

## **HIMACHAL PRADESH ALLOTMENT OF GOVERNMENT RESIDENCES (GENERAL POOL), RULES, 1994**

1. ***Short title, commencement and application***:- (1) These rules may be called the Himachal Pradesh Allotment of Government Residences (General Pool)Rules, 1994.

(2) These shall apply to the whole of State of Himachal Pradesh.

(3) These rules shall come into force from the date of their publication in the Rajptra, Himachal Pradesh.

**2. *Definition***:- In these rules, unless the subject of context otherwise requires:-

- (a) 'allotment' means the grant of licence to occupy a residence in accordance with provisions of these rules;
- (b) 'allotment year' means the year beginning on 1st January or such other period as may be notified by the Government;
- (c) 'date of priority' of an officer/official in relation of type\_ IV and above residences shall be the date from which he has been continuously drawing the emoluments relevant to a particular type or a higher type in a post under the State Government or on foreign service/deputation:

Provided that allotment of flower category residence may be made to an applicant at his request if considered necessary subject to the condition that the Gazetted Officers entitled to type-IV and above accommodation will not be allotted house meant for non-gazetted officials:

Provided further that in respect of type I , type II and type-III residences, the date from the officer/official has been continuously in service under the State Government including the period of foreign service/deputation shall be his date of priority for that type:

Provided further that where the date of priority of two or more offices/officials is the same, Seniority amongst them shall be determined by the emoluments, the officer/official in receipt of higher emoluments taking precedence over the officer/ official in receipt of lower emoluments and where the emoluments are equal, by the length of service ;and where both the emoluments and length of service are equal, seniority among them shall be determined by taking into

consideration the date of their births and the applicant senior in age will be senior for the purpose of allotment of accommodation;

- (d) 'Director' means Director of Estates, Himachal Pradesh and shall include Estate Officer posted in the Directorate of Estates authorized by him in this behalf;
- (e) 'Estate Officer' means estate Officers appointed by the State Government at the District Headquarters;
- (f) 'eligible office' means a Himachal Pradesh Government office, the staff of which has been declared by the Himachal Pradesh Government as eligible for accommodation under these rules;
- (g) 'emoluments' means the basic pay only as defined under F.R.9(21)(a)(i);
- (h) 'family' means the wife or husband, as the case may be and children, step children, legally adopted children, parents, brothers and sisters as ordinarily reside with and are dependent on the officer/official;
- (h) 'house allotment committee' means a committee constituted by the Himachal Pradesh Government from time to time to carry out the functions assigned to it in these rules;
- (j) 'Government' means the Himachal Pradesh Government unless the context otherwise requires;
- (k) 'licence fee' means a sum payable monthly as fixed by the Government from time to time in respect of residence allotted by the Government under these rules;
- (l) 'residence' means any residence included for the time being in the general pool residence earmarked by the Government for the purpose of allotment;
- (m) 'subletting' means sharing a residence by an allottee with another person with or without payment of rent:

Provided that an officer/official of the Government eligible for allotment of Government residence can share the accommodation with the permission of the Director who shall permit such officer/official sharing of accommodation on his surrendering house rent allowance payable to him, but in no case such sharing shall entitle the shares to claim any right over the residence;

- (n) 'temporary transfer' means a transfer of an officer/official which involves an absence of a period not exceeding four months;
- (o) 'type' in relation to an officer means the type of residence to which he is eligible under rule-5.

**3. Allotment of house owing officers/officials:-**(1) Officer/official owing a house in his own

name or in the name of any member of his family shall be eligible for allotment of Government accommodation.

(2) When after a Government residence has been allotted to an officer/official, he or any member of his family becomes owner of a house at or near the place of his duty, such officer/official shall notify the fact to the Director of Estates/Estate Officer within a period of one month from the date the house is let out or occupied, or the date of occupied, whichever is earlier.

(3) An officer/official who owns a house either in his own name or in the name of any member of his family member at or near the place of his duty and allotted a Government accommodation shall be liable to pay the licence fee in accordance with the provision of rule45-A of Fundamental Rules and orders/instructions issued by the Central Government there under from time to time .

Explanation:- For the purpose of this rule member of family means the wife or husband as the case may be or a dependent child of the officer/official.

**4. Allotment to husband and wife eligibility in case of officers who are married to each other**:- (1) No Officer/official shall be allotted a residence under these rule if the wife or the husband as the case may be, of the officer/official has already been allotted a residence unless such residence is surrendered;; provided that this sub-rule shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made buy a Court.

(2) Where two officers/officials in occupation of separate residences allotted under these rules marry each other, they shall within one month of marriage surrender one of the residence.

(3) If a residence is not surrendered as required by sub-rule(2), the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residence are of the same type, the allotment of such one of them as the Director, after giving reasonable opportunity to exercise option, may decide, shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed under the Himachal Pradesh Government , the title of each of them to allotment of a residence under these rules shall be considered independently.

(5) Notwithstanding anything contained in sub-rule(1) to (4) above:-

(a) If a wife or husband, as the case may be, who is an allottee of a residence under these Rules, is subsequently allotted a residential accommodation at the same station from a Pool to which these rules do not apply, he or she , as the case may be, shall surrender any one of the residences 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.

- (b) Where two officers, in occupation of separate residence at the same station, one allotted under these rules and another from a pool to which these rules do not apply, marry each other, any one of them shall surrender any one of the residences within one month of such marriage.
- (c) If a residence is not surrendered as required under clause(a) or clause(b), the allotment of the residence in the general pool shall be deemed to have been cancelled on the expiry of such period.

**5. *Classification of Residences:-*** Save as otherwise provided by these rules officers / officials will be eligible for allotment of a residence of the type shown in the table below:-

Type of residence	Category of officer/official or monthly emoluments drawn by the Officer/official
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I	Less than Rs.950/-
II	Less than Rs. 1800/- but not less than Rs.950/-
III	Less than Rs.3000/- but not less than 1800/-
IV	Less than 4500/- but nor less than Rs.3000/-
V	Less than 5900/- but not less than Rs.4500/-
VI	Rs. 5900/- and above.

