PAYMENT OF GRATUITY ACT, 1972

UTTAR PRADESH RULES

The Uttar Pradesh Payment of Gratuity Rules, 1975

Notification No. 3427 (*ST*)/*XXXVI-I*—170(*ST*)-71, *dated July* 18, 1975[1]

In exercise of the powers conferred by sub-section (1) of Section 15 of the Payment of Gratuity Act, 1972 (Act No. 39 of 1972), the Governor is pleased to make the following rules in respect of the payment of gratuity to employees engaged in factories, mines, oilfields, plantation, shops or other establishments, namely:

1. Short title, extent and commencement.—(1) These Rules may be called the Uttar Pradesh Payment of Gratuity Rules, 1975.

(2) They shall come into force with effect from the date of their publication in the *Gazette*.

2. Definition.—In these rules, unless there is anything repugnant in the subject or context:—

(*a*) 'Act' means the Payment of Gratuity Act, 1972 (Act No. 39 of 1972);

(*b*) 'Appellate authority' means the Government of Uttar Pradesh or the authority specified by the Government of Uttar Pradesh under sub-section (7) of Section 7;

(*c*) 'Form' means form appended to these Rules;

(*d*) 'nomination' means nomination made under Section 6;

(*e*) 'section' means a section of the Act.

NOTICE OF OPENING, CHANGE OR CLOSURE OF THE ESTABLISHMENT

3. Notice: Section 15.—Within thirty days of the rules becoming applicable to an establishment, a nottce 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.

(3) Where an employer intends to close down the business, he shall submit a notice in Form 'C' to the controlling authority of the area at least ninety days before the intended closure.

[2][**4. Display of notice: Section 15.**—(1) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in Hindi and in a 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 Act or the rules.

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

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1. Published in U.P. Gazette Extra., dated July 10, 1975.
2. Subs. by Noti. No. 1740 (ST)/XXXVI-1-170 (ST)-71 dt. 19-7-1983. (1984 LLT-V-174).

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FORM OF NOTICE UNDER PROVISO TO SECTION 2 (*h*)

5. Form of Notice: Section 2 (h).—(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.

(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. Nomination: Section 6.—A nomination shall be in Form 'F' and submitted in duplicate by personal service by the employee, after taking proper receipt or by sending it through registered post acknowledgment 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 From 'F' shall be accepted by the employer after the specified period if filed with resonable 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 a 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 From '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, in 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 *mutatis mutandis* apply as if it was made under sub-rule (1).

(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.

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(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 : Section 7.—(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 the gratuity became payable to him, in From 'J' to the employer :

Provided that an application in plain papar 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 in sub-section (1) of Section 4 shall apply, ordinarily within one year from the date the 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 period 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 period 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 acknowledgment due.

8. Notice for payment of gratuity : Section 7(2) and (3).—(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 apyment 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

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(*i*) of sub-rule (1) shall be refixed 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 form 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 acknowledgment due.

(5) A notice under sub-section (2) of Section 7 shall be in Form 'L'.

9. Mode of payment of gratuity: Section 7.—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 desired 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.

10. Application to controlling authority for direction: Section 7(4).—(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 parties:

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 appilcation shall be presented in person to the controlling authority or shall be sent by registered post acknowledgment due.

11. Procedure for dealing with application for direction: Section 7(4)(b).—(1) On receipt of an application under Rule 10, the controlling

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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.

(2) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case 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 an 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 reheard after giving not less than fourteen days' notice to the opposite party of the date fixed for re-hearing of the application.

12. Place and time of hearing : Section 7(4)(b).—The sittings of the controlling authority shall be held as such time 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 : Section 7(5).—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 : Section 7(5).—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 : Section 7(5).—(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 acknowledgment due or in any other manner as prescribed under the Code of Civil Procedure, 1903 (Act 5 of 1908).

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(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 on the authorised person shall be deemed to be service on such persons.

16. Maintenance of records of cases by the controlling authority: Section 7.—(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: Section 7(4)(b).—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 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: Section 7(7).—(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 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 copy of the Memorandum of appeal, the opposite party shall submit his comments on 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.

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(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 shall be endorsed to the applicant employee, nominee or legal heir, as the case may be and to the appellate authority.

19. Application for recovery of gratuity: Section 8.—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.

[1][**20. Display of abstract of the Act and Rules: Section 15.**—The employer shall display an abstract of the Act and the rules made thereunder in Hindi and in the language understood by the majority of the employees at a 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 address 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 employer with*

Date *name and designation.*

To

The Controlling Authority,

.....

.....

1. Subs. by Notl. No. 1740 (ST)/XXXVI-1-170 (ST)-71 dt. 19-7-1983 (1984 LLT-V-174).

(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 on the authorised person shall be deemed to be service on such persons.

