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New Mangalore Port Trust
(Allotment of Residences)
Regulations, 1980

(Corrected upto 30.11.2007)

MINISTRY OF SHIPPING AND TRANSPORT
(Ports Wing)

NOTIFICATIONS

New Delhi, March 27, 1980

G.S.R. 150(E) :- In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts 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 New Mangalore Port Trust (Allotment of Residences) Regulations 1980.

(2) They shall come into force on the 1st day of April, 1980

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 allowances;

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 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 dependent on the employee;

(g) "Government" means the Central Government;

(h) "Port" means the Port of New Mangalore;

(i) "priority date" of an employee in relation to type of residence to which he is eligible under regulations 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 period of leave.

Provided that in respect of a Type II, Type III or Type IV residence, 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 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) "Licence fee" 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 licence fee 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 expression used herein and not defined but 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 house which is located within the limits of any local or adjoining Municipality or 8 kilometres 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 regulations, 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 kilometres 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.

(c) Employees who have availed the facility of H.B.A. from the Board and constructed house with a radius of 8 kms from the place of work when permitted to dispose of the house, shall not be eligible for allotment of staff quarters for a period of 5 years from the date of disposal. If they are already residing in the quarters at the time of disposal, they shall vacate the quarters within one month from the date of disposal of the house.

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 employees' failure to do so, 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 re-allot accommodation to an employee, if,-
- (a) The house owned by him, his wife or any dependent 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 dependent 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 an independent residence;
 - (e) The plinth area of the house is less than one third of the plinth area of the residence 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 licence fee under Fundamental Rule 45-B or standard licence fee under Fundamental Rule 45-A plus $33\frac{1}{3}$ per cent thereof, or pooled standard licence fee under Fundamental Rule 45-A plus $33\frac{1}{3}$ per cent thereof where the licence fees have been pooled or 10 per cent of his emoluments, whichever is the highest, for so long as he

or his wife or any dependent 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 to 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 licence fee for the accommodation under Government of India decision No.(2) below Fundamental Rule 45-B or twice the standard licence fee under Fundamental Rule 45-A or twice the standard licence fee under Fundamental 45-A where the licence fees have been pooled or 15 per cent of his emoluments, whichever is the highest.

(6) The allotment to an employee to whom the provision 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 reallot accommodation to the employee on payment of licence fee under Government of India decision No.2 below Fundamental Rules 45-B or twice the standard licence fee under Fundamental Rules 45-A or twice the pooled standard licence fee under Fundamental Rules 45-A where the licence fees have been pooled or 15 per cent 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 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 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 regulations 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 residence 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.
- (5) Not with standing anything contained in the sub-regulations (1) to (4),-
 - (a) If a wife or husband, as the case may be, who is an allottee of a residence under these regulations, is subsequently allotted a residential accommodation at the same station from a pool to which these regulations do not apply, she or he, 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, are allotted under these regulations and another from a pool to which these regulations do not apply, marry each other, any of them shall surrender as required 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 under these regulations shall be deemed to have been cancelled on the expiry of such period.

6. Classification of Residences: Save as otherwise provided by these Regulations, an employee shall be eligible for being allotted a Residence of the type appropriate to emoluments shown in the table below:

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Category of employee and his/her monthly basic pay as on the first day of allotment year in which the allotment is made.

Group	Type of residences included	Basic pay in the 1997 Pay scales	
		Class III and IV employees	Class I and II Officers
A	Type-I (New) -I (Old) -II (New)	Upto Rs. 4930/-	-
B	Type-A II (Old)	From Rs. 4931 to Rs. 6220/-	-
C	Type-B -III (Old)	From Rs. 6221 to Rs. 7800/-	Upto Rs. 9099/-
D	Type -C -IV (Old)	From Rs. 7801 & above	From Rs. 9100/- to Rs. 9349/-
E	Type -C+	-	From Rs. 9450/- to Rs. 10349/-
F	Type-D -V (Old)	-	Rs. 10350 & Above
G	Type -VI (Old)	-	Dy. Chairman & Heads of Departments
H	Type- -VII (Old)	-	Chairman's Residence.

Note: 1. If sufficient number of employees who are eligible for a particular type of residences are not available, the residence of that type may be allotted to other employees who eligible for the next higher or lower type of residence subject to the condition that as and when eligible employees become available, the residence so allotted shall be vacated by such allottee.

2. A Class II Officer will carry the benefit of his eligibility to a higher type of quarter which he would have got had he continued in class III post but for his promotion to class II post

7. **Recovery of licence Fee:** For the purpose of recovery of Licence Fee for type of residence allotted under Regulation 6, the following rules shall be applied as per the service conditions of the employees.

