

GOVERNMENT OF KERALA

Abstract

PART-TIME CONTINGENT EMPLOYEES-GRATUITY RULES-ISSUED

FINANCE (PRC) DEPARTMENT

G.O. (P) 58/81/(281)/Fin.

Dated, Trivandrum, 17th January 1981.

Read: G.O. (P) 831/80/(253)/Fin. dated 3-11-1980.

ORDER

In the G.O. read above, Government have issued orders enhancing the remuneration of Part-time Contingent employees and extending the benefit of gratuity to them. It has been also ordered that the detailed rules for the payment of gratuity will be issued separately.

2. Government are pleased to issue the Gratuity Rules of Part-time Contingent Employees append ed to this G.O.

By Order of the Governor
M. GEORGE,
Joint Secretary.

To

The Accountant Genera, Kerala.Trivandrum
All Heads of Departments and Offices.
All Departments and Sections of the Secretariat.
The Secretary, Kerala Public Service Commission (with C.L.)
The Registrar, University of Kerala /Cochin/Calicut.(with C.L.)
The Registrar, Agriculture University, Mannuthi, Trichur (with C.L.)
The Advocate General, Ernakulam (with C.L.)
The General Manager, Kerala State Road Transport Corporation, Trivandrum
(with C.L.)
The Secretary, Kerala Public Service Commission (with C.L.)
The Secretary Vigilance Commission (with C.L.)
The Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and
Under Secretaries to Government.
The Secretary, Kerala State Electricity Board, Trivandrum
The Private Secretaries to the Chief Minister and other Ministers.
The Secretary to the Governor.
The Under Secretary to the Chief Secretary.

APPENDIX

**Gratuity Rules of Part-time Contingent Employees
General Rules.**

1. These Rules shall be called the “Gratuity Rules if the Part-time Contingent Employees”.
2. They shall be deemed to have come into force on 1st December 1980.
3. They shall be applicable to all Part-time contingent Employees in Government Service on 30-11-1980 and who are appointed on or after 1-12-1980.
4. The age of compulsory retirement of Part-time Contingent Employees shall be 70 years.
5. For the purpose of these Rules unless there is anything repugnant to the context.
 - (i) ‘Part-time Contingent Employees’ means any person appointed on Part-time basis on monthly wages payable from the contingencies of the establishment concerned and shall include-
 - (a) Sweeper, Scavenger, Sweeper-cum-Scavenger, Gardener Watcher, Watchman, Aya, Mess Boy/Mess Girl, Cook, Sweeper-cum-Watchman, Servant, Scavenger-cum-Gardener, Menial Servant, Night Watcher, Cleaner, Waterman, Sculpture Boy, Masalchies, Mess-Attendant Water Carrier, Sick Room attendant, Tiffin Room Boy, Tower Clock Winder.
 - (b) Any other employee appointed in Part-time Contingent post in the Part – time service which has not been included in any other service.
 - (ii) ‘Basic Pay’ means the actual pay which the employee was receiving immediately before his retirement and does not include D.A. and such other allowances.
 - (iii) ‘Qualifying Service’ will include-
 - (a) All Service under Part-time Contingency Service and
 - (b) Period spent on leave of all kinds with or without remuneration unless otherwise specified;
 - (c) Any other Service, Specifically ordered by Government as qualifying service.

The following periods of service will not count towards qualifying service.

- (1) Service prior to attaining the age of 18 years;
- (2) Service prior to resignation or dismissal or removal from the Part-time Contingency Service;
- (3) Unauthorized absence and period out of employment consequent on termination of service due to retrenchment;
- (4) Interruptions in the service on account of participation in a not regularized by leave eligible; and
- (5) Period under suspension unless otherwise specified.

Note:- Refusal to do work though physically present at the place of duty by resorting to stay-in-strike or other methods will be treated as interruption within the meaning of this clause.

SECTION 1 GRATUITY

6. Gratuity shall be payable to the Part-time contingent employee on termination of service on account of –

- (1) Superannuation
- (2) Retirement (Compulsory or Voluntary)
- (3) Retrenchment
- (4) Disablement due to accident or disease.

Note: (i) Application for gratuity shall be in form 2.

(ii) The Minimum service required for voluntary retirement shall be five years.

7. A Part-time Contingent employee who has completed a minimum of five years of qualifying service shall be eligible for gratuity.

