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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 15th February, 2026

No.1160—LESI-LR-POL-0004/2026/LESI.— Whereas, subsequent to the enactment of the Code on Social Security, 2020 (36 of 2020) (in short 'the Code') by the Parliament, the draft Odisha Code on Social Security Rules, 2021 were published in the Extraordinary issue of the *Odisha Gazette* No. 800, dated the 9th June, 2021 vide Notification of the Government of Odisha in Labour & ESI Department No. 5131, dated the 8th June, 2021, inviting objections and suggestions as required under section 154, Section 156 and Section 158 of the Code;

Whereas, vide Notification Nos. S.O.2060(E), dated the 3rd May, 2023 and S.O.5319 (E), dated the 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), the provisions of the Code have been brought into the force;

And, whereas, vide Notification No. G.S.R. 935(E), dated the 30th December, 2025 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), the Central Government have pre-published draft Code on Social Security (Central) Rules, 2025 in supersession of the following rules, namely:-

- (i) the Employees' State Insurance (Central) Rules, 1950;
- (ii) the Tribunal (Procedure) Rules, 1997;
- (iii) the Employees' Provident Funds Appellate Tribunal (Conditions of Service) Rules, 1997;
- (iv) the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960
- (v) the Maternity Benefit (Mines and Circus) Rules, 1963;
- (vi) the Payment of Gratuity (Central) Rules, 1972;
- (vii) the Cine-Workers Welfare Fund Rules, 1984;
- (viii) the Building and other Constructions Workers' Welfare Cess Rules, 1998;
- (ix) the Unorganised Workers' Social Security Rules, 2009;

- (x) the Employee's Compensation Rules, 1924;
- (xi) the Employee's Compensation (Transfer of Money) Rules, 1935; and
- (xii) the Employee's Compensation (Venue of Proceedings) Rules, 1996;

Now, therefore, the following draft rules, which the State Government propose to make in exercise of the powers conferred by Sections 154, 156 and 158 of the Code on Social Security, 2020 (36 of 2020) read with Section 24 of the General Clauses Act, 1897 (10 of 1897), and in supersession of -

- (i) the Odisha Employees' Insurance Court Rules, 1951;
- (ii) the Odisha Workmen's Compensation Rules, 1923;
- (iii) the Odisha Workmen's Compensation (Occupational Diseases) Rules, 1964;
- (iv) the Odisha Maternity Benefit Rules, 1965;
- (v) the Odisha Payment of Gratuity Rules, 1974;
- (vi) the Odisha Unorganised Workers' Social Security Rules, 2010;

made by the State Government in exercise of the powers conferred by the Employees' State Insurance Act, 1948 (34 of 1948), the Employees Compensation Act, 1923 (8 of 1923), the Maternity Benefit Act, 1961 (53 of 1961), the Payment of Gratuity Act, 1972 (39 of 1972) and the Unorganised Workers' Social Security Act, 2008 (33 of 2008), as the case may be, which are repealed by section 164 of the said Code, except as respects things done or omitted to be done before such supersession, are hereby notified, as required by Section 158 of the said Code, for information of all persons likely to be affected thereby and **notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the day on which the copies of the Official Gazette in which this notification is published are made available to the public;**

Objections and suggestions, if any, may be addressed to the Special Secretary to Government, Labour & ESI Department, Odisha, Kharavela Bhawan, Bhubaneswar-751001 and be sent through Email : labsec.or@od.gov.in. The objections and suggestions should be sent in a proforma containing column (1) specifying the name and address of the person/ organisation, column (2) specifying the chapter and rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons thereof;

Objections and suggestions, which may be received from any person with respect to the said draft rules before expiry of the period specified above, will be considered by the State Government.

Draft
CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.– (1) These rules may be called the Odisha Code on Social Security Rules, 2026.

(2) They shall extend to the whole State of Odisha and shall be applicable for the matters for which the State Government is the appropriate Government.

(3) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.– (1) In these rules, unless the context otherwise requires,-

- (a) “agency” means any corporation, body or institution, established under an Act of Parliament or State Legislature or Central or State Public Sector Undertaking or Special Purpose Vehicle as notified by the State Government.
- (b) “appeal” means an appeal preferred under clause (b) of sub-section (7) of Section 37 or sub-section (8) of Section 56 or sub-section (1) of Section 99 or sub-section (1) of Section 105, as the case may be;
- (c) “appellate authority” means in the State sphere, the State Government or the authority specified by the State Government under sub-section (8) of Section 56 or an officer, senior in rank to the Assessing Officer for the purposes of Section 105, appointed by the State Government, as the case may be;
- (d) “assessing officer” means a gazetted officer of the State Government or an officer of a local authority holding an equivalent post to a gazetted officer of the State Government appointed by the State Government for assessment of cess under Chapter VIII of the Code;
- (e) “authorised officer for Employees’ Compensation” means any officer whom the State Government may designate either generally or in respect of any area or class of areas, for the purpose of performing the functions assigned by these rules to the authorized officers;
- (f) “authority” means the State Government or the authority specified by the State Government for the purpose of sub-section (3) of Section 72;
- (g) “average daily wages during a contribution period” under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
- (h) “average daily wages during a wage period”, under chapter IV of the Code means:-
 - (i.) in respect of an employee who is employed on time-rate basis, the amount

of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;

- (ii.) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the contribution period divided by the number of days in full or part for which he has worked for wages in that wage period:

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 days or 1 day, if the wage period be a month, a fortnight, a week or a day, respectively.

Explanation.— Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as part of the day preceding;

- (i) “Board” means Odisha Unorganised Workers’ Social Security Board or Odisha Building & Other Construction Workers’ Welfare Board, as the case may be;
- (j) “career centre” means the career centre notified by the State Government as having jurisdiction-
- (i) over the area in which the establishments concerned are situated; or
- (ii) over specified classes or categories of establishments concerned or vacancies;
- (k) “cess collector” means an officer appointed by the State Government for collection of cess under the Code;
- (l) “Chairperson” means the chairperson of Odisha Unorganised Workers’ Social Security Board constituted under sub-section (9) of Section 6 or, Odisha Building and Other Construction Workers’ Welfare Board constituted under sub-section (1) of Section 7, as the case may be;
- (m) “chartered engineer” means a person having an engineering degree and the corporate membership of the Institute of Engineers India;
- (n) “Code” means the Code on Social Security, 2020 (36 of 2020);
- (o) “competent authority” means an authority appointed under section 58 for the purpose of Chapter V or under section 91 for the purpose of Chapter VII of the Code by the State Government;
- (p) “contribution” means the amount of contribution payable by the unorganized worker, the self-employed person or other beneficiary as a member of the scheme as provided under clause (b) of sub-section (3) of Section 109 or clause

- (b) of sub-section (1) of Section 110 or payable by the gig workers, platform workers and the aggregators as provided under clause (c) and (d) of sub-section (3) of Section 114 and includes the amount given by the Central and the State Government from time to time as per the scheme notified under sub-section (1) and (2) of Section 109 or sub-section (l) of Section 114, as the case may be;
- (q) “electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purposes of the Code;
- (r) “excluded vacancies” means those vacancies which have been excluded from the purview of the section 139 as per the provisions of sub-sections (1) and (2) of Section 140;
- (s) “form” means a form appended to these rules;
- (t) “fund” means the Employees State Insurance Fund referred to in Section 25, the Provident Fund, the Pension Fund and the Employees Deposit–Linked Insurance Fund referred to in Section 16 or Odisha Unorganised Workers’ Social Security Fund referred in Section 141 or, Odisha Building and Other Construction Workers’ Welfare Fund referred to in Section 108, as the case may be;
- (u) “Government securities” means Government securities as defined in the Government Securities Act, 2006 (38 of 2006);
- (v) “immovable property” includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (w) “movable property” means property of every description except immovable property;
- (x) “nodal officer” means a person designated by Odisha Building and Other Construction Workers’ Welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of building workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central and the State Governments or local authority including supervising and monitoring of the beneficiary Registering Officers designated by appropriate Government;
- (y) “nomination” means nomination made under section 55;
- (z) “registered medical practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (i) of Section 2 of the Indian Medical Council Act, 1956 and who is enrolled on an Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of the said section;

- (za) “register of women employees” means a register of women employees maintained under rule 77;
- (zb) “Scheduled Bank” means a bank included in the Second Schedule of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934)
- (zc) “section” means a section of the Code;
- (zd) “Shram Suvidha Portal” means the portal of the Ministry of Labour & Employment with such name;
- (ze) “specified” means specified by an order of the Central Government or the State Government or any officer so authorised by such Government;
- (zf) “standard benefit rate” means average daily wages obtained by dividing the total wages paid during the Contribution period by the number of days for which these wages were paid ;
- (zg) “State Government” means the Government of Odisha;
- (zh) “transferring authority” means any authority in any country which transfers or caused to be transferred any lump sum awarded under the law relating to employees compensation in such country and applicable for the benefit of any persons residing or about to reside in India.
- (zi) “year” shall mean the financial year, that is to say, beginning from the 1st day of April and ending with the 31st day of March of the year following:

Provided that in case of a beneficiary, the words, “year”, “annum” and “annual” shall mean a process of forward counting of a period of 365 days (or 366 days in case the year concerned being a leap year) following the initial date of his registration as a beneficiary under the Odisha Unorganised Workers’ Social Security Board or Odisha Building and Other Construction Workers’ Welfare Board, as the case may be.

(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

PART-A

ODISHA UNORGANIZED WORKERS SOCIAL SECURITY BOARD

3. Constitution of Odisha Unorganised Workers’ Social Security Board under sub-sections (9), (12) & (14) of Section 6.– (1) The State Board constituted under sub-section (9) of Section 6, by notification in the official gazette, shall be called as “Odisha Unorganised Workers’ Social Security Board”.

(2) The Odisha Unorganised Workers' Social Security Board shall consist of the following members under sub-section (10) of Section 6, namely:—

- (a) Minister, Labour & ESI, Odisha - Chairperson, *ex officio*;
- (b) Secretary, Labour & ESI Department, Government of Odisha - Vice-Chairperson;
- (c) Labour Commissioner, Odisha - Member-Secretary, *ex officio*;
- (d) One member representing the Central Government in the Ministry of Labour & Employment;
- (e) thirty-one members to be nominated by the State Government, out of whom—
 - i. seven representing the unorganised workers;
 - ii. seven representing employers of unorganised workers;
 - iii. two members representing Odisha Legislative Assembly;
 - iv. five members representing eminent persons from civil society; and
 - v. ten members representing the State Government Departments concerned.

(3) The State Government shall nominate seven representatives from unorganised workers and seven representatives from employers of unorganised workers, in the Board, in the category of sub-clauses (i) and (ii) of clause (d) of sub-section (10) of Section 6 in the manner, as it may determine.

(4) The State Government shall nominate two members of Odisha Legislative Assembly under sub-clause (iii) of clause (d) of sub-section (10) of Section 6.

(5) The State Government shall nominate five eminent persons from civil society, under sub-clause (iv) of clause (d) of sub-section (10) of Section 6.

(6) The State Government shall nominate ten members under sub-clause (v) of clause (d) of sub-section (10) of Section 6 representing Departments of State Government, concerned with the matters related to the welfare of the unorganised workers.

(7) A member nominated under sub-clauses (i), (ii) and (iv) of clause (d) of sub-section (10) of the Section 6, shall cease to be a member of the Board, if he ceases to represent the category of interest from which he was so nominated:

Provided that out of the members so nominated, one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and women shall be represented.

(8) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of Section 6 shall cease to be a member of the Board, if he ceases to be a member of Odisha Legislative Assembly.

(9) A member of the Board, other than an *ex officio* member thereof, shall hold office for a period not exceeding three years from the date of his nomination and shall be eligible for re-nomination.

Provided that a member, other than an *ex-officio* member, shall not hold the office for more than total of two terms.

(10) No person shall be chosen as, or continue to be a member of the Board, if such person attracts any provision of Section 8.

4. Reconstitution.– (a) The State Government shall initiate the process for reconstitution of the Board, prior to six months of expiry of the term of the Board.

(b) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the functions of the Board as may be decided by the State Government, for the period till the new Board is constituted, through a notification.

(c) Consequent upon institution of arrangement under clause (b), all actions taken shall have the same effect as if it has been carried out by the Board itself.

