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MINISTRY OF SURFACE TRANSPORT (Port Wing) New Delhi

NOTIFICATION

SCHEDULE

CALCUTTA PORT TRUST EMPLOYEES' (LEAVE) REGULATIONS, 1985.

CHAPTER - I

In exercise of the powers conferred by Clause (b) of section 28 of the Major Port Trust Act, 1963 (38 of 1963) and in supersession of the existing Rules and orders on the subject the Board of Trustees for the Port of Calcutta hereby make the following Regulations.

1. **Short title and commencement.**

(i) These Regulations may be called the **Calcutta Port Trust Employees' (Leave) Regulations, 1985.**

(ii) They shall come into force on the date of publication of the sanction of the Central Government in the official gazette.

2. **Extent of application.**

Save as otherwise provided in these Regulations, these Regulations shall apply to employees appointed to the services and posts under the Board, but shall not apply to-----

- (a) persons in casual * [or daily - rated] or part - time employment;
- (b) persons paid from contingencies;
- (c) persons on deputation from the Central or a State Government or any other source for a limited duration;
- (d) persons employed on contract except when the contract provides otherwise;
- (e) persons in respect of whom special provisions have been made by or under any law for the time being in force.

3. Definitions.

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

(a) "**authority competent to grant leave**", in relation to a class of posts, means the authority specified against that class in column (3) of the First Schedule to these Regulations as competent to grant the kind of leave specified in column (4) of the said Schedule.

***Explanation**

It shall be within the competency of the authority on whom power to grant leave has been conferred by these Regulations to delegate the power to grant such kind of leave upon such authorities subordinate to it but not lower than those holding class I posts as may be specified by the Board.

(b) "**Board**" "**Chairman**", "**Deputy Chairman**" and "**Head of a Department**" shall have the meanings respectively assigned to them in the Major Port Trust Act, 1963.

(c) "**Class I, Class II, Class III and Class IV posts**" shall have the same meanings as assigned to them in the Calcutta Port Trust Employees' (Classification, Control and Appeal) Regulations.

(d) "**Completed years of service**" means continuous service of specified duration under the Board and includes the period spent on duty as well as on leave including extraordinary leave.

(e) "**Chief Medical Officer**" shall mean the "Chief Medical Officer" of the Board *[or any other Medical Officer as may be authorised under these Regulations by the Board of Trustees].

(f) "**employee in permanent employ**" means an employee who holds substantively or provisionally substantively a permanent post or who holds lien on such a post had the lien not been suspended.

(g) "**date of retirement**" or "**date of his retirement**", in relation to an employee, means the afternoon of the last day of the month in which the employee attains the age prescribed for retirement under the terms and conditions governing his service.

(h) "**Foreign service**" means service in which a employee received his pay with the sanction of the competent authority from any source other than any fund of the Board.

(i) "**Medical Officer**" shall mean an officer holding a medical degree, working in the "Chief

Medical Officer's department" in a post not below the rank of Class II and authorised by the Chief Medical Officer to issue medical certificates under these Regulations.

4. Employees to whom these Regulations apply shall continue to be governed by these Regulations while on foreign service to the extent provided in the terms and conditions of the foreign service.

Chapter - II

GENERAL CONDITIONS

5. Right to leave.

(1) Leave cannot be claimed as or right.

(2) When the exigencies of the service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the employee.

6. Regulation of claim to leave.

An employee's claim to leave is regulated by the Regulations in force at the time the leave is applied for and granted.

7. Effect of dismissal, removal or resignation on leave at credit.

(1) Except as provided in Regulation 32 and this Regulation, any claim to leave to the credit of an employee, who is dismissed or removed or who resigns from the Board's service, ceases from the date of such dismissal, removal or resignation, as the case may be.

(2) An employee, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(3) An employee, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

8. Commutation of one kind of leave into another.

(1) At the request of an employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the employee cannot claim such commutation as a matter of right.

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note : Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Regulation 28.

9. Combination of different kinds of leave.

Except as otherwise provided in these Regulations, any kind of leave under these Regulations may be granted in combination with or in continuation of any other kind of leave.

Explanation --- Casual leave which is not recognised as leave under these Regulations shall not be combined with any other kind of leave as admissible under these Regulations.

10. Maximum amount of continuous leave.

Unless the Chairman, in view of the exceptional circumstances of the case otherwise determines, no employee shall be granted leave of any kind for a continuous period exceeding five years.

