

**HARYANA WAREHOUSING CORPORATION  
GRATUITY REGULATIONS, 1992**

# HARYANA WAREHOUSING CORPORATION PANCHKULA

Notification

The 27th March, 1992

**No. HWC/E-32/14684.** - In exercise of the powers conferred by section 42 of the Warehousing Corporations Act, 1962 and with the previous sanction of the State Government, Managing Director of the Haryana Warehousing Corporation hereby makes the following regulations regulating the grant of gratuity to its employees, namely:-

## 1. Short title, extent and application :

1. These regulations may be called the Haryana Warehousing Corporation Employees Gratuity Regulations, 1992.
2. (a) Except as otherwise provided these regulations shall apply to an employee who has satisfactorily completed his probation period and has been brought on regular footing :  
(b) Subject to the provisions of clause (a) a Corporation employee transferred to a Service or post on deputation or otherwise, to which these regulation do not apply, will continue to be governed by these regulations ; provided that, within six months of the date of his transfer on deputation, he elects to be governed by these regulations to which he was subject to immediately before the date of his transfer on deputation and that he continues to contribute to the Haryana Warehousing Corporation Employees Provident Fund.

## 2. Definitions .

- (a) "Act" means the Warehousing Corporations Act, 1962 ;
- (b) "Competent authority" means the Board of Director of the Corporation in consultation with Agriculture Department of Haryana Government or any other authority to which powers are delegated under these regulations ;
- (c) "Corporation" means the Haryana Warehousing Corporation established under section 18 of the Act;
- (d) "Emoluments" for the purpose of calculating gratuity shall mean the last pay drawn which shall include basic pay, special pay, personal pay, Dearness Allowance, Additional Dearness Allowance but excluding bonus, house rent allowance and any other allowance, if any ;
- (e) "employee" means a person in the whole time employment of the Corporation but does not include a person on deputation ;
- (f) "family" means :-
  - (i) wife, in the case of male employee ;
  - (ii) husband, in the case of female employee ;
  - (iii) sons, including step-children and adopted children

- (iv) unmarried and widowed daughter.
- (v) brothers below the age of 18 years and unmarried and widowed sisters, including step brothers and sisters ;
- (vi) father } including adopted parents in case of individuals
- (vii) mother } whose personal law permits adoption.
- (viii) married daughters ; and
- (ix) children of a predeceased son ;
- (g) "Government" means the Haryana Government in the Agriculture Department;
- (h) "Managing Directors" means the Managing Director of the Corporation ;
- (i) "Probationer" means an employee appointed on probation against a regular post;
- (j) "qualifying service" includes service as probationer provided that the service on probation is followed by its completion satisfactorily and the employee is brought on regular footing ;
- (k) "Secretary" means the Secretary of the Corporation.

### 3. Payment of Gratuity :

- (1) Gratuity shall be payable to an employee :-
  - (a) on the termination of his employment after he has rendered continuous service for not less than five years ; or
  - (b) on his retirement on superannuation ; or
  - (c) on his resignation or retrenchment; or
  - (d) on his death or disablement due to accident or disease;

Provided that gratuity granted shall not exceed the amount specified in clause (3):

Provided further that the completion of continuous service of five years shall not be necessary where the termination of employment of an employee is due to death or disablement in which the case of the gratuity shall be paid in accordance with clause (2).

- (2) (a) If an employee dies in the first year of Service, gratuity equivalent to two months emoluments will be granted.
- (b) If an employee who has rendered Service of more than one year but less than five years dies while in Service, gratuity equivalent to six months emoluments will be granted.
- (c) If an employee who has completed five years qualifying service, dies while in Service, the gratuity will be subject to a minimum of 12 times the emoluments of the employee at the time of his death but not exceeding the amount specified in clause (3).
- (d) Gratuity granted under clause (2) (a), (b) and (c) may be paid to the person or persons on whom the right to receive the gratuity is conferred under regulation 4 or if there is no such person, it shall be paid in equal shares to those surviving

members of an employee's family as detailed in categories (i) to (iii) of regulation 2(f). Where there are no such surviving members but there is /are surviving widowed daughters and /or one or more members of the family of the employee who belong to categories (iv) to (ix) of clause (f) of regulation 2 the gratuity may be paid to all such persons in equal shares. In cases where the qualifying service is less than five years the deficiency shall not be condoned.

- (3) An employee on retirement will be paid the amount of gratuity @ one fourth of the emoluments of the employee for each completed six monthly period of qualifying service subject to a maximum of  $(16 \frac{1}{2})$  times the emoluments in the case of Class (I, II and III) and  $17 \frac{1}{2}$  times the emoluments in the case of Class IV employees subject to a maximum of Rs. 1,00,000/-. This limit has been changed to Rs. 3.50 lakh by the Govt. or the maximum limit fixed by the Government from time to time. The maximum limit fixed by the govt w.e.f. 1-1-2006 is Rs. 10.00 lakh. There would be no ceiling on reckonable amount for calculating the amount of gratuity.

