

**JAWAHARLAL NEHRU PORT TRUST**  
**EMPLOYEES (COMMUTATION OF PENSION)**  
**REGULATIONS, 2011**

**2011**

**JAWAHARLAL NEHRU PORT TRUST**  
**Administration Building , Sheva, Navi**  
**Mumbai**

**JAWAHARLALA NEHRU PORT TRUST EMPLOYEES (COMMUTATION  
OF PENSION) REGULATIONS, 2011**

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# **JAWAHARLAL NEHRU PORT TRUST EMPLOYEES (COMMUTATION OF PENSION) REGULATIONS, 2011**

## **CHAPTER -1**

### **PRELIMINARY**

#### **Regulation**

#### **1. Short Title and commencement**

- (i) These regulations may be called the .Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011
- (ii) They shall come into force on the date of publication in the official gazette of Government of India.

#### **2(A) Definition**

In these regulations unless the context otherwise requires

- (i) “Accounts Officer” means the Chief Manager (Finance) of the Jawaharlal Nehru Port Trust who is entrusted with the functions of maintaining the accounts of the Port Trusts;
- (ii) “Applicant” means an employee of the port as on or before 31<sup>st</sup> December, 2003 , including retired employee who applies for commutation of a fraction of pension in the prescribed form;
- (iii) “Medical Superintendent” means the Chief Medical Officer of the JNPT Hospital;
- (iv) “Death - cum- Retirement Gratuity” means the gratuity payable under Regulation 39 (A) of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011;
- (v) “ Disbursing authority” -
  - (a) Branch of a Nationalized Bank, or Schedule Bank,
  - (b) Accounts officer of the Department of Chief Manager (Finance) from where the applicant is receiving pension, authorized under the Pension Regulations;
- (vi) “Form” means a Form appended to these Regulations;

- (vii) "Government" means the Central Government;
- (viii) "Head of Department" means the authority to be regarded Head of Department and appointed by the Central Government under section 24 of the MPT Act, 1963;
- (ix) "Medical Authority" means medical authority referred to in these regulations;
- (x) "Pension" means any class of pension including compassionate allowance but does not include extra pension and the amount, by whatever name called, granted by the Government to pensioners as a compensation for higher cost of living;
- (xi) Pension Regulations means the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011 framed under section 28 (b) of the MPT Act, 1963;
- (xii) "Table" means table appended to these regulations.

**2(B)** The words and expressions used in these regulations but not defined elsewhere shall have the meaning assigned to them in the Pension Regulations.

### **3 APPLICATION**

These regulations shall apply to the employees of the Jawaharlal Nehru Port Trust as on or before 31<sup>st</sup> December, 2003 and who may be entitled to or have been authorized any class of pension referred to in Chapter-IV of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011

## CHAPTER –II

### GENERAL CONDITIONS

#### 4. Restriction on Commutation of Pension

No employee against whom departmental or judicial proceedings have been instituted before the date of his/her retirement, or the pensioner against whom such proceedings are instituted after the date of his/her retirement, shall be eligible to commute a fraction of his Provisional Pension authorized or the pension, as the case may be during the pendency of such proceedings.

#### 5. Limit on Commutation of Pension

(i) An employee shall be entitled to commute for a lump sum payment of an amount not exceeding 40% percent of his pension.

(ii) In an application in Form I or Form I-A or Form 2, as the case may be, an applicant shall indicate the percentage of pension which he desires to commute and may either indicate the maximum limit of 40% per cent or such lower limit as he may desire to commute.

(iii) If a fraction of pension to be commuted results in fraction of Indian Rupees such fraction of a Indian Rupees shall be ignored for a purpose of commutation.

(iv) Commutation on invalid pension allowed on original amount before enhancement; According to regulation 31 of Pension Regulations the amount of invalid pension shall not be less than the amount of family pension admissible. Where the amount of invalid pension calculated with reference to the qualifying service and the average emoluments is less than the family pension under regulation 45 of the Pension Regulation, the invalid pension should be enhanced to the level of family pension. For the purpose of commutation of pension, the amount of original invalid pension will only be taken into account.

**(v) Personal Pension not to be taken into account for commutation**

The amount of personal pension will not be taken in to account for the purpose of determining the commuted value of pension.

**(vi) Commutation to be allowed on the minimum of pension, if the actual pension is less than 50 percent of the minimum of the lowest pay scale in the Port.**

Wherever the minimum pension in the case of a particular employee worked out to less than the minimum pension, the particular employee has to be granted minimum pension and commutation of pension worked out accordingly.

**6(A) Commutation of Pension to become absolute**

The commutation of pension shall become absolute in the case of an applicant referred to –

- (i) In Sub Regulation (i) of Regulations 13 on the date on which the application in Form I is received by the Personnel Department;
- (ii) In sub regulation (iii) of regulation 13, on the date following the date of his retirement;
- (iii) In Chapter-IV, on the date on which the medical authority signs the medical report in Part-III of form 4;  
Provided that –
  - (a) the reduction in the value of pension on account of Commutation shall be operative from the date of receipt of commuted value of pension or at the end of three months after the issue of authority by the Accounts Officer for payment of commuted value of Pension whichever is earlier,
  - (b) In the case of an applicant who draws pension from a branch of Nationalized Bank/Scheduled bank, the reduction in the amount of pension on account of commutation shall be operative from the date on which commuted value of pension is credited by the bank to the applicant's account to which pension is credited.
  - (c) in the case of an applicant governed by sub-regulations (iii) of Regulation 13 in whose case the commutation value of pension becomes payable on the date following the date of his retirement, the reduction in the amount of pension on account of commutation shall be operative from its inception.
- (iv) The date on which payment of commuted value of pension was made to the applicant or the commuted value credited to the applicant's account, shall be entered in both halves of pension payment order by disbursing authority. In the case of an applicant, referred to in Regulation 8 or 9, the commuted value is paid in two stages, the reduction in the amount of pension shall be made from the respective dates of payments.