5. Resignation.– (a) A member of the Board, not being an *ex officio* member, may resign by a letter in writing addressed to the State Government.

(b) The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(c) The power to accept the resignation of such a member shall vest with the State Government.

6. Change of Address.– If such a member changes his address, he shall notify his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official records:

Provided that if a member fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

7. Manner of filling vacancies.– When a vacancy occurs or is likely to occur in the membership of the Board, the Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill that vacancy in the manner specified under rule 3, and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

8. Procedure for removal of a member.– (a) During the pendency of the proceeding, if any, under clauses (b) and (c) of sub-section (2) of Section 8, for removal of a member of the Board, such member shall abstain from the meetings of the Board.

(b) The decision of the State Government, on debarment, dis-qualification and removal of any member under section 8, shall be final.

9. Allowances of member.— (a) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for the journey performed by him on official duty shall be payable by the department or authority paying his salary.

(b) Every non-official member of the Board shall be allowed travelling and daily allowance for attending its meetings at the rates admissible to officers of the State Government holding a post in Level 12 in the pay matrix.

(c) No daily or travelling allowance, as the case may be, in respect of any day of journey shall be claimed by a member of the Board, if he has drawn or will draw allowance for the same from his employer and no travelling allowance shall be claimed, if he uses a means of transport provided at the expense of Government or his employer.

10. Meetings and notice of meetings.— (a) The Board shall, meet at such place and time as may be decided by the Chairperson.

(b) The Board shall meet at least once in a quarter.

(c) The Chairperson of the Board may whenever he thinks fit, and within fifteen days of receipt of a requisition in writing from not less than one half of the members of the body concerned, shall call for a special meeting thereof and a requisition so made shall specify the object of the meeting proposed to be called.

11. List of business.— (a) A notice of not less than fifteen days from the date of its issue, containing the date, time and place of every ordinary meeting of the Board, together with a list of business proposed to be transacted approved by the Chairperson concerned shall be sent to every member of the Board, electronically or through registered post or speed post or by special messenger.

(b) When the Chairperson concerned calls an emergency meeting of the Board, for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary, shall be deemed sufficient and shall be sent to every member of the Board, as the case may be, electronically or through by registered post or speed post or special messenger.

(c) No business other than for which the meeting of the Board has been convened shall be considered at the meeting except with the permission of the Chairperson of the meeting.

(d) The Chairperson or in his absence, the Vice-Chairperson of the Board shall preside over every meeting.

12. Quorum.— (1) No business shall be transacted at any meeting of the Board unless a quorum of ten members is present:

Provided that the Chairperson may adjourn the meeting to another date informing the members present and giving notice to other members that he proposes to dispose of

the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of numbers of members attending.

(2) (a) If a member is unable to attend any meeting of the Board, he may, by a written instrument, signed by him, addressed to the Chairperson of the concerned body and explaining the reasons for his inability to attend the meeting, appoint any representative of the organisation, which he represents on the Board, as his substitute for attending that meeting in his place:

Provided that no such appointment shall be valid unless—

- (i.) such appointment has been approved by the Chairperson of the body concerned; and
- (ii.) the instrument making such appointment has been received by the Chairperson of the body concerned before the date fixed for the meeting.

(b) A substitute validly appointed under clause (a) shall have all the rights and powers of the member to whom he represents in relation to the meeting of the body concerned, in respect of which he is appointed and shall receive allowances, and be under obligations as if he were the member appointed under the Code.

(c) A member appointing a substitute for attending any meeting of the Board under clause (a), shall, notwithstanding anything contained in this sub-rule, continue to be liable for the misappropriation or misapplication of the fund by the substitute and shall also be liable for any act of misfeasance or nonfeasance committed in relation to the fund by the substitute appointed by him.

(3) Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members of the body concerned present and voting and in the event of an equality of votes the Chairperson shall exercise an additional casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to the members of the Board and by securing their opinions in writing; and any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

Provided further that any member of the Board may request that the question referred to the members of the concerned body, for written opinion be considered at a meeting of the Board and thereupon the Chairperson may, if the request is made by not less than three members of the concerned body, shall direct that it be so considered.

13. Minutes of meeting.— (1) The minutes of each meeting showing inter-alia the names

of the members present there, shall be forwarded to each member of the Board and to the State Government, as soon as possible and in any case not later than four weeks after the meeting.

(2) The minutes of the meeting shall be confirmed with such modification considered necessary at the next meeting.

(3) The minutes of a meeting of the Board shall be kept in a separate Book (hereinafter referred to as minute-book) and shall be signed by the Chairperson of the meeting at which the proceedings are confirmed.

(4) A copy of the minutes so confirmed shall be forwarded to the State Government within fifteen days from the date of such confirmation.

(5) The minute-books shall be kept open at the principal office of the Board during office hours on working days for inspection free of charge by any of the respective member.

14. Administrative and Financial Powers of the Member Secretary.— (1) The Member Secretary of the Odisha Unorganised Workers' Social Security Board shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep record of minutes and shall take necessary steps for carrying out the decision of the Board.

(2) The Member Secretary shall open a Savings Bank Account in a Nationalised Bank in the name of Odisha Unorganized Workers' Social Security Board and shall operate the said Account.

(3) All administrative expenditure up to ten lakh rupees at a time shall be sanctioned and drawn under the signature of the Member Secretary and such expenditure in excess of ten lakh rupees at a time shall be approved by the Vice Chairperson prior to disbursement by the Member Secretary of the Board and such financial power of the Member Secretary and the Vice Chairperson shall be altered by the Board when felt necessary.

(4) The Member Secretary may also exercise such other administrative and financial powers, as may be delegated to him, from time to time, by the Board on recommendation of the Chairperson.

(5) The Member Secretary shall ensure opening of an account at district level which shall be operated jointly by the District Collector and the District Labour Officer (Welfare) or any other Officers, as may be notified by the State Government.

(6) All expenditure including distribution of benefits under the Board shall be sanctioned by the District Collector.

(7) Expenditure up to fifty thousand rupees shall be incurred by the District Labour Officer (Welfare) and all expenditure in excess of fifty thousand rupees at a time shall be incurred

by the District Collector and the District Labour Officer (Welfare), jointly through DBT Mode only.

(8) The Board may, with prior approval of the State Government, from time to time, delegate or alter, subject to such conditions as it may deem fit, administrative and financial powers to any other Officer under the control and supervision of the Board to such extent, for such purpose and subject to such conditions as may be specified in the delegation, for its efficient functioning.

(9) The budget estimate of the Board for every financial year shall be prepared by 31st January of every year and the same shall be submitted to the State Government for approval.

(10) The Member Secretary shall ensure that,—

- (i) the accounts of the Board shall be maintained annually as per the provision of Section 115;
- (ii) the accounts of the Board shall be audited annually as per the provision of Section 116;
- (iii) the budget of the Board shall be framed annually and submitted to the State Government as per the provision of Section 117; and
- (iv) the annual report of the Board shall be prepared annually and submitted to the State Government as per the provision of Section 118.

(11) Subject to the financial capability, the Board may engage human resources with due approval of the State Government and provide their remuneration from the funds of the Board at such rate as may be decided by the State Government from time to time.

(12) A senior officer belonging to Odisha Financial Service cadre shall act as the Finance Officer of the Board. He shall work on deputation to the Board and look after the financial matters and compliance of statutory financial matters of the Board.

PART B

ODISHA BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE BOARD

15. Constitution of the Odisha Building and Other Construction Workers' Welfare Board under section 7.— (a) The "Board" constituted under sub-section (1) of Section 7 by notification in the official gazette, shall be called as the 'Odisha Building and Other Construction Workers' Welfare Board'.

(b) The Odisha Building and Other Construction Workers' Welfare Board shall consist of the following members under sub-section (3) of Section 7, namely:—

- (i) A Chairperson to be nominated by the State Government;
- (ii) One member to be nominated by the Central Government;

- (iii) Not more than five members representing the building workers to be nominated by the State Government;
- (iv) Not more than five members from among the employers of building workers to be nominated by the State Government; and
- (v) Not more than five members representing the State Government, concerned with the matters related to the welfare of the building workers, to be nominated by the State Government:

Provided that the Odisha Building and Other Construction Workers' Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one of the members of the Odisha Building and Other Construction Workers' Welfare Board nominated under sub-clauses (iii), (iv) and (v) of clause (b) shall be a woman.

(c) A nominated member, other than *ex officio* member, shall subject to the pleasure of the State Government, hold office for a period not exceeding three years from the date of his nomination or till the reconstitution of the Board whichever is earlier.

(d) The Secretary means the Member Secretary of the Board appointed under clause (a) of sub-section (5) of Section 7 of the Code.

16. Reconstitution.— (a) The State Government shall initiate the process for reconstitution of the Odisha Building and Other Construction Workers' Welfare Board, prior to six months of expiry of the term of the Board.

(b) If the new Board is not re-constituted after completion of the term of the Odisha Building and Other Construction Workers' Welfare Board, such arrangements may be made for discharging the functions of the Board as may be decided by the State Government, for the period till the new Board is constituted.

(c) Consequent upon institution of arrangements under clause (b) of this rule, all actions taken shall have the same effect as if it has been carried out by the Board itself.

17. Resignation.— (a) A member of the Odisha Building and Other Construction Workers' Welfare Board, not being an *ex officio* member, may resign by a letter in writing, addressed to the State Government.

(b) The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(c) The power to accept the resignation of such a member shall vest with the State Government.

18. Change of Address.– If such a member changes his address, he shall notify his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official records:

Provided that if a member fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

19. Manner of filling of casual vacancies.– When a vacancy occurs or is likely to occur in the membership of the Odisha Building and Other Construction Workers' Welfare Board due to death, resignation or otherwise, the Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification nominate a person to fill that casual vacancy in the manner specified under rule 15 and the person so nominated shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

20. Cessation of Membership.– If any member of the Board, not being an ex-officio member, fails to attend three consecutive meetings of the Board without obtaining the leave of the Chairperson for such absence, he shall cease to be a member of the Board:

Provided that the Board may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

21. Fees and Allowances.– The Chairperson shall be paid an honorarium and other allowances and facilities as may be fixed by the State Government, from time to time.

(a) Every non-official member of the Board shall be paid a sitting allowance of Rs.2000/- or an amount as may be fixed by the State Government, from time to time, for attending the meeting of the Board.

(b) Every non-official member shall be allowed travelling allowance and daily allowance for attending a meeting of the Board at such rate as admissible to officers of the State Government in Level-12 of the pay matrix.

(c) All such expenditure shall be met from the funds of the Board within its administrative expenses.

(d) The travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the respective Department.

22. Appointment of Secretary and other Officers.– (a) The Board may, with prior approval of the State Government, appoint an Officer from the State Labour Directorate not below the rank of the Joint Labour Commissioner on deputation as Secretary of the

Board who shall receive his pay and other allowances from the budget provisions of the Labour Department of the Government.

(b) The Board shall utilize the services of the officers and other staff of the State Labour Directorate for due discharge of its functions, both at the Headquarters and in the field, in addition to their own duties who shall receive their pay and other allowances from the budget provisions of the Labour & ESI Department, Odisha.

(c) For smooth functioning of the Board, the Secretary and other officers and employees of the Board may visit to different States or districts and the expenditure incurred towards the said visit shall be met from the funds of the Board within its administrative expenses.

(d) Subject to financial capability, the Board may appoint its own staff with due approval of the Finance Department, Odisha and provide their salaries, allowances and other remuneration from the funds of the Welfare Board at such rate as may be decided by the Board from time to time.

(e) A senior officer belonging to Odisha Financial Service cadre may be deputed to the Welfare Board to look after the financial matters and compliance of statutory audits of the Board.

(f) The Board may in consultation with the State Government, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of implementing the welfare schemes under the Code, taking into account its financial condition and the actual requirement of the such offices.

23. Administrative and Financial Powers of the Secretary.– (1) The Secretary of the Board shall be its Chief Executive Officer.

(2) The Secretary shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep record of minutes of the meeting and shall take necessary steps for carrying out the decision of the Board.

(3) The Secretary of the Board may sanction funds, incur expenditure and sign RTGS upto a limit to be authorized from time to time, by the Welfare Board for contingencies, supplies and services and for purchase of articles, etc. after due delegation of the financial power by the Chairperson. Any amount beyond the limit authorized by the welfare Board to the Secretary, to be signed by both the Chairperson and the Member Secretary of the Board:

Provided that, the Secretary may incur expenditure up to ten lakh rupees to meet unforeseen exigencies without being authorized by the Board, but with the approval of the Chairperson.

