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NOTIFICATION

No. A. 38011/4/2014-LE&IT, the 23rd August, 2016. In exercise of the power conferred by sub-section (1) of section 15 of the Payment of Gratuity Act, 1972 (39 of 1972), the Governor of Mizoram is pleased to make the following Rules, namely the Payment of Gratuity (Mizoram) Rules, 2015 and they shall come into force with effect from the date of publication in the Government Gazette.

Benjamina,
Commr. & Secretary to the Govt. of Mizoram,
Labour, Employment & Industrial Training Deptt.

THE PAYMENT OF GRATUITY (MIZORAM) RULES, 2015

1. Short title and commencement:-

- (1) These Rules may be called the Payment of Gratuity (Mizoram) Rules, 2015.
- (2) They shall come into force with effect from the date of publication in the Government Gazette.

2. Definition:- In these Rules unless there is anything repugnant in the subject or context—

- (a) "Act" means the Payment of Gratuity Act, 1972;
- (b) "Appellate Authority" means the State Government or the authority specified by the State Government under sub-section (7) of Section 7;
- (c) "form" means a form appended to these Rules;
- (d) "nomination" means nomination made under Section 6;
- (e) "section" means a section of the Act;
- (f) Words and expressions used but not defined in these Rules shall have the meaning respectively assigned to them in the Act.

3. Notice of opening, change or closure of the establishment:-

- (1) (i) Every employer of an establishment to which these Rules apply shall, within thirty days from the date of the publication of these Rules in the Official Gazette; and
- (ii) Every employer of an establishment to which these Rules become applicable shall, within thirty days from the date such Rules become applicable; submit a notice in **Form "A"** to the Controlling Authority.

- (2) A notice in **Form "B"** shall be submitted by the employer to the Controlling Authority of the area within thirty days of any change in the name, address, employer or nature of business.
- (3) Where an employer intends to close down the business, he shall submit a notice in **Form "C"** to the Controlling Authority of the area at least sixty days before the intended closure.

4. Display of Notice:-

- (1) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in a language understood by the majority of the employees specifying the name of the officer with designation authorised by the employer to receive on his behalf notices under the Act or the Rules.
- (2) A fresh notice shall be displayed immediately after the notice referred to in sub-rule (1) becomes illegible or requires a change.

5. Form of notice under proviso to Section 2 (h) (ii):-

- (1) The notice under proviso to sub-section (h) (ii) of Section 2 shall be in **Form "D"** and sent in triplicate by the employee to the employer, who shall, after recording its receipt on one copy thereof, return the copy to the employee and send the second copy to the Controlling Authority of the area.
- (2) An employee may withdraw the notice referred to in sub-rule (1) by giving another notice in triplicate in **Form "E"** to the employer who shall follow the same procedure as in sub-rule (1).

6. Nominations:-

- (1) The nomination for the purpose of the second proviso to sub-section (1) of Section 4 shall be in **Form "F"** and shall be submitted in duplicate by personal service by the employee, after taking proper receipt or by sending through registered post acknowledgement due to the employer,-
 - (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these Rules, ordinarily within ninety days from the date of publication of these Rules in the Official Gazette; and
 - (ii) in the case of an employee who completes one year of service after the date of publication of these Rules in the Official Gazette ordinarily, within thirty days from the completion of one year of service:

Provided that nomination in **Form "F"** shall be accepted by the employer after the specified period, if filed with reasonable grounds for delay, and no nomination so accepted shall be invalid merely because it was filed after the specified period.

- (2) Within thirty days of the receipt of a nomination in **Form "F"** under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified, with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof the duplicate copy of the nomination in **Form "F"** duly attested either by the employer or an officer authorized in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family, submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of Section 6, in duplicate in **Form "G"** to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).
- (4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate, in **Form "H"** 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).

- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice or modification of nomination, as the case may be.
- (6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

7. Application for Gratuity:-

- (1) An employee who is eligible for payment of gratuity under the Act, or any person authorized in writing to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form "I"** to the employer:
Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement.
- (2) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of Section 4 shall apply ordinarily within thirty days from the date the gratuity became payable to him, in **Form "J"** to the employer:
Provided that an application in plain paper with relevant particulars shall also be accepted and the employer may obtain such other particulars as may be deemed necessary by him.
- (3) A legal heir of employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of Section 4 shall apply ordinarily within one year from the date the gratuity became payable to him, in **Form "K"** to the employer.
- (4) Where gratuity becomes payable under the Act before the commencement of these Rules, the periods of limitation specified in sub-rules (1), (2) and (3) shall be deemed to be operative from the date of such commencement.
- (5) An application for payment of gratuity filed after the expiry of periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Act shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the Controlling Authority for his decision.
- (6) An application under this Rule shall be presented to the employer by personal service or by registered post acknowledgement due.

