

**New Mangalore Port Trust Employees  
(Educational Assistance) Regulations, 1997**

**(As on 30.11.2007)**

## **SCHEDULE**

### **New Mangalore Port Trust (Educational Assistance) Regulations, 1997.**

**GSRNo.344 (E):**In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the New Mangalore Port Trust Board hereby makes, subject to the approval of the Central Govt., under Section 124 of the above Act, the following Regulations to amend and and consolidate the New Mangalore Port Trust Employees (Children's Educational Allowance) Regulations, 1980 and the New Mangalore Port Trust Employees(Reimbursement of Tuition Fees) Regulations, 1980 published GSR 60(E) and GSR 159(E) in the Official Gazette of India Extraordinary, dated 27<sup>th</sup> March, 1980.

#### **1. Short title and commencement:**

- (1) These Regulations may be called New Mangalore Port Trust (Educational Assistance) Regulations, 1997.
- (2) They shall come into force with effect from the date of publication in the Gazette of India.

#### **2. Applications:**

- (1) These Regulations shall apply to all employees of the Board except persons in casual or daily rated or Part-time employment.
- (2) Employees of the Board deputed to Central/ State Govt. or on Foreign Service in India would be eligible to drawal of educational assistance under these orders from such Central / State Govt. or foreign employer, provided provision to this effect is expressly made in the terms of deputation or foreign service.

#### **3. Definitions:** In these regulations, unless the context otherwise requires –

- i. 'Board' shall have the same meaning assigned in the Major Port Trusts Act, 1963.
- ii. 'Employee' means an employee of the Board.

- iii. 'Child' means a child of an employee of the Board and includes a step child and an adopted child who is wholly dependent on the employee.
- iv. 'Higher Secondary or Senior Secondary Classes' means Classes XI and XII and includes Classes upto the equivalent of XII under the 10+2+3 scheme like Pre-university class or the first year class of an Intermediate College, a Technical College, or a Polytechnic provided the child has passed the Secondary or equivalent but not the Higher Secondary Examination before joining such class.
- v. 'Primary Classes' means classes I to V but does not include Kindergarten or Nursery Classes.
- vi. 'Recognised School' means Govt. School or any educational institution whether in receipt of Govt. aid or non-recognised by the Central or State Govt. or Union Territory Administration or by a University or a recognised educational authority having jurisdiction over the area where the institution is situated. For the purpose of these orders education upto the senior level shall be treated as school education.
- vii. 'Secondary Classes' means classes of VI to X.
- viii. 'Tuition Fess' means tuition fee payable and actually paid, and includes:-
  - (i) Science fee.
  - (ii) Laboratory fee in case Science fee is not separately charged.
  - (iii) Special fee charged for a agriculture as an elective additional subject and
  - (iv) Any fee charged for subject like music which are taught as part of the regular school curriculum or subject requiring practical work under the programme of work experience.

Provided that if tuition fee charged from a Science student is higher than that charged from a non-science student, science fee, though separately charged, shall not be included in the tuition fee for the purpose of these orders.

**Explanation:**

“Tuition Fee” does not, however, include -

- (i) Domestic Science fund charges.
- (ii) Library fee.
- (iii) Games Fee.
- (iv) Admission fee and
- (v) Extra curricular activity fee.

**General Conditions:**

**4. Eligibility :**

(1) Subject to provision of Regulation No.11 to 24, all employees of the board except persons in casual or daily rated or part time employment without any pay limit shall be eligible to draw children's educational assistance, reimbursement of tuition fee and hostel subsidy.

5. (1) In case both wife and husband are employees of the Board and are governed by the provisions of these Regulation, the children's educational allowance or reimbursement of tuition fee or hotel subsidy as the case may be shall be admissible to one of them only.

(2) In case the wife or husband of an employee of the Board is employed outside the Port service, the employee of the Board shall be liable to draw the allowance or reimbursement or subsidy under these regulations, only if his/her spouse is not entitled to the benefit of any such allowance or reimbursement of subsidy from his/her employer and a declaration to that effect shall be obtained from the employee.

6. (1) The Children's educational allowance or the hostel subsidy shall be admissible to employee of the Board while he/she is on duty or is under suspension or is on leave (including extraordinary leave).

Providing that during any period which is treated as “Dies-non”, the employee of the Board shall not be eligible for the allowance /reimbursement/ subsidy for the period.

- (2) If an employee of the Board dies or ceases to be in service by reason of retirement, resignation, discharge, dismissal or removal from service in the course of an academic year, the allowance or reimbursement or hostel subsidy shall be admissible till the end of academic year in which the event takes place.

7. Children's Educational Allowance, reimbursement of Tuition Fee or Hostel Subsidy shall be admissible only in respect of Children's between the age limits of 5 and 20 years.

An employee of the Board shall not be eligible to draw children's educational allowance, reimbursement of tuition fee or hostel subsidy for a child for much more than two academic years in the same class.

8. Assistance under these Regulations shall be available upto 3 children born upto 31.12.1987 and shall be restricted to two children born thereafter.

