

13. Compensation pension - If an employee is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option -

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

14. No pension is admissible to an employee for the loss of an appointment or discharge after the completion of a specified term of service.

15. No pension may be awarded for the loss of special pay, personal pay or any compensatory allowance.

16. If an employee who is entitled to compensation pension accepts instead another appointment in the Trustees' service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

17. Invalid pension - An invalid pension is awarded, on his retirement from the Trustees' service, to an employee who by bodily or mental infirmity is permanently incapacitated for the Trustees' service, or for the particular branch of it to which he belongs.

18. Medical authority - An employee applying for an invalid pension shall submit a medical certificate of incapacity issued by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a Consultant.

The Trustees' Chief Medical Officer shall be the Chairman of the Board, and the other two members shall be appointed by the Chairman.

Provided that in the case of an employee on authorised leave of absence and is away from Bombay, the Chairman may, if he is satisfied that the employee is unable to appear before the prescribed medical authority due to the severity of the incapacity, accept a medical certificate of incapacitation issued by a Civil Surgeon or a District Medical Officer or a Medical Officer in charge of a Government Hospital or such other medical authority as he may, at his absolute discretion, in each case prescribe.

19. Form of Medical Certificate -

(a) The form of the certificate to be given is as follows :

" Certified that I (we) have carefully examined \_\_\_\_\_, son of \_\_\_\_\_, a \_\_\_\_\_ in the \_\_\_\_\_. His age is by his own statement \_\_\_\_\_ years, and by appearance about \_\_\_\_\_ years. I (we) consider \_\_\_\_\_, to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of \_\_\_\_\_ (state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits. "

Note: If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence :-

" In my (our) opinion, his incapacity is directly due \_\_\_\_\_ has been accelerated or aggravated to by irregular or intemperate habits. "

[ If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made :-

" I am (we are) of the opinion that ----- is fit for further service of a less laborious character than that which he has been doing (or may, after resting for ----- months, be fit for further service of a less laborious character than that which he has been doing.)" ]

- (b) The object of the alternative certificate, (i.e. of partial incapacity), is that an employee should, if possible, be retained in service even on a lower pay. If this is not possible, the employee may be admitted to pension; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under the regulation.

20. An employee discharged on other grounds has no claim under regulation 17, even though he can produce medical evidence of incapacity for service.

21. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the Trustees to decide what reduction should be made on this account.

Note: The expression 'irregular or intemperate habits', occurring in this regulation, refers to incapacity on account of drug habit or on account of disease resulting from immoral habits. Cases where incapacity occurs due to other causes, e.g., work at irregular hours due to the exigencies of service, and not due to the employee's own volition, do not come under the purview of this regulation.

22. An employee who has submitted under regulation 18 a medical certificate of incapacity for further service shall, if he is on duty, be invalided from service from the date of relief of his duties which should be arranged without delay on receipt of the medical certificate, or, if he is granted leave under Article 84A of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or clause (vii) of Rule 29 of the Bombay Port Trust Rules and Regulations for Non-Scheduled Staff or Chapters 6 and 27 of the Bombay Port Trust Railway Service Rules, 4th Edition, as the case may be, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalided from service on the expiry of that leave or suspension of leave, if any, granted to him under the regulations mentioned above.

23. Superannuation pension - A superannuation pension is granted to an employee entitled or compelled, by regulation, to retire at a particular age.

24. <sup>1</sup> Retiring Pension - An employee may retire from service at any time after completing <sup>25 yrs Qual. Service under Vol. Retirement Scheme</sup> 30 years' qualifying service, or after attaining the age specified in clause (d) of Article 44 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or in the corresponding rules in the Bombay Port Trust Railway Service Rules or the Rules and Regulations for Non-Scheduled Staff, provided that he gives in this behalf a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire. The appropriate authority may also require an employee to retire any time after he has completed 30 years' qualifying service or after he has attained the age specified in clause (c) of Article 44 of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or in the corresponding rules in the Bombay Port Trust Railway Service Rules or the Rules and Regulations for Non-Scheduled Staff provided that

<sup>1</sup> Substituted by TR No. 459 of 1975 (w.e.f. 15-1-1976)

