The Payment Of Undisbursed Wages (Air Transport Services) Rules, 1988

UNION OF INDIA India

The Payment Of Undisbursed Wages (Air Transport Services) Rules, 1988

Rule

THE-PAYMENT-OF-UNDISBURSED-WAGES-AIR-TRANSPORT-SERVIO of 1988

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The Payment Of Undisbursed Wages (Air Transport Services) Rules, 1988Published vide G.S.R. 1208(E), dated 23.12.1988, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 26.12.1988.

19.

/845In exercise of the powers conferred by section 26 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:--

1. Short title and application .-(1) These rules may be called the Payment of Undisbursed Wages (Air Transport Services) Rules, 1988.

(2)They shall come into force on the date of their publication in the Official Gazette.(3)These rules shall be applicable to the employees in all States and Union territories except those States and Union territories where, unpaid wages of the employee are required to be deposited by the employer with an authority under the provisions of any law for the time being in force in such State or Union territories.

2. Definitions .-In these rules, unless the context otherwise requires,-

(a)"Act" means the Payment of Wages Act, 1936 (4 of 1936);(b)"Chief Labour Commissioner (Central)" means an officer appointed as such by the Central Government;(c)"employed person" or

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"employee" means a person employed in an air transport service to whom the Act applies;(d)"employer" means the owner of an air transport service and includes a contractor, agent, manager or any other person responsible under section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representatives;(e)"family" means,--(i)in case of a male employee, his wife or wives and children, whether married or unmarried, his dependent parents and widows and children of his deceased sons;(ii)in case of a female employee, her husband, her children, whether married or unmarried, her dependent parents, her husband's dependent parents, and widows and children of her deceased sons;(f)"Form" means a Form appended to these rules;(g)"section" means a section of the Act;(h)words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them in the Act.

3. Nominations .-(1) A person who is already in employment on the date of commencement of the Payment of Undisbursed Wages (Air Transport Service) Rules, 1988, ordinarily within six months from such date, and a person who has been employed after the date of the commencement of the said rules, ordinarily within three months from the day he is employed, shall nominate a person conferring on him the right to receive all amounts payable to him as wages, if such amounts could not or cannot be paid on account of his death before the payment or on account of his whereabouts not being known such nomination shall be in Form I and submitted in duplicate by the employed persons by personal service, after taking proper receipt thereof or by sending through registered post with acknowledgement due to the employer:

Provided that the nomination shall be accepted by the employer even after the expiry of the specified period if filed with reasonable grounds for delay and no nomination so accepted shall be invalid mainly because it was filed after the expiry of the specified period.(2)Within thirty days from the receipt of the nomination under sub-rule (1), the employer shall get the service particulars of the employed person as mentioned in the form of nomination, verified with reference to records of the air transport services and a duly attested copy of the Form I by the employer shall be given to the employed person.(3)If, at the time of making a nomination an employed person has a family, the nomination shall not be in favour of a person other than the members of such family. (4) If at the time of making the nomination, the employed person has no family, the nomination may be made in favour of any person but as soon as the employed person subsequently acquires a family, such nomination shall become invalid forthwith and the employed person shall, within thirty days of acquiring a family, submit a fresh nomination in duplicate in Form II to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis, as if it was made under sub-rule (1).(5) If the nominee predeceases an employed person, the interest of the nominee shall revert to the employed person who shall within a period of thirty days from the death of the nominee make a fresh nomination in the manner hereinafter provided for.(6)A notice of modification of a nomination including cases where a nominee pre-deceases an employed person shall be submitted in duplicate in Form III 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 under sub-rule (1).(7)The employed person shall not nominate a person who is a minor.(8)A nomination or a fresh nomination or notice of modification of nomination shall be signed by the employed person or if illiterate, bears his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or a notice of modification of nomination as the case may be.(9)A nomination or a fresh nomination or a notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

