

Uttarakhand Mahatma Gandhi National Rural Employment Guarantee Act Compensation for delayed Payment of Wage Rules, 2018

UTTARAKHAND

India

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Rule

UTTARAKHAND-MAHATMA-GANDHI-NATIONAL-RURAL-EMPLOYMENT of 2018

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Uttarakhand Mahatma Gandhi National Rural Employment Guarantee Act Compensation for delayed Payment of Wage Rules, 2018 Published vide Notification No. 201/XI-1/2019/53(40)2018, dated 4.6.2019 Last Updated 2nd March, 2020 Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005), Scheduled II, which is amended from time to time by Ministry of Rural Development Government of India stipulates that the wage seekers are entitled to receive payment within 15 days for their work after closure of Muster roll shall be eligible for compensation for wage due to delay. In exercise of the power conferred by sub-section (1) of Section 32 of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (As amended from time to time) for the purpose of Para 29 of Schedule II of the said Act Subject to the condition of previous publication any payment beyond fifteen days shall be noticed as Delay Compensation to the wage seekers. The Government of Uttarakhand has stipulated 'Rules for Delay Compensation of Wage Payments, 2018 as follows'.

1. Short title and commencement.

(1) These rules may be called 'Uttarakhand Mahatma Gandhi National Rural Employment Guarantee Act Compensation for delayed Payment of Wage Rules, 2018'. (2) It shall extend to the whole of Uttarakhand. (3) These Rules shall come into force from date of publication in Gazette. In these rules, unless there is anything regarding in the subject or reference.

2. Definitions.

- (A) "Act" means, Mahatma Gandhi National Rural Employment Guarantee Act, 2005. (B) "State" Government means, Department of Rural Development, Uttarakhand. (C) "Section" means, section of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (As amended from time to time). (D) "Fund" means, MGNREGA State Employment Guarantee Fund Uttarakhand formed under Section 21 of the Act. (E) "District Programme Coordinator" means, District Magistrate of the district. (F) "Additional District Programme Coordinator" means, Chief Development Officer of the district. (G) "Deputy District Programme Coordinator" means, District Development Officer of the district. (H) "Programme Officer" means Block Development Officer of the block. (I) "Compensation for delayed wage payment" means, the payment under Schedule II, Para 29 of MGNREGA Act. (J) "Rules" means, Uttarakhand Mahatma Gandhi (MNREGA) Delay Compensation for Wage Payment Rules, 2018. (K) The words, which have been used in the Rules but not defined, the meaning shall remain same as per MGNREGA or directions given by the State Government and Central Government from time to time.

3. Eligibility.

- Such MGNREGA workers, who have not been paid the wages within 15 days from the date of closure of muster roll, shall be eligible to receive delay compensation for wage payment under MGNREGA.

4. Calculation of compensation.

- Wage seekers are entitled to receive payment within 15 days after closure of Muster rolls, shall be entitled to receive payment of compensation for the delay, at the rate of 0.05% per day of the unpaid wages per day. Any rule under these rules shall not deprive any labourer from applying for compensation under Payment of Wages Act, 1956

5. Procedure of action taken on delay in payment of compensation amount.

- From the date on which the compensation is to be paid, the delay in the payment of compensation beyond 15 days shall be paid in the same manner as done for delay in payment of wages.

6. Speedy verification of delay compensation.

(1) Every programme officer may determined within fifteen days from the date of due compensation, compensation calculated automatically by NREGA soft is payable or not. The programme officer shall ensure the settlement of claims of compensation and such claims shall not be allowed to be accumulated without decisions. The District Programme Coordinator shall monitor this regularly through Additional District Programme Coordinator. (2) For the above purpose, the following compensation shall be paid by the Programme Officer except for the following circumstances- (A) Fund are not available at the Payment Authority level. (B) Wages have been paid in

time, but details not entered in MIS.(C)Natural Disasters.(3)In all cases of rejection, the Programme Officer shall give detailed reasons for rejection in the NREGA Soft.

7. Head for payment of compensation amount and recovery of amount paid.

- The payment of compensation for delayed wage shall be paid from the available fund in State head of State Employee Guarantee Fund (SEGF) after proper examination, thereafter, the compensation amount shall be recovered from responsible officials/personnel.

