



New Mangalore
Port Trust Employees
(Leave)
Regulations 1980

G.S.R. 149(E).-

In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

1. Short title and commencement.- (1) These regulations may be called the New Mangalore Port Employees (Leave) Regulations, 1980.

(2) They shall come into force on the 1st day of April, 1980.

2. Application.- These regulations shall apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

3. Definitions.- In these regulations unless the context otherwise requires,-

- (a) "Commutated leave" means leave taken under regulation 23;
- (b) "Competent Authority" means the Authority to whom powers have been delegated by the Board in this regard;
- (c) "completed year of service" and "one year's 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 including extraordinary leave;
- (d) "earned leave" means leave earned in respect of periods spent on duty;
- (e) "Date of retirement "or" date of his retirement" in relation to an employee, means the afternoon of the last date of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service.
- (f) "earned leave due" means the amount of earned leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior to that date plus the amount of earned leave calculated under regulation 21 diminished by the amount of earned leave taken on or after the commencement of these regulations;
- (g) "employee" means an employee of the Board;
- (h) "employee in permanent service" means an employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;
- (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 22 for the entire service, diminished by the amount of half-pay leave on private affairs and on medical certificate, taken before the commencement of these regulation and half pay leave taken on or after that date;
- (k) “Leave” includes earned leave, half pay leave, commuted leave, leave not due and extraordinary leave:
- (l) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963), shall take the meanings, respectively, assigned to them in that Act.

Note:- words and expressions used herein and not defined but defined in the Fundamental rules and supplementary rules shall have the meaning respectively assigned to them in Fundamental rules and supplementary rules.

Explanation:- The period of suspension of an employee which is treated as dies non, should be reckoned as service for the purpose of these regulations.

4. Employees on transfer or on foreign service:- (1) The employees to whom these regulations apply shall continue to be governed by these regulations while on temporary transfer to the State or Central Government or while on foreign service within India.

(2) In the case of employees on foreign service outside India (including service with U.N. Agencies within or outside India) or on temporary transfer to the armed forces of the Union, these regulations shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer as the case may be.

5. Right to leave:- (1) Leave cannot be claimed as of right.

(2) The Authority empowered to grant leave shall have discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service 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.

6. 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.

7. Effect of dismissal or removal or resignation on leave at credit:- (1) Except as provided in sub-regulation (2), any claim to leave at the credit of an employee who is dismissed or removed or who resigns from Board's service ceases from the date of such dismissal or removal or resignation.

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

8. Commutation of one kind of leave into another:- (1) At the request of an employee the Authority which granted him leave may commute it 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.

(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 24.

9. Combination of different kinds of leave:- Except as otherwise provided in these regulations, any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave.

Explanation:- 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.

As regards the combination of special casual leave the Government of India decision under Rule 11 of CCS Leave Rules will apply.

10. Maximum amount of continuous leave:- Unless the Board, in view of the exceptional circumstances of the case, otherwise determines, no employee shall be granted leave of any kind of or a continuous period exceeding five years.

10(A) Acceptance of service or employment while on leave:-

(1) An employee 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 service 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 parent 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 prepared 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 controlled or financed by the Govt.

NOTE:- The order sanctioning leave shall indicate the balance of earned leave/half pay leave at the credit of the employee.

11. Application for leave:- Any application for leave or for extension of leave shall be made in Form 1 to the Authority competent to grant leave.

12. Leave account:- A leave account shall be maintained in Form No. 2 for each employee by the Authority authorized by the Board.

13. Verification of title to leave:- (1) No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the Authority maintaining the leave account.

(2) (a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the Authority competent to grant leave may calculate on the basis of available information, the amount of leave admissible to the employee and issue provisional sanction of leave for a period not exceeding 60 days.

(b) The grant of leave under this sub-regulation shall be subject to verification by the Authority maintaining the leave account and a modified sanction for the period of leave may be issued where necessary.

NOTE:- In the case of leave preparatory to retirement or refused leave an undertaking for recovery of the leave salary, if any, paid in excess shall be taken from the employee.

13(A) 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:- During suspension also, leave may not be granted to an employee under suspension.

14. 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 in Form No.3 given by the port's Medical Officer defining as clearly as possible the nature and probable duration of illness:

Provided that if the employee falls ill in places, where the Ports Medical Officer is not available medical certificate shall be obtained from any authorized medical attendant and in places where no authorized medical attendant is available the medical certificate shall be obtained from a Registered Medical Practitioner.

(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 cases 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 in case of certificate issued by an authorized medical attendant or Registered Medical Practitioner by requesting the Port Medical Officer to have the applicant medically examined on the earliest possible date.

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

(5) The grant of a 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 a 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.

15. 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 Authority competent to grant leave on the following

conditions, namely:-

- (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 invalided for 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 invalided from service on the expiry of such leave:
- (b) If he is already on leave, be invalided from service on the expiry of that leave or extensions of leave, if any, granted to him under sub-regulation (1).

16. Commencement and termination of leave:- Except as provided in regulation 17 leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

17. Combination of Holiday with leave:- (1) 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 employees may be permitted to leave his station at the close of the day before, or return to it on the day following such holidays or series of holidays.

Provided that-

- (a) his transfer or assumption of charge does not involve the handling or taking over of securities or of moneys other than a permanent advance;
- (b) his early departure does not involve a correspondingly early transfer from another station of an employee to perform his duties; and

(c) the delay in 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's 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 that the departing employee remains responsible for the moneys in his charge the Head of Department may, in any particular case, waive the application of clause (a) of the provision to sub-regulation (1).

(3) Unless the Authority competent to grant leave in any case otherwise directs.-

(a) If holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowance take effect from the day after the holiday; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated on the day of its expiry and any consequent rearrangement of pay and allowance takes effect from the day on which the leave would have ended if holidays had not been suffixed.

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

NOTE 2: Prefixing and suffixing holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing or suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

18. 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 employee 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 on the voyage to India as duty for purposes 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 his post, at the same rate at which he would have drawn it but for recall to duty;
 - (ii) a free passage 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.

19. 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 (1) an employee on leave preparatory to retirement shall be precluded from returning to duty save with the 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 in Form No.4 obtained from the Ports Medical Officer or Authorized Medical Attendant or a Registered Medical Practitioner.

(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 employee shall report his return to duty to the authority which granted him leave or

to the Authority, if any, specified in the order granting him the leave and await orders.

