DEATH - CUM RETIREMENT RULES

रिक्स्ट्री सं. डॉ. (डा.एन.)-72





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इस भाग भें भिन्न पृष्ठ संख्या यी 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

ऊर्जा मंत्रालय

(पैट्रोलियम विभाग)

नई दिल्ली, 26 दिसम्बर 1983

अधिमृचना

सर० का० नि० 919 (अ):केन्द्रीय सरकार तेल उन्नोग विकास अधिनियम, 1974 (1974 का सं० 47) की धारा 31 द्वारा प्रदस्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात:-

- संक्षिष्त नाम और प्रारंभ (1) इन नियमों का संक्षिप्त नाम तेल उद्योग विकास बोर्ड कर्मचारी (मृत्यु और सेवा निवृत्ति) उपदान नियम, 1983 है।
 - (2) यह राजपत्र में प्रकाणन की तारी आपको प्रवृत्त होने ।
- यिभाषाणं इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो
- (क) "उपलिख्या" में वेतन (जिसके अन्तर्गत समय-समय पर जारी किए गए केन्द्रीय मरकार के आदेश द्वारा यथा अवधारित मंद्रगाई वेतन भी है) विशेष वेतन, अवकाश वेतन, जिसे बोर्ड का कर्मचारी अपनी सेवा छोड़ने के ठीक पहले या अपनी मृत्यु की तारीख को प्राप्त कर रहा था, अभिपेत है और ने प्रतिमाह 2,500/— रूपए की अधिकतमः सीमा के अधीन होंगी:

- (स्) कट्म्ब" के अन्तर्गत निम्नलिखिन आवे है:-
- (i) किसी पुरुष सरकारी सेवक की दशा में पत्नी या पत्नियों (जिसके अन्तर्गत न्यायिक रूप से पृथक की गई पत्नी या पत्नियां भी है)
- (:i) किसी महिला सरकारी सेंबक की दशा में पति, (जिसके अन्तर्गत न्यायिक रूप में पृथक किया गया पति भी है),
- (iii) पृत्व जिनके अन्तर्गन सौतेले पुत्र और दत्तक पुत्र भी हैं,
- (iv) अविवाहित पुद्धियां जिनके अन्तर्गत सौतेली पुद्धियां और दत्तक पुद्धियां भी हैं;
- (v) विध्वां पुत्तियां जिनके अन्तर्गत कौतेली पुत्तियां और दत्तक पुद्धियां भी है;
- (vi) पिता, जिसके अन्तर्गत ऐसे व्यक्तियों की दशा में जिनकी स्वीयविधि दत्तक अनुभान करती है, दत्तक
- (vii) माता माता-पिता भी है।
- (viii) अठारह वर्ष से कम अायु के भाई जिसके अन्तर्गंग सौतेले भाई भी हैं
- (ix) अविवाहित बहिने और विश्ववा बहिने जिनके अन्तर्गत सीतेली बहिने भी हैं ;
- (x) विवाहित पुतियां; और
- (xi) किसी पूर्व-भृत पुहा के वालक;

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- (ग) "अनियमित कर्मचारी" से कोई ऐमा व्यक्ति जो बोई के नियमित स्थापन में नियोजित नहीं है, अपित ऐसे काम के लिए नियोजित किया जाता है जो आवश्यक रूप से पूर्णत : अस्थायी प्रकृति का है या जिसे स्थायी काम में अस्थायी वृद्धि के संबंध में 12 मास से अनिधक की अविध के लिए नियोजित किया जाता , अभिषेत है;
- (घ) "अहँक तेवा" से 18 वर्ष की आयु पूरी हो जाने के पश्वात् वोर्ड में की गई निरंतर सेवा जिसके अन्तर्गत इन नियशों के प्रारंभ के पूर्व अर्थात् बोर्ड में नियुक्ति की तारीख में शिक्षु या प्रशिक्षु और अवकाश बेतन के विना असाधारण अवकाश के रूप में की गई सेवा की लबधि और विशेष था रित के रूप में समायोजित निलंबन की अविध को छोड़कर की गई निरंतर सेवा अभिप्रेन है

टिप्पण: असाधारण अवकाश की दशा में ऐसे अवकाश की मंजूरी के समय सचिव या अध्यक्ष उम अवकाश की अविध की अर्हक सेवा के रूप में गणना करने की अनुमित दे सकेगा यदि ऐमा अवकाश किसी कर्मचारी की-