(4) The Secretary may also exercise such other administrative and financial powers other than those specified in sub-rule (3), as may be delegated to him, from time to time, by the Board on recommendation of the Chairperson.

(5) The Board may, from time to time, delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other Officer under the control and supervision of the Board to the extent considered necessary for its efficient functioning.

(6) The Board may, with the prior approval of the Government, delegate financial powers to the Collector of the district and other officers of the State Government to such extent, for such purpose and subject to such conditions as may be specified in the delegation.

24. Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of Section 7.— Odisha Building and Other Construction Workers' Welfare Board shall formulate the following schemes for the building workers to-

- (a) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
- (b) frame educational schemes for the benefit of children of the beneficiaries; and
- (c) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be notified by the State Government from time to time.

25. Other welfare measures and facilities under sub-section (6) of Section 7.— (1) If, in the opinion of the State Government, it is necessary, for the improvement of well-being of the building workers, to modify or improve the existing welfare scheme or formulate new welfare scheme or schemes in the State, the State Government after due recommendation of the Board or otherwise, may modify or improve or formulate such scheme or schemes, as determined by the State Government from time to time, as per the provision of sub-section (6) of Section 7.

(2) The Board may propose eligibility criteria, amount of benefit, application form and procedure, determination of competent authority or authorities for sanction of benefit, mode and manner of payment, administrative expenses and other incidental matters thereto.

CHAPTER III
EMPLOYEES' INSURANCE COURT

26. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of Section 37.— The Insured Person or the Corporation, as the case may be, may file second appeal to the Employees' Insurance Court by presenting an application in **Form-I** within a period of ninety days from the date of receipt of the copy of order of the Medical Board or of the Medical Appellate Tribunal by the Insured Person or the Corporation, as the case may be:

Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the prescribed period.

27. Constitution, matters and procedure to be followed by the Employees' Insurance Court under sub-section (2) & (3) of Section 50.— (1) The State Government, by notification, shall constitute an Employees Insurance Court under section 48, for such local areas as may be specified in the notification.

(2) An application under section 49 shall be presented electronically or otherwise in Form-I and shall contain the following particulars, namely:-

- (a) name of the Court in which application is brought;
- (b) full name including the Father's name, description including age, occupation and full postal address, Mobile Number and e-mail ID (if any) of the applicant;
- (c) full name including the Father's name, description including age, occupation and full postal address, Mobile Number and e-mail ID (if any) of the opposite party, so far as they can be ascertained;
- (d) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his guardian, next-of-kin, or any other person authorized to act on his behalf;
- (e) the facts constituting the cause of action and the date when it arose.
- (f) the facts showing that court has jurisdiction.
- (g) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
- (h) the relief which the applicant claims.

(3) Every application shall be verified in the same manner as a pleading in a Civil Court.

(4) All documents on which the application is based or has desired by applicant shall be appended to the application with an accurate list thereof in the manner prescribed in **Form-II**. Nothing in this rule shall apply to any document which is produced for the purpose of cross examination of a witness or is handed to a witness to refresh his memory.

(5) All applications shall be entered in a Register in **Form-III** called the Register of Proceedings, electronically or otherwise. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

(6) Every application to the Court shall be brought within three year on which the cause of action arose or as the case may be, the claim becomes due.

(7) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertained by another Court, the first mentioned Court shall transfer the application alongwith the file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which the application along with the file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.

(8) The Court shall follow the provisions of the Code of Civil Procedure, 1908 (No. V of 1908), including the rules made there under and the Bharatiya Sakshya Adhinyam, 2023 (No.47 of 2023), in respect of summoning of the parties, service of summons, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

(9) The fee payable on an application in respect of any matter referred to in Section 49 shall be one hundred rupees. However, the State Government may enhance the fees by notification, from time to time.

(10) The fee and costs payable in respect of any other matters shall be such as is prescribed by the relevant laws for the time being in force

(11) All fees and costs referred to in this rule shall be collected by means of Court-fee stamps used in ordinary Courts and no document which ought to bear stamps under these rules shall be of any validity unless and unless and until it is properly stamped:

28. Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of Section 51.– (1) The proceedings before an Employees' Insurance Court shall be commenced on application by the Corporation or the aggrieved person or the employer of an establishment, as the case may be.

(2) Subject to the provisions of Chapter IV of the Code, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the Insured Person was working at the time the question or dispute arose.

(3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.

(5) The Court to which any matter is transferred under sub-rule (4) or sub-rule (5) shall continue the proceedings, further from the stage it is transferred to it, as if they had been originally instituted in it.

CHAPTER IV GRATUITY

29. Bank or other financial institution in which the Gratuity shall be invested for the benefit of minor under third proviso to sub-section (1) of Section 53.— In the case of nominee, or an heir, who is minor, the competent authority referred to in the third proviso to sub-section (1) of Section 53 shall invest the gratuity amount deposited with him by the employer for the benefit of such minor in term deposit with the State Bank of India or any nationalised bank.

Explanation.— For the purposes of this rule, "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

30. Time, Form and manner of nomination, fresh nomination and modification under sub-section (1), (4), (5) and (6) Section 55.— (1) A nomination shall be in **Form-IV** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,-

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules, but not submitted the nomination, ordinarily, within ninety days from such date; and
- (ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily, within ninety days of the completion of

one year of service:

Provided that nomination in **Form-IV** shall be accepted by the employer after the expiry of the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(2) Within thirty days of the receipt of nomination in **Form-IV** under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-IV** duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained by him.

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of Section 55, duplicate in **Form-IV** to the employer and thereafter the provisions of sub-rule (3) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-IV** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (3) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his left thumb impression in the presence of two witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be, and shall be submitted by the employee electronically or by registered post or speed post acknowledgement due to the employer.

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

31. Time within which and form in which written application under sub-section (1) of Section 56.— (1) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within a period of thirty days from the date the gratuity became payable, in **Form-V** to the employer:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement:

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of at least one year and for subsequent period in excess of six months and more, but less than one year, shall be rounded off to one additional year.

(2) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of Section 53 shall apply, ordinarily within thirty days from the date of gratuity became payable to him, in **Form-V** to the employer:

Provided that an application in plain paper with relevant particulars shall also be accepted and the employer may obtain such other particulars as may be deemed necessary by him.

(3) A legal heir of an employee who is eligible for payment of gratuity under the third proviso to sub-section (1) of Section 53 shall apply, ordinarily within one year from the date the gratuity became payable to him, in **Form-V** to the employer;

(4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in sub-rules (1), (2) and (3) shall be deemed to be operative from the date of such commencement.

(5) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period and any dispute in this regard shall be referred to the competent authority for his decision.

(6) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post with acknowledgement due.

32. Notice for payment of gratuity under sub-section (2) of Section 56.– (1) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall-

(i) if the claim is found admissible on verification, issue a notice in **Form-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof; or

(ii) if the claim for gratuity is not found admissible, issue a notice in **Form-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible and a copy of the notice shall be endorsed to the competent authority.

Explanation.- For the purpose of determination of gratuity under this rule, it is clarified that-

- (i) the exclusions from the wage, as specified under sub-clauses (a) and (b) of clause (88) of Section 2 shall also include any payment payable on an annual basis, that is linked to performance or productivity of an employee or of the establishment in which he is employed and is not part of the remuneration payable under the terms of employment; and
- (ii) the following shall not form part of the wage-
 - (a) reimbursement of medical expenses;
 - (b) stock option benefit or cash equivalent of stock award;
 - (c) crèche allowance;
 - (d) telephone and internet reimbursement; and
 - (e) value of meal vouchers.

(2) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-VI** under clause (i) of sub-rule (1) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness(es) or evidence(s) as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be and in that case, the time limit specified for issuance of notices under sub-rule (1) shall be operative with effect from the date such witness(es) or evidence(s), as the case may be, called for by the employer is furnished to the employer.

(4) A notice in **Form-VI** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

33. Mode of payment of gratuity.- The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be:

Provided that intimation about the details of payment shall also be given by the employer to the competent authority of the area, electronically or otherwise.

34. Form of application to competent authority for direction under clause (b) of sub-section (5) of Section 56.- (a) If an employer-

- (i) refuses to accept a nomination under rule 30 or to entertain an application sought to be filed under sub-rule (1); or

- (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity; or
- (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-VII** to the competent authority for issuing a direction under sub-section (5) of Section 56 with copy to the opposite party:

Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

(b) Application under clause (a) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgement due or electronically.

35. Procedure for dealing with application for direction.— (a) On receipt of an application under rule 34, the competent authority shall, by issuing a notice in **Form-VIII**, electronically or registered post or speed post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

(b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act and the competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(c) A party who is being represented by an authorised representative shall be bound by the acts of the representative.

(d) After completion of hearing on the date fixed under clause (a), or after taking such further evidence(s), examination of documents or witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code and a copy of the finding shall be given to each of the parties.

(e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause being shown, the competent authority may proceed to hear and determine the application *ex-parte*; and if the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

Provided that an order under clause (e) may, on good cause being shown within a period of thirty days of receipt of the said order, be reviewed and the application shall be re- heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

36. Place and time of hearing.— The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

37. Administration of oath.— The competent authority may authorise a clerk of his office to administer oaths for the purpose of giving evidence or producing documents.

38. Summoning and attendance of witnesses.— The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in **Form-IX** either to give evidence or to produce documents or for both purposes on a specified date, time and place.

39. Service of summons or notice.— (a) Subject to the provisions of clause (b), any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as provided under the Code of Civil Procedure, 1908 (5 of 1908).

(b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorized person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.

40. Maintenance of records of cases by the competent authority.— (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and put the date on the particulars so recorded.

(b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.

(c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

41. Direction for payment of gratuity.— If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-X** electronically or by registered post or speed post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within a period of thirty days from the date of the receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

42. Appeal.— (a) The memorandum of appeal under sub-section (8) of Section 56 shall be submitted to the appellate authority specified, by order, by the State Government with a copy thereof to the opposite party and the competent authority either through delivery in person or by registered post acknowledgement due or electronically.

(b) The memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.

(c) There shall be appended to the memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.

(d) On receipt of the copy of memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.

(e) Within fourteen days of the receipt of the copy of the memorandum of appeal from the appellate authority, the opposite party shall submit his comments on each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.

(f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard and a copy of the decision made by the appellate authority shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case sent by him.

(g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.

(h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice

to the employer concerned in **Form-IX** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within a period of fifteen days of the receipt of the notice by the employer and a copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

43. Application for recovery of gratuity.— Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under rule 41 or rule 42, as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in **Form-XI** for recovery thereof under section 129 of the Code.

44. Manner of registration of an establishment by the employer under sub-section (3) and the manner of composition of the Board of Trustees of the approved gratuity fund and the manner in which the competent authority may recover the amount of the gratuity payable to an employee from the insurer or employer under sub-section (4) of Section 57.— (1) The State Government shall notify the manner of registration of an establishment by the employer under sub-section (3) of Section 57 in accordance with the provisions referred in sub-section (1) and (2).

(2) All registration shall be done electronically in **Form-XII**.

(3) The composition of the Board of Trustees of the approved gratuity fund shall be notified by State Government.

(4) Any amount directed to be paid under section 57 shall be recoverable as an arrear of land revenue.

45. Qualifications and experience of competent authority under sub-section (1) of Section 58.— (1) The State Government may, by notification, appoint any Gazetted officer to be a competent authority, having such qualifications and experience, as may be specified, from time to time.

(2) The State Government may, by notification, appoint any Gazetted officer above the rank of the competent authority, appointed under sub-rule (1) as appellate authority for the purpose of sub-section (8) and (9) of Section 56.

CHAPTER V

MATERNITY BENEFIT

46. Complaint under section 72.— (1) A complaint under sub-section (1) of Section 72 shall be made in writing in **Form-XIII** to the Inspector-*cum*-Facilitator having jurisdiction.

