RULES FOR THE ALLOTMENT OF RESIDENTIAL ACCOMMODATION IN A&N POLICE

Introduction

At present, there are no Rules/Standing Order framed for allotment of quarters in Police Department. However, the guidelines issued by the A&N Administration vide Notification No. 131/91F No. 3013/91-Genl dated 12 Nov 1991 are being followed which are meant for allotment of quarter on payment of licence fee.

Since all the police personnel are entitled for rent free accommodation in Police department, as such, a separate guidelines are required to be issued for allotment of rent free quarters in Police Department.

1. Constitution of Committee

There would be Quarter Allotment Committee, consisting of following officers for considering allotment of quarters under Police pool (Municipal Area), Fire Service and IRBn pool including Austinabad, Prothrapur, & Garacharma.

1. IGP or Dy. Inspector General of Police - Chairman,
2. Superintendent of Police (HQ) - Member.
3. Chief Fire Officer (CFO) - Member.
4. Police Radio Officer (PRO) - Member.
5. Dy. Superintendent of Police (HQ) - Member Secretary

➢ The e-quarter allotment will be done on 10th of every month and if 10th is holiday/Sunday then it would be done on next working day.

2. Classification of residence

The eligibility criteria for allotment of various types of Govt. residences to the police personnel shall be as under:

<table>
<thead>
<tr>
<th>Type of Residence</th>
<th>Grade Pay</th>
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<tbody>
<tr>
<td>Type I Quarter</td>
<td>₹ 1,300/- to 1800/-</td>
</tr>
<tr>
<td>Type II Quarter</td>
<td>₹ 1,900/- to 2,800/-</td>
</tr>
<tr>
<td>Type III Quarter</td>
<td>₹ 4,200/- to 4,800/-</td>
</tr>
<tr>
<td>Type IV Quarter</td>
<td>₹ 5,400/- to 6,600/-</td>
</tr>
<tr>
<td>Type-V Quarter</td>
<td>₹ 7,600/- to 8,900/- and above</td>
</tr>
</tbody>
</table>
3. Application for allotment:

Every Govt. Servant working in Andaman and Nicobar Police, who desires to have an allotment made under these Rules, shall submit his/her application in the prescribed proforma to the Deputy Superintendent of Police (HQ) through proper channel.

➢ The last date of filing of application for the quarter allotment is 30th /31st of every month.

4. Eligibility

➢ Allotment shall be made on computerized/On-line basis of service seniority as determined from the date of their entry into the Govt Service and if the date of appointment is same of two or more officials, the seniority shall be determined by their date of birth and if date of birth is also same then their date of submission of application for allotment of quarter shall determine the seniority.

➢ Applications for fresh allotments and the request for change of quarters from lower type to higher type will also be considered as fresh application and allotment to be done on choice of location of quarter by each applicant.

➢ Change of quarter in the same type will not be entertained before 4 years of present allotment except under compelling circumstances on case to case basis.

➢ The Quarter Allotment Committee on request from an applicant for allotment of lower type of residence may allot him a residence of the type next below the type of which the Govt. servant is eligible under these rules, but in the process he would be considered a fresh applicant.

➢ 10% of available quarters will be allotted to Police Radio personnel and nos to be fixed by the committee.

➢ Allotment of quarters to the wards or spouse of police personnel retired from service or Police personnel died while in service will not be considered.

5. Terms and Conditions for allotment of Quarters:

➢ The allotted quarter should be occupied within 7 days from the date of receipt of the allotment order and an occupation report should be submitted to Dy. SP (HQ) immediately thereof along with the certificate of the allottees that the surrounding areas of their allotted quarters will neither be encroached nor any illegal construction is done by anyone while it remains in their occupation. They will not allow any unauthorized activities for example, kitchen garden, cowshed, cattles, storage, illegal construction, fence erection etc. without specific permission from department in writing around their quarters on Govt. land. Quarter allotment shall be cancelled and strict legal & departmental action would be initiated against the allottees if any violation of above conditions is noticed.
➢ If the allottee fails to occupy the quarter allotted to him within 7 days from the receipt of the allotment order without any cogent reason the quarter allotment will be cancelled and the allottee will be debarred for allotment of quarter for a period of one year.

➢ Any breach of the terms and conditions of allotment or he/she conducts himself in a manner which is prejudicial to the maintenance of harmonious relation with his/her neighbors or knowingly furnished incorrect information in any application or written statement with a view to securing the allotment of a residence, the allotting authority may, without prejudice to any other disciplinary action that may be taken against him/her and/or cancel the allotment of the residence.

6. Eligibility where husband and wife are Govt. servants:

i. No Government servant shall be allotted a residence under these rules, if spouse has already been allotted a residence at the same station unless such residence is surrendered.

Provided that the 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.

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

iii. If a residence is not surrendered as required under sub-rule (i) or sub-rule (ii), the allotment of lower type shall be deemed to have been cancelled on the expiry of, period specified therein and if the residence are of the same type the allotment of such of them as the quarter allotment committee may decide shall be deemed to be have been cancelled on the expiry of such period.