NOTE: 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.

Explanation:- (i) “Registered Medical Practitioner” for the purpose of this regulation shall include Registered Allopathic, Ayurvedic, Unani or Homeopathic Medical Practitioners that is registered Doctors, Vaid, Hakims and Homeopaths who are entitled to be registered as medical practitioners under any law for the time being in force relating to the registration of medical practitioner.

(ii) (a) Notwithstanding anything contained in the preceding sub-paragraph the leave sanctioning authority may in its discretion, either altogether waive the requirements of a medical certificate or may accept a certificate from a vaid, Hakim or a Homeopath in case of applications for leave on grounds of sickness for a period not exceeding 3 days at a time.

(b) Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

20. Absence after expiry of leave:- (1) Unless Authority competent to grant leave extends the leave, an employee who remains absent after 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 were 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 will render an employee liable to disciplinary action.

21. Earned Leave and calculation of Earned leave:-

(1) (a) (i) An employee shall be entitled to earned leave at the rate of 30 days for each calendar year.

(ii) The leave account of every employee shall be credited with the earned leave in advance in two installments of 15 days each on the 1st January and July every year.

(iii) When an employee is appointed during the course of a calendar year, earned leave should be credited to his leave account at the rate of $2\frac{1}{2}$ days for each completed

month of service which he is likely to render in the calendar half year in which he is appointed.

- (iv) When an employee joins a new post without availing full joining time by reason that- (a) he is ordered to join the new post at 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 take 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 a maximum of 15 days reduced by the number of days of joining time 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”

NOTE:- If an employee is appointed on 13th March, the number of completed months for his service in that half year will be 3 and the credit will be $3 \times 2^{1/2} = 7^{1/2}$ days rounded to 8 days. If he is appointed on 20th April, the number of completed months will be only 2 and the credit will be $2 \times 2^{1/2}$ days = 5 days.

- (v) 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.
- (vi) 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 preceding the calendar month in which he is removed or dismissed from service or dies in service.
- (b) The leave at credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

Amendment EL Maximum limit 240 to 300 days w.e.f 23.02.1999

- (c) “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 provisions of regulations 5 and 29, the maximum earned leave that may be granted at a time shall be 120 days.

(3) If an employee as taken extraordinary leave and/or some period of absence has been treated as “dies non” during the previous half year, the credit to be afforded under sub-regulation I at the commencement of the next half year shall be reduced by 1/10 of the period of extraordinary leave and/or dies-non availed of during previous half year subject to a maximum of 15 days.

(4) While affording credit of earned leave, fraction of a day shall be rounded off to the nearest day.

22. Half pay leave: - (1) (a) An employee shall be entitled to half pay leave of 20 days in respect of each completed years of service.

(b) The leave due under clause (a) may be granted on medical certificate or on private affairs;

Provided that in the case of an employee not in permanent employ or quasi-permanent employ, no half pay leave may be granted unless the Authority competent to grant leave as reason 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 further service by a medical authority.

(2) If an employee is on leave on the day in which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

(3) “ Where a period of absence of 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 eighteenth of the period of “dies non” subject to a maximum of ten days”.

(4) “While affording credit of half pay leave fraction of a day shall be rounded off to the nearest day”.

23. Commuted leave :- (1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate 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 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;

2) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning Authority.

3) Where an employee who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated 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.

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

(a) the Authority competent to grant leave is satisfied that there is a reasonable prospect of an 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 an employee may earn subsequently.

(2) Leave not due may be granted to temporary employees who are suffering from Tuberculosis, Leprosy, Cancer or mental illness, for a period not exceeding 360 days during the entire service, subject to the fulfillment of conditions in clauses (a), (b) & (c) of sub regulation (1) subject to the following further conditions, namely :-

(i) that the employee has put in a minimum of one year of 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 25.

(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 shall be cancelled, his resignation or retirement taking effect from the date on which such leave

had commenced, and the leave salary 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.

(1) 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.

(2) Provided further that no leave salary shall be recovered under clause (a) or clause (b), if the Port servant is compulsorily retired prematurely under regulation 5 of New Mangalore Port Trust employees (retirement) Regulations 1980.

“25 Extraordinary Leave”:-

(1) Extraordinary Leave may be granted to an employee in special circumstances:-

- (a) When no other leave is admissible;
- (b) When other leave is admissible, but the Govt. servant 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 employees who is not in permanent employees shall be granted extraordinary leave in any one occasion in excess of the following limits:-

- (a) Three months;
- (b) Six months, where the employees has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months 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 treatment for-
 - (i) Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognized sanatorium;

NOTE:- The concession of extraordinary leave upto 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;
 - (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.
 - (v) Twenty four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the employee concerned has completed three years 'continuous service on the date of expiry of leave of the kind due, and admissible under these rules, including three months' extraordinary leave under clause (a)
3. (a) where an employee is granted extraordinary leave in relaxation of the provisions contained in clause (a) of sub regulation (2), 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 thereon 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 employees having a status comparable to or higher than that of the employee –

4. Employees belonging to the Scheduled Castes or Scheduled tribes may, for the purpose of attending the pre-Examination Training Course at the Centers notified by the Board from time to time, be granted extraordinary leave by Head of the Department in relaxation of the provisions of sub regulations (2).

5. Two spells 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 sub-regulation (2).

6. The Authority competent to grant leave may commute retrospectively periods of absence

without leave into extraordinary leave.

Explanation 1:- Technically, an employee on casual leave is not treated as absent from stay, and his pay is not intermitted. Causal leave, however, must not be given so as to cause evasion of the rules regarding:-

- (i) date of reckoning pay and allowances,
- (ii) charge of office,
- (iii) commencement and end of leave,
- (iv) return to duty or so as to extend the term of leave beyond the times admissible by regulation.

Explanation 2:- Special casual leave may be allowed to an employee for a period not exceeding 30 days in any one calendar year. The period of absence in excess of 30 days should be treated as regular leave of the kind admissible under the leave regulations applicable to the persons concerned. For this purpose employee may, as a special case, be permitted to combine special casual leave with regular leave. Special casual leave should not, however, be granted in combination with ordinary casual leave.

