

Mormugao Port Employees (Leave) Regulations, 1964

I-PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT :

(1) These Regulations may be called the Mormugao Port Employees' (Leave) Regulations, 1964.(2) They shall come into force on the 1st July, 1964.

2. EXTENT OF APPLICATION:-

(a) These regulation shall subject to the provisions of clause (b) apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

(b) Any employee, who was not governed by the Revised leave Rules, 1933, before the commencement of these Regulations shall be governed by those rules by which he was previously governed unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these regulations on and from the date of commencement of these regulations.

(c) Employees, whose appointment is treated as adhoc for purely technical reasons.

3. DEFINITIONS:-

In these regulations unless the context other wise requires:-

(a) "Board", "Chairman", "Deputy Chairman", "Head of a Department", shall have the meaning assigned to them in the Major Port Trust Act, 1963.

(b) "Commutated leave" means leave taken under sub-regulation (c) of regulation 10.

(c) "Completed year of service" and "one year's continuous service" means continuous service of the specified duration under the Central Government or the Board and includes the period spent on duty as well as on leave, include extraordinary leave.

(d) "earned leave", means leave earned in respected of periods spent on duty.

(e) "earned leave due", means the amount of leave to the credit of an employee on the date of commencement of these regulations and under the rules in force prior to that

date plus the amount of earned leave calculated under regulations 8, 9 or 11 as the case may be diminished by the amount of earned leave taken on or after the commencement of these regulations.

(f) “employee”, means an employee of the Board.

(g) “employee in permanent service”, means an employee who holds substantively a permanent post or who would hold a lien on permanent post, had the lien not been suspended.

(h) “employee in quasi-permanent service”, means an employee who has been declared quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1949, or who may be declared as quasi-permanent under the Mormugao Port Employees (Temporary Services) Regulations, 1964.

(i) “half pay leave” means leave earned in respect of completed years of service.

(j) “half pay leave due”, means the amount of half pay leave calculated under regulation 10 for the entire service, diminished by the amount of half pay leave for private affairs and on medical certificates, taken before the commencement of these regulations and half pay leave taken on or after that date.

(k) “leave” includes earned leave, half pay leave, commuted leave, leave not due and extra-ordinary leave.

(l) “the date of retirement” or “the date of his retirement” in relation to an employee means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his services.

(m) “vacation department” means a department or part of a department to which regular vacations are allowed, during which employees serving in the department are permitted to be absent from duty.

II-GENERAL CONDITIONS

4. RIGHT TO LEAVE:

(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to

that authority to alter the kind of leave due and applied for except at the written request of the employee.

NOTE -1: Employees to be encouraged to take leave regularly:

The leave sanctioning authority may encourage employees to take leave regularly, preferably annually. In cases where all applications for leave cannot in the interest of public service, be granted at the same time, the leave sanctioning authority should draw up phased program for the grant of leave to the applicants by turn with due regard to the principles enunciated.

NOTE-2: Leave should not ordinarily be denied during the last ten years of service: Earned Leave should not ordinary be denied to any employee, especially in the last ten year of his career, so that earned leave accumulations beyond 300 days normally do not take place.

5. REGULATION OF CLAIM TO LEAVE:

An employee's claim to leave is regulated by the regulations in force at the time the leave is applied for and granted.

6. EFFECT OF DISMISSAL, REMOVAL OR RESIGNATION ON LEAVE AT CREDIT:

(1) Except as provided in Regulation 32 and this regulation, any claim to leave to the credit of an employee, who is dismissed or removed or who resigns from Board service, ceases from the date of such dismissal or removal or resignation.

(2) Where an employee applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) An employee, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) An employee, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

NOTE: Carry forward of leave in case where there is no break or break converted into joining time: In all cases in which there is no break or the break, if any, is converted in to joining time with or without pay, the past service will count for pension and carry forward of leave will be permissible.

In cases where the period of break in service exceeds 30 days, the question of condoning the break either for purposes of pension or for carry forward of leave will have to be examined under the orders issued on the subject from time to time and may be decided by the Head of Department in consultation with the Finance Department.

7.COMMUTATION OF ONE KIND OF LEAVE INTO ANOTHER:

(1)At the request of an employee, the authority which granted him leave may commute it the retrospectively into leave of a different kind, which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right.

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned employee joining his duty on the expiry of the relevant spell of leave availed of by him.

(2)The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE– Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Regulation 27.

8. COMBINATION OF DIFFERENT KINDS OF LEAVE:

Except as otherwise provided in these regulations, any kinds of leave under these regulations may be granted in combination with or in continuation of kind of leave.

NOTE -1: Casual Leave:- which is not recognized as leave under these regulations shall not be combined with any other kind of leave admissible under these regulations.

NOTE -2: Special Casual Leave:- It is open to the competent authority to grant Casual leave in combination with Special Casual Leave, but in cases where it is permissible to grant regular leave in combination with Special Casual Leave, Casual Leave should not be granted in combination with both Special Casual Leave and regular leave.

NOTE -3: Combining half a day's Casual Leave:- An employee, as an exception to the general rule, be permitted to combine half a day's casual leave with regular leave, if his absence on the next working day was due to sickness or other compelling grounds. Those, who have only half a day's Casual leave at their credit and who will not attend office on the next working day (having applied for leave of the kind due and admissible to cover their absence for that working day and for subsequent days (if any) should not be allowed the last half a day's casual leave for the afternoon.

9. MAXIMUM AMOUNT OF CONTINUOUS LEAVE:

(1) Unless the Board, in view of the exceptional circumstances of the case otherwise determines, no employee shall be granted leave of any kind for a continuous period exceeding five years.

(2) Where an employee does not resume his duty after remaining on leave for a continuous period of five years, or where an employee, after the expiry of his leave remains absent from duty, other wise than on foreign service or on account of suspension for any period which together with the period of leave granted to him exceeds five years, he shall, unless the Board in view of the exceptional circumstances of the case otherwise directs, be removed from service after following the procedure laid down in the Mormugao Port Employees, (Classification, Control and Appeal) Regulations, 1964.

