



**GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF DIRECT TAXES
DIRECTORATE OF INFRASTRUCTURE**

Room No.202, 2nd Floor, 'A' Wing, 14, HUDCO Vishalaa Bldg., Bhikaji Cama Place, New Delhi.

Fax No. 011-26103215	Telephone No. 011-26103176
F. No. DIT (Infra.)/U-I/ Allotment Rules/2018-19/775	Dated: 12.06.2018

To

All the Pr. Chief Commissioners of Income Tax (CCA),
All the Pr. Directors General of Income Tax.

Madam/Sir,

Sub: – Drafting of new allotment rules for Departmental pool Residential accommodation – in CBDT– replacing Department of Revenue and Company Law, 1964 – Inviting suggestions/comments/inputs - reg.

Kindly refer to the above mentioned subject.

- The allotment rules for Central Board of Direct Taxes (CBDT) were notified by the then Department of Revenue and Company Law, Ministry of Finance vide notification dated 08.09.1964 At that point of time these rules were in sync with the allotment rules for general pool residential accommodation. However, the departmental pool residential accommodation rules need to be updated at par with the allotment rules as notified by Directorate of Estates, MoUD.
- Accordingly, it is proposed that the allotment rules in respect of CBDT be notified afresh with suitable changes at par with the Central Government General Pool Residential Accommodation rules, 2017 with suitable modifications whenever required.
- In this regard, it is requested to kindly circulate the same among all the officers and staff concerned of CBDT, IRS association, ITGOA, ITEF, All India Income Tax SC & ST Employee Welfare Association with a request to provide their suggestions/opinions/comments/inputs on the same to this Directorate via email ditinfra@gmail.com or Fax 011-26103191/26103215 latest by 29.06.2018.
- This issues with the prior approval of Pr. DGIT (Logistics).

Yours faithfully,

(L.K. Agrawal)
ADG (Infra)-I,
New Delhi.

Encl: As Above

Copy to: Data Base Cell for uploading on www.irsofficeronline.gov.in


ADG (Infra)-I,
New Delhi

ALLOTMENT RULES
CENTRAL BOARD OF DIRECT TAXES

(Department of Revenue)

MINISTRY OF FINANCE

NOTIFICATION

New Delhi, the _____, 2018

GENERAL

1. Short title and commencement.-

- (a) These rules may be called the Central Board of Direct Taxes (CBDT) Allotment Rules, 2018.
- (b) They shall apply to all residential buildings available with CBDT (or Board) including residential accommodation hired by the Board.
- (c) All officers and staff members who have been appointed by Government of India and for working in CBDT and its subordinate offices are eligible for allotment of CBDT pool residential accommodation.
- (d) They shall come into force on 1st September 2018.

2. Definitions.-In these rules, unless the context otherwise requires,-

- (a) "accommodation" or "CBDT pool accommodation" or "departmental pool accommodation" means the residential buildings available with CBDT including residential accommodation hired by the Board
- (b) "allotment" means the grant of licence to occupy a residence in accordance with the provisions of these Rules,
- (c) "allotment year" means the year beginning on 1st April or such other period as may be notified by CBDT.
- (d) "allotment of garage" means the grant of a licence to occupy a garage in accordance with the provisions of these rules;
- (e) "damages" means a compensation to be levied in multiples of licence fee in the event of unauthorized occupation or subletting or misuse of whole or any part of accommodation or garages by the occupant of the accommodation or garages;
- (f) "Delhi" means the area within the limits of the National Capital Territory of Delhi which the Government may declare conferring eligibility for the allotment of accommodation;
- (g) Estate officer means officer of the rank of Pr.CCIT or CCIT of the region concerned.
- (h) "eligible type of accommodation" in relation to an employee means the type of accommodation to which he is eligible under these rules;
- (i) employee" means appointed by and for working in CBDT whose salary is drawn from the Consolidated fund of India;

- (j) "family" means the wife or husband of allottee, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the allottee;
- (k) "Government" means the Central Government unless the context otherwise requires;
- (l) "guest" means a casual visitor staying temporarily with the allottee;
- (m) "own house" means a building or part thereof meant for residential purposes and owned by the allottee or by any member of his family;
- (n) "immediate relations" mean relationship such as Grandfather, Grandmother, Grandsons, Granddaughters, Father-in-law, Mother-in-law, Son-in-law, Daughter-in-law and include relationship established by legal adoption;
- (o) "licence fee" means a fee payable monthly in respect of the accommodation allotted under these rules;
- (p) "municipality" includes a municipal corporation, a municipal committee, board or municipal council, a town area committee, a notified area committee, a Cantonment Board;
- (q) "municipal limit" means city or town limit as declared by the concerned State or Union territory Government;
- (r) "misuse", in relation to an allotment, means an accommodation or a servant quarter or a garage being used by allottee himself or by his family members or immediate relations staying with him for the purpose other than the purposes provided under these rules;
- (i) "residential accommodation" means a covered structure or part thereof whether permanent or semi-permanent or temporary, which has at least a living room and a lavatory with or without kitchen;
- (ii) "special licence fee" means a licence fee charged from allottees for short period or temporary allotment of accommodation or charged from other ineligible offices or organization for allotment of accommodation on special purposes;
- (iii) "subletting" means letting out of a residential accommodation for employees under CBDT, partly or wholly by an allottee to any person outside allottee's family and immediate relations;
- (iv) "surrender of accommodation" means vacation of accommodation after physical occupation of the accommodation by the allottee on his own volition during the allotment period;
- (s) "temporary transfer" means a transfer of allottee to another place, which involves an absence for a period not exceeding four months from the place where the accommodation is allotted;
- (t) "transfer" means a transfer from the present working place where the accommodation is allotted to any other working place and includes a transfer to service under a State Government or a Union territory administration and include deputation to a post in an office or organization.
- (u) Class in relation to a residence means the class of that residence as is for the time being specified in Rule 5 Table 1.
- (v) Duty does not include any other leave except casual leave.
- (w) Emoluments:-

- (i) For the purpose of allotment of a residence, means pay as defined under clause (a) of sub-rule (2) of rule 9 of the Fundamental Rules.
- (ii) For the purpose of recovery of rent, has the same measuring as in rule 45-C of the Fundamental Rules.

Explanation – In the case of an officer who is under suspension, the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that date shall be taken as emoluments.

(x) Head of Department in relation to staff employed in the CBDT, means the Pr.CCIT/CCIT or any officer not below the rank of CIT as nominated by Pr.CCIT/CCIT of the region concerned.

(y) Post means a post in the offices under the control of the CBDT.

(z) Rent means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules.

Explanation – Any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

3. Conditions for declaring an office eligible for accommodation in Delhi.-

Any office located in the NCR of Delhi under the administrative control of Pr.CCIT, Delhi, and Directorates such as Pr.DGIT (Systems), Pr.DGIT (Logistics), etc. would be eligible for seeking departmental pool accommodation available under the administrative control of Pr.CCIT, Delhi.

Any employee of the CBDT if deputed in other Department/Ministries outside of his place of posting, then he/she will not be entitled for allotment in that city. However, if an employee already occupying departmental quarter deputed to other central/state government department/ministries in the same city can retain the quarter.

4. Classification of accommodation in different cities.-

The classified types of accommodation in different cities are Type II, Type III, Type IV, Type IV(S), Type V A, Type V B, Type VI A, Type VI B, Type VII, and VIII:

Provided that type II to IV accommodation shall be classified as lower type of accommodation and from Type IV (Special) to Type VIII shall be classified as higher type of accommodation.