(2) When a complaint referred to in sub-rule (1) is received by an Inspector-*cum*-Facilitator, he shall examine the relevant records maintained by the employer in this

behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or any amount has been improperly withheld or the woman employee is discharged or dismissed, he shall direct the employer to make the payment to the complainant or to the person claiming the payment under section 63, and pass such order as he deems fit, immediately but not exceeding period of forty-five days:

Provided that the time limit for disposal of complaint shall not exceed ninety days from the date of filing of complaint. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the complaint.

47. Authority to whom an appeal may be preferred under sub-section (3)

Section 72.— (a) An appeal against the decision of the Inspector-*cum*-Facilitator, shall lie to the competent authority, as may be notified by the State Government.

(b) The aggrieved person shall prefer an appeal in writing to the competent authority in **Form-XIV** and file other supporting documents.

(c) When an appeal is received, the competent authority shall call from the Inspector-*cum*-Facilitator before a fixed date, the record of the case. The competent authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-*cum*-Facilitator and seek clarification, if any, is required.

(d) Taking into account the document(s), the evidence produced before him and the facts presented to him or ascertained by him, the competent authority shall give his decision within a period of ninety days from the date of filing of the appeal before him and in case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

(e) The competent authority appointed under the sub-section (3) of Section 72 of the Code shall be responsible for the administration of these rules under this Chapter within their respective areas notified by the State Government.

48. Duties of Inspector-*cum*-Facilitator.— (1) (a) Every Inspector-*cum*-Facilitator shall discharge his duties within the area assigned to him by the State Government and shall act under the supervision and control of the competent authority.

(b) Every Inspector-*cum*-Facilitator shall at each inspection of an establishment see—

(i) whether due action has been taken on every notice given under section 62;

(ii) whether the register of women employees referred to in rule 77 is correctly maintained;

- (iii) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of Section 68 since the last inspection;
- (iv) whether the provisions of sub-section (1) of Section 59, sub-sections (5) and (6) of Section 62, Sections 64, 65, 66, 67, 69 and 71 have been complied with and whether amounts due have been paid within the time as per the relevant provisions of the Code and rules made by the State Government;
- (v) whether there have been any cases of deprivation of maternity benefit or medical bonus as referred to in sub-section (2) of Section 68; and
- (vi) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(c) Where an Inspector-cum-Facilitator observes irregularities against the Code or these rules, he shall issue an order in writing electronically or otherwise to the employer asking the employer to rectify the irregularities within a period of fifteen days from the date of receipt of the order and report compliance to the Inspector-cum-Facilitator.

(2) Nothing in rule 46 and rule 47 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code, if she fails to submit a notice, appeal or complaint under the said sub-rules, as the case may be, in a form specified for such purpose:

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Code in a form other than the form specified for such purpose, the authority concerned may, within fifteen days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the form specified for such purpose.

49. Abstract.— The abstract of the provisions of Chapter VI of the Code and the rules made thereunder required to be exhibited under section 71 shall be in Form-XIV, and shall be exhibited in such manner as the competent authority may require.

CHAPTER VI

EMPLOYEE'S COMPENSATION

50. Amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub-section (7) of Section 76.—

If the injury of an employee results in death, the employer shall in addition to the compensation under sub-section (7) of Section 76, deposit with the competent authority a sum of fifteen thousand rupees or such amount as may be notified by the State

Government, for payment of the same to the eldest surviving dependents of the employee towards the expenditure of the funeral of such employee or where the employee did not have the dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure:

Provided that if the Central Government, by notification enhances the amount specified in sub-section (7) of Section 76, the amount to be deposited under this rule shall be automatically enhanced.

51. Conditions when application for review is made without certificate of a medical practitioner under sub-section (1) of Section 79.— Application for review of half-monthly payment under sub-section (1) of Section 79, may be made without being accompanied by a certificate of a medical practitioner,-

- (i) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;
- (ii) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
- (iii) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employee's condition such as to warrant such cessation;
- (iv) either by the employer or by the employee, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
- (v) either by the employer or by the employee, on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

52. Interval for medical examination under the proviso to sub-section (1) of Section 84.— An employee who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being, more than twice in the first month following the accident or more than once in subsequent month.

53. Class of employers and the form of notice-book under sub-section (4) of Section 82.— Every employer to which the Code applies shall maintain a notice book in accordance with sub-section (4) of Section 82 in **Form-XV**, which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting *bona fide* on his behalf.

54. Form of statement to be submitted by the employer sub-section (1) of Section 88.— The statement for fatal accident as required by an employer under sub-section (1) of Section 88 shall be,-

(1) the notice to be sent by a Competent Authority under sub-section (1) of Section 88 shall be in **Form-XVI** and shall be accompanied by a blank copy of **Form-XVI**;

(2) the statement to be submitted by an employer under sub-section (1) of Section 88 shall be in **Form- XVII**.

55. Manner of recording the memorandum in a register by the Competent Authority under sub-section (1) of Section 89.— The Memorandum of agreement sent to the Competent Authority under sub-section (1) of Section 89 shall, unless the Competent Authority otherwise directs, be in duplicate, and shall be in, as close conformity as the circumstances of the case admit with, **Form-XVIII or Form-XIX or Form-XX**, as the case may be.

56. Procedure where Competent Authority does not consider that he should refuse to record memorandum.— (1) The Competent Authority shall, unless he considers that there are ground for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in **Form-XXI** to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Competent Authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Competent Authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in **Form XXII**.

57. Procedure where Competent Authority considers, he should refuse to record memorandum.— (1) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall

inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present a written notice shall be sent to them in **Form XXIII** or **Form XXIV**, as the case may be and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under sub-rule (i) of clause (b) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the Competent Authority may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.

(4) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in **Form-XXII** to any party who did not receive information under sub-rule (1).

(5) If, in any case, the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(6) If, the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid.

(7) Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Competent Authority considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

58. Registration of memorandum accepted for record.— In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in **Form- XXV** and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:

"This memorandum of agreement bearing serial No.of 20..... in the register has been recorded this..... day of.....

(Signature)

(Competent Authority)

59. Experience and qualifications for appointment as a competent authority under sub-section (1) of Section 91.— The State Government may, by notification, appoint any

person having qualifications referred to in sub-section (1) of Section 91 or any Group-A officer of the Labour & Employee's State Insurance Department, Odisha not below the rank of Divisional Labour Commissioner having educational qualification as determined for the post by the State Government, to be the Competent Authority for employee's compensation within defined jurisdiction.

60. Manner in which matters may be dealt with by or before a competent authority under sub-section (1) of Section 92.—

(1) Save as otherwise provided in these rules, the procedure to be followed by Competent Authorities in the disposal of cases under the Code or these rules and by the parties in such cases shall be regulated in accordance with the sub-rules under this rule.

(2) Application.— (i) Any application of the nature referred to in Section 93 may be sent to the Competent Authority electronically or by registered post or speed post or may be presented to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in **Form--XXVI, Form-XXVII** or **Form- XXVIII**, as the case may be and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (Central Act No. V of 1908).

(3) Production of documents.— When the application for relief is based upon a document, the document shall be appended to the application and any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing. Any document which is not produced along with application or before the first hearing shall not, without the sanction of the Competent Authority, be received in evidence on behalf of the applicant. Nothing in this rule applies to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

(4) Application presented to wrong Competent Authority.— (i) If it appears to the Competent Authority on receiving the application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Competent Authority to whom it should be presented, and

(ii) if it appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy of the application, accordingly.

(5) Continuation of proceedings.— The Competent Authority to whom an application is transferred under sub-rule (4) may continue the proceedings as if the previous

proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

(6) Examination of applicant.— On receiving the application of the nature referred to in Section 92 or Section 93, the Competent Authority may examine the applicant and his witness, if any, on oath and the substance of any examination made shall be recorded in the manner provided for the recording of evidence in Section 97.

(7) Summary dismissal of application.— The Competent Authority may, after considering application and the result of any examination of the applicant under the sub-rule (6) summarily dismiss the application if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(8) The dismissal of the application under sub-rule (7) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(9) Preliminary inquiry into application.— If the application is not dismissed under sub-rule (7), the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

(10) Notice to opposite party.— If the Competent Authority does not dismiss the application under the sub-rule (7) or (9), he shall send to the party from whom the applicant claims relief, hereinafter referred to as the opposite party, a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to render.

(11) Appearance and examination of opposite party.— The opposite party may, and if so required by the Competent Authority, shall, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record and if the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

(12) Framing of issues.— After considering the written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to

depend. In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

(13) Power to postpone trial of issues of facts where issues of law arise.— When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

(14) Diary or Tracker.— The Competent Authority shall maintain a brief diary or tracker on an application either electronically or otherwise.

(15) Reasons for postponement to be recorded.— If the Competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitates a postponement.

(16) Judgement.— The Competent Authority in passing orders, shall record concisely a judgment, and his finding on each of the issues framed and his reasons for such finding. The Competent Authority, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(17) Summoning of witnesses.— If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall on payment of expenses and fees, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

(18) Exemption from payment of costs.— If the Competent Authority is satisfied that the applicant is unable by reason of poverty to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in as the Competent Authority in its order regarding costs may direct.

61. Right to entry for local inspection.— (1) A Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the

permission of the employer or of some person directly responsible to him for the management of the establishment.

(2) Procedure in connection with local inspection.— (i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 88, or to the representatives of any such person.

(iii) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.

(iv) The Competent Authority, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fees, shall supply any party with a copy thereof.

(v) The memorandum shall form part of the record.

(3) Power of summary examination.— (i) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(ii) No oath shall be administered to a person examined under this sub-rule.

(iii) Statements made by persons examined under sub-rule (4), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Competent Authority for the purpose of arriving at a decision in the case.

(iv) If a witness who has been examined under sub-rule (4), makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(v) Any statement or part of a statement which is furnished to the parties under sub-rule (6) shall be incorporated in the record.

62. Settlement by agreement.— Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under sub-rule (4) of rule 105 and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

63. Agreement to abide by Competent Authority's decision.— If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision and if the other party agrees to abide by the Competent Authority's decision, the fact of his agreement shall be recorded in writing and signed by him but if the other party does not agree to abide by the Competent Authority's decision, the first party shall not remain under an obligation so to abide.

64. Procedure where indemnity claimed under sub-section (2) of Section 85.— (1) Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of Section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Competent Authority accompanied by the prescribed fee, and the Competent Authority shall thereupon issue notice to such person in **Form-XXIX**.

(2) If any person served with a notice under sub-rule (1), desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings; and in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served, appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1), present a notice of such claim to the Competent Authority

accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in **Form-XXX**.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in **Form-XXX** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person, so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to all parties on the record, hear such person, and may set-aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Competent Authority shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

65. Procedure in connected cases.— (1) Where two or more cases pending before a Competent Authority arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

66. Time-limit for disposal of application under sub-section (4) of Section 93.— The competent authority shall dispose the application within six months from the date of receiving the application.

67. Costs incidental to the proceedings under sub-section (4) of Section 93.– (1) All costs, incidental to any proceedings before a Competent Authority, shall, subject to rules made under this Chapter of the Code shall be at the following rate :-

I. Applications for compensation-			
(a)	Where compensation is claimed in the form of recurring payments;	-	Rs. 5/-
(b)	Where compensation is claimed in the form of lump sum	-	Re 1/- where the sum does not exceed Rs. 500/- plus Rs. 1/- for each additional sum of Rs. 500/- or fractional thereof.
II. Applications for commutation			
(a)	By agreement between parties	-	Rs. 5/-
(b)	In all other cases	-	Rs. 10/-
III. Application for the deposit of compensation			
(a)	Under section 81(1) of the Code	-	Nil
(b)	Under section 81(2) of the Code for an amount more than or equal to Rs. 5000/-	-	Rs. 5/-
(In respect of each person to whom compensation is payable)			
IV.	Applications for distribution by dependents for each dependant	-	Rs. 10/-
V. Application for review-			
(a)	Where the review claimed is the continuance, increase, decrease, or ending of half monthly payment	-	Rs. 5/-
(b)	Where the half-monthly payments are sought to be converted into a lump sum	-	Rs. 20/-
(c)	In all other cases	-	Rs. 10/-
VI. Applications for the registration of agreements			
(a)	Where the application of the memorandum of agreement is signed by both parties	-	Nil
(b)	In all other cases	-	Rs. 5/-
VII. Applications to summon witness-			
(a)	For the first witness mentioned in application	-	Rs. 10/-
(b)	For every subsequent witness	-	Rs. 5/-
VIII.	Application for the indemnification	-	Rs. 15/-
IX. Application for the recovery of compensation-			
(a)	Under an order already passed by the Commissioner	-	Rs. 5/-
(b)	In all cases	-	The same fee as is payable on a similar application for compensation
X.	All applications not otherwise provided for	-	Rs. 5/-

(2) **Cost for Certified Copies.**- (a) The cost for the copies of any document of record or statement or order or decree shall be Re 1/- per page along with Rs 10/- for the application for the copies, or as notified by the State Government from time to time.

