

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

**(PUBLISHED IN PART II SECTION 3
SUB-SECTION (i) OF THE
EXTRA-ORDINARY ISSUE OF THE GAZETTE
OF INDIA, DATED 27th MAY, 1997)**

MINISTRY OF SURFACE TRANSPORT

(PORTS WING)

NOTIFICATION

New Delhi, the 27th May, 1997

G.S.R. 281 (E) - In exercise of powers conferred by Sub-section (i) of Section 124, read with Sub-section (1) of Section 132 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Chennai Port Trust (Contributory Provident Fund) Regulations, 1997 made by the Board of Trustees for the Port of Chennai Port Trust 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.

(K.V. Rao, Joint Secretary)
(F.No.PR-12016/9/96, PE-I)

SCHEDULE

**CHENNAI PORT TRUST (CONTRIBUTORY
PROVIDENT FUND) REGULATIONS, 1997**

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 in supersession of the Chennai Port Trust Regulations relating to Provident Fund and Gratuity.

1. SHORT TITLE:

These regulations may be called the Chennai Port Trust (Contributory Provident Fund) Regulations, 1997.

2. APPLICATION:

They shall apply to all persons appointed to the Board's service and admitted to the Chennai Port Trust Contributory Provident Fund.

3. DEFINITION:

(1) In these regulations unless the context otherwise required:

- i) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board or such other officer of the Accounts Department, as may be prescribed by the Chairman.
- ii) "Act" means the Major Port Trust Act, 1963 (38 of 1963).
- iii) "Board" means the Trustees of the Port of Chennai appointed under the Act.
- iv) "Chairman", "Deputy Chairman", "Head of Departments" shall have the meaning assigned to them under the Act.
- v) "Contribution" means a contribution and Special Contribution made by the Board under these regulations to the Account of subscriber.
- vi) "Dependent" for purposes of the special contribution under these regulations means any of the following relative of a deceased subscriber to the Fund, namely a wife, husband, parent child, minor brother, unmarried sister and a deceased son's widow and child, and where no parent of the subscriber is alive; a paternal grand parent;
- vii) "Emoluments"
- a) In respect of Classes I & II Officers means Pay, Leave Salary or subsistence grant as defined in Fundamental Rules of the Central Government or in the Regulations if any framed by Board whichever may be applicable and will also include non-practicing allowance granted to medical officers in lieu of private proactive but does not include conveyance allowance, house Rent allowance, overtime fees, cement testing allowances, fee for supervision of floating craft, diving allowance, honorarium fees, other compensatory allowance in any form.
- b) In respect of Classes III & IV time rated employees means, pay, Leave Salary or Subsistence grant as defined in Fundamental Rules of the Central Government or in the Regulation, if any, framed by the Board whichever may be applicable and includes Dearness Allowance and other allowances linked to cost index as may be allowed and reckoned from time to time for the purpose and will include the City Compensatory Allowance, but exclude House Rent

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

Allowance, Overtime Night Weight age, extra remuneration in addition to the normal wages for work done on Sundays, Holidays and off days etc. not classified as pay.

- c) In respect of Classes III & IV piece rated employee and shore labourers will include their actual earnings including piece rate earning, idle time wages, Equation allowance but will exclude the entire element of House Rent Allowance included in the Piece Rate earnings and other allowances referred to in (b) above.
- d) For purpose of Special contribution and Additional amount payable under Regulation 12 (3) and (5).

In respect of officers belonging to the Classes I and II the expression emoluments means pay as defined in F.R. 9 (21) or in the Regulation if any, framed by the Board whichever may be applicable and any other amount as may be determined and classified as Pay from time to time which the Class I or Class II Officer was receiving immediately before his / her retirement or death and will also include non-practicing allowance granted to Medical Officers in lieu of private practice.

In respect of Classes III & IV employees emoluments means Pay as defined under F.R. 9 (21), Dearness Allowance and any other amount as may be classified and allowed as pay from time to time, Piece rate earnings incentive earnings and other such payments under payment by Results Scheme wherever applicable.

Explanation: Pay for the purpose of Special contribution in respect of Piece rated employees will mean the monthly average emoluments during the 12 months immediately preceding the date of quitting service or death. Periods of absence without pay will however be excluded from calculation. The term emoluments for average emoluments shall not apply for payment of Gratuity to employees governed by the payments of Gratuity Act, 1972, in respect of whom gratuity is payable in accordance with the Act.

NOTE: i) Increments accruing during leave preparatory to retirement prior to date of superannuating though not actually

drawn will be treated as pay for the purpose of Special Contribution.

ii) In case where an employee is medically invalidated from service while on leave or dies while on leave, the increment accruing during such leave though not actually drawn will also be treated as Pay for the purpose of Special Contribution.

iii) Increments referred to in note (i) and (ii) above means increase in Pay accruing on account of increments, revision of pay scales etc.

(viii) "Employee" –

The word permanent and temporary employee shall have the meaning assigned to them in the "Chennai Port Trust Employees (Appointment / Promotions etc.) Regulations".

(ix) "Family" means

- a) In the case of a male subscriber, the wife, or wives, parents, children, minor brother, unmarried sisters, deceased sons, widow and children and where no parents of the subscriber is alive, a paternal grand parent.

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance as per the Law in force she shall hence forth deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently intimate by express notification in writing to the Accounts Officer she shall continue to be so regarded; and

- (b) In the case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased sons, widow and children and where no parents of the subscriber is alive, a paternal grand parent.

Provided that if a subscriber by notification in writing to the Accounts Officer expresses her desire to exclude her husband from her family

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels such notice in writing.

"Explanation" – 'Child' means legitimate child and include an adopted child where adoption is recognized by the personal law governing the subscriber, who lives with an employee and treated as a member of the family and to whom the employee has through a special will given the same status as of a natural birth.

- (x) "Fund" means the Chennai Port Trust Contributory Provident Fund".
- (xi) "Leave" means any variety of leave under the Chennai Port Trust leave Regulations.
- (xii) "Sanctioning Authority" for the purpose of these Regulations shall be as prescribed in the Schedule attached to this Regulation.
- (xiii) 'Service' for the purpose of the Special contribution admissible under these regulations means continuous service of a subscriber from the date of his entertainment including all periods of authorized absence with or without allowances and also service as paid apprentice in the Board if followed by permanent service without break.

Condonation of service – Any break of service for a period each not exceeding six months may ordinarily be condoned by the Chairman at his discretion provided each break is preceded by atleast six months of continuous service.
- (xiv) "Special Contribution" – means the special contribution credited under Regulation No.12 to the contribution account of a subscriber.
- (xv) "Year" means a financial year.
- (2)** Any other expression used in these regulations which is defined either in the Provident Fund Act, 1925 (19 of 1925) or in the fundamental Rules of the Central Government or any other

Regulations framed by the Board is used in the sense there in defined.