5. Entitlement for types of accommodation.-

(a) Save as otherwise provided in these rules an applicant shall be eligible for allotment of residence of the type as shown in the column(1) as per the level in the pay matrix specified in the corresponding column (3), in the table below:-

TABLE I

Type of Residences	Existing Grade Pay//Basic Pay	Level in the pay matrix
(1)	(2)	(3)
I	Rs.1300, Rs. 1400, Rs. 1600, Rs. 1650 and Rs.1800	1
II	Rs. 1900, Rs. 2000, Rs. 2400 and Rs. 2800	2,3,4,5
III	Rs. 4200, Rs. 4600 and Rs. 4800	6,7,8
IV	Rs. 5400 to Rs. 6600	9,10,11
IV(S)	Rs.6600	11
VA [D II]	Rs. 7600 and Rs. 8000	12
V-B [D I]	Rs. 8700 and Rs. 8900	13, 13A
VI A [C II]	Rs. 10,000	14
VI B [C I]	Rs. 67000 to Rs. 74999	15 (Index numbers 1 to 4 in the level)
VII	Rs. 75000 to 79999	16 (Index numbers 5 to 8 in the level), 16
VIII	Rs. 80000 and above	17, 18

(b) The calculation of date of priority and preparation of waiting lists for different types of accommodations shall be as under:

(i) The date of priority in respect of type I to type III accommodation shall be determined on the basis of the date of joining of the employee in the Central Government service and the eligibility for the type of accommodation shall be decided as per their level of the applicant in the pay matrix:

Provided that an applicant under this category shall be allowed to bid for one type lower accommodation than the type eligible for such.

(ii) An applicant referred to in clause (i) above who has served continuously at a particular station for a period of five years shall, on each such completion of five years as on 1st January of the year, be given one year edge over and above his date of joining in the Central government service, for the purpose of calculation of his date of priority in the waiting list.

(iii) The date of priority in respect of type IV and above accommodation shall be determined on the basis of the date from which the applicant has been continuously eligible for the type of accommodation as per the level of the applicant in the pay matrix.

(iv) The inter-se seniority for the type IV and above accommodation shall be considered on the basis of the following factors, namely:-

- (a) Where the priority date of two or more applicants is the same, the applicant having a higher level pay in the level shall be senior in the waiting list;
 - (b) where the date of priority and the pay in the level of two or more applicants are the same, the applicant who has joined the Central Government service earlier shall be senior in the waiting list; and
 - (c) where the date of priority, pay in the level and the date of joining the Central Government service of two or more applicants are the same, the applicant retiring earlier may be accorded priority over the applicant retiring later.
- (iv) In respect of all IRS officers, the inter se seniority of applicants shall be determined on the basis of their date of joining the Government of India, as group A officer irrespective of their place of posting and subject to the condition that no junior batch applicant of the same batch shall get priority over his/her senior batch applicant or senior applicant in the same batch:
Provided that where the date of joining is the same, the applicant retiring earlier may be accorded priority over the officer retiring later:

(c) The applicants entitled for type IV(S) and above accommodation shall also be eligible to apply for accommodation below their entitlement subject to the condition that such accommodation shall not be below type IV accommodation:

Provided that the applicants eligible for type VA (D II) and Type IV (S) shall also be eligible to apply for type IV accommodation:

Provided further that where type V and type VI accommodation has not been classified as type VA and type VB or type VIA and type VIB, as the case may be, all eligible applicants for type V and type VI shall be grouped together in their respective types.

(d) Personal Pay shall not be considered for the purposes of determining the inter-se seniority in the waiting list.

6. Coverage of date of priority for certain purposes.-

For the purposes of calculation of licence fee, the allotment on out of turn basis to a Central Government employee shall be deemed to be regularized if any allottee junior to such employee has been allotted regular allotment in the same floor and in the same type of accommodation in that particular area or locality.

PART II ALLOTMENT PROCEDURE

7. Application for allotment

(a) Every employee of the CBDT on joining duty in any place on his first appointment or on transfer may make an application online or manually through his/her office for allotment of accommodation to which he/she is eligible under these rules and the entitled type of

accommodation shall be offered as per the priority in accordance with these rules having regard to the allottee's preference:

Provided that no application shall be entertained for accommodation within six months of the date of superannuation.

(b) Applications received prior to the specified bidding date shall be included in the respective unified waiting list and considered for allotment in the next bidding cycle subject to fulfillment of terms and conditions for allotment as per these rules.

(c) The applicant shall furnish various particulars in form specified by the concerned HoD which shall be verified by the office of the applicant and in case of any discrepancy in the application or furnishing of incorrect information in the application, the applicant and the verifying officer shall be liable for furnishing of incorrect information and disciplinary action shall be taken against them including cancellation of allotment of accommodation if allotment was made based on incorrect information.

Waiting list to be made/updated every month for all types of houses.

8. Preparation of waiting lists for various types of accommodation.-

(a) Separate waiting lists shall be prepared for each type of accommodation.

(b) These separate waiting lists shall have names of the applicants applied for initial as well as for change of accommodation and shall be prepared as per entitlement for a type of accommodation.

(c) The names of applicants entitled for Type V and above accommodation shall be included in all waiting lists of below types of accommodation for which they are eligible.

9. Offer of allotment of accommodation.-

(a) Save as otherwise provided in these rules, accommodation falling vacant in all types of accommodation will be allotted by the concerned estate officer through online or manual system as the case maybe for allotment to the applicant applying for initial allotment or for change of accommodation from the waiting list for that type of accommodation under these rules.

(b) The Board may, in emergent circumstances where the accommodation in occupation of the allottee is required to be vacated, allot him/her an alternate accommodation of the same type of accommodation or the type next below the type of accommodation in occupation of the allottee, subject to availability.

10. Period for which allotment subsists.-

An allotment shall be effective from the date on which it is accepted by the allottee and shall continue till in the Government service or in force until:

(a) the expiry of the concessional period permissible under these rules after the allottee ceases to be on duty in office;

(b) it is cancelled by the Department or is deemed to have been cancelled under any provisions in these rules;

- (c) it is surrendered by the allottee;
- (d) the allottee ceases to occupy the accommodation.

11. Acceptance of allotment.-

- (a) An offer of allotment of an accommodation shall be accepted by the allottee within eight days from the date of allotment of the accommodation through automated system or by manual system of allotment, as the case may be.
- (b) The allottee may accept the allotment of the accommodation by himself or through an authorised representative before the next bidding cycle.

12. Process after acceptance.-

- (a) After acceptance of the allotted accommodation, the allottee shall take physical possession of the accommodation, within five working days from the date of receipt of the acceptance letter.
- (b) In case the allotted accommodation is not ready for immediate occupation, CPWD or any other maintenance agency shall issue a Technical Occupation Report to the allottee on receipt of authority letter from the Department.
- (c) The CPWD shall issue a Physical Occupation Report to the allottee once the accommodation is ready for occupation and after handing over the accommodation to the allottee in habitable condition.

13. Non acceptance of allotment or offer or failure to occupy the allotted accommodation after acceptance.-

- (a) If any allottee fails to accept the allotment of a residential accommodation within eight days from the date of allotment of the said accommodation, or fails to take possession of that accommodation within five working days from the date of receipt of the letter of authorization, he/she shall be debarred to apply for accommodation for a period of three months from the date of non-acceptance of allotment subject to payment of one month's normal licence fee for that type of accommodation.
- (b) The date of non-acceptance of allotment shall be calculated from the date of allotment.
- (c) If an allottee occupying a lower type of accommodation refuses to accept the offer of an accommodation of the type for which he/she is eligible under these rules, he/she shall be permitted to continue in the previously allotted accommodation:
Provided that such allottee shall not be eligible for another allotment for a period of 06 months from the date of non-acceptance of such allotment.

