally shall be necessary, regard however being had to the need for further medical examination as in Note 2 below. This will also apply to cases where the pension finally sanctioned to a retired employee is subsequently revised retrospectively.

**NOTE 2:** A person who is allowed provisionally to commute a portion of his pension not exceeding Rs. 25/- and who anticipates that the final amount of pension that he would be entitled to commute might exceed Rs. 25/- shall indicate that fact in his application in case he desires to commute a sum exceeding Rs.25/-. The sanctioning authority shall in such cases arrange for medical examination as if the amount to be commuted exceed Rs. 25/-. In case such fact is not indicated the employee shall be permitted, on finalisation of the amount of his pension to commute the difference between the amount of the pension originally commuted and Rs.25/- without further medical examination, if the original amount commuted together with the difference referred to does not exceed Rs.25/-. If the sum exceeds Rs.25/-, the commutation of any further sum, if admissible shall be treated as fresh commutation and allowed subject to examination by a Medical Authority.

The date on which the Medical Authority signs the medical report shall be the date of effect for the difference of the amount of the portion of pension to be commuted for which the medical examination is conducted.

**(3).** If the applicant makes any statement found to be false within his knowledge or willfully suppresses any material fact in answer to any question, written or oral, put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such statement or suppression may be treated as grave misconduct.

**79.** The lumpsum payable on commutation shall be calculated in accordance with a table or tables of present values which shall be prescribed by the central Government from time to time. The table of present values is given at Table II in the Appendix. In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favorable to him than that previously in force to withdraw his application by notice in writing dispatched within 14 days of the date on which he receives notice of the modification.

**80.** If the pensioner dies on or after the day on which commutation became absolute but before receiving the commutation value, this value shall be paid to his heirs.

**81.** The authority competent to sanction commutation of pension in the case of Class II, III & IV employees shall be the Deputy Chairman, Class I (excluding Head of

Departments and those on maximum pay scale of which exclusive of allowances exceeds two thousand rupees) the Chairman and in every other case the Board.

**82.** An application for commutation of pension shall be made in Part of I of Form 'M' appended to these regulations and addressed, if the applicant is still in service or has retired but his pension has not yet been sanctioned by the Deputy Chairman through the Head of the Department in which he is or was employed.

**83.** The Head of the Department shall transit the application to the Accounts Office to report on the title to pension.

**84.** The Accounts Office shall complete Part II of Form 'M' and transmit it together with copies of medical reports if the applicant has been granted an invalid pension or has previously commuted any portion of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds and copies of the previous medical reports or statements of his case, if they are on record to the Chairman to obtain administrative sanction by the competent authority for the commutation of pension.

**85.** The authority competent to sanction commutation shall there upon accord his administrative sanction in Part III of Form 'M'.

**86.** The Accounts Officer shall then -

(i) transmit to the applicant a certified copy of the Accounts Officer's certificate contained in Part II of Form 'M' and one copy of Form 'N' Part I of which is to be filed by the applicant before his medical examination and handed to the Medical Officer, and

(ii) transmit to the Medical Officer in original the completed Form 'M' together with a copy of Form 'N' and an extra copy of Part III of Form 'M' together with previous medical reports if any.

**87.** The Medical Officer shall arrange for the medical examination of the applicant by the medical authority prescribed in regulation 87 as early as possible within the prescribed and inform the applicant direct.

**88.(1)** Before any commutation administratively sanctioned becomes absolute, the applicant shall be examined by the proper medical authority hereafter prescribed.

(2) The medical authority shall be -

- (i) in the case of Officers the maximum of whose grade of pay is not less than Rs.1000/- per mensem, the trusts Medical Board; and
- (ii) in other cases, the Medical Officer.

**89.** The Accounts Officer, on receipt of the completed Form 'M' and 'N' shall arrange for the payment of the appropriate commuted value and for the corresponding reduction of pension. Form 'N' containing the signature and thumb and finger impression taken in the presence of the medical authority shall be verified with those received with the pension payment order, before disbursing to the employee the commuted value.

**NOTE:** If the medical certificate prescribes that more than five years shall be added to the applicant's actual age, the Accounts Officer shall inform the applicant of the revised sum payable on commutation.

**SECTION XII**  
**MISCELLANEOUS**

**90.** In applying the foregoing regulations and in respect of the matters not dealt with in these regulations, the Central Government Civil Service Regulations and the orders of the Central Government issued there-under from time to time, shall be followed in so far as they are not inconsistent with the provisions of these regulations, subject to such exceptions and modifications as the Board may from time to time determine.

**91.** If any question arises relating to the interpretation of these regulations, the decision of the Board thereon shall be final and conclusive.

