

## **Mormugao Port Employees (Contributory Provident Fund) Regulations, 1964**

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

These regulations may be called the Mormugao Port Employees' (Contributory Provident Fund) Regulations, 1965.

### **2. DEFINITIONS :**

In these rules unless the context otherwise requires :

(1). "Accounts Officer" means the Financial Adviser & Chief Accounts Officer of the Board.

(2). "Board", "Chairman", "Deputy Chairman" shall have the meaning assigned to them in the Major Port Trusts Act, 1963.

(3). "Employees" means an employee of the Board.

(4). "Emoluments" shall with effect from 1-8-67 means:-

(a) In the case of a class I or class II employee, pay, leave salary and subsistence grant as defined in the Fundamental Rules of the Central Government or in regulations, if any, framed by the Board, whichever may be applicable to the subscriber, and any remuneration of the nature of pay received in respect of foreign service but does not include DA, GCA, HRA, Conveyance Allowance, Overtime Fees, Cement Testing Allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, Holidays, and Off days, fees for supervision of floating craft, Honorarium, Diving Allowance, Ration Allowance and any payment which is in the nature of incentive bonus not connected with the output of work, Family Allowance, Children's Education Allowance, Reimbursement of tuition fees, Voyage Allowance, etc.

(b) In the case of a Class III or Class IV employees, pay, leave salary and subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber, and any remuneration of the nature of pay received in respect of foreign service and includes DA, GCA, and IR but does not include HRA, Conveyance Allowance, Overtime Fees, Cement Testing Allowance, and any other payment which is in the nature of compensation for overtime work, night weightage, allowance

granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, Holidays, and Off days, fees for supervision of floating craft, Honorarium, Diving Allowance, Ration Allowance and any payment which is in the nature of incentive bonus not connected with the output of work, Family Allowances, Children's Education Allowances, etc.

**NOTE:** In the case of Class I and Class II employees only, the dearness pay appropriate to the pay of the employees shall be treated as pay, with effect from 1-7-1969, Provided that where employees concerned desire to pay the arrears of subscription from 1-12-1968, the dearness pay will be treated as pay with effect from that date.

**(5).Family means :-**

**(i)** In the case of a male subscriber, the wife or wives and children of a subscriber, and the widow, or widows and children of a deceased son of the subscriber.

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded.

**(ii)** In the case of a female subscriber, the husband and children of a subscriber and the widow or widows and children of a deceased son of a subscriber.

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relates; unless the subscriber subsequently cancels such notice in writing.

**NOTE:**— Child means a legitimate child and includes an adopted child where adoption is recognized by the personal law governing the subscriber or a ward under the Guardians and Wards Act, 1890 (8 of 1890) and treated as a member of the family and to whom the employee has, through a special will given the same status as that of a natural born child.

(6).“Funds” means the Mormugao Port Employees’ Contributory Provident Fund.

(7).“Leave” means any variety of leave recognized by the Fundamental Rules or other rules or orders of the Central Government or by the Leave Regulations framed under Section 28 of the Major Port Trusts Act, 1963 whichever may be applicable to the subscriber.

(8).“Years” means a financial year.

(9).“Appropriate sanctioning authority” means the Head of the Department in the case of advance for the grant of which special reasons are not required to be recorded except that if the applicant is a Head of the Department, it means the Chairman. In the case of advances for the grant of which special reasons are required to be recorded as prescribed in Regulation 13 (2) the appropriate sanctioning authority means the Chairman.

(10).Any other expression employed in these regulations which is defined either in the Provident Fund Act, 1925 (19 of 1925) or in the Fundamental Rules of the Central Government or by the Leave Regulations, if any framed under the Section 28 of the Major Port Trusts Act, 1963 whichever may be applicable to the subscriber is used in the sense therein defined.

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### 3. **CONSTITUTION AND MANAGEMENT OF THE FUND :**

On and from the date of commencement of these regulations the Board shall establish and maintain a Contributory Provident Fund for the welfare of the employees. The Fund shall be administered by the Board and shall be maintained in Indian rupees.

### 4. **APPLICATION :**

These rules shall apply:

(1) to every employee who was a subscriber to the Staff Provident Fund which was administered by the Board prior to the commencement of these regulations. On the commencement of these regulations these balance standing to the credit of an employee in that Staff Provident Fund shall be credited to the account of the employee in the Fund constituted under these regulations.

