THE PARADIP PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT)

MINISTRY OF SURFACE TRANSPORT
(Ports Wing)
NOTIFICATION
New Delhi, the 4th October 1991

G.S.R. 615(E) - In exercise of the powers conferred by sub-section (i) of Section 124, read with sub-section (i) of Section 132 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Paradip Port Trust (Recruitment of Heads of Department) Regulations, 1991 made by the Board of Trustees for the Port Paradip and set out in the Schedule annexed to this notification.

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

NOTIFICATION

In exercise of the powers conferred by sub-section(1) of section 124 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves “The Paradip Port Trust (Recruitment of Heads of Department) Regulations, 1991”, made by the Board of Trustees for the Port of Paradip, as set out in the schedule attached.

2. They shall come into force from the date of publication of this Notification in the Official Gazette.

SCHEDULE
THE PARADIP PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT)
REGULATION, 1991

In exercise of the powers conferred by section 28, read with Section 124 of the Major Port Trust Act, 1963 (38 of 1963), the Board of Trustees of the Port of Paradip hereby makes the following regulations, namely :-

1. Short Title and Commencement :-
   i) These regulations may be called the Paradip Port Trust (Recruitment of Heads of Department) Regulations, 1991.
   ii) They shall come into effect from the date of publication in the Official Gazette.

2. Application :-
   They shall apply to all posts covered by clause (a) of sub-section (1) of Section 24 of the Act.

3. Definitions :-
   In these regulations, unless the context otherwise requires :
   a) “Act” means the Major Port Trust Act, 1963 (38 of 1963),
b) “Appointing Authority” means the authority empowered under the Act to make appointment to that post,

c) “Board”, “Chairman”, “Deputy Chairman” and “Heads of Department” have the meaning respectively assigned to them under the Act,

d) “Direct Recruit” means a person recruited upon application for direct recruitment to a post of Head of Department on the basis of an examination or interview, or both, and includes a person already in the Board’s service who may, upon application for direct recruitment, be allowed to appear for such examination or interview or both and is selected;

e) “Schedule” means the Schedule appended to these regulations;

f) “Scheduled Castes” and “Scheduled Tribes” shall have the meanings assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;

g) “Selection Post” means post to which appointment is to be made on the basis of merit;

h) “Selection Committee” means the Committee constituted under regulation 11 for the purpose of making recommendation for transfer/deputation/promotion or direct recruitment of a candidate to a post of head of department;

i) “Analogous posts” means post of which the duties and level of responsibilities and/or the pay ranges are comparable to those of the post to which selection is to be made;

j) “Employees on Probation” means the incumbent appointed to the post on probation under these Regulations and in whose case the successful completion of probation period has not yet been ordered by a Competent Authority;

4. **Appointment :-**

   All appointments to post of heads of department to which these regulations apply shall be made in accordance with the provisions of these regulations. Appointments may be made either by promotion, transfer or deputation of employees or by direct recruitment.

5. **Method of Recruitment :-**

   The method of recruitment, the qualification in respect of age, education, training, requirements of minimum experience, essential and/or desirable, classification of posts as selection posts and other matters connected with the appointment to various posts shall be as shown in the Schedule;

   Provided that the prescriber upper age limit may be relaxed :-

   i) by the Central Government up to 5 years where the minimum experience prescribed is 10 years or more and up to 3 years where the minimum experience prescribed is 5 to 9 years;

   ii) in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe, in accordance with such order as the Central Government may issue from time to time for appointment to services or posts under it in favour of Scheduled Castes and Scheduled Tribes;

   Provided further that the prescribed educational and other qualifications may, for good and sufficient reasons, be relaxed by the Central Government, if a candidate is otherwise found suitable and well qualified.
6. Probation :-

1) Every person appointed to a post of head of department specified in column (2) of the Schedule whether by direct recruitment or by promotion or transfer/deputation shall subject to the provisions of sub regulation (2) and sub-regulation (3) of Regulation 8 be on probation for a period of two years.

2) The period of probation may if the appointing authority deem fit, be extended for a specific period at a time, but the total period of such extensions shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employee exceed the initial period of the probation prescribed.

7. Confirmation :

1) When a person appointed on probation to a post of head of department has completed his probation to the satisfaction of the appointing authority, the appointing authority shall convey its approval to that effect. He shall also be eligible for confirmation in that post if he is not confirmed in a lower post earlier held by him under the Board.

2) Until a head of department on probation in confirmed/declared to have completed probation to the satisfaction of the appointing authority under this regulation or is discharged or prevented under regulation 8 he shall continue to have the status of an employee on probation.

8. Discharge or Reversion of Head of Department on Probation :-

1) A person appointed on probation to a post of head of department who has no lien on any post shall be liable to be discharged from service at any time on the basis of his performance of conduct during the period of probation, he is considered unfit for further retention in service;

2) A head of department on probation who holds a lien on a post may be reverted at any time in the circumstance specified in sub-regulation (1);

3) A head of department on probation who is not considered suitable for confirmation or who has not completed probation to the satisfaction of the appointing authority at the end of the period of probation prescribed in regulation 6, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be.

