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**New Mangalore Port Trust Employees  
(Acceptance of Employment after  
Retirement) Regulations, 1980**

**(As on 30.11.2007)**

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 (Acceptance of Employment after Retirement) Regulations, 1980.
  - (2) They shall come into force on the 1<sup>st</sup> day of April, 1980
- 2 Application :- These regulations shall apply to all those employees who are holding or who have held Class I posts under the Board.
3. Definitions:- In these regulations, unless the context otherwise requires, -
  - (a) "Board" and "Chairman" shall have the same meaning assigned to them in the Major Port Trusts Act, 1963 (38 of 1963) ;
  - (b) "Class I posts" means the posts classified as such, by the Board from time to time under the New Mangalore Port Employees (Classification, Control and Appeal ) Regulations, 1980;
  - (c) "Competent Authority " means "Chairman" for the purpose of these regulations;
  - (d) "Port Trust" means the New Mangalore Port Trust.
4. Permission for employment : -
  - (1) No person who has held a Class I post under the Board immediately before retirement shall accept any commercial employment including an employment including an employment as contractor for or in connection with the execution of Board's works or as an employee of such contractor, before the expiry of two years from the date of retirement without obtaining the previous permission of the Competent Authority.

Explanation:- For the purpose of this regulations, the term "commercial employment" means,-



- (i) An employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government;
- (ii) Setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the retired employee;
  - (a) Has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or
  - (b) Has professional qualification but the matters in respect of which such practice is to be setup are such as are likely to give his clients an unfair advantage by reason of his previous official position; or
- (iii) Has to undertake work involving liaison or contact with the offices or officers of the Board.
- (2) No person who is covered by these regulations and has not obtained the necessary permission shall be given any contract with the Board.
- (3) The officers concerned to whom these regulations apply shall be required to sign at the time of sanctioning the retirement benefits, an undertaking in such form, as may be prescribed by the Competent Authority, that they shall not accept any commercial employment within two years of retirement without obtaining the previous permission of the competent Authority.

NOTE: The undertaking shall be given on a nonjudicial stamp paper of appropriate value, the cost of which shall be borne by the retiring officer.

- (4) In default, an officer.
  - (i) If governed by the regulations of the Board relating to pension, shall forfeit his pension for the period during which he is so employed or for such longer period as the Competent Authority may direct; and



- (ii) If governed by the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations, 1980 shall be liable to compensate the Board to the extent the Competent Authority may decide for not honouring the undertaking made earlier to the contrary.

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed:

Provided further that an officer permitted by the Competent Authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for continuance therein.

- (5) The application for permission to take up an employment within two years of retirement shall be made to the Competent Authority in Form 'A' set out in Appendix "A" appended to these regulations.
- (6) Subject to the Regulation 5 of these regulations the competent authority may, by order in writing, on the application made under sub-Regulation (5) by a pensioner, grant, subject to such conditions, if any as he may deem necessary, permission, or refuse for reasons to be recorded in the order, permission to such pensioner to take up commercial employment specified in the application.
- (7) Where within a period of sixty days of the date of receipt of application under Sub-Regulation (5), the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent Authority shall be deemed to have granted permission applied for; Provided that in any case where defective or insufficient information is furnished by the applicant and it becomes necessary for the Competent Authority to seek further clarification and/or information from him, the period of sixty days shall be counted from the date on which the defects have been removed and/or complete information has been furnished by the applicant.

- (8) Where the Competent Authority grants the permission applied for subject to any condition or refuses such permission the applicant may, within thirty days of the receipt of the order of the competent authority to that effect, make a representation against any such condition or refusal and the competent authority may make such orders thereon as it deems fit;

Provided that no order other than an order canceling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

- (9) Every order passed by the Competent Authority under this rule shall be communicated to the pensioner concerned.

5. Matters to be considered for grant of permission for employment:-

The Competent Authority, shall, in considering the application for the grant of permission for employment under these regulations, have regard to the following matters, namely:-

- (a) Whether the officer while in service had any such dealing with the proposed employer as might provoke the suspicion that he had shown favour to the latter;
- (b) Whether his duties are such that his official knowledge and experience could be used to give the employer an unfair advantage;
- (c) Whether his duties are such as might bring him into conflict with the Port Trust;
- (d) Whether the proposed employment is of a thoroughly reputable kind;

NOTE: Employment involving contract or liaison work with the Board shall not be considered as employment of a thoroughly reputable kind; and

- (e) Whether there are any exceptional circumstances, which would make the refusal of consent a real hardship to the employee.

6. Permission for employment outside India:-



- (1) No employee whether governed by the Pension Rules as applicable for Central Government employees or the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations, 1980 who has held a Class I Post under the Board immediately before his retirement shall accept any employment under a foreign government or employment outside India without obtaining the previous permission of the Competent Authority.
- (2) The officer shall be required to sign an undertaking to this effect at the time of sanctioning retirement benefits.
- (3) In default, an officer:-
  - (a) If governed by the pension scheme of the Trust, shall forfeit the pension for the period during which he is so employed or for such longer period as the Board or the Chairman may direct; and
  - (b) If governed by the New Mangalore Port Trust employees (Contributory Provident Fund) Regulations, 1980, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary:

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed.

Provided further that an officer permitted by the Competent Authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein:

Explanation:- The employment under a foreign government shall include employment under a local authority or corporate or any other institution or organisation which functions under the control or supervision of a foreign government.

7. Reckoning of two years period :- The period of two years for the purpose of these regulations shall in the case of an officer who is re-employed after retirement without a break in the same or another Class I post, be reckoned from the date from which he finally quits the Board's service

**APPENDIX A**  
**FORM 'A'**  
[See regulation 4(5)]

Form of application for permission to accept employment within a period of two years after retirement

1. Name of the officer  
(IN BLOCK LETTERS)
2. Date of retirement
3. Particulars of the Department in which the officer served during five years preceding retirement (with duration)

	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held.
5. Pay scale of the post and the pay drawn by the officer at the time of retirement.
6. Retirement benefits:
  - (i) If governed by the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations, 1980
    - (a) Amount of special contribution.
    - (b) Amount of Trusts contribution
    - (c) Amount of any other contribution.
  - (ii) If governed by the regulation of the Board relating to pension:
    - (a) Pension expected or sanctioned (commutation, if any, should be mentioned).
    - (b) Gratuity, if any
7. Details regarding employment proposed to be taken up:
  - (a) Name of the firm or company or co-operative society etc.
  - (b) Whether the Official had during his official career any dealings with the firm or company etc.
  - (c) Duration or nature of the Official dealings with the firm or company etc.,



- (d) Name of job or post offered.
- (e) Whether post was advertised, if not how was offer made.
- (f) Description of the duties of job or post.
- (g) Does it involve liaison or contract work with New Mangalore Port Trust.
- (h) Remuneration offered for the post or job.

8. Any information which the applicant desires to furnish in support of his request.

Station:

Signature of Officer

Date :

Foot Note: Principal Regulations published in the Gazette of India vide GSR NO. 153 (E) dated 28-03-1980.