4. CONSTITUTION AND MANAGEMENT OF THE FUND:

- (i) The Fund shall be administered by the Board and shall be maintained in India in rupees.
- (ii) The Board may, by resolution in writing, prescribe which of the powers conferred upon the Board by these regulations may be exercised by the Sanctioning Authority and may alter or cancel any such Resolution.

¹ [5. (deleted)]

6. NOMINATIONS:

- (a) The Accounts Officer shall, as soon as may be, require every subscriber to make a nomination conferring the right to receive the amount excluding, the special contribution and additional amount admissible under sub-regulations (3) and (5) of Regulation 12 that may stand to his credit in the Fund in the event of his death, before the amount standing to his credit has become payable or where such amount has become payable before payment has been paid.
- (b) A subscriber who, at the time of joining the Fund, has a family shall send to the Accounts Officer a nomination in the form set forth in the first Schedule in favour of one or more members at his family.
- (c) A subscriber who has no family may similarly nominate a person or persons in the form set forth in the second schedule; a nomination thus made is valid only for such time as the subscriber has no family.

NOTE: In this sub-rule, unless the context otherwise requires, 'person' or 'persons' shall include 'a company or association or body of individuals, whether incorporated or not'.

- (d) A subscriber may provide in a nomination -

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

(i) In respect of any specified nominee that in the vent of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other member of his family, be such other member or members.

(ii) That the nomination shall become invalid in the happening of a contingency specified therein,

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

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under Clause (1) shall become invalid in the event of his subsequently acquiring other member or members in his family.

- (e) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under Clause (1) of (d) above, or on the occurrence of any event by reason of which the nomination become invalid in pursuance of clause (ii) of (d) above, or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing canceling the nomination, together with a fresh nomination made in accordance with the provisions of this regulation.
- (f) A subscriber may in his nomination distribute the amount excluding the special contribution and the additional amount admissible under sub-regulation (3) and (5) of regulation 12 that may stand to his

credit in the Fund amongst his nominees at his own discretion.

(g) A nomination may be cancelled by a subscriber in writing and be replaced by any nomination which is permitted to be made under this regulation.

(h) A nomination becomes operative only on its being accepted by the Accounts Officer.

7. SUBSCRIBER'S ACCOUNT:

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

- (i) the subscriber's subscriptions (Compulsory & Voluntary)
- (ii) Interest as provided by under Regulation No.15.
- (iii) Bonus as provided under Regulation 17 on subscription
- (iv) All advances paid and recovered and withdrawals from the fund.
- (v) Contribution.
- (vi) Interest on Contribution.

8. CONDITIONS OF SUBSCRIPTION:

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

Provided that a subscriber on re-instatement after a period passed under suspension shall be allowed the option of paying in one lump sum or in installments, any sum not exceeding the maximum amount of arrears of subscriptions permissible for that period.

(b) When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the regulations of the fund in the same manner as if he were not so transferred or sent on deputation.

(c) A subscriber may at his option, not subscribe during leave which either

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

does not carry any leave salary or carries leave salary equal to or less than half pay.

- (d) The subscriber shall intimate his election not to subscribe during the leave referred to in sub-clause (c) above by a written communication to the Accounts Officer through the head of his department before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of subscriber intimated under this sub-regulation shall be final.

9. RATE OF SUBSCRIPTIONS:

The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:-

- (a) It shall be expressed in whole rupees.
- (b) It may be any sum so expressed either 8.1/3% (10% from 1.4.1993) or any other higher percentage rate of the emoluments.
- (c) The amount of subscription so fixed by giving a month's notice to the accounts officer may be :
- (i) reduce once at any time during the course of the year.
- (ii) Enhance once during the course of the year.
- (iii) Reduce and enhance as aforesaid provided that the amount as subscription is so reduced shall not be less than the minimum prescribed in Clause (b).
- (iv) If the amount of subscription payable contain a fraction of a rupee it shall be rounded off to the nearest whole rupee.

Emoluments for the purpose of this regulation shall be calculated at the rate payable to him monthly had he been on duty.

NOTE: Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement, shall for the purpose of this regulation, be deemed to be emoluments drawn on duty.

10. REALIZATION OF SUBSCRIPTIONS:

- a) Subscriptions due shall be deducted monthly from the establishment pay bills and the deductions shall be adjusted to the credit of the Fund Accounts.

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

- b) The amount so credited shall, after the close of each month, be posted in a Provident Fund Ledger, to be kept by the Accounts Officer, from the establishment pay bills.

11. CONDITIONS OF CONTRIBUTION:

- a) The Contribution by the Board shall be 8.1/3% (10% from 1.4.1993) of the emoluments on which the subscriber has subscribed under Regulation 8 and shall be credited to his account annually before the 31st March or whenever an account is closed under Regulation 24.

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

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

- b) Should a subscriber elect to subscribe during leave his leave

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

salary shall for the purposes of this regulation be deemed to be emoluments drawn on duty.

- c) Should a subscriber elect to pay arrears of subscription in respect of a period of suspension the emoluments or portion of emoluments which may be allowed for that period on reinstatement shall for the purpose of this regulation be deemed to be emoluments drawn on duty.
- d) The amount of any contribution payable in respect of a period on deputation / foreign service shall, unless it is recovered from the foreign employer, be recovered by the Board from the subscriber.
- e) The amount of contribution payable shall be rounded to the nearest whole rupee.

12. SPECIAL CONTRIBUTION:

(1) In addition to the Board's Contribution to the fund under Regulation 11(a), a special contribution shall be credited to the account of the subscriber whose service is certified to have been good, efficient, faithful and continuous by the sanctioning authority.

(2) CONDITIONS FOR PAYMENT OF SPECIAL CONTRIBUTION:

- (a) OFFICERS IN CLASSES I & II
 - i) On attainment of the age of 58 years after completing 15 years of service ; or
 - ii) On completion of 30 years of service or
 - iii) On compulsory retirement under Regulation 5 of the Chennai Port Trust Employees (Retirement) Regulations after attaining the age of 50 years but had entered Board's service before attaining the age of 35 years or
 - iv) On voluntary retirement under Regulation 6 of Chennai Port Trust Employees' (Retirement) Regulations after attaining the age of 50 years but had entered Board's

service before attaining the age of 35 years or any other voluntary retirement scheme that may be framed and applicable or

- v) On account of certified permanent incapacity due to bodily or mental infirmity; or
- vi) On his death or
- vii) On account of reduction of establishment, no other suitable employment having been found to him in the Board's service.

NOTE: In respect of employees in classes I and II services, no special contribution will be admissible in the case of dismissal from service.

(b) OTHER SUBSCRIBER:

When the subscriber quits service on :

- (a) attainment of the age of 58 years after completing 15 years of service or more, or
- (b) Compulsory / voluntary retirement under the Chennai Port Trust Employees (Retirement) Regulations after attaining the age of 55 years and completing 15 years of service or any other voluntary retirement scheme that may be framed and as may be applicable or
- (c) Resignation or removal from service or discharge for reasons other than misconduct after completing not less than 10 years of service or
- (d) Dismissal from service a subscriber will be entitled for special contribution only if he has completed not less than 15 years of service.

