

# CHENNAI PORT TRUST EMPLOYEES' (RETIREMENT) REGULATIONS, 1976

## **Chennai Port Trust Employees' (Retirement) Regulations, 1976**

In exercise of the powers conferred under Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Chennai Port Trust Board hereby makes, with the approval of the Central Government under Section 124 of the above Act, the following regulations, in supersession of the 'Regulations to govern the age of compulsory retirement/extension of service of the employees of Chennai Port Trust:-

### **1. Short Title and Application:**

(1) These regulations shall be called the 'Chennai Port Trust Employees' (Retirement) Regulations'.

(2) They shall apply to all categories of employees borne on the schedule of employees of the Board and Shore Labour Establishment.

### **2. Definitions:**

In these regulations unless the context otherwise requires –

(1) 'Board' and 'Chairman' shall have the meanings assigned to them under the Major Port Trusts Act, 1963.

(2) Classes I, II, III and IV services shall have the meaning assigned in the '[Chennai Port Trust Employees' (Recruitment, Seniority and Promotion) Regulations 2008].

### **3. Age of retirement:**

<sup>3</sup>[Every employee of Board shall retire from service of the Port on the afternoon of the last date of the month in which he/she attains the age of sixty years. However, in case of employees whose date of birth is the 1<sup>st</sup> of the month, they shall retire from the service on the afternoon of the last day of the preceding month, on attaining the age of sixty years].

### **4. Extension of service / Re-employment after retirement:**

An employee of the Board may, in the interests of the Board, be granted extension of service or re-employment in services of the Board after he attains the age of <sup>3</sup>[sixty years] subject to the observance of the criteria laid down in the Annexure to these regulations.

### **5. Compulsory retirement before the age of superannuation:**

Notwithstanding anything contained in these regulations, the Chairman shall, if he is of the opinion that it is in the Board's interest to do so, have the absolute right to retire any employee at any time by giving him notice of not less than three months in writing or by giving three months pay and allowances in lieu of such notice.

I after the employee has attained the age of -

(i) fifty years in the case of an employee in Classes I and II service who had entered the Board's service before attaining the age of 35 years; or

(ii) fifty five years in other cases.

or

II after he has completed –

(i) 30 years of qualifying service in respect of an employee who is governed by the Chennai Port Trust (Pension) Regulations;

or

(ii) 30 years of service in respect of Class III employee who is not governed by Chennai Port Trust (Pension) Regulations.

**NOTE:** To determine if the retention of an employee in service beyond the age/service prescribed, as the case may be, shall be in the interests of the Board, reviews will be made in accordance with the procedure laid down by the Chairman from time to time.

\*GSR No.17 (E) dated 07.01.2009 (BR No. 108, dated 25.02.2005)

<sup>3</sup>G.S.R. No. 684(E) dated 16.09.2009 (BR Nos.92, dated 24.10.2007 & 30, dated 09.07.2008)

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### **6. Voluntary Retirement before the age of superannuation:**

An employee of the Board may by giving notice of not less than three months in writing retire from the service of the Board.

I after he has attained the age of –

(i) fifty years in the case of employees in Classes I or II service who had entered service before attaining the age of 35 years; or

(ii) fifty five years in other cases.

OR

II after he has completed –

(i) 30 years of qualifying service in respect of an employee who is governed by the Chennai Port Trust (Pension) Regulations;

or

(ii) 30 years of service in respect of a Class III employee who is not governed by the Chennai Port Trust (Pension) Regulations.

### **<sup>2</sup>7. Voluntary Retirement on attaining Twenty years of qualifying service:**

(1) Notwithstanding anything contained in the Regulation 6 of these regulations, an employee who has put in not less than twenty years of qualifying service may, by giving notice of three months in writing, retire from service voluntarily subject to the following conditions:

(a) The notice of voluntary retirement shall require acceptance by the Chairman.

(b) The right to retire is purely voluntary, the initiative resting with the employee himself/herself. The Port Trust shall not have the reciprocal right to retire the employee under Regulation (7).

(c) The notice of voluntary retirement given by an employee under this regulation may be withdrawn subsequently, but only with the approval of the Chairman provided the request for such withdrawal shall be made before the expiry of the notice period.

(d) If an employee retires under this regulation while he/she is on leave-not-due without returning to duty the retirement shall take effect from the date of commencement of leave-not-

due and leave salary paid in respect of such leave-not-due, shall be recovered.

(e) An employee who seeks to retire voluntarily under this Regulation, shall satisfy himself/herself, before giving notice to retire that he/she in fact completed twenty years of service qualifying for -

(i) Pension under the Chennai Port Trust (Pension) Regulations; or

(ii) Special Contribution to Provident Fund under the Chennai Port Trust (Contributory Provident Fund) Regulations whichever is applicable to him/her.

#### **(2) Additions to qualifying service:**

While granting proportionate Pension and DCRG or Special Contribution to Provident Fund as the case may be, to an employee retiring voluntarily under this regulation, weightage upto five years would be given as an addition to qualifying service actually rendered by him/her. The grant of weightage upto five years will, however, be subject to the following conditions:-

(a) Classes I and II Officers governed by Contributory Provident Fund and opted to remain under Contributory Provident Fund Scheme:

The total qualifying service after giving weightage should not in any event exceed 33 years of qualifying service and it does not take him/her beyond the date of superannuation. The weightage given will be only an addition to qualifying service for purpose of special contribution to Provident Fund and not for Board's ordinary contribution to Provident Fund. The grant of the above weightage will not entitle the employee to any notional fixation of pay for the calculation of Special Contribution to Contributory Provident Fund.

(b) Employees governed/opted to be governed by General Provident Fund:

The total qualifying service after giving weightage should not in any event exceed 33 years of qualifying service and it does not take him/her beyond the date of superannuation.

