

## **The Payment for Gratuity (Amendment) Act, 2009**

Payment of Gratuity Act, 1972 has been amended by the (Amendment) Act, 2009 and it is deemed to have come into force wef 3rd April, 1997. The amendment relates to amendment in section 2 and insertion of a new section 13A.

With regard to the “definition of employee” in section 2(e), it means “ any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity”.

The new section 13A provides for validation of payment of gratuity. In other words, notwithstanding anything contained in any judgment, decree or order of any court for the period commencing on and from the 3rd day of April, 1997 and ending the day on which the Amendment Act, 2009 receives the assent of the President, gratuity shall be payable as if the Amendment Act, 2009 had been in force at all material times.