

KURUKSHETRA UNIVERSITY KURUKSHETRA
(Established by the State Legislature Act XII of 1956)
(‘A+’ Grade, NAAC Accredited)

NOTIFICATION

The Hon’ble Governor-Chancellor of the Kurukshetra University has granted approval on 24.08.2020 to the amendments/additions to Statute 31(1) Death-cum-Retirement, Gratuity, Ex-gratia grant etc. of the K.U. Act & Statutes, 1986 as resolved by the Executive Council of the University vide its Resolution No.15 dated 18.06.2019 and Resolution No.1 dated 20.09.2019 as per Annexure-I.

REGISTRAR

Endst.No. ACR-I/28(i)/20/11587-11687

Dated : 07.09.2020

Copy of the above is forwarded to the following for information and necessary action: -

1. All members of the Court/Executive Council/Academic Council.
2. All Deans/Chairpersons/Directors/ of UTDs/Institutes & Heads of all the Offices on the Campus.
3. Registrar, Supreme Court of India, New Delhi.
4. Registrar, Punjab & Haryana High Court, Chandigarh.
5. Secretary to the Governor, Haryana, Raj Bhavan, Chandigarh (for kind information of Hon’ble Chancellor)
6. Advocate General, Haryana, Chandigarh.
7. Secretary, Haryana Vidhan Sabha Secretariat, Chandigarh.
8. Secretary, Association of Indian Universities, New Delhi.
9. Secretary, University Grants Commission, New Delhi.
10. Secretary, Board of School Education, Haryana, Bhiwani.
11. Higher Education Commissioner, Haryana, Chandigarh.
12. Librarian, Lok Sabha Library, New Delhi.
13. Accountant General, Haryana, Chandigarh.
14. Registrars of all the State Universities in Haryana.
15. Chief Wardens/Dy. Chief Wardens (Boys and Girls Hostels).
16. Director, IT Cell with the request to upload the same on University Website.
17. Joint Director, Audit, KUK.
18. OSD to the Vice-Chancellor.
19. Controller of Examinations I&II.
20. Supdt.o/o the Registrar.
21. P.A. to the Vice-Chancellor.
22. All dealing Assistants of the Academic Section/Syllabus Section.