11. Acceptance of service or employment while on leave.

(1) An employee (other than an employee who has been permitted to undertake casual literary work or service as an examiner either in a University or in an educational or professional institution) while on leave, including leave preparatory to retirement or leave granted beyond the date of retirement or quitting of service, shall not take up any service or employment elsewhere including the setting up of a private practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of _____

(a) the Chairman, if (i) the proposed service or employment is under a foreign government, or (ii) in an organisation controlled by a foreign government or (iii) the venue of the proposed service or employment is outside India and the employers are not nationals of India or are a firm not registered in India, or

(b) the Chairman, or any subordinate authority to which he may delegate the power in this behalf in all other cases, subject to any condition that may be specified in the delegation.

(2) (a) No. employee while on leave, other than leave preparatory to retirement or leave granted beyond the date of retirement or quitting of service shall ordinarily be permitted to take up any other service or employment.

(b) If the grant of such permission is considered desirable in any exceptional case the employee may have his services under the Board transferred temporarily to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or appointment.

(3) *(a) An employee while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment. with a Public Sector Undertaking or a body referred to in clause (a) of sub-regulation (2) of Regulation 31 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Regulation 33.

(b) Deleted.*

(c) Deleted.*

(i) Deleted.*

(ii) Deleted.*

(iii) Deleted.*

(iv) Deleted.*

(d) Deleted.*

(e) In cases covered by *[Clause (a) of sub-regulation 1] the sanctioning authority will obtain the concurrence of the Government of India before according the necessary sanction.

(4). Deleted.*

(5) Where an employee is on leave beyond the date of retirement as provided in Regulation 32 and is employed during such leave in any post under the Board or under the Central or a State Government or under any local authority or Corporation wholly or substantially owned or controlled by the Central or a State Government, he may, if he so desires, continue to enjoy his leave concurrently with such employment or may avail himself of the unexpired portion of such leave at the termination of the period of such employment, subject to the maximum limits as prescribed by these Regulations.

*(6). (a) In case an employee who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Board and is agreeable to return to duty, the unexpired portion of leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) shall be allowed to be encashed in the manner provided in Regulation 35 (C).

CHAPTER -III

GRANT OF AND RETURN FROM LEAVE

12. Application for leave.

Any application for leave or for extension of leave shall be made in Form I to the authority competent to grant leave.

13. Leave Account.

A leave account shall be maintained for each employee by the Accounts Department in the case of employees holding Class-I or Class - II or Class-III posts and by the Head of Department or Officer (s) authorised by him in the case of employees holding other posts. *[However leave accounts of all classes of employees borne on Haldia Dock Complex Establishment shall be maintained by the P&IR division of Haldia Dock Complex].

14. Verification of title to leave.

* (1) No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

(2) *(a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to an employee and provisionally sanction leave for a period not exceeding 60 days.

(b) The grant of leave under this sub-regulation shall be subject to verification by the authorities maintaining the leave account and a modified sanction for the period of leave may be issued, where necessary.

NOTE: In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Regulation 35(C), an undertaking to repay the leave salary, if any, paid in excess, shall be

taken from the employee.

15. Leave not to be granted in certain circumstances.

Leave shall not be granted to an employee whom a competent disciplinary authority has decided to dismiss, remove or compulsorily retire from service.

16. Grant of leave on medical certificate.

(1) An application for leave on medical certificate made by an employee shall be accompanied by a medical certificate given by a Port Trust Medical Officer, or a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness.

Note : A certificate given by a registered Ayurvedic or Unani or Homoeopathic Medical Practitioner or by a registered Dentist in the case of dental ailments may also be accepted.

(2) A Port Trust Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee will ever be fit to resume his duties and in such a case, the opinion that the employee is permanently unfit for service under the Board shall be recorded in the medical certificate.

(3) Where a medical certificate by other than a Port Trust Medical Officer has been submitted the authority competent to grant leave may at its discretion secure the opinion of the Chief Medical Officer of the Board who may have the applicant medically examined at the earliest possible date.

(4) It shall be the duty of the Chief Medical Officer of the Board to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a medical officer nominated by him.

(5) The grant of medical certificate under this Regulation does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and the orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding * [3 days] at a time. Such leave shall not, however, be treated as leave on medical certificate.

17. Leave to an employee who is unlikely to be fit to return to duty.

(1) (a) When a Port Trust Medical Officer has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such an employee.

