NOTIFICATION

MINISTRY OF SURFACE TRANSPORT

(ports wing)

NOTIFICATION

New Delhi, the 27th January, 1994

G.S.R. 35(E):- In exercise of the powers conferred by subsection (I) of Section 124, read with subsection (i) of Section 132 of the Major ports Act, 1963 (38 of 1963), the Central Government hereby approves the Jawaharlal Nehru Port Trust Employees (Provident Fund) Regulations, 1994 by the Board of Trustees for the Port of Jawaharlal Nehru and set out in the Scheduled annexed to this Notification.

2. The said regulations shall come into force on the date of publication of this notification in the Official Gazette.

[No. PR-12016/14/92-PEl]

ASHOKE JOSHI, Jt. Secy.

In exercise of the powers conferred by Sub-Section (b) of section 28 of the Major Port Trusts Act, 1963 the Board of trustees of the Jawaharlal Nehru Port Trust hereby makes the following regulations, namely:

CHAPTER I

GENERAL

1. Short Title

These regulations may be called the Jawaharlal Nehru Port Trust Employees (Provident Fund) Regulations 1994.

2. Definition

(1) In these Regulations unless the context otherwise requires:

(i) “Board”, “Chairman”, Dy. Chairman’ and “head of Deptt.” shall have the same meaning as assigned to them in the Major Port Trusts Act, 1963.
(ii) ‘Accounts Officer means the officer to whom the duty to maintain the Provident Fund has been assigned by the Chairman from time to time.

(iii) ‘Contributory Provident Fund (C.P.F.) means the Provident Fund the subscriber to which is entitled to the Board Contribution and gratuity subject to admissibility under Regulations 30 and 31 respectively.

(iv) Emoluments means pay, leave salary, subsistence grant or any other remuneration of the nature of pay.

Note : The word 'Pay' for the purpose of Contributory Provident Fund in respect of Class III or Class IV employee comprises :-

a) All payments which come within the ambit of the definition of Pay given in sub regulation (18) of Regulation 2 of Jawaharlal Nehru Port Trust Employees Pay and Allowances Regulations 1993,

b) Any other payments which are not covered by such definition but which come within the ambit of the definition of basic wages given in Section 2(b) of the Employees Provident Funds Act, 1952.

(C) Dearness Allowance

(d) Compensatory (City) Allowance.

(v) ‘General Provident Fund (G.P.F.)’ means the Provident Fund the subscriber of which is entitled to the pension subject to the admissibility under the pension scheme as applicable to the employees.

(vi) ‘Family’ means :-

(I) In the case of a male subscriber the wife or wives, parents, children minor brothers, unmarried sister deceased son’s widow and children, where no parents of the subscriber is alive a paternal grand parent. If a subscriber proves that his wife has been judicially separated from him or ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber’s family. The Subscriber may subsequently Intimate subscriber in writing to the Accounts Officer that she shall continue to be regarded as a member of his family.

(II) In the case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased son’s widow and children and where no parent of the subscriber is alive a paternal grant parent. if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family the husband shall henceforth be deemed to be no longer a member of the subscriber’s family. The subscriber may subsequently cancel such notice in writing.

Note :- Child means a legitimate child and includes an adopted child where adoption is recognised by the Personal Law governing the subscriber.

(vii) ‘Leave’ means any kind of leave granted under the JNPT employees leave Regulations 1993.

(viii) ‘Moiety’ means the moiety as defined in the Civil Procedure Code.

(ix) ‘Year’ means a financial year.

(2) Any other expression used in these Regulations which is defined in the Provident Funds Act 1925 (19 of 1925) or in the JNPT Employees (Pay and Allowances) Regulations, 1993 is used in the sense therein defined.
(3) Nothing in these Regulations shall be deemed to have the effect of terminating the existence of the provident Fund as hitherto existing on of constituting any other fund.

3. Transfer of accumulation from one fund to another :-

(1) If an employee who is a subscriber to any other noncontributory Provident Fund under the control of a Government or an autonomous Organisation registered under the Societies Registration Act, 1860 is permanently transferred to pensionable service of the Board, the amount of subscriber together with interest thereon standing to his credit in such other fund on the date of transfer shall be transferred to his credit in the GPF with the consent of that body.

2) If an employee, who is a subscriber to any other Contributory Provident Fund of a body referred in sub regulation (1) is transferred to pensionable service of the Board and unless such a subscriber selects to continue to be governed by the rules of Contributory Provident Fund when such an option is given :-

(i) The amount of subscriptions with interest thereon standing to his credit in such contributory Provident Fund on the date of transfer shall, with the consent of that body, be transferred to his credit in the GPF.

(ii) The amount of employer’s contribution with interest thereon standing to his credit in such contributory Provident Fund shall, with the consent of the body be credited to the revenues of the Board; and

(iii) He shall thereupon be entitled to count towards pension, service rendered prior to the date of permanent transfer to the extent permissible under the pension rules.