Assistant Registrar (Academic)
for Registrar



Existing provision	Amended										
<p>31. (1) An employee or his family (in the event of death of an employee) shall be entitled to the grant of gratuity on the pattern of Haryana Govt. rules regarding Death-cum-Retirement Gratuity as per (Appendix-A) as under:</p> <p>6.16-A (1) An officer who has become eligible for pension or gratuity under the rules applicable to him and has completed five years qualifying service, may, on his retirement from service, be granted an additional gratuity not exceeding the amount specified in sub-rule (3).</p> <p>(2)(a) If an officer, who has completed five years' qualifying service, dies while in service, a gratuity, not exceeding the amount specified in sub-rule(3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under rule 6.16-B or if there is no such person, it shall be paid in equal shares to those surviving members of a government servant's family as detailed in rule 6.16-B who belongs to categories (i) to (iv) mentioned therein except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughters and/or one or more members of the family of the government servant who belongs to categories (v) to (ix) mentioned in rule 6.16-B, the gratuity may be paid to all such persons in equal shares. In cases where the qualifying service is less than the prescribed minimum (viz., 5 years) the deficiency should not be condoned.</p> <p>(b) The family of a pensionable employee who dies before completing five years qualifying service shall also be eligible for the gratuity equal to six months' emoluments of a Government employee at the time of his death except in cases in which death occurs in the first year of service where the gratuity admissible shall be equal to two months emoluments.</p> <p>(3) In the case of government employee retiring in accordance with the provisions of these rules, the amount of gratuity shall be one fourth of the emoluments of the Government employee for each completed six monthly period of qualifying service subject to maximum to 16¹/₂ times the emoluments in the case of Class-I, II & III and 17¹/₂ times the emoluments in the case</p>	<p>31. (1) An employee or his family (in the event of death of an employee) shall be entitled to the grant of gratuity on the pattern of Haryana Govt. rules regarding Death-cum-Retirement Gratuity as under:</p> <p>(1) Retirement Gratuity:- No retirement gratuity shall be admissible if qualifying service is less than five years at the time of retirement. On retirement from service, retirement gratuity shall be admissible equal to one-fourth of last emoluments for each completed half year period of qualifying service. Maximum retirement gratuity equal to 16¹/₂ months' emoluments in case of Government employees of Group A, B and C and 17¹/₂ months' emoluments in case of Group D employees shall, subject to maximum amount of ceiling prescribed from time to time, be admissible.</p> <p>Note.- This gratuity shall also be admissible in case of termination from service of a Government employee due to abolition of post, however, no gratuity shall be granted under this rule, if the employee is dismissed or removed for misconduct, insolvency or inefficiency.</p> <p>(2) Death Gratuity to the family of deceased Government employee- In case of death while in service, the death gratuity shall be paid to the family of deceased Government employee at the following rates:-</p> <table border="1" data-bbox="917 1355 1548 1803"> <thead> <tr> <th>Length of qualifying service upto the date of death</th> <th>Rate of death gratuity</th> </tr> </thead> <tbody> <tr> <td>(i) Less than 1 year</td> <td>2 months' of emoluments</td> </tr> <tr> <td>(ii) One year or more but less than 5 years</td> <td>6 months' of emoluments</td> </tr> <tr> <td>(iii) 5 years or more but less than 24 years</td> <td>12 months' of emoluments</td> </tr> <tr> <td>(iv) 24 years or more</td> <td>Equal to retirement gratuity as per provision in sub-rule (1)</td> </tr> </tbody> </table> <p>Note 1.- The maximum limit of death-cum-retirement gratuity shall be Rs. 20.00 Lakh (twenty lakh). The ceiling on gratuity shall increase by 25% (twenty five percent) whenever the dearness allowance rises by 50% (fifty percent) of the basic pay.</p> <p>Note 2.- The fraction of a rupee, shall be rounded off to the next higher rupee.</p>	Length of qualifying service upto the date of death	Rate of death gratuity	(i) Less than 1 year	2 months' of emoluments	(ii) One year or more but less than 5 years	6 months' of emoluments	(iii) 5 years or more but less than 24 years	12 months' of emoluments	(iv) 24 years or more	Equal to retirement gratuity as per provision in sub-rule (1)
Length of qualifying service upto the date of death	Rate of death gratuity										
(i) Less than 1 year	2 months' of emoluments										
(ii) One year or more but less than 5 years	6 months' of emoluments										
(iii) 5 years or more but less than 24 years	12 months' of emoluments										
(iv) 24 years or more	Equal to retirement gratuity as per provision in sub-rule (1)										

of Class-IV employees. In the event of the death of a Government employee while in service, the gratuity shall be subject to a minimum of 12 times the "emoluments" of a Government employee at the time of his death, provided that in no case shall it exceed Rs.36,000/-. Limit of DCRG raised to Rs.1,00,000/- w.e.f. 1-1-1986.

(4) If an officer who has become eligible for pension or gratuity under the rules applicable to him, dies after he has retired from service, and the sum actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times his "emoluments" a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2).

Note:- 1. The residuary Gratuity mentioned in sub-rule (4) is admissible only if the death of the Government servant takes place within five years, from the death of his retirement.

2. The words "sums actually received" under this rule will also include the amount of temporary increase in pension for determining the amount of residuary gratuity payable to the nominee or legal heirs of the deceased Government servant.

(5) The emoluments' for the purpose of this section shall be subject to a maximum of Rs.2500/- per mensem and these shall be reckoned in accordance with the rule 6.19(C) of these rules; Provided that if the 'emoluments' of Government employee have been reduced during the last ten months of his service, otherwise than as a penalty average emoluments as defined in rule 6.24 of these rules shall be treated as emoluments.

Note:- In the case of Government employee who during the currency of the leave preparatory to retirement upto 180 days on full pay, or earned leave not exceeding 120 days; or first 120 days of any periods of earned leave on full pay exceeding 120 days, earns an increment which is not withheld, he is entitled to count the pay which he would have drawn had he remained

Note 3.- The qualifying service of four years and nine months shall be treated five years qualifying service for this purpose.

