

PAYMENT OF GRATUITY ACT, 1972

UTTAR PRADESH RULES

The Uttar Pradesh Payment of Gratuity Rules, 1975

Notification No. 3427 (ST) XXXVII-170 (ST)-71, date July 18, 1975;

In exercise of the power forces Section (1) of Section 15 of the Payment of Gratuity Act, 1972 Act. No.39 of the Governor is pleased to make the follower rules respect of the payment of grate of the to employees on gaged in factories, miner oilfields, plantatier shops or other establishments, namely:

1. Short title, extent and commencement.- (1) These Rules may be called the Uttar Pradesh 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 and subsections (7) of Sections 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 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.

(3) Where an employer intends to close down the business, the shall submit a notice in Form 'C' to the controlling authority of the area at the 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 office with designation authorised by the employer to receive on his behalf notices under the Act or the roles.

(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 : 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 in receipt on one copy thereof return the copy to the employee and send the second copy to the employer 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 perwnal 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 sued date, and

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

Provided that nomination in from '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 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 in the

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2. *Subs. by Noti. No. 1740 (ST) XXXVI-1-170 (ST)-71 dt. 19-7-1983. (1984 LLT-V-1741)*

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 subsection (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 modifications of a nomination, including case, 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 notice or a fresh modification 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 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 subsection (1) of Section 4 shall apply, ordinarily within thirty days from the day the gratuity becomes 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 in subsection (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 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 (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 manageability of his claim as the case may be. In that case the time-limit specified for

issuance of notice 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 subsection (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 Rules 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 subsection (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-rules (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 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 authority shall, by issuing a notice in Form 'O' call upon the application 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 application 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 rehearing of the application.

12. Place and time of hearing : Section 7 (4).- The sitting of the controlling authority shall be held as such time and at such place 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(7).- (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).

(2) Where there are numerous person 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 record 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 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 subsection (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 acknowledgment 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 therefor 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 employer, A copy of the notice shall be endorsed to the applicant employee, nominee or legal 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 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: 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,
.....
.....

FORM B

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

Notice of Change

Name and the address of the Establishment.....

Take notice the following change have taken place with effect formin the particulars furnished by me in notice, dated.....on Form 'A'.

Name

Address

Name of the Employer

Nature of Business

Place

Signature of 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 form.....The other details are furnished below:

1. Name and address of the establishment.
2. Name and address or the Head Office, if any.
3. Name and designation of the employer.
4. Number of person in employment.
5. Number of employees entitled to gratuity.
6. Amount of gratuity involved.

Place

Signature of 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

Form.....

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.

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
impression

Signature/Thumb-

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 employee.

FORM E

[See sub-rule (2) of Rule 5]

Notice or withdrawal of notice for excluding husband from family

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.

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

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 address of witnesses

Signature of witnesses

- | | | |
|----|--|----|
| 1. | | 1. |
| 2. | | 2. |

To,

The Controlling Authority
 (Through the employer)
 (Name and address of the employer)

For use by the employer

Received and recorded in his 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.

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)

1. Shri/Shrimati/Kumari.....whose particulars are given in the statement 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.

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	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 that of the above nomination have been varied and recorded in this establishment.

Employer's Reference No.,

if any.

Signature of the employer/office authorised

Designation.

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

Received the duplicate copy of nomination in Form 'F' filed by me and duly certify 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 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 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. whether by marriage or parents being rendered dependent or though 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 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 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 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 given 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)

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

Modification of nomination signed/thumb-impression 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 above modifications 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.

ACKNOWLEDGMENT 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 employee.

FORM I

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

Application for 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 subsection (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 served/total disablement due to accident/total disablement due to disease with effect from the.....Necessary particulars relating to my appointment in the statement below.

STATEMENT

1. Name in full
 2. Address in full
 3. Department/Branch/Section where 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 6]

Application for gratuity by a nominee

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 subsection (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/superannuat 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 theNecessary 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.
- (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 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 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 deductions 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 subsection (1) of Section 4 of the Payment of Gratuity Act, 1972, as a legal heir of late.....(Name of the employer) who was an employee of your establishment and did 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 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 of 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,
*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..... (Rupees) is payable to you as gratuity/as your share of gratuity in terms of nomination made by..... onandrecorded in thisas a legal heir of.....anemployee of this.....establishment.

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.

*Signature of the employer/Authorised
Officer.*

Place 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.*

Date Name or description 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, 1972.

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

Between

(Name in full of the application with full address)

and

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

The applicant is an employee of the above mentioned employer/nominee of late.....an employee of the above mentioned employer/legal heir of late.....an 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 employee's super annuation on...../his own retirement/aforesaid employee's resignation.....(and) on.....after completion of years of consensus services/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 ruleof the Uttar Pradesh Payment of Gratuity Rules, 1975, 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 my due/issued a notice, dated theunder clause..... of sub-rule.....of Rule.....rejecting my eligibility to payment of gratuity. The appellate copy 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 last employed (if know).
 7. Post held by the employee with Ticket No. or Serial No., if any (if know).
 8. Date of appointment of the employee
(if know).
 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 know).
 17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
 18. Amount of gratuity claimed by the applicant.

