


F. No. 14-7/2011-Acad. (Misc.) Vol. V  
National Institute of Educational Planning and Administration  
17-B, Sri Aurobindo Marg, New Delhi - 110016

July 28, 2023

**NOTIFICATION**

In Pursuance of Ministry of Education's Office Memorandum No. 15-2/2022-TC dated 16th December, 2022 and with the recommendations of Board of Management at its 27<sup>th</sup> meeting held on 11<sup>th</sup> April, 2023, it is notified for all concerned that the **Payment of Gratuity Act, 1972** is applicable to all employees of educational institutions, as the said Act does not have provisions for different set/category/class of employees and further that no separate notification is required to be issued by the Ministry of Education for applicability of the said Act for payment/transfer of gratuity of the **employees covered under New Pension Scheme.**

  
(Sandeep Chatterjee) <sup>28/7/2023</sup>  
Registrar

**To**

All concerned

**CC:**

1. Sr. PS to VC - for information of Vice Chancellor
2. PA to Registrar - for record
3. Administrative Officer (I/c)
4. Finance Officer
- ✓ 5. Systems Analyst - with a request to upload the notification on the website.
6. Master File
7. Section's Guard File

F. No. 15-2/2022-TC  
Government of India  
Ministry of Education  
Department of Higher Education  
Technical Coordination Section  
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Room No.535, C- Wing, Shastri Bhawan  
New Delhi, dated the 16<sup>th</sup> December, 2022

**OFFICE MEMORANDUM**

**Subject: Applicability of Payment of Gratuity Act 1972 to educational institutions under the Ministry of Education-reg.**

The undersigned is directed to inform that the issue of payment of gratuity to the employees covered under New Pension Scheme (NPS) in the Autonomous Bodies/ Organizations under the Ministry of Education (MoE) has been examined in consultation with the Ministry of Finance (Department of Expenditure) and the Ministry of Labour & Employment (MoL&E).

2. The Department of Expenditure (DoE), vide OM No.1(16)/EV/2017 dated 02.12.2021 (copy enclosed), has advised this Ministry to instruct Autonomous Bodies/ Organizations to **adopt Payment of Gratuity Act, 1972 in consultation with MoL&E** since CCS (Pension) Rules, 1972 are strictly meant for Central Government employees only. Further, vide O.M. No.R-13011/02/2022-SS.II dated 23.11.2022 (copy enclosed), the MoL&E has clarified that the **Payment of Gratuity Act, 1972 is applicable to all employees of educational institutions**, as the said Act does not have provisions for different set/category/class of employees and further that no separate notification is required to be issued by the Ministry of Education for applicability of the said Act (in case of NPS employees).

3. In view of the above, all Bureaus in both Departments of the Ministry of Education may like to direct the Autonomous Bodies / Organizations under their administrative control to take appropriate action accordingly.

Encl: As above.

*Kirti*

(Kirti)

Deputy Director (TE)

Ph.: 23385935

Email: Kirti.15@gov.in

To

1. All BHs, D/o HE
2. All BHs, D/o SE&L - in respect of the educational institutions under the administrative control of D/o SE&L

15-2/2022-TC

Annex-2  
213

F. No.1(16)/EV/2017  
 Ministry of Finance  
 Department of Expenditure  
 EV Branch

North Block, New Delhi  
 Dated the 27<sup>th</sup> December 2021

## OFFICE MEMORANDUM

**Subject:** Clarification on employer's contribution under NPS, applicability of death and retirement gratuity and additional relief in case of death, disability and invalidation to the employees of autonomous bodies of M/o Education covered under NPS - reg.

The undersigned is directed to refer to M/o Education's OM No.19-1/2017-IFD, dated 26.08.2021 on the subject mentioned above and furnish the requisite clarification/comments on the issues noted as under:

(i) Whether the employer's contribution is 10% or 14%.

All the provisions of the notification dated 31.01.2019 of the DFS stands extended to the employees of CABs under MoE in terms of order dated 26.08.2021 and 21.10.2021 and not in terms of CCS (INPS) Rules, 2021.

(ii) Extension of Retirement/Death Gratuity benefits to the NPS borne employees under approximately 174 autonomous bodies.