10. ACCEPTANCE OF EMPLOYMENT WHILE ON LEAVE:

(1) An employee (other than an employee, who has been permitted a limited amount of private practice or who has been permitted to undertake casual literally work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement shall not take up any service or employment elsewhere including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of

(a) the Board, if the proposed services or employment lies elsewhere than in India; or
(b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2) (a) No employee while on leave, other than leave preparatory to retirement, shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the employee may have his services transferred temporarily from his parents office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

(c) An employee, while on leave preparatory to retirement, shall not be permitted to take up private employment. He may, however be permitted to take up employment with a public Sector undertaking or a body referred to in clause (a) of sub-regulation (2) of Regulation (31) and in that event also, leave salary payable for leave preparatory to retirement shall be the same as admissible under Regulation (33).

(3) (a) In case an employee, who has proceeded on leave preparatory to retirement is required before the date of retirement for employment during such leave in any post under the Board in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under Clause (a) shall be allowed to be encashed in the manner provided in sub-regulation (2) of Regulation 32.

NOTE : Private employment during leave:

Although the grant of permission to take up private employment during leave on medical certificate is technically covered by the provision of F.R.69, (of Reg.10) such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave, which can be obtained on the strength of a medical certificate, should be allowed to an employee, the state of whose health enables him to earn a competence by private employment. FR 69 should not therefore, be construed as permitting an employee, who avails himself of leave on medical certificate to undertake regular employment during such leave.

III- GRANT OF AND RETURN FROM LEAVE

11. APPLICATION FOR LEAVE:

Any application for leave or for extension of leave shall be made in the form prescribed by the Board to the authority competent to grant leave.

12. LEAVE ACCOUNT:

A leave account shall be maintained in the form prescribed by the Board for each employee.

13. VERIFICATION OF TITLE TO LEAVE :

No leave shall be granted to an employee until its admissibility has been certified by the authority maintaining the leave account.

14. LEAVE NOT TO BE GRANTED IN CERTAIN CIRCUMSTANCES:

Leave shall not be granted to an employee, whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Board Service.

NOTE : No leave during suspension: Leave may not be granted to an employee under suspension.

15. GRANT OF LEAVE ON MEDICAL CERTIFICATE:

(1) An application for leave on medical certificate made by an employee shall be accompanied by a medical certificate given by the Medical Officer or a Registered Medical Practitioner; defining as clearly as possible the nature and probable duration of illness.

(2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties and in such case, the opinion that the employee is permanently unfit for Board service shall be recorded in the medical certificate.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting the Chief Medical Officer of the Board to have the applicant medically examined on the earliest possible date.

(4) It shall be duty of the Chief Medical Officer referred to in sub regulation (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(5) The grant of medical certificate under this regulation does not in itself confer upon the employee concerned any right to leave. The medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not

exceeding three days at time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

16. **LEAVE TO AN EMPLOYEE WHO IS UNLIKELY TO BE FIT TO RETURN TO DUTY :**

(1) (a) When a medical authority has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such employee.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:-

(i) if the medical authority is unable to say with certainty that the employee will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.

(ii) if an employee is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed six months.

(2) An employee, who is declared by a medical authority to be completely and permanently incapacitated for further service, shall :-

(a) if he is on duty, be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority; if however, he is granted leave under sub-regulation, (1) he shall be invalidated from service on the expiry of such leave.

(b) if he is already on leave, be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub regulation (1).

17. **COMMENCEMENT AND TERMINATION OF LEAVE :**

(1) Except as provided in Regulation 18, leave ordinary begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the change is resumed.

NOTE : Transfer of foreign service :

If an employee is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

18. COMBINATION OF HOLIDAYS WITH LEAVE :

(1) (i) When the day immediately preceding the day on which an employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays, provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of an employee to perform his duties, and
- (c) the delay of his return does not involve a corresponding delay in the transfer to another station of the employee, who was performing his duties during his absence or in the discharge from Board service of a person temporarily appointed to it.

(ii) In the case of leave on medical certificate-

- (a) When an employee is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday (s) if any, immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and
- (b) When an employee is certified medically fit for joining duty, holiday(s), if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any preceding the day he is so certified shall be treated as part of the leave.

(2) On condition the departing employee remains responsible for the money in his charge, the Head Department may, in any particular case waive the application of clause (a) of the proviso to sub regulation.(3) Unless an authority competent to grant leave in any case otherwise directs :-

- (a) if holidays are prefixed to leave, the and any consequent re-arrangements of pay and allowances take effect from the day after the holiday, and
- (b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE -1 : A compensatory leave granted in lieu of duty performed by an employee on Sunday or a holiday for full day may be treated as a holiday for the above purpose.

NOTE -2: Treatment of Restricted Holiday: Restricted holiday can be prefixed or suffixed to regular leave or Casual Leave.

19. RECALL TO DUTY BEFORE EXPIRY OF LEAVE :

In case an employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the employees shall be entitled :-

(a) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw.

i) travelling allowance under rules made in this behalf for the journey and

ii) leave salary until he joins his post, at the same rate at which he would have drawn it but for recall to duty

(b) If the leave from which he is recalled is out of India, to count the time spent the voyage to India as duty for purpose of calculating leave and to receive:-

i) Leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post at the same rate at which he would have drawn it but for recall it duty;

ii)a free pass to India.

iii)refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;

iv)Travelling allowance, under the rules for the time being in force for travel from the place of landing in India to the place of duty

20. RETURN FROM LEAVE :

(1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.(2) Notwithstanding anything contained in sub-regulation, an employee on leave preparatory to retirement shall be precluded from returning to duty save with consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.(3) An employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness.

(4) (a) An employee returning from leave is not entitled in the absence of specific orders to that effect to resume as a matter of course the post which he held before going on leave.

(b) Such an employee shall report his return to duty to the authority which granted his leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE -1 : An employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of Fitness Certificate which recommends light work for him.

NOTE -2: Competent authority to grant fitness certificate after treatment of tuberculosis:

A temporary employee suffering from Pulmonary Tuberculosis should produce a certificate of fitness either from the Medical Officer-in-charge of a recognized sanatorium or from a T.B. Specialist recognized by a State Government while such an employee suffering from tuberculosis of any other part of the body should produce a certificate from a qualified T.B. specialist or a Civil Surgeon.