Explanation 3:- The special casual leave may be allowed only:-

- (a) for undergoing sterilizations operations and for trade union activates recognized by the Board, and
- (b) for participation in sporting events of national or international importance and when the employee concerned is selected for such participation-
 - (i) in respect of international sporting events by any National Sports Federation/Association recognized by the All India Council of Sports and approved by the Ministry of Education, or
 - (ii) in respect of events of national importance when the sporting event in which participation takes place is held on an inter-zonal or inter-circle –basis and the employee concerned takes part in the event in a term as a duly nominated representative on behalf of the Port, State, Zone or Circle as the case may be.

NOTE:- The concession is not to be allowed for participating either in a national or international sporting event in which such participation of the employee concerned takes place in a personal capacity and not in a representative capacity.

26. Leave to a probationer, Person on Probation and an Apprentices:- (1) (a) A probationer shall be entitled to leave under these regulations as 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 regulations 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 post on a permanent post before such appointment, he shall be 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 25.

“NOTE:- Leave at the credit of an employee on the date of his appointment as an apprentice in the N.M.P.T. shall not lapse but may be allowed to be carried forward on his appointment to a post in the N.M.P.T. on the expiry of the period of apprenticeship”.

27. Persons Re-employed after Retirement:- In the case of person re-employed after retirement the provisions of these regulations shall apply as if he had entered Board's Service for the first time on the date of his re-employment.

28. Leave Preparatory to Retirement:- An employee may be permitted by the competent Authority to take leave preparatory to retirement to the extent of earned leave due not exceeding 300 days as prescribed in regulation 21 together with half pay leave due, subject to the condition that such leave extends upto and includes the day preceding the date of retirement.

“29. Leave/Cash Payment in lieu of leave beyond the date of retirement or quitting of services.

(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 of which he retires by giving notice to Board or he is retired by giving him notice or pay and allowance 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.

(b) The case 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 City compensatory allowance shall be payable:

Pay admissible on the date of retirement plus dearness allowance admissible on that date	Number of days of un- utilized earned leave at credit on the date of retirement subject to a maximum of 300 days.
Cash	
Equivalent -----	X

(3) The Authority competent to grant leave may withheld whole or part of cash equivalent of earned leave in the case of an 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 150 days/ 300 days as the case may be.
- (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 retirement, 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.
- (b) The cash equivalent payable under sub clause (ii) of cl. (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 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 that leave salary for the first 300 days at the rate in force on the date the employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits and adhoc 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 one time settlement. No House Rent Allowance or Cit compensatory 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 New Mangalore Port Trust Employees (Classification, Control and Appeal) Regulation 1980 and the disciplinary Authority has not imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of Central Civil Services (pension) Rules, 1972, 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 two hundred and forty

days in the manner indicated in Sub Regulation 2 (b) of Regulation 29.

- (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, sue motu by the 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.
- (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 suo motu, 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 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 fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the dearness allowance appropriate to the pay.

NOTE:- The leave granted as leave preparatory to retirement shall not include extraordinary leave.

“30. 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 he would have got had he gone on earned leave that deceased employee would have 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, shall be paid to his family in the manner specified in Regulation 30 C 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.

“30(A) Encashment of earned leave: (i) Every employee shall be allowed to encash upto 50per cent of the earned leave standing to his credit, once in a calendar year, subject to the condition that he should avail of earned leave of not less than seven days during that calendar year simultaneously or before such encashment.

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

(iii) In the case of an employee who simultaneously avails earned leave when encashing, the earned leave actually encashed shall not exceed the maximum earned leave admissible to the employees at a time i.e. 150 days under the New Mangalore Port Trust (Leave) Regulations, 1980.

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

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

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

(vii) Employees who are on deputation on Foreign Service terms to government of India or State Government or to other public sector undertakings or other ports will also be eligible for the benefits of these regulations, the entire liability being born by the New Mangalore Port Trust.

“30.(B) Cash equivalent of leave salary in case of invalidation from service:- An employee who is declared by a medical Authority to be a 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 29. An employee not in permanent employee 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.

30.(C) Payment cash equivalent of leave salary in case of death etc. of an 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 the cash equivalent of leave salary payable under regulation 30, 30(A) and 30(B) 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

NOTE:- The expression “Eldest surviving widow” shall be construed with reference to the seniority according to the date of marriage of the surviving widows and not with reference to the 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 and

(ix) failing the above, to the eldest surviving widowed sister.

31. Deleted.

32. Leave salary :- (1) Except as provided in sub-regulations (5) and (6), and employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

NOTE:- 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) (a) An employee who is granted leave beyond the date of retirement or quitting of service, as the case may be, as provided under regulation 30 shall be entitled, during such leave, to leave salary as admissible under this regulation, reduced by the amount of pension and pension equivalent of other retirement benefits.

(b) If during such re-employment he 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) In the case of a person to whom the Employees’ State Insurance Act, 1948(34 of 1948) , applies leave salary payable during leave other than earned leave, shall be reduced by the amount of benefits payable under the said Act for the corresponding period.

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

(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 credited, the over payment of leave salary shall be recovered in such cases.

33. Drawal of leave salary:- the leave salary payable under these regulation shall be drawn in Rupees in India.

34. Advance of leave salary:- An employee, including an employee foreign service proceedings on leave for a period not less than 30 days, may be allowed an advance, in lieu of leave salary up to a month’s pay including allowances, as provided in General Financial Rules, 1963 subject to deduction on account of income tax, provident fund, house rent, recovery of advances, etc.

35. Maternity Leave:- (1) A female employee (including an apprentice) with less than two surviving children may be granted Maternity leave by an Authority competent to grant leave for a

period of 180 days from the date of its commencement.

- (2) During such period she shall be paid leave salary equal to the pay drawn immediately before proceedings on leave.

NOTE:- In the case of a person to whom the employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by amount of benefit payable under the said Act for the corresponding period.

- (3) Maternity leave not exceeding 6 weeks may also be granted to a female employee (irrespective of number of surviving children) in a case of miscarriage, including abortion on production of Medical Certificate as laid down in Regulation 14.

- (4) (a) Maternity leave may be combined with leave of any other kind.

- (b) Notwithstanding the requirement of production of medical certificate contained in Regulation (23) or Regulation (24) leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) upto a maximum of one year may, if applied for, be granted in continuation of maternity leave granted under sub regulation (1).

- (5) Maternity leave shall not be debited against the leave account.