8. Notice for payment of gratuity:-

- (1) Within fifteen days of the receipt of an application under Rule 7 for payment of gratuity, the employer shall –
 - (i) if the claims is found admissible on verification, issue a notice in **Form "L"** 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 "M"** 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.

In either case, a copy of the notice shall be endorsed to the Controlling Authority.

- (2) In case payment of gratuity is due to be made in the employer's office, date fixed for the purpose in the notice in **Form "L"** under Clause (i) of sub-rule (1) of Rule 8 shall be refixed by the employer 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 employer 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 issue of notice under sub-rule(1) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.
- (4) A notice in **Form "L"** or **Form "M"** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due.
- (5) A notice under sub-section (2) of Section 7 shall be in **Form "L"**.

9. Mode of payment of gratuity:- The gratuity payable under the Act shall be paid in cash or, if so desired by the payee, in a demand draft or bank cheque to the eligible employee, nominee or legal heir, as the case may be:

Provided that in a case the eligible employee, nominee or legal heir, as the case may be, so desires 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 therefore from the amount payable:

Provided further that intimation about the details of payment shall also be given by the employer to the Controlling Authority of the area.

10. Application to controlling authority for direction:-

- (1) if an employer-
 - (i) refuses to accept nomination or to entertain an application sought to be filed under Rule 7; or
 - (ii) issues a notice under sub-rule (1) of Rule 8 either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity; or
 - (iii) having received an application under Rule 7 fails to issue any notice as required under Rule 8 within the time specified therein;

the claimant employee, nominee or legal heir, as the case may be, may, within ninety days of the occurrence of the cause for the application, apply in **Form "N"** to the Controlling Authority for issuing a direction under sub-section (4) of Section 7 with as many extra copies as are parties to the dispute:

Provided that the Controlling Authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

- (2) Application under sub-rule (1) and other documents relevant to such an application shall be presented in person to the Controlling Authority or shall be sent by registered post acknowledgement due.

11. Production of documents:-

- (1) When an application under Rule 10 is based upon any document or documents, the same along with a list thereof shall be appended to the application.
- (2) Any relevant documents, other than those mentioned in sub-rule (1) or in the notice in **Form "O"** which any party desires to render in evidence, shall be produced at or before the date fixed for hearing along with a list thereof and with as many extra copies as are opposite parties to the dispute.
- (3) Any document which is not produced at or within the time specified in sub-rules (1) and (2), as the case may be, shall not, without the permission of the Controlling Authority, be admissible in evidence on behalf of the party who have produced it.

- (4) Nothing in this Rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.
- (5) If any document is either written in pencil or is torn or in damaged condition, a clear note to that effect shall be made in the list and such document shall be brought to the notice of the Controlling Authority. The said Authority shall, if he deems it necessary, ask for a true copy of such document either written in ink or typed.
- (6) Every document tendered in evidence by or on behalf of the employee shall be denominated as Exhibit "U" and be given serial number accordingly. Every document tendered in evidence by or on behalf of the employer shall be denominated as Exhibit "C" and be given serial number accordingly.
- (7) All documents produced and tendered in evidence shall be accompanied by a list in which each document shall be serially mentioned and the details thereof shall be noted. The list shall be in **Form "U"**.
- (8) If a document is referred to in the proceeding before it is tendered in evidence and formally proved, it shall be immediately marked for identification; and when it is tendered in evidence, it shall be detached from the list and assigned the proper exhibit number and a reference to it in the deposition, proceeding or order shall appear with such number.

12. Scrutiny of Application:-

- (1) On receipt of an application under Rule 10, the Controlling Authority shall examine it or cause it to be examined on the following points-
 - (a) whether it is in proper form and is properly signed;
 - (b) whether it is barred by limitation;
 - (c) whether it is accompanied by the documents on which reliance is placed along with a list and copies thereof, and whether the documents are in proper condition as provided in Rule 11.
- (2) Where, upon such application is found to be in order, it shall be entertained and registered; and the Officer concerned shall make an endorsement thereon as "examined and registered" with his signature and date.
- (3) The application shall then be entered in the register in **Form "O"**.
- (4) Where an application is found to be defective, the Controlling Authority shall direct the applicant to rectify the defect within a prescribed period or such further period as may be allowed by the Controlling Authority. If the applicant fails to comply with the above direction within the prescribed time, the Controlling Authority shall be competent to dismiss the application.

13. Procedure for dealing with application for direction:-

- (1) On receipt of an application under Rule 10, the Controlling Authority shall, on issue of a notice in **Form "O"**, call upon the applicant as well as the employer to appear before him on a specified date, time and place either in person or through his authorized representative together with all relevant documents and witnesses, if any.
- (2) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the Controlling Authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act, together with a written statement explaining his interest in the matter and praying for permission to act. The Controlling Authority shall record thereon an order either according to his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.
- (3) A party appearing through an authorized representative shall be bound by the acts in their representative.