**6(B) Commuted Value of pension, based on the age next birthday with reference to date of medical examination in the case of absorption.**

Commuted value of pension is required to be calculated taking into account the date of medical examination, the age next birthday with reference to the date of medical examination and the factor applicable to such employee also with reference to age next birthday after the medical examination.

## 7. Nominations

- (i) The applicant shall make a nomination in Form 5 along with the application referred to **in** Regulation 13 or Regulation 18, as the case may be conferring on one or more persons the right to receive the commuted value of pension in case the applicant dies without receiving the commuted value on or after the date on which commutation became absolute.
- (iii) If there is no nomination, the commuted value shall be paid to the family in the manner indicated in Regulation 42 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011
- (iv) If in any case the commuted value cannot be paid in the manner indicated in **sub regulation (i) and (ii)**, the same shall be paid to his/her heirs.

## 8. Calculation of Commuted Value of Pension

The lump sum payable to an applicant shall be calculated in accordance with the Table of the Values prescribed from time to time and applicable to the applicant on the dates on which commutation becomes absolute. The commuted value of pension as finally calculated should be rounded off to the next higher rupee.

## 9. Commutation of Provisional Pension

An employee shall be eligible to commute a fraction of provisional pension subject to the limit specified in Regulation 5.

## 10(A) Retrospective revision of final Pension

- (i) An applicant who has commuted a fraction his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Central Government decision / agreement / wage settlement, the applicant shall be paid the difference between the commuted value **already determined with reference to enhanced pension and the commuted value already authorized**. For the payment of difference, the applicant need not be required to apply afresh.
- (ii) Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees **two thousands** after being declared fit by Medical **Superintend** and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding **two thousands** rupees per month, he shall be allowed the difference between the commuted value for **two thousands** rupees per mensem and commuted value of the fraction of original pension without further medical examination. The commutation of any further amount beyond rupees two thousand per month, shall be treated as fresh commutation and allowed subject to examination by Medical Board.

**10(B) Effective date of reduced Pension on account of upward revision of Commutation**

Regulation 6 provides that reduction in the amount of pension on account of Commutation shall become operative from the date of receipt of commuted value of pension by the pensioner or three months after the date of issue of authority asking the pensioner to collect the commuted value of pension by the Accounts Officer, whichever is earlier. Accordingly, in such cases, reduction from pension will be made from the date of receipt of the Commuted Value of pension by the pensioner or three months after the issue of authority by the Accounts Officer asking the pensioner to collect the revised commuted value of pension, whichever is earlier.

**10(C) Commuted portion of Pension will be restored after 15 years from the date of retirement**

- (i) Pensioners shall have to complete **fifteen** years from their respective dates of retirement to have their original pension restored provided the commuted value of pension is paid during the first month of retirement. In other cases ~~of the~~ period **of** 15 years is to be reckoned from the date of commutation, for restoration of original pension which will be automatic.
- (ii) In case where the pension payment order does not contain information regarding commuted portion, the required information will be obtained from the Accounts Officer which issued the PPO.

Note: 15 years period will be reckoned from the date of commutation i.e. from the date on which reduction in pension on account of commutation became/becomes effective.

## **CHAPTER –III**

### **COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION**

#### **11. Scope**

The provisions of this chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

#### **12. Eligibility**

An applicant who is authorized -

- (i) a superannuation pension under Regulation 29 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011; or
- (ii) a retiring pension under Regulation 30 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011; or
- (iii) a pension on absorption in or under a Corporation or Company or body in terms of Regulation 74 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011 and who elects to receive monthly pension and death-cum-retirement gratuity; or
- (iv) a compensation pension on abolition of a permanent post under Regulation 32 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011; or
- (v) a pension in whole or in part on the finalization of departmental or judicial proceedings and issue of final orders thereon,

shall subject to the limit in Regulation 5, of Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011, be eligible to commute a fraction of his pension without medical examination provided he applies for commutation of pension in Form I or Form I A in accordance with the provisions of Regulation 13.

Note: Pension referred to in clauses (i) (ii) and (iv) shall include Provisional Pension sanctioned under Regulation (quote Regulation No.) of Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011.