NOTE -3 : The T.B. institution recognized or to be recognized by the Ministry of Health for the purpose of treatment of Central Government servants and their families under the orders issued by that Ministry (vide Appendices of Swamy's, Compilation of Medical Attendance Rules) will be deemed as recognized.

21. ABSENCE AFTER EXPIRY OF LEAVE:

(1) Unless authority competent to grant leave extends the leave, an employee who remains absent the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it was half pay leave to the extent such leave is due the period in excess of such leave due being treated as extraordinary leave. (2) Willful absence from duty after the expiry of leave render an employee liable to disciplinary action.

NOTE-1 : Treatment of willful absence from duty not recognized:

Willful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as "dies non" for all purposes, viz., increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorized leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers under Regulation (26) of the Mormugao Port Employees' (Pension & Gratuity) Regulations, 1966 to treat the period as leave without allowance, the entire past service will stand forfeited.

NOTE - 2 : Action for overstaya of leave:

Action can be taken under these regulations for unauthorized absence from duty or

overstayal of leave even for one day, treating it as misconduct, if the facts and circumstances of the case warrant such an action.

NOTE – 3 : Action for unauthorized absence from duty or overstayal of leave:

(i) When a temporary employee asks for leave in excess of the limits prescribed under Regulation 28 of the Mormugao Port Employees' (Leave) Regulations, 1964 and if the circumstances are exceptional, a decision could be taken by the leave sanctioning authority to grant further leave in excess of the limits in consultation with the Finance Department.

(ii) When a temporary employee applies for leave beyond the prescribe limit of extraordinary leave and the leave sanctioning authority is not satisfied with the genuineness of the grounds on which further leave has been asked for, nor does it consider the grounds as exceptional, the leave cannot be granted. In such a case, the employee should be asked to rejoin duty within a specified date failing which he would render himself liable for disciplinary action. Disobedience of orders to rejoin duty within the specified period would afford good and sufficient reasons for initiating disciplinary action under the Mormugao Port Employees' (Classification, Control & Appeal) Regulations 1964. If he rejoins duty by the stipulated date, he may be taken back to service and the period of absence not covered by leave be treated as overstayal of leave and dealt with in accordance with the orders regarding regularisation of overstayal of leave.

If the employee does not join duty by the stipulated date, it would be open to the disciplinary authority to institute disciplinary proceedings against him. If during the course of disciplinary proceedings he comes for rejoining duty, he should be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as quickly as possible. The question of regularization of the period of overstayal of leave be left over for consideration till the finalization of the disciplinary proceedings.

(iii) If an employee absents himself abruptly or applies for leave which is refused in the exigencies of service and still he happens to absent himself from duty, he should be told of the consequences, viz., that the entire period of absence would be treated as unauthorized entailing loss of pay for the period in question under proviso to Fundamental Rule 17, thereby resulting in break in service. If, however, he reports

for duty before or after initiation of disciplinary proceedings, he may be taken back for duty **because he has not been placed under suspension.** The disciplinary action may be concluded and the period of absence treated as unauthorized resulting in loss in pay and allowances for the period of absence under proviso to FR 17 (1) and thus a break in service. The question whether the break should be condoned or not and treated as dies non should be considered only after conclusion of the disciplinary proceedings and that too after the employee represents in this regards. It is made clear that an employee, who remains absent unauthorisedly without proper permission should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed in Regulation (28) of the Mormugao Port Employees' (Leave) Regulations, 1964. However, the disciplinary authority should consider the grounds adduced by the employee for his unauthorized absence before initiating disciplinary proceedings. If the disciplinary authority is satisfied that the grounds adduced for unauthorized absence are justified, the leave of the kind applied for and due and admissible may be granted to him.

NOTE – 4 : Period of overstayal of leave does not count for increments:

Period of overstayal of leave does not count for increments in a timescale unless under FR 85 (b) (of Regulation 28 (b) it is commuted into extraordinary leave and under the proviso to FR 26 (b) the extraordinary leave is specially allowed to count for increment.

IV -KINDS OF LEAVE DUE AND ADMISSIBLE

22. EARNED LEAVE FOR EMPLOYEES SERVING IN DEPARTMENTS

OTHER THAN VACATION DEPARTMENTS:

1.(a) (i) The leave account of every employee, who is serving in a department other than a Vacation Department, shall be credited with earned leave in advance, in two installments of 15 days each on the first day of January and July of every calendar year.

(ii) When an employee joins a new post without availing full joining time by reasons that-

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled.
or

(b) he proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family, the number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central Civil Services (Joining Time) Rules, 1979, subject to the maximum of 15 days reduced by the number of days actually availed of, shall be credited to his leave account as earned leave.

Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service.

(b) The leave at the credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half -year do not exceed the maximum limit of 180 days.

Provided that where the earned leave at the credit of 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 the first day of January or July to be afforded in the manner indicated under sub-regulation (i) of clause (a) of sub-regulation (1), 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 balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service.

(c)(i) Where an employee not in permanent employ or quasi permanent employ, is appointed without interruption of service substantively to a permanent post or declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as an employee in permanent employ diminished by any earned leave already taken.
(ii) Where an employee had availed of leave on half pay or extraordinary leave, since the date of permanent appointment or quasi-permanent appointment, such leave may,

subject to the provisions of Regulation 7 be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

(d) A period spent in foreign service shall count as duty for purposes of this regulation, if contribution towards leave salary is paid on account of such period.

(2) Subject to the provisions of regulation 4 and sub regulation 32 (1) and (3) of this regulation, the maximum earned leave that may be granted at a time to an employee in India shall be 180 days.

(3) Earned leave may be granted to an employee in class I or class II service or to an employee mentioned in the second proviso to sub-regulation (1) for a period exceeding 180 days, including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service as the case may be but not exceeding 300 days, If the entire leaves so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Myanmar, Srilanka, Nepal and Pakistan.

Provided that where earned leave exceeding a period of 180 days is granted under the sub-regulation, the period of such leave spend in India shall not in aggregate exceed the aforesaid limited.

NOTE- 1 : Eligibility in case of officials on leave on the last day of a particular half year:

If an employee is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half year provided the authority competent to grant leave has reason to believe that the employee will return to duty on its expiry.