- (4) After completion of hearing on the date fixed under sub-rule (1), or after such further evidence, examination of documents, witnesses, hearing and enquiry, as may be deemed necessary, the Controlling Authority shall record his finding as to whether any amount is payable to the applicant under the Act. A copy of the finding shall be given to each of the parties.
 - (5) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the Controlling Authority may proceed to hear and determine the application *ex-parte*. If the applicant fails to appear on the specified date of hearing without sufficient cause, the Controlling Authority may also dismiss the application:
Provided that an order under this sub-rule may, on good cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen day's notice to the opposite party of the date fixed for re-hearing of the application.
- 14. Place and time of hearing:-** The sittings of the Controlling Authority shall be held at such time and at such place as he may fix; and he shall inform the parties of the same in such manner as he thinks fit.
- 15. Summoning and attendance of witnesses:-** The Controlling Authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the Controlling Authority just, issue summons to any person in **Form "P"** either to give evidence or to produce documents or for both purposes on a specified date, time and place.
- 16. Service of Summons or notice:-**
- (1) Subject to the provisions of sub-rule (2), any notice, summons, process, or order issued by the Controlling Authority may be served either personally or by registered post acknowledgement due or in any other manner as prescribed under the Code of Civil Procedure, 1908 (Act 5 of 1908)
 - (2) Where there are numerous persons as parties to any proceeding before the Controlling Authority and such persons are members of any Trade Union or Association or are represented by an Authorised Person, the service of notice on the Secretary, or where is no Secretary, on the Principal Officer of the Trade Union or Association, or on the Authorised Person shall be deemed to be served on such persons.
- 17. Maintenance of records of cases by the controlling authority:-**
- (1) The Controlling Authority shall record the particulars of each case under Section 7 in **Form "Q"** and at the time of passing orders shall sign and date the particulars so recorded.
 - (2) The Controlling Authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memorandum of evidence with the orders sheet.
 - (3) Any record other than a record of any order or direction, which is required by these Rules, is to be signed by on behalf of and under the direction of the Controlling Authority by any subordinate officer appointed in writing for this purpose by the Controlling Authority.
- 18. Register:-**
- (1) The Controlling Authority shall maintain a register of the proceedings of every application.
 - (2) The register shall clearly show the course and progress of the proceedings from the beginning till the end in chronological order. It shall show in concise form the progress of the proceedings from day to day. The reasons for every adjournment shall also be stated therein. The register shall be maintained in complete or concise history of the case and of all proceedings taken in it shall contain a correct list and description of the exhibits, the date of delivery of the order, the

date of signing of the order and of any application for review or for amendment of the order. It shall show in chronological order all proceedings subsequent to passing of the order, if any, and also contain a note of other proceedings, such as Commissioner's Report, if any.

- (3) The register shall be maintained on day to day basis as an original document by the Court Clerk or clerk on duty. Entries other than those made at the time of institution of the proceedings shall normally be signed by the Controlling Authority.
- (4) Every document admitted in evidence and exhibited shall be mentioned in the register in chronological order. The description of the documents, the date of the documents, shall also be mentioned in the register. At the end of the register on each case, the Court Clerk concerned shall make a note that all stamps have been punched and shall sign on that note.

19. Direction for payment of gratuity:- If a finding is recorded under sub rule (4) of Rule 13 that the applicant is entitled to payment of gratuity under the Act, the Controlling Authority shall issue a notice to the employer concerned in **Form "R"** specifying the amount payable and directing payment thereof to the applicant under intimation to the Controlling Authority within thirty days from the date of receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

20. Appeal:-

- (1) The Memorandum of Appeal under sub-section (7) of Section 7 of the Act shall be submitted to the Appellate Authority with a copy thereof to the opposite party and the Controlling Authority either through delivery in person or under registered post acknowledgement due.
- (2) The Memorandum of Appeal shall contain the facts of the case, the decision of the Controlling Authority, the grounds of appeal and the relief sought.
- (3) There shall be appended to the Memorandum of Appeal a certified copy of the finding of the Controlling Authority and direction for payment of gratuity.
- (4) On receipt of the copy of Memorandum of Appeal, the Controlling Authority shall forward records of the case to the Appellate Authority.
- (5) Within 14 days of the receipt of the copy of the Memorandum of Appeal, the opposite party shall submit his comments on each paragraph of the memorandum with additional plea, if any, to the Appellate Authority with a copy to the appellant.
- (6) The Appellate Authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal and a copy thereof shall be sent to the Controlling Authority with his records of the case.
- (7) The Controlling Authority shall on receipt of the decision of the Appellate Authority, make necessary entry in the records of the case maintained in **Form "Q"** under sub-rule (1) of Rule 17.
- (8) On receipt of the decision of the appellate authority, the Controlling Authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form "S"** specifying the modified amount payable and directing payment to the applicant, under intimation to Controlling Authority, within fifteen days of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be and to the appellate authority.

