

XIV.—REGISTER AND PLANS OF BUILDINGS.

(a) REGISTER OF BUILDINGS.

261. Each Superintending Engineer will keep a register (in Public Works Department Form No. 126) of all buildings in-charge of the Department within his circle and each Executive Engineer

a similar register of all the buildings within his division. In these registers the value of the land comprised in a property will be shown separately from the values of the building or buildings thereon, the value of each separate structure being also shown separately. In the case of purchased property the price will be apportioned between the various items comprising the property e.g. land main buildings, servant quarters, compound wall, well etc. The registers will also show whether the building is to be maintained at the cost of Union or State Funds.

(b) PLANS OF BUILDINGS.

262. In the case of buildings and works borne on the Registers of the Public Works Department, the Executive Engineer will be held responsible that plans of such buildings are corrected on completion of any alterations.

B- Residences for Government officials.—

263. The rule regulating the provision of residences for Government officials are laid down in Fundamental Rules, 45, 45A, and 45C and rules thereunder which are reproduced below for conveniences of references. These rules apply to residences leased requisitioned acquired or constructed at the expenses of the Government and supplied to an officer under its administrative control. They apply also to residences belonging to the Union Government but under the control of the State Government acting as agent to the President of India which are supplied by the Government to Government servants under its administrative control but paid from Union Revenues.

FUNDAMENTAL RULES 45

45. The following rules shall govern the Allotment of building owned or leased by Government of such portions thereof to officers for use by them as residences and circumstances in which an officer shall be considered to be in occupation of a residence.

RULES

1. *Allotment of Residences*—(i) Buildings acquired, constructed, or leased, by Government for the occupants of particular posts shall ordinarily be occupied by the officers holding those posts.

(ii) Where any question is raised as to which officer has the prior title to occupy a particular house, or if no officer wishes to occupy a house, as to which officer shall be required to pay rent for it, the question shall be decided by the Collector and the Superintending Engineer sitting together.

When there is any difference of opinion between the Superintending Engineer and the Collector in the matter of allotment of quarters, the question shall be submitted to the Government for orders.

(iii) In the city of Madras, houses will be allotted to applicants in consideration of the general public convenience and priority of application by the Secretary to Government, Public Works Department, and the Chief Secretary sitting together.

Provided that nothing contained in this sub rule shall apply to the allotment of the official residence "Brodie Castle".

(iv) It will be the duty of the Executive Engineer to report every case of vacancy as soon as it is known that it is likely to arise and to take prompt steps to ensure that no house is allowed to remain vacant for a day longer than is unavoidable.

2. *Exchange of Residential Buildings by Officers of the Same Station* Any two officers at a station may exchange the buildings allotted to them with each other as a purely private arrangement, but each officer will continue to be responsible for the rent of the building assigned to him.

3. *Sub-Letting of Residences*—The sub-letting of an official residence may be permitted only under the following conditions.—

(i) The previous sanction of Government should be obtained for sub-letting;

(ii) The officer will still remain, personally responsible for the rent and for any damage caused to the building beyond fair wear and tear;

(iii) Government will not recognize the sub tenancy;

(iv) The rent to be charged by the Officer to his tenant should not, except with the sanction of the State Government in special circumstances exceed the rent paid by the officer to Government.

(v) Sub tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided.

4. OFFICERS ON LEAVE—An officer who goes on leave should be held to have ceased to be in occupation of the building from the date of commencement of leave, unless for any reason, a competent authority decides otherwise.

NOTE 1—The local administrative head of the department may grant permission to occupy Government quarters to officers proceeding on leave on average pay not exceeding six months; in other cases the permission of Government is necessary.

A Government servant in last grade service, whether permanent or not, proceeding on leave without allowance for a period not exceeding one month, may be permitted to occupy Government quarters during the period of leave on payment of rent at concessional rates. Such permission will be granted by the authority competent to make a permanent appointment to the post held by the Government servant.

NOTE 2—Omitted.

NOTE 3—The Director of Agriculture may permit Government Servants on transfer to retain upto a maximum period of one month the Government quarters allotted to them in their previous posts.

NOTE 4—The Collector of the Nilgiris may sanction the retention of Government quarters by Government Servants on transfer at their old station for a period not exceeding three months.

5. An incumbent, whether permanent or temporary of an appointment, for whose benefit a house has been constructed purchased or leased by Government under the conditions specified in paragraphs 265 and 266 of the Tamil Nadu Public Works Department Code will be held responsible for the prescribed rent during his tenure of the appointment. In the following cases, however, no rent will be recovered, provided that the head of the department or the authority competent to make a permanent appointment to the post for the incumbent of which the house is intended furnishes a certificate to the officer responsible for the recovery of rents that the conditions laid down are satisfied --

(i) When an officer is holding as a temporary measure under F.R. 49, an appointment to which a Government residence is attached, in addition to his substantive appointment and does not actually occupy the house.

(ii) When an officer in addition to the duties of such an appointment carries on the duties of another appointment which preclude him from occupying the house.

(iii) When an officer is officiating in an appointment for a period not exceeding one month and does not wish to occupy the house; and

(iv) When an officer is officiating in an appointment for a period not exceeding two months and the circumstances are such as to preclude him from occupying the house.

NOTE.—An officer who is merely discharging the current or routine duties of an appointment to which an official residence is attached is not bound to occupy it and should not be considered as incumbent of the appointment for purposes of recovery of rent.

Delegation.—The Collector of Districts are empowered to furnish a certificate for the non-recovery of the rent in respect of officers of the Revenue Department. In the case of other departments, the District Officers and the Regional Officers are empowered to issue such certificates.

