CHENNAI PORT TRUST (LEAVE) REGULATIONS, 1987

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GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF SURFACE TRANSPORT / JAL BHUTAL PARIVAHAN MANTRALAYA
PORTS WING/PATTAN PAKSHA

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New Delhi, the 5th May, 1987.

NOTIFICATION

G.S.R.454(E). In exercise of the powers conferred by sub-section (i) of Section 124 read with sub-section (i) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby approves the Chennai Port Trust (Leave) Regulations, 1987 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/-
(P.M. ABRAHAM)
Addl. Secretary to the Government of India.

[F.No.PR-12017/1/86-PE.I]

CHENNAI PORT TRUST (LEAVE) REGULATIONS, 1987

(RRC/6571/86/S)

In exercise of the powers conferred by Section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Chennai Port Trust Board hereby makes subject to the approval of the Central Government, the following Regulations, in supersession of the existing Chennai Port Trust Leave Regulations, and the same is published herein as required under Section 124 of the above Act:-

The leave entitlement of all employees of the Chennai Port Trust will be governed by the following Regulations entitled “The Chennai Port Trust (Leave) Regulations, 1987”:-

1. Definition:

In these regulations, unless the context otherwise requires –

(a) ‘Board’, ‘Chairman’, ‘Deputy Chairman’ and ‘Head of the Department’ shall have the meanings assigned to them in the Major Port Trusts Act, 1963.

(b) Class I, Class II, Class III and Class IV services shall have the meaning assigned to them in the Chennai Port Trust Employees’(Appointment, Promotion, etc.) Regulations.

(c) ‘Employee’ means an employee whether permanent or temporary who holds a post on a time-scale borne on the Board’s Schedule of Employees.

(d) ‘Retirement’ means the retirement of an employee under the “Chennai Port Trust Employees’ (Retirement) Regulations”.

(e) ‘Permanent employee’ means an employee who holds substantively a permanent post in the Trust.

(f) ‘Temporary employee’ means an employee who is not a permanent employee.

(g) ‘Pay’ means basic pay drawn in the time-scale and includes dearness pay, special pay and personal pay, deputation allowance, non-practicing allowance and equation allowance.

(h) ‘Year’ means calendar year.

2. Types of leave:

Employees will be eligible for the following kinds of leave:-

(1) Earned leave on full pay
(2) Leave on half pay.
(3) Maternity leave (in the case of female employees only)
(4) Special Disability Leave.
(5) Study leave.
(6) Extra-ordinary leave.
1[(1) **Earned Leave on full pay:**

(a) In respect of each employee on account of earned leave will be maintained to which will be carried forward the earned leave to his credit on 1st July, 1979 to which 15 days will be added. Thereafter the same quantum of 15 days will be credited on 1st January and 1st July of each calendar year.

(b) The leave at credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the leave so carried forward plus the credit for that half year not exceeding 300 days. Provided that where the earned leave at the credit of the employee as on the last day of December or June is 300 days or less but more than 285 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under Regulation 2(1) (a) above shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the employee takes during that half year and the balance, if any, shall be credited to the leave account at the close of the half year, subject to the condition that the balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

(c) In the case of an employee appointed in the course of a year, the credit to his account of earned leave shall be at the rate of 2 ½ days for each completed month of service which he is likely to render in the calendar half year in which he is appointed.

(d) The credit for the half year in which an employee is due to retire or resigns from service shall be at the rate of 2 ½ days per completed month of service which he is likely to render in the calendar half year in which he is appointed.

(e) In the case of an employee who dies, or who has been medically invalidated from service in the course of any half year and who has availed himself of leave already credited to his account at the beginning of the half year, no adjustment shall be made in respect of leave salary overdrawn, if any.

1[(f) If an employee has availed of extraordinary leave and/or some period or absence has been treated as ‘dies-non’ in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10 of the period of such leave and/or dies-non subject to a maximum of 15 days.]

(g) The maximum earned leave that can be granted to an employee at a time shall not exceed 180 days.

(h) While making credit of earned leave under the above provisions, fractions of a day will be rounded off to the nearest integer.

(i) **Leave salary during earned leave:** An employee on earned leave is entitled to leave salary equal to the pay drawn by him on duty immediately before he proceeded on leave.