21. Application for recovery of gratuity:- Where an employer fails to pay the gratuity due under the Act in accordance with the notice by the Controlling Authority under Rule 19 or Rule 20, as the case may be, the employee concerned, his nominee or legal heirs, as the case may be, to whom gratuity is payable, may apply to the Controlling Authority in duplicate in **Form "T"** for recovery thereof under Section 8 of the Act.

22. **Display of Abstract of the Act and Rules:-** The employer shall display an abstract of the Act and the rules made there under in English and in the language understood by the majority of the employees at the conspicuous place at or near the main entrance of the establishment.
23. **Certified Copies:-**
- (1) Any person desiring to obtain certified copies of any records including an order, decision of a Controlling Authority/Appellate Authority, may make an application in writing to the Controlling Authority/Appellate Authority for such certified copy.
 - (2) On receipt of such application and on payment of fees for copying a document at the rate of 10 rupees per hundred words or fraction thereof, a certified copy of the document shall be supplied by the Controlling Authority/ Appellate Authority.
 - (3) Urgent Certified copies of the document shall be supplied on payment of one and half times the fees payable under Sub rule (2) of Rule 23.
 - (4) No copy of such document shall be granted which are in nature of notes recorded by the Court for its own use or of any exhibit or document which the Court may consider to be confidential.

FORM-A
[See sub-rule (1) of Rule 3]
Notice of Opening

1. Name and Address of establishment
.....
2. Name and Designation of the Employer
.....
3. Number of persons employed \
.....
4. Maximum number of persons employed on any day during the preceding twelve months with date
.....
5. Number of employees covered by the Act
.....
6. Nature of Industry
.....
7. Whether Seasonal
.....
8. Date of opening
.....
9. Details of Head Office-Branches:-
 - (a) Name and address of the Head Office
.....No. of employees
 - (b) Name and addresses of other Branches in India
 - 1.
 - 2.
 - 3.

I verify that the information furnished above is true to the best of my knowledge and belief.

Place :

Date :

.....
Signature of the employer,
with name and designation

To,
The Controlling Authority,
.....
.....

FORM B
[See sub-rule (2) of Rule 3]
Notice of Change

Name and address of the establishment:.....
Take notice that following changes have taken place with effect fromin the particulars furnished by me in notice, dated..... on Form "A":-

Name :.....
Address:.....
Name of Employer:.....
Name of Business:.....
Place:.....
Date:.....

Signature of Employer with name and designation

To

The Controlling Authority
.....
.....

FORM C
[See sub-rule (3) of Rule 3]
Notice of Closure

Take notice that it is intended to close down the establishment with effect from
The other details are furnished:-

1. Name and address of the establishment
.....
2. Name and address of the Head Office, if any
.....
3. Name and designation of the employer
.....
4. Number of persons in employment
.....
5. Number of employees entitled to gratuity
.....
6. Amount of gratuity involved
.....

Signature of the employer with name and designation

FORM D
[See sub-rule (1) of Rule 5]
Notice of excluding husband from Duality

1. Name of the female employee:
2. Name or description of establishment where employed:
3. Post held with ticket or serial No, If any:
4. Department/Branch/Section where employed:
5. Permanent address:

Take notice that I Shrimatidesire to exclude my husband Shri.....from my family for the purposes of the Payment of Gratuity Act, 1972.

Place:.....
Date:.....

Signature/Thumb impression of the employee

Declaration by witness

The above notice was signed/thumb impressed before me.

Name in full and address of witness(es)	Signature of witness(es)
1.	1.
2.	2.

Place:.....
Date:.....

To

The Controlling Authority (Through the employer)
(Name and address of the employer here)

For use by employer

Received and recorded in this establishment.

Reference No:.....
Date:.....

Signature of the employer or
an officer authorized in this
behalf by the employer

To

1. (Employee)
2. The Controlling Authority.

Note:- Strike out the words not applicable.

FORM E
[See sub-rule (2) of Rule 5]
Notice of withdrawal of notice for excluding husband from family

1. Name of the female employee
2. Name or description of establishment where employed
3. Post held with Ticket or Serial number, if any
4. Department/Branch/Section where employed
5. Permanent address

Take notice that I, Shrimatihereby withdraw the notice dated..... whereby I excluded by husband Shri..... from my family for the purposes of the Payment of Gratuity Act, 1972. The earlier notice was recorded under your reference No..... dated.....

Place:.....

Date:.....

Signature/Thumb impression of the employee

DECLARATION BY WITNESS

The above notice of withdrawal was signed/thumb impressed before me.

Name in full and full address of witness(es)

Signature of witness(es)

1.

1.

2.

2.

Place:.....

Date:.....

To

The Controlling Authority (Through the employer)
(Name and address of the employer)

FOR USE BY THE EMPLOYER

Received and recorded in this establishment

Reference No:.....

