

Payment of Undisbursed Wages (Air Transport Services) Rules, 1988

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Payment of Undisbursed Wages (Air Transport Services) Rules, 1988

In exercue of the powers conferred by Section 26 read with Section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:-

1. 1 :-

- (1) These rules may be called the Payment of Undisbursed Wages (Air Transport Services) Rules, 1988.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall be applicable to the employees in all States and Union territories except those States and Union Territories where, unpaid wages of the employee are required to be deposited by the employer with an authority under the provisions of any law for the time being in force in such States or Union Territories.

2. Definitions :-

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Payment of Wages Act, 1936 (4 of 1936) ;
- (b) "Chief Labour Commissioner (Central)" means an Officer appointed as such by the Central Government;
- (c) "Employed person" or "employee" means a person employed in an air transport service to whom. the Act applies;

{d) "Employer" means the Owner of an air transport service and includes a contractor, agent, manager or any other person responsible under Section 3 for the Payment of Wages.

(e) "family" means-

(i) in case of a male employee, his wife or wives and children, whether married or unmarried, his dependent parents and widows and children of his deceased sons;

(ii) in case of a female employee, her husband, her children, whether married or unmarried, her dependent parents, her husband's dependent parents, and widows and children of her deceased sons;

(f) "form" means a form appended to these rules;

(g) "Section" means a section of the Act ;

(h) Words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them in the Act.

3. Nominations :-

(1) A person who is already in employment on the date of commencement of the Payment of Undisbursed Wages (Air Transport Service) Rules, 1988, ordinarily within six months from such date, and a person who has been employed after the date the commencement of the said rules, ordinarily within three months from the day he is employed, shall nominate a person conferring on him the right to receive all amounts payable to him as wages, if such amounts could not or cannot be paid on account of his death before the payment or on account of his whereabouts not being known such nomination shall be in Form I and submitted in duplicate by the employed persons by personal service, after taking proper receipt thereof or by sending through registered post with acknowledgement due to the employer : Provided that the nomination shall be accepted by the employer even after the expiry of the specified period if filed with reasonable grounds for delay and no nomination so accepted shall be invalid mainly because it was filed after the expiry of the specified period.

(2) Within thirty days from the receipt of the nomination under sub- rule (1), the employer shall get the service particulars of the employed person as mentioned in the Form of nomination, verified

with reference to records of the air transport services and a duly attested copy of the Form I by the employer shall be given to the employed person.

(3) If, at the time of making a nomination an employed person has a family, the nomination shall not be in favour of a person other than the members of such family.

(4) If at the time of making the nomination, the employed person has no family, the nomination may be made in favour of any person but as soon as the employed person subsequently acquires a family, such nomination shall become invalid forthwith and the employed person shall, within thirty days of acquiring a family, submit a fresh nomination in duplicate in Form II to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis, as if it was made under sub-rule (1).

(5) If the nominee pre-deceases an employed person) the interest of the nominee shall revert to the employed person who shall within a period of thirty days from the death of the nominee make a fresh nomination in the manner hereinafter provided for.

(6) A notice of modification of a nomination including cases where a nominee pre-deceases an employed person shall be submitted in duplicate in Form III to the employer in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis, as if it was made under sub-rule (1)

(7) The employed person shall not nominate a person who a minor.

(8) A nomination or a fresh nomination or notice of modification of nomination shall be signed by the employed person or if illiterate, bears his thumb impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or a notice of modification of nomination as the case may be.

(9) A nomination or a fresh nomination or a notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

4. Register of nominations :-

(1) The employer shall record and file all nominations, fresh nominations and notices of modification of nominations, as the case may be in the register of nominations which shall be maintained

chronologically by him in Form IV.

(2) The register of nominations shall be maintained by the employer up-to-date and kept permanently at the workspot or where the employer experiences difficulty in keeping them at the workspot, at any other suitable place as may be approved by the prescribed authority in this behalf.

5. Prescribed Authority :-

The Chief Executives of the Air India) Indian Airlines and Vayudoot shall be the prescribed authority with whom the amounts payable to employed persons as wages required to be deposited under clause (and) of sub-section (1) of Section 25-A of the Act and who shall deal with the amount so deposited in the manner prescribed in Rule 7.

6. Deposit of amounts of undisbaried wages :-

(1) Where all amounts payable as wages to a person employed in an establishment in relation to air transport services remain undisbursed because either no nomination has been made by the employed person or for any reasons, such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable, all such amounts shall be deposited by the employer with the prescribed authority within fifteen days from the said period of three years.

(2) The amounts referred to in sub-rule (1) shall be deposited by the employer through crossed demand draft obtained from any Scheduled Bank in India drawn in favour of the prescribed authority, and such demand draft shall be submitted by the employer to the prescribed authority together with relevant details in Form V by registered post.

7. Manner of dealing with the amounts :-

(1) The amount deposited with the prescribed authority under Rule 6 shall remain with the prescribed authority for four years and be invested in the Central or State Government securities or deposited in some nationalised banks.

(2) The prescribed Authority shall as soon as possible exhibit the above fact at least for fifteen days on the notice board of the establishment and shall also publish in any two newspapers of the language commonly understood in the area of the establishment in

which undisbursed wages were earned.

(3) The prescribed authority shall release the money to the nominee or to that person whose claims to this money has been allowed by any competent authority/court.

(4) The amount deposited under sub-rule (1) shall, after a lapse of four years from the date of such deposit be applied by the prescribed authority to meet the expenditure incurred in connection with the measures which are necessary or expedient in his opinion to promote the welfare of persons employed in air transport service and in particular to defray the cost of following measures for the benefit of such persons :

(a) for improving the educational facilities ;

(b) for improving family welfare including family planning;

{c) for improving vocational training, rehabilitation of disabled and handicapped persons; and

(d) for improving transport facilities.

(5) The expenditure incurred in connection with the measures referred to in sub-rule (4) either by an employer in relation to air transport services or by their trade union registered under the Trade Unions Act, 1926 (16 of 1926) may be reimbursed to the person concerned by the prescribed authority either wholly or partly at his discretion, if he is satisfied that the expenditure has actually been incurred for the bona fide purpose as specified in the said sub-rule (4).