

THE COCHIN PORT EMPLOYEES (CLASS -III & CLASS- IV) SPECIAL CONTRIBUTION REGULATIONS, 1967

In pursuance of Sub-section (2) of Section 124 of the Major Port Trusts Acts, 1963 (38 of 1963), the Board of Trustees of Cochin Port hereby publishes, with the approval of the Central Government, the following regulations made by it in exercise the powers conferred under Section 28 of the said Act.

I. Short title and Commencement

- (i) These Regulations may be called the Cochin Port Employees (Class III & Class IV) Special Contribution Regulations, 1967.
- (ii) They shall come into force with effect from 1-8-67 and shall supersede the existing orders governing the grant of special contribution to the extent these orders are inconsistent with the provisions of these Regulations.
- (iii) They shall be applicable to the above classes of employees of the Port who are governed by the Contributory Provident Fund Rules for the time being applicable and who are eligible to Special Contribution under the existing orders issued by the Government of India as modified by these Regulations;

II. (a) In these Regulations unless the context otherwise requires

- (i) 'Family' shall have the same meaning as assigned in the Contributory Provident Fund Rules (India) 1962'
- (ii) 'Board' shall have the same meaning as assigned in the Major Port Trust Act, 1963.
- (iii) 'Employee' means, a Class III and Class IV employee of the Board whose service conditions are subject to the regulations making powers of the Board
- (iv) ¹(a) "Emoluments' means, pay, leave-salary, subsistence grant as defined in the Fundamental Rules or in the Regulations, if any, framed by the Board and includes dearness allowance, city compensatory allowance, interim relief and incentive earnings / premium payments and any, other payments under the payment by Results Scheme, wherever applicable.

(b) The term 'Emoluments' will exclude all types of remuneration other than those mentioned above i. e., House Rent Allowance, Overtime Allowance and any other payments which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, holidays and off days, fees for supervision of floating craft, honorarium, conveyance allowance, cement testing allowance, diving allowance, ration allowance and any payment which is in the nature of incentive bonus not connected with the output of work, family allowance, children's education allowance, Voyage allowance etc.

¹(c) The term 'emoluments' in respect of employees engaged on piece rate basis will include their actual earning including piece rate earnings, incentive earnings / premium payment and other payments if any, under the payment by Results Schemes. Idle time wages and attendance money, as may be fixed by the Board from time to time, but will exclude the entire element of House Rent Allowance included in the piece rate earnings, and other allowances referred to in (b) above.

¹ Substituted w. e. f. 1-1-79 vide Ministry of Shipping & Transport Notification No. PW / PEX- 13 / 80 dated 26-10-81 published in the Gazette of India dated 14-11-81 under GSR 1020

Provided that subject to the provision of the note below this regulation, 'emoluments' will mean only the emoluments admissible to a subscriber on the date of quitting service in the permanent post on which he holds a lien or would hold a lien had it not been suspended;

Provided further that permanent employee who has been officiating on the date of quitting service in higher posts continuously for 3 years or more will be treated as if he has held that officiating post in substantive capacity for the purpose of calculation of Special Contribution. For this purpose all periods of leave or duty in still higher post or posts during the 3 years immediately preceding the date of quitting service will count towards the limit of 3 years if it is certified by the appointing authority that the employee would have continued to officiate in that post but for such periods of leave or officiating service in the still higher post or posts.

¹**Note:** In the case of workers paid on piece-rate basis the monthly average of their 'pay' during the last 12 months preceding the date of quitting service, or the 'pay' as defined in the case of non-piece rated employees whichever is beneficial to the employees concerned excluding the element of House Rent Allowance and other inadmissible items mentioned in II (a) (iv) (b) above will be taken into account for purpose of calculation of special contribution. Periods of absence without pay however will be excluded from the twelve months.

(v) 'Service means continuous service during which a subscriber holds a lien or suspended lien on a permanent post paid from the Port's revenues, but includes the following periods:-

- (a) Officiating or temporary service as paid Apprentice or as a Probationer, if followed without break by permanent service
- (b) which the Board may be general or special order permit to be counted as service

²**Note:** The period of service rendered by an employee from the date of entry in to service to the date on which he / she would have been eligible for admission to the Provident Fund should be excluded for calculating service for purposes of special contribution.