Signature of the employer or Officer authorized

Seal or rubber stamp of the establishment

Date:.....

To

1. (Employee)

2. The Controlling Authority.

Note:- Strike out the words not applicable

FORM F
[See sub-rule (1) of Rule 6]
Nomination

To
(give here name or description of the establishment with full address)

1. Shri/Shrimati/Kumari.....(name in full here) whose particulars are given in the statement below hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against name(s) of the nominee(s).
2. I hereby certify that the person(s) mentioned is/are member(s) of my family within the meaning of Clause (h) of Section 2 of the Payment of Gratuity Act, 1972.
3. I hereby declare that I have no family within the meaning of Clause (h) of Section 2 of the said Act.
4. (a) My father/mother/parent is/are not dependent on me.
(b) My husband's father/mother/parents is/are not dependent on my husband.
5. I have excluded my husband from my family by a notice, dated the.....to the Controlling Authority in terms of the proviso to Clause (h) of Section 2 of the said Act.
6. Nomination made herein invalidate my previous nomination.

NOMINEE(S)

Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will to be shared
1	2	3	4
1			
2			
3			
so on			

STATEMENT

1. Name of employee in full.....
2. Sex.....
3. Religion.....
4. Whether unmarried/married/widow/widower.....
5. Department/Branch/Section where employed.....
6. Post held with Ticket or Serial No, If any.....
7. Date of appointment.....
8. Permanent address.....

Signature/Thumb impression
of the employees

Place:.....
Date:.....

DECLARATION BY WITNESS(ES)

Nomination signed/thumb impressed before me

Name in full and full address of witness(es)

Signature of witness(es)

1.

1.

2.

2.

CERTIFICATE BY THE EMPLOYER

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference No, if any.....

Signature of the employer/ Officer Authorised

Designation

Name and address of the establishment or rubber stamp thereof

Date:.....

ACKNOWLEDGEMENT BY THE EMPLOYEE

Received the duplicate copy of nomination in Form F filed by me and duly certified by the Signature of the employee.

Place:.....

Note:- Strike out the words /paragraph not applicable.

FORM G
[See sub-rule (3) of Rule 6]

FRESH NOMINATION

To

(Give here name or description of the establishment with full address)

I, Shri/Shrimati(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of Clause(h) of Section 2 of the Payment of Gratuity Act,1972with effect from the.....(date here).....in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is/are member(s) of my family within the meaning of Clause (h) of Section 2 of the said Act.
3. (a) My father/mother/parents is/are not dependent on me.
(b) My husband's father/mother/parents are not dependent on my husband.
4. I have excluded my husband from my family by a notice dated the..... to the Controlling Authority in terms of the proviso to clause(h) of Section 2 of the said Act.

NOMINEE(S)

Sl.No	Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4	5
1.				
2.				
3.				

MANNER OF ACQUIRING A "FAMILY"

(Here give details as to how a family was acquired, i.e. whether by marriage or parents being rendered dependent or through other process like adoption)

STATEMENT

1. Name of employee in full.....
2. Sex.....
3. Religion.....
4. Whether unmarried/married/widow/widower.....
5. Department/Branch/Section where employed.....
6. Post held with Ticket or Serial no, if any.....
7. Date of appointment.....
8. Permanent address.....

Village/Post Office.....
 District.....
 Sub-division.....
 State.....

Signature/Thumb impression
 of the employee

Place:.....
 Date:.....

DECLARATION BY WITNESSES

Fresh Nomination signed/thumb impressed before me.

Name in full and full address of witnesses.	Signature of witnesses
1.	1.
2.	2.

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference No, if any.....

Signature of the employer/
 officer authorized
 Designation

Name and address of the establishment or rubber stamp thereof

ACKNOWLEDGMENT BY THE EMPLOYEE

Received my duplicate copy of the nomination in Form.....filed by me
 on.....duly certified by the employer.

Date:.....

Signature of the employee

Note:- Strike out words and paragraphs not applicable.

FORM H
[See sub-rule (4) of Rule 6]
MODIFICATION OF NOMINATION

To

(Give here name or description of the establishment with full address)

I, Shr/Shrimati/Kumari.....(Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filed by me on..... (date) and recorded under your reference No.....dated..... and recorded under your reference No.....dated.....shall stand modified in the following manner:—

(Here give details of the modifications intended)

1. Name of employee in full.....
2. Sex.....
3. Religion.....
4. Whether unmarried/married/widow/widower.....
5. Department/Branch/Section where employed.....
6. Post held with Ticket No or Serial No, if any.....
7. Date of appointment.....
8. Address in full.....

Place:.....

Date:.....

Signature/Thumb impression
of the employee

DECLARATION OF WITNESSES

Modification of nomination signed/thumb impressed before me.

Name in full and full address of witness

Signature of witness

- 1.
- 2.

- 1.
- 2.