- (i) चिकित्सा प्रमाणपित के आधार पर या.
- (ii) सिविल उपद्रद के कारण इसूटी पर वापस लोटने या पुन : वापस लोटने की उमकी असमर्थता के कारण, मंजूर किया जन्ता है।
- (इ०) "अधिवार्षिकता" से 58 / 65 वर्ष की आयु प्राप्त करने पर बोर्ड के कर्मचारी की सेवा से निवृत्ति अभिप्रेत हैं।
 - विस्तार उपदान बोर्ड के पूर्ण कालिक नियमित कर्मवारी को दिया जाएगा किन्तु उसके अन्तर्गत निम्नलिखित नहीं आएगें :-
 - (i) आकस्मिक और अनियमित कर्मचारी,
 - (ii) प्रतिनियुक्ति के निवंधनों पर नियोजित सरकारी सेवक और अन्य।
 - (iji) संविदा निवंधनों पर कर्मचारी,ः।
 - (iv) शिक्षु और प्रशिक्षु।
 - (v) पुननियोजित व्यनित.
 - (vi) उन्नदान संदाय अधिनियम, 1972 (1972 का 39) हारा. शासित कर्मचारी:

परन्तु इन नियमों के अधीन उपदान के संदाय के ऐसे नियंधन जो उपदान संदाय अधिनियम 1972 (1972का 39) के अधीन दिए एए नियंधनों से अधिक लाभदायक हैं, ऐसे कर्मचारियों को लागू होंगे।

- 4. उपदान की मंजूरी की शर्त-नियम 3 में वर्णित उपवंधों के अधीन रहते हुए उपदान वोर्ड के पूर्ण कालिका कर्मचारियों को, अच्छी दक्षता-पूर्ण और तिष्ठावान सेवा के लिए दिया जाएगा और निम्निविधित परिस्थि- तियों में देय होगा:-
 - (क) एद के उत्पादन पर उन्मोधन,
 - (ख) भारीरिक या मानसिक भैथित्य के कारण स्थायी नि: णक्तता
 - (ग) सेवा में रहते हुए कर्मचारी की मृत्यू पर।
 - (घ) अधिवार्षिता
 - (ङ) पर्यवेक्षक कर्मचारियों की दणा में बोर्ड में 5 वर्ष की अर्हक सेवा करने के पश्चात् बोर्ड की सेवा से अनुदोप की तारीख को त्यागमत्र (1 फरवरी, 1980 को या उसके पण्चात्)
 - (च) (i) उपदान ऐसे कर्मचारी को अनुज्ञेय नहीं होगा जो 5 वर्ष की अर्हक सेवा पूरी करने के पूर्व सेवा से त्यागपत्न दे देता है,

- या जिमकी सेवाएँ कदाचार, दिवालाध्य या अकार्यकुणलता है कारण समाध्याध्य दो जाती हैं।
- (ii) मृत्यु की दशा में के सिवःय उपदान केवल पान वर्ष भी अहैक सेवा के पश्चात अनुतेष होगा।
- 5. उपदान की रकम (1) उपदान उपलब्धियों के 16.1 /2 गुणा या 36,000 रुपए इन दोनों में यो जो भी कम हो, के प्रधिकतम के अधीन रहते हुए प्रत्येक पूरी की गई 6 मास की सेवा की अविधि के लिए उपलब्धियों के 1 /4 के वरावर होगी।
- (2) मृत्य की दणा में उपदान की रक्तप की संगणना उपनियम (1) में यथा उपविधन रूप में या नीचे विणित रूप में इन दोनों में रो जो भी अधिक हो, की जाएगी:-
 - (i) सेवा की पहली वर्ष के दौरान 2 माम की उप-लव्धियां
 - (ii) एक वर्ष के पश्चात किन्तु 5 वर्ष की सेवा सं पूर्व 6 मास की उपलब्धियां
 - (iii) पांच वर्ष की मेवा पूरी करने के पञ्चात् 12 मास्र की जनलिश्चयां
- 6. उपदान के संदाय के लिए नामनिर्देशन (1) प्रत्येक कर्म दें. इन नियमों से अनुलग्न प्रका में अपने कुटुन्व के एक या अिंग व्यक्तियों को सेवा में रहते हुए आजी मृत्यू की दशा में या सेवा छोड़ देने के प्रवात किस्तु जारान का गंदाय किए जाने के पूर्व प्रत्येक सदस्य को संदेय शेयर उपदिशान करते हुए उपदान अभित्राल करने का अधिकार प्रदान करने वाला एक नामनिर्देशन करेगा। यदि कर्षचारी का कोई कुटन्य नहीं है तो नामनिर्देशन किसी व्यक्ति या अभित्राल का सकेगा। यदि कर्षचारी का कोई मा अभित्रामित व्यक्तियों के किसी निकाय के पक्ष में किया जा सकेगा। यदि ऐसे किसी व्यक्ति के पक्ष में, जो उसके कुटुन्य का सदस्य नहीं हैं, नामनिर्देशन करने के एक्च न कर्षवारों का गांदि जुटुन्य को जाता है तो इस प्रकार किया गया नामनिर्देशन, अपने अपन समान्त हो जाएगा और जब तक कि कोई नया नामनिर्देशन नहीं किया जान। है, उपदान इन नियमों के उपदंशों के अनुसार कुटुन्य, के उत्तरजीवी सदस्यों को संदर्यत किया जाएगा।
- (2) कोई नामनिर्देशन न किए जाने की दशा में उपदान, मृत्यु पर नीचे उपदिशत रीति में संदत्त किया जा सकेगा:-
 - (क) यदि कुटुम्ब के एक या अधिक उत्तरजीवी सदस्य है जैसा कि नियम 2 के खण्ड (ख) के उप खंड (!) से (''') में उपवंधित हैं, तो वह ऐसे सभी सदस्यों की ऐसे सदस्य की छोड़कर जो विधवा पुत्ती है, बरावर शेयरों में संदत्त की जाएगी।
 - (ख) यदि कुटुम्ब के ऐसे कोई उत्तरजीवी सदस्य नहीं है, किन्तु एक या अधिक उत्तरजीवी विधवा पुत्री और या कुटुम्ब के अधिक उत्तरजीवी सदस्य है जैसा कि नियम 2 के खड (ख) के उपखड (V) से (ix) में विणत हैं, तो उपदान ऐसे सभी सदस्यों को बरावर ऐसे मं सदस्त किया जाएगा।
 - (3) कर्मत्रारी उपनियम (i) के अधीन किए गए नामनिर्देशन को किसी भी समय प्रतिसंहृत या रह कर सकेगा और एक न ए नाम निर्देशन कर सकेगा जो उस तारीख से जिसको वह बोर्ड के पास फाइल किया जात: है, प्रभावी होगा।
 - 7. उपदान के लिए आवेदन उपदान की मंजूरी के लिए आवेदन विहित प्ररूप में बोर्ड के अध्यक्ष सिचव को प्रस्तुन किया जाएगा।
 - S. साधारण नियम (1) उपदान की रकम, जो मंत्रू की जा सकेंगी नियम 4 में यथा उपवर्णित सेता की अविधि द्वार। अवधारित की जाती है