Provided that where an employee of the Board claims children's' education allowance in respect of some of his children and hostel subsidy in respect of other children, the total number of children in respect of whom the allowance or subsidy is drawn shall not exceed two.

9. The Children's educational allowance, reimbursement of tuition fee or hostel subsidy, as the case may be, shall be admissible to employee of the Board in respect of a child only if the child attends the school regularly.

Provided that no such allowance, reimbursement of tuition fee or hostel subsidy, shall be admissible in any case where the period of absence from the school without proper leave exceeds one month notwithstanding that the name of the child remains on the roll of the school.

10. The Children's educational allowance, reimbursement of tuition fee or hostel subsidy as the case may be, shall be admissible to employee of the Board in respect of his children regardless of the fact that any scholarship is received provide that if freeship is awarded reimbursement of tuition fee/hostel subsidy shall be admissible only to the extent of fee actually paid.

### **Children's Educational Allowance**

- 11.(1) An employee of the board is eligible to draw children's educational allowance when he is compelled to send his child to a school away from the station at which he is posted and / or residing owing to the absence of a school of the requisite standard at that station.
- (2) For the purpose of this order, the following schools shall not be deemed to be schools of the requisite standard:-
- (a) In so far as an Anglo-Indian child is concerned a school not run by the Anglo-Indian community or a school not affiliated to the council for Indian School Certificate Examination of the Indian Council of Secondary Education.
  - (b) A school run by a body of certain religious persuasion which the child is prevented by the tenets of his religious persuasion from attending due to religious instructions being compulsorily imparted in such a school and
  - (c) A school where teaching is conducted in a language distinct from the language of the child.

**Explanation(1)** - The language of the child will be medium of instruction, in the school where the child was getting education earlier and in the case of child admitted in a school for the first time the mother tongue of the child by birth or by adoption.

**Explanation(2)**- The admissibility of children's educational allowance will have to be determined with reference to the standard of the school viz., Primary, Secondary or Higher Secondary or Senior Secondary and the medium of instruction and the

language of the child and not to the absence of any particular subject in a particular institution.

12. The allowance shall be admissible to an employee of the Board at a station where there is no school of the requisite standard, only if the nearest school of such standard is so situated that there is no convenient train or bus service to take the child from his residence near the time of the opening of the school and bring him back not too long after the school is closed for the day and the journey by such train/bus service takes more than an hour.
13. If an employee of the Board is transferred from a station where there is no school of the requisite standard to a station where there is such a school and if he was in receipt of the allowance at the former station in respect of any child he shall remain eligible for such allowance until the close of the academic year the school in which his child was studying at the time of his transfer, provided the child continues for that period in that school.
14. If a child of an employee of the Board is denied admission to a school of the requisite standard at the station, at which the employee is posted and/or residing because of there being no vacancy, or any other reasons, and child is compelled to attend a school away from the employee's place of posting and/or residence, the employee shall be entitled to the allowance as if there were no school of the requisite standard at that station.

**Explanation:-** The availability of vacancy in a school shall be determined with reference to the position existing at the time of the admission of the child in the school, whether it be at the start or in the middle of the session, in consultation with the competent educational authorities of the area and not on the basis of the certificate of the school authorities.

15. An employee in receipt of the allowance shall continue to be eligible to draw such allowance during any period, not exceeding four months.

(1) When he may go and stay with the child in respect of whom the allowance is drawn while on leave or during suspension or temporary transfer.

(2) When the child may come to live with the employee provided it is certified by a registered medical practitioner that the child is forced to remain away studies due to illness, and

(3) When the child may come to live with the employee during vacation, provided the child continues to be on the rolls of the school.

**16.** The allowance shall be admissible to an employee at the following rates:-

Primary, Secondary and Higher Secondary Classes

I to XII : Rs. 50/- per month per child.

**17.** (1) The allowance shall be admissible to an employee throughout the year notwithstanding that no tuition fee is paid during the vacation.

(2) In the case of a child who is successful at the final secondary / higher secondary / senior secondary examination, the allowance shall be admissible to the employee upto the end of the month in which the examination is completed or upto the end of one month upto which the school fees are charges, whichever is later.

(3) In the case of a child who falls in the final secondary / higher secondary / senior secondary examination, but resumes his studies the allowance shall be admissible to the employee for the period of vacation intervening provided that fees are paid for the period of vacation.

**Reimbursement of Tuition Fee:**

**18.** An employee shall be eligible to the reimbursement of tuition fee payable and actually paid in respect of his child provided that no children's educational allowance under these regulations is admissible to him.



**19.** The tuition fee payable and actually paid by an employee in respect of his child may be reimbursed subject to the following:

- (a) Classes I to X - Rs. 20/- p.m. per child
- (b) Classes XI to XII - Rs. 25/- p.m. per child
- (c) Classes I to XII - in respect of physically handicapped and mentally retarded children - Rs. 50/- p.m. per child.

**NOTE:** Science fee upto the limit of Rs.5/- p.m. will be reimbursable in addition to the tuition fee in respect of children studying Classes IX to XII and offering Science subjects.