Note 4.- In case of death after more than five years qualifying service but less than twenty four years of qualifying service, the spell of last five years' service shall be verified and accepted by the Head of Office.

(3) Death-cum-retirement gratuity to the family of Government employee who disappeared.-

The provision as laid down in sub-rule (2) shall be applicable for payment of death-cum-retirement gratuity to the family of a Government employee, to whom these rules are applicable, is disappeared while in service. The payment shall be made after six month from the date of lodging an FIR subject to production of Indemnity Bond specimen available at the end of this rule.

(4) Recovery from death-cum-retirement gratuity.-

Recovery of Government dues such as over issues of pay, allowances, leave salary house rent, travelling allowance, outstanding motor car, house building or other loan(s) and advance(s), license fee, etc, can be effected from death-cum-retirement gratuity admissible under this rule.

(5) Lapse of death-cum-retirement gratuity.-

Where a Government employee dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and-

(a) has made no nomination, or

(b) the nomination made by him does not subsist,

the amount of death-cum-retirement gratuity payable in respect of such Government employee under these rules shall lapse to the Government:

Provided that the amount of death gratuity/retirement gratuity shall be payable to the person in whose favour a succession certificate is respect of the gratuity, in question, has been granted by a Court of Law.

Nomination for death-cum-retirement gratuity.-

(1) A Government employee shall, after joining regular service, make a nomination, conferring on one or more persons, the right to receive any death-cum-retirement gratuity admissible under these rules which has not been paid to him before death; provided that if, at the time of

on duty, as 'emoluments' for the purpose of death-cum-retirement gratuity under this sub rule, even though the increase in pay is not actually drawn leave.

(6) The Government will have the right to effect recoveries from the gratuity sanctioned under this rule, in the same circumstances as recovery can be effected from an ordinary pension under 2.2(b).

(7) No gratuity may be granted under this rule, if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under this rule in accordance with rule 2.5.

(8) A gratuity can be sanctioned under this rule after giving due regard to the provision of rule 6.4. The existing rules, which applies to the grant of an ordinary pension, will also apply in respect of a gratuity that may be sanctioned under this rule in so far as such rules are not inconsistent with the provision of rule 6.16-A and 6.16-B.

6.16-B(1) For the purpose of this rule:

(a) "family" shall include the following relatives of the Govt. employee:-

(i) wife or wives including judicially separated wife or wives, in the case of male Government employee;

(ii) husband including judicially separated husband in the case of female Government employee;

(iii) sons;

(iv) unmarried and widowed daughters; } (including step-children and adopted children;

(v) brother below the age of 18 years and unmarried and widowed sisters, including step brothers and sisters.

(vi) father; } (including adoptive parents in
(vii) mother; } case of individual whose
personal law permits
- adoption)

(viii) married daughters; and

(ix) children of a predeceased son

(b) "persons" for the purpose of this rule shall include any company or association or

making the nomination, the Government employee has a family, the nomination shall be in favour of member(s) of his family covered under sub-clause (1) of clause (A) of sub rule (10) of rule 8 of these rules. Failing sub clause (1), the nomination shall be made in favour of member(s) covered under sub-clause (2) and (3) of clause (A) of sub rule 10 of rule 8. Failing clause (2) and (3), the nomination may be made in favour of any other person or persons.

Explanation.- "Persons" for the purpose of this rule shall include any company or association or body of individuals, whether incorporated or not.

(2) The nomination shall be made in the prescribed Form Pen-1. Every nomination made and every notice of cancellation given by a Government employee shall be countersigned by the Head of Office indicating the date of receipt and keep it in safe custody. It shall, to the extent that it is valid, take effect on the date on which it is received by the Head of Office. Suitable entry regarding receipt of nomination shall be made in the service book of the Government employee concerned.

(3) A Government employee who nominates more than one person shall specify in the nomination the amount of share payable to each of the nominees, in such manner as to cover the whole amount of the gratuity.

