THE
KARNATAKA PAYMENT OF SUBSISTENCE ALLOWANCE RULES, 2004

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In exercise of the powers conferred by the sub-section (1) of Section 12 of the Karnataka Payment of Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1992) the Government of Karnataka hereby makes the following rules namely:-

1.Title and commencement- (1) These rules may be called the Karnataka payment of Subsistence Allowance Rules 2004,

(2) They Shall come into force from the date of their publication in the Official Gazette.

2.Definitions:- In these rules, unless the context otherwise requires,- (a)"**Act**" means the Karnataka Payment of Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1992),

(b)"

Form: means a form appended to these rules:

(c) "**Section**" means a section of the Act:

(d)"**Year**" means the year commencing from the 1st day of April.

3.Conditions for payment of subsistence allowances,- The payment of subsistence allowance to an employee shall be subject to the following conditions, namely-

(1) The subsistence allowance shall be paid to an employee either in person or through postal money order. If subsistence allowance is paid through postal money order, the cost of postal commission for the money order shall be borne by the employer:

(2)The subsistence allowance payable under the Act shall be paid in full ubject to the restrictions provided under the Act and it shall not be liable for ny deduction.

form 1. The signature of the employee shall be obtained for each payment of subsistence allowance. If subsistence allowance is paid through postal money order, the postal receipt shall be affixed in the register.

1.Published in the Karnataka Gazette, Extraordinary No. 1024. Dated 16-09- 2004, vide Notification No. LD 14 LET 2004 dated 19-06-2004.

Provided that an employer may in case of factories in lieu of Form 1, maintain a combined Muster Roll-cum-Register of wages/salary/subsistence Allowance in Form 22 Specified under Rule 137 of the Karnataka Factories Rules, 1969 and in case of other establishments maintain in lieu of Form 1 a Combined Muster Roll-cum-Register of wages in Form "T" specified under Rule 24(9-B) of the Karnataka Shops and Commercial Establishments Rules 1963.

4. Particular of employees placed under suspension:- Every employer in case of a Factory shall send a combined Annual Return in Form 20 Specified under Sub-rule (1) of Rule 134 of the Karnataka Factories Rules, 1969 and in case of other establishments, shall send a Combined Annual return in Form 'U' specified under Rule 24(9-C) of the Karnataka Shops and Commercial Establishments Rules, 1963 to the concerned Authority on or before 1st May of each year, in respect of preceding year.

5.Application for recovery of money due to an employee:- (1) The application under Section 4 Shall be made either by an employee in

Form 2 or by a person authorized by the employee or legal representative of the employee in Form 3 in duplicate.

Form 2 or Form 3 shall be sent by registered post acknowledgement due to the Government or the authority or officer authorized by the State Government, by the notification on this behalf.

Form 2 or as the case may be in Form 3 shall also be sent by registered Post acknowledgement due to the employer by the applicant.

(4) On receipt of application referred to in sub-rule (2) the Government or the Authority or the Officer concerned shall as early as possible send a notice in

Form 4 to the employer calling upon him to appear before him and explain why the subsistence allowance due has not been paid, on such date and time as may be specified therein and gave them an opportunity of hearing. The employer by himself or through his representative shall appear and furnish all information and material relevant to the question of payment of subsistence allowances to the employee Similarly, the employee or his representatives shall also produce all relevant documents available with him and furnish relevant information. A copy of the notice shall also be sent to the applicant and he shall be given an opportunity of hearing.

(5)Any person desiring to act or appear on behalf of the employee or employer shall present a letter of authorization duly signed in

Form 5 or Form 6, as the case may be.

(6)After giving the employer and employee and opportunity of being heard on the date fixed under sub-rule (4) or after such further evidence, examination of documents, hearing witnesses and enquiry, as may be deemed necessary, an order shall be passed determining the amount if any, that is payable to the employee with a direction that it shall be paid within thirty days of the receipt of such order.

(7) If any of the parties fail to appear without sufficient cause on the specified date of hearing after due service of notice, the application shall be determined ex parte and order shall be passed on merits:

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 be re-heard after giving not less than fourteen days notice to the opposite party, of the date fixed for re-hearing of the application.

6.The period for which register and forms under the rules should be preserved- The register and forms required to be maintained by the employer under the employer under the rules shall be preserved in original for a period of five years after the completion of final payment of the money due to employee under the Act.