MoE may consider issuing instructions to their autonomous bodies to adopt Payment of Gratuity Act, 1972 administered by the MoLE as Gratuity under CCS (Pension) Rules, 1972 may not be extended to the employees of autonomous bodies as these are strictly meant for Central Government employees. The issues relating to implementation of Payment of Gratuity Act in the autonomous bodies may be taken up directly with MoLE either by the concerned AB or through MoE.

(iii) Option to avail benefits on death or invalidation or disability of subscriber during service.

The CCS (NPS) Rules, 2021 are applicable only to the employees of Central government, the provisions contained therein are not directly applicable to the employees of CABs. The issue relating to applicability of these provisions to the employees of CABs is under consideration in this Department in consultation with DoP&PW. As such, MoE may await final decision of this Ministry in this regard.

2. This issues with the approval of Competent Authority.

*Gulveena*  
 (Gulveena Badhan)  
 Under Secretary to the Government of India  
 Tele: 023095680

Ministry of Education  
 [Kind Attn: Ms. Kiran Arora, Under Secretary (IFD)]  
 Shastri Bhawan,  
 New Delhi 110001

15-2/2022-TC

1156763/2022/TC section

No. R-13011/02/2022-SS.II  
Government of India (भारत सरकार)  
Ministry of Labour and Employment (श्रम एवं रोजगार मंत्रालय)

Shram Shakti Bhawan, Rafi Marg,  
New Delhi, dated: 23<sup>rd</sup> November, 2022

**OFFICE MEMORANDUM**

**Subject: Applicability of the provisions of the P.G. Act, 1972 to 137 Autonomous Bodies/Organisations under the Ministry of Education for the employees covered under NPS – regarding.**

The undersigned is directed to refer to Ministry of Education's O.M. No F.No.- 15-2/2022-TC dated 15.09.2022 on the subject cited above.

2. The matter has been examined in the Ministry of Labour and Employment in consultation with the office of the Chief Labour Commissioner (Central). The requirement for applicability of the Payment of Gratuity Act, 1972, under section 1(3)(c), is being fulfilled by gazette notification No. S.O. 1080 dated 03.04.1997 to be read with Payment of Gratuity (Amendment) Act, 2009 (Copies enclosed for ready reference) in educational institutions and therefore, is applicable to all OPS and NPS employees of institutions, as the Payment of Gratuity Act, 1972 does not have provisions for different set/category/class of employees (in instant case OPS and NPS employees). Hence, there is no need to issue a separate notification.

3. Further, the section 4(5) of the PG Act reads as " Nothing in this section shall affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer."

**Encl: As above.**

*B.K. Biswas*  
(B.K. Biswas)

Under Secretary to the Govt. of India  
Tel.:- 23769603

To,

Department of Higher Education  
[Kind Attn.: Ms. Kirti, Deputy Director,  
Ministry of Education  
Technical Coordination Section  
Shastri Bhavan, Room No. 535, C Wing,  
R.P. Road, New Delhi-110001.



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 16]  
No. 16]

नई दिल्ली, शनिवार, अप्रैल 19, 1997/चैत्र 29, 1919  
NEW DELHI, SATURDAY, APRIL 19, 1997/CHAITRA 29, 1919

इस भाग में प्रिन्ट दृष्ट संख्या की जाती है जिसमें कि यह मूल्य संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेशों और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय  
(विधि कार्य विभाग)  
(न्यायिक अनुभाग)  
सूचना

नई दिल्ली, 22 मार्च, 1997

का.आ. 1015.—नोटरीज नियम, 1956 के नियम 6 के  
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है  
कि श्री एम. के. कौशिक, एडवोकेट ने उक्त प्राधिकारी को उक्त  
नियम के नियम 4 के अधीन एक आवेदन इस बात के  
लिए दिया है कि उसे सरोजिनी नगर, राष्ट्रीय राजधानी  
दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति  
पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के  
चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(69)/97-न्यायिक]  
एन.सी. जैन, सक्षम प्राधिकारी एवं  
प्रथम विधि सलाहकार

MINISTRY OF LAW AND JUSTICE  
(Department of Legal Affairs)  
(Judicial Section)

NOTICE

New Delhi, the 22nd March, 1997

S.O. 1015.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri S. K. Kaushik, Advocate for appointment as a Notary to practise in Sarojini Nagar, N.C.T of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(69)/97-Jud.]