**6. *Application for allotment***(1) An officer/official who seek an allotment of residence and for the continuance of accommodation which has been allotted to him shall apply in that behalf to the Director/Estate Officer in a form as may be prescribed by the Director from time to time.

(2)The seniority list for each category of accommodation will be drawn on 1st January of each allotment year shall be updated quarterly. The applications received upto 15<sup>th</sup> of the month preceding the month when the seniority lists are to be drawn up will be valid till the next list is out.

(3) An officer/official who becomes eligible for higher type of accommodation may apply for the same within fourteen days from the date of such eligibility.

**7. *Allotment of residence:-***(1) Save otherwise provided in these rules, a residence, falling vacant, will be allotted by the Director preferably to an applicant desiring a change of accommodation in that type under the provisions of sub-rule(1) of rule 13 and if not required for that purpose, to an applicant without accommodation in that type of residence having the earliest date of priority for that type of residence, subject to the following conditions:-

- (i) The Director shall not allot a residence of a type higher than to what the

applicant in the eligible under rule 5.

- (ii) The Director shall not compel any applicant to accept a residence of a lower type than to what he is eligible under rule 5.
- (iii) The Director, on request from an applicant for allotment of a lower category residence may allot to him a residence of one type below for which the applicant eligible under rule 5 on the basis of his priority date for the same.

(2) The Director may cancel the existing allotment of an officer/official and allot

To him an alternative residence of the same type or in emergent circumstances an alternative residence of type next below the type of residence in occupation of the officer/official if the residence in occupation of the officer is required to be vacated in public interest.

(3) A vacant residence may. In addition to allotment to an officer/official under sub-rule(1), be offered simultaneously to other eligible officers/officials in the order of their priority dates.

**8. Ad hoc allotment on out of turn basis:-** Notwithstanding the provisions of rule-7 , ad hoc Allotment on out of turn basis may be made by the House Allotment Committee to an officer/official on the following grounds:-

(1) On the following type of illness:-

- (i) Physically handicapped Government employees in the following cases:
  - (a) The Blind i.e. those who suffer from either of following conditions:
    - (i) Total absence of sight.
    - (ii) Visual Acuity not exceeding 6/60 or 20/200 (Snell) in the better eye with Correcting lenses.
    - (iii) Impression of the field of the vision subtending an angle of 20 degrees or worse.
  - (b) The Deaf- Those in whom the sense of hearing non functional for ordinary purpose of life. They do not hear, understand sounds at all even amplified speech. The cases include in that category will be those having hearing loss more than 90 decibels in the better ear(profound impairment) or total loss of hearing in both ears.
  - (c) The orthopaedically handicapped, that is, those who as a result of their orthopedic deformity find it very difficult to move freely; or
- (ii) Heart ailment for self only(heart ailments having symptoms of Grade III and IV which includes serious disabilities like Angina Grade-III and IV or congested cardial failure Grade III and IV or Malignant Hypertension with symptoms of Grade III and IV); or

(iii) Tuberculosis (Pulmonary tuberculosis in active phase with risk to other) and cancer, of self, spouse and dependent children.

(2) In the event of death or retirement of a Government servant ,to the wife/husband or son or unmarried daughter ,provided that the retired or deceased Government servant was in occupation of Government accommodation at the time of retirement or death. Such allotment shall not be made in a category higher than a category to which the ward of the deceased or retired Government is entitled.

(3) In the event of transfer ,deputation on foreign service sponsored by the Government and study leave of more than one year of an allottee ,to the spouse of such employee according to his/her entitlement in case the spouse is in Government service and posted at the same station.

(4) In the event of officer occupying an earmarked house and is transferred to another post at the same station or to another station.

(5) An officer/official who after completing of their tenure in the Districts of Lahaul and Spiti , Kinnaur and Pangi Tehsil of Chamba District are transferred.

(6) Personal staff i.e. one out of the Personal Assistant/Private Secretaries etc. of the ministers

(7) Whose exigencies of services so warrant.

(8) Notwithstanding anything contained in sub-rules(1) to (7),an officer/official who owns a house either in his own name or in the name of any member of his family at or near the station of his/her posting ,shall not be eligible for ad hoc allotment on out of turn basis.

(9)(i) State Level Correspondents of National dailies, State Level Press Correspondents of other daily newspapers for whom shall take into consideration the circulation and other factors justifying the allotment of Government accommodation, and who are accredited to Himachal State and whose case has been recommended by the Director of Public relation Himachal Pradesh may be considered for allotment of one category below house, and in any case not above type-IV.to which entitled according to basic pay only i.e. excluding the element of the D.A. ,Shimla only. Such allotment shall only made to the correspondents who do not own a house in his name or any member of his family:

Provided that in case a correspondent who has already been allotted Government residential accommodation acquires a house of his own at the place shall have to surrender the allotted accommodation immediately and in case he or any member acquires or inherits or constructs any house or part of the house ,he shall surrender the allotted accommodation immediately thereafter and an affidavit to this effect shall be obtained at the time of allotment from such correspondent:

Provided ,further that an allottee of accommodation under this sub-clause shall pay the licence fee as per the provisions of these rules and shall also pay the house rent allowance paid to them by the News Paper

(ii) Priority for allotment shall be from the date of receipt of application for the allotment of accommodation.

(iii) Only one house shall be allotted to one News Agency or paper:

Provided that ad hoc allotment on out of turn basis under these rules shall not exceed 50% of the houses available in each category. Type-IV and above houses will be bracketed together for determining the percentage and allotment made under sub-rule(2) and (9) of this rule shall not form part of the percentage of allotments made under this rule.

#### ***9. Non-acceptance of allotment or failure to occupy the allotted residence after acceptance:-***

(1) If an officer/official fails to accept the allotment of residence of the type to which he is entitled within five days or fails to take the possession of that residence after allotment 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 allotment letter.

