

**INTERNATIONAL AIRPORTS AUTHORITY OF INDIA
(GRATUITY) REGULATIONS, 1984**

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**INTERNATIONAL AIRPORTS AUTHORITY OF INDIA
(GRATUITY) REGULATIONS, 1984**

1No. PERS/IR/1115/1/82.-In exercise of the powers conferred by clause (b) of sub-section 2 of Section 37 of the International Airports Authority Act, 1971 (43 of 1971), the International Airports Authority of India hereby makes with the previous approval of the Central Government the following [regulations] namely :-

1. Short title and commencement :-

- (1) These regulations may be called the International Airports Authority of India (Gratuity) Regulations, 1984.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these regulations, unless the context otherwise requires,-

- (a) "authority" means the International Airports Authority of India;
- (b) "chairman" means the chairman of the International Airports Authority of India;
- (c) "competent authority" means the chairman, any other member of any officer of the Authority authorised by the Chairman to act as

"competent authority" for the purpose of these regulations:

(d) "completed year of service" means continuous service for one year;

(e) "continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident, leave, lay off, strike or a lock-out or cessation of work not due to any fault of the employee concerned.

Explanation 1.-An employee other than an employee of a seasonal establishment who is not in uninterrupted service for one year shall be deemed to be in continuous service if he has been actually employed by the Authority during the twelve months immediately preceding the year for not less than 240 days.

Explanation 2.-An employee of a seasonal establishment shall be deemed to be in continuous service if he has actually worked for not less than seventy five per cent of the number of days for which the establishment was in operation during the year.

(f) Emoluments mean the last pay drawn (which term shall include special pay, dearness pay. If any, dearness allowance of all types) immediately preceding the date of quitting service and shall be subject to the maximum of Rs. 2500 per month.

Note 1:-If any employee Immediately before cessation of his service had been absent from duty or leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purpose of this regulation:

Provided that any increase in pay (other than normal increment not withheld) which is not actually drawn shall not form part of his emoluments.

Note 2:-If an employee Immediately before cessation of service had been absent from duty on extra ordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension, shall be the emoluments for the purpose of this regulation ;

(g) "employee" means a whole time employee of the authority but does not include,-

- (i) casual and non-regular employees ;
- (ii) Government servants and other persons employed on deputation terms;
- (iii) employee on contract basis ;
- (iv) apprentices and trainees :
- (v) re-employed persons.
- (h) "family" means,-
 - (i) wife in the case of a male employee ;
 - (ii) husband in the case of a female employee ;
 - (iii) sons;
 - (iv) unmarried and widowed including step children daughters and adopted children ;
 - (v) brothers below the age of including step brothers 18 years and unmarried and step sisters : and widowed sisters
 - (vi) father;
 - (vii) mother;
 - (viii) married daughters ; and
 - (ix) children of a pre-deceased son ;
- (i) 'form' means a form appended to these regulations;
- (j) "retirement" means termination of the service of an employee otherwise than on superannuation.
- (k) "superannuation" in relation to an employee means,-
 - (i) the attainment by the employee of such age as is fixed in the conditions of service as the age on the attainment of which the employee shall vacate the employment ; and
 - (ii) in any other case, the attainment by the employee of the age of fifty-eight years ;

3. Conditions for grant of gratuity :-

(1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered qualifying service for not less

than five years,-

(a) on his superannuation ; or

(b) on his retirement or resignation ; or

(c) on his death or permanent incapacity due to bodily or mental infirmity; or

(d) discharge of an employee on abolition of post :

Provided that the completion of continuous service of five years shall not be necessary in case of death :

Provided further that gratuity will not be admissible to an employee whose services are terminated for misconduct insolvency or inefficiency.

Explanation 1.-When an employee moves from one public enterprise to another public enterprise with the consent of both the employers, he will be granted the facility to carry forward his gratuity.

Explanation 2.-Qualifying service means all service rendered under the Authority after completion of 18 years of age except periods of service rendered as an apprentice unauthorised absence from duty which is not condoned in medical certificate, or unauthorised absence.

Explanation 3.-The interruption of service caused by unauthorised absence from duty which is not condoned in any manner would entail forfeiture of past service for purpose of entitlement to gratuity.

(2) Amount of gratuity shall be,-

(a) equal to 15 days emoluments for each completed year of service or part thereof in excess of six months subject to a maximum of 16-1/2 times the emoluments or Rs. 36,000 whichever is less.

(b) in the case of death the amount of gratuity shall be calculated at the rate specified in clause (a) or at the rates specified below whichever is more,

4. Nomination :-

(1) Every employee shall make a nomination in Form A or Form B,

as the case may be, within such, time as may be specified by the competent authority 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.

(2) 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:

Provided that nomination in Form 'A' shall be accepted by the competent authority after the specified period if the employee shows reasonable grounds for delay and no nomination shall be invalid merely because it was filled after the specified period.

(3) 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 specified in sub-clauses (i) to (iv) of clause (h) of regulation 2, it may be paid to all such members other than a widowed daughter in equal shares ;

(b) if there are no such surviving members of the family, of the categories specified in clause (a), but there are one or more surviving widowed daughters and/or one or more members of the family as specified in sub-clauses (u) to (ix) of clause (4) of regulation 3, the gratuity may be paid to all such members in equal shares.

