



सत्यमेव जयते

North-Eastern Region

LOCAL ACTS AND RULES

THE ALLOTMENT OF GOVERNMENT RESIDENCES (GENERAL POOL) RULES, (MEGHALAYA)

FOR THE YEAR 1990

THE ALLOTMENT OF GOVERNMENT RESIDENCES (GENERAL POOL) RULES, 1990 (MEGHALAYA)

1. **Short title and commencement**—(1) These Rules may be called the allotment of Government Residences (General Pool) Rules, 1990.
(2) They shall come into force with effect from 1st January, 1990.
2. **Definitions**—(1) In these Rules, unless the context otherwise requires—
 - (a) “*allotment*” means the grant of licence to occupy a residence in accordance with the provisions of these Rules;
 - (b) “*emoluments*” means the emoluments as defined in the Fundamental Rule 7 (17) but excluding the compensatory allowance;
 - (c) “*Government*” means Government in the General Administration Department;
 - (d) “*member of the 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;
 - (e) “*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;
 - (f) “*residence*” means any residential accommodation for the time being under the administrative control of the General Administration Department;
 - (g) “*Shillong*” means the area within the limits of Shillong Master Plan Area which the Government may declare are conferring eligibility for allotment of General Pool accommodation;
 - (h) “*Sub-letting*” includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;
 - (i) “*transfer*” means transfer from Shillong to any other place.
3. **Allotment of residence**—(1) Allotment of residence shall be made by the House Allotment Committee constituted for the purpose from time to time by the Government and its decision in the matter shall be final.
(2) Allotment shall be made according to the prescribed type of residence Commensurate with the rank and status of the officials and if such type is not available, the next lower type may be offered subject to availability and that also without prejudice to sub-rule (3) of this rule.
(3) Where any residence has been specifically designed for such categories of officers like Deputy Commissioner, Sub-Divisional Officer, etc., the Committee shall give preference to such category of officer.
4. **Liability for payment of rent**—An officer allotted with a residence shall be required to pay licence fee or rent at 10 percent of his monthly emolument or standard rent as provided in Fundamental Rule 44 of the Meghalaya Fundamental Rules/Supplementary Rules read with Finance (A.F) Department OOM NO FEM 72/80/48, dated the 9th August, 1989 as amended from time to time whichever is less. The allottee shall be responsible for paying house rent through the respective office/Estate Office/Treasury as the case may be and also for intimating the Estate Officer about such payment.
Provided that prior information at least seven days before vacation of the residence shall be given to the Estate Officer for necessary action.

5. **Maintenance of residences**—Residence in Shillong shall be maintained by the Government. This shall not include provision of electric bulb(s), plugs, lamp shades or portable lamps, which are to be provided by the allottees themselves as per the Assam Public Works Department Code as adopted by Meghalaya.
6. **Application for residence**—Application for allotment of residence shall be addressed to the Special Secretary/Secretary to the Government of Meghalaya in the General Administration Department in the proforma prescribed for the purpose.
7. **Ineligibility for allotment of residence**—(1) No officer owning a house or whose spouse or husband, as the case may be, owns a house at the place of posting shall be entitled to allotment of Government residence under these rules. If such an officer is in occupation of a residence he shall surrender the same to the Government failing which he shall be liable to pay damages for use and occupation of the residence and services provided equal to the prevailing market rent, etc., as may be determined by Government from time to time or shall be liable to any action that may be taken against him by the Government:

Provided that if the house owned by such an officer is under occupation of any office of the Government of Meghalaya, the market rent payable by him under sub-rule (1) shall be the same as the rent realised by him from the Government for occupation of his owned house.

(2) No officer shall be allotted a residence if the wife or husband, as the case may be, of the officer has already been allotted with a residence unless such a 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 by a Court.

(3) Where officers in occupation of separate residence marry each other, one of the residence shall be surrendered within one month of the marriage and if the same is not surrendered, the allotment of one such residence shall be deemed to have been cancelled on the expiry of that period and the allottee thereof shall be liable to pay damages under sub-rule (1) of Rule 7 from the date of cancellation of allotment.

(4) If the wife or husband, as the case may be, of an officer who has already been allotted a residence is subsequently allotted a residential accommodation by other department to which these Rules do not apply, the officer shall vacate the residence allotted under these Rules within one month from the date of such allotment on expiry of which the allotment under these Rules shall be deemed to have been cancelled forthwith:

Provided that this sub-rule shall not apply if the husband and wife are residing separately in pursuance of an order of judicial separation made by a Court.