Note 1:– The provisions of this regulation do not apply to a subscriber who has retired from the body referred in the regulation and is subsequently reemployed with or without a break in service of the Board or to a subscriber who was holding the former appointment on contract under that body.

Note 2:– The provisions of this regulation shall apply to persons who are appointed without break whether temporarily or permanently to a post under the Board after resignation or retirement from service under the body referred in the regulation.

(3) If a subscriber to the GPF is subsequently admitted to the CPF the amount of his subscription together with interest thereon shall be transferred to the credit of his account in the CPF.

Note :– The provisions of this sub-regulation do not apply to a subscriber who is appointed on contract or who had retired from service and is subsequently re-employed with or without a break in service.

(4) This regulation shall apply mutatis mutandis in cases of transfer of an employee from the service of the Board to the service of a body referred in the regulation.

4. investment of provident fund :-

All monies in the GPF/CPF shall be so invested in accordance with the guidelines issued by the Central Government as to earn the maximum return.

5. Annual statement of accounts :-

As soon as possible after the close of each year the Accounts Officer shall send to each subscriber a statement of his account in the fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date.
6. **Delegation of Power:**

The Chairman may appoint the authorities which will exercise the powers conferred on the Accounts Officer under these regulations. Different authorities may be specified for different purposes.

7. **Interpretation:**

(1) All questions relating to the interpretation of these Regulations will be referred to the Board who shall be guided the provisions of the Provident Funds Act, 1925, the General Provident fund (Central Services) Rules 1960 and Contributory Provident Fund Rules (India), 1962 and orders issued there under to the extent they are not contrary to the provisions of these Regulations or any order is issued by the Government of India for application to the employees of the Board for the purposes of these Regulations.

8. **Relaxation of the provisions of the Regulations in individual cases:**

When the Chairman is satisfied that the operation of any of these Regulations causes or is likely to cause undue hardship to a subscriber he may notwithstanding anything contained in these Regulations deal with the case of such subscriber in such manner as may appear to him to be just and equitable and make a report to the Board.

**CHAPTER II**

**GENERAL PROVIDENT FUND (GPF)**

9. **Constitution of the GPF**

1) The GPF shall be maintained in rupees.

2) All sums paid into the GPF under the regulations of this Chapter shall be credited to an account named the JNPT Employees General Provident Fund (GPF) sums of which payment has not been taken within six months after they become payable under these Regulations shall be transferred to deposits at the end of the year and treated under the rules relating to deposits

10. **Conditions of eligibility**

All temporary employees after a continuous service of one year, all permanent employees and all reemployed pensioners (other than those eligible for admission to the GPF) shall subscribed to the GPF No employee who has been required permitted to subscribe to a GPF shall be eligible to join the GPF While he retains his right to subscribe to CPF.

**Note:** (i) *Probationers shall be treated as temporary employees.*

(ii) *A temporary employees who completes one year of continuous service during the middle of a month shall subsequent to the GPF from the subsequent month.*

(iii) *Temporary employee who have been appointed against regular vacancies and are likely to continue for more than 8 year may subscribe to the GPF any time before completion of one year.*
(iv) An employee transferred from referred in sub-regulation (1) of regulation (3) shall be eligible to join the General Provident Fund immediately, if he has greedy completed one year service under that body.

(v) When a subscriber is transferred to foreign service or sent on deputation out of India he shall remain subject to the Regulations of the GPF in the same manner as if he were not so transferred or sent on deputation.

1. **Conditions of Subscription**

1) A subscriber shall subscribe monthly to the except during the period when he is under A subscriber may at his option during leave which either does not leave salary or carries leave to half pay. A subscriber on t after a period passed under shall be allowed the option of p sum or in installments any sum not exceeding the maximum amount of arrears of subscription payable for that period.

**Note: A subscriber need not subscribe during a period treated as dies non.**

2) The subscriber shall intimate his option not to subscribe during the period of leave in writing to the Accounts Officer before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this regulation shall be final

3) A subscriber shall not subscribe to the GPF for the month in which he quits service unless before the commencement of the said month he communications to the Accounts Officer in writing his option to subscribe for the said month. An employee due to retire on superannuation shall not make any subscription to the GPF during the last 3 months of his service

4) A subscriber who has under regulation 23 withdrawn the amount standing to his credit in the GPF shall not subscribe to the GPF after such withdrawal unless he returns to duty.

2. **Rates of Subscription :-**

1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions namely :-

(i) It shall be expressed in multiples of 10 Rupees:

(ii) It may be any sum so expressed not less than 6% of his emoluments and not more than his total emoluments.

2) For the purpose of Sub-Regulation (1) the emoluments of a subscriber shall be:

(i) In the case of a subscriber who was in the service of the Board on 31st March of the preceding year, the emoluments to which he was entitled on that date. If the subscriber was on leave on that date and elected not to subscribe during such leave or was under suspension on that date his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty and if the subscriber was on the deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India.

(ii) In the case of a subscriber who was not in the service of the Board on the 31st March of the preceding year the emoluments to which he was entitled on the day he joins the GPF
3) The subscriber shall intimate to the Accounts Officer the fixation of the amount of his monthly subscription in each year in the following manner.

