

**CHENNAI PORT TRUST EMPLOYEES' (CLASSIFICATION, CONTROL AND  
APPEAL) REGULATIONS, 1988**

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PORTS WING/PATTAH PAKSHA.**

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New Delhi, the 14<sup>th</sup> March, 1988

**NOTIFICATION**

G.S.R. 338(E) In exercise of the powers conferred by sub-section (1) of Section 124, read with Sub-Section (1) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Chennai Port Trust Employees' (Classification, Control and Appeal) Regulations, 1988 made by the Board of Trustees for the Port of Chennai and set out in the Schedule annexed to this notification.

2. The said regulations shall come into force on the date of publication of this notification in the Official Gazette.

Sd.  
(YOGENDRA NARAIN)  
Joint Secy to the Government of India.  
No.PR-12013/3/86-P.E.I.

**CHENNAI PORT TRUST**

**CHENNAI PORT TRUST EMPLOYEES'  
(CLASSIFICATION, CONTROL, AND APPEAL)  
REGULATIONS, 1988**

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 the following regulations, subject to approval of Central Government as required under Section 124 of the aforesaid Act.

**PART I – GENERAL**

1. **Short Title:**

These Regulations shall be called the Chennai Port Trust Employees' (Classification, Control and Appeal) Regulations, 1988.

2. **Definitions:**

In these Regulations, unless the context otherwise requires -

- (a) 'Act' means the Major Port Trusts Act, 1963 (38 of 1963) as amended from time to time;
- (b) 'Appointing Authority' in relation to an employee means the authority prescribed as such by these Regulations;
- (c) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department' have the same meanings as assigned to them respectively in the Act;
- (d) 'Disciplinary Authority' means the authority competent under these Regulations to impose on an employee any of the penalties specified in Regulation 8;
- (e) 'Employee' means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in the service of the Central or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board.
- (f) 'Schedule' means the Schedule annexed to these Regulations.

3. **Application:**

These Regulations shall apply to every employee of the Board, but shall not apply to:-

- (a) any person in casual employment;
- (b) any person for whom special provision is made, in respect of matters covered by these Regulations by or under any law for the time being in force, in regard to matters covered by such provisions.

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**PART II – CLASSIFICATION**

4. Classification of posts:

The posts under the Board shall be classified into Class I, Class II, Class III and Class IV posts by the Board with the prior approval of the Central Government from time to time.

**PART III - APPOINTING AUTHORITIES**

5. Appointing Authority:

(1) The power to make appointments to Class I posts other than those covered by Clause (a) of sub-Section (1) of Section 24 of the Act shall be exercised by the Chairman.

(2) The power to make appointments to Class II posts shall be exercised by the Deputy Chairman.

(3) The power to make appointments to Classes III and IV posts shall be exercised by the Head of the Department concerned.

6. Power of an authority to exercise power of another authority subordinate to it:

The powers to make appointments to posts exercisable by an authority prescribed by Regulation 5 may also be exercised by another authority higher than that authority.

**PART IV – SUSPENSION**

7. Suspension:

(1) An employee may be placed under suspension -

(a) Where in the opinion of the Chairman, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(b) Where a disciplinary proceeding against him is contemplated or is pending; or

(c) Where a case against him in respect of any criminal offence is under investigation or trial.

(2) The order of suspension shall be made -

(a) In the case of an employee referred to in Clause (a) of sub-section (1) of Section 24 of the Act by the Chairman; and

(b) In the case of any other employee by the appointing authority.

Provided that no such order relating to an employee referred to in clause (a) of sub-section (1) of Section 24 of the Act shall have effect until it is approved by the Central Government.

(3) An employee shall be deemed to have been placed under suspension by an order of the Chairman, with the approval of the Central Government, or of the appointing authority as the case may be:-

(a) with effect from the date of his detention if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours:

(b) with effect from the date of his conviction if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation – The period of forty-eight hours referred to in clause (b) shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent period of imprisonment, if any, shall be taken into account.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on revision under these Regulations and the case is remitted for further inquiry or action or with any other

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directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the Disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(6) Where an employee is suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings is commenced against him during the continuance of that suspension the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(7) An order of suspension made or deemed to have been made under this Regulation shall continue to remain in force until it is modified or revoked by the authority which made or which is deemed to have made the order or by any authority to which that authority is subordinate.

