

**THE CLASS-I OFFICERS OF THE VISAKHAPATNAM PORT
(ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT)
REGULATION, 1970**

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In exercise of the powers conferred by Section-28 of the Major Port Trusts Act, 1963 (38 of 1963) and in supersession of all existing rules, regulations and orders on the subject, the Board of Trustees of the Visakhapatnam Port, with the previous approval of the Central Government as required by sub-section (1) of Section 124 of the said Act, hereby makes the following regulations, the same having been previously published as required under sub-section (2) of the said section-124 namely:-

1. Short title and commencement:

- (1) These Regulations may be called the Class-I Officers of the Visakhapatnam Port (Acceptance of Employment after retirement) Regulations, 1970.
- (2) They shall come into force on the date of their publication in the official gazette.
- (3) In these regulations unless the context otherwise requires -
 - (a) "Board", "Chairman", shall have the same meaning assigned to them in the Major Port Trusts Act, 1963.
 - (b) "Class-I service" shall mean the service Classified as such by the Board from time to time under the Visakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1968

2. Permission for employment within India:

- (1) No person who has held a Class-I post under the Board immediately before retirement (whether governed by the Pension or Contributory Provident Fund Scheme or State Railway Provident Fund Scheme) shall accept any employment within India including an employment as contractor for or in connection with the execution of public works or as an employee of such contractor, before the expiry of two years from the date of retirement, without obtaining the previous permission of the Board.
- (2) No person who is covered by these Regulations and has not obtained the necessary permission shall be given any such contract and a condition shall be incorporated in the terms of the contract that it is liable to cancellation if either the contractor, himself or any of his employees is found to be a person to whom these orders apply and he had not obtained the necessary permission.

- (3) Officers whether governed by the pension or the Provident Fund Rules, shall be required to sign, at the time of sanctioning the retirement benefits, an undertaking that they shall not seek employment within two years of retirement without obtaining the previous permission of the Board, or the Chairman, as the case may be.

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

- (4) in default, an officer -
- (a) if governed by the pension scheme of the Trust, shall forfeit his pension for the period during which he is also employed or for such longer period as the Board or the Chairman may direct; and
 - (b) if governed by the contributory Provident Fund Scheme, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary.

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

- (5) The grant of permission under this Regulation shall be subject to the fulfillment of the following criteria namely -
- a) Has the officer while in service had any such dealing with the proposed employer as might provoke the suspicion that he had shown favour to the latter;
 - b) Will his duties such that his official knowledge and experience could be used to give the employer an unfair advantage;
 - c) Will his duties such as might bring him into conflict with the Port Trust;

Note: 1. Employment involving contract or liaison work with the Board shall not be considered as employment of a thoroughly reputable kind.

2. The reputation of the firm, which offers employment will also be taken into account, while granting permission. For instance, the fact that the firm is back-listed by Government will be one of the factors, which will render the employment to be considered as not being a reputable kind.

- e) are there any exceptional circumstances, which would make the refusal of consent a real hardship
- 6) In respect of officers of the Engineering Department, whether in the executive or administrative side, permission within two years of retirement for seeking employment as contractor for or in connection with the execution of works of the Trust or as employees of such contractors who are executing such work may be given very rarely and only in special circumstances.
- 7) The application for permission to take up an employment within two years of retirement shall be made in the form given in the Annexure to these Regulations.

3. Permission for employment outside India:

- 1) No person (whether governed by the Pensioner the contributory provident fund schemes of the Trust) who has held a Class-I post under the Board immediately before his retirement shall accept any employment under foreign government or employment outside India without obtaining the previous permission of the Board.
- 2) The person shall be required to sign and undertaking to this effect at the time of sanctioning retirement benefit.
- 3) In default, an officer:
 - (a) if governed by the pension scheme of the Trust, shall forfeit the period for the period during which he is also employed or for such longer period as the Board or the Chairman may direct; and
 - (b) if governed by the contributory Provident Fund Schemes of the Trust, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honouring the undertaking made earlier to the contrary.

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

Provided further that the employment under foreign Government shall include employment under a local authority or corporate or any other institution or organization which functions under the control and/or supervision of a foreign Government.

- 4) Permission necessary in respect of temporary officers – Permission for acceptance of employment after retirement will be necessary even if the case of the officer who immediately before retirement held a Class-I post in an Officiating or temporary capacity.
- 5) Reckoning of two years period – The period of two years for the purpose of these Regulations shall in the case of an Officer who is re-employed after retirement without a break in the same or another Class-I post be reckoned from the date from which he finally quits the Board's service.

ANNEXURE

FORM OF APPLICATION FOR PERMISSION TO ACCEPT EMPLOYMENT WITHIN A PERIOD OF TWO YEARS AFTER RETIREMENT.

1. Name of the Officer
(in block letters)
2. Date of retirement
3. Particulars of the Department in which the Officer served during the last five years proceeding retirement (with duration).

Name of the Department	Post held	Duration
	From	To
4. Post held at the time of retirement and period for which held		
5. Pay scale of the post and the pay drawn by the Officer at the time of retirement		
6. Retirement benefits:		
(1) If governed by the contributory		
Provident Fund Schemes:		
(2) (a) Amount of Special contribution		
(b) Amount of Trust's contribution		
(c) Amount of any other contribution		
(ii) If governed by the Pension Scheme:		
a) Pension expected/sanctioned		
(communication, if any, should be mentioned)		
b) Gratuity, if any.		

7. Details regarding employment proposed to be taken up.
- a) Name of the firm/Company/ Cooperative Society etc.
 - b) Whether the official and during his official career any dealing with the firm/company etc.
 - c) Duration or nature of the official dealing with the firm/company etc.
 - d) Name of job/post offered.
 - e) Whether post was advertised, if not how was offer made.
 - f) Description of the duties of the job/post
 - g) Does it involve liaison/contract work with VPT.::
 - h) Remuneration offered for the post/job
8. Any information which the applicant desires to furnish the support of his request.

Station:

Dt.

SIGNATURE OF THE APPLICANT