14. Reconsideration.-

Request for reconsideration in cases of non-acceptance of allotment within the specified time shall be considered if an application for reconsideration is made before the next bidding cycle, in the following cases:

- (a) Intervening Gazetted holidays during the eight days period;

- (b) delay in forwarding of prescribed acceptance form from the office concerned;
- (c) the allottee on official tour during the acceptance period;
- (d) other valid reasons provided by the allottee;
- (e) the allotted accommodation is occupied by another allottee;
- (f) the allottee is unwilling to pay the pending dues of the previous occupants relating to electricity or water, etc.

15. Allotment to an allottee under suspension.-

The allotment of accommodation to an allottee under suspension shall be made as if suspension has not taken place.

16. Allotment of garages for type V accommodation-

- (a) An allottee who has been allotted a Type V A or Type V B accommodation to which a garage is not attached shall be eligible for allotment of a garage in the locality in which his accommodation is situated.
- (b) The deemed date of application for allotment of garage shall be the date of technical occupation of initial allotment of accommodation by the allottee for the locality, subject to the guidelines issued by concerned estate officer from time to time.
- (c) There shall be a unified waiting list for initial as well as for change of allotment of garage.

17. Allotment of accommodation on unsafe or dangerous grounds.-

- (a) An allottee, whose residential accommodation is unsafe or dangerous may make an application to the concerned maintenance agency to declare such accommodation as unsafe or dangerous for living and an officer not below the rank of an Executive Engineer, CPWD or equivalent officer in any other maintenance agency on satisfying himself that the accommodation concerned is unsafe or dangerous, issue a certificate of declaration to the effect, to the concerned estate officer online or in writing and enter the accommodation in the Unsafe Accommodation Register and an intimation must be sent to concerned estate officer..
- (b) Allotment of alternate accommodation to an allottee on declaration of a house as unsafe or dangerous shall be done online or manual system of allotment as may be applicable.
- (c) In cases where an individual house in a Government residential colony is declared as unsafe or dangerous, an alternate allotment of same type of accommodation is to be made on priority on the following basis:
 - (i) Vacancies in the same locality or nearby locality to be identified for allotment where such occupants would be given priority in the same type of accommodation over the unified (change/initial) waiting list;
 - (ii) The allottee in occupation of a specific floor may apply for that floor and above accommodation Type only and allotment will be made accordingly;
 - (iii) Equal number of identified vacancies will be placed for allotment in relation to number of such unsafe or dangerous houses.

18. Allotment of accommodation on re-development of Departmental pool residential colony or any other purpose.-

(a) Where an entire Departmental residential colony is required to be vacated for re-development or any other purpose, the allottees of such colonies shall be placed enbloc over the unified (change/initial) waiting list for same type of accommodation and the allotment shall be done online or manually, as may be applicable;

(b) Where there is no sufficient vacancy in the concerned type of accommodation to relocate the allottees of such colony, the entire bidding process for other applicants in the Unified waiting list may be frozen in respect of such type of accommodation for such period as may be deemed necessary.

19. Declaration by an applicant owning a house at the place of posting.-

(a) An employee owning a house either in his/her own name or in the name of any member of his family at the place of his duty, shall inform the fact to the Estate officer at the time of applying for accommodation:

Provided that where an employee or any member of his/her family become owner of a house at the place of his duty after an accommodation is allotted to him under these rules, the allottee shall inform the fact to the Department within a period of one month from the date of possession of the house.

(b) A higher rate of licence fee, as specified by the MoUD, Government of India from time to time shall be applicable to the allottees under this rule.

20. Eligibility of allottees married to each other.-

(a) No employee of the Central Government shall be allotted an accommodation under these rules if the spouse of such Government servant has already been allotted an accommodation, unless such accommodation is surrendered:

Provided that this sub-rule shall not apply where the wife and husband are residing separately in pursuance of -

(i) an order of judicial separation made by any Court; or

(ii) an order to proceed to frame and record the issues for settlement of the proceedings by any Court in which a petition filed by either spouse for dissolution of marriage by a decree of divorce is pending and either of them has furnished an undertaking to surrender the accommodation allotted to her or him forthwith in case of revival of conjugal rights with her or his spouse.

(b) Where two allottees in occupation of separate accommodation allotted under these rules marry each other, they shall within one month of marriage, surrender one of the accommodation.

(c) If one of the accommodation is not surrendered within the stipulated period as required by sub-rule (b), the allotment of the accommodation of the lower type shall be deemed to have been cancelled on the expiry of such period and if the accommodations are of the same type, the

allotment of such one of them as the HoD may decide, shall be deemed to have been cancelled on the expiry of such period.

(d) Where both husband and wife are employed under the Central Government, the title of each of them to allotment of an accommodation under these rules shall be considered independently.

(e) Notwithstanding anything contained in sub-rules (1) to (4),

(i) if a wife or husband, as the case may be, who is an allottee of an accommodation under these rules, is subsequently allotted a residential accommodation at the same station from a pool to which these rules do not apply, she or he, as the case may be, shall surrender anyone of the accommodation within one month of such allotment:

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any Court.

(ii) where two allottees, in occupation of separate accommodations at the same station, one allotted under these rules and another from a pool to which these rules do not apply, marry each other, anyone of them shall surrender anyone of the accommodation within one month of such marriage.

(f) If an accommodation is not surrendered as required under sub-rule (5), the allotment of the accommodation shall be deemed to have been cancelled on the expiry of such period.

21. Allotment of accommodation on re-employment.-

Allotment of accommodation on re-employment in offices shall be governed by the guidelines as under:

(a) The officers when they are re-appointed (after superannuation/in-service through voluntary retirement or otherwise) in any office of Delhi by the Appointment Committee of the Cabinet (ACC), allotment/retention of CBDT pool accommodation will be granted as per the following guidelines:

(i) Re-appointed officers in constitutional bodies i.e. Union Public Service Commission (UPSC), Election Commission of India etc. will be eligible for allotment without above restrictions.

(ii) The officers re-employed by the ACC to continue in the same post after superannuation for the extended period shall be permitted to continue in the residential accommodation occupied by them till the end of the tenure and they will be further eligible for retention on of the said accommodation as per the provision of Rule 28 on completion of tenure. If officers are re-employed by the ACC in any other post, further retention of the said accommodations as per provision of Rule 28 will not be allowed. Further retention of three months only will be granted on completion of the tenure of re-appointment.

(b) Any consultant/advisor etc appointment by any other Ministry/Department on short-term/tenure basis, whether on re-appointment after superannuation from Central Government Service or appointed from open market, will not be eligible for retention/allotment of CBDT pool accommodation.

(c) However, any person re-appointed by or for CBDT against a sanctioned post with a regular pay will be eligible for retention of accommodation subject to entitlement for the full period of re-appointment. Further retention after the completion of re-appointment period will be given to such re-employed persons as per clause (1) (iv) above.

(d) If any officer after superannuation from Central Government service gets re-appointment in any Committees/Commissions which are not eligible for CBDT pool accommodation, he/she shall be considered for retention of CBDT pool accommodation house for six months from the date of such appointment, subject to a maximum of Type-VI A(C-II Type) accommodation.