(2) If an officer/official occupying a residence of type lower than the one to which he is eligible is allotted a residence of the type for which he is eligible under these rules, 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, namely,:-

(a) That such an officer/official shall not be eligible for another allotment for a period of one year from the date of allotment letter for the higher type of accommodation;

(b) While retaining the existing residence he shall be charged the same licence fee which he would have had to pay under F.R.45-A in respect of the residence so allotted or offered or the licence fee payable in respect of the residence already in his occupation, whichever is higher for a period /he she has been debarred for the allotment for a period of one year for which he has been debarred for higher type of accommodation.

(3)(a) An officer/official may at any time surrender an allotment by giving intimation so as to reach the Director at least 10 days before the date of vacating of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the date on which the letter is received by the Director 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:

Provided that the Director may accept the notice for a shorter period.

(b) An officer/official who surrenders the residence under clause(a) of sub-rule(3) 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.

- (i) When an officer/official in occupation of a lower type of residence than his Entitlement is allotted a residence of the type of which he/she entitled.
- (ii) When an officer/official on his re-employment is found to be entitled to a lower type of accommodation.
- (iii) When an officer/official is given change of residence to another in the same Type.
- (iv) When the residence in occupation of an officer/official is required for a public purpose, repairs or for demolition.
- (v) When the allotment of the residence in occupation is cancelled /deemed to be cancelled under the provisions of the allotment rules.
- (vi) When the son/daughter etc. of retiring /deceased allottee gets alternative Accommodations.

#### ***10. Period for which allotment subsists and the concessional period for further retention:-***

(1) All allotment shall be effective from the date on which the house is occupied or five days from the date of allotment letter which is earlier and shall continue in force till:-

- (a) The expiry of the concessional period permissible under sub-rule(2) after the officer ceases to be on duty in an eligible office in Himachal Pradesh.
- (b) It is cancelled by the Government or it is deemed to have been cancelled under provision of these rules.
- (c) It is surrendered by the officer, or.

(2) A residence allotted to an officer may, subject to sub-rule(3) be retained on the happening of one of the event specified in column 1 of the table below for the period specified in the corresponding entry in column 2 thereof; provided that the residence is required for the bonafide use of the officer or members of his family:-

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<b><i>Event</i></b>	<b><i>Permissible period of retention of the Residence.</i></b>
(i) Resignation, dismissal, removal or termination of service or unauthorized absence without permission.	4 months
(ii) Retirement or terminal leave	4 months

(iii) Transfer outside the station	2 months or upto the date of allotment at new place of posting, whichever is earlier.
(iv) Death of the allottee	1 Year
(v) On proceedings on foreign service in India	2 months
(vi) Temporary transfer in India or transfer to a place outside India .	6 months
(vii) Transfer of an officer occupying an earmarked house	1 month from the date of handing over charge.
(viii) Leave(other than preparatory to retirement, Refused leave ,terminal leave ,medical leave).	For a period of leave ,not exceeding four months.
(ix) Leave preparatory to retirement or refused Leave.	For the full period of leave subject to Maximum of four months inclusive of the permissible at the time of retirement.
(x) Deputation outside India.	For the full period of deputation but Not exceeding one year.
(xi) Study leave in India or abroad.	For the period of leave but not exceed-six months
(xii) On proceeding on training.	For the full period of training.
(xiii) Maternity leave.	For a period of maternity leave plus The leave granted in continuation Subject to maximum of five months.
(xiv) Leave on medical grounds ,requiring Hospitalization beyond four months.	Full period of leave.

*Explanation 1.-----* The period permissible on transfer mentioned against items(iii),(iv) and (vii) Shall count from the date of relinquishing charge plus the period of leave ,if any sanctioned to and availed leave of by the officer/official before joining duty in new office.

*Explanation 2.-----* When an officer/official is on medical leave without pay and allowances he may retain his residence by virtue of the concession under item (xiv) of the table below sub-ule(2), Provided he remits the licence fee for such residence in cash every month and where he fails to remit such licence fee two months ,the allotment shall stand cancelled.

*Explanation 3.-----* Whereas a residence is retained under sub-rule(2) the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods

*Explanation 4.*---- An officer who has retained the residence by virtue of the concession under items(i) and (ii) of the above below sub-rule(2)shall ,on re-employment in an eligible office within a period specified in the said table be entitled to retain that residence under these rules ,provided that if the emoluments of the officer on such re-employment do not entitle him to the type of residence occupied by him ,he may be allotted a residence of the type to which he is entitled:

Provided that an officer/official in special cases may be allowed by the Secretary, Department in G.A.D. to retain a residence on payment of twice the pooled standard licence fee for a period not exceeding six months beyond the period permissible under sub-rule(2) above.

Provided further that in the cases of extreme compassionate grounds ,an officer/official may be allowed further period retention by the Chief Secretary ,Himachal Pradesh Government:

Provided further that if any allottee is transferred or retires in the mid-academic session and his/her children are receiving education in School/College or University ,as the case may be ,at the place of of his /her present posting ,the allottee may be allowed by the Department in G.A.D. on the basis of of merits of each case to retain the accommodation till that current academic year is completed subject to the production of certificate from the concerned institution to this effect. Licence fee chargeable in such case will be two times of the pooled standard licence fee for the period beyond the concessional period permitted under the rules in case of retirement and transfer, as the case may be:

Provided further that in case of officer/official who proceeds on foreign service abroad on deputation outside India ,study leave in India and abroad ,the department concerned of any officer/ Official are required to make the provision in the terms and conditions of such orders with prior approval of the Government in General Administration Department that he/she can retain the Government accommodation ,if any allotted for the bonafide purpose of his/her family, as per provisions of the rules:

Provided further that officers/officials in the event s mentioned above shall furnish an affidavit that the Government accommodation allotted to him/her shall be used only for the bonafide purpose of his/her family ,the Government may without prejudice to any other disciplinary action that may be taken against him/her, cancel the allotment of residence.

(3) If immediately after retirement the officer/official of the Himachal Pradesh Government has not availed the permissible period of retention ,he may be allowed the concessional case of the officer/official has been allowed part of the permissible period of retention before re-employment ,he may be allowed the remaining part of the permissible period ,he may be allowed the remaining part of the permissible period of retention after termination of the re-employment.

