

**TUTICORIN PORT TRUST EMPLOYEES (LEAVE)  
REGULATIONS , 1979.  
(Published in the Gazette of India dated 1.3.1979)**

G.S.R.102(E) - In exercise of the powers conferred by Section 126 read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby makes the following regulations, namely:-

**1. Short Title and Commencement:**

(1) These regulations may be called the Tuticorin Port Employees (Leave ) Regulations, 1979.

(2) They shall come into force on the 1<sup>st</sup> day of April, 1979.

**2. Application-**

These regulations shall apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

**3. Definitions -** In these regulations, unless the context otherwise requires:

- (a) "Commuted leave" means leave taken under regulations 23,
- (b) "competent authority" means the authority to whom powers have been delegated by the Board in this regard.
- (c) "completed year of service" and "one year's service" means continuous for the specified duration under the Central Government or Erstwhile Tuticorin Minor Port Trust or the Board and includes the period spent on duty as well as on leave including extra-ordinary leave.
- (d) "earned leave" means leave earned in respect of periods spent on duty;
- (e) "earned leave due" means the amount of earned leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior to that date plus the amount of earned leave calculated under regulation 21 diminished by the amount of earned leave taken on or after the commencement of these regulations;
- (f) "employee" means an employee of the Board;
- (g) "employee in permanent service" means an employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;
- (h) "employee in quasi-permanent service" means an employee who has been declared quasi permanent under the relevant rules;

(i) "half pay leave" means leave earned in respect of completed years of service;

(j) "half pay leave due " means the amount of half pay leave calculated under regulation 22 for the entire service, diminished by the amount of half pay leave on private affairs and on medical certificate, taken before the commencement of these regulations and half pay leave taken on or after that date;

(k) "leave" includes earned leave , half pay leave, commuted leave, leave not due and extra- ordinary leave;

(l) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963) , shall take the meanings, respectively, assigned to them in that Act.

Explanation: The period of suspension of an employee which is treated as dies non, should be reckoned as service for the purpose of these regulations.

#### **4. Employees on transfer or on foreign service –**

- (1) The employees to whom these regulations apply shall continue to be governed by these regulations while on temporary transfer to the State or Central Government or while on foreign service within India.
- (2) In the case of employees on foreign service outside India (including service within U.N. Agencies, within or outside India) or on temporary transfer to the armed forces of the Union, these regulations shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

#### **5. Right to leave -**

Leave cannot be claimed as of right. The authority empowered to grant leave shall have discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service, but it shall not be opened 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 or removal or resignation on leave at credit-**

- (1) Except as provided in sub regulation (2), any claim to leave at the credit of an employee who is dismissed or removed or who resigns from Board's service ceases from the date of such dismissal or removal or resignation.
- (2) An employee who is dismissed or removed from service and is re-instated on appeal or revision , shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

#### **8. Commutation of one kind of leave into another-**

- (1) The application of an employee for commutation of one kind of leave into another may be considered only if the same has been received by the leave sanctioning authority or any other authority designed in this behalf, within a period of 30 days of concerned employee joining his/her duties on the expiry of the relevant spell of leave availed of by him/her.

- (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:** Extra-ordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of regulation 24.

- (3) The commutation of one kind of leave into another, granted already to an employee when he was in service, cannot be considered after the employee quits the service on retirement since according to the provision under Regulation 7(1) and 29(1)(a) all leave standing at his credit lapses as soon as he ceases to be in service.

#### **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: (1) Casual leave which is not recognised as leave under these regulations shall not be combined with any other kind of leave admissible under these regulations.

Explanation: (2) Casual leave can be combined with special casual leave but not with any other kind of leave.

#### **10. Maximum amount of continuous leave-**

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

#### **11. Application for leave-**

Any application for leave or for extension of leave shall be made in Form-1 to the authority competent to grant leave.

#### **12. Leave Account –**

A leave account shall be maintained in Form No.2 for each employee by the authority authorised by the Board.

#### **13. 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.

**Note:** The order sanctioning leave shall indicate the balance of earned leave/Half pay leave at the credit of the employee.

- (2) (a) Where there is a 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 the employee and issue provisional sanction of leave for a period not exceeding 60 days.
- (b) The grant of leave under this sub-regulation shall be subject to verification by the authority 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, an undertaking for the recovery of leave salary, if any, paid in excess, shall be taken from the employee.

(3) (a) Leave not to be granted in certain circumstances:-

(a) "Leave shall not be granted to an employee whom the competent punishing authority has decided to dismiss, remove or compulsorily retire from the services of the Board."

(b) "Leave shall not be granted to an employee under suspension"

#### **14. 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 in Form No.3 given by the Ports Medical Officer defining as clearly as possible the nature and probable duration of the illness;

Provided that if the employee falls ill in places, where the Port's Medical Officer is not available medical certificate shall be obtained from any authorised medical attendant and in places where no authorised medical attendant is available, the medical certificate shall be obtained from a Registered Medical Practitioner.

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

(3) The authority competent to grant leave may at its discretion secure a second medical opinion in case of certificate issued by an authorised medical attendant or Registered Medical Practitioner by requesting the Port Medical Officer to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Medical Officer referred to in sub-regulation(3) to express an opinion both as regards the facts of the illness and regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before him or before a medical officer nominated by him.

(5) The grant of a medical certificate under this regulations 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 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 three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

#### **15. Leave to an employee who is unlikely to be fit to return to duty-**

(1)(a) When a medical authority 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 employee.

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

- (i) If the medical authority 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 medical authority.
- (ii) If an employee is declared by a medical authority 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 medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of report of the medical authority does not exceed six months.
- (2) An employee who is declared by a medical authority to be completely and permanently incapacitated for further service shall:
  - (a) if he is on duty, be invalided for service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority if, however, he is granted leave under sub-regulation (1) he shall be invalided from service on the expiry of such leave;
  - (b) if he is already on leave, be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-regulation (1).

#### **16. Commencement and termination of leave-**

Except as provided in regulation 17, 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.

#### **17. Combination of holidays with leave –**

- (1) When the day, immediately preceding the day on which an employee's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee may be permitted 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 -

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance.
- (b) his early departures does not entail a correspondingly early transfer from another station of an employee to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the employee who was performing his duties during his absence or in the discharge from Boards service of a person temporarily appointed to it.
- (2) On condition the departing employee remains responsible for the moneys in his charge, the Head of Department may, in any particular case waive the application of clause (a) of the proviso 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 rearrangement of pay and allowances take effect from the day after the holiday; and
- (b) if holidays are suffixed to leave, the leave is treated as having terminated on the day of its expiry and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

**Note - 1:** Compensatory leave granted in lieu of duty performed by an employee on Sunday or a Holiday for a full day may be treated as holiday for the above purpose.

