

Punjab School Education Board (Payment of Gratuity) Regulations, 1989

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Rule

PUNJAB-SCHOOL-EDUCATION-BOARD-PAYMENT-OF-GRATUITY-REGULATIONS, 1989

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Punjab School Education Board (Payment of Gratuity) Regulations, 1989 Framed under clause (b) of sub-section (2) of section 24 read with sub-sections (1-A) and (3) of Section 15 of the Act and approved by the Board vide item No. 8 dated 28.12.1989

1. Short title.

- These regulations may be called the Punjab School Education Board (Payment of Gratuity) Regulations, 1989.

2. Commencement.

- These regulations shall come into force at once.

3. Extent of application.

- These regulations shall apply to all whole-time confirmed employees of the Board appointed against substantive posts.

4. Definitions.

- In these regulations, unless there is anything repugnant in the subject or context :-(a)'Family' shall include the following relatives of the employee :-

(i) wife or wives including judicially separated wife or wives, in the case of male employee;

(ii) husband including judicially separated husband in the case of female employee;

(iii) sons; }

(including step-children and adopted children)

(iv) un-married and widowed daughters:

(v) brothers below the age of 18 years and unmarried and widowed sisters including step-brothers and sisters;

(vi) father }

(including adopted parents in case of individuals whose personal law permits adoption).

(vii) mother

(viii) married daughters; and

(ix) children of a predeceased son; |

(b) 'Gratuity' means the amount payable under these regulations by the Board to an employee or his family at the time of his retirement or death in acknowledgement of his service. (c) 'Pay' includes special pay, personal pay, dearness pay and other emoluments that may be classified as such by the Board which the employee was receiving immediately before his retirement or death as the case may be, subject to a maximum of Rs. 4,000/-. (d) 'Persons' shall include any company or association or body of individuals whether incorporated or not. (e) ['Qualifying service' means service which counts for Board's contribution towards the Provident Fund Regulations and those who opted Pension Qualifying service means all period spent on duty without interruption and does not include period of service of non-pensionable establishment and period of service in work charged establishment] [Substituted vide Board's Item No. 5(10) dated 26.3.98, w.e.f. 1.4.1991 vide Board item No. 4(1) dated 21.1.1999.]. (f) Other terms and expressions used but not defined shall have the meanings respectively assigned to them in the Punjab School Education Board Act, 1969.

5. Eligibility.

- An employee who has become eligible for subscription towards the contributory Provident Fund under the Punjab School Education Board (Provident Fund) Regulations, 1978 and has completed a minimum of 5 years qualifying service may, on his retirement from service, be granted gratuity not exceeding the amount specified in regulation-6.

6. Amount of Gratuity.

(a) The amount of gratuity will be one-fourth of the pay of the employee for each completed six-monthly period of qualifying service subject to 16½ times the 'pay' in the case of employees holding posts carrying pay scales the maximum of which is [Rs. 600/-] [(unrevised).] or more and 17½ times the pay in the case of employees holding posts carrying pay scales the maximum of which is less than [Rs. 600/-] [(unrevised).] : provided that in no case gratuity shall exceed [Rs. 1,00,000/-] [Amended vide Board's item No. 7 dated 28.12.89.]. (b) In case an employee with 5 years qualifying service or more dies while in service, he or his nominee or his family members shall be entitled to a minimum gratuity of 12 times the pay of the employee at the time of his death but in no case it shall exceed [Rs. 1,00,000/-] [Amended vide Board's item No. 7 dated 28.12.89.]

7. Admissibility of gratuity in case of death while in service.

- If an employee, who has completed five years qualifying service dies while in service, a gratuity not exceeding the amount specified in regulation 6 may be paid to the person or persons on whom the right to receive the gratuity is conferred under regulation-14 and if there is no such person, it shall be paid in equal shares to such surviving members of the employee's family as are detailed in clause (i) to (iv) of sub-regulation (a) of regulation 4 except widowed daughter and if there are no such surviving members it shall be paid to the surviving widowed daughter if any and to such members of the family of employee as are detailed in clauses (v) to (ix) of the aforesaid regulation in equal shares.

8. Admissibility in case of death before 5 years qualifying service

- The family of a permanent employee who dies before completing five years qualifying service will also be eligible for a gratuity equal to six months' pay of the employee at the time of his death except in case in which death occurs in the first year of service where the gratuity admissible will be equal to two months' pay.

9. Admissibility in case of death after retirement.

- If an employee who has become eligible for gratuity under these regulations dies after he has retired from service and the sum actually received by him at the time of death on account of gratuity is less than the amount equal to twelve times of his pay, residuary gratuity equal to the deficiency may be granted to the person or persons nominated by the employee under regulation 14 or to a member of his family in case the nominee is predeceased. Provided that the residuary gratuity will be admissible only if the death of the employee takes place within five years from the date of his retirement.

10. Reduction in the amount of gratuity.

(1) If the service of an employee, in the assessment of the appointing authority has not been thoroughly satisfactory, the Board may on the recommendation of the appointing authority, make such reduction in the amount of gratuity as it thinks proper. (2) In a case where the amount of gratuity is proposed to be reduced under sub-regulation (1) the appointing authority shall serve upon the employee concerned a notice specifying the reduction proposed to be made in such amount and the grounds therefor and call upon such employee to submit within fifteen days of the receipt of the notice or within such further time as may be allowed by the appointing authority, such representation as such a person may wish to make against the proposed reduction and take into consideration the representation, if any, submitted by such person before making its recommendations to the Board.