(4) Within 30 days of receipt of nomination in Form 'A', the competent authority shall get the service particulars of the employee as mentioned in the said Form verified with reference to the records of the establishment and return to the employee after obtaining receipt thereof the duplicate copy of the nomination in Form 'A' duly attested by an officer authorised in this behalf by him as a token of recording of the nomination by the competent authority and the other copy of the nomination shall be recorded.

(5) An employee may in his nomination distribute the amount of gratuity payable to him among more than one nominee.

(6) If an employee has family at the time of making nomination, the nomination shall be made in favour of one or more members of his family and any nomination made by an employee who is not a

member of his family shall be void.

(7) If at the time of making a nomination, the employee has no family, the nomination may be made in favour of any person or persons, but if the employee subsequently acquires a family, such nomination shall forthwith become invalid and the employee shall submit within 90 days of acquiring a family, a fresh nomination in favour of one or more members of family in duplicate in Form 'B' to the competent authority and thereafter the provisions of sub-regulation (4) shall apply, mutatis mutandis, as if it was made under sub-regulation (1).

(8) A nomination made subject to the provisions of sub-regulations (6) and (7) may be modified by an employee at any time after giving to the competent authority a written notice in Form 'C' and thereafter the provisions of sub-regulation (4) shall apply mutatis mutandis as if it was made under sub-regulation (1).

(9) If a nominee predeceases the employee, the interest of the nominee shall revert to the employee who shall make a fresh nomination in respect of such interests in Form 'C'.

(10) Every nomination, fresh nomination or modification in nomination, as the case may be, shall be sent by the employee to the competent Authority who shall keep the same in his safe custody.

(11) A nomination or a fresh nomination or a notice of modification or a nomination shall be signed by the employee or if he is Illiterate shall bear his thumb impression in the presence of two witnesses who shall also sign a declaration to the effect in the nomination, fresh nomination or a notice of modification of nomination as the case may be.

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

5. Determination of the amount of gratuity :-

(1) A person who is eligible for payment of gratuity under these regulations or any person authorised in writing to act on his behalf shall send a written application to the competent authority in Form 'D' within such time as may be specified by the competent authority.

(2) As soon as gratuity becomes payable, the competent authority shall, whether an application referred to in sub-regulation (1) has been made or not, determine the amount of gratuity and give notice in Form 'G' to the person to whom the gratuity is payable specifying the amount of gratuity so determined.

(3) The competent authority shall arrange to pay the amount of gratuity within such time as may be prescribed, to the person to whom the gratuity is payable.

6. Application for gratuity :-

(1) An employee who is eligible for payment of gratuity under these regulations or any person authorised in writing to act on his behalf shall apply to the competent authority in Form 'D' ordinarily within 30 days from the date the gratuity became payable:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the competent authority 30 days before the date of superannuation or retirement.

(2) A nominee of an employee who is eligible for payment of gratuity under these regulations shall apply in Form 'E' ordinarily within 30 days from the date the gratuity became payable to him to the competent authority:

Provided that an application in plain paper with relevant particulars shall also be accepted, the competent authority may obtain such other particulars as may be deemed necessary by him.

(3) A legal heir of an employee who is eligible for payment of gratuity under these regulations shall apply ordinarily within one year from the date the gratuity became payable to him in Form 'E' attached to these regulations to the competent authority.

(4) An application for payment of gratuity filed after the expiry of the periods specified in this regulation shall also be entertained by the competent authority if the applicant shows sufficient cause for the delay in preferring his claim and he claim for gratuity under these regulations, shall be invalid merely because the claimant failed to present his application within specified period.

(5) An application under this regulation shall be presented to the competent authority either by personal service or by registered post, acknowledgment due.

7. Notice for payment of gratuity :-

(1) Within fifteen days of the receipt of an application under regulation 6 for payment of gratuity, the competent authority shall,-

(i) if the claim is found admissible on verification, issue a notice in Form 'G' 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 'H' 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.

(2) In case payment of gratuity is due to be made in the competent authority's office, the date fixed for the purpose in the notice in Form 'G' under clause (i) of sub-regulation (1) shall be re-fixed by the competent authority 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 competent authority 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-regulation (1) shall be operative with effect from the date such witness or evidence as the case may be, called for by the competent authority is furnished to the competent authority.

(4) A notice in Form 'G' shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgment due.

8. Mode of payment of gratuity :-

The gratuity payable under these regulations shall be paid in cash or, if so desired by the payee, by draft or bank cheque drawn in favour of the eligible employee, nominee or legal heir, as the case may be :

Provided that in case the eligible employee, nominee or heir as the case may be so desired 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 from the amount payable.

9. Protection of gratuity :-

No gratuity payable under these regulations shall be liable to attachment in execution of any decree or order of any civil, revenue or criminal court. However the Authority shall have the right to recover any money that may be due from the employee by deduction from his gratuity.

10. Interpretation :-

If any doubt arises regarding the interpretation of any provisions of these regulations the matter shall be referred to the Chairman, who shall decide the same.