Rules.—Convention regarding reimbursement by the Government of India to State Governments and *vice versa* of the difference between the standard rent of buildings and rent actually recovered from their officers occupying them.

I (a) The Government of India and the Governments of Tamil Nadu, Uttar Pradesh, East Punjab, Madhya Pradesh and Assam have mutually agreed that when an officer of one of these Governments occupies by official arrangements a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered.

(b) The Governments of Maharashtra, West Bengal, Bihar and Orisa having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (a) above will be that the Government providing the residence will claim from the officer the rent which would be recoverable from him, if he were serving under its

administrative control; and will be paid by the Government under whose administrative control he is serving the difference, if any, between the rent recoverable from him and the standard rent calculated for the residence under rule.

Recovery of rent in excess of 10 per cent emoluments.

(2) Under Clause IV (c) (ii) of rule 45-A Government may recover rent in excess of 10 per cent of a Government Servant's emoluments, but not in excess of the standard rent as defined in Clause III of the rules.

(3) A Government servant who at his own request is supplied with the residence owned or leased by Government of a class higher than that for which he is eligible when a house of his class is available for him, shall be charged the full standard rent and shall not be given the benefit of 10 per cent concession granted by clause IV B (b) of rule 45A.

(4) All District Magistrates having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences allotted to the officers. As the cost of housing of these guards is to be borne by the Police Department the question arose whether the cost of erection of these quarters could not be excluded from the Capital cost of the residences for the purpose of calculating the standard rent to be recovered from the officer concerned. Government shall have, under rule 45, the power to exclude the cost of quarters under reference from the capital cost of the residences for the purposes of fixing standard rent.

(5) When a Government servant is permitted to occupy Government quarters during leave, rent should be recovered from him at the rate at which he is allowed to pay while on duty.

(6) The term The Local Administrative head of the department occurring in the Note below rule 4 under Rule 45 includes heads of offices also.

(7): (i) When residential buildings owned, leased or requisitioned by Government are allotted to Union Government servants at their own request, full rent of the buildings should be charged from them. If, however, the accommodation is provided at the official request of the appropriate authority, rent should be recovered at 10 per cent of the emoluments of the person concerned.

(ii) The residential accommodation provided to Union Government Servants in accordance with instructions in sub-paragraph (i) above, should conform to the standards of accommodation laid down by Government for their own officers. In cases of officers who are allotted accommodation of a higher class at their own request than that to which they are entitled, according to the standards, full rent of the buildings should be recovered from them even though the accommodation may have been procured under official arrangements.

NOTE.—The term 'full rent of the buildings' occurring in sub-paragraph (i) and (ii) will mean the standard rent in the case of buildings owned by Government and the actual rent payable plus incidental charges in the case of leased requisitioned buildings.

FUNDAMENTAL RULE 45-A I AND II.

45-A. I. This rule applies to member of the State and Subordinate Services, Members of work-charged Establishments and Menials paid from contingencies, Holders of Special posts and the Members of all India Services under the Administrative control of Government.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and Electric installations and fittings and the cost or value of the site (including expenditure on its preparation) and shall be either,

(a) The cost of acquiring or constructing the residence any capital expenditure incurred after acquisition or construction or when this is not known,

(b) The present value of the residence--

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Illustrations.—The cost of replacing palmyrah rafters by Kari-marudu or bamboo hurdling by teak wood reepers or lime plastering by cement plastering should not be added to the capital cost of building. The cost of deepening a well in order to restore the normal water-supply should not be added to the capital cost of a building. But the cost of replacing country tiles

by Mangalore tiles or mud compound wall by a wall of brick in mortar plastered with cement or a cement floor by tiles should be dealt with in accordance with clauses (a) and (b) of paragraph 93 of the Tamil Nadu Public Works Department Code.

NOTE.—Deleted.

Provided that—

(i) Government may make rules providing the manner in which the present value of residences shall be determined;

(ii) For purposes of sub clause (a) above, the expenditure incurred on such works as.—

(a) Raising, levelling and dressing sites-

(b) Construction of revetments, retaining walls; and

(c) Storm water drainage shall be regarded as expenditure upon the preparation of sites.

(iii) Government may, for reasons which should be recorded authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation.

(iv) The capital cost, howsoever calculated, shall, not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government or (2) in other cases, the estimated amount of such charges.

(v) Government may for reasons which should be recorded write off a specified portion of the capital cost of a residence—

(a) When a portion of the residence must be set aside by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business or.

(b) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided.

(c) In assessing the cost or value of the sanitary, water-supply and electric installations and fittings Government may by rules determine what are to be regarded as fittings for this purpose.

FUNDAMENTAL RULE 45-A III.

45-A III--The Standard rent of a residence shall be calculated as follows:—

(a) (i) In the case of a leased residence, the sum paid to the lessor.

(ii) In the case of a requisitioned residence the standard rent shall be the compensation payable to the owner of the building, plus in either case an addition determined under instructions given below, for meeting during the period of lease or requisition, as the case may be, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be charged on the Government and for the interest on such capital expenditure as also for municipal and other taxes in the nature of house or property tax, payable by the Government in respect of such residence.

NOTE.—For the purpose of this clause, the additions for both the ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges except to the extent allowed under proviso (iv) to clause II.

INSTRUCTIONS.

Additions and alterations to leased residences

In the event of any addition or alteration to the building being made with the consent of the owner subsequent to the signing of the lease at the request of the occupant and at Government expense, the following rules should govern the recovery of rent.

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of that work less an allowance for deterioration, which should be fixed before the work is done, the standard rent will be raised so