Place:.....

Date:.....

CERTIFICATE BY THE EMPLOYER

Certified that the above modification has been recorded. Employer's reference No....., if any.

Signature of the Employer/
Officer Authorised
Designation

Name and address of the establishment
or rubber stamp thereof

ACKNOWLEDGEMENT BY THE EMPLOYER

Received the duplicate copy of the notice for modification in Form H filed by me on.....duly certified by the employer.

Dated.....

Signature of the employer

FORM I
[See sub-rule (1) of Rule 7]
APPLICATION FOR GRATUITY BY AN EMPLOYEE

To,
(Give here name or description of the establishment with full address)

To,
Shri / Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of Section 4 of the Payment of Gratuity Act, 1972 on account of my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to diseases with effect from..... The necessary particulars to my appointment in the establishment are given in the statement below:-

Statement

1. Name in full.....
2. Address in full.....
3. Department/Branch/Section where last employed.....
4. Post held with Ticket No. or Serial No, if any.....
5. Date of appointment.....
6. Date and cause of termination of service.....

- 7. Total period of service.....
- 8. Amount of wages last drawn.....
- 9. Amount of gratuity claimed.....

- 2. I was rendered totally disable as a result of
(here give the details of the disease or accident)
The evidence/witnesses of my total/disablement are as follows:
(here give details)
- 3. Payment may please be made in cash/open or crossed bank cheque.
- 4. As the amount of gratuity payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by postal money order at the address mentioned above after deducting postal money-order commission therefrom.

Yours faithfully,

Signature/thumb impression of the applicant employee.

Place:.....

Date:.....

- Note:-** (1) Strike out the words not applicable
(2) Strike out paragraph or paragraphs not applicable

FORM J
[See sub-rule (2) of Rule 7]
Application for gratuity by a nominee

To

(Give here the name or description of the establishment with full address) Sir/Gentlemen

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of Section 4 of the Payment of Gratuity Act, 1972 as a nominee of late (name of the employee) who was an employee of your establishment and died on the..... The gratuity is payable on account of the death of the aforesaid employee while in service / superannuation of the aforesaid employee on..... retirement or resignation of the aforesaid employee on..... after completion of..... years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the..... Necessary particulars relating to my claim are given in the statement below:-

STATEMENT

- 1. Name of applicant nominee.....
- 2. Address in full of the applicant nominee.....
- 3. Marital status of the applicant nominee.....
(Unmarried/married/widow/widower)
- 4. Name in full of the employee.....
- 5. Marital status of employee.....
- 6. Relationship of the nominee with the employee.....
- 7. Total period of service of the employee.....

- 8. Date of appointment of the employee.....
- 9. Date and cause of termination of service of the employee.....
- 10. Department/Branch/Section where the employee last worked.....
- 11. Post last held by the employee with Ticket or Serial No., If any.....
- 12. Total wages last drawn by the employee.....
- 13. Date of death and evidence/witness as proof of death of the employee.....
- 14. Reference No. of recorded nomination, if available.....
- 15. Total gratuity payable to the employee.....
- 16. Share of gratuity claimed.....

- 2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.
- 3. Payment may please be made in cash/crossed or open bank cheque.
- 4. As the amount payable is less than Rupees one thousand, I shall request you to arrange payment of the sum due to me by postal money-order at the address mentioned above after deducting postal money-order commission therefrom.

Yours faithfully

Place:.....

Date:.....

Signature/Thumb impression
of applicant nominee

- Note:-**
- (1) Strike out the words not applicable.
 - (2) Strike out the paragraph or paragraphs not applicable.

FORM K
[See sub-rule (3) of Rule 7]
APPLICATION FOR GRATUITY BY A LEGAL HEIR

To
(Give here the name or description of the establishment with full address)

Sir/Gentlemen

I beg to apply for payment of gratuity to which I am entitled under sub-section (I) of Section 4 of the Payment of Gratuity Act, 1972 as legal heir of late..... (Name of the employee) who was an employee of your establishment and died on the..... without making nomination. The gratuity is payable on account of the death of the aforesaid employee while in service/ superannuation of the aforesaid employee on the..... retirement or resignation of the aforesaid employee on the.....after completion of year of service / total disablement of the employee due to accident or disease while in service with effect from the..... Necessary particulars relating to my claim are given in the statement below:-

STATEMENT

1. Name of applicant's legal heir
2. Address in full of applicant's legal heir.....
(unmarried/married/widow/widower)
3. Name in full of the employee.....
4. Relationship of the applicant with the employee.....
5. Religion of both the applicant and the employee.....
6. Date of appointment and total period of service of the employee.....
7. Department/Branch/Section where the employee worked last.....
8. Post last held by the employee with Ticket or Serial No., If any.....
9. Total wages last drawn by the employee.....
10. Date and cause of termination of service of the employee (death or otherwise)
11. Date of death of the employee and evidence/witness in support thereof.....
12. Total gratuity payable to the employee.....
13. Percentage of the gratuity claimed.....
14. Basis of the claim and evidence/witness in support thereof.....