NOTE- 2 : Procedure for advance credit when leave at credit exceeds 300 days:

In case where the earned leave at credit on 1st January/1st July is 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service or less but more than 285 days, an advance credit of 15 days will be made in Column 4 of the leave account. The resultant total will be shown in Column 7 as 300+ including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service the number of days exceeding the ceiling of 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in

service will be shown in brackets. Leave taken during the current half year will first be adjusted against the figure shown in brackets in Column 7. Column 11 will also shown the balance as 300 days + number of days exceeding 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service, if any, after adjusting the leave taken. While arriving at the total of Earned Leave at credit in Column 7 at the time of affording credit for next half-year, the credit in Column 4 will be added to only that figure in Column 11, which is outside the brackets.

23. CALCULATION OF EARNED LEAVE:

1) Earned leave shall be credited to the leave account of an employee at the rate of 2 1/2 days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.

2)(a) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of 2 1/2 days per completed calendar month up to the date of retirement or resignation.

(b) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 1/2 days per completed calendar month upto the end of the calendar month proceeding the calendar month in which he is removed or dismissed from service or dies in service.

24. EARNED LEAVE ADMISSIBLE TO AN EMPLOYEE IN PERMANENT EMPLOY SERVING IN A VACATION DEPARTMENT :

a) earned leave shall not be admissible to an employee in permanent employ serving in a vacation department in respect of duty performed in any year in which he avails himself of the full vacation.

b)(i) The earned leave admissible to such an employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days (or 45 days in the case of an employee mentioned in the second proviso to sub regulation (1) of regulation (22) as the number of days of vacation not taken bears to the full vacation.

Provided that no such leave shall be admissible to an employee not in permanent employ or quasi- permanent employ in respect of the first year of his service.

(ii) If in any year the employee does not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provision of regulation 22.

c) Vacation may be taken in combination with or in continuation of any kinds of leave under these regulations, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other leave or shall not exceed the amount of earned leave due and admissible to the employee at a time under regulation 22.

EXPLANATION : For the purpose of this Regulation, the term 'year' shall be construed not as meaning of a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.

NOTE – 1 : An employee entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation. Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE – 2 : When an employee serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall calculated not with reference to the vacation which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

(d) The earned leave under the regulation at the credit of an employee at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 300 days including the number of days for which the

encashment has been allowed along with the Leave Travel Concession while in service.

NOTE – 1 : The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments in accordance with the provisions of sub-clause (ii) of clause (a) of Regulation 22.

NOTE – 2 : Combination of vacation with Casual leave permissible :

Since vacation is deemed as duty under FR 82 (b) there would be no objection to combining it with casual leave which is also treated as duty.

NOTE – 3 : Travelling Allowance under S.R 142 for recall from vacation In public Interest:

Where journeys are necessitated by compulsory recall from vacation to duty in public interest, TA will be admissible as for recall from leave, treating vacation as leave under SR 142. All the terms and conditions stipulated in SR 142 will be applicable in such cases.

25. HALF-PAY LEAVE

(1) The half-pay leave account of every employee (other than those serving in Vacation Departments) 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.(2)(a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar months of service which he is likely to render in the half-year of the calendar year.

(b) 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.

(c) When an employee is removed or dismissed from service or dies while in service, credit of half-pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month proceeding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of an employee has been treated as 'dies non' in a half-year, the credit to be afforded to his half-pay leave account at the commencement of next half-year, shall be reduced by one-eighteen of the period of 'dies non' subject to a minimum of 10 days.

(3) The half pay leave due may be granted to an employee on medical certificate or on private affairs.

(4) While affording credit of half-pay leave, fraction of a day should be rounded off to the nearest day.

Provided that In the case of an employee not in permanent employ or quasi-permanent employ, no half-pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the employee will return to duty on its expiry except in the case of an employee, who has been declared completely and permanently incapacitated for fuurther service by a medical authority.

NOTE : The authority empowered to grant leave is not empowered to alter the nature of leave, though he has the power to refuse or revoke leave at any time according to the exigencies of the public service. There is no restriction on an employee at his option being granted half pay leave even earned leave is due to him.

26. **COMMUTED LEAVE**

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate only to an employee subject to the following conditions, namely:-

(a) The authority competent to grant leave is satisfied that there is reasonable prospect of the employee in returning to duty on its expiry.

(b) When commuted leave is granted twice the amount of such leave shall be debited against the half pay leave due.

(1-A) The authority competent to grant leave obtains an undertaking from the employee that in the events of his resignation or retiring voluntarily from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Where an employee, who has been granted Commuted Leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treat as half-pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill health incapacitating the employee for further service or in the event of his death.

NOTE : Commuted leave may be granted at the request of the employee even when earned leave is due to him.

NOTE-1 : Commuted Leave up to 60 days without medical certificate to female employees on adoption of a child:

A female employee, on adoption of a child, may be granted Commuted Leave not exceeding 60 days without production of a medical certificate along with leave of the other kinds due and admissible (including Leave not due) for a period of up to one year or till such time the child is one year old, whichever ever is earlier. However, this facility will not be admissible in case she is already having two surviving children at the time of adoption.

NOTE – 2 : Notwithstanding the requirement of production of medical certificate contained in sub-regulation (1) of Regulation 26 or sub-regulation (1) of Regulation 27, Commuted Leave for a period not exceeding 60 days may granted in continuation of Maternity Leave granted under sub-regulation (1) of Regulation 6 of the Mormugao Port Employees' (Supplementary Leave) Regulations, 1966 along with other leave of the kind due and admissible (including Leave not due) up to maximum of one year, if applied for.

27. LEAVE NOT DUE

(1) Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employ or quasi-permanent employ limited to a maximum of 360 days during the entire service on medical certificate, subjects to the following conditions:

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;
- (b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) leave not due shall be debited against the half pay leave the employee may earn subsequently.

(2) Leave not due may also be granted to such of the temporary employees as are suffering from T.B., Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions in clauses (a) to (c) of sub-regulation (1) and further subject to the following conditions viz.:-

- (i) that the employee has put in a minimum of one year's service.
- (ii) that the post from which the employee proceeds on leave is likely to last till his return to duty; and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in Clauses (c) and (d) of sub-regulation (2) of Regulation 28.(3)(a) Where an employee, who has been granted leave not due resigns from service or at his

request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where an employee, who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently. Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

Provided further that no leave salary shall be recovered under clause (a) or clause (b), if the employee is compulsorily retired prematurely under Regulation 41 of the Mormugao Port Employees' (Pension & Gratuity) Regulations, 1966 or is retire under Fundamental Regulation 56 (j) or Fundamental Regulation 56 (l).

