THE PAYMENT OF GRATUITY (CENTRAL) RULES, 1972-1

In exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Gratuity Act, 1972 (39 of 1972), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.-(1) These rules may be called the Payment of Gratuity (Central) Rules, 1972.

(2) These rules shall come into force on the 16th September, 1972;

2. Definitions.-In these rules, unless there is anything repugnant in the subject or context,- (a) "Act" means the Payment of Gratuity Act, 1972 (39 of 1972);

(b) "Appellate authority" means the Central Government or the authority specified by the Central Government under sub-section (7) of section 7;

(c) "Form" means a form appended to these rules;

(d) "nomination" means nomination made under section 6;

(e) "section" means a section of the Act.

3. Notice of opening, change or closure of the establishment.- (1) Within thirty days of the rules becoming applicable to an establishment, a notice in Form A shall be submitted by the employer to the controlling authority of the area.

(2) A notice in Form B 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.

Form C to the controlling authority of the area at least sixty days before the intended closure.

4. Display of notice.-(1) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in a language understood by the majority of the employees specifying the name of officer with designation authorised by the employer to receive on his behalf notices under the Act or the rules.

(2) A fresh notice shall be displayed immediately after the notice referred to in sub-rule (1) becomes illegible or requires a change.

***5. Form of notice under proviso to section (2) (h) (ii).-**(1) A notice under the proviso to sub-clause (ii) of clause (h) of section 2 shall be in

Form D and sent in triplicate by the employee to the employer, who shall, after recording its receipt on one copy thereof, return the copy to the employee and send the second copy to the controlling authority of the area.

1.	V*ide* G,S.R. 412 (E). dated 16th September, 1972, published in the Gazette of India; Extra., Pt. II, Sec. 3(i), dated 16th September, 1972.
*	By section 2 of the Payment of Gratuity (Amendment) Act, 1987 (22 of 1987) proviso to sub- clause (ii) of clause (h) of section 2 of the Payment of Gratuity Act, 1972 (39 of 1972) has been omitted (w.e.f. 1-10-1987) and accordingly rule 5 along with Forms D and E have become redundant, Ed.

(2) An employee may withdraw the notice referred to in sub-rule (1) by giving another notice in triplicate in Form 'E' to the employer, who shall follow the same procedure as in sub-rule (1).

6. Nominations.-(1) A nomination shall be in Form 'F' and submitted in duplicate by personal service by the employee, after taking proper receipt or by sending through registered post acknowledgement due to the employer,

(i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules, ordinarily, within ninety days from such date, and

(ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:

Provided that nomination in Form 'F' shall be accepted by the employer after the specified period, if filed with reasonable grounds for delay, and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(2) Within thirty days of the receipt of nomination in Form 'F' under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in form 'F' duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 6, duplicate in Form 'G' to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in Form 'H' to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.

(5) 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 a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

(6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

7. 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 the gratuity became payable, in Form 'I' to the employer:

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.

(2) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 4 shall apply, ordinarily within thirty days from the date of gratuity became payable to him, in Form 'J' to the employer:

Provided that an application in plain paper with relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him.

(3) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 4 shall apply, ordinarily within one year from the date of gratuity became payable to him, in Form 'K' to the employer.

(4) Where gratuity becomes payable under the Act before the commencement of these rules, the periods of limitation specified in sub-rules (1), (2) and (3) shall be deemed to be operative from the date of such commencement.

(5) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Act shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the controlling authority for his decision.

(6) An application under this rule shall be presented to the employer either by personal service or by registered post acknowledgement due.

8. Notice for payment of gratuity.-(1) Within fifteen days of the receipt of an application under rule 7 for payment of gratuity, the employer shall-

(i) if the claim is found admissible on verification, issue a notice in Form 'L' to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or

(ii) if the claim for gratuity is not found admissible, issue a notice in Form 'M' to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible. In either case a copy of the notice shall be endorsed to the controlling authority.

(2) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form 'L' under clause (1) of sub-rule (1) shall be refiexed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that 'case, the time limit specified for issuance of notices under sub-rule (1) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

(4) A notice in Form 'L' or Form 'M' shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due.

(5) A notice under sub-section (2) of section 7 shall in Form ‘L’.

9. Mode of payment of gratuity.- The gratuity payable under the Act shall be paid in cash or, if so desired by the payee, in Demand Draft or bank Cheque to the eligible employee, nominee or legal heir, as the case may be:

Provided that in case the eligible employee, nominee or legal heir, as the case may be, so desires and the amount of gratuity payable is less than one thousand rupees, payment may be made by postal money order after deducting the postal money order commission therefor from the amount payable:

Provided further that intimation about the details of payment shall also be given by the employer to the controlling authority of the area:

ı[Provided further that in the case of nominee, or an heir, who is minor, the controlling authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or any of its subsidiaries or any Nationalised Bank.

*Explanation.-"*Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act,. 1980 (40 of 1980).]

10. Application to controlling authority for direction.-(1) If an employer-

(i) refuses to accept a nomination or to entertain an application sought to be filed under rule 7, or

(ii) issues a notice under sub-rule (1) of rule 8 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 under rule 7 fails to issue any notice as required under rule 8 within the time specified therein,

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 in Form 'N' 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 the controlling authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

(2) Application under sub-rule (1) and other documents relevant to such an application shall be presented in person to the controlling authority or shall be sent by registered post acknowledgement due.