2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.
3. Payment may please be made in cash/open or crossed bank cheque.
4. As the amount payable is less than Rupees one thousand, I shall request you to arrange for payment of the sum due to me by postal money-order at the address mentioned above after deducting postal money-order commission therefrom.

Yours faithfully

Signature/Thumb impression of applicant legal heir.

Place:.....

Date:.....

Note:- Strike out the words not applicable.

FORM L
[See clause (i) of sub-rule (1) of Rule 8]
Notice for Payment of Gratuity

1.
 To,

(Name and address of the applicant employee/nominee/legal heir.)

You are hereby informed as required under Clause (i) of Sub – Rule (1) of Rule 8 of the Payment of Gratuity (Mizoram) Rules, 2015 that a sum of Rs..... (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by.....on..... and..... recorded in this.....as a legal heir of....., an employee of this establishment.

- 2. Please call at.....(Here specify place) on (date) at..... (time) for collecting your payment in cash/open or crossed cheque.
- 3. Amount payable shall be sent to you by Postal Money Order at the address given in your application after deducting the postal money order commission as desired by you.

BRIEF STATEMENT OF CALCULATION

- 1. Total period of service of the employee concerned:..... year.....months.
- 2. Wages last drawn.
- 3. Proportion of the admissible gratuity/payable in terms of nomination as a legal heir.
- 4. Amount Payable:

Place:.....
Date:.....

Signature of the employer/Authorised officer

Name or description of establishment or rubber stamp thereof.
Copy to the Controlling Authority

Note:- Strike out the words not applicable

FORM M
[See clause (ii) of sub-rule (1) of Rule 8]
Notice rejecting claim for payment of Gratuity

To,

(Name and address of the applicant employee/nominee/legal heir)

You are hereby informed as required under clause (ii) of sub-Rule (1) of Rule 8 of the Payment of Gratuity (Mizoram) Rules, 2015 that your claim for payment of gratuity as indicated on your application in form.....under the said Rule is not admissible for the reasons stated below.

Reasons

(Here specify the reasons)

Place:.....
Date:.....

Signature of the employer/Authorised Officer

Name or description of establishment or rubber stamp thereof.

Copy to the Controlling Authority.

Note:- Strike out the words not applicable.

FORM N
[See sub-rule (1) of Rule 10]
Application for direction

Before the Controlling Authority under the Payment of Gratuity Act, 1972

Application No..... Date.....

Between
(Name in full of the applicant with full address)

And
(Name in full of the employer concerned with full address)

1. The applicant is an employee of the above mentioned employer/nominee of late....., an employee of the above mentioned employer and is entitled to payment of gratuity under Section 4 of the Payment of Gratuity Act, 1972, on account of his own/aforesaid employee's superannuation on..... or his own retirement/aforesaid employees resignation on.....date..... after completion of.....years of continuous service / his own / aforesaid employee's total disablement with effect from.....due to accident/diseases/death of the aforesaid employee on.....dated.....
2. The applicant submitted an application under rule..... of the Payment of Gratuity (Mizoram) Rules, 2015 on the..... but the above mentioned employer refused to entertain it/issued a notice dated t h e u n d e r clause.....of sub-rule of.....Rule.....offering an amount of gratuity which is less than due/issued a notice dated theunder clause.....of sub-rule.....of Rule.....rejecting my eligibility to payment of gratuity. The Duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Controlling Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above mentioned employer to pay the same to the petitioner.
5. The applicant declares that the particulars furnished in the annexure thereto are true and correct to the best of his knowledge and belief.

Date:.....

Signature of the applicant/
thumb impression of the applicant

Annexure

1. Name in full of applicant with full address.
2. Basis of claim
(Death/Superannuation/Retirement/resignation/Disablement of employee).
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/married/widow/widower)

5. Name and address in full of the employer.
6. Department/Branch/Section where the employee was last employed (if known)
7. Post held by the employee with ticket and serial No. If any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (superannuation/retirement/resignation/disablement/death)
10. Total period of service by the employee.
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir, if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as a nominee/legal heir
18. Amount of gratuity claimed by the applicant.

Place:.....

Date:.....

Signature/Thumb impression
of the applicant

Note:- Strike out the words not applicable

FORM O
[See sub-rule (1) of Rule 13]
Notice for appearance before the controlling authority

From:
The Controlling Authority of the Payment of Gratuity Act, 1972

To
(Name and Address of employer/applicant)

Whereas Shri.....an employee under you/a nominee(s)/legal heir(s) of application under sub-rule (1) of Rule 10 of the Payment of Gratuity (Mizoram) Rules, 2015 alleging that.....