(2)subject to the approval of the Board in every case, to a person transferred to the

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service of the Board without any break in service from service under the Central Government or a State Government or a Body Corporate owned or controlled by Government and who was a subscriber to a contributory provident fund administered by that Government or Body Corporate. Provided that transfer shall include cases of resignation from service with proper permission from the previous employer to take up service under the Board and that the time taken to join the new post shall not be treated as a break in service if it does not exceed the joining time admissible under the Fundamental Rules of the Central Government to a Government servant on transfer from one post to another. Provided further that in the event of the admission of a person to the Fund as provided for in this sub-regulation the balance to his credit in the Fund of the Government or Body Corporate from which he is transferred shall be transferred and credited to his account in the Fund.

**NOTE:** The power of the Board to sanction the transfer of the Provident Fund balances to the Provident Fund Account of the employee in the Port may be exercised by the Chairman.

#### **5. NOMINATIONS :**

(1). A subscriber shall at the time of joining the Fund send to the Accounts Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount has become payable or having become payable has not been paid.

Provided that if at the time of making the nomination the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family.

Provided further that the nomination made by the subscriber in respect of any other Provident Fund to which he was subscribing before joining the Fund, shall if the amount to his credit in such other fund has been transferred to his credit in this Fund be deemed to be a nomination duly made under this regulation until he makes nomination in accordance with this regulation.

(2). If a subscriber nominates more than one person under sub-regulation (1), he

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shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

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**(3).**Every nomination shall be in such one of the forms set forth in the first schedule as is appropriate in the circumstances.

**(4).**A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall along with such notice or separately send a fresh nomination made in accordance with the provisions of this regulation.

**(5).**A subscriber may provide in a nomination:

**(a)** In respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

**(b)** That the nomination shall become invalid in the event of the happening of a contingency specified there in.

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall be invalid in the event of his subsequently acquiring a family.

Provided further that if at the time of making the nomination the subscriber has only one member of the family he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

**(6).**Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

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

**NOTE :** In this regulation unless the context other wise requires, ‘person’ or persons shall include ‘a company or Association or body of individuals, whether incorporated or not’.

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**(6).SUBSCRIBER’S ACCOUNT :**

An account shall be opened in the name of each subscriber, in which shall be shown :

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(i) his subscriptions;

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(ii) contributions made under Regulation 11 by the Board to his account;

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(iii) interest as provided by Regulation 12 on subscription;

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(iv) interest as provided by Regulation 12 on contributions;

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(v) and advances and withdrawals from the Fund.

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**(7).CONDITIONS OF SUBSCRIPTIONS :**

(1).Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during the period of suspension-

Provided that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or in installments any sum not exceeding the maximum amount of arrears subscription permissible for that period.

(2). A subscriber may, at his option, not subscribe during leave which either does not carry leave salary or carries leave salary equal to or less than half pay or half average pay.

(3). A subscriber shall intimate in writing his election not to subscribe during leave referred to in sub regulation (2) above to the Accounts Officer. Failure to make due and timely action shall be deemed to constitute an election to subscribe. The option of the subscriber intimated under this sub-regulation shall be final.

(4). A subscriber who has under Regulation 21 withdrawn the amount of subscriptions and interest thereon, shall not subscriber to the Fund after such withdrawal unless he returns to duty.

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**8.RATES OF SUBSCRIPTION :**

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**(1)** The amount of subscription shall be fixed by the subscriber himself subject to the following conditions namely :-

**(a)** it shall be expressed in whole rupees;

**(b)** it may be any sum so expressed not less than 10% of his emoluments and not more than his emoluments.

**(2)** For the purpose of sub-regulation (1) the emoluments of a subscriber shall be :-

**(a)** In the case of a subscriber who was in the Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date.

Provided that :-

**(i)** If the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty.

**(ii)** If the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India.

**(iii)** If the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled to on such subsequent date.

**(b)** In the case of a subscriber who was not in the Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or if he joined the fund for the first time on the date subsequent to the first day of his service, the emoluments to which he was entitled to on the such subsequent date.

Provided that if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such a manner as the Board may direct.

**(3)** The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner :

**(a)** If he was on duty on the 31st March of the preceding year by the deduction which he causes to be made in this behalf for his paybill for the month.

(b) If he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave or was under suspension on that date, by the deduction which he causes to be made in this behalf from his paybill after his return to duty.

(c) If he has entered the Board's service for the first time during the year or joins the Fund for the first time, by the deduction which he causes to be made in this behalf from his paybill for the month during which he joins the Fund.

(d) If he was leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month.

