

The Payment of Undisbursed Wages (Air Transport Service) Rules, 1988

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The Payment of Undisbursed Wages (Air Transport Service) Rules, 1988¹

In exercise of the powers conferred by Section 26 read with Section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:—

1. (1) These rules may be called the Payment of Undisbursed Wages (Air Transport Services) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall be applicable to the employees in all States and Union territories except those States and Union territories where, unpaid wages of the employee are required to be deposited by the employer with an authority under the provisions of any law for the time being in force in such States or Union territories.

2. Definitions.—In these rules, unless the context otherwise requires:—

- (a) “Act” means the Payment of Wages Act, 1936 (4 of 1936);
- (b) “Chief Labour Commissioner (Central)” means an Officer appointed as such by the Central Government;
- (c) “Employed person” or “employee” means a person employed in an air transport service to whom the Act applies;
- (d) “Employer” means the Owner of an air transport service and includes a contractor, agent, manager or any other person responsible under Section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representative;
- (e) “family” means—
 - (i) in case of a male employee, his wife or wives and children, whether married or unmarried, his dependent parents and widows and children of his deceased sons;
 - (ii) in case of a female employee, her husband, her children, whether married or unmarried, her dependent parents, her husband’s dependent parents, and widows and children of her deceased sons;
- (f) “form” means a form appended to these rules;
- (g) “Section” means a section of the Act;
- (h) words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them in the Act.

3. Nominations.—(1) A person who is already in employment on the date of commencement of the Payment of Undisbursed Wages (Air Transport Service) Rules, 1988, ordinarily within six months from such date, and a person who has been employed after the date of the commencement of the said rules, ordinarily

1. Ministry of Labour, G.S.R. 1208(E), dated December 23, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th December, 1988, pp. 12-20.

within three months from the day he is employed, shall nominate a person conferring on him the right to receive all amounts payable to him as wages, if such amounts could not or cannot be paid on account of his death before the payment or on account of his whereabouts not being known such nomination shall be in Form I and submitted in duplicate by the employed persons by personal service, after taking proper receipt thereof or by sending through registered post with acknowledgment due to the employer:

Provided that the nomination shall be accepted by the employer even after the expiry of the specified period if filed with reasonable grounds for delay and no nomination so accepted shall be invalid mainly because it was filed after the expiry of the specified period.

(2) Within thirty days from the receipt of the nomination under sub-rule (1), the employer shall get the service particulars of the employed person as mentioned in the Form of Nomination, verified with reference to records of the air transport services and a duly attested copy of the Form I by the employer shall be given to the employed person.

(3) If, at the time of making a nomination an employed person has a family, the nomination shall not be in favour of a person other than the members of such family.

(4) If at the time of making the nomination, the employed person has no family, the nomination may be made in favour of any person but as soon as the employed person subsequently acquires a family, such nomination shall become invalid forthwith and the employed person shall, within thirty days of acquiring a family, submit a fresh nomination in duplicate in Form II to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*, as if it were made under sub-rule (1).

(5) If the nominee predeceases an employed person, the interest of the nominee shall revert to the employed person who shall within a period of thirty days from the death of the nominee make a fresh nomination in the manner hereinafter provided for.

(6) A notice of modification of nomination including cases where a nominee predeceases an employed person shall be submitted in duplicate in Form III to the employer in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*, as if it were made under sub-rule (1).

(7) The employed person shall not nominate a person who is a minor.

(8) A nomination or a fresh nomination or notice of modification of nomination shall be signed by the employed person or if illiterate, bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or a notice of modification of nomination, as the case may be.

(9) A nomination or a fresh nomination or a notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

4. Register of nominations.—The employer shall record and file all nominations, fresh nominations and notices of modification of nominations, as the case may be, in the register of nominations which shall be maintained chronologically by him in Form IV.

(2) The register of nominations shall be maintained by the employer up-to-date and kept permanently at the workspot or where the employer experiences difficulty in keeping them at the workspot, at any other suitable place as may be approved by the prescribed authority in this behalf.

5. Prescribed Authority.—The Chief Executives of the Air-India, Indian Airlines and Vayudoot shall be the prescribed authority with whom the amounts payable to employed persons as wages required to be deposited under clause (b) of sub-section (1) of Section 25-A of the Act and who shall deal with the amount so deposited in the manner prescribed in Rule 7.

6. Deposit of amounts of undisbursed wages.—(1) Where all amounts payable as wages to a person employed in an establishment in relation to air transport services remain undisbursed because either no nomination has been made by the employed person or for any reasons, such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable, all such amounts shall be deposited by the employer with the prescribed authority within fifteen days from the said period of three years.

(2) The amounts referred to in sub-rule (1) shall be deposited by the employer through crossed demand draft obtained from any Scheduled Bank in India drawn in favour of the prescribed authority, and such demand draft shall be submitted by employer to the prescribed authority together with relevant details in Form V by registered post.