- (6) No maternity leave for threatened abortion –

Explanation:- (1) The abortion induced under the medical termination of Pregnancy Act 1971 (34 of 1971), shall also be considered as a case of abortion of the purpose of granting maternity leave.

Explanation:- (2) It is clarified that “abortion” does not include “threatened abortion” and maternity leave cannot be granted in the case of “threatened abortion”.

“35(A)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 equivalent to the pay drawn immediately before proceedings on leave. Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave. It may not normally be refused under any circumstances”.

36. Special Disability Leave for injury Intentionally Inflicted:- (1)The Authority Competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury internationally inflicted or caused in, or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice:

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by the Medical Officer 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 circumstances 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 (7) be debited against the leave account.

(7) Leave salary during such leave shall-

(a) For the first 120 days of any period of such leave, including a period of such leave granted under sub-regulation (5) be equal to leave salary while on earned leave; and

(b) For the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that an employee may, at his option, be allowed leave salary as in clause (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) (a) 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) of sub-section (1) section 4 of the said Act.

(b) In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

37.Special Disability Leave for Accidental Injury:- (1) The provision of regulation 36 shall

apply also to an employee whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence 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.

(2) The grant of special disability leave in such case shall be subject to the further conditions:

- (i) that the disability if due to disease must be certified by the Port Medical Officer to be directly due to the performance of the particular duty:
- (ii) That, if the employee has contracted such disability during service, it must be, in the opinion of the Authority competent to sanction leave; exceptional in character; and
- (iii) That the period of absence recommended by the Port Medical Officer may be covered in part by leave under this regulation and in part by any other kind of leave and that the amount of special disability leave granted on leave salary equal to that admissible of earned leave shall not exceed 150 days.

38. Hospital Leave: - (1) The Authority competent to grant leave may grant hospital leave to class III & IV employee whose duties involve the handling of dangerous machinery explosive materials, poisonous drugs and the like, or the performance of hazardous tasks, while under medical treatment in hospital or otherwise, for illness or injury if such 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 certificate from the Port Medical Officer.

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) (a) In the case of person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under the regulation shall be reduced by the

amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

- (b) In the case of a person to whom the employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under the regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

39. Seamen's Sick Leave:- (1) An employee servicing on Board vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by Authority competent to grant leave, on leave salary equal to full pay for a period not exceeding 6 weeks:

Provided that such leave shall not be granted if the Port Medical Officer certified that the employee is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

- (a) A Port Medical Officer must certify the disability;
 - (b) The disability must not be due to the Seaman's own carelessness or inexperience;
 - (c) the vacancy caused by his absence must not be filled
- (3) (a) In the case of a person to whom the Employees' 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) of sub-section (1) of section 4 of the said Act.
- (b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(4) Seamen's sick 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.

40. Deleted

41. Condition for grant of study Leave:- (1) Subject to the conditions specified herein, study leave may be granted to an employee with due regard to the exigencies of public service to enable him to undergo in or out of India a special course of study consisting of higher studies or a technical subject

having direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

- (i) For a course of training or study tour in which an employee may not attend a regular academic or course if the course of training or the study tour is certified to be of definite advantage to the Board from the point of view of public interest and is related to sphere of duties of the employee; and
- (ii) For the purposes of studies connected with the framework or back-ground of public administration subject to the conditions that –
 - (a) The particular study or study tour should be approved by the Authority competent to grant leave;
 - (b) The employee should be required to submit on his return, a full report on the work done by him while on study leave;
- (iii) Or the studies which may not be closely or directly connected with the work of an employee but which are capable of widening his mind in a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the public service.

NOTE:- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case.

(3) Study leave shall not be granted unless-

- (i) It is certified by the Authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest;
- (ii) It is for prosecution of studies other than academic or literary subjects:

Provided that a Medical Officer may be granted study leave for prosecuting a course of Post-graduate study in Medical Sciences if the Chief Medical Officer of the Board certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties.

Provided further that a specialist or a technical person may be granted study leave on merits of each case, for prosecuting a post graduate course of a study directly related to the sphere of his duty, in case the Head of Department certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep abreast the modern development in field of his duty and improve his

technical standards and competence and thus substantially benefit the Board.

- (iii) The Department of Economics Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to an employee-

- (i) Who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Port Trust Board.
- (ii) Who is not due to reach the age of superannuation from the service of the Board within three years from the date on which he is expected to return to duty after the expiry of the leave; and
- (iii) who executes a bond as laid in regulation 44 (4) undertaking to service the Port Trust Board for a period of three years after the expiry of leave.

(6) Study leave shall not be granted to an employee with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

42. Maximum amount of study leave:- (1) The maximum amount of study leave, which may be granted to an employee, shall-

- (a) Ordinarily i.e. twelve months at any one time; and
- (b) During his entire service, twenty-four months in all (inclusive of similar kind of leave of study or training granted under any other rules).

43. Application for study leave:- (1) (i) Every application for study leave shall be submitted through proper channel to the Authority competent to grant leave.

(ii) The course or course of study contemplated by the employee and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the employee to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the Authority competent to grant

leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the Authority competent to grant the study leave for the course.

44. Sanction of study leave:- (1) (a) A report regarding the admissibility of the study leave shall be obtained from the officer maintaining service records.

(b) The study leave, if any, already availed of by the employee shall be included in the report.

(2) Where an employee borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the head of the Mission concerned shall be informed of the fact by the authority granting the leave through the ministry concerned.

NOTE:- The Head of the Mission shall be contacted by the employee for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form No. 6 or Form No. 7 as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every employee, not in permanent employ, who has been granted study leave or extension of such study leave.

(5) (a) On completion of the course of study the employee shall submit to the Authority, which granted him the study leave, certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks. If any, of the Authority incharge of the Course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

45. Accounting of study leave and combination with leave of other kinds-

(1) Study leave shall not be debited against the leave account of the employee.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of his leave in combination with leave other than extraordinary leave involve a total absence of more than

twenty eight months from the regular duties of the employee.

Explanation:- The limit of twenty eight months of absence prescribed in this sub-regulation includes the period of vacation.

(3) An employee granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other condition laid down in regulation 48 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

46. Regulation of study leave extending beyond course of study:- when the course of study falls short of study leave granted to an employee he shall resume duty on the conclusion of the course of a study, unless the previous sanction of the authority competent to grant leave has been obtained treat the period of short t fall as ordinary leave.