(e) If he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the Board's account of subscription for the month of April in the current year.

(f) If his emoluments are of the nature referred to in the proviso to sub-regulation (2) in such manner as the Board may direct.

(4) The amount of subscription so fixed may be enhanced or reduced once at any time during the course of a year.

Provided that when the amount of subscription is so reduced it shall not be less than the minimum in sub-regulation (1).

Provided further that if a subscriber is on duty for a part of the month and on leave for the remainder of that month and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

I. **TRANSFER OF FOREIGN SERVICE OR DEPUTATION OUT OF INDIA** : When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain, subject to the rules of the Fund, in the same manner as if he were not so transferred or sent on deputation.

J. **REALISATION OF SUBSCRIPTION** :

(1). When emoluments are drawn from the Board, recovery of subscription on account of these emoluments and of the principal and interest shall be made from the emoluments themselves.



(2).When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer.

Provided that in the case of subscribers on deputation to a Body Corporate, owned or controlled by the Government, the subscription shall be recovered and forwarded to the Accounts Officer by such body.

#### **11. CONTRIBUTION BY THE BOARD :**

(1).The Board shall with effect from 31st March of each year make a contribution to the account of each subscriber.

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Provided that if a subscriber quits the service or dies during a year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty.

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not subscribe to the Fund.

(2)The contribution shall be such percentage of the subscriber's emoluments drawn on duty during the year or period as the case may be as has been or may be prescribed by the Board by general or special order.

Provided that a subscriber who was previously subscribing to the Staff Provident Fund administered by the Board prior to the commencement of these regulations and whose balance in that Staff Provident Fund has been transferred to this Fund shall be entitled to a contribution not less than 10% of his emoluments drawn on duty during the year or period.

Provided further that in other cases also, unless there are special reasons to be recorded in writing, the Board's contribution shall not be less than the amount which an employee has compulsorily to subscribe in terms of clause (b) of Regulation 8.

Provided further that if, through oversight or otherwise the amount subscribed is less than the minimum subscription payable by the subscriber under sub-regulation (1) of Regulation 8 and if the short subscription together with the

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interest accrued thereon is not paid by the subscriber within such time as may be specified by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of Regulation 13, the contribution payable by the Board shall be equal to the amount actually paid by the subscriber or the amount normally payable by the Board whichever is less unless the Board in a particular case otherwise directs.

(3).If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India, shall for the purposes of the rule be deemed to be emoluments drawn on duty.

(4).Should a subscriber elect to subscribe during a leave, his leave salary shall for the purposes of this rule be deemed to be emoluments drawn on duty.

(5).Should a subscriber elect to pay arrears of subscription in respect of period of suspension the emoluments or portion of emoluments which may be allowed for that period on reinstatement shall for the purposes of this rule be deemed to be emoluments drawn on duty.

(6).The amount of any contribution payable in respect of a period of foreign service shall unless it is recovered from the foreign employer, be recovered by the Board from the subscriber.

(7).The amount of any contribution payable shall be rounded off to the nearest whole rupee (Fifty naye paise counting as the next higher rupee).

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**12. INTEREST :**

(1) The Board shall pay to the credit of the account of a subscriber interest at such rate as the Board may from time to time prescribe for the payment of interest on subscription to the General Provident Fund on the amount to his credit in the Fund.

(2) Interest shall be credited with the effect from 31st March of each year in the following manner :

(i).on the amount to the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year- interest for 12 months;

(ii).on sums withdrawn during the current year-interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal;

**(iii).**on all sums credited to the subscriber's account after the 31st March of the preceding year- interest from the date of deposit upto 31st March of the current year;  
**(iv).**the total amount of interest shall be rounded to the nearest rupee in the manner provided in sub- regulation (7) of Regulation 11.

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-regulation in respect of the period from the beginning of the current year or from the date of deposit as the case may be, upto the date on which the amount standing to the credit of the subscriber become payable.

Provided further that in the case of an amount forwarded in accordance with this proviso to sub regulation (2) of Regulation 10 the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the 15th day of that month.

**(3)** For the purposes of this regulation the date of deposit shall in the case of recoveries from emoluments be deemed to be the first day of the month in which they are recovered and in the case of amounts forwarded by the subscriber shall be deemed to be the first day of the month of receipt if they are received by the Accounts Officer before the 5th day of that month or if they are received after the 5th day of that month, the first day of the next succeeding month.

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscription shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules irrespective of the month in which it was actually drawn.