Explanation:- Nothing contained in sub-rule (i), (ii) and (iii) shall apply where the husband and wife are stationed at different places.

iv. Where both husband and wife are Govt. servants, the entitlement of each of them to allotment of residence under these rules shall be considered independently.

7. Out of turn allotment of quarters:

The DGP is the competent authority for out of turn allotment of quarters. However, quarter allotment committee will consider out of turn allotment on special ground on merit and recommend for approval of the DGP.

Govt. residential accommodation shall normally be allotted as per seniority only. However, out of turn allotment of quarters may be considered on the following grounds by the quarter allotment committee and recommend the cases with reasons for approval of the DGP.
(i). **On genuine compassionate grounds**: The quarter allotment committee may in very exceptional and really deserving cases for reasons to be recorded in writing recommend for allotment of a residence to a Govt servant on compassionate grounds.

(ii). **On Medical grounds**: The quarter allotment committee may consider the cases on medical ground with supporting Medical Certificate in certain cases such as:

Tuberculosis (serious cases only), Cancer, Heart ailments (of an exceptionally serious nature), Disabled persons such as blind, Deaf, Orthopaedically handicapped and mentally handicapped/spastic dependent.

8. **Period for which allotment subsists and the concessional period for further retention**:

i. An allotment shall be effective from the date on which it is accepted by the Govt. servant and shall continue in force until: - (a). the expiry of concessional period permissible under sub-rule (ii) after the Govt. servant ceases to be on duty in an eligible office in the Government:-(b). It is cancelled by the Allotting authority or is deemed to have been cancelled under any provision of these rules; (c) it is surrendered by the Govt. servants, or (d) the Govt. servant ceases to occupy the residence.

ii. **Retention of residence in certain cases**: A Govt. residence allotted to an allottee may be retained by him on the occurrence of any of the events specified in column (2) of the table below for the time as specified in column (3) thereof, provided that the residence is required for the bonafide use of such allottee or members of his family.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Events</th>
<th>Duration for which the residence can be retained</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Resignation, dismissal, removal or termination of service</td>
<td>1 month</td>
</tr>
<tr>
<td>2.</td>
<td>Retirement or terminal leave</td>
<td>4 months</td>
</tr>
<tr>
<td>3.</td>
<td>Death of the allottee</td>
<td>6 months</td>
</tr>
</tbody>
</table>

iii. Where an allotment has been cancelled by mistake of some additional facts are brought to the notice of Allotting Authority, the allotment may be restored to the allottee.
iv. Where a residence is retained under sub-rule (ii), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period,

9. **Personal liability of the allottee to pay licence fee**

   The allottee shall be personally liable for the licence fee for any damages in Govt. residence allotted to him beyond natural wear and tear caused thereto or to the furniture, fixtures or fittings of services provided therein by the Government during the period for which the residence has been cancelled under any of the provisions of these rules, until the residences, along with the outhouses, if any, apartment thereto, have been duly vacated by the allottee and full possession thereof has been duly restored to the Department.

10. **Surrender of Government accommodation**:  
   i. An allottee may at any time surrender an allotment by giving intimation so as to reach the Allotting Authority at least ten days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Allotting Authority, or the date specified in the letter, whichever is later. If the allottee fails to give due notice, for a period less than 10 days, he shall be responsible for payment of licence fee for the period till the vacation of the Govt. residence by him comes to the notice of the Allotting Authority or for the number of days which the notice given by him fails short of ten days, as the case may be, provided that the Committee may if satisfied, accept a notice for a period shorter then the period prescribed above.
   
   ii. An allottee who, without valid reason, surrenders the residence under clause (1) shall not be considered again for allotment of Government residence at the same station for a period of one year from the date of such surrender.

11. **Change of Govt. accommodation**:
   i. No change of quarter will be entertained before 4 years except under compelling circumstances on case to case basis.
   
   ii. Not more than one change will be allowed in respect of any one type of residence allotted to a Govt. servant.
   
   iii. Change of quarter will be considered only on the basis of seniority determined in accordance with date of receipt of application.
   
   iv. No fresh allotment/change of quarter will be done for personnel on deputation. However, they will be allowed to retain their existing allotted quarter prior to their proceeding on deputation.
   
   v. If a Govt. servant fails to accept a change of residence offered to him within 7 days from the date of the receipt of allotment order he/her shall not be considered again for a change of residence of that type.
vi. Change shall not be allowed during a period of one year immediately preceding the date of superannuation.

vii. Application for fresh allotment or change of quarter in the same time or higher type will not be accepted who are posted in North & Middle Andaman District.