(b) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred to here-in- before shall be such amount as may be specified in each case by the Competent Authority and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as it may specify therefor.

(c) The Competent Authority may, whenever it finds either on applications of applicant or otherwise that the applicant is indigent and unable to pay the cost, may exempt the applicant from the payment of any cost with written Order to that effect.

(3) Any person, who is not a party to the dispute, may on disposal of the dispute, get the certified copy of the decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.

68. Certain provisions of Code of Civil Procedure, 1908 to apply.- Save as otherwise expressly provided in the Code or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 namely, those contained in Order V rule 9 to 13 and 15 to 30, Order IX. Order XII rule 3 to 10, Order XVI rule 2 to 21, Order XVII, Order XVIII rule 1 and 2 shall apply to proceedings before Competent Authorities, in so far they may be applicable thereto:

Provided that, –

(a) for the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not affecting the substantive as may be necessary or proper to adopt them to the matter before him;

(b) the Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

69. Provisions regarding signature of forms.- Any form, other than a receipt for compensation, which is by these rules required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

70. Apportionment of compensation among dependents.- The provisions of this part except those contained in sub-rule (10) and (11) of rule 104 and rule 108 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased employee.

71. The manner of authentication of memorandum under section 97.– The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated electronically or otherwise by the competent authority.

CHAPTER VII

SOCIAL SECURITY MEASURES AND WELFARE CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS

72. Time limit to pay the amount of cess under section 101.– (1) Date of payment of cess levied under section 100, into the Board's Fund shall be, the date on which the amount is deposited with the cess collector, or the date of deduction at source or the date on which the amount has been deposited to the local authority, as the case may be.

(2) Cess payable under section 100 shall be deposited maximum within thirty days of completion of the work or within thirty days of the date on which assessment of cess payable is finalized, whichever is earlier, and in case the duration of the project of construction work exceeds one year, cess shall be paid within thirty days of completion of one year from the date of commencement of work and every year thereafter;

Provided that in case of deduction of cess at source or collection of cess by the local authority or by any other authority notified by the State Government as per sub-section (2) of Section 100, the amount of cess shall be paid to the Board, maximum within thirty days of such deduction or collection.

(3) If any employer or local authority or other designated cess deducting authority fails to pay any amount of cess payable or deposited with cess deducting authority, as the case may be, within such time as specified in sub-rule (1) of Rule 117, shall be liable to pay interest as prescribed by the Central Government, on the amount of cess to be paid, for the period from the date on which such payment is due to the Board till such amount is actually paid to the Board.

73. Fees for appeal under sub-section (2) of Section 105.– An employer aggrieved by an order of the assessment made under section 103 or by an order imposing penalty made under section 104 may file an appeal against such order as per the manner prescribed by the Central Government under sub-section (1) of Section 105, to the Appellate Authority as notified by the State Government in this regard with a non-refundable fee equivalent to one-half percent, but not exceeding twenty five thousand rupees, of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII
FINANCE AND ACCOUNTS

74. Holding of property, etc. by the Odisha Unorganised Workers' Social Security Board or the Odisha Building and Other Construction Workers' Welfare Board under section 120.— The conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2), terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of Section 120 shall be-

- (a) in case of Odisha Unorganised Workers' Social Security Board, as specified in Part-A of Chapter-II, under this chapter and as notified by the State Government in this regard after consultation with the Finance Department, from time to time.
- (b) in case of Odisha Building and Other Construction Workers' Welfare Board, as specified in Part-B of Chapter-II, under this chapter and as notified by the State Government in this regard after consultation with the Finance Department, from time to time.

75. Conditions and manner of writing off irrecoverable dues under section 121.— Where Odisha Unorganised Workers' Social Security Board or Odisha Building and the Other Construction Workers' Welfare Board constituted by the State Government is of the opinion that the amount of contribution, cess, interest and damages due to Odisha Unorganised Workers' Social Security Board or Odisha Building and the Other Construction Workers' Welfare Board, as the case may be, has become irrecoverable, such Board or any other officer authorised by it in this behalf, with prior approval of the State Government, may sanction the writing off of the said amount, subject to the following conditions, namely:-

- (i) that the concerned establishment has been closed for more than five years and the whereabouts of the employer of such establishment cannot be ascertained, despite all possible efforts;
- (ii) that the decree obtained by such Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
- (iii) that the claim for contribution is not fully met by-
 - (a) the official liquidator in the event of the establishment having gone into liquidation; or

- (b) the competent authority of payments in the event of unit being nationalised or taken over by the Government.

CHAPTER IX

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

76. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of Section 122.— In addition to powers under sub-section (6) of Section 122, the Inspector - cum- Facilitator may exercise such other powers and shall perform such other duties as may be assigned by the State Government, by general or special order.

77. Form and manner for maintenance of records and registers etc. under section 123.— (1) (a) The employer of every establishment shall maintain,—

- (i) register of employees in **Form – I** of the Odisha Code on Wages Rules, 2026;
- (ii) register of attendance-cum-muster roll in **Form - IX** of the Odisha Code on Wages Rules, 2026;
- (iii) register of wages, over time, advances, fines and deductions for damages and losses in **Form- IV** of the Odisha Code on Wages Rules, 2026;
- (iv) register of women employees in **Form – XXXI**:

Provided that in respect of establishment which is governed by the Code on Wages, 2019 (29 of 2019) or the Code on Occupational Safety, Health and Working Conditions, 2020 (37 of 2020) and rules made thereunder maintain the registers specified in clause (i), (ii) and (iii) which shall be deemed to be maintained by the employer under these rules also.

(b) Registers under this Chapter shall be maintained electronically or otherwise.

(c) Entries in the registers shall be made in English and/ or Odia language.

(d) Every employer shall produce records and registers, on demand before the Inspector-cum-Facilitator or any person authorized in that behalf by the State Government.

(e) All the registers and other records shall be preserved in original for a period of at least five calendar years from the date of last entry made therein.

(2) Every employer shall issue wage slips, electronically or otherwise to the employees under clause (c) of Section 123 before 24 hours of payment of wages in Form– V of the Odisha Code on Wages Rules, 2026.

(3) All registers and other records required to be maintained under the Code and the rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided by the State Government, shall be kept at an office or the nearest convenient

building within the precincts of the work place or at a place within a radius of three kilometers there from.

(4) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and/ or Odia language specifying the name of the officer with designation authorised by the employer to receive, on his behalf, notices under the Code or the rules made therein.

(5) (a) The employer to which the provisions of Chapter V and Chapter VI of the Code apply, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXXII** online on the web portal of the State Government in the Labour & ESI Department, Odisha giving information as to the particulars specified, in respect of the preceding year:

Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation.- For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).

(b) If the employer to whom the provisions of Chapter V and Chapter VI of the Code apply, sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the State Government in the Labour & ESI Department, Odisha a further unified return in **Form-XXXII** referred to in clause (a) in respect of the period between the end of the preceding year and the date of such sale, abandonment or discontinuance, as the case may be.

CHAPTER X

OFFENCES AND PENALTIES

78. Manner of compounding of offences by the authorized officer and Form and manner of application for compounding of an offence under sub-section (4) of Section 138.

(1) The officer authorized by the State Government, (herein after in this rule referred to as the Compounding Officer) by notification, for the purposes of compounding of offences under sub-section (1) of Section 138 shall issue electronically a compounding notice in **Form-XXXIII** for the offences which are compoundable under section 138.

(2) The person so noticed under sub-section (1) may apply in Part III of the **Form-XXXIII** to the Compounding Officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate in Part IV of **Form-XXXIII** within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.

(4) If a person so noticed fails to deposit the composition amount within the time specified by the Compounding Officer, the prosecution shall be instituted before the Competent Court against such person for the offences in respect of which the compounding notice was issued.

(5) For the compounding of an offence after the institution of prosecution in a Competent Court in respect thereof, the provisions of sub-section (6) of Section 138 shall apply.

CHAPTER XI

EMPLOYMENT INFORMATION AND MONITORING

79. Establishment and maintenance of career centre.— (1) The State Government may establish, run and maintain career centre or modify and declare its already established office or employment exchange, or both or a portal or authorise any other such centre as career centre by notification. Till such notification is made, existing local Employment Exchanges would function as career centres.

(2) The State Government may also enter into an agreement with any institution, local authority, local body or private body for running a career centre.

(3) The career centres established under sub-rules (1) and (2) above shall, inter-alia, perform the following functions, namely:—

(a) collection and furnishing of information, either by the keeping of registers or otherwise manually, digitally, virtually or through any other mode relating to -

(i) persons who seek to employ employees;

(ii) persons who seek employment;

(iii) occurrence of vacancies; and

(iv) persons who seek employment vocational guidance and career counseling or guidance to start self-employment;

(b) providing career counseling and vocational guidance;

(c) organising job-fairs and job drives;

(d) employment related surveys and studies;

(e) employability enhancement activities; and

(f) other services as may be decided by the State Government from time to time.

80. Reporting of vacancies to career centres and result of selection etc.— (1) (a) After the commencement of this Code in the State of Odisha, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in

any employment in that establishment, report that vacancy or cause to be reported to such career centre as may be specified by notification, made by the State Government.

(b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such career centre from such date as may be specified in the notification made by the State Government.

(c) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers and career centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

Explanation.- For the purposes of this rule, –

(a) “establishment in public sector” means an establishment owned, controlled or managed by-

- (i) the Government of Odisha or a Department of Government of Odisha;
- (ii) a Government company as defined in sub-section (45) of Section 2 of the Companies Act, 2013 (18 of 2013);
- (iii) a corporation including a co-operative society or an autonomous organisation or an authority or a body established by or under a central or state enactment, which is owned, controlled or managed by Government.
- (iv) a local authority.

(b) “establishment in private sector” means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the State Government are employed therein.

(2) **Career centres to which vacancies shall be reported.**– (a) The following vacancies, namely:–

- (i) all vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and
- (ii) vacancies which an employer may desire to be circulated to the career centers outside the State, in which the establishment is situated shall be reported to such

career centre as may be specified by the State Government, by notification in the Official Gazette, in this behalf.

(b) Vacancies other than those specified in clause (a) above, shall be reported to the career centre concerned.

(c) All vacancies mentioned in clause (a) & (b) above, may also be reported to the specified career centre or uploaded on a digital portal as specified by the appropriate Government by notification.

(3) Form and manner of reporting of vacancies.— (a) The vacancies shall be reported in writing or through official email or digitally to the career centre specified by the State Government.

(b) The vacancies shall be reported in **Form-XXXIV**, furnishing as many details as practicable, separately in respect of each type of vacancy.

(c) Any change in the particulars already furnished to the career centre under clause (a), shall be reported in writing or through official email or digitally, as the case may be, to the specified career centre.

(4) Time limit in the reporting of vacancies.— (a) Vacancies required to be reported to the career centre shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(b) The employer shall furnish the information relating to the result of selection to the concerned career centre against the vacancies reported within thirty days from the date of selection.

(5) Maintenance of records.— (a) After commencement of the Code in the State or area thereof, the employers in every establishment in the public sector in that State or area shall maintain records manually or electronically or digitally about –

- (i) total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
- (ii) persons recruited during the year ending on 31st March;
- (iii) occupational details of its employees on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(b) The Appropriate Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or

every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about –

- (i) total number of employees (regular, contractual or fixed term employment) as on 31st March of every year;
- (ii) persons recruited during the year ending on 31st March;
- (iii) occupational details of its employees as on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(6) Submission of returns.– An employer shall furnish to the concerned Career Centre (Regional) yearly returns in form (Employment Information Return) as given at **Form-XXXV**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government in notification, within thirty days of the due date, namely, 31st March of the year.

(7) Declaration of Executive Officer.– (a) The Director, Skill Development-cum-Employment or any officer authorised by the State Government shall, by order, declare Executive Officers for each district for the purposes of Chapter XIII of the Code.