(4) "Commutated Leave" should be treated in the same way as leave on half average pay for purposes of Supplementary Rules and as leave with allowance for the purpose of pension.

(5) The half pay leave earned by an employee in respect of a "completed year of service" can be availed of by him during the course of a spell of leave or during an extension there to within which the date of anniversary of service falls.

NOTE – 1 : Medical authorities for recommending leave in cases of Tuberculosis and Leprosy:

(a) The appropriate medical authority in the case of employee suffering from Tuberculosis will be-

(i) the employee's authorized medical attendant;

(ii) the Medical Officer-in-charge of a recognized sanatorium in the case of an employee undergoing treatment in a recognized sanatorium.

(iii) a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned in the case of an employee receiving treatment at his residence; and

(iv) a qualified Tuberculosis Specialist or a Civil Surgeon in the case of an employee suffering from tuberculosis, other than pulmonary tuberculosis.

(b) The appropriate medical authority in cases of employees suffering from Leprosy will be-

- (i) the employee's authorized medical attendant or a Civil Surgeon; or
- (ii) the Medical Officer-in-charge of a recognized leprosy institution where the patients is undergoing treatment; or
- (iii) a Specialist in leprosy recognized as such by the State Administrative Medical Officer concerned.

NOTE – 2 : Medical Certificate not necessary for LND in continuation of Maternity Leave

Notwithstanding the requirement of production of medical certificate contained in sub-regulation (1) of Regulation 26 or sub-regulation (1) of Regulation 27, Leave not due up to a maximum of one year may if applied for, be granted in continuation of Maternity Leave granted under sub-regulation (1) of Regulation 6 of the Mormugao Port Employees' (Supplementary Leave) Regulations, 1966.

28. EXTRAORDINARY LEAVE :

(1) Extraordinary leave may be granted to any employee in special circumstances:-

- (a) When no other leave is admissible, or
- (b) When other leave is admissible, but the employee concerned applies, in writing for the grant of extraordinary leave.

(2) Unless the Board in view of the exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits:-

- (a) three months,
- (b) six months, where the employee has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these regulations, including three month's extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these regulations.
- (c) eighteen months, where the employee who has completed one year's continuous service is undergoing treatments for-
 - (i) Pulmonary Tuberculosis or Pleurisy of tubercular origin in a recognized

sanatorium.

NOTE : (i) The concession of extraordinary leave up to eighteen months shall be admissible also to an employee suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon or

(iii) Leprosy in a recognized leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognized as such by the State Administrative Medical Officer concerned.

Provided that for grant of extraordinary leave as sub Regulation (2) above the employee should have put in a minimum of a one year's continuous service and that he should produce medical certificate as envisaged in sub Regulation (2) of regulation (28) *ibid*.

(iv) Cancer or for mental illness in an institution recognized for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such disease.(d)

Twenty four months where the leave is required for the purposes of prosecuting studies certified to be in the Board's interest, provided that the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under the regulation (including three months extraordinary leave under (a) above)

(3) (a) Where an employee is granted extraordinary leave in relaxation of the provision contained in Clause (d) of sub-regulation (2), he shall be required to execute a bond in Form 6 undertaking to refund to the Board the actual amount of expenditure incurred by the Board, during such leave plus that incurred by any other agency with interest there on in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The bond shall be supported by sureties from two permanent employee having a status comparable to or higher than that of the employee.

(4) Two spell of extraordinary leave if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of clause (2) of regulation (28).

NOTE : EOL cannot run concurrently with notice in case of voluntary retirement:

“Extra Ordinary Leave” cannot be termed as leave standing to the credit of an employee and, therefore, it cannot run concurrently with the period of notice given by him for seeking voluntary retirement.

29. LEAVE TO PROBATIONER, A PERSON ON PROBATION AND AN APPRENTICE:

(1) (a) A probationer shall be entitled to leave under these regulations if he had held his post substantively otherwise than on probation.(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend;

(i) beyond the date on which the probationary period as already sanctioned or extended expires; or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these regulation as a temporary or a permanent employee according as his appointment is against a temporary or a permanent post;

Provided that where such person already holds a lien on a permanent post before such appointment, he shall entitled to leave under these regulations as a permanent employee.

(3) An apprentice shall be entitled to-

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship.

(b) extraordinary leave under Regulation 28.

30. PERSONS RE-EMPLOYED AFTER RETIREMENT:

In the case of a person re-employed after retirement, the provisions of these

regulations shall apply as if he had entered Board's services for the first time on the date of his re-employment.

31. LEAVE PREPARATORY TO RETIREMENT:

(1) An employee may be permitted by the authority competent to take leave preparatory to retirement to the extent of earned leave due not exceeding 300 days as the case may be, as prescribed in regulation (B), together with half pay leave due, subject to the condition that such leave extends up to and includes the day preceding the date of retirement.

NOTE:- The leave granted leave preparatory to retirements shall not include extraordinary leave.(2)(a) Where an employee who is on foreign service in or under any local authority or corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (herein after referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority.

(b) The employee on foreign service shall also be allowed to encash the earned leave at his credit on the date of his retirement in the manner provided in sub-regulation (2) of Regulation 32.

(3) Where an employee is on foreign service in or under local body other than the one mentioned in Clause (a) of sub-regulation (2) leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer.

Provided that where the employee continues in service under such foreign employer, the employee shall not be eligible for grant of cash payment in lieu of leave under Regulation 32.

31-A Encashment of EL along with LTC while in service :

An employee may be permitted to encash EL upto 10 days at the time of availing of LTC while in service, subject to the conditions that :

- (1) Earned Leave of at least an equivalent duration is also availed of simultaneously by him;
- (2) A balance of at least 30 days of Earned Leave may be available to his credit after taking into account the period of encashment as well as leave;

(3) The total leave so encashed during the entire career does not exceed 60 days in the aggregate;

(4) The cash equivalent shall be calculated as follows, viz.,:

Cash equivalent = Pay admissible on the date of availing of the Leave Travel Concessions plus Variable Dearness Allowance

Number of days of EL subject to the maximum of 10 days at one time.