**Note - 2:** Prefixing and suffixing holidays to leave, other than leave on Medical certificate, shall be allowed automatically except in cases where for Administrative reasons permission for prefixing or suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

#### **18. Recall to duty before expiry of leave –**

- (1) In case the employee is recalled to duty before the expiry of his leave, such recalled 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) travelling allowance under rules made in this behalf 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 the post at the same rate at which he would have drawn it but for recalled to duty;
    - (ii) a free passage to India;
    - (iii) refund of his passage from India if he has not completed half the period of leave by the date of leaving for India as on recall, or three months, whichever is shorter;
    - (iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

#### **19. 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 to 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 in Form No.4 obtained from the Ports' Medical officer or Authorised Medical Attendant or a Registered Medical Practitioner.

(4) (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, specified in the order granting him the leave and await order.

**Note:-** An employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

Explanation:-

- (i) Registered Medical Practitioner for the purpose of this regulation shall include Registered allopathic, Ayurvedic, Unani or Homeopathic Medical Practitioners i.e. Registered Doctors, Vaid, Hakims and Homeopaths.
- (ii) Notwithstanding anything contained in the preceding sub-paragraph the leave sanctioning authority, may in its discretion, either altogether waive the requirements of a medical certificate or may accept a certificate from a Vaid, Hakims or a Homeopath in case of applications for leave on grounds of sickness for a period not exceeding 3 days at a time. Such leave shall not however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

**20. Absence after expiry of leave –**

(1) Unless 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) Wilful absence from duty after the expiry of leave will render an employee liable to disciplinary action.

**21. Earned leave and Calculation of Earned Leave:-**

(1) (a) (i) An employee shall be entitled to earned leave at the rate of 30 days for each calendar year.

(ii) The leave account of every employee shall be credited with earned leave in advance in two instalments of 15 days each on the 1<sup>st</sup> January and July every year.

(iii) When an employee is appointed during the course of a calendar year, earned leave should be credited to his leave account at the rate of  $2\frac{1}{2}$  days for each completed calendar month of services which is likely to render in the calendar half year in which he is appointed.

**Note:-** If an employee is appointed on the 13<sup>th</sup> March, the number of complete months for his service in that half year will be 3 and the credit will be  $3 \times 2\frac{1}{2} = 7\frac{1}{2}$  days rounded to 8 days. If he is appointed on 20<sup>th</sup> April, the number of complete months will be only 2 and the credit will be  $2 \times 2\frac{1}{2} = 5$  days.

- (iv) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of 2 ½ days per completed calendar month, upto the date of retirement or resignation .
- (v) 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 21/2 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 in service
- (b) The leave at 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 300 days
- (c) (i) where an employee not in permanent employee 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 has been rendered as an employee in permanent employment diminished by any earned leave already taken.
- (d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.
- (vi) Where an employee joining a new post without availing full joining time by reasons that
  - (a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled or,
  - (b) he proceeds alone to the new place of posting and joins the post without availing the full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family,
  - (c) the number of days of joining time as admissible under such Rule (4) of Rule 5 if the Central Civil Services (joining time) Rules 1979, subject to the maximum of 15 days reduced the number of days actually availed of shall be credited to his leave account as Earned Leave.
  - (d) provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed to 300 days.
- (2) subject to the provisions of the regulation 5 and 29, the maximum earned leave that may be granted at a time shall be 180 days.
- (3) If an employee has availed of extra-ordinary 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 maximum of 15 days.
- (4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

Note: 1: Eligibility in cases of officials on leave on the last day of a particular half-year:-

"If an employee is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first day of the succeeding half year, provided the authority competent to grant leave has reason to believe that the employee will return to duty on its expiry".

Note:2: " When an employee avails of leave towards the end of a half year and such leave extends beyond the close of the half year into the next half year, that portion of leave which falls in the half year which is coming to a close is to be deducted



from the leave at credit of the employee and the balance leave carried forward to the next half-year. The advance credit of 15 days , due at the commencement of next half-year, shall be allowed in the following manner:-

- (5) In the case of employees having at credit Earned Leave of 285 days or less on 1<sup>st</sup> January/1st July of a year, Earned Leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half-year may continue to be credited to their leave account in advance as at present.
- (6) In cases where the earned leave at credit as on 1<sup>st</sup> January/1st July is 300 days or less but more than 285 days , an advance credit of 15 days will be made in the leave account and the resultant total shall be shown as 300+the number of days exceeding the ceiling of 300 days. Number of days exceeding the ceiling of 300 days will be shown in brackets. Leave taken during the current half year -will first be adjusted against the figures shown in brackets and the balance if any credited to the EL account at the close of the half year subject to the ceiling of 300 days. If the earned leave taken during the half year is more than 15 days , the number of days in excess of 15 days will, however, have to be debited to the leave account.

## 22. Half pay leave:-

- (1) The half pay leave account of every employee shall be credited with the half pay leave in advance, in two instalments of ten days each on the 1<sup>st</sup> day of January and July of every calendar year.
- (2) a) The leave shall be credited to the said leave account at the rate of 5/3 days for each calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.
- b) The credit for the half year in which an employee is due to retire or resigns from the service, shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.
- c) When an employee is removed or dismissed from service , or dies while in service , the credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month upto the end of the calendar month preceeding the calendar month in which he is removed or dismissed from service or dies in service.
- d) Where a period of absence or 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 ten days.
- (3) The leave under this regulation may be granted on medical certificate or on private affairs.
- (4) While affording credit of half pay leave , fraction of a day shall be rounded off to the nearest day. Provided that , in the case of employee not in permanent employ or quasi permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons 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 medical authority .

### (5) Credit for the incomplete portion upto 31.12.1985;

Employees may be allowed the benefit of half pay leave for incomplete period of service of 1985, till 31<sup>st</sup> December 1985, by crediting their half pay leave account at the rate of 5/3 days p.m. on 1<sup>st</sup> January 1986, along with the advance credit of half pay leave. While calculating the completed months of service, the month may be rounded off to the next higher if it exceeds 15 days.