FORM 1

[see Rule 3(3)]

(register of employees placed under suspension)

Name and address of the establishment-

Sl.no	Name and designation of suspended employee	Monthly wages paid to the employee	Nature of misconduct and date of suspension	Date of enquiry		Result of enquiry
				Commencement	completion	
1	2	3	4	5(a)	5(b)	6

Percentage of subsistence allowance	Amount of subsistence allowance paid	Signature of the employee With date	Remark
7	8	9	10

Signature of the Employer/Authorised Signatory _____

FORM-2

[See sub-rule(1) of Rule 5]

(Application for payment of subsistence allowance by an employee)

To:

(Authority)

Sir,

I beg to apply under Section 4 of the Karnataka Payment of Subsistence Allowance Act, 1988 (Karnataka Act, 1988 (Karnataka act 18 of 1992) for the recovery of the money due to me under the act, The Particulars relating to my claim are given in the below statement-

STATEMENT

1	Name of the employee (in full)	
2	Name of the employer (in full)	
3	Address of the employee (in full)	
4	Address of the employer (in full)	
5	Department/branch/section where the employee was working at the time of suspension	
6	Date of appointment of employee.	
7	Post held with ticket No. or serial Number of the employee, if any	
8	Total period of service	
9	Amount of wages drawn by the employee immediately before suspension.	
10	**10** Date of suspension	
11	The period for which he is under suspension	
12	Whether any amount has been paid as subsistence allowance.	
13	Amount of subsistence allowance claimed	
14	**14** Any other information.	

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

Place; Yours faithfully

Date: Signature/Thumb-impression **Note-**

Brief history may be furnished separately with a copy of the order of suspension.

FORM 3

[See sub-rule(1) of Rule 5]

(Application for payment of subsistence allowance by a person authorized by the employee or the legal representative of the employee)

To:

Sir,

I beg to apply under Section 4 of the Karnataka Payment of Subsistence allowance Act, 1988 (Karnataka Act, 1988 (Karnataka Act 18 of 1992) for the recovery of the money due to Sri/Smt ……. Under the Act. The particulars relating to the claim made on behalf of Sri/Smt…… are given in the statement below:-

STATEMENT

1	Name of the employee (in full)	
2	Address of the employee (in full)	
3	Name of the employer (in full	
4	Address of the employer (in full)	
5	Department/branch/section where the employee was last employed.	
6	Date of appointment of employee.	
7	Post held with ticket No. or serial Number of the employee, if any	
8	Total period of service	
9	Amount of wages drawn by the employee immediately before suspension.	
10	Date of suspension	
11	The period for which the employee has been on suspension.	
12	Relationship with the employee in case of legal representative	
13	In the case of legal representative the legal authority under with the application is made may be explained with a copy of legal documents, if any.	
14	Any other information.	

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

Place;

Date:

Yours faithfully

Signature of the person authorized

By the employee or the legal Representative of the employee

Note:- Brief history may be furnished separately with a copy of the order of suspension and also the authorization obtained under Rule 5 of sub-rule (5)

FORM-4

[See sub-rule(3) of Rule 5]

Notice for appearance From

(Auhority)

To

(Address of the employer)

Sir,

Whereas, Sri/Smt……has made an application under Section 4 of the Karnataka Payment of Subsistence Allowance Act 1988 (Karnataka Act 18 of 1992) for payment of a sum of Rs……(in word……..) for the period of suspension from ……..to…….(the copy of application is enclosed.)

2. Now, therefore, you are hereby requested to appear personally or by a person duly authorized in this behalf before the undersigned for the prupose of answering all material questions relating to the application on …… day of ……..200 at……..am/pm in respect of the claim. As the day fixed for your appearance is appointed for final disposal of application you are requested to produce on that day all the witnesses and all the relevant documents relating to the claim.

3. Take notice that in default of your appearance on the day mentioned above, the application will be determined on merits in your absence.

Given under my hand and seal, on this ……..day…….200……

Signature and seal of the authority

Copy of this notice is forwarded to the applicant for information and with a direction appear in person or through for person authorized on the date and time fixed above.

FORM-5

[See sub-rule(3) of Rule 5]

(Letter of authorization to be presented by a person desiring to act on behalf of the employee)

From

(full name and postal address of the person authorised)

To

(full postal address of the authority)

Sir,

Whereas, Sri/Smt……for the purpose of sub-rule (5) of Rule 5 of the Karnataka Payment of Subsistence allowance Rule 2004, I furnish the particular in the statement below;-

STATEMENT

2. I declare that I shall be bound by the acts of the person authorized in claiming Money under the Act mentioned above.

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

Place; Yours faithfully

Date:

Signature of employee The above signature of the employee is attested by us:

Withness-1 Signature

Name Address

Withness-2 Signature

Name

Address

FORM-6

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

(Letter of authorization to be presented by a person desiring to act on behalf of the employer)

From

(full name and postal address of the person authorized)

To

(full postal address of the authority)

Sir,

I authorise, Sri/Smt……for the purpose of sub-rule (5) of Rule 5 of the Karnataka Payment of Subsistence Allowance Rules 2004, I furnish the particular in the statement below;-

STATEMENT

1	Name and address of the employee (in full)	
2	Name of the address of the representative (in full)	
3	Period for which authorization is given	

4.I declare that I shall be bound by the acts of the representative authorized by me as above.

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

Place; Yours faithfully

Date:

(Signature of employer)

The above signature of the employer is attested by us:

Withness-1 Signature

Name Address

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Withness-2 Signature

Name Address