16. Maintenance of records of cases by the controlling authority: Section 7.—(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: Section 7(4)(b).—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 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: Section 7(7).—(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 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 copy of the Memorandum of appeal, the opposite party shall submit his comments on 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.

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(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 shall be endorsed to the applicant employee, nominee or legal heir, as the case may be and to the appellate authority.

19. Application for recovery of gratuity: Section 8.—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.

[1][**20. Display of abstract of the Act and Rules: Section 15.**—The employer shall display an abstract of the Act and the rules made thereunder in Hindi and in the language understood by the majority of the employees at a 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 address 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 employer with*

Date *name and designation.*

To

The Controlling Authority,

.....

.....

1. Subs. by Noti. No. 1740 (ST)/XXXVI-1-170 (ST)-71 dt. 19-7-1983 (1984 LLT-V-174).

FORM B

[*See* sub-rule (2) of Rule 3]

Notice of change

Name and the 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 with*

Date *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 with*

Date *name and designation.*

To

The Controlling Authority,

.....

.....

FORM D

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

Notice for excluding husband from family

From.....

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

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Take notice that I, Shrimati.....desire to exclude my husband Shri.....from my family for the purpose 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*

Place 1.

Date 2.

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.

Reference No.

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

To

1.....(Employee)
2. The Controlling Authority.

FORM E

[*See* sub-rule (2) of Rule5]

Notice of withdrawal of notice for excluding husband from family

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

Take notice that I, Smt.....hereby withdraw the notice, dated....., which was recorded under your reference no....., dated.....My husband Sri.....now stands included in my family for the purpose of the Payment of the Gratuity Act, 1972.

Place *Signature/Thumb-Impression of*

Date *the employee*

Declaration by witnesses

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

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

1. 1.
2. 2.

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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 Officer authorised.

Date

Seal or rubber stamp of the establishment

To

1.....(Employee)

2. The Controlling Authority.

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FORM F

[*See* sub-rule (1) of 6]

Nomination

To

(Give here name or description of the establishment with full address)
(Name in full here)

I, Shri/Shrimati/Kumari.....whose particulars are given in the statment below, 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.

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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
1. 2. 3. 4. 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 No., or Serial No., if any
7. Date of appointment
8. Permanent address

Village , Thana , Sub-Division

Post Office , District , State

Place
Date

Signature/Thumb-impression of the employee.

Declaration by witnesses

Nomination signed/thumd-impressed before me

Name in full and full address of witnesses.

1.
2.

Signature of witnesses

1.
2.

Place
Date

CERTIFICATE BY THE EMPLOYER

Certified that the particulars that 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 estabilshment or rubber stamp thereof.

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Acknowledgment by the employee

Received the duplicate copy of nomination in From '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, Sri/Srimati.....(Name in full here) whose particulars are given in the statement below, have acquired a family whithin 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 therefore nominate a fresh 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 address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4
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 dependent or though other process like adoption.)

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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
Date

Signature/Thumb-impression of the employee.

Declaration by witnesses

Fresh 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.
Name and address of the establishment or rubber stamp thereof.

Acknowledgment by the employee

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

Date *Signature of the employee.*

FORM H

[*See* sub-rule (4) of Rule 6]

Modification of nomination

To

(Give here name or description of the establishment with full address)

I, Sri/Srimati/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 modification intended)

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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

'lace

)ate

Signature/thumb-impression of the employee

Declaration by witnesses

Modification of nomination signed/thumb-impressed before me.

lame in full and full address of witnesses *Signature of witnesses*

1.

2.

lace

late

CERTIFICATE BY THE EMPLOYER

Certified that the above modifications have been recorded.

mployer's Reference No., if any.

Signature of the employer/Officer authorised
designation

Name and address of the establishment or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the nctice for modification in Form 'H' led by me on.....duly certified by the employer.

late *Signature of the employee.*

FORM I

[*See* sub-rule (1) of Rule 7]

Application for gratuity by an employee

'o

(Give here name or description of the establishment with full address)

ir/ Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-ction (1) of Section 4 of the Payment of Gratuity Act, 1972, on account of y superannuation/retirement/resignation after completion of not less than ve years of continuous service/total disablement due to accident/total dis-blement due to disease with effect from the.....Necessary particulars lating to my appointment in the establishment are given in the statement elow.

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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 and cause of termination of service
7. Total period of service
8. Amount of wages last drawn
9. Amount of gratuity claimed.

2. I was rendered totally disabled as a result of

(Here give the details of the nature of disease or accident)

The evidence/witnesses in support of my total disablement are as follows :

(Here give details)

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

4. As the amount of gratuity 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,

Signature/thumb-impression of the applicant employee.

Place

Date

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 payble on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on..... retirement or 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 are given in the statement below :

STATEMENT

(1) Name of applicant nominee.