(i) If he was on duty on the 31st March of the preceding year, by the deduction which he wishes to make in this behalf from his pay bill for that month;

(ii) If he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave or was under suspension on that date by the deduction which he wishes to make in this behalf from his first pay bill after his return to duty;

(iii) If he has entered service of the Board for the first time during the year, by the deduction which he wishes to make in this behalf, from his pay bill for the month during which he joins the fund;

(iv) If he was on leave on the 31st March of the preceding year and continues to be on leave and has elected to subscribe during such leave, by the deduction which he wishes to make in this behalf from his salary bill for that month;

(v) If he was on foreign service on the 31st March of the preceding year, by the amount credited by him or by his foreign employer into his account on account of subscription for the month of April in the current year;

4) The amount of subscription so fixed may be

(i) Reduced once at any time during the course of the year;

(ii) Enhanced twice during the course of the year; or

(iii) Reduced and enhanced as aforesaid when the amount of subscription is reduced it shall not be less than the minimum prescribed in sub-regulation (1). If a subscriber is on leave without pay or leave on half-pay for a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days want on duty including leave, if any, other than those referred to above.

3. Realization for subscription:

1) When emoluments are drawn from the Board recovery of subscription on account of these emoluments and the repayment of advances shall be made from the, emoluments themselves.

2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer. in the case of a subscriber on foreign service the subscription shall be recovered and forwarded to the Accounts Officer by the Foreign Body.

3) If a subscriber fails to subscribe with effect from the date on which he is required to join the GPF or is on default in any other month or months during the course of a year otherwise than is provided in regulation 11, the total amount due to the GPF on account of arrears of subscription shall with interest thereon at the rate provided in regulation 14 forthwith be paid by the subscriber to the GPF or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber in instalments or otherwise as may be directed by the Accounts Officer.

Subscriber whose deposits in the GPF carry no interest shall not be required to pay any interest.

14. Interest:
1) Subject to the provisions of sub-regulation (5) the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year.

2) Interest shall be credited with effect from last day in each year in the following manner:

(i) On the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year interest for twelve months.

(ii) On sums withdrawn during the current year:

Interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal.

(iii) On all the sums credited to the subscriber's account after the last date of the preceding year:

Interest from the date of deposit up to the end of the current year.

(iv) The total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee)

When the amount standing to the credit of a subscriber has become payable interest shall thereupon be credited under this regulation in respect only of the period from the beginning of the current year or from the date of deposit as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable.

3) In this regulation the date of deposit shall in the case of recoveries from emoluments be deemed to be the first day of the month in which it is recovered and in the case of amounts forwarded by the subscriber shall be deemed to be the first day of the month of receipt if it is received by the Accounts Officer before the fifth day of that month but if it is received on or after the fifth day of that month the first day of the next succeeding month. Where there has been delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the GPF the interest on such subscriptions shall be payable from the month in which the pay or the leave salary of the subscriber was due under the regulations irrespective of the month in which it was actually drawn. In the case of an amount forwarded by a foreign employee in respect of an employee on foreign service (the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month. Where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall in the case of recovery of his subscription be deemed to be the first day of the succeeding month.

4) In addition to any amount to be paid under Regulation 23 interest thereon up to the end of the month preceding that in which the payment is made or up to the end of the six months after the month in which such amount became payable whichever of these periods be less, shall be payable to the persons to whom such amount is to be paid. Where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be.

Where a subscriber on foreign service to a body owned or controlled by a Government or an autonomous organization registered under the ‘Societies Registration Act, 1860 (22 of 1860) is subsequently absorbed in such body corporate or organisation with effect from a retrospective dates for the purpose of calculating the interest due on the GPF accumulations of the subscriber the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject, however, to the condition that the amount
recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the G P F only for the purpose of awarding interest under this Regulation.

**Note** - Payment of Interest on the GPF balance beyond a period of 6 months may be authorized by the Accounts Officer, up to any period after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made, and in every such case the administrative delay involved in the matter shall be fully investigated and action if any required, taken.

(5) Interest shall not be credited to the accounts of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asked for Interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-Regulation (3) of Regulation 13, Sub-Regulation (1) and (2) of Regulation 23 are replaced to the credit of the subscriber in the GPF shall be calculated at such rates as may be successively prescribed under sub regulation (1) and so far as may be in the manner described in this regulation.

(7) In case a subscriber is found to have drawn from the GPF amount in excess of the amount standing to his credit on the date of the drawl, the overdrawn amount, irrespective of whether the overdraw occurred in the course of an advance or a withdrawal or the final payment from GPF shall be repaid by him with interest thereon in one lump sum, or in default, be ordered. To be recovered by deduction in one lump sum, from the emoluments of the subscriber, if the total amount to be recovered is more than half of the subscriber's emoluments recoveries shall be made in monthly installments of moieties or his emoluments till the entire amount together with interest, is recovered.