8. Accountability Fixation for the delay in payments.

- To determine the liability for the delay in payment of wages, various process, their timelines and identification of responsible officer/ Personnel shall be done according to the table given in the Appendix 'A'

9. Process of compensation determination.

- Any MGNREGA worker by whom work has been done under MGNREGA and his wages has not been paid, he may claim for compensation for delay payment of wage to the concerned Gram Panchayat or block office. Receipt for such claims shall be given by the concerned. If receipt of application does not given to him then the claim of compensation shall be valid from the date of the application being sent by the registered post. Apart of this if the wage seekers does not claim the delay compensation, the compensation be given automatically on the basis of MIS entry of NREGA Soft.

9.

(1)Automatic Calculation of the amount of Delay compensation in NREGA Soft. - The NREGA Soft has a provision to automatically calculate the compensation payable to the MGNREGA workers based on the Date of closure of Muster Roll and date of generation of pay order for paying wages. In every case the payable compensation shows on www.nregasoft.nic.in portal which is automatically updates on daily basis.(a)On the basis of this, the delay wage payment shall be actively processed by the block. There shall no condition for it to receive application from the wage seeker.(b)To calculate the delay compensation to MGNREGA wage seekers the following points of NREGA Soft shall be examined:(1)Date of payment of wages.(2)Date of closure of Muster Roll.(3)The Duration of delay.(4)Total wage payable.(5)Rate of compensation (0.05%).

9.

(2). Through application by workers. - List of application for delay wage payment compensation to Gram panchayat shall be provided to Deputy Programme Officer by Gram Rozgar Sewak/Gram Vikas Adhikari within three days. The workers may also submit this application in block himself. The Deputy Programme officer shall present the detailed information and details of the

determination of initial liability to the Programme Officer/Block Development Officer.(a)The Deputy Programme Officer shall send the initial enquiry report to Programme Officer with his report within a maximum of three days as soon as come to the notice of any matter of delay payment(b)Block Development Officer verify the facts of the report received from the Deputy Programme Officer, may accept or reject application related to delay wage payment maximum within one week. The Block Development Officers shall submit the report to the District Programme Coordinator with his remark, in the case of Post Office/ bank responsibility determination for delay.(c)In other cases except Bank and Post Office, the Programme Officer may take timely decision to pass the order of acceptance/rejection of payment of wages due to delay. A copy of that order shall be given to the applicant and it shall be displayed in the respective Gram Panchayat/Block building.

10. Payment of compensation amount, responsibility determination and recovery.

- As per the process mentioned in Para 9 of these rules, after Payment of amount shall be ensured by the Programme Officer for delay wage payment compensation within the time bar prescribed in Para 29 of Schedule 2 of this Act, also due to delay in payment of wages, the amount of compensation shall be recovered proportionately (which shall be based on the delayed period by that person) from those office personnel, who are responsible for delay in payment and due to this delay.(1)Block Development Officer shall be responsible for delay in payment of compensation amount and an extra compensatory amount incurred due to this delay will be recovered from Programme Officer.(2)It will be the responsibility of District Programme Coordinator/Programme Officer to inform every concerned about provisions related to wage payments and delay compensation.

11. Appeal.

(a)There shall provisions for the worker/personnel to appeal before District Programme Coordinator against the order issued by the Programme Officer in respect of compensation for delay wage payment. This appeal may be made within one week of the order passed by the Programme Officer.(b)District Programme Coordinator may hear all such appeal within a fifteen days.

12. Delay in wage payments from Bank or Post Office.

(1)In case of delay by the Bank or Post Office the responsibility shall be determined by the committee constituted under the chairmanship of the District Programme Coordinator/District Magistrate after the list of amount and FTO for the actual payment of wages is available in the concerned Bank/Post Office.The nature of the committee formed under the chairmanship of the District Programme Coordinator/District Magistrate shall be as follows:

- | | |
|--|-------------|
| (a) District Programme Coordinator MGNREGA | - Chairman. |
| (b) Additional District Programme coordinatorMGNREGA | - Member. |

- (c) Senior Superintendent of Head Post Office - Member.
- (d) Lead Bank Manager of the District - Member
- (e) Deputy District Programme Coordinator of the concerned district, MGNREGA - Member-Secretary.

(2) Additional District Programme Coordinator MGNREGA shall present a pointedly enquiry report to the District Programme Coordinator MGNREGA for delay in wage payment by the bank/post office, in which there shall be also include clear remark on officer/ personnel of responsible bank post office for delay.