(b) The Leave may be granted, if due, by the authority competent to grant leave on the following conditions: _____

(i) If the Port Trust Medical Officer is unable to say with certainty that the employee will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a Port Trust Medical Officer;

(ii) If an employee is declared by a Port Trust Medical officer to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the Port Trust Medical Officer has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the Port Trust Medical Officer does not exceed six months.

(2) An employee who is declared by a Port Trust Medical Officer to be completely and permanently incapacitated for further service shall__

(a) If he is on duty, be invalided from the service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the Port Trust Medical Officer; if however, he is granted leave under sub-regulation (1), he will be invalided on the expiry of such leave;

(b) If he is already on leave, he will be invalided on the expiry of that leave or extension of leave, if any, granted to him under sub-regulation(1).

18. Commencement and termination of leave.

Except as provided in Regulation 19, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

19. Combination of holidays with leave.

*1. (i) When the day, immediately preceding the day on which an employee's leave (other than leave on medical certificate begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holiday to leave is specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays provided that his transfer or assumption of charge does not involve the handing or taking over of securities or moneys other than a permanent advance.

(ii) In the case of leave on medical certificate (a) when an employee is certified medically unwell to attend office, holiday (s), if any, immediately preceding the day on which he is so certified, shall be allowed automatically to be prefixed to leave and the holiday (s), if any, immediately succeeding the day, on which he is so certified (including that day) shall be treated as part of the leave, and (b) when an employee is certified medically fit for joining duty, holiday (s), if any, succeeding the day on which he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday (s), if any, preceding the day on which he is so certified shall be treated as part of the leave.

(2) On condition that the departing employee remains responsible for the moneys in his charge, the Head of Department may, in any particular case, waive the application of the provision to sub-regulation (1).

(3) Unless the authority competent to grant leave in any case otherwise directs__

(a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes effect from the day after the holidays;

and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent re-arrangement of pay and allowances takes effect from day on which the leave would have ended if holidays had not been suffixed.

Note: A weekly day of rest or a compensatory leave granted in lieu of duties performed by an employee on a weekly day of rest or on a holiday, for a full day may be treated as a holiday for the above purpose.

20. Recall to duty before expiry of leave.

(1) *Deleted.

(2) *Deleted.

(3) [In case an employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the employee shall be entitled]*---

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw-----

(i) traveling allowance as admissible for the journey; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

(b) If the leave from which he is recalled is out of India, [to count the time spent on the voyage to India as duty for purposes of]* calculating leave, and to receive;

(i) leave salary during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for the recall to duty;

(ii) a free passage to India;

(iii) a refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;

(iv) traveling allowance, as admissible for travel from the place of landing in India to the place of duty.

21. Return from leave.

(1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-regulation (1) an employee on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him in the post from which he proceeded on leave preparatory to retirement.

(3) An employee who has taken leave on medical certificate may not return to duty

until he has produced a medical certificate of fitness from a Port Trust Medical Officer *[or a registered Medical practitioner].

22. Posting after returning from leave.

(a) An employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such employee shall report his return to duty to the authority which granted him leave or to the authority, if any, which the authority which granted him leave may nominate for this purpose and await orders.

23. Absence after expiry of leave.

(1) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Willful absence from duty after the expiry of leave renders an employee liable to disciplinary action.

CHAPTER - IV

KINDS OF LEAVE DUE AND ADMISSIBLE

24. Earned Leave.

(1) (a) The leave account of an employee shall be credited with earned leave in advance, in two installments of 15 days each on the first day of January and July of every calendar year.

(b) The leave at the credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 180 days.

(c) (i) Where an employee not in permanent employ is appointed without interruption of service substantively to a permanent post, his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as an employee in permanent employ diminished by any earned leave already taken.

(ii) Where an employee had availed himself of leave on half pay or extraordinary leave since the date of permanent appointment such leave may subject to the provisions of Regulation 8* be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

Note : The provisions of this sub-regulation shall apply to employee whose first year of service or any part thereof in temporary capacity was rendered before the introduction of these Regulations when rate of earning such leave used to be one-twenty second of the period spent on duty in respect of the first year of his service.

(d) A period spent in foreign service shall count as duty for purposes of this Regulation, if Contribution towards leave salary is paid on account of such period.