For this sub-regulation the rate of interest to be charged on overdrawn amount would be 2½ % over and above the normal rate of Provident Fund balance under Sub-regulations (1).

15. Advance from the GPF

f) To meet the cost of the subscriber's defense where he engage a legal practitioner to defend himself in respect of any official misconduct on his part:

g) To meet the cost towards additions, alterations major repairs or improvements necessary to the dwelling house owned by the subscriber and the spouse.

h) To pay the premium due on a life insurance policy taken by a subscriber on his or by him on his own life.

(i) To meet the cost of an equipment required by a subscriber who is physically handicapped, to minimize the hardship on account of such handicap.

2) The Chairman may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned require the advance for reasons other than those - mentioned in sub-regulation (1).

3) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last installment of any previous advance.

4) When an advance is sanctioned under sub-regulation (3) before repayment of last installment of any previous advance not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.

16. Recovery of advances :-
1) An advance shall be recovered from the subscriber in equal monthly installments of such number as may be fixed by the sanctioning authority in each case but such number shall not be less than twelve, unless the subscriber so elects, and more than twenty four. In special cases, where the amount of advance exceeds three months pay of the subscriber the sanctioning authority may fix such number of installments to be more than twenty four but in, no case more than thirty six. A subscriber may at his option repay more than one installment in a month. Each installment shall be a number of whole rupees the amount of the advance being raised or reduced if necessary to admit of the fixation of such installments.

2) Recovery shall be made in the manner prescribed in regulation 2 for the realization of subscription and shall commence with the issued pay for the month following the one in which the advance was drawn. Recovery shall not be made except with the subscribers consent while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar month which either does not carry any leave salary or carry leave salary equal to half pay. The recovery may be postponed on the subscriber's written request by the Accounts Officer during recovery of an advance of pay granted to the subscriber.

3) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed by the Chairman before repayment is completed, the whole or balance of the amount withdrawn shall forthwith be repaid by the subscriber to the GPF or in default be ordered by the Chairman to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly installments not exceeding twelve. Before such advance is disallowed the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber within the said period of fifteen days it shall be referred to the Chairman for decision, and if no explanation within the said period is submitted by him the repayment of the advance shall be enforced in the manner prescribed in this sub regulation.

4) Recoveries made under this regulation shall be credited as they are made, to the subscriber’s account in the GPF.

17. Wrongful use of advance

If the sanctioning authority has reason to doubt that money drawn as an advance from the GPF under Regulation 15 has been utilized for a purpose other than that for which sanction was given to the drawl of the money, lie shall communicate to the drawl of the money, he shall communicate to the subscriber the reasons for his doubt and require him to explain in writing and within fifteen days of the receipt of such communication whether the advance has been utilized for the purpose for which sanction was given to the drawl of the money. If the sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of fifteen days the sanctioning authority shall direct the subscriber to repay the amount in question to the GPF forthwith or defend himself in an enquiry in respect of any official misconduct on his part;

2) 18. Withdrawal from the GPF:

Withdrawals may be sanctioned by the appropriate sanctioning authority at any time.

1) After the completion of twenty years of service or (including broken periods of service, if any) of a subscriber within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his Credit In the GPF, for one or more of the following purposes, namely:

(a) meeting, the cost of higher education, including where necessary the travelling expenses of the subscriber or any child of the expenses of the following cases namely:

(i) For education outside India for academic technical professional or vocational course, beyond the High School stage.
and

(ii) For any medical, engineering or other technical or specialized course in India beyond the High School stage;

(b) Meeting the expenditure in connection with the betrothal/marriage of the subscriber or his sons or daughters and any other female relation actually dependent on him;

(c) Meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber and members of his family or any person actually dependent on him:

2) After the completion of ten years of service (including broken period of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit In GPF for one or more of the following purposes namely

a) Building or acquiring a suitable house or ready built flat or is residence including the cost of the Site;

b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence;

c) purchasing a house-site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose;

d) reconstructing or, making additions or alterations to a house or a flat already owned or acquired by a subscriber;

e) renovating, additions or alterations or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from Board at a place other than the place of duty;

(f) constructing a house on a site purchased under clause (c);

3) Within six months before the date of the subscriber’s retirement from the amount standing to his credit in the GPF for the purpose of acquiring a farm land or business premises or both.

(4) Once during the course of a financial year, an amount equivalent to one year’s subscription paid for any the subscriber towards the Group Insurance Scheme for the employees on self-financing and contributory basis.

(5) After completion of 15 years of service. (Including broken periods of service if any) or within year before the age of superannuation for purchasing a motor car, motor cycle, scooter, moped etc. or for repaying the loan already taken by them from, the Board for this purpose subject to the condition that the employee holding a post below the post of Deputy Manager or equivalent will not be eligible for purchase of motor car.

