MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 26th December, 1983

NOTIFICATION

G.S.R. 919(E) - In exercise of the powers conferred by section 31 of the Oil Industry Development Act, 1947 (No. 47 of 1974), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement - (1) These rules may be called the Oil Industry Development Board Employees" (Death-cum-Retirement) Gratuity Rules, 1983.

(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) "Emoluments" means the amount drawn by an employee, immediately before his retirement or on the date of his death , as pay other than special pay or pay granted in view of his personal qualifications which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre.

[GSR 398(E) dated 30.3.89]

(b) "Family" includes the following:

(i) wife or wives (including judicially separated wife or wives) in the case of a male Government servant;

(ii) husband, (including judicially separated husband) in the case of a female Government servant;

(iii) sons including step sons and adopted sons;

(iv) unmarried daughter including step daughters and adopted daughters;

(v) widowed daughters including step daughters and adopted daughters;

(vi) father] including adopted parents in the case of individuals

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(vii) mother] whose personal law permits adoption;

(viii) brothers below the age of eighteen years including step brothers;

(ix) unmarried sisters and widowed sisters including step sisters;

(x) married daughters; and

(xi) children of a pre-deceased son;

(c) "Non-regular employee" means a person who is not employed on regular establishment of the Board but is employed for work which is essentially of a purely temporary nature or is employed in connection with temporary increase in permanent work for a period not exceeding twelve months;

(d) "Qualifying service" means continuous service rendered in the Board after completion of 18 years of age including continuous service rendered prior to the commencement of these rules, that is, from the date of appointment in the Board except periods of service rendered as apprentice or trainee and extra-ordinary leave without leave salary and periods of suspension adjusted as a special penalty.

Note:- In the case of extraordinary leave, the Secretary or the Chairman may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee:

(i) on medical certificate, or

(ii) due to his inability to join or rejoin duty on account of civil commotion.

(e) "Superannuation" means the retirement of the Board's employee from service on reaching the age of fifty eight sixty years.

3. Scope - Gratuity shall be granted to the whole time regular employees of the Board, but shall exclude the following :

(i) Casual and non-regular employees.

(ii) Government servants and other employed on deputation terms.

(iii) Employees on contract terms.

(iv) Apprentices and trainees.

(v) Re-employed persons.

(vi) employees governed by the payment of Gratuity Act, 1972 (39 of 1972);

Provided that such of the terms of payment of gratuity under these rules as are more beneficial than those under the payment of gratuity Act, 1972 939 of 1972), shall be applicable to such employees.

4. Condition for the grant of gratuity.;-__Subject to the provisions mentioned in rule 3 gratuity shall be granted to the whole time employees of the Board for good, efficient and faithful service and shall be admissible in the following circumstances:--

(a) Discharge on abolition of post.

(b) Permanent incapacity due to bodily or mental infirmity.

(c) On the death of an employee while in service.

(d) Superannuation.

(e) Resignation (on or after the 1st February, 1980) in the case of Supervisory employee after rendering 5 year's qualifying service in the Board on the date of relief from the service of the Board.

(f) (i) Gratuity will not be admissible, to an employee who resigns from service before completing 5 year's qualifying service or whose services are terminated for misconduct, insolvency or inefficiency.

(ii) Except in the case of death, gratuity will be admissible only after five year's qualifying service.

5. Amount of gratuity - (1) Gratuity will be equal to 1/4th of the emoluments for each completed period of six months of service subject to a maximum of 16 1/2 times the emoluments or Rupees 3.5 lakh whichever is less.

(2) In the case of death, the amount of gratuity will be calculated as provided in sub-rule (1) or as mentioned below whichever is more :-

	Length of service	**Rate of Gratuity**
i.	Less than one year	2 times of emoluments
ii.	One year or more but less than 5 years	6 times of emoluments
iii.	5 years or more but less than 20 years	12 times of emoluments
iv.	20 years or more	Half of emoluments for every completed six monthly period of

qualifying service subject to a maximum of 33 times of emoluments provided that the amount of death gratuity shall in no case exceed one lakh rupees.