#### **13. Application for Commutation of Pensions**

- (i) An applicant, who is in receipt of any pension referred to in Regulation 12 and desires to commute a fraction of that pension any time after the date following the date of retirement from service but before expiry of one year from the date of retirement, shall -

- (a) apply to the Personnel Department in Form I after the date of his retirement.
  - (b) ensure that the application in Form I, duly completed, is delivered to the Personnel Department as early as possible but not later **than** one year of his date of retirement.
  - (c) Where the order retiring an employee had been issued from a retrospective date, the period of one year referred to in this sub regulation shall reckon from the date of issue of retirement orders.
  - (d) **In case where the pension is authorized after completion of departmental or judicial proceedings, the period of one year referred to in this Sub Regulation shall reckon from the date of the issue of the orders consequent on the finalization of the departmental or judicial proceedings.**
- (ii) An applicant who applies for commutation of pension within one year of the date of his retirement but his application in Form I is received by the Personnel Department after one year of the date of his retirement shall not be eligible to get the pension commuted, without medical examination. Such an applicant shall apply in Form 2 in accordance with the procedure laid down in Chapter-IV.
- (iii) An employee who is due to retire on superannuation and desires payment of the commuted value of pension being authorized at the time of issue of PPO shall be eligible to apply for commutation of a fraction of pensions along with pension papers prior to the date of retirement provided that-
- (a) the employee retires on superannuation pension only;
  - (b) the application is submitted to the Personnel Department in Form IA so as to reach the Personnel Department not later than three months **before** the date **of** superannuation;
  - (c) No such application shall be entertained if the period is less than three months from the date of superannuation of the employee. **However, application** if received late need not be rejected on the ground of delay. If the application for commutation is received before the date of the retirement of the employee, the commutation of pension shall become absolute on the date following the date of retirement; and
  - (d) the board shall have no liability for the payment of the commuted value of pension if the employee dies before the date of superannuation or forfeits claim to pension before such retirement.

**14(A) Action to be taken by the Personnel Department on application for Commutation**

- (i) The Personnel Department on receipt of application in Form 1 under sub regulation (1) or in Form 1 A of Sub Regulation (iii) of Regulation 13 shall
  - (a) initial the form indicating the date of its receipt;
  - (b) acknowledge receipt of Form 1 or Form 1A, Part -II of that Form and dispatch the same to the applicant;
  - (c) take immediate action to complete Part-III of Form 1 or Form 1A and forward the same to the Accounts Officer after retaining one copy for his record.

**14(B) In case the application in Form 1 is received by the Personnel Department under Sub Regulation (i) of Regulation 13 after one year of the date of retirement of the applicant, the Personnel Department shall inform the applicant that –**

- (a) he shall not be eligible to commute a fraction of pension without medical examination.
- (b) If he desires to get a fraction of pension commuted, he should apply afresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter -IV.

**15(A) Authorization of commuted value by the Accounts Officer**

- (i) The Accounts officer on receipt of Form 1 from the Personnel Department shall verify that-
  - (a) Information furnished by Personnel Department in Part-III of Form 1 is correct.
  - (b) the applicant is eligible to commute a fraction of his pension without medical examination
  - (c) the commuted value of pension has been determined correctly by Personnel Department.
- (ii) The Accounts Officer, after necessary verification of the information furnished in Form 1 shall –
  - (a) issue an authority for the payment of commuted value of pension to the disbursing authority endorsing a copy to the applicant to collect the commuted value of pension from the disbursing authority.

- (b) instruct the disbursing authority to make entry in the PPO regarding the date from which pension is to be reduced on account of commuted part of pension.
- (iii) The Accounts Officer, on receipt of Form 1A from the Personnel Department shall ascertain and verify, if the amount of superannuation pension of the applicant has been calculated and if not, take steps to finalize the amount of pension so that the PPO is issued before one month of the date of retirement of the applicant.

**15(B) Verification of Form 1A by Accounts Officer**

After verification of the information furnished in Form 1A, the Accounts Officer shall

- (a) authorize the commuted value of pension and arrange preparation of bill and cheque for the amount, super scribed not payable before ( date following date of the retirement ) to the pensioner;
- (b) indicate on both halves of the PPO (1) Gross Pension (2) the amount of pension commuted and (3) the fact of authorization of commuted value of pension separately;
- (c) correspondingly reduce the monthly pension from its inception;
- (d) make note of payment of commuted value of pension in the service book; and
- (e) where the commuted value of pension is not made within the first month of the date of retirement, issue an authority for payment of difference of the monthly pension for the period between the day following the date of retirement and the date preceding the date on which the commuted value of pension is deemed to have been paid.

**16(A) Authorization of the Commuted Value of a fraction of provisional pension**

Pending determination of final pension, if an applicant has applied for commutation of provisional pension in the prescribed form, the Accounts Officer after necessary verification of the amount of provisional pension shall –

- (a) issue an authority for payment of commuted value of pension;
- (b) make reduction in the amount of provisional pension on account of commutation; and
- (c) issue a cheque for the commuted value of pension to the applicant.

**16(B) On final assessment of pension the Accounts Officer shall –**

- (a) issue authority for the payment of difference between the commuted value so determined and the commuted value already paid; and
- (b) make necessary entry in the PPO to be issued on the cessation of payment of provisional pension indicating the date from which, payment of residuary pension shall commence.

## **CHAPTER –IV**

### **COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION**

#### **17. Scope**

The provisions of this chapter shall apply to an applicant who is eligible to commute a fraction of his pension after medical examination.

#### **17(A) Eligibility**

An applicant who-

- (i) retires on invalid pension ; or
- (ii) is compulsorily retired from service as penalty and is granted pension under Regulation 33 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011; or
- (iii) is in receipt of compassionate allowance under Regulation 33 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011; or
- (iv) has retired from service on one of the pensions referred to in Regulation 12 of the Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011. but his application for commutation has not been received by the Personnel Department within one year of his retirement shall be eligible to commute a fraction of his pension subject to the limit specified in Regulation 5 after he has been declared fit by the Medical Superintendent / Medical Board constituted for this purpose.