(A copy of the said applicant is enclosed)

Now, therefore, you are hereby called upon to appear before me at (Place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on day of 20 at O' clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal for the application, you must be prepared to produce on that day all the

witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before mentioned, the application will be dismissed/heard and determined in your absence.

Given under my hand seal, this.....day of.....20.....

Controlling Authority.

Note:- Strike out the words and paragraphs not applicable.

**FORM P
(See Rule 15)
Summons**

Before the Controlling Authority under the payment of Gratuity Act, 1972

To

(Name and Address)

Whereas your attendance is required to give evidence / you are required to produce the documents mentioned in the list below, on behalf of.....in the case arising out of the claim for gratuity by.....from and referred to this Authority by an application under Section 7 of the Payment of Gratuity Act, 1972, you are hereby summoned to appear personally before this authority on the day.....20.....at.....O' clock in the forenoon/afternoon and bring with you (or send to this Authority) the said documents.

List of Documents

- 1.
- 2.
- 3.

So on

Controlling Authority

Dated This.....Day of.....20.....

Note:-

1. The portion not applicable to be deleted.
2. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the person served before the date fixed.
3. In case the summons is issued only for producing a document and not to give evidence, it will be sufficient compliance to the summons if the documents are caused to be produced before the controlling authority on the days and hour fixed for the purpose.

FORM Q
[See sub-rule (1) of Rule 17]
Particulars of application under Section 7

1. Serial No.
2. Date of the application.
3. Name and address of the applicant.
4. Name and address of the employer.
5. Amount of gratuity claimed.
6. Dates of hearing.
7. Findings with date.
8. Amount awarded.
9. Cost, if any, awarded.
10. Date of Notice issued for payment of gratuity
11. Date of appeal, if any.
12. Decision of the appellate authority.
13. Date of issue of Final Notice for payment of gratuity.
14. Date of payment of gratuity by employer with mode of payment.
15. Date of Receipt of application for recovery of gratuity.
16. Date of Issue of recovery Certificate.
17. Date of Recovery.
18. Other remarks.
19. Signed.
20. Date

FORM R
(See Rule 19)
Notice for Payment of Gratuity

To
(Name and address of employer)

Whereas Shri/Smt/Kumari..... of.....
(address).....an employee under you nominee(s) of latean
employee under you, filed an application under section 7 of the Payment of Gratuity Act, 1972 before me;

And whereas the application was heard in your presence on and after the hearing I have come to the
finding that the said Shri/Smt/Kumari is entitled to a payment of Rs.....
as gratuity under the Payment of Gratuity Act, 1972;

Now, therefore, I hereby direct you to pay the said sum of Rs.....to Shri/Smt/Kumari
..... within thirty days of the receipt of this notice with intimation thereof to me.

Given under my hand and seal, this.....day of.....20.....

Copy to:
(Applicant under rule.....)
He is advised to contact the employer for collecting payment

Controlling Authority

Note:-The portion not applicable to be deleted.

FORM S
[See sub-rule (8) of Rule 20]
Notice for Payment of Gratuity as determined by Appellate Authority

To
(Name and address of employer)

Whereas a notice was given to you on in Form "R" requiring you to make a payment of Rs.....to Shri/Smt/Kumari..... as gratuity under the Payment of Gratuity Act,1972;

Whereas you/the applicant went in appeal before the Appellate Authority, who has decided that an amount of Rs..... due to be paid to Shri/Smt/Kumari..... as gratuity due under the Payment of Gratuity Act,1972;

Now, therefore I hereby direct you to pay the said sum of Rs..... to Shri/Smt/Kumari..... within 30 days of the receipt of this notice with an intimation thereof to me

Given under my hand and seal, this day of.....20.....

Controlling Authority

Copy to:

1. The Applicant
He is advised to contact the employer for collecting payment.
2. The appellate Authority

Note :- The portion not applicable to be deleted.

FORM T
[See Rule 21]
Application for recovery of gratuity

Before the Controlling Authority under the Payment of Gratuity
Application No.....

Date.....

Between

(Name in full of the applicant with address)

And

(Name in full of the employee with full address)

The applicant is an employee of the above mentioned employer/a nominee of late..... an employee of the above mentioned employer/ a legal heir of late.....

an employee of the above mentioned employer, and you were pleased to direct the said employer in your notice dated there under ruleof the Payment of Gratuity Act, 1972.

- 2. The applicant submits that the said employer failed to pay the said amount of gratuity to me directed by you although I approached him for payment.
- 3. The applicant therefore prays as that a certificate may be issued under Section 7 of the said Act for recovery of the said sum of Rs.....due as gratuity in terms of your direction.

Place:.....

Date:.....

Signature/Thumb impression of the applicant

Note:-Strike out the words not applicable.

FORM U
[See sub-rule (7) of Rule 11]
List of documents produced and tendered in evidence

Sl.No	Exhibit No.	Details of the Document	Remarks
1	2	3	4