

**GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION
(PAYMENT OF GRATUITY TO EMPLOYEES) REGULATIONS,
1978**

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**GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION
(PAYMENT OF GRATUITY TO EMPLOYEES) REGULATIONS,
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[LAW/EST/AMD/16. dt. 17-7-1978: pub. in G.G.G.. PL IV-C. dt. 3-8-78, P. 409]. -In exercise of the powers conferred by Section 54 of the Gujarat Industrial Development Act, 1962 (Guj XXIII of 1962) read with section 12 therefore, the Gujarat Industrial Development Corporation with the previous approval of the Government of Gujarat hereby makes the following Regulations namely:-

1. Short title :-

- (i) These Regulations may be called the Gujarat Industrial Development Corporation (Payment of Gratuity to Employees) Regulations, 1978.
- (ii) They shall come into force from the date of issue of this notification.

2. Application :-

- (i) These Regulations shall apply to every whole time permanent employee of the corporation.
- (ii) Nothing in these regulations shall apply to the Chief Executive

Officer unless the application to him of all or any of these regulations has been approved by the State Government of Gujarat.

3. Definitions :-

in these Regulations, unless there is anything repugnant in the subject or context:

(a) "The Corporation" means the Gujarat Industrial Development Corporation.

(b) "The Board" means the Board of Directors for the time being of the Corporation.

(c) "Service in the Corporation" means the period of an employee's service from the date of his/her joining.

(d) The expression 'pay' shall for the purpose of Regulation 6, mean:

(i) in the case of an employee who has been on leave continuously for a period of twelve months or more immediately preceding the date of his/her retirement or death, the substantive pay at the date of such leave or the 'average pay' (as defined in Gujarat Industrial Development Corporation (Staff) Regulations, 1963) earned while on duty during the twelve calendar months immediately preceding the month in which he/she has proceeded on leave whichever is higher;

(ii) in any other case, the substantive pay at the date of his/her retirement or death or the 'average pay' [as defined in the Gujarat Industrial Development Corporation (Staff) Regulations, 1963] earned while on duty during the twelve calendar months immediately preceding the month of retirement or death, whichever is higher.

4. Condition of grant :-

Subject to the terms, conditions and other provisions contained in the succeeding Regulations, gratuity will be granted to a whole-time permanent employee after termination of his/her service in the Corporation, or in the event of his/her death before receipt of gratuity to such person or person as may be determined in accordance with Regulation No. 8, but nothing in these Regulations shall be construed as conferring any right or benefit on any employee whose service in the Corporation is governed by a

contract expressly stipulating his/her service to be for a specified period.

5. When not admissible :-

(1) No gratuity will be granted to or in the case of an employee, if he/she has not completed service in the Corporation for a minimum period of ten years.

(2) Notwithstanding anything contained in sub-regulation (1):

(i) Full gratuity will be granted in case of service of an employee for less than ten years, if it is on the ground of death or retirement on account of certified permanent in-capacity due to bodily or mental infirmity.

(ii) In case of termination of service by way other than death and or permanent in capacity due to bodily or mental infirmity as mentioned above one half month's salary for each completed years of service will be given to an employee who has completed five years' service but not completed his/her ten years, service.

(iii) No gratuity will be granted in case of an employee who is dismissed for misconduct, etc.

6. Amount admissible :-

Without prejudice to the provision of Regulation 5 the amount of gratuity admissible to an employee shall be; "a sum equal to one month's pay for every completed year of service in the Corporation subject to a maximum of fifteen month's salary or Rs. 20.000/- whichever is less".

7. Payment of Reduced Amount of Gratuity :-

Notwithstanding anything contained in the foregoing Regulations, the corporation may, while determining the amount of gratuity to an employee, take into account any financial loss caused to the Corporation by reasons of inefficiency or misconduct of such employee and grant reduced amount of gratuity. Provided that the difference between the amount of gratuity ordinarily admissible under the foregoing Regulations and the amount of gratuity so reduced shall not exceed the amount of the financial loss caused to the Corporation.

8. Payment In case of Death of the Employee :-

In the event of the death of an employee before receipt of gratuity, the amount of gratuity admissible shall be paid to the person or

persons in the same manner as is applicable under the provisions of the Gujarat Industrial Development Corporation Employee's Contributory Provident Fund Regulations, 1970.

9. Interpretation of these Regulations :-

The decision of the Corporation shall be final and binding upon employees in all respects and upon all matters questions and disputes relating to or connected with the interpretation of these regulations or in any way concerning the same.