

TUTICORIN PORT TRUST (ALLOTMENT OF RESIDENCES)
REGULATIONS 1979.

(Published in the Gazette of India dated 01.03.1979)

G.S.R. 103 (E) - In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

1. Short title and Commencement :


- (1) These regulations may be called the Tuticorin Port Trust (Allotment of Residences) Regulations, 1979.
- (2) They shall come into force on the first day of April, 1979.

2. Application:-

These regulations shall apply to the allotment of residences to all persons who are employed in the service of the Board (hereinafter referred to as "employees").

3. Definitions:-

In these regulations, unless the context otherwise requires-

- (a) "allotment" means the grant of permission to occupy a residence in accordance with the provisions of these regulations;
- (b) "allotment year" means the calendar year beginning on the 1st January or such other period as may be notified by the Board or the competent authority;
- (c) "competent authority" means the Chairman and includes any officer in the service of the Board authorised by him by a general or special order to perform all or any of his functions as a competent authority under these regulations;
- (d) "eligible office" means an office under the Board and an office or institution connected with the Board, which has been declared by the Board as eligible for accommodation under these regulations;
- (e) "emoluments" means the emoluments as defined in Fundamental Rule 45  C but does not include compensatory allowance;

Provided that in the case of an employee 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 the date shall be taken as his emoluments;

(f) "family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers, or sisters as ordinarily reside with and are dependant on the employees;

(g) "Government" means the Central Government;

(h) "Port" means the Port of Tuticorin;

(i) "Priority date" of an employee in relation to a type of residence to which he is eligible under regulation 6 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Board except for periods of leave;

Provided that the date from which an employee has been continuously in service and drawing emoluments relating to a particular type or a higher type in a post under the Government, the erstwhile Tuticorin Port Trust or any other Major Port Trust shall be taken as the priority date in respect of such employee;

Provided further that in the case of an employee who is on deputation to any foreign service, the period of foreign service shall, on his reposting in an eligible office under the Board, be included for the purpose of determination of his priority date;

Provided also that where the priority date of two or more employees is the same, seniority among them shall be determined (i) by the amount of emoluments drawn by each such employee, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments; and (ii) where the emoluments are equal, by the length of service under the Board;

(j) "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 regulations;

(k) "residence" means any residence for the time being, under the administrative control of the port;

(l) "sub-letting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person but does not include a casual guest.

Explanation:

Any sharing of accommodation by an allottee with close relations shall not be deemed to be "sub-letting" . The question whether a person is a close relation or not shall be decided by the competent authority.

(m) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;

(n) "transfer" means a transfer from the service of the Board to any other service or post;

(o) "type" in relation to an employee means the type of residence to which he is eligible under regulation 6;

(p) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963) shall have the meanings, respectively. Assigned to them in that Act.

(4) Ineligibility of Employee owning Houses for Allotment under these Regulations:-

(1) No employee shall be eligible for allotment under these regulations or, if the allotment has already been made, to the continued retention thereof, if-

- (a) he owns or has, since the allotment under these regulations, become the owner in full or in part whether in his own name or in the name of any other person, of a house which is located within the limits of any local or adjoining Municipality or 8 kms. of the place of duty and in which he can, in the opinion of the competent authority, reside consistently with his position as an employee of the Board; or
- (b) his wife or any dependant child owns, or has, since the allotment under these rules, become the owner in full or in part, of a house which is located within the limits of any local or adjoining Municipality or 8 kms. of the place of his duty and in which he can in the opinion of the competent authority reside consistently with his position as an employee of the Board;

Provided that if the competent authority considers that, in the interest of the Board's work, the presence of an employee is required in the port area, he may allot residence to him.

(2) Any employee, who, on any date (hereinafter referred to as the relevant date) subsequent to the date of his making application for allotment under these regulations becomes ineligible for such allotment under clause (a) or clause (b) of sub-regulation (1) shall notify the fact to the competent authority, within a period of 7 days of the relevant date. In the event of the employee's failure to do so, the competent authority may reject the application for allotment or if the allotment has already been made cancel such allotment with effect from the relevant date and require the employee to vacate the accommodation so allotted forthwith.