(2) Address in full of the applicant nominee.

(3) Marital status of the applicant nominee unmarried/married/widow/widower.

(4) Name in full of the employee.

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(5) Marital status of employee.
(6) Relationship of the nominee with the 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 No. 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 then 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,

Signature/thumb-impression of applicant nominee.

Place
Date

FORM K

[*See* sub-rule (3) of Rule 7]

Application for gratuity by 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 No., 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 case/open or crossed bank cheque.

4. As the amount payable is less then 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,

Signature/thumb-impression of applicant legal heir.

Place

Date

FORM L

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

Notice for payment of gratuity

To

(Name and address of the applicant employee/nominee/legal heir)

You are hereby informed as required under clause (*i*) of sub-rule (1) of Rule 8 of the Uttar Pradesh Payment of Gratuity Rules, 1975, that a sum of Rs.....(Rupecs.....) 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.

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2. Please call at :.....on.....
.....(Here specify place).....at.....(Time)
for collecting your 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.
.....years.....months
2. Wages last drawn.
3. Proportion of the admissible gratuity payable in terms of nomination/ as a legal heir.
4. Amount payable.

Place

Signature of the employer/Authorised Officer.
rubber stamp thereof.

Copy to : The Controlling Authority

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 (1) of Rule 8 of the Uttar Pradesh Payment of Gratuity Rules, 1975, 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)

Signature of the employer/Authorised Officer.

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)ate

Name or decription of establishment or rubber stamp thereof.

Copy to : The Controlling Authority.

FROM N

[*See* sub-rule (1) of Rule 10]

Application for direction

Before the Controlling Authority under the Payment of Gratuity Act, 72.

Application no....., Date.....

Between

(Name in full of the applicant with full adderss

and

(Name in full of the employee concerned with full address)

The applicant is an employee of the abovementioned employer/ inee of late.....an employee of the abovementioned employer/

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legal heir of late.....an employee of the abovementioned 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's superannuation on...../his own retirement/aforesaid employee's resignation..... .....(and) on.....after completion of..... years of continuous service/his own/aforesaid employee's total disablement with effect from.....due to accident/disease, death of the aforesaid late.....employee on.....

2. The applicant submitted an application under rule.....of the Uttar Pradesh Payment of Gratuity Rules, 1975, on the..... but the abovementioned 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 my 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 abovementioned 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.

Signature of the applicant/thumb-impression of the applicant.

Date

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 last employed (if known).
7. Post held by the employee with Ticket No. 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).

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10. Total period of service by the employee.
11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence/witness in support of death of the employee.
14. If a nominee, no. and date of recording of nomination with the employer.
15. Evidence/witness in support of being a legal heir, if a legal heir.
16. Total gratuity payable to the employee (if known).
17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Place
Date

Signature/Thumb-impression of the applicant.

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 employer/applicant)

Whereas Sri.....an employee under you/a nominee (s)/ legal heir(s) of Sri.....an employee under the abovementioned employer, has/have filed an application under sub-rule (1) of Rule 10 of the Uttar Pradesh Payment of Gratuity Rules, 1975, 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....., date 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 for 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 in the notice, your application will be dismissed/heard and determined in your absence.

Given under my hand and seal, this.....day of.....19 .

Controlling Authority.

FORM P

[*See* Rule 14]

Summons

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

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To

(Name and address)

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in the 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 the summons 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 16]

Particulars of application under Section 7

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

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FORM R

[*See* Rule 17]

Notice for Payment of Gratuity

To

(Name and address of employer)

Whereas Sri/Smt./Kumari.....
of .....
.....(address).....
an employee under you/a nominee(s)/leagel heir(s) of late.....
an 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 Gartuity Act, 1972;

Now, therefore, I hereby direct to pay the said sum of.....
to Sri/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 under rule).

He is advised to contact the employer for collection payment.

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 give to you on.....Form 'R' requiring you to make a payment of Rs.....to Sri/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 Sri/Smt./Kumari.....as gratuity due under the Payment of Gratuity Act, 1972;

Now, therefore, I hereby direct you to pay the said sum of Rs.....
to Sri/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—

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

FORM T

[*See* Rule 19]

Application for recovery of gratuity

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

Application no *Date*

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Between

(*Name in full of the applicant with full address*)

and

(*Name in full of the employer with full address*)

The applicant is an employee of the abovementioned employer/a nominee of late.....an employee of the abovementioned employer/a legal heir of late.....an employee of the abovementioned employer, and you were pleased to direct the said employer in your notice, dated the .....under rule.....of the Uttar Pradesh Payment of Gratuity Rules, 1975, 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 recovery of the said sum of Rs.....: ....due to me as gratuity in terms of your direction.