(4) The officer/official who are appointed by the Himachal Pradesh Government on a tenure post shall not be eligible for concession under sub-rule (2) and such officer/official shall vacate the accommodation allotted to them within a period of 15 days after the tenure of his post is over.

**11. Payment of licence fee.**-(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall commence from the date of occupation or the eight days from the date of receipt of the allotment ,whichever is earlier.

(2) An officer/official who, after acceptance fails to take possession of the accommodation within eight days from the date of receipt of the allotment letter shall be charged licence fee from such date upto the period of twelve days or the date on which he withdraws his acceptance, whichever is later.

(3) Where an officer/official who is in occupation of a residence is allotted another residence and he occupies the new residence, the allotment of former residence shall be deemed to be cancelled from the date of occupation of the new residence. He may, however, retain the former residence without payment of licence fee for two days after occupation of the new house.

**12. Personal liability of the officer/official for payment of licence fee till the residence is vacated and furnishing of surety by temporary officers/officials:-**

(1) The officer/official to whom a residence has been allotted shall be personally liable for the licence fee thereof and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or services provided therein by the Government during the period for which the residence has remained under his occupation.

(2) Where the officer/official to whom a residence has been allotted is neither a permanent nor a quasi-permanent Government servant, he shall execute a surety bond in the form prescribed in this behalf by the Himachal Pradesh Government with a surety who shall be a permanent Government servant serving under Himachal Pradesh Government for payment of licence fee and charges due from him in respect of such residence and services and any other residence provided in lieu.

(3) If the surety ceases to be in Government service, withdraws his guarantee or ceases to be available for any other reasons, the officer shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event and if he fails to do so the allotment of the residence to him shall, unless otherwise decided by the Government be deemed to have been cancelled with effect from the date of the event.

**13. Change of residence:-**-(1) An officer/official to whom a residence has been allotted under these rules, may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of one type of a residence during his stay at a station:

Provided that no change of residence shall be allowed during a period of six months immediately proceeding the date of superannuation.

(2) Changes shall be offered in the order of receipt of applications for the same in the office of Director of Estates/Estate Officers.

(3) If an office/official fails to accept a change of residence offered to him within eight days of the receipt of such order/offer or allotment, he shall not be considered again for a change of allotment of that type.

(4) A second change may be allowed for exceptional reasons by the House Allotment Committee.

**14. Change of residence in the event of death of member of the family:-** Notwithstanding anything contained in rule 13, an officer/official may be allowed a change of residence on the death of any member of the family if he applies for a change within three months of such occurrence; provided that the change will be given in the same type of residence already allotted to the officer/official.

**15. Mutual exchange of residence:-** Officer/Official to whom residences of the same types have been allotted under these rules may apply for permission to mutually exchange their residences. Permission for mutual exchanges may be granted if both the officers/officials are reasonably expected to be on duty at the same station and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

**16. Transfer to non-family station:-** If an officer/official is transferred where he is not permitted or advised by the Government to take his family with him and the residence allotted to him under these rules, is required by the family for bonafide use, he may be allowed, on request, to retain the residence on payment of normal licence fee.

**17. Sharing of accommodation:-** (1) No officer/official shall share the residence allotted to him including any of the out houses, garages and stables appurtenant thereto unless authorized to do so by the Government.

(2) Any sharing of accommodation with close relatives shall not be treated as subletting/sharing. The following relations will be treated as close relations viz. father, mother, brothers, sisters, grand father, grand mother, grand sons, grand daughter, uncles, aunts, first cousins, nephews, nieces directly related by blood to allottees, father-in-law, mother-in-law, sister-in-law, son-in-law, daughter-in-law and any other relationship established by legal adoption.

**18. Power to cancel allotment:-** (1) If any officer/official to whom a residence has been allotted sublets the residence or erects any unauthorized structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers

with the electric or water connections or commits any other breach of rules or of the terms and conditions of the allotment or uses the residence or premises for any purposes, which the Government considers to be improper or conducts himself in a manner which in the opinion of the Government is prejudicial to the maintenance of harmonious relations with his neighbours or has to securing allotment, the Government may without prejudice to any other disciplinary action that may be taken against him cancel the allotment of the residence.

**Explanation:-** In this sub-rule the expression 'officer/official' include unless the context otherwise require, a member of his family and any other person claiming through the officer/official .

(2) If the officer/official has failed to notify the information to the Directorate/Estate Officer as provided under rule 3 or while so notifying the information has in any application or statement suppressed any material fact ,the Director may cancel the allotment.

(3) If any officer/official sublets a residence allotted to him or any portion thereof in contravention of these rule ,he may without prejudice to any other action that may be taken against him ,be charged damages.

(4) Where action to cancel the allotment is taken on account of subletting of the premises by the allottee ,a period of 7 days shall be allowed to the allottee or 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 7 days from the date of order for cancellation of the allotment ,whichever is earlier.

(5) Where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with the neighbours ,the officer at the discretion of the Government may be allotted another residence ,in the same type at any other place.

**18A. *Charging of damages from unauthorized occupants of general pool-residential accommodation and recovery of licence fee*:-**(1) Where after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these rules ,the residence remains ,in occupation of the officer/official to whom it was allotted or a person claiming through him, such officer shall be liable to pay damages for use and occupation of the residence ,services, furniture and garden charges calculated at the rate of Rs.4.00\* per sq. foot.

**Explanation.** 'services' include conservancy, common light and common water facility.

(2) In the case of retiring officers / officials the leave encashment benefits will be released only if they have vacated the Government accommodation allotted to them while in service. The amount of leave encashment shall be drawn by the Drawing and Disbursing Officer Immediately on retirement and the same shall be put in F.D.R. for four months in the name of retiree, pledged with the Drawing and Disbursing Officer as a security for damages under sub-rule(1).