(3) Notwithstanding anything contained in sub-regulations (1) and (2), the competent authority may allot or reallocate accommodation to an employee, if-

(a) the house owned by him, his wife or any dependant child has been requisitioned by the Government; or

(b) it is proved to the satisfaction of the competent authority that such house was given out on lease-

(i) before the posting of the employee for service under the Board;

(ii) before the acquisition of such house by him, his wife or any dependant child and the competent authority is also satisfied that it is not possible for the lessor for reasons beyond his control to obtain vacant possession of the house;

(c) the house is or becomes vested in a trust created by the employee after obtaining the permission of the Board under the Conduct Rules applicable to him;

(d) the house belongs to the employee as a member of the Hindu undivided family and the competent authority is satisfied that the partition of the house by metes and bounds is not feasible to make it fit for an independent residence;

(e) the plinth area of the house is less than one third of the plinth area of the house of the type to which the employee is eligible under regulation 6.

(4) Where accommodation has been allotted or reallocated to an employee under sub-regulation (3), the employee shall be liable, with effect

from the date specified in the order of allotment or reallocation, to pay standard rent under Fundamental Rule 45-B, or standard rent under Fundamental Rule 45-A plus 33 1/3 per cent thereof, or pooled standard rent under Fundamental Rule 45-A plus 33 1/3 per cent thereof where the rents have been pooled or 10 per cent of his emoluments, whichever is the highest, for so long as he or his wife or any dependant child, as the case may be, is unable to obtain vacant possession of the house referred to above.

- (5) If at any time it appears to the competent authority that no efforts have been made to obtain vacant possession of the house, referred to above, it shall be open to it to give suitable directions as the steps to be taken to obtain vacant possession of the said house and if such directions are not complied with, to cancel the allotment and to require the allottee to vacate the accommodation forthwith, or to charge rent for the accommodation under Government of India decision No.(2) below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where the rents have been pooled or 15 percent of his emoluments, whichever is the highest.
- (6) The allotment to an employee to whom the provisions of clause (a) and clause (b) of sub-regulation (1) apply shall be cancelled with effect from the date specified in the order of cancellation. It shall, however be open to the competent authority to allot or reallocate accommodation to the employee on payment of rent under Government of India decision No. 2 below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where the rents have been pooled or 15 percent of his emoluments, whichever is the highest.

Explanation:-I

In this regulation, an employee shall be deemed to own a house in the name of any other person if the employee has acquired or transferred a house in the name of such other person-

(i) without intending thereby a benefit to such other person; and

(ii) where the employee is in actual or constructive possession of the house or enjoys its rents or profits

Explanation:-II

For the purpose of this regulation an employee shall be deemed to be the owner of a house if he is in possession thereof under the agreement of sale even though the title has not been conveyed to him.

5. Allotment to Husband and Wife:-

- (1) No employee shall be allotted a residence under these regulations if the wife or the husband, as the case may be, of the said employee has already been allotted a residence, unless such residence is surrendered:

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

- (2) Where two employees in occupation of separate residences allotted under these rules marry each other, they shall, within one month of their marriage, surrender one of the residences.

- (3) If a residence is not surrendered as required by sub-regulation (2) the allotment of the lower type of residence shall be deemed to have been cancelled on the expiry of such period; and if the residences are of the same type, the allotment of such one of them as the competent authority may decide shall be deemed to have been cancelled on the expiry of such period.

- (4) Where both husband and wife are employed in the Board, the eligibility of each of them to allotment under these regulations shall be considered independently.

6. Classification of Residence:-

Save as otherwise provided by these regulations, an employee shall be eligible for being allotted a residence of the type appropriate to his emoluments shown in the table below:

-----Type of *Category of employee or his monthly emoluments on the first residence day of the allotment year in which the allotment is made -----
-----I and Temporary Upto Rs. 4,300/-

Quarters

II Rs.4,301/- to Rs. 7,500/-

III Rs.7,501/- to Rs. 9,850/-

IV Rs.9,851/- to Rs.12,000/-

V Above Rs.12,000/-

VI Only Heads of Department as per interse-seniority

VII Only Chairman and Deputy Chairman

* Amended vide: Board Resolution No.33 of the Meeting of the Board of Trustees held on the 21st June, 2001.