PART III

SEPARATE POOLS FOR CERTAIN CATEGORIES OF EMPLOYEES

22. Allotment to women employees (Ladies Pool).-

(a) Notwithstanding anything contained in these rules, "Ladies Pool" shall be maintained separately for married lady employees and for single lady employees and the allotment under these rules shall be made in the ratio of 2: 1 between married lady employees and single lady employees.

(b) The inter-se-seniority of the lady employees eligible for allotment of accommodation under this rule shall be determined as per rule 5.

(c) All lady employees, who are otherwise eligible for accommodation, will also be eligible for allotment from the Ladies Pool.

(d) Lady employees, who are already in occupation of accommodation, will be eligible for allotment of higher type of accommodation or change in the same type, in their own turn, from the Ladies Pool and from Departmental Pool.

(e) The number and type of accommodation to be placed in this pool shall be determined by the concerned estate officer from time to time.

Explanation.-For the purposes of this rule,-

(i) "Married lady employee" means a lady employee whose marriage is subsisting and who is not judicially separated from her husband;

(ii) "Single Lady employee" means an unmarried lady employee and include a widow with or without children.

PART IV

OUT OF TURN ALLOTMENT IN CERTAIN CATEGORIES

23. Out of turn allotments --

Notwithstanding the provision of Rule-5, allotment of a residence may be made by the Head of the Department on cut-of-turn basis to an officer on grounds of administrative requirement, serious illness of self or a member of his family, in consultation, if considered

necessary, with the prescribed medical authority. In such cases, the allotment will be made according to the actual dates of receipt of the out-of-turn application.

24. Allotment of surplus accommodation.-

(a) In case of availability of surplus accommodation in any type, an applicant may be allotted any accommodation lower or one type higher than the entitled type on payment of normal licence fee of his allotted type.

(b) In case of availability of surplus accommodation in any station, the O/o DIT (Infra) in consultation with local office may decide to utilize the surplus accommodation by offering to organizations like CBEC, etc for a fixed period and subject to such terms and conditions as the Board may determine.

(c) Such allotment of surplus accommodation may kindly be reviewed after the expiry of 05 years from the date such offer as made to other Central Government offices.

25. Reservation in allotment to Scheduled Castes and Scheduled Tribe employees.-

(a) The reservation in allotment of accommodation to Scheduled Castes and Scheduled Tribe employees shall be five per cent in Type I, II, III & IV accommodation.

(b) The allotment from Type I to IV shall be made in the ratio of 2: 1 vacancies to Scheduled Castes and Scheduled Tribe employees, respectively.

(c) Separate unified waiting lists for Type I to IV accommodation shall be prepared for the Scheduled Castes and Scheduled Tribe employees.

(d) In case, there is no Scheduled Tribe applicant in the unified waiting list, the quota reserved for the Scheduled Tribe may be allotted to a Scheduled Caste applicant.

(e) Scheduled Castes and Scheduled Tribe applicants, who are already in occupation of general pool residential accommodation, shall be eligible for allotment of higher type of accommodation from the quota reserved for them under this rule.

(f) In respect of Types I, II, III & IV accommodation, there will be 60 point roster system and the vacancies at point number 10, 20, 40 and 50 shall be allotted to Scheduled Castes applicants and the vacancies at point number 30 and 60 shall be allotted to Scheduled Tribe applicants.

(g) The Scheduled Castes and Scheduled Tribe applicants shall also be eligible for allotment from general pool.

(h) The Scheduled Caste and Scheduled Tribe applicants shall mention the fact that as to whether they belong to Scheduled Caste and Scheduled Tribe in their application for allotment of accommodation, which shall be verified by the office of the applicants from their records at the time of acceptance of allotment of the accommodation by the office of the applicant or by the concerned Estate Office, wherever applicable.

26. Allotment to temporary status employees.-

(a) Allotment of accommodation may be considered for temporary status employees working in offices who have been awarded temporary status under the provisions of the "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of the Government of India, 1993:

Provided that such temporary status employee must have rendered service as temporary status for at least three years and is in receipt of House Rent Allowance as per the relevant rules eligible for accommodation.

(b) The date of priority of temporary status employees shall be the date on which they have completed three years of service as temporary status employee.

27. Temporary allotment of accommodation for marriage or social functions.-

The temporary allotment of accommodation for marriage or social purposes shall be decided by concerned estate officer, if there are Departmental residential accommodation available for this purpose.

PARTV

RETENTION OF ACCOMMODATION

28. Concessional period of retention.-

(a) The allottee may, subject to the conditions laid down in these rules, be permitted to retain the accommodation on the happening of any of the events specified in column (2) of the table below, for the period specified in the corresponding entry in column (3) thereof, provided that the accommodation is required for the bonafide use of the allottee or members of his family:

S.No.	Events	Permissible period for retention of the residence
(i)	Resignation, dismissal or removal from Service, termination of service or unauthorized absence without permission, compulsory retirement [under CCS (CCA) Rules, I 965] and for non-regular Government servants.	One month on normal license fee
(ii)	Retirement, voluntary retirement, retirement on medical grounds, terminal leave or compulsory retirement [under FR 56(j)], retirement on deputation from ineligible organizations during the initial constitution of such organization, technical resignation, death of allottee on reemployment (irrespective of retention availed on retirement) and death of an allottee who is not a regular Government servant or deputation outside India.	Six months on normal license fee
(iii)	Transfer to a place outside from the existing place, transfer to an ineligible office in the same	Two months on normal license fee plus six months on double

	station, on proceeding on foreign service in India, temporary transfer in India or transfer to a place outside India or deputation within India.	license fee.
(iv)	To eligible spouse or ward in case of death of the allottee or in case of missing persons (from the date on which Police authority have certified the employee is missing)	Twelve months on normal license fee and for a further period of twelve months on normal license fee provided the deceased or missing allottee or any member of the family does not own a house at the place of occupation of accommodation.
(v)	Study Leave	Actual period of leave or two years, whichever is earlier
(vi)	All authorised and sanctioned leave except extraordinary leave without medical grounds, on proceeding on training, on mandatory posting under Central Staffing Scheme to Lok Sabha or Rajya Sabha Secretariat on certificate from Establishment Officer, Department of Personnel and Training, and on transfer to a non-family station abroad declared by Ministry of External Affairs (provided the allottee or members of family does not own a house at the last place of posting)	For the full period of leave/posting on normal license fee
(vii)	On transfer or deputation to Public Sector Undertakings, Statutory and Autonomous bodies on their initial constitution	Sixty months on normal license fee plus House Rent Allowance drawn by the allottee from the organization
(viii)	Leave preparatory to retirement or refused leave granted under FR 86 or Earned leave granted to Government servant who retired under FR 56(j)	For the full period of leave on full average pay subject to a maximum period of one hundred and eighty 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 on normal license fee.
(ix)	On mandatory posting to Public Sector Undertakings, Statutory and Autonomous Bodies under Central Staffing Scheme on certificate from Establishment Officer, Department of Personnel and Training or from Other Ministries or Departments of the Government of India; and (ii) On mandatory posting at the same station to	Full period of posting on normal license fee plus House Rent Allowance drawn by the allottee from the organization

	Public Sector Undertakings, Statutory and Autonomous Bodies under Non-Central Staffing Scheme on certificate from Establishment Officer, Department of Personnel and Training for balance period of central deputation after serving four years under Central Staffing Scheme	
--	---	--

(b) The licence fee free allottees of residential accommodation shall be allowed to retain the accommodation for a period of one month on retirement:

Provided that on expiry of one month period, the allottee shall pay licence fee for retention of accommodation as prescribed in these rule.