(2) **Leave on half pay:**

1[(a) The half pay leave account of every employee shall be credited with half pay leave in advance, in two installments of ten days each on the first day of January and July of every calendar year. Provided that -

(i) the leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.

(ii) the credit for the half year in which an employee is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.

(iii) when an employee is removed or dismissed from service or dies while in service, credit of half pay leave shall

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1 G.S.R. No: 635(E) dated 30.09.1993 (B.R.No: 10 dated 13.05.1993)
be allowed at the rate of 5/3 days per completed calendar month until the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies while in service.

(iv) the period of suspension of an employee, which is treated as dies-non shall not be reckoned as service for the purpose of any of these regulations. The advance credit of HPL shall be reduced at the rate of 1/18th of the period of dies-non during the previous half year.

(b) Leave salary during leave on Half Pay: An employee on leave on half pay is entitled to leave salary equal to half the pay drawn by him on duty before he proceeded on such leave.

(c) Commutation of leave on half pay into leave on full pay: An employee can apply for commutation of leave on half pay to his account as leave on full pay on the following conditions:

(i) the application should be based on medical grounds supported by a Medical Certificate.

(ii) twice the number of days of commuted leave sanctioned will be debited to his account of leave on half pay.

(iii) where an employee who has been granted commuted leave resigns or retires voluntarily from service without returning to duty the commuted leave sanctioned shall be treated as leave on half pay and leave salary overdrawn shall be recovered. No such recovery shall be made if the non-return to duty is by reason of death or medical invalidation.

(d) Leave salary during commuted leave: An employee who commutes leave on half pay into leave on full pay shall be entitled to leave salary equal to the pay drawn on duty before he proceeded on such leave.

(3) Maternity Leave:

(a) Apart from other types of leave, female employees “with less than two surviving children” expecting confinement will be entitled to maternity leave for a period which may extended up to the end of 135 days from the date of its commencement.

(b) Maternity leave may also be granted in case of miscarriage or abortion subject to a maximum of six weeks, the application being duly supported by a Medical Certificate.

(c) Maternity leave may be combined with leave of any other kind including commuted leave, but any leave applied for in continuation of maternity leave in excess of 60 days may be granted, only if the request is supported by a medical certificate from the Trust’s Hospital.

(d) Leave salary during Maternity Leave – An employee on maternity leave shall be entitled to leave salary equal to the pay drawn on duty immediately before she proceeded on such leave.

[(3)-A Leave to female employees on adoption of a child:

A female employee on her adoption a child may be granted leave of the kind and admissible (including commuted leave without production of medical certificate for a period not exceeding 60 days and leave not due) up to one year subject to the following conditions:

(i) the facility will not be available to an adoptive mother already having two living children at the time of adoption;

(ii) the maximum admissible period of leave of the kind due and admissible will be regulated as under:

(a) If the age of the adopted child is less than one month, leave up to one year may be allowed.

(b) If the age of the child is six months or more, leave up to six months may be allowed.
c) If the age of the child is nine months or more leave upto three months may be allowed.

3[(3)-B Paternity Leave:

A male employee with less than 2 surviving children is entitled for the grant of paternity leave for a period of 15 days during the confinement of his wife. During the period of such leave, an employee shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave as in the case of maternity leave. It may not normally be refused under any circumstances.]

(4) Special Disability Leave:

Special Disability Leave may be granted to an employee –

(a) Who is disabled by injury intentionally inflicted in consequences of the due performance of his official duties or in consequence of his official position or

(b) Who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

(c) Such leave shall not be granted unless the disability manifests itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. Provided that the authority competent to grant leave may, if he is satisfied as to the cause of the disability permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(d) The period of leave granted under Clause (a) above shall be such as is certified by the Chief Medical Officer and shall in no case exceed 24 months and it can be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date. Not more than 24 months of such leave shall be granted in consequences of any one disability.

(e) The grant of leave under Clause (b) shall be subject to the following further conditions:-

(i) that the disability if due to disease must be certified by the Chief Medical Officer to be directly due to the performance of the particular duty.

(ii) that the period of absence is as recommended by the Chief Medical Officer and may be covered in part by leave under this regulation and in part by any other kind of leave subject to the condition that the special disability leave granted on leave salary equal to full pay shall not exceed 120 days.

