

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 3089 /XXXVIII-7-2019-296 NREGA-2013, dated December 26, 2019:

No. 3089 /XXXVIII-7-2019-296NREGA-2013

Dated Lucknow, December 26, 2019

WHEREAS Government notification no. 2236/XXXVIII-7-2019-296NREGA-2013, dated September 11, 2019 was issued for the information of the persons concerned and for inviting objections and suggestions in regard to the Uttar Pradesh National Rural Employment Guarantee (compensation for delayed Payment of wages) Rules, 2019 as required under sub-section (1) of section 32 of the National Rural Employment Guarantee Act, 2005 (Act no. 42 of 2005);

AND, WHEREAS, no objections and suggestions has been received within the stipulated time;

NOW, THEREFORE, in exercise of powers under section 32 of the aforesaid Act the Governor is pleased to make the following rules :-

**THE UTTAR PRADESH NATIONAL RURAL EMPLOYMENT GUARANTEE
(COMPENSATION FOR DELAYED PAYMENT OF WAGES) RULES, 2019**

Short title, extent
and
commencement

1.(1) These rules may be called the Uttar Pradesh National Rural Employment Guarantee (Compensation for Delayed Payment of Wages) Rules, 2019.

(2) They shall extend to the whole of Uttar Pradesh.

(3) They shall come into force with effect from the date of their publication in the Gazette.

Definitions

2. (1) In these rules, unless the context otherwise requiring :-

(a) "Act" means the National Rural Employment Guarantee Act, 2005;

(b) "MIS" means online Management Information System established and managed by the Ministry of Rural Development, Government of India www.nrega.nic.in;

(c) "Program Officer" means the Block Development Officer/ Program Officer of an implementing agency;

(d) "Section" means a section of the Act;

(e) "State Government" means The State Government of Uttar Pradesh ;

(f) "Wage Rate" means the wage rate notified by the Government of India or the State Government for unskilled labourers under section 6 of the Act;

(2) Words and expressions used but not defined in these rules shall have the same meaning as defined in the Act.

Compensation

3. (1) Section 3, *inter alia* provided that every person who has done the work given to him under the scheme shall be entitled to receive wages at the wage rate on weekly basis and are in any case within fifteen days after the closure of Muster Roll. If the wages are not paid within fifteen days the said person shall be entitled to receive compensation for the delayed payment under sub para (1) of para 29 of schedule-II at the rate of 0.05% of the unpaid wages per day of delay.

(2) Under clause (a) of sub para (1) of para-29 of schedule-II it is provided that "Any delay in payment of compensation beyond a period of fifteen days from the date it becomes payable, shall be considered in the same manner as the delay in payment of wages."

(3) Under sub clause(d) of clause(1) of para 29 of Schedule-II to the Act it is provided that "the State Government shall pay the compensation as prescribed after due verification within the time limits as specified above and recover the compensation amount from the functionaries or agencies who are responsible for the delay in payment."

4. Compensation on delayed payment shall also be made within fifteen days of due date. The disposal of delay in compensation payment shall be done in the same way as delay in payment of wages. The Program officer shall take decision on the payment / non payment of compensation after examining calculations done by NREGASoft reasonably within fifteen days of beginning of compensation liability. He/she may grant or reject the claim. If the claim is rejected the Program Officer shall specifically mention the reasons for such rejection. The presumptive category of such reason shall be as follows:-

Fixation of
compensation
liability and
payment

- (i) Natural calamity;
- (ii) Compensation is not due.

5. For fixing the responsibility of officers/employees for delayed payment of wages, para-29 of schedule-II Government of India, Ministry of Rural Development notification no. Ka-aa-19(A), dated January 3, 2014 shall be applicable.

Fixation of
responsibility

6. Time limit for disposal of work by the officers/employees shall be as mentioned in the Schedule-I and Schedule-II below:-

SCHEDULE-I

Sl. no.	Name of work	Opening day for calculation of delayed payment	Name of officers/ employees responsible for work	Number of total days
1	(i) Depositing of the Muster roll at block office after closure thereof	From the date of closing of Muster roll	(i) Gram Rozgar Sewak where the village Panchayat is implementing agency (ii) Sachiv, Gram Panchayat where Gram Rozgar Sewak is not appointed in Gram Panchayat (iii) Work incharge in case of other implementing agencies	1 day (T+1)
	(ii) Feeding of Muster roll on NREGA Soft	From the date of receipt of Muster roll at block office	(i) the employee responsible for receiving Muster roll at block office (ii) computer operator responsible for feeding on NREGASoft	1 day (T+2)
2	(i) depositing of Measurement Book (M.B) at block office after measuring the work	From the date of Muster Roll feeding in NREGASoft	(i) Technical assistant or thereto	2 day (T+4)
	(ii) Feeding of measurement of work on NREGA Soft	From the date of receipt of M.B. at block office.	(i) Additional programme officer (ii) Computer operator responsible for feeding on NREGASoft	1 day (T+5)
3	Generating of wage-list	From the date feeding of M.B. on MIS	(i) Additional programme officer (ii) Computer operator	1 day (T+6)
4	FTO generation and Signature for transfer of the fund.	From the date of generation of wagelist.	(i) Accountant/Assistant Accountant	1 day (T+7)

Sl. no.	Name of work	Opening day for calculation of delayed payment	Name of officers/ employees responsible for work	Number of total days
5	Transfer order of fund signed by Second Signatory	From the date of Signature of First Signatory	(i) Programme officer	1 day (T+8)

Note:-

1. Total Administrative Responsibility of completing the activities mentioned in the above schedule shall be of the Program Officer/Block Development Officer, program officer of implementing agencies.

