

BOMBAY PORT TRUST
(Grant of Ex-gratia Pension to Retired Employees)

REGULATIONS, 1977

C O N T E N T S

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In exercise of the powers conferred by section 28 of the Major Port Trust Act, 1963 (38 of 1963) and in supersession of the Rules for the Payment of Ex-gratia Pension to retired Bombay Port Trust Employees, the Board of Trustees of the Port of Bombay, with the approval of the Central Government under sub-section (1) of section 124 of the said Act, hereby make the following regulations, ¹ namely :-

1. Short title and commencement – (1) These regulations may be called the Bombay Port Trust (Grant of Ex-gratia Pension to Retired Employees) Regulations, 1977.

(2) Provisions of sub-regulation (2) of regulation 4 shall be deemed to have come into force on the days specified in that sub-regulation and the rest of the provisions shall be deemed to have come into force on the 1st day of January, 1973.

2. Definitions – In these regulations, unless that context otherwise requires –

- ²(1) “Accounts Officer means the Financial Adviser & Chief Accounts Officer of the Board and such officer(s) from the Finance Department of the Board as may be nominated by the Financial Adviser & Chief Accounts Officer to regulate claims under these regulations.
- (2) “Board” and “Chairman” shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963 (38 of 1963).
- (3) “Ex-gratia Pension” means the ex-gratia pension admissible under these regulations.
- (4) “Pay” means the pay as defined in Article 11 (11) of the Bombay Port Trust Digest of Pay & Allowances, Leave and Pension Rules, 9th Edition (including Dearness Pay, if any) which an was receiving immediately before his retirement or resignation from the Board’s service.

1. Sanctioned by the Board by their TR No.88 dated 8.3.1977 and Ministry of Shipping & Transport Notification No.PEB-26/77 dated 1st August 1977.

2. Amended by TR No.596 dated 12.10.1993. MOSFT sanction published as GSR 705(E) in Gazette of India dated 12.11.1993 effective from that date.

Explanation – If an employee immediately before his retirement or resignation from the Board’s service was on leave (other than leave preparatory to final cessation of service after attaining the age of superannuation), the pay which he would have drawn had he not been on leave shall be treated as his pay for the purpose of this sub-regulation.

3. Extent of application –

(1) The ex-gratia pension is admissible to every employee who was governed by the Board's Contributory Provident Fund Scheme and –

- (a) who retired from the Board's service before the 5th October, 1965 after completing not less than 20 years of continues service; or
- (b) who resigned from the Board's service before the 5th October, 1965 after completing not less than 30 years of continues service.

(2) The ex-gratia pension is not admissible to –

- (a) an employee who was dismissed or removed or discharged from the Board's service before the 5th October, 1965;
- (b) an employee who resigned from the Board's service before the 5th October, 1965 with less than 30 years of service;
- (c) an employee who retired or ceased to be in service on or after the 5th October 1965.

4. Amount of ex-gratia pension – (1) The amount of ex-gratia pension shall be the appropriate amount as set out below, namely : -

Pay of employee (in Rupees)	Amount of ex-gratia pension (in Rupees per mensem)
(1)	(2)
80 and below	40.00
Above 80 and upto 130	42.50
Above 130 and upto 200	45.00
Above 200 and upto 500	53.50

¹(2) The amount of ex-gratia pension shall be increased with effect from the 1st day of August 1973, 1st day of January 1974, 1st day of April 1974, 1st day of September 1977, 1st day of December 1978, 1st day of November 1979, 1st day of May 1980, 1st day of September 1980 and 1st day of December 1980 by the appropriate amount as set out below, namely :-

Increase in amount of ex-gratia pension (in Rupees per mensem)				
Pay of employee (in Rupees)				
With effect from	80 and below	Above 80 and upto 130	Above 130 and upto 200	Above 200 and upto 500

(1)	(2)	(3)	(4)	(5)
1.8.1973	5	5	5.50	9
1.1.1974	5	5	5.50	9
1.4.1974	5	5	5.50	9
1.10.1975	10	10	11	18
1.4.1977	5	5	5.50	9
1.9.1977	5	5	5.50	9
1.12.1978	5	5	5.50	9
1.11.1979	5	5	5.50	9
1.5.1980	5	5	5.50	9
² [1.12.1980	2.5	2.5	2.75	4.5]

³[(2A) xxx xxx xxx]

⁴[(3) Further relief on ex-gratia pension shall be granted at such rate and from such date as the Central Government may decide, from time to time, for grant of relief to its ex-gratia pensioners]

5. Ex-gratia pension not admissible during period of re-employment –

The ex-gratia pension shall not be granted during the period its recipient is re-employed under the Board.

1.Substituted by the following –

<u>effect from</u>	<u>TR Nos.</u>	<u>MOST's Notification No. with</u>
	23 dated 24.1.1970 1.10.1975 & 1.4.1977	PEB-13/78 dated 31.5.1978
	70 dated 27.2.1979 1.9.1977	PEB-27/79 dated 21.9.1979
	138 dated 10.6.1980 1.12.1978	PW/PEB-68/80 dtd 6.2.1981
	73 dated 24.2.1981 1.11.1979 & 1.5.1980	PW/PEB-33/81 dtd 16.7.1981
	292 dated 14.9.1981 1.9.1980	PW/PEB-56/81 dtd 23.3.1982

2. Inserted by MOST's letter No.PW/PEB-56/81 dated 23.3.1982

3. Inserted by TR No.70 dated 27.2.1979 & MOST's Notification No.PEB-27/79 dated 21.9.1979 and subsequently deleted by TR No.138 dated 10.6.1980 & MOST's Notification No.FW/PEB-68/80 dated 6.2.1981.

4. Inserted by MOST's D.O. Letter No.PW/PEB-56/81 dated 18.6.1982.

6. Application for sanction of ex-gratia pension – The procedure relating to application for pension, verification of service, preparation of pension papers, issue of pension payment order and furnishing of life certificate, prescribed in the Bombay Port Trust Pension Rules shall apply mutatis mutandis to the ex-gratia pension granted under these regulations.
7. Record of ex-gratia pensions – The Accounts Officer shall maintain a suitable record of all ex-gratia pensions granted under these regulations.
8. Mode of payment – The ex-gratia pension shall be payable on or after the first day of the month following that to which it relates from the office of the Accounts Officer. If a pensioner desires payment of ex-gratia pension through postal money order, the same shall be remitted to him through postal money order and the cost of such remittance shall be borne by the Board.
9. Interpretation – If any question arises relating to the interpretation of these regulations, it shall be referred to the Chairman whose decision thereon shall be final.
10. Repeal and saving – All Rules corresponding to these regulations in force immediately before the commencement of these regulations are hereby repealed.

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.