7. Manner of dealing with the amounts.—(1) The amount deposited with the prescribed authority under Rule 6 shall remain with the prescribed authority for four years and be invested in the Central or State Government securities or deposited in some nationalised banks.

(2) The prescribed authority shall as soon as possible exhibit the above fact at least for fifteen days on the notice-board of the establishment and shall also publish in any two newspapers of the language commonly understood in the area of the establishment in which undisbursed wages were earned.

(3) The prescribed authority shall release the money to the nominee or to that person whose claims to this money has been allowed by any competent authority/court.

(4) The amount deposited under sub-rule (1) shall, after a lapse of four years from the date of such deposit be applied by the prescribed authority to meet the expenditure incurred in connection with the measures which are necessary or expedient in his opinion to promote the welfare of persons employed in air transport service and in particular to defray the cost of following measures for the benefit of such persons:

- (a) for improving the educational facilities;
- (b) for improving family welfare including family planning;
- (c) for improving vocational training, rehabilitation of disabled and handicapped persons; and
- (d) for improving transport facilities.

(5) The expenditure incurred in connection with the measures referred to in sub-rule (4) either by an employer in relation to air transport services or by their trade union registered under the Trade Unions Act, 1926 (16 of 1926), may be reimbursed to the person concerned by the prescribed authority either wholly or partly at his discretion, if he is satisfied that the expenditure has actually been incurred for the bona fide purpose as specified in the said sub-rule (4).

FORM I

[See sub-rule (1) of Rule 3]

Nomination

To

(Give here name and address of employer together with name and full address of the establishment)

I,.....,

(name in full here)

whose particulars are given in the statement below, hereby nominate the person mentioned below to receive all amounts payable to me as wages, if such amounts could not or cannot be paid on account of my death before the payment or on account of my whereabouts not being known.

2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (e) of Rule 2.

3. I hereby declare that I have no family within the meaning of clause (e) of Rule 2 and if I acquire a family hereafter, the above nomination shall be void and in that event I shall make a fresh nomination in Form II.

4. (a) My father/mother/parents/is/are not dependent upon me.

(b) My husband's father/mother/parents/is/are not dependent on my husband.

Nominee

| Name and address of the nominee | Nominee's relationship with the employed person | Age of Nominee |
|---------------------------------|---|----------------|
| 1 | 2 | 3 |
| | | |
| | | |

Statement

- 1 Name of the employed person in full.....
- 2 Sex.....
- 3 Religion.....
- 4 Whether unmarried/married/widow/widower.....
- 5 Department/Branch/Section where employed.....
- 6 Post held with ticket number or serial number, if any.....
- 7 Date of appointment.....
- 8 Present address.....
- 9 Permanent address.....

Village Thana..... Sub-Division..... Post Office.....

District State

Place.....

Signature/thumb-impression of the employed person

Date.....

Declaration by witnesses

Nomination signed/thumb-impressioned before me

Name in full and address

Signature of witnesses

1.

1.

2.

2.

Place.....

Date.....

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in the Register of Nominations in Form IV at Serial Number.....

Signature of the employer/
Officer authorised
Designation

Date.....

Name and address of the establishment or
rubber stamp thereof

Place.....

Acknowledgment of the employed person

Received the duplicate copy of nomination in Form I filed by me and duly certified by the employer.

Place.....

Signature of the employed person

Date.....

Note.—Strike out the words and paragraphs not applicable.

FORM II

[See sub-rule (4) of Rule 3]

Fresh Nomination

To

(Give here name and address of employer together with name and full address of the establishment)

I,.....

(name in full here)

whose particulars are given in the statement below have acquired a family within the meaning of clause (e) of Rule 2 with effect from..... (date here) in the manner indicated below and therefore nominate afresh the person mentioned to receive all amounts payable to me as wages, if such

amounts could not or cannot be paid on account of my death before the payment or on account of my whereabouts not being known.

2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (e) of Rule 2.

3. (a) My father/mother/parents is/are not dependent on my husband.

Nominee

| Name and address of the nominee | Nominee's relationship with the employed person | Age of Nominee |
|---------------------------------|---|----------------|
| 1 | 2 | 3 |

Manner of acquiring a "family"

(Here give details as to how a family was acquired, i.e whether by marriage or parents being rendered dependent or through other mode like adoption.)

Statement

- 1 Name of the employed person in full.....
 - 2 Sex.....
 - 3 Religion.....
 - 4 Whether married/unmarried/widow/widower.....
 - 5 Department/Branch/Section where employed.....
 - 6 Post held with ticket number or serial number, if any.....
 - 7 Date of appointment.....
 - 8 Present address.....
 - 9 Permanent address.....
- Village Thana Sub-division Post Office
 District State

Place.....

Date.....