2. (4).f) Leave Salary during Special Disability Leave : Leave salary during special disability leave shall –

1[(i) for the first 120 days of any period of such leave including a period of such leave granted under Regulation 2(4) (d) of the Chennai Port Trust (Leave) Regulations, 1987, be equal to leave salary while on earned leave; and

(ii) for the remaining period of any such leave, be equal to leave salary during half pay leave.

Provided that an employee may, at his option, be allowed leave salary as in Regulation 2 (4) (f)(i) for a period not exceeding another 120 days and in that event the period of such leave shall be debited to his half pay leave account.

Provided further that in the case of an employee to whom the Workmen’s Compensation Act, 1923 applies, the amount of leave salary payable under this Regulation shall be reduced by the amount of compensation payable

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1 G.S.R. No: 635(E) dated 30.09.1993 (B.R.No: 10 dated 13.05.1993)]
under Clause (d) of sub-section (1) of Section 4 of the said Act.

(g) Special Disability leave shall be counted as duty in calculating service for Pension and shall not, except the leave granted under the first proviso to Rule 2(4) (f) (ii) be debited against the leave account.

(5) **Study Leave:**

(a) Study leave may be granted to an employee to enable him to undergo in or out of India a special course of study consisting of higher studies or specialised training in a professional or technical subject having a direct and close connection with the sphere of his duty in the Chennai Port Trust.

(b) Study leave shall not ordinarily be granted to an employee having less than 5 years of service or to an employee who is due to retire or has the option to retire from Board’s service within three years of the date on which he is expected to resume duty after the expiry of the leave.

(c) The maximum period of study leave that can be granted to an employee shall be 24 months during his entire service. [Provided that study leave may be combined with other kinds of leave but in no case shall the grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty-eight months generally and thirty-six months of the courses leading to Ph. D Degree from the regular duties of the employee.]

NOTE: The limit of twenty eight months/thirty six months of absence prescribed in this Regulation includes the period of vacation.

(d) Every employee who has been granted study leave shall be required to execute a Bond in such form as may be prescribed by the Chairman to the effect that he will resume duty after the expiry of the study leave and serve the Board for a minimum period of three years thereafter failing which he will pay to the Trust the actual amount of study leave salary paid to him.

The above condition will not be enforced if the employee is medically invalidated or dies while in service.

1[(e) **Leave salary during study leave:** During study leave, the employee shall draw leave salary equal to the pay with allowances viz. Dearness Allowance, Addl. Dearness Allowance, House Rent Allowance but excluding City Compensatory Allowance that he drew while on duty immediately before proceeding on such leave.]

(6) **Extraordinary Leave on loss of pay:**

Extraordinary leave on loss of pay may be granted to an employee when no other leave is admissible, subject to the following conditions:

(a) In the case of permanent employee, the continuous period of his absence on leave shall not exceed five years.

(b) Unless the Chairman, in view of the exceptional circumstances of the case otherwise determines, in the case of temporary employee the continuous period of his absence shall not exceed two years.

(7) **Compulsory Leave:**

1[In the case of Radiographers of Medical Department in addition to the entitlement of normal leave under these regulations, compulsory leave of 15 days in a calendar year shall be granted in one spell which is not debitable to the leave account of the Radiographers.]

3. **Leave preparatory to Retirement:**

An employee may be permitted by the authority competent to sanction leave, to take leave preparatory to retirement on superannuation to the extent of earned leave due to him not exceeding 180 days plus leave on half pay due to him.

4. **Leave not due**

(a) The Chairman may, in exceptional cases, grant leave which is not due to an employee subject to adjustment against the leave on half pay he is likely to earn after returning to duty.

1 G.S.R. No: 635(E) dated 30.09.1993 (B.R.No: 10 dated 13.05.1993)
6. **Payment of cash equivalent of Earned Leave/Half Pay Leave under various circumstances:**

1. In the case of retirement on superannuation:

   (i) An employee retiring on superannuation shall be paid cash equivalent of leave salary in respect of the period of Earned Leave at his credit at the time of retirement subject to the following conditions:

   (a) The payment of cash equivalent of leave salary shall be limited to a maximum of 300 days earned leave.

   (b) The cash equivalent of leave salary thus admissible will become payable in retirement and will be paid in one lumpsum as one time settlement.

   (c) The cash equivalent payable under this regulation shall be equal to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No city compensatory allowance and/or house rent allowance shall be payable.

