

FORM 'A'
[See sub-rule (1) of rule 3]
Notice of Opening

1. Name and address of the Establishment.
2. Name and designation of the Employer.
3. Number of persons employed.
4. Maximum number of persons employed on any day during the preceding twelve months with date.
5. Number of employees covered by the Act.
6. Nature of industry.
7. Whether seasonal.
8. Date of opening.
9. Details of Head Office/Branches.
 - (a) Name and address of the head office. Number of employees.
 - (b) Names and addresses of other branches in India.
 - 1.
 - 2.
 - 3.

I verify that the information furnished above is true to the best of my knowledge and belief.

Place

Date

Signature of the employer
with name and designation

To

The Controlling Authority

.....
.....

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FORM 'B'
[See sub-rule (2) of rule 3]
Notice of Change

Name and address of the Establishment,

Take notice that following changes have taken place with effect from in the particulars furnished by me in notice dated on Form A '.

Name.

Address.

Name of the employer.

Nature of business

Place

Date

Signature of the employer
with name and designation

To

The Controlling Authority

.....
.....

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FORM 'C'
[See sub-rule (3) of rule 3]
Notice of Closure

Take notice that it is intended to close down the establishment with effect from The other details are furnished below:

1. Name and address of the establishment.
2. Name and address of the Head Office, if any.
3. Name and designation of the employer.
4. Number of persons in employment.
5. Number of employees entitled to Gratuity.
6. Amount of Gratuity involved.

Place
Date

Signature of the employer
with name and designation

To
The Controlling Authority
.....
.....

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FORM 'D'
[See sub-rule (I) of rule 5]
Notice for excluding husband from family

From

1. Name of the female employee.
2. Name or description of establishment where employed.
3. Post held with Ticket or Serial No., if any.
4. Department/Branch/Section where employed.
5. Permanent address.

Take notice that I, Shrimati desire to exclude my husband Shrifrom my family for the purposes of the Payment of Gratuity Act, 1972.

Place
Date

Signature/Thumb impression
of the employee.

Declaration by witnesses

The above notice was signed/thumb impressed before me

Name in full and full
address of witnesses.

Signature of witnesses.

- 1.
- 2.

Place
Date

To
The Controlling Authority
(Through the employer)
[Name and address of the employer here]

For use by the employer

Received and recorded in this establishment.

Date

Signature of the employer or an
officer authorised in this behalf
by the employer

Reference No.

To

1..... (Employee)

2. The Controlling Authority.

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***FORM 'E'**

[See sub-rule (2) of rule 5]

Notice of withdrawal of notice for excluding husband from family

1. Name of the female employee.
2. Name or description of establishment where employed.
3. Post held with Ticket or Serial No., if any.
4. Department/Branch/Section where employed.
5. Permanent address.

Take notice that I, Shrimati hereby withdraw the notice dated whereby I exclude my husband Shri from my family for the purposes of the Payment of Gratuity Act, 1972. The earlier notice was recorded under your reference No. dated

Place
Date

Signature/Thumb impression
of the employee.

Declaration by witnesses

The above notice of withdrawal was signed/thumb impressed before me.

Name in full and full

Signature of witnesses.
Address of witnesses.

- 1.
- 2.

- 1.
- 2.

Place
Date

To

The Controlling Authority.

(Through the employer)

[Name and address of the employer]

For use by the employer

Received and recorded in this establishment.

Reference No.
Date

Signature of the employer or
officer authorised.

Seal or rubber stamp of the
establishment.

To

1. (Employee)
2. The Controlling Authority.

*	Forms D and E have become redundant as rule 5 of these Rules have become redundant because of proviso to sub-clause (ii) of clause (h) of section 2 of the Payment of Gratuity Act, 1872 has been omitted by the Payment of Gratuity (Amendment) Act, 1987 (22 of 1987), sec. 2 (w.e.f. 1-10-1987), Ed.
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FORM 'F'
[See sub-rule (1) of rule 6]
Nomination

To

.....
[Give here name or description of the establishment with full address]

- I. Shri/Shrimati/Kumari whose particulars are given in the statement below. [Name in full here] hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).
2. I hereby certify that the person(s) mentioned is a/are member(s) of my family within the meaning of clause (h) of section (2) of the Payment of Gratuity Act, 1972.
3. I hereby declare that I have no family within the meaning of clause (h) of section (2) of the said Act.
4. a. My father/mother/parents is/are not dependent on me.
b. My husband's father/mother/parents is/are not dependent on my husband.
5. I have excluded my husband from my family by a notice dated the to the Controlling Authority in terms of the proviso to clause (h) of section 2 of the said Act.
6. Nomination made herein invalidates my previous nomination.