By Order.  
Mormugao, 6<sup>th</sup> June, 1966.

Shivakumar Dhindaw,  
Secretary.

**APPENDIX**

**FORM 'A'**

**Form of nominations**

Nominations for Death-cum-Retirement Gratuity  
(vide sub-regulation (6) of Regulation 48)

When the employee has a family and wishes to nomination one member thereof.

I here-by nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by the Mormugao Port Trust in the event of my death.

Name & address of nominee	Relationship with employee	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share to gratuity payable to each*
1	2	3	4	5	6

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

Witnesses to signature:

1. \_\_\_\_\_
2. \_\_\_\_\_

Signature of employee

Name in Block letters  
 Designation  
 Staff No.  
 Department

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature of Financial  
 Advisor & chief Accounts  
 Officer, Mormugao Port Trust  
 Dated : \_\_\_\_\_

**\* NOTE: This column should be filled in as top cover the whole amount of gratuity.**

**FORM 'B'**

**Nomination for Death-cum-Retirement Gratuity**

When the employee has a family and wishes to nominate more than one member thereof.

I here-by nominate the persons mentioned below, who are members of my family and confer on them the right to receive to the extent specified below any gratuity that may be sanctioned by the Mormugao 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 my retirement may remain unpaid at my death.

Name & address of nominee	Relationship with employee	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right con-ferred on the nominee shall pass in the event of the nominee prede-cesing the employee or nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share to gratuity payable to each.
1	2	3	4	5	6	7

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

Witnesses to signature:

1. \_\_\_\_\_
2. \_\_\_\_\_

Signature of employee

Name in Block letters \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Staff No. \_\_\_\_\_  
 Department \_\_\_\_\_

Signature of Financial Advisor  
 & Chief Accounts Officer  
 Mormugao Port Trust.  
 Dated: .....

\* **NOTE** 1: This column should be filled in so as to cover the whole amount of gratuity.

2: The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominee.

**FORM 'C'**  
**Nomination for Death-cum-Retirement Gratuity**

When the employee has no family and wishes to nominate one person .

I, having no family, hereby nominate the person mentioned below, and confer on him the right to receive any gratuity that may be sanctioned by the Mormugao Port Trust in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on my retirement may remain unpaid at my death.

Name & Relationship of nominee	Address with employee	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share to gratuity payable to each.*
1	2	3	4	5	6

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

Witnesses to signature:  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_

Signature of employee

Name in Block letters \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Staff No. \_\_\_\_\_  
 Department \_\_\_\_\_

Signature of Financial Advisor  
 & Chief Accounts Officer  
 Mormugao Port Trust.  
 Dated: .....

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

**FORM 'D'**  
**Nomination for Death-cum-Retirement Gratuity**

When the employee has no family and wishes to nominate more than one person.

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

Name & address of nominee	Relationship with employee	Age	Amount or share of gratuity payable to Each*	Contingencies on the happening of which the gratuity nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share of gratuity payable to each**
1	2	3	4	5	6	7

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

Witnesses to signature:

1. \_\_\_\_\_
2. \_\_\_\_\_

Signature of employee

Name in Block letters \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Staff No. \_\_\_\_\_

Department \_\_\_\_\_

Signature of Financial Advisor  
& Chief Accounts Officer,  
Mormugao Port Trust.  
Dated: .....

\* **NOTE** 1: This column should be filled in so as to cover the whole amount gratuity.

\*\* 2: The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominee.

**FORM 'E'**

**Nomination for family pension  
(Vide regulation 59)**

I, here-by nominate the persons mentioned below who are members of my family to receive in order shown below the family pension which may be granted by the Mormugao Port Trust in the event of my death.

---

Name & address of nominee	Relationship with employee	Age	Whether married or unmarried
------------------------------	-------------------------------	-----	---------------------------------

---

**N.B:-** The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

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

Signature of employee

Name in Block letters \_\_\_\_\_  
Designation \_\_\_\_\_  
Staff No. \_\_\_\_\_  
Department \_\_\_\_\_

Witnesses to signature:

1. \_\_\_\_\_

2. \_\_\_\_\_

Signature of Financial Advisor  
& Chief Accounts Officer,  
Mormugao Port Trust.  
Dated: .....

**FORM 'F'**  
**Form of Medical Certificate**  
**(vide regulation 36)**

(a)."Certified that I (we) have carefully examined AB son of CD a .....in the .....His age is by his own statement.....years, and by appearance about .....years. I (we) consider AB to 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). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits".

**NOTE :** If the incapacity is obviously the result of intemperance, substitute for the last sentence:- "In my/our opinion his incapacity is the result of irregular or intemperate habits".