(2) subject to provisions of Regulations 5 and 32 and sub-regulations (1) and (3) of this Regulation, the maximum earned leave that may be granted at a time shall be 120 days.

(3) Earned leave may be granted to an employee holding a class I or Class II post for a period exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burmah, Srilanka, Nepal and Pakistan.

Provided that where earned leave for a period exceeding 120 days is granted under this sub-regulation the period of such leave spent in India shall not in the aggregate exceed the aforesaid limit.

* (4) Where an employee's casual leave account cannot be debited with a full day's casual leave or with half a day's casual leave, as a measure of penalty, for late attendance because his casual leave has already been exhausted, such late attendance shall be debited to his earned leave account and in doing so, a full day's casual leave shall be treated as a full day's earned leave and 2 half days casual leave shall be treated as one full day's earned leave.

25. Calculation of earned leave.

(1) Earned leave shall be credited to the leave account of an employee at the rate of 2 1/2 days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed or comes under these Regulations.

(2)(a) The credit for the half year in which an employee is due to retire or resign from the service shall be afforded only at the rate of 2 1/2 days per completed calendar month upto the date of retirement or resignation.

(b) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 1/2 days per completed calendar month upto the end of the calendar month *[preceding the calendar month] in which he is removed or dismissed from service or dies while in service.

(3) If an employee has availed of extraordinary leave and/or some period of absence has been treated as dies-non in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such leave and/or dies-non subject to a maximum of 15 days.

(4) When an employee ceases to be in service in the course of a half year due to retirement, resignation or death or any other cause, the quantum of earned leave to be credited to his leave account under sub-regulation (2) shall be reduced by 1/10th of the period of extraordinary leave availed of by him and/or some period of absence which has been treated as dies-non between the commencement of that half year and the date on which he ceases to be in service.

(5) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

26. Half-pay leave.

(1) (a)* (i) Leave account of half pay leave of every employee shall be credited with leave on half-pay in advance, in two instalments of 10 days each on the 1st of January and July of every calendar year.

(ii) Leave shall be credited to half-pay leave account at the rate of 5/3 days for each completed calendar month of service which the employee is likely to render in the half year of the calendar year in which he/she is appointed.

(iii) The credit for half-year in which the employee is due to retire or resign from service shall be allowed at the rate of 5/3 days per completed month upto the date of retirement/resignation.

(iv) When an employee is removed or dismissed or dies while in service, credit for leave on half pay shall be allowed at the rate of 5/3 days per completed calendar month upto the end of the calendar month preceding the calendar month in which the employee is removed or dismissed from service or dies while in service .

(v) Leave shall be credited to the half-pay leave account of an employee at the rate of 5/3 days of each completed month of service rendered by an employee between the last anniversary date of his appointment and the next 1st January or 1st July, as the case may be, on which leave account of the half pay leave is first credited with leave on half-pay in advance under this Regulation.

Note : While calculating the completed month of service, the month may be rounded off to the next higher if it exceeds 15 days.

(vi) Where a period of absence on suspension of an employee has been treated as "dies-non" in a half-year, the credit to be afforded to his half-pay leave account at the commencement of next half year, shall be reduced by one-eighteenth of the period of "dies-non" subject to a maximum of the of ten days.

(b) The leave due under clause (1) may be granted on medical certificate or on private affairs. Provided that in the case of an employee not in permanent employ no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the employee will return to duty on its expiry except in the case of an employee who has been declared completely and permanently incapacitated for further service by a Port Trust Medical Officer and an employee to whom sub-regulation (2) of Regulation 32 applies and who has been granted leave preparatory to final cessation of duties.

*(c) While affording credit of half pay leave fraction of a day shall be rounded off to the nearest day.

(2) *Deleted.

27. Commuted leave.

(1) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate to an employee, subject to the following conditions :

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.

(b) *Deleted

(c) *Deleted

(d) when commuted leave is granted, twice the amount of such leave shall be debited

against the half-pay leave due.

(e) *Deleted

(2)* Half-pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the interest of the Board by the leave sanctioning authority.

(3)* Where an employee who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave shall be recovered.

Provided that no recovery shall be made if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

Note: Commuted leave may be granted at the request of the employee even when earned leave is due to him.

28. Leave not due.

(1) Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employ subject to the following conditions :

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) leave not due shall be limited to the half-pay leave he is likely to earn thereafter;

(c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be granted otherwise than on medical certificate;

(d) leave not due shall be debited against the half-pay leave the employee may earn subsequently;

(e) *Deleted.