Vol. Ret. Scl. - Weingungo 15/11/83 - TR-10/1973  
 TR-275/1979 w.e.f. 16.11.83 - Vol. Ret. after 20 yrs.  
 Commitm without medical } w.e.f. 18.4.86 if applied within 1 year  
 in case of Vol. }  
 Ret. after 20 yrs. } C.A.P.R.T. GEN-1(1x)/1967

that authority gives in this behalf a notice in writing to the employee at least three months before the date on which he is required to retire or gives to the employee three months' pay and allowances in lieu of such notice. In either case, the employee may be granted cash equivalent of leave salary in the earned leave, subject to a max of 180 days and cash equivalent of HPL subject to deduction of pension, pensionary equivalent of their retirement and his retirement shall take effect on the expiry of the leave so granted. <sup>paid, in one lump sum the</sup> benefits and relief on pension, if NA, is admissible on pension and such employees <sup>of the completion of their notice period.</sup> are to be treated as finally ceasing to be in P.T. Service from the date of the completion of their notice period. (G.O. No. 351/23538 dt. 30.5.85)

Notes: (1) An employee who has given to the appropriate authority, notice of retirement under this regulation has no right subsequently (but during the currency of the notice) to withdraw the same and return to duty. There would, however, be no objection to permission being granted to such an employee, on consideration of the circumstances of his case, to withdraw the notice given by him, but ordinarily such permission will not be granted unless he is in a position to show that there has been a material change in the circumstances in consideration of which the notice was originally given. Where the notice of retirement has been served by <sup>1</sup>the appropriate authority on the employee, it may be withdrawn, if so desired for adequate reasons, provided the employee concerned is agreeable.

✓ (2) The specific provision under this regulation regarding optional retirement should be deemed to be absolute notwithstanding the provision of any other regulation regarding the compulsory retirement of an employee on attaining a particular age. However, the <sup>2</sup>appropriate authority may order such retirement under this regulation only when it is necessary in the public interest.

<sup>3</sup> (3) "Appropriate authority" means the authority which has the power to make substantive appointments to the post from which the employee is required or wants to retire, provided that where the authority which has such power is lower in rank than the Deputy Chairman, appropriate authority shall mean the Deputy Chairman.

1 Substituted }  
 2 Substituted } by T.R.No.469 of 1975  
 3 Inserted } (with effect from 15-1-1976).

Section III - Amount of Pension

25. The amount of pension that may be granted is determined by the length of qualifying service as set out in regulations 33 to 42. Fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible.

26. Pension is fixed in Rupees and not in any other currency.

<sup>1</sup>/27. The amount of pension shall be expressed in whole rupees and where the pension calculated according to these regulations contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

Explanation :

- (1) The rounding off to the next higher rupee will apply to all classes of pension, referred to under regulation 12 and to the compassionate allowance referred to in regulation 10. The Family Pension, granted under these regulations, will also be rounded off to the next higher rupee.
- (2) The rounding off is to be done only once. In other words, the pension should be calculated upto whole rupees and if there is any remainder it should be rounded off to the next higher rupee.
- (3) If a pensioner has commuted a part of his pension which consists of full rupees and multiple of five paise, the remaining part of his pension shall not be rounded off further to the next higher rupee.
- (4) This rounding off will not apply to gratuities and to the capitalized value of the commuted portion of pension.
- (5) The rounding off does not apply to temporary increase in pension vide Note 1 under regulation 29.

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<sup>1</sup> Substituted by T.R.No.1113 of 1968 (w.e.f. 31-12-1968).

28. (a) The full pension or gratuity and death-own-retirement gratuity admissible under the regulations is not to be given as a matter of course, or unless the service rendered has been really approved.

(b) If the service has not been thoroughly satisfactory, the authority sanctioning the pensionary benefits should make such reduction in the amount as it thinks proper.

Explanations :

- (1) Regulation 28 cannot be used directly to effect a penal recovery, but the sanctioning authority is justified in making the proof of a specific instance of fraud, or negligence, by an employee the ground for a finding that his service has not been thoroughly satisfactory within the meaning of the regulation for the purpose of reducing his pensionary benefits.
- (2) The measure of the reduction in the amount of pension made under the regulation should be the extent by which the employee's service as a whole has failed to reach a thoroughly satisfactory standard and any attempt to equate the amount of reduction with the amount of loss caused to the Trustees is incorrect.
- (3) The regulation contemplates permanent reduction in the amount of pension ordinarily admissible and does not admit of the reduction of the pension payable in respect of any one particular year.
- (4) This regulation does not operate to authorise a reduction of pensionary benefits either to nothing or to a nominal amount.
- (5) No show cause notice is required to be given to an employee when orders are intended to be passed reducing his pensionary benefits under this regulation. However, whenever such an order reducing the pensionary benefits of an employee is passed he shall have a right of appeal.