**19. Maintenance of separate pools for certain categories.:-**(1) Notwithstanding anything contained in these rules the following separate rules shall be maintained, namely :--

- (j) Lady Officer's/Official's pool.
- (ii) Transit pool.
- (iii) Tenure Officer's pool.
- (2) The number and types of residences to be placed in these pools shall be determined by the Government from time to time.
- (3) The inter-se-seniority of the officers/officials eligible for the allotment of residences under this rule shall be determined in the following manner ,namely :-
  - (a) In the Lady Officer;s /Official;s pool the Lady Officers/Officials entitled to allotment of accommodation in the next type below to which they are entitled under the provision of rule 5 on the basis of the priority date on which each such officer/official become eligible for the type of residence on that pool.
  - (b) In the Tenure Officer's Pool ,on the basis of the date from which each such officer/official began to draw emoluments pertaining to the type to which he is to be considered for allotment.
  - (c) In the Transit Pool ,the officer;s /officials, (i) who join their station of new posting on transfer from another station,(ii) who is victim of natural calamities like rains ,heavy snow fall ,wind and storms ,earthquakes and fire accidents etc.,(iii) who has been evicted from private house and whose private house has been acquired by the Government in the public interst ,(iv) whose house has been collapsed or gutted in fire ,and (v) persons in whose cases there are compassionate circumstances of an extreme nature ,shall be entitled to transit pool accommodation ,on the basis of seniority from the date of receipt of his/her application. An application for transit pool accommodation shall ,however ,remain valid for six months only.
- (4)
  - (a) In the Lady Officer's pool all Lady Officers and officials eligible for the allotment from the general pool under the rules, are eligible for allotment from Lady Officers/Officials pool.
  - (b) In the Transit Pool, all officers/officials who are eligible for allotment from general pool under the rules ,are eligible for allotment from transit pool on the grounds mentioned in clause(c) of sub-rule above.
  - (c) In the tenure Pool ,all officers/officials on return from deputation from Government of India ,officers posted outside State Headquarters for a particular tenure such as D.C .;s, Sessions Judges, Sub Divisional Officer(Civil) etc. on transfer back to State Headquarters are eligible for allotment from Tenure Pool.

- (5) (a) The allotment in the Lady Officer's /Official's Pool and Tenure Officer's Shall remain valid for the period they remain posted at the station.
- (b) The allotment of Transit accommodation shall be valid for one year and further can be extended for another six months; provided the Officer/Official remain posted at the same station.
- (6) (a) The licence fee in respect of Lady Officer's/Official's Pool and tenure Officer's Pool shall be recovered under the provisions of the F.R. 45-A chargeable in respect of general pool accommodation .
- (b) The licence fee of Transit Pool Accommodation shall be chargeable as under:
  - (i) Single room accommodation with common latrines ...Rs. 20/-PM (for class IV).
  - (ii) Single room accommodation with separate latrines ...Rs. 35/-PM (for class III and IV employees).
  - (iii) Double room accommodation(for class III employees) ...Rs. 65/-PM
  - (iv) Double room accommodation(for class I and II Officers) ...Rs. 100/-PM.

*Note.-- --* Any other facility provided in the accommodation such as geyser and furniture etc., charges thereof shall be charged extra. The allottee shall be personally responsible for the payment of water and electricity charges direct to the concerned Department/Corporation.

**20. Continuance of allotment made prior to the issue of these rules:-** Any valid allotment of residence which is in force immediately before commencement of these rules, under these rules, under the rules then in force, shall be deemed to be allotment duly made, under these rules notwithstanding the fact that the official to whom it has been made is not entitled to a residence to that type under the relevant rules and all the preceding provisions of these rules shall apply in relation to that allotment and that officer accordingly.

**21. Interpretation of rules:-** If any question arises as to interpretation of these rules, the decision of the Government shall be final.

**22. Delegation of Powers or functions:-** ( 1) The Government may delegate any or all the powers conferred upon it except the power to make or amend the rules, by the rules to any officer under its control, subject to the conditions as it may deem fit to impose.

(2) The Director may further delegate all or any of the power exercisable by him to the various Estate Officers of the respective Districts:

Provided that the powers under rule 24 of these rules shall not be delegated to any officer.

**23. *Allotment to Officer/Official entitled to rent free and Departmental Pool***

**Accommodation:-** Officers/Officials who are entitled to rent free accommodation and officers/officials whose Department has their own departmental pool accommodation shall not be eligible for allotment from the general pool accommodation:

Provided that at the stations where the Departmental Pool accommodation for the officers/officials does not exist he will be considered along with other employees at that station for the allotment of accommodation from the general pool. Officer/official entitled to rent free accommodation will be considered for allotment from general pool subject to the condition that if they are allotted accommodation the licence fee will have to be paid by the concerned department.

**24. *Relaxation of rules:-*** Government may, for reasons to be recorded in writing relax all or any of the provisions of these rules in the public interest or in cases of extreme compassion.

**25. *Repeal and Savings:-*** (1) The allotment of Government Residences (General Pool) in Himachal Pradesh Rules, 1986 are hereby repealed.

(2) Notwithstanding any such repeal, any order or allotment made, any action taken or thing done shall be deemed to have been taken or done, under corresponding provision of these rules.

By order  
Sd/-  
S.S.Negi,  
Commissioner-cum-secretary(GAD) to the  
Government of Himachal Pradesh.

No. GAD-7(G)1-12.81-  
Himachal Pradesh Government  
General Administration Department  
D-Section.

From

The Commissioner-cum-Secretary(GAD) to the  
Government of Himachal Pradesh.

To

1. The Director of Estates,  
Himachal Pradesh, Shimla-2.
2. All the District Estate officer,  
O/O The Deputy Commissioners,  
Himachal Pradesh.

Dated Shimla the 21 October, 1994.

Subject: Himachal Pradesh Allotment of Government Residences (General Pool)Rules19945-Instruction there under.

Sir,

I am directed to say that the Himachal Pradesh Allotment of Government Residences(General Pool)Rules, 1994 have been notified in the Himachal Pradesh Government Rajpatra (Extra-ordinary) on 18<sup>th</sup> July, 1994. The rules have been framed on the basis of Central Allotment Rules. The Central Government have also issued instructions from time to time on certain rules as guiding principle. As such necessary instructions on the following rules are issued for necessary action.

**Rule 2(b)- 'allotment year'**

Since the rules have been notified in the Himachal Pradesh Government Rajpatra(Extra Ordinary) on 18<sup>th</sup> July, 1994, the allotment year 1995 shall be started with effect from 1st January, 1995 and will remain in force till next allotment year is not notified.