N. C. JAIN, Competent Authority & Adnl. Legal Adviser

15-2/2022-TC

1156763/2022/TG section  
THE GAZETTE OF INDIA : APRIL 19, 1997/CHAITRA 29, 1919 [PART II—SEC. 3(ii)]

## ANNEXURE

BEFORE SHRI P. R. DAVE, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CENTRAL, AHMEDABAD

Reference (ITC) No. 11 of 1990

## ADJUDICATION

## BETWEEN

Assistant Engineer,  
Post & Telegraph, Mehsana . . . First party.

## AND

The workmen employed under it. . . Second party

In the matter of reinstating Shri Narotam Jeena-bhai Parmar, a casual labour of Asstt. Engg. P&T Satellite Project, Mehsana with full back wages.

## APPEARANCES :

Shri B. N. Joshi, learned Advocate—for the first party.

Kum. Ashaben Gupta, learned Advocate—for the second party.

## AWARD

By an Order No. L-40012|91|89-D-2(B) dated 31st January, 1990, the Desk Officer, Labour Ministry, Government of India, New Delhi has referred an industrial dispute as stated in the Schedule of above order between the above parties u/s. 10(1) of the I.D. Act, 1947, initially to the Industrial Tribunal of Shri V. H. Thakore and subsequently to the Industrial Tribunal of Shri Bhatt and finally, it was transferred to this Tribunal by an appropriate order of the Government.

Before this matter can be heard and finally disposed of, Shri N. J. Parmar, the concerned workman has filed a Purshis Ex. stating that the Telecommunication is not an "industry" according to Supreme Court's order dated 2nd February, 1996 and, therefore, the second party may be granted permission to withdraw the reference with leave to approach proper forum for his dispute as prayed for in the interest of justice in view of above, I pass the following order :—

## ORDER

Permission is granted to withdraw the reference to second party with leave to approach proper forum for his dispute as prayed for in the interest of justice and the reference is disposed of accordingly with no order as to costs.

Ahmedabad, 27th February, 1997.

P. R. DAVE, Presiding Officer

नई दिल्ली, 3 अप्रैल, 1997

का. मा. 1080—उपदान संदाय अधिनियम, 1972 (1972 का 39) को धारा 1 को उपधारा (3) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उन सभी शैक्षिक संस्थाओं को, जिनमें दस या अधिक व्यक्ति नियोजित हैं या पिछले 12 महीनों के दौरान किसी दिन नियोजित रहे, ऐसे प्रतिष्ठानों के वर्ग के रूप में विनिर्दिष्ट करती है जिन पर उक्त अधिनियम इस अधिसूचना के प्रकाशन की तिथि से प्रभावी होगा :

परन्तु यह कि इस अधिसूचना में कही गई कोई बात भ्रम मंत्रालय की अधिसूचना का. मा. सं. 239 दिनांक 8 जनवरी, 1982 के प्रचालन को प्रभावित नहीं करेगी।

[का. सं. एस-42013/1/95-एस एस-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 3rd April, 1997

S.O. 1080.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 1 of the Payment of Gratuity Act, 1972 (39 of 1972), the Central Government hereby specified the educational institutions in which ten or more persons are employed or were employed on any day preceding 12 months as a class of establishments to which the said Act shall apply with effect from the date of publication of this notification :

Provided that nothing contained in this notification shall affect the operation of the notification of the Ministry of Labour S.O. No. 239 dated the 8th January, 1982.

[F. No. S-42013|1|95-SS.III]

J. P. SHUKLA, Under Secy.

रजिस्ट्री से को संख्या—(एन)04/0007/2003—09

REGISTERED NO. DL—(N04/0007/2003—09



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड I

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 54]

नई दिल्ली, बृहस्पतिवार, दिसम्बर 31, 2009/पौष 10, 1931

No. 54]

NEW DELHI, THURSDAY, DECEMBER 31, 2009 / PAUSA 10, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 31st December, 2009/Pausa 10, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2009, and is hereby published for general information:—

### THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 2009 (No. 47 of 2009)

[31st December, 2009.]