8. **Retention of accommodation**—(1) A residence allotted to an officer may, subject to sub-rule (3) be retained on the happening of any of the events specified in column 1 of the table below for the period specified in the corresponding entry in column 2 therefore; provided that the residence is required for the *bona fide* use of the officer or members of his family:

Events	Permission period for retention
i) Registration, dismissal or removal from service, termination of service or unauthorised absence without permission	1 month
ii) Retirement or terminal leave	2 months,
iii) Death of the allottee	4 months,
iv) Transfer to a place outside duty station	2 months,
v) Transfer to an ineligible office in duty station	2 months,
vi) On proceeding on foreign service in India	2 months,
vii) Temporary transfer in India or transfer to a place outside India	4 months,
viii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave (maternity leave or study leave)	For the period of leave but not exceeding four months.
ix) Maternity leave	For the period of maternity leave plus leave granted in continuation subject to a maximum of five months.
x) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86 or earned leave granted to Government servant who retired under Fundamental Rule 56 (j).	For the period of leave on full average pay subject to a maximum of 180 days in the case of leave preparatory to retirement and four months in other cases, inclusive of the period permissible in the case of retirement.
xi) Study leave in or outside India	(a) In case the officer is in occupation below his entitlement, for the entire period of study leave. (b) In case the officer is in occupation of his entitled type accommodation, for the period of study leave but not exceeding six months; Provided that where the study leave extends beyond six months, he may be allotted alternative accommodation, one type below his entitlement, on the expiry of six months or from the date of commencement of the study leave, if he so desires.

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| xii) | Deputation outside India | For the period of deputation but not exceeding six months. |
| xiii) | Leave on medical grounds | Full period of leave. |
| xiv) | On proceeding on training | For full period of training |
| xv) | On constructing a house or becoming owner of a house otherwise | 3 months. |

Explanation I—Where an officer on transfer or Foreign Service in India is sanctioned leave and avails of it before joining duty at the new office, he may be permitted to retain the residence for the period mentioned against items (iv), (v), (vi) and (vii) or for the period of leave, whichever is more.

Explanation II—Where an order of transfer or foreign service in India is issued to an officer while he is already on leave, the period permissible under *Explanation I* shall count from the date of issue of such order.

(2) Where a residence is retained under sub-rule (1) the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in an eligible office in Delhi.

9. **Permission for extension**—Retention of occupation of accommodation as admissible to an officer under these Rules shall be subject to specific permission being given by the House Allotment Committee which reserves the right to refuse or cancel such retention if the residence is required for allotment to other officers. In cancellation of such retention the Committee may resort to the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 and Rules framed there under for eviction of any occupant.

10. **Commencement of allotment**—An allotment shall be effective from the date on which the residence is accepted by the officer. The allottee shall intimate acceptance of allotment to the Estate Officer within seven days of receipt of the order of allotment.

11. **Retention on payment of rent**—Notwithstanding anything contained, in these Rules, Government may allot a residence or allow retention of a residence beyond the permissible period on payment of rent where such an arrangement is considered necessary in the public interest.

12. **Cancellation of allotment**—If the officer to whom a residence is allotted is either transferred, removed, dismissed, resigns or retires from service or acquires own house or dies while in service, the allotment shall be cancelled on the expiry of the period indicated in column (2) in the table in Rule 8.

13. **Penalty on cancellation of allotment**—In the event of the officer failing to vacate the residence after such cancellation as specified in Rule 12, the occupant shall be liable to pay the following penalties:
- (a) for the first two months following the date of cancellation, the officer / occupation shall be required to pay normal rent as may be determined by the Government;
 - (b) for the second to the six month or part thereof, the officer / occupant shall be required to pay double the rate of normal rent as may be determined at (a) above;
 - (c) after six months, the officer / occupant shall be required to pay market rent to be assessed by the Deputy Commissioner under the Meghalaya Urban Rent Control Act or any other law applicable in such cases.
14. **Non-acceptance of allotment**—If any officer fails to accept the allotment of a residence within 7 days or fails to take possession of the residence after acceptance within 10 days he shall be disqualified for another allotment for a period of six months from the date of allotment order.
15. **Prohibition of sub-letting**—No officer shall sub-let any part of the residence allotted to him. He may accommodate servants or Government employees working with him and that too only after obtaining permission of the Government in writing.
16. **Erection or alteration of residence**—No officer or resident member of his family shall erect any structure or make any alteration in any part of the residence or tamper with any electrical or water communication within the premises. Any breach of this rule may attract cancellation of the allotment and disciplinary action against the officer.
17. **Application for change of residence**—An officer allotted with a residence may apply for a change to another residence of the type he may be eligible to and such application shall be placed the House Allotment Committee for a final decision.
18. **Mutual exchange**—The powers for giving permission for mutual exchange of residence allotted to officer shall be with the House Allotment Committee.
19. **Transit accommodation**—Allotment of transit accommodation shall be made on an *ad hoc* basis to officers on transfer but shall not constitute regular allotment. An officer allotted with such accommodation shall be liable to payment of rent as per Rule 4 of these Rules.
