

PAYMENT OF GRATUITY (D&NH) RULES, 1985

Volk' Nd, 1907: No. On Q .Nâghi " Havili', - !Dt:

2242521985. NOT A T 1 ON -1 NO.section .15 the P.aym'ent- 'Of • •Äminis'traioj, Dadra. and Nag.äg ing Sh fitte• h called the t, of Gratuity -(Dadra-- and, Nagar •1985. (2) They . shall. cömé, into •fär.ce (jp i the.:date. o! in the. Official- Gazétté

2. Definition 7.1m' •these rules, unless. there is anythiig• repugnaiit.'itl qr •.context,7!• (a) 0;'Agt" ,qieäps} tbe-N.4ymment- by lthe •Adininiatiator- under sub'seét_ipn -C 7) •of, *ppgpdgdJiio, y A•ct. Notice •Of •opthiig; .léhkhigé (ij %beé6me. applicable', d åß & beéöfirre -'ABBI icabe, a notice -in -Form' 'A' •ibæ•tlie• (2). A 410tice . in .Fcum•-. 'B' Shall •be sübmi.tted-- by-the Eémplojé.rlto- the coßtroll- Ini aith6rfty:-6ftlic area 'O.ftány Ohänge--il' plpyer of •nature of "businéSY. (3) 4•2.Whe/e an ehplöytf liiiténdé -'ic; noticé in'" 'Fdfm-: 'C' 'éOniööiihg-a•uihÖrity -it before the •intended closure: P,rt; qr:Y 2 4. Display of Notice display conspicuously a notice .f in botd• lettefs in English and in at or near the main entrance language understood by the m.ljority-. .Qf the employees specifying the name Of the oficer with designation •authorised']. employer to .receive on his behalf Ä0tices under the Act or thé Rules. (2) A fresli notice sh,dl bp "*"displayed immediately after the notice referted to in sub-rule (1) became illemble a.chenge

5. Form of notice under-piövigo i'd 2(h) (ii) (I 'l A notice unr•é the nr to sub-clause (iij Clause (h) of section shall be.in.. Form u.' D' and .ignE iL fripligqie by . the employee. the who shall". afterc recordingh.-its receipt- onypne copy tÄer,cpf, return thei gopy _ to the' employee - and..seod. the..second-controlling. authority _pt the. ar.ea. (2) An employee the referred to -in gub-rule by *iving another notice in-utripliqte:, •in Form . 'E' to the-: etuployer, who shall follow the same procedure as in' sub-rule 6. (J) in Form' 'F' and- submitted Nomination . duplicate by personal service by- the employee, after - receipt. pr. by sendihg teghsteréd'Qds< d•ti-e -to _ •theléhiPIQy,Éf,— (i) - in -thé Of Who • iS • 'alié!âdy "iri •Éäiployméât or.. more-on. the da.tc of cqmmengerneqt.-ot these ordinaiily, Within ninety dayg from Such date,- and (lil' case emtolYee -Who campléte -one . year bf"seryiéé• date of commencement of these •rules, ord ina rily, -within thirty: days •of.--thE "'é01ililÉtion•, of _onet year service, Provided that nomination :in Form 'F' shall bé aaccepted by the: after the specified per_idkn Tof 'dEiäY, ånd no '- nomination so actep•téá: shali it' was filéd;: (2) Within thiiiy bf•• •th•e" receiöt df-få Forh+'. 'F' •under sub-rule (I) the shiEFÉet{iilie servite# pâtrficulârs• lof mention cd in the form of nomination, verified to establishe ment and return to afcet optaining a_seceipt. thereof, .the_ düp'viCate copy of the. popiqa!ion iq Form . 'F' _ duly -attested. either' by •the employer an..omcec au.. thofi"d• béfialf. ..by. as token, the, nomination by: the employer and the other copy of the. nomination -shall' be recorded; (i) An emp_lpygé-hÅg.lnp family Rt- thé time o.f_ .making a .!omipgtion sba-ti, within ninety dayli of 4ccuiuring family submit. in the. mannqr ssecified in sué-; a fresh nomination, as requided under Sub-section. (4) of sectipn r 6, in du>ii• • in F.Pfm 'Gt' fo the emp'6ye!, and thereafter the provisions...of. sub-r_uie (2); shall apply mutâtié—mutândis as if {t Tas made under sub-rule (4) A _ notice of modificatioB of a nomination, including cases *here a no. minee predeceases an employee, shall' be submitted in duplicate in, Form 'H' to the employer . in the manner specified in sub-rule (I), and thereafter' the provisionrof tub-rule (2) shall apply •mutati+mutandis ag if it made under sub-rule Part 111 sec. (i) THE D & NH GAZETTE 3 (5) A nomination or a fresh nomination or a notice of modification of no- minatioil ' Åhall'bé-'Gigrfrd" by 'The efiip)âyee, OT, tif- béar -his-Githursnb impre- *ion, in the presence of two Witnesses who shall also sign a declaration to thafieffebt; in•- the 'nöhiinatidn,-fireéh 'nomin•aion or notvce nomination,' as tha case-may be. _ (6) nomination, fresh nomination or notice of modificatiöfi Of nomihü!iöty *hall take effect fromi the date ot recéipt' théiéöf by the employér. 7. . (I) An employee who is eligible for payment of Application for gratuity gratuity un{ler :t'be Act, or any peison authorised in ' sytiti-g-.-:tö' åctt-6h his qjehalf, shall appl.y6rdinât'ily wit'hllh -iliir(y days from [hé daté bééanie ih • Föjni* 'II to th'é •employer. 'Provided 'ltb8t Where thé dale of superannuation Or -retir-emerit•of an employee is known, the employee may apply to the employer -before the of. superannuation or retirement. - -ft (2) GA • nominee • f employee... wbo- .i\$. eligible_.f.Qt. paymept.-of under the second proviso to sub-section (I) of Section 4 shall apply, •ordiner-ily -"ith in thirty days;: from •--thb:date the: •form• 'J' to the eniployer . Pr.oyided that, qpÄj;catioii _ iii plain pÅfiCr,. -With • f&lévapt päfffiéulars Shail also be acceptedl *The émployér may""obtaiir päifdiilars as

