

Major Port Trusts Act, 1963

Chapter III - Staff of the Board

A Board shall, from time to time, prepare and sanction a Schedule of the employees of the Board whom it deems necessary and proper to maintain for the purposes of this Act and such Schedule shall indicate therein the designations and grades of employees and the salaries, fees and allowances which are proposed to be paid to them.

1[Provided that the previous sanction of the Central Government shall be obtained for the inclusion in the said Schedule of those designations and grades of employees and the salaries, fees and allowances payable to them which the Central Government may, by order, specify, and where no such order is made, of such posts (including the salaries and allowances attached thereto) which are required to be created by the Central Government, or for the creation of which the previous sanction of the Central Government is required, under this Act.]

1. Inserted by the Major Port Trusts (Amendment) Act (29 of 1974), Section 9 (1-2-1975).

Section 24 - Power to make appointments

(1) Subject to the provisions of the Schedule for the time being in force sanctioned by a Board under Section 23, the power of appointing any person to any post, whether temporary or permanent, shall--

1[(a) in the case of a post--

(i) the incumbent of which is to be regarded as the Head of a department; or

(ii) to which such incumbent is to be appointed; or

2[(iii) the maximum of the pay scale of which (exclusive of allowances) exceeds such amount as the Central Government may, by notification in the Official Gazette, fix,]

be exercisable by the Central Government after consultation with the Chairman;]

3[(b) in the case of any other post, be exercisable by the Chairman or by such authority as may be prescribed by regulations :]

Provided that no person shall be appointed as a pilot at any port, who is not for the time being authorised by the Central Government under the provisions of the Indian Ports Act to pilot vessels⁴[at that or any other port].

(2) The Central Government may, by order, specify any post the incumbent of which shall, for the purposes of this Act, be regarded as the Head of a department.

1. Clause (a) substituted by the Major Port Trusts (Amdt.) Act (29 of 1974), S. 10(i) (1-2-1975).

2. Substituted for clauses (b) and (c), by the Major Port Trusts (Amdt.) Act (29 of 1974), S. 10(ii).
3. Substituted for sub-clause (iii) by the Major Port Trusts (Amdt.) Act (17 of 1982), S. 7 (31-5-1982.)
4. Substituted for the words "at that port", by the Major Port Trusts (Amdt.) Act (17 of 1982), S. 7 (31-5-1982.)

Section 25 - Power to promote, grant leave, etc., to employees of Board

(1) Subject to any regulations made under Section 28, the power of 1[* * *,] granting extension of service to, granting leave to, suspending, reducing, 2[compulsorily retiring,] removing or dismissing or of disposing of any other question relating to the services of, the employees of a Board, including the power of dispensing with the services of any such employee otherwise than by reason of the misconduct of such employee, shall be exercised--

3[(a) in the case of an employee holding a post referred to in clause (a) of sub-section (1) of Section 24, by the Chairman;

(b) in any other case, by the Chairman or by such authority as may be prescribed by regulations :]

Provided that no such order, so far as the same involves extension of service, suspension, reduction in rank, 2[compulsory retirement,] removal or dismissal of 4[an employee referred to in clause (a)], shall have effect until it is approved by the Central Government.

(2) Any employee of a Board 1[*****] aggrieved by an order involving his reduction in rank, 2[compulsory retirement,] removal or dismissal may, within such time and in such manner as may be provided for by regulations, prefer an appeal --

3[(a) to the Central Government, where such order is passed by the Chairman;

(b) to the Chairman, where such order is passed by any such authority as is prescribed by regulations under clause (b) of sub-section (1);]

Provided that where the person who passed the order becomes, by virtue of his subsequent appointment as the Chairman, the appellate authority in respect of the appeal against the order, such person shall forward the appeal to 5[the Central Government] and 5[the Central Government] in relation to that appeal shall be deemed to be the appellate authority for the purposes of this section.

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1. Omitted by the Major Port Trusts (Amendment) Act (29 of 1974), Section 11 (1-2-1975).
 2. Inserted by the Major Port Trusts (Amendment) Act (17 of 1982), Section 8 (31-5-1982.)
 3. Substituted by the Major Port Trusts (Amendment) Act (17 of 1982), Section 8 (31-5-1982.)
 4. Substituted for the words "a Head of a department" by the Major Port Trusts (Amendment) Act (17 of 1982), Section 8 (31-5-1982.)
 5. Substituted for the words "the Board" by the Major Port Trusts (Amendment) Act (17 of 1982), Section 8 (31-5-1982.).

Section 26 - Consulting Engineer to Board

A Board may appoint any person as Consulting Engineer to the Board otherwise than on the basis of payment of a monthly salary, but every such appointment shall be subject to the sanction of the Central Government.

Section 27 - Power to create posts

1[27. Power to create posts

Notwithstanding anything contained in section 23, the power to create any post, whether temporary or permanent, shall,--

(a) in the case of a post the holder of which is to be regarded as the Head of a department or in the case of a post the maximum of the pay scale of which (exclusive of allowances)2[exceeds such amount as the Central Government may, by notification in the Official Gazette, fix, be exercisable by that Government;]

(b) in the case of a post [other than a post referred to in clause (a)], the maximum of the pay-scale of which exceeds such amount as the Central Government may, from time to time, by order fix in this behalf, or where no such amount has been fixed, is not less than one thousand rupees, be exercisable by the Board with the previous sanction of the Central Government;

(c) in the case of any other post, be exercisable by the Chairman.]

1. Substituted by the Major Port Trusts (Amendment) Act (29 of 1974), Section 12(1-2-1975).

2. Substituted for the words "exceeds two thousand rupees, be exercisable by the Central Government" by the Major Port Trusts (Amendment) Act (17 of 1982), Section 9 (31-5-1982).

Section 28 - Power to make regulations

A Board may make regulations, not inconsistent with this Act, to provide for any one or more of the following matters, namely:--

(a) the appointment, promotion, suspension,1[reduction in rank, compulsory retirement,] removal and dismissal of its employees;

(b) their leave, leave allowances, petitions, gratuities, compassionate allowances and travelling allowances and the establishment and maintenance of a Provident Fund or any other fund for their welfare;

(c) the terms and conditions of service of persons who become employees of the Board under clause (f) of sub-section (1) of section 29;

(d) the time and manner in which appeals may be preferred under sub-section (2) of Section 25 and the procedure for deciding such appeals;

(e) any other matter which is incidental to, or necessary for, the purpose of regulating the appointment and conditions of service of its employees.

1. Inserted by the Major Port Trusts (Amendment) Act (17 of 1982), Section 10(31-5-1982).