## 23. 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) when commuted leave is granted, twice, the amount of such leave shall be debited against the half pay leave due;

(Sub-clause (c) is deleted vide GSR 535 (E), dated 22.11.1996)

(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 a study certified to be in the public interest by the leave sanctioning authority

(3) where an employee who has been granted commuted leave resigns from service or at his request is 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 such 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.

(4) Commuted leave upto a maximum of 60 days can be granted to a female employee in continuation of maternity leave without medical certificate.

(Sub-regulation (4) is added vide GSR 535 (E), dated 22.11.1996)

#### 24. 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 or quasi-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 shall be granted to an employee limited to a maximum of 360 days during the entire service on medical certificate

(Sub-clause (c) is substituted vide GSR 535 (E), dated 22.11.1996)

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

(2) Leave not due may be granted to temporary employees who are suffering from T.B Leprosy, Cancer or Mental illness for a period not exceeding 360 days during the entire service subject to the fulfilment of conditions in clauses(a),(b) and (d) of sub-regulation (1) subject to the following further conditions:-

(i) that the employee has put in a minimum of one year of 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 clauses (c) and (d) of sub-regulation (2) of regulation 25.

(3) (a) Where an employee who has been granted leave not due resigns from service or at his request 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 the event of his death.

Provided further that no leave salary shall be recovered under clause (a) or under clause (b), if the employee is compulsorily retired prematurely under rules 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972 or is retired by giving him notice or not less than 3 months in writing or 3 months pay and allowances in lieu of such notice under regulations (5) of T.P.T.E. (Retirement) Regulations, 1979.

(Above proviso is added vide GSR 535 (E), dated 22.11.1996)

## 25. Extra-ordinary leave;

1. Extraordinary leave shall be granted to an employee in special circumstances:-

(a) When no other leave is admissible,

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

(Sub-regulation (1) is added vide GSR 535 (E), dated 22.11.1996)

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

(a) three months without medical certificate;

(b) six months for common ailments, where the employee has completed one year's continuous service on the date 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 the regulations;

(c) upto eighteen months on medical certificate where the employee who has completed one year's continuous service is undergoing treatment for cancer, mental illness, pulmonary tuberculosis or pluerisy of tubercular origin, tuberculosis of any part of the body and leprosy;

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

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

**Note:** The concession of extra ordinary 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 tuberculosis specialist recognised as such by the State Administrative Medical Officer 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 a civil surgeon or staff surgeon, or
- (iii) Leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned.
- (e) Twenty four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest 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 in Form No.5 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 status comparable to or higher than that of the employee.
- (4) Employees belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the pre-examination Training Course at the centres notified by the Board from time to time, be granted extraordinary leave by Heads of Department in relaxation of the provisions of sub-regulation (2)
- (5) 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 purpose of sub-regulation (2)
- (6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

Explanation 1: Technically, an employee on a casual leave is not treated as absent from stay, and his pay is not intermitted, Casual leave however, must not be given so as to cause evasion of the rules regarding:-

- (i) date of reckoning of pay and allowances
- (ii) charge of office,
- (iii) commencement and end of leave.
- (iv) Return to duty or so as to extend the terms of leave beyond the time admissible by regulation.

Explanation 2: Special Casual leave may be allowed to an employee for a period not exceeding 30 days in any one calendar year. The period of absence in excess of 30 days should be treated regular leave of the kind admissible under the leave regulations applicable to the persons concerned. For this purpose employee may, as a special case, be permitted to combine special casual leave with regular leave. Special casual leave connected with sterilisation / reconciliation under family welfare programme may be suffixed as well as prefixed to regular leave or casual leave but not to both.

Expansion 3: The Special Casual Leave may be allowed only;-

- (a) for undergoing sterilisation operations and for trade union activities recognised by the Board, and
- (b) for participation in sporting events of national or international importance and when the employee concerned is selected for such participation.
  - (i) in respect of international sporting events by any National Sports Federation or Association recognised by the All India Council of Sports and approved by the Ministry of Education, or
  - (ii) in respect of events of national importance, when the sporting event in which participation takes place, is held on an interzonal or intercircle basis and the employee concerned takes part in the event in a team as duly nominated representative on behalf of the Port, State Zone or Circle as the case may be.
- (c) Heads of Department may grant special casual leave in cases of natural calamities, bundh etc., The employees who stay at places far from the Headquarters as a result of which they have to commute a long distance to their office, and due to dislocation of traffic arising out of natural calamities, bundh, etc., shall be granted special casual leave by the Heads of Departments concerned.

(Sub-clause (c) is added vide GSR 535 (E), dated 22.11.1996)

The concession is not to be allowed for participating either in a national or international sporting event in which such participation of the employee concerned takes place in a personal capacity and not in a representative capacity.

## **26. Leave to a Probationer, Person on Probation and an Apprentice:**

- (1) (a) A probationer shall be entitled to leave under these regulations as if he had held 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.

- (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 25.

## 27. Persons Re-employed after Retirement.

In the case of person re-employed after retirement the provisions of these regulations shall apply as if he had entered Board's Service for the first time on the date of his re-employment.

## 28. Leave preparatory to Retirement:-

- (1) An employee may be permitted by the competent authority to take leave preparatory to retirement to the extent of earned leave due not exceeding 300 days as prescribed in regulation 21 together with half pay leave due, subject to the condition that such leave extends upto and includes the pay proceeding the date of retirement.

**Note:** The leave granted as leave preparatory to retirement shall not include extra-ordinary leave.

(300 days is substituted vide GSR 535 (E), dated 22.11.1996)

## 29. Leave beyond the date of Retirement or Quitting of Service-

- (1) 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 of his resignation from service, or
- (d) the date from which leave preparatory to retirement would have commenced had it not been refused under sub-regulation (2)

Provided that if in any exceptional case it becomes necessary to grant leave after this date but before the date of retirement, it may be granted and adjusted against the leave available to him after retirement under sub-regulation (2)

(Sub-Regulation (2&3) is deleted vide GSR 644 (E), dated 31.7.2000)

- (4) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee who retires from service on obtaining the age of retirement while under suspension or while disciplinary or criminal proceedings pending against him if in the view of such authority there is a possibility of some money becoming recoverable on conclusion of the proceedings against him. On conclusion of the proceedings he will become eligible the amount so withheld after adjustment of port dues, if any.

