

Timelines and Forms under Payment of Gratuity Act

Blog Series – 72 August 29, 2020 Statutory other than PoSH – Vol.36

Payment of Gratuity - Important TIMELINES for Processing
 (This may not change even if the Code on Social Security is going to be implemented)

Action	By whom	Within (days)	Remarks
Notice of Payment of Gratuity	Employer (in Form L)	30 days of occurrence (separation)	1 copy to Employee & 1 copy to Labour authority).
Application for Gratuity	Employee (in Form I)	30 days of gratuity become payable	If date of separation or superannuation is known for the eligible employees, he/she can apply before 30 days
Application for Gratuity	Nominee (in Form J)	30 days of gratuity becomes payable	The Nominees as per the Form "F" submitted to Employer
Application for Gratuity	Legal Heir (in Form K)	1 year of gratuity becomes payable	Certified Legal Heir in case of death of an employee
Application to Controlling authority for Direction	Employee, Nominee, Legal Heir (in Form N)	90 days of gratuity becomes payable	The claimant employee/ legal heir/nominee to apply to Controlling Authority for direction
Direction of Payment of Gratuity	Controlling authority (in Form R)	30 days of upon a finding of entitlement recorded	The Controlling authority will issue the notice to the Employer

S.No	Type & Nature Of Document	Description Of the Form	Schedule Of Submission/ Maintenance	Submitting Authority
1	Form A	Notice Of Opening	Within 30 days from which the rules become applicable	Concerned controlling authority of the area
2	Form B	Notice Of Change	Within 30 days of any change in the particulars of the establishment like name, address or nature of business	Concerned controlling authority of the area
3	Form C	Notice Of Closure	Atleast 60 days before the intended closure of the business	Concerned controlling authority of the area
4	Form D	Notice for excluding husband from family	To be submitted by the employee to the employer in triplicate. The employer after receipt forwards a copy to the concerned controlling authority of the area.	
5	Form E	Notice of withdrawal of notice for excluding husband from family	To be submitted by the employee withdrawing the notice in form D to the employer in triplicate. The employer after receipt forwards a copy to the concerned controlling authority of the area.	
6	Form F	Nomination	To be submitted by the employee to the employer in duplicate. The employer within 30 days of the receipt of nomination , verify with the service particulars and after attestation return back a copy to the employee.	
7	Form G	Fresh Nomination	To be submitted by the employee within 90 days of acquiring a family to the employer	
8	Form H	Modification Of Nomination	To be submitted by the employee to the employer , in cases including where a nominee predeceases an employee	

9	Form I	Application for gratuity by an employee	To be submitted by the employee, eligible for payment of gratuity to the employer , within 30 days from which the gratuity becomes payable.
10	Form J	Application for gratuity by a nominee	To be submitted by the nominee of an employee to the employer within 30 days from the date of gratuity payable to him/her. For this purpose an application in plain paper may also be accepted
11	Form K	Application for gratuity by a legal heir	To be submitted by the legal heir of an employee, eligible for payment of gratuity , to the employer, within 1 year from the date of gratuity payable to him/her
12	Form L	Notice for payment of gratuity	On verification of claims made for payment of gratuity, the employer , within 15 days of receipt of an application , issue a notice to the applicant employee , his nominee or legal heir, specifying the amount of gratuity payable and fixing a date of payment not later than the 30th day of receipt of the application.
13	Form M	Notice rejecting payment of gratuity	On verification of claims made for payment of gratuity, if the claim is found inadmissible, the employer may issue a notice to the applicant employee, his nominee or legal heir , specifying the reasons why the claim is found inadmissible
14	Form N	Application for direction	In cases wherein the employer refuses to accept a claim application or issues a notice specifying a amount of gratuity which is considered less by the applicant or fails to issue a notice under rule 8, the claimant employee/ his nominee/ legal heir may within 90 days of occurrence of cause for application, apply in form N to the concerned controlling authority of the area for issuing a direction
15	Form O	Notice for appearance before the controlling authority	On receipt of form N , the concerned controlling authority of the area may call upon the applicant and the employer to appear before him on a specified date, time and place.
16	Form P	Summons	The controlling authority may , at any stage of proceedings, issue summons to the applicant or the employer to produce evidences, documents etc.

17	Form Q	Particulars of application under Section 7	The controlling authority to record the particulars of each case in form Q
18	Form R	Notice for payment of Gratuity	on subsequent verification of the genuineness of the claims made, the controlling authority to issue a notice , specifying to the employer , the amount of gratuity payable and directing the employer for payment of gratuity within 30 days of receipt of notice.
19	Form S	Notice for payment of Gratuity as determined by appellate authority	The controlling authority on receipt of the decision of the appellate authority, modify his direction for payment of gratuity and issue a notice to the employer, specifying the modified amount of gratuity and directing payment within 15 days of receipt of notice by the employer.
20	Form T	Application for recovery of gratuity	In situations wherein, the employer fails to pay the gratuity due under the act in accordance with the notice of the controlling authority , the employee/his nominee/legal heir may apply to the controlling authority in duplicate for recovery
21	Form U	Display of abstract of the act and rules	The employer to display an abstract of the act and rules framed thereunder in English and a language understood by the majority of employees at a conspicuous place or near the main entrance of the establishment

Anandan S

Feature Writer, Skill Enhancer & Webinar Specialist