47. Leave salary during study leave:- (1) During study leave availed outside India, an employee shall draw leave salary equal to the pay and the dearness allowance and house rent allowance that the employee drew while on duty with the Board immediately before proceeding on such leave in addition to the study allowance admissible with the provisions of regulations 49 to 50.

(2) (a) During study leave availed in India, an employee shall draw leave salary equal to the pay and in addition the dearness allowance and house rent allowance as admissible in accordance with provisions of Regulation 51 that the employee drew while on duty immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause

(a) Shall be subject to furnishing of a certificate by the employee to the effect that he is not in respect of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount if any received by an employee during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment as envisaged in sub-regulation (2) of regulation 48 shall be adjusted against the leave salary payable under this sub-regulation subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

48. Conditions for grant of study allowance:- (1) A study allowance shall be granted to an

employee who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work as well as for the period covered by any examination at the end of the course of study.

(2) Where an employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source or any other remuneration in respect of any part time employment:-

- (a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees if any paid by the employee from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance, otherwise admissible.
- (b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance, otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the Authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which employee interrupts his course of study to suit his own convenience:

Provided that the Authority competent to grant leave or the Head of Mission may authorize the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that-

- (a) the employee attends during vacation any special course of study or practical training under the direction of the Board or the Authority competent to grant leave, as the case may be; or
- (b) in the absence of any such direction, he produce satisfactory evidence before the Head of the Mission of the Authority competent to grant leave, as the case may be that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

49. Rates of study allowance:- The rates of Study allowance shall be fixed by the Central

Government from time to time for these employees.

50. Procedure for payment of study allowance:- (1) Subject to sub-regulation 2(b) of regulation 48, payment of study allowance shall be subject to furnishing a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the employee that he would refund to the Board any over-payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by the Authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission in cases, on claims submitted by the employee from time to time supported by proper certificate of attendance.

(b) This certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the employee is undergoing study in an educational institution or at intervals not exceeding three months, if he is undergoing study at any other institution.

(4) (a) When the programme of a study approved does not include, or does not consist entirely of such a course of study, the employee shall submit to the Authority competent to grant leave direct or through the Head of the Mission, a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The Authority competent to grant leave shall decide whether the diary and report show that the time of the employee was properly utilized and shall determine accordingly for what periods study allowance may be granted.

51. Admissibility of allowance in addition to study allowance:- (1) For the first 120 days of the study leave house rent allowance shall be paid at the rates admissible to the employee from time to time at the station from where he proceeded on study leave. The continuance of payment of house rent

allowance beyond 120 days shall be subject to the production of certificate as prescribed by the Board from time to time.

(2) Except for house rent allowance as admissible under sub rule (1) and the dearness allowance and the study allowance, where admissible, no other allowance shall be paid to an employee in respect of the period of study leave granted to him.

52. Travelling allowance during study leave:- An employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstances sanction the payment of such allowance.

53. Cost of fees for study:- An employee to whom study leave has been granted shall not ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Board may sanction grant of such fees.

Provided that in no case shall the cost of fees be paid to an employee who is in receipt of Scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary, any remuneration in respect of part time employment.

54. Resignation or retirement after study leave:- (1) If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such to duty, or fails to complete the course of study and is thus unable to furnish the certificates as required under sub Regulation 5 of Regulation 44, he shall be required to refund-

- (i) the actual amount of leave salary, dearness allowance, study allowance cost of fees, travelling and other expenses, if any, incurred by the Board, and
- (ii) The actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study.

Together with interest thereon at rates for the time being in force on Board loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that except in the case of employees who fails to completed the course of study nothing in this regulation shall apply-

- (a) To an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; or

(b) To an employee, who after return to duty from study leave is deputed to serve in any statutory or autonomous body or institution under the control of the Board and is subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the employee under sub-regulation (1) he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this regulation, the Board may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order waive or reduce the amount required to be refunded under sub- regulation (1) by the employee concerned or class of employees.

55. Interpretation; - where any doubt arises as to the interpretation of these regulations, it shall be referred to the Central Government who shall decide the same.

56. Power to relax:- Where the Board is satisfied that the operation of any of these regulations causes undue hardship in any particular cases, it may by order, for reasons recorded in writing, dispense with or relax the requirements of that regulations 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.

FORM 1

(See regulation 11)

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name of applicant
2. Post held
3. Department, Office and Section
4. Pay
5. House rent and other compensatory allowances drawn in the present post.
6. Nature and period of leave applied for and date from which required.
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave.
8. Grounds on which leave is applied for.
9. Date of return from last leave, and the nature of period of that leave
10. I propose/ do not propose to avail myself of leave travel concession for the block years
.....
....., during this leave.
11. Address during leave period.
12. *In the event of my resignation or voluntary retirement from service, I undertake to refund-
 - (i) the difference between the leave salary drawn during commuted leave and that admissible had sub-regulation (1) of regulation 24 not been applied.
 - (ii) the leave salary drawn during leave not due which would not have been admissible had sub-regulation (1) of regulation 25 not been applied

SIGNATURE OF APPLICANT (with date)

13. Remarks and/or recommendation of the Controlling Officer.

SIGNATURE (with date)

Certificate regarding admissibility of Leave

14. Certified that (nature of leave)
for (period).....from..... to is
admissible under regulation..... of the
New Mangalore Port employees (Leave) Regulations 1980.

SIGNATURE (with date)

Designation.

- @ 15. Orders of the authority competent to grant leave.

SIGNATURE (with date)

Designation.

.....
*Score out whatever be not applicable.

@ If the applicant is drawing any compensatory allowance, it should also be indicated in the orders whether on the expiry of leave, the employees is likely to return to the same post or to another post carrying similar allowance.

FORM 2
(See regulation 12)
FORM OF LEAVE ACCOUNT

Name of Employee.....Date of Birth.....
Date of Commencement of Continuous Service.....Date of Retirement/Resignation.....
Date of quasi-permanent/Permanent Employment

EARNED LEAVE

Particulars of Service in the Calendar half year Fro To		Completed months of service in the Calendar half year	E.L. of credited in the beginning of the year	No. of days at of other kinds of leave (H.P.L. Commuted leave, leave not due & EOL)(Col-19 +22+22C +30+33) availed of during the previous calendar half-year	E.L. to be deducted (1/11 th period in Col-5)	Total E.L. at credit in days (Col- (4+11- 6)	Leave taken From To		No. of days	Balance of E.L. on Return from leave (Col- 7- 10)
1	2	3	4	5	6	7	8	9	10	11

NOTES 1. The Earned Leave due should be expressed in days.

