

Oil Industry Development Board Employees (Death-cum-Retirement) Gratuity Rules, 1983

UNION OF INDIA

India

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Rule

OIL-INDUSTRY-DEVELOPMENT-BOARD-EMPLOYEES-DEATH-CUM-R of 1983

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Oil Industry Development Board Employees (Death-cum-Retirement) Gratuity Rules, 1983Published vide Notification No. G.S.R. 919(E), dated 26.12.1983G.S.R. 919(E). - In exercise of the powers conferred by section 31 of the Oil Industry Development Act, 1947 (No. 47 of 1974), the Central Government hereby makes the following rules, namely : -

1. Short title and commencement.

(1)These rules may be called the Oil Industry Development Board Employees (Death-cum-Retirement) Gratuity Rules, 1983.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires -(a)["Emoluments" means emoluments as determined by the order of the Central Government issued from time to time for computation of Gratuity;] [Substituted by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).](b)"Family" includes the following:(i)wife or wives (including judicially separated wife or wives) in the case of a male Government servant;(ii)husband, (including judicially separated husband) in the case of a female Government servant;(iii)sons including step sons and adopted sons;(iv)unmarried daughter including step daughters and adopted daughters;(v)widowed daughters including step daughters and adopted daughters;(vi)father including adopted parents in the case of individuals whose personal(vii)mother law permits adoption;(viii)brothers below the age

of eighteen years including step brothers;(ix)unmarried sisters and widowed sisters including step sisters;(x)married daughters; and(xi)children of a pre-deceased son;(c)"Non-regular employee" means a person who is not employed on regular establishment of the Board but is employed for work which is essentially of a purely temporary nature or is employed in connection with temporary increase in permanent work for a period not exceeding twelve months;(d)["Qualifying service," means continuous service rendered in the Board after completion of 18 years of age including continuous service rendered prior to the commencement of these rules, that is, from the date of appointment in the Board except the period of extraordinary leave without leave salary and the period of suspension adjusted as a special penalty : [Substituted by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).]Provided that the Board may, by order, decide that the time spent by an employee under training immediately before appointment to service under Board shall count as qualifying service;](e)"Superannuation" means the retirement of the Board's employee from service on reaching the age of [sixty years.] [Substituted 'fifty eight/sixty years' by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).]

3. Scope.

- Gratuity shall be granted to the whole time regular employees of the Board, but shall, exclude the following: -(i)Casual and non-regular employees.(ii)Government servants and other employed on deputation terms.(iii)Employees on contract terms.(iv)Apprentices and trainees.(v)Re-employed persons.(vi)Employees governed by the payment of Gratuity Act, 1972 (39 of 1972);Provided that such of the terms of payment of gratuity under these rules as are more beneficial than those under the payment of gratuity Act, 1972 (39 of 1972), shall be applicable to such employees.

4. Condition for the grant of gratuity.

- Subject to the provisions mentioned in rule 3 gratuity shall be granted to the whole time employees of the Board for good, efficient and faithful service and shall be admissible in the following circumstances :-(a)Discharge on abolition of post.(b)Permanent incapacity due to bodily or mental infirmity.(c)On the death of an employee while in service.(d)Superannuation.(e)Resignation (on or after the 1st February, 1980) in the case of Supervisory employee after rendering 5 year's qualifying service in the Board on the date of relief from the service of the Board.(f)(i)Gratuity will not be admissible, to an employee who resigns from service before completing 5 year's qualifying service or whose services, are terminated for misconduct, insolvency or inefficiency.(ii)Except in the case of death, gratuity will be admissible only after five year's qualifying service.

5. Amount of gratuity.

(1)Gratuity will be equal to (Sic) of the emoluments for each completed period of six months of service subject to a maximum of 16-1/2 times the emoluments or [such amount as may be notified by the Central Government from time to time] [Substituted 'rupees ten lakh' by Notification No. G.S.R. 1026(E), dated 11.10.2018 (w.e.f. 26.12.1983).] whichever is less.(2)In the case of death, the amount of gratuity will be calculated as provided in sub-rule (1) or as mentioned below whichever is more:-

[Lights of Service

[Substituted by

Notification No. G.S.R. Rate of Gratuity

398(E), dated 30.3.1989

(w.e.f. 26.12.1983).]