(8) **Procedure for payment of subsistence allowance and the treatment of the period of absence under suspension:** - An employee under suspension or deemed to

have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:-

(a) a subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half average pay or on half pay and in addition dearness allowance, if admissible on the basis of such leave salary.

Provided that where the period of suspension exceeds three months the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the employee;

(ii) the amount of subsistence allowance, may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee; and

(iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

(b) Any other compensatory allowance admissible from time to time on the basis of pay of which the employee was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

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(9) No payment under sub-regulation 7(8) above shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of an employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement under the provisions of these Regulations and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him;

Where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

<sup>7</sup>[(10) An order of suspension made or deemed to have been made under this Regulation shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of <sup>8</sup>[ninety days from the effective date of suspension,] on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.]

<sup>8</sup>[(11) Subject to the provisions contained in sub-regulation (6) or (7), an order of suspension made or deemed to have been made under sub-regulations, (1) or (2) or (3) of this regulation shall not be valid after a period of ninety days unless it is extended after

review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-regulation (3), if the employee continues to be under suspension at the time of completion of ninety days of suspension and the ninety days' period in such case will count from the date the employee detailed in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later]

**PART V – PENALTIES AND DISCIPLINARY  
AUTHORITIES**

8. Penalties:

The following penalties may for good and sufficient reasons and as hereinafter provided be imposed on an employee, namely:

(a) Minor penalties:

(i) Censure

(ii) Withholding of his promotion;

(iii) Recovering from his pay of the whole or part of any pecuniary loss caused by him to the Board by negligence or breach of orders;

<sup>6</sup> (iii)(a) reduction to a lower stage in a scale of pay<sup>8</sup>[by one stage]for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.]

(iv) Withholding of increments of pay;

(b) Major Penalties:

<sup>6</sup>(v) save as provided for in clause (iii)(a), reduction to a lower stage in a scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; ]

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<sup>6</sup> [G.S.R No: 99 dated 04.02.2004 (B.R.No: 15 dated 09.05.2003)]

<sup>7</sup> [G.S.R No: 180(E) dated 28.03.2006 (B.R.No: 37 dated 30.08.2004)]

<sup>8</sup> [G.S.R No: 376(E) dated 18.06.2013 (B.R.No: 104 dated 21.12.2012)]

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(vi) reduction to a lower scale of pay, scale or post which shall ordinarily be a bar to the promotion of the employee to the scale of pay, scale or post from which he was reduced with or without further directions regarding conditions of restoration to the scale or post from which the employee was reduced and his seniority and pay on such restoration to that scale or post;

(vii) Compulsory retirement;

(viii) Removal from service which shall not be a disqualification for future employment under the Board; and

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Board.

<sup>6</sup>[Provided that, in every case in which the charge of possession of assets disproportionate to known-sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed]

Explanation – The following shall not amount to a penalty within the meaning of this Regulation:-

(i) withholding of increments of an employee for failure to pass departmental examination in accordance with the Regulations or orders governing the post which he holds or the terms of his appointment;

(ii) stoppage of an employee at the efficiency bar in the scale on the ground of his unfitness to cross the bar;

(iii) non-promotion whether in a substantive or officiating capacity of an employee after consideration of his case to a scale or post for promotion to which he is eligible;

(iv) reversion to a lower scale or post of an employee officiating in a higher post on the ground that he is considered, after trial, to be unsuitable for such higher post or on any administrative ground unconnected with his conduct;

(v) reversion to his permanent scale or post of an employee appointed on probation to another scale or post during or at the end of the period of probation in accordance with the terms of his appointment or the Regulations and orders governing probation;

(vi) replacement of the services of an employee whose services have been borrowed from the Central Government or a State Government or an authority under the control of the Central Government or a State Government or a local or other authority at the disposal of the authority which lent his service;

(vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of the services –

(a) of an employee appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the Regulations and orders governing probation; or

(b) of an employee employed under an agreement in accordance with the terms of such agreement;

(c) of a temporary employee in accordance with the orders governing such employees.