NOTE: In such cases as well as in the cases of resignation after completing ten years of service, if the Board has suffered any monetary loss due to the misconduct of the employee, the amount of loss caused by the employee shall be deducted from the amount of special contribution payable to him or

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

- i) On account of certified permanent incapacity due to bodily infirmity or
 - ii) On the abolition of his appointment on account of reduction of establishment no other suitable employment having been found from him in the Board's service; or
 - iii) On death.
- (c) The Special contribution shall not ordinarily be credited to the Provident Fund Account of a subscriber who has been discharged for misconduct. In exceptional cases, however, in which although a particular act of misconduct has been serious enough to warrant discharge, the subscriber's previous service has been long and consistently good, efficient and faithful, the sanctioning authority may, at its discretion order that the whole or part of the special contribution be credited to the Provident Fund Account of the subscriber.
- (d) In dealing with cases for the grant of special contribution, the fulfillment of the condition, that the service rendered by the employee reached the standard good, efficient and faithful service shall not be considered a mere formality. If in any case, the scrutiny of the service record of the employee shows that his service as a whole has not reached the requisite standard, it shall be considered wither the special contribution ordinarily admissible should be credited in full or reduced or withheld altogether.
- (e) Ordinarily participation in an illegal strike removes all eligibility for special contribution for services rendered prior to the illegal strike. In special cases, this regulation may be relaxed by the orders of the Chairman who shall decide what period, if any, shall be deducted from the service rendered by the subscriber for the purpose of

calculating the amount of special contribution.

(3) AMOUNT OF SPECIAL CONTRIBUTION:

- (i) In the case of subscriber in Classes I and II the amount of Special Contribution shall be a quarter month's of emoluments for each completed six monthly period of service subject to a maximum of 16 ½ month's emoluments or Rs.1 lakh whichever is less provided that in the case of a subscriber who dies while in service after completing 5 years of service, special contribution of not less than 12 months emoluments shall be paid.
- (ii) In the case of subscriber in Classes III and IV and amount of Special Contribution shall be a quarter month's emoluments for each completed six monthly period of service subject to a maximum of 15 month's emoluments provided that in the case of a subscriber who dies while in service after completing 5 years of service a special contribution of not less than 12 months emoluments shall be paid.

(4) ADDITION TO QUALIFYING SERVICE:

While granting proportionate special contribution to provided Fund to an employee retiring voluntarily under Regulation 7 of Chennai Port Trust Employees (Retirement) Regulations, weightage upto 5 years would be given as an addition to qualifying service actually rendered by him / her. The grant of weightage upto 5 years will however be subject to the following conditions:-

- (a) In respect of Classes I and II Officers, governed by Contributory Provident Fund and opted to remain under Contributory Provident Fund Scheme the total qualifying service after giving the weightage should not in any event exceed 33 years of qualifying service and does not take him / her beyond the date of superannuation.
- (b) The weightage is not admissible in case of Classes III and IV employees who are

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

compulsorily governed by the Ports liberalized definition of pay under Contributory Provident Fund Scheme and also in cases of Classes III & IV employees who opt for pension schema and Ports liberalized definition of pay.

- (c) The weightage given will be only an addition to the qualifying service for purpose of Special Contribution to Provident Fund and not for Board's Ordinary Contribution to Provident Fund.
- (d) The grant of special contribution to Provident Fund in respect of Officers retiring voluntarily shall be subject to other conditions prescribed therefore in the Chennai Port Trust Contributory Provident Fund Regulations.
- (e) The grant of the above weightage will not entitle the officer to any notional fixation of pay for the purposes of calculating special contribution to Provident Fund.
- (f) The weightage of 5 years referred to in this Regulation shall not be admissible in cases of those who are prematurely retired by the Board in the Public interest.
- (g) The benefit of Voluntary Retirement shall not apply to employees who retire from service for being absorbed in an autonomous body, Public Sector Undertaking, Central / State Government to which he is on deputation at the time of seeing Voluntary retirement.

NOTE: (1) In calculating the completed six monthly period of service for the purpose of this Regulation the period of any refused leave or any leave preparatory to retirement that may be granted in accordance with the service rules applicable to him after attaining the age of 58 years or after the expiry of the extension of service that may be granted to him thereafter shall be excluded.

(2) When an employee is retained in service on a reduced pay and the reduction in pay is for reasons other than his own fault, or is retained in service on reduced pay after the date of his superannuation or is re-appointed on reduced pay after discharge or retirement and break in

service, if any, has been condoned, the special contribution admissible under this Regulation may be calculated in respect of each period of service at the rate of pay actually drawn at the end of the respective periods if that is more favourable to him, the aggregate services of the employee reckoned for this purpose being subject to a maximum of 33 years in respect of Classes I & II Officers and 30 years in respect of Classes III & IV employees.

Broken period of service in the higher grade will however, count for special contribution in the lower grade if it is more advantageous to the employee.

(5) ADDITIONAL AMOUNT :

In the case of a subscriber, who is holding a post other than the one referred to in Section 25 (1) (a) of the Act and who as a result of injuries received in the execution of his duty is permanently incapacitated for further service or killed in the execution of his duty, the Chairman may in addition to the Special Contribution credit to the Provided Fund Account of the employee, an additional amount of Rs.2,500/- in each case for payment to him or if he is dead, to such dependant for dependants of the deceased employee as may be decided in each case.

(6) INTEREST:

No interest shall accrue on the special contribution and the additional amount admissible under sub-regulations (1) and (5) of this regulation.

13. PAYMENT OF GRATUITY TO THE EMPLOYEES GOVERNED BY THE PAYMENT OF GRATUITY ACT, 1972 AND THE RULES FRAMED THEREUNDER FROM TIME TO TIME.

Employees to whom the payment of Gratuity Act, 1972 applies shall be eligible for gratuity in accordance with the provisions of the payment of Gratuity Act, 1972, (Act XXX of 1972) as amended from time to time and the rules framed there under from time to time subject to the following liberalization or special contribution payable under Regulation 2 (3) whichever is more beneficial to them.

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

NOTE: Wages for the purpose of computing gratuity shall include all emoluments (i.e.) Pay, as defined under F.R. 9 (21), Dearness Allowance including variable Dearness Allowance, Piece Rate earnings and other such payment under a payment by Result Scheme wherever applicable or emoluments as defined in any other regulations framed by the Board.

Provided that in respect of categories governed by Piece Rate Incentive an Payment by Result Scheme, Wage shall be computed on the average of total wages received by them for a period of 3 months immediately preceding the termination of employment.

The disbursement of gratuity payable, the manner of filling the nomination, admissibility or gratuity shall be as prescribed under the Payment of Gratuity Act, 1972, and the rules framed thereunder and as amended from time to time.

14. INVESTMENTS:

All moneys not immediately required for the purposes of the Fund shall from time to time be invested by and held in the name of the Board in securities authorized by the Indian Trust Act, 1882 or in fixed deposits in the State Bank of India or in nationalized Banks or in such investments as may be approved by Central Government from time to time and the Board may from time to time by the sale of securities, standing in its name or the realization of fixed deposits raise such sum or sums as may be required for the purpose of the Fund.