-

2. When an employee is appointed during the course of a particular calendar half year, E.L. should be credited at 2-1/2 days for each completed month and the fraction of a day will be rounded to the nearest day.

The old Leave account in respect of existing employees has to be closed and the balance will have to be carried forward to the new account in Col- 11 while doing so, the balance at credit may be rounded off to the nearest day.

4. The entries in Col- 6 should be in complete days. Fraction of a day will be

rounded to the nearest day.

- 5. Period of extraordinary leave should be noted in red ink.*
- 6 The Entries in Col. 12 & 13 should indicate only the beginning and end of completed years of service at the time that half pay leave commences. Where an employee completes another year of service while on half pay leave, the extra credit should be shown in Col. 12 to 16 by making suitable additional entries and this should be taken into account while completing col. 32.*

Half Pay Leave (on private affairs and on Medical certificate including Commuted Leave and Leave not due.)

Length of service		No. of year	Credit of leave									Leave Taken		
From	To		Leave earned (in days)	Leave at Col. 15 +32)	Against the earning on half pay			Commuted on certificate pay		leave on full certificate	Commuted without certificate	leave for Medical Studies certified to be in public interest (limited to 180 days half pay, leave commuted into 90 days commuted leave in entire Service)		
<hr/>														
12	13	14	15	16	17	18	19	20	21	22	22A	22 B	22C	

Leave not due limited to 360 days in entire service

Commuted leave certificate	On medical certificate		No. of days	Otherwise than on medical certificate limited to 180 days.	Total of leave not due (Col. 26+29)	Total half pay leave taken (Col. 19+23+3)	Balance of half pay leave return from leave	Other kinds of leave taken.
converted in to half	From	To						

pay					<i>Fro</i>	<i>To</i>	<i>No.</i>		<i>O)</i>	<i>(Col.</i>	<i>16-</i>
leave					<i>m</i>		<i>of</i>			<i>31)</i>	
twice of							<i>days</i>				
Col. 22											
& 22C)											
23	24	25	26	27	28	29	30	31	32	33	

FORM 3

(See Regulation 14)

MEDICAL CERTIFICATE FOR EMPLOYEES RECOMMENDED LEAVE OR EXTENSION OF LEAVE OR COMMITATION OF LEAVE

Signature of Employee.....

I after careful
personal examination of the case hereby certify that Shri/Shrimati/Kumari.....
.....whose signature is given above,
is suffering fromand I consider that
a period of absence from dutywith effect from
.....is absolutely necessary for the restoration
of his/her health.

Authorised Medical Attendant

.....Hospital/Dispensary

or other Registered Medical Practitioner

Date.....

- NOTE: 1. The nature and probation duration of the illness should be specified.
- NOTE: 2. This Form should be filled in after the signature of the employee has been taken. The certifying Officer is not at liberty to certify that the employee requires a change form or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide question of his/her fitness for service.
- NOTE: 3. Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the employee to appear himself or before a medical officer nominated by himself.
- NOTE: 4. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

FORM 4
[See regulation 19(3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of Employee.....

We, the member of Medical Board...../

I.....Chief Medical Officer/
Medical Officer or the Port Medical Attendant or Registered Medical Practitioner, do hereby
certify that We/I have carefully examined Shri/Shrimati/Kumari.....
.....whose signature is given above, and find that he/she recovered from
his/her illness and is now fit to resume duties in Board Service. We/I also certify that before
arriving at this decision, We/I have Examined the original medical certificate(s) and statement(s)
of the case (or certified copies thereof) on which Leave was granted or extended and
have taken these into consideration in arriving at our/my decision.

Members of Medical Board

(1).....

(2).....

(3).....

Chief Medical Officer/Medical Officer of this Port.

Date.....

NOTE:- The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the employee concerned.

FORM 5
[See regulation 26(3)]
**BOND FOR TEMPORARY EMPLOYEE GRANTED EXTRAORDINARY LEAVE IN
RELAXATION OF REGULATION 26(2) (e) FOR STUDY**

Know all men by these presents that we.....
Resident of
in the District of
at present employee as
in office of the New Mangalore Port (hereinafter called the Obligor”) and Shri/Shrimati/Kumari.....
.....son/daughter
.....(hereinafter called the
sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators
to pay to the Board its successors and assigns.....
(together with interest thereon from the date of demand at Government rates for the time being in force on
Board loans or, if the payment is made in a country other than 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 that
country and INDIA AND TOGETHER with all costs between 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/Shrimati/Kumari.....
..... employed as a.....
granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period.....
.....months.....
day with effect fromin 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/Shrimathi/Kumari.....
.....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 condition as hereunder written;

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the bounden.

NOW THE CONDITON OF THE WRITTEN OBLIGATION IS THAT IN THE EVENT OF THE
ABOVE BOUNDEN SHRI/SHRIMATI/KUMARI.....
failing to rejoin on the expiry of the 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/Shrimati/Kumari.....

.....or his/her heirs, executors and administrators shall forthwith pay to the Board on demand the said sum of Rs.....together with interest thereon from the date of demand at Government rates for the time being in force on Board loans.

And upon the obligor Shri/Shrimati/Kumari.....and, or Shri/Shrimati/Kumari.....the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue.

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason for 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/Shrimati/Kumari.....and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.

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 have agreed to bear the stamp duty payable on the bond.

Signed, the dated this.....day ofone thousand nine hundred and

Signed and delivered by the obligor above named Shri/Shrimati/Kumari.....
.....in the presence of

1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari.....
in the presence of

Witness:

1.
2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari.....
in the presence of –

Witness:

1.
2.

Accepted
for and on behalf of the Board.

FORM 6

[See regulation 44 (4)]

**BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOY,
WHEN PROCEEDING ON STUDY LEAVE**

KNOW ALL MEN BY THESE PRESENT THAT I.....

resident of in the District of

at present employed as in office of New Mangalore

Port as hereby bind myself and my heirs executors and administrators to pay to the New Mangalore Port

Trust (hereinafter called the Board) on demand the sum of Rs.....

