

M.S. Notice 13 of 2011

No: ENG/EXAM-10(9)/91-BOM Vol I

Dated: 08.04.2011

Subject: Appellate authority for the punishment imposed on the candidate under Rule 44 of the Merchant Shipping (Standards of Training Certification and Watch keeping for Seafarers) Rules 1998 and under the Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003.

NOTING THAT there exists a need to provide clarity for the benefit of all concerned regarding the authority competent to cancel / suspend the Certificate of Competency and / or disqualification / debarment of the candidate from appearing examinations due to incompetency / misconduct and the authority competent to admit appeals against the order of the competent authority;

RECOGNIZING that as per Rule 44 of the Merchant Shipping (Standards of Training Certification and Watch keeping for Seafarers) Rules 1998, the Director-General of Shipping may disqualify the candidate found guilty of misconduct from examination for which he / she is a candidate. However, under Rule 45 of the said Rules, any seafarer aggrieved by any order by any officer below the rank of the Director-General of Shipping may prefer an appeal to the Director-General of Shipping within a period of sixty days from the date of receipt of the order. Also, the said Rule provides that a seafarer aggrieved by any order by the Director-General of Shipping may prefer an appeal to the Central Government within a period of sixty days from the date of receipt of such order.

WHEREAS the Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003 states that "any Certificate of Competency, which has been granted by the Central Government or an officer duly authorized by it in this behalf, under Section 78 and 79 of the Merchant Shipping Act, 1958 to any person, may be cancelled or suspended for any specified length of period by the Chief Examiner of Master and Mates or the Chief Examiner of Engineers". The said rule also stipulates that a person whose certificate has been cancelled or suspended by the Chief Examiner of Master and Mates or the Chief Examiner of Engineers, may appeal against such order to the Director General of Shipping within 30 days from the date of receipt of such order canceling or suspending his Certificate of Competency.

WITH A VIEW to synchronize the existing Rules, guidelines and current practices, the Director-General of Shipping hereby makes following orders pursuant to the Ministry's letter DO. No. C-18018/1/2008-MA dated 27.11.2008 for the application of Rule 44 and 45 of the Merchant Shipping (Standards of Training Certification and Watch keeping for Seafarers) Rules 1998 and the Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003 with respect to the competent authority and appealing authority;

The Competent authority for taking action against candidates found guilty of misconduct shall be the Chief Examiner of Master and Mates or the Chief Examiner of Engineers, as applicable.

The Appellate authority for the purpose of admitting appeal against the order of the competent authority is the Director-General of Shipping.

This issues with the approval of the Director-General of Shipping.

Sd/-

(D.Mehrotra)

Dy. Chief Surveyor cum Sr. DDG (Tech.)