Note:- If sufficient number of employee who are eligible for a particular type of residence are not available, the residences of the type may be allotted to other employees who are eligible for the next higher or lower type of residences subject to the condition that, as and when eligible employees become available, the residences so allotted shall be vacated by such allottees.

7. Recovery of Rent to be subject of Fundamental Rules:-

For the purpose of recovery of rent for the type of residence allotted under regulation 6 or a type of residence allotted to an employee of the Board at his own request, which exceeds that which is appropriate to the status of the post held by him, the Fundamental Rules as amended from time to time shall apply.

8. Application for Allotment:-

- (1) An employee who seeks allotment or the continuance of allotment made to him, may apply at any time in that behalf to the competent authority and he shall apply for the aforesaid purpose when directed by the competent authority to do so, in such form and manner and by such date as may be prescribed by it.
- (2) All applications received otherwise than in pursuance of a direction issued under sub-regulation (1) shall be considered for allotment in the succeeding month if such applications are received before the 20th day of a calendar month.

9. Allotment of Residences and Offers:-

- (1) Save as otherwise provided in these regulations, a residence, on falling vacant shall be allotted by the competent authority to an applicant having the earliest priority date for that type of residence subject to the following conditions:-
 - (i) the competent authority shall not allot a residence of a type higher than that to which the applicant is eligible under regulation 6.
 - (ii) the competent authority shall not compel any applicant to accept a residence of a type lower than that to which he is eligible under regulation 6.

(iii) the competent authority on request from an applicant for allotment of a lower type of residence might allot to him a residence of any type below the type for which the applicant is eligible under regulation 6, on the basis of his priority date for the same.

(2) The competent authority may cancel the existing allotment to an employee and allot to him an alternative residence of a same type or in emergent circumstances an alternative residence of any type below the type of residence under the occupation of the employee if the residence in occupation of the employee is required to be vacated;

Provided that when a residence of the same type from which an employee was vacated becomes available at a later date, he shall be allotted the same, subject to his eligibility.

(3) A vacant residence may, in addition to allotment to an employee under sub-regulation (1), be offered simultaneously to other eligible employees in order of their priority dates.

(4) If the competent authority is satisfied that in the interests of the Board's work it is necessary that residences should be allotted to two or more employees it may do so on the following terms and conditions, namely : -

(a) one of them shall be the principal allottee and the other (s) shall be sub-allottees;

(b) the principal allottee shall remain personally responsible for the rent and for any damage caused to the residence beyond normal wear and tear;

(c) the rent payable by the sub-allottee (s) shall not, except with the previous sanction of the competent authority, exceed the rent as divided equally between allottees;

(d) the rent payable to the Board by the principal allottee shall be the rent payable to the Board by an one of the allottees drawing the highest emoluments as defined under Fundamental Rule 45-C had the residence been allotted to him direct by the competent authority;

Reservation of Residential Accommodation to Scheduled Castes / Scheduled Tribes Employees:-

9 (A) (Amendment Regulations published at GSR 123 (E) of the Gazette of India, Extraordinary, dated the 24th March, 1989) :-

(i) The reservation of residential accommodation for SC/ST employee shall be at 10 percent in Type I and Type II and 5 percent in Type III and Type IV Quarters.

(ii) The employees shall be entitled for allotment of their entitled type and in their turn from the separate waiting list maintained for the purpose.

(iii) Vacancies available in the quota reserved for the purpose shall be allotted in the ratio of 2:1 to Scheduled Caste and Scheduled Tribe employees respectively. In case, however, there is no Scheduled Tribes employees available, the quota reserved shall allotted to Scheduled Caste employees.

(iv) Scheduled Caste and Scheduled Tribe employees who are already in occupation of general pool accommodation shall not be entitled for allotment of higher type from the reserved quota.