**Note:-** In the case of an employee who during leave preparatory to retirement on full pay exceeding four months or earned leave not exceeding 120 days or the first four months of any period of leave on full pay exceeding four months, or the first 120 days of earned leave exceeding 120 days earns an increment, which is not withheld, the employee is entitled to count the pay which he would have drawn had he remained on duty as 'emoluments' for the purpose of gratuity, even though the increase in pay is not actually drawn during leave.

- (4) The Corporation will have the right to effect recoveries from the gratuity sanctioned under this regulation.
- (5) No gratuity may be granted under this regulation, if the employee was dismissed or removed for misconduct, insolvency or inefficiency.
- (6) A gratuity shall be sanctioned under this regulation after giving due regard to the following provisions:-
- (i) the Service rendered has been fully approved ;
  - (ii) if the Service has not been thoroughly satisfactory, the authority sanctioning gratuity shall make such reductions as it may think proper:

Provided that in cases where the authority sanctioning gratuity is other than the appointing authority, no order regarding reduction in the amount of gratuity shall be made without the approval of appointing authority.

#### **4. Nomination:**

- (i) An employee shall, at any time after completion of probation period, satisfactorily and having been brought on regular footing will make a nomination, conferring on one or more persons, the right to receive any gratuity that may be sanctioned under clauses (2) and (3) of regulation 3 and any gratuity which having become admissible to him under clause (1) of that regulation has not been paid to him before death:

Provided that if, at the time of making the nomination, the employee has a family, the

nomination shall not be in favour of any person or persons other than members of his family.

- (ii) If an employee nominates more than one person under clause (2) of regulation 3, he shall specify in the nomination the amount of share payable to each of the nominees, in such manner as to cover the whole amount of the gratuity.
- (iii) An employee may provide in a nomination :-
  - (a) That in respect of any specified nominee, in the event of his predeceasing the employee the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination ; provided that if at the time of making the nomination the employee has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family ;
  - (b) That the nomination shall become invalid in the event of the happening of the contingency specified therein.
- (iv) The nomination made by an employee who has no family at the time of making it, or a provision made in nomination under subclause (a) of clause (4) by an employee whose family consists, at the date of making the nomination, of only one member shall become invalid in the event of his subsequently acquiring a family, or additional member in the family, as the case may be.
- (v) (a) Every nomination shall be in one of the forms IA to ID appended herewith.

**Note:-** The form provides for only one alternate nominee and it is not open to an employee to nominate more than one alternate nominee against any original nominee.

- (b) An employee may at any time cancel a nomination, by sending a notice in writing to the Corporation; provided that the employee shall, alongwith such notice send a fresh nomination made in accordance with this regulation.
- (vi) Immediately on the death of nominee, in respect of whom no special provision has been made in the nomination under sub-clause (a) of clause (4), or on the occurrence of any event, by reason of which the nomination becomes invalid, in pursuance of subclause (b) of clause (v), the employee shall send to the Corporation a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this regulation.
- (vii) Every nomination made and every notice of cancellation given by an employee shall, to the extent that it is valid, take effect on the date on which it is received in the Corporation.

**Note:-** While a nomination as also any change therein will normally be made by an employee during his service, he may be allowed to make a fresh nomination after retirement if such a contingency arises.

#### **5. Delegation of Powers :**

The following authorities shall exercise the powers of a competent authority under

these regulations :-

Serial Number	Nature of power	Authority to which power is delegated	Extent or powers delegated
(1)	(2)	(3)	(4)
1.	To sanction gratuity to class -III & IV employees.	Secretary	Full powers except under regulation 3(2)
2.	To sanction gratuity to class-I and II officers.	Managing Director	Full powers.

#### 6. Repeal

All the existing rules/instructions governing grant of gratuity are hereby repealed.

S. K. Maheshwari,  
Managing Director,

Chandigarh

Dated the 17-3-1992.

**FORM 1 A**

[(See Regulation 4 (v) (a)]

**NOMINATION FOR GRATUITY**

When the employee has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by Corporation in the event of my death while in Service and the right to receive on my death a gratuity which having become admissible to me on retirement may remain unpaid at my death:

Name and Relation address of ship with nominee employee	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the Person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predecea- sing the employee or the nominee dying after the death of the emplo- yee but before receiving payment of gratuity.	*Amount of share of grautuity payable to each.	
1	2	3	4	5	6

\_\_\_\_\_  
This nomination supersedes the nomination made by me earlier on \_\_\_\_\_  
\_\_\_\_\_ which stands cancelled.

