

CHAPTER-XVII

GOVERNMENT RESIDENTIAL QUARTERS

17. The matter relating to office building and allotment of Government Quarters from departmental pool is dealt with by the Estate Officer O/o the Accountant General (A&E), Jharkhand, Ranchi. However, the important provisions relating to allotment of Government Quarters are produced in the succeeding Paragraphs:-

17.1 Application for allotment of quarters:

(i) Every Government Officer in occupation of Government accommodation shall submit his application, in such form and manner and by such date, as may be specified by the Estate Officer in this behalf.

(ii) In case of Officer not in occupation of Government accommodation, the Estate Officer shall invite application in such form and manner and before such date as may be specified by him.

(iii) An officer joining duty at a station on first appointment or on transfer may submit his application to the Estate Officer within a month of his joining duty.

17.2 Type of residence eligible:

An Officer will be eligible for allotment of residence of the type shown in the table below:-

Type of residence	Category of officer or his monthly emoluments as on such date as may be specified by the Central Government for the purpose of the Allotment year concerned.
I	less than Rs.3,050
II	Rs.3,050 and above, but less than Rs.5,500
III	Rs. 5,500 and above, but less than Rs.8,500
IV	Rs. 8,500 and above, but less than Rs.12,000
V	Rs. 12000 and above, but less than Rs.18,400
VI	Rs. 18400 and above, but less than Rs.24,500

17.3 Allotment of residence:

A residence, on falling vacant, will be allotted by the Estate Officer preferably to an applicant desiring a change of accommodation in that type, and if not required for that purpose, to an applicant without accommodation in that type, having the earliest priority date for that type of residence subject to the following conditions:-

- (i) No officer shall be eligible for ad hoc allotment of Government residence if he or any other member of his family owns a house situated within the jurisdiction of a local municipality or of any adjoining municipality. However, house-owning Government officers and employees who are on the personal staff of Ministers (and equivalent dignitaries/VIPs) may be allotted accommodation on ad hoc basis and the allotment should be made of one type below their entitled type on the basis of emoluments prescribed for the relevant allotment year. These officers will not be entitled to retain the accommodation on payment of enhanced licence fee after the date of cancellation of allotment.
- (ii) An officer owning a house either in his own name or in the name of any member of his family at the place of his duty or in an adjoining municipality shall be eligible for allotment of Government residence on payment to him at such rate as may be determined from time to time by the Government.
- (iii) The Estate Officer shall not allot a residence of a type higher than that to which the applicant is eligible under the rules.
- (iv) The Estate Officer shall not compel any applicant to accept a residence of lower type than to which he is eligible under the rules.
- (v) The Estate Officer on request from an applicant for allotment of a lower category residence, might allot to him a residence next below the type for

which the applicant is eligible under the rules on the basis of his priority date for the same.

- (vi) The Estate Officer may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer, if the residence in occupation of the officer is required to be vacated.

(Authority: SR 317-B-3, B-7 & M.U.D., Director of Estates, O.M. No. 12035/21/86-Pol.II, dated the 9th November, 1987.)

17.4 Non-acceptance of allotment:

If any officer fails to accept the allotment of a residence within five days or fails to take possession of that residence after acceptance within eight days, from the date of receipt of the letter of allotment, he shall not be eligible for another allotment for a period of one year from the date of the allotment letter.

If an officer occupying a lower type residence is allotted or offered a residence of the type for which he is eligible, he may, on refusal of the said allotment or offer of allotment be permitted to continue in the previously allotted residence on the following conditions:-

- (a) that such an officer shall not be eligible for another allotment of eligible type of residence 'for the remaining period of the allotment year' in which he has declined the allotment offer.
- (b) While retaining the existing residence, he shall be charged one month's licence fee only in addition to the normal licence fee in respect of the power type of residence.

(Authority: SR 317-B-10 read with G.I., M.U.D. (Dir. Of Estates), O.M. No. 12035/9/86-Pol.II, dated 14-6-1999)

17.5 Surrender of an allotment:

An officer may at any time surrender an allotment by giving intimation so as to reach the Estate Officer at least ten days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Estate Officer or the date specified in the letter, whichever is later. If he fails to give due notice he shall be responsible for payment of licence fee for ten days or the number of days by which the notice given by him falls short of ten days provide that the Estate Officer, may accept a notice for as short period.

An officer who surrenders the residence shall not be considered again for allotment of Government accommodation at the same station for a period of one year from the date of such surrender.