15. INTEREST ON INVESTMENTS:

- (a) With effect from 1.4.1963, interest shall be allowed by the Board on all contributions made by the subscriber, including the amount if any, credited during the course of the year towards proceeds of insurance policy or policies under Regulation 16 and also on the Board's contributions (Excluding any special contribution) admissible under Regulation 11 together with interest thereon actually credited to the subscriber's account respectively at the same rate of interest per annum as that which shall have been earned by the Board during

the previous official year upon the Provident Fund investments made under Regulation 14.

NOTE: For purpose of this regulation, the rate of interest shall be rounded off to the nearest quarter percent.

- (b) Interest shall be calculated in the following manner, that is to say, the total (excluding fractions of a rupee) of the minimum monthly balances to the credit of each subscriber for the year or for any shorter period necessitated by the closing of an account shall be ascertained and a single months interest for the year and proportionately for any shorter period at the appropriate rate or rates shall be calculated upon such total.
- (c) The interest so calculated shall be added to the principal at the end of the official year or at the closing of the account, if closed during the course of a year
- (d) In the case of subscriber who dies or quits service or retires during the course of a year, interest shall be paid upto the end of the month preceding that in which payment is made or upto the end of the sixth month after the month in which such amount become payable, whichever of these periods be less at the appropriate rate fixed for the previous financial year.

Provided that where the Accounts Officer has personally satisfied himself that the delay in payment was caused by circumstances beyond the control of the subscriber and that administrative delays involved in the matter have been fully investigated and action taken, interest may be paid upto the end of one year after the month in which such amount become payable.

NOTE : In the case of a subscriber who dies and the amount at his credit is not paid due to his nominee being a minor, interest shall be credited to the subscriber's account in accordance with this regulation till the date of payment or upto the end of six months after the month in which the subscriber dies whichever is earlier.

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

16. PAYMENT TOWARDS INSURANCE POLICIES:

Payment towards Insurance Policies on mutually agreed terms between subscriber and the Board shall apply only to subscribers who before the 1st August, 1969 have been permitted for making withdrawals from the funds for payment towards Life Insurance Policies and this facility shall not be extended to any new policy after the 1st August, 1969.

17. INCENTIVE BONUS:

A subscriber to the fund who on 1.4.1978 and 1.4.1979 and thereafter on 1st April, every year has not withdrawn any amount from his Provident Fund Account during the preceeding five years or three years as the case may be, will be entitled to a bonus at the rate of 1% on the entire balance at his credit on 31.3.1978 and 31.3.1979 and 31st March, of the preceeding year, thereafter.

NOTE:

- i) Payment on Bonus interest during 1978-79 the five year period to be taken into account will be the period from 1.4.1974 to 31.3.1979 and so on.
- ii) The period of non-withdrawal is reduced to 3 years commencing from 1st April, 1979.
- iii) The term 'withdrawal' means both refundable and non-refundable withdrawals. Withdrawal for financing insurance policies will not make subscribers ineligible for the benefit.
- iv) The bonus so calculated will be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee). This will be credited to the account of the subscriber in addition to the interest of the Provident Fund balances.
- v) The balance representing only subscriber's portion will be taken into account.
- vi) The bonus will be admissible only when a subscriber has been subscribing to the fund during the preceeding 5 years / 3 years except where the rules permit temporary

suspension of subscription for a short period e.g. while on leave or under suspension.

- vii) The year for the purpose of calculating bonus will mean financial year. But if a subscriber joins the fund or quits service in the middle of a year, the year of joining and the year of quitting services will be deemed to be full year.
- viii) The amount of bonus will be debited to the Board's Revenue Account.

18. TRANSFER FROM / TO OTHER SERVICES :

Subject to the sanction of the Board in each case, a person who has joined the Board's service from the service of any Government of a Railway Administration or other employer may, if he becomes a subscriber to the Fund, have any amount standing to his credit in a Provident Fund maintained by the Government, Railway Administration or other employer on the date of his joining the Board's service, transferred to his credit in the Fund. The amount so transferred shall carry interest only it shall not entitle the subscriber to any contribution by the Board in respect thereof.

In the event of subscriber being permanently transferred to the service under a Government, a Railway Administration or any other employer the balance in the Provident Fund Account of the subscriber may, instead of being paid in Cash, be transferred to his account with the new employer and thereupon these regulations shall cease to apply to him / her.

19. ADVANCES FROM THE FUND:

A temporary advance may be granted to a subscriber, from the amount of subscription together with interest thereon standing to the credit of the subscriber in the Fund (excluding Board's contribution and interest thereon) at the discretion of the Chairman subject to the following conditions:

(1). Payment of Advances :

For one or more of the following purposes:-

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

- (i) Illness: to pay expenses in connection with the illness or confinement or a disability of the subscriber and member of his family or any person actually dependent on him.
- (ii) Obligatory expenses: to pay obligatory expenses on a scale appropriate to subscriber's status which by customary usage the subscriber has to incur in connection with betrothal / marriage, funerals or other ceremonies, of persons actually dependent on him;
- (iii) Education: to meet the cost of higher education of the subscriber and members of his family or any persons who is actually dependent on him in the following types of cases :-
- a) for education outside India for academic, technical, professional or vocational course beyond the high school stage and
- b) for any medical, engineering or other technical or specialized course in India beyond the High School stage, provided that the course of study is not less than three years.
- (iv) Legal: to meet cost of legal expenses incurred by the subscriber in the following types of cases :
- a) where he takes recourse to legal proceedings to vindicate his position in regard to any allegations made against him in respect of any acts done or purporting to be done by him in the discharge of his official duties; or
- b) where he is prosecuted in a court of law in respect of any alleged official misconduct or where the subscriber engages a legal practitioner to defend himself in an enquiry.
- Provided that no advance shall be admissible.
- i) where an employee takes recourse to a court of law in respect of any incidents unconnected with his position as a Board's employee.
- ii) Where an employee sues the Board in respect of any of his service grievances or against the imposition of any penalty on him.
- (v) Reconstruction: to meet expenses for the reconstruction of huts or houses damaged by cyclones, floods, fire etc.
- (vi) For any purpose not specified: In special circumstances if the sanctioning authority is satisfied that the subscriber concerned requires the advances for reasons not specified in these regulations and also in cases of acute distress.
2. Conditions for payment of Advances :
- (i) An advance shall not except for special reasons exceed 3 months pay or the amount standing to the credit of the subscriber in the Fund whichever is less.
- NOTE:** The term pay occurring in this Regulation means emoluments as defined in Regulation 3 (1) (vii).
- (ii) An advance shall not except for special reasons be granted until the final repayment of all previous advances.
- (iii) When an advance is sanctioned before repayment of last installment of any previous advances is completed, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.
- 20. REPAYMENT OF ADVANCE:**
- a) An advance shall be recovered from the subscriber in such number of equal monthly installments as the sanctioning authority may, direct but such number shall not be less than 12 unless the subscriber so elects or in any case, more than 36. A subscriber may at his option repay in a smaller number of installments than that

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

specified above. Each installment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary to admit of a fixation of such installments.