may be deemed necessary by him. (3) An employee who is eligible for gratuity - the Sub-section (4) of the Act shall be deemed to be entitled to receive gratuity if he has applied for the same before the commencement of the Act. (5) An application for gratuity shall be deemed to be valid if it is made within the period specified in this rule. Any dispute in this regard shall be referred to the court of law. (6) An application under this rule shall be valid only if it is made by a person who is entitled to receive gratuity by virtue of his service or by a person who is entitled to receive gratuity by virtue of his service.

8. Notice for payment of gratuity.— (f) An employee who is eligible for gratuity shall be deemed to be entitled to receive gratuity if he has applied for the same before the commencement of the Act. (5) An application for gratuity shall be deemed to be valid if it is made within the period specified in this rule. Any dispute in this regard shall be referred to the court of law. (6) An application under this rule shall be valid only if it is made by a person who is entitled to receive gratuity by virtue of his service or by a person who is entitled to receive gratuity by virtue of his service.

10. Application for gratuity.— (1) An employee who is eligible for gratuity shall be deemed to be entitled to receive gratuity if he has applied for the same before the commencement of the Act. (5) An application for gratuity shall be deemed to be valid if it is made within the period specified in this rule. Any dispute in this regard shall be referred to the court of law. (6) An application under this rule shall be valid only if it is made by a person who is entitled to receive gratuity by virtue of his service or by a person who is entitled to receive gratuity by virtue of his service.

-be reviewed- and the application re-heard giving not less than fourteen days. notice -to the -opposite party of the date fixed for re-hearing of; the application. The power and -time of: hearing the controlling authority shall be held at such times and places he may -fix and -he shall -inform the -parties of the same in such manner he thinks fit. Administration of oath. The Authority. Of his -duty to administer oaths; for the purpose of making affidavit

14. Summoning and attendance Of witnesses. The person or authority, may, in any -Magistrate of the proceedings. before him -either upon an application by any of the parties involved in the proceedings before -On such terms as appear to the controlling authority just, to issue summons to any person in Form 'P' either to -give evidence or to produce documents -or for both purposes on a specified date, time and place

15. Service of notice. Subject to the provisions sub-rule, (2) process -or order -issued controlling authority served. -in either of manner as prescribed under the Code of Civil Procedure, 1908 (Act 5, of 1908.) Part-IV sec. (i) THE D&NH. GAZETTE (2) Where there are numerous persons as parties to any proceeding before the controlling authority and such persons are members of any trade union or are represented by an authorised person, the service of notice on the Secretary or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons. Maintenance of records of cases by the controlling authority -The controlling authority shall record the particulars of each case under section. 17, in Form and at the time of passing orders shall sign and date the particulars so recorded. (2) The controlling authority shall, while passing orders in each case, record the findings on the merits of the case file it together with the memorandum of evidence. With the order sheet. (3) Any record, other than a record of any -or direction, which is required by these rules to be signed by the controlling authority, may be signed on behalf of under the direction of the controlling authority any subordinate officer appointed in writing for this purpose by the controlling authority

17. Direction for payment of gratuity -If a finding is recorded under sub-rule (4) of rule 11 that the applicant, is entitled to the Act, controlling authority shall issue a notice to the employer in Form 'A' specifying the amount payable; payment to the employee -tendered in -intimation to the employer by the employer. A copy of the -application -employee, nominee or legal heir, as the case may be. (1) The Memorandum of appeal under section 18 Appeal: The ACC shall be submitted by the Party -and -the -controlling authority through delivery in person under registered post acknowledged by (2) The Memorandum of appeal: The decision of the controlling authority, -the grounds of appeal; and -the relief sought. There shall be appended to the Memorandum of appeal a certified copy of the finding of the controlling authority and direction for payment of gratuity. On receipt of the copy of the Memorandum of appeal; the controlling authority shall forward records of the case -to the appellate authority. (5) Within 14 days of the receipt of the Memorandum of appeal, the appellant shall submit his Comments, on the memorandum with the additum; if any, to the Appellate authority with a copy to the appellant. (6) The appellate authority shall record a decision -act giving the parties to the appeal a reasonable "opportunity" of being heard -of the decision shall be the parties to the appeal: a copy thereof shall be sent to the controlling authority. returning his records of the Case. -The controlling authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained in Form 'Q' under sub-rule (i) of rule 16. On receipt of the decision of the appellate authority, the controlling authority shall, if required, direct that the decisions modify direction for payment of gratuity and issue a notice to the employer concerned in Form specifying the 111 sec. [i] GAZETTE modified amount payable and directing payment thereof to the applicant, under the provisions of the controlling authority Within fifteen days of the receipt of the notice by the employer. A copy of the -to the applicant employee, nominee or legal heir, as the case may be -and to the authority. Application for recovery of gratuity: Where an employer fails to pay the gratuity due under the Act in accordance with the notice -the controlling authority may, if it may be, the employee concerned, his nominee or legal heir, apply to the controlling authority in duplicate in Form 'T' for recovery thereof under section 8 of the Act