Note 1:- A subscriber who has availed himself of an advance for house building purpose or has been allowed any other assistance in this regard from the board, shall be eligible for the grant of final withdrawal under Sub-clause (a), (c), (d) and (f) of clause (b) for the purpose of specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified if the proviso to sub-regulation (1) of regulation 19.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of advance / assistance taken from the Board he shall be eligible for the grant of
a final withdrawal under sub-clauses (a), (c) and (f) of clause (2) for purpose of a house site or for construction of another house or for acquiring a ready-built flat at the place of his duty.

Note 2 :— Withdrawal under Sub-clause (a), (d), (e) or (f) of clause (2) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated—and only in cases where the plan is actually got to be approved.

Note 3:— The amount of withdrawal sanctioned under sub-clause (b) of clause (E) shall not exceed 3/4th of the balance, as on date of application together with the amount of previous withdrawal under sub-clause. (a) reduced by the amount of previous withdrawal. The formula to be followed is : 3/4th of the balance as on date plus amount of previous withdrawal(s) for the house in question minus the amount of the previous withdrawal’s).

Note 4 :— Withdrawal under sub-clause (a) or (d) of Clause 2 shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

Note 5:- Only one withdrawal shall be allowed for the same purpose under this regulation. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by fresh plan duly approved by the local municipal body of the area where the house of flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (a) or (f) of clause (2) for completion of the same shall be allowed up to the limit laid down under Note 3.

Note 6:- A withdrawal under this regulation shall not be sanctioned it an advance under regulation 15 is being sanctioned for the same purpose and at the same time.

19. Conditions for withdrawal

(1) Any sum withdrawn by a subscriber at anyone time for one or more of the purposes specified in regulation 18 from the amount standing of this credit In the GPF shall not ordinary exceed one half of such amount or six months pay, whichever is less the sanctioning authority may however sanction the withdrawal of an amount in excess of this limit up to 3/4 of the balance at his credit in the GPF having due regard to (I) the object for which the withdrawal is being made. (ii) The status of the subscriber; and (iii) The amount to his credit in the GPF. In no case the maximum amount of withdrawal for purposes specified in clause (3) of sub regulation (1) of regulation 18 shall exceed the maximum limit prescribed from time to time for the grant of advance for house building purposes. In the case of subscriber who has availed himself of an advance for house-building purposes, or has been allowed any other assistance in this regard from the Board, the sum with -drawn under this sub regulation together with the amount of advance taken or the assistance taken shall not exceed the maximum limit prescribed from time to time for grant of advances for house building purposes.

Note 1- A withdrawal sanctioned to a subscriber under sub-clause (a) of clause (1) of sub-regulations (1) of regulation 18 may be drawn in installments the number of which shall not exceed four in a period of twelve calendar months counted from the date of sanction.

Note.2- in cases where a subscriber has to pay in installments for a site or a house or flat purchases, or a house or flat constructed through the Delhi Development Authority or a State Housing Board or a House Building Cooperative Society, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment. Every such payment shall be treated as a payment for a separate purpose for the purposes of sub-regulation (1) of regulation 19.

(2) A subscriber who has been permitted to withdraw money from the GPF under regulation 17 shall satisfy the sanctioning authority within a reasonable period as may be specified by that
authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so the whole of the sum so withdrawn or so much therefore as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum by the subscriber to the GPF and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly installments, as may be determined. Before repayment of withdrawal is enforced under this sub-regulation the subscriber shall be given an opportunity to explain in writing and within 15 days of the receipt of the communication why the repayment shall not be enforced and if the sanctioning authority is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-regulation.

3) (a) A subscriber who has been permitted under sub-clause (a) (b) or (c) of clause (2) of regulation 18 to withdraw money from the amount standing to his credit in the GPF shall not part with the possession of the house built or acquired or house site purchased with the money so withdrawn whether by way of sale mortgage (other than mortgage to the Board), gift exchange or otherwise without the previous permission of the Chairman such permission shall not be necessary for (i) the house or house-site being-leased for any term not exceeding three years or (ii) its being mortgaged in favor of a Housing Board Nationalized Banks, the Life Insurance Corporation or any other Corporation owned- or controlled by the-Government which advances loans for the construction of a new house. or-for- making additions or alteration to an existing house.

(b) The subscriber shall submit a declaration not later-than the 31st day of December of every year as to whether the house or the house-site as the case may be, continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf the original sale, mortgage or lease deed and also the documents on which title to the property is based.

c) If, at any time before his retirement the subscriber parts with the possession of the house or house-site without obtaining the previous permission of the Chairman, he shall forthwith repay the sum so withdrawn by him in a lump sum to the GPF and in default of such repayment the sanctioning authority shall, after giving the subscriber a reasonable opportunity of making a representation in the matters, cause the said sum to be recovered from the emolument of the subscriber either in a lump sum or in such number of monthly installments, as may be determined by it.

Note: A subscribe who has taken loan from the Board and in lieu thereof mortgaged the house or house-site to the Board shall be required to furnish the declaration to the following effect namely: I do hereby certify that the house or house-site for the construction of which or for the acquisition of which I have taken a final withdrawal from the Provident Fund continues to be in my possession but stands mortgaged to the-Board.”

