
BOMBAY LABOUR WELFARE BOARD (GRATUITY) RULES, 1956

CONTENTS

1. Short lillc anil commencement
2. Definition
3. Retiring gratuity
4. Death jmuuity
5. Amount of graunu
6. Settlement of dispute

BOMBAY LABOUR WELFARE BOARD (GRATUITY) RULES, 1956

In exercise of the powers conferred by Section 19 of the Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953), the Government of Bombay hereby makes the following Rules, namely :

1. Short lillc anil commencement :-

- (1) These Rules may be called the Bombay Labour Welfare Board (Gratuity) Rules, 1956.
- (2) They shall come into force on the 1 st April, 1956.

2. Definition :-

In these Rules, unless the context requires otherwise,

- (a) "Act" means the Bombay Labour Welfare Fund Act, 1953 ;
- (b) "average salary" means the average monthly emoluments (exclusive of all allowances) earned by a Board servant during the thirty-six complete months immediately preceding the month in which the event necessitating the calculation of average salary occurs :

Provided that any reduced salary received while on leave shall not be taken into account; but the average shall be calculated as if such servant had, while on leave, been in receipt of the salary of his appointment which he was drawing immediately before taking leave, or which he would have drawn from time to time if he had not been on such leave, whichever is higher;

(c) "Board servant" means any full-time officer or servant of the Board whose salary is paid from the Fund: but does not include an officer or servant on deputation to the Board , or a person, taken over and employed by the Board in pursuance of Section 13 of the Act, who has elected to be governed by the Bombay Civil Service Rules ;

(d) "family" means (i) in the case of a male Board servant, his wife or wives and children and the widow, or widows and children of a deceased son :

Provided that if a Board servant proves to the satisfaction of the Board that his wife has been judicially separated from him, or has ceased under the personal law of the community to which she belongs to be entitled to maintenance, she shall be deemed no longer to be a member of the family of the Board servant for the purposes of these Rules, unless the Board servant subsequently indicates by express notification in writing to the Welfare Commissioner that she should continue to be so regarded ;

(ii) in the case of a female Board servant her husband and children, and the widow or widows and children of a deceased son :

Provided that if the Board servant by notification in writing to the Welfare Commissioner expresses her desire to exclude her husband from her family, the husband shall be deemed no longer to be a member of the family of such Board servant for the purposes of these Rules, unless the servant subsequently cancels formally in writing her notification excluding him.

Explanation For the purposes of this clause, "children" means legitimate Children and includes duly adopted children, if, under the personal law governing the Board servant, adoption of children is legally recognised as conferring the status of natural children ;

(e) "qualifying service" means uninterrupted service under the Board rendered by a Board servant.

3. Retiring gratuity :-

A Board servant, after completing five years' qualifying service, shall be eligible for a retiring gratuity at the rate specified in Rule 5 , (1) if his conduct is certified by the Welfare Commissioner to

have been uniformly good while in service under the Board :

Provided that when the Welfare Commissioner, being a Board

servant, is eligible for retiring gratuity under these Rules, his conduct shall be certified by the Chairman of the Board ; and

(2) he has either.

(i) completed 30 years' qualifying service, or

(ii) attained the age of 55 years, or

(iii) retired, or been required to retire, on account of permanent incapacity certified as such by a medical practitioner appointed by the Board in this behalf, such incapacity not being directly due to his irregular or intemperate habits, or

(iv) been required to retire, owing to the abolition of his office or post; or

(v) retired voluntarily before attaining the age of 1[fifty- eight] years

(a) after completing 25 years' qualifying service; or

(b) after completing 15 years' qualifying service on account of ill-health, certified as such by a medical practitioner appointed by the Board in this behalf, with the approval of the Board.

4. Death jmuuity :-

If a Board servant on his completing five years' qualifying service dies while in the service of the Board, a gratuity known as death gratuity, and calculated at the rate specified in Rule 5 may be paid to any member of his family or if there be no such person, to his legal heirs.

5. Amount of graunu :-

The amount of gratuity shall be one-half of the average salary of the Board servant at the date of his retirement or death, as the case may be, for each completed year of qualifying service, subject to a maximum of 15 limes the average salary. In the event of the death of a Board servant while in service, the gratuity shall also be subject to a maximum of 12 times the average salary of the Board servant at the time of his death.

6. Settlement of dispute :-

All disputes arising in connection with these Rules shall be referred to the Board whose decision thereon shall be final.