- (i) Applications from SC/ST are to be invited indicating a specified date of priority and then a seniority list from among applications is to be prepared. In case sufficient applications from SC/ST employees are not available from the applications for the current allotment year, fresh applications may be invited from members of SC/ST employees.
- (ii) A register for allotment of all clear vacancies will be maintained. A 60 point roster will be maintained. In respect of Type-I & II points 10, 20, 40 and 50 should be allotted to Scheduled Caste employees and vacancies at point 30 and 60 allotted to Scheduled Tribes. In respect of Type-III and IV accommodation, the vacancies at point 20 and 40 are to be allotted to Scheduled Caste and vacancy at point 60 is to be allotted to Scheduled Tribe. SC/ST employees will also be considered for allotment as per their turns alongwith other general category employees in addition to the above reservations.

10. Maintenance of separate Pools of Residences for certain categories of Employees:-

- (1) Notwithstanding anything contained in these regulations, the following pools of residences shall be maintained, namely: -
 - (i) residence for Chairman;
 - (ii) residence for Deputy Chairman, if any;
 - (iii) pool of residences for Heads of Departments;
 - (iv) pool of residences for lady employees, who are either unmarried or widows.
- (2) The number and type of residences to be placed in these pools shall be determined by the Board from time to time.
- (3) The interse seniority of the employees eligible for allotment shall be determined in accordance with their appointments to the posts which entitle them for consideration of allotment in the pool.

11. Out of Turn Allotments: -

- (1) Notwithstanding the provisions of regulation 9, an allotment may be made by the competent authority on out of turn basis to an employee on grounds of serious illness of self or a member of his family in consultation, if considered necessary, with the prescribed medical authority. The priority date for allotment in such cases shall be the date on which the application of the employee for out of turn allotment is received by the competent authority.
- (2) The Board, in respect of Type V, type VI, and type VII accommodation, and the Chairman in respect of all other cases may allot any residence on out of turn basis in special cases considering the nature of duties or conditions of deputation of the employees concerned.

12. Non-acceptance of Allotment on offer or failure to occupy the allotted residence after acceptance:-

- (1) If an employee fails to accept the allotment within five days or, fails to take possession of the residence after acceptance within

eight days, from the date of receipt of the letter of allotment, he shall not be eligible for another allotment for a period of one year from the date of allotment letter.

(2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under regulation 6, or the lower type, he may, on refusal of the said allotment or offer of allotment be permitted to continue in the previously allotted residences on the following conditions, namely:-

(a) that such an employee shall not be eligible for another allotment for a period of one year from the date of allotment letter for the higher class of accommodation;

(b) that while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of the residence already in his occupation whichever is higher;

(c) that any refusal of allotment made under sub-regulation (4) of regulation 9 shall not mean refusal of allotment for the purpose of this regulation.

13. Period for which allotment subsists and the concessional period for further retention:-

(1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until:-

(a) the expiry of the concessional period permissible under sub-regulation (2) after the employee ceases to be on duty in an eligible office under the Port ;

(b) it is cancelled by the competent authority or is deemed to have been cancelled under any provision in the regulations ;

(c) it is surrendered by the employee ; or

(d) the employee ceases to occupy the residence.

(2) A residence allotted to an employee may, subject to sub-regulation (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) thereof, subject to the conditions that the residence is required for the bonafide use of the employee or members of his family.

TABLE -----

Events Permissible period for retention of the residence

(1) (2)

(i) Resignation, dismissal, One month

removal or termination

of service.

(ii) Retirement or terminal Two months.

Leave.

(iii) Death of the allottee. Four months.

(iv) Transfer to a place outside
the Head Quarters. Two months.

(v) On proceeding on foreign
service in India. Two months.

(vi) Temporary transfer in India
or deputation to a place out-
side India. Four months.

(vii) Leave (other than leave pre- For the period of leave but not paratory to retirement, refus- exceeding 4 months.
ed leave, terminal leave,
medical leave, maternity
leave or study leave).

(viii) Leave preparatory to retire- For the full period of leave on full
ment or refused leave under average pay subject to a maximum
regulations 28 or 29 of the of 4 months, inclusive of the Tuticorin Port Employees period permissible in the case of
(Leave) Regulations, 1979. retirement.

(ix) Leave on medical grounds For the full period of leave.