20. Display of abstract of the Act and rules—The employer an abstract of the Act and the rules, made thereunder given iptYF.qymEfU'aiKiGEng-ik-h and in the language understood by the majority of the employees at a .gqn\gic.ggtävplacie At or near the main entrance of the 'establishment... FORM. 'A' (See sub-rule (l) Of rule 3) NOTICE OF OPENING. 1. 2. 3. 4. 5. 6. 7. 8. .91 EstabliXhm-ent. •Name: and Designation of r the Establishment. Number •of persons employed. Maximum number of-persons employed on-any day during the proceeding twelve months with date. Number of employees covered* by ihâ*Act. Nature of -Industry. Whether Seasonal. Date .of opening. Details of Head ()ficé ['-BFâi8héi.- Name and adressä . _rr.z. Naffes•and Address Qflotblef branghe; in - India." 2

3. I verify that the kn owed ge Place.Date. To, and belief. • 'Nüribei of .employees. above r. -true, to s best of Signature of the employer with name end designation. The Controlling Authority. -4 Part sec. (i) Take THE D a NH GAZETTE FORM 'B' (See sub-rule (2) oqrue 3) NOTICE OF CHANGE Name and Address ot the Establishment. notice that •féiiowing qhapeq h+Vß taken? plate with In the paniculate furniihed by me • hotice- dated Name : Addteas . Name of the Employer BUSihési . Place Date To, The Controlling Agthority. Signature of the Employer with pnAtdpignation. FORM%CC' (See ub.rule (3) of rule 3) NO+iCE op CLOSURE from 2

3. Take notice that it is in ended to close- down *hei effect The ot er details are furnished below.Name and Address of the establishment. Name and address of the Head omce, if Any. Name and designation of the emRloytr. orpersons in I employinent. Number of employees entitled Ito Gratuity. Amount of Gratuity involved. Place . Date The Controlling Authority. \$igaature of the Eniploycs name and denignation. 9 rare From : see. (i) NH GAZETTE FORM 'D' (See sub-rulc (l) of the rule 5) NOfICE FOR ÉXCÉUDING HUSBAND FROM (to be sent in triplicate) FAMILY. 1, 2. 3. 4 S. Name of the female employ#. Name or description or establishment where employed. Post held with Ticket or Serial No. if e.ny. Department / Branch I Section Permanent address •Take : notice that I, Where employed. Smt. desirw:to eicluae huiband from •my •timil/'fok purpoie .of• the 'Rayment, df Gra!uity Act; 1972. Place • Date The Sigiaturejl Thumb impreskion of the employees, Deglära_tion.. ky above _A?tiC9 was •signedJ.-3humb Gmpressed a2erere •me. Name in and full address of witness 1

2. Place : Date .*Signature/ 1. 1. .1 The -fhioügb - "i.he. Gt-pyoyer-j (Name and address of - ahe:employer. here) For use by the employer. Received and Reference No. Date : To, 2. (Employee) Toe Cootrolfing Authority, NOTE : Strike out the words nof\ réÄ)fded i.in •this establishment- Signature or the authorised .in employer. applicable, Mi sec , (i) THE D G.,VETTE FORM 'E' (See sub-rüle (ij of Tule 5) from family. 2. 3

4. Notice of withdrabval of notice for exclucding husband (-:to he.sent in tripliCÄie) Name of the female employee, Name or description of establishment where employed Post held with • Department / Branch / Secfion where emt!layed, Permanent address •Tak e- notice -that•f,• Sh•rimati: hereby withdraw the notice dated of the Payment Of 'GfätüLEY •Act, 1 971. whereby I excluded my husband from my . family for the purpose T hé earfier notice was recorded undet your refetence No Date dated Signature •Thumb impression of the employee. Declaration by witnesses. The above notice of withdrawal was Bigned I thâmb 'impressed before me. Name in full &fld full address of Witnesses 2. To, Signature -of 'witnesses

2. The controlling Authority (through the employer) (Name and address of the employer) Rcfereace No.Date . Received and i recorded in this establishment. Signature of the employer or officer authorigned. Seal or rubber stamp of the eslabliXhmcm. To, 2. (Ernployee) The Controll_iag Authority. NOTE : Strike out the words not applicable. -sec. (i) To, THE- D&.NH. FORM (iSee gub-rule (i) of •tho nite 6) NOMINATION. .11. (Give here name description of the egtablishment- with full *ddgess I, Shri I Shrimati:l Kumari (Name-in •full. here),, whole particulars are given in the statement below, hereby (s) mentioned below to the gratuity payable after my *Iso _ith4RU*tüity;; standing to my credik in the eyentiQ_f my death before that amount has becomeipay- able, or •haying become payable h4g not been paid end direct Ahat the •i8id: amount of gratuity shall be pzid in proportion indicated against the name of the nominee(s). I hereby cettify that the person (s) mentioned is / are member (s) of t my. 2. favuil,y ,yitbig *he. munigg of {h) of section 2 of the payment of Gratuity. Act,

3. I hereby declare that I no family.within the meaning of clause (h) of section 2 of the said Act. 4. 5. (a) My f*ihet/ mothâ-/-pârent'é'ii/iré My husb8Qd's father mother I is{are ' not 08 husband. 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. Name in full with full address or nominee (s) ilomince. Nominee. _β) Relationship -with the Proportion by which.-:ihe -gratpity 4 sec. ,) •T 14 E STATEMENT 12 3. 4. 5. 6