- b) Recovery shall be made in the manner provided in Regulation 10 for the realization of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant for a full month. Recovery shall not be made except with the subscriber's consent while he is on leave or in receipt of subsistence grant and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.
- c) If more than one advance has been made to a subscriber, each advance shall be treated separately for purpose of recovery.

21. WRONGFUL USE OF ADVANCE:

Notwithstanding anything contained in these Regulations if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Regulation 19, has been utilized for a purpose other than that for which drawal of the money was originally sanctioned, the amount in question shall forthwith be repaid by the subscriber to the Fund, or in default be ordered by the sanctioning authority to be recovered by deduction from the emoluments of the subscriber even if he be on leave in one or more monthly installments not exceeding twelve as may be fixed by the sanctioning authority.

NOTE: The term emoluments as used in the regulation does not include subsistence grant.

22. INTEREST ON ADVANCE:

No interest will be credited to the account of any subscriber to whom an advance has been made on any amount for the time being debited to his account as representing an outstanding advance.

23. FINAL WITHDRAWALS FROM THE FUND:

- (1) A subscriber may be permitted by the sanctioning authority to make final withdrawals from the amount of subscription and interest thereon standing to the credit of the subscriber in his / her Provident Fund Account subject to the conditions specified therein.

(A) HOUSING: During the service of a subscriber for one or more of the following purposes, namely for :

- (a) building or acquiring a suitable house or ready-built flat for his / her residence including the cost of the site proposed to be acquired from the State Housing Board / Co-operative Building Societies:
- (b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his / her residence ;

Provided that the amount actually subscribed by the subscriber along with the interest thereon standing to the subscriber's credit or the actual cost of the house / flat including the cost of the site and for repayment of a loan, if any expressly taken, in that behalf whichever is less.

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

Provided that the loan was taken not more than twelve months before the date of receipt of the said application.

Provided further that the amount of the withdrawal shall not exceed one half of the amount actually subscribed by him along with the interest thereon standing to his / her credit in the Fund, or the actual cost of the site whichever is less.

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

CLARIFICATION: The actual expenditure incurred in connection with the sale of transfer and execution of deeds may be reckoned as part of the cost of the site.

- (d) Constructing a house a site purchased under Clause (c):

Provided that the amount of withdrawal for the purpose shall not exceed the balance of amount actually subscribed by him / her together with interest thereon standing to the credit of the subscriber or the actual cost of construction of the house whichever is less.

- (e) additions or alternations to a house or a flat already owned or acquired by a subscriber without assistance from the Fund or other Government sources ;

Provided that the amount of the withdrawal does not exceed the cost thereof or the amount actually subscribed by him along with interest thereon or Rs.10,000/- whichever is less.

NOTE:

1. While sanctioning withdrawals under these regulations, the sanctioning authority should satisfy himself that the size and the cost of the house / flat / site are not disproportionate to :

- i) the status of the subscriber concerned
- ii) the resources available in his / her Provident Fund Account.
- iii) That the amount is actually required for the purpose of purchasing the house / flat / site or for repayment of a loan expressly taken for the purpose as the case may be, and
- iv) That the subscriber will acquire full title to the house / flat / site proposed to be purchased.

2. Withdrawal under sub-clause (a) or (e) of Clause (A) shall also be allowed where the house-site or house is in the name of wife or husband provided she or he is the first nominee to received Provident Fund money in the nomination made by the subscriber.

3. Withdrawal under Sub-clauses (a), (d) or (e) or Clause (A) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the house where the site or house is situated and only in cases where the plan is actually got to be approved.

4. In the case of construction of a house / flat under sub-clause (a) or (d) the withdrawal will be permitted only in equal installments (not less than two and not more than four in number), the installments after the first being authorized by the sanctioning authority on the basis of the progress of construction of the house / flat.

5. The construction of the house should be commenced within six months of withdrawal of money and should be completed within a period of two years from the date of the commencement of construction.

The sanctioning authority may, at his discretion relax the limit of six months prescribed above to one year.

6. If the amount is withdrawn either wholly or partly for the purpose of repayment of a loan previously raised for the purpose of purchasing or redeeming of the house / flat under sub-clause (b) the loan should be liquidated within three months of withdrawal.

7. The withdrawal may be allowed in one installment in cases of outright purchase of a house site or for repayment of a loan earlier taken for the purpose, and in not more than three installments if payment for the site is to be made on an installment basis.

8. The house site shall be purchased within a period of one month of the withdrawal or the withdrawal of the first installment as the case may be. In fulfillment of this condition, the sanctioning authority may require the production of receipts issued by the seller, the house building society, etc., in token of the amount of withdrawal / installment having been utilized for making payment towards purchase of the site.

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

9. A subscriber, who has availed himself of an advance under the scheme of the Ministry of works, Housing and supply for the grant of advances for the House Building purposes or has been allowed any assistance in this regard from any other Government or Port Trust Source shall be eligible for the grant of final withdrawal under this regulation for the purpose specified therein.

Provided that the sum withdrawn under this regulation together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source or Port Trust Source shall not exceed the maximum limit that may be prescribed from time to time under the aforesaid scheme.

10. In the case of acquisition of a house / flat / site from the State Housing Board / Co-operative Building Societies, withdrawal will be permissible of the actual amount subscribed along with interest thereon in order to make:

- i) the initial payment on allotment of a house / flat and
- ii) one lumpsum payment to the Housing Board later while in service to reduce the installment dues or to liquidate the balance installments dues.

11. The house / flat / site proposed to be acquired or redeemed by the subscriber with the help of the amount withdrawn as aforesaid shall be situated at the place of his / her duty or at his / her intended place of residence after retirement.

12. Withdrawals will be permitted for building, acquisition or redemption of one house or site only.

Provided the employee does not already own a house / site at the place of his / her duty or at his / her intended place of residence after retirement.

13. The subscriber who avails of the above withdrawals shall execute an agreement and submit declarations in the form and manner as may be prescribed and required for the above purpose.

14. Only one withdrawal shall be allowed under this sub-regulation for purposes of housing.

15. The subscriber shall submit a report in the prescribed form to the sanctioning authority on or before the 31st December in each year so long as he is in the Board's service that the house / flat / site remains in his sole ownership and that he has not parted with the possession thereof by way of transfer Sale Mortgage, Gift, Exchanges, Lease for a term exceeding three years or otherwise howsoever without the previous permission of the sanctioning authority in writing. He / She shall also submit if required, the tax receipts, title deed etc. The amount withdrawn shall become repayable in one installment with interest thereon at the appropriate rate or rates fixed from time to time under Regulation 12 from the month of such withdrawal by the subscriber. If the house is sold or gifted or exchanged or mortgaged or leased for a term exceeding three years at any time before retirement without the sanctioning authority's previous permission. In default, it shall be ordered by the Sanctioning Authority that the amount be recovered from the subscriber's emoluments either a lump sum or in such number of monthly installments as may be decided by the Sanctioning Authority.