11. Recoveries from Gratuity.

- The Board will have the right to effect recoveries from the gratuity sanctioned under these regulations, for the whole or part of any pecuniary loss caused to the Board, if in a departmental or judicial proceeding, the employee is found guilty of grave misconduct or negligence resulting in such pecuniary loss during the period of his service.

12. Disqualification.

- No gratuity shall be granted if the employee was dismissed or removed from the service of the Board for mis-conduct, insolvency or inefficiency.

13. Special provisions.

- The Board may, at its discretion grant such gratuity as it may deem fit under the circumstances to :- (i) a person who joins the Board's service at an age when he cannot complete full five years qualifying service upto the time of retirement; provided that he has not received the maximum amount of gratuity from his previous employer if any viz. Rs. 1,00,000/-. (ii) a person who has been incapacitated for further service of the Board on account of mental or physical illness before completing five years qualifying service in the Board.

14. Nomination.

(1) An employee shall, at any time after his confirmation make a nomination in a form given in the appendix, conferring on one or more persons, the right to receive any gratuity that may be sanctioned under these regulations; provided that if at the time of making the nomination the employee has a family the nomination shall not be in favour of any person or persons other than the members of his family. (2) If an employee nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity. (3) An employee may provide in a nomination

:- (a) in respect of any specified nominee, that in the event his predeceasing the employee, the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination; provided that if at time of making the nomination the employee has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family; (b) that the nomination shall become invalid in the event of the happening of the contingency specified therein. (4) The nomination made by an employee who has no family at the time of making it, or a provision made in the nomination made under sub-regulation (3) by an employee whose family consists, at the date of making the nomination of only one member, shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family as the case may be. (5) Every nomination made, and every notice of cancellation given by an employee shall be communicated to the Secretary and to the extent, that it is valid, take effect on the date on which it is received by the Secretary. (6) If the officer is the Secretary himself he shall give his nomination or notice of cancellation to the Chairman. (7) An employee may at any time, cancel or modify a nomination by sending a notice in writing; provided that he shall, alongwith such notice, send a fresh nomination made in accordance with the provisions of these regulations in the prescribed form.

15. Power of interpretation.

- If any question arises as to the interpretation of these regulations, the decision of the Board shall be final.

16. [Savings. [Amended vide Board item No. 5(2) dated 12.7.94.]

- For anything not specifically provided in these regulations, the Punjab Civil Services Rules on Gratuity shall be applicable mutatis mutandis. [Note :- Please also see Annexure 'A' to these regulations. Appendix Referred to in Regulation No. 14 Punjab School Education Board Nomination Form] I hereby declare that in the event of my death the amount of gratuity that may be sanctioned by the Board, shall be distributed among the persons mentioned below in the manner shown against their names. The amount due to nominee who is minor at the time of my death should be paid to the person whose name appears in the column 5.

Name & Address of the nominee	Relationship with the employee	Whether major or minor, if minor, state his age	Amount or share	Name & Address of the person to whom payment is to be made on behalf of the minor	Sex & parentage of person mentioned in column 5	Remarks
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Here state unmarried or widower Signature of the employee

Witness No. 1

Witness No. 2

Designation

Signature Signature Address of the Employee

Occupation Occupation Station

Address Address Dated

Note :- An employee having a family as defined the Regulation 4 is not permitted in this Form of Declaration to leave the amount of his gratuity or any part of it to any one outside his family. Annexure 'A' Extract from Punjab Government Finance Department Letter No. 1/15/89-1 FP. III/8078 dated 31st Aug. 89 adopted by the Board vide item No. dated 28.12.89

Emoluments and Average Emoluments

2.1 The term 'Emoluments' for purposes of calculating various retirement and death benefits shall include Basic Pay as defined in Rule 2.44(a)(i) of Punjab Civil Services Rules, Volume-I, Part-I, Special pay, including NPA (Non Practising Allowance), Personal Pay and Dearness Pay (as and when Dearness Allowance is treated as Dearness Pay) which the Government employee was drawing at the time of his/her death or retirement.

2.2 The average emoluments shall be determined on the basis of the emoluments (as defined in para 2.1 above) drawn during the last ten months of service.

2.3 The average emoluments of those employees who retire within 10 months from the date of coming over to revised scales of pay shall be calculated as follows:-

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| (i) For the period during which pay is drawn in pre-revised scales. | Basic pay, personal pay, if any, Special Pay including NPA, plus actual D.A., adhoc D.A. admissible upto CPI 608 in the unrevised scales and I.R. (Interim Relief) if any, appropriate to such basic pay, sanctioned w.e.f. 1.1.1986, and |
| (ii) For the period during which pay is drawn in the revised scales. | Basic pay, personal pay, if any, and special pay including NPA in the revised scale. |

Service Gratuity and Pension

3.1 Where qualifying service is less than ten years (20 half yearly) the service gratuity shall be calculated at the uniform rate of half month's emoluments for every completed six monthly period of service.

Retirement Gratuity/death Gratuity

4.1 The maximum limit of Retirement Gratuity has been raised from Rs. 50,000/- to Rs. 1.00 lac. Other existing provisions relating to it shall remain unchanged.

4.2 In the case of death in harness, the death gratuity shall be admissible at the rates as follows :

Length of Service	Rate of Gratuity
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(i) Less than one year.	2 times of emoluments.
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(ii) One year or more but less than 5 years.	6 times of emoluments.
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(iii) 5 years or more but less than 20 years.	12 times of emoluments.
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(iv) 20 years and above.	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments provided that the amount of Death Gratuity shall in no case exceed one lakh rupees.
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