Events Permissible period for retention of the residence

(1) (2)

(x) Study leave in India. For the period of leave but not exceeding six months.

(xi) Leave on medical grounds. For the full period of leave.

(xii) On proceeding on training. For the full period of training.

(xiii) Maternity leave. For the period of maternity leave
plus the leave granted in continu-

ation subject to a maximum of five months.

Explanation: -

The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave if any, sanctioned to and availed of by the employee before joining duty at the new office.

(3) Where a residence is retained under sub-regulation (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof, the employee resumes duty in an eligible office under the Board.

(4) An employee who has retained the residence by virtue of the concession under item (i) or item (ii) of the table below sub regulation (2), shall, on re-employment in an eligible office under the Board within the period specified in the said table be entitled to retain that residence and he may also be eligible for any further allotment :

Provided that if the emoluments of the employee on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence whenever such type of residence falls vacant.

14. Provisions Relating to rent : -

(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment letter, whichever is earlier.

(2) An employee who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter, shall be charged rent from such date upto a period of one month or upto the date of reallocation of that particular accommodation, whichever is earlier.

(3) Where an employee who is in occupation of a residence is allotted another residence, and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the day of occupation of the new residence. He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.

15. Personal Liability of the Employee for payment of rent till the residence is vacated and furnishing of surety by temporary employee : -

(1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond normal wear and tear caused thereto or the furniture, fixtures or fittings or services provided therein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions of these regulations, until the residence alongwith the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Board.

(2) Where an employee to whom a residence has been allotted, is neither a permanent, nor a quasi-permanent employee of the Board, he shall execute a surety bond in the form prescribed in this behalf by the competent authority with a surety, who shall be a permanent employee of the Board for due payment of rent and other charges due from him in respect of such residence and services or any other residence provided in lieu thereof.

(3) If the surety ceases to be in the service of the Board or becomes insolvent or withdraws his guarantee or ceases to be available for any other reason, the employee shall furnish a fresh bond executed by another surety within three days from the date of his acquiring knowledge of such event; and if he fails to do so, the allotment made to him shall, unless otherwise decided by the

competent authority, be deemed to have been cancelled on the expiry of the time allowed for the purpose.

- (4) Without prejudice to any action that may be taken under sections 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963), an employee shall also render himself liable to disciplinary action and to such punishment as may be decided upon by competent authority in the case of any breach of this regulation.

16. Surrender of an allotment and the period of notice therefor :-

An employee may at any time surrender an allotment by giving notice in writing so as to reach the competent authority atleast ten days before the date of vacation of the residence. The said allotment shall be deemed to be cancelled with effect from the eleventh day after the day on which the notice received by the competent authority or the date specified in the said notice, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days by which the notice given by him falls short of ten days.

Provided that if the competent authority is satisfied that the notice could not be given owing to circumstances beyond the control of the allottee, it may accept a notice for a shorter period.

17. Change of Residence : -

- (1) An employee to whom residence has been allotted under these regulations 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 residence allotted to the employee.
- (2) All changes under sub-regulation (1) shall be offered in the order of receipt of applications for the same in the office of the competent authority.
- (3) If an employee fails to accept a change of residence offered to him within five days of the receipt of such offer of allotment he shall not be considered again for a change of allotment of that type.
- (4) When the competent authority is satisfied that a change under sub-regulations (1) and (2) cannot be given because of practical difficulties, its decision thereon shall be final.

18. Change of residence in the event of death of a member of family : -

An employee may be allowed a change of residence on the death of any member of his family, if he applied for change within three months of such occurrence, provided that the change may be given in a type other than the type of residence as already allotted to the employee.

19. Mutual Exchange of Residence : -

Employee to whom residences of the same types have been allotted under these regulations may apply for permission to mutually exchange their residences. Permission for mutual exchanges may be granted if both the employees are reasonably expected to be on duty under the Board and to reside in their mutually exchanged residences for atleast six months from the date of approval of such exchange.

20. Maintenance of Residence : -

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the competent authority. Such employees shall not grow any tree, shrubs or plants contrary to the instructions issued by the competent authority nor cut or lop off any existing tree or shrubs in any garden, courtyard or, compound attached to the residence save with the prior permission, in writing, of the competent authority. Tree, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the competent authority at the risk and cost of the employee concerned.