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 AB, is fit for further service of a less laborious character than that which he has been doing or may, after resting for ..... month, be fit for further service of a less laborious character than that which he has been doing.

(b).The object of the alternative certificate (of incapacity) is that an Officer should, if possible be employed even on a lower pay, so that the expenses of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension, but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule.

**FORM 'G'**  
**Formal application for pension**  
**(Vide regulation 60)**

Form:  
To:

Sir,

**Sub: - Application for sanction of pension.**

I beg to say that I am due to retire from service with effect from the ..... my date of birth being .....I, therefore, request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement. I desire to draw my pension by money order/demand draft/ in person at the office of the Financial Adviser & Chief Accounts Officer, Mormugao Port Trust.

**2.** I here by declare that I have neither applied for, nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed here in nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed here on:

**3.** I enclose here with -

- (i) two specimen signatures of mine duly attached.
  - \*(ii) A passport size photograph (two copies) also duly attested
  - \*\***(iii)** Two slips, each bearing particulars, are of my left thumb and finger impression
- Any subsequent change of address should be notified to the Head Office.

**4.** My present address is .....and my address after retirement will be.....



Dated:.....

Signature

Name in Block letters \_\_\_\_\_  
Designation \_\_\_\_\_  
Staff No. \_\_\_\_\_  
Department \_\_\_\_\_

NOTES: \* This is not necessary in the case of an Officer.

\*\*This is required only in the case of persons who are illiterate and cannot sign their names.

### FORM 'H'

#### MORMUGAO PORT TRUST

Application for pension or gratuity (and death-cum-retirement gratuity)  
(Vide regulation 61)

1. Name of the applicant \_\_\_\_\_
2. Father's name (and also husband's name in the case of a woman employee) \_\_\_\_\_
3. Religion and nationality \_\_\_\_\_
4. Permanent residential address showing Village/Town, District and State \_\_\_\_\_
5. (a) Present or last appointment including name of establishment  
(b) Present or last substantive appointment \_\_\_\_\_
6. Date of beginning of service \_\_\_\_\_
7. Date of ending service \_\_\_\_\_
8. Length of service with details of interruptions and non-qualifying periods \_\_\_\_\_
9. Class of pension or gratuity applied for and cause of application \_\_\_\_\_
10. Average emoluments. \_\_\_\_\_
11. Proposed pension \_\_\_\_\_
12. (a) Proposed Gratuity  
(b) Proposed death cum retirement gratuity \_\_\_\_\_
13. Date from which pension is to commence \_\_\_\_\_
14. (a) Place of payment \_\_\_\_\_  
(b) Whether nomination made for  
(i) Family pension \_\_\_\_\_  
(ii) D.C.R. Gratuity \_\_\_\_\_
15. Date of applicant's birth (Christian era) \_\_\_\_\_
16. Height \_\_\_\_\_

17. (a) Identification marks  
(b) Thumb and finger impressions  
Thumb, forefinger, middle finger, ring  
finger, little finger. \_\_\_\_\_  
\_\_\_\_\_

**NOTE:** Persons who are required to  
send along with this application certified  
copies of passport size photographs are  
exempted from recording their left hand  
thumb and finger impressions if they are  
literate enough to sign their names in  
English, Hindi or the official regional  
language.

18. Date on which the applied for pension \_\_\_\_\_

**SERVICE PARTICULARS**

19. Date of beginning of service \_\_\_\_\_  
Date of ending of service \_\_\_\_\_  
Total service \_\_\_\_\_ Y.M.D.  
Less not counting for pension:  
(i) Leave exceeding 120 days \_\_\_\_\_  
(ii) Leave without pay \_\_\_\_\_  
(iii) Period of Suspension etc. \_\_\_\_\_  
Total service counting for pension. \_\_\_\_\_

20. Remarks by the Head of the Department  
:- \_\_\_\_\_

1. As the character and past conduct of the  
applicant \_\_\_\_\_
2. Explanation of any suspension or  
degradation \_\_\_\_\_
3. Regarding any gratuity or pension  
already received by applicant \_\_\_\_\_
4. Any other remarks \_\_\_\_\_
5. Specific opinion of the Head of  
Department whether the service claimed  
is established \_\_\_\_\_  
and should be admitted or not.

Signature of the Head of the Department.

**ACCOUNTS DEPARTMENT**

Service particulars verified and calculation checked:

Pension admissible Rs..... p.m.  
D.C.R.Gratuity Rs.....

Family pension (payable after  
death of the pensioner) Rs.....

Verified and found correct.

Orders of the Sanctioning authority

**F.A. & C.A.O.**

Chairman.