**(4)** In addition to any amount to be paid under Regulation 24 interest thereon upto the end of the month preceding that in which payment is made or upto the end of the sixth month after the month in which such amount became payable, whichever of these period be less, shall be payable to the person to whom such amount is to be paid.

Provided that no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his agent) as the date on which he is

prepared to take payment in cash or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it but if he subsequently asks for interest it shall be credited with effect from the 1st April of the year in which he asks for it.

(6) The interest on amounts which under Regulation 20 or Regulation 21 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-regulation (1) of this regulation and so far as may be in the manner described in this regulation.

**13. ADVANCE FROM THE FUND :**

(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund whichever is less for one or more of the following purposes:

(a). to meet any expenses in connection with the illness confinement or a disability, including where necessary the travelling expenses of the subscriber or any person actually dependent on him.

(b). to meet the cost of higher education including where necessary the travelling expenses of the subscriber or any person actually dependent on him in the following cases namely :-

(i) for education outside India, for an academic, technical, professional or vocational course beyond the Higher School stage and,

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage provided that the course of study is for not less than three years.

(c). to pay obligatory expenses on a scale appropriate to the status of the subscriber which by customary usage the subscriber has to incur in connection with marriage or other ceremonies of himself or of his children or of any other person actually dependant on him.

Provided that the condition of actual dependence shall not apply in the case of a son or a daughter of the subscriber.

Provided further that the condition of actual dependence shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber.

**(d).** to meet the cost of legal proceeding instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source.

Provided that the advance under this sub-regulation shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against the Board in respect of any condition of service or penalty imposed on him.

**(e).** to meet the cost of his defence where the subscriber is prosecuted by the Board in any court of law or where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

**(f).** In other cases of acute distress at the discretion of the Chairman.

**(1A).** The appropriate sanctioning authority may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1).

**(2)** An advance shall not, except for special reasons to be recorded in writing be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance.

Provided that an advance shall in no case exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund.

**NOTE 1** : For the purpose of this regulation, pay includes dearness pay, where admissible.

**NOTE 2** : A subscriber shall be permitted to take an advance once in every six months under item (b) of sub- regulation (1) of this regulation. Where an advance is sanctioned under sub-regulation (2) before repayment of last instalments of any

previous advance is completed, the balance of any previous advance not been covered shall be added to the advance so sanctioned and the instalments for recovery shall be fixed with reference to the consolidated amount.

#### **14. RECOVERY OF ADVANCES :**

(1).An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects and more than twenty four. In special cases where the amount of advance exceeds three months' pay of the subscriber under sub-regulation (2) of Regulation 13, the sanctioning authority may fix such number of instalments to be more than twenty-four but in no case more than thirty-six. A subscriber may at his option make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2).Recovery shall be made in the manner provided in Regulation 10 for the realisation of subscription and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments other than leave salary or subsistence grants for a full month. Recovery shall not be made except with the subscriber's consent while he is in receipt of a subsistence grant or is on leave which either does not carry any leave or carries leave salary equal to or less than half pay or half average pay as the case may be. The recovery may be postponed on the subscriber's written request by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3).If an advance is granted to subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or the balance of the amount withdrawn forthwith be repaid by the subscriber to the Fund or in default, be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lumpsum or in monthly instalments not exceeding twelve as may be directed by the authority competent to sanction as advance for the grant of which special reasons are required under sub-regulation (2) of Regulation 13.

(4). Recoveries made under this regulation shall be credited as they are made to the account of the subscriber in the Fund.

**15. WRONGFUL USE OF ADVANCE :**

Notwithstanding anything contained in these Regulations, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of money, the amount in question shall forthwith be repaid by the subscriber to the Fund, or in default be ordered to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recoveries shall be made in monthly instalments or moieties of his emoluments till the entire amount is repaid by him.

**NOTE :** The term 'emoluments' in this rule does not include subsistence grant.

**16. WITHDRAWAL FROM THE FUND :**

Subject to the conditions specified therein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-regulation (2) of Regulation 13 at any time after the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscription and interest thereon standing to the credit of the subscriber in Fund, for one or more of the following purposes namely :-

(a). Meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases namely :

(i) for education outside India for academic, technical, professional or vocational course beyond the high school stage, and

(ii) for any medical, engineering or other technical or specialized course in India beyond the high school stage.

(b). Meeting the expenditure in connection with the betrothal/marriage of the subscriber or his sons or daughters and any other female relations actually dependent on him.