Nominee(s)

Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1.			
2.			
3.			
so on.			

Statement

1. Name of employee in full.
2. Sex.
3. Religion.
4. Whether unmarried/married/widow/widower.
5. Department/Branch/Section where employed.
6. Post held with Ticket or Serial No., if any.
7. Date of appointment.
8. Permanent address.

Village Thana Sub-division
Post Office District State.....

Place
Date

Signature/Thumb impression
of the employee

Declaration by witnesses

Nomination signed/thumb impressed before me.

Name in full and full

Signature of witnesses
address of witnesses.

1.
2.

1.
2.

Place

Date

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference No., if any.

Signature of the employer/
officer authorised
Designation

Date

Name and address of the
establishment or rubber stamp
thereof.

Acknowledgement by the employee

Received the duplicate copy of nomination in Form 'F' filed by me and duly certified by the employer.

Date

Signature of the employee

FORM 'G'
[See sub-rule (3) of rule 6]
Fresh Nomination

To

.....
[Give here name or description of the establishment with full Address]

I, Shri/Shrimati [Name in full here] whose particulars are given in the statement below, have acquired a family within the meaning of clause (h) of section (2) of the Payment of Gratuity Act, 1972 with effect from the [date here] in the manner indicated below and therefor nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is a/are member(s) of my family within the meaning of clause (h) of section 2 of the said Act.

3. My father/mother/parents is/are not dependent on me.

My husband's father/mother/parents is/are not dependent on my husband.

4. I have excluded my husband from my family by a notice dated the to the controlling authority in terms of the proviso to clause (h) of section 2 of the said Act.

Nominee(s)

Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1.			
2.			
3.			
4.			
so on.			

Manner of acquiring a "family"

[Here give details as to how a family was acquired, i.e., whether by marriage or parents being rendered dependant or through other process like adoption].

Statement

1. Name of the employee in full.
2. Sex.
3. Religion.
4. Whether unmarried/married/widow/widower.
5. Department/Branch/Section where employed.
6. Post held with Ticket No. or Serial No., if any.
7. Date of appointment.
8. Permanent address.

Village Thana Sub-division
Post Office District State

Place Signature/Thumb impression
Date of the employee.

Declaration by witnesses

Fresh nomination signed/thumb impressed before me.

Name in full and full Signature of witnesses.
addresses of witnesses.

1. 1.
2. 2.

Place
Date

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's reference No., if any.

Signature of the employer/
officer authorised
Designation

Date

Name and address of the
establishment or rubber
stamp thereof.

Acknowledgement by the employee

Received the duplicate copy of the nomination in Form filed by me on
..... duly certified by the employer.

Date

Signature of the employer

FORM 'H'
[See sub-rule (4) of rule 6]
Modification or nomination

To

.....
[Give here name or description of the establishment with full address]

I, Shri/Shrimati/Kumari [Name in full here] whose particulars are given in the statement below, hereby give notice that the nomination filed by me on [date] and recorded under your reference No..... dated shall stand modified in the following manner:

[Here give details of the modifications intended]

Statement

1. Name of the employee in full.
2. Sex.
3. Religion.
4. Whether unmarried/married/widow/widower.
5. Department/Branch/Section where employed.
6. Post held with Ticket No. or Serial No., if any.
7. Date of Appointment.
8. Address in full.

Place

Date

Signature/Thumb impression
of the employee

Declaration by witnesses

Certified that the above modification have been recorded.

Employer's reference No., if any.

Signature of the employer/
Officer authorised
Designation
Name and address of the
Establishment or rubber
Stamp thereof.

Acknowledgement by the employee

Received the duplicate copy of the notice for modification in Form 'H' filed by me on

Duly certified by the employer.

Date

Signature of the employee

Note: Strike out the words not applicable.

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FORM 'I'
[See sub-rule (1) of rule 7]
Application of gratuity by an employee

To

.....
[Give here name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 on account of my superannuation/retirement/resignation after completion of not less than five years of continuous service/ total disablement due to accident/ total disablement due to disease with effect from the Necessary particulars relating to my appointment in the establishment are given in the statement below:

Statement

1. Name in full.
2. Address in full
3. Department/Branch/Section where last employed.
4. Post held with Ticket No. or Serial No., if any.
5. Date of appointment.
6. Date cause of termination of service.
7. Total period of service.
8. Amount of wages last claimed.
9. Amount of gratuity claimed.