7. Name of employee in full. Religion. Whether unmarriedlmtāfTikd•'l' Wid6W'I widow* Departmen•t I Branch I Section where employ•to _held. syith .Ticke.t nr Seriat No. if any. Date of appointment. Permanent :add ress Post 6fice Date . ' -mana Sub Divisibil Signature I Thumb 'impressiÖn •Of the emplydee. Declaration b' Nomination sig4ed l. thumb Name in full and address of witnesses

2. Date , Ceptificate bj witnesses. impressed before me. Signature of witnesses. 2. employer. Certified . that...the .par:ticulars of the above nomination . have. been. verified and recorded in this establishmedt. Employer's Reference No.i..... Signature of the employer / officer authorised. Date . Designation : Name and address of the establishment or rubber stamp thereof. Acknowledgement by the employee. Received the duplicate copy of nomination in Form 'F'. by me. and duly certified by tha employer. Date : NOTE : Strike out the Signature of the employer. •rd% I paragraph not applicab%c. "i sec. (i) p ENH GAZETTE (See sub-rule (3) Of rule 6) Fresh NominatiOD 13 (Give here name OR description of the cetablishment with full address) Shri I Shrimati whoee particulars ate given in the statement below, have acquired 2 family withii- the meaning or clause (h) of section 2 of the ,Pnyment of Gratuity Act, 1972 v.ith effect from the (dutc here) in the manner indicated _be)ow and therefor minnte a fresh the person (s) mentioned below to receive the gratuity payable arter my os also the gratuity standing to my credit in the event •or mf deÅth • before that amount has become payable, -or having become payable has not' beeri paid • and direct that the said amount of gratuiti •shll bé -p"d in proportion indicated against the mmes of the nominee 2. 3. 4, hereby certify the person (s) nominated is/are member (5) of my fami_ly within the meaning of claiwe (h) of section 2 of the seid Act. (A) My father / mother /jparent is/are not dependent on me, (b) My husband's father I mother'/ 'pirent is/are not dependent on my hüsband. i have excluded my husbahd from my family by a notice dated .the— to lhe controlling authority in terms of the proviso to clause (h) of section 2 of the said Act. Nomi neo (-Q Name in fun with fuh or nominee i s, Relationshii *Wiih -tbé 2 Age o? Ploportion by which the gratuity will be shared.' 4 •Bec. (Here give (i) THE GAZETTE 'Of acq•u.iring s 'family" 14 details as how a fāmi}y- acquired, is. whether by marriage OE pnrgms being regdes-ed thFf)fV other procesx like Adoption.) 3. 4. 5. 6. 7

4. STATEMENT Name of employee in full. Religi6n. Whether I wid:m WidoWer. •Department / Branch l. Section whes-e employ;g. Post held with •T:jcket Date of appoiüt.m-ent. Permanent. address. Post ottiCL No; if any. Date . Name in full 2. Contd Form recorded in this . h!Shmcnæ. Employer's Retz renc. • Name and a certified by I lit Ack.ft: Sub Diyi:ion Signature I Thumb impression of the - employee. Declaraii'-n before me. Signature df witnesses. been verified and employer / officer authorised. in 'G' by me on and duly Sig,fialure of the employer. Sec. (i) FORMAI' (S&nsib-iüle 6 ' ' • n•m-iinM-ion (Gi*e-(heie•i name) l, Shri/Shrimatil Kumari (full •pikiiculax;s are id the •no.lice ibe apm*- nation filed by. Ime, OD and . rgcerd?d under, 1.*0. da ted .shaii. the. .fqlqlwing:-manncr : (here give details medicationN: intpnded 3. 4. 5

6. STATEMENT Name of the.employee in Éfull,' Religion. Whether unmarriedlmarried I widow-- /Midower: Department I Branch I Sec lion where employed. Post held with TiGket or Serial No. if any. Date of appointment. Address in fun, Date . 'I 'Naiöe"in 2. Signature { Thunib impression of the. emplyöee. Declaration by witnesses. Of Thötninaaiion' \$idned thiimb' met fell • äddesz of witnesses. Certificate by the employer. \$ignetgre of witnesses, the a oye modifications heye been recorded. Employer's reference N . if *fly. Signature of the Employer/Officer ;DesignatiOn ; full establishment or. rubber Stimp lhereof. -for. gratRâi_y-: By, employee { Df. the. -establishmant •vi& SirlG*Btlemen, gratuity. to L _ am guu.äeéiiaa section or tbd of 'Gratuity 1972 on account Qt after • lei' than -five years .ägb_tement_ to Necessary particular. relating to with effect from tho establishment 2. 3. 4. 3. 6. 7. .8. 9. 2. -STATEMENT. Namg -in •full, Address in fun. Department Branch I Section where *ast employed. •• I Post held with Ticket No. or Serial No. if any. Date of appointment. Date and cau•e of termin*tion Total period of service. Amount or wages lla:t drawn., Amount of gratuity ciaiméd. was Irendered totally disabled as a the nature ot diseue or ccident. idence / witnesses in support (Here give details result of here

