

**Mormugao Port Employees (Superannuation and Age of Retirement)**  
**Regulations, 1974**

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**SHORT TITLE AND COMMENCEMENT :**

(1) These Regulations shall be called the Mormugao Port Employees (Superannuation and Age of Retirement) Regulations, 1974.

(2) They shall come in to force on the date on which the Central Government's approval is published in the Official Gazette.

**2. APPLICATION :**

These regulations shall apply to all employees appointed to the Mormugao Port Trust Services.

**3. DEFINITION :**

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

(i) "Board" means the Board of Trustees of the Port of Mormugao appointed under the Major Port Trusts Act, 1963.

(ii) The term Class I, Class II, Class III and Class IV, shall have the same meaning as assigned to them in regulation 6 of Mormugao Port Employees, (Classification, Control and Appeal) Regulations, 1964.

(iii) "Appointing Authority" means the authority which has power to make substantive appointments to the Post or service from which the employee is required or wants to retire, as specified in schedule to Mormugao Port Employees (Classification, Control & Appeal) Regulations, 1964.

**4. PRINCIPLE GOVERNING AGE OF RETIREMENT :**

Except as otherwise provided in these regulations, every employee of the Board shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that an employee of the Board whose date of birth is the first of a month, shall retire from the service of the Board on the afternoon of the last day of the preceding month in which he attains the age of sixty years.

**NOTE :** The date on which an employee attains the age of 60 years shall be determined with reference to the date of birth declared by the employee at the time of his appointment and accepted by the appropriate authority on production, as far possible, of confirmatory documentary evidence such as Matriculation Certificate or

extracts from Birth Register. The date of birth so declared by an employee and accepted by the appropriate authority shall not be subject of any alteration after the preparation of his service Book and in any event, after the completion of probation period or declaration of quasi-permanency, whichever is earlier. An alteration in the date of birth of an employee can be made at later stage only with the sanction of a competent authority, if it is established that a bona-fide clerical mistake has been committed in recording the date of birth in the Service Book.

## **5. COMPULSORY RETIREMENT AFTER ATTAINING AGE OF 50/55 YEARS :**

Notwithstanding anything contained in these regulations, the appropriate authority shall, in cases of proved inefficiency, incapacity, misconduct and corruption charges, have the absolute right to retire an employee of the Board by giving him notice of not less than three months in writing or pay allowance in lieu of such notice.

(i) If he is in Class I or Class II service or post and had entered Board's service before attaining the age of thirty-five years, after he has attained the age of fifty years, and  
(ii) In another case, after he has attained the age of fifty five years except in respect of Class IV employee who would be in service of the Board as on the date of notification of the Government's approval to the regulations.

**NOTE 1 :** While taking a decision on the above, the appropriate authority shall take a decision on the following criteria :  
Port Employees :

(a) Whose integrity is doubtful;  
(b) Who are found to be ineffective;  
(c) Whose service records for preceding 5 years have not been found satisfactory should be considered for retirement.

**NOTE 2 :** Following employees shall not be considered for retirement :  
(a) Who have been promoted to a higher post during the proceeding 5 years.  
(b) Who would be retiring on superannuation within a period of one year from the date of consideration of his case.

## **6. VOLUNTARY RETIREMENT AFTER ATTAINING AGE OF 55 YEARS :**

Any employee of the Board may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of

fifty years if he is in class I or II class service or post and had entered Board's service before attaining the age of thirty five years and in all other cases, after he has attained the age of fifty years except in respect of class IV employees who would be in service as on the date of notification of the Government's approval to the regulations. Provided that it shall be open to the appropriate authority to withhold permission to an employee under suspension who seeks to retire under this regulation.

**7. COMPULSORY RETIREMENT AFTER 30 YEARS SERVICE :**

Notwithstanding anything contained in Regulation 5, the appropriate authority shall, in case of proved inefficiency, incapacity, misconduct and corruption charges, have the absolute right to retire such employee in the Class III service or post who is not governed by the Board's pension regulations, after he has completed thirty years of service by giving him notice of not less than three months in writing or pay and allowance in lieu of such notice.