20. Conversion of an advance Into withdrawal :-

A subscriber who has already drawn or may drawn in future an advance under Regulation 15 for any of the purposes specified in sub-regulation (1) of Regulation 18 may convert, at his discretion by written request addressed to the Account Officer through the sanctioning authority, the balance outstanding against It into a final withdrawal on his satisfying the conditions laid adown in regulations 18 and 19.

21. Subscribers Accounts :-

An account shall be opened in the name of each subscriber. The account shall show :-

(a) His subscriptions
(b) interest on subscriptions:

(c) advances and withdrawals from the GPF.

Provident Fund account number allotted to each employee will be entered on the right hand top of page (1) of the Service Book.

22. Nomination

I) Every subscriber shall at the time of joining the GPF send to the Accounts Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the fund in the event of his death before that amount has become payable or being become payable has not been paid.

Where a subscriber is a minor he shall be required to make the nomination only on his attaining, the age of majority. A subscriber who has a family at the time of marking the nomination shall make nomination only in favour of a member or members of his family. The nomination made by the subscriber in respect of any other Provident Fund to which he was subscriber before joining the GPF shall if the amount to his credit in such other fund has been transferred to his credit in the GPF be deemed to be nomination duly made under this regulation until he makes a nomination in accordance with this regulation.

2) If a subscriber nominates more than one person he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the GPF at any time.

3) A subscriber may at time cancel a nomination by sending a notice in writing to the Account Officer. The subscriber shall along with such notice or separately send a fresh nomination made in accordance with the provisions of this regulation.

4) A subscriber may provide in a nomination

a) In respect of any specified nominee that, in the event of his pre-deceasing the subscriber right conferred upon that nominee shall pass on to such other person or persons as may be specified in the nomination. Such other person or persons shall if the subscriber has other members of his family be such other member or members. Where a subscriber confers such a right on more than one person under this clause he shall specify the amount or share payable to each of such persons in such a manner as to cover a whole of the amount payable to the nominee.

b) that the nomination should become invalid in the event of the happening of a contingency specified therein. If at the time of making the nomination the subscriber has only one member of the family he shall provide in the nomination that, the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member on members in his family.

5) Immediately on the death of a nominee in respect of whom no special provision has been, made in the nomination under Clause (a) of sub-regulation 4(5) or on the occurrence of any event by reason of which the nomination becomes invalid In pursuance of clause (b) of sub-regulation (4) the subscriber shall send to the Accounts Officer a notice in writing canceling the nomination together with a fresh nomination made in accordance with the provisions of this regulation.

6) Even nomination made and every notice of cancellation given by a subscriber shall to the extent that, It is valid, take effect on the date on which it is received by the Accounts Officer.

Note: In this regulation unless the context otherwise requires person or persons shall include n Company or Association or Body of individuals (whether incorporated or not. It shall also include a
fund such as the Prime Minister’s National Relief Funds or any Charitable or other Trust or fund to which nomination may be made through the Secretary or other executive of the said fund or Trust authorized to receive Payments

23. Final withdrawal of accumulations in the Fund -

1) When a subscriber quits the service the amount standing to his credit in the Fund shall become payable to him. As Subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the Board, repay any amount paid to him from the GPF in pursuance of this regulation with interest thereon at the rate provided in regulation 14 in the manner provided in sub-regulation (2). The amount so repaid shall be credited to his account in the Fund.

2) When a subscriber

(a) has proceeded on leave preparatory to retirement of

(b) while on leave, has been permitted to retire or declared by a competent medical authority to be unfit for further service. The amount standing to his credit in the GPF shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber. The subscriber if be returns to duty, shall except where the Board decides otherwise, reply to the GPF for credit to his account, the amount paid to him from the GPF in pursuance of this regulation with interest thereon at the rate provided in regulation 14 in cash or securities or partly in cash and partly securities, by installments or otherwise, by recovery from his emoluments or otherwise as may be directed by the Accounts Officer.

3) On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(I) When the subscriber leaves a family:

   a) If a nomination made by the subscriber in accordance with the provisions of Regulation 22 or of the corresponding rule here before in force in favor of a member or members of his family subsists, the amount standing to his credit in the GPF or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;

   (b) If no such nomination in favor of a member or the family, of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the GPF, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favor of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares;

   No share shall be payable to

   1) sons who have attained majority;

   2) sons of a deceased son who have attained majority;

   3) married daughters whose husbands are alive

   4) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) The widow or widows and the child
or children of, a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber.

(ii) When the subscriber has no family, if a nomination made by him in accordance with the provisions of Regulations 22 or of the corresponding rule here before in force in favor of any person or persons, subsists, the amount standing to his credit in the GPF or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

24. Deposit linked Insurance Scheme:

One the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Account Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber subject to the condition that

a) The balance at the credit of, such subscriber shall not at any time during the three years preceding the month of death have fallen below the limits of:

(i) Rs. 4,000 in the case of subscriber who has held, for the greater part of the aforesaid period of three years, a Class I post.

(ii) Rs. 2,500 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a Class II post.