## **Rule 2 ( c ) – “date of priority”**

For the purpose of counting of broken periods of service for priority date for allotment of residential accommodation from the general pool, the past service shall be counted if they have been given any benefit of the past service for any of the purposes of confirmation, quassi- permanancy or pension. They will however, not be allowed to count their past service in case they are given any terminal benefits (like civil/military pension / gratuity) other than leave for their post service, the above benefit will be admissible only in respect of continuous service rendered prior to the last break.

## **Rule 2 ( f ) ‘eligible office’**

The Government servants permanent, quasipermanent and temporary Whose service are likely to be made regular, are eligible for the allotment of /government residential accommodation from the general pool; provided that the Government servants of those category or class for whom departmental accommodation exists at the station of their posting shall not be eligible for allotment from general pool at that station.

## **Rule 2 ( g ) – ‘emoluments’**

1) in case of the 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 allotment year, the emoluments drawn by him immediately before that date shall be taken as emoluments.

2) In cases of the officers entitled for type-IV and above, who are in receipt of re-resided scales and whose date of priority is to be determined prior to the date of revision of pay scales on 1.1.86, the determination of emoluments for entitlement, only the basic pay drawn in the pre-revised scales as indicated below shall be taken as notion emoluments for the respective types.

Type	In the scales Prior to 1968	In the scales revised on 1.1.1968	In the scales revised on 1.1.78
IV	400 to 699	500 to 1099	1201 to 1600
V	700 to 1299	1100 to 1599	1601 to 2100
VI	1300 and above	1600 and above	2101 and above.

## **Rule 5 - Classification of Residences.**

1) Officers/officials who as a result of reclassification of residences due to additions or otherwise of revision of entitlement, cease to be eligible for residences at present in their occupation and have become entitled to a lower type accommodation. Would not be required to shift to their entitled type of residences . They would allowed to continue in the residences in their occupation on payment of normal licence fee for the type of house so reclassified. They will, not however be given any change in the same type. However, if they apply for change to their entitled types, such requests of change may be considered, if otherwise in order.

No extension in the existing accommodation due to additions and alterations shall be made without the approval of the General Administration Department and in case any extension has been made without permission, the expenditure so incurred thereon shall be borne by the allottee on whose request such extension has been done by the Public Works Department.

2) The allotment of Government residential accommodation is done on the basis of emoluments drawn by an officer/official, but keeping in view that the number of houses available in type-I are much more than the houses available in type-II at Shimla., the class IV employees who become entitled for type-II may be considered for one type below category for allotment.

## **Rule 7 - Allotment of Residence.**

The allotment of residential accommodation to the officers/officials under suspension should be made as if suspension has not taken place.

## **Rule 8 – Adhoc allotment on out of turn basis**

For the adhoc allotment to the ward in the event of death, retirement or transfer pf Government servant, an affidavit may be obtained in non-judicial paper that they do not own a house at or near the station of his posting.

## **Rule -11 – Payment of licence fee.**

1) Recovery of licence fee from Government employees who are in occupation of the general pool accommodation and are on deputation etc. in the Corporation/Boards etc. and their pay is drawn by them, the normal licence fee plus the quantum of House Rent Allowance admissible to such employees shall be charged as licence fee.

2) Recovery of licence fee from Government servants who are allotted Government residential accommodation higher than their entitlement on their own request as a special case in relaxation of rules, the licence fee of the allotted accommodation shall be charged two times of the pooled standard licence fee till such time the allottee becomes entitled for that accommodation.

**Rule 12 - Personal liability of officer/official for payment of licence fee...Furnishing of surety for issue of No demand Certificate in the case of deceased Govt. servants and retired Government servants and retired Govt. servants.**

In the case of death of Government servant who is an allottee of the the Government residential accommodation from the general pool and retired Government servants, the No Demand Certificate shall be issued after due consideration of the facts and obtaining a surety from the permanent Government servant in the form attached and attested by the department in which the surety is employed.

**Rule-13 -Change of residence.**

If an officer/official submits a fresh application for change of residence, his previous application already registered in the Directorate of Estates/Estate Officers, shall stand cancelled and his seniority may be counted from the date of receipt of his fresh application.

**18 A- Charging of damages.**

It is clarified that in case of retired officer/official who has been given permission to retain the Government residential accommodation after expiry of the permissible period under Rule 10 and if he/she has given surety under rule 12 on the prescribed form, the provision of Rule 18A(2) will not be applicable to him /her.

**Rule 19 – Maintenance of separate pools.**

In this rule separate pools shall be maintained . Out of these pools, the Transit Pool is already available. Under the rule the transit accommodation will now be allotted for a period of one year and further can be extended for another six months. In case of the allottees of Transit Accommodation prior to the date of publication of new rules, the condition of the above

period shall not be made applicable. They shall be allowed to continue to occupy the transit accommodation till they vacate the same or provided regular accommodation from the general pool. However, the licence fee shall be charged at the rates provided in the rule.

A specimen of revised application for allotment of residential accommodation for the allotment year 1995 is enclosed herewith. Application forms for the allotment under Rule 8(2) and change of accommodation sent vide this department even N0. dated 27<sup>th</sup> April,1991 shall remain applicable.

Please acknowledge receipt.

Yours faithfully,

Sd/-

Joint Secretary(GAD) to the  
Government of Himachal Pradesh,Shimla.

Endst.No.GAD-7(G)1-12/81

Dated Shimla-2 the 21 October, 94.

Copy forwarded to:-

1. All Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of Himachal Pradesh.
2. All Heads of Department in Himachal Pradesh.
3. All Chairman/Managing Director of Corporations and Boards in Himachal Pradesh.
4. All Deputy Commissioner in Himachal Pradesh
5. 50 spare copies for Guard file.

Sd/-

As above.

## SURETY BOND.

(In case of deceased Govt. servant and retired Govt. servant.)

