

<sup>1</sup>THE  
KARNATAKA  
PAYMENT OF SUBSISTENCE ALLOWANCE  
RULES, 2004

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Use of the powers conferred by sub-section (1) of Section 12 of the Payment of Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1988) the Government of Karnataka hereby makes the following rules,

and commencement.—(1) These rules may be called the Payment of Subsistence Allowance Rules, 2004.

These rules shall come into force from the date of their publication in the Gazette.

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

“Act” means the Karnataka Payment of Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1988);

“Form” means a form appended to these rules;

“Section” means a section of the Act;

“Year” means, the year commencing from the 1st day of April.

Mode of payment of subsistence allowances.—The payment of subsistence allowance to an employee shall be subject to the following conditions, namely.—

Subsistence allowance shall be paid to an employee either in cash or through postal money order. If subsistence allowance is paid through postal money order, the cost of postal commission for the money order shall be borne by the employer;

- (2) The subsistence allowance payable under the Act shall be in full subject to the restrictions provided under the Act and shall not be liable for any deduction;
- (3) The employer shall maintain a register in respect of employees placed under suspension in Form 1. The signature of each employee shall be obtained for each payment of subsistence allowance. If subsistence allowance is paid through a money order, the postal receipt shall be affixed in the register.

Provided that an employer may in case of factories in lieu of Form 1 maintain a Combined Muster Roll-cum-Register of Wage and Subsistence Allowance in Form 22 specified under Rule 134 of the Karnataka Factories Rules, 1969 and in case of other establishments shall maintain in lieu of Form 1 a Combined Muster Roll-cum-Register in Form 'T' specified under Rule 24(9-B) of the Karnataka Factories and Commercial Establishments Rules, 1963.

**4. Particular of employees placed under suspension.**—Every employer in case of a Factory shall send a combined Annual Return in Form 22 specified under sub-rule (1) of Rule 134 of the Karnataka Factories Rules, 1969 and in case of other establishments, shall send a Combined Muster Roll-cum-Register in Form 'U' specified under Rule 24(9-C) of the Karnataka Factories and Commercial Establishments Rules, 1963 to the concerned Authority on or before 1st May of each year, in respect of preceding year.

**5. Application for recovery of money due to an employee.**—Every application under Section 4 shall be made either by an employee or by a person authorized by the employee or legal representative of the employee in Form 3 in duplicate.

(2) The application in Form 2 or Form 3 shall be sent by registered post with acknowledgement due to the Government or the authority concerned or to the Authority authorized by the State Government, by notification in this behalf.

(3) One copy of the application in Form 2 or as the case may be, in Form 3 shall also be sent by registered post with acknowledgement due to the employer by the applicant.

(4) On receipt of application referred to in sub-rule (2), the Government or the Authority or the Officer concerned shall as early as possible issue notice in Form 4 to the employer calling upon him to appear before the Authority and explain why the subsistence allowance due has not been paid and the date and time as may be specified therein and give them an opportunity of being heard. The employer by himself or through his representative shall appear and furnish all information and material relevant to the question of payment of subsistence allowance.

and furnish relevant information. A copy of the notice shall also be sent to the applicant and he shall be given an opportunity of hearing.

(5) Any person desiring to act or appear on behalf of the employee or employer shall present a letter of authorization duly signed in Form 5 or Form 6, as the case may be.

(6) After giving the employer and employee an opportunity of being heard on the date fixed under sub-rule (4) or after such further evidence, examination of documents, hearing witnesses and enquiry, as may be deemed necessary, an order shall be passed determining the amount if any, that is payable to the employee with a direction that it shall be paid within thirty days of the receipt of such order.

(7) If any of the parties fail to appear without sufficient cause on the specified date of hearing after due service of notice, the application shall be determined *ex parte* and order shall be passed on merits:

Provided that, an order under this sub-rule may, on good cause being shown within thirty days of the said order, be reviewed and the application be re-heard after giving not less than fourteen days' notice to the opposite party, of the date fixed for re-hearing of the application.

**6. The period for which register and forms under the rules should be preserved.**—The register and forms required to be maintained by the employer under the rules shall be preserved in original for a period of five years after the completion of final payment of the money due to employee under the Act.

