

CHENNAI PORT TRUST EMPLOYEES' (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS 1976

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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 existing "Regulations regarding the grant of permission to Class I Officers of the Chennai Port Trust for acceptance of employment after retirement.

1. Short Title:

These regulations may be called the 'Chennai Port Trust Employees' (Acceptance of Employment after retirement) Regulations'.

2. Application:

These regulations shall apply to all employees coming under Class-I service.

3. Definition:

In these regulations unless the context otherwise requires –

(a) 'Board', 'Chairman' shall have the meaning assigned to them in the Major Port Trusts Act, 1963.

(b) 'Class- I Service' shall mean the service classified as such by the Board from time to time under the Chennai Port Trust Employees' (Recruitment, Seniority and Promotion) Regulations, 2008.

(c) 'Competent Authority' shall mean 'Chairman' for the purpose of these regulations.

¹[(d) 'Retirement' means retirement from Trust's service in any of the manner specified in Regulations 5, 6 and 7 of the Chennai Port Trust Employees' (Retirement) Regulations.]

4. Permission for employment:

(a) No person who has held a Class-I post under the Board immediately before retirement (whether governed by Pension or Contributory Provident Fund Regulations of the Board) shall accept any employment including an employment as contractor for or in connection with the execution of public works or as an employee of such contractor, before the expiry of two years from the date of retirement without

obtaining the previous permission of the competent authority.

(b) No person who is covered by these regulations and has not obtained the necessary permission shall be given any such contract and a condition shall be incorporated in the terms of the contract that it is liable to cancellation if either the contractor himself or any of his employee is found to be a person to whom these orders apply and he had not obtained the necessary permission.

(c) Officers whether governed by Pension or Contributory Provident Fund Regulations shall be required to sign, at the time of sanctioning the retirement benefits, an undertaking in such form as may be prescribed by the competent authority that they will not accept employment within two years of retirement without obtaining the previous permission of the competent authority.

NOTE: The undertaking shall be given in a non-judicial stamp paper, the cost of which shall be borne by the certifying officer concerned.

(d) In default, an officer -

(i) if governed by the Pension Regulations of the Board, shall forfeit his pension for the period during which he is so employed or for such longer period as the competent authority may direct; and

(ii) if governed by the Contributory Provident Fund Regulations shall be liable to compensate the Board to the extent the competent authority may decide for not honouring the undertaking made earlier to the contrary.

Provided that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein.

²[(e) In respect of officers of the Board's Engineering Department, whether in the executive or administrative side, permission within two years of retirement for seeking employment as contractors for or in connection with the execution of works of the Board or as employees of such contractors

¹ G.S.R.No: 216(E) dated 15.04.1991 (B.R.No: 146 dated 20.12.1990)

² G.S.R.No: 373(E) dated 27.03.1992 (B.R.No: 163 dated 16.12.1991)

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who are executing such works may be given very rarely and only in special circumstances.

(f) The application for permission to take up an employment within two years of retirement shall be made in such form as may be prescribed by the competent authority.]

5. Permission necessary in respect of temporary officers:

Permission for acceptance of employment after retirement will be necessary even in the case of an officer who immediately before retirement held Class I post in an officiating or temporary capacity.

²[6. Conditions for grant or refusal of permission:

In granting or refusing permission under regulation 4 or 5 to an officer for taking up any employment, the competent authority shall have regard to the following factors, namely:-

(1) The nature of employment proposed to be taken up and the antecedents of the employer;

(2) Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with the Board;

(3) Whether the officer while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such officer had shown favours to such employer.

(4) Whether the proposed employment is of a thoroughly reputable kind.

EXPLANATION: Employment involving contact or liaison work with the Board will not be considered as employment of a thoroughly reputable kind. The reputation of the firm, which offers employment, will also be taken into account while granting permission. For instance, the fact that a firm is black-listed by Government will be one of the factors which will render the employment to be considered as not being of a reputable kind.