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अधि वर्ष के भाग को कर्मचारी को अनुज़ेय किसी उपदान की संगणना र रो में हिसाब में नहीं लिया जाता है।

- (2) रुपए में नियत उपदान को निकटतम रूपए तक संगणित किया जाएगा
- (3) ऐसा कोई कर्मचारी जिसका पद के उत्सादन के कारण उन्मोचन के लिए चयन किया जाता है, नियम 4 के अधीन उनदान के लिए हकदार है यदि वह बोर्ड में किसी अन्य पद को स्वीकार नहीं करता है। यदि वह कोई अन्य नियुक्त भने ही वह निम्न वेतन पर हो, स्त्रीकार करता है, तो उसकी पूर्व सेवा की गणना उपदान के लिए की जाएगी।
- (9) निलंबन की अवधि (1) आचरण के बारे में जाच लंबित रहने के दौरान निलंबनाधीन व्यतीत किए गए समय की गणना की जाती है यदि निलंबन के तुरन्त बाद सेवा में पुनः बहाली हो जाती है, किन्तु विनिर्दिष्ट शास्ति के रूप में समायोजित निलंबनाधीन व्यतीत किए गए समय की गणना नहीं होती है। किसी कमैचारी को दण्डित नहीं किया जाएगा, यदि उसे निलंबन की अविधि के पण्नात अवमुक्त कर दिया जाता है।
- (2) यदि निलंबनाधीन कर्मचारीको सेवा में पुनः बहाल कर दिया है और निलंबन के अधीन अनुज्ञेय भत्तों के किसी भाग को प्राप्त कर के लिए अनुज्ञप्त नहीं किया जाता है तो ऐसे निलंबन की अविध की गणना ऐसे प्राधिकारी के जो ऐसे कर्मचारी को सेवा में पुनः बहाल करता है, विनिर्दिण्ट आदेशों के विना अर्हक सेवा के प्रयोजन के लिए नहीं की जाएगी जो पुनः बहाली के तुरंत पश्चात इस प्रश्न को स्पष्ट करेगा।
- 10. हटाया जाना और पदच्युति (i) वह कर्मचारी जो पदच्युत किया जाता है, हटाया जाता है या अनिवार्य रूप से निवृत्त किया जाता है किन्तु जो अपील या पुनरीक्षण पर पुन : वहाल कर दिया जाता है, उपदान के प्रयोजन के लिए अपनी पहली सेवा के फायदों का हकदार है।
- (2) यथास्थिति, पदच्युति, हटाए जाने या अनिवार्य सेवा निवृतित की तारीख और पुनः वहाली की तारीख तथा निलंबन यदि कोई है की अविध के बीच सेवा में व्यवधान की अविध की गणना तब तक नहीं की जाएगी जब तक कि उसे प्राधिकारी के जिसने पुनः वहाली के आदेश पारित किए हैं, विनिदिष्ट आदेश के द्वारा कर्तव्य या अवकाश के रूप में नियमित नहीं किया जाता है।
 - (i_1) अवरोध : कर्मचारी की सेवा में अवरोध से निम्नलिखित ों को छोड़कर उसकी पहली सेवा का समपहरण हो जाता \hat{r} है,
 - (1) प्राधिकृत अनुपरिथति छुट्टी।
 - (2) प्राधिकृत अनुपस्थिति छुट्टो के जारी रहने के दौरान अप्राधिकृत अनुपस्थिति जय तक कि अनुपस्थित रहने वाले व्यक्ति का पद अधिष्ठायी रूप से नहीं भरा जाता है। यदि उस का पद अधिष्ठायी रूप से भर लिया जाता है तो पहली सेवा समपहृत हो जाती है।