2. * Leave not due may also be granted to such of the temporary employees as are suffering from T.B. Leprosy, Cancer or mental illness, for a period not exceeding 360 days during the entire service subject to fulfillment of conditions in clauses (a), (b) and (d) of sub-regulation (i) and subject to the following conditions namely :-

(i) that the employee has put in a minimum of one year's service;

(ii) that the post from which the employee proceeds on leave is likely to last till his return to duty; and

(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clause (d) of sub-regulation 2 of Regulation 29.

(3)* (a) Where an employee who had been granted leave not due resigns from service or, at his

request, is permitted to retire voluntarily without returning to duty the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.

(b) Where an employee, who having availed himself of leave not due, returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:-

Provided that no leave salary shall be recovered under clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

Provided further that no leave salary shall be recovered under clause (a) or clause (b) if the employee is compulsorily retired prematurely in the interest of the Board;

*Note : Deleted

29. Extraordinary leave.

(1) Extraordinary leave may be granted to an employee whether in permanent employ or not in special circumstances -

(a) when no other leave is admissible;

(b) when other leave is admissible, but the employee applies in writing for the grant of extraordinary leave.

(2) Unless the Chairman in view of the exceptional circumstances of the case otherwise determines, no employee, who is not in permanent employ shall be granted extraordinary leave on any one occasion in excess of the following limits.

(a) three months;

(b) six months, where the employee has completed [one year's] Continuous service on the date of expiry of leave of the kind due and admissible under these Regulations, including three months' extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these Regulations;

(c) * Deleted

(d) eighteen months, where the employee who has completed on year's continuous service is undergoing treatment for _____

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

Note : The concession of extraordinary leave upto eighteen months shall be admissible also to an employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a qualified tuberculosis specialist and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist; or

(iii) leprosy in a recognised leprosy institution or by a qualified specialist in leprosy.

(iv) *Cancer, or for mental illness in an institution recognised for treatment of such disease or by qualified specialist in such diseases.

(e) Twenty-four months, where the leave is required for the purpose of prosecuting higher technical or professional studies which in the opinion of the Chairman, is of value to the Port Trust, provided the employee concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these Regulations including three months extraordinary leave under clause (a).

(3) (a) Where an employee is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub regulation (2), he shall be required to execute a bond undertaking to refund to the Board the actual amount of expenditure incurred by the Board during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent employees having a status comparable to or higher than that of the employee.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-regulation (2).

(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

30. (A) Persons re-employed after retirement.

In the case of person reemployed after retirement, the provisions of these Regulations shall apply as if he had entered service of the Board for the first time on the date of his re-employment.

(B) A probationer a person on probation and an apprentice.

(1) (a) A probationer shall be entitled to leave under these Regulations as if he had his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend.

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these Regulations as a temporary or a permanent employee according as his appointment is against a temporary or a permanent post.

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these Regulations as a permanent

employee of the Board.

(3) An apprentice shall be entitled to-

(a) Leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under Regulation 29.

31. *Leave preparatory to retirement.

(1) An employee may be granted by the authority competent to grant leave preparatory to retirement to the extent of earned leave due, not exceeding 180 days together with half-pay leave due, subject to the condition that such leave extends upto and includes the date of retirement.

NOTE: The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2) (a) Where an employee who is on foreign service in or under any local authority or a Corporation or Company wholly or substantially owned or controlled by the Government or a body, controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by the foreign employer with the concurrence of the Board.

(b) The employee on foreign service shall be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-regulation (1) of Regulation 35 (C). Provided that where an employee continues in service under such foreign employer, the employee shall to be eligible for grant of cash payment in lieu of leave under Regulation 35(C).

(3) Where an employee, who is on foreign service in or under any local body other than the one mentioned in clause (a) of sub-regulation (2), leave preparatory to retirement shall be admissible to retirement shall be admissible to him only when he quits duty under the foreign employer.

32. Leave beyond the date of retirement or quitting of service.

(1) Except as provided in *[sub-regulation (2)] no leave shall be granted to an employee beyond--

(a) the date of his retirement, or
(b) the date of his final cessation of duties, or
(c) the date on which he retires by giving notice to the appointing authority, or he is retired by the appointing authority by giving him notice, or pay and notice, in accordance with the terms and conditions of his service, or

(d) The date of his resignation from service.