(B) After completion of fifteen years of service (including broken period of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier for one or more of the following purposes:

(a) Education: for meeting the cost of higher education of the subscriber or any child of the subscriber in the following cases, namely:

- i) for education outside India for academic, technical, professional or vocational course beyond the High School stage, and
- ii) For any medical engineering or other technical or specialized course in India beyond the High School stage;

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

Provided that the course of study is not less than three years.

The amount will be limited to 3 months pay but in no case shall the amount exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the fund.

The withdrawal will not be permissible more than once every six months.

The subscriber concerned should satisfy the sanctioning authority within a period of six months from the date of withdrawal of the amount that it has been utilized for the purpose for which, it was intended.

Notwithstanding the provisions in sub clause (i) and (ii) of Sub-Regulation (2) of this Regulation, in case where a portion of the money withdrawn by the subscriber is not likely to be spent within six months of the date of withdrawal and the subscriber contemplates making a further withdrawal during the following half year, he may, by notifying in writing to the sanctioning authority, before the expiry of the said period of six months, adjust the excess amount in the proposed withdrawal provided that such excess amount is not more than 10 percent of the amount utilised and action to withdraw further amount is taken within one month of the expiry of six months period.

b) Betrothal / Marriage :

For meeting the expenditure in connection with the betrothal / marriage of the subscriber or his daughter(s) or his son(s) and any other female / male relation actually dependent on the subscriber.

The amount of withdrawal in respect of each marriage will be the amount actually subscribed by the subscriber along with the interest thereon standing to his credit, or ten

months pay for daughter / female dependent or six months pay for son / male dependent in cases of Classes I & II Officers as the case may be whichever is less and ten months emoluments for son / male dependent as the case may be which ever is less.

NOTE:

- i) for the purpose of this Regulations the word 'Marriage' includes betrothal ceremony also.
- ii) The betrothal ceremony and marriage ceremony shall be treated as separate purposes . A subscriber who has withdrawn on the occasion of betrothal ceremony is eligible to make another final withdrawal on the occasion of marriage ceremony also.
- iii) If two or more marriages are to be celebrated simultaneously, the amount admissible in respect of each marriage will be determined as if the withdrawals are sanctioned separately one after the other.
- iv) The withdrawal will be allowed not earlier than three months preceding the month in which the marriage actually takes place.
- v) In respect of the same marriage, a subscriber may either withdraw the money in terms of this regulation or draw temporary advance under Regulation 19.
- vi) The subscriber should submit a report to the sanctioning authority within a period of one month from the date of marriage, or if he is on leave, within one month or return from leave, that the money withdrawn has actually been utilized for he purpose for which it was intended.

c) ILLNESS: For meeting the expenditure for prolonged illness of the subscriber or any person actually dependent on the subscriber.

The amount of withdrawal will be the amount actually subscribed by the subscriber along with interest thereon standing to the credit of the

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

subscriber or 6 months emoluments whichever is less.

The subscriber should submit a report to the sanctioning authority within a period of one month from the date of withdrawal of the amount that it has been utilized for the purpose for which it was drawn.

C. PURCHASE OF MOTOR CAR / MOTOR CYCLE / SCOOTER ETC.

After completion of 15 years of service (including the broken periods of service, if any) of a subscriber or 5 years prior to attaining the age of superannuation, withdrawal may be permitted for purchasing a motor car / motor cycle / scooter or for repaying a loan already taken by the subscriber for this purpose, subject to

- i) the subscriber's basic pay should be Rs.3,500/- per month or more in the case of purchase of motor car and Rs.1,500/- per month or more in the case of motor cycle / scooter etc.
- ii) the amount of withdrawal is limited to Rs.50,000/- for purchase of motor car and Rs.8,000/- for purchase of motor cycle / scooter etc. or the amount standing to the subscriber's credit whichever is less.
- iii) Such a withdrawal shall be allowed only on one occasion.
- iv) In the case of withdrawal for purchase of another motor car / motor cycle / scooter, advances for the purpose under the scheme for purchase of car / motor cycle / scooter will not be admissible.
- v) The motor car / motor cycle / scooter should be purchased within one month of the withdrawal of the money and proof of purchase should be produced to the satisfaction of the sanctioning authority failing which the entire amount is refundable to the fund together with interest at the appropriate rate as fixed under Regulation 15.
- vi) The subscriber shall submit a report to the sanctioning authority every

year as long as the subscriber is in the Board's service that the motor car / motor cycle / scooter remains in his sole ownership. He shall not sell, mortgage or transfer the car / motor cycle / scooter without the previous permission of the Chairman and in case it is so parted with the amount of withdrawal shall be refunded to the credit of the subscriber's Provident Fund together with interest at the appropriate rate as fixed under Regulation 15.

- vii) The subscriber who avails of the above withdrawal shall give an undertaking to the sanctioning authority on a stamp paper.

D) 90% WITHDRAWAL: A subscriber may be permitted to withdraw within 12 months before the date of retirement an amount not exceeding 90% of the amount standing to the credit of the subscriber payable to him from the Fund without linking to any purpose.

2. Conditions for Final withdrawals:

- i) **REDEPOSITION:** Any sum withdrawn at any one time for one or more purposes specified under this Regulation from the Fund which is found to be in excess of that actually required by the subscriber / unutilized for the purposes should be redeposited forthwith into the Fund together with the interest due thereon at the appropriate rate or rates fixed from time to time under Regulation 15.
- ii) **REPAYMENT :** A subscriber who has been permitted to withdraw the money from the fund at any one time for one or more purposes under this Regulation shall satisfy the sanctioning authority within the specified period, that the money has been utilized for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof has not been applied for the purpose for which it was withdrawn, shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

of such payment, it shall be ordered by the sanctioning authority to be recovered from subscriber's emoluments either in one lumpsum or in such number of installments as may be determined by the sanctioning authority.

- iii) PROCEDURE AND FORMS FOR PURPOSES OF FINAL WITHDRAWAL: The subscriber shall execute agreements, submit declarations and produce documentary evidences appropriately as required for the amount withdrawn for one or more purposes under these regulations in the manner and form as may be prescribed and directed by Chairman.

3. Conversion: Any outstanding balance against the temporary advances drawn for the purpose, aforesaid under Regulation 19 may at the written request of a subscriber, be converted into a final withdrawal under this regulation provided he had on the date of such drawal satisfied the conditions mentioned therefor.

24. CLOSING OF ACCOUNTS & PAYMENTS:

1. The account of each subscriber shall be closed and the amount standing to his credit shall subject to any deductions under this regulation and Regulation 25 become payable on his quitting service -

a) When he is dismissed from the service of he Board or removed or called upon to resign on account of his conduct or inefficiency or resigns without notice or permission or when he is appointed on probation not confirmed at the end of probationary period:

i) On his dismissal from service for grave misconduct before completing 15 years or service, or

ii) On his resignation from service within 5 years from the date of joining the fund or ceased to be an employee of the Trust otherwise than by reason of death, superannuation or a declaration by the Trust's Chief Medical Officer that he is unfit for further service or the

abolition of the post or the reduction of establishment.