give the detail of my total The As the postal money 1 1 1: 3 3. *Ince : t may I-made in .ca'hl.qpen •or cheque amount of gratuity payable is -less thzn Rupee. epnq request you to arranae Tor payment of •the sum due to Money Order at the address mentioned about arter order commission -therefrom. fifihfully, Signature I. thumb. imreuio«- ipilicant amp!oyees. paragraph' â€ paragtaph3 not applicabie. •THE D&NH. 'GAZETTE FORM (see bf) AØfil_iG3ßion gratuity by_ a nominee. or description of the est&blishment With full Eddtet*.) beg to apply for bayment ot' gratuity to which I am entitled under of section 4 of the Payment of Gratuity Act, 1972 as a nominee Öf 4.) Int of years he d'.tails emeit chequ one tho_u due to (ter dedi Give here the Sir Geoflement fib-section (i) Eate (Name of the employee) who wag an employee of your establishment and died Ethé , The gratuity is payable on account of the death or -the ifrrciäid employee while -in service superannuation of -the aforsaid' employee on retirement or reSigriation Of the aforeiaid employee on after completion Of years of service I total disablement of the are. 'said employee due to accident or disease while in service with effect the-.— Necesvary. particulars relatin@ to my claim are given in the statement below : 1. 3. 4. S. 6. 7. 8. 9. IO. 11. 12. 13. 14. 15. '6

3. STATEMENT Name of applicant nomihee. Address in full of the applicant nominee, Marital status of the applicant nominee (Unmarried I married I VJidow / widower) Name in full of the employee. Marital xtatug of employ&e. Relationship of the nominee with the employee. Total period of service of the employee. Date of appointment of the employee• Date and cause oh termination of service of the employee. Department I Braflch liSection where the employees last worked. past last held by the employee with Ticket or Serial No. if any. Total wages last drawn by the employee. Date of death .enå evtdenqe f Yitness proof of death of the employee, Reference No. of ;recorded nomination, if. mavailable. Total gratuity payable to lthe employee. Sh.re of gratuity 'claimed. I decla:te that the particulars mentioned in the aboVe. statement true correct to the best of my knowledge •and belief. Paymenp may piease be made in cublcrossed or. open. bank cheque. As the amount of gratuity: payable is less than Rupes one thousand, shnil request you to arkanee for payment of the sum due to me 'oqey Order tt the address. mentioned above after deducEinæ money &rdet commission tbetefrom. , Signeture I thumb impregi0* ot applic»nt nomiaæ« NOTE : (2) Strike out the worde not epplicqâte. Strike oug paragraph 0K pargerapbs not applic*bie, sec [i] THE .D&NH. (see: of,) Application for . gratuity by a legal heir* (Give here the name or the with full . address:) Sir, f. I beg to apply for payment 'of gr}tuity. .to . which am. entitled undef Eub-*ectiog (!) , of section 4 of. the Payment. of Gratuity. Act., 1972 LAte (Name .of the employee) who was .an employee-of your. establishment and died on the yithout makiqq. nomination. The' gratuity ig on Account of the death of aforesaid employee on account' death •of... the aforsaid emplye,e while in servigefsuperannuation of. the. arpresaid employee on the retirement .orrresignation-of the aforesaid emplöyei on •the after cpmpletion of— —————years of ...service/tofai• disabiemeqt Of. the aforesaid ployee due to accident or disease while . in seqvice. with effect. from.. the: Necessary particulars relating to my Claim are given in the statement below 1. 2. 3. 4. 5. 6. 7. 9. IO. 11. 14. 15. 4, STATEMENT Name of applicant legal heir. Address in full of applicant legal iheir., Marital status of the applicant legal heir. (Unmarried / married I widow / Widower) Name in full of the employee. Relationship of the applicânt with the employee. Religion of both the applicant and the •employee. Date of appointment and totar period of service •of the, employee. Department-I Branch / -where the employee worked last. Post last held by the employee with Ticket Ot serial' No; if any. Total wages last drawn by; the employee. Date: Afld cause of Cetminqion of setvice of the employee (Death D of death of the employee äfid•-evidoece witness in support'. theteöf. Tocal gratuity to khe employee, Percentage of the gratuity claimed. .Bagis of the. claim and evidence I witness -in support thereof, f deciare that- i'the particulars mentioned in the above statement are true and* correc - to• •the" best: of my knowledge and belief. Payment. may pleasé be' made iii cash/crossed 'Or qpqn bank cheque. As •the amount of -gratuity payable is less thån •Rupees one thousand, NOTE i 'hail request you-' to: arrange for payment Of the sum due to me by Postal Money rder at the address mentioned above after deducting postil -money order commission therefrom. Yours faithfully, Signature thumb impression of. , applicant legal heir. . (I) Strike out the w, rds not applicable. sec. (i) THE D&NH. GAZETTE FOR.M. 'L' (See Cluse (i) of sub-rule (I) Of: rufe 8) Notice for oayment Of gratuity. 19 (Name End iddress or the applicant I employee nominee legal heir t). You are hereby informed as required under clause (i) of sub-rule 11) 1. of rule 3 of the, Payment of Gratuity (Dadra End Nagar Haveli) Rules, 1985 that d sum of Rs. Ohly) ie payable to you (Rupees as gratuitYlas your share of gratuity in terms of nomination made by on and recon ed in this an employee of this Pleace call at as a

