

Payment of Gratuity (Bihar) Rules, 1972¹

S.O. 975 dated 17-7-1973.— In exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Gratuity Act, 1972 (39 of 1972), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section namely :—

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

(2) These rules shall be deemed to have come into force on the 16th September, 1972.

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

(a) "Act" means the Payment of Gratuity Act, 1972.

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

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

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

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

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

(2) A notice in Form 'B' shall be submitted by the employer to the controlling authority of the area within thirty days of any change in the name, address, employer or nature of business.

(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 sixty days before the intended closure.

4. Display of notice.— (1) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in Hindi 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) becomes illegible or requires a change.

5. Form of notice under proviso to section (2) (h) (ii).— (1) A notice under the proviso to sub-clause (ii) of clause (h) of section 2 shall be in Form 'D' and sent in triplicate by the employee to the employer, who shall, after recording its receipt on one copy thereof, return the copy to the employee and send the second copy to the controlling authority of the area.

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

6. Nominations.— (1) A nomination shall be in Form 'F' and submitted in

duplicate by personal service by the employee, after taking proper receipt or by sending through registered post 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, or ordinarily, within ninety days from such date, and

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

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

(2) Within thirty days of the receipt of 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 Form 'F' duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.

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

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

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

7. Application for gratuity.— (1) An employee who is eligible for payment of gratuity under the Act, or any person authorised in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity become 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 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 employer who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 4 shall apply, ordinarily within one year from the date gratuity became payable to him in Form 'K' to the employer.

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

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

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

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

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

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

In either case a copy of the notice shall be endorsed to the controlling authority.

(2) In case payment of gratuity is due to be made in the employer's office the date fixed for the purpose in the notice in Form 'L' under clause (i) of sub-rule (1) shall be re-fixed 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 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 acknowledgment due.

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

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

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

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

10. **Application to controlling authority for direction.** — (1) If an employer,

- (i) refuses to accept a nomination or to entertain an application sought to be filed under rule 7; or
- (ii) issues a notice under sub-rule (1) of rule 8 either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity; or
- (iii) having received an application under rule 7 fails to issue any notice as required under rule 8 within the time specified therein;

the claimant, employee, nominee or legal heir, as the case may be, may within ninety days of the occurrence of the cause for the application, apply in Form 'N' to the controlling authority for issuing a direction under sub-section (4) of section 7 with as many extra copies as are the opposite 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 application shall be presented in person to the controlling authority or shall be sent by registered post with acknowledgment due.

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

(2) Any person designing to act on behalf of an employer or employee, nominee 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 and enquiry, as may be deemed necessary, the controlling authority shall record his finding as to whether any amount is payable to the applicant under the Act. A copy of the finding shall be given to each of the parties.

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

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

Reviewed within 30 days

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

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

14. **Summoning and attendance of witnesses.** — The controlling authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the controlling authority just, issue summons to any person in Form 'P' either to give evidence or to produce documents or for both purposes on a specified date, time and place.

15. **Service of summons or notice.** — (1) Subject to the provisions of sub-rule (2) any notice, summons, process or order issued by the controlling authority may be served either personally or by registered post acknowledgment due or in any other manner as prescribed under the Code of Civil Procedure, 1908 (Act 5 of 1908).

(2) Where there are numerous persons as parties, to any proceeding before the controlling authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary on the principal officer of the trade union or association or on the authorised person, shall be deemed to be service on such persons.

16. **Maintenance of records of cases by the controlling authority.** — (1) The controlling authority shall record the particulars of each 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 of 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 to any subordinate officer appointed in writing for this purpose by the controlling authority.

17. **Direction for payment of gratuity.** — If a finding is recorded under sub-rule (4) of rule 11 that the applicant is entitled to payment of gratuity under the Act, the controlling authority shall issue a notice to the employer concerned in Form 'R' specifying the amount payable and directing payment thereof to the applicant under intimation to the controlling authority within thirty days from the date of receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

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

(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. — Where an employer fails to pay the gratuity due under the Act in accordance with the notice by the controlling authority under rule 17 or rule 18 as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the controlling authority in duplicate in Form 'T' for recovery thereof under section 8 of the Act.

20. Display of abstract of the Act and rules. — The employer shall display an abstract of the Act and the rules made thereunder in English and Hindi 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 this Act.
6. Nature of Industry.
7. Whether seasonal.
8. Date of opening.
9. Details of Head Office Branches.

Number of employees.

- (a) Name and address of the Head Office.
- (b) Name 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.