(5) Whether his duties will be such that his previous official position or knowledge or experience under the Board could be used to give the proposed employer an unfair advantage;

(6) The emoluments offered by the proposed employer and the quantum of Dearness Allowance and other allowances included in the emoluments; and

(7) Whether there are any exceptional circumstances, which would make the refusal of consent a real hardship;

(8) Any other relevant factor.

²7. Appeal:

When the competent authority grants the permission applied for subject to any conditions or refused such permission the officer may, within thirty days of receipt of the order of the competent authority to that effect, make a representation to the Board against any such conditions or the refusal and the Board may make such orders thereon as it deems fit.

Provided that no order other than an order canceling such condition or granting such permission without any conditions shall be made under this regulation without giving the officer making the representation an opportunity to show cause against the order proposed to be made].

8. Reckoning of two years period:

The period of two years for the purpose of these regulations shall in the case of an officer who is re-employed after retirement without a break on the same or another Class I post be reckoned from the date from which he finally quits the Board's service.

²[9. Interpretation:

If any question arises relating to the interpretation of these regulations, the matter shall be referred to the Board whose decision thereon shall be final].

Principal Regulations:

MOST's letter No.PEM-15/76, dated 17.4.1976 published in Tamil Nadu Government Gazette Notification No.SROC-10/76, dated 19.5.1976.

Amendment Regulations:

- (1) MOST's Notification No.GSR 216(E), dated 15.4.1991.
- (2) MOST's Notification No.GSR 373(E), dated 27.3.1992.

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APPENDIX –I
(See Regulation 4(f))

Form of application for permission to accept
employment within a period of two years after
retirement..

1. Name of the Officer

(In Block letters) :

2. Date of Retirement :

3. Particulars of the Department in which the officer served during the last five years preceding retirement (with duration):

Name of the Department	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held

5. Pay scale of the post and the pay drawn by the officer at the time of retirement.

6. Retirement benefits:

(i) If governed by the Contributory Provident Fund Scheme

(a) Amount of Special Contribution.

(b) amount of Trust's contribution

(c) Amount of any other contribution.

(ii) If governed by the Pension Scheme:

(a) Pension expected/ sanctioned(commutation, if any should be mentioned)

(b) Gratuity, if any

7. Details regarding employment proposed to be taken up:

(a) Name of the firm/company/co-operative society, etc.

(b) Whether the official had during his official career any dealings with the firm/company

(c) Duration or nature of the official dealings with the

firm/company, etc.

(d) Name of job/post offered

(e) whether post was advertised, if not how was offer made

(f) Description of the duties of the job/post

(g) Does it involve liaison/contact work with Chennai Port Trust?

(h) Remuneration offered for the post/job

8. Any information which the applicant desires to furnish in support of his request.

Station :

Dated :

Signature of the Officer

APPENDIX 'II'

(See Regulation 4(c))

FORM OF UNDERTAKING

FORM-A

To be given by employees governed by the Pension Regulations of the Trust

I hereby undertake that I will not

(1) accept any employment within or outside India;

(2) take up any contract for or in connection with execution of any public works;

(3) be an employee of a contractor who has taken up such contract;

for a period of two years from the date of my retirement without obtaining in writing the prior permission of the competent authority.

In default, I shall forfeit my pension for the period during which I am so employed or for such longer period as the competent authority may direct.

Witness:

Signature of the Officer.

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FORM –B

To be given by employees governed by the
Contributory Provident Fund Regulations

I hereby undertake that I will not

- (1) accept any employment within or outside India;
- (2) take up any contract for or in connection with execution of any public works;
- (3) be an employee of a contractor who has taken up such contract;

for a period of two years from the date of my retirement without obtaining in writing the prior permission of the competent authority.

In default, I shall be liable to compensate the Board to the extent the competent authority may decide for not honouring the undertaking given by me.

Witness:

Signature of the Officer.