III. Eligibility for special contribution:

If an employee quits service on:

- (a) Completion of 10 years' service, otherwise than by way of dismissal,
- (b) Retirement with less than 10 years' service on account of permanent physical or mental incapacity or abolition of appointment if other suitable employment cannot be found for him, provided that he had joined service on or before reaching the age of 40 years;

And in either of the cases mentioned in (a) and (b) above the appointing authority is satisfied in each case that the service of the employee was good, efficient and faithful.

- (c) On Completion of 15 years' service under any circumstances including dismissal.

The appointing authority may order that the subscriber's Provident Fund Account shall be credited with a Special Contribution calculated in the manner prescribed in Regulation IV below:

¹ Substituted w.e. f. 7-4-1970 by Notification No. A4 / PR / 71 dt. 18-10-1972.

² Inserted w.e.f. 29-2-1964 by Notification No. A4 / 2818 / 71 dated 30-5-1974.

IV. The special contribution shall, subject to the provisions of Regulation (V) below, be as follows.

- (a) If service does not fall short of 15 years, half a months' emoluments for each completed year of service but not exceeding 15 months' emoluments;
- (b) If service falls short of 15 years, half a months' emoluments for each completed year of service but not exceeding 6 months' emoluments provided that the appointing authority may, on being satisfied that the circumstance are special, increase the special Contribution to one month's emoluments for each completed year of service subject to a maxi-mum of 6 months emoluments.

¹**Note:** The amount payable under this regulations shall be set off or adjusted as the case may be against the amount payable under the Payment of Gratuity Act, 1972 and the rules framed there - under. For the purpose of set off on adjustment, the special Contribution to the Contributory Provident Fund shall be taken under no circumstances, shall the amount payable to an employee be less than the amount prescribed under the Payment of Gratuity Act.

V. The amount of special contribution calculated in accordance with Regulation IV above may, in any particular case, be with held or reduced by the Appointing Authority :

Provided that where the Appointing Authority is lower in rank than the authority competent to dismiss the employee concerned the contribution shall not be with-held or reduced save with the previous sanction of the latter authority;

Provided further that where the service of an employee has been terminated on account of dismissal after completion of 15 years service and the Port has suffered any monetary loss attributable to the misconduct of the employee leading to his dismissal, the amount of such monetary loss shall be deducted from the amount of special contribution payable to him under these Regulations.

VI. If a subscriber dies while in service and leaves behind him a widow or a dependant child or children, the Appointing Authority may direct a Special Contribution to be made to the Subscriber's Provident Fund account calculated in the manner prescribed above as if the subscriber had on the date of his death quitted service on retirement on account of permanent incapacity if the deceased subscriber was a female, the Appointing Authority may direct the special contribution to be made to her provident fund account even though the father of the dependent children left behind by her may be earning.

VII. The families of such employees who are permanent and who die while in service will also be eligible for gratuity as indicated below

- (i) In the event of death in the first year of service:

Gratuity equal to the difference between the employee's two months emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund

- (ii) In the event of death after the first year of service and before completing five year's service:

Gratuity equal to the difference between the employee's six months emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund.

¹ Inserted with effect from 27-7-87 vide Notification No, 12025 / 1/ 86-PEI (Vol. II) dated 27-7--87 published under GSR 676 (E) dated 27-7-87

(iii) In the event of death after completing five years service:

Gratuity equal to the difference between the employee's twelve month's emoluments and the amount of Board's contribution together with interest thereon standing to his credit in the Fund.

¹**Note:** The amount payable under this regulations shall be set off or adjusted as the case may be against the amount payable under the Payment of Gratuity Act, 1972 and the rules framed there-under. For the purpose of set off or adjustment, the special Contribution to the Contributory Provident Fund shall be taken under no circumstances, shall the amount payable to an employee be less than the amount prescribed under the Payment of Gratuity Act.

VIII. These Regulations will also apply to the Employees who subscribe to the Workmen's Contributory Provident Fund.

(Bd / 10357 / 67 dated 8-11-67)

¹ Added with effect from 27-7-87 vide GSR 676 (E) dated 27-7-87.