

NATIONAL AIRPORTS AUTHORITY (GRATUITY) REGULATIONS, 1992

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NATIONAL AIRPORTS AUTHORITY (GRATUITY) REGULATIONS, 1992

STATEMENT OF OBJECTS AND REASONS The Directorate-General of Civil Aviation (DGCA), is responsible for the regulation and control of civil aviation activity in the country. The main functions of this organisation are:- (i) Construction and maintenance of domestic airports, including runways, taxi-ways, aprons and terminal buildings; (ii) Procurement, installation and maintenance of navigational aids and provision of tele-communications, navigational and air traffic control services ; (iii) Regulatory functions such as licensing and training, airworthiness and air safety control, ground safety and economic and regulatory functions relating to air transport services. 2. As a result of an all-round increase in the above activities and the introduction of sophisticated aircraft, the infra-structural facilities at aerodromes have had to be constantly improved. The functioning of the DGCA has been found difficult due to its having to have its constructions executed by the CPWD, its purchases routed through the DOS and D and its personnel recruited through the UPSC. There had therefore been delays in the above activities of the DGCA. 3. In order to study in depth the possibility of improving efficiency by introducing increased flexibility and autonomy for the development of domestic airports and the provision of air traffic services, the Ministry of Tourism and Civil Aviation set up an Experts Committee

under the Chairmanship of the Director-General Civil Aviation. The Committee recommended setting up of a statutory authority, which would have the necessary flexibility and autonomy for taking up developmental activities in the field of civil aviation. 4. The recommendations of this Committee have been examined in depth and it is proposed to constitute a statutory authority for the development, construction and management of domestic airports and for the provision of navigational and tele-communication facilities and air traffic control services at airports located in different parts of the country. 5. For the remaining four-year period of the. Seventh Five-Year Plan, a sum of Rs. 311.26 crores has been proposed for meeting the capital expenditure on the developmental activities at the various airports. This outlay can be spent more effectively with the setting up of the Authority. Projections with regard to estimated revenue, receipts and expenditure and the internal resources likely to be generated by the proposed Authority reveal that the creation of an autonomous domestic airports Authority would not cause any additional financial burden or liability on the Central Government and would, in fact, have definite functional advantages. 6. it is accordingly proposed to constitute a statutory authority for the development, construction and maintenance of all the domestic airports and civil enclaves in the country and also for provision of air traffic, tele-communication and navigational services. The Act will apply in relation to all aerodromes, civil enclaves and aeronautical communication stations, other than aerodromes to which the International Airports Authority Act, 1971, applies, and aerodromes and airfields belonging to or subject to the control of any armed force of the Union and will include premises necessary for carrying on by the said Authority, of the functions conferred on it by the Act. 7. The Bill seeks to achieve the above objects. 8. The Notes on clauses appended to the Bill explain the more important provisions of the Bill. New Delhi ASHOK GEHLOT The 25th August, 1985. (Gazette of India, Extr. Pt. II S. 2 dt. 25-8-85 pp. 63-64)

1. Short title and commencement :-

(1) These regulations may be called the National Airports Authority (Gratuity) Regulations, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

Comments-Date of coforcent 4th May, 1992 Gazette of India, Pt III

4. Extra, dated 4.5.1992, p. 17.

2. Definitions :-

In these regulations, unless the context otherwise requires:-

(a) "Apprentice" or "trainee" means a person engaged for training in the business of the Authority with or without payment of remuneration during the period of training.

(c) "casual employee" means a employee who is engaged for a work of casual or occasional nature.

(d) "Chairman" means the Chairman of the National Airports Authority.

(e) "competent authority" means the Chairman, any other member or any officer of the Authority authorised by the Chairman to act as competent authority for the purpose of these regulations.

(f) "completed Year of Service" means continuous service for one year.

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

(k) "Form" means a form appended to these regulations.

(l) "Retirement" means termination of the service of an employee other than on superannuation.

3. Conditions for grant of gratuity :-

4. Nomination :-

(1) Every employee shall make a nomination in the specified form 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.

(5) An employees 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.

(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 of 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) As soon as gratuity becomes payable, the competent authority shall, whether an application referred to in sub-regulation (1) of regulation 6 has been made or not determine the amount of gratuity and give notice in Form 'C' to the person to whom the gratuity is payable, specifying the amount of gratuity so determined.

6. Application for gratuity :-

(4) An application for payment of gratuity filed after the expiry of the periods specified in this regulation shall also be entertained by competent authority if the applicant shows sufficient cause for the delay in preferring his claim and no claim for gratuity under these regulations shall be invalid merely because the claimant, failed to present 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 :-

(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 mentioned in 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 or maintainability of his claim as the case may be. In that case the time limit specified for issuance of notices 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 an acknowledgment due.

8. Mode of payment of gratuity :-

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

(2) The Authority shall arrange to pay the amount of gratuity within 3 days from the date it becomes payable to the persons to whom the gratuity is 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. C.K.S. Raje, Air Marshal PVSM. AVSM, Chairman (National Airports Authority)