**9. Penalty for misconduct committed prior to recruitment** - The penalties specified in Regulation 8 may, for good and sufficient reasons, as hereinafter provided, be imposed on an employee appointed through direct recruitment in respect of misconduct committed before his employment if the misconduct was of such a nature as has rational connection with his present

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employment and renders him unfit or unsuitable for continuing in service.

10. **Disciplinary authorities** – The authorities mentioned in the schedule shall be competent to impose penalties on the employees as indicated in the said schedule.

11. **Authority to institute proceedings** –  
(1) The Chairman may –

(a) institute disciplinary proceedings against any employee;

(b) direct a disciplinary authority to institute disciplinary proceedings against any employee on whom that disciplinary authority is competent to impose under these Regulations any of the penalties specified in Regulation 8.

(2) A disciplinary authority competent under these Regulations to impose any of the penalties specified in clauses (i) to (iv) of Regulation 8 may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clauses (v) to (ix) of Regulation 8 notwithstanding that such disciplinary authority is not competent under these Regulations to impose any of the latter penalties.

**PART VI – PROCEDURE FOR IMPOSING  
PENALTIES**

12. **Procedure for imposing major penalties** –

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Regulation 8 shall be made except after an enquiry held, as far as may be, in the manner provided in this Regulation and Regulation 13.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against an employee, it may itself inquire, or appoint under this Regulation an authority to inquire into the truth thereof.

<sup>8</sup>[Provided that where there is a complaint of sexual harassment within the

meaning of Regulation 4-A of Chennai Port Trust Employees' (Conduct) Regulations, 1987, the Complaint Cell constituted in the Trust for inquiring into such complaints, shall be deemed to be the Inquiry Authority appointed by the Disciplinary Authority for the purpose of these Regulations and the Complaint Cell shall hold, if separate procedure has not been prescribed for the Complaint Cell for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these Regulations]<sup>8</sup>

Explanation – where the disciplinary authority itself holds the enquiry any reference in this Regulation to the inquiring authority shall be considered as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this Regulation and Regulation 13, the disciplinary authority shall draw up or cause to be drawn up-

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain –

(a) a statement of all relevant facts including any admission or confession made by the employee;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

Note – if the employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-Regulation (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of witnesses on behalf of the disciplinary authority.

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(4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article is proposed to be sustained and shall require the employee to submit, <sup>2</sup>[within sixteen days from the date of receipt of communication], a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) on receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or if it considers necessary so to do, appoint, under sub-Regulation (2) an inquiring authority for the purpose, and when all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Regulation 13.

(b) If no written statement of defence is submitted by the employee the disciplinary authority may itself inquire into the articles of charge or may, if it considers necessary so to do, appoint under Sub-Regulation (2) an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any articles of charge or appoints inquiring authority for holding an inquiry into such charge, it may by order, appoint any person to be known as the 'Presenting Officer', to present on its behalf the case in support of the articles of charge.

(6) The disciplinary authority shall, when it is not inquiring authority, forward to the inquiring authority –

(a) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(b) a copy of the written statement of defence, if any, submitted by the employee;

(c) a copy of the statements of witnesses, if any referred to in sub- Regulation (3);

(d) evidence proving the delivery of the documents referred to in Sub-Regulation (3) to the employee; and

(e) a copy of the order appointing the said 'Presenting Officer'.

<sup>5</sup>[(7) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.]

(8) The employee may take the assistance of any other employee, of, if the employee is a Class III or a Class IV employee, or an "Office bearer" as defined in clause (d) of Section 2 of the Trade Unions Act, 1926 (16 of 1926), of the union to which he belongs, to present the case on his behalf, but may not engage a legal practitioner, for the purpose unless the said Presenting Officer appointed the disciplinary authority is a legal practitioner or the disciplinary authority, having regard to the circumstances of the case, so permits.

NOTE: The employee shall not take the assistance of any other employee, who has <sup>3</sup>[three] pending disciplinary cases on hand in which he has to give assistance.

(9) If the employee who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record, the plea, sign the record and obtain the signature of the employee thereon.

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(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

(11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the said Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence –

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in Sub-Regulation (3);

(ii) submit a list of witnesses to be examined on his behalf;

(iii) give a notice, within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Board but not mentioned in the list referred to in Sub-Regulation (3).