The Board may withhold all or any part of the amount standing to his credit in the contribution account and pay him only the balance, if any, together with the amount deposited by him as subscription and interest thereon.

Provided that, if the order of dismissal / resignation is subsequently cancelled the amount withheld shall on his reinstatement in the service be restored to his credit in the fund.

NOTE: In the case of dismissal from service after completing not less than 15 years of service, if the Board has suffered any monetary loss on account of misconduct of the employee, the amount of special contribution that is withheld under the note to Regulation 12 (b) is not sufficient to cover the monetary loss, the balance may be appropriated from the Board's contribution payable to him.

b) When he retires from service on superannuation or voluntary retirement or on being declared unfit for further service by the Trust's Chief Medical Officer or owing the reduction of establishment (or some other cause other than misconduct) or when he is permitted to resign under any circumstances other than those mentioned in clause (a) above.

c) When he dies.

2. Payment on death of subscriber:

Subject to any deductions on the death of a subscriber before the amount standing to his credit has become payable, or where such amount has become payable, before payment has been made :-

a) When the subscriber leaves a family

-

i) if a nomination made by the subscriber in accordance with the provisions of Regulation 6 in favour of a member or members of his

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

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

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

Provided that no share shall be payable to

1. sons who have attained legal majority.
2. sons of a deceased son who have attained legal majority.
3. married daughters whose husbands are alive, and
4. married daughters of a deceased son whose husbands are alive, if there is any member of the family other than those specified in clauses (1), (2), (3) and (4).

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

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

(b) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of

Regulation 6 in favour of any persons or persons subsists the amount standing to his credit in the fund or part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

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

2) when the subscriber leaves no family and no nomination made by him in accordance with the provisions of regulation 6 subsists, or if such nomination relates only to part of the amount standing to his credit in the fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of Section 4 of the Provident Fund Act, 1925 are applicable to the whole amount or the part thereof to which the nomination does not relate.

3) When a nominee is not a dependant of the subscriber as defined in clause (c) of Section 2 of the Provident Fund Act, 1925, the amount if it does not exceed Rs.10,000/- it shall be paid to the nominee and if the amount exceeds Rs.10,000/- it shall be paid to the nominee only on production of succession certificate, probate, or letters of administration.

(c) WHEN THE SUBSCRIBER, LEAVES NOMINEES WHO ARE MINORS:

In the case of subscriber who dies and one or more of whose nominees to the fund is a minor or are minors at the time of the subscriber's death the share due to the minor (s) shall be paid.

1) to the guardian of the minor (s) appointed by the Court of Law.

Provided that the Provident Fund money to the extent of Rs.10,000/- (or the first Rs.10,000/- where the amount payable exceeds Rs.10,000/-) on behalf of the minor(s) can be made to his /their natural guardian or when no natural guardian exists, to the person considered fit by the Chairman to receive payment on behalf of the minor (s) without requiring him to produce a

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

guardianship certificate. The person receiving payment on behalf of the minor / minors should be required to execute a bond (signed by two sureties) agreeing to indemnify the Board against any subsequent claim. The balance in excess of Rs.10,000/- if any shall be paid according to law.

Provided further that in cases where the natural guardian is a Hindu widow or Hindu widower, the payment of Provident Fund money on behalf of her or his minor children shall be made to her or him as the case may be irrespective of the amount involved without production of guardianship certificate or any indemnity bond unless there is anything concrete to show that the interests of the mother or the father as the case may be are adverse to those of the minor children.

It is essential, however, that in the absence of a natural guardian there should be adequate 'Prima facie' grounds for making payment to the persons claiming it. Such ground can exist only if he / she is shown by a sworn affidavit to be a de-facto guardian and his / her bonafides have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person such person is in law a de-facto guardian. The person who comes forward to claim payment on behalf of the minor should satisfy the Chairman by an affidavit that he is in charge of the property of the minor and is looking after it or that if the minor has no property other than the Provident Fund money; the minor is in his custody and care. The affidavit is to be produced in addition to the indemnity bond with suitable sureties; or

2) to the nominee when the amount is claimed by the nominee after he or she has attained majority.

Provided that in every case interest shall be allowed in accordance with the note to regulation 15 (b) till the date of payment or to the end of sixth month after the month in which the subscriber dies whichever is earlier.

3) If a subscriber to the Fund who has been dismissed from or resigned has left the Board's service is subsequently re-employed by the Board, he shall unless the Chairman otherwise directs, repay the amount paid to him under Regulation 24. On the amount being repaid, his past service under the Board during which he subscribed to the Fund shall be taken into account in reckoning the period of five years specified in Clause (a) or sub-regulation (1) of Regulation 24 and the Chairman may at his discretion re-credit to his account all or any part of the contributions with held under the said sub-regulation and also order that the service rendered prior to the break shall count for the purposes of the special contribution admissible under Regulation 12.

25. DEDUCTIONS:

Subject to the condition that no deduction shall be made in excess of the total amount of any contribution made by the Board under Regulation 11 (a) and 12 (1 and 3) credited to the account of the subscriber and of any interest which has accrued on such contributions, the Chairman of the Board shall, when the sum standing to the credit of any subscriber has become payable, deduct there from and pay to the Board the amount due under a liability incurred by the subscriber to the Board.

The expression "due" under a liability incurred to the Board includes any monetary loss suffered by the Board due to the misconduct of the employee, rent of quarters, balance of House Building Advance, conveyance or any other advances or over payments, an allowances and leave salary and amount of Income Tax deductible under the Income Tax Act.

26. CREDITING TO WELFARE FUND:

Sums withheld by the Board under this Regulation shall be credited to the Welfare Fund Account of the Board.

A sum credited to the Welfare Fund shall be redrawn in each case with the sanction of Chairman.

27. CREDITING TO REVENUE ACCOUNT:

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

All balances of Provident Fund unclaimed for more than three complete account years will at the end of each year be credited to the Board's Revenue account.

A sum credited to the Board's Revenue account cannot, be without the sanction of the Board, be refunded to the person or persons who could have drawn it any time before its credit to the Revenue Account.

28. DEDUCTIONS WITH REFERENCE TO PROVIDENT FUND ACT:

When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under Regulation 24 and 25 becomes payable it shall be the duty of the Chairman of the Board, after satisfying himself that when no such deduction has been directed under those regulations, no deduction is to be made, to make payment as provided in Section 4 of the Provident Fund Act, 1925.

29. ASSIGNMENT OF POLICY:

i) The policy effected on his life by a subscriber shall be re-assigned to him on his quitting the service of the Board or on his retirement.