Provision of other person(s) in case of death of nominee(s).-

In respect of any specified nominee, that in the event of his predeceasing the Government employee the right conferred upon that nominee(s) shall pass to such other person(s) as may be specified in the nomination; provided that if at the time of making the nomination, the Government employee has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family.

Note.- The forms of nomination provide for only one alternate nominee and it is not open to a Government employee to nominate more than one alternate nominee against any original nominee.

Invalidation of nomination.-

(a) The nomination shall become invalid in the event of happening of the contingency specified therein.

(b) The nomination made by a Government

body of individuals, whether incorporated or not.

(2) An officer shall, at any time after confirmation, make a nomination conferring on one or more persons, the right to receive any gratuity that may be sanctioned under sub-rule (2) & (4) of rule 6.16-A and any gratuity which having become admissible to him under sub-rule(1) of that rule and rule 6.16 has not been paid to him before death;

Provided that if, at the time of making nomination, the officer has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(3) If an officer nominates more than one person under sub-rule (2) he shall specify in the nomination the amount of share payable to each of the nominees, in such manner as to cover the whole amount of the gratuity.

(4) An officer may provide in a nomination-

(a) in respect of any specified nominee, that in the event of his predeceasing the officer the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination; provided that if at the time of making the nomination the officer has a family consisting of more than one member, the person so specified shall not be person other than a member of his family;

(b) that the nomination shall become invalid in the event of the happening of the contingency specified therein.

(5) The nomination made by an officer who has no family at the time of making it, or a provision made in nomination under Clause (a) of sub-rule(4) by an officer whose family consists, at the date of making the nomination of only one member, shall become invalid in the event of the officer subsequently acquiring a family, or an additional member in the family, as the case may be.

(6)(a) Every nomination shall be in such one of the forms Pen-1-C to Pen-1-F as may be appropriate in the circumstances of the case.

Note: The forms provided for only one alternate nominee and it is not open to a government servant to nominate more than one alternate nominee

employee who has no family at the time of making it, or a provision made in nomination under rule 41 by a Government employee whose family consists at the time of making the nomination of only one member, shall become invalid in the event of the employee subsequently acquiring a family, or an additional member in the family, as the case may be.

Cancellation of nomination.-

(1) A Government employee at any time may make any change or cancel the nomination already made, by sending a notice in writing to the Head of Office, provided that along with such notice, a fresh nomination made in accordance with this rule shall be sent. Fresh nomination may also be made even after retirement if such a contingency arises.

(2) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination under rule 42, or on the occurrence of any event, by reason of which the nomination becomes invalid, in pursuance of rule 43, the employee shall send to the Head of Office a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this rule.

Persons to whom death-cum-retirement gratuity is payable.-

(1) In case of death while in service or after retirement before the release of death-cum-retirement gratuity admissible under these rules, the death-cum-retirement gratuity shall be paid to the person(s) on whom the right to receive the gratuity is conferred by means of a nomination under rule 42.

(2) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below:-

(a) if there are one or more surviving members of the family as in sub clause (1) of clause (A) of sub rule (10) of rule 8 of these rules to all such members in equal shares;

(b) if there are no such surviving members of the family as in sub clause (a) above, but there are one or more members as in sub clauses (2) and (3) of clause (A) of sub rule (10) of rule 8 of these rules, to all such members in equal shares.

(3) The eligibility of family members to receive the share of death-cum-retirement gratuity of a deceased Government employee shall be considered as on the date of death. The attaining of age or marriage of the eligible family member

against any original nominee.

(b) An officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority; provided that the officer shall, alongwith such notice, send a fresh nomination made in accordance with this rule.

(7) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination under Clause (a) of sub-rule (4), or on the occurrence of any event, by reason of which the nomination becomes invalid, in pursuance of Clause (b) of that sub-rule or sub-rule(5), the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this rule.

(8)(i) Every nomination made, and every notice of cancellation given, by an officer under this rule, shall be sent by him to the Accountant General, Haryana, in the case of a gazetted officer, and to the Head of his office in the case of non-gazetted officer. Immediately on receipt of a nomination from a non gazetted officer the Head of the office shall countersign it, indicating the date of receipt, and keep it in safe custody.