2. The above schedule has been prepared keeping block development office as example. In case of implementing agencies if the post and name of the equivalent officers/employees are differed the responsibility of fixing liability of such officers/employees shall be of concerned department on which approval of District Magistrate/ District Program Co-ordinator shall be taken.

3. If any employee/officer relating to the said activity goes on leave and in place of him/her any employee /officer is deployed as alternative arrangement to perform the said work shall also be responsible for delay. Program officer/Block Development Officer, program officer of an implementing agencies shall be responsible for ensuring alternative arrangements.

SCHEDULE-II

Sl. No.	Process/Activities	Maximum time (in days)	Remark
1	<ul style="list-style-type: none"> PFMS to create state-wise Batches of the FTOs received till 11:59 PM of T+8 and make them available to MoRD by 08:00 AM of next day Send FTOs to bank Bank gives acknowledgement when they receive the Batch ID 	T+9	To be done by PFMS & Bank
2	<ul style="list-style-type: none"> Official in Programme Division of MoRD to push the release and Sanction order 	T+9 to T+11	By MoRD
	<ul style="list-style-type: none"> Sanction of Funds at MoRD by US 	T+9	
	<ul style="list-style-type: none"> Approval of Funds at MoRD by DDO 	T+10	
	<ul style="list-style-type: none"> Release of Funds at MoRD by PAO 	T+11	
3	Sends authorization with Batch-Id to Accredited bank after the release of fund	T+9 to T+11	By PFMS
4	Fund advice file to be sent to sponsor bank	T+12	By Accredited Bank
5	Uploads the presentation file to NPCI	T+12	By Sponsor Bank
6	Send the file to the Destination Bank/Post Office	T+12 to T+13	By NPCI
7	Processes the FTOs and credit the amount in the worker's bank account.	T+13 to T+14	By Destination Bank/Post Office

Sl. No.	Process/Activities	Maximum time (in days)	Remark
8	Receipt of response file at NREGASoft <ul style="list-style-type: none"> Banks send response to PFMS PFMS send response to NREGASoft 	T+15 to T+16 T+15 T+16	Sponsor Bank, PFMS

7. While determining the responsibility of the officer on employee for the delay in payment of wages on the basis of time limit mentioned in the above Schedule the following conditions shall be taken into account by the Program Officer/Block Development Officer –

Special Circumstances

- (i) During natural calamity or any such situation as is beyond the control of concerned officer / employee such period should be treated as zero period.
- (ii) Government holidays should be considered as zero period.
- (iii) The period during odd situation or emergency of law and order should be treated as zero period.
- (iv) The period during Technical disruption in the Government of India's website should be treated as zero period.
- (v) The period during breakdown of internet system should be treated as zero period.

8. (1) Compensation against delay payment will be paid from compensation related bank account of state employment guarantee fund. This payment shall be made like wage payment through Fund Transfer Order. For this purpose, compensation related bank account of state employment guarantee fund shall be aided with NREGA Soft.

Financial Management

(2) Advance money from state share of state employment guarantee fund will be given to compensation related bank account of state employment guarantee fund. The operation of this account will be on same pattern as state employment guarantee fund account.

(3) The reimbursement of expenditure in this account shall be made from the recovery made from pay/honorarium of officers/employees responsible for delay, by not completing their work in prescribed time limit thereby creating compensation liability. Recovery of compensation from officers/employees shall be made in ratio of their responsibilities.

(4) The recovery so made shall be deposited in compensation related account of state employment guarantee fund. Districts will inform the amount deposited in their account every month to State MGNREGA Cell, Uttar Pradesh.

9. (1) District Program Co-ordinator/ District Magistrate will regularly monitor the timely payment of wages to labourers and in case of delay, timely payment of compensation.

Appeal

(2) District Program Co-ordinator/District Magistrate will dispose off the disputes related to compensation liability, fixation of responsibility etc. of all implementing agencies. For this Deputy Commissioner (Labour Employment) will submit report to District Program Co-ordinator/District Magistrate through Chief Development Officer. The decision taken by District Program Co-ordinator/District Magistrate shall be final.

By order,

ANURAG SRIVASTAVA,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 537 राजपत्र-(हि०)-2019-(1303)-599 प्रतियां (क०/टी०/ऑफसेट)।
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