(c) All allottees shall furnish a self-certificate to the Department in case they are on leave for more than six months and retention of accommodation is required for family.

29. Retention of accommodation on death, retirement and transfer of an allottee posted to a nonfamily station and re-transfer to any place in India.-

(a) In the event of retirement or transfer of an allottee during his posting to a non-family station, as notified by Government of India from time to time, the allottee shall be allowed the facility of retention of accommodation under occupation at the last place of posting prior to transfer to a non-family station for the period permissible under these rules on payment of prescribed licence fee.

(b) In the event of death of an allottee during his/her posting to a non-family station, the family of the allottee shall be allowed the facility of retention of accommodation under occupation at the last place of posting prior to transfer to a non-family station for the period permissible under these rules on payment of prescribed licence fee:

Provided that the extended period of retention under these rules shall not be allowed in the event of death of an allottee in cases where the deceased allottee or his dependent family members own a house at the last place of posting.

30. Retention granted on posting to non-family stations.-

Retention granted to allottees at their last place of posting in case of their posting to different non-family stations for bonafide use of their family members under different guidelines of Government of India issued from time to time, will be restricted to a maximum of three years.

PART VI
CHANGE OF ACCOMMODATION

31. Change in same type or entitled higher type of accommodation.-

(a) An allottee to whom an accommodation has been allotted under these rules may apply for a change to another same type of accommodation only after taking physical possession of accommodation allotted under initial allotment.

(b) Only one change shall be allowed in the same type of accommodation to the allottee.

(c) An allottee, who intends to change the accommodation already allotted to him shall make an application in the form specified by the concerned Estate Officer, and thereafter, the name of such allottee shall be included in the concerned type unified waiting list.

(d) The date of priority or the inter-se seniority of the allottees in the waiting list for change of accommodation in respect of Type I to Type VII shall be as applicable to initial allotment.

(e) The change of same type of accommodation shall be offered as per the priority in accordance with these rules and having regard to the allottee's preference:

Provided that no change in the same type of accommodation shall be allowed to an allottee within six months of the date of superannuation.

(f) If an allottee fails to accept a change of accommodation offered to him within eight days of the issue of such offer or allotment, he/she shall not be considered again for a change of accommodation for that type of accommodation.

(g) An allottee who, after accepting a change of accommodation fails to take possession of the same, shall be charged one month licence fee for such accommodation in accordance with the provisions of these rules in addition to the normal licence fee for the accommodation already in his possession the allotment of which shall continue to subsist:

Provided that if the CPWD or the concerned maintenance agency fails to make the accommodation offered on change habitable within the prescribed time period, a certificate from the concerned Executive Engineer shall be furnished in this regard by CPWD and allottees will be exempted from payment of licence fee for the intervening period in such cases.

(h) Where an allottee, who is in occupation of an accommodation, is allotted another accommodation and he/she occupies the new accommodation, the allotment of former accommodation shall be deemed to have been cancelled from the date of physical occupation of the new accommodation:

Provided that such date of occupation, the allottee may, retain the former accommodation on payment of normal licence fee for a period of thirty days for shifting to the newly allotted accommodation:

Provided further that if the previous accommodation is not vacated within a period of thirty days, the allottee shall be liable to pay damages for use and occupation of the previous accommodation, furniture and garden charges as may be determined by the Government of India from time to time with effect from the 31st day from the date of physical occupation of the new

accommodation and the accommodation slotted in the change shall be deemed to have been cancelled under these rules.

(i) The allottee shall ensure before applying for change of accommodation that he/she continues to be entitled for that type of accommodation on the basis of revised entitlement as well as other conditions governing such change of accommodation and the respective allotment authority or estate office shall verify this fact before accepting the prescribed acceptance form of the applicant.

(j) No change of accommodation shall be allowed to an allottee under this rule if an enquiry is under progress against the allottee on the charge of subletting.

32. Change of accommodation on medical grounds.-

(a) Change on medical grounds shall be given only if the allottee concerned has already availed of one change in the same type of accommodation admissible under these rules:

Provided that if the allottee has not already availed one change, the application for change on medical grounds shall be referred to the Committee constituted by the concerned Estate officer for the purpose.

(b) Requests for change on medical grounds may be entertained only in such cases where the allottee or a member of his/her family or dependent-in-laws living with him/her, after the allotment of the accommodation in change has developed such diseases as may be specified by the Committee constituted for the purpose by the Department:

Provided that a medical certificate from a Head of Department of the Specialty of concerned disease of a Government Hospital indicating the nature and extent of physical handicap or disease and recommending such a change is furnished.

(c) Change from one floor to another in the same colony or from one colony to another colony may be allowed, if the request is supported by medical certificate from a board constituted for the purpose from Safdarjung Hospital or Dr. Ram Manohar Lohia (RML) Hospital in Delhi and from a board constituted for the purpose from a Government hospital in places other than Delhi and the change of accommodation shall be given by the Department by issuing a well-reasoned speaking order.

33. Change of accommodation in the event of death of a member of family.-

Notwithstanding anything contained in these rules, an allottee may be allowed a change of accommodation on the death of any member of his family if he applies for a change within six months of such occurrence, provided that the change will be given in the same type of accommodation, same floor and in the same area as the accommodation already allotted to the allottee.

34. Shifting of allottees in case of quarrel between neighbors.-

(a) Any complaint relating to the quarrels between neighbors in Departmental colonies shall be examined in detail by the concerned Estate officer.

(b) The allottee found guilty under this rule shall be shifted to another accommodation in the same locality but at a distance from the accommodation of the allottee with whom he/she had picked up quarrel, or to another nearby or remote locality, depending upon the nature of the offence or situation.

(c) If the allottee so shifted to another place again picks up quarrel with his neighbors, his/her allotment shall be cancelled and he/she shall be debarred from allotment of accommodation for a period varying from one year to two years depending upon the nature of the offence:

Provided that if the allottee who is debarred under this sub-rule, on subsequent allotment again picks up a quarrel with his/her neighbor and is found guilty, he/she shall be declared ineligible for further allotment of accommodation.

PART VII

REGULARISATION OF ACCOMMODATION

35. Regularization of accommodation on reappointment in an office or otherwise after retirement from Central Government service.-

Regularization of accommodation on reappointment after retirement or voluntary retirement in an office shall be governed by such guidelines as the Board may issue from time to time.

36. Allotment of alternate accommodation or regularization of accommodation in the name of certain person in case of death of an allottee.-

(a) In the event of death of an allottee, the same accommodation may be regularized in the name of the spouse or ward of the deceased allottee, if the spouse or ward is entitled for it.

(b) In case, the entitlement of the spouse or ward is a lower type than the accommodation allotted to deceased allottee, an alternate entitled type of accommodation may be regularized in the name of spouse or ward.

(c) In case, the spouse or ward is entitled for higher type of accommodation than the accommodation allotted to the deceased allottee, an alternate one type below the entitled accommodation may be allotted to the spouse or ward subject to a maximum of Type V accommodation on payment of normal licence fee or fulfillment of the following conditions, namely:-

(i) the spouse or ward had been residing with the deceased allottee for at least three years prior to the death of the allottee and has not drawn house rent allowance for this period and in case such spouse or ward is in the service of Central Government for less than three years, then he/she has not drawn house rent allowance since the date of his joining the Central Government service;

(ii) the spouse or the ward joins the Central Government service within a period of two years after the death of the allottee and the accommodation in occupation has not been vacated.