legal heir of establishment. (here specify place) (date) at on 3, 3, 4, Time) for collecting your payment in cash I open or crossed cheque. Amount payable -shall. be sent to -you by postal Money order at the address given in your application deducting the postal money order commission, as desired by you, by Brie? statement of calculation. Total period of service of the employee concerned Wages last drawn. years months. Proportion of the admissible gratuity payable in- terms of nomination / as legal Amount payable. Place : Date . Note : To Signature or the employer/ Authorised Officer. Name of description of establishment' Or rubber stamp thereof. Strike out the words not applicable. FORM 'M' (See clause (iii) of sub-rule (1) of rule 8) Notice rejecting claim for payment of gratuity. Name and address of the applicant employee nominee legal heir) You are hereby informed as required under clause (ii) of sub-rule (1) or rule 8 of the Payment of Gratuity (Dadra and Nagar) Rules your claim for payment (of gratuity as indicated in your application in Form under the said rules is not admissible for the reasons stated below. Reasons (here specify the reasons) Date Signature. of the employer Authorised Officer. Name or description of establishment Or rubber stamp thereof. Copy to the Controlling Authority. Note Strike out the words not applicable. Part set till THE D&NH. GAZETTE FORM (See sub-rule of rule 10) Application for direction. Before the Controlling Authority under the Payment of Gratuity Act, 1972. Application No. Date. (name in full of the with address) And (name in full of the employer concerned With full address') 1. " The applicant is the employee's legal heir of late employee of the above mentioned employer, section 4 of the Payment of Gratuity employee's superannuation on employee's resignation. on (date) after completion of above mentioned employer's nominee Of an employee of the. above mentioned an em- and is entitled to payment of gratuity under Act, 1972, on account of his own/ aforesaid his/own retirement I aforesaid em- years of (date) continuous service/ his own I aforesaid employee's total disablement with effect from due to a accident } disease, death of the employee on (date). 2 The applicant submitted an application under the Payment of Gratuity (Dadra and Nagar Haveli Rules, 1985 on the (date) but above mentioned employer refused to entertain it / issued a notice dated release of sub-rule which is less than my due -sued a notice under rule providing an amount of gratuity under clause of sub-rule eligibility. to payment of gratuity. The duplicate copy of the said notice is 3. The applicant submits that there is a dispute whereafter (specify the dispute)

4. The applicant furnishes the necessary 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. The applicant declares that the particulars; 5. true and correct to the best of his knowledge. I have in the annexure hereto I Thumb impression Part-lil sec. (i) THE D & N. H. GAZETTE ANNEXURE 2) 3. 4. 5. 6 IO. 12. 13. 14, 15. 16. 17, 18. Name in of applicant with full address Basis or claim (death superannuation retirement resignation Disablement of employee Name and address in full Of the employee. Marital status of the employee (Unmarried / married widow I Widower) Name and address in full of the employer. Department i Branch/ Section -where the employee last- employed (if known)-i post held by- the employee with the Ticket or serial No. if any (if known) Date of appointment of the employee (if known) Date and cause of termination of .of . employee (superannuation retirement (resignation / -disablement / death.) Total period of service by the employee, Wages last drawn by the employee. If the employee is dead , date and cause thereof. Evidence of witness in support of death of the employee. If a nominee , No. and date of recording of nomination with the employer. Evidence / witness in support of being a legal heir . If a legal heir. Total gratuity payable to the employee (if known) Percentage of gratuity payable to the applicant as a nominee I legal heir. Amount of gratuity claimed by the applicant. Signature } Thumb impression of the applicant. Strike out the words not applicable. FORM 'O' (See sub-rule (1) of Rule 11) Form Notice of appearance before the controlling authority. The Controlling Authority under the Payment of Gratuity Act, 1972. (Address the employer / applicant) Shri your nominee legal heir (s) of Shri employee under an employee under the above mentioned employer, } have filed an application under (i) rule Payment Gratuity (Dadra and - Nagar Haveli) Rules 1985 alleging that (A copy of the said is enclosed) sec. u) THE D & N. H. GAZETTE Now, therefore; you are hereby called upon to appear before me either personally or through a person duly authorised in this behalf for the purpose of answering material questions relating to the application on the 19 at O'Clock in the forenoon/afternoon I in support of to answer the allegation; as the day, fixed for your appearance -I am appointed to fix final disposal of the application. you must be prepared to produce on that day, witnesses upon whose evidence, and the documents which you

intend to rely in support of your application. Take notice that in default of your appearance the day before mentioned the application will be dismissed. I have heard and determined your absence. Given under my hand and seal. Controlling Authority. NOTE : day 19 Strike out the words and not applicable. FORM 'P' (See rule 14) . SUMMONS Before the Controlling Authority under the Payment of Gratuity Act, 1972. Whereas your attendance is required to give evidence you are required to produce the documents mentioned in the list* below, on behalf of, the case arising out of the claim for gratuity [by from and referred to this Authority by an application under section 1 of the Payment of Gratuity Act, 1972, you are hereby summoned to appear personally before this Authority on the 19th day of April 1985 at 10:00 am on the 19th day of April 1985 and to bring with you (or send to this Authority) the said documents. List of Documents. 1. i

3. Dated Note: this day of 19 Controlling Authority. (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, the 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. Part 111 sec. (i) Serial No. THE D & N.H. GAZETTE FORM 'Q' (See sub-rule (1) of rule 16) Particulars of application under section 23 0/6/-3 3, 4. s. 6. 8. 9. 31. 12 14. 15. 16. 1.7. 18. 19