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

iii) In case where no Manager for the estate of the lunatic has been appointed, the payment or re-assignment of the policy may be made in terms of Section 95 (1) of the Indian Lunacy Act to the person having charge of the Lunatic under the orders of the Collector. The Chairman of the Board shall pay only the amount which he thinks fit to the person having charge of the Lunatic and the balance, if any or such part thereof as he thinks fit, is to be paid for the maintenance of such members of the lunatic family as are dependent on him for maintenance. But before this is done, the person to whom the payment becomes

payable under the rules will have to be certified by the Magistrate as Lunatic.

30. PAYMENT OF AMOUNT:

Except the Special Contribution under sub-regulation (3) and the additional amount if any, under Sub-regulation (5) of Regulation-12, all payments accruing on the closing of the account of a subscriber shall be made to him or if he is dead, to his nominee or nominees. In regard to the Special Contribution and the additional amount referred to above, payment shall be made to the subscriber if he is alive, or if he is dead, to such dependant or dependants of the deceased employee as may be decided by the Chairman.

31. PROCEDURE FOR PAYMENT:

The procedure for payment of the amount standing to the credit of the subscriber, execution of bonds, agreements, submission of declaration and production of documentary evidences appropriately as may be required for the purposes under these regulations shall be in the manner and forms as may be prescribed by Chairman from time to time.

32. INTERPRETATION:

If any question arises relates to the interpretations of these regulations, the same will be decided by the Board.

33. APPLICATION OF GOVERNMENT RULES:

In applying the provisions of these regulations and in matters not dealt within these regulations, the orders and decisions of the Government contained in government's 'Contributory Provident Fund Rules (INDIA) 1962, shall subject to such exceptions and modifications as the Board may decided from time to time, shall be adopted with the prior approval of the Central Government pending formal amendment to these regulations.

34. REPEAL AND SAVING:

On commencement of these regulations, the Chennai Port Trust Regulations relating to Provident Fund and Gratuity which were in force immediately before these regulations come into force shall cease to have any effect.

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

Provided that any order made or action taken or liberalization allowed under the provisions of the repealed regulations shall be deemed to have been made or taken or availed of under the corresponding provisions of these regulations.

CHENNAI PORT TRUST

The first Schedule referred to in Sub-Regulation (b) of Regulation 6 of the Chennai Port Trust (Contributory Provident Fund) Regulations, 1997.

**FORM OF NOMINATION WHEN
SUBSCRIBER HAS A FAMILY**

I hereby direct that the amount at my credit in the Chennai Port Trust Contributory Provident Fund in the event of my death shall be distributed among the numbers of my family mentioned below in the manner shown against their names.

I duly understand that the nomination is not applicable to the special contribution and the additional amount admissible under sub-regulation (3) and (5) of Regulation 12 of these Regulations.

Name and full address of nominee or nominees	Relationship with the subscriber	Age of the nominee	Amount of Share of accumulations	Contingencies on the happening of which the nomination shall become invalid	Name, Age address and relationship of the person(s) if any to whom the right of nominee shall pass in the event of his predeceasing the subscriber or on the happening of the contingency or contingencies specified in the previous column.
1	2	3	4	5	6

Station: _____ Signature of Subscriber

Date: _____ (NAME IN BLOCK LETTERS)

Two witnesses to signature, Designation:

- | | |
|--------------|--------------|
| 1. Signature | 2. Signature |
| Occupation | Occupation |
| Address | Address |

(For use by the Accounts Department)

ACCEPTED

FA&CAO

Note: Column 4 shall be filled in so as to cover the whole amount at

CHENNAI PORT TRUST

The Second Schedule referred to in Sub-Regulation (c) of Regulation 6 of the Chennai Port Trust (Contributory Provident Fund) Regulations 1997.

FORM OF NOMINATION WHEN
SUBSCRIBER HAS NO FAMILY

I hereby direct that I have no family and direct that the amount at my credit in the Chennai Port Trust Contributory Provident Fund shall, in the event of my death shall be distributed among the numbers of my family mentioned below in the manner shown against their names.

I duly understand that the nomination is not applicable to the special contribution and the additional amount admissible under sub-regulation (3) and (5) of Regulation 12 of these Regulations.

Name and full address of nominee or nominees	Relationship with the subscriber	Age of the nominee	Amount of Share of accumulations	Contingencies on the happening of which the nomination shall become invalid	Name, Age address and relationship of the person(s) if any to whom the right of nominee shall pass in the event of his / her predeceasing the subscriber.
1	2	3	4	5	6

Station: _____ Signature of Subscriber
(NAME IN BLOCK LETTERS)

Date: _____

Two witnesses to signature, Designation:

- | | |
|--------------|--------------|
| 1. Signature | 2. Signature |
| Occupation | Occupation |
| Address | Address |

NOTE: Column 4 shall be filled in so as to cover the whole amount at the credit *where a subscriber who has no family makes a nomination, he shall specify in this

**CHENNAI PORT TRUST (CONTRIBUTORY PROVIDENT FUND)
REGULATIONS, 1997**

column that the nomination shall become invalid in the event of his subsequently acquiring a family.

(For use by the Accounts Department)

ACCEPTED

FA&CAO

SCHEDULE

**SANCTIONING AUTHORITY FOR THE PURPOSE
OF THE CHENNAI PORT TRUST
CONTRIBUTORY PROVIDENT FUND
REGULATIONS – REGULATION-NO.3**

Reg No.	Description of powers delegated	Authority to which the power is delegated
3(xii)	Condonation of break or breaks in service for a period each not exceeding six months provided each break is preceded by at least six months of continuous service.	<u>Chairman</u> : Full powers in the case of all employees. <u>Deputy Chairman</u> : Full powers in the case of Classes II, III & IV employees
12.	Sanction of Special contribution to the account of subscriber whose service is certified to have been good, efficient, faithful and continuous.	<u>Chairman</u> : Full powers in the case of all employees. <u>Deputy Chairman</u> : Full powers in the case of Classes II, III & IV employees. <u>FA&CAO</u> : Full powers in the cases of Classes III & IV employees of all departments.
16.	The Board's Power to sanction applications from subscribers to the Board's Provident Fund for permission to utilize the subscription to the fund towards the payment of premium on policies of Life Assurance.	Chairman
19	The Board's powers to grant temporary advance to the Provident Fund Subscribers from the amount standing to his / her credit.	
	Chairman	Full powers in the case of all employees including Heads of Departments.
	Deputy Chairman	Full powers in the case of all employees excluding Heads of Departments.
	Heads of Departments	Full powers in the case of Classes I & II and Classes III & IV employees of their departments.

Reg No.	Description of powers delegated	Authority to which the power is delegated
21	The Board's power to sanction payment to these concerned from the Revenue Account of sums credited thereto viz. balances of Provident Fund unclaimed for more than three complete account years.	Chairman
23	Final withdrawal from Provident Fund.	

Chairman : Full powers in the case of employees including Heads of Departments.
Dy. Chairman: Full powers in the case of employees excluding Heads of Departments.

1. Amended vide Ministry's Notification No.206(E) dated 3.4.2006 (Reg 5)