- 4. Register of nominations .-(1) The employer shall record and file all nominations, fresh nominations and notices of modification of nominations, as the case may be in the register of nominations which shall be maintained chronologically by him in Form IV.
- (2) The register of nominations shall be maintained by the employer up--to-date and kept permanently at the workspot or where the employer experiences difficulty in keeping them at the workspot, at any other suitable place as may be approved by the prescribed authority in this behalf.
- 5. Prescribed authority .-The Chief Executives of the Air India, Indian Airlines and Vayudoot shall be the prescribed authority with whom the amounts payable to employed persons as wages required to be deposited under clause (b) of sub-section (1) of section 25-A of the Act and who shall deal with the amount so deposited in the manner prescribed in rule 7.
- 6. Deposit of amounts of undisbursed wages .-(1) Where all amounts payable as wages to a person employed in an establishment in relation to air transport services remain undisbursed because either no nomination has been made by the employed person or for any reasons such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable, all such amounts shall be deposited by the employer with the prescribed authority within fifteen days from the said period of three years.
- (2)The amounts referred to in sub-rule (1) shall be deposited by the employer through crossed demand draft obtained from any scheduled bank in India drawn in favour of the prescribed authority, and such demand draft shall be submitted by the employer to the prescribed authority together with relevant details in Form V by registered post.
- 7. Manner of dealing with the amounts .-(1) The amount deposited with the prescribed authority under rule 6 shall remain with the prescribed authority for four years and be invested in the Central or State Government securities

or deposited in some nationalised banks.

(2) The prescribed authority shall as soon as possible exhibit the above fact at least for fifteen days on the notice board of the establishment and shall also publish in any two newspapers of the languages commonly understood in the area of the establishment in which undisbursed wages were earned.(3)The prescribed authority shall release the money to the nominee or to that person whose claim to this money has been allowed by any competent authority/Court.(4)The amount deposited under sub-rule (1) shall, after a lapse of four years from the date of such deposit be applied by the prescribed authority to meet the expenditure incurred in connection with the measures which are necessary or expedient in his opinion to promote the welfare of persons employed in air transport service and in particular to defray the cost of following measures for the benefit of such persons:-(a)for improving the educational facilities;(b)for improving family welfare including family planning;(c)for improving vocational training, rehabilitation of disabled and handicapped persons; and(d)for improving transport facilities.(5)The expenditure incurred in connection with the measures referred to in sub-rule (4) either by an employer in relation to air transport services or by their trade union registered under the Trade Unions Act, 1926 (16 of 1926) may be reimbursed to the person concerned by the prescribed authority either wholly or partly at his discretion, if he is satisfied that the expenditure has actually been incurred for the bona fide purpose as specified in the said sub--rule (4). FORM I(See sub-rule (1) of rule 3) Nomination To(Give here name and address of employer together with name and full address of the establishment).I..... (Name in full here), whose particulars are given in the statement below, hereby nominate the person mentioned below to receive all amounts payable to me as wages, if such amounts could not or cannot be paid on account of my death before the payment or on account of my whereabouts not being known.

- 2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (d) of rule 2.
- 3. I hereby declare that I have no family within the meaning of clause (e) of rule 2 and if I acquire a family hereafter, the above nomination shall be void and in that event I shall make a fresh nomination in Form II.
- 4. (a) My father/mother/parents is/are not dependent upon me.

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

Name and address of the	Nominee's relationship with the employed	Age of nominee	
nominee	person	Age of nonlinee	
(1)	(2)	(3)	

STATEMENT

1 .Name of the employed person in full

:
:
:
:
:
:
:
:
:
:
:
:
:
:
ion of the employed personPlace ation By WitnessesNomination
ployerCertified that the particulars of the register of nominations in Form IV at gnature of the employer/Officer ment orrubber stamp thereofPlace dgement Of The Employed PersonReceived e and duly certified by the yed personDate

2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (e) of rule 2.