(b) He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.

(8) Levy of penalty under the Chapter XIII of the Code: The Director of Skill Development-cum-Employment or an officer of equivalent or above rank, controlling the work of Career Centres of the State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in Section 133.

(9) Issue of Guidelines.– For implementation of provisions of Code relating to Chapter XIII and rules thereof, the State Government may issue detailed guidelines explanatory in nature which shall be supplemented further by the respective State Government as per local needs.

81. Establishment and administration of the Social Security Fund under sub-section (5) of Section 141.– (1) There shall be established a Social Security Fund by the State Government for the welfare of the unorganised workers under sub-section (5) of Section 141 and shall be named as Odisha Unorganised Workers' Social Security Fund.

(2) In addition to the amount received from the compounding of offences under this code relating to the State Government as mentioned in clause (i) sub-section (5) of Section 141, the amount received from the following sources shall be credited to this fund, namely:-

- (i) amount given by the State Government for the establishment of the fund;
- (ii) amount of grant given by the Central Government, the State Government and other authorities and statutory bodies;
- (iii) amount received for registration or renewal of beneficiaries and their contribution;
- (iv) amount received for implementation of the scheme notified by the Central Government;
- (v) amount received for implementation of the scheme notified by the State Government;
- (vi) contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the State Government by general or special order;
- (vii) amount received under sub-section (1) Section 115 of the Occupation Safety, Health and Working Conditions Code, 2020, relating to the State Government;
- (viii) any other source which is approved by the State Government through notification.

(3) The State Government shall identify other sources for funding or replenishing the Social Security Fund, from time to time.

(4) All funds received under clause (i) and (ii) of sub-section (5) of Section 141 shall be kept in a separate Bank Account in a nationalised Bank and such fund shall be administered and transacted by the State Government through Odisha Unorganised Workers' Social Security Board or as specified by the State Government from time to time.

(5) The fund of the Board shall be expended for the implementation of the welfare schemes for unorganised workers, of the State and Central Government and for meeting out the administrative expenses of the Board, but limit of the administrative expenses shall not be more than ten percent of expenditure on such Scheme.

(6) The Odisha Unorganised Workers' Social Security Board may also engage any institution for the administration of the fund, in the manner, as notified by the State Government and in such case directions of the State Government, if any, shall be complied by such institution for the administration of the Social Security Fund.

(7) The statement of accounts of Social Security Fund shall be maintained by the Odisha Unorganised Workers' Social Security Board or the institution engaged by the Odisha

Unorganised Workers' Social Security Board, as the case may be, in the form and manner as specified by the State Government and shall be submitted to the State Government from time to time.

(8) The accounts of the Social Security Fund shall be audited by the Accountant General, Odisha or any other Government body as decided by the State Government.

82. Time limit for Central Board or the Corporation to provide its views on application for exemption under sub-section (1) of Section 143.— The Central Board or the Corporation, as the case may be, shall forward its views on the application seeking exemption under section 143 to the State Government within six months of receipt of proposal for exemption. If the Central Board or the Corporation, as the case may be, is unable to provide its views within the said period, the State Government may extend the time limit or take action on the application for exemption, as it may deem fit.

83. Terms and conditions for compliance of exempted establishment under sub-section (2) of Section 143.— (1) The establishment to which exemption has been granted from the provisions of Chapter IV of the Code –

(a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified in the regulations made under section 157; and

(b) in case of change of legal status of an establishment which has been granted exemption under section 143, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc., the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption to the State Government.

(2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15.

84. Terms and conditions for management of the trust under sub-section (5) of Section 143.— (1) A Board of Trustees shall be established for the management of the Provident Fund or the Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

(2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be specified in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees and the Chairperson may exercise a casting vote in the event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.

(4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorised by him.

(5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(6) In case of any dispute or doubt on- a. the interpretation of any provision of this rule, such matter shall be referred to the Central Government; and b. any clarifications on the grant of such exemption which do not relate to this rule, shall be referred to the Central Provident Fund Commissioner or any other officer of the Employees' Provident Fund Organization authorised by him; and the interpretation of the Central Government or the clarification of the Central Provident Fund Commissioner or such officers, as the case may be, on such dispute or doubt shall be binding for the disposal of such matter so referred.

85. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.— On recommendation of the authority or competent authority or Odisha Unorganised Workers' Social Security Board or Odisha Building and Other Construction Workers' Welfare Board, as the case may be, if the State Government is satisfied that any establishment or any person has misused any benefit provided to him under this Code or these rules, then the State Government may by notification or general or special order, deprive such establishments or other person, as the case may be, from such benefit for such time as may be specified in the notification or order: Provided that no such notification or order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be.

86. Submission of form to the office of Director General, Labour Bureau.— A copy of **Form-VI** (notice for payment or rejecting claim of gratuity) shall be shared electronically with the Director General, Labour Bureau.

87. Power to waive, etc.— Notwithstanding anything contained in these rules, the State Government, when it considers that it is required in the public interest, may, by notification, waive off or defer any of the provisions of these rules to be in force in whole of the State or such part thereof for such period as may be specified in the notification.

88. Adoption of procedure prescribed by Central Government.— Notwithstanding anything contained in these rules, wherein the State Government is the appropriate Government, but the Central Government has been specifically empowered to prescribe any procedure or make rule under the Code, the State Government shall adopt the same procedure or rule as prescribed by the Central Government.

Form I

[See rules 26 and 27(2)]

In the Employees' Insurance Court at.....

A B (add description and residence)..... Applicant

Against

C D (add description and residence)..... Opposite Party,

Other particulars of the application specified in rule 26 and 27.....

.....

Date.....

Signature of applicant

(Verification by the Applicant)

The statement of facts contained in this application is, to the best of my knowledge and belief, true and correct.

Date.....

Signature of applicant

Form-II

[See sub-rule (4) of rule 27]

List of documents produced by applicant/opposite party

(Title) e.g. Description, Subject, Name of the Court, No, etc.

Sl. No.	Description of document (s)	Date, if any, which the documents bear	Signature of party or pleader or any authorised representative
1	2	3	4

FORM-IV

[See rule 30]

Nomination/Fresh Nomination/Modification of Nomination*(Strike out the words not applicable)*

To

.....

(Give here name or description of the establishment with full address)

I, Shri/Smt./Kumari.....(Name in full here) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of Section 2 of Code on Social Security, 2020 (36 of 2020) with effect from the (date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

1. I, Shri/Smt./Kumari.....(Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date and recorded under your reference No.....dated..... shall stand modified in the following manner:-

**Strike out unnecessary portion.*

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of Section 2 of the Code on Social Security, 2020 (36 of 2020).

3. I hereby declare that I have no family within the meaning of clause (33) of Section 2 of the said Code.

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

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

5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

Nominee(s)

Sl. No.	Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1.				
2.				
3.				
So on				

Manner of acquiring a "Family"

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

Statement

1. Name of employee in full:
2. Gender:
3. Religion:
4. Whether unmarried/married/widow/widower:
5. Department/Branch/Section where employed:
6. Post held with Ticket No. or Serial No., if any:
7. Date of appointment:
8. Permanent address and contact details:

Village..... Thana.....Sub-Division.....

Post-Office..... Pin Code.....

District..... State..... E-mail

ID..... Mobile Number.....

Place:

Date:

Signature/ Thumb-impression of the Employee

Certificate by the Employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference No., if any:

Date

Signature of the employer/Officer authorized
Designation
Name and address of the establishment or
rubber stamp thereof

Acknowledgement by the Employee

Received the duplicate copy of nomination in FORM IV filed by me and duly certified by the employer.

Date:

Signature of the Employee

FORM-V*[See rule 31]***Application for Gratuity by an Employee/Nominee/Legal Heir**
(Strike out the words not applicable)

To,

.....

(Give here name or description of the establishment with full address)

Sir/Madam,

I,(name of employee/nominee/legal heir) /nominee of late.....(Name of the employee)/ as a legal heir of late.....(Name of the employee), beg to apply for payment of gratuity to which I am entitled under sub-section (1) of Section 53 of the Code on Social Security, 2020 on account of-

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....or;
- (b) death of the aforesaid employee while in service/superannuation on.....after completion of.....years of service/ total disablement of the aforesaid employee due to accident or disease while in service with effect from the or;
- (c) death of aforesaid employee of your establishment while in service/superannuation on.....(date) without making any nomination after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

Necessary particulars relating to my appointment are given in the statement below.

- 1. Name of employee in full, (if, the gratuity is claimed by an employee)
 - a. Marital status of employee (unmarried/married/widow/widower)
 - b. Address in full of employee

or

- 2. Name of nominee/ legal heir, (if the gratuity is claimed by nominee/legal heir)
 - a. Name of Employee
 - b. Marital status of nominee/ legal heir (unmarried/married/ widow/ widower)

- c. Relationship of nominee/ legal heir with the employee
 - d. Address in full of nominee/ legal heir
 - e. Date of death and proof of death of the employee
 - f. Reference No. of recorded nomination, if available
3. Department/ Branch/ Section where last employed
 4. Post held by employee.
 5. Date of appointment.
 6. Date and cause of termination of service
 7. Date of Death
 8. Total period of service of the employee
 9. Total wages last drawn by the employee.
 10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
 11. Payment may please be made by crossed bank cheque/credit in my Bank Account No.....

Yours faithfully,

Signature / Thumb-impression of
the applicant employee/nominee/ legal heir

Place:

Date:

FORM-VI
 [See rule 32]
Notice for Payment/Rejecting Claim of Gratuity
(Strike out the words not applicable)

To,

(Name and address of the applicant employee/nominee/ legal heir)

You are hereby informed that

(a) *as required under sub-clause (ii) of sub-rule (1) of rule 32 that your claim for payments of gratuity as indicated on your application in FORM V under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) *as required under sub-clause (i) of sub-rule (1) of rule 32 that a sum of Rs..... (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by..... on..... and..... recorded in thisas a legal heir of an employee of this establishment.

2. *Please call at on..... (Here specify place) (date) at.....(time) for collecting your payment of gratuity crossed cheque.

3. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.

4. Brief statement of calculation

(a) Date of appointment.

(b) Date of termination/superannuation/resignation/ disablement/death.

(c) Total period of service of the employee concerned:
years.....months.

(d) Wages last drawn:

(e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir:

(f) Amount payable:

**strike out paragraph, if, not applicable*

Place:

Date:

Signature of the Employer/ authorised officer.
 Name or description of establishment
 or Rubber stamp thereof.

Copy to: The Competent Authority in case of denial of gratuity.

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Chandigarh.

FORM-VII

[See rule 34]

**Application for Direction
Before the Competent Authority for Gratuity under the Code on Social
Security, 2020**

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer concerned with full address)

The applicant is an employee of the above-mentioned employer/ a nominee of late..... an employee of the above-mentioned employer/ a legal heir of late.....and employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/ aforesaid employee's superannuation on.....(date)/ his own retirement/aforesaid employees' resignation on.....(date) completion of.....years of continuous service/his own /aforesaid employees' total disablement with effect from.....(date)due to accident/disease death of aforesaid employee on.....

2. The applicant submitted an application under Rule..... of the Odisha Social Security Rules, 2026 on the but the above-mentioned employer refused to entertain it/issued a notice dated the..... under clause.....of sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice dated the under clause..... of sub-ruleof rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority for gratuity may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the applicant.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

1. Name in full of applicant with full address
2. Basis of claim (Death/ Superannuation/ Retirement/ Resignation/ Disablement of Employee/ Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of the employee (unmarried/ married /widow/ widower)
5. Name and address in full of the employer
6. Department/ Branch/ Section where the employee was last employed (if known)
7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation / retirement / resignation /disablement / death/ Completion of contract period under fixed term employment)
10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir, if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date:
applicant

Signature / Thumb-impression of the

FORM-VIII*[See rule 35]***Notice for appearance before the Competent Authority / Summons***(Strike out the words not applicable)*

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/ a nominee(s)/ legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under sub-clause (a) of rule 35 of the Odisha Social Security Rules, 2026 alleging that---

(A copy of the said application is enclosed, if summons is issued then copy of application is not required).

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority for gratuity at(place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the day of20..... at 'o' clock in the forenoon/afternoon in support of/ to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defense.