(2) (a) Class I, Class II or Class III employees appointed to the service of the Board prior to 1st August, 1952 after he attains the age of 58, or

(b) a Class IV employee appointed to the service of the Board prior to* [1st August,

1952 after he attains the age of 60 years may be granted such leave to which he may be otherwise entitled to the extent of earned leave due not exceeding (120)] days together with half-pay leave due subject to the condition that the total leave period does not exceed 28 months.

(3) *Deleted

(4) * Deleted

(5) Where the service of a employee has been extended in the interest of the Board beyond the date of his (deleted) retirement, he may be granted earned leave subject to a maximum of 120 or 180 days, as the case may be, as prescribed in Regulation 24, as follows :-

(i) during the period of extension, any earned leave due in respect of the period of such extension *[plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 120/180 days, as the case may be, as prescribed in Regulation 24].

(ii) After the expiry of the period of extension -

(a) the earned leave which could have been granted to him under sub-regulation (2) *(deleted) had he retired on the date of *(deleted) retirement diminished by the amount of such leave availed of during the period of extension; and

(b) *Deleted

(6) * Deleted

33. Leave Salary.

(1) Except as provide in sub-regulation 6 an employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

*NOTE :- In respect of any period spent on foreign service, out of India, the pay which the employee would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(2) An employee on half-pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-regulation (1).

(3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1).

(4) An employee on extraordinary leave is not entitled to any leave salary.

NOTE : *Deleted

(5) * Deleted

(6)(a) An employee who is granted leave beyond (the date of retirement) or quitting of service, as the case may be, as provided in Regulation 32 shall be entitled for the period beyond (the date of retirement) or quitting of service to leave salary as admissible under this Regulation, reduced by the amount of pension, and pension equivalent of other retirement

benefits.

The reduction as indicated above will not however apply to a Class IV employee appointed prior to 1.6.52 who is granted leave beyond the date of retirement i.e. on reaching the age of 60 years.

(b) * Deleted

Provided that it shall be open to the employee not to avail himself of the leave but to avail himself of full pension.

(c) *In the case of an employee who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(7) (a) If, in the case of an employee who retires or resigns from the service, the leave *(deleted) availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave credited under clause (b) of sub-regulation (2) or Regulation 25, the over-payment of leave salary shall be recovered in such cases.

34. *Deleted

35. (A) Advance payment of leave salary

A Class IV employee who proceeds on leave *[for a month or more] may be paid his leave salary for the entire leave period plus the allowance appropriate thereto subject to the following conditions :-

(i) No advance payment of leave salary may be made unless the application for such payment is made by the employee not less than two weeks prior to the commencement of the leave.

(ii) No employee who has served for less than three years under the Board will be eligible for the payment.

(iii) If the employee to whom the advance payment of leave salary is made is unable to proceed on leave for any reason, he will have to refund the money. Otherwise he shall not be allowed to cancel his leave and resume duties by the competent authority.

(B) Encashment of earned leave.

For the earned leave not availed of by an employee of the Trustees, cash equivalent of leave salary which would have been payable had the earned leave been availed of may be drawn to the extent and subject to the conditions as indicated below :-

(i) Cash equivalent of leave salary will not be any allowed to be drawn in respect of any leave other than the earned leave.

suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible for the amount so with held after adjustment of dues of the Board, if any.

(3) (a) Where the service of an employee has been extended in the interest of the Board beyond the date of his retirement, he may be granted after expiry of the period of extension, cash equivalent in the manner provided in sub-regulation (1) in respect of earned leave at credit on the date of retirement plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 180 days.

(b) The cash equivalent payable under clause (a) of this sub-regulation shall be calculated in the manner indicated in clause (b) of sub-regulation (1) above.

(4) An employee who retires or is retired from the service in the manner mentioned in Clause (c) of sub-regulation (1) of the Regulation 32, may be granted *soy motu* by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 180 days and also in respect of all the half-pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and /or equal to the leave salary as admissible on the half pay leave plus dearness allowance admissible on that leave salary for the first 180 days, at the rates in force on the date the employee so retires or is retired from the service. The pension and pension equivalent or other retirement benefits and ad-hoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half-pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as a one-time settlement. No House Rent Allowance or City Compensatory allowance shall be payable. Provided that if leave salary for the half-pay component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted.