An Act further to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 3rd day of April, 1997.

39 of 1972.

2. In the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (e), the following clause shall be substituted, namely:—

“(e) “employee” means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;”

Short title  
and com-  
mencement.

Amendment  
of section. 2

Insertion of  
new section  
13A

Validation of  
payment of  
gratuity

3. After section 13 of the principal Act, the following section shall be inserted, namely:—

“13A. Notwithstanding anything contained in any judgment, decree or order of any court, for the period commencing on and from the 3rd day of April, 1997 and ending on the day on which the Payment of Gratuity (Amendment) Act, 2009, receives the assent of the President, the gratuity shall be payable to an employee in pursuance of the notification of the Government of India in the Ministry of Labour and Employment *vide* number S.O. 1080, dated the 3rd day of April, 1997 and the said notification shall be valid and shall be deemed always to have been valid as if the Payment of Gratuity (Amendment) Act, 2009 had been in force at all material times and the gratuity shall be payable accordingly:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the non-payment by him of the gratuity during the period specified in this section which shall become due in pursuance of the said notification.”

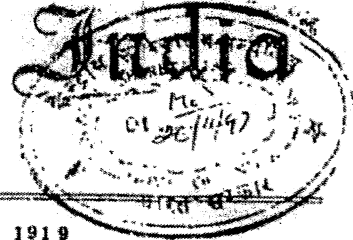
V.K. BHASIN,  
*Secy. to the Govt. of India.*





# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



सं. 36]  
No. 36]

नई दिल्ली, शनिवार, सितम्बर 6, 1997/सं. 15, 1919  
NEW DELHI, SATURDAY, SEPTEMBER 6, 1997/BHADRA 15, 1919

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिसमें कि मत अलग संकलन के रूप में रखा जा सके  
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Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्यक्रम, लोक-निर्वाह तथा पेंशन मंत्रालय  
(कार्यक्रम और प्रशिक्षण विभाग)  
नई दिल्ली, 7 अगस्त, 1997

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS  
(Department of Personnel & Training)

New Delhi, the 7th August, 1997

का. आ. 2149—केन्द्रीय सरकार, दंड क्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री एम. के. सक्सेना, अधिवक्ता, निवासी मकान सं. एफ-263 (द्वितीय तल) विकासपुरी, नई दिल्ली, को सुशील कुमार की हत्या से संबंधित मामला आर. सी. 7 (एम.)/96-एम्.आई.सी.-11 नई दिल्ली (मामला, प्रथम सूचना रिपोर्ट सं.-111 दिनांक 22-4-96, धाना सवालिया, जिला पानीपत) तथा इस विषय में जुड़े कोई अन्य मामले अथवा किसी अन्य मामले में चल रहे प्रारंभिक मामलों के संचालन के लिए मंत्र खात्यालय में विशेष लोक अधिवक्ता नियुक्त करती है।

S.O. 2149.—In exercise of the powers conferred under sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (Act No 2 of 1974, the Central Government hereby appoints Shri S. K. Saxena, Advocate r/o House No. F-263 (II Floor), Vikaspuri, New Delhi as Special Public Prosecutor for conducting RC 7(S)/96-SIU.V/SIC.II New Delhi (case FIR No. 111 dt. 22-4-96 PS Smalkha, Distt. Panipat) relating to the murder of Sushil Kumar in the Session's Court and any other matter connected therewith or incidental thereto in any other courts

[नंका 225 28/97-ए.वी.डी.-II]  
हरि सिंह, सचिव

[No. 225/28/97/AVD.II]  
HARI SINGH, Under Secy.

15-2/2022-TC

1156763/2022/TC section

4292 THE GAZETTE OF INDIA : SEPTEMBER 6, 1997/BHADRA 15, 1919 [PART II—Sec. 3(ii)]

## AWARD

New Delhi, the 20th August, 1997

By Order No. L-12012/25/96-I.R. (B-2) dated 1-8-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal

"Whether the action of the management of Bank of Baroda in terminating the services of Shri Pradip Kumar Singh is justified? If not, to what relief is the workman entitled?"