Admissible on that date X
30

No House Rent Allowance or City Compensatory Allowance shall be payable.

(5) The period of leave encashed shall be deducted from the quantum of leave that can normally be encashed by him under Regulations 9, 32, 32-C and 32-F.”

32. LEAVE/CASH PAYMENT IN LIEU OF LEAVE BEYOND THE DATE OF RETIREMENT, COMPULSORY RETIREMENT OR QUITTING OF SERVICE:

(1) No leave shall be granted to an employee beyond –

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to Board or he is retired by Board by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service

(2) (a) Where an employee retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall *suo motu* issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the employee on the date of his retirement, subject to a maximum of 300 days including the number of days for which the encashment has been allowed along with the Leave Travel Concession while in service.

(b) The cash equivalent under Clause (a) shall be calculated as follows and shall be payable in one lump sum as a one-time settlement.

No House Rent Allowance or Compensatory (City) Allowance shall be payable-

Pay admissible on the date of Number of days of unutilized

retirement *plus* dearness earned leave at credit on the

Cash Equivalent = allowance admissible on that date date of retirement subject to.

30 X maximum of 300 days

including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service.

(3) The authority competent to grant leave may with hold whole or part of cash equivalent of earned leave in the case of a employee who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Board dues, if any.

(4) (a) Where the service of an employee has been extended in the interest of public service beyond the date of his retirement, he may be granted :-

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement, subject to a maximum of 180 days/300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service, as the case may be as prescribed in Regulation (22).

(ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-regulation (2) in respect of earned leave at credit on the date of retirements, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service.

(b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-regulation shall be calculated in the manner indicated in Clause (b) of sub-regulation (2) above.

(5) An employee who retires or is retired from service in the manner mentioned in Clause (c) of sub-regulation (1), may be granted *suo motu*, by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit, subject to a maximum of 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession, while in service and also in respect of all the half pay leave at his credit, provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus dearness allowance admissible on the leave salary of the first 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service, at the rates in force on the date the employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits and *ad hoc* relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as a one-time settlement. No House Rent Allowance or Compensatory (City) Allowance shall be payable.

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.

(5-A) Where an employee is compulsorily retired as a measure of penalty under the provisions of the Mormugao Port Employees' (Classification, Control & Appeal) Regulations, 1964, and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under the Mormugao Port Employees' (Pension & Gratuity) Regulations, 1966, the authority competent to grant leave shall *suo motu* issue an order granting cash equivalent of leave salary for earned leave,

if any, at credit of the employee on the date of such retirement, subject to a maximum of 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service in the manner indicated in Clause (b) of sub-regulation (2).

(6) (a) (i) Where the services of an employee are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, *suo motu*, by authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service, subject to a maximum of 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service.

(ii) If an employee resigns or quits service, he may be granted *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

(iii) An employee who is re-employed after retirement may on termination of his re-employment, be granted, *suomotu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment, subject to a maximum of 300 days, including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service and including the period for which encashment was allowed at the time of retirement.

(b) The cash equivalent payable under Clause (a) shall be calculated in the manner indicated in Clause (b) of sub-regulation (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of Clause (a) the pay on the date of the termination of re-employment shall be the part fixed in the scale of pay re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the dearness allowance appropriate to that pay.

32-A. When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 21/2 days per complete

calendar month up to the end of the calendar month proceeding the calendar month in which he is removed or dismissed from service or dies in service.

32-B. Encashment of Unavailed Half Pay Leave (HPL) on Superannuation :

(1) With effect from 14-7-1982, the entire Half Pay Leave (HPL) at the Credit of employees who retire on superannuation shall be allowed to be encashed subject to the condition that pension and pension equivalent of other retirement benefits shall be deducted from the amount payable as cash equivalent.

(2) The encashment will be subject to the following condition:

(i) The benefit will be admissible in respect of past cases on receipt of applications to that effect from the pensioners concerned by the Head of Department concerned,

(ii) In respect of future retirees, the amount of encashment of HPL will be calculated and paid together with encashment of Earned Leave,

(iii) Calculation of cash equivalent in respect of HPL at credit shall be made, as under:

Cash payment in lieu of half pay leave component.	Half Pay Leave Salary plus Dearness allowance, if admissible, (minus) pension, pension equivalent of gratuity and relief on pension if D.A is admissible on half pay leave.	Number of days of Half pay leave due on the date of retirement on superannuation, subject to the limits prescribed under rule.

	30	

(iv) The amount so calculated shall be paid in one lump sum as a one-time settlement.

32-C. Cash equivalent of leave salary In case of death In service:

In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case not exceeding leave salary for 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service, shall be paid to his family in the manner specified in Regulation 32-D without any reduction on account of pension equivalent of death-cum-retirement gratuity.

NOTE : In addition to the cash equivalent of leave salary admissible under this regulation, the family of the deceased employee shall also be entitled to payment of dearness allowance only as per orders issued in this behalf separately.

32-D. Cash equivalent of leave salary in case of invalidation from service:

An employee, who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-regulation (5) of Regulation 32. An employee not in permanent employ or quasi-permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

32-E. Payment of cash equivalent of leave salary In case of death etc of employee:

In the event of the death of an employee while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Regulation 32, 32-B and 32-C such amount shall be payable- (i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male employee, or to the husband, if the deceased was a female employee.

EXPLANATION:- (i) The expression “eldest surviving widow” shall be constructed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages; (ii) failing a widow or husband, as the case may be, to the eldest surviving son, or an adopted son.

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter, (iv) failing (i) to (iii) above, to the eldest surviving widowed daughter, (v) failing (i) to (iv) above, to the father, (vi) failing (i) to (v) above, to the mother, (vii) failing (i) to (vi) above to the eldest surviving brother below the age of eighteen years, (viii) failing (i) to (vii) above, to the eldest surviving unmarried sister,

(ix) failing (i) to (viii) above, to the eldest surviving windowed sister, (x) failing (i) and to (ix) above, to the eldest survive married daughter, and (xi) failing (i) and (x) above, to the eldest child of the eldest predeceased son.