#### **18. Action to be taken by Personnel Department on application for commutation of pension**

- (i) An applicant referred to in Regulation 17 shall apply for Commutation in Form 2 to the Personnel Department, who after acknowledging receipt of the Form, shall forward to the Accounts Officer in Part-III of that Form with a request for completing Part-IV of the Form and transmit the same to the Personnel Department .
- (ii) The Personnel Department . on receipt of Form 2 from Accounts Officer shall address in Form 3 of the Medical Superintendent , JNPT Hospital to medically examine the applicant, and forward the following documents endorsing a copy of letter in Form 3 to the applicant and Accounts Officer.

- (a) Form 2 with Part-IV of that Form duly completed in original.
- (b) two copies of applicant's photograph of which one shall be attested.
- (c ) a copy of Form 4 with a spare cop of Part-III of that Form
- (d) report **or** statement of the applicant's case, if he has been granted invalid pension or has previously commuted a part of his pension or declined to accept Commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.

#### **19. Action to be taken by the Medical Superintendent**

The Medical Superintendent shall arrange for the medical examination of the applicant and fix a date, as far as possible before the date of applicant's next birthday.

#### **20. Medical Authority**

- (i) A Medical Board shall be constituted, where an applicant for commutation of pension –
  - (a) seeks commutation of invalid pension; or
  - (b) seeks commutation of pension other than invalid pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds **two thousand** rupees per mensem; or
  - ( c) has been refused commutation on medical grounds or if he having once In any other case not covered by sub regulation (i), the Medical Superintendent shall be the medical authority for medical examination of the applicant.

#### **21. Medical Fee**

There shall be no fee for medical examination in the JNPT Hospitals.

#### **22. Failure to appear before Medical Authority**

If the applicant after the receipt of communication from Medical Superintendent fails to appear for medical examination on the date and time communicated to him, the Medical Superintendent shall report **the** fact to the Personnel Department concerned and return to him the documents received.

**23(A) Procedure for Medical Examination**

The Medical Authority shall –

- (a) obtain from the applicant a statement in Part-I of Form 4 duly signed by the applicant in his presence;
- (b) subject the applicant to medical examination and enter the result thereof in Part-II of Form 4;
- (c) attest the unattested copy of the photograph of the applicant; and
- (d) complete the certificate in Part-III of Form 4.  
provided that where-
  - (i) an applicant has been granted invalid pension; or
  - (ii) an applicant has previously commuted a part of his pension; or
  - (iii) an applicant has been refused commutation on medical grounds; or
  - (iv) an applicant had declined to accept the commutation on the basis of addition of years to his actual age, the Medical Authority shall, before completing the certificate contained in Part-III of Form 4, take into consideration the statement of the medical case of the applicant.

**23(B)** (i) After complying with the requirements, the Medical Authority shall forward to the Accounts Officer who has completed Part-IV of Form 2 the following documents, namely:-

- (a) Form 2 in original
  - (b) attested copy of applicants photograph
  - (c) Form 4 in original; and
  - (d) a certified copy of Form 4 to the Personnel Department who has counter signed Part- IV of Form 2.
- (ii) The Medical Authority shall also send to the applicant a Certified copy of Part-III of Form 4.

**23(C) Second Medical Examination**

1. The second medical examination shall take place after the expiry of a period of not less than one year from the date of first medical examination.
2. If the applicant desires to be reexamined on the expiry of the period specified in **Sub Regulation (1)** the examination shall be by Medical Board. For this purpose he shall address a letter to the Personnel Department with the request that arrangements may be made for his re-examination by Medical Board. He shall indicate in the letter the full facts of the first Medical examination. The Personnel Department on receipt of the letter shall address the Medical Superintendent for arranging re-examination of the applicant by a Medical Board and forward the following documents to such authority.;
  - (i) applicant's letter
  - (ii) certified copy of Form 4 received earlier by Personnel Department from the Medical Superintendent.
- (3) The Medical Superintendent shall inform the applicant when he should appear for medical examination before the Medical Board.
- (4) If as a result of medical examination by the Medical Board, the applicant becomes eligible to commute a fraction of pension originally applied for, the Personnel Department shall **determine** the commuted value with reference to the Table applicable on date the **Medical Board recorded its opinion**.
- (5) All the relevant documents, namely applicant's letter in original, opinion of Medical Board and calculation sheet shall be forwarded to the Accounts Officer to verify the correctness of the commuted value and authorize the payment under intimation to the Personnel Department.

**24. Appeal against the findings of Medical authority**

- (i) If the applicant feels that the medical authority **in** refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgment, he shall be eligible for second medical examination before the expiry of one year from the date of first medical examination. He shall indicate in the letter full facts of his case.
- (ii) In case the applicant was earlier examined by the , Medical Superintendent he shall be re-examined by a Medical Board and if he was earlier examined by a Medical Board, he shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.

(iii) The Personnel Department shall within one month of the receipt of letter arrange for medical re-examination of the applicant. For this purpose, he shall address the Medical Superintendent.

(iv) The Medical Superintendent on receipt of communication from Personnel Department shall arrange for the second medical examination of the applicant by a Medical Board. The Medical Superintendent shall, thereafter, inform the applicant the date and time of such examination.

(v) The applicant shall appear for medical examination before the Medical Board on the date and time communicated to him.

(vi) The Medical Board shall examine the applicant and as a result of the second examination, if the Medical Board sets aside or modifies the opinion of the first medical authority, the finding of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(vii) Nothing contained in this regulation shall apply to an applicant in whose case the medical authority as a result of first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age and the applicant received the commuted value with reference to the extended age.