I was rendered totally disabled as a result of

[Here give Detail]

Payment may please be made in cash/open or crossed bank Cheque.

As the amount of gratuity payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum to me by Postal Money Order at the address mentioned above after deducting postal money order commission therefrom.

Place
Date

Yours faithfully,
Signature/Thumb impression of
the applicant employee.

Note:

1. Strike out words not applicable.
2. Strike out paragraph or paragraph not applicable.

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FORM 'J'

[See sub-rule (2) of rule 7]

Application for gratuity by a nominee

To

.....

[Give here the name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a nominee of late..... [name of the employee] who was an employee of your establishment and died on the The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on retirement of/resignation of the aforesaid employee on after completion of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the Necessary particulars relating to my claim given in the statement below:

Statement

1. Name of applicant nominee.
2. Address of full in applicant nominee.
3. Marital status of the applicant nominee (unmarried/married/widow/widower)
4. Name in full of the employee.
5. Marital status of employee.
6. Relationship of the nominee with employee.
7. Total period of service of the employee.
8. Date of appointment of the employee.
9. Date and cause of termination of service of the employee.
10. Department/Branch/Section where the employee last worked.
11. Post last held by the employee with Ticket or Serial No., if any.
12. Total wages last drawn by the employee.
13. Date of death and evidence/witness as proof of death of the employee.
14. Reference No. of recorded nomination, if available.
15. Total gratuity payable to the employee.
16. Share of gratuity claimed.

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.

3. Payment may please be made in cash/crossed or open bank cheque

4. As the amount payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting Postal Money Order commission therefrom.

Place

Date

Note:

1. Strike out the words not applicable.
2. Strike out the paragraph or paragraphs not applicable.

Yours faithfully,
Signature/Thumb impression
of applicant nominee.

FORM 'K'
[See sub-rule (3) of rule 7]
Application for gratuity by a legal heir

To

.....
[Give here the name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 as a legal heir of late [name of the employee] who was an employee of your establishment and died on the..... without making any nomination. The gratuity is payable on account of the death of the aforesaid employee while in service/ superannuation of the aforesaid employee on the retirement or resignation of the aforesaid employee on the after completion of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the Necessary particulars relating to my claim are given in the statement below:

Statement

1. Name of applicant legal heir.
2. Address in full of applicant legal heir.
3. Marital status of the applicant legal heir (unmarried/married/widow/widower)
4. Name in full of the employee.
5. Relationship of the applicant with the employee.
6. Religion of both the applicant and the employee.
7. Date of appointment and total period of service of the employee.
8. Department/Branch/Section where the employee worked last..
9. Post last held by the employee with Ticket or Serial No., if any.
10. Total wages last drawn by the employee.
11. Date and cause of termination of service of the employee (death or otherwise).
12. Date of death of the employee and evidence/witness in support thereof.
13. Total gratuity payable to the employee.
14. Percentage of the gratuity claimed.
15. Basis of the claim and evidence/witness in support thereof.

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.

3. Payment may please be made in cash/open or crossed bank cheque.

4. As the amount payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above, after deducting Postal Money Order commission therefrom.

Place
Date

Yours faithfully,
Signature/Thumb impression
of applicant legal heir.

Note: Strike out the words not applicable.

FORM 'L'

[See clause (i) of sub-rule (1) of rule 8]

Notice for payment of gratuity

To

.....
[Name and address of the applicant employee/nominee/legal heir]

You are hereby informed as required under clause (i) of sub-rule (1) of rule 8 of the Payment of Gratuity (Central) Rules, 1972 that a sum of Rs. (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by on..... and recorded in thisas a legal heir of an employee of this establishment.

2. Please call at on [date] at for collecting your

[Here specify place] payment in cash/open or crossed cheque.

3. Amount payable shall be sent to you by Postal Money Order at the address given in your application after deducting the Postal Money Order commission, as desired by you.

Brief statement of calculation

1. Total period of service of the employee concerned: year months.
2. Wages last drawn.
3. Proportion of the admission gratuity payable in terms of nomination/as a legal heir.
4. Amount payable.