NOTE: The employee shall indicate the relevance of the documents required by him to be discovered or produced by the Board.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereto the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that the inquiring authority may, for reasons to be recorded in writing, refuse to requisition such of the documents, as are in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in Sub-Regulation (12) every

authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded in writing that the production of all or any of such documents would be against the Port's interest or the security of the State, it shall inform the inquiring authority accordingly and the inquiring authority or being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

(14) (a) on the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority.

(b) The witnesses shall be examined by or on behalf of the said Presenting Officer and may be cross-examined by or on behalf of the employee.

(c) the said Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority.

(d) The inquiring authority may also put such questions to the witness as it thinks fit.

(15) (a) If it shall appear necessary before the close of the case on behalf of the disciplinary authority the inquiring authority may, in its discretion, allow the said Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such a case, the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and such adjournment of the inquiry as the inquiring authority may consider reasonable.

(b) The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on record.



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(c) The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

**NOTE:** New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence, such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) (a) When the case for the disciplinary authority is closed, the employee shall be required to state his defence, orally or in writing as he may prefer.

(b) If the defence is made orally, it shall be recorded and the employee shall be required to sign the record; in either case, a copy of the statement of defence shall be given to the said Presenting Officer, if any, appointed.

(17) (a) The evidence on behalf of the employee shall then be produced.

(b) The employee may examine himself in his own behalf, if he so prefers the witness produced by the employee shall then be examined and shall also be liable to cross-examination, re-examination and examination by the inquiring authority, according to the provisions applicable to the witnesses for the disciplinary authority.

(18) The inquiring authority may, after the employee closes his case, and shall, if the employee has not examined himself, generally question on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of the evidence, hear the said Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

(20) If the employee to whom a copy of the articles of charge has been

delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this Regulation, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority, competent to impose any of the penalties specified in Clauses (i) to (iv) of Regulation 8, but not competent to impose any of the penalties specified in Clauses (v) to (ix) of Regulation 8, has itself inquired into, or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in Clauses (v) to (ix) of Regulation 8, should be imposed, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine, and re-examine the witnesses and may impose on the employee such penalty as it may deem fit in accordance with these Regulations.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall examine, cross-examine, and re-

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examine any such witnesses as herein before provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain –

- (a) articles of charge and the statement of imputations of misconduct or misbehaviour;
- (b) the defence of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefore.

Explanation – If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge;

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include.

- (a) the report prepared by it under Clause (i);
- (b) the written statement of defence, if any, submitted, by the employee;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) the written briefs, if any, filed by the said Presenting Officer or the employee or both during the course of the inquiry; and

(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

<sup>4</sup>[13. **Action on the inquiry report:**

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Regulations 12, as far as may be.

(1-A) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the employee who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(1-B) The disciplinary authority shall consider the representation, if any submitted by the employee before proceeding further in the manner specified in sub-regulations (2) to (4).

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge if the evidence record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of Regulation 8 should be imposed on the employee it shall, notwithstanding anything contained in Regulation 14, make an order imposing such penalty:

Provided that in every case where it is necessary to consult the Central Government the record of the inquiry shall be forwarded by the disciplinary authority to the Central

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Government for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the employee.

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of Regulation 8 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed.

Provided that in every case where it is necessary to consult the Central Government, the record of the inquiry shall be forwarded by the disciplinary authority, to the Central Government for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the employee.]

**14. Procedure for imposing minor penalties** – (1) Subject to the provisions of Sub-Regulation (3) of Regulation 12 no order imposing any of the penalties specified in clause (i) to (iv) of Regulation 8 shall be passed except after –

(a) informing in writing the employee, of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him an opportunity of making any representation he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in Sub-Regulations (3) to (23) of Regulation 12, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under (b) into consideration and

(d) recording a finding on each imputation of misconduct or misbehaviour.

(2) The record of the proceedings in such cases shall include –

(a) a copy of the intimation to the employee of the proposal to take action against him;

(b) a copy of the statement of imputations of misconduct or misbehavior delivered to him;

(c) his representation, if any;

(d) the evidence produced during the inquiry;

(e) the findings on each imputation of misconduct or misbehaviour; and

(f) the orders on the case together with the reasons therefor.