- (i) In respect of the officials borne under W.R.C pay scales, the Licence Fee shall be recovered at flat rate of Licence Fee fixed by the Central Govt, and revised from time to time with effect from 1-1-1993 as per the Memorandum of Settlement arrived at on 11 December, 1994 between the Representatives of Federations and the Chairman B.W.N.C. Chairman Bombay Port Trust representing the Management.
- (ii) In the case of officers borne under O.S.D scales, the Licence Fee at the rate of flat rate fixed by the Central Government and revised from time-to-time should be recovered w.e.f. 1987.
- (iii) Standard licence fee calculated under FR 45(A) shall be recovered for a residence allotted to an employee of the Board at his own request which exceeds to the status of the quarters held by him till he becomes eligible for allotment of that type of quarters.
- (iv) In the case of Central Government Employees who have been allotted with the Port Quarters, the Flat rate of Licence Fee as fixed by the Central Government based on the IV Commission Recommendation and revised from time-to-time should be recovered.
- (v) In case of employees, officers of the State Govt./K.E.B./School etc. who have been allotted with Port quarters the standard licence fee shall be recovered as calculated under FR 45 (A).
- (vi) For retired /expired officials/officers of the Port, normal licence fee should be recovered for the permissible period and beyond the permissible period the licence fee should be recovered as per the provision of Regulation 23 of New Mangalore Port Trust Employees (Allotment of Residences) Regulations, 1980.

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 application 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, namely:-

(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 type lower than that to which he is eligible under regulation 6;

(iii) The competent authority on request from an applicant for allotment of 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 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 the order of their priority dates.

(4) If the competent authority is satisfied that in the interest 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 licence fee and for any damage caused to the residence beyond normal wear and tear,

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

(d) The licence fee payable to the Board by the principal allottee shall be the licence fee payable to the Board by any one of the allottees drawing the highest emoluments as defined

under Fundamental Rules 45-C had the residence been allotted to him direct by the authority.

(5) Counting of Past service for priority in the case of re-employed personnels:-

(a) Counting of past service for priority in the case of re-employed personnels-it has been decided that the past service rendered by ex-servicemen re-employed in the Po counted for the purpose of determining the date of priority even if he has drawn benefits like pension and gratuity and periods of break in service shall be deducted from the total of the past service for determination of date of priority.

(b) Counting of pension components for determining of eligibility - In case of re-employed within the concessional period, the employees are allowed to retain the accommodation allotted higher lower type of accommodation on the basis of their pay. Normal employment, the pay is fixed after deducting elements of basic pension from the pay. It has been decided that for the purpose of allotment of accommodation, notional pay in which an official is re-employed shall be taken into account.

(c) Counting of reservice pension drawn by an ex-service for determination of accommodation -It should be regulated in the same manner as in paragraph (b) above.

(d) Counting of the period of the past service for priority date for allotment of accommodation where there is no break but pensionary benefits have been drawn, that past service where there is no break in service can be counted for determination of priority under SR. 317-B-2(i)

10. Maintenance of separate pools or residences for certain categories of employees

(1) Notwithstanding anything contained in these regulations, the following the following categories of residences shall be maintained, namely:-

(i) Residence for Chairman;

(ii) Residence for Deputy chairman, if any;

(iii) Pool of residences for Heads of a Department;

(iv) Pool of residences for lady employees, who are either unmarried or widows

(2) The number and type of residence to be placed in these pools shall be determined by the Board from time to time;

(3) The interse seniority of the employee eligible for allotment shall be determined in accordance with their appointment to the posts which entitle them for consideration of allotment in the pool.

11. Out of turn allotments:

(1) (a) 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.

(b) 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 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 of 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 8 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 residence 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 licence fee which he would have had to pay under Fundamental Rule 45-A in respect of the 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 these 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 condition that the residence is required for the bonafide use of the employee or members of his family.

TABLE

Events	Permissible period for retention of residences
(i) Resignation, dismissal, removal from service, termination of service for unauthorised absence without permission.	One month
(ii) Retirement or terminal leave	4 months
(iii) Death of the allottee	6 months
(iv) Transfer to a place outside the Headquarters	2 months
(v) On proceeding on foreign service in India	2 months
(vi) Temporary transfer in India or deputation to a place outside India	4 months
(vii) Leave (other than leave preparatory to retirement, refused leave or study leave).	For the period of leave but not exceeding 4 months
(viii) Leave preparatory to the retirement or refused leave under Regulation 28 or 29 of the New Mangalore port Employees (Leave) Regulations, 1980.	For the full period of leave on full average pay subject to a maximum of 180 days in the case of leave preparatory to retirement and 4 months in other cases inclusive of the period permissible in the case of requirement.

(ix) Study leave or deputation out side India	For the period of leave but not exceeding six months.
(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 full period of training.
(xiii) Maternity leave	For the period of maternity leave plus leave granted in continuation subject to a maximum of five months.

If the study leave is extended beyond 6 month, he may be allotted alternative accommodation, one type below his entitlement on the expiry of 6 months or from the date of commencement of the study leave, if he so desires.