Place
Date

Signature of the employer/
Authorised Officer

Name or description of
establishment of rubber
stamp thereof.

Copy to: the Controlling Authority:

Note: Strike out the words not applicable.

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FORM 'M'
[See clause (ii) of sub-rule (1) of rule 8]
Notice rejecting claim for payment of gratuity

To

[Name and address of the applicant employee/nominee legal heir]

You are hereby informed as required under clause (ii) of sub-rule (i) of rule 8 of the Payment of Gratuity (Central) Rules, 1972 that your claim for payment of gratuity as indicated on your application in Form under the said rules is not admissible for the reasons stated below:

Reasons

[Here specify the reasons]

Place
Date

Signature of the employer/
Authorised Officer.

Name on description of
establishment or rubber
stamp thereof.

Copy to: The Controlling Authority:

Note: Strike out the words not applicable

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FORM 'N'
[See sub-rule (i) of rule 10]
Application for direction

Before the Controlling Authority under the Payment of Gratuity Act, 1972.

Application No.

Date

Between

[Name in full of the applicant with full address]

and

[Name in full of the employer concerned with full address]

The applicant is an employee of the above-mentioned employer's nominee of late an employee of the above mentioned employer's legal heir of late and employee of the above-mentioned employer, and is entitled to payment of gratuity under section 4 of the Payment of Gratuity Act, 1972, on account of his own/aforesaid employees superannuation on/his own retirement/aforesaid employee's resignation on after [date] [date] completion of years of continuous service/his own/aforesaid employee's total disablement with effect from [date] due to accident/disease/death of the aforesaid employee on

2. The applicant submitted an application under rule of the Payment of Gratuity Act, 1972 on the but the above-mentioned employer refused to entertain it/issued a notice dated the under clause of sub-rule of rule offering an amount of gratuity which is less than me due/issued a notice dated the under clause of sub-rule of rule rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter.

[Specify the dispute]

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Controlling Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date

Signature of the applicant/Thumb
impression of the applicant.

Annexure

1. Name in full of applicant with full address.
2. Basis of claim:[Death/Superannuation/Retirement/Resignation/ Disablement of employee].
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/ married/ widow /widower)
5. Name and address in full of the employer.
6. Department/Branch/Section where the employee was employed [if known]
7. Post held by the employee with Ticket or Serial No., if any [if known].
8. Date of appointment of the employee [if known].
9. Date and cause of termination of service of the employee.
[superannuation/retirement/resignation/disablement/death]
- 10.Total period of service by the employee.
- 11.Wages last drawn by the employee.
- 12.If the employee is dead, date and cause thereof.
- 13.Evidence/witness in support of death of the employee.
- 14.If a nominee, No. and date of recording of nomination with the employer.
- 15.Evidence/witness in support of being a legal heir, if a legal heir.
- 16.Total gratuity payable to the employee [if known]
- 17.Percentage of gratuity payable to the applicant as a nominee/legal heir.
- 18.Amount of gratuity claimed by the applicant.

Place
Date

Signature/Thumb impression
of the applicant.

Note: Strike out the words not applicable.

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FORM 'O'

[See sub-rule (1) of rule 11]

Notice for appearance before the controlling authority

From:

The Controlling Authority under the Payment of Gratuity Act, 1972.

To

.....
[Name and address of the employee/applicant]

Whereas Shri, an employee under you/a nominee(s) legal heir (s) of Shri an employee under the above-mentioned employer, has/have filed an application under sub-rule (1) of rule 10 of the Payment of Gratuity (Central) Rules, 1972 alleging that

[A copy of the said application is enclosed]

Now, therefore, you are hereby called upon to appear before me at [place] either personally or through a person duly authorised in this behalf for the purpose of answering all material questions relating to the application on the day of 20 at o'clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before mentioned the application will be dismissed/heard and determined in your absence.

Give under my hand and seal, this day of 20.....

Controlling Authority

Note Strike out the words and paragraphs not applicable.

FORM 'P'
[See rule 14]
Summons

Before the Controlling Authority under the Payment of Gratuity Act, 1972.

To

.....
[Name and address]

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of in the case arising out of the claim for gratuity by from and referred to this Authority by an application under section 7 of the Payment of Gratuity Act, 1972, you are hereby summoned to appear personally before this Authority on the day of 19 at o'clock in the forenoon/afternoon and to bring with you (or to send to this Authority) the said documents.

