

TUTICORIN PORT EMPLOYEES (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS, 1979.

(Published in the Gazette of India dated 1.3.1979)

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G.S.R.106(E) In exercise of the powers conferred by Section 126, read with Section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

1. Short title and commencement:

- (a) These regulations may be called the Tuticorin Port Employees (Acceptance of Employment after Retirement) Regulations, 1979.
- (b) They shall come into force on the 1st April, 1979.

2. Application:

These regulations shall apply to all those employees who are holding or who have held Class I posts under the Board.

3. Definitions:

In these regulations, unless the context otherwise requires:-

- (a) "Board" and "Chairman" shall have the same meaning assigned to them in the Major Port Trusts Act, 1963 (38 of 1963)
- (b) "Class I posts" means the posts classified as such by the Board from time to time under the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979
- (c) "Competent Authority" means the "Chairman" for the purpose of these regulations.
- (d) "Port Trust" means the Tuticorin Port Trust.

4. Permission for employment:

(a) No person, who has held a Class I post under the Board immediately before retirement shall accept any commercial employment including an employment as contractor for or in connection with the execution of Board's works or as an employee of such contractor, before the expiry of two years from the date of retirement without obtaining the previous permission of the competent authority.

Explanation: For the purpose of this regulation, the term " commercial employment" means:-

(i) an employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partner-ship of such firm, but does not include employment under a body corporate wholly or substantially owned or controlled by the Government;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the retired employee:

(a) has no professional qualifications and matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or

(b) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or

(iii) has to undertake work involving liaison or contract with the offices or officers of the Board.

(2) No person who is covered by these regulations and has not obtained the necessary permission shall be given any contract with Board.

(3) The officers concerned to whom these regulations apply shall be required to sign at the time of sanctioning the retirement benefits, an undertaking in such form, as may be prescribed by the competent authority, that they shall not accept any commercial employment within two years of retirement without obtaining the previous permission of the competent authority.

Note: The undertaking shall be given on a non-judicial stamp paper of appropriate value, the cost of which shall be borne by the retiring officer.

(4) In default, an officer:-

(i) If governed by the Pension Regulations of the Board, shall forfeit his pension for the period during which he is so employed or for such longer period as the competent authority may direct; and

(ii) If governed by the Contributory Provident Fund Regulations shall be liable to compensate the Board to the extent the competent authority may decide for not honoring the undertaking made earlier to the contrary;

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed.

Provided further that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for continuance therein.

(5) The application for permission to take up an employment within two years of retirement shall be made to the competent authority in Form A appended to regulations (Appendix A)

5. Conditions for grant of permission:

The grant of permission under these regulation shall be subject to the fulfillment of the following conditions, namely:-

(a) Whether the officer while in service had any such dealing with the proposed employer as might provoke the suspicion that he had shown favour to the latter;

(b) Whether his duties are such that his official knowledge and experience could be used to give the employer an unfair advantage;

(c) Whether his duties are such as might bring him into conflict with the Port Trust.

(d) Whether the proposed employment is of a thoroughly reputable kind;

Note:- Employment involving contract or Liaison work with the Board shall not be considered as employment of a thoroughly reputable kind; and

(e) Whether there are any exceptional circumstances, which would make the refusal of consent a real hardship to the employee.

(6) Permission for employment outside India:

(1) No employee (whether governed by the Pension or Contributory Provident Fund Schemes of the Trust) who has held a Class I post under the Board immediately before his retirement shall accept any employment under a foreign government or employment outside India without obtaining the previous permission of the competent authority.

(2) The officer shall be required to sign an undertaking to this effect at the time of sanctioning retirement benefits.

(3) In default, an officer:-

(a) if governed by the pension scheme of the Trust, shall forfeit the pension for the period during which he is so employed or for such longer period as the Board or the Chairman may direct; and

(b) if governed by the Contributory Provident Fund Scheme of the Trust, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary;

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed.

Provided further that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein;

Explanation: The employment under a foreign Government shall include employment under a local authority or corporate or any other institution or organisation which functions under the control of supervision of a foreign Government.

7. Reckoning of two years period:

The period of two years for the purpose of these regulations shall in the case of an officer who is re-employed after retirement without a break in the same or another Class-I post, be reckoned from the date from which he finally quits the Board's service.

8. Appeal:

When the Chairman grants the permission applied for, subject to any conditions or refuses such permission, the officer may, within thirty days of receipt of the order of the Chairman to the effect, make a representation to the Central Government against any such conditions or the refusal and the Government may make such orders thereon as it deems fit.

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this Regulation without giving the officer making the representation an opportunity to show cause against the order proposed to be made.

FORM A

Form of application for permission to accept employment within a period of two years after retirement.

1. Name of the Officer (In Block letters) :

2. Date of retirement :

3. Particulars of the Department in which the officer served during five years preceding retirement (with duration):

Name of the Department Post held Duration

From To

4. Post held at the time of retirement and period for which held :

5. Pay scale of the post and the pay drawn by the Officer at the time of retirement :

6. Retirement benefits:

(i) If governed by the Contributory

Provident Fund Scheme :

(a) amount of special contribution :

(b) amount of Trust' contribution :

(c) amount of any other contribution :

(ii) If governed by the Pension Scheme :

(a) Pension expected/sanctioned
(commutation, if any, should be mentioned)

(b) Gratuity, if any,

7. Details regarding employment proposed to be taken up :

(a) Name of the firm/company/co-operative society etc. :

(b) Whether the Official had during his official career any dealings with the firm/company etc. :

(c) Name of Job/post offered :

(d) Whether post was advertised, if not how was offer made :

(e) Description of the duties of job/post :

(f) Does it involve liaison/contract work with Tuticorin Port Trust :

(g) Remuneration offered for the post/job :

8. Any information which the applicant desires to furnish in support of his request.

Station :

Date :

NOTE:- The principle Regulations were published in the Gazette of India vide **GSR** 106 (E) dated the 1st March, 1979 and subsequently amended vide **GSR** 122(E) of the Gazette of India, dated the 24th February, 1992.