**FORM 'I'**  
**Pension Payment order**  
**(Vide regulation 65)**

Pensioner	Place of birth	Age		Height		Colour	Personal appearance and particular marks	Amount of monthly Pension	Term of Pension	Why recommended	Remarks
		Years	Months	Feet	Inches						
1	2	3	4	5	6	7	8	9	10	11	

Certified that the finger prints were taken in my presence and under my personal superintendence from the left hand of the individual.

Gratuity Rs.

Rs. Ps  
(Rupees)

Financial Adviser & Chief  
Accounts Officer,  
Mormugao Port Trust .

Financial Adviser & Chief  
Accounts Officer,  
Mormugao Port Trust.

Month and Date	for what month	Amount Rs. Ps.	Initials of disbursing Officer	Mormugao ...of...19	
January	--	-	-	-	-
February	-	-	-	-	-
March	-	-	-	-	-
April	-	-	-	-	-
May	-	-	-	-	-
June	-	-	-	-	-
July	-	-	-	-	-
August	-	-	-	-	-
September	-	-	-	-	-
October	-	-	-	-	-
November	-	-	-	-	-
December	-	-	-	-	-

**FORM 'J'**  
**FORM OF FAMILY PENSION**  
(Vide regulation 75 (i))

No. \_\_\_\_\_  
Mormugao Port Trust  
\_\_\_\_\_ Department  
Dated the \_\_\_\_\_

Sub:- Payment of family pension in respect of Late Shri/Smt \_\_\_\_\_.

The undersigned has learned with regret the death of  
Shri/Smt. \_\_\_\_\_ a \_\_\_\_\_ in this Department and is  
directed to inform you that under  
(designation)

the Mormugao Port Employees' (Pension and Gratuity) Regulations 1966, you are  
entitled to Family Pension for life/till attaining the date of majority\*.

I am accordingly to suggest that formal claim of the grant of family pension may be  
submitted by you in the enclosed form 'J-A' along with the following documents.

1. Death Certificate.
2. Two copies of a passport size photograph duly attested by a Gazetted Officer/District  
Magistrate/Registrar.
3. Guardianship Certificate when pension is admissible to the minor children.

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Designation)

To,  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Where family pension is admissible to the minor children.

**FORM 'J-A'**  
**Application for family pension**  
(Vide regulation 75 (i))

Application for a family pension for the family of late Shri/Smt. \_\_\_\_\_  
a \_\_\_\_\_ in the \_\_\_\_\_ Department of the Mormugao Port Trust.  
(designation)

1. Name of the applicant.
2. Relationship to the deceased employee/pensioner.
3. Date of retirement, if the deceased was a pensioner.
4. Date of death of the employee/pensioner.
5. Names and ages of surviving kindred of the deceased:

	Name	Date of Birth (by Christian era)
Widow/Widower.		
Sons.		
Unmarried daughters.		

6. Name of Treasury/Sub-Treasury at which payment is desired.
7. Signature or left hand thumb impression (in the case of those who are not literate enough to sign their name).
8. Descriptive roll of .....Widow/Widower/guardian of the minor children of late

- .....
- (i). Date of birth (by Christian era)
  - (ii) . Height
  - (iii) .Personal marks, if any, on hand or face.
  - (iv) .Left hand thumb and finger impression.
- |  |        |        |        |        |       |
|--|--------|--------|--------|--------|-------|
|  | Small  | Ring   | Middle | Index  | Thumb |
|  | finger | finger | finger | finger |       |

9. Full address of the applicant.

Attested by -		Witness-
(1) _____	(1) _____	
(2) _____	(2) _____	

**NOTE:** The descriptive roll (column 8) and signature or left hand thumb and finger impressions accompanying application for family pension should be in duplicate (in two separate sheets) attested by two gazetted officers or persons of respectability in the town, village or pargana in which the applicant resides.

**FORM 'K'**  
**Form of sanctioning family pension**  
(Vide regulation 75 (ii))

1. Name of the employee.
2. Father's name (and also husband's name in the case of a woman employee)
3. Religion and Nationality.
4. Last appointment held including name of the establishment.
5. Date of beginning of service.
6. Date of ending service.
7. Substantive appointment held.
8. Length of continuous qualifying service prior to death.
9. 'Pay' as per reg. 53 (2).
10. Amount of family pension admissible.
11. Date from which pension is to commence.
12. Place of payment (Government Treasury or Sub-Treasury)

The undersigned having satisfied himself of the above particulars of late Shri/Smt. \_\_\_\_\_ here-by orders the grant of a family pension of Rs. \_\_\_\_\_ p.m. to Shri/Smt. \_\_\_\_\_ which may be accepted by the Accounts officer as admissible under the rules.