(Rupeesonly)together with interest thereon

from the date of demand at Government rates for the time being in force on Board loans or if payment is

made in a country other than India, the equivalent of the said amount in currency of that country converted

at the official rate of exchange between that country and India AND TOGETHER with all costs between

attorney and TOGETHER with all costs between attorney and client and all charges and expenses that shall

or may have been incurred by the Board.

Whereas I am granted study leave by Board;

And whereas for the better protection of the Board I have agreed to execute this bond with such
condition as hereunder is written;

Now the condition of the above written obligation is that in the event of my failing to resume duty
or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry
or termination of the period of study leave or at any time within a period of three years after return to duty

I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs.....

.....(Rupees.....only)together with interest thereon from the date of
demand at Government rates for the time being in force on Board loan.

And upon by making such payment the above written obligation shall be void and of no effect,
otherwise it shall be and remain in full force and virtue.

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, dated this day of.....one thousand nine
hundred andsigned and delivered byin the presence of-

Witness:

1)

2)

Accepted

For and on behalf of the Board.

FORM 7

[See Regulation 44 (4)]

BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

Know all men by these presents that, I.....resident of
.....in the District ofat present employed as
.....in the office ofof
.....to hereby bind myself and my heirs, executors and administrators to the New Mangalore Port Trust 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 Board loans or, if payment is made in a country other than 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 attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas Iwas granted study leave by Board for the period from.....
.....toin consideration of which I executed a bond dated
for Rs(Rupees.....only)in favour of the Board.

And whereas the extension of study leave has been granted to me at any request until.....;

And whereas for the better protection of the Board I have agreed to execute this bond with such condition as hereunder written;

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from or otherwise quitting service without returning to duty after the expiry of termination of the period of study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs.....
(Rupees only) together with interest thereon from the date of demand at Government rates for the time being in force on Board loans;

And upon making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue. 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 have agreed to bear the stamp duty payable on this bond.

Signed and dated thisday ofone thousand nine hundred and/signed and delivered byin the presence of

Witness:

1.
2.

Accepted

for and on behalf of the Board

FORM 8
[See regulation 44(4)]

Know all men by these parents that We.....
resident ofin the District of
at present employed as.....(called the obligor)
and Shri/Shrimati/Kumari.....son/daughter
of.....of (hereinafter called sureties)
do hereby jointly and severally bind ourselves and our respective heirs, executors administrators to pay
the New Mangalore Port Trust (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 Board loans or, if payment is made in a country other than India, the equivalent of the official rate
of the official rate of exchange between that country and India and together with all costs between attor-
ney an client and all charges and expenses that shall or may have been incurred by the Board.

Whereas the obligor is granted study leave by the Board;

And whereas for the better protection of the board, the board the obligor has agreed to execute this
bond with such condition as hereunder is written;

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above
bounden;

Now the condition of the above written obligation is that in the event of the Obligor Shri/Shrimati
/Kumarifailing to resume duty or resigning from service otherwise quitting
without returning to duty after the expiry or termination of period of study leave or at any time within a
period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Board
or as may be directed by the Board on demand the said sum of Rs
(Rupeesonly) together with interest
thereon from the date of demand at Government rates for the time being in force on Board loans;

And upon the obligor Shri/Shrimati/Kumariand or Shri/Shrimati/
Kumari.....the sureties aforesaid making such payment the
above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and
virtue:

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by
reason of time being granted or by any forbearance, act of 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 suing the sureties Shri/Shrimati/Kumari.....

.....and Shri/Shrimati/Kumari

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

in India.

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

Signed and dated this..... day of.....
one thousand nine hundred andsigned and delivered by
the obligor above named Shri/Shrimati/Kumari
in the presence of

Witness:

- 1.
- 2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari.....
in the presence of

Witness:

- 1.
- 2.

Signed and delivery by the surety above named Shri/Shrimati/Kumari
in the presence of

Witness:

- 1)
- 2)

Accepted

for and on behalf of the Board,

FORM 9

[See regulation 44(4)]

BOND TO BE EXECUTED BY AN EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

Know all men by these presents that we.....resident.....
in the..... District of.....at present employed as.....
office of.....hereinafter called 'the obligor) and Shri/Shrimati/Kumari.....
.....son/daughter of.....
and Shri/Shrimati/Kumari.....son/daughter of.....of..... (hereinafter
called the sureties) do hereby jointly and severally bind ourselves and our respective heirs exe-
cutors and administrators to pay to the New Mangalore Port Trust (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 Board loans
or, if payment is made in a country other than India, the equivalent of the said amount in the
currency of the country and India and together with all costs between attorney and client and all
charges and expenses that shall or may have been incurred by the Board.

Whereas the obligor was granted study leave by the Board for the period from.....
to..... in consideration of which he executed a bond dated..... of Rs.....
(Rupees.....only) in favour of Board:

And whereas the extension of study leave has been granted to the obligor at his request
until;

And whereas for the better protection of the Board the obligor has agreed to execute this
bond with such condition as hereunder is written

And whereas the said sureties have agreed to execute this bond as sureties on behalf of
the above bounden;

Now the condition of the above written obligation is that in the event of the obligor
Shri/Shrimati/Kumari..... resigning from service without returning to duty after the
expiry of termination of the period of study leave so extended or any time within a period of three
years after his return to duty, the obligor and sureties shall forthwith pay to the Board or as may be
directed by the Board on demand the said sum of Rs..... (Rupees..... only) together
with interest thereon from the date of demand at Board rates for the time being in force on Board
loans:

And upon the obligor Shri/Shrimati/Kumari.....and, or
Shri/Shrimati/Kumari the sureties aforesaid making such payment the above
written obligation shall be void and of no effect otherwise it shall be and remain in full force and
virtue:

Provided always that the liability of the sureties hereunder shall not 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/Shrimati/Kumari..... and Shri/Shrimati/Kumari..... of any of them amounts due hereunder.

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 have agreed to bear the stamp duty payable on his bond.
Signed and dated this.....day of/signed and delivered by the obligor above named Shri/Shrimati/Kumari..... in the presence of.....

Witness:

- 1.....
- 2.....

Signed and delivered by the surety above named Shri/Shrimati/Kumari..... in the presence of

Witness :

- 1.....
- 2.....

Signed and delivered by the surety above named Shri/Shrimati/Kumari..... in the presence of

Witness:

- 1.....
- 2.....