(iii) Rs. 1,500 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a Class III post.

(iv) Rs. 1,000 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years a Class IV post.

b) The additional amount payable under this regulation shall not exceed Rs. 10,000.

c) The subscriber has put in at least five years service at the time of his death.

Note 1: The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months preceding the month in which the death occurs. For this purpose, as also for checking the minimum balances prescribed above:

(a) the balance at the end of March shall include the annual interest credited in terms of regulation 14 and

b) If the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the financial year in which death occurs to the end of the said last month.

Note 2: Payment under this scheme should be in whole rupees. If an amount due includes a fraction of a rupee, it should be rounded to the nearest rupee. (53 paise counting as the next higher rupee).

Note 3: Any sum payable under this scheme is in the nature of insurance money and therefore, the statutory protection given by Section 3 of the Provident Funds Act, 1925 (Act 19 of 1925) does not apply to sums payable under this scheme.
Note 4: This scheme also applies to those subscribers to the GPF who are transferred to an autonomous organisation and who, on such transfer, opt, in terms of option given in accordance with these Regulations.

Note 5: (a) In case of an employee who has been admitted to the benefits of the GPF under Sub-Regulations (1) and (2) of Regulation 3 but dies before completion of three years service or as the case may be, five years service from the date of his admission to the GPF, that period of his service under the previous employer in respect whereof the amount of his subscriptions and the employer’s contribution if any, together with interest have been received, shall count for purpose of clause (a) and clause (c).

(b) In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment or reemployment, as the case may be, only will count for purposes of this regulation.

(c) This scheme does not apply to persons appointed on contract basis.

25. Manner of payment of amount in the GPF:

1) When the amount standing to the credit of a subscriber in the GPF becomes payable, it is the duty of the Accounts Officer to make payment on receipt of a written application in this behalf as provided in sub regulation (3)

2) If the person to whom, under these regulations any amount or policy is to be paid, assigned or reassigned or delivered, is a lunatic for whose estate a Manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or reassignment or delivery shall be made to such Manager and not to the lunatic. Where no Manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to the Lunatic, the payment shall under the orders of the Collector be made in terms of sub section (1) of Section 95 the Indian Lunacy Act, 1912 to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit shall be paid for the maintenance of such members of the lunatic’s family as are dependent on him for maintenance.

3) Payments of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely: -

1) To enable a subscriber to submit an application for withdrawal of the amount in the GPF, the Head of Office shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation or before the date of his anticipated retirement. If earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber shall submit the application to the Accounts Officer through the Head of Office or Department for payment of the amount in the GPF. The application shall be made:

(A) For the amount standing to his credit in the GPF as indicated in the Accounts Statement for the year ending one year prior to the date of his superannuation or his anticipated date of retirement, or

(B) for the amount indicated in his ledger account in case the Accounts statement has not been received by the subscriber.

(ii) The Head of Office shall forward the application to the Account Officer indicating the recoveries effected against the advances which are still current and the number of installments yet to be recovered and also indicate the withdrawals, if any, taken by the subscriber after the period covered by the last statement of the subscriber’s account sent by the Accounts Officer.
(iii.) The Accounts Officer shall, after verification with the ledger account, issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.

(iv) The authority mentioned in clause (iii) will constitute the first Installment of payment. A second authority for payment will be issued as soon as possible after superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (1) plus the refund of installments against advances which were current at the tithe of the first application.

(v) After forwarding the application for final payment to the Account Officer, advance/withdrawal may be sanctioned but the amount of withdrawal/advance shall be drawn on an authorization from the Accounts Officer concerned who shall arrange this as soon as the formal sanction of sanctioning authority is received by him.

Note:- When the amount standing to the credit of a subscriber has become payable under Regulation 23 Accounts Officer shall authorize prompt payment of the amount In the manner indicated in sub-rule (3).

CHAPTER III

CONTRIBUTORY PROVIDENT FUND (CPF)

26. Constitution of the CPF:

All sums paid into the CPF under the regulations of this chapter shall be credited an account named the JNPT Employee, Contributory Provident Fund (CPF).

27. Conditions of eligibility:

The Board may admit the following classes of employees to the Contributory Provident Fund:

(1) A person employed for limited duration on Agreement or contract

(2) A person who is a member of any other Contributory Provident Fund appointed to the office of Chairman or the Dy. Chairman of the Board.

(3) A person appointed to a post under the Board after attaining the age of 35 years and exercises an option for admission to the Contributory Provident Fund.

28. Subscribers Account:

An account shall be opened in the name of each subscriber in which shall be shown

1) His subscriptions.

2) Contributions made under Regulation 30 to his account.

3) Interest as provided by Regulation 32 on subscriptions.

4) Interest as provided by regulation 32 on contributions.
5) Advances and withdrawal from the CPF

**29. Rates of subscription** - All provisions of Regulation 12 shall apply mutatis mutandis for fixation of the rates of subscription to the CPF except that the rate of monthly subscription shall not be less than 10% of monthly emoluments and not more than monthly emoluments of a subscriber.