Signature of the employer with name and designation

Place

Date

To,

The Controlling Authority

FORM 'B'

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

Notice of Change

Name and address of the Establishment.

Take notice that following changes have taken place with effect from in the particulars furnished by me in notice dated on Form 'A'

Name

Address

Name of the Employer.

Nature of Business.

Place

Date

Signature of the employer with name and designation.

To,

The Controlling Authority

FORM 'C'

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

Notice of Closure

Take notice that it is intended to close down the establishment with effect from The other details are furnished below : —

- (1) Name and address of the establishment.
- (2) Name and address of the Head Office, if any.
- (3) Name and designation of the employer.
- (4) Number of persons in employment.
- (5) Number of employees entitled to Gratuity.
- (6) Amount of Gratuity involved.

Place

Date

Signature of the Employer with name and designation.

To,

The Controlling Authority,

FORM 'D'

[See Sub-rule (1) rule 5.]

Notice for excluding husband from family

From —

- (1) Name of the female employee.
- (2) Name or description of establishment where employed.
- (3) Post held with ticket or serial no, if any.
- (4) Department / Branch / Section where employed.
- (5) Permanent address.

Take notice that I, Shrimati
 desire to exclude my husband Shri
 from my family for the purposes of the Payment of Gratuity Act, 1972.

Place _____ Signature / thumb impression of the
 Date _____ employee.

Declaration by witnesses.

The above notice was signed / thumb impressed before me.

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

- (1) _____ (1)
- (2) _____ (2)

Place _____
 Date _____

To,

The Controlling Authority (through the employer)
 (Name and address of the employer here).

For use by the employer.

Received and record in this establishment.

Reference no. _____ Signature of the employer or an officer
 Date _____ authorised in this behalf by the employer.

To,

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

Note. — Strike out the words not applicable.

FORM 'E'

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

Notice of withdrawal of notice for excluding husband from family.

- (1) Name of the Female employee.
- (2) Name or description of establishment where employed.
- (3) Post held with ticket or serial no, if any.
- (4) Department / Branch / Section where employed.
- (5) Permanent address.

Take notice that I, Shrimati hereby withdraw the notice, dated ...
 whereby I exclude my husband Shri from
 my family for the purposes of the Payment of Gratuity Act, 1972. The earlier notice
 was recorded under your reference no. dated

Place _____
 Date _____

Signature/Thumb impression 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)
- Place _____
 Date _____

To,

The Controlling Authority (through the employer).
 (Name and address of the employer).

For use by the employer.

Received and recorded in the 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.

Note. — Strike out the words not applicable.

FORM 'F'

To,

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

I, Shri / Shrimati / Kumari whose particulars
 (name in full here)

are given in the statement below, hereby nominate the persons (s) mentioned below to receive the gratuity 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 persons (s) mentioned is/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.

(a) 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 or serial no., if any.
- (7) Date of appointment.
- (8) Permanent address.

Village. Thana. Subdivision.
Post Office. District. State.
Place Signature / thumb impression of the employee.
Date

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 employee.

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,

Date

Designation.

Name and address of the establishment or rubber stamp thereof.

Acknowledgment by the employee.

Received the duplicate copy of nomination in Form 'F' filed by me and duly certified by the employer.

Date

Signature of the employee.

Note. — Strike out the words / paragraph not applicable.

FORM 'G'

[See Sub-rule (3) of Rule 6.]

Fresh Nomination.

To,

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

I, Shri / Shrimati, whose particulars are given in the statement (name in full here) 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 afresh the person (s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name (s).

2. I hereby certify the person (s) mentioned is/are member (s) of my family within the meaning of clause (h) of section 2 of the Act.

3. (a) My father / mother / parents is/are not dependent on me.

(b) My husband's father / mother / parents is/are not dependent on my husband.

4. I have excluded my husband from my family by a notice, dated the to the controlling authority in terms of the proviso to clause (h) of section 2 of the said Act.

Nominee (s)

Name in full with full address of nominee (s).	Relationship with the employee.	Age of nominee.	Proportion by which the gratuity will be shared.
(1)	(2)	(3)	(4)

(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 through other process like adoption).

(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.

Post Office

Thana.

District.

Subdivision.

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.

(1)

(2)

Place

Date.....

(1)

(2)

Signature of witnesses.

Certificate by the employer.

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's reference on, if any.

Date.....

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
by me on duly certified by the employer.

Filed

Note. — Strike out words and paragraphs not applicable.