21. Sub Letting and Sharing of Residences : -

(1) No employee shall share the residence allotted to him or any of the out-house, garages and stables appurtenant thereto except with the employees of the Board eligible for allotment under regulations and with the previous sanction of the competent authority and under such conditions as it may prescribe. The servant quarters, out houses, garages, and stables may be used only for bonafide purposes, including residences of the servants of the allottee, or for such other purposes as may be permitted by the competent authority.

(2) No employee shall sublet the whole of his residence.

Provided that an employee proceeding on leave may accommodate in the residence any other employee eligible for allotment under these regulations as a caretaker, for a period of exceeding six months with the permission of the competent authority.

(3) Any employee who shares or sublets his residence shall do so at his own risk and responsibility and shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by the Board beyond fair wear and tear.

22. Penalties for Breach of Rules or Conditions : -

(1) Without prejudice to any action, that may be taken under sections 130 and 131 of the Major Port Trusts Act, 1963, (38 of 1963), the following penalties may, for good and sufficient reasons, be imposed by the competent authority for breach of these regulations and the conditions imposed thereunder namely :-

(i) if any employee to whom a residence has been allotted unauthorisedly sublets the residence or charges rent from the sharer at a rate which the competent authority considers excessive, or erects any unauthorised structure in any part of the residence, or uses the residence or any portion thereof for any purposes other than that for which it is meant, or tampers with the electric or water connections or commits any other breach of the regulations, or the terms and conditions of the allotment or uses the residences or premises or permits or suffers the residences or premises to be used for any purpose which the competent authority considers to be improper, or conducts himself in a manner which in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the competent authority may without prejudice to any other disciplinary action that may be taken against him cancel the allotment.

Explanation : -

In this clause, the expression "employee" includes, unless the context otherwise requires, a member of the employee's family and any person claiming through him;

(ii) if the employee has in any application or statement suppressed any material fact, the competent authority may cancel the allotment with effect from the date he became ineligible for allotment under these regulations;

(iii) if an employee sublets a residence allotted to him or any portion thereof or any of the outhouses, garages or stables appurtenant thereto, in contravention of these regulations, he may, without prejudice to any other action that may be taken against him be charged enhanced rent not exceeding four times the standard rent under Fundamental Rule 45-A. The quantum of rent to be recovered and the period for which the same may be recovered in each case shall be decided by the competent authority on merits. In addition the employee may also be debarred from sharing the residence for such specified period as may be decided by the competent authority.

(2) Where action to cancel the allotments taken on account of unauthorised subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee and any other person residing with him therein to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of sixty days from the date of the orders of cancellation of the allotment, whichever is earlier.

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

(4) The competent authority shall be empowered to take all or any of the actions under sub-regulations (1) to (3) and also to declare the employee, who commits a breach of these regulations and instructions issued to him to be ineligible for allotment for a period not exceeding three years.

23. Overstay in residence after cancellation of allotment : -

Where after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or of any person claiming through him, such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the competent authority from time to time:

Provided that an employee, in special cases, may be allowed by the competent authority, to retain a residence on payment of twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A whichever is higher for a period not exceeding six months.

24. Continuance of allotments made prior to the issue of these regulations:-

Any valid allotment under the rules then in force which is subsisting immediately before the commencement of these regulations, shall be deemed to be an allotment duly made under these regulations notwithstanding that the employee to whom it has been made is not entitled to a residence of that type under regulation 6 and all the provisions of these regulations shall apply in relation to that allotment and that employee accordingly.

25. Interpretation of regulations:-

If any question arises as to the interpretation of these regulations, the same shall be decided by the Government.

26. Relaxation of regulations:-

The Chairman or the Board may, for reasons to be recorded in writing, relax all or any of the provisions of these regulations in the case of any employee or residence or class of employees or type of residence.

27. Delegation of powers : -

The Chairman or the Board may delegate any or all the powers conferred upon him or it by these regulations to an officer under his or its control subject to such conditions as he or it may deem fit to impose.