



विश्वभारती
VISVA-BHARATI
CIRCULAR

Sub: Applicability of Payment of Gratuity Act 1972 to educational institutions under Ministry of Education covered under National Pension System (NPS)

This is for information to all concerned that the Karma-Samiti (Executive Council) in its meeting held on 21-02-2023 vide Agenda Item -11 considered the Circular received from the UGC vide F.No.3-1/2018(Admn.1/A&B) dated 10-01-2023 read with the relevant orders of the Ministry of Education vide F.No. 15-2/2022/TC dated 16-12-2022 and Ministry of Labour and Employment vide No. 15-2/2022-TC dated 23-11-2022 pertaining to the applicability of Payment of Gratuity Act 1972 to educational institutions under Ministry of Education under NPS and approved for implementation of the same at Visva-Bharati in line with the said Circular.

Accordingly, the employees who are covered under NPS are eligible to receive retirement gratuity as per the said circular (copy enclosed). The employees who have already retired / expired under NPS will also be covered under retirement / death gratuity benefits as per the above said circular.

All concerned are requested to take necessary action to implement the same immediately.

Memo:

NO. REG/156/28/2023-24
Date: 09.05.2023

Copy forwarded for necessary action to:

1. The Finance Officer, VB
2. The Joint Registrar (Accounts), VB
3. The Joint Registrar-cu.-CS to Vice-Chancellor, VB
4. The Deputy Registrar (Est.), VB
5. The IAO, VB
6. The PA to the Registrar, VB
7. The In-Charge, Computer Centre, VB- for uploading in the Website of the university.
8. Assistant Registrar (Meeting) - For placing before the E.C.

M. N. Jaha
Registrar (Acting) 09.05.2023
Visva-Bharati

कुलसचिव (कार्यवाहक)
विश्वभारती
Registrar (Acting)
Visva-Bharati

VISVA-BHARATI
SANTINIKETAN



Excerpts from the Minutes of the meeting of the Executive Council (Karma Samiti) of Visva-Bharati held on 21.02.2023

Agenda Item - 11

To consider the circular received from the University Grants Commission, New Delhi vide F.No.3-1/2018 (Admn.I/A&B) dated 10.01.2023 read with the relevant orders of the Ministry of Education vide F.No.15-2/2022/TC dated 16.12.2022 and Ministry of Labour and Employment vide No.15-2/2022-TC dated 23.11.2022 pertaining to the applicability of Payment of Gratuity Act 1972 to educational institutions under Ministry of Education and approve for implementation of the same at Visva-Bharati in line with the said circular.

RESOLUTION

The Karma-Samiti (Executive Council) considered the circular received from the University Grants Commission, New Delhi vide F.No.3-1/2018 (Admn.I/A&B) dated 10.01.2023 read with the relevant orders of the Ministry of Education vide F.No.15-2/2022/TC dated 16.12.2022 and Ministry of Labour and Employment vide No.15-2/2022-TC dated 23.11.2022 pertaining to the applicability of Payment of Gratuity Act 1972 to educational institutions under Ministry of Education and approved for implementation of the same at Visva-Bharati in line with the said circular. Finance Officer will take follow up action as early as possible for implementation of the Govt./UGC orders.

This is for information and necessary action.

No.G/K-10/EC21022023/11
Date : 27.02.2023

To :

1. Finance Officer, Visva-Bharati
- ✓ 2. Joint Registrar, Accounts, Visva-Bharati
3. Deputy Registrar, Establishment, Visva-Bharati
4. Internal Audit Officer, Visva-Bharati

Registrar (Acting)
Visva-Bharati
कुलसचिव (कार्यवाहक)
विश्वभारती
Registrar (Acting)
Visva-Bharati



विश्वविद्यालय अनुदान आयोग
UNIVERSITY GRANTS COMMISSION
शिक्षा मंत्रालय, भारत सरकार
MINISTRY OF EDUCATION, GOVT. OF INDIA
बहादुरशाह जफर मार्ग, नई दिल्ली: 110002
BAHADURSHAH ZAFAR MARG, NEW DELHI - 110 002
011-23604181, 011-23604201



10 JAN 2023

F.No. 3-1/2018(Admn.I/A&B)

January, 2023

CIRCULAR

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

The undersigned is directed to circulate the following Office Memorandum received from the Government of India, Ministry of Education, Department of Higher Education, Technical Coordination Section, New Delhi (**copy enclosed**) as detailed below:-

S. No.	O.M No. & Date	Received From	Subject
1.	F.No.15-2/2022-TC Dated 16.12.2022	Government of India, Ministry of Education, Department of Higher Education, Technical Coordination Section, New Delhi	Applicability of Payment of Gratuity Act 1972 to educational institutions under the Ministry of Education.

This issues with the approval of Competent Authority.

Anurag
(Anurag)

Under Secretary(Admn.)

Enc. As above.

Copy to:

1. US (FD-I/A&B)/ US(RO)/SO (FD-I-A)/SO(FD-I/B)/CU/DC/IUC Sections with the request to take further action in the matter.
2. UGC Website.
3. UGC e-office.

P.B. Sechulakshmi
(P.B. Sechulakshmi)
Section Officer (Admn.)

F. No. 15-2/2022-TC
Government of India
Ministry of Education
Department of Higher Education
Technical Coordination Section

Room No.535, C- Wing, Shastri Bhawan
New Delhi, dated the 16th 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)
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

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: 23rd November, 2022OFFICE 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.

15-2/2022-TC

114/119

1156762/2022/TC-section-33001/97

REGISTERED NO. D. L.—33001/97



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 16]

नई दिल्ली, शनिवार, अर्धमास 19, 1997/चैत्र 29, 1919

No. 16]

NEW DELHI SATURDAY, APRIL 19, 1997/CHAITRA 29, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भाग 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)

प्रारक्ष सरकार के संज्ञासूचियों (रक्षा संज्ञासूचियों को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
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.सा. 1015.—नोटरीज नियम, 1956 के नियम 6 के
अनुसूचना में सूक्ष्म 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 आवेदन इस सूचना के प्रकाशन के
तीसरे दिन के भीतर लिखित रूप से भेरे जाएं।

[सं. 5(69)/97-न्यायिक]

एन. सी. जैन, सूक्ष्म प्राधिकारी एवं

चयर 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 practice 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. P. 5(69)/97-Judl.]

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

15-2/2022-TC

115/119

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

ANNEXURE

ORDER

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 Narofam 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:—

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

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

[का. सं. एस-42013/1/95-एस एस-II]

जे. पी. शुकला, धर 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.

2 THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 1]

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.