**30. Board’s contribution** - The Board shall make a contribution each year to the account of each subscriber and shall be limited to 10% of the emoluments of the subscriber and shall be made annually on 31st March except in the case where a subscriber quits service or dies during a year the Board’s contribution if any shall be made up to the date on which the subscriber quits or dies. The amount of contribution payable shall be mounded to the nearest whole rupee i.e. the next higher rupee if the fraction is half or more and the next lower rupee if the fraction is less than half of a rupee.

**31. Gratuity**

1) In addition to the contribution by the Board as provided in Regulation 30 special contribution will be granted in consideration of good, efficient and faithful services rendered by the subscriber. The gratuity will be credited to the account of every subscriber who

(i) Is discharged on abolition of cost after completion of five years of service

(ii) Retires after rendering 30 years of service;

(iii) Retires on account of permanent in capacity due to bodily or mental infirmity after completion of five years of service;

(iv) Retires attaining age of superannuation provided not less than 15 years of service has been completed The gratuity will not be admissible to a subscriber who

(I) resigns from service or whoa. services are terminate as a disciplinary measure; and

(ii) who is re-employed after superannuation or retirement.

2) Gratuity shall be payable at the rate of one fourth of the emoluments for each completed six monthly period of qualifying service subject to a maximum of 16 1/2 times of emoluments as on the date of retirement subject to a maximum of rupees one lakh whichever is less.

2) Death gratuity in the case of death in service of an employee shall be paid at the rate specified in the following table:

<table>
<thead>
<tr>
<th>Length of service</th>
<th>Death Gratuity payable to Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Less than one year</td>
<td>2 times of emoluments</td>
</tr>
<tr>
<td>(ii) One year or more but less than 5 years</td>
<td>6 times of emoluments</td>
</tr>
<tr>
<td>(iii) 5 years or more but less than 20 years</td>
<td>12 times of emoluments</td>
</tr>
<tr>
<td>(iv) 20 years or more</td>
<td>half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times emoluments or one lakh whichever is less.</td>
</tr>
</tbody>
</table>
4) Any gratuity admissible under this Regulation shall subject to any deductions specified under regulation 33 b. paid :-

(a) to a subscriber on his retirement.

(b) if the subscriber is dead, gratuity shall be paid to the family in the following order of priority:

First Category :-

(i) Wife or wives including judicially separated wife or wives, in the case of a male employee:

   a) Husband including judicially separated husband, in the case of a female employee;

(iii) Sons including step sons and adopted sons;

(iv) Unmarried daughters including step daughters and adopted daughters.

Second Category :-

(v) widowed daughters including step-daughters and adopted daughters.

(vi) father including adoptive parents.

(vii) mother including adoptive parents

(viii) brother below the age of eighteen years Including step-brothers;

(ix) unmarried sisters and widowed sisters including step sisters;

(x) married daughters; and

(xi) children of a pre-deceased son.

5) Payment when there is no nomination/valid nomination: - Gratuity remaining unpaid at the time or death, death gratuity due is payable in equal shares to all the surviving members of the family of the deceased as in the first category. If there are none under this category it will then be paid in equal shares to all the surviving members of his family as in the second category.

32. Interest :-

The Board shall pay interest on all subscription as well as on the Board’s contributions at such rates as the Board may from time to time prescribe calculated on the monthly balance at the credit of each subscriber compound yearly. Such interest shall be credited to the subscriber’s account each year on 31st March.

33. Deduction from Board’s contribution: -

Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under regulation 30 and 32. Before the amount standing to the credit of a subscriber admitted to the CPF is paid out of the CPF, the Board may direct the deduction there From of:
(i) All amount representing contributions and interest if the subscriber is dismissed from the service due to misconduct, insolvency or inefficiency. If the Chairman is satisfied that such deduction would cause exceptional hardship to the subscriber, he may, by order, in writing exempt from such deduction an amount not exceeding two thirds of the amount of such contribution and interest which would have been payable to the subscriber if he retires on medical grounds. If the order of dismissal is subsequently cancelled, the amount so deducted shall, or his reinstatement in the service, be replaced to his account in the CPF.

(ii) All amount representing such contribution and interest if the subscriber within five years of the commencement of his service resigns from the service or ceases to be an employee of the Board otherwise than by reason of death, superannuation, or a declaration of a Medical Officer, that he is unfit for further service or abolition of the post or reduction in establishment.

(iii) any amount due to the Board under a liability incurred by a subscriber to the Board.

(2) Any forfeiture which may occur during the year shall become the Property of the Board.

3) If a subscriber is concerned in any loss of Port Trust funds or other irregularity which is the subject of an enquiry, the Payment of the Board’s contribution and the interest thereon shall not be made until the conclusion of the enquiry unless the Board is satisfied that the results of the enquiry need not be awaited.

34. Application of Regulations under Chapter II - The provisions of regulations under Chapter II will apply mutatis mutandis to the subscribers to the CPF except as provided under regulations 26 to regulations 33 in the chapter.