I, Shri \_\_\_\_\_ son of Shri \_\_\_\_\_ at \_\_\_\_\_  
Present employed as \_\_\_\_\_ in the \_\_\_\_\_ hereby  
stand surety(which expression shall include my heirs, executors and administrators to the  
Governor of Himachal Pradesh(hereinafter called 'the Government' which expression includes  
his successors and assignor) for payment due from Shri \_\_\_\_\_ of licence  
fee and other dues in respect of the residence NO. \_\_\_\_\_ allotted to  
him by the Government as also for any residence additional accommodation extra servant  
quarters or garages that had been allotted to him from time to time by the Government.

I, the surety, shall indemnify the Government against all loss and damages until delivery  
of vacant possession of the same is made to the Government forthwith on demand by the  
Government and without denur all such sums as may be due to the Government as aforesaid  
and I hereby agree that the Government shall be at liberty(and be hereby irrevocably  
authorized to do so) to recover the said sum fixed the salary payable to me and the decision of  
the Government as to the amount so to be recovered shall be final.

The obligations undertaken by me shall not be discharged or in any way effected by an  
extension of time or any other indulgence granted by the Government to the said Shri(name  
Of the allottee) \_\_\_\_\_ or by any other matter or thing whatsoever  
which under the law relating to sureties would but for this provision have the effect so  
releasing me from my liability.

This guarantee shall not be discharged by my death nor shall it be recoverable by meat any  
time, except with the consent in writing of the Government, until the delivery of vacant  
possession of any such residence, servant quarter or garage, which is in occupation of the  
allottee to the Government;

Provided, however that this guarantee shall so facto terminate from the date the  
accommodation is vacated and all dues are settled.

Signed and delivered by the

Said Shri \_\_\_\_\_

At \_\_\_\_\_ this day of \_\_\_\_\_ 200

(SIGNATURE OF SURETY)

Signature

Designation

Office to which attached.

Address and occupation of witness.

Certified that the above surety is a permanent Government servant. He is \_\_\_\_\_ of age and his pay is Rs, \_\_\_\_\_ per month.

Signature of the Head of the  
Dept. Of the office in which the  
Surety is employed.

Dated:

Office stamp.

Government of Himachal Pradesh  
General Administration Department  
(D-Section).

NO.GAD-7(G)1-21/81 dated Shimla-2, the 28.07.1995.

N O T I F I C A T I O N.

In pursuance of rule-45 of the Fundamental Rules and other powers enabling him in this behalf, the Governor of Himachal Pradesh, is pleased to make the following rules, further to amend the Himachal Pradesh Allotment of Government residences(General Pool) Rules,1994, which were notified vide this Department Notification of even NO. dated 1st June,1994 and were published in Rajpatra,Himachal Pradesh(Extra-Ordinary) on 18<sup>th</sup> July,1994:-

Short title.

1. These rules may be called the Himachal Pradesh Allotment of Government residences(General Pool)(Amendment)Rules,1995.

Amendment of Rule-8.

2. After clause(iii) of sub-rule(9) of rule-8 of the Himachal Pradesh Allotment of Government Residences(General Pool) Rules,1994, The following clause shall be inserted, namely:-

“(iv) Nothing contained in clause (i) of this sub-rule shall apply to a correspondent who has already been allotted Government residential accommodation before the commencement of these rules and the said allotment shall continue to be regulated by the same terms and conditions subject to which the said allotment has been made.”

By Order.

Sd/-

S.S. Negi,

Commissioner-cum-Secretary(GAD)to the  
Government of Himachal Pradesh.

Copy forwarded to:-

1. All the Secretaries/Joint Secretaries/Deputy Secretaries/Under secretaries to the Govt. of H.P.
2. All the Heads of departments in H.P.
3. All Chairman/Managing Director of Boards and Corporations in H.P.
4. All the Deputy commissioners in H.P.
5. The Director of estates,H.P.(with 50 spare copies).
6. All the estate Officer(A.C.'s to D.C.'s) in H.P.
7. The Controller ,Printing and stationery,H.P.,Shimla-5. He is requested to kindly arrange Publication of the above notification in the Rajpatra(Extra-ordinary) at an early date.
8. The Under secretary(Law)to the Govt. of H.P.,Shimla-2.
9. A.L.D.(Hindi) Law deptt. H.P. sect. Shimla-2.

Sd/-

Joint secretary(GAD)to the  
Government of Himachal Pradesh.

.-.-.-.-.-.-.-.-

No. GAD-7(G)1-12/81-  
Himachal Pradesh Government  
General Administration Department  
D-Section.

From

The Commissioner-cum-Secretary(GAD) to the  
Government of Himachal Pradesh.

To

1. All the Chairman/Managing Directors  
of Corporation/Boards in H.P.
2. The Director of Estates,  
Himachal Pradesh, Shimla-2.
3. All the District Estate officer,  
O/O The Deputy Commissioners,  
Himachal Pradesh.

Dated Shimla the 24.12.99.

Subject: Himachal Pradesh Allotment of Government Residences (General Pool)Rules1994-Instruction there under.

Sir,

In continuation of this Deptt. Letter No. of even number dated 21.10.94, on the subject noted above, I am directed to state that Rule 11 (1) of the H.P.Allotment of Government residences (General Pool)Rules, 1994, issued vide this deptt. letter of even number dated 21.10.94, may be read as under:-

**Rule 11(1)**

**Rule 11 (1) may be substituted as:-**

The Government employees who are in occupation of the general pool accommodation

And are on deputation etc. in Corporation/Boards etc. and their pay is drawn by them, the “licence fee” for such houses will be HRA plus normal licence fee. The corporation/ Board concerned will pay the HRA portion and

employee concerned will pay normal licence fee. Both amounts together will be deposited by the concerned Board/Corporation in the Govt. account under relevant head.

You are therefore, requested kindly to take necessary action in the matter accordingly.

Yours faithfully,

Sd/-

Under Secretary(GAD) to the  
Govt. of Himachal Pradesh.

No. GAD-7(G)1-12.81-  
Himachal Pradesh Government  
General Administration Department  
D-Section.

From

The Commissioner-cum-Secretary(GAD) to the  
Government of Himachal Pradesh.