(c). Meeting the expenses in connection with the illness including where necessary, the travelling expenses of the subscriber and the members of his family or any person member actually dependent on him.

(d). Building or acquiring a suitable house or ready built flat for his residence including the cost of the site.

(e). Repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence.

(f). Purchasing a house- site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose.

(g). Reconstructing or making additions or alterations to a house already owned or acquired by the subscriber.

(h). Renovating, additions or alterations or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from the Government at a place other than the place of duty.

(i) Constructing a house on a site purchased under clause (f),

(j). Acquiring a farm land or business premises or both within six months before the date of the subscriber's retirement.

**NOTE 1** : A Subscriber who has availed himself of an advance under the scheme of the Ministry of Works and Housing for the grant of advance for house-building purpose, or has been allowed any assistance in this regard from any other Government sources, shall be eligible for the grant of final withdrawal under clauses (d), (f), (g) and (i) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of Regulation 17.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Government he shall be eligible for the grant of final withdrawal under clauses (d), (f), (g) and (i) for purchase of a house-site or for construction of another house or acquiring a ready built flat at the place of his duty.



**NOTE 2** : Withdrawal under clauses (d), (g), (h) or (i) shall be sanctioned only after subscriber has submitted a plan of a house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved.

**NOTE 3** : The amount of withdrawal sanctioned under clause (e) shall not exceed 3/4th of the balance on date of application together with the amount of previous withdrawal under clause (d) reduced by the amount of previous withdrawal. The formula to be followed is 3/4th of (balance as on date plus amount of previous withdrawals for the house in question) minus the amount of the previous withdrawal(s).

**NOTE 4** : Withdrawal under clauses (d) or (g) shall also be allowed where the house site or house is in the name of wife/ husband provided she/he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

**NOTE 5** : Only one withdrawal shall be allowed for the same purpose under Regulation 16. But marriage/education of different children or illness on different occasion shall not be treated as the same purpose. Second or subsequent withdrawal under clauses (d) or (i) for completion of the same house shall be allowed upto the limit laid down under note (3).

**NOTE 6** : A withdrawal under Regulation 16 shall not be sanctioned if an advance under Regulation 13 is being sanctioned for the same purpose and at the same time.

#### 17. **CONDITIONS OF WITHDRAWAL** :

(1). Any sum withdrawn by a subscriber at any one time for one or more purposes specified in Regulation 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund or six months pay whichever is less. The sanctioning authority may however sanction the withdrawal of an amount in excess of this limit upto three-fourths of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund having due regard to (i) the object for which the withdrawal is being made (ii) the status of the subscriber, and (iii)

the amount of the subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

Provided that in the case of the subscriber who has availed himself of an advance under the scheme of the Central or State Government for the grant of advances for house building purpose or has been allowed any assistance under this sub-regulation together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs.1,25,000/- or 75 times the monthly pay which ever is less.

(2).A subscriber who has been permitted to withdraw money from the Fund under Regulation 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lumpsum by the subscriber to the Fund and in default of such payment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in the lumpsum or in such number of monthly instalments as may be determined by the Board.

(3).A subscriber who has been permitted under clause (d) clause (e) or (f) of Regulation 16 to withdraw money from the amount of subscription together with interest thereon standing to his credit in the Fund shall not part with the possession of the house so built or acquired or house-site so purchased, by way of sale, mortgage, gift, exchange or lease for a term exceeding three years, without the previous permission of the sanctioning authority. He shall submit a declaration in the form set forth in the second schedule not later than the 31st day of December of every year to the effect that the house, or as case may be the house-site continues to be in his possession but stands mortgaged to the Board and shall, if so required, produce before the sanctioning authority on or before the dates specified by that authority in that behalf, the original Sale Deed and other documents on which his title to the property is based. If at any time before retirement, he parts with the possession of the house or house-site without obtaining previous permission of the sanctioning authority, the sum withdrawn by him shall forthwith be repaid by the subscriber to the Fund in one

lumpsum, and in default of such repayment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in lumpsum, or in such number of monthly instalments, as may be determined by such sanctioning authority.

**NOTE 1 :** A subscriber shall be permitted to make a withdrawal once in every six months under item (a) of sub-regulation (1) of Regulation 16. Every such withdrawal shall be treated as a withdrawal for a separate purpose for the purpose of sub-regulation (1) of this Regulation.

**NOTE 2 :** In case where a subscriber has to pay in instalments for a site or a house purchased or a house constructed through a House Building Cooperative Society or similar agency he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment. Every such payment shall be treated as a payment for a separate purpose for the purposes of sub-regulation (1) of this regulation.