- (3) निलंबन जहां इसके तुरंत पश्चात पुन: वहानी हो जाती है चा चाहे वह उसी पद पर या किसी भिन्न पद पर होती है या जहां कर्मचारी की मृत्यु हो जाती है या उसे सेवानिवृत्त होने के लिए अनुज्ञात कर दिया जाता है या वह निलंबनाधीन होते हुए निवृत्त हो जाता है।
- (4) स्थापन की कमी हो जाने के कारण पद का उत्सादन या नियुक्ति की समाप्ति।

12. अनुपस्थिति का भूतलक्षी रूप से लघुकरण: वह प्राधिकारी जिसने उपदान को मंजूरी दी है वेतन सहित या उसके विना उन अवकाश के विना अनुपस्थिति अवधि को भूतलक्षी रूप से असाधारण छुट्टी में कम कर सकेगा।

- 13. अवरोध और किमयों का माफ करना
- (i) ऐसी णतों पर जो वह प्रत्येक सामले में अधिरोपित करना ठीक समझे, अध्यक्ष कर्मचारी की सेवा में सभी अवरोधों को माफ कर सकेगा।
- (2) अध्यक्ष किसी कर्मचारी की अर्हक सेवा में 6 मास से अनिधिक की कमी को माफ कर सकेगा और उपदान की मंजूरी देने वाला सक्षम प्राधिकारी 3 मास से अनिधिक की ऐसी कमी को माफ कर सकेगा।
 - 14 शोध्यो आदि की वसूली करने का बोर्ड का अधिकार:-

वोर्ड को अपने पूर्णत: या भागत: शोंध्यों यदि कोई हों, की उपदान से वसूली करने का अधिकार होगा । कर्मचारी की ओर से किसी कार्य या कारण के परिणामस्वरूप वोर्ड को हुई किसी धनीय हानि की वसूलो ऐसे कर्मचारी को संदेय उपदान की रकम से की जाएगी यदि बोर्ड का यह समाधान हो जाता है कि कर्मचारी अपनी सेवा के दौरान जिसके अन्तर्गत की गई सेवा या सेवा निवृद्धित के पश्चात पुनियोजन भी है, धोर कदाचार या उपेका का दोवी रहा है भने ही कर्मचारी को इसके वारे में सूचना न दी गई हो।

15 कर्मचारी के अधिकार का अन्तरणीय न होना

इन नियमों के अधीन किसी कर्मचारी को संदेय फायदों या उन फायदों को जो उसे संदेय हों पात किसी कर्मचारी के अधिकार का समनुदेशित नहीं किया जा सकता है (नियम 6 में यशाः उपबंधित के सिवाय), गिरवी नहीं रखा जा सकता है या विलंधम नहीं किया जा सकता है या अनसंकामण नहीं किया जा सकता है।

16 कानूनी कटौती के अधीन उपवान : उपवान का संदाय सभी कानूनी कटौतियों के अधीन है।

फि॰ सं॰ 7(10 / 83 वित्त-2] आर॰ वासूदेवन, संयुक्त सविव

प्रहणः -

मृत्यु और सेवा निवृत्ति उपदान के लिए नामनिर्देशन

जब कर्मचारी का कोई कुटुम्ब न हो भीर वह एक सदस्य या एक से भ्रधिक सदस्यों को नामनिर्देशित करना चाहता है।

में,.....क्योंकि मेरा कोई कुटुम्ब नहीं है इसलिए नीचे उल्लिखित व्यक्ति/व्यक्तियों को नामनिर्देशित करता हूं और उसको/उनको नीचे विनिर्दिष्ट मान्ना तक ऐसा बोई उपवान जो सेवा में रहते हुए मेरी मृत्यु की दशा में तेल उद्योग विकास बोर्ड द्वारा मंजूर किया जाए, प्राप्त करने का प्रधिकार