Signature and Designation  
of the Sanctioning Authority.

**FORM 'L'**  
(Vide regulation 76)

To,  
The Financial Adviser & Chief Accounts Officer,  
Mormugao Port Trust,  
Mormugao-Goa.

**Subject:- Payment of family pension in respect of the late  
Shri/Smt.\_\_\_\_\_**

Sir,

I regret to inform you of the death of Shri/Smt.\_\_\_\_\_ formerly  
a \_\_\_\_\_ of the \_\_\_\_\_ Department and to enclose a formal  
claim of  
(Designation)  
the grant of family pension in the prescribed form 'J' along with the following  
documents:-

1. Death Certificate.
2. The pensioner's part of the Pension Payment Order.
3. \*Guardianship certificate.
4. \*Two copies of a passport size photograph duly attested by a Gazetted Officer/District Magistrate/Registrar.

Yours faithfully,

(Signature)

\*Applicable where the family pension is payable to the minor children through their natural guardian.

**FORM 'M'**  
**Application for commutation of pension**  
(Vide regulation 82, 84, 85 and 86)

**PART I**

I.....desire to commute Rs.....Ps. of my pension\*  
of Rs.....Ps. a month. I certify that I have answered correctly  
each and all of the questions below:

Space for  
Photograph

Signature

Place:

Date :

Name in Block letters \_\_\_\_\_  
Designation \_\_\_\_\_  
Staff No. \_\_\_\_\_  
Department \_\_\_\_\_  
Address \_\_\_\_\_

**Questions**

**Answers**

1. What is the date of your birth?
2. \*\*How much of your pension do you wish to commute ?
3. (a) Have you already commuted a portion of your pension?  
If so, give particulars
- (b) Has any application from you for commutation of pension ever been rejected or have you ever accepted/declined to accept commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority? If so give particulars.
4. If you are already drawing your pension, quote the number of your pension payment order.
5. Without prejudice to the discretion of the sanctioning authority from what date approximately do you wish this commutation to have effect?
6. State the amount of Provident Fund money (including any non-refundable withdrawals) and the amount of death-cum-retirement gratuity received by you.

Place : \_\_\_\_\_

Date : \_\_\_\_\_

Signature of employee



Place : \_\_\_\_\_  
 Date : \_\_\_\_\_  
 Officer

Forwarded for report to  
 Financial Adviser & Chief Account

\* The class of pension (superannuation, retiring, invalid, compensation) should be stated and if the amount is not known, a suitable modification should be made in.

The portion of the pension to be commuted should consist of whole rupee or of rupees and a multiple of five paise.

\*\* In case of anticipatory pension, the pensioner may, if he so desires indicate his intention to commute the maximum amount in the event of his final pension being more than the anticipatory pension. In such a case, the amount proposed to be commuted may, alternatively be expressed in terms of a percentage of full pension within the maximum permissible limit. The pensioner may also indicate whether he anticipates that the final amount of pension that he would be entitled to commute might exceed Rs. 25/- in case he desires to commute a sum exceeding Rs. 25/-.

**PART II**

Subject to the medical authority's recommending commutation and the conditions prescribed in Part II of this form, the lumpsum payable will be as stated below :-

Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on \_\_\_\_\_

On the basis of normal age i.e. _____ years	Rs.
do do	plus
1 year, i.e. _____ years	Rs.
do do	plus
2 year, i.e. _____ years	Rs.
do do	plus
3 year, i.e. _____ years	Rs.
do do	plus
4 year, i.e. _____ years	Rs.
do do	plus
5 year, i.e. _____ years	Rs.
	Rs.

Sum payable if the commutation becomes absolute after the applicant's next birth day but before his next birthday, but on-----\_cont.

On the basis of normal age i.e. _____ years	
do do	plus
1 year, i.e. _____ years	Rs.
do do	plus

2 year, i.e. _____ years	Rs.
do do	plus
3 year, i.e. _____ years	Rs.
do do	plus
4 year, i.e. _____ years	Rs.
do do	plus
5 year, i.e. _____ years	Rs.

Station \_\_\_\_\_

Signed: \_\_\_\_\_

Date \_\_\_\_\_

Financial Adviser & Chief  
Accounts Officer

**PART III**

The commutation for lumpsum payment of the pension of .....is adminis-tratively sanctioned on the basis of the report of the Accounts Officer contained in Part II above. The table of present values, on the basis of which the calculation in the Accounts Officer's report have been made, is subject to alteration at any time without notice and consequently they are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birth day next after the date on which the commutation becomes absolute or if the medical authority directs that years shall be added to that age, to the consequent assumed age.