13. Electronic Measurement Book (e-MB).

- In addition to above, valuation for work place the format of electronic measurement book (e-MB) is prescribed as follows: (1) Electronic measurement book (e-MB) is the abstract of every e-Musters issued on the particular day by NREGA Soft. Format for every e-Muster issued everyday shall be as follows. (2) The first part of e-MB is filled by the system itself the second part shall be filled by Junior Engineer. (A) First part (System Generated Pre-printed) • E-Muster number • Last date of closure of Muster roll (IT) • detail of work • Unique Identification number of the work (ID) • Name of the Work • The measurement of the work done T+5 or earlier (B) Second Part (To be filled by Junior Engineer) • Date of measurement • Total value of work done • Unskilled labour • Skilled/Semi-skilled wages: Name of the work including unit, value per unit. Quantity. • Material: Item Per Unit, Quantity and Value per unit (3) The Junior Engineer shall be responsible for taking printed e-MB on work place and record measurements in the e-MB and submit it for the Data entry.

14. Muster roll movement form.

- To ensure the payment of wages within fifteen days to the workers, it is must necessary to include muster roll under MGNREGA in prescribed time. For this the enclosed format is determined for movement of muster roll, whereby, movement of muster roll from the Programme Officer to the Executive Agency and to ensure movement of muster roll to the Programme Officer for include in MIS again from the Executive Agency. It shall be the responsibility of the Programme Officer to observe it regularly. The Muster roll movement format is specified in the Appendix B.

15. Provisions of amendment according.

- The State Government may issue a circular in respect to the removal of any difficulty arising out to the implementation of this Rules or to resolve the confusion/doubt/mistake or according to the provisions of the Rules for implementing any provision the Central Government/ State Government, the State Government may issue circular/notification/order,

16. Repeal.

- In relation to payment of compensation for the delay in payment of wages, the order issued in this regard shall be deemed to be repealed. But before come into force of this Rules, there shall be no

effect of this repeal on any work made for payment of compensation for delay in payment of wages. Appendix A Suggestive Time Lines (See Rule 8)

SI. No.	Procedure	Responsibility/Duty	Responsible Officer/Personne	Time limit	
Conditions of e-MR					
1	MMS Last date of Muster roll as per e-Muster	Recommendation of Muster on the basis of Daily attendance and measurements.	Gram Rozgar Sewak/Gram Vikas Adhikari	T	T
2	Data entry of attendance into MIS	Providing documents related to Muster Rolls and Measurements.	Gram Vikas Adhikari and Gram Rozgar Sewak/MIS/Gomputer Operator/Line department	T+2	T+1
3	Measurement of the work and recording it in MB/e-MB and entering the same in NREGA Soft	Entry of Muster Roll/measurement into MIS	Junior engineer/ Technical Assistant of MGNREGA/BFT/Technical Assistant related to Line Department	T+5	T+3
4	Generation of wage list	Send list of wage for payment of first Signatory	Computer Assistant/Computer Operator/Deputy Programme Officer.	T+6	T+4
5	Generation of FTOs (1st Signatory)	Issuing FTO of list of received wage and send to second signatory	Accountant	T+7	T+5
6	Sanction of FTO for payment (2nd Signatory)	Forwarding for payment, while validating the FTO issued by the first signatory.	Programme Officer/ Block Development Officer	T+8	T+6

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(MMS=Mobile Monitoring System) Appendix 'B' (See Rule 14) Muster Roll Movement Format
Muster Roll No.....Name of the Work.....

SI. No.	Particulars	Date	Designation and Signature of the employee/officer
1	Date of issuing Muster Roll to the Executive Agency by the Programme Officer (e.g. Gram Panchayat/Line Department, etc.)		
2	The Date of handing over the Muster Roll to the concerned by the executive agency (i.e. to the		

- employees/officers related to the Village Panchayat/Line
Department
- 3 Date of commencement of work/work started
 - 4 Date of appraisal of work place and muster roll by junior
engineer
 - 5 Muster roll closure date
 - 6 Date of verification of muster roll by Village Development
Officer, Junior Engineer, Village Employment Service
 - 7 Date of providing Muster roll to upload into MIS by Gram
Vikas Adhikari/ Gram Rozgar Sewak
 - 8 Date of Entry of Muster Roll into MIS by computer operator
 - 9 Generation of Wage list by computer operator
 - 10 Date of sending wage list created by computer operator to
the First signatory
 - 11 Date of sending wage into the workers account

Remarks. - The above format/slip is attached to the Muster roll or while issuing the Muster roll by competent officer it can be printed on the Muster roll. Concerned Officer/Personnel has to fill it rightly and sign it. This is to certify that the above that in the Muster roll attendance and the payment amount of workers filled by me are correct. The Signature of the workers in the Muster rolls are true and signed in front of me. Gram Rozgar Sewak/Gram Vikas Adhikari