Explanation.- For the purpose of this rule, "ward" shall include-

- (i) a married daughter, working in an eligible office, irrespective of the fact that the deceased allottee is having a son, who is also employed in an eligible office, and he is in a position to maintain the parents;
- (ii) a daughter-in-law, working in an eligible office.

37. Allotment of alternate accommodation or regularization of accommodation in the name of certain persons in retirement cases.-

- (a) In the event of retirement of an allottee, the same accommodation may be regularized in the name of the spouse or ward of the retired allottee, if the spouse or ward is entitled for it.
- (b) In case, the entitlement of the spouse or ward is a lower type than the accommodation allotted to retired allottee, an alternate entitled type of accommodation may be regularized in the name of spouse or ward.
- (c) In case, the spouse or ward is entitled for higher type of accommodation than the accommodation allotted to the retired allottee, an alternate one type below the entitled accommodation may be allotted to the spouse or ward subject to a maximum of Type V accommodation on payment of normal licence fee and on fulfillment of the following conditions:-
 - (i) the spouse or ward has been residing continuously for at least three years with the retiring allottee prior to his retirement and has not drawn house rent allowance for this period and in case such spouse or ward is in the service of Central Government for less than three years, then, he/she has not drawn house rent allowance since the date of his/her joining the Central Government service,
 - (ii) The spouse or ward joins the Government service within the permissible period of retention and the accommodation in occupation has not been vacated.
- (d) In case of more than one eligible ward, the retiring official will have option to exercise his/her choice in favor of his wards.

Explanation.-For the purpose of this rule, "ward" shall include-

- (i) a married daughter, working in an office, irrespective of the fact that the retiring allottee is having a son, who is also employed in an office, and he/she is in a position to maintain the parents;
- (ii) a daughter-in-law, working in an eligible office.

38. Allotment of alternate accommodation or regularization of accommodation in the name of certain persons in transfer cases.-

- (a) In the event of transfer of an allottee to another station, the same accommodation may be regularized in the name of eligible spouse of the transferred allottee, if the spouse is entitled for it.
- (b) In case, the entitlement of the spouse is a lower type than the accommodation allotted to transferred allottee, an alternate entitled type of accommodation may be regularized in the name of spouse.

(c) In case, the spouse is entitled for higher type of accommodation than the accommodation allotted to transferred allottee, an alternate one type below the entitled accommodation may be allotted to the spouse subject to a maximum of Type V accommodation on payment of normal licence fee.

(d) The application for regularization or allotment shall be submitted before the expiry of the permissible period of retention after the date of transfer of the allottee or, from the date of appointment of the spouse, whichever is later.

(e) All dues outstanding in respect of the accommodation occupied by the transferred allottee shall be cleared before submission of the application for regularization or alternate allotment.

(f) The pay of the spouse shall be taken into account for determining the entitled type of accommodation as per these rules on the date of regularization of the spouse.

(g) The alternate allotment in the name of the spouse will be made, to the extent possible, in the same area, failing which in a nearby area.

39. The conditions for regularization or allotment of alternate accommodation in certain cases rules.-

(a) The facility of regularization or allotment of alternate accommodation shall be admissible under rules 36 and 37 irrespective of the date of priority of the spouse or ward.

(b) The application for regularization or allotment shall be submitted before the expiry of the permissible period of retention after the date of death or retirement of the allottee or from the date of appointment of the spouse or ward in Government service, whichever is later.

(c) All dues outstanding in respect of the accommodation occupied by the deceased or retired allottee shall be cleared before submission of the application for regularization or alternate allotment.

(d) The pay of the spouse or ward shall be taken into account for determining the entitled type of accommodation as per these rules on the date of regularization of the spouse or ward.

(e) The alternate allotment in the name of the spouse or ward will be made, to the extent possible, in the same area, failing which in a nearby area.

(f) A No Objection Certificate shall be obtained from the spouse of the deceased allottee in death cases, and from the retired allottee in retirement cases, for regularization or allotment of alternate accommodation to the ward.

(g) The ward in whose name regularization of alternate accommodation is to be made shall give an undertaking to the extent that the spouse of the deceased allottee or the retired allottee, as the case may be, shall reside with such ward in the allotted accommodation after regularization or after allotment of alternate accommodation.

40. Non-admissibility for regularization or alternate accommodation.-

The facility of regularization or allotment of alternate accommodation under rules 36, 37 and 38 shall not be admissible in the following cases:-

(a) where the allottee or any member of his family owns a house at the place of posting where regularization is being sought:

Provided that either one type below accommodation or same accommodation may be regularized in the name of spouse or ward whose date of priority is covered on the date of retirement of the retiring allottee or on the date of death of the deceased allottee, irrespective of being a house-owner at the place of their posting subject to such conditions as applicable to house owning allottees and as per the guidelines issued by the Department from time to time; and

(b) where the allottee has become ineligible for allotment of accommodation, due to any reason, on or before the date of his death or retirement.

(c) in the event of resignation from Government service.

41. Regularization of allotment on re-transfer to the last place of posting.-

Regularization of accommodation under retention in case of re-transfer to the last place of posting shall be considered only in cases where re-transfer takes place within the permissible period of retention and any retention beyond the permissible period shall be treated as unauthorized occupation:

Provided that in the case of retention beyond the permissible period, regularization of the same accommodation shall be considered only if the date of priority is covered, subject to fulfillment of the following conditions, namely:-

- i. the allottee has reported the fact of his transfer to ineligible office within one month of transfer;
- ii. the allottee has been granted retention as per rules;
- iii. the allottee has been posted back and has joined duty at the station where he has been allowed to retain the accommodation;
- iv. the allottee has paid the damages at the prevalent rates of damages for retention as notified by Government of India from time to time, beyond permissible retention period till the date of retransfer to the last place of posting;
- v. all arrears have been cleared; and
- vi. the allottee submits a certificate from the office where he was posted stating that he has not drawn House Rent Allowance during the unauthorized period of occupation and was not in occupation of any residential accommodation during the period of posting.

42. Regularization of accommodation to eligible spouse or ward in case of missing persons.-

Regularization of accommodation in the name of the spouse or ward may be considered in cases where on the basis of a First Information Report (FIR) lodged by the family, the missing allottee has been reported untraceable by the Police authorities subject to the following conditions, namely:-

- (i) the spouse or ward of the missing allottee has been appointed on compassionate grounds provided such application is made within a period of two years from the date on which the allottee has been certified to be untraceable;

(ii) neither the missing allottee nor any member of his family own a house at the place of posting;

(iii) all dues outstanding in respect of the accommodation under occupation has been cleared:

Provided that normal rate of licence fee may be charged for the intervening period with effect from the date of missing till the date of regularization.

PART VIII

EXCHANGE OF ACCOMMODATION

43. Inter-pool exchange of accommodation between general pool residential accommodation and departmental pool accommodation shall be made as per the guidelines given below:

(a) The employees, who are on deputation/mandatory posting/transfer to other Departments of the Government of India, shall be eligible to apply for inter-pool exchange of accommodation.

(b) Regularization of general pool residential accommodation in lieu of Departmental Pool accommodation and vice versa shall be made to the officers mentioned in para 1 above.

(c) Where an officer in occupation of General Pool residential accommodation has gone to offices mentioned above and in return another officer has come to serve the Government of India from such office along with an accommodation, inter-pool exchange with Departmental Pool may be allowed on one to one basis subject to provision of accommodations are of the same type.

(d) All proposals for inter-pool exchanges in respect of Type I to VI departmental residential accommodation shall be approved by concerned estate officer before taking up with MoUD.