2. The Medical Officer, Mormugao Port Trust, has been requested to arrange for the Medical examination and inform, Shri..... direct when he should appear for the examination. He should bring with him the enclosed Form 'N' with the particulars required in part I completed except for the signature.

Station \_\_\_\_\_

Signature

Date \_\_\_\_\_

Designation

(Name and address of the applicant)

**FORM 'N'**  
**Medical Examination by the Medical Authority**  
(Vide regulation 86)

**PART I**

Statement by the applicant for commutation of a portion of his pension.

The applicant must complete his statement prior to his examination by the medical authority and must sign the declaration appended there to in the presence of that authority.

1. State your name in full in block letters.
2. State place of birth.
3. State your age and date of birth.
4. Furnish the following particulars concerning your family :-

Father's age if living and state of health.	Father's age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages at and cause of death.
---	--	---	--

Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at and cause of death.
---	--	---	---

5. Have any of your near relations suffered from tuberculosis (consumption scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease?
6. Have you ever been aboard? Where and for what period and how long since?
7. Have you ever served in the Navy, Army, Air Force or in any Government Department ?
8. Have you ever been examined-

- (a) for life insurance, or and
- (b) by any Government Medical Officer or State Medical Board, Civil or Military ? If so, state details and with what results,
- (c) Have you ever been granted leave on medical certificate? If so, state period of leave and nature of illness.

9. Have you ever -

(a) Had small pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous diseases, discharge from or other disease of the ear, syphilis, gonorrhoe.

or

(b) Had any other disease or injury which required confinement to bed or medical or surgical treatment .

or

(c) Undergone any surgical operation

or

(d) Suffered from any illness, wound or injury, sustained while on active service during the war.

10. Have you ruptured?

11. Have you varicocele, varicose veins or piles?
12. Is your vision in each eye good?
13. Is your hearing in each ear good?
14. Have you any congenital or acquired malformation, defect or deformity?
15. When were you last vaccinated?
16. Is there any further matter concerning your health and not covered by the above questions which should be communicated to the Medical Authority?

**DECLARATION BY APPLICANT**

I declare all the above answers to be the best of my belief, true and correct.  
I will fully reveal to the Medical Authority all circumstances within my knowledge that concerning my health and fitness.

I am fully aware that by willfully making a false statement or concealing a relevant fact, I shall incur the risk of losing the commutation I have applied for and having my pension withheld or withdrawn under the Mormugao Port Trust pension Rules.

Signed in presence of \_\_\_\_\_

Applicant's signature

Name in Block letters \_\_\_\_\_  
 Designation \_\_\_\_\_  
 Staff No \_\_\_\_\_  
 Department \_\_\_\_\_

Signature and designation of medical authority.

**PART II**

(to be filled in by the examining medical authority)

- |   |  |
|---|--|
| 1. Apparent age                           |  |
| 2. Height                                 |  |
| 3. Weight                                 |  |
| 4. Birth of abdomen at level of umbilicus |  |

5. Pulse rate-  
 (a) Sitting \_\_\_\_\_  
 (b) Standing \_\_\_\_\_  
 What character of pulse? \_\_\_\_\_
6. What is condition of arteries \_\_\_\_\_
7. Blood pressure-  
 (a) Systolic \_\_\_\_\_  
 (b) Diastolic \_\_\_\_\_
8. Is there any evidence of disease?  
 of the main organs-  
 (a) Heart \_\_\_\_\_  
 (b) Lungs \_\_\_\_\_  
 (c) Liver \_\_\_\_\_  
 (d) Spleen \_\_\_\_\_
9. Does chemical examination of urine  
 show  
 (i) albumen and (ii) sugar? (State  
 specific gravity) \_\_\_\_\_
10. Has the applicant a rupture?  
 If so state the kind and if  
 reducible \_\_\_\_\_
11. Describe any scars or  
 identifying marks \_\_\_\_\_
12. Any additional information \_\_\_\_\_

**PART III**

I/we have carefully examined A, B and am/are of opinion that  
 .....He/she is/not in good bodily health and has the prospect of an  
 average duration of life/ is not a fit subject for commutation or (in the case of an  
 impaired life which is yet considered a fit subject for commutation) as .....is  
 suffering from.....his age for purpose of commutation i.e.his age next birth day  
 should be taken to be .....  
 years more than his actual age.