(i) Less than one years. 2 times of emoluments

(ii) One year or more but less than 5 years. 6 times of emoluments

(iii) 5 year or more but less than 20 years. 12 times of emoluments

(iv) 20 Years or more Half emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments provided that the amount of Death Gratuity shall in no case exceed [such amount as may be notified by the Central Government from time to time] [Substituted 'one lakh rupees' by Notification No. G.S.R. 1026(E), dated 11.10.2018 (w.e.f. 26.12.1983).]

6. Nomination for Payment of gratuity.

(1) Every employee shall make a nomination in the form appended to these rules conferring on one or more persons of his family, the right to receive the gratuity in the event of his death while in service or after quitting service but before payment of the gratuity is made, indicating the shares payable to each member. In the case of an employee having no family, the nomination may be made in favour of a person or persons or a body of persons, corporate or incorporate. If after having made a nomination in favour of a person who is not a member of his her family, the employee acquires a family, the nomination so made, will automatically lapse and unless a fresh nomination is made, gratuity will be paid to the surviving members of the family in accordance with the provisions of these rules. (2) In the event of there being no nomination, the gratuity, on death, may be paid in the manner indicated below:-(a) if there are one or more surviving members of the family as provided in sub-clauses (i) to (iv) of clause (b) of rule 2, it shall be paid to all such members, other than any such member who is a widowed daughter, in equal shares. (b) If there are no such surviving members of the family but there are one or More surviving widowed daughter, and or more surviving members of the family as mentioned in sub-clauses (v) to (ix) of clause (b) of rule 2, the gratuity shall be paid to all such members, in equal shares. (3) An employee may at any time, revoke or change the nomination made under sub-rule(1) and make a new one which shall be effective from the date it is filed with the Board.

7. Application for gratuity.

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

8. General rules.

- [(1) In calculating the length of qualifying service for the purpose of gratuity, fraction of a year equal to three months and above shall be treated as a completed one-half year and reckoned as qualifying service.(2)Where the amount of retirement or death gratuity as finally calculated contains a fraction of rupee, it shall be rounded off to the next higher rupees.] [Substituted by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).](3)An employee who is selected for discharge owing to the abolition of the post is entitled to gratuity under rule 4, if he does not accept any other post in the Board. If he accepts another appointment, even on a lower pay, his previous service will count for gratuity.

9. Periods of suspension.

(1)Time passed under suspension pending enquiry into the conduct counts if suspension is immediately followed by reinstatement but time passed under suspension adjusted as a specific penalty does not count. An employee shall not be penalised, if he is exonerated after a period of suspension.(2)If the employee under suspension is reinstated but has not been allowed to draw any part of allowances admissible under suspension, the period of such suspension, shall not count for purpose of qualifying service without the specific orders from the authority, who reinstates the employee, which shall clarify this issue immediately after the reinstatement.

10. Removal and dismissals.

(1)An employee who is dismissed, removed or compulsorily retired but is reinstated on appeal or revision is entitled to the benefit of his past service for the purpose of gratuity.(2)The period of break in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any shall not count unless regularised as duty or leave by a specific order of the authority which passed the orders of reinstatement.

11. Interruptions.

- An interruption in the service of an employee entails forfeiture of his past service save in the following cases, -(1)Authorised leave of absence.(2)Unauthorised absence in continuation of authorised leave of absence so long as the post of the absentee is not substantively filled, If his post is Substantively filled, the past service is forfeited.(3)Suspension where it is immediately followed by reinstatement whether to the same or a different post or where the employee dies or is permitted to retire or is retired while under suspension.(4)Abolition of post or loss of appointment owing to reduction of establishment.

12. Retrospective commutation of absence.

-The authority who sanctions the gratuity may commute retrospectively, periods of absence with out leave into extraordinary leave With or without leave salary.

13. [[Omitted by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).]

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13. Condonation of interruption and deficiencies.- (1) Upon such conditions as he may think fit in each case to impose, the Chairman may condone all interruptions in an employee service.(2) The Chairman may condone a deficiency not exceeding six months in a employee's qualifying service and the authority competent to sanction gratuity may condone such a deficiencies not exceeding three months.