32-F. Cash equivalent of leave salary in case of permanent absorption in public sector undertaking/ autonomous body wholly or substantially owned or controlled by the Central/State Government:

An employee who has been permitted to be absorbed in a service or post or under a corporation or company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government shall be granted *suo motu* by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption, subject to a maximum of 300 days including the number of days for which encashment has been allowed along with the Leave Travel Concession while in service. This will be calculated in the same manner as indicated in Clause (b) of sub-regulation (2) of Regulation 32.

NOTE – 1 : Cash equivalent of leave salary for earned leave to be paid in cases of voluntary retirement/ premature retirement/Invalidation even if the period goes beyond the date of superannuation:

Encashment of Earned Leave due and admissible may be allowed in cases of premature/voluntary retirement or retirement on superannuation, even if this exceeds the period between the date on which the employee retires and the date on which he would have retired in the normal course on superannuation.

NOTE – 2 : Benefit of Increment falling due during leave in the case of death while on leave:

In the case of an employee who dies while on any kind of leave for which leave salary is payable, a lumpsum ex-gratia payment, in addition to the normal entitlements under leave regulations, may be allowed to the member of his family as specified in Regulation 32-E. The ex-gratia payment shall be equivalent to the difference between the amount of leave salary as well as cash equivalent of leave salary admissible as per regulations and 32-C of the M.P.E (Leave) Regulations, 1964 and the amount of leave salary as well as cash equivalent of leave salary which would have been admissible if the benefit of the increment falling due during currency of leave period up till date of

death was allowed from its due date without waiting for rejoining duty of the employee. The Head of Department may issue the necessary order sanctioning the amount of ex-gratia in each individual case.

NOTE – 3 : Exemption from Income-Tax:

In computing the total income of a previous year of any person, any payment received by an employee as the cash equivalent of the leave salary in respect of the period of earned leave at his credit at time of his retirement on superannuation or other wise shall not be liable to income-tax.

NOTE – 4 : To persons retiring with CPF benefits:

In case of persons retiring with CPF benefits, the amount of employer's contribution *plus* the interest there on, and the amount of gratuity received may be treated as pensionary benefits. For purpose of calculating the pension, the following formula may be adopted:-

Total amount of employer's contribution to
CPF *plus* Interest till the date of retirement.

Pension= Commutation factor as per age on
next birthday X 12

For calculating the pension equivalent of gratuity (PEG), the formula will be as follows:-

$$\text{PEG} = \frac{\text{Gratuity}}{\text{Commutation factor X 12.}}$$

33. LEAVE SALARY:

(1) Except as provided in sub-regulation (5) and (6), an employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

NOTE : (1) In respect of any period spent on foreign service out of India, the pay which the employee would have drawn if on duty in India, but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(2) An employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-regulation, (1).

(3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation, (1).

(4) An employee on extraordinary leave is not entitled to any leave salary.

(5) In the case of an employee who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(6) (a) If in the case of an employee who retires or resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave credit under Clause (b) of sub-regulation (2) of Regulation 23, the overpayment of leave salary shall be recovered in such cases.

34. SAVING:

All the existing instructions, which are not contrary to any of the provisions of these Regulations and all instructions, which cover matters not specifically covered by these Regulations, shall continue to be in force until they are amended, modified or cancelled.

V – MISCELLANEOUS

35. ADOPTION OF CENTRAL GOVERNMENT'S ORDERS/INSTRUCTIONS/RULES:

In applying the foregoing regulations and in respect of matters not dealt within these Regulations, the Central Civil Service (Leave) Rules, 1972 and the orders/instructions of the Central Government issued there under from time to time shall be followed insofar as they are not inconsistent with the provisions of these Regulations, subject to such exceptions and modifications as the Board may from time to time determine.

36. RELAXATION OF THE PROVISIONS AND REGULATIONS IN INDIVIDUAL CASES:

When the Board is satisfied that the operation of any one of these Regulations causes or is likely to cause undue hardship in any particular case, it may by order, notwithstanding anything contained in these Regulations, for reasons to be recorded in writing dispense with or relax the requirements of that regulation to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner. Provided that no such order shall be made except with the approval of the Central Government.

37. INTERPRETATION:

If any question arise relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

FORM

[See Regulation 28(3)]

**BOND FOR TEMPORARY EMPLOYEES GRANTED EXTRAORDINARY
LEAVE IN RELAXATION OF REGULATION 13 (2) (e) FOR STUDY**

KNOW ALL MEN BY THESE PRESENTS THAT WE _____ residents of _____ in the District of _____ at present employed as _____ in the _____ Office of _____ (hereinafter called the "Obligor") and Shri/Smt/Kum. _____ son/daughter of _____ of _____ (here in after called "Sureties") do here by jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Chairman, Mormugao Port Trust, his successors and assigns hereinafter called the "Board" on demand the sum of Rs. ____ (Rupees ____ only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than in India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Board. Whereas the Board has, at the request of the above bounden Shri/Smt./Kum. _____ employed as a _____ granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of _____ months _____ days with effect from _____ in order to enable him/her to

study at _____

And whereas the Board has appointed/will have to appoint a substitute to perform the duties of _____ during the period of absence of Shri/Smt./Kum. _____ on extraordinary leave.

And whereas for the better protection of the Board, the obligor has agreed to execute this bond with two sureties with such conditions as here under written; And whereas the said sureties have agreed to execute this bond as sureties on behalf of _____ the bounden _____.

Now the condition of the above written obligation is that in the event of the above bounden, Shri/Smt./Kum _____ failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and serve the Board after rejoining for such period not exceeding a period of _____ years as the Board may require or refusing to serve the Board in any other capacity as may be required by the Board on a salary to which he/she would be entitled under the regulations, the said Shri/Smt./Kum. _____ or his/her executors and administrators shall forth with pay to Board on demand the said sum of Rs. _____ together with interest there on from the date of demand at Government rates for the time being in force on Government _____ loans.

And upon the obligor Shri/Smt./Kum. _____ and or Shri/Smt./Kum. _____ and or Shri/Smt./Kum. _____ the

sureties aforesaid making such payment, the above written obligation shall be void and of no effect, other wise it shall be and remain in force and virtue.

Provided always that the liability of the sureties he under shall be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Board to sue the obligor before suing the sureties Shri/Smt./Kum. _____ and Shri/Smt./Kum/ _____ or any of them for amounts due here under.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Board has agreed to bear the stamp duty payable on this bond.