Station. \_\_\_\_\_  
 Date \_\_\_\_\_

Medical Authority

**LIBERALISED PENSION RULES**  
( Effective from 22<sup>nd</sup> April, 1960 on wards)

Completed six-monthly period of qualifying service	Scale of Gratuity or Pension	Maximum Pension (in rupees per annum)
--	------------------------------------	---

**(a) GRATUITY**

1	$\frac{1}{2}$	Month's emoluments
2	1	-do-
3	$1 \frac{1}{2}$	-do-
4	2	-do-
5	$2 \frac{1}{2}$	-do-
6	3	-do-
7	$3 \frac{1}{2}$	-do-
8	4	-do-
9	$4 \frac{3}{8}$	-do-
10	$4 \frac{3}{4}$	-do-
11	$5 \frac{1}{8}$	-do-
12	$5 \frac{1}{2}$	-do-
13	$5 \frac{7}{8}$	-do-
14	$6 \frac{1}{4}$	-do-
15	$6 \frac{5}{8}$	-do-
16	7	-do-
17	$7 \frac{3}{8}$	-do-
18	$7 \frac{3}{4}$	-do-
19	$8 \frac{1}{8}$	-do-

**(b) PENSION**

20	10	80ths of average emoluments	Rs. 2,700
21	$10 \frac{1}{2}$	-do-	Rs. 2,835

22	11	-do-	Rs. 2,970
23	11 <sup>1/2</sup>	-do-	Rs. 3,105
24	12	-do-	Rs. 3,240
25	12 <sup>1/2</sup>	-do-	Rs. 3,375
26	13	-do-	Rs. 3,510
27	13 <sup>1/2</sup>	-do-	Rs. 3,645
28	14	-do-	Rs. 3,780
29	14 <sup>1/2</sup>	-do-	Rs. 3,915
30	15	-do-	Rs. 4,050
31	15 <sup>1/2</sup>	-do-	Rs. 4,185
32	16	-do-	Rs. 4,320
33	16 <sup>1/2</sup>	-do-	Rs. 4,455
34	17	-do-	Rs. 4,590
35	17 <sub>1/2</sub>	-do-	Rs. 4,725
36	18	-do-	Rs. 4,860
37	18 <sup>1/2</sup>	-do-	Rs. 4,995
38	19	-do-	Rs. 5,130
39	19 <sup>1/2</sup>	-do-	Rs. 5,265
40	20	-do-	Rs. 5,400
41	20 <sup>1/2</sup>	-do-	Rs. 5,535
42	21	-do-	Rs. 5,670
43	21 <sup>1/2</sup>	-do-	Rs. 5,805
44	22	-do-	Rs. 5,940
45	22 <sup>1/2</sup>	-do-	Rs.6,075
46	23	-do-	Rs.6,210
47	23 <sup>1/2</sup>	-do-	Rs.6,345
48	24	-do-	Rs.6,480
49	24 <sup>1/2</sup>	-do-	Rs.6,615
50	25	-do-	Rs.6,750

51	25 <sup>1/2</sup>	-do-	Rs.6,885
52	26	-do-	Rs.7,020
53	26 <sup>1/2</sup>	-do-	Rs.7,155
54	27	-do-	Rs.7,290
55	27 <sup>1/2</sup>	-do-	Rs.7,425
56	28	-do-	Rs.7,560
57	28 <sup>1/2</sup>	-do-	Rs.7,695
58	29	-do-	Rs.7,830
59	29 <sup>1/2</sup>	-do-	Rs.7,965
60	30	-do-	Rs.8,100

**No. CA/IA/Z 18/**

**October, 1971**

**CIRCULAR**

**Sub: Revised table of values Commutation of pension.**

In term of regulation no.79 of Mormugao Port Employees (Pension & Gratuity) Regulations, 1966, lumpsum amount payable on commutation of pension would be calculated on the basis of the commutation tables as prescribed by the Central Government from time to time. The Central Government has vide their Office Memorandum 2 (1)/EV/71 dated 6.8.71 have prescribed revised commutation table with effect from 1<sup>st</sup> March, 1971. Copies of the table are enclosed.

Departments are requested to take note of the charge of the table. The revised tables will be in force from 1<sup>st</sup> March, 1971.

Sd/-  
For Financial Advisor &  
Chief Accounts Officer.

Encl.:

**ALL HEAD OF DEPARTMENTS.**

Commutation table prescribed under Rule 7 of the Civil Pension (Commutation) Rules, effective from 1<sup>st</sup> March, 1971.



