

NEW MANGALORE
PORT TRUST EMPLOYEES' (Retirement)

REGULATIONS 1980

[Corrected upto 30-11-2011]

**NEW MANGALORE PORT TRUST EMPLOYEES (RETIREMENT)
REGULATIONS 1980**

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, commencement and application:

- (1) These regulations may be called the New Mangalore Port Trust Employees (Retirement) Regulations, 1980.
- (2) They shall come into force on the 1st day of April, 1980.
- (3) They shall apply to all categories of employees of the Board.

2. Definition:

In these regulation unless the context otherwise requires-

- (a) 'Board' and 'Chairman' shall have the meaning respectively assigned to them under the Major Port Trusts Act, 1963 (38 of 1963).
- (b) 'Class I', 'Class II', 'Class III' and 'Class IV' services shall have the meaning respectively assigned to them in the New Mangalore Port Trust Employees (Classification, Control and Appeal) Regulations, 1980.

3. Age of retirement:

Except as otherwise provided in these regulations, every employee of the Board shall retire from service on the afternoon of the last day of the month in which he/she attains the age of sixty years.

Provided that an employee of the Board, whose date of birth is the first of a month, shall retire from service of the Board on the afternoon of the last day of the preceding month in which he attains the age of sixty years.

4. Re-employment after retirement:

An employee of the Board may in the interests of the Board be re-employed in the services of the Board after he attains the age of 60 years subject to the observance of the criteria laid down in the Annexure to these regulations.

5. Compulsory retirement before the age of superannuation:

Notwithstanding anything contained in these regulations, the Chairman shall, if he is of the opinion that it is in the Board's interest so to do, have the absolute right to retire any employee at any time by giving him notice of not less than three months in writing or by giving three months' pay and allowances in lieu of such notice,

- (a) After the employee has attained the age of-
 - (i) Fifty years in the case of an employee in Class I or Class II service who had entered the Board's service before attaining the age of 35 years;
 - (ii) Fifty five years in other cases; or
- (b) After he has completed-
 - (i) 30 years of qualifying service in respect of an employee who is governed by the Central Civil Services (Pension) Rules, 1972, which have been adopted by the New Mangalore Port Trust (Adaptation of Rules) Regulations, 1980; or
 - (ii) 30 years of service in respect of an employee who is not governed by the Central civil Services (Pension) Rules, 1972, which have been adopted by the New Mangalore Port Trust (Adaptation of Rules) Regulations, 1980.

Note: To determine the retention of an employee in service beyond the age or service prescribed, as the case may be, in the interest of the Board, reviews will be made in accordance with the procedure laid down by the Chairman from time to time.

6. Voluntary retirement before the age of superannuation:

An employee of the Board, may by giving notice of not less than 3 months in writing, retire from the service of the Board,-

- (a) After he has attained the age of-
 - (i) Fifty years in the case of employees in Class I or Class II service who had entered service before attaining the age of 35 years; or
 - (ii) Fifty five years in other cases; or
- (b) After he has completed-
 - (i) 20 years of qualifying service in respect of an employee who is governed by the Central Civil Services (Pension) Rules, 1972, which have been adopted by the New Mangalore Port Trust (Adaptation of Rules) Regulations, 1980; or
 - (ii) 20 years of service in respect of an employee who is not governed by the Central Civil Services (Pension) Rules, 1972, which have been adopted by the New Mangalore Port Trust (Adaptation of Rules) Regulations, 1980.

Note:-

- (i) It shall be open to the Chairman to withhold permission to an employee who is under suspension and who seeks to retire under this regulation.
 - (ii) 3 months notice referred to in regulations 5 and 6 above may be given before the employee attains the age or before he completes the number of years of service specified therein;
- Provided that the actual retirement taken place after he has attained the age or has completed the prescribed number of years of service as the case may be.

ANNEXURE**Criteria for Re-employment after superannuation
(See Regulation 4)**

1. No proposal for re-employment beyond the age of superannuation shall ordinarily be considered.
2. Re-employment may be considered only in very rare and exceptional circumstances and even in such cases, 62 years of age shall be the dead-line for non-scientific or non-technical posts and 64 years in the case of scientific or technical posts.
3. The over-riding consideration for the grant of re-employment shall clearly be the Board's interest, and in addition shall satisfy one of the following conditions, namely:-
 - (i) That the other employees are not ripe enough to take over the job; or
 - (ii) That the retiring employees is of outstanding merit.
4. No re-employment shall be considered on the ground that a suitable successor is not available, unless it is established that action to select a successor has been taken wellin advance but the selection could not be finalized in time for justifiable reasons.

Foot Note:

Principal Regulations published in Gazette of India with G.S.R 151 (E) dated 27-03-1980 and subsequently amended vide

- i) G.S.R. 282 (E) dated 29-05-1998
- ii) G.S.R. 676 (E) dated 26-08-2000
- iii) G.S.R. 800 (E) dated 07-11-2009