[GSR-398 (E) dated 30.3.89]

6. Nomination for Payment of gratuity -

(1) Every employee shall make a nomination in the form appended to these rules conferring on one or more persons of his family, the right to receive the gratuity in the event of his death while in service or after quitting service but before payment of the gratuity is made, indicating the shares payable to each member. In the case of an employee having no family, the nomination may be made in favour of a person or persons or a body of persons, corporate or incorporate. If after having made a nomination in favour of a person who is not a member of his/ her family, the employee acquires a family, the nomination so made, will automatically lapse and unless a fresh nomination is made, gratuity will be paid to the surviving members of the family in accordance with the provisions of these rules.

(2) In the event of there being no nomination, the gratuity, on death, may be paid in the manner indicated below:-

(a) if there are one or more surviving members of the family as provided in sub-clauses (i) to (iv) of clause (b) of rule 2, it shall be paid to all such members, other than any such member who is a widowed daughter, in equal shares.

(b) If there are no such surviving members of the family but there are one or more surviving widowed daughter, and or more surviving members of the family as mentioned in sub-clauses (v) to (ix) of clause (b) of rule 2, the gratuity shall be paid to all such members, in equal shares.

(3) An employee may at any time, revoke or change the nomination made under sub-rule(1) and make a new one which shall be effective from the date it is filed with the Board.

7. Application for gratuity. - Application for the grant of gratuity shall be submitted in the prescribed form to the Chairman/Secretary of the Board.

8. General rules:- (1) The amount of gratuity that may be granted is determined by the length of service as set forth in rule 4. Fractions of a half year are not taken into account in the calculation of any gratuity admissible to an employee.

(2) Any gratuity fixed in rupee shall be calculated to the nearest rupee.

(3) An employee who is selected for discharge owing to the abolition of the post is entitled to gratuity under rule 4, if he does not accept any other post in the Board. If he accepts another appointment, even on a lower pay, his previous service will count for gratuity.

9. Periods of suspension - (1) Time passed under suspension pending enquiry into the conduct counts if suspension is immediately followed by reinstatement but time passed under suspension adjusted as a specific penalty does not count. An employee shall not be penalised, if he is exonerated after a period of suspension,

(2) If the employee under suspension is reinstated but has not been allowed to draw any part of allowances admissible under suspension, the period of such suspension, shall not count for purpose of qualifying service without the specific orders from the authority, who reinstates the employee which shall clarify this issue immediately after the reinstatement.

10. Removal and dismissals.__ (1) An employee who is dismissed, removed or compulsorily retired but is reinstated on appeal or revision is entitled to the benefit of his past service for the purpose of gratuity.

(2) The period of break in service between the date of dismissal, removal or compulsory retirement as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count unless regularised as duty or leave by a specific order of the authority which passed the orders of reinstatement.

11. Interruptions - An interruption in the service of an employee entails forfeiture of his past service save in the following cases -

(1) Authorised leave of absence.

(2) Unauthorised absence in continuation of authorised leave of absence so long as the post of the absentee is not substantively filled. If his post is substantively filled, the past service is forfeited.

(3) Suspension where it is immediately followed by reinstatement whether to the same or a different post or where the employee dies or is permitted to retire or is retired while under suspension.

(4) Abolition of post or loss of appointment owing to reduction of establishment.

12. Retrospective commutation of absence - The authority who sanctions the gratuity may commute retrospectively periods of absence without leave into extraordinary leave with or without leave salary.

13. Condo nation of interruption and deficiencies. - (1) Upon such conditions as he may think fit in each case to impose, the Chairman may condone all interruptions in an employee's service.

(2) The Chairman may condone a deficiency not exceeding six months in an employee's qualifying service and the authority competent to sanction gratuity may condone such a deficiency not exceeding three months.

14. Board's right to recover dues etc.--- The Board shall have the right to effect recoveries from the gratuity of the whole or part of the Board's dues, if any. Any pecuniary loss caused to the Board as a result of any act or commission on the part of the employee shall also be recovered from the amount of gratuity payable to such an employee if the Board is satisfied that the employee has been guilty of grave misconduct or negligence during his service including service rendered or re-employment after retirement even though the employee could not be informed of it.

15. Employee's right not transferable. - The right of an employee eligible to any benefits payable or which may become payable to him under these rules cannot be assigned (otherwise than as provided in rule 6), pledged, hypothecated or alienated.

16. Gratuity subject to statutory deduction - Payment of gratuity is subject to all statutory deductions.

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