(Sub-clause (4) is substituted vide GSR 644 (E), dated 31.07.2000)

- (i) during the period of extension any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under sub-regulation (2) had he retired on the date of retirement.

(ii) After the expiry of the period of extension

- (a) the earned leave which could have been granted to him under sub-regulation (2) had he retired on the date of retirement diminished by the amount of such leave availed of during the period of extension; and
  - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service.
- (6) Where an employee to whom, clause (c) of sub-regulation (1) is applied the authority competent to grant leave shall suomoto issue an order granting cash equivalent of leave salary of earned leave if any, at the credit of the employee on the date of such retirement, subject to the maximum of 300 days.

Provided that the employee, who is retired by the Board by giving him pay and allowances in lieu of notice may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

7. Where the service of an employee, is terminated by notice or by payment of pay and allowances in lieu of notice or other wise in accordance with the terms and conditions of his appointment he may be granted suo 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 300 days.

If an employee resigns or quits service he may be granted suo 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 150 days.

30. Cash equivalent of leave salary in case of death in Service. In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got has not gone on earned leave 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 300 days shall be paid to his family without any reduction on account of pension equivalent of death cum retirement gratuity.

Note: In addition to the cash equivalent of leave salary admissible under the regulation, the family of the deceased employee shall also be entitled to payment of dearness

allowance as per orders issued in this behalf from time to time.

31. Encashment of unutilised Earned Leave on the date of retirement on superannuation. The employees be paid cash equivalent of leave salary in respect of the period of earned leave at their credit at the time of retirement on superannuation subject to the following conditions:-

- (a) the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of earned leave
- (b) the cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as one time settlement:
- (c) cash payment under this regulation will be equal to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement.
- (d) the authority competent to grant leave shall suomoto issue order granting cash equivalent of earned leave at credit on the date of retirement.

(Explanation is deleted vide GSR 535 (E), dated 22.11.1996)

31. A 1. Procedure for encashment of earned leave while in service.

- 1. every employee shall be allowed to encash earn leave once in a calander year. It will be limited to 50% of the leave standing at the credit of an employee and will be subject to the employee availing of atleast 7 days earned leave simultaneously or at different spells earlier and the balance at the time of encashment.

2. The encashed earned leave shall be debited to the earned leave account of the employee as if actually he has availed it.
3. The total of earned leave availed of and the earned leave encashed at a time shall not exceed 300 days.
4. The amount of such encashment shall be the pay and allowances, such as , variable dearness allowance, fixed dearness allowance , special dearness allowance and non-practising allowance, and any other emoluments which may be specially classified as pay for this purpose , for which the employee would have been eligible had he actually gone on leave, but does not include bonus , commission, house rent allowance , CCA and any other allowances and will be paid in advance.
5. The amount paid in lieu of surrender leave shall not count as emoluments for any purpose. It shall not also be subjected to recoveries in respect of provident fund , subscription, loans , advances etc.
6. Employees who are on deputation on foreign service terms to Government of India or State Government , or to other Public Sector Undertakings or other Ports will also be eligible for the benefit of these regulation, the entire liability being borne by the Tuticorin Port Trust Board.

#### 31-B Encashment of Half Pay Leave:

1. The entire Half pay leave at the credit of the employee who retire on superannuation /pre-mature retirement shall be allowed to be encashed subject to the conditions that Pension and Pension equivalent of other retirement benefits shall be deducted from the amounts payable as cash equivalent.
2. The encashment will be subject to the following conditions:-
  - (a) In respect of future retirees the amount of encashment of HPL will be calculated and paid together with encashment of earned leave.
  - (b) Calculation of cash equivalent in respect of Half Pay Leave at credit shall be made in the manner prescribed below.

Cash payment Half pay leave No of days of HPL

in lieu of salary plus DA due on the date of

half pay if admissible retirement/quitting

leave (minus) pension the service on

component = pension equivalent superannuation

of gratuity subject to the

and relief on limits prescribed.

pension if DA is

admissible on

half pay leave X

-----

30

(d) The amount so calculated shall be paid in one lump sum as a one time settlement.

32. Leave Salary:- (1) Except as provided in sub-regulations 5 and 6 an employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.
  - (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.
  - (5) (a) An employee who is granted leave beyond the date of retirement or quitting of service, as the case may be, as provided under regulation 30 shall be entitled during such leave to leave salary as admissible under this regulation, reduced by the amount of pension and pension equivalent of other retirement benefits.



(b) If during such re-employment he 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.

(6) In the case of a person to whom the employee's State Insurance Act 1948(34&1948) applies, leave salary payable during leave other than earned leave shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

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

(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, the over payment of leave salary shall be recovered in such cases.

Explanation: (i) An employee who is granted terminal or refused leave under the provisions of regulation 30 shall be paid in lump sum the amount equivalent to leave salary and allowances, if any, admissible during such leave for the entire period of such leave as one-time settlement

(ii) No permission for private employment during leave preparatory to retirement shall be granted, However an employee on leave preparatory to retirement may in a special case be permitted to take up employment with public sector undertakings without any restriction in the rate of the leave salary admissible to him.

33. Drawal of leave salary: The leave salary payable under these regulations shall be drawn in rupees in India.

34. Advance of leave salary- An employee including an employee on foreign service proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary up to a months' pay including allowances, as provided in General Financial Rules 1963 subject to deduction on account of Income Tax, Provident Fund, House Rent, recovery of advances, etc,

35. Maternity leave:- (1) A female employee (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 135 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.

Note:- In the case of a person to whom the Employees State Insurance Act, (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

2. Maternity leave not exceeding 6 weeks may also be granted to female employee (irrespective of number of surviving children) in case of mis carriage, including abortion on production of Medical Certificate as laid down in Regulation 14.

3. (a) Maternity leave may be combined with leave of any other kind

3. (b) In continuation of maternity leave

Leave of any kind due and admissible (including commuted leave for a period not exceeding 60 days and Leave not due) up to a maximum of 1 year may, if applied for, be granted without medical certificate in continuation of maternity leave granted under (Sub Regulation 1)

#### 4. Maternity Leave for adoptive Mother:

In the case of adoptive mother who are Port employees, the facility of leave of the kind due and admissible (including Leave Not Due and commuted leave not exceeding 60 days without production of Medical Certificate) not exceeding 1 year may be extended subject to the following conditions:

- i. The facility will not be available to an adoptive mother already have been two living children at the time of adoption.
- ii. The maximum admissible period of 1 year leave of kind due and admissible without production of medical certificate will be reduced by the age of child, as in the following instructions:

- (a) If the age of the adopted child is less than one month leave at one year may be allowed
- (b) If the age of the child is six months, leave upto six months may be allowed.
- (c) If the age of the child is nine months or more, leave upto three months may be allowed. Thus the child would have the mother's attention for at least three months.