List of Documents

- 1.
- 2.
3. so on

Controlling Authority

Dated this day of 20

Notes.- 1. The portion not applicable to be deleted.

2. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the person served before the date fixed.
3. In case summons is issued only for producing a document and not to give evidence, it will be sufficient compliance to the summons if the documents are caused to be produced before the controlling authority on the day and hour fixed for the purpose.

FORM 'Q'
[See sub-rule (1) of rule 19]
Particulars of application under section 7

1. Serial No.
2. Date of the Application.
3. Name and address of the applicant.
4. Name and address of the employer.
5. Amount of gratuity claimed.
6. Dates of hearing.
7. Findings with date.
8. Amount awarded.
9. Cost, if any, awarded.
10. Date of notice issued for payment of gratuity.
11. Date of appeal, if any.
12. Decision of the appellate authority.
13. Date of issue of Final Notice for payment of gratuity.
14. Date of payment of Gratuity by Employer with mode of payment.
15. Date of Receipt of application for recovery of Gratuity.
16. Date of Issue of Recovery Certificate.
17. Date of Recovery.
18. Other remarks.
19. Signed.
20. Date

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FORM 'R'
[See Rule 17]
Notice for payment of Gratuity

To [Name and address of employer]

Whereas Shri/Smt/Kumari of (address) an [employee under you/a nominee(s) legal heir(s) of late and employee under you, filed an application under section 7 of the Payment of Gratuity Act, 1972 before me;

And whereas the application was heard in your presence on and after the hearing I have come to the finding that the said Shri/Smt./ Kumari is entitled to a payment of Rs as gratuity under the Payment of Gratuity Act, 1972;

Now, therefore, I hereby direct to pay the said sum of Rs to Shri/Smt./Kumari within thirty days of the receipt of this notice with an intimation thereof to me.

Given under my hand and seal, this day of 19

Controlling Authority

Copy to:

(Applicant)

He is advised to contact the employer for collecting payment.

Note.- The portion not applicable to be deleted,

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FORM 'S'

[See sub-rule (5) of rule 18]

Notice for Payment of Gratuity as determined by Appellate Authority

To

[Name and address of employer]

Whereas a notice was given to you on Form 'R' requiring you to make a payment of Rs to Shri/Smt./Kumari as gratuity under the Payment of Gratuity Act, 1972;

Whereas you/the applicant went in appeal before the appellate authority, who has decided that an amount of Rs is due to be paid to Shri/Smt./Kumari as gratuity due under the Payment of Gratuity Act, 1972;

Now, thereof, I hereby direct you to pay the said sum of Rs to Shri/Smt./Kumari within 30 days of the receipt of this with an intimation thereof to me.

Given under my hand and seal, this day of 20

Controlling Authority.

Copy to:

1. The Applicant.
He is advised to contact the employer for collecting payment
2. The Appellate Authority.

Note.- The Portion not applicable to be deleted.

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FORM 'T'
[See rule 19]
Application for recovery of gratuity

Before the Controlling Authority under the Payment of Gratuity Act, 1972.

Application No

Date

Between

[Name in full of the applicant with address]

And

[Name in full of the employer with full address]

The applicant is an employee of the above-mentioned employer/a nominee of late an employee of the above mentioned employer/a legal heir of late, an employee of the above mentioned employer, and you were pleased to direct the said employer in your notice dated the under rule of the Payment of Gratuity (Central) Rules, 1972 for payment of a sum of Rs as gratuity payable under the Payment of Gratuity Act, 1972.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section of the said Act for the recovery of the said sum of Rs due to me as gratuity in terms of your direction.

Place

Date

Signature/Thumb impression
of the applicant

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¹[FORM 'U'
Abstract of the Act and Rules

1. Extent of the Act.- The Act extends to the whole of India:

Provided that in so far as it relates to plantations or ports, it shall not extend to the State of Jammu and Kashmir. [Section 1(2)]

2. To whom the Act applies.-The Act applies to (a) every factory, mine, oilfield, plantation, port and railway company; (b) every shop or establishment within the meaning of any law for the time being in force in relation to shop and establishment in State, in ten or more persons are employed, or were employed on any day of the preceding twelve months; and (c) such other establishment, or class of establishment, in which ten or more employees are employed, on any day of the preceding twelve months, as the Central Government may, by notification, specify in this behalf, [Section 1(3)]

3. Definitions,-(a) "Appropriate Government" means

(i) in relation to an establishment;

(a) belonging to, or under the control of, the Central Government,

(b) having branches in more than one State,

(c) of a factory belonging to, or under the control of, the Central Government,

(d) of a major port, mine, oilfield or railway company, the Central Government.