ग्रीर नीचे जिनिदिष्ट माझा तक ऐसा कोई उपदान जो मेरी सेवा निवृत्ति पर मुझे ग्रानुजेय हो जाने पर मेरी मृत्यु के समय ग्रसंदत रह जाता है, मेरी मृत्यु

षर प्राप्त करने का श्रिकार प्रदान करता है!	श्रनुकल्पी नामनिर्देशिती	
मूल नामनिर्देशिती	ऐसे व्यक्ति या व्यक्तियों, यदि कोई	प्रत्येक को संदेय उपदान के शेयर
नामनिर्देशितो /नामनिर्देशितियों का नाम कर्मचारी से संबंध श्रीय उपदान की रकम श्रीर पता की रकम	हो, का नाम, पता, सबंध ग्रीर ग्रायु जिसकी/जिनको नामनिर्देशिती की	की रवामः
	कर्मचारी के पहले मृत्यु हो जाने की दशा में या जाननिर्देशिती की कर्मचारी	
	की मृत्यु के पश्चात किन्तु उपदान का सदाय प्राप्त करने के पूर्व मृत्यु हो जाने	
	की दशा में प्रधिकार प्रदान होगा ।	<u> </u>
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- (1) कर्मचारी को चाहिए कि बह नीचे खाली स्थान पर ग्रन्तिम प्रविध्य के सामने रेखा खींच दें, जिससे कि उसके हस्ताक्षर किए जाने के पश्चात कोई न्ताम न छोड़ा ना सके।
- (2) जो लागू न होता हो, उसे काट दें।

ब्राज तारीच ... 198 स्थान साक्षियों के हस्ताक्षर कर्मचारी के हस्ताक्षर

"यह स्तम्म भरा जाना चाहिए जिससे कि उपदान की पूरी रकम ग्रा जाए।

क इस मामले में दक्षित उपदान की रकम्/शियर के अन्तर्गत मूल नामनिर्देशिती/नामनिर्देशितियों को सदेय पूर्ण रकमि/शेयर चाने चाहिए।

(तेल उन्नोग विकास बोर्ड सचिवालय द्वारा भरा जाए)

सचिव/प्रभासनिक अधिकारी के हस्ताक्षर

कायोलय तेल उद्योग विकास बोर्ड सिचवालय द्वारा नामनिर्देशन प्ररूप की प्रति अभिस्वीकार करने के लिए प्रोफ नी सेवा में

े हैं है के ब्रापके नामनिर्देशन/पहले किए गए तारीख. के ब्रापके नामनिर्देशन/पहले किए गए तारीख. के नामनिर्देशन के ग्रीष्ठके रदकरण की प्राप्ति प्रिप्तस्वीकार करते हुए मुझे यह कहना है कि यह सम्यक रूप से प्रभिलिखित कर लिया गया है।

सचिव/प्रशासनिक ग्रधिकारी के हस्ताक्षर

िटप्पणी के में नारी को यह संनाह दी जाती है कि यह उसके नामनिर्देशितियों के हित में होगा यदि नामनिर्देशन की अतिया और सम्बद्ध सूचना तथा प्रि ि कि स्थीकृतिया सुरक्षित स्राप्तिस्था से रखी जाती है जिससे कि उसकी मृत्यु की देशा में हिताबिकारियों के केळ में आ सके है

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प्रकृप 2

मृत्यु श्रीर सेवा निवृत्ति उपदान के लिए नामनिर्देशन

णव कर्मचारी का कोई कुटुम्य न हो श्रीर वह एक सदस्य या एक से श्रधिक सदस्यों को नामनिर्देशित करना चाहता है।