## **25. Withdrawal of application**

(i) An applicant may withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

(ii) In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may –

(a) withdraw his application within fourteen days from the date on which he receives the certified copy of Part-II of Form 4 and endorse a copy to Accounts Officer; or

(b) request the Personnel Department within the period specified in sub clause (a) with a copy to Accounts Officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

(iii) Where a request for withdrawal has not been made by the applicant within the time specified in clause (a) of Sub Regulation (ii) it shall be presumed that he has accepted the findings of the medical authority and the Accounts Officer shall take action to authorize the payment of commuted value of pension.

(iv) If a request for reduction in the amount of pension to be commuted is made, as provided in clause (b) of regulation (ii), the Accounts Officer shall authorize the payment of commuted value of pension to the reduced amount.

(v) If the applicant is informed by the Accounts Officer under Regulation 25 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the Accounts Officer and the applicant shall endorse a copy of the notice to the Personnel Department within fourteen days of the date on which he receives intimation of such modification.

## **26. Modification in the Value specified in the Table**

(i) In case the value specified in the Table is modified at any time before the commutation becomes absolute, the payment shall be made in accordance with the value so modified.

(ii) Where the Commuted Value calculated with reference to the Table as modified, is less favorable than the value determined with reference to the Table before it was modified, the Accounts Officer shall -

- (a) inform the applicant of the revised value and communicate to him; and
- (b) endorse to the Personnel Department a copy of communication issued under clause (a).

## **27. Authorization of payment of commuted value by the Accounts Officer**

(i) The Accounts Officer on receipt of documents referred to in Regulation 23, from the medical authority shall, without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents namely-

- (a) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute.
- (b) the amount of residuary pension.
- (c) Form 4 in original.
- (d) Copy of the applicant's photograph as attested by the medical authority.

- (ii) (a) The Accounts Officer will also indicate the date on which the amount of original pension to be reduced.
- (b) Endorse to the applicant a copy of the order, with the remarks that he should collect the commuted value from the disbursing authority; and
- (c) Bring to the notice of the applicant the provisions of proviso to Regulation 6(A)

## **28. Final assessment of provisional pension**

- (i) On final assessment of the pension, the Accounts Officer shall pay the difference between the commuted value so determined and the commuted value already paid..
- (ii) Where the applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding **two thousand** rupees per month and the commuted value of the fraction of provisional pension without further medical examination **but** the payment of commuted value of pension exceeding **two thousand** rupees per mensem shall be made, if the applicant applies for medical examination and declared fit by Medical Board.
- (iii) When commuted value of final pension is authorized for payment, the order issued authorizing commuted value of pension on provisional pension shall be deemed to have been amended.

19  
**CHAPTER-V**

**MISCELLANEOUS**

**29. Interpretation :**

Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Jawaharlal Nehru Port Trust Board for a decision. The powers for interpretation of doubts will rest with the Port Trust board. But in case of different interpretation of the same provisions by the ports, the Government, either on receiving a reference from the respective port **or** suo moto, will be authorized to give an interpretation, which will be binding on all the ports.

**30. Power to relax :**

Any relaxation shall be made only with the approval of the Government.

**31. Repeal and Savings :**

- (i) On the commencement of these regulations, every regulation, rule, or order including Office Memorandum in force immediately before such commencement, shall in so far as it provides for any of the matter contained in these regulations cease to operate.
- (ii) Notwithstanding such **cesser** of operation :
  - a) any application for commutation of pension which is pending before the commencement of these regulations shall be disposed of in accordance with the provision of old rules as if these regulation had not been made; and
  - b) subject to the provisions of clause (a), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provisions of these regulations.

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**TABLE**  
**COMMUTATION VALUES FOR A PENSION OF**  
**Re. 1 PER ANNUM**

EFFECTIVE FROM 2<sup>nd</sup> September, 2008.

<i>Age next birthday</i>	<i>Commutation Value expressed as number of year's purchase</i>	<i>Age next birthday</i>	<i>Commutation value expressed as number of year's purchase</i>	<i>Age next birthday</i>	<i>Commutation value expressed as number of year's purchase</i>
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	<b>61</b>	<b>8.194</b>		

(Basic : LIC (94-96) ultimate Tables and 8% Interest)

Note 1. Value of Commutation = Commutation x 12 x the amount offered for Commutation. Example - Mr. 'X' age at next birthday 61 offers to commute 40% of his pension of Rs. 12,000/- per month.

Value of Commutation =  $8.194 \times 12 \times \text{Rs. } 4,800 = \text{Rs. } 4,71,874/-$  rounded of Rs. 4, 71, 975. He will get lump sum of rs. 4,71,975 and a monthly pension of Rs. 7,200 for 15 years. Thereafter, commuted portion will be restored and he will get full pension of Rs. 12,000.

Note 2. If a part of pension is withheld commutation is allowed only on the residual portion.

**JAWAHARLAL NEHRU PORT TRUST EMPLOYEES (COMMUTATION OF PENSION)**  
**REGULATIONS, 2011**

**FORM - I**

**FORM OF APPLICATION FOR COMMUTATION OF A FRACTION OF PENSION  
WITHOUT MEDICAL EXAMINATIONS**

**(See Regulation 5)**

(To be submitted in duplicate after retirement but within one year of the date of retirement)

**PART - I**

To

The ..... (Here indicate the designation and  
..... full address of the Head of Personnel  
Deptt.....