(ii) in any other case, the State Government. [Section 2(a)].

(b) "Completed year of service" means continuous service for one year; [Section 2(b)].

(c) "Continuous Service" means uninterrupted service and includes service which is interrupted by sickness, accident, leave, lay-off, strike or a lock-out or cessation of work not due to any fault of the employees concerned, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act.

Explanation I.- In the case of an employee who is not in uninterrupted service for one year, he shall be deemed to be in continuous service if he has been actually employed by an employer during the twelve months immediately preceding the year for not less than-

(i) 190 days, if employed below the ground in a mine, or

(ii) 240 days, in any other case, except when he is employed in seasonal establishment.

Explanation II.-An employee of a seasonal establishment shall be deemed to be in continuous service if he has actually worked for not less than seventy-five per cent of the number of days on which the establishment was in operation during the year. [Section 2(d)].

(d) "Controlling authority" means an authority appointed by an appropriate Government under section 3. [Section 2(d)].

(e) "family", in relation to an employee, shall be deemed to consist of-

(i) in the case of a male employee, himself, his wife, his children, whether married or unmarried, his dependant parents and the widow and children, of his predeceased son, if any,

(ii) in the case of a female employee, herself, her husband, her children,

whether married or unmarried, her dependant parents and the dependant parents of her husband and the widow and children of her predeceased son, if any:

Provided that if a female employee, by a notice in writing to the controlling authority, express her desire to exclude her husband from her family, the husband and his dependant parents shall no longer be deemed for the purposes of this Act, to be included in the family of such female employee unless the said notice is subsequently withdrawn by such female employee.

Explanation.-Where the personal law of an employee permits the adoption by him of a child, any child lawfully adopted by him shall be deemed to be included in his family, and where a child of an employee has been adopted by another person and such adoption is, under the personal law of the person making such adoption, lawful, such child shall be deemed to be excluded from the family of the employee. [Section 2(h)].

4. Nomination - (1) Each employee, who has completed one year of service, after the commencement of the Payment of Gratuity (Central) Rules, 1972, shall make within thirty days of completion of one year of service, a nomination [Section 6(1) read with Rule 8, 6(1)].

(2) If an employee has a family at the time of making a nomination the nomination shall be made in favour of one or more members of his family and any nomination made by such employee in favour of a person who is not member of his family shall be void. [Section 6(3)].

(3) If at the time of making a nomination, the employee has no family, the nomination can be made in favour of any person or persons, but if the employee subsequently acquires a family, such nomination shall forthwith become invalid and the employee shall make within 90 days a fresh nomination in favour of one or more members of this family. [section 6(4) read with rule 6(3)].

(4) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee or, if illiterate, shall bear his thumb impression in the

presence of two witnesses, who shall also sign declaration to that effect in that nomination, fresh nomination or notice of modification of nomination as the case may be. [Rule 6(5)].

(5) A nomination may, subject to the provisions of sub-sections (3) and (4) of section 6 be modified by an employee any time after giving to his employer a written notice of his intention to do so.[Section 6(5)].

(6) A nomination or fresh nomination or notice of modification of nomination shall take effect from the date of receipt of the same by the employer. [Rule 6(6)].

5. Application for gratuity.-(1) An employee who is eligible for payment of gratuity under the Act, or any person authorised, in writing, to act on his behalf, shall apply ordinarily within thirty days from the date of gratuity became payable:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement. [Rule 7(1)].

(2) A nominee of an employee who is eligible for payment of gratuity shall apply, ordinarily within thirty days from the date the gratuity became payable to him, to the employer. [Rule 7(2)].

(3) A legal heir of an employee who is eligible for payment of gratuity shall apply, ordinarily within one year from the date the gratuity became payable to him, to the employer. [Rule 7(3)].

(4) An application for payment of gratuity filed after the expiry of the periods specified above shall also be entertained by the employer if the applicant adduces a sufficient cause for the delay. [Rule 7(5)].

6.Payment of gratuity.-(1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years-

- (a) on his superannuation, or
- (b) on his retirement or resignation, or
- (c) on his death or disablement due to accident or disease:

Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement:

Provided further that in case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor the shares of such minor, shall be deposited with the controlling authority who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attains majority.