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(c) The weightage given will be only an addition to the qualifying service for purpose of Pension and DCRG.

(d) The grant of the above weightage will not entitle the employee to any notional fixation of pay for the purpose of calculating pension and DCRG.

**NOTE:** (i) The weightage is admissible to Classes I and II officers who are governed by Government definition of pay under CPF/Pension Schemes and to Classes III and IV employees who opt to be governed by Government definition of pay under Pension Scheme.

(ii) The weightage is not admissible in the case of Classes III and IV employees who are compulsorily governed by Port's liberalised definition of pay under CPF Scheme and also in the case of Classes III and IV employees who opt for pension scheme and Port's liberalised definition of pay.

(iii) The weightage of 5 years referred to in this regulation shall not be admissible in cases of those who are prematurely retired by the Board in the public interest.

(3) The grant of Pension and DCRG/Special Contribution to Provident Fund, as the case may be, in respect of employees retiring voluntarily shall be subject to the other conditions prescribed therefor in the respective regulations concerned.

(4) The benefit of voluntary retirement prescribed under regulation 7(2) above shall not apply to employees who retire from service for being absorbed permanently in an autonomous body/Public Sector Undertaking. Central or State Government to which he is on deputation at the time of seeking voluntary retirement.

(5) An employee giving notice of voluntary retirement may also apply for the leave standing to his/her credit before the expiry of the notice period. The leave applied for by the employee may be granted to him/her to run concurrently with the period of notice.]

### **28. Conditions for acceptance of notice on voluntary retirement:**

The acceptance of notice of voluntary retirement under Regulations 6 and 7 of these Regulations shall be subject to the following conditions:-

(i) It shall be open to the Chairman to withhold permission to an employee who is under suspension and who seeks to retire voluntarily under any of the provisions of these regulations:

Provided that the notice of voluntary retirement under these regulations shall not be accepted under the following circumstances:

(a) If any disciplinary proceedings are pending or contemplated against the employee concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances 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) If any prosecution is contemplated or may have been launched in a Court of Law against the employee concerned.

(ii) Non-acceptance of notice of voluntary retirement in the contingencies referred to in the proviso to Clause (i) above should be informed to the employee concerned before the expiry of the notice period.

(iii) In cases where the Heads of Departments feel that the notice of voluntary retirement even in the aforesaid contingencies can be accepted, specific recommendations with reasons for the acceptance of the notice of voluntary retirement given by such employee shall be made while seeking the approval of the Chairman.

(iv) The acceptance of notice in the aforesaid contingencies shall be without prejudice of the Chairman's powers to withhold/withdraw/forfeit the Pension under Regulation 56 of the Chennai Port Trust (Pension) Regulations, 1987.

**NOTE:** (i) Three months notice referred to in Regulations 5, 6 and 7 of these regulations may be given before the employee attains the age or before he completes the number of years of service specified therein provided

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that the actual retirement takes place after he has attained the age or has completed the prescribed number of years of service as the case may be.

(ii) The Chairman, may at his discretion, waive the period of notice in individual case.

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<sup>2</sup>9. The Chairman shall prescribe procedure for implementing the provisions of these regulations as may be necessary from time to time.

<sup>2</sup>10. The power to interpret any of the provisions of these regulations shall vest with the Board whose decision thereon shall be final.

<sup>2</sup>11. **Repeal and Saving;**

On commencement of these amendment regulations, the MPT Employees' Voluntary Retirement Scheme, 1983 which was in force is hereby repealed.

Provided that any order made or action taken or liberalisations availed of under the provisions of the said scheme so repealed shall be deemed to have been made or taken or availed of under the corresponding provisions of these amended regulations.]

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Chennai Port Trust Employees' (Retirement) Regulations, 1976 approved by Central Government vide Ministry of Surface Transport's letter No.PEM-14/76 dated 10.8.1976.

Subsequently amended vide:

- (1) MOST's letter No.PEM-4/80 dated 2.5.1980.
- (2) MOST's Notification No.GSR 217(E) dated 15.4.1991.
- (3) MOS's Notification No.GSR 684(E), dated 16.09.2009.

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**ANNEXURE**

**CRITERIA**

<sup>1</sup>[1. No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered.

2. (1) Extension of service / re-employment can be justified only in very rare and exceptional circumstances. Even in such cases, the age limit shall be as prescribed by Government in respect of non-scientific/non-technical as well as scientific/technical posts.

(2) In every case the order granting an extension of service/re-employment shall include a clause providing for termination of service after three months by one month's notice or one month's pay in lieu thereof on both sides at any time within the period of extension/re-employment to suit the situation that may arise where grant of extension service/re-employment beyond the age of superannuation for a specific period might have to be cancelled or modified at a later date for administrative reasons.]

<sup>2</sup>[(3) The employees who were granted extension of service or appointed on re-employment basis shall retire on the date of expiry of the extension of service/re-employment period.]

3. The over-riding consideration for the grant of extension of service/re-employment is that it must be clearly in the Board's interests and in addition satisfy one of the following conditions:

(i) that the other employees are not ripe enough to take over the job;

OR

(ii) that the retiring employee is of outstanding merit.

4. No extension of service/re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalised in time for justifiable reasons.

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<sup>1</sup>GSR No.17 (E) dated 07.01.2009 (BR No. 108, dated 25.02.2005)

<sup>2</sup>G.S.R. No. 217(E) dated 15.04.1991 (BR No.146, dated 20.12.1990)

<sup>3</sup>G.S.R. No. 684(E) dated 16.09.2009 (BR Nos.92, dated 24.10.2007 & 30, dated 09.07.2008)