**Subject : Commutation of pension without medical examination.**

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provision of Regulation 5 of the Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011. The necessary particulars are furnished below :

1. Name (in Block letters)
2. Father's name (also husband's name  
in case of a female employee)
3. Designation at the time of retirement
4. Name of the Department/employed
5. Date of birth (by Christian era)
6. Date of retirement
7. Class of pension on which retired

8. Amount of pension authorized (in case final amount of pension has not been authorized, indicate the amount of provisional pension sanctioned under Regulation 51 of Jawaharlal Nehru Port Trust Employees (Pension) Regulations, 2011.
9. \*Fraction of pension proposed to be commuted
10. Disbursing authority for payment of pension
  - a. Accounts Officer Port Trust
  - b (i) Branch of the Nationalized or Scheduled Bank with complete Postal address
  - b(ii) Bank Account No. to which monthly pension is being credited each month

Place :  
Dated :

Signature  
Postal Address

---

NOTE : The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn it is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.

- The applicant should indicate the fraction of the amount of monthly pension subject maximum of 40%) which he desires to commute and not the amount in rupees.

## PART - II

### ACKNOWLEDGEMENT

Received from Shri ..... (name)..... (former designation) application in Part 1 Form I for the commutation of a fraction of pension without medical examination.

Place :  
Date :

Signature  
Postal Address

---

NOTE : This acknowledgment is to be signed, stamped and dated and is to be detached from Form and handed over to the applicant. If the form has been received by the post it has be acknowledged on the same day and the acknowledgment sent under registered cover.

**PART -III**

Forwarded to the Accounts Officer ..... (here indicate the address and designation) with the remarks that :

- i) particulars furnished by the applicant in Part I have been verified and are correct;
  - ii) the applicant is eligible to get a fraction of his pension commuted without medical examination.
  - iii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs. ....
  - iv) the amount of residuary pension after commutation will be Rs. ....
2. It is requested that further action to authorize the payment of the amount of commuted value pension may be taken as per Regulation 15 of Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011.
3. The receipt of Part I of the Form has been acknowledged in Part II which has been forwarded separately to the applicant on .....
4. The commuted value of pension is debit able to Head of Account –

Places :

Signature

Date :

Personnel Department.

**FORM -1-A**

**FORM OF APPLICATION FOR COMMUTATION OF FRACTION OF SUPERANNUATION  
PENSION WITHOUT MEDICAL EXAMINATION WHEN APPLICANT DESIRES THAT  
THE PAYMENT OF THE COMMUTED VALUE OF PENSION SHOULD BE AUTHORISED  
THROUGH THE PENSION PAYMENT ORDER.**

**[See Regulations 5(ii)]**

(To be submitted in duplicate at least three months before the date of retirement)

**PART I**

The .....  
.....  
.....

(Here indicate the designation and full address of the Personnel Department)

Sub. : Commutation of pension without medical examination.

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011. The necessary particulars are furnished below :

1. Name (in Block letters)
2. Father's name (also husband's name  
in case of a female employee)
3. Designation
4. Name of the Office/Department in which employed
5. Date of birth (by Christian era)
6. Date of retirement on superannuation or on the expiry of  
extension in service granted under FR 56 (d)
7. Fraction of superannuating pension proposed to be  
Continued

8. Disbursing authority from which pension is to be drawn after retirement
- a. Accounts Officer of the Port Trust
  - b.(i) Branch of the nominated Nationalized / Scheduled Bank with complete postal address
  - b.(ii) Bank Account No. to which monthly pension is to be credited each month

Place : Signature

Date : Present Postal Address

Postal address after retirement

PART - II

(ACKNOWLEDGMENT)

Received from Shri/Smt. Kumari ..... (name)..... (designation)  
application in Part I of Form I-A for commutation of fraction of pension without medical examination.

Place : Signature

Date : Personnel Department

NOTE : If the application has been received by the Head of Department before the date of retirement on superannuation, this acknowledgment should be detached from the Form and handed over to the applicant. If the form has been received by post, it has to be acknowledged on the same day and the acknowledgment sent under registered cover to the applicant. In case it is received after the specified date, it should be accepted only if it has been put into the post on or before that date subject to the production of evidence to that effect by the applicant.

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**PART III**

Forwarded to the Accounts Officer :

(here indicate the address and designation) ..... with the remarks that –

- i. the particulars furnished by the applicant in Part I have been verified and are correct.
  - ii. the applicant is eligible to get a fraction of his pension commuted without medical examination;
  - iii. the commuted value of pension determined with reference to the Table applicable at present to Rs. .... and
  - iv. the amount of residuary pension after commutation will be Rs. ....
2. The pension papers of the applicant completed in all respects were forwarded under this Department/Office Letter No ..... Dated ..... It is requested that the payment of commuted value of pensionary be authorized through the Pension Payment Order which may be issued one month before the retirement of the applicant.
3. The receipt of Part I of this Form has been acknowledged in Part II which has been forwarded separately to the applicant on .....
4. The commuted value of pension is debitable to Head of Account.....

Place :

Signature

Date :

Personnel Department

- 
1. The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of 40% thereof) which he/she desires to commute and not the amount in rupees.
  2. Score out which is not applicable.