**NOTE 1 :** While taking a decision on the above, the appropriate authority shall take decision on the following criteria :

Port Employees :

(a) Where Integrity is doubtful;

(b) Who are found to be ineffective;

(c) Whose services records for preceding 5 years have not been found satisfactory should be considered for retirement.

**NOTE 2 :** Following employees shall not be considered for retirement :

(a) Who have been promoted to a higher post during the preceding 5 years.

(b) Who could be retiring on superannuation within a period of one year from the date of consideration of his case.

**8. VOLUNTARY RETIREMENT AFTER 30 YEARS SERVICE :**

An employee in Class III service or post who is not governed by the Board's pension regulations, may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has completed thirty years service.

(i) The three months notice referred to in Regulations 5, 6, 7 and 8 may be given before the employee attains the age specified in Regulation 5 and 6 or has completed 30 years service specified in regulations 7 and 8 provided that retirement takes place after he has attained the relevant age or has completed 30 years of service, as the case

may be.

(ii) Incomputing the notice period of three months referred to in Regulations 5 and 6 the date of service of the notice shall be included.

(iii) An employee who is granted extension of service after he has attained the prescribed age of superannuation shall not be promoted to another post during the period of extension.

**9. FORM OF NOTICE :**

THE FORM ATTACHED (ANNEXURE 'A') may be used for giving notice vide Regulation 5 and 7.

**10. SCHEME OF VOLUNTARY RETIREMENT AFTER 20 YEARS SERVICE :**

Any employee of the Board may, after giving notice of not less than three months in writing to the appropriate authority, retire from service after 20 years of qualifying service on proportionate pension and gratuity in the case of those governed by Port's Pension Rules and after 20 years of service on proportionate special contribution to Provident Fund in the case of those governed by Contributory Provident Fund with a weightage of up to 5 years towards qualifying service where applicable subject to certain conditions.

The following instructions will regulate the Voluntary retirement of the port employees :-

(i) Employees who have put in not less than 20 years qualifying service or service in the case of those governed by CPF as the case may be, may by giving notice of three months in writing to the appropriate authority retire from service voluntarily. The scheme is purely voluntary the initiative resting with the employee himself. The appropriate authority does not have the reciprocal right to retire employees on under this scheme.

(ii) The benefit or 'retiring pension' proportionate special contribution to Provident Fund will be admissible to employee retiring under this scheme.

(iii) A notice of less than three months may also be accepted by the appropriate authority in deserving cases, with the concurrence of the Finance Department.

(iv) If an employee retires under the scheme of Voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in the Mormugao Port Employees (Leave) Regulations, 1964.

(v) Before an employee gives notice of voluntary retirement with reference to these instructions, he should satisfy himself by means of a reference to the appropriate authority that he has in fact, completed 20 years service qualifying for pension or 20 years of service for purpose of special contribution to Provident Fund as the case may be.

(vi) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appropriate authority provided request for such withdrawal is made before the expiry of the notice.

(vii) A notice of voluntary retirement given after completion of 20 years qualifying service or service in the case of those governed by Contributory Provident Fund as the case may be will require acceptance by the appropriate authority if the date of retirement on the expiry of the notice would be earlier than the date on which the employees concerned could have retired voluntarily under the existing regulations applicable to him. such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending as contemplated against the employee concerned for the imposition of a major penalty and disciplinary authority having regard to the circumstance of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (b) in which prosecution is contemplated or may have been launched a Court of law against the employee concerned. It is proposed to accept the notice of voluntary retirement even in such case, approval of the Board should be obtained in regard to Class I employees, that of the Chairman in case of Class II employees and that of Deputy Chairman in the cases of Class III and IV employees, even where the notice of voluntary retirement given by an employee require acceptance by the appropriate authority the employee giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order contrary before the expiry of the period of notice.