Provided further that an employee who retires or is retired from service in the manner as mentioned in clause (c) of Sub-regulation (1) of Regulation 32, may be granted *sou motu* by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 180 days, even if this exceeds the period between the date on which the employee retires and the date on which he would have retired in the normal course on

superannuation.

(5) (a) (i) Where the services of an employee are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted sou motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date, on which he ceases to be in service subject to a maximum of 180 days.

(a) (ii) If an employee resigns or quits service, he may be granted sou motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service to the extent of half of such leave at his credit, subject to a maximum of 90 days.

(a)(iii) An employee, who is re-employed after retirement may, on termination of his re-employment, be granted sou motu, by the authority competent to grant leave cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to maximum of 180 days.

(a)(iii) The cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-regulation (1) and for the purpose of computation of cash equivalent under sub-clause (iii) of clause (a) the pay on the date of the termination of re-employment shall be the pay fixed in the scale of the post before re-employment before adjustment of pension and pension equivalent of other retirement benefits and the dearness allowance appropriate to that pay.

(6) The concession of encashment of earned leave under sub-regulation (C) of this Regulation shall not apply to an employee who joined the Board's service before 1.8.52 and who is entitled to post-superannuation leave i.e. leave beyond the date of retirement as admissible under Regulation 32. He may, however, be given the option of availing of this concession at the time of retirement in which case he will have to forgo the post-Superannuation leave to which he would otherwise be entitled.

(D) *Cash equivalent of leave salary in case of death while in service.

In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case not exceeding leave salary for 180 days, shall be paid to this family in the manner specified in Regulation 35 (F) without any reduction on account of pension equivalent of death-cum-retirement gratuity.

NOTE: In addition to cash equivalent of leave salary admissible under this Regulation, the family of the deceased employee shall also be entitled to payment of dearness allowance appropriate to the leave salary.

(E) * Cash equivalent of leave salary in case of invalidation from service.

An employee, who is declared by the Chief Medical Officer to be completely and permanently incapacitated for further service, may be granted, sou motu, by the

authority competent to grant leave, cash equivalent of leave salary in respect of leave, due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions of his service. The cash equivalent thus payable shall be equal to the leave salary as calculated under Sub-regulation (4) of Regulation 35(C) provided further that such an employee may be granted cash equivalent of the leave salary in respect of earned leave at his credit on the date of invalidation subject to a maximum of 180 days, even if this exceeds the period between the date on which the employee is invalidated from service and the date on which he would have retired in the normal course on superannuation. An employee not in permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

(F) *Payment of cash equivalent of leave salary in case of death etc. of an employee.

In the event of death of an employee while-in service or after retirement or after final cessation of duties but before actual receipt of the cash equivalent of leave salary payable under Regulations 35(B), 35(C), 35(D) and 35(E), such amount shall be payable :-

- (i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male employee, or to the husband, if the deceased was a female employee.

Explanation : The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date or marriage of the surviving widows and not with reference to their ages.

- (ii) failing a widow or husband, as the case may be, to the eldest surviving son, or an adopted son;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;
- (iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;
- (v) failing (i) to (iv) above, to the father;
- (vi) failing (i) to (v) above, to the mother;
- (vii) failing (i) to (vi) above, to the eldest surviving brother below the age of 18 years;
- (viii) failing (i) to (vii) above, to the eldest surviving unmarried sister, and
- (ix) failing the above, to the eldest surviving widowed sister.

CHAPTER - V

SPECIAL KINDS OF LEAVE

36. Maternity leave.

(1) A female employee *[including an apprentice] may be granted Maternity leave by an authority competent to grant leave *[for a period of 90 days from the date of its commencement.] During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding *[on leave].

(2) Maternity leave may also be granted in the case of miscarriage, including abortion, subject to the condition that

(a) the leave does not exceed six weeks;

and

(b) the application for the leave is supported by a medical certificate as laid down in Regulation 16.

(3) Maternity leave may be combined with leave of any other kind, *[notwithstanding the provisions contained in sub-regulation (1) of Regulation 27, any leave (including commuted leave) for a period not exceeding 60 days, applied for in continuation of maternity leave, may be granted without production of a medical certificate.]

(4)* Leave in further continuation of leave granted under Regulation 36(3) may also be granted in case of illness of a new-born baby subject to the female employee producing a medical certificate, signed or countersigned by a Port Trust Medical Officer to the effect that the condition of the ailing baby warrants the mother's personal attention and her presence by the baby's side is absolutely necessary. Such leave may also be granted on production of a medical certificate signed or countersigned by a Port Trust Medical Officer for the illness of the female employee.