Provided that the Head of office may authorise his subordinate gazetted officers to countersign nomination forms of non-gazetted Govt. employees.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the government employee concerned.

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-rule (8).

6.16-BB Debarring a person from receiving gratuity:

(1) If a person, who in the event of death of a government employee while in service, is eligible to receive gratuity in terms of rule 6.16-B is charged with the offence of murdering the Government employee or for abetting in the commission of such an offence his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings

after the date of death of Government employee shall not affect the right to receive his/her share of death-cum-retirement gratuity.

(4) Where death-cum-retirement gratuity is to be granted to a minor member of the family of the deceased Government employee, it shall be payable to the guardian on behalf of the minor.

Note.- Succession Certificate or Will does not constitute a legal right to claim the death-cum-retirement gratuity where valid nomination subsists in the office record. The pension sanctioning authorities shall not wait for any succession certificate or will in such a case.

Debarring a family member or nominee to receive death-cum-retirement gratuity.-

(1) In case family member or nominee, eligible to receive death-cum-retirement gratuity in terms of these rules in charged with the offence of murdering the Government employee or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned is-

(a) convicted for the murder or abetting in the murder of the Government employee, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any.

(b) acquitted of the charge of murdering or abetting in the murder of the Government employee, his share of gratuity shall be payable to him.

instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned:-

(a) is convicted for the murder or abetting in murder of the government employee, he shall be debarred from receiving, his share of gratuity which shall be payable to other eligible members of the family, if any.

(b) is acquitted of the charge of murdering or abetting in the murder of the government employee, his share of gratuity shall be payable to him.

(3) The provision of sub-rules (1) and (2) shall also apply to the undisbursed gratuity admissible under rule 6.16-A, if a government employee dies after retirement without receiving the gratuity.

Note:- While a nomination as also any change therein will normally be made an officer during his service, he may be allowed to make a fresh nomination after retirement if such a contingency arises.

6.16-C In chapter VI, in section III, for Part C, the following part shall be substituted namely:-

C-Terminal gratuity for Temporary servant,

(1) w.e.f. the 7th June, 1961, a temporary government servant who is discharged on account of retrenchment will be eligible for a gratuity at the rate of 1/3rd of a month's pay for each completed year of service, provided he has completed not less than 5 years continuous service at the time of discharge.

(2)(a) for the purpose of sub-rule(1) the term 'pay' means basic pay and dearness pay only or the date of his discharge from service. It will not include special pay, personal pay, and other emoluments classed as "pay". In case the person concerned was on leave with or without allowance immediately before discharge pay for the purpose will be the pay which he drew before proceeding on such leave, provided that the benefit of increase in such pay not actually drawn due to increment or promotion to a post carrying a higher rate of pay falling

during leave not exceeding 120 days of earned leave or the first 120 days of such earned leave exceeding 120 days only will also be taken in account.

(b) "Government service" means temporary service under the Government of Haryana and includes temporary service rendered in composite Punjab and in the erstwhile Pepsu before its merger with Punjab.

(c) "A temporary service" means service in a temporary post and officiating service in a permanent post.

(3) The grant of gratuity under this rule shall be subject to the service rendered by the government employee concerned being held by the authority competent to appoint him to be approved and satisfactory. No gratuity shall be admissible:-

(a) in case where the government servant concerned resigns his post or is removed or dismissed from public service;

(b) to a probationer or other government servant discharged from failure to pass the prescribed test or examination;

(c) to re-employed pensioner.

In case the amount of gratuity payable under this rule remains undrawn on account of death of a government servant, it will be payable to his family in the order of preference given below:-

1. Eldest surviving widow in the case of a male Government servant.
2. Husband in the case of female Government servant.
3. Eldest surviving son.
4. Eldest surviving unmarried daughter.
5. Eldest widow daughter.
6. Father.
7. Mother.
8. Eldest surviving brother below the age of 18 years.
9. Eldest surviving unmarried sister.
10. Eldest surviving widowed sister.

2. If an employee dies before the age of retirement ex-gratia grant and other facilities shall be granted to the family of the deceased employee, as per rules framed by the Executive Council for the purpose.

-NO CHANGE-