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उनको नीचे विनिर्दिस्ट मान्ना तक ऐसा कोई उपदान जो सेवा में रहते हुए मेरी मृत्यु की दशा में तेल उद्योग विकास बोर्ड द्वारा मंजूर किया जाए, प्राप्त करने का अधिकार थोर नीचे विनिदिष्ट माला तक ऐसा कोई उपदान जो मेरी सेवा निवृत्ति पर मुझे अनुजेय हो जाने पर मेरी मृत्यु के समय असंदत्त रह जाता है मेरी मृत्यू पर प्राप्त करने का अधिकार प्रदान करता हूं। म्ल नामनिर्देशिती ग्रन्कंल्पी नामनिर्देशिती नामनिर्देशिती/नामनिर्देशितियों का नाम कर्मचारी से संबंध ऐसे व्यक्ति या व्यक्तियों, यदि कोई प्रत्येक की संदेय भीर पताः उपदान की रकम का हो, का नाम, पता, संबंध ग्रीर ग्रायु उपदान के शेयर जिसकी/जिनकी नामनिर्देशिती की शेयर की रकम कर्मचारी के पहले मृत्यु हो जाने की दणा में या नामनिर्देशिती की कर्मचारी की मृत्य के पश्चात किन्तु उपदान का संदाय प्राप्त करने के पूर्व मृत्यु हो जाने की दशा में अधिकार प्रदान होगा। 2. 3. ⋅ (1) कर्मजारी को चाहिए कि वह नीचे खाली स्थान पर प्रान्तिम प्रविध्टि के सामने रेखा खींच दें, जिससे कि उसके हस्ताक्षर किए जाने के पश्चात कोई नाम न छोड़। जा सके। (2) जो लागू न होता हो, उसे काट दें। श्राज तारीख......198 साक्षियों के हस्ताक्षर : कर्मचारी के हस्ताक्षर: *यह स्तम्भ भरा जाना चाहिए जिससे कि उपदान की पुरी रकम ग्रा जाए। ^{क्षणं}दम मामले में दक्षित उपदान की रकमं/शेयर के धन्तर्गत मूल नामनिर्देशिती/नामनिर्देखिनियों को संदेय पूर्ण रकम/शेयर धाने चाहिएः। (तेल उद्योग विकास बोर्ड सचिवालय द्वारा भरा जाए) द्वारा नामनिर्देशन सचिव/प्रशासनिक प्रधिकारी के हस्ताक्षर पद नाम तारीख: कार्यालय पदाभिधान तेल उद्योग विकास वोर्ड सचिवालय द्वारा नामनिर्देशन प्ररूप की प्रति ग्रभिस्वीकार करने के लिए प्रोफार्मा सेवा में, महोदय, तारीख प्ररूप में उपदान की बाबत श्रापके नामनिर्देशन पहले किए गए तारीख को नामनिर्देशन के श्रापके रद्दकरण के प्राप्त ग्राभिस्वीकार करते हुए उसे यह कहना है कि सम्यक रूप से ग्राभिलिखित कर ली गई है। स्थान : सचिव/प्रशासनिक ग्रधिकारी के हस्ताक्षर तारीख: कर्मचारी को यह सलाह दी जाती है कि यह उसके नामनिर्देशितियों के हित में होगा यदि नामनिर्देशन की प्रतियां और सम्बद्ध सूचना तथा ग्रिभ-

स्वीकृतियां सुरक्षित श्रशिरक्षा में रखी जाती है जिससे कि उसकी मृत्यु की दणा में हिताधिकारियों के कब्जे में श्रा सकें।

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 26th December, 1983

NOTIFICATION

- G.S.R. 919(E).—In exercise of the powers conferred by section 31 of the Oil Industry Development Act, 1947 (No. 47 of 1974), the Cent-Government hereby makes the following rules, namely :--
- 1. Short title and commencement.— (1) These rules may be called the Oil Industry Development Board Employees" (Death-cum-Retirement) Gratuity Rules, 1983.
- (2) They shall come into force from the date of their publication in the Official Gazette.
- 2. Definitions.— In these rules, unless the context otherwise requires --
 - (a) "Emoluments" means the pay (including dearness pay as determined by the order of the Central Government issued from time to time), special pay, leave salary, which an employee of the Board was receiving immediately before his quitting service or on the date of his death, and shall be subject to a ceiling of Rs. 2500 per month;
 - (b) "Family" includes the following:
 - (i) wife or wives (including judicially separated wife or wives) in the case of a male Government servant;
- (ii) husband, (including judicially separated husband) in the case of a female Government servant;
- (iii) sons including step sons and adopted sons;
- (iv) unmarried daughter including step daughters and adopted daughters;
- (v) widowed daughters including step daughters and adopted daughters;
-) including adopted parents in the (vi) father case of individuals whose personal
- (vii) mother I law permits adoption;
- (viii) brothers below the age of eighteen years including step brothers;
- (ix) unmarried sisters and widowed sisters cluding step sisters;
- (x) married daughters; and
- (xi) children of a pre-deceased son;

- (c) "Non-regular employee" means a person who is not employed on regular establishment of the Board but is employed for work which is essentially of a purely temporary nature or is employed in connection with temporary increase in permanent work for a period not exceeding twelve months;
- (d) "Qualifying service" means continuous service rendered in the Board after completion of 18 years of age including continuous service rendered prior to the commencement of these rules, that is, from the date of appointment in the Board except periods of service rendered as apprentice or trainee and extra-ordinary leave without leave salary and periods of suspension adjusted as a special penalty.
- Note:- In the case of extraordinary leave, the Secretary or the Chairman may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee
- (i) on medical certificate, or
- (ii) due to his inability to join or rejoin duty on account of civil commotion.
 - (e) "Superannuation" means the retirement of the Board's employee from service on reaching the age of fifty eight|sixty wyears.
 - 3. Scope .-- Gratuity shall be granted to the whole time regular employees of the Board, but shall exclude the following:-
 - (i) Casual and non-regular employees.
 - (ii) Government servants and other employed on deputation terms.
 - (iii) Employees on contract terms.
 - (iv) Apprentices and trainees.
 - (v) Re-employed persons.
 - (vi) Employees governed by the payment of Gratuity Act, 1972 (39 of 1972);

Provided that such of the terms of payment of gratuity under these rules as are more beneficial than those under the payment of gratuity Act, 1972 (39 of 1972), shall be applicable to such employees.