   (d) The authority competent to grant leave shall suo moto issue an order granting cash equivalent of earned leave at credit on the date of retirement.

2. Calculation of cash equivalent in respect of Half Pay Leave at credit shall be made in the manner as below:

   | Cash Payment in lieu of Half Pay Leave component | Half Pay leave salary plus Dearness allowances if admissible minus Pension. Pension equivalent of Gratuity and relief on Pension if Dearness Allowance is admissible on Half Pay Leave | Number of days of Half Pay Leave due on the date of retirement/quitting the service subject to the limits prescribed under the rule.
---|---|---|
| 30 | |

(ii) If the leave salary for the half pay leave component falls short of pension and other pensionary benefits, cash equivalent of half pay leave shall not be granted.
(iv) The amount so calculated as per the rules in force shall be paid in one lumpsum as a one time settlement.

(v) These provisions will be effective from 31-7-1982.]

(2) **In the case of Voluntary/Compulsory Retirement**:

1[(In the case of employees who retire voluntarily/ compulsorily before the age of superannuation, cash equivalent to the earned leave and half pay leave at credit shall be payable subject to the conditions that maximum amount of earned leave does not exceed 300 days and that the total leave put together does not take him beyond the date of superannuation and also subject to reduction of pension equivalent of retirement benefits and adhoc and graded relief from the leave salary for the half-pay leave portion.

Provided that if leave salary for the half pay leave component falls short of pension and other pensionary benefits cash equivalent of half pay leave shall not be granted. No part encashment of HPL is permissible under sub-regulation 6(2).

Provided further that in the case of an employee who is retired by giving him pay and allowances in lieu of notice, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.)]

(3) **In the case of Medical Invalidation**:

1[(In the case of permanent employees who are discharged from service on medical invalidation, cash equivalent of leave at credit shall be payable as per the conditions mentioned in sub-regulation (2) above.

An employee not in permanent employ or quasi-permanent employ shall not however be granted cash equivalent of the leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.)]

1[(4) **In the case of termination from service**:

In the case of an employee whose service is terminated by giving notice in accordance with the terms of employment, cash equivalent of earned leave at credit shall be payable subject to a maximum of 3[300] days.]

(5) **In the case of resignation from service**:

1[(In the case of an employee who resigns/quits from service, cash equivalent to half of earned leave standing to his credit shall be payable subject to a maximum of 3[150] days.)]

(6) **In the case of re-employment after retirement**:

1[(In the case of an employee who is re-employed after retirement, cash equivalent to earned leave at credit shall be payable subject to a maximum of 3[300] days including the period for which the payment was made at the time of retirement.)]

(7) **In the case of death while in service**:

1[(In the case of an employee who dies in service, the cash equivalent of earned leave to his credit on the day following the date of death, subject to a maximum of 3[300] days, shall be paid to his legal heirs and this shall include the pay and allowances he would have been entitled to had he been sanctioned such earned leave. The leave salary shall include the appropriate dearness allowances also.

NOTE: In the determining the amount payable in one lumpsum as one time settlement without any claim, the cash equivalent for earned leave shall be equal to leave salary on full pay and for the half-pay leave wherever admissible for encashment at half of the leave salary for full pay, plus dearness allowance admissible on the leave salary for the first 300 days at the rates in force on the date the employee ceases to be in service. No House Rent Allowance and City Compensatory Allowance is payable.)]
CHENNAI PORT TRUST (LEAVE) REGULATIONS, 1987

6-A **Encashment of Earned Leave while in service:**

(i) Every employee shall be allowed to encash up to 50% of the Earned Leave standing to his credit, once in a calendar year, with effect from 1st January, 1979.

Provided that in the case of Classes I and II Officers who avail encashment of Earned Leave under this Regulation should avail of a continuous spell of earned leave of not less than seven days simultaneously, i.e. at the time of encashment.

Provided further that in the case of Classes III and IV employees who avail encashment of Earned Leave under this regulation should avail of earned leave of not less than seven days in any one of the manner specified below:

(a) at the time of encashment in one spell; or

(b) before the actual encashment in one or more spells;

(c) one part of the 7 days E.L. before encashment and another part simultaneously at the time of encashment.