5. Maternity leave shall not be debited against the leave account:

Explanation-1: Abortion induced under the medical termination of praganancy act, 1971 should also be considered as the case of abortion for the purpose of granting maternity leave.

Explanation-2: Abortion does not include ' threatened abortion' and maternity leave cannot be granted in the case of ' threatened abortion'

6. Paternity Leave for male employees:

A male employee (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary pay drawn immediately before proceeding on leave.

Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave as in the case of maternity leave. It may not normally be refused under any circumstances.

- 7. In the light of provisions under Regulations 35 (1) and 35 (i), a female employee in whose case the period of ninety days has not expired on the date of notification shall also be entitled to the maternity leave of 135 days. Similarly, paternity leave to a male employee may also be allowed in case of his wife had given birth to the child on the date not prior to 135 days from the date of notification.

1. 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 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 months after the occurrence of its cause.

3. The period of leave granted shall be such as is certified by the Medical Officer 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 (6) 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 a 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. (a) In the case of a person to whom the Workmen's Compensation Act, 1923 ( 8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of person whom the Employee's State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

37. Special Disability Leave for Accidental Injury:-

i. The provision of regulation 36 shall apply also to an employee whether permanent or temporary who is disabled by injury accidentally incurred in or the 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 of due to disease, must be certified by the Port Medical Officer to be directly due to the performance of the particular duty.

ii. that if the employee has contracted such disability during service, it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and

iii. that the period of absence recommended by the Port Medical Officer 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 of earned leave shall not exceed 120 days.

38. Hospital Leave; (1) The authority competent to grant leave may grant hospital leave to an employee whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks while under

medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2) Hospital leave shall be granted on the production of medical certificate from the Port Medical Officer.

(3) Hospital leave may be granted for such period as the authority granting it may consider necessary on leave salary-

(i) equal to leave salary while on earned leave for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave for the remaining period of any such leave.

4. Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

5. (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under the regulation shall be reduced by the amount of compensation payable under clause (d) of sub section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under the regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

39. Seamen's Sick Leave: (1) An employee servicing on board a vessel may while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks.

Provided that such leave shall not be granted if the Port Medical Officer certifies that the employee is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A Seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

(a) Port Medical Officer must certify the disability

(b) the disability must not be due to the seaman's own carelessness or inexperience;

(3) (a) In the case of a person to whom the Workmen's Compensation Act 1923 (8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub section (1) of section 4 of the said Act

b. In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(4) Seamen's sick leave shall not be debited against the Leave account and may be combined with any other kind of leave which may be admissible provided the total period of leave after such combination does not exceed 28 months.

40. Quarantine Leave:- (1) Where, in consequence of the presence of an infectious disease referred to in sub-regulation (2) in the family or house hold of an employee at his place of duty, residence or so-journ, his attendance at his office is considered hazardous to the health of other employees, such employee may be granted quarantine leave.

(2) (a) For the purposes of sub-regulation (1) cholera, small -pox, plague, diphtheria, typhus fever and cerebrospinal meningitis may be considered as infectious diseases, Chickenpox shall not, however, be considered as an

infectious disease unless the Board Medical Officer or Public Health Officer considers that because of doubt as to the true nature of the disease (for example, small pox), there is reason for the grant of such leave.

(b) In the case of an employee stationed in an area under the administration of a State Government such other diseases as may have been declared by that Government has infectious for the purpose of quarantine leave rules in force in that State, may also be considered as infectious disease for the purpose of this regulation.

(3) (a) Quarantine leave may be granted by Head of the office on the certificate of a Board Medical Officer or public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the employee.

4. Quarantine leave, subject to the maximum laid down in sub-regulation (3), may also be granted; when necessary, in continuation of other leave,

(5) An employee on Quarantine leave shall be treated as on duty, No substitute shall be appointed while he is on such leave.

41. Condition for grant of Study Leave:- (1) subject to the conditions specified herein, study leave may be granted to an employee with due regard to the exigencies of public service to enable him to undergo, in or out of India a special course of study consisting of higher studies or a technical subject having direct and close connection with the sphere of his duty.

2. Study Leave may also be granted:-

i. for a course or training or study tour in which an employee may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to the Board from the point of view of public Interest and is related to sphere of duties of the employee; and

ii. for the purpose of studies connected with the frame-work or back-ground of the public administration subject to the conditions that-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the employee should be required to submit on his return, a full report on the work done by him while on study leave;

iii. for the studies which may not be closely or directly connected with the work of an employee but which are capable of widening his mind in a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the public services.

Note:- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case.

3. Study leave shall not be granted unless-

(i) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest.

(ii) It is prosecution of studies other than academic or literary subjects:

Provided that a Medical Officer may be granted study leave for prosecuting a course of post-graduate study in Medical Sciences if the Chief Medical Officer of the Board certifies to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance to his duties

Provided further that a specialist or a technical person may be granted study leave on merits of each case, for prosecuting a post graduate course of a study directly related to the sphere of his duty in case the head of Department certifies that the course of study shall enable the specialist or the technical person as the case may be, to keep abreast with the modern development with field of his duty improve his technical standards and competence and thus substantially benefit the Board;

iii. the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

4. Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Scheme administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

5. Study leave shall not ordinarily be granted to an employee-

(i) who has rendered less than five years' service under the Government;

(ii) who is due to retire, or has the option to retire, from the Board's service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to an employee with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

#### **42. Maximum amount of study leave:-**

The maximum amount of study leave, which may be granted to an employee, shall:-

(a) Ordinarily twelve months at any one time; and

(b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules)

#### **43. Application for study leave:-**

1. (i) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(ii) The course of study contemplated by the employee and any examination which he proposes to undergo shall be clearly specified in such application

(2) Where it is not possible for the employee to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

**44. Sanction of study leave –** (1) A report regarding the admissibility of the study leave shall be obtained from the officer maintaining service records. The study leave, if any, already availed of by the employee shall be included in the report.

(2) Where an employee borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave through the Ministry concerned.

