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## **Mormugao Port Employees (Supplementary Leave) Regulations, 1966**

### **I. GENERAL**

#### **1. SHORT TITLE AND COMMENCEMENT:**

1. These regulations may be called the Mormugao Port Employees (Supplementary Leave) Regulations, 1966.

2. They shall come into force on the 1st November, 1967.

#### **2. APPLICATION:**

These regulations shall apply to all Employees of the Board who are governed by the Mormugao Port Employees (Leave) Regulations, 1964.

#### **3. DEFINITION:**

In these regulations unless the context otherwise requires:-

a. "Board", "Chairman", "Dy. Chairman", shall have the meaning assigned to them in the Major Port Trust Act, 1963.

b. "Earned Leave", "Half-pay Leave", shall have the meaning assigned to them in the Mormugao Port Employees (Leave) Regulations, 1964.

c. "Medical Officer", means the Chief Medical Officer of the Board.

### **II. SPECIAL DISABILITY LEAVE:**

4. 1. Subject to the conditions herein after specified, special disability leave may be granted to an employee whether permanent or temporary who is disabled by intentionally inflicted or caused or in consequence of the due performance of his official position.

2. Special Disability leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the persons disabled acted with due promptitude in bringing it to the notice. But the chairman, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where

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these disability manifested itself more than three months after the occurrence of its cause.

3.The period of leave granted shall be such as is certified by the Chief Medical Officer. It shall not be extended except on the certificate of that authority and shall in no case exceed 24 months.

4.Special Disability leave may be combined with leave of any other kind.

5.Special Disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstance at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

6.Special Disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-regulation (8), be debited against the leave account.

7.Leave salary during such leave shall be equal:-

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-regulation (5) of this regulation, to earned leave and

(b) for the remaining period of any such leave equal to leave salary during half-pay leave, Provided the employee may, at his option, be allowed leave salary as in sub-regulation (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his Half-pay Leave account.

8.Leave salary under this section shall be regulated under regulation 14 of the Mormugao Port Employee's (Leave) regulations, 1964.

9.In the case of a person to whom the workmen's compensation Act 1923 applies, the amount of leave salary payable under these regulation shall be reduced by the amount of compensation payable under section 4 (1) (d) of the said Act.

5. The provisions of regulation 4 above may be extended to an

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employee, whether permanent or temporary, who is disabled by injury accidentally incurred in or consequence of the due performance of his official duties or in consequences of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, the grant of this concession is subject to the further conditions:

i.that the disability, if due to disease, must be certified by the Chief Medical Officer to be directly due to the performance of a particular duty; and

ii.that, if the employee has contracted such disability during service, it must be, in the opinion of the Chairman, exceptional in character, and

iii.that the period of absence recommended by the Chief Medical officer may be covered in part, by leave under regulation and in part, by other leave, and that the amount of special disability leave granted or earned leave, may be less than 120 days.

### **III.**

### **MATERNITY**

### **LEAVE:**

6. 1.A female employee (including an apprentice) with less than two surviving children's may be granted maternity leave by an authority competent to grant earned leave for a period of 135 days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

2.Maternity leave not exceeding 45 days may also be granted to a female employee (irrespective of number of surviving children) during the entire service of that female employee in case of miscarrying, including abortion, on production of medical certificate from the Chief Medical Officer or the Authorized Medical Attendant or a registered Medical Practitioner.

Provided that the Maternity Leave granted and availed of before the

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commencement of the M.P. E. (Supplementary Leave) (Amendment) Regulations, 1999, shall not be taken in to account for the purpose of this sub-regulation.

**NOTE -1:** "Abortion" does not include "threatened abortion" and Maternity Leave cannot be granted in case of threatened abortion.

**NOTE-2:** Maternity Leave as admissible may be granted to an unmarried female employee also, Further, at the time of grant of leave, while due regard may be had to the conditions laid down in Regulation (6) of the M. P . E. (Supplementary Leave) Regulations, 1966, the welfare of the mother and the child, which is of primary concern, shall also be kept in view.

**NOTE-3:** Female employees undergoing Salpingectomy operation along with medical termination of pregnancy will be entitled to six weeks maternity leave. Such female employees, who avail the facility of maternity leave, will not be entitled to additional 14 days of Special Casual Leave.

3.Paternity Leave: A male employee (including an apprentice) with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay down immediately before proceeding on leave. Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave. It may normally be refused.

7. 1.(a) Maternity leave may be combined with leave of any other kind to the extent admissible under the Mormugao Port Employees (Leave) Regulations, 1964.

(b) Not withstanding the requirement of production of medical certificate contained in sub-regulation (1) of Regulation (10) (b) or sub-regulation (1) of Regulation (10) (a) of the Mormugao Port Employee (Leave) Regulations, 1964, leave of the kind due and

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admissible (including Commuted Leave for a period not exceeding 60 days and 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).

2.The Maternity Leave shall not be debited against the leave account.

**NOTE:** No employee of the Port will be adversely affected as a result of retrospective effect being given to the regulations.

8. **LEAVE TO A FEMALE EMPLOYEE ON ADOPTION OF A CHILD:**

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

9. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

10. Maternity leave granted under the provisions of regulation 6 will count for increments in the post in which the employee was officiating at the time of proceeding on such leave provided it is certified by the appointing authority that the employee concerned would have continued to officiated in that post or a post on the same time-scale but for her proceeding on such leave.

11. **HOSPITAL LEAVE:**

1.The authority competent to grant leave may grant Hospital leave to-

(a) Class IV employees and

(b) Such Class III employees whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance or hazardous tasks, while under medical treatment in a hospital or otherwise, for illness or injury is directly due to risks incurred in the course of their official duties.

2.Hospital Leave shall be granted on the production of medical

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certificate from the Chief Medical Officer.

3. Hospital Leave may be granted for such period as the authority granting it may consider necessary, on leave salary- (i) equal to leave salary while on earned leave, for the first 120 days of any period of such leave and (ii) equal to leave salary during Half-pay Leave, for the remaining period of any such leave.

4. Hospital Leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.

5. In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d), sub-section (1) of Section 4 of the said Act.

12. Leave salary under this section shall be regulated under Regulation (14) of the Mormugao Port Employees (Leave) Regulations, 1964.

13. **CENTRAL GOVERNMENT ORDER/INSTRUCTIONS/RULES TO BE FOLLOWED IN THE APPLICATION OF THESE REGULATIONS:**

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

14. **INTERPRETATION:**

If any question arises relating to the interpretation of these regulations it shall be referred to the Chairman, whose decision shall be final.

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FOOT NOTE:-

**Published in the Goa, Daman & Due State Gazette Vide Series 1 No, 29 dated 19.10.67.**

**SUBSEQUENTLY AMENDMENTS:-**

- 1. Central Government's sanction no. PR-12016/7/96- PE I dated 7.2.97. published in the Gazette of India vide G.S.R No.66 (E) dated 7.2.1997.**
- 2. Central Government's sanction no. PR-12016/8/98- PE.I dated 4.6.98. published in the Gazette of India vide G.S.R No.333 (E) dated 4.6.1998.**