<sup>1</sup>[29. (a) Except in the cases covered by sub-regulations (b) and (c) below, the amount of superannuation, retiring, invalid and compensation gratuity and the pension shall be the appropriate amount, as set out in the Annexure 'A'.

(b) In the case of class I and class II employees retiring from service on or after 1st January 1973, the amount of superannuation, retiring, invalid and compensation gratuity and pension shall be the appropriate as set out in Annexure 'AA'.

(c) In the case of the class III and class IV employees retiring from service on or after 1-1-1979 and who opt for the definition of 'pay' as applicable to the Central Government employees, the amount of superannuation, retiring, invalid and compensation gratuity and pension shall be the appropriate amount as set out in Annexure 'A'. ]

<sup>2</sup>[Note: <sup>3</sup>[(1)] In addition to the pension indicated in Regulation 29 above, retired employees of the Trustees in receipt of small amounts of pension upto Rs 200 p.m. under these regulations will be granted the following temporary increase in pension until further orders :-

<u>Amount of pension</u>	<u>Rate of temporary increase</u>
Pension upto Rs 30 p.m.	Rs 15.00 p.m.
Pensions above Rs 30 p.m. but not above Rs 75 p.m.	Rs 17.50 p.m.
Pensions above Rs 75 p.m. but not above Rs 200 p.m.	Rs 20.00 p.m.
Pensions above Rs 200 p.m.	Such temporary increase as will bring the total pension to Rs 220 p.m.]

<sup>1</sup> Substituted by TR No. 268 of 23-9-1980 and MOST's Notification No. PEB-52/79 of 30-9-1981 (effective from 1-1-73 in case of class I and class II employees and 1-1-79 in case of class III and class IV employees)

<sup>2</sup> Substituted by TR No. 1367 of 1969 (w.e.f. 1-9-1969)

<sup>3</sup> Re-numbered by TR No. 1439 of 1972 (w.e.f. 1-3-1970)



Note: 1/ (2) If the amount of pension admissible under this regulation together with the temporary increase as per Note (1) above comes to less than Rs (40) 160 (30) 147.55 per mensem, the same shall, with effect from 1st March 1970, be raised to Rs 40 per mensem. Including P.R.

Explanation: With effect from 1st March 1970, the minimum monthly pension under this regulation, including the temporary increase, shall be raised to Rs (40) 160 in the case of pensioners including those who retired before 1st March 1970. Where a pensioner has commuted, or may commute in future, a portion of his pension, the extra amount, if any, to be allowed under Note (2) above shall be determined with reference to his pension before commutation. ]

2/ (3) With effect from 1st January 1969, the definition of "emoluments" for the purposes of pension has been enlarged, in the case of employees holding posts carrying scales of pay of which the maximum does not exceed Rs 650. Likewise, in the case of employees who are on scales of pay the maximum of which exceeds Rs 650 a portion of Dearness Allowance has been treated with effect from 1st December 1968 as pay, inter alia, for the purposes of reckoning "emoluments". The temporary increase in pension will not apply to cases in which the benefit of enlarged definition of emoluments or merger of a portion of Dearness Allowance as 'pay' for purposes of emoluments have been extended. However, the provision of Note (2) above in regard to minimum pension of Rs 40 per mensem will apply to such cases also with effect from 1st March 1970. ]

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1 Inserted by T.R.No. 1439 of 1972  
(with effect from 1-3-1970).

2 Inserted by T.R.No. 806 of 1973  
(with effect from 1-1-1969).

(\*) W.C.F. 1-4-1983

<sup>1</sup>/Note : (4.1) In addition to the pension indicated in regulation 29 above and the temporary increase, if any, admissible under Note (1) above, the class III and the class IV employees and officers who retired from service prior to 1-1-1969 shall be granted ad hoc increases in pension, from time to time, as indicated below :

Date from which relief is admissible	Pension range	Ad hoc increase in pension per mensem
i) From 1-1-1973	(Based on original pension or on Rs 40 per mensem where the original pension was less than Rs 40 per mensem).	
	Below Rs.85	Rs 15
	Rs.85 and above but below Rs.210	Rs 21
	Rs.210 and above but below Rs.500	Rs 25
	Rs.500 and above	Rs 35
ii) From 1-8-1975		Relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.
iii) From 1-1-1974		Additional relief at the rate of 5% of pension subject to a minimum of Rs 5 per mensem and a maximum of Rs 25 per mensem.

<sup>1</sup> Inserted by TR No.54 dated 28th February 1978 and MOST's Notification No.FRD-16/78 dated 7th June 1978.