(5)* The maternity leave shall not be debited against the leave account.

37. Special disability leave for injury intentionally inflicted.

(1) The authority competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused* [in or in] consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three month after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by the Chief Medical Officer of the Board and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-regulation (7), be debited against the leave account.

(7) Leave salary during such leave shall

(a) For the first 120 days of any period of such leave, including a period of such leave granted under sub-regulation (5), be equal to leave salary while on earned leave;

and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that an employee may, at his option be allowed leave salary as in clause (a), for period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account.

(8) In the case of an employee to whom the Workmen's Compensation Act, 1923, applies shall be dealt with in accordance with either by these Regulations or the provisions of that Act, whichever may be more advantageous to him.

38. Special disability leave for accidental injury.

(1) The provisions of Regulation 37 shall apply also to an employee, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties *[or in consequence of his official position] or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions :-

(i) That the disability, if due to disease, must be certified by the Chief Medical Officer of the Board to be directly due to the performance of the particular duty;

and

(ii) that the disability must be in the opinion of the authority competent to sanction leave, exceptional in character;

(iii) that the period of absence recommended by the Chief Medical Officer of the Board may be covered in part by leave under this regulation and in part by any other kind of leave and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

39. *Deleted.

CHAPTER-VI

MISCELLANEOUS

40. Application of Government Rules in matters not specifically provided for in Regulations

In any case or matter not specifically provided for in these Regulations or in subsequent amendments thereof, the rulings of the Central Government in regard to the Central Civil Services (Leave) Rules, 1972, shall generally and in so far as they can be adopted to the Board's requirements, be held to apply.

41. Interpretation.

Where any doubt arises as to the interpretation of these Regulations, it shall be referred to the Chairman, whose decision thereon shall be final.

42. Power to relax.

Where the Chairman is satisfied that the operation of any of these Regulations causes undue hardship in any particular case, he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that Regulation to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

43. Repeal and savings.

(1) On the commencement of these Regulations, every Rule, Regulation, resolution or order in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these Regulation, cease to operate.

(2) Notwithstanding such cessation of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of, an employee, under the old Regulations, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these Regulations.

***THE FIRST SCHEDULE**

[Vide Regulation 3(1) (a)]

Authority competent to grant

Sl.No.	Description of employee	Authority Competent to grant leave & kind of leave which it may grant	
	Calcutta Dock System	Authority	Kind of leave
1.	Head of Department	Chairman or in his absence Dy. Chairman	Earned leave, half-pay leave, Commuted leave, leave not due, extra-ordinary leave preparatory to retirement, post-superannuation leave, maternity leave, maternity leave, special disability leave
2.	Other Class I and Class II Officer	Concerned Head of Department	-do-
3.	Class III and Class IV employee	Concerned Head of Department	-do-
1.	Deputy General Manager	Dy. Chairman	-do-
2.	Heads of divisions	Dy. General Manager	-do-
3.	Other Class I and Class II Officer	Heads of Division	-do-
4.	Class III and Class IV employees	Heads of Division.	-do-

FORM-I

(Vide Regulation 12)

CALCUTTA PORT TRUST LEAVE APPLICATION

Code No.1210100

G.160

S.R.Folio _____

Leave A/c.No. _____

L.A. No. _____ Dept. _____

Grant No. _____ Item No. _____

Name in full _____

Date of appointment _____

Designation _____

Name of Salary bill _____

Present pay & Scale _____

Health Certificate _____

Nature of leave _____

Period of leave _____

From _____ to _____

Date _____ 198

Applicant's signature

Recommended.

Date,
Department.

198

Head of

STATEMENT OF PREVIOUS LEAVE (TO BE FILLED BY THE DEPARTMENT)

Period		Nature of Leave									Balance at Credit as on			Remarks
From	to	Average pay			Half Average			No Pay			Y	M	D	
		Y	M	D	Y	M	D	Y	M	S				

Report by Audit on Application for leave.

with reference to the above application for leave for leave for leave for _____ months and days only _____ may be granted under _____ .

Date__ __ 198

Financial Adviser & Chairman

Chief Accounts Officer.

*Substituted /Deleted/Inserted/Renumbered by C.P.T. Employees' (Leave) (First Amendment) Regulations, 1987.