12. Mutual exchange of Government residence:-

Mutual exchange of Government residence of the same type, between two allottees shall be considered on an application by both to the Allotting authority, provided that both the Govt servants are reasonably expected to remain on duty and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

13. Liability of allottee to maintain residence in clean condition etc.

An allottee shall maintain the residence and premises in a clean condition to the satisfaction of the Public Works Department and the local Municipal authority. He shall not grow any tree shrubs or plants contrary to the instructions issued by the Andaman Public Works Department nor outdoor top off any existing tree or shrub in any garden, courtyard or compound attached to the residence save with the prior permission in writing of the Department. Domesticating animals/birds (viz. cows, buffalos, goats, pig, hens, ducks etc.), Plantations Trees or vegetation grown in contravention of this rule may be caused to be removed by the custodian of the Quarters.

14. Prohibition against sub-letting

No allottee shall sub-let the whole or any part of the Govt. accommodation occupied by him.

15. Penalty for sub-letting:

i. If Govt. servant to whom a residence has been allotted, unauthorisedly sub-let the residence or creates any unauthorized structure in any part of the residence or uses the residence or any portion thereof for any purpose other than those for which it is meant or tampers with the electric or water connection or commits any other breach of these rules or of the terms and conditions of the allotment or permits the residence of premises to be used for any purposes which the Allotting Authority considers to be improper or conducts himself in a manner which in the opinion of the Allotting Authority 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 Allotting Authority 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 of Govt. servant includes, unless the context otherwise required, a member of his family and any person claiming through the Govt. servant.

ii. If a Govt. Servant sub-lets a residence allotted to him or any portion thereof or any of the out houses, garages or stables, appertaining thereto in contravention of these rules, he/she may without prejudice to any other action that may be taken against him, be charged enhanced licence fee not exceeding four times the standard licence fee calculated under F.R. 45-A. The quantum of licence fee to be recovered and the period in future as may be decided by the Allotting Authority.

iii. Where action to cancel the allotment is taken on account of unauthorized sub-letting of the premises by the allottee a period of thirty days shall be allowed to the allottee and any other person residing with him therein to vacate the premises. The allotment will be deemed to be cancelled with effect from the date of vacation of the premises or expiry of the period of thirty days from the date of the orders for the cancellation of the allotment whichever is earlier.

iv. Where the allotment of residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the Govt. servant, may be allotted another residence, of the same class at any other place at the discretion of the Allotment Authority.

v. The Allotting Authority shall be competent to take all or any of the action under sub-rules (i) and (iv) of this rule and also to declare the Govt. servant who commits the breach of the rules and instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years.

Provided that before taking such actions, the Govt. servant shall be given reasonable opportunity to explain why such action should not be taken against him.

16. Overstay in residence after cancellation of allotment:

Where, after an allotment has been cancelled under any of the rules herein referred or is deemed to have been cancelled or after the expiry of concessional period as admissible under sub-rules 8(ii), whichever is earlier, the residence remains under the occupation of the Govt. servant to whom it was allotted or any person claiming through, such Govt. servant shall be liable to pay damages of use for occupation of residence, services, furnitures, equal to the market rate licence fee as may be determined from time to time. Penal rate of licence fee will be recovered for un-authorised occupation of Govt. accommodation after the
stipulated period indicated in the final eviction order and on the basis of the orders issued by the Competent Authority. The same is three times of the market rate licence fee which is Rs. 40/- per sq. mtr.

Provided that a serving Govt. servant in a special case may be allowed by the Allotting Authority to a residence on payment of twice standard licence fee under FR 45-A or twice the pooled standard licence fee under FR 45-A or twice the licence fee he was paying whichever is highest, for a period not exceeding four months beyond the period permitted under rule 8(ii).

17. **Effect on allotments made prior to this Rules:**

Any valid allotment of a residence which is substituting immediately before the commencement of these rules, shall be deemed to be an allotment duly made under these Rules notwithstanding that the allottee to whom it had been made is not entitled to a residence of that type under rule 2, but subject to the condition that all the remaining provisions of these rules shall apply in relation to that allotment and to the Govt. servant to whom such allotment has been made.

18. **Provision relating to licence fee:**

If an allotment has been cancelled and the allottee continue to occupy the residence unauthorisedly all the dues, that is, a sum of the licence fee, market rate licence fee, penal rent and any other penalty as may be imposed, will be recovered from the Govt. servant from his salary, gratuity etc. till he vacates the residence.

19. **Interpretation and relaxation of Rules:**

(i). If any question arise as to the interpretation of the rules the decision of the DGP shall be final.

(ii). The DGP may in exceptional and extreme needy cases, for reasons to be recorded in writing relax provisions of this Standing Order to provide relief to the applicant.

Copy to:-

1. SO to DGP
2. R to IGP
3. R to DIGP
4. All SPs
5. All Dy.SPS/SDPOs
6. PRO
7. CFO
8. All SHOs
9. All I/c OPs & JPPs
10. File No. DGP/Genl/6/12/2015/Part-XVIII

Superintendent of Police (HQ)
For Director General of Police,
A & N Islands.