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.

(5) Notwithstanding anything contained in sub-regulation (2) or (3) or (4) when an employee is dismissed or removed from service or when his services have been terminated and the Head of a Department in respect of the office in which such officer was employed immediately before such dismissal, removal or termination is satisfied that it is necessary or expedient in the public interest so to do, he may require the Estate Officer or such other officer appointed for this purpose to cancel the allotment of the residence made to such employee either forthwith or effect from such date prior to the expiry of the period of one month referred to in item (i) of the Table below sub-

regulation (2) as he may specify and the Estate Officer or such other officer appointed for this purpose shall act accordingly.

14. Provisions relating to 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 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 licence fee from such date upto a period of one month or upto the date of re-allotment 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 licence fee for that day and the subsequent day for shifting.

Provided that if the former residence is not vacated by the subsequent date as aforesaid, the employee will be liable to pay damages for use and occupation of the residence as may be determined by the competent authority from time to time from the date he takes possession of the latter residence.

15. Personal liability of the employee for payment of licence fee 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 licence fee thereof and for any damage beyond normal wear and tear caused thereto or the furniture, fixtures or fittings or services provided therein by 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 along with the out-house 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 the due payment of licence fee and other charges due from him in respect of such residence and services or any other residence provided in lieu thereof.

his (1) 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 Trust Act, 1963 (38 of 1963), an employee shall also render himself liable to such disciplinary action as may be decided upon by the competent authority under the relevant regulations in the case of any breach of these regulations.

16. Surrender of an allotment and the period of notice thereof:

(1) An employee may at any time surrender an allotment by giving notice in writing so as to reach the competent authority at least 10 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 is 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 licence fee for 10 days or the number of days by which the notice given by him falls short of 10 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.

(2) An officer who surrenders the residence under sub-regulation (1) shall not be considered again for allotment of accommodation at the same station for a period of one year from the date of such surrender

17. Change of residence:

(1) An employee to whom a 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) (a) All applications for change ^{of} residence made in the form prescribed by the competent authority and received upto 19th date of calendar month shall be included in the waiting list in the succeeding month. For purpose of these Rules the employees whose names are included in the waiting list in the earlier month shall be senior en-block to those whose names are included in the list in subsequent months. The inter-seniority of the employees included in the list in any particular month shall be determined in the order of their priority dates.

- (b) The changes shall be offered in the order of seniority determined in accordance with sub-rule 2 (a) and having regard to the employees preferences as far as possible.

Provided that no change of residence shall be allowed during a period 6 months immediately preceding their date of superannuation.

- (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.
- (5) An employee who after accepting a change of residence fails to take possession of the same, shall be charged licence fee for such residence in accordance with the provisions of sub-regulation (1) of regulation 14 in addition to the normal licence fee under Fundamental Rule 45-A for the residence already in his possession the allotment of which shall continue to exist.
- (6) In respect of changes from new to old quarters within the same group, the date of occupation of the new types will be the seniority.

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 applies for a 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: Employees to whom residences of the same type 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 at least six months from the date of approval of such exchange.

20. Maintenance of residence:

- (1) 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.

le 10 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.

ly 1. **Sub-letting and sharing of residences.**

1) (a) 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 these regulations and with the previous sanction of the competent authority and under such conditions as it may prescribe.

(b) The servant quarters, out-house, garages and stables may be used only for bonafide purposes, including residences of the servants of the allottee, or for such other purpose 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 not 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 licence fee 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 regulations or conditions.**

(1) Without prejudice to any action that may be taken under section 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 licence fee 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 connection or commits any other breach of the regulations, or the terms and conditions of the allotment or uses the residence or premises or permits or suffers the residence 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 any other disciplinary action that may be taken against him cancel the allotment.

Explanation:

- (i) In this clause, the expression 'employee' includes unless the context otherwise requires, 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) (a) If an employee sublets a residence allotted to him or any portion there-of or any of the out-houses, 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 licence fee not exceeding four times the standard licence fee under Fundamental Rule 45-A;
- (b) The quantum of licence fee 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;
- (c) In addition, the employee may also be debarred from sharing the residence for such specified period as may be decided by competent authority.
- (2) (a) Where action to cancel the allotment is 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.
- (b) 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 action 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 year.

23. Overstayal 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 damage charges 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 licence fee under Fundamental Rules, 45-A or twice the pooled standard licence fee under Fundamental Rule 44-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 to 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 employee or type of residences.

Foot Note: Principal Regulations published in the Gazette of India on 28th March 1980 with GSR 150 (E) with subsequent amendments Published with

- i) GSR 256(E) dated 3rd March 1993
- ii) GSR 595(E) dated 31st December 1996
- iii) GSR 30(E)* dated 22nd January 1997
- iv) GSR 364(E)* dated 16th May 2001