

National Institute of Technical Teachers' Training & Research, Kolkata
(Under the Ministry of Education, Government of India)
Block-FC, Sector-III, Salt Lake, Kolkata-700 106


Ref. No. NITTTR-K/B/2-44/2022-23/1517

Date: 27th March 2023

OFFICE ORDER NO. 369 OF 2022-23

Consequent upon the recommendation of the 41st Meeting of the Finance Committee held on 28th February vide its Agenda Item No. 41.3.1 and subsequent approval thereof by the Board of Governors at its 44th Meeting held on 28th February 2023 under Agenda Item No. 44.6.1, the Payment of Gratuity Act 1972 to the Institute covered under New Pension Scheme which was forwarded by the Ministry of Education, Department of higher Education, Technical Coordination Section vide its letter F. No. 15-2/2022-TC dated 16th December 2022 is enclosed (Annexure-I) herewith for immediately implementation.

All concerned are requested to take cognizance of the same and do necessary action in this regard, accordingly.


27/3/23

(Debi Prasad Mishra)
Member Secretary & Director
Board of Governors, NITTTR, Kolkata

Encl: Annexure-I

To

1. The Senior Administrative Officer
2. The FIC, Accounts

Copy forwarded for information and necessary action to:

1. All employee
2. FC/BOG File
3. FIC, Media Cell for uploading in Institute's website.
4. Director's Secretariat



(Debi Prasad Mishra)
Director
NITTTR, Kolkata


27/3

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

(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

F. No.1(16)/EV/2017
Ministry of Finance
Department of Expenditure
EV Branch

North Block, New Delhi
Dated the 27th December 2021

OFFICE MEMORANDUM

Subject: Clarification on employer's contribution under NPS, applicability of death and retirement gratuity and additional relief in case of death, disability and invalidation to the employees of autonomous bodies of M/o Education covered under NPS - reg.

The undersigned is directed to refer to M/o Education's OM No.19-1/2017-IFD, dated 26.08.2021 on the subject mentioned above and furnish the requisite clarification/comments on the issues noted as under:

(i) Whether the employer's contribution is 10% or 14%.
All the provisions of the notification dated 31.01.2019 of the DFS stands extended to the employees of CABs under MoE in terms of order dated 26.08.2021 and 21.10.2021 and not in terms of CCS (INPS) Rules, 2021.

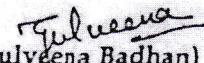
(ii) Extension of Retirement/Death Gratuity benefits to the NPS borne employees under approximately 174 autonomous bodies.

MoE may consider issuing instructions to their autonomous bodies to adopt Payment of Gratuity Act, 1972 administered by the MoLE as Gratuity under CCS (Pension) Rules, 1972 may not be extended to the employees of autonomous bodies as these are strictly meant for Central Government employees. The issues relating to implementation of Payment of Gratuity Act in the autonomous bodies may be taken up directly with MoLE either by the concerned AB or through MoE.

(iii) Option to avail benefits on death or invalidation or disability of subscriber during service.

The CCS (NPS) Rules, 2021 are applicable only to the employees of Central government, the provisions contained therein are not directly applicable to the employees of CABs. The issue relating to applicability of these provisions to the employees of CABs is under consideration in this Department in consultation with DoP&PW. As such, MoE may await final decision of this Ministry in this regard.

2. This issues with the approval of Competent Authority.


(Gulveena Badhan)
Under Secretary to the Government of India
Tele: 023095680

Ministry of Education
[Kind Attn: Ms. Kiran Arora, Under Secretary (IFD)]
Shastri Bhawan,
New Delhi 110001

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, 2022**OFFICE 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.

Krishna
(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.