(3) Notwithstanding the provisions contained in clause (b) of Sub-Regulation (1), if in a case it is proposed, after considering the representation, if any submitted by the employee, to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period or if the penalty of withholding of increments is likely to affect adversely the amount of pension payable to the employee, an enquiry shall invariably be held in the manner laid down in Sub-Regulations (3) to (23) of Regulation 12, before making any order imposing on the employee any such penalty.

**15. Communication of orders** – Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority, and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

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16. **Common proceedings** – (1) Where two or more employees are concerned in any case, the Chairman or the authority competent to impose a penalty of dismissal from service on all such employees may make an order that disciplinary action against all of them may be taken in a common proceedings.

NOTE: If the authorities competent to impose the penalty of dismissal on such employees are different, the order for taking disciplinary action in common proceeding may be made by the highest of such authorities with the consent of others.

(2) Subject to the provisions of sub-section (1) of Section 25 of the Act and of Regulation 10, any such order shall specify –

(i) the authority which may function as the disciplinary authority for the purpose of such common proceedings.

(ii) the penalties specified in Regulation 8 which such disciplinary authority shall be competent to impose and

(iii) whether the procedure prescribed in Regulation 12 and 13 or Regulation 14 or Regulation 19 may be followed in the proceedings.

17. **Special procedure in certain cases** – Notwithstanding anything contained in Regulation 12 to Regulation 16

(i) Where a penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge, or

(ii) Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or

(iii) Where the Chairman is satisfied that in the interest of the security of the Port it is not expedient to follow such a procedure, the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

<sup>1</sup>[Provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in case under Clause (i).]

Provided <sup>1</sup>[further] that the approval of the Central Government shall be obtained before passing such orders in relation to an employee covered by Clause (a) of sub-section (1) of section 24 of the Act.

18. **Provisions regarding employees lent to Central Government, etc.,** - (1) where the services of an employee are lent to Central Government or a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this regulation referred to as the 'borrowing authority') the borrowing authority shall have the powers of the appointing authority for the purpose of conducting a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the Chairman of the circumstances leading to the order of suspension of such employee or the commencement of disciplinary proceedings as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against an employee –

(i) if the borrowing authority is of the opinion that any of the penalties specified in Clauses (i) to (iv) of Regulation 8 should be imposed on the employee, it may, after consultation with the Chairman, make such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the borrowing authority and the Chairman the services of an employee shall be replaced at the disposal of the Board.

(ii) if the borrowing authority is of the opinion that any of the penalties specified in Clauses (v) to (ix) of Regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the Board and transmit to the Chairman the proceedings of

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the inquiry and thereupon, the Chairman may pass such orders as he may deem necessary;

Provided that before passing any such order the Chairman shall comply with the provisions of sub-regulations (3) and (4) of Regulation 13.

Provided further that no such order, so far as it relates to an employee referred to in Clause (a) of sub-section (1) of Section 24 of the Act shall have effect until it is approved by the Central Government.

**EXPLANATION:** The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with Regulation 12.

**19. Provisions regarding employees borrowed from Central Government etc.** (1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in these regulations referred to as the 'lending authority') shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the employee –

(i) If it is decided that any of the penalties specified in Clauses (i) to (iv) of Regulations 8 should be imposed on him, the disciplinary authority may subject to the provisions of Sub-Regulation (3) of Regulation 13, after consultation with the lending authority, pass such orders on the case as it deems necessary.

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the

services of the employee shall be replaced at the disposal of the lending authority;

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in Clauses (v) to (ix) of Regulation 8 should be imposed on the employee, it shall replace his service at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deem necessary.

**PART VII – APPEALS**

**20. Orders against which no appeal lies –** Notwithstanding anything contained in this part no appeal lie against –

(i) any order made by the Central Government

(ii) any order in appeal or any other revision made by the Chairman;

(iii) any order passed by an inquiring authority in the course of an inquiry under Regulation 12;

(iv) any order of an interlocutory nature or the nature of a step-in-aid <sup>5</sup>[of ] the final disposal of a disciplinary proceedings other than an order of suspension.