Signature/thumb-impression of the employed person

Declaration of witnesses

Fresh nominations signed/thumb-impressioned before me

| | |
|-------------------------------|------------------------|
| Name in full and full address | Signature of witnesses |
| 1. | 1. |
| 2. | 2. |

Date.....

Place.....

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in Register of Nominations in Form IV at Serial Number.....

Signature of the employer/
 Officer authorised
 Designation

Place.....

Date.....

Name and address of the establishment
or rubber stamp thereof*Acknowledgement of the employed person*

Received the duplicate copy of the nomination in Form II filed by me and duly certified by employer.

Place.....

Date.....

Signature of the employed person

Note.—Strike out the words and paragraphs not applicable.**FORM III**

[See sub-rule '(6)' of Rule 3]

Modification of Nomination

To

(Give here name and address of employer together with name and full address of the establishment.)

I.....

(name in full here)

whose particulars are given below hereby give notice that the nomination filed by me on.....and recorded under your reference Number..... date.....
Number..... dated.....shall stand modified in the following manner:—

(Here give details of the modifications intended)

Statement

- 1 Name of the employed person in full
- 2 Sex
- 3 Religion
- 4 Whether married/unmarried/widow/widower
- 5 Department/Branch/Section where employed
- 6 Post held with ticket number or serial number, if any
- 7 Date of appointment
- 8 Present address
- 9 Permanent address

Village

Thana

Sub-division

..... Post Office District State

Place.....

Date.....

Signature/thumb-impression of the employed person

Declaration by witnesses

Modification of nomination signed/thumb-impressioned before me

Name in full and address

Signature of witnesses

1.

1.

2.

2.

Place.....

Date.....

Certificate by the employer

Certified that the above modifications have been recorded and entered into the Register of Nominations in Form IV at Serial Number.....

Signature of the employer/
Officer authorised

Place.....

Designation

Date.....

Name and address of the Establishment or
rubber stamp thereof

Acknowledgement by the employed person

Received the duplicate copy of the notice for modification in Form III filed by me on..... duly certified by the employer.

Place.....

Signature of the employed person

Date.....

Note.—Strike out the words not applicable.

FORM IV

[See sub-rule (1) of Rule 4]

Register of Nominations

Name and address of the establishment.....

Name and address of the employer.....

PART I

| Sl. No. | Name and complete address of the employed person | Nature of employment | Name and complete address of the nominee initially nominated in Form I, with date | Name and address of the nominee subsequently nominated in Form II, with date | Details of modifications if any, specified in the notices of modification given in Form III, with date | Remarks |
|---------|--|----------------------|---|--|--|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | | | | | | |
| 2. | | | | | | |

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

PART II

It shall contain one copy each of the nomination in Form I and, as the case may be, the fresh nomination in Form II and notice of modification of nomination in Form III in serial order indicated in Part I.

FORM V

[See sub-rule (2) of Rule 6]

Registered Post

From

(Give here name and complete address of the employer).

To

(Give here name, designation and complete address of the Prescribed Authority).

Sub: Deposit of amounts of undisbursed wages.

Sir,

As required under sub-rule (1) read with sub-rule (2) of Rule 5 of the Payment of Undisbursed Wages (Air Transport Services) Rules, 1988 I enclose the crossed Demand Draft bearing number..... date

(mention the number)

(mention the date)

for Rs.....(Rupees.....)

(mention the amount in figures)

(mention the amount in words)

drawn in your favour obtained from

(mention the name and address of the bank)

The above-mentioned amounts represent all amounts payable as wages to persons employed in

(mention the name and address of the mine)

which remained undisbursed because either no nomination had been made by the employed person(s) or for any reasons such amounts could not be paid to the respective nominee(s) of the employed person(s). The relevant details are furnished hereunder:

1. Particulars of the relevant wage-period:.....

(mention the details of the wage-period)

2. Number of cases in which all amounts payable to an employed person as wages, remained undisbursed for want of nomination (details as per Annexure I):
- (mention the number of such cases)
3. Number of cases in which all amounts payable to an employed person as wages could not be paid to person(s) nominated by employed person(s) (details as per Annexure II):
- (mention the number of such cases)
- Yours faithfully,
Signature of the employer/Officer authorised)
Designation

Place.....

Name and address of the establishment
or rubber stamp thereof

Date.....

ANNEXURE I

| Sl. No. | Name and address of the employee | Wage-period | Amount payable |
|---------|----------------------------------|-------------|----------------|
| 1 | 2 | 3 | 4 |
| 1. | | | |
| 2. | | | |
| 3. | | | |

Total _____

ANNEXURE II

| Sl. No. | Name and address of the employee | Name and address of nominee | Wage-period | Amount payable |
|---------|----------------------------------|-----------------------------|-------------|----------------|
| 1 | 2 | 3 | 4 | 5 |

Total _____