17.6 Change of residence:

An Officer to whom a residence has been allotted may apply for a change to another residence of the same type or a residence of the type to which he is eligible as per his entitlement, whichever is lower. Not more than one change shall be allowed in respect of one type of within a period of six months and in occupation of accommodation shall be considered for change or allotment of a higher type of accommodation.

(Authority: SR 317-B-15 read with G.I., Dte of Estates, O.M. No. 12035/23/96-Poll.II, dated the 9th March, 1999.)

17.7 Cancellation of allotment

The authority competent to allot residential accommodation may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation by the officer if the residence in occupation by the officer is required to be vacated.

(Authority: SR 317-B-7(2).)

17.8 Period for which allotment subsists:

An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until –

- (a) the expiry of concessional period as given in the succeeding paragraph after the officer ceases to be on duty in an eligible office in the same station;
- (b) it is cancelled by the competent authority or is deemed to have been cancelled under any provision of the relevant rules;
- (c) it is surrendered by officer, or
- (d) the officer ceases to occupy the residence.

(Authority:SR317-B-11.)

17.9 Concessional period for further retention of residence:

A residence allotted to an officer may be retained on the happening of any of the events specified in Column (I) of the Table below for the period specified in the corresponding entry in Column (II) therefore, if that residence is required for the bonafide use of the officer or members of his family.

Table

Sl. No.	Events (I)	Permissible period for retention of the residence (II)
1.	Resignation, dismissal, removal or termination of service or unauthorized absence without permission	1 Month
2	Retirement or terminal leave	2 Month on the normal licence fee and another 2 months on double the normal licence fee.
3	Death of the allottee	12 months. Additional period of 12 months on payment of normal licence fee if the deceased officer or his/he dependent does not own a house at the place of posting.
4	Transfer to an ineligible office at the station	2 months.
5	Transfer to a place outside the	2 months.

	station	
6	On proceeding on foreign service in India	2 months.
7	Temporary transfer in India or transfer to a place outside India	4 months.
8	Leave (other than leave preparatory to retirement, medical leave, maternity leave or study leave)	4 months.
9	Maternity leave	For the period of maternity leave plus the leave granted in continuation subject to a maximum of five months.
10	Leave preparatory to retirement or Earned Leave granted to Government servant who retired under FR 56 (j)	For the full period of leave on full pay subject to a maximum of 180 days in the case of leave preparatory to retirement and four months in other cases, inclusive of the period permissible in the case of retirement.
11	Study leave in or outside India	For the period of leave but not exceeding six months, if he is in occupation of entitled type. For the entire period of leave, if he is in occupation of accommodation below his entitlement.
12	Deputation outside India	For the period of leave but not exceeding six months.
13	Leave on medical grounds	For the full period of leave.
14	On proceeding on training.	For the full period of training.

Note: Where an officer on transfer or foreign service in India is sanctioned leave and avails of it before joining duty at the new office, he may be permitted to retain the

residence for the period mentioned against items (4), (5), (6) and (7) or for the period of leave, whichever is more.

Where a residence is retained under the above provision, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in an eligible office at the station.

An Officer who has retained the residence by virtue of the concession under Item (1) to Item (2) or the above Table shall, on re-employment in an eligible office within the period specified in the said Table be entitled to retain that residence and he shall also be eligible for any further allotment of residence. But if the emoluments of the officer on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence.

(Authority: SR 317 B-11(2).)

17.11 Further retention of residence beyond the concessional period in special cases:- An officer, who was paying licence fee under FR 45-A may, in special cases, except of death, be allowed by the Estate Officer, to retain a residence for a period not exceeding six months beyond the period permitted under **SR317-B-11(2)**.

17.10 Retention of Government quarters on allotment of another quarter:

Where an officer, who is in occupation of a residence is allotted another residence and he occupies new residence, the allotment of former residence shall be deemed to be cancelled from the date of occupation of the new residence. After such date of occupation he may, however, retain the former residence on payment of normal licence fee therefor, for a period of 15 days for shifting to the allotted accommodation in change. If the former residence is not vacated within 15 days, the officer shall be liable to pay damages for use and occupation of the said residence, etc. as may be determined by Government from time to time with effect from the sixteenth day from the date of occupation of the new residence.

17.11 Out of turn allotments :

A residence may be made by the Estate Officer on out of turn basis to an officer on grounds of services illness of self or a member of his family in consultation if considered necessary with the prescribed medical authority. The priority allotment in such cases will be the date on which the application of this officer for out of turn allotment is received by the Competent authority.

17.12 Mutual Exchange of residences :

Officers to whom residences of the same type have been allotted under these rule may apply for permission to mutually exchange may be granted if both the Officers are seasonally expected to be on duty and to reside in their mutual Exchanged residences for at least six months from the date of approval of such exchange.