**21. Order against which appeal lies –** Subject to the provisions of Regulation 20, an employee may prefer an appeal against all or any of the following orders, namely

(i) an order of suspension made or deemed to have been made under Regulation 7;

(ii) an order imposing any of the penalties specified in Regulation 8 made by the disciplinary authority;

(iii) an order –

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by Regulations; or

(b) interprets to his disadvantage the provisions of any such regulations;

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- (iv) an order –
- (a) stopping him at the efficiency bar in the scale of pay on the ground of his unfitness to cross the bar;
- (b) reverting him while officiating in a higher post to a lower post otherwise than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible to him under the regulations;
- (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which, he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowances –
- (i) for the period of suspension, or
- (ii) for the period from the date of his dismissal, removal or compulsory retirement from service or from the date of his reduction to a lower post, scale or stage in a scale of pay to the date of his reinstatement or restoration to his post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower post, scale of pay or stage in a scale of pay to the date of his reinstatement or restoration to his post shall be treated as a period spent on duty for any purpose.

EXPLANATION: In this regulation –

- (i) the expression 'employee' includes, a person who has ceased to be in the Board's service;
- (ii) the expression "pension" includes additional pension, gratuity and any other retirement benefits.

22. **Appellate Authorities:** - An employee, including a person who has ceased

to be in the Board's service, may prefer an appeal against –

- (i) an order of suspension, to the authority to which the authority which made or deemed to have made the order is immediately subordinate;
- (ii) an order imposing any of the penalties specified in Regulation 8 to the authority specified in this behalf in the Schedule;
- (iii) all or any of the orders specified in clauses (iii) and (iv) of Regulation 20 to the authority to which an appeal against an order imposing upon him the penalty of dismissal would lie.

23. **Appellate Authorities in special circumstances** – Notwithstanding anything contained in Regulation 22 -

- (i) an appeal against an order in common proceeding shall lie to the authority to which the authority functioning as the disciplinary authority is immediately subordinate;
- (ii) where the person who made the order appealed against becomes by virtue of his subsequent appointment as the Chairman, an appeal against such order shall lie to the Central Government and the Central Government in relation to that appeal shall be deemed to be the appellate authority for the purpose of this regulation.

24. **Period of limitation for appeals** – No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of two months from the date on which a copy of the order appealed against is delivered to the appellant;

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

25. **Form and contents of appeals** –

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(1) Every person preferring an appeal shall do so separately and in his own name.

(2) (a) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.

(b) The appeal shall contain all materials, statements and arguments, on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

26. **Consideration of appeal** – (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Regulation 7 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in Regulations 8 or enhancing any penalty imposed under the said Regulation, the appellate authority shall consider -

(a) whether the procedure laid down in these Regulations has been complied with and if not, whether such non-compliance has resulted in the failure of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record and

(c) whether the penalty imposed is adequate, inadequate or severe; and pass orders -

(i) confirming, enhancing, reducing or setting aside the penalty; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case;

Provided that:-

(i) if the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in Clauses (v) to (ix) of Regulation 8 and an enquiry under Regulation 12 has not already been held in the case, the appellate authority shall, subject to provisions of Regulation 17, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Regulation 12 and thereafter, on a consideration of the proceedings of such inquiry make such orders as it may deem fit;

<sup>5</sup>[(ii) “If the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulations 8 and an inquiry under Regulation 12 has already been held in the case, the appellate authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty, and]

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of Regulation 12 of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in Regulation-21, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

27. Implementation of orders in appeal:

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

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**PART VIII – REVISION**

28. Revision

(1) Notwithstanding anything contained in these Regulations:-

(i) the Central Government; or

(ii) the Chairman

(iii) the appellate authority within six months of the date of the orders proposed, to be revised, may at any time, either on its or his own motion, or otherwise, call for the records of any inquiry and revise any order made under these Regulations, or under the Regulations or orders or practices repealed by Regulation 31, from which an appeal is allowed, but no appeal has been preferred, or from which no appeal is allowed, after consultation with the Central Government where such consultation is necessary and may :-

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by the revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in Clauses (v) to (ix) of Regulation 8 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses no such penalty

shall be imposed except after an inquiry in the manner laid down in Regulation 12 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Central Government where such consultation is necessary.

Provided further that no power of revision shall be exercised by the Chairman unless: -

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is himself or is subordinate to him.

(2) No proceeding for revision shall be commenced until after -

(i) the expiry of the period of limitation for any appeal or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these Regulations.

**PART IX - MISCELLANEOUS**

29. **Service of orders and notices** – Every order, notice and other process made or issued under these Regulations shall be served in person on the employee concerned or communicated to him by registered post.