PART IX

SURRENDER OF ALLOTMENT OF ACCOMMODATION

44. Surrender of an allotment of accommodation.-

(a) An allottee may surrender an allotment of accommodation at any time during the allotment period.

(b) An allottee who surrenders the accommodation shall not be considered again for allotment of accommodation at the same station for a period of one year from the date of such surrender.

PART X

MAINTENANCE OF ACCOMMODATION

45. Maintenance of accommodation by the allottee.-

(a) The allottee to whom a residential accommodation has been allotted shall maintain the accommodation and premises in a clean condition and such allottee shall not grow any tree, shrubs or plants contrary to the instructions issued by the Government or by its maintenance agencies nor cut or lop off any existing tree or shrubs in any garden, courtyard or compound attached to the accommodation save with the prior permission in writing of the concerned maintenance agencies.

(b) Trees, plantation or vegetation, grown in contravention of this rule may be caused to be removed by the concerned maintenance agencies at the risk and cost of the allottee concerned.

46. Cooperation with maintenance agencies by the allottees to carry out repair works.-

(a) All allottees of accommodation will cooperate with respective maintenance agencies of residential accommodation in Government colonies in carrying out all kinds of repair or renovation works.

(b) In case a complaint for non-corporation is received from maintenance agency against any allottee, strict action shall be taken against him as per these rules and the instructions issued by the Board from time to time.

47. Misuse of accommodation for trade or business or any other unauthorised activity.-

(a) The accommodation shall be used for residential purpose only by the allottee and other authorised persons as per these rules.

(b) Action shall be taken against the allottee for unauthorized use of the allotted accommodation as per these rules and instructions issued by the Department in this regard from time to time.

48. Payment of requisite charge or fee to public utility services.-

(a) The allottees of accommodation shall pay the charges and fees to all utility services such as electricity, water, gas etc., regularly on receipt of the bill for such payment.

(b) In case an allottee has not paid the dues to the public utility authorities before vacation or surrender of the accommodation, vacation or surrender of accommodation shall not be accepted by the concerned estate officer.

49. Unauthorized constructions in Government colonies.-

(a) No unauthorized construction shall be allowed in Government residential colonies and the unauthorized constructions, if any shall be removed or demolished by the concerned maintenance agency or the Estate Officer notified under the Public Premises (Eviction of unauthorized occupants) Act, 1971(40 of 1971), as the case may be in accordance with the provisions of that Act.

(b) In case any further unauthorized construction is found in the accommodation of the same allottee, the accommodation provided to such allottee shall be cancelled from the date of inspection of the accommodation and he/she shall be debarred for allotment of accommodation for remaining period of service in future.

(c) The procedure for dealing with cases relating to unauthorized construction or encroachment in accommodation or public premises and the responsibilities of respective maintenance agencies shall be as specified by the Central Government from time to time.

PART XI
UNAUTHORISED OCCUPATION

50. Unauthorized occupation after cancellation of allotment.-

Where, after an allotment of accommodation has been cancelled or is deemed to have been cancelled under any provisions of these rules, the accommodation remains or has remained in occupation of the allottee to whom it was allotted or of any person claiming through, such allottee shall be liable to pay damages for use and occupation of the accommodation, services, furniture and garden charges, as may be determined by the Central Government from time to time.

51. Issue of vacation notice and show cause notice to the allottees.-

(a) The vacation notice shall be issued to all the allottees of accommodation or to their families at least fifteen days before the date of expiry of the permissible period of retention.

(b) In case where the allottees have not vacated the quarters after expiry of permissible retention period, the concerned authority will issue show cause notice to such unauthorized occupants under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971).

52. Disciplinary proceedings against persons who fail to vacate temporary allotment of accommodation.-

(a) The temporary accommodation allotted for marriage and other social purpose shall be vacated on expiry of the allotment period.

(b) In case of failure to vacate the allotted accommodation the matter shall be referred to the office of the allottee for appropriate disciplinary action against him/her and damages shall be charged for such unauthorized occupation.

PART XII
SUBLETTING OF ACCOMMODATION

53. Persons to reside with allottee.-

(a) The allottee shall reside in the accommodation allotted to him with his family and immediate relations.

(b) In case any relationship ceases by any order of court of law, such relation shall not reside with the allottee.

(c) The servant quarters, out-houses and garages may be used for the bonafide purposes only as permitted by the Department.

(d) The allottee who shares the accommodation with his/her family or immediate relations shall furnish prior intimation to the Department in such form, as may be specified by the Department, furnishing full particulars of his/her family members or immediate relations residing in the accommodation allotted to him:

Provided that the details of guests, if such guest is likely to stay for more than fifteen days in the accommodation, shall be intimated to the Department in such form, as may be specified by the concerned estate officer, intimating full particulars of the individual or individuals.

54. Subletting of accommodation.-

(a) An allottee shall not sublet the whole or part of accommodation including garage allotted to him:

Provided that an allottee proceeding on leave may accommodate, in the accommodation any member of his family or immediate relations, as a caretaker, by submitting, along with his leave application, the details of such member of his/her family or immediate relation, to the concerned estate officer:

Provided further that the maximum period of such accommodation by a caretaker shall be not exceeding six months.

(b) If an allottee to whom an accommodation has been allotted, unauthorisedly sublets the accommodation, the concerned estate officer may without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the accommodation from the date of inspection.

Explanation.-In this sub-rule, the term "allottee" include, unless the context otherwise required, a member of his family and any person claiming through the allottee.

(c) If an allottee sublets an accommodation allotted to him/her or any portion thereof or any of the out-houses or garages in contravention of these rules, he/she may without prejudice to any other action that may be taken against him/her, be charged such damages from the date of inspection by the concerned estate officer, as may be determined by the Central Government from time to time, in this respect.

(d) Where an action to cancel the allotment is taken on account of unauthorized subletting of the premises, a direction shall be issued by the concerned estate officer to the concerned administrative office of the allottee for the purposes of initiation of Departmental proceedings and for imposition of major penalty, along with the copy of a draft charge sheet; and the administrative office shall intimate the Department the details of the charges framed and the penalty imposed on the allottee under this rule.

(e) The concerned estate officer shall be competent to-

(i) take all or any of the actions provided under this rule;

(ii) Declare the allottee to be ineligible for allotment of residential accommodation for the remaining period of his service;

(iii) Intimate to the office of the allottee for initiating disciplinary proceedings for major penalty under the relevant rules.

(f) Where any penalty under this rule is imposed on proved case of subletting, the aggrieved person may within thirty days of the receipt of the order by him/her or his/her employer imposing the penalty, may prefer an appeal before the concerned appellate authority specified under rule 56 through proper channel.

(g) The original order imposing the penalty shall stand unless it is modified or rescinded on appeal by the appellate authority.

(h) Cases where individual fails to comply with the provisions of this rule shall be brought to the notice of authorities concerned by the concerned estate officer for taking appropriate disciplinary action against such defaulting allottees.

55. Procedure for conduct subletting inspection.-

The procedure to conduct subletting inspections by the authorised officials shall be such as may be specified by the concerned estate officer from time to time.

56. Penalty for subletting.-

(a) Cancellation of allotment of accommodation or otherwise of the cases suspected of subletting shall be decided by the concerned authority after inquiry providing equal opportunity to the allottee as per the established procedure in this regard.

(b) The officer not below the rank of DCIT be enquiry officer shall be the deciding authority and the concerned estate officer or the nominated officer not below the rank of CIT shall be the appellate authority in respect of subletting of Departmental pool residential accommodation.