**FORM 2**

**FORM OF APPLICATION FOR COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION  
BY AN APPLICANT REFERRED TO IN REGULATION 18 OF THE JAWAHARLAL NEHRU PORT  
TRUSTS EMPLOYEES (COMMUTATION OF PENSION) REGULATION, 2011**

**PART - I**

**[See Regulation 5 and 18]**

The.....  
.....  
.....  
.....

(here indicate the designation and full address of the Personnel Department)



**Subject : Commutation of pension after medical examination.**

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Regulation 18 of the Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011. An attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below :

1. Name (in Block letters)
2. Father's name (also husband's name  
in case of a female employee)
3. Designation
4. Name of the Office/Department in which employed
5. Date of birth (by Christian era)
6. Date of retirement
7. Class of pension on which retired (See Chapter IV  
of the Jawaharlal Nehru Port Trust Employees  
(Commutation of Pension) Regulations, 2011.
8. Amount of pension authorized (indicate the amount of  
Provisional pension if full pension not authorized)

9. Fraction of superannuation pension proposed to be commuted
10. Designation of the Accounts Officer who authorized the Pension and the number and the date of the Pension Payment Order
11. Disbursing authority for payment of pension
  - a. Accounts Officer of the Port Trust
  - b (i) Branch of the nominated nationalized / Scheduled Bank with complete postal address
  - b (ii) Bank Account No. to which monthly pension is to be credited each month
  - c. Accounts Office of the Department
12. Approximate date from which commutation is desired to have effect
13. The amount of pension already commuted, if any
14. Preference for station where medical examination is desired to take place

Place :

Signature

Date :

Postal Address

.....  
.....

## **PART - II**

### **ACKNOWLEDGEMENT**

Received from Shri ..... (name).....(designation) application in Part I of Form 2 for commutation of a fraction of pension after medical examination.

Place :

Signature

Date :

(Personnel Department)

**PART - III**

Forwarded to the Accounts Officer ..... with the remarks that the particulars furnished by the applicant in Part I have been verified and are correct and the applicant is eligible to get a fraction of his pension commuted after medical examination.

It is requested that Part IV of the Form may be completed and returned to this office as early as possible.

Place :

Signature

Date :

(Personnel Department)

**PART - IV**

(To be completed by the Accounts Officer)

1. Name of the applicant
2. Date of birth (by Christian era)
3. Date of retirement
4. Amount of pension including provisional pension,  
if final pension not authorized
5. Class of pension  
[See Chapter IV of Jawaharlal Nehru Port Trust  
Employees (Commutation of Pension) Regulations, 2011.
6. Amount of pension desired to be commuted

On the basis of

-----		
Normal	<u>Added years</u>	
Age	1 year	2 year
Rs.	Rs.	Rs.

7. (i) Sum payable if commutation becomes  
absolute before the applicant's next  
birthday, which falls on.....
- (ii) Sum payable if commutation becomes  
absolute after the applicant's next birthday,

which falls on .....

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8. The Head of Account to which commuted value is  
Debit able

9. Number of enclosures, if any (See Note below)

Place :

Signature and  
Designation of the  
Accounts Officer

Date :

Countersigned

(Personnel Department)  
Full address

---

NOTE : The Accounts Officer should enclose with the Form a copy of the report or Statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation medical grounds.

**FORM - 3****FORM OF LETTER TO THE MEDICAL SUPERINTENDENT****(See Regulation 18)**

(Please see Annexure)

No.....

Department of .....

Dated the .....

To,

.....

.....

Subject : Medical Examination – Commutation of Pension.

Sir,

Shri ..... who retired from service on ..... As..... (designation) has applied for commuting a fraction of his pension for a lump sum payment. The following documents are forwarded herewith :-

- a) Application in Form 2 in original together with :-
  - i) an unattested copy of the applicant's photograph
  - ii) Part IV of Form 2 in original duly completed by the Accounts Officer
- b) A copy of Form 4 with a spare copy of Part III of that Form
- c) Report of the statement of the applicants case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. In terms of Regulation 20 Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011. , Shri ..... should be examined by a Medical Board / Medical Officer not lower than the rank of Medical Superintendent . It is requested that arrangement may be made to get Shri ..... examined as expeditiously as possible before his next birthday which falls on .....

3. It is requested that arrangements for medical examination by the medical authority indicated in para 2 above may be made. The attention of the medical authority may be drawn to the provision of Regulation 23 of Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011.

3. It is requested that Shri ..... may be informed direct under intimation to this Department/Office as to when he should appear before the appropriate authority for medical examination. A copy of this letter is being endorsed to him so that he may comply with your

instruction on hearing from you.

4. The receipt of this letter may please be acknowledged.

Yours faithfully,

(Personnel Department)

Copy forwarded to Shri ..... (here give complete postal address) with the remarks that subject to the medical authority recommending commutation, he will on the basis of the report of the Accounts Officer, be eligible for the lump sum payment in lieu of the amount of pension to be commuted as follows :

On the basis of

Normal	<u>Added years</u>	
	1 year	2 year
	Rs.	Rs.

- (i) Sum payable if commutation becomes absolute before the applicant's next birthday, which falls on.....
- (ii) Sum payable if commutation becomes absolute after the applicant's next birthday, which falls on .....

The Table of the present value, on the basis of which the calculation by the Accounts Officer has been made, is subject to alteration at any time without notice and consequently the basis is liable to revision, before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or if the medical authority directs that years will be added to that age, to the consequent assumed age.

Shri ..... should report for medical examination to the medical authority direct on hearing from ..... He should take with him the enclosed Form 4 with the particulars required in Part I completed except the signature or thumb or finger impressions.