To

- 1 All the Chairman/Managing Directors  
Of Corporation/Boards in H.P.
2. The Director of Estates,  
Himachal Pradesh, Shimla-2.
- 3 All the District Estate officer,  
O/O The Deputy Commissioners,  
Himachal Pradesh.

Dated Shimla the 16.4.2001.

Subject: Himachal Pradesh Allotment of Government Residences (General  
Pool)Rules1994-Instruction thereunder.

Sir,

In continuation of this Deptt. Letter No. of even number dated 24th  
December,1999, on the subject noted above, I am directed to state that Rule 11 (1) of the H.P.  
Allotment of Government residences (General Pool)Rules, 1994, substituted vide this department's  
letter referred to above, may be read as under:-

**Rule 11(1)**

**Rule 11 (1) may be re-substituted as under:-**

“The Government employees who are in occupation of the general pool  
accommodation and are on deputation in Corporation/Boards etc, shall not be  
entitled for House Rent Allowance from the corporation/ Board. They will have to  
pay licence fee to the Government which will be recovered from them by the  
concerned Board/corporation and deposited in the Govt. account under relevant  
head.”

You are therefore, requested kindly to take necessary action in the matter accordingly.

Yours faithfully,

Sd/-  
Additional Secretary(GAD) to the  
Govt. of Himachal Pradesh.

No. GAD-7(G)1-12-I  
Himachal Pradesh Government  
General Administration Department  
D-Section.

From

The Commissioner-cum-Secretary(GAD) to the  
Government of Himachal Pradesh.

To

- 1 The Director of Estates,  
Himachal Pradesh, Shimla-2.
- 2 All the District Estate officer,  
O/O The Deputy Commissioners in H.P.  
Dated Shimla the 15<sup>th</sup> Sept.,2001.

Subject: Himachal Pradesh Allotment of Government Residences (General  
Pool)Rules1994-Instruction there under.

Sir,

I am directed to say that Rule-18A of H.P. Allotment of Govt.  
Residences(General Pool) Rules,1994 provides for charging damages from unauthorized  
occupants of General Pool Accommodation at the rate of Rs.4/-sft.. Now it has been decided by  
the Govt. to charge damages from unauthorized occupants of General Pool Accommodation at the  
rate of Rs.12/- per sq. foot.

2. These instructions will come into force w.e.f. 1.9.2001. This issues with the  
prior concurrence of the Finance Department obtained vide their Diary NO.789, dated 13.8.2001.

Yours faithfully,

Sd/-

Under Secretary(GAD) to the  
Govt. of Himachal Pradesh.

Endst.NO. As above., dated,Shimla-2,the 15<sup>th</sup> Sept.,2001.

Copy for information and similar necessary action is forwarded to:-

1. All the FC-cum-Secretaries/Secretaries/Special secretaries/Additional secretaries/Joint  
Secretaries/Under Secretaries to the Govt. of Himachal Pradesh.
2. The registrar General , High Court of Himachal Pradesh,Shimla-1.
3. All the Heads aof departments in Himachal Pradesh.

Sd/-

As above.

No. GAD-7(G)1-12-I  
Himachal Pradesh Government  
General Administration Department  
D-Section.

From

The Commissioner-cum-Secretary(GAD) to the  
Government of Himachal Pradesh.

To

- 1 The Director of Estates,  
Himachal Pradesh, Shimla-2.
- 2 All the District Estate officer,  
O/O The Deputy Commissioners in H.P.

Dated Shimla the 29.5.2001.

Subject: Himachal Pradesh Allotment of Government Residences (General Pool)Rules1994-Instruction there under.

Sir,

In partial modification to this Department's letter of even number, dated the 25<sup>th</sup> November,1998, on the above noted subject. The revised classification of Residences under Rule-5 of H.P. Allotment of Govt. Residences(General pool) Rules, 1994 shall be as under:-

<u>Type</u>	<u>Pre-revised Provision</u>	<u>Existing Provision</u>	<u>Revised Provision</u>
I	Less than Rs.950/-	Less than Rs.3120/-	Less than Rs.3120/-
II	Less than Rs. 1800/- but Not less than Rs. 950/-	Less than Rs. 5800/- but not less than Rs.3120/-	Less than Rs. 5800/- but not less than Rs. 3120/-
III	Less than Rs. 3000/- but Not less than Rs. 1800/-	Less than Rs. 9200/- but not less than 5800/-	Less than Rs. 10025/- but not less than Rws. 5800/-
IV	Less than Ra. 4500/- but Not less than Rs. 3000/-	Less than Rs. 4500/- but not less than Rs. 9200/-	Less than Rs. 14300/- but not less than Rs. 10025/-

V	Less than Rs. 5900 but Not less than Rs. 4500/-	Less than Rs. 15900/- but not less than Rs. 12375/-	Less than Rs. 18400/- but not less than Rs. 14300/-
VI	Rs. 5900/- and above	Rs. 15900/- and above	Rs. 18400/- and above

This issues with the prior concurrence of the Finance Department obtained vide their Dy. No. 411, dated 30.4.2001. The above revised provision would come into force w.e.f.1.6.2001.

You are, therefore, requested to take necessary action in the matter accorodingly.

Yours faithfully,  
Sd/-  
Under Secretary(GAD) to the  
Govt. of Himachal Pradesh.

Endst.NO. As above., dated,Shimla-2, the 29.5.2001.

Copy for information and similar necessary action is forwarded to:-

1. All the FC-cum-Secretaries/Secretaries/Special secretaries/Additional secretaries/Joint Secretaries/Under Secretaries to the Govt. of Himachal Pradesh.
2. The Registrar General , High Court of Himachal Pradesh,Shimla-1.
3. All the Heads aof departments in Himachal Pradesh.
4. All Deputy Commissioner in Himachal Pradesh.
5. All the Chairman/managing Directors of Corporations/Boards in H.P.
6. The Registrar, H.P.University,Shimla-5 /H.P .Agriculture University Palampur,Distt. Kangra /Dr. Y.S. Parmar University of Horticulture and Forestry, Nauni,Solan
7. 50 spare Copies.

Sd/-  
Under Secretary(GAD) to the  
Govt. of Himachal Pradesh