#### **18. CONVERSION OF AN ADVANCE INTO A WITHDRAWAL :**

A subscriber who has already drawn or may draw in future an advance under Regulation 13 for any of the purposes specified in any of the sub-clauses (a), (b) and (c) of Regulation 16, may convert, at his discretion by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in Regulations 16 and 17.

#### **19. PAYMENTS TOWARDS INSURANCE POLICIES AND FAMILY PENSION FUND :**

Subscribers referred to in sub-regulation (2) of Regulation 4 who before the date of the commencement of these regulations, have been substituting in whole or in part payments towards policies of life insurance for subscription to a contributory provident fund will be permitted to continue to do so subject, mutatis mutandis, to the rules or regulations by which they were governed in this respect.

Provided that such subscriber shall not be permitted to substitute such payment for subscriptions due to the Fund or to withdraw from the Fund for making such payments in respect of any new policies.

**20. FINAL WITHDRAWAL OF ACCUMULATION IN THE FUND :**

When a subscriber quits the service, the amount standing to his credit in the Fund shall subject to any deduction under Regulation 23 become payable to him.

Provided that a subscriber who has been dismissed from the service and is subsequently reinstated in the service shall, if required to do so by the Board, repay any amount paid to him from the Fund in pursuance of this regulation with interest thereon at the rate provided in Regulation 12 in the manner provided in the proviso to Regulation 21. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon and the part which represents the Board's contribution with interest thereon, being accounted for in the manner provided in Regulation 6.

**EXPLANATION 1 :** A subscriber who is granted refused leave shall be deemed to have quit the service from the date of compulsory retirement or on the expiry of an extension of service.

**EXPLANATION 2 :** A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed with or without a break in service, shall not be deemed to have quit the service, when he is transferred without any break in service to a new post under the State Government or in another department of the Central Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case, his subscription and the Government contribution, together with interest thereon, shall be transferred.

(a) to his account in other Fund in accordance with the rules of that Fund, if the new post is in another department of the Central Government, or

(b) to a new account under the State Government concerned if the new post is under a State Government and State Government consents, by general or special order, to such transfer of his subscription, the Government contribution and interest.

**NOTE :** Transfer should be held to include cases of resignations from service in order to take up appointment in another department of the Central Government or under the State Government without any break and with proper permission of the Central Government. In cases where there has been a break in service it shall be limited to the

joining time allowed on transfer to a different station.

The same shall be held good in cases of retrenchment followed by immediate employment whether under the same or different Government.

**EXPLANATION 3** : When a subscriber is transferred without any break to the service of the Central or State Government or under a Body Corporate owned or controlled by Government the amount of subscriptions and the Board's contribution, together with interest thereon shall not be paid to him but shall be transferred with the consent of that Government or body to his new Provident Fund account under that body.

Transfers shall include case of resignation from service in order to take up employment under the Central or State Government or a Body Corporate owned or controlled by the Government without any break and with proper permission of the Board. The time taken to join the new post shall not be treated as break in service if it does not exceed the joining time admissible to a Government servant on transfer from one post to another.

21. **RETIREMENT** **OF** **SUBSCRIBER** :

When a subscriber:

(a) has proceeded on leave preparatory to retirement, or if he is employed in a Vacation Department, on leave preparatory to retirement combined with vacation or

(b) While on leave has been permitted to retire or declared by competent medical authority to be unfit for further service, the amount of subscription and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber.

Provided that the subscriber, if he returns to duty, shall if required to do so by the Board repay to the Fund for crediting to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in Regulation 12 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise by recovery from his emoluments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of Regulation 13.

## **22. PROCEDURE ON DEATH OF A SUBSCRIBER :**

Subject to any deduction under Regulation 23 on the death of a subscriber before the amount standing to his credit has become payable or where the amount has become payable before payment has been made:-

**(1)** When the subscriber leaves a family:-

**(a)** If a nomination made by the subscriber in accordance with the provisions of Regulation 5 in favour of member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

**(b)** If no such nomination in favour of a member or members of the family of the subscriber subsists, as if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate as the case may be shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family become payable to the members of his family in equal shares.

Provided that no share shall be payable to :

**(1)** sons who have attained majority;

**(2)** sons of a deceased son who have attained majority;

**(3)** married daughters whose husbands are alive;

**(4)** married daughters of a deceased son whose husbands are alive,

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4).