20. Date of the application. Name and address of the applicant. Name and address of the employer. Amount of gratuity claimed. Dates of hearing. Findings with date. Amount awarded. Cost, if any, awarded. Date of Notice issued for payment of gratuity. Date of appeal, if any. Decision of the appellate authority. Date of issue of Final Notice for payment of gratuity. Date of Payment of Gratuity by employer with mode of payment. Date of Receipt of application for recovery of: Gratuity. Date of Issue of recovery certificate. Date of Recovery, Other remarks. Signed. Date, FORM 'R' (See rule 17) Notice for payment of Gratuity (Name and address of employer) Whereas Shri I Smt. Kumari of (address) an employee under you - a heir(s), Of late an employee under you, filed an application under section 7 of the Payment of Gratuity Act, 1972 before me, And Notice whereas the application was heard in your presence and after the hearing, I have come to the finding that the said Shri/Shrimati Kumari is entitled to a payment of Rs; gratuity under the Payment of Gratuity Act, 1972. Now, therefore, I hereby direct to pay the said sum of to Shri / Shrimati / Kumari receipt of this notice with an intimation thereof to me. Given under my hand and seal, this Copy to (Applicant under rule 1) within thirty days of the day of Controlling Authority. He is advised to contact the employer for collecting payment, NOTE The portion not to be deleted, Part-III sec. (i) THE D & N. H. GAZETTE FORM 'S' (See sub-rule 5 of rule 18.) Notice for Payment of Gratuity as determined by Appellate Authority. (Name and address of employer) a notice was given to you on - in - form ; R to Shri/Shrimati Kumari. requiring you to make a payment of Rs: as gratuity under the Payment of Gratuity Act, 1972; Where you / the applicant went in appeal before the appellate authority, who Shri/Smt./ due under to Shri / within 30 days Copy to has, decided that an amount of Rs: . Kumari the Payment of Gratuity Act, 1972; is due to as: gratuity NOVIB therefore, direct you to pay the said Sum of Rs. Smt. / Kumari days" of the receipt of this notice with an intimation thereof to me. Given under my hand and seal, - this day of Controlling Authority. The Applicant. He is advised to contact the Appellate Authority. NOTE : The portion not applicable to be deleted. No R, M C see Appendix for record of gratuity. Before the Controlling Authority under the Payment of Gratuity Act, 1972. No. Between... Date. 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 or nominee. I am above mentioned an employee of said employer: in of the payment of sum of Rs. an employee of the employer - a legal heir of late the above mentioned employer } and you - please direct the 3 undet - your notified dated - the of Gratuity " (, Dadra. 1198-5 - payable under the Payment of Gratuity Act, - 1972-9- Part - sec. The of gratuity to The 7 of the said as gratuity in (i) THE D & N.H. GAZETTE applicant submits that the said employer failed to pay the said amount - me as by him a section due to me Act for recovery of the, said sum of Rs. terms of your direction. Signature 1 Thumb impression of the applicant. Place NOTE . Strike out the words not applicable. k0BM 'Rules. Extent of the Act : the India. Provided that in -60 far as it relates to Jammu and Kashmir - Jammu - 1954 - TQ Act, { : please (a) every : mine; oilfield, , (b): every Shob time being in force -

in-r relation or meptbs, 'suCh ---tpe :or-. more ehpiö. -m o n th5, as the 'Cen tral:-G t\$påöifyWi6. on
 •Definition "täblishnaéh:t-; • 'belöog;pg: tp,.. or' •the ,Centräl' -.GÖqernment;. (b) häving brähéheé •ili
 more: -state: (b).E 'Ced.tfal.%Goyern-s nieot; (d) maidr. -port; (ii) .in any go their -Case;- . _ .
 'Completed:--yeai year; (Séctipn 2 •tb:) : _ '?Continupu : which .;is interruptåd -;b.ysß ickneSs, .of-
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 -uetuållj ?éniVlöYéd b-y. -dwlve -iföii.thsE Putt sec. (i) THE D & N. GAZETTE 26 190 days, if
 employed below the ground in ar mine, or 240 days, in any other cage, exc.ept when he is employed in a
 seasonal e stablsh ment. Explanation 11 : An employee of & seasonal establishment shall be deemed to
 .be in continuous service if he .has actually worked for not less than seventy-five per cent Df the number
 Of days on which the establishment was in operation during the year. (Section 2 (c) (d) (d) "Controlling
 authority" means an authority appointed by au appropriate Government under Section 3. (Section 2 (d).
 'family" relation to an employee, shall be deemed to to consist of— in the cose of a male employee,
 himself, his wife, his children, whether married or unmarried, his dependent parents a_nd the widow and
 children of his predeceased •sort, if any, in the case of female employee, herself, her husband, her
 children, whe•,- ther married or unmarriéd hef dependent parents and the dependents pare- nts of her.
 husb•änd andi the widow and children of her predeceased, sog, if any, Provided that if a female employep,
 } by a notice in writing to the. controlling authority, expresses her •disire to exclude her husband from her
 family, the husband and his dependent parents shall no longer be deemed, for . the purpose of this Act, to
 be in- cluded in the family of such female employee unless the said notice subsequently withdrawn by
 such female employee. Explanation : Where the pe sonal law of an employee permits the adoption by him
 of a child, any child lawfully adçpted by him shall be deemed to be included .in his family, and where a
 child employee has been adopted . by another person and -such adoption is under the pers nal IRW of the
 person makeing such child shall be deemed to be excluded from the f mily of the employee (Section 2 (h)