**(viii)** While granting proportionate pension/special contribution to Provident Fund to an employee retiring voluntarily under this scheme, weightage of up to five years in the case of those who are governed by Pension scheme or Service in the case of those governed by Contributory provident fund as the case may be, would be given as an addition to the qualifying service/service actually rendered by him. The grant of weightage upto five years will, however, be subject to the following conditions:

**(a)** The total qualifying service or service as the case may be after allowing the weightage should not in any event, exceed 30 years qualifying service or service as the case may be and,

**(b)** The total qualifying service or service as the case may be after giving the weightage should not exceed the qualifying service/service which he would have had, if he had retired voluntarily at the lowest age/minimum service limit applicable to him for voluntary retirement prescribed under Regulation 6 above.

#### **ILLUSTRATIONS :-**

**(a)** If an employee who could be prematurely retired under regulation 5 (i) or could have voluntarily retired under regulation 6, seeks voluntary retirement under this scheme after he has attained the age of 47 years and has rendered 22 years of service the weightage in pension/Special Contribution of Provident Fund would be limited only upto three years.

**(b)** If an employee who could prematurely retired under Regulation 5 (ii) or could have voluntarily retired under Regulation 6, seeks voluntarily retirement under this scheme after he has attained the age of 51 years and has rendered 24 years of service the weightage in pension/Special Contribution of Provident Fund would be admissible up to four years.

**(c)** If an employee belonging to Class III service or post who could have voluntarily retired under Regulation 41 of the Mormugao Port Employees (Pension and Gratuity) Regulations, 1966, seeks voluntarily retirement under this scheme after he has rendered 25 years of service and has attained the age of 48 years, the weightage in Pension/Special Contribution of Provident Fund would be admissible up to 5 years.

**(ix)** The weightage given under this scheme will be only an addition to the qualifying service as the case may be, for purpose of pension and gratuity or special contribution to Provident Fund and not Board's Contribution to Provident Fund. It will not entitle

the employee retiring voluntary to any notional fixation of pay for purpose of calculating the pension and gratuity or special contribution to Provident Fund which will be based on the actual emoluments calculated with reference to the date of retirement.

**(x)** The amount of pension to be granted after the weightage will be subject to the provisions of Reg. 6 of Mormugao Port Employees (Pension and Gratuity) Regulation 1964. The pension will also be subject to the provisions of Regulation 7 and 8 of these Regulations. The grant of special contribution to Provident Fund will also be subject to the other conditions in Regulations 4 and 5 of the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966.

**(xi)** The scheme of voluntary retirement under this regulation will not apply to those who retire voluntarily under the Provisions of Regulation 30 of the Mormugao Port Employees (Pension & Gratuity) Regulations 1964.

**(xii)** The Scheme of Voluntary Retirement will also not apply to those employees on deputation to autonomous bodies/public sector undertaking etc. who proposes to get absorbed in the autonomous bodies/public sector undertaking etc. The absorption of employees on deputation to public undertaking/autonomous bodies etc.ard will continue to be governed by the separate set of instructions to be issued by the administration in this regard.

**(xiii)** An employee giving notice of voluntary retirement may also apply before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice, the period of leave, if any, extending beyond the date of retirement or expiry of notice by not extending beyond the date on which the employee should have retired on attaining the age of superannuation may be allowed as terminal leave as per regulation 7 (2) of the Mormugao Port Employees (Leave) Regulations, 1964, the leave salary for such terminal leave should be payable as provided in regulation 7 (5) *ibid*.

**(xiv)** Class I employees retiring voluntarily under this scheme would continue to be subject to the provisions in the MormugaoPort Employees (Acceptance of Employment after retirement) Regulations, 1970 relating to post retirement commercial employment. However, in their cases, permission for the post-retirement commercial employment will be granted more liberally than in the case of other

employees retiring under the provisions of Mormugao Port Employees' (Superannuation and age of retirement Regulations, 1974.