Date :

Signature  
(Personnel Department)

Copy forwarded to the Accounts Officer..... with reference to his letter No. .... dated .....

Date :

Signature  
(Personnel Department)

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**FORM - 4**

**MEDICAL EXAMINATION BY THE .....**  
(Here enter the medical authority)  
**[See Regulation 6]**

**PART - I**

The applicant must complete this statement prior to his examination by the .....(here enter the medical authority) and must sign the declaration appended thereto in the presence of that authority.

- 1. Name of the applicant (in Block letters)
- 2. Date of birth ..
- 3. Place of birth
- 4. Particulars regarding parents, brothers and sisters

Father’s age, if living and state of health	Fathers age at death and cause of death	Number of brothers living, their ages and state of health	Number of brothers dead, their ages at death and cause of death	Mother’s age, if living and state of health	Fathers age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at death and cause of death

- 5. Have you ever been examined ...
  - a) for Life Insurance, or/and
  - b) by any Government Medical Officer or State Medical Board or Medical Superintendent of the Port

If so state details and with what results .....

- 6. Have you been granted or considered fro grant of invalid pension? If so, state the ground thereof

7. Have you ever been granted leave on medical Certificate during the last five years? If so, state period of leave and nature of illness
8. Have you ever ....
  - a. had smallpox, intermittent or any other fever enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhea or
  - b. had any other disease or injury which required confinement to bed, or medical or surgical treatment or
  - c. undergone any surgical operation or
  - d. suffered from any illness, wound or injury sustained while on active service
  - e. presence of albumin or sugar in urine
9. Present state of health
  - a. Have you a hernia
  - b. Have you varicocoele, varicose veins or piles?
  - c. Is your vision in each eye good (with or without glasses)
  - d. Is your hearing in each ear good?
  - e. Have you any congenital or acquired malformation, Defect or deformity?
  - f. Have you lost or gained weight markedly during the last three years?
  - g. Have you been under treatment of any doctor  
Within the last three months and nature of illness  
For which such treatment was taken?

Declaration by Applicant

(To be signed in the presence of the medical authority)

I declare all the above answers to be, to the best of my belief true and correct.

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Applicants signature or thumb impression  
in case of illiterate applicant

Signed in the presence of .....  
(Signature and designation of medical authority)

## **PART - II**

(To be filled in by the examining medical authority)

1. Apparent age
2. Height
3. Weight
4. Describe any scars or identifying marks of  
The applicant
5. Pulse rate
  - a. Sitting
  - b. Standing
  - c. What is the character of pulse?
6. Blood pressure
  - a. Systolic
  - b. Diastolic
7. Is there any evidence of disease of the main organs
  - a. heart
  - b. Lungs
  - c. Liver
  - d. Spleen
  - e. Kidney
8. Investigations
  - a. Urine (State specific gravity)
  - b. Blood
  - c. X-Ray Chest
  - d. ECG
9. Has the applicant a hernia ?  
(If so state the kind and if reducible)
10. Any additional finding

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**PART - III**

**(To be filled in by the examining medical authority)**

I/We have carefully examined Shri/Shrimati/Kumar..... and  
am/are of opinion that--

He I/She is a good bodily health and has the prospect of an average duration of life.

Or

He/She is not in good bodily health and is no a fit subject for commutation.

Or

Although he/she is suffering from ..... he/she is considered at fit  
subject for commutation but his/her age for the purpose of commutation, i.e., the age next birthday  
should be taken to be .....(in words) years more than his/her actual age.

Station :

Signature and designation of  
examining medical authority

Date :

PROFORMA

[ See Regulation 10 (C) ]

.....  
.....  
.....

Subject : Restoration of commuted portion of pension after 12 years  
- Implementation of the judgment of the Supreme Court.

Sir,

Kindly restore my commuted portion of pension in terms Regulation 10(C) of .....  
Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011.

Requisite particulars are given below --

- 1. Name in Block letters ..... ..
- 2. Date of retirement ..... ..
- 3. PC/PPO No. .... ..
- 4. Amount of original pension ..... ..
- 5. Amount of pension commuted (if any) .....
- 6. Name of the Accounts Officer viz., the authority  
Who issued PC/PPO ..... ..
- 7. Name of the pension disbursing agency ..... ..

Signature of Pensioner

Date :

Postal address :

Particulars verified.

Signature

Rubber Stamp of Pension Disbursing  
Authority Authority

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**FORM 5**

[ See Regulation 7]

To  
Head of Personnel Department  
(Place) .....

I, ..... (Name of the pensioner in Capital Letters) hereby nominate the person named below, under Regulation 7 of Jawaharlal Nehru Port Trust Employees (Commutation of Pension) Regulations, 2011.

If nominee is minor							
Name and address of the nominee	Relationship with the pensioners	Date of Birth	Name and address of person who may receive the said commuted value during the nominee's minority	Name and address of other nominee in case the nominee under column (1) pre-deceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the said commuted value during the nominee's minority
1	2	3	4	5	6	7	8

Place :  
Date :  
Witness : Signature :  
Name and Address :

Signature (or thumb impression if illiterate) and name of Pensioner :  
Address :  
Signature of Head of Departmental

STAMP

Acknowledgment to be sent by the Head of Department  
Certificate that the nomination has been received from  
..... (Name of Pensioner)  
whose address is .....

Signature of Head of Departmental

Full Address:

