NOTIFICATION

G.S.R. 13(E) :- 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

DEFINITIONS

In these regulations, unless the context otherwise requires, :-

(1) "appointing authority' means the authority empowered to make appointment to a post specified in the Jawaharlal Nehru Port Trust Employees (Classification, Control and Appeal) Regulations, 1993.

(ii) "employee" means an employee of the Board.

(iii) "quasi-permanent service" means temporary service commencing on the date on which a declaration issued under regulations 3 takes effect and consisting of periods of duty and leave (other than extra-ordinary leave otherwise than on medical certificate) after the date;

(iv) "specified post" means the particular post, or the particular grade of posts within a cadre, in respect of which an employee is declared to be quasi-permanent under regulation 3;

(v) "temporary service" means officiating service in a temporary or in a permanent post under the Board consisting of period of duty and leave (other than extraordinary leave otherwise than on medical certificate),

(vi) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963), shall have the meanings respectively assigned to them in that Act.

COUNTING OF SERVICE

An employee shall be deemed to be in quasi-permanent Service, if he has been in continuous service of the Board for more than three years, and the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character, for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Board may issue from time to time.

Explanation :- For the purpose of computing service for quasi-permanent, service rendered in the Board prior to the commencement of these regulations shall also be counted.

4. Issue of quasi-permanent certificate :-

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**JNPT EMPLOYEES TEMPORARY SERVICE REGULATIONS**

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A declaration issued under regulation 3 shall specify the particular post or the particular grade of posts within a cadre in respect of which it is issued, and the date from which it takes effect.

**Termination of service of employees not in quasi-permanent service**

(1) The service of a temporary employee who is not in quasi-permanent service shall be liable for termination by the appointing authority at any time by giving the employee one month's notice in writing or on payment of one month's pay and allowances, in lieu of the notice.

(2) A temporary employee, who is not in quasi permanent service, may be giving one month's notice, resign from service:

Provided that the Compensatory (City) and House rent allowances, where admissible, shall be payable to the employee on the expiry of the notice period and after it is certified by the appointing authority that the employee continued to reside during the period of notice at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at the same station.

(3) Where action against an employee has been taken by the appointing authority under the sub-regulation (1), the Board or the Chairman may, of its or his own motion or otherwise reopen the case and after calling for the record of the case and after making such enquiry as it deems fit, may

(i) Confirm the action taken by the appointing authority; or

(ii) withdraw the notice; or

(iii) reinstate the employee in service; or

(iv) make such other order in the case as it may consider proper:

Provided that except in special circumstances which should be recorded in writing, no case shall be reopened under his clause after the expiry of three months;

(i) in a case where notice is given, from the date of notice;

(ii) in a case where no notice given from the date of termination of service.

(b) Where an employee is reinstated in service under clause (a), the order of reinstatement shall specify

(i) the amount of proportion of pay and allowances, if any, to be paid to the employee for the period of his absence between the date of termination of service and the date of reinstatement, and

(ii) whether the said period shall be treated as period spent on duty for any specified purpose or purposes.

6. **Termination of temporary service on account of physical unfitness**
Notwithstanding anything contained in regulation 5, the services of a temporary employee, who is not in quasi-permanent service, may be terminated at any time without notice on his being declared physically unfit for continuance in service by any authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

7. Termination of service of quasi-permanent employees

(1) The service of an employee in quasi-permanent service shall be liable to termination

(i) in the same circumstances and in the same manner as that of an employee in permanent service; or

(ii) when the appointing authority concerned has certified that a reduction was occurred in the number of posts available for employees not in permanent service:

Provided that the services of an employee in quasi-permanent service shall not be liable to termination under clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him in quasi-permanent service continues to be held by an employee not in permanent or quasi-permanent services:

Provided further that as among employees in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority, termination of service consequent on reduction of posts, shall ordinarily take place in the order of juniority.

Provided also that when the services of a quasi-permanent employee are terminated under clause (ii) he shall be given three months notice and if in any case, such notice is not given, then with the sanction of the authority competent to terminate the services of such employee, a sum equivalent to his pay plus allowances for the period of the notice, or, as the case may be, for the period by which notice, or, actually given to him falls short of three months shall be paid to him at the same rates at which he was drawing the immediately before the termination of his services, and if he is entitled to any gratuity it shall not be paid for the period in respect of which he receives a sum in lieu of notice.

(2) Nothing in this regulation shall affect any special instructions issued by the Central Government regarding the manner and the order in which temporary employee belonging to the Scheduled Castes or the Scheduled Tribes may be discharged

Explanation : -Reduction of status from permanent to temporary not being one of the penalties that can be imposed on a permanent employee under the Jawaharlal Nehru Port Trust Employees (Classification, Control and Appeal) Regulations 1993 a quasi-permanent employee cannot also be relegated to a temporary status for reasons of inefficiency or as a disciplinary measure.

8. Conditions of service of quasi-permanent employees:

An employee in quasi-permanent service and holding a specified post shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowances and disciplinary matters as an employee in permanent service holding the specified post is entitled to -
Terminal gratuity payable to temporary employees

(1) A temporary employee who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity at the rate of -

(a) one-half of a months pay for each completed year of his service, if he had completed not less than five years continuous service at the time of retirement, discharge or invalidment:

(b) One months pay for each completed year of his service subject to a maximum of fifteen month’s pay or fifteen thousand rupees, which ever is less, if he had completed not less than ten years continuous service at the time of retirement, discharge or invalidment, subject to the condition that the service rendered by the employee concerned being held by the authority competent to appoint him to be satisfactory.

(2) In the event of death of a temporary employee while in service, his family shall be eligible for a death gratuity on the scale and subject to the conditions specified below

(a) if the death takes place after completion of one year service but before the completion of three years service a gratuity equal to one month's pay

(b) if the death takes place after completion of three years service but before the completion of five years service, a gratuity equal to two month's pay;

(c) If the death takes place after completion of five years service but before the completion of ten years' service, a gratuity equal to three months' pay or the amount of terminal gratuity as calculated under sub-regulation (1) (a), whichever is more;

(d) if the death takes place after completion of ten years' service or more gratuity equal to one month's pay for each completed year of service subject to a maximum of sixteen and a half month's pay or fifteen thousand rupees whichever is less.

Subject to the condition that the service rendered by the employee concerned being held by the authority competent to appoint him to be satisfactory:

Provided that where the service rendered by the employee concerned is not held by the authority competent to appoint him to be satisfactory, such authority may, by order and for reasons to be recorded therein make such reduction in the amount of gratuity as it may consider proper:

Provided further that the amount of terminal gratuity payable under this regulation shall not be less than the amount which the employee would have got as a matching government contribution to the provident fund if he were a member of a Contributory Provident Fund Scheme from the date of his continuous temporary service, subject to the condition that the matching contribution shall not in any case exceed 8-1/3 per cent of his pay.

3) No gratuity shall be admissible under this regulation to an employee

(a) who resigns his post or who is removed or dismissed from service as a disciplinary measure;

(b) who is re-employed alter retirement on superannuation or retiring pension.
(4) For the purpose of this regulation and regulation 10 -

(a) gratuity shall be calculated on the basis of last pay drawn:

Explanation:- For the purpose of this sub- regulation 'pay' means pay as defined in the Fundamental Rules:

(b) Period of extraordinary leave, if any availed of by the employee concerned shall be taken into account for computing the completed service on the same basis as it is taken into account for the purpose of the calculation of pension and Death-cum-Retirement Gratuity under rule 21 of the Central Civil Service (Pension) Rules, 1972 as amended from time to time.

10. Terminal gratuity payable to an employee in quasi-permanent service -

(1) An employee in the quasi-permanent service shall, if his services are terminated otherwise than as a disciplinary measure or by resignation, be eligible for gratuity at the rate of -

(a) one half of month's pay for each completed year of his service, if he had completed not less than five years continuous quasi-permanent service at the time of termination:

(b) One months pay for each completed year of his service, subject to a maximum of fifteen months pay or fifteen thousand rupees, which ever is less, if he had completed not less than ten years continuous quasi-permanent service at the time of termination, subject to the condition that the service rendered by the employee concerned being held by the authority competent to appoint to be satisfactory.

(2) In the event of the death of a quasi-permanent employee while in service, his family shall be granted gratuity on the following scale:

(i) if the death takes place after completion of three years, but before completion of five years of total continuous service, gratuity equal to three months pay;

(ii) if the death takes place after completion of five years, but before completion of ten years total continuous service, a gratuity equal to four months pay or gratuity under clause (i), whichever is more.

(iii) if the death takes place after completion of ten years of total continuous service or more, a gratuity equal to one month's pay for each completed year of continuous service subject to maximum of sixteen and a half months pay or fifteen thousand rupees, whichever is less. subject to the condition that the service rendered by the employee concerned being held by the authority competent to appoint him to be satisfactory:

Provided that where the service rendered by the employee concerned is not held by the authority competent to appoint him to be satisfactory, such authority may, by order, for reasons to be recorded therein, make such reduction in the amount of gratuity as it may consider proper:

Provided further that the amount of terminal gratuity payable under this regulation shall not be less than the amount which the employee would have got as a matching contribution to the Provident Fund if he were a member of Provident fund from the date of his continuous temporary service subject to the condition that the matching contribution shall not in any case exceed 8-1/3 per cent of his pay.

(3) No gratuity shall be admissible under this regulation to an employee -
(a) who resigns his post or who is removed or dismissed from service as a disciplinary m
(b) who is re-employed after retirement.

(4) For the purpose of this regulation

(a) "quasi-permanent Service" shall include two thirds of purely temporary service, if the total period of continuous service on the date of retirement, discharge, death or invalidment is not less than five years

(b) "Continuous Service" means the total service including spells of quasi-permanent and temporary service.

[F. No. PR-12013/5/86-PE-1]