2. The Order of reference was received in this Tribunal on 7-8-1990. After notice to the parties, they filed their respective written statements, rejoinder and documents. Thereafter the workman stopped appearing to take further step in the case, despite several adjournments.

3. On 9-6-97 Sri S. K. Pauwar, Manager (P) appearing on behalf of the management filed a petition stating therein that the workman is not interested to contest the case further. Thereafter, registered notice was issued to the workman. But neither the workman nor his authorised representative appeared. It appears that neither the workman nor his representative is interested in prosecuting the case.

4. Under the above circumstances, I render a 'No Dispute' award in the reference.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 20 अगस्त, 1997

का.प्रा. 2217:—जबकि भारत सरकार के उद्यम मंत्रालय नाभिकीय ऊर्जा निगम लि., मुंबई, जो कि केन्द्रीय सरकार का प्रतिष्ठान है, ने उपदान संदाय अधिनियम, 1972 (1972 का 39) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 5 की उपधारा (I) के अधीन छूट के लिए आवेदन किया है,

और जबकि केन्द्रीय सरकार की राय में उक्त प्रतिष्ठान के कर्मचारियों को मिलने वाले उपदान उक्त अधिनियम के अधीन प्रदत्त लाभों से कम नहीं है,

अतः अब उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त भक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, नाभिकीय ऊर्जा निगम लि. मुंबई को इस अधिनियम के सरकारी राजपत्र में प्रकाशन की तारीख से उक्त अधिनियम के उपबंधों के प्रकाशन से छूट प्रदान करती है।

[सं. एस-42014/2/96-एस एस-II]

जे. पी. शुक्ला, अवर सचिव

S.O. 2217.—Whereas the Nuclear Power Corporation of India Limited, Mumbai, an establishment of the Central Government, has applied for exemption under sub-section (1) of the Section 5 of the Payment of Gratuity Act, 1972 (39 of 1972), (herein after referred to as the said Act);

And whereas in the opinion of the Central Government the gratuity benefit receivable by the employees of the establishment are not less favourable than the benefits conferred under the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 5 of the said Act the Central Government hereby exempts the Nuclear Power Corporation of India Limited, from the operation of the provisions of the said Act from the date of publication of this notification in the Official Gazette.

[No. S-42014/2/96-SS. III]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 20 अगस्त, 1997

का.प्रा. 2218:—उपदान संदाय अधिनियम, 1972 (1972 का 39) की धारा 1 की उपधारा (3) के खंड (ग) द्वारा प्रदत्त भक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा ऐसे न्यायों अथवा सोसाइटियों, जो सोसाइटी पंजीकरण अधिनियम, 1860 (1860 का 21) या किसी राज्य में सोसाइटियों से संबंधित किसी कानून जो इस समय प्रभाव में है, के अन्तर्गत पंजीकृत हैं, जिनमें दस या अधिक व्यक्ति नियोजित हैं या पिछले बारह महीने में किसी भी दिन मजदूरी के लिए नियोजित थे, को प्रतिष्ठानों की ऐसी श्रेणी के रूप में विनिर्दिष्ट करती है जिन पर कथित अधिनियम, सरकारी राजपत्र में इस अधिनियम के प्रकाशन की तिथि से लागू होगा।

[का. सं. एस-42011/3/95-एस एस. II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 20th August, 1997

S.O. 2218.—In exercise of the powers conferred by clause (c) of sub-section 3 of section 1 of the Payment of Gratuity Act, 1972 (39 of 1972), the Central Government hereby specifies the trusts or societies, registered under the Societies Registration Act, 1860 (21 of 1860), or under any other law with respect to societies for the time being in force in any State, in which ten or more persons are employed or were employed for wages on any day of the preceding 12 months as a class of establishments to which the said Act shall apply with effect from the date of publication of this notification in the Official Gazette.

[F. No. S-42011/3/95-SS. III]

J. P. SHUKLA, Under Secy.