**Note:-** The Head of the Mission shall be contacted by the employee for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form No. 6 or Form No. 7 as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every employee not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form No. 8 or Form No. 9 as the case may be before the study leave or extension of such leave granted to him commences.

5 (a) On completion of the course of study the employee shall submit to the authority which granted him the study leave, certificates of examinations passed or special course of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority incharge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

**45. Accounting of study leave and combination with leave of other kinds:-** (1) Study leave shall not be debited against the leave account of the employee.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extraordinary leave, involve a total absence of more than twenty eight months generally and thirty six months for the courses leading to Ph.D. Degree from the regular duties of the employee.

**EXPLANATION:** The limit of twenty eight months/thirty six month of absence prescribed in this sub regulation includes the period of vacation.

(3) An employee granted study leave, in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in regulation 18 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

**46. Regulation of study leave extending beyond the course of study:-** When the course of study falls short of study leave granted to an employee he shall resume duty on the conclusion of the course of a study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of short fall as ordinary leave.

**47. Leave salary during study leave :-** (1) During study leave availed of outside India, an employee shall draw leave salary equal to the pay that the employee drew while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowance, house rent allowance and study allowance as admissible in accordance with the provisions of regulation 48 to 50.

2 (a) During study leave availed of in India, an employee shall draw leave salary equal to the pay that the employee drew while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowance and house rent allowance as admissible in accordance with the provisions of Regulation 51.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part time employment.

(c) The amount if any received by an employee during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-regulation (2) of regulation 48 shall be adjusted against the leave salary payable under this sub-regulation subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

**48. Conditions for grant of study allowance:** - (1) A study allowance shall be granted to an employee who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where an employee has been permitted to receive and retain in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source or any other remuneration in respect of any part time employment:-

(a) No study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees if any paid by the employee from the value of the scholarship or stipends or remuneration) exceeds the amount of study allowance otherwise admissible;

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that -

(a) the employee attends during vacation any special course of study or practical training under the direction of the employee or the authority competent to grant leave, as the case may be; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Heads of the Mission or the authority competent to grant leave, as the case may be, that he was continued his studies during the vacation.

Provided that in respect of vacation falling at the end of course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.



**49. Rates of study allowance:-** The rates of study allowance shall be fixed by the Central Government from time to time for these employees.

**50. Procedure for payment of study allowance:-**

(1) Subject to sub-regulation (2) (b) of regulation 48 payment of study allowance shall be subject to furnishing a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the employee he would refund to the Board any over-payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilisation of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country when where is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the employee from time to time supported by proper certificate of attendance.

(b) This certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the employee is undergoing study in an educational institution or at intervals not exceeding three months if he is undergoing study at any other institutions.

(4) (a) When the programme of a study approved does not include, or does not consist entirely of such a course of study, the employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

**51. Admissibility of allowances in addition to study allowance:-**

51.(1) For the first 180 days of the study leave, house rent allowance shall be paid at the rate admissible to the employee from time to time at the station from where he proceeded on study leave. The continuation of payment of house rent allowance beyond 180 days shall be subject to the production of a certificate as prescribed in para 8(d) of Ministry of Finance, O.M.. No. 2(37)-EII(b)/64, dated 27.11.1965 as amended from time to time.

51(2) Except for house rent allowance as admissible under Sub Regulation (1) and dearness allowance and study allowance, where admissible, no other allowance shall be paid to an employee in respect of the period of study leave granted to him.

**52. Travelling allowance during study leave:** An employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstances sanction the payment of such allowance.

**53. Cost for fees for study:-** An employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Board may sanction grant of such fees.

Provided that in no case shall be cost of fees be paid to an employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary, any remuneration in respect of part time employment.

**54. Resignation or retirement after study leave or non-completion of the course of study:-**

1. If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty or fails to complete the course of study and is thus unable to furnish the certificate as required under Sub Regulation (5) of Regulation 44, he shall be required to refund-

(i) The actual amount of leave salary, dearness allowance, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and

(ii) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study.

together with interest thereon at rates for the time being in force on Board loans from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise;

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply:-

(a) to an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds or

(b) to an employee, who after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Board and is subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

2(a) The study leave availed of by such employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the employee under sub-regulation (1) he shall be required to refund any excess leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this regulation the Board may if it is necessary or expedient to do so, either in the public interest or having regard to the peculiar circumstances of the case or class of cases, by order waive or reduce the amount required to be refunded under the sub-regulation (1) by the employees concerned or class of employees.

**55. Interpretation :-** Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Central Government whose decision thereon shall be final.

**56. Power to relax:-** Where the Board is satisfied that the operation of any of these regulations causes undue hardship in any particular cases it may be order for reasons recorded in writing dispense with or relax the requirement of that regulation to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

FORM – 1

(SEE REGULATION 11)

1. Name of the applicant

2. Post held

3. Department, Office and Section.

4. Pay

5. House rent and other compensatory

allowances drawn in the present post

6. Nature and period of leave applied for and date from which required.

7. Sundays and holidays. If any, proposed to be pre-fixed/suffixed to leave.

8. Grounds on which leave is applied for

9. Date of return from last leave, and the nature of period

of that leave.

10. I propose/do not propose to avail myself of leave travel concession for the block years-----during this leave

11. Address during leave period.

12. In the event of my resignation of voluntary retirement from service, I undertake to refund-

(i) the difference between the leave salary drawn during commuted  
leave and that admissible had sub-regulation (1) or regulation  
24 not been applied.

(ii) the leave salary drawn during leave not due which would not have been admissible had sub-regulation 25 not been applied.

SIGNATURE OF APPLICANT (with date)

13. Remarks and/or recommendation of the controlling officer.

SIGNATURE (with date)

Certificate regarding admissibility of leave.

14. Certified that (nature of leave) for (period) from .....to.....is admissible under regulation .....of the Tuticorin Port Employees (leave) regulation, 1979.

SIGNATURE (with date) /Designation

15. Orders of the authority competent to grant leave.

SIGNATURE (with date) /Designation

FORM – 2

(See Regulation 12)

FORM OF LEAVE ACCOUNT

Name of Employee:

Date of commencement of continuous service:

Date of quasi permanent / permanent employment:

Particulars of service in the calendar half year	Completed months of service in calendar half year	E.L. credited at the beginning of half year	No of days of other kinds of leave (HPL, Commuted leave, leave not due & EOL (col 19+22+22c+30+33) availed of during the previous calendar half year.	E.L. to deducted (1/11th of the period in col.5)	Total credit in days (col.4+11-6)	Leave taken			Balance of E.L. on return from leave (col.7-10)	Length of Service	
						From	To	No of days		From	To
From	To										

(2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13)

Note 1: The Earned leave due should be expressed in days.