Provided also that the widow or widows and the child or children of a deceased son shall receive between them equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

NOTE : (i) Any sum payable under these regulations to a member of the family of a subscriber vests in such member under sub-section (2) of Section 3 of the Provident Fund Act, 1925.

**(ii)** When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Regulation 5 in favour of any person or persons subsists the

amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

**NOTE 1** : When a nominee is dependent of the subscriber as defined in clause (c) of Section 2 of the Provident Fund Act, 1925 the amount vests in such nominee under sub-section (2) of Section 3 of the Act.

**NOTE 2** : When the subscriber leaves no family and no nomination made by him in accordance with the provisions of Regulation 5 subsists or if such nomination relates only to part of the amount standing to his credit in the Fund the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub section (1) of Section 4 of the Provident Fund Act, 1925 are applicable to the whole amount or the part thereof to which the nomination does not relate.

### 23. **DEDUCTIONS** :

Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under Regulations 11 and 12 before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Board may direct the deduction therefrom and payment to the Board of :-

(a).any amount if a subscriber has been dismissed from the service for grave misconduct.

Provided that if the order of dismissal is subsequently cancelled, the amount so deducted shall on his reinstatement in the service be replaced to his credit in the Fund.

(b). any amount, if a subscriber other than a subscriber referred to in Regulation 4 (1) resigns his employment under the Board within five years of the commencement thereof other wise than by reasons of superannuation or a declaration by a competent medical authority that he is unfit for further service.

(c).any amount due under a liability incurred by the subscriber to Board.

**NOTE 1** : For the purpose of clause (b) of this regulation the period of five years shall be reckoned from the date of commencement of the subscriber's continuous service under the Board.

**NOTE 2** : The powers of the Board under this rule may in respect of the amount referred to in clause (c) also be exercised by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of Regulation 13.

**NOTE 3** : For the purpose of clause (b) of this regulation resignation from service in order to take up appointment in a department of the Central Government or under the State Government or under a Body Corporate or controlled by Government without any break and with proper permission of the Board shall not be treated as resignation from the Board's service.

**24. MANNER OF PAYMENT OF AMOUNT IN THE FUND :**

(1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under Regulation 23 becomes payable it shall be the duty of the Accounts Officer, after satisfying himself when no such deduction has been directed under that regulation that no deduction is to be made to make payment on receipt of a written application in his behalf as provided in Regulation 3.

(2) If the person to whom under these regulations any amount or policy is to be paid, assigned, re-assigned or delivered is a lunatic, for whose estate a manager has been appointed in his behalf under the Indian Lunacy Act, 1912, the payment or re-assignment or delivery will be made to such manager and not to the lunatic.

Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall under the orders of the Collector, be made in terms of sub-section (1) of Section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the persons having charge of the lunatic and the surplus, if any, on such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(3) Payment of the amount withdrawn shall be made in India only. The person to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely:-



(i) A subscriber may submit as application to the Accounts Officer through the Head of Department for payment of the amount in the Fund at least one year in advance of the date of superannuation. The application may be made for the amount standing to his credit in the Funds as indicated in the Accounts Statement for the year ending one year prior to his superannuation or for the amount indicated in the ledger account, in case the accounts statement has not been received.

(ii) The Head of Department shall forward the application to the Accounts Officer indicating the advances taken and the recoveries effected against the advances which are still current and the number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals, if any, taken by the subscriber.

(iii) The Account Officer shall after verification with the ledger account issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.

(iv) The authority mentioned in clause (iii) will constitute the first instalment of payment. A second authority for payment will be issued as soon as possible after the superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of instalments against advances which were current at the time of the first application.

(v) The advances/withdrawals sanctioned after the forwarding of the applications for final payment to the Accounts Officer should be intimated to the Accounts Officer immediately.

**NOTE :** When the amount standing to the credit of a subscriber has become payable under Regulations 20, 21 or 22, the Accounts Officer shall authorise prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt the balance being adjusted as soon as after as may be.

## **25. PROCEDURE ON TRANSFER TO PENSIONABLE SERVICE :**

(1) If a subscriber is permanently transferred to pensionable service under the Board, he shall at his option be entitled :-

(a) to continue to subscribe to the Fund in which case he shall not be entitled to any pension or,

(b) to earn pension in respect of such pensionable service in which case with effect from the date of his permanent transfer:-

(i) he shall cease to subscribe to the Fund;  
(ii) the amount of contributions by the Board with interest thereon standing to his credit in the Fund shall be repaid to the Board;  
(iii) the amount of subscription together with interest thereon standing to his credit in the Fund shall be transferred to his credit in General Provident Fund to which thereafter he shall subscribe in accordance with the regulations of that Fund and,  
(iv) he shall be entitled to count towards pension such part of the period as the Board may determine.