Take notice that in default of your appearance on the day before-mentioned, the application will be dismissed/heard and determined in your absence.

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of.....in the case arising out of the claim for gratuity by..... Form..... and referred to this Authority by an application under section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the day of20..... at 'o'clock in the forenoon/afternoon and to bring with you for to send to this Authority) the said documents.

List of documents-

- 1.
- 2.
3. So on

Given under my hand and seal, this..... day of.....20.....

Competent Authority
under the Code on Social Security, 2020

Note:

1. Strike out the words and paragraphs not applicable.
2. The portion not applicable to be deleted.
3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
4. In case the summons is issued only for producing a document and not to give evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority for gratuity on the day and hour fixed for the purpose.

FORM-IX*[See rules 38 and 42]***Notice for Payment of Gratuity as determined by Competent/Appellate Authority**

(Strike out the words not applicable)

To,

(Name and address of employer)

1. Whereas Shri/Smt./Kumari..... an employee (address) under you/a nominee(s)/ legal heir(s) of latean employee under you, filed an application under section 56 of the Code on Social Security, 2020, before me; or

Whereas a notice was given to you onrequiring you to make payment of Rs.....to Shri/Smt./Kumari.....as gratuity under the Code on Social Security, 2020.

2. And whereas the application was heard in your presence on.....and after the hearing have come to the finding that the said Shri/Smt./Kumari.....is entitled to a payment of Rs.....as gratuity under the Code on Social Security, 2020; or

Whereas you/ the applicant went in appeal before the appellate authority, who has decided that an amount of Rs..... is due to be paid to Shri/Smt./Kumari.....as gratuity due under the Code on Social Security, 2020.

Now, therefore, I hereby direct you to pay the said sum of Rs..... to Shri /Smt./ Kumari..... within thirty days of the receipt of this notice with an intimation thereof to me.

Given under my hand and seal, thisday of.....20.....

Competent Authority
under the Code on Social Security,
2020

Copy to:

1. The Applicant- He is advised to contact the employer for collecting payment.
2. The Appellate Authority if applicable.

Note.- *(Strike out paragraphs if not applicable.)*

FORM-X
[See rule 41]

Application for Direction
Before the Competent Authority for Gratuity under the Code on Social Security, 2020

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/ a nominee of late..... an employee of the above-mentioned employer/ a legal heir of late.....and employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/ aforesaid employee's superannuation on.....(date)/ his own retirement/aforesaid employees' resignation on.....(date) completion of.....years of continuous service/his own /aforesaid employees' total disablement with effect from.....(date)due to accident/disease death of aforesaid employee on.....

2. The applicant submitted an application under Rule..... of the Odisha Social Security Rules, 2026 on the but the above-mentioned employer refused to entertain it/issued a notice dated the..... under clause.....of sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice dated the under clause..... of sub-ruleof rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority for gratuity may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the applicant.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature / Thumb impression of the applicant.

ANNEXURE

1. Name in full of applicant with full address
2. Basis of claim (Death/ Superannuation/ Retirement/ Resignation/ Disablement of Employee/ Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of the employee (unmarried/ married /widow/ widower)
5. Name and address in full of the employer
6. Department/ Branch/ Section where the employee was last employed (if known)
7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation / retirement / resignation /disablement / death/ Completion of contract period under fixed term employment)
10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer\
15. Evidence/witness in support of being a legal heir, if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date:

Signature / Thumb-impression of the applicant

FORM-XI

[See rule 43]

**Application for Recovery of Gratuity
Before the Competent Authority for Gratuity under the Code on Social
Security, 2020**

Application
Date

No.

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late.....,an employee of the above mentioned employer/a legal heir of late.....an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the for payment of a sum of Rs.....as gratuity payable under the Code on Social Security, 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section 129 for recovery of the said sum of Rs.....due to me as gratuity in terms of your direction.

Place:

Date:

Signature/Thumb-impression of applicant

Note.—Strike out the words not applicable.

Form-XII*[See rule 44]***Application for Registration of an Establishment under sub-section (3) of section 57****A. Establishment Details:**

1. Retrieve details of Establishment through LIN/ Registration Number:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Other details of Establishment:
 - a. Total number of employees engaged directly in the Establishment:
 - b. Total number of contract employees engaged:
 - c. Total number of Inter-State Migrant workers employed:
5. Ownership Type/ Sector:
6. Activity as per National Classification (NIC)
7. Details of Selected NIC Code:
8. Identification of the establishment e-sign/ digital sign of employer/ representative:

B. Details of Employer:

1. Name and Address of Employer/ Occupier/ Owner/ Agent/ Chief Executive-
2. Designation:
3. Father's / Husband's Name of the Employer:
4. Email Address, Telephone & Mobile No.:

C. Manager/ Agent Details:

1. Full Name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment;
2. Address of Manager/ Agent:
3. Email Address, Telephone & Mobile No.:

D. Details of Approved Gratuity fund/ Insurance obtained for liability of payment towards the Gratuity:**E. Others Details:**

Signature/E-sign/ digital sign of employer

Place:

Date:

Form-XIII

[See rule 46]

Complaint to the Inspector-cum-Facilitator

To,

The Inspector-cum-Facilitator

(Under The Code on Social Security, 2020)

Sir,

I..... (Name of woman) employed in..... (name and full address of the establishment) or I....., (name), a person nominated under section 72 of the Code on Social Security, 2020 by or a legal representative of.....(name of woman) employed in.....(name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 and the Rules thereunder, am entitled to Rs..... being maternity benefit and/ or Rs..... being the medical bonus and/ or Rs..... being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of Chapter VI of the Code on Social Security, 2020.

You are therefore requested, to direct the employer to pay the amount to me/ to set aside the discharge or dismissal done by the employer

Signature or thumb impression of the Woman/

nominee/ legal representative

Date.....

Signature of an Attester in case the woman employee /nominee/ legal representative is unable to sign and affixes thumb impression.

Full address of the women employee /nominee/legal representative

FORM-XIV
[See rule 47]

Appeal

To
The Competent Authority,
(Appointed under the Code on Social Security, 2020)
.....(Address)

Sir,

I.....,the undersigned, women employee of.....(name and full address of the establishment)

* Feel aggrieved by the order of Inspector-cum-Facilitator under sub section (2) of Section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of Section 68 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of Inspector-cum-Facilitator cum Facilitator in this behalf is enclosed; or

* Shri....., Inspector-cum-Facilitator, having directed under sub-section (2) of Section 72 to pay the maternity benefit or other amount being..... (Nature of amount) to which..... (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter VI of the Code on Social Security, 2020.

** (Strike out unnecessary portion).*

I prefer this appeal under sub-section (3) of Section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

**Strike out unnecessary portion.*

Signature or thumb impression of the Women/Aggrieved person

Date.....

.....
Signature of an Attester in case the woman is not able to sign and affixes thumb impression. Full address of the nominee/legal representative

Form-XVI

[See sub-rule (1) of rule 54]

Notice by Competent Authority

Whereas I have received information that (1)
an employee employed by you in (2)..... has died,
as the result of an accident arising out of and in the course of employment. I hereby
require you in accordance with sub section (1) of Section 88 of Code on Social
Security,2020 to submit to me within 30 days of the receipt of this notice the
enclosed form with the particulars required in paragraphs 1 and 2 and the particulars
required in either paragraph 3 or paragraph 4 duly filled in. In the event of your
admitting liability to pay compensation, the necessary deposits must, under sub-
section (1) of Section 88 of the Code be made within 30 days of the receipt of this
notice.

.....
Competent Authority for Employee's Compensation

Form-XVII
[See sub-rule (2) of 54]
Statement of Fatal Accident by the Employer

To

The Competent Authority

.....

Sir,

In reply to your notice dated the.....20....., which was received by me on the 20....., it is submitted that (1) residing at/employee over/under 15 years of age and I employed in (2)..... met with an accident on the.....20....., as a result of which he died on the.....20.....The monthly wages of the deceased amounted to Rs.....

2. The circumstances in which the deceased met his death were as follows :-

.....
.....

3. I admit liability to pay as compensation on account of the deceased's death the amount of Rs..... which was/will be deposited with you on or before the I disclaim liability to pay compensation on account of the deceased's death on the following grounds :-

(1) Insert the name of the employee.....

(2) Insert the name of the establishment.....

.....
Signature of the Employer or his agent

Form-XVIII
[See rule 55]
Memorandum of Agreement

To

The Competent Authority

.....

Sir,

It is hereby submitted that on the.....day of.....20..... personal injury was caused to..... residing at.....by accident arising out of and in the course of employment in.....The said injury has resulted in temporary disablement to the employee whereby it is estimated that he will be prevented for earning more than of his previous wages for a period of.....month. The said employee has been in receipt of half-monthly payment which has continued from theday of..... 20..... until the.....day of.....20..... amounting to Rs..... in all. The said employee's monthly wages are estimated at Rs..... The employee is over the age of 15 years/will reach the age of 15 years on..... It is further submitted that..... the employer of the said employee has agreed to pay, and the said employee has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Social Security Code 2020, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.

Date :.....20.....

Signature of employer Witness

Signature of employee Witness.....

Note:- An application to register an agreement can be presented under signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible

(Receipt to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs..... Date.....20.....

Signature of the employee

The money has been paid and this receipt is signed in my presence.

Witness.....

FORM-XIX
[See rule 55]
Memorandum of Agreement

To

The Competent Authority

.....

Sir,

It is hereby submitted that on the.....day of.....20.....personal injury was caused to.....residing at.....by accident arising out of and in the course of his employment in The said injury has resulted in permanent disablement to the said employee of the following nature, namely,..... The said employee's monthly wages are estimated at Rs.....

The employee is over the age of 15 years/will reach the age of 15 years on..... Rs..... on..... Rs..... on.....

It is further submitted that the employer of the said employee, has agreed to pay, and the said employee has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Social Security Code, 2020 , in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20.....

Signature of employer.....

Witness.....

Signature of employee.....

Witness.....

Note - An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended whenever possible.

Receipt

[To be filled in when the money has actually been paid]

In accordance with the above agreement, I have this day received the sum of Rs.....

Date.....20.....

.....

Employee

The money has been paid and this receipt is signed in my presence.

.....

Witness

Form-XX

[See rule 55]

Memorandum of Agreement

To
The Competent Authority
.....

Sir,
It is hereby submitted that on the.....day of.....20..... personal injury was caused to residing at.....by accident arising out of and in the course of employment in.....

The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs..... per month no wages. The said employee's monthly wages prior to the accident are estimated at Rs.....

The employee is subject to a legal disability by reason of.....

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said code on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under sub-section (3) of section 93 of the said Code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

Date-..... 20.....
Signature of employer.....

Witness.....

Signature of employee.....

Witness.....

Note - An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt

[To be filled in when the money has actually been paid]

In accordance with the above agreement, I have this day received the sum of Rs.....

Date.....20.....

Employee

The money has been paid and this receipt is signed in my presence.

.....

Witness

FORM-XXI

[See sub-rule (1) of rule 56]

Notice by Competent Authority

Take notice that registration of the agreement to pay compensation said to have been reached between you..... and on the.....20..... has been refused for the following reasons:-

.....
.....
.....
.....
.....

Date: of

Competent Authority

FORM XXII

[See sub-rule (3) of rule 56]

Notice for refusal of registration of agreement by Competent Authority

Whereas an agreement to pay compensation is said to have been reached between..... and.....and whereas has\have applied for registration of the agreement under sub-section (1) of Section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

.....
.....

an opportunity will be afforded to you of showing cause on why the said agreement should be registered. If no adequate cause is shown on that date registration of the agreement will be refused.

Date.....20.....

.....
Competent Authority

FORM XXIII

[See sub-rule (2) of rule 57]

Whereas an agreement to pay compensation is said to have been reached between
.....

and..... and whereas

..... has/have applied for registration of the agreement under sub-section (1) of Section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

.....
.....

an opportunity will be afforded to the said.....of showing cause on.....20.....why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Date.....20.....

.....
Competent Authority

FORM XXIV

[See sub-rule (2) of rule 57]

Whereas an agreement to pay compensation is said to have been reached between.....

and..... and whereas

..... has/have applied for registration of the agreement under sub-section (1) of Section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

.....
.....

an opportunity will be afforded to the said.....of showing cause on.....20....., why the said statement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date.....20.....