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, Shri/Shrimati/Kumari....., whose particulars are given in the (name in full here) statement below, hereby give notice that the nomination filed by me on and recorded under your reference no. dated shall (stand) modified in the following manner: —

(Here give details of the modifications intended).

Statement

(1) Name of the employee in full.

(2) Sex.

(3) Religion.

(4) Whether unmarried/married/widow/widower.

(5) Department/Branch/Section where employed.

(6) Post held with ticket no. or serial no., if any.

(7) Date of appointment.

(8) Address in full.

Place.....

Date.....

Signature/thumb impression of the employee.

Declaration by witnesses.

Certified that the above modifications have been recorded.

Employer's reference no., if any

Signature for 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 the employee

Note. — Strike out the words not applicable.

FORM 'I'

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

Application for gratuity by an employee

To,

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

Sir/Gentleman,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972, on account of my superannuation / retirement / resignation after completion of not less than five years of continuous service / total disablement due to accident / total disablement due to disease with effect from the Necessary particulars relating to my appointment in the establishment are given in the statement below :

Statement

1. Name in full.
2. Address full.
3. Department/Branch/Section where last employed.
4. Post held with Ticked 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 evidences/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.

Place
DateYours faithfully,
Signature/thumb-impression of the
applicant employee.

- Note. — (1) Strike out the words not applicable.
(2) Strice out paragraphs not applicable.

FORM 'J'

[See sub-rule (2) of Rule 7]

Application for gratuity by a nominee

To,

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

Sir/Gentleman,

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 nominee of late (Name of the employee) who was an employee of your establishment and died on the

The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on retirement 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.
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 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 employee.
15. Total gratuity payable to the employee.
16. Share of gratuity claimed.

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

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

4. As the amount payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting Postal Money Order commission therefrom.

Place
DateYours faithfully,
Signature/thumb impression of
applicant's nominee.

- Note. — (1) Strike out the words not applicable.
(2) Strike out paragraph or paragraphs not applicable.

FORM 'K'

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

Application for gratuity by a legal heir

To,

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

Sir Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 3 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 of your payable on account of the death of the aforesaid employee on the retirement or registration of the afore said 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 last worked.
 9. Post last held by the employee with Ticket or Serial No., if any.
 10. Total wages last drawn by the employee.
 11. Date and cause of termination of service of the employee (death or otherwise).
 12. Date of death of the employee and evidence/witness in support thereof.
 13. Total gratuity payable to the employee.
 14. Percentage of the gratuity claimed.
 15. Basis of the claim and evidence witness in support thereof.
2. I declare that the particulars mentioned in the above Statement are true and correct to the best of my knowledge and belief.
3. Payment may please be made in cash/open or crossed bank cheque.
4. As the amount payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above, after deducting Postal Money Order commission therefrom.

Place -
Date -

Yours faithfully,
Signature/Thumb impression of
applicant legal heir.

Note. - Strike out the words not applicable.

FORM 'L'

[See clause (i) of sub-rule (1) of Rule 8]
Notice for payment of gratuity.

To,

[Name and address of the applicant employee nominee legal heir]

You are hereby informed as required under clause (i) of sub-rule (1) of rule 8 of the Payment of Gratuity (Bihar) Rules, 1972 that a sum of Rs. (Rupees.....) is payable to you as gratuity in terms of nomination made by on and recorded in the as a legal heir of an employee of this establishment.

2. Please call at on
[Here specify place] [Date]

at for collecting your payment in cash/open or crossed cheque.
(time)

3. Amount payable shall be sent to you by Postal Money Order at the address given in your application after deducting the money order commission, as desired by you, by

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 -
Date -

Signature of the employer/Authorised Officer.

Name or description of establishment
or rubber stamp thereof.

Copy to the Controlling Authority.

Note. - Strike out the words not applicable.

FORM 'M'

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

Notice rejecting claim for payment of gratuity.

To,

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

You are hereby informed as required under clause (ii) of sub-rule (i) of rule 8 of the Payment of Gratuity (Bihar) Rules, 1972 that your claim for payment of gratuity as indicated on your application in Form under the said rules is not admissible for the reasons stated below :-

Reasons.

(Here specify the reasons)

Place -
Date -

Signature of the employer/Authorised Officer.

Name or description of establishment
or rubber stamp thereof.

Copy to the Controlling Authority.

Note. - Strike out the words not applicable.

FORM 'N'

[See sub-rule (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 applicant with full address).
and

(Name in full of the employer concerned with full address).