4. Condition for the grant of gratuity.-Subfect to the provisions mentioned in rule 3 gratuity shall be granted to the whole time employees of the Board for good, efficient and faithful service and shall be admissible in the following circumstances:—

(a) Discharge on abolition of post.

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- (b) Permanent incapacity due to bodily or mental infirmity.
- (c) On the death of an employee while in service.
- (d) Superannuation.
- (e) Resignation (on or after the 1st February, 1980) in the case of Supervisory employee after rendering 5 year's qualifying service in the Board on the date of relief from the service of the Board.
- (f) (i) Gratuity will not be admissible, to an employee who resigns from service before completing 5 year's qualifying service or whose services are terminated for misconduct, insolvency or inefficiency.
 - (ii) Except in the case of death, gratuity will be admissible only after five year's qualifying service.
- 5. Amount of gratuity.—(1) Gratuity will be equal to 1th of the emoluments for each completed period of six months of service subject to a maximum of 16½ times the emoluments—or Rs. (36,000) whichever is less.
- (2) In the case of death, the amount of gratuity will be calculated as provided in sub-rule (1) or as mentionesd below whichever is more:
- (i) During the first year of service
- 2 months' emoluments
- (ii) After one year but before 5 years service.
- 6 months' emoluments
- (iii) After completion of 5 years service.
- 12 months' emoluments

6. Nomination for Payment of gratuity — (1) Every employee shall make a nomination in the form appended to these rules conferring on one or more persons of his family, the right to receive the gratuity in the event of his death while in service or after quitting service but before payment of the gratuity is made, indicating the shares payable to each member. In the case of an employee having no family, the nomination may be made in favour of a person or persons or a body of persons, corporate or incorporate. If after having made a nomination in favour of a person who is not a member of his her family, the employee acquires a family, the nomination so made, will automatically lapse and

unless a fresh nomination is made, gratuity will be paid to the surviving members of the family in accordance with the provisions of these rules.

- (2) In the event of there being no nomination, the gratuity, on death, may be paid in the manner indicated below:—
 - (a) if there are one or more surviving members of the family as provided in subclauses (i) to (iv) of clause (b) of rule 2, it shall be paid to all such members, other than any such member who is a widowed daughter, in equal shares.
 - (b) If there are no such surviving members of the family but there are one or more surviving widowed daughter, and or more surviving members of the family as mentioned in sub-clauses (v) to (ix) of clause (b) of rule 2, the gratuity shall be paid to all such members, in equal shares.
 - (3 An employee may at any time, revoke or change the nomination made under sub-rule(1) and make a new one which shall be effective from the date it is filed with the Board.
- 7. Application for gratuity.— Application for the grant of gratuity shall be submitted in the prescribed form to the Chairman Secretary of the Board.
- 8. General rules.— (1) The amount of gratuity that may be granted is determined by the length of service as set forth in rule 4. Fractions of a half year are not taken into account in the calculation of any gratuity admissible to an employee.
- (2) Any gratuity fixed in rupee shall be calculated to the nearest rupee.
 - (3) An employee who is selected for discharge owing to the abolition of the post is entitled to gratuity under rule 4, if he does not accept any other post in the Board. If he accepts another appointment, even on a lower pay, his previous service will count for gratuity.
- 9. Periods of suspension.— (1) Time passed under suspension pending enquiry into the conduct counts if suspension is immediately followed by reinstatement but time passed under suspension adjusted as a specific penalty does not count. An employee shall not be penalised, if he is exoneraed after a period of suspension.
 - (2) If the employee under suspension is reinstated but has not been allowed to draw any part of allowances admissible

Company of the second s under suspension, the period of such suspension, shall not count for purpose of qualifying service without the specific orders from the authority, who reinstates the employee, which shall clarify this issue immediately after the reinstatement.