8. The quantum of gratuity shall be determined with reference to the length of qualifying service and scale of gratuity shall be, as set forth in the table below:-

<i>Completed year of service</i>	<i>Scale of gratuity</i>	
	$\frac{1}{2}$ months'	basic pay
1		
2	1 $\frac{1}{2}$	“
3	2	“
4	2 $\frac{1}{2}$	”
5	3	“
6	3 $\frac{1}{2}$	“
7	4	“
8	4 $\frac{1}{4}$	“
9	5	“
10	5 $\frac{1}{2}$	“
11	6	“
12	6 $\frac{1}{2}$	“
13	7	“
14	7 $\frac{1}{2}$	“
15	8	“
16	8 $\frac{1}{2}$	“
17	9	“
18	10	“
19	10 $\frac{1}{2}$	“
20	11	“
21	11 $\frac{1}{2}$	“
22	12	“
23		
24 or more		

Note:- (i) Fraction of year, if any, in qualifying service will be rounded to the nearest completed year i.e., fractions less than half year will be ignored and half year and above rounded to the next completed year.

(ii) that, for the purposes of minimum service for gratuity fraction of a year, if any, in the qualifying service will be rounded to the next completed year.

(iii) Gratuity shall be fixed in whole rupees, fraction if any in the calculation of gratuity being rounded off to the next higher rupee.

9. In the event of death of a Part-time Contingent Employee, (while in service or after retirement) before receiving gratuity, his family shall be entitled to receive it.

‘Family’ for the purposes of these rules will include the following relating of the employee.

- (a) Wife, in the case of a male member
- (b) Husband, in the case of a female member
- (c) Sons
- (d) Unmarried and widowed daughters
- (e) Father
- (f) Mother

Items (c) and (d) above will include step children, adopted children and posthumous children

10. A Part-time Contingent employee Governed by these Rules shall in completion of five years of service, nominate any one or more members of his family as defined in rule, 9 to whom the right to receive the gratuity shall pass, in the event of his/her death while in service or after retirement but before receiving payment. The nomination shall be executed in Form 3. In the absence of a valid nomination the amount of share of the gratuity admissible to the employee concerned should be distributed in equal shares among the surviving eligible members of the family of the deceased Government employee. Father and Mother of the deceased employee will eligible for the gratuity only if the employee was unmarried at the time death.

SECTION II Record of Service

II. A Service Book in Form I shall be maintained in respect of the service of Part-time Contingent employee. The entries in the Service Book will be made and attested by the Head of Office concerned or person duly authorized in the behalf, The Correctness of the entries in the Service Book shall be verified annually by the internal audit party of the Department concerned, if available, or by the immediate Superior Officer or his nominee and should record therein a certificate in the following form:-

“Service verified upto..... (date) from (Pay bills, acquaintance rolls, attendance register and similar records to be specified) by reference to which verification was made.

Note:- IN the case of Part-time employees who retired from service on the After Noon of 30-11-1980, no Service Book need be opened. The service details shall be

collected from the collateral records available in the office where the employees worked at the time of retirement. The statement of service in respect of Part-time employees who retired from service in the A.N. of 30-11-1980, prepared with reference to the records available in the office where the employee had been working at the time of retirement, should be countersigned by the Sanctioning Authority.

Procedure, Relating to Payment

12. The appointing authorities concerned shall be the authority competent to sanction gratuity.

The gratuity papers (Form No 2) shall be prepared by the concerned Head of Office under whom the employee was last working and he will forward them to the Head of Department, through the immediate Superior Officer, who is entrusted with the work of annual checking of the Service Book of the employee. The Head of Department shall scrutinize and forward Form No 2 to the Accountant General after according advance sanction for the payment of gratuity. Authorization for payment shall be issued by the Accountant General for the amount admissible under the rules based on the advance sanction issued by the Head of Department.

FORMS

1. Service Book
2. Application for Gratuity to Part-time Contingent Employees
3. Nomination for Gratuity.

FORM 1
(Vide Rule II)

Service Book of Part-time Contingent Employees

PART 1

1. Name in full of the employee
2. Qualification

General
Special
3. Class or Race and Religion
4. Residence
5. Father's or Uncle's or Guardian's
Name and Residence
6. Date of Birth
(in Christian Era)
Verified with
And found correct
7. Marks of identification
 - 1.
 - 2.

Thumb & Finger impressions
8. Exact height by measurement
9. Signature of the employee
10. Signature and Designation of
of the attesting Officer

PART II

Name of appointment and station	Date of commencement of	Rate of emoluments	Signature of the attesting	Date of termination of	Reason for termination	Signature of the attesting	<u>Details of leave with allowances</u>					Details of absence with allowances	Remarks
							Number of days worked	Leave with allowances earned	Leave at credit	Leave with allowances	Balance at credit		
							From to			From to		From to Period	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

FORM 2
(Vide Note under Rule 6)