### FORM 1

[See Rule 3(3)]

#### (Register of employees placed under suspension)

Name and address of the establishment.—

Sl. No.	Name and designation of suspended employee	Monthly wages paid to the employee	Nature of misconduct and date of suspension	Date of enquiry		Result of enquiry
				Commencement	Completion	
(1)	(2)	(3)	(4)	(5)(a)	(5)(b)	(6)

Percentage of subsistence allowance	Amount of subsistence allowance paid	Signature of the employee with date	Remark
(7)	(8)	(9)	(10)

Signature of the Employer/Authorised Signatory

### FORM 2

[See sub-rule (1) of Rule 5]

(Application for payment of subsistence allowance by an employ

To:

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

(Authority)

Sir,

I beg to apply under Section 4 of the Karnataka Paym Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1992), recovery of the money due to me under the Act. The particulars r to my claim are given in the below statement.—

#### STATEMENT

1. Name of the employee  
(in full)
2. Address of the employee  
(in full)
3. Name of the employer  
(in full)
4. Address of the employer  
(in full)

Department/branch/section where the  
 employee was working at the time of suspension

employee, if any

total period of service

amount of wages drawn by the employee immediately before suspension

date of suspension

the period for which he is under suspension

whether any amount has been paid as subsistence allowance

amount of subsistence allowance claimed

any other information

that the particulars mentioned in the above are true and correct to the best of my knowledge

Yours faithfully

Signature/thumb-impression

A copy of history may be furnished separately with a copy of the suspension.

**FORM 3**

*[See sub-rule (1) of Rule 5]*

Application for payment of subsistence allowance by a person (by the employee or the legal representative of the employee)

...

...

...

I hereby apply under Section 4 of the Karnataka Payment of Subsistence Allowance Act, 1988 (Karnataka Act 18 of 1992), for the payment of the money due to Sri/Smt. .... under the Act. The particulars relating to the claim made on behalf of Sri/Smt. .... are given in the statement below.—

## STATEMENT

1. Name of the employee (in full)
2. Address of the employee (in full)
3. Name of the employer (in full)
4. Address of the employer (in full)
5. Department/branch/section where the employee was employed
6. Date of appointment of employee
7. Post held with ticket No. or Serial Number of the employee, if
8. Total period of service
9. Amount of wages drawn by the employee immediately  
suspension
10. Date of suspension of employee
11. The period for which the employee has been on suspension
12. Relationship with the employee in case of legal representati
13. In the case of legal representative the legal authority under  
the application is made may be explained with a copy of  
legal documents, if any.
14. Any other information

I declare that the particulars mentioned in the above statement are  
and correct to the best of my knowledge and belief.

Place:

Yours faithfully

Date:

Signature of the person author  
by the employee or the legal  
representative of the employee

**Note.**—Brief history may be furnished separately with a copy  
order of suspension and also the authorization obtained under Ru  
sub-rule (5).

### Notice for appearance

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.....

.....

y)

.....

.....

.....

of the employer).

Shri/Smt. .... has made an application under Section 4 of the Payment of Subsistence Allowance Act, 1988 (Karnataka Act) for payment of a sum of Rs. .... (in words .....) for the pension from ..... to ..... (the copy of application is

Therefore, you are hereby requested to appear personally or by a person authorized in this behalf before the undersigned for the purpose of settling all material questions relating to the application on ..... day of ..... a.m./p.m in respect of the claim. As the day fixed for the hearing is appointed for final disposal of application you are requested to produce on that day all the witnesses and all the relevant documents relating to the claim.

It is noted that in default of your appearance on the day mentioned above, the application will be determined on merits in your absence.

Yours faithfully,  
For my hand and seal, on this ..... day ..... 200....

Signature and seal of the authority.

Copy of this notice is forwarded to the applicant for information with a direction to appear in person or through the person authorized the date and time fixed above.

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**FORM 5**

*[See sub-rule (5) of Rule 5]*

(Letter of authorization to be presented by a person desiring to act or behalf of the employee)

From

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

(full name and postal address of the person authorised)

To

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

(full postal address of the authority)

Sir,

I authorise Sri/Smt. .... for the purpose of sub-rule (5) of Rule 5 of the Karnataka Payment of Subsistence Allowance Rules, 2004. I furnish the particulars in the statement below.—

**STATEMENT**

Name of the employee (in full)

Name of the employer (in full)

Address of the employer (in full)

Name of the person authorised (in full)

Address of the person authorised (in full)

Period for which authorisation is given

of the particulars mentioned above.

that the particulars mentioned in the above statement are true  
to the best of my knowledge and belief.

Yours faithfully

(Signature of employee)

Signature of the employee is attested by us:

Signature:

Name:

Address:

Signature:

Name:

Address:

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**FORM 6**

*[See sub-rule (5) of Rule 5]*

authorisation to be presented by a person desiring to act on  
behalf of the employer)

.....

.....

.....

name and postal address  
(person authorised).

....

....

....

postal address of the authority)

Sir,

I authorise Sri/Smt. .... for the purpose of sub-rule (5) of Rule the Karnataka Payment of Subsistence Allowance Rules, 2004. I furnish particulars in the statement below.—

#### STATEMENT

1. Name and address of the employee (in full)
2. Name and address of the representative (in full)
3. Period for which authorization is given

4. I declare that I shall be bound by the acts of the represent authorized by me as above.

5. I declare that the particulars mentioned in the above statemen true and correct to the best of my knowledge and belief.

Place:

Date:

Witness 1

Witness 2

Yours faithfully  
(Signature of employer)

Signature:

Name:

Address:

Signature:

Name:

Address:

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