Accepted
for and on behalf of the Board.

Footnote – The Principal Regulations was published in the Gazette of India under No. GSR No. 149(E) dtd. 28.03.1980

(1). GSR No. 699(E) dtd. 12.12.1997.

No.16/10/99/PTC-2

New Mangalore Port Trust,
Administration Department,
Panambur, dated 30-06-1999.

OFFICE MEMORANDUM

Sub:- Amendment to NMPTE (Leave) Regulations
1999 Gazette Notification copies forwarded.

Ref:- This office O.M. of even No. dated 10-03-199.

In continuation of this office O.M. cited under reference, a copy of the Gazette Notification Publishing the NMPTE (Leave) Amendment Regulations 1999 as received from the Ministry is forwarded herewith to all HOD's/Divisional officers for information and necessary action.

(B. ISHWAR)
Secretary,
New Mangalore Port Trust.

To:

All the HOD's /Divisional officers.

Copy to DS (ADM)/DS (GAD)/PS cum Executive Asst. to CM/
PS to Dy.CM/AS (ACT) /AS (PTC)/Law Officer/Hindi
Officer

Indian Ports Association

IPA/RSC/Leave/2011

Dated 07.06.2013

To

The Secretary to the Government of India,
Ministry of Shipping,
Transport Bhawan,
Parliament Street,
New Delhi 110001

Attention: Smt Gowri S. Nair, Under Secretary (PE)

Sub: Amendment to the New Mangalore Port Trust Employees' (Leave) Regulations,
1980

Sir,

Please refer to Ministry's letter No. PR-12016/3/2013-PW.I dated 2.04.2013 on the subject mentioned above. This issue was examined by the Regulation Standardisation Committee in its meeting held on 23.05.2013

NMPT has proposed to amend their Leave Regulations. The amendments were necessitated in view of the leave benefits extended as per Wage Settlement dated 19.01.2010 and Pay Revision orders in respect of Class I and II Officers.

The Committee observed that the amendments proposed are to incorporate the changes made to leave entitlements as per Wage Settlement dated 19.01.2010 and Ministry's order dated 26.07.2010 on revision of Pay and Allowances of Class I & II Officers. The Committee observed that the following corrections are to be made in the proposal:

- a) In the Draft notification the date of effect has been indicated as 01.01.2007. As all these benefits are not extended from 01.01.2007 the date of effect may be indicated as from the date of publication in the Official Gazette as the benefits have already been extended to the employees as per the Wage Settlement and Executive Orders.
- b) In the proposed Regulation 29(5) first line, insert the word "is" in between the words "or" and "retired".
- c) In the proposed Regulation 29 (6) (a) (i), last but one line, insert the word "in" in between the words "as" and "Clause (b)".
- d) As per proposed Regulation 35(7) Child Adoption Leave has been indicated as 135 days in line with the provisions in the Wage Settlement. According to Govt. of India, DoPT O.M No.13018/1/29-Estt (L) dated 22.07.2009 the limit of Child Adoption Leave has been enhanced to 180 days. Paternity Leave of 15 days is allowed to male employees in the case of Child Adoption as per the same order. The

Committee had already recommended these amendments proposed by MbPT. Hence, NMPT may be requested to revise this Regulation in accordance with the latest orders of Central Govt.

As the amendments proposed are in accordance with the Wage Settlement and Pay Revision Orders the Committee recommends that the amendment proposal may be considered for approval and notification by the Govt. subject to NMPT attending to the above remarks.

Copies of the proposal and extract of the minutes of the meeting are enclosed.

Yours faithfully,

(A.Janardhana Rao)
Managing Director

Encl: As above

Copy to Chairman, NMPT for information please.

Extract from the minutes of Regulation Standardisation Committee meeting
held New Delhi on 23rd May, 2013

**AMENDMENTS TO THE NEW MANGALORE PORT TRUST EMPLOYEES
(LEAVE) REGULATIONS, 1980.**

Gist of the proposal.

Ministry of Shipping vide their letter No. PR-12016/3/2013-PE-I dated 02.04.2013 has forwarded the proposal of NMPT to amend their Leave Regulations. The amendments were necessitated in view of the leave benefits extended as per Wage Settlement dated 19.01.2010 and Pay Revision in respect of Class I and II Officers.

Discussions and deliberations

The Committee noted that the amendments proposed are to incorporate the changes made to leave entitlements as per the Wage Settlement dated 19.01.2010 and Ministry's order dated 26.07.2010 on revision of Pay and Allowances of Class I & II Officers. The Committee observed that the following corrections are to be made in the proposal:

- a) In the Draft notification the date of effect has been indicated as 01.01.2007. As all these benefits are not extended from 01.01.2007 the date of effect may be indicated as from the date of publication in the Official Gazette as the benefits have already been extended to the employees as per the Wage Settlement and Executive Orders.
- b) In the proposed Regulation 29(5) first line, insert the word "is" in between the words "or" and "retired".
- c) In the proposed Regulation 29 (6) (a) (i), last but one line, insert the word "in" in between the words "as" and "Clause (b)".
- d) As per proposed Regulation 35 (7) Child Adoption Leave has been indicated as 135 days in line with the provisions in the Wage Settlement. According to Govt. of India, DoPT O.M. No. 13018/1/29-Estt (L) dated 22.07.2009 the limit of Child Adoption Leave has been enhanced to 180 days Paternity Leave of 15 days is allowed to male employees in the case of Child Adoption as per the same order. The Committee had already recommended these amendments proposed by MbPT. Hence, NMPT may be requested to revise this Regulation in accordance with the latest orders of Central Govt.

Conclusion and Recommendation

As the amendments proposed are in accordance with the Wage Settlement and Pay Revision Orders the Committee recommends that the amendment proposal may be considered for approval and notification by the Govt. subject to NMPT attending

to the above remarks proposed by MbPT. Hence, NMPT may be requested to revise this Regulation in accordance with the latest orders of Central Govt.

As the amendments proposed are in accordance with the Wage Settlement and Pay Revision Orders the Committee recommends that the amendment proposal may be considered for approval and notification by the Govt. subject to NMPT attending to the above remarks.

Copies of the proposal and extract of the minutes of the meeting are enclosed.

Yours faithfully,

(A. Janardhana Rao)
Managing Director

Encl: As above

Copy to Chairman, NMPT for information please.