Application for Gratuity to the Retired Part-time Contingent Employee

1. Name (in full) of the applicant
2. Father's Name (and also husband's name in the Case of married woman employee)
3. Religion and Nationality
4. Permanent residential address showing village/town, Taluk and District.
5. Office to which attached at the time of retirement
6. Date of beginning of service
7. Date of birth
8. Height
9. Date of ending of service
10. Personal marks of identification
11. Length of qualifying service of 5 years or more as per details in the reverse
12. Monthly pay drawn at the time of retirement
13. Proposed gratuity
14. Amount of gratuity admissible to the family of the employee in the event of his death while in service or after retirement before receiving payment.
15. Place of payment (District Treasury or Sub Treasury)
16. Thumb and finger impressions/signature

Thumb Fore finger Middle finger Ring finger Little finger

Note:- Persons who are literate need only put their signature in English , Hindi or the official regional language and need not affix their thumb and finger impressions.
Date on which the applicant applied for gratuity

Signature of Head Office/Department.

History of Service Showing interruptions

<i>Date Of appoint- ment</i>	<i>Date of beginning service</i>	<i>Date of ending service</i>	<i>Period worked</i>	<i>Period reckoned as qualifyi- ing service</i>	<i>Period not reckoned as service</i>	<i>Reamarks</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Remarks of the Head of the Office

1. As to character and conduct of the employee
2. Reasons for retrenchment or discharge from service

Certificate by the Head of the Office

3. Certified that the rate of pay reckoned for the calculation of gratuity was actually paid to the employee immediately before retirement
4. Certified that the service details prior to the date of maintaining service Books were written up with reference to vouchers, acquaintances rolls, etc., and in cases where such details were not available entries were made based in contemporary evidence certified by the officer empowered to maintain such records as reliable.

Signature of the Head of the Office

DECLARATION BY THE EMPLOYEE

I, (name, designation & address of the employee).....
 declare that I have not received any gratuity, for the service claimed and I am prepared to refund excess gratuity, if any paid, if called upon to do so

Place.....

Date.....

Signature

DECLARATION OF THE HEIR/NOMINEE OF THE EMPLOYEE IN CASE THE
EMPLOYEE IS DECEASED

I, (name and address of the heir).....declare
that neither the employee (name.....) has not I have received any
gratuity for the service claimed and I am prepared to refund excess gratuity, of any paid,
if called upon to do so.

Place.....

Date.....

Signature

ORDERS OF THE SANCTIONING AUTHORITY

The undersigned, having satisfied himself/herself that the service of
Shri/Smt/Kumari..... has been thoroughly
satisfactory, hereby orders the grant of gratuity which may be accepted by the Accountant
General as admissible under rules.

A sum of Rs..... on account ofis to be held
over from the gratuity till the outstanding dues are assessed and adjusted.

OR

The undersigned, having satisfied himself/herself that the service of
Shri/Smt/Kumari.....has not been thoroughly
satisfactory hereby orders that the gratuity which may be accepted by the Accountant
General as admissible under rules shall be reduced by the specified amount or percentage
indicated below.

Amount or percentage of reduction in gratuity.

A sum of Rs..... on account ofis to held over
from the gratuity till the outstanding dues are assessed and adjusted.

The gratuity is payable at.....

This order is subject to the condition that should the amount of gratuity as
authorized by the Accountant General be afterwards found to be in excess of the amount
to which the pensioner is entitled under the rules, he/she shall be called upon to refund
such excess.

Place.....

Date.....

Signature and designation of
The sanctioning authority.

AUDIT CERTIFICATE

Certified that the approved service rendered by the applicant comes to
.....years..... months.....days as per the certificate furnished by
the competent departmental officers and that a gratuity of Rs..... is a
admissible.

Office of the Accountant General
Trivandrum.

Audit Officer.

FORM 3
(Vide Rule 10)
Nomination for Gratuity

I hereby nominate person/persons mentioned below who is are a member/members of my family and confer on him/them the right to receive any gratuity that may be sanctioned to me in the event of my death while in service and the right to receive on my death to the extent specified below the gratuity which having become admissible to me on my retirement may remain unpaid on my death.

Name and address Of the nominee/ Nominees	Relationship with the employee`	Age	Share payable to each
(1)	(2)	(3)	(4)

<i>Contingency of the Happening of which the Nomination shall Become invalid</i>	<i>Name, address and relationship Of the person or persons, if any to whom the right conferred on the nominee shall pass in the event of the nominee or nominees preceding the employee or the nominee or` Nominees dying after the death of` The employee but before receiving Payment</i>	<i>Share payable to each</i>
(5)	(6)	(7)

Date.....day
of.....19.....at.....witness to Signature

- 1.
- 2.

Signature of employee

To be filled in by the Head of Office

Nomination by.....
Designation.....
Office.....

Signature of Head of Office
Date.....
Designation.....