**20.** (1) The reimbursement of tuition fee charged by a college run by a University or affiliated to a University for Pre-University / first year class of an intermediate college or of a technical college or first year class of polytechnic or for a correspondence course shall, however, be reimbursed in full subject to their being restricted to the rates prescribed by Govt. college for corresponding classes.

(2) "In cases where minimum qualification for admission in the two year diploma course in polytechnic is 10<sup>th</sup> class at the revised pattern of education and the student joins the polytechnic after passing X class of the revised pattern of education, the reimbursement of tuition fees shall also be allowed for the I and II year classes of the above course".

**21.** Notwithstanding anything to the contrary in these orders, tuition fee payable and paid in respect of physically handicapped or a mentally retarded child of an employee shall be reimbursed subject to the following conditions:-

- (a) The institution in which the child is studying is one which is recognized or approved or aided by the Central Govt. or State Govt. or Union Territory Administration.

- (b) The fees charged are approved by the Central Govt. or State Govt. or Union Territory Administration as the case may be.

**Explanation:** - If the institution is recognised or approved or aided but the fees charged are not approved by Central Govt. or State Govt. or Union Territory Administration, the fee reimbursable shall be subject to ceiling of Rs.50/- p.m.

### **Hostel Subsidy**

- 22.** An employee shall be eligible to the grant of subsidy at the rate of Rs.150/-p.m. per child, if because of transfer he is obliged to keep his children in the hostel of a residential school far away from the station at which he is posted and/or is residing.

However, if the date of admission to the hostel is earlier than the date of transfer, and if such admission is made on anticipation of the transfer, the hostel subsidy may be made from the effective date of transfer.

- 23.** The hostel subsidy shall be payable upto 10+2 stage in States and Union Territories, where the pattern of 10+2+3 has been adopted and upto higher secondary and senior secondary stage on other States and Union Territories irrespective of the fact that the children study in a Kendriya Vidyalaya or any other recognised school.

- 24.** The hostel subsidy shall not be admissible in respect of a child for whom children's educational allowance is drawn by an employee.

### **Procedure for payment of Children's Educational Allowance, Reimbursement of Tuition Fees and Hostel Subsidy:**

- 25.** An employee, claiming children's educational allowance, reimbursement of tuition fees and hostel subsidy shall furnish a certificate in the prescribed forms 1,2,3 and 4 as the case may be, to the Head of Office at the time of preferring his initial claim and thereafter in the months of March and July every year.

Where the employee is himself the Head of the Office, he shall furnish the certificate to the next higher authorities.

**Note:** For reimbursement of tuition fees to an employee a certificate from the Head of the Institution where the child is studying need not be insisted upon. However, at the time of accepting the initial claims, production of the cash receipt given by the school or counterfoil of the bank credit voucher, if the tuition's fee is paid through bank by the employee as a proof of having actually paid the tuitionfee will be sufficient.

For the subsequent occasions, a declaration from the employee to the effect that he continue to incur the expenditure on tuition fee etc. should be accepted. The employee may also be asked to certify that his child/children is/are actually studying in a recognised school and that he is actually incurring expenditure on tuition fee.

**26.** The Head of Office in regard to employees working in his office and the next higher authority in regard to Head of Office shall after making such enquiry as may be considered necessary, issue a certificate indicating the amount of allowance admissible to the employee on the basis of which the allowance shall be drawn.

Provided that in the case of children's educational allowance it shall be permissible for the allowance being drawn on a provisional basis, pending verification as above, for short periods not exceeding three months subjects to an undertaking being from the employee that, if, as a result of verification, if it established that a school of the requisite standard does exist at the station of posting/residence or near such station as referred to in Regulation No.12, he shall refund the allowance paid to him.,

Provided further that the Head of Office or the next higher authority, as the case may be may at his discretion, make enquiry at periodic intervals regarding admissibility of assistance under these orders.

- 27.** The Head of Office shall certify on the pay bill that the certificates mentioned in Regulation No.26 above have been obtained in respect of employees covered in the pay bill.
- 28.** An employee transferred from one station to another shall furnish a fresh certificate at the new station incase he continues to be eligible to draw children's educational allowance or hostel subsidy.
- 29.** The Head of Office should maintain a suitable record of the claims received, admitted/rejected and reimbursed in respect of each Port employee and make it valuable to the Financial Adviser and ChiefAccounts Officer along with the certificate and information furnished by the Port employees, the receipts of educationalauthorities in support of the claims preferred by them and other documents, if any. The record to be maintained shall be in the form as in Form No. 5.

**Foot Note:** Principal Regulations published in the Gazette of India videGSR No.344 (E) dated 26-06-1997.

**FORM - 5**

Register of claims towards reimbursement of Children's Education Allowances, Tuition Fees and Hostel Subsidy.

Sl. No	Name	Designation	Period to which the Claim Pertains	Amount claimed	Amount Admissible	Dated initials of Officer/Lead of Office/ Immediate Superior	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)