- 10. Removal and dismissals.— (1) An employee who is dismissed, removed or complusorily retired but is reinstated on appeal or revision is entitled to the benefit of his past service for the purpose of gratuity.
 - (2) The period of break in service between the date of dismissal, removal or compulsory retirement, as the case may be, the date of reinstatement and the period of suspension, if any. shall not count unless regularised as duty or leave by a specific order of the authoriy which passed the orders of reinstatement.
- 11. Interruptions.— An interruption in the service of an employee entails forfeiture of his past service save in the following cases,--
 - (1) Authorised leave of absence.
 - (2) Unauthorised absence in continuation of authorised leave of absence so long as the post of the absentee is not substantively filled, If his post is substantively filled, the past service is forfeited. A 7 10 X
 - (3) Suspension where it is immediately followed by reinstatement whether to the same or a different post or where the employee dies or is permitted to retire or is retired while under suspension.
 - (4) Abolition of post or Joss of ment owing to reduction of establishment.

- 12. Retrospective commutation of absence.-The authority who sanctions the gratuity ma commute retrospectively periods of absence witl out leave into extraordinary leave with or with out leave salary.
- 13. Condonation of interruption and difficient cies.— (1) Upon such conditions as he ma think fit in each case to impose, the Chairma may condone all incrruptions in an employee service.
 - (2) The Chairman may condone a defic ency not exceeding six months in a employee's qualifying service and th authority competent to sanction gra uity may condone such a deficienc not exceeding three months.
- 14. Board's right to recover dues, etc.-(Th Board shall have he right to effect recoverie from the gratuity of the whole or part of th Board's dues, if any. Any pecuniary loss cause to the Board as a result of any act or commissio on the part of the employee shall also be re covered from the amount of gratuity payable t such an employee if the Board is satisfied tha the employee has been guilty of grave miscon duct or negligence during his service includin service rendered or re-employment after retire ment even though the employee could not be in formed of it.
- 15. Employee's right not transferable.— Th right of an employee eligible to any benefits pay able or which may become payable to him unde these rules cannot be assigned (otherwise than a provided in rule 6), pledged, hypothecated o alienated.
- 16. Gratuity subject to statutory deduction. Payment of gratuity is subject to all statutor deductions.

[F. No. 7|10|83-Fin. II R. VASUDEVAN, Jt. Secy

FORM-1

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

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

-hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/then the right to receive to the extent specified below, any gratuity that may be sanctioned by the Oil Industry Development Board in the

Original nominee(s)		Alternate nominee(s)	
Name and address of Relationship with Age nominee/nominees the employee	gratuity of payable to each*	Name, address, relationship and age of per- on or persons if any, to whom the right conferred on the nominee shall Pass, in the event of the nominee gredeceasing the em- ployee or the nominee dying after the death of the employee but before receiving pay- ment of gratuity	of gratuity more
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5.			
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 The employees shall draw lines across the has signed. 	e blank space belo	ow the last entry to prevent the insertion of	any name after he
(ii) Strike out which is not applicable.			
Dated this———day of	£	—198 at——————	_
Witnesses to signature.			
2.			
*This column should be filled in so as to cover the	ha whale a	Signature of emplo	yee
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	oo a a carrier oo	ver whose amount/snare payable to the original	inal nominee (s)
(TO BE FILLED BY THE OIL T	NDUSTRY DEV	ELOPMENT BOARD, SECRETARIAT)	
Nomination by			
Designation —		Signature of Secretary/Administr	ative Officer
Office		Designation —	
PROFORMA FOR ACKNOWLEDGING THE RECE	IPT OF THE NO		
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Note: The Employee is advised that it would be in the interest of his nominees if copies of the nomination and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the bene ficiaries in the event of his death. 1216 GI/83---2

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FORM-2

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY When the employee has no family and wishes to nominate one person or more than one person having no family, hereby nominate the person/persons mentioned below and confer on hin/them there or ceeve to the extent specified below, any gratuity that may be sanctioned by the Oil Industry Development Board in the event of the extent specified below, any gratuity which having become admiss the person or retirement may remain unpaid at my death. Original nominees Neme and address of Relationship with Age nominate free employee free employee free employee free employee or the nominee dying after the eachs to each the cach the contract of the employee or the nominee dying after the death of the employee but before receiving gayment of gratuity 1. 2. 3. 4. 5. 5. 6. This nomination supersedes the nomination made by me earlier on which stands cancelled. (1) The employee should draw lines across blank space below the last entry to prevent the insertion of any name after signed. (2) The employee should draw lines across blank space below the last entry to prevent the insertion of any name after the death of the employee of the nominee dying after the death of the employee but before receiving gayment of gratuity 1. 2. 3. 4. 5. 5. 6. 1. 2. 3. 4. 5. 5. 6. 1. 3. 4. 5. 5. 6. 1. 4. 5. 5. 6. 1. 4. 6. 5. 6. 1. 5. 6. 6. 1. 6. 6. 1. 6. 7. 6. 6. 1. 8. 7. 8. 8. 8. 8. 8. 8. 8. 8. 8. 8. 8. 8. 8.	The state of the s			FORM-	m C	O ATUITY	
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