17.13 Subletting and sharing of accommodation

1. Subletting includes sharing of accommodation by an allottee with another person, with or without payment of licence fee by such other person. However, any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

(Authority :SR 317-B-2)

2. No officer shall sublet the whole of his residence:- (i) Provided that an officer proceeding on leave may accommodate in the residence any other officer eligible to share Government accommodation, as a caretaker, for the period of leave but not exceeding six months.

(ii) No officer shall share the residence allotted to him or any of the outhouses, garages and stables appurtenant thereto except with the employees of this office eligible for allotment of residences under the allotment rules. The servant's quarters, outhouses, garages and stables may be used only for the bonafide purposes including residences of the servants of the allottee or for such other purposes as may be permitted by the Estate Officer.

(iii) Any officer who shares or sublets his residences shall do so at his own risk and responsibility and shall remain personally responsible for any licence fee payable in

respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by Government beyond fair wear and tear.

(**Authority:** SR 317-B-20.)

17.14 No HRA admissible when possession of allotted quarters not taken within the stipulated period: -Under SR 317-B-12(1), if a Government servant, after acceptance, fails to take possession of Government accommodation within eight days from the date of receipt of allotment letter, licence fee shall be charged from him from such date up to a period of twelve days, as he is considered to be in deemed possession of that accommodation during that period. It has been decided that such Government servants would also not be entitled to HRA for the period of twelve days for which licence fee is charges from him.

(**Authority :** G.I., Directorate of Estates, O.M. No. 17012 (8)/89-Pol.II, dated the 22nd October, 1990)

17.15 Prior intimation for sharing the residence:- The officer is required to send prior intimation to the Director of Estates in the prescribed form intimating full particulars of the sharer and his family.

17.16 Penalties under the Allotment Rules:- If an officer to whom a residence has been allotted, unauthorizedly sublets the residence or charges licence fee from the sharer at a rate which the Estates Officer considers excessive or erects any unauthorized structure in any part of the residence or uses the residence or any portion thereof for any purposes other than that for which it is meant or tampers with the electric or water connection or commits any other breach of the rules in this Division or of the term and conditions of the allotment or uses the residence or premises or permits or suffers the residence or premises to be used for any purpose which the Estates Officer considers to be improper or conducts himself in a manner which in his opinion is prejudicial to the maintenance of harmonious relations with his neighbors or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the Director of Estates may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

If an officer sublets a residence allotted to him or any portion thereof or any of the outhouses, garages or stable appurtenant thereto, in contravention of the rules, he may,

without prejudice to any other action that may be taken against him, be charged enhanced licence fee of ten times of the flat rate of licence fee.

Where action to cancel the allotment is taken on account of unauthorized subletting of the premises by the allottee, and any other person residing with him therein to vacate the premises, the allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of sixty days from the date of the orders for the cancellation of the allotment, whichever is earlier. The officer can also be declared ineligible for allotment of residential accommodation for the remaining period of his service.

Where the allotment of a residence is cancelled for a conduct prejudicial to the maintenance of harmonious relations with neighbours, the officer at the discretion of the Estates Officer may be allotted another residence in the same class at any other place.

Where any penalty under this rule is imposed by any officer of the rank of Estates Officer, the aggrieved person, may within sixty days of the receipt of the orders by him or his employer imposing the penalty, file a representation to the Estates Officer.

Apart from the action taken under the Allotment Rules, the disciplinary authority also can intimate departmental action under the disciplinary rules for imposing suitable penalty on grounds of unbecoming conduct of the Government employee involving violation of Rule 3(1) (iii) of the CCS (Conduct) Rules, 1964.

(Authority: SR 317-B-20 and B-21 read with M.U.D., Director of Estates, O.M. No 12032 (2)/83-Pol.II, dated the 4th August,1987.)

17.17 Allotment to Husband and Wife:

No officer shall be allotted a residence if the wife or the husband, as the case may be, of the officer has already been allotted a residence unless such residence is surrendered. However, this restriction shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any Court.

Where two officers in occupation of separate residences, allotted to them marry each other, they should within one month of the marriage surrender one residence of the residences. If the residence is not surrendered, the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of the period of one month of

the marriage. If both the residences are of same type, the Estate Officer shall decide as to which allotment of the residence shall be deemed to have been cancelled on the expiry of the said period.

Where both husband, and wife are employed under the Central Government, the title of each of them to allotment of residence shall be considered independently.

(Authority: SR 317-B-4.)