11. Procedure for dealing with application for direction.-(1) On receipt of an application under rule 10 the controlling authority shall, by issuing a notice in Form 'O', call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

1.	Ins. by G.S.R. 77, dated 2nd February, 1991 (w.e.f. 1-2-1991).
1.	Ins. by G.S.R. 2868, dated 22nd November, 1975.

(2) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the cases may be, shall present to the controlling authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The controlling authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(3) A party appearing by an authorised representative shall be bound by the acts of the representative.

(4) After completion of hearing on the date fixed under sub-rule (1), or after such further evidence, examination of documents, witnesses, hearing and enquiry, as may be deemed necessary, the controlling authority shall record his finding as to whether any amount is payable to the applicant under the Act. A copy of the finding shall be given to each of the parties.

(5) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the controlling authority may proceed to hear and determine the application *ex parte*. If the applicant fails to appear on the specified date of hearing without sufficient cause, the controlling authority may dismiss the application:

Provided that an order under this sub-rule may, on good cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

12. Place and time of hearing.- The sittings of the controlling authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

13. Administration of oath.- The controlling authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.

14. Summoning and attendance of witnesses.- The controlling authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the controlling authority just, 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 summons or notice.-(1) Subject to the provisions of sub-rule (2) any notice, summons, process or order issued by the controlling authority may be served either personally or by registered post acknowledgement due or in any other manner as prescribed under the Code of Civil Procedure, 1908 (Act 5 of 1908).

(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 association 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.

16. Maintenance of records of cases by the controlling authority.-(1) The controlling authority shall record the particulars of each case under section 7, in Form 'Q' 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, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.

(3) Any record, other than a record of any order or direction, which is required by these rules to be signed by the controlling authority, may be signed on behalf of and under the direction of the controlling authority by 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 payment of gratuity under the Act, the controlling authority shall issue a notice to the employer concerned in Form 'R' specifying the amount payable and directing payment thereof to the applicant under intimation to the controlling authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

18. Appeal.-(1) The Memorandum of appeal under sub-section (7) of section 7 of the Act shall be submitted to the appellate authority with a copy thereof to the opposite party and the controlling authority either through delivery in person or under registered post acknowledgement due.

(2) The Memorandum of appeal shall contain the facts of the case, the decision of the controlling authority, the grounds of appeal and the relief sought.

(3) 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.

(4) On receipt of the copy of 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 copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.

(6) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal and a copy thereof shall be sent to the controlling authority returning his records of the case.

(7) 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 (1) of rule 16.

(8) On receipt of the decision of the appellate authority, the controlling authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form 'S' specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the controlling authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be and to the appellate authority.

19. Application for recovery of gratuity.-Where an employer fails to pay the gratuity due under the Act in accordance with the notice by the controlling authority under rule 17 or rule 18, as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may 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 shall display an abstract of the Act and the rules made thereunder [1][as given in Form 'U'] in English and in the language understood by the majority of the employees at conspicuous place at or near the main entrance of the establishment.

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

Signature of the employer Date
with name and designation

To

The Controlling Authority

…….

…….

1.	Ins. by G.S.R. 2868, dated 22nd November, 1975.

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

Signature of the employer Date
with name and designation *To*

The Controlling Authority

…….

…….

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

Signature of the employer Date
with name and designation *To*

The Controlling Authority

…….

…….

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 Shri **……**from my family for the purposes of the Payment of Gratuity Act, 1972.

Place Signature/Thumb impression Date
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. 1.
2. 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.

***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 Signature/Thumb impression Date
of the employee.

Declaration by witnesses

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

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

1. 1.
2. 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.

Signature of the employer or Date
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.

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 Signature/Thumb impression Date of the employee

Declaration by witnesses

Nomination signed/thumb impressed before me.

Name in full and full address of witnesses.	Signature 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 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.

(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.

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 addresses of witnesses.

Signature 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 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 Signature/Thumb impression Date 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 worlds not applicable.

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 claimend.

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.

Yours faithfully,

Place — Signature/Thumb impression of the applicant employee. Date

Note:

1. Strike out words not applicable.

2. Strike out paragraph or paragraph not applicable.

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.

Yours faithfully, Place

Signature/Thumb impression Date of applicant nominee.

Note:

1. Strike out the words not applicable.

2. Strike out the paragraph or paragraphs not applicable.

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.

Yours faithfully, Place
Signature/Thumb impression Date
of applicant legal hair.

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/1egal 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 this **……**as 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

Signature of the employer/ Date
Authorised Officer Name or
description of establishment of rubber
stamp thereof.

Copy to: the Controlling Authority:
Note: Strike out the words not applicable.

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

Signature of the employer/ Date
Authorised Officer.

Name or description of
establishment or rubber
stamp thereof.

Copy to: The Controlling Authority:
Note: Strike out the words not applicable.

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

Signature/Thumb impression Date of the applicant.

Note: Strike out the words not applicable.

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 19 **……**.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 **…….** 19 **……**

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 **……..** 19 **……..**

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

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,

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 **……** 19 **…..**

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.

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 Signature/Thumb impression Date
of the applicant

[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)]

1.	Ins. G.S.R. 2868, dated 22nd November, 1975.

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 registration, 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.-AII Assistant Labour Commissioners (Central) have been appointed as Controlling Authorities and all the Regional Labour Commissioners (Central) as Appellate Authorities.

12. Powers or 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 or 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 or 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]].