Note 2: When an employee is appointed during the course of a particular calendar half-year, E.L. should be credited @ 21/2 days for each completed month and the fraction of a day will be rounded to the nearest day.

Note 3: The old leave account in respect of existing employees has to be closed and the balance will have to be carried forward to the new account in col.11. While doing so the balance at credit may be rounded off to the nearest day.

Note 4: The entries in col.6 should be in complete days. Fraction of a day will be rounded to the nearest day.

Note 5: Period of extra-ordinary leave should be noted in red ink.

Note 6: The entries in columns 12&13 should indicate only the beginning and end of completed years of services at the time the half pay leave commences. Where an employee completes another year of service while on half pay leave the extra credit should be shown in columns 12 to 16 by making suitable additional entries and this should be taken into account while completing col.32.

Date of birth.....

Date of retirement/resignation.....

Leave (on private affairs and on medical certificate including commuted leave and leave not due)

Credit of leave		Leave at credit (col, 15+32)	Half pay			Leave taken			Commuted leave without medical certificate for studies certified to be in public interest (limit to 180 days half pay leave converted into 90 days commuted leave in entire service)			Commuted leave converted into half pay leave (twice of col, 22&22C)
No. of completed year	Leave earned (in days).		Against the earning on half pay			Commuted leave on Medical Certificate on full pay						
			From	To	No. of days.	From	To	No. of days.				
									From	To	No. of days.	
(14) (15)		-16	(17) (18) (19)			(20) (21) (22)			(22A) (22C)	(22B)	-23	

Leave not due limited to 360 days in entire service

On Medical Certificate			Otherwise than on Medical certificate limited to 180 days.			Total of leave not due (col, 26+29)	Total half pay leave taken (col, 19+23+30)	Balance of half pay leave on return from leave. (col. 16-31)	Other kinds of leave taken.
From	To	No. of days.	From	To	No. of days.				

24. (25) (26) (27) (28) (29) (30) (31) (32) (33)

FORM – 3

(See Regulation 14)

MEDICAL CERTIFICATE FOR EMPLOYEES RECOMMENDED LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE.

Signature of Employee, .....

I ..... after careful personal examination of the case hereby certify that Shri / Shrimathi / Kumari ..... whose signature is given above, is suffering from ..... and I consider that a period of absence from duty of ..... with effect from .....

is absolutely necessary for the restoration of his / her health.

Authorised Medical Attendant

..... Hospital / Dispensary

or other Registered Medical Practitioner

Date.....

Note 1: The nature and probable duration of the illness should be specified.

Note 2: The Form should be filled in after the signature of the Employee has been taken. The Certifying Officer is not at liberty to certify that the employee requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

Note 3: Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical Examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon who shall express an opinion both as regards the facts of illness and as he regards the necessity for the amount of leave recommended and for this purpose may either require the employee to appear before himself or before a medical officer nominated by himself.

Note 4: No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the employee.

FORM – 4

(( See Regulation 19 (3) ))

#### MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of Employee.....

We , the member of Medical Board..... / I, .....

Chief Medical Officer / Medical Officer of the Port/Medical Attendant or Registered

Medical Practitioner, do hereby certify that we /I have carefully examined Shri / Shrimathi / Kumari ..... whose signature is given above, and find that he / she has recovered from his / her illness and is now fit to resume duties in Board Service. We / I also certify that before arriving at this decision. We / I have examined the original medical certificate (s) and statement (s) of the case (or certified copies thereof) on which

leave was granted or extended and have taken these into consideration in arriving at our / my decision.

Members of the Medical Board

(1) .....

(2) .....

(3) .....

Chief Medical Officer / Medical Officer of this port.

Date .....

Note : The original medical certificate(s) and statement (s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the employee concerned.

FORM – 5

( See Regulation 26 (3) )

#### BOND FOR TEMPORARY EMPLOYEE GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF REGULATION 26 (2) (e) FOR STUDY

KNOW ALL MEN BY THESE PRESENTS THAT WE ..... resident of..... in the District of ..... at present employed as ..... in office of the New Tuticorin Port of ..... (hereinafter called "the obliger") and Shri / Shrimathi / Kumari ..... Son / Daughter of ..... of ..... (hereinafter called the sureties do hereby jointly and severally bind ourselves and our respective heirs, executors and administrator to pay to the Board its successors and assigns ..... (together with interest thereon from the date of demand at Government rates for the time being in force on Board loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas the Board has, at the request of the above bounden Shri / Shrimathi / Kumari ..... employed as a ..... granted him / her regular leave, followed by extraordinary leave without pay and allowances, for a period.....

months ..... day with effect from ..... in order to enable him / her to study at .....

And whereas, the Board has appointed / will have to appoint a substitute to perform the duties of ..... during the period of absence of Shri / Shrimathi / Kumari ..... on extraordinary leave.

And whereas for the better protection of the Board, the obliger has agreed to execute this Bond with two sureties with such condition as here under written:

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the bounden.

Now the condition of the written obligation is that in the event of the above bounden Shri / Shrimathi / Kumari ..... failing to rejoin on the expiry of the extraordinary leave, the post originally hold by him / her and serve the Board after rejoining for such period not exceeding a period of ..... years as the Board

may require or refusing to serve the Board in any other capacity as may be required by the Board on a salary to which he / she would be entitled under the regulations the said Shri / Shrimathi / Kumari ..... or his / her heirs,executors and administrators shall forthwith pay to the Board on demand the said sum of Rs.....

together with interest thereon from the date of demand at Government rates for the time being in force on Board loans.

And upon the obliger Shri / Shrimathi / Kumari.....and; or Shri / Shrimathi / Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue.

Provided always that the liability of the sureties here under shall not be impaired or

discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties nor shall it be necessary for the board to sue to the obliger before suing the sureties Shri / Shrimathi / Kumari and ..... Shri / Shrimathi / Kumari..... or any of them for amounts due here under.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities here under shall where necessary be accordingly determined by the appropriate courts in India.

The Board have agreed to bear the stamp duty payable on the bond .