4. Nomination (I) Each employee, who has completed one year of service.alter the commencement o
 the Payment of Gratuity (Central) Rules, 1972 shall make within thirty days of con*plation of one year, of
 service, a nomination (Section read with rule 60). (2) If an emitdyee has a family at the time of making a
 nömination. the nomination shall be made in favour of rone or more member •of his family and any
 nomination made by • such employee in favour of a person who is not a member of his family be void
 (Section 6(3). (3) If at the time of making -a nonlination the employee has no family. ni Favour of any
 person or persons, but if the employee the nomination can be an,' c.ubsequently acquires a f, mily, such
 nomination shell forthwith become invalid and the employee shall mek within 90 days a fresh nomination
 in favour Of One more members of his family, (SActi0li 6(4) read with Rule 6(3). (4) A nomina ion or a
 fresh nomination or a notice modification of nomination shall be sighed 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 66). 7 Part sec. (i) THE D N. H. GAZETTE 27 (5) A nomination may, subject to the pro viSions of
 sub-section (3) and (4) of Spgtion 6 be modified by -an employee at 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 nomi- nation shall take effect from the date of receipt of the same 'by the
 employer (Rule 5. Application for -Gratuity (I) An emplyee who is •eligible for payment cratuity under
 the Act, or any person authorised in writing, to act on his behalf, shall apply ordinarily -within* •thirt')
 days from -'the -date the 'gratuity, become payable, Provided that whpre?the date e.of .>uperånnuation or
 retirement of an employee is known, the employee apply to the employer be_fore thirty' days of the date or
 superannuation if retirement (Rule 7(1). (2) A • •nomineel -Of ' •an • •emplåye'e -Who..i-s eligible-
 for'•påyment .o•f gråtuity shall •apply, Ordinarily ivithih•-thirty days fröin the date gratuity•.beéame•
 •payable 'io him, to the employer (Rule! 7(2). (3) . A legal -heir of. an employee . who iS eligihle; for
 payment of shali apply, ordinarily within one year from the 'date, the gratuity payakle. him, to the•
 employér (Rule' 7(3) (4) An application for. payment of gratuity filed after expiry of the period specifiEd
 abovb shall älsö be entertained by employer. if the. Applicant addu- ces a- suffcl.en(causd for the delay
 (Rule 7(5)

6. Payment.öf Gratuity (I) Gratyity shall be payable to an emplyee the termination' of his employment
 after be has rendered continuous. servige fqr not. less than five years— (q) on -.hi,s- superannuation, -or

(b) on his retirement or resignation, or on his death or, disablement due to: accident, disease. Provided that if the termination of the employment of any employee is due to death or disablement. 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 employee shall be entitled to receive 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, wages paid for an overtime work shall not be taken into account. Provided that in the case of employee employed in a seasonal establishment, the employer shall vary the gratuity at the rate of seven days' wages for each season (Section 4(2), Part-II sec. (i) THE D & N.H. GAZETTE 28 (3) The amount of gratuity payable to an employee shall not exceed twenty months' wages. (Section 4(3). Forfeiture of Gratuity : 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 wholly be 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(4)). Notice of opening, charges of the establishment : (I) 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 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 a 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 as extra copies as are the opposite party— Provided that the 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), 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 Administrator or authority, who has been appointed as the appellate authority by the Administrator. Provided that the appellate authority may, if it is satisfied that the appellant prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days. (Section 7(7)). Machinery for Enforcement of Act or Rules in Central Sphere. The Secretary to the Administrator, D & N H. has been appointed as Controlling Authority and Collector Dadra & N. H. as Appellate Authority. Part Sec. (i) THE D & GAZETTE 29 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 a 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 1 (5)). Recovery of Gratuity : - If the amount of gratuity payable, is not paid by the employee, within the prescribed time, to the person entitled thereto the controlling authority shall, - 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 percent 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). Protection of Gratuity No gratuity payable under the Payment of Gratuity Act and the rules made thereunder shall be payable to an employee who has been dismissed for any offence involving moral turpitude committed by him in the course of his employment.

thkreunde.r shall -be liable to '-attachment in execution of •any decree or order of any civil, : criminäl - court- (section .13). Penalties for offences . (1) -Whoever för . the purpose Of avoiding any pay- IS. ment tö be made•by himsel/ or of auth orising •any btber person- to. avoid such •payment knowingly rhakes or ca ses to be made any -false statement or false representatit:m shall be puniShable •with l•jmprisonment for a term which may extehd- to. six :months, or wifh fine -which may "tend 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 ihel Act •or âny rules or -order -made •thereunder shä(l lbe puni- shable with imprisonment fJr •a term which may extend to one' year, or with fine which may extend to one thousand rupees, or. With Provided that if hhe _offences relate to non-payment of any ggatuiiy payable under the Payment of Graibity Act, lthe emplöyer shall be .pünishable With: imprison- •ment for a' tgrm which Shäll not be- .less than• three months,-unless .the court of -opinion .that•.a lesser. term .of- imprisonment or the -imposition 0B a fine-would :meet the ends of justice, (Secqou 9 Display of notice : Thé employer shäll display conspicuously a notice at 16. OT near the main entrance of the establishment in- bold English and in the language - understood by e majority -'of the employees specifying. the name' of the officer with designatlon a thoriSed by •the' employer to receive .-on his. behalf notices under .tbe Payment of Gratuity Act or the rules -made *hereunder'. (Rule 4). 2-4 p Part. 111• Sec. (i) 830 17. Display Of Abstiict ..of, 'afi•d Thé• shall display •Påymefi Of Gtäiiiiil,y fAct ••hnd't •thadé! thetäetiåder- in English •the thé •a •66nspiGåous 'Of hiaia\ entrance of order' of tbe Segrgtary..iö...tbg iSty,ttR!.' ,Någar -Haveli .Silvqs\$a Printed t and •PübliShed. Lt..•l at Goyt. Printing •press Silvassa 1985