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

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

Name and address of the nominee	Nominee's relationship person	with the employed	Age of nominee	
(1)	(2)		(3)	
Manner Of Acquiring A "Family"(· ·	•	•	
marriage or parents being rendered	-	other mode like adoption	1).Statement	
1. Name of the employed person i	n tuli	:		
2. Sex		:		
3. Religion		:		
4. Whether unmarried/married/v	•	:		
5. Department/Branch/Section w		:		
6. Post held with ticket number of	r serial number, if any	:		
7. Date of appointment		:		
8. Present address		:		
9. Permanent address		:		
Village		:		
Thana		:		
Sub-division		:		
Post Office		:		
District		:		
State		:		
Signa	ture/Thumb-impression	n of the employed personF	Place	
DateDeclaration Of WitnessesFresh nominations				
signed/Thumb-impressioned before				
Name in Full and Full address:	Signature of witnesses:			
1.	1.			
2.	2.			
Place				
Employer/Officer authorisedDesignationName and address of the establishment orrubber stamp thereofPlace				
the employerSignature of employed personPlaceDate				
NoteStrike out the words and paragraphs not applicable.FORM III(See				

sub-rule (6) of rule 3)Modification Of	NominationTo(Giv	e here name and address of employer
		c).I(Name in full
here), whose particulars are given belo	• •	•
modified in the following manner:(He	_	e modification intended). Statement
1. Name of the employed person in ful	11	•
2. Sex		:
3. Religion	/ • 1	:
4. Whether unmarried/married/wido	•	:
5. Department/Branch/Section where		:
6. Post held with ticket number or ser	ial number, if any	:
7. Date of appointment		:
8. Present address		:
9. Permanent address		:
Village		:
Thana		:
Sub-division		:
Post Office		:
District		:
State		:
Signature	/Thumb-impressio	n of the employed personPlace
		eclaration By WitnessesModification of
nomination signed/thumb-impression		
Name in Full and Full address:	Signature of	
	witnesses:	
1.	1.	
2.	2.	
		By The EmployerCertified that the above register of nominations in Form IV at serial
number		
authorisedDesignationName and add		
Date		
		Form III filed by me onduly
certified by the employer		
Date		
		of NominationsName and address of the
establishmentName and address of th	e employer	

Part I

Sl. No.	Name and complete address of the employed person	Nature of Employment	Name and complete address of the nominee initially nominated in Form I, with date	Name and address of the nominee subsequently nominated in Form II, with date	modification of the	Remarks
1	2	3	4	5	6	7

Part II

i ait ii		
nomination in Form 11 and notice indicated in Part I.FORM V(See a complete address of the employed Prescribed Authority)Subject: Desub-rule (1) read with sub-rule (2) Services) Rules, 1988, I enclose to number)	the nomination in Form I and as the case may be, the se of modification of nomination in Form III in serial sub-rule (2) of rule 6)Registered PostFrom(Give here or)To(Give here name, designation and complete addreposit of amounts of undisbursed wagesSir,As required of rule 6 of the Payment of Undisbursed Wages (Aiche crossed demand draft bearing No(mention the date) for Rs(mention the amount address of the bank). The above mentioned amount persons employed in(mention the name and address of the bank). The above mentioned amount persons employed in	order name and ress of the ed under r Transport tion the unt in figures) ats represent d address of een made by
Particulars of the relevant wage period	the details of the wage period)	(mention
2. Number of cases in which all amounts payable to an employed person as wages, remained undisbursed for want of nomination (details as per Annexure (I):	the number of such cases)	(mention
3. Number of cases in which all amounts payable to an employed person as wages could not be	the number of such cases)	(mention

paid to person(s) nominated by employed person(s) (details as

per Ar	inexure 11):					
	faithfully,risedDesignationName and ad DateDate	dress of the	· ·	orrubbe	• ,	
Sl. No	. Name and address of the e	employee	Wage period	Amour payabl		
(1)	(2)		(3)	(4)		
Sl.	Total: Name and address of the	Name nomin	and address of tl	he	Wage	Amount
No. (1)	employee (2)		ee		period	payable
(1)	(2)	(3)			(4)	(5)
	Total:					