\*Note :- This column should be filled in so as to cover the whole amount of gratuity.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

At \_\_\_\_\_

Witnesses to Signature

1. ....

Signature of employee

2. ....

\_\_\_\_\_  
**PROFORMA FOR ACKNOWLEDGING THE RECEIPT OF THE  
NOMINATION FORM BY THE HEAD OF OFFICE**

To \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge the receipt of your nomination dated \_\_\_\_\_  
cancellation date \_\_\_\_\_ of the nomination made earlier, in  
respect of gratuity in form \_\_\_\_\_. They have been duly placed on  
record.

Signature of Head of Office,

Dated : \_\_\_\_\_

Designation)



**FORM 1 B**

[(See Regulation 4 (v) (a)]

**NOMINATION FOR GRATUITY**

When the employee has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Corporation in the event of my death while in Service and the right to receive on my death, to the extent specified below, any gratuity, which having become admissible to me on retirement may remain unpaid at my death :

Name and address of nominee	Relation ship with employee	Age	Amount of share of gratuity payable to each	Contigencies on the happening of which the nomination shall become invalid.	Name, address relationship of the person or persons, if any to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of gratuity.	*Amount or share of gratuity payable to each.
1	2	3	4	5	6	7

This nomination supersedes the nomination made by me earlier

on \_\_\_\_\_ which stands cancelled.

N.B. The employee shall draw lines across the blank space below the last entry to prevent insertion of any name after he has signed.

- Note:-** 1. This column should be filled in so as to cover the whole amount of gratuity.  
2. The amount/share of gratuity shown in this column should cover the whole amount/ share payable to the original nominees,

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20  
at \_\_\_\_\_

Witnesses to Signature

1.....

Signature of employee

2.....

**PRO FORMA FOR ACKNOWLEDGING THE RECEIPT OF THE  
NOMINATION FORM BY THE HEAD OF OFFICE.**

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge the receipt of your nomination dated \_\_\_\_\_  
cancellation dated \_\_\_\_\_: \_\_\_\_\_ of the nomination made earlier, in respect of  
gratuity in Form \_\_\_\_\_. They have been duly placed on record.

Signature of Head of Office

Dated : \_\_\_\_\_

(Designation)

FORM 1 C

[See Regulation 4 (v) (a)]

NOMINATION FOR GRATUITY

When the employee has no family and wishes to nominate one person.

I having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned by the Corporation in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee payable	Relation ship with employee	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address relationship of the person or persons, if any to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of gratuity.	*Amount or share of gratuity to each.
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on \_\_\_\_\_

\_\_\_\_\_ which stands cancelled.

\*Note :- This column should be filled in so as to cover the whole amount of gratuity.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 20

at \_\_\_\_\_

Witnesses to Signature

1. \_\_\_\_\_

2. \_\_\_\_\_

Signature of Employee

**PROFORMA FOR ACKNOWLEDGING THE RECEIPT OF THE  
NOMINATION FORM BY THE HEAD OF OFFICE**

To

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I acknowledge the receipt of your nomination dated \_\_\_\_\_ cancellation  
dated \_\_\_\_\_ of the nomination made earlier, in respect Death-cum-retirement  
Gratuity in Form \_\_\_\_\_ They have been duly placed on record.

Signature of Head of Office

Dated :

(Designation)

**FORM ID**

[See Regulation 4 (v) (a)]

**NOMINATION FOR GRATUITY**

When the employee has no family and wishes to nominate more than one person. I having no family, hereby nominate the persons mentioned below, and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by Corporation in the event of my death while in service and the right to receive on my death to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee	Relation ship with employee	Age	Amount of Share of grautuity Payable to each.	Contigencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the Person or persons, if any to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of gratuity.	*Amount or share of grautuity payable to each.
1	2	3	4	5	6	7

\_\_\_\_\_  
This nomination supersedes the nomination made by me earlier on \_\_\_\_\_  
\_\_\_\_\_ which stands cancelled.  
\_\_\_\_\_

N.B. The employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

- \*Note:-
1. This column should be filled in so as to cover the whole amount of gratuity.
  2. The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
at \_\_\_\_\_

Witnesses to Signature

1. \_\_\_\_\_

2. \_\_\_\_\_

Signature of employee

**PRO-FORMA FOR ACKNOWLEDGING THE RECEIPT OF THE  
NOMINATION FORM BY THE HEAD OF OFFICE.**

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge the receipt of your nomination dated \_\_\_\_\_ cancellation dated \_\_\_\_\_ of the nomination made earlier, in respect of Death Cum Retirement Gratuity in Form \_\_\_\_\_. I am to state that they have been duly placed on record.

Signature of Head of Office

Dated: \_\_\_\_\_

(Designation)

\_\_\_\_\_  
**MANAGING DIRECTOR  
HARYANA WAREHOUSING CORPORATION**