Signed and dated this _____ days of _____ two thousand and _____.
Signed and delivered by the oblig or above-named
Shri/Smt./Kum. _____.

In the presence of _____.
Witness: 1. _____.
2. _____.

Signed and delivered by the surety above-named Shri/Smt./Kum _____.
In the presence of _____.
Witness: 1. _____.
2. _____.

ACCEPTED

For and on behalf of the
Board of Trustees of
Mormugao Port Trust

ANNEXURES

FORM-I

**Notice of termination of service issued under Regulation 3 (1) of
the Mormugao Port Employees' Temporary Service) Regulations, 1964.**

In pursuance of sub-regulation (1) of Regulation 3 of the Mormugao Port Employees' (Temporary Service) Regulations, 1964, Shri/Smt./Kum. _____ is here by given notice that his/her services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on, or, as the case may be, tendered to him/her.

Station: _____

Signature of the Appointing Authority

Date: _____

(Name)

(Designation)

ACKNOWLEDGEMENT

I hereby acknowledge the receipt on this day the Notice of termination of my service handed over to me vide reference no. _____ dated _____.

Station : _____

Signature of Employee

Date : _____

(Name)

(Designation)

FORM-II

Order of termination of issued under the proviso to sub-regulation (1) of regulation of the Mormugao Port Employee's (Temporary Service) Regulations, 1964.

In pursuance of the proviso to sub-regulation (1) of Regulation 3 of the Mormugao Port Employees' (temporary Service) Regulations, 1964, the services of Shri/Smt./Kum. _____ is here by terminated forth with. It is also directed that he/she shall be entitled to claim to sum equivalent to the amount of his/her pay plus allowances for the period of notice at the same rates at which he/she was drawing them immediately before the termination of his/her service or, as the case may be, for the period by which such notice falls short of one month.

Station : _____

Signature of Appointing Authority

Date ; _____

(Name)

(Designation)

FORM-III

Notice of termination of service issued under Regulation 3 (1) of the Mormugao Port Employees (Temporary Service) Regulations, 1964, where the Appointing Authority is the Chairman.

In pursuance of the proviso to sub-regulation (1) of Regulation 3 of the Mormugao Port Employees' (Temporary Service) Regulations, 1964, the Chairman hereby gives notice to Shri/Smt./Kum. _____ that his/her service shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on, or as the case may be, tendered to him/her. By order and in the name of the Chairman.

Station : _____

Signature of the authority empowered to
authenticate documents in the
name of the Chairman

Date: _____

(Name)

(Secretary)

ACKNOWLEDGEMENT

I Here acknowledge the receipt of this day the Notice of termination of my service handed over to me vide reference no. _____ dated

_____.

Station : _____

Signature of Employee

Date : _____

(Name)

(Designation)

FORM-IV

Order of termination of service issued under the proviso to sub-regulation(1) of Regulation 3 of the Mormugao Port Employees' (Temporary Service) Regulations, 1964, where the Appointing Authority is the Chairman.

In pursuance of the proviso to sub-regulation (1) of Regulation 3 of the Mormugao Port Employees' (temporary Service) Regulations, 1964, the Chairman hereby terminates forthwith the services of Shri/Smt./Kum_____and directs that he/she shall be entitled to claim a sum equivalent to the amount of his/her pay plus allowances for the period of notice at the same rates at which he/she was drawing them immediately before the termination of his/her service, or as the case may be, for the period by which such notice falls short of one month. By order and in the name of the Chairman.

Station : _____

Signature of the authority empowered to authenticate documents in the name of the Chairman

Date: _____

(Name)

(Secretary)

FORM V

Order of termination of service issued under the proviso to sub-regulation(1) of Regulation 3 of the Mormugao Port Employees (Temporary Service) Regulations, 1964, during the currency of 3 of the notice of termination of services already served on him where the Appointing Authority is the Chairman.

In modification of Notice no _____ dated _____ of termination of service of Shri/Smt./Kum. _____ and in pursuance of the proviso to sub-regulation (1) of Regulation 3 of the Mormugao Port Employee's (Temporary Service) Regulations,

1964, the Chairman hereby terminates forthwith the services of Shri/Smt./Kum._____ and directs that he/she shall be paid a sum equivalent to the amount of pay and allowances for the period by which the said notice fall short of one month calculated at the same rates at which he/she was drawing them immediately before the date of this order.

By order and in the name of the Chairman.

Station : _____

Signature of the authority empowered to
authenticate documents in the name of the
Chairman

Date : _____

(Name)

(Secretary)

FORM VI

Order of termination of service issued under the proviso to sub-regulation(1) of Regulation 3 of the Mormugao Port Employees' (Temporary Service) Regulations, 1964, during the currency of the notice of termination of services already served on him .

In modification of Notice no _____ dated _____ of termination of service of Shri/Smt./Kum._____ and in pursuance of the proviso to sub-regulation (1) of Regulation 3 of the Mormugao Port Employees' (Temporary Service) Regulations, 1964, the services of Shri/Smt./Kum._____ are hereby terminated forthwith. It is also directed that he/she shall be paid a sum equivalent to the amount of pay and allowances for the period by which the said

notice falls short of one month calculated at the same rates at which he/she was drawing them immediately before the date of this order.

Station : _____

Signature of the Appointing Authority

Date : _____

(Name)

(Secretary)

[F.No.PR-12016/4/2000-PE-I]

K.V. RAO, Jt. Secretary

FOOT-NOTE:

Principal Regulations G.S.R no.964 dated 2.2.64. notified in the Gazette of India dated 1.7.64.

SUBSEQUENT AMENDMENTS:

1. G.S.R no.1174 (E) dated 14.12.88.
2. G.S.R no. 180 (E) dated 25.3.91.
3. G.S.R. no. 39 (E) dated 28.01.94
4. G.S.R no. 274 (E) dated 23.5.97.
5. 5. G.S.R no. 335 (E) dated 4.6.98.
6. G.S.R. no. 364 (E) dated 19.5.99
7. G.S.R. no. 228 (E) dated 07.03.2000
8. G.S.R. no. 847 (E) dated 03.11.2000
9. G.S.R. no. 255 (E) dated 06.04.2004