(c) All cases of subletting shall be reported to the deciding authority who shall initiate inquiry and inspection in accordance with the procedure as specified by the MoUD/Directorate of Estates from time to time.

(d) After completion of the inspection and inquiry under sub-rule (3), the inspection report shall be referred to the deciding authority. Who shall, after giving an opportunity of hearing to the allottee, pass an order in writing and where a case of subletting is established, the allotment shall be cancelled and the allottee shall be liable to the penalty under these rules:

Provided that where allottee vacates the accommodation during the proceedings under this rule, the inquiry shall continue against such allottee and in case subletting is established, the remaining penalties shall be imposed on him as provided under these rules.

Provided further that where allottee is aggrieved with the decision of the deciding authority, he/she may prefer an appeal before the appellate authority specified under sub-rule (2) within a period of thirty days from the date of receipt of the order of the deciding authority.

(e) Where fact of subletting has been established, the deciding authority shall refer the case to the Estate Officer for initiation of eviction proceedings under the provisions of the Public Premises Eviction (Unauthorized Occupants) Act, 1971 to carry out eviction proceedings.

PART XIII
CONSEQUENCES OF BREACH OF THESE RULES AND INSTRUCTIONS OF THE
GOVERNMENT

57. Consequences of breach of rules.-

The concerned estate officer may without prejudice to any other disciplinary action that may be taken against the allottee under these rules, cancel the allotment of the accommodation, if an allottee to whom an accommodation has been allotted -

- (a) uses the accommodation or any portion thereof for any purposes other than that for which it is meant; or
- (b) tampers with the electric or water connection; or
- (c) commits breach of these rules; or
- (d) breaches the terms and conditions of the allotment; or
- (e) uses the accommodation or premises or permits or suffers the accommodation or premises to be used for any purpose which the Department considers to be improper; or
- (f) has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment.

Explanation.-In this rule, the term "allottee" include unless the context otherwise requires, a member of his family and any person staying with the allottee.

58. Action for misuse of garage.-

- (a) The garage shall be used for parking of vehicle only by the allottee and action shall be taken against the allottee for unauthorized use of the allotted garage as per these rules and instructions in this regard from time to time.
- (b) The garage for parking cars or scooters or cycles shall not be used or allowed to be used for residential purposes and damages shall be charged from the allottee for any misuse of the garage from the date of inspection till the receipt of certificate from the maintenance agency that the misuse has ceased.
- (c) In case of misuse of garage, the concerned estate officer shall issue show cause notice to the allottee concerned with a copy to the concerned in charge of the maintenance agency Service Centre, to stop the misuse within a period of fifteen days, failing which the allotment shall be cancelled.

PART XIV
LICENCE FEE FOR ACCOMMODATION

59. Payment of licence fee for accommodation.-

- (a) Where allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall commence from the date of physical occupation of the accommodation.

(b) An allottee who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the authority letter shall be charged one month licence fee from the date of allotment:

Provided that this provision shall not apply in case the maintenance agency does not hand over the accommodation in a habitable condition to the allottee within the prescribed period or the accommodation is not ready for physical occupation for any other reason.

(c) An allottee shall remain personally responsible for any licence fee payable in respect of the accommodation and for any damages caused to the accommodation or its precincts or grounds or services provided therein by the Government beyond fair wear and tear.

(d) In case licence fee has not been received continuously for a period of four months from an allottee or the Drawing and Disbursing Officer of office of the allottee, the allotment of accommodation of the concerned allottee shall be cancelled.

60. Fixation or revision of licence fee for accommodation.-

(a) The normal licence fee for accommodation shall be revised every three years based on the Average All India Consumer Price Index (CPI) by the Central Government and shall be applicable to all types of Departmental pool accommodation throughout the country.

(b) The revised rate shall take effect from the 1st July of the year next following, or from such other date as the Central Government may direct.

61. Personal liability of the allottee for payment of licence fee till the accommodation is vacated.-

The allottee to whom an accommodation has been allotted shall be personally liable for the payment of licence fee and for any damage beyond fair wear and tear caused thereto or to the furniture, fixture or fittings or services provided therein by the Government during the period for which the accommodation has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions of these rules, until the accommodation along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to Government.

62. Rates of damages.-

The rates of damages for unauthorized occupation or subletting or misuse of accommodation, servant quarter or garage shall be as specified by the Government of India (Directorate of estates, MoUD) from time to time.

63. Payment of licence fee in advance for retention of accommodation.-

All the allottees of accommodation shall pay the requisite licence fee in advance for retention of the accommodation allotted to them.

64. Furnishing of surety by temporary Government servants for licence fee.-

(a) Where the allottee to whom an accommodation has been allotted is not a permanent Government servant, he/she shall execute a surety bond in the form prescribed in this behalf by the Central Government with a surety who shall be a permanent Government servant serving under the Central Government for due payment of licence fee and other charges due from him in respect of such accommodation and any other accommodation provided in lieu.

(b) If the surety ceases to be in Government service or becomes insolvent or ceases to be available for any other reasons, the allottee shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event or fact; and if he/she fails to do so, the allotment of the accommodation to him shall, unless otherwise decided by the concerned Estate officer, be deemed to have been cancelled with effect from the date of that event.

65. Special licence fee for temporary allotment of accommodation.-

The rates of special licence fee shall be charged from allottees and other ineligible office or organization for temporary allotment of accommodation at such rates as may be specified by the Government of India (Directorate of estates, MoUD) from time to time.

66. Recovery of licence fee from allottee in installments in certain cases.-

(a) The request for recovery of arrears of licence fee in installments may be considered only in deserving cases from an allottee subject to the condition that the allottee agrees to pay ten percent of the dues in lump sum in advance in the case of allottees of Type I to IV accommodation and fifty percent of dues in lump-sum in advance in the case of allottees of Type IV (Special) and above accommodation:

Provided that the balance may be recovered in equated monthly installments amounting to at least ten percent of the basic pay plus dearness allowance paid to the allottee subject to payment of interest rate applicable to General Provident Fund per annum:

Provided further that the allottee shall furnish sureties from two permanent Government servants who may not retire on superannuation before the total amount is recovered and in case, either or both the sureties take voluntary retirement or die in harness or leave service otherwise, the concerned employee shall make arrangements for other sureties.

(b) Recovery of installment along with the interest amount shall be effected by the administrative office from the salary of the employee every month till full amount is recovered.

(c) In case the allottee is a victim of any calamity, natural or otherwise, the portion of outstanding dues not realized or recovered till then shall be adjusted from the gratuity payable to him.

PART XV
MISCELLANEOUS

67. Interpretation of rules.-

If any question arises as to the interpretation of these rules it shall be decided by the CBDT.

68. Relaxation of rules.-

The Central Government may for reasons to be recorded in writing, relax any or all of the provisions of these rules in the case of any allottee or any accommodation or any group or class of allottees or type of accommodation or on any other matter.

69. Delegation of powers or function.-

The Central Government may delegate any or all the powers conferred upon it by these rules to any officer under its control, subject to such conditions as it may deem fit to impose.

70. Conversion of bungalows into memorials.-

No Government bungalow or any other type of residential accommodation shall be converted into memorials of the departed leaders:

Provided that the existing memorials shall continue till the Government decides otherwise.

71. Placement of accommodation at the disposal of departments of the Government of India.-

The concerned estate officer shall undertake to pay to the Directorate of Estates, MoUD an amount equal to the house rent allowance and licence fee, as fixed by the Central Government from time to time, in respect of all accommodations placed at their disposal for the period for which those accommodations remain in the custody of the CBDT.