9. Application for direct recruitment -

A candidate for appointment by direct recruitment shall apply before such date in such form and in such manner as may from time to time be prescribed by the Chairman. He shall also submit such proof of his age, qualifications or experience, as the chairman may require.

10. Eligibility and Disqualifications for Direct Recruitment :-

1) In order to be eligible for direct recruitment to a post of head of department, a candidate must be-

   a) a citizen of India; or
   b) a subject of Nepal; or
   c) a subject of Bhutan; or
   d) a Tibetan refuge who came over to India before the 1st January 1962 with the intention of permanently settling in India; or
e) a person of Indian origin, who has migrated from Pakistan, Burma, Sri Lanka or the East African countries of Kenya, Uganda or the united Republic of Tanzania (formerly Tanganika and Zanzibar) with the intention of permanently settling in India:

Provided that candidate belonging to category (a) shall produce such proof of his nationality, as the chairman may, from time to time require:

Provided further that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

2) No person-
   a) Who has entered into or contracted a marriage with person having a spouse living, or
   b) who having a spouse alive, has entered into or contracted a marriage with any other person shall eligible for appointment to any grade or post to which these regulations apply:

Provided that the appointing authority may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing exempt any person from the operation of this sub-regulation.

3) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to any grade or post. No candidate who has been convicted by a court of law for any offence involving moral turpitude or who has been adjudged as an insolvent shall be eligible for appointment.

4) If any question arises whether a candidate does or does not satisfy all or any other requirements of this regulation, the same shall be decided by the Central Government.

5) The Central Government, may modify or waive any of the requirements of sub-regulation(1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils the requirements of these regulations.

6) Physical fitness of candidate:

A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties, as a head of department. A candidate who after such medical examination as the appointing authority may specify, is found not to satisfy those requirements will not be appointed provided that a candidate already in the service of the Board or any other Central Government Organisation shall not be required to undergo such medical examination.

11. Selection Committee :-

1) A selection Committee may be constituted to advise and assist the appointing authority in the matter of making selection of candidates for appointment to posts of heads of department.

2) The Selection Committee shall be composed of the following persons, namely :-
   i) Additional Secretary/Joint Secretary to the Government of India, Ministry of Surface Transport.
   ii) Chairman, Paradip Port Trust,
   iii) Any other officer having wide experience as may be nominated by the Central Government.
12. Manner of Recruitment :-

1) a) When a post of head of department to which these regulations apply falls vacant and is to be filled by promotion/transfer/deputation, the Chairman shall forward to the appointing authority names, age, qualifications, experience and other relevant particulars of all officers who are eligible for promotion/transfer/deputation to the post, together with his recommendations whenever the Schedule provides for deputation also, the Chairman may if considered necessary or if directed by the Central Government call for application from eligible candidates from other Major Port Trust/Central/State Governments Public Sector Units/Autonomous Bodies.

   b) The appointing authority may, on receipt of such information either-
   
   i) make an appointment by promotion/transfer/deputation from amongst the candidates so sponsored; or
   
   ii) refer the candidates to the Selection Committee referred to in regulation 11 with directions to scrutinise the case and make appropriate recommendation and then make an appointment by promotion/transfer/deputation on the basis of such recommendation, or
   
   iii) direct that the vacancy be filled by direct recruitment in the manner laid down in these regulations.

2) All appointments by direct recruitment shall be made by the appointing authority on the recommendations of the Selection Committee; provided that it shall be open to the appointing authority, for reasons to be recorded in writing, not to accept such recommendation in any particular case.

13. Advertisement of Posts :-

Vacancies intended to be filled by direct recruitment shall be advertised and a copy of the advertisement shall be sent to the local Employment Exchange.

14. Canvassing Support Shall be Disqualification:-

Any endeavour on the part of a person or his relations or friends to canvass support by direct or indirect method for his application for appointment to a post of head of department to which these regulations apply shall disqualify him for the appointment.

15. Suppression of Facts :-

Any candidate who is found to have knowingly furnished any particulars which are false or to have suppressed material information of a character which, if known, would ordinarily have debarred him from getting an appointment in the Board service is liable to be disqualified and, if appointed, to be discharged from service.

16. Eligibility of Existing Employees for direct recruitment :-

When the posts required to be filled by direct recruitment are advertised, employees already in service may also apply, provided that they possess the prescribed qualifications and experience.

17. Concedaton of appointment Orders :-

If a candidate selected for direct appointment to a post fail to join duty within the date mentioned in the appointment order and where no such date is mentioned, within 30 days of the
date of issue of the appointment order, or within such extended period as the appointing authority may fix, the appointment order shall be deemed to have been cancelled.

18. **Payment of Travelling allowance for attending Interviews :-**

All candidates called for interview and or written test in connection with selection to a post shall be entitled to reimbursement of travel expenses from the place of posting/residence to the venue of interview/written test and back by rail in first class or the actual expenditure which is less.

19. **Interpretation :-**

If any question arises as to the interpretation of these regulations or in respect of any matter not herein above or subsequently provided for, the same shall be decided by the Central Government.

20. **Repeal and Savings :-**

All regulations, procedures, practices any customs corresponding to these regulations and in force immediately before the commencement of these regulations are hereby repealed:

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

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