**NOTE:** Under no circumstances it is permissible to encash earned leave only on promise of availing 7 days earned leave during the calendar year in which the encashment is sought for. When earned leave under this regulation is availed simultaneously either fully or partly, as the case may be, at the time of encashment, the period of 7 days to be availed as a condition should fall within the date before the last date of that calendar year for which the encashment of Earned Leave is eligible. The non-compliance of this condition for any reason shall entail refund of the cash equivalent received in one lumpsum to the Administration forthwith failing which disciplinary action against erring employee/officer shall be taken.

(ii) The encashed earned leave shall be debited to the earned leave account of the employee as if he has actually availed it.

(iii) In the case of an employee who simultaneously avails earned leave while encashing the total of earned leave actually availed and the earned leave encashed shall not exceed the maximum earned leave admissible to the employee at a time, i.e. 150 days under the Chennai Port Trust Leave Regulations.

(iv) The amount on such encashment shall be the pay and allowances for which the employee actually would have been eligible had he gone on leave and will be paid in advance.

(v) In the case of an employee who is on the verge of retirement the period of available service between the date of encashment and the date of retirement shall not be less than the actual number of days encashed.

(vi) The amount paid in lieu of leave shall not count as emoluments for any purpose. It shall not also be subjected to recoveries in respect of provident fund subscription, loans, advances etc.

(vii) Employees who are on deputation on Foreign Service terms to Government of India or State Government or to other Public Sector Undertakings or other ports will also be eligible for the benefit of these regulations, the entire liability being borne by the Chennai Port Trust.

7. **Allowances during leave**

An employee on leave will be entitled to the following allowances in addition to leave salary subject to the conditions mentioned hereunder :-

(i) **Dearness Allowance**:-

(a) In the case of leave preparatory to retirement, dearness allowance will be payable for a period limited to 180 days at the rates appropriate to the leave salary.
(b) In the case of leave on loss of pay no dearness allowance will be payable.

(c) In the case of other types of leave, dearness allowance is payable for the entire period of leave at the rates appropriate to the leave salary.

(ii) Entitlement of House Rent & City Compensatory Allowance:

(a) House Rent Allowance and City Compensatory Allowance shall be payable at the rates at which they were drawn while on duty immediately before proceeding on leave in the case of all kinds of leave including extraordinary leave on loss of pay upto a maximum period of six months.

(b) House Rent Allowance alone shall be payable at the rates at which they were drawn while on duty immediately before proceeding on leave in the case of study leave.

(c) The limit of six months can be extended upto eight months if the leave is on medical grounds or if it has been satisfied by the employer that the employee or family continued for the period for which HRA/CCA is claimed, to reside at the same station or to retain the house at the same stations from where he/she proceeded on leave.

8. Where the Chairman is satisfied that the operation of any of these Regulations causes undue hardship in any particular case, he may, notwithstanding anything contained in these Regulations, by order, for reasons to be recorded in writing, dispense with or relax any of the provisions of these Regulations, subject to such modifications or exceptions as the Board may decide, mutatis mutandis apply in matters, not specifically provided for in these Regulations.

Amendment Regulations approved by Government vide:

2. GSR No.159 (E) dated 19.3.1997 and

SCHEDULE

AUTHORITIES COMPETENT TO SANCTION LEAVE

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<thead>
<tr>
<th>Serial No.</th>
<th>Description of posts.</th>
<th>Authority competent to sanction leave of all kinds except ‘Study Leave’</th>
<th>Authority competent to sanction study leave</th>
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<tr>
<td>1.</td>
<td>All employees including Heads of Departments.</td>
<td>Chairman.</td>
<td>Chairman.</td>
</tr>
<tr>
<td>2.</td>
<td>All employees excepting Heads of Departments.</td>
<td>Deputy Chairman.</td>
<td>-do-</td>
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<tr>
<td>3.</td>
<td>All employees in a department, excepting those occupying Posts immediately lower to the Head of the Department.</td>
<td>Head of the Department.</td>
<td>-do-</td>
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<td>4.</td>
<td>Classes III and IV employees in a department.</td>
<td>Immediate superior Class I Officer to be nominated by the Head of the Department from time to time.</td>
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ASHOKE JOSHI, CHAIRMAN

Administrative Offices Buildings, Chennai Port Trust, Chennai – 600 001.
Dated the 24th April, 1987.

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1 G.S.R. No: 635(E) dated 30.09.1993 (B.R.No: 10 dated 13.05.1993)