14. Board's right to recover dues, etc.

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

15. Employee's right not transferable.

- The right of an employee eligible to any benefits pay able or which may become payable to him uncle these rules cannot be assigned (otherwise than a provided in rule 6), pledged, hypothecated of alienated.

16. [[Omitted by Notification No. G.S.R. 220(E), dated 10.3.2011 (w.e.f. 26.12.1983).]

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

Form-INomination For Death-Cum-Retirement GratuityWhen the employee has a family and wishes to nominate one member or more than one member, thereof.I,

_____ hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/then-the right to receive to the extent specified below, any gratuity that may be sanctioned by the Oil industry Development Board in the

event at my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:-

Original nominee(s)	Alternate nominee(s)				
Name and address of nominee/nominees	Relationship with the employee	Age	Amount of share of gratuity payable to each	Name, address, relationship and age of person or persons if any, to whom the right of conferred on the nominee shall Pass, in the event of the employee or the nominee dying after the death of the employee but before receiving payment of gratuity	Amount of share of payable to each
1	2	3	4	5	6

1
1
2
3
4
5

This nomination supersedes the nomination made by me earlier on which stands cancelled. Note:-(i) The employees shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed. (ii) Strike out which is not applicable. Dated this

_____ day of _____ 198 at

Witnesses to
Signature.

1

2

employee Signature of

*This column should be filled in so as to cover the whole amount of the gratuity. **The amount/share of the gratuity show a in this column should cover whole amount/share payable to the original nominee (s) (To be filled by the Oil Industry Development Board, Secretariat)

Nomination by _____ Signature of Secretary/Adm

Designation _____ Date: _____

Office _____ Designation _____

Proforma for Acknowledging the Receipt of the Nomination form by the Oil Industry Development Board's

Secretariat To _____

acknowledging the receipt of your nomination dated the

_____/cancellation dated the _____ of the

nomination made earlier in respect of gratuity in Form _____.

I am to state that it has been duly placed on

record. _____ Signature of Secretary/Administrative

OfficerPlace _____ Date _____

The Employee is advised that it would be in the interest of his nominees if copies of the nomination and the related notices and acknowledgements are kept in safe-custody so that they may come into the possession of the beneficiaries in the event of his death. Form-2 Notification for

Death, Cum-Retirement Gratuity When the employee has no family and wishes to nominate one person or more than one person, I, having no family, hereby nominate the person/persons mentioned below and confer on him/them the (Sic) to receive to the extent specified below, any gratuity that may be sanctioned by the Oil Industry Development Board in the event of death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Original nominee(s)		Alternate nominee(s)			
Name and address of nominee/nominees	Relationship with the employee	Age	Amount of share of gratuity payable to each	Name, address, relationship and age of person or persons if any, to whom the right of conferred on the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of gratuity	Amount of share of payable to each
1	2	3	4	5	6
1					
2					
3					
4					
5					

This nomination supersedes the nomination made by me earlier on which stands cancelled. Note

:- (i) The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he signed. (ii) Strick out which is not applicable. Dated this

_____ day of _____ 198 at

Witnesses to
Signature.

1

2 _____ Signature of
employee

*This column should be filled in so as to cover the whole amount of the gratuity. **The amount/share of the gratuity shown in this column should cover whole amount/share payable to the original nominee (s) (To be filled by the Oil Industry Development Board, Secretariat)

Nomination by _____ Signature of Secretary/Adm

Designation_____ Date:_____

Office_____ Designation_____

Proforma for Acknowledging the Receipt of the Nomination form by the Oil Industry Development Board's

SecretariatTo_____

acknowledging the receipt of your nomination dated the

_____/cancellation dated the _____ of the

nomination made earlier in respect of gratuity in Form _____.

I am to state has been placed on record. _____ Signature

of Secretary/Administrative

OfficerPlace_____ Date_____

The Employee is advised that it would be in the interest of his nominees if copies of the nomination and the related and acknowledgements are kept in safe-custody so that they come into the possession of the beneficiaries in the event of his death.