Date

*Signature /thumb-impression
of this applicant.*

FROM O

[See sub-rule (1) of Rule 11]

Notice for appearance before the Controlling Authority

Form

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

To

(Name and address of the employer/applicant)

Whereas Sri.....an employee under your/a nominee (s) / legal heir (s) of Sri.....an employee under the above mentioned 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 document 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, thisday of19.

Controlling authority.

FROM 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 the list below, on behalf of..... in the case arising out of the claim for gratuity by..... form.....and referred to this Authority by an application under Section 7 of the 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.

Dated this.....day of.....19

Notice.- (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 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.

FROM 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 Notice issued for payment of gratuity.
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.

FROM 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) / legal 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 herein, I have come to the finding that the said Shri/Smt./Kumari.....is entitled to a payment of Rs..... as gratuity under.....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..... to Sir/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.

FROM 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 seal, this.....day of19.....

Controlling Authority.

Copy to-

1. The Applicant.

He is advised to contact the employer for collecting payment.

2. The Appellate Authority.

FROM 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 application with full address)

and

(Name in full of the employee 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 payment in your notice, dated the under ruleof the Uttar Pradesh Payment of Gratuity Rules, 1975, for payment of a sum or Rs..... as gratuity payable under the Payment of Gratuity Act, 1972.

2. The applicant submitted that the said employer fails to pay the said amount of gratuity to me as 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 applicant.

Notifications of U.P. Government

(1)

English translation of Shram Anubhag-3. Noti. No. 4109/XXXVI-1-883 (S.T)- 77, dated July 23, 1990, published in the U.P. Gazette, Extra., Part 4, Section (kha) dated 23rd July, 1990, p.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 Governor Clauses Act, 1897 (Act No. 10 of 1897) and in Suppression 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.	Officer			Specified Area
1	2	3	4	5
1	Regional Commissioner.	Additional Kanpur Region	Labour Region	Kanpur Region comprising the districts of Kanpur Sahar, Kanpur Dehat, Etawah Farukhabad and Unnao.
2	2Regional Commissioner.	Deputy Allahabad	Labour Region,	Allahabad Region Comprising the districts of Allahabad, Pratapgarh and Fatehpur. Meerut Region Comprising the districts of Meerut Muzaffar Nagar, Haridwar and Saharanpur.
3.	Regional Commissioner.	Deputy Meerut	Labour Region,	Agra Region Comprising the districts of Agra, Aligarh, Mathura, Mainpuri, Firozabad and Etah.
4.	Regional Commissioner,	Deputy Agra	Labour Region,	Bareilly Region Comprising the districts of Bareilly, Budaun, Pillibhit and Shahjahanpur.
5.	Regional Commissioner,	Deputy Bareilly	Labour Region,	Lucknow Region Comprising the districts of Lucknow, Hardoi, Kheri (Lakhimpur) Rae Bareilly and Sitapur. Gorakhpur Region Comprising the districts of Gorakhpur, Maharajganj, Basti Sidharth Nagar, Deoria, Azamgarh and mau

6. Regional Deputy Labour Commissioner, Lucknow Region, Lucknow.
7. Regional Deputy Labour Commissioner, Gorakhpur Region, Ghaziabad Region Comprising the districts of Ghaziabad and Gorakhpur. Bulandshahar.
8. Regional Additional Labour Commissioner, Ghaziabad Region, Garhwal Region Comprising the districts of Dehra Dun, Chamoli, Ghaziabad. Garhwal (Pauri), Tehri Garhwal and Uttar Kashi.
9. Regional Deputy Labour Commissioner, Garhwal Region, Dehra Dun. Kumaun Region Comprising the districts of Nainital, Almora and Pithoragarh.
10. Regional Deputy Labour Commissioner, Kumaun Region, Haldwani (Nainital). Varanasi Region Comprising the districts of Varanasi, Ghazipur, Ballia and Jaunpur.
11. Regional Additional Labour Commissioner, Varanasi Region, Varanasi. Moradabad Region Comprising the districts of Moradabad, Rampur and Bijnor.
12. Regional Deputy Labour Commissioner, Moradabad Region, Rampur. Faizabad Region Comprising the districts of Faizabad, Bahach, Bara Banki, Gonda and Sultanpur.
13. Regional Deputy Labour Commissioner, Faizabad Region, Faizabad. Jhansi Region Comprising the districts of Jhansi, Lalitpur, Banda, Hamirpur and Jalaun. Mirzapur Region Comprising the districts of Mirzapur and Sonbhadra.
14. Regional Deputy Labour Commissioner, Jhansi Region, Jhansi.
15. Regional Deputy Labour Commissioner, (Pipri) (Sonbhadra) Mirzapur Region.

(2)

English translation of Shram Anubhag-1. Noti. No. 1988/XXXVI-1-170 (S.T)- 71, dated July 9, 1991, published in the U.P. Gazette, Extra., Part 4, Section (kha) dated 23rd July, 1990,

p.2-3

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

Sl No.	Name of the authority	Name of the region of 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.