Disablement means such disablement which incapacitates an employee for the work which he was capable of performing before the accident or disease resulting in such disablement. [Section 4(1)].

(2) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days' wages based on the rate of wages last drawn by the employee concerned:

Provided that in the case of a piece-rated employee, daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment, and, for this purpose, the wages paid for any overtime work shall not be taken into account:

Provided further that in the case of an employee employed in seasonal establishment, the employer shall pay the gratuity at the rate of seven days' wages for each season. [Section 4(2)].

Explanation.-In case of a monthly rated employee, the fifteen days' wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying quotient by fifteen.

(3) The amount of gratuity payable to an employee shall not exceed twenty months wages.[Section 4(3)].

7. Forfeiture of gratuity, (1) The gratuity of an employee, whose services have been terminated for any act, willful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused;

(2) The gratuity payable to an employee shall be wholly forfeited-

(a) If the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or

(b) If the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.[Section 4(6)].

8. Notice of opening, change or closure of the establishment,- (1) A notice shall be submitted by the employer to the controlling authority of the area within thirty days of any change in the name, address, employer or nature of business.[Rule 3(2)].

(2) Where an employer intends to close down the business he shall submit a notice to the controlling authority of the area at least sixty days before the intended closure.[Rule 3(3)].

9. Application to controlling authority for direction,-If an employer-

- (i) refuses to accept a nomination or to entertain an application for payment of gratuity, or
- (ii) issues a notice either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
- (iii) having received an application for payment of gratuity, fails to issue notice within fifteen days; the claimant employee, nominee, or legal heir, as the case may be, may within ninety days of the occurrence of the cause for the application, apply to the controlling authority for issuing a direction under sub-section (4) of section 7 with as many extra copies as are the opposite party:

Provided that controlling authority may accept any application on sufficient cause being shown by the applicant after the expiry of the period of ninety days.' [Rule 10]

10. Appeal.-Any person aggrieved by an order of the controlling authority may, within sixty days from the date of the receipt of the order, prefer an appeal to the Regional Labour Commission (Central) of the area who been appointment as the appellate authority by the Central Government:

Provided that the appellate authority may, if it is satisfied that the appellate was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by further period of sixty days. [Section 7(7)].

11. Machinery for enforcement of the Act or Rules in Central spheres.-All Assistant Labour Commissioners (Central) have been appointed as Controlling Authorities and all the Regional Labour Commissioners (Central) as Appellate Authorities.

12. Powers of the controlling authority.-The Controlling Authority for the purpose of conducting an inquiry as to the amount of gratuity payable to an employee or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, shall have the same powers as are vested in court, under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses. [Section 7(5)].

13. Recovery of gratuity.- If the amount of gratuity payable is not paid by the employer, within the prescribed time, to the person entitled thereto the controlling

authority shall, on an application made to it in this behalf by the aggrieved person, issue a certificate for that amount to the Collector, who shall recover the same together with compound interest thereon at the rate of nine per cent per annum, from the date of expiry of the prescribed time, as arrears of land revenue and pay the same to the person entitled thereto. [Section 8].

14. Protection or gratuity.-No gratuity payable under the Payment of Gratuity Act and rules made thereunder shall be liable to attachment in execution of any decree or order of any civil, revenue or criminal court. [Section 13].

15. Penalties for offences.-(1) Whoever, for the purpose of avoiding any payment to be made by himself or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. [Section 9(1)].

(2) An employer who contravenes, or makes default in complying with, any of the provisions of the Act or any rule or order made thereunder shall be punishable with imprisonment for term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that if the offence relates to non-payment of any gratuity payable under the Payment of Gratuity Act, the employer shall be punishable with imprisonment for a term which shall not be less than three months unless the court trying the offence, for reasons to be recorded by it in writing, is of opinion that a lesser term of imprisonment or the imposition of a fine would meet the ends of justice. [Section 9(2)].

16. Display or notice.- The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in the language understood by the majority of the employees specifying the name of the officer with designation authorised by the employer to receive on his behalf notices under the Payment of Gratuity Act or the rules made thereunder. [Rule 4].

17. Display or abstract of the Act and Rules.-The employer shall display an abstract of the Payment of Gratuity Act and the rules made thereunder in English and in the language understood by the majority of the employees at a conspicuous place at or near the main entrance of the establishment. [Rule 20]].