Signed the dated this ..... day of ..... one thousand nine hundred and

Signed and delivered by the obliger above named Shri / Shrimathi / Kumari .....in the presence of .....

1. ....

2. ....

Signed and delivered by the suriety above named Shri / Shrimathi / Kumari in the Presence of .....

Witness

1. ....

2. ....

Signed and delivered by the surety above named Shri / Shrimathi / Kumari in the Presence of .....

Witness

1. ....

2. ....

Accepted

for and on behalf of the Board.

FORM – 6

(( See Regulation 44 (4) )

BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

Know all men by these presents that I ..... resident of ..... in the District of ..... at present employed as ..... in office of New Tuticorin Port as hereby bind myself and my heirs executors and administrators to pay to the New

Tuticorin Port Trust (hereinafter called the Board) on demand the sum of Rs.....

(Rupees..... only)together with interest thereon from the date of demand at Government rates for the time being in force on Board Loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas I,..... am granted study leave by Board.

And whereas for the better protection of the Board I have agreed to execute this

bond with such condition as here under is written.

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after return to duty. I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs.....(Rupees .....only) together with interest thereon from the date of demand of Government rates for the time being in force on Board loans.

And upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities here under shall where necessary be accordingly determined by the appropriate courts in India.

The Board has agreed to bear the stamp duty payable on this bond.

Signed and dated this..... day of..... one thousand nine hundred and ..... / signed and delivered by ..... in the presence of witness.

Witness

1. ....

FORM – 7

(( See Regulation 44 (4) ))

#### BOND TO BE EXECUTED BY AN EMPLOYEE IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

Know all men by these presents that I ..... resident of .....in the District of ..... at present employed as ..... in office of..... do hereby bind myself and my heirs executors and administrators to the New

Tuticorin Port Trust (hereinafter called the Board) on demand the sum of Rs.....

(Rupees.....only)together with interest thereon from the date of demand at Government rates for the time being in force on Board Loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.



Whereas I ..... was granted study leave by Board for the period from .....to ..... in consideration of which I executed .....

for Rs..... (Rupees.....only) in favour of the Board.

And whereas the extension of study leave has been granted to me at my request  
until.....

And whereas for the better protection of the Board I agreed to execute this bond with such condition as hereunder written.

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after return to duty, I shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs.....(Rupees .....only) together with interest thereon from the date of demand of Government rates for the time being in force on Board loans.

And upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue. The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Board have agreed to bear the stamp duty payable in this bond.

Signed and dated this.....day of..... one thousand nine hundred and ..... / signed and delivered by  
..... in the presence of witness.

Witness

1. .... 2. ....

Accepted

for and on behalf of the board.

FORM – 8

( See Regulation 44 (4))

Know all men by these presents that we ..... resident of..... in the District of ..... at present employed as  
..... (called the obliger)and

Shri / Shrimathi / Kumari..... Son / daughter of ..... of (hereinafter called sureties do hereby jointly and severally bind ourselves and our respective heirs,

executors and administrators to pay to the New Tuticorin Port Trust( herinafter called

"The Board") on demand the sum of Rs.....(Rupees .....only)together with interest thereon from the date of demand at Government rates for the time being in force on Board Loans or if payment is made in a country other than India, the equivalent of the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas the obliger is granted study leave by the Board.

And whereas for the better protection of the Board, the obliger has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of obliger Shri / Shrimathi / Kumari..... failing to resume duty or resigning from service or otherwise quitting without returning to duty after the expiry or termination of the period of study

leave or at any time within a period of three years after his return to duty. The Obliger and the sureties shall forthwith pay to the Board or as may be directed by the Board on demand the said sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Board loans

And upon the obliger Shri / Shrimathi / Kumari.....and or Shri / Shrimathi / Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect , otherwise it shall be and remain in full force and virtue.

Provided always that the liability of the sureties here under shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties nor shall it be necessary for the board to sue to the obliger before suing the sureties Shri / Shrimathi / Kumari and ..... Shri / Shrimathi / Kumari..... or any of them for amounts due here under.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The board have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and ..... / Signed and delivered by the obliger above named Shri / Shrimathi / kumari.....In the presence of

Witness

1. ....

2. ....

Signed and delivered by the surety above named Shri / Shrimathi / Kumari

Witness

1. ....

2. ....

Signed and delivered by the surety above named shri / shrimathi/ kumari.....in the presence of

Witness

1. ....

2. ....

Accepted

for and on behalf of the Board.

FORM – 9

( See Regulation 44 (4) )

**BOND TO BE EXECUTED BY AN EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE.**

Know all men by these presents that we ..... resident..... in the .....District of ..... at present employed as.....

office of..... (hereinafter called "the obliger") and Shri / Shrimathi /Kumari..... Son / daughter of ..... of.....and Shri/Shrimathi/Kumari.....Son/daughter of.....of .....(hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs executors and administrators to pay to the New Tuticorin Port Trust(hereinafter called the board) on demand the sum of Rs.....(Rupees .....only) together with interest thereon from the date of demand at Government rates for the time being in force on Board loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Board.

Whereas the obliger was granted study leave by the Board for the period from

..... to..... in consideration of which he executed a bond dated .....

for Rs..... (Rupees.....only) in favour of board.

And whereas the extension of study leave has been granted to the obliger at his request until.....

And whereas the for the better protection of the board the obliger has granted to execute this bond with such condition as here under is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of obliger Shri / Shrimathi / Kumari..... resigning from service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after his return to duty. The Obliger and the sureties shall forthwith pay to the Board or as may be directed by the Board on

demand the said sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Board rates for the time being in force on Board loans.

And upon the obliger Shri /Shrimathi / Kumari.....and, or Shri /Shrimathi / Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

Provided always that the liability of the sureties here under shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Board or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the board to sue to the obliger before suing the sureties Shri / Shrimathi / Kumari and ..... Shri / Shrimathi / Kumari..... or any of them for amounts due here under.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Board have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of ..... / Signed and delivered by the obliger above named Shri / Shrimathi / Kumari ..... in the presence of.....

Witness

1. ....

2. ....

Signed and delivered by the surety above named Shri / Shrimathi / Kumari.....in the presence of.....

Witness

1. ....

2. ....

Signed and delivered by the surety above named Shri / Shrimathi/ Kumari.....in the presence of

Witness

1. ....

2. ....

Accepted

for and on behalf of the Board.