11. In applying the foregoing regulations, and in respect of matters not dealt with in these regulations the provisions of Fundamental Rule 56 and Central Service Regulations and the orders of the Central Government issued there under from time to time shall be followed so far as they are not inconsistent with provisions of these regulations subject to such exceptions and modifications as the Board may from time to time determine.

**12. INTERPRETATION :**

If any question arises relating to the interpretation of these regulations the decision of the Board there on shall be final and conclusive.

**ANNEXURE 'A'**

**FORM**

**OF**

**NOTICE**

WHERE AS THE.....(appropriate authority) is of the opinion that it is in the public interest to do so: NOW, THEREFORE, in exercise of the powers conferred by Regulation.....of Mormugao Port Employees (Superannuation and 'Age of Retirement) Regulations, 1974, the ..... (appropriate authority) hereby gives notice to .....(name .....) Designation.....that he having already attained/attaining the age of fifty/fifty five years having completed/on completing thirty years of service on completing the .....19.....shall retire from service with effect from the forenoon of.....or, from the date of expiry of three months computed from the date of the service of this notice on him, which ever is later.

Signature

Designation of the Appropriate Authority,



To,  
Shri/Smt.....

.....  
**ACKNOWLEDGEMENT**

I,.....now holding the post  
of.....hereby acknowledge the receipt of the original notice  
of the order of retirement as aforesaid.

Counter Signature

Signature

Name

Designation

Designation

Place

Place

Date

Date

**FOOT NOTE:-**

**1. Principal Regulation: Central Government's Sanction No. PEG (35)/74 dated 4-1-75 (Published in the Official Gazette of Goa, Daman and Diu, Series III, No. 44 dated 30-1-1975.**

**2. SUBSEQUENT AMENDMENTS:-**

**i)Central Government's Sanction No. PEG (8) 75 dated 4-1-1975. (Published in the Official Gazette of Govt. of Goa, Daman & Diu, Series III, No. 4 dated 25-4-1975.**

**ii)Central Government's Sanction No. PEG/42/75 dated 2 4-12-1975. (Published in the Official Gazette of Govt. of Goa, Daman & Diu, Series III, No. 45 dated 5-2-1976.)**

**iii)Central Government's Sanction No. PG/15/78 dated April, 1978. (Published in the Official Gazette of Govt. of Goa, Daman & Diu, Series III, No. 7 dated18-5-1978.)**

**iv) Central Government's Sanction No. PEG/11/78 dated 23-5-1978. (Published in the Official Gazette of Govt. of Goa, Daman & Diu, Series III, No. 7 dated 18-5-1978).**

**v)Central Government's Sanction No. PEG/11/78 dated 23-5-1978. (Published in the Official Gazette of Govt. of Goa, Daman & Diu, Series III, No. 12 dated 22-6-1978.) G.S.R. No.271 (E) dated 3-3-1987.**

- vi) Central Government's Sanction No.H-110011/9/91-PE-I dated 30-10-1992.  
(Published in the Official Gazette vide GSR No. 837 (E) dated 30-10-1992)**
- vii) Central Government's Sanction No.PR-12016/9/91-PE-I dated 29-5-1998.  
(Published in the Official Gazette vide GSR No. 837 (E) dated 29-5-1998)**
- viii) Central Government's Sanction No.PR-12016/17/98-PE-I dated 29-5-1998.  
(Published in the Official Gazette vide GSR No. 284 (E) dated 29-5-1998).**
- ix) Central Government's Sanction No.PR-12016/34/2000-PE-I dated 16-3-2001.  
(Published in the Official Gazette vide GSR No. 193 (E) dated 16/3/2001).**
- x) Central Government's Sanction No.PR-12016/8/2009-PE-I dated 7/11/2009.  
(Published in the Official Gazette vide GSR No. 801 (E) dated 7/11/2009)**