The applicant is an employee of the above-mentioned employer's nominee of late an employee of the above mentioned employer's legal heir of late and employee of the above-mentioned employer, and is entitled to gratuity under section 4 of the Payment of Gratuity Act, 1972, on account of his own/aforesaid employee's superannuation on

his won retirement/aforesaid employee's resignation on after

(date)

completion of years of continuous service/his own/aforesaid employee's total disablement with effect from due to accident/disease, death of the aforesaid employee on

(date)

2. The application submitted an application under rule of the Payment of Gratuity Act, 1972 on the but the above-mentioned employer refused to entertain it/issued a notice dated the under clause of sub-rule of the 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 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 employer was last employed (if known).
 7. Post held by the employee with Ticket or Serial No., if any (if known).
 8. Date of appointment of employee (if known).
 9. Date and cause of termination of service of the employee (superannuation) retirement/resignation/disablement/death).
 10. Total period of service by the employee.
 11. Wages last drawn by the employee.
 12. If the employee is dead, date and cause thereof.
 13. Evidence/witness in support of death of the employee.
 14. If a nominee, No. and date of recording of nomination with the employer.
 15. Evidence/witness in support of being a legal heir, if a legal heir.
 16. Total gratuity payable to the employee (if known).
 17. Percentage of gratuity payable to the applicant.
- Place —
Date —

Signature/Thumb impression
of the applicant.

Note.— Strike out the words not applicable.

FORM 'O'

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

Notice for appearance before the controlling authority.

From :

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

To

(Name and address of the employer/applicant)

Whereas an employee under you/a nominee (s) legal heir (s) of Shri. an employee under the above-mentioned employer, has/have filed an application under sub-rule (1) of rule 10 of the Payment of Gratuity (Bihar) Rules, 1972 alleging that

[A copy of the said application is enclosed]

Now, therefore, you are hereby called upon to appear before me at

(Place)

either personally or through a person duly authorised in this behalf for the purpose of answering all material questions relating to the application on

the ... day of 19 ... at ... O' Clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before mentioned the application will be dismissed/heard and determined in your absence.

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

Controlling Authority.

Note. — Strike out the words and paragraphs not applicable.

FORM 'P'

[See Rule 14]

Summons.

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

To ...

(Name and address)

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

- Note. — 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 is issued only for producing a document and 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

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

FORM 'R'

[See rule 17]

Notice for payment of gratuity.

To — — — — —

(Name and address of employer)

Whereas Shri/Smt./Kumari — — — — —

of — — — — —

(address)

an employer 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 application was heard in your presence on and after the hearing I have come to the finding that the said Shri/Smt./Kumari... is entitled to a payment of Rs... as gratuity under the Payment of Gratuity Act, 1972;

Now, therefore, I hereby direct to pay the said sum of Rs... to Shri/Smt./Kumari... within thirty days of the receipt of this notice with an intimation thereof to me.

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

Controlling Authority.

Copy to :

(Applicant under rule ...)

He is advised to contact the employer for collecting payment.

Note. — The portion not application to be deleted.

FORM 'S'

[See sub-rule (5) of rule 18]

Notice for Payment of Gratuity as determined by Appellate Authority.

To,

[Name and address of employee]

Whereas a notice was given to you on from
 'R' requiring you to make a payment of Rs. to Shri/Smt./
 Kumari as gratuity under the Payment of Gratuity Act, 1972;
 Whereas you / the applicant went in appeal before the appellate authority, who has
 decided that an amount of Rs. is due to be paid
 to Shri/Smt./Kumari as gratuity due under the Payment
 of Gratuity Act, 1972;

Now, therefore, I hereby direct to pay the said sum of Rs.
 to Shri/Smt./Kumari within 30 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.

Note. — The portion not applicable to be deleted.

FORM 'T'

[See rule 19]

Application for recovery of Gratuity,

Before the Controlling Authority under the Payment of Gratuity Act, 1972.
 Application No. Date.

Between
and

(Name in full of the employer with full address)

The applicant is an employee of the above-mentioned employer/a nominee
 of late an employee above-mentioned
 employer/ a legal heir of late
 an employee of the above-mentioned employer, and you
 were pleased to direct the said employer in your notice dated the
 under rule of the Payment of
 Gratuity (Bihar) Rules, 1972 for payment of a sum of Rs.
 ... as gratuity payable under the Payment of Gratuity Act, 1972.

2. The applicant submits that the said employer failed to pay the said amount
 of gratuity to me as directed by you although I approached 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 —

Date

Signature/Thumb impression of the applicant

Note. — Strike out the words not applicable.