30. **Power to relax time limit and to condone delay** – Save as otherwise expressly provided in these Regulations, the authority competent under these Regulations, to make any order may, for good and sufficient cause is shown, extend the time specified in these Regulations for anything required to be done under these Regulations or condone any delay.

31. (1) On the commencement of these Regulations, Clauses 17, 18, 19, 20, and 42, of the Standing Orders for the Port of Chennai and the orders and customary



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practices in force immediately before these Regulations come into force, relating to such matters as are covered by these Regulations, shall cease to have any effect in respect of employees to whom these Regulations apply;

Provided that:-

(a) Regulation 31 shall not affect the previous operation of the "Standing Orders for the Port of Chennai" or the said orders or practices or anything done or any action taken there under;

(b) Any proceeding under the 'Standing orders for the Port of Chennai' or the orders or practices pending at the commencement of these Regulations shall be conducted and disposed of as far as may be in accordance with the provisions of these Regulations.

(2) An appeal pending or preferred after the commencement of these Regulations against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these Regulations.

**32. Interpretation**

All questions relating to the interpretation of these regulations may be referred to the Board for decision.

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Amendment Regulations:

- <sup>1</sup> MOST's Notifications No.GSR-635 (E) dated 13.07.1990
- <sup>2</sup> MOST's Notifications No.GSR-153 (E) dated 29.03.1996
- <sup>3</sup> MOST's Notifications No.GSR-447 (E) dated 30.09.1996
- <sup>4</sup> MOST's Notifications No.GSR-598 (E) dated 20.08.1999
- <sup>5</sup> MOST's Notifications No.GSR-252(E) dated 22.03.2000
- <sup>6</sup> MOS's notification No.GSR-99(E) dated 4.02.2004
- <sup>[7]</sup> MOST's Notification, No.GSR-180(E) dated 28.3.2006

8.MOS's Notification No.GSR.376(E), dated 18.6.2013

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**CHENNAI PORT TRUST**

6, 8 [SCHEDULE - I  
(See Regulation 2, 10 and 22)

Sl No	Description of post	Appointing Authority	Authority competent to impose penalty		Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)
<b>I</b>	Posts covered by clause (a) of sub-section (1) of Section 24 of Major Port Trusts Act, 1963	Central Government after consultation with the Chairman	Chairman.  Central Government	(i) to (iv) - Minor penalties  All	Central Government  Central Government
<b>II</b>	Class I posts (other than those covered by clause (a) of Sub-section (1) of Section 24 of Major Port Trusts Act, 1963.	Chairman.	Deputy Chairman  Chairman	(i) to (iv) - Minor penalties  All	Chairman.  Central Government
<b>III</b>	Class II	Deputy Chairman	Deputy Chairman	All	Chairman
<b>IV</b>	Class III	Head of Department	Head of Department	All	Deputy Chairman
<b>V</b>	Class IV	Head of Department	Head of Department	All	Deputy Chairman

<sup>8</sup> Schedule - II

(see Regulation 7 (10))

Sl No.	Category of employees	Composition of Re Committee
1.	Posts covered by Clause (a) of Sub-section (1) of Section 24 of Major Port Trusts Act, 1963	(ii) Secretary (Shipping) (ii) Chairman, Chennai Port Trust. (iii) Joint Secretary (Ports)
2	Class I posts (other than those covered by Clause (a) of Sub-Section (1) of Section 24 of Major Port Trusts Act, 1963	(i) Chairman, Chennai Port Trust. (ii) Deputy Chairman (iii) Concerned HOD
3	Class - II	(i) Deputy Chairman (ii) HoD Concerned (iii) Secretary*

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Sl No.	Category of employees	Composition of Committee
4	Class - III	(i) Deputy Chairman (ii) HoD Concerned (iii) Secretary*
5	Class - IV	(i) HoD of Concerned Department (ii) Secretary* (iii) Dy. HoD of Concerned Department

(\* In case the employee belonging to General Administration Department, FA & CAO will be the member in place of Secretary]<sup>8</sup>

A. Balraj,  
Chairman

Administrative Offices Building,  
Chennai Port Trust  
Chennai – 600 001.

Dated : 21<sup>st</sup> January, 1988.