(2) A subscriber shall communicate his option under sub regulation (1) by a letter to the Accounts Officer within three months of the date of the order transferring him permanently to pensionable service and, if no communication is received in the office of the Accounts Officer within that period, the subscriber shall be deemed to have exercised his option in the manner referred to in clause (a) of that sub-regulation.

**26. NUMBER OF ACCOUNT TO BE QUOTED AT THE TIME OF PAYMENT OF SUBSCRIPTION:**

When paying subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund already communicated to him by the Accounts Officer.

**NOTE :** It shall be the duty of the Accounts Officer to communicate to the subscriber any change in the number assigned to his account.

**27. ANNUAL STATEMENT OF ACCOUNT TO BE SUPPLIED TO THE SUBSCRIBER:**

(1) As soon as possible after the 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement an account of an inquiry whether the subscriber:

(a) desires to make any alteration in any nomination made under Regulation 5.

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-regulation (1) of Regulation 5.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within three months from the date of receipt of the statement.

(3) The Accounts Officer shall, if required by subscriber once, but not more than once in a year inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

### GENERAL

#### 28. RELAXATION OF THE PROVISIONS OF THE REGULATIONS IN INDIVIDUAL CASES:

When the Board is satisfied that the operation of any of these regulations causes, or is likely to cause undue hardship to a subscriber, it may notwithstanding anything contained in these regulations and subject to the approval of the Central Government deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

#### 29. INTERPRETATION :

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government whose decision thereon shall be final.

### **FORMS OF NOMINATION**

I. When the subscriber has a family and wishes to nominate one member thereof: I hereby nominate the person mentioned below, who is a member of my family as defined in regulations 2 of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1964 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid.

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Name address nominee	and of	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall	Name and address and relationship of the person/persons if any, to whom
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nomi-nee shall  
pass in the event of  
his/her predecea-  
sing the  
subscriber.

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1                      2                      3                      4                      5

Dated this .....day of.....20..... at.....

Two witnesses to signature:

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

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

\_\_\_\_\_

Signature of subscriber

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

I hereby nominate the persons mentioned below who are members of my family as defined in Regulation 2 of the Mormugao Port Employees' (Contributory Provident Fund) Regulations, 1964 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:-

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Name and address of nominees	Relationship with subscriber	Age	Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become	Name, address and relationship of the person/ persons if any to whom the right of the
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invalid

nominee shall pass in the event of his/her predeceasing the subscriber.

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1            2            3    4            5            6

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Dated this .....day of.....20..... at.....

Two witnesses to signature:

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

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

\_\_\_\_\_

Signature of subscriber

**NOTE :** This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

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1. When the subscriber has no family and wishes to nominate one person:

I having no family as defined in Regulation 2 of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1964 hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :-

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Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons, if any to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
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1

2

3

4

5

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Dated this .....day of.....20.....at.....

Two witnesses to signature

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

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

\_\_\_\_\_

Signature of subscriber

**NOTE :** Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

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1. When the subscriber has no family and wishes to nominate more than one person. I having no family as defined in Regulation 2 of the Mormugao Port Employees' (Contributory Provident Fund) Regulations, 1964 hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :-

---

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid**	Name, address and relationship of the person/persons if any to whom the right of the nominee shall pass in the event of his/her
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predeceasing  
the subscriber.

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1                    2                    3                    4                    5                    6

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Dated this .....day  
of.....20.....at.....

Two witnesses to signature:

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

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

\_\_\_\_\_

Signature of subscriber

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**“Second Schedule vide Regulation 17 (3)”**

I do here by certify that the house/house-site for the construction of which or for the acquisition of which, I have taken a final withdrawal from the Provident Fund, continues to be in my possession but stands mortgaged to the Board.

Date and Place.

\_\_\_\_\_  
Signature of the Employee

Address \_\_\_\_\_

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\* **NOTE:** This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Funs at any time.

\*\* **NOTE:** Where a subscriber who has no family makes a nomination shall specify in this column that the nomination shall become invalid in the event of this subsequently acquiring a family.

**FOOT NOTE:**

Principal Regulations were published vide MPT/IGA (E.806)/65

**Subsequent Amendments:**

G.S.R. No. 757 (E) dated 17/11/1995.