**COMMUTATION VALUES FOR A PENSION OF Re. 1 PER ANNUM**

Age value birthday expressed purchase	Next Commutation expressed as number of years purchase.	Age birthday value number of years	Next Commutation as
	Rs.Np.		Rs. Np.
17	19.28	52	12.66
18	19.20	53	12.35
19	19.11	54	12.05
20	19.01	55	11.73
21	18.91	56	11.42
22	18.81	57	11.10
23	18.70	58	10.78
24	18.59	59	10.46
25	18.47	60	10.13
26	18.34	61	9.81
27	18.21	62	9.48
28	18.07	63	9.15
29	17.93	64	8.82
30	17.78	65	8.50
31	17.62	66	8.17
32	17.46	67	7.85
33	17.29	68	7.53
34	17.11	69	7.22
35	16.92	70	6.91
36	16.72	71	6.60
37	16.62	72	6.30
38	16.31	73	6.01

39	16.09	74	5.72
40	15.87	75	5.44
41	15.64	76	5.17
42	15.40	77	4.90
43	15.15	78	4.65
44	14.90	79	4.40
45	14.64	80	4.17
46	14.37	81	3.94
47	14.10	82	3.72
48	13.82	83	3.52
49	13.54	84	3.32
50	13.25	85	3.13
51	12.95		

**TABLE III**

Rates of pension of class I and II employees retiring on or after 1<sup>st</sup> January, 1973.

Completed six monthly period of qualification service	Rate of pension of average emoluments	Maximum pension (in Rs.per annum)
20	10/80ths	3750.00
21	10 <sup>1/2</sup> /80ths	3937.50
22	11/80ths	4125.00
23	11 <sup>1/2</sup> /80ths	4312.50
24	12/80ths	4500.00
25	12 <sup>1/2</sup> /80ths	4687.50
26	13/80ths	4875.00
27	13 <sup>1/2</sup> /80ths	5062.50
28	14/80ths	5250.00
29	14 <sup>1/2</sup> /80ths	5437.50
30	15/80ths	5625.00

31	15 <sup>1/2</sup> /80ths	"	5812.50
32	16/80ths	"	6000.00
33	16 <sup>1/2</sup> /80ths	"	6187.50
34	17/80ths	"	6375.00
35	17 <sup>1/2</sup> /80ths	"	6562.50
36	18/80ths	"	6750.00
37	18 <sup>1/2</sup> /80ths	"	6937.50
38	19/80ths	"	7125.00
39	19 <sup>1/2</sup> /80ths	"	7312.50
40	20/80ths	"	7500.00
41	20 <sup>1/2</sup> /80ths	"	7687.50
42	21/80ths	"	7875.00
43	21 <sup>1/2</sup> /80ths	"	8062.50
44	22/80ths	"	8250.00
45	22 <sup>1/2</sup> /80ths	"	8437.50
46	23/80ths	"	8625.00
47	23 <sup>1/2</sup> /80ths	"	8812.50
48	24/80ths	"	9000.00
49	24 <sup>1/2</sup> /80ths	"	9187.50
50	25/80ths	"	9375.00
51	25 <sup>1/2</sup> /80ths	"	9562.50
52	26/80ths	"	9750.00
53	26 <sup>1/2</sup> /80ths	"	9937.50
54	27/80ths	"	10125.00
55	27 <sup>1/2</sup> /80ths	"	10312.50
56	28/80ths	"	10500.00
57	28 <sup>1/2</sup> /80ths	"	10687.50
58	29/80ths	"	10875.00
59	29 <sup>1/2</sup> /80ths	"	11062.50

60	30/80ths	"	11250.00
61	30 <sup>1/2</sup> /80ths	"	11437.50
62	31/80ths	"	11625.00
63	31 <sup>1/2</sup> /80ths	"	11812.50
64	32/80ths	"	12000.00
65	32 <sup>1/2</sup> /80ths	"	12000.00
66	33/80ths	"	12000.00

### **FOOT NOTE**

Principal Regulation Notification No. MPT/IGA/E-682/1/66 dtd. 1/2/1967.

### **Subsequent Amendment:**

- (i). Govt. sanction No.7-PE(16)/68 of 31/12/68
- (ii). Govt. sanction No.7-PE(4)/69 of 19/2/69
- (iii). Notification MPT/IGA(G 682)-I/72 of 14/1/70 published in Govt. Gazette No. 11 (series I) of 11/6/1970.
- (iv). Govt. sanction No.7-PE(15)/70 of 30/7/70
- (v). Govt. sanction No. 7-PE(44)/72 of 21/2/73
- (vi). Govt. sanction No. 7-PE(32)/73 of 6/9/73
- (vii). Govt. sanction No. PEG(i)/24 of 17/11/74
- (viii). Govt. sanction No. PEG(31)77 of 2/12/77
- (ix). Govt. sanction No. PEG(12)/78 of 4/7/78
- (x). Govt. sanction No. PW/PWG-39/79 of 6/7/80
- (xi). Govt. sanction No. PW/PEG-6/80 dtd. 19/3/81
- (xii) G.S.R.No. 558(E) dated 09.06.2017