Place— *Place*

Date *Signature/Thumb-impression of the appicant*

Indiacode

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Notifications of U.P. Government

(1)

English translation of Shram Anubhag-1, Noti. No. 4109/XXXVI-1—883(ST)-77, dated July 23, 1990, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 23rd July, 1990, pp. 2-3

In exercise of the powers under Section 3 of the Payment of Gratuity Act, 1972 (Act No. 39 of 1972), read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897) and in supersession of Government notification No. 5022(ST)XXXVI-1—883(ST)-77, dated November 11, 1982, the Governor is pleased to appoint the officers mentioned in column 2 of the Schedule given below to be the controlling authority for the areas noted against their names in column 3 thereof for the administration of aforesaid Act.

SCHEDULE

Sl. No.	Officers	Specified Area
1	2	3
1	Regional Additional Labour Commissioner, Kanpur Region, Kanpur.	Kanpur Region comprising the districts of Kanpur Sahar, Kanpur Dehat, Etawah Farrukhabad and Unnao.
2	Regional Deputy Labour Commissioner, Allahabad Region, Allahabad.	Allahabad Region comprising the districts of Allahabad, Pratapgarh and Fatehpur.
3	Regional Deputy Labour Commissioner, Meerut Region, Meerut.	Meerut Region comprising the districts of Meerut Muzaffar Nagar, Haridwar and Saharanpur.
4	Regional Deputy Labour Commissioner, Agra Region, Agra.	Agra Region comprising the districts of Agra, Aligarh, Mathura, Mainpuri, Firozabad and Etah.
5	Regional Deputy Labour Commissioner, Bareilly Region, Bareilly.	Bareilly Region comprising the districts of Bareilly, Budaun, Pilibhit and Shahjahanpur.
6	Regional Deputy Labour Commissioner, Lucknow Region, Lucknow.	Lucknow Region comprising the districts of Lucknow, Hardoi, Kheri (Lakhimpur) Rae Bareli and Sitapur.
7	Regional Deputy Labour Commissioner, Gorakhpur Region, Gorakhpur.	Gorakhpur Region comprising the districts of Gorakhpur, Maharajganj, Basti, Sidharth Nagar, Deoria, Azamgarh and Mau.
8	Regional Additional Labour Commissioner, Ghaziabad Region, Ghaziabad.	Ghaziabad Region comprising the districts of Ghaziabad and Bulandshahr.
9	Regional Deputy Labour Commissioner, Garhwal Region, Dehra Dun.	Garhwal Region comprising the districts of Dehra Dun, Chamoli, Garhwal (Pauri), Dehri Garhwal and Uttarkashi.
10	Regional Deputy Labour Commissioner, Kamaun Region, Haldwani (Naini Tal).	Kumaun Region comprising the districts of Naini Tal, Almora and Pithoragarh.
11	Regional Additional Labour Commissioner, Varanasi Region Varanasi.	Varanasi Region comprising the districts of Varanasi, Ghazipur, Ballia and Jaunpur.

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1	2	3
12	Regional Deputy Labour Commissioner, Moradabad Region, Rampur.	Moradabad Region comprising the districts of Moradabad, Rampur and Bijnor.
13	Regional Deputy Labour Commissioner, Faizabad Region, Faizabad.	Faizabad Region comprising the districts of Faizabad, Bahraich, Bara Banki, Gonda and Sultanpur.
14	Regional Deputy Labour Commissioner, Jhansi Region, Jhansi.	Jhansi Region comprising the districts of Jhansi, Lalitpur, Banda, Hamirpur and Jalaun.
15	Regional Deputy Labour Commissioner, (Pipri) (Sonbhadra) Mirzapur Region.	Mirzapur Region comprising the districts of Mirzapur and Sonbhadra.

(2)

English translation of Shram Anubhag-1, Noti. No. 1988/XXXVI-1—170(ST)-71, dated July 9, 1991, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 9th July, 1991, p. 2

In exercise of the powers under sub-section (7) of Section 7 of the Payment of Gratuity Act, 1972 (Act No. 39 of 1972), and in supersession of Government Notification No. 3899(ST)/XXXVI-1—170(ST)-71, dated July 1, 1987 the Governor is pleased to specify the additional Labour Commissioner appointed with the following designations, as the authority to whom an appeal may be preferred by any person aggrieved by an order under sub-section (4) of Section 7 of the said Act :—

Sl. No.	Name of the authority	Name of the region for which appeals may be referred
1	Additional Labour Commissioner (Industrial Relations) ..	Allahabad, Agra, Meerut, Bareilly, Varanasi, Moradabad and Mirzapur Region.
2	Additional Labour Commissioner (Takniki) ..	Kanpur, Dehradun, Gorakhpur Haldwani, Jhansi, Faizabad and Lucknow Region.

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