.....
Competent Authority

FORM XXV
[See rule 58]

Register of Agreements for the Years, 20.....

Sl. No.	Date of agreement	Date of registration	Employer	Employee	Initials of Competent Authority	Reference to orders rectifying the register
1	2	3	4	5	6	7

Form XXV
[See sub-rule (2) of rule 60]

Application for compensation by Employee

To,

The Competent Authority for Employee's Compensation

.....
.....

.....Residing at.....

Applicant

Vs

.....Residing at.....

Opposite Party.

It is hereby submitted that :-

(1) The applicant, an employee employed by (as contractor with) the opposite party on the day of20..... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....
.....
.....

(2) The applicant sustained the following injuries, namely :
.....
.....

(3) The monthly wages of the applicant amount to Rs.....

The applicant is over/under the age of 15 years.

* (4) (a) Notice of the accident was served on the day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (on due time) by reason of.....

(5) The applicant is accordingly entitled to receive-

(a) half-monthly payments of Rs..... from the.....day of to.....

(b) a lump-sum payment of Rs.....

(6) The applicant has taken the following steps to secure a settlement by agreement, namely but it has proved impossible to settle the question in dispute because.....

*You are therefore, requested to determine the following questions in dispute, namely :-

- (a) Whether the applicant is an employee within the meaning of the Code;
- (b) Whether the accident arose out of or in the course of the applicant's employment;
- (c) Whether the amount of compensation claimed is due, or any part of that amount;
- (d) Whether the opposite party is liable to pay such compensation as is due;
- (e) etc., (as required).

Date.....20.....

.....

Applicant

*Strike out of the clauses which are not applicable.

Form-XXVII

[See sub-rule (2) of rule 60]

Application for Order to deposit compensation

To,

The Competent Authority for Employee's Compensation

.....
.....

.....Residing at.....

Applicant

Vs

.....Residing at.....

Opposite Party.

It is hereby submitted that :-

(1) The applicant, an employee employed by (a contractor with) the opposite party on the day of20..... received personal injury by accident arising out of and in the course of his employment resulting in his death on theday of, 20.....

The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....

(2) The applicant(s) is/ are dependant(s) of the deceased employee being his:-

The monthly wages of the deceased amount to Rs.....

(3) The deceased was over/ under the age of 15 years at the time of his death.

*(4) (a) Notice of the accident was served on the day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (on due time) by reason of.....

(5) The deceased before his death received as compensation, the total sum of Rs.....

The applicant(s) is/ are accordingly entitled to receive a lump sum payment of Rs.....

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Date.....20.....

.....

Applicant

*Strike out of the clauses which are not applicable.

Form-XXVIII

[See sub-rule (2) of rule 60]
Application for Communication

To,

The Competent Authority for Employee's Compensation

.....

.....Residing at.....

Applicant

Vs

.....Residing at.....

Opposite Party.

It is hereby submitted that :-

(1) The applicant/ opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are, therefore, requested to pass orders:-

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date.....20.....

.....

Applicant

Form-XXIX

[See sub rule (1) of rule 64]

Notice

Whereas, a claim for compensation has been made by.....applicant, against.....and the said has claim that you are liable under sub-section (3) and (4) of Section 93 of the , Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Date.....20.....

.....
 Competent Authority

Form-XXX

[See sub-rules (3) and (4) of rule 64]

Notice

Whereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under section 93 (3)(4)of the , 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stated to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....in default of your appearance you will be deemed lo admit the validity of any award made against the opposite party.and your liability to indemnity the opposite party..... for any compensation recovered from him:-

Date.....20.....

.....

Competent Authority

FORM XXXI
[See rule 77 (1) (a) (iv)]
REGISTER OF WOMEN EMPLOYEES

Name of establishment

1. Serial Number
2. Name of woman and her father's (or, if married, husband's) name
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
1	2	3	4	5

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/ tubectomy operation/death / adoption of child.
11. Date of production of proof of illness referred to in Section 65.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 64.
15. Date with the amount of wages paid on account of leave under section 65(1) & 65(3).
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-*cum*-Facilitator.

FORM XXXII*[See rule 77(5)(a)(b)]***Unified Annual Return****A. General Part:...**

(a) Name of the establishment.....

Address of the establishment:

House No./Flat No.....Street No./Plot No.....

Town.....District.....State Pin
code.....

(b) Name of the employer.....

Address of the employer:

House No./Flat No.....Street No./Plot No.....

Town.....District.....State Pin
code.....E-mail ID.....Telephone Number.....Mobile
number.....(c) Name of the manager or person responsible for supervision and control of
establishment

.....

Address:

House No./Flat No.....Street No./Plot No.....

Town.....District.....State Pin
code.....E-mail ID.....Telephone Number.....Mobile
number.....**B. Employer's Registration/License number under the Codes mentioned in
column (2) of the table below:**

SI No	Name	Registration		If yes (Registratio n No.)
1	2	3		4
1.	The Code on Occupational Safety Health and working condition code 2020.			
2.	The Code on Social Security 2020.			
3.	Any other Law for the time being in force			

C. Details of Employer, Contractor and Contract Labour:

1.	Name of the employer in the case of a contractor's establishment.	
2.	Date of commencement of the establishment.	
3.	Number of Contractors engaged in the establishment during the year.	
4.	Total Number of days during the year on which Contract Labour was employed.	
5.	Total number of man-days worked by Contract Labour during the year.	
6.	Name of the Manager or Agent (in case of mines).	
7.	Address House No./Flat No..... Street /Plot No..... Town.....District.....State Pin code..... E-mail ID..... Telephone Number..... Mobile number.....	

D. Working hours and weekly rest day:

1.	Number of days worked during the year.	
2.	Number of man-days worked during the year.	
3.	Daily hours of work.	
4.	Weekly day of rest.	

F. Maximum number of persons employed in any day during the year:**G.**

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age.)	Total

F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semiskilled									
Unskilled									

G. (a) Details of Payments:

Gross wages paid		Deductions				Net wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind	

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

I. Maternity Benefit under the Code on Social Security, 2020:**(a) Details of establishment, medical and para-medical staff:**

1.	Date of opening of establishment	
2.	Date of closing, if closed	
3.	Name of Medical Officer	
3(i)	Qualification of Medical Officer	
3(ii)	Is Medical Officer at (the mines or circus) ?	
3(iii)	If a part time, how often does he/she pay visit to establishment ?	
3(iv)	Is there any Hospital?	
3(v)	If so, how many beds are provided?	
3(vi)	Is there a lady Doctor?	
3(vii)	If so, what is her qualification?	
3(viii)	Is there a qualified mid-wife?	
3(ix)	Has any crèche been provided?	

(b) Leave Granted

1.	Total number of female employees in the establishment	
2.	Total number days of leave granted	
3.	Number of employees granted maternity leave/benefited by ESI	

Declaration

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place :

Date :

Signature

FORM XXXIII*[See sub-rule (1) of rule 78]***Notice to the Employer who committed an offence for the first time for compounding of offences under sub-section (1) of section 138 of the Code on Social Security, 2020****Notice No.....****Date:**

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment.....(Registration No.....), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:—

PART-I

1. Name of the Person:
2. Name and Address of the Establishment :
3. Registration No of the Establishment:
4. Particulars of the offence:
5. Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:
6. Compounding amount required to be paid towards composition of the offence:
7. Name and Details of Account for depositing the Amount specified in Column 6:

PART -II

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part – III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)**Date:****Place :**

PART-III*[See sub-rule (2) of rule 78]***Application under sub-section (4) of section 138 for compounding of offence****Ref: Notice No.....****Date:**

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-I.

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide:

**Signature of the applicant
(Name and Designation)**

Dated:**Place:****PART – IV****Composition Certificate***[See sub-rule (3) of rule 78]***Ref: Notice No.....****Date:**

This is to certify that the offence under sub-section of section 133 of the Code in respect of which Notice No. Dated: was issued to Shri..... (Applicant), the employer of (Name and Registration Number of establishment), has been compounded on account of remission of full amount of Rs (Rupees _____) towards the composition of offences to the satisfaction of the said Notice.

Date:**Place:**

**(Signature)
Name and Designation of the Officer**

FORM-XXXIV*[See sub-clause of (b) of sub-rule (3) of rule 80]***Form for reporting vacancies to career centres**

(Separate forms to be used for each type of posts)

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: Email address : Name and Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under the Code: Economic activity details:		
2	Particulars of the indenting officer: Name: Designation: Telephone No. : Mobile No.: Email address :		
3	Particulars of vacancy(ies): a. Designation/nomenclature of the vacancy(ies) to be filled b. Description of duties of the post (job role/functional role) c. Qualifications/Skills required (educational, technical, experience) i. Educational qualifications ii. Technical qualifications iii. Skills iv. Experience d. Age limits, if any (Age as on last date of application) (e) Preferences (such as ex-servicemen, persons with disabilities, women, etc) if any (f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Essential	Desirable/Preferable

4	<p>Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Castes (SCs), Scheduled Tribes (STs), Economically Weaker Sections (EWSs), Other Backward Classes (OBCs), Ex-serviceman and persons with disabilities (pwd), etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)</p>						
5	<table border="1"> <thead> <tr> <th data-bbox="292 506 890 573">Category</th> <th colspan="2" data-bbox="898 506 1367 573">Number of vacancies to be filled</th> </tr> </thead> <tbody> <tr> <td data-bbox="292 577 890 869"> (a) Scheduled Caste (b) Scheduled Tribe (c)OBC (d)EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify) </td> <td data-bbox="898 577 1058 869">Total</td> <td data-bbox="1066 577 1367 869"> *By Priority candidates *(Applicable for Central Government vacancies) </td> </tr> </tbody> </table>	Category	Number of vacancies to be filled		(a) Scheduled Caste (b) Scheduled Tribe (c)OBC (d)EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)
Category	Number of vacancies to be filled						
(a) Scheduled Caste (b) Scheduled Tribe (c)OBC (d)EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)					
6	<p>Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details, if any. For others: Mention minimum total emoluments per month with other details, if any.</p>						
7	Place of work (Name of the town/village and district, pin code ,etc. in which it is situated)						
8	Mode of application(email, online, in writing, etc) and last date for receipt of applications.						
9	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone No., website address in case of online)						
10	Mode of recruitment {Through career centre, placement agency , self-management, any other mode(specify)}						
11	Would like to obtain list of eligible candidates registered with Career Centre	Yes/No					
12	Any other relevant information						

Signature, Name and Designation of authorised signatory of establishment/ employer with seal and date

(For Official Use- to be filled by Career Centre)

13	Name, address, email id of the Career Centre	
14	Date of receipt of Vacancies	
15	NIC Code of the establishment/	
16	NCO Code of the post	
17	Unique Vacancy ID(number)	

Signature

Name & Designation of Authorised Signatory
of Career Centre with seal & date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than seven working days from the date of receipt of reporting of vacancies in north-eastern States and three working days in other States.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

FORM XXXV**[See sub-rule (6) of rule 80]****Form EIR (Employment Information Return)****Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

The following information is required to be submitted under the Code on Social Security, 2020 (Chapter XIII – Employment Information and Monitoring).

Name and address of the employer				
Whether – Head Office				
Branch Office				
Type of Establishment (Public /Private Sector)				
Nature of business/principal activity				
Establishment Registration No. under the Code				
1. (a) EMPLOYMENT				
Total number of <i>manpower of establishment</i> including working <i>proprietors/partners/contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary <i>is paid</i>).				
Category		On the last working day of the previous Year		On the last working day of the Year under report
Men				
Women				
Other (Transgender)				
TOTAL :				
PWD(persons with disabilities) out of above total				
2. Number of vacancies* occurred and reported to career centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (career centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others)
	career centre (Regional)	career centre (Central)		
1	2	3	4	5

*As per the provisions of the Code on Social Security, 2020 (Chapter XIII) and rules made thereunder.

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/ qualifications (educational / technical/ experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Requirement by Occupational Classification during the next financial year (Please give below the number of employees in each occupation separately).

Occupation Description	Number of employees				
	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
* 					
Total					

* In the column (description) - Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator.....so on.

Signature, Name and Designation of Authorised Signatory

of establishment/ employer with seal and date

To

The Career Centre,

.....

Note:- 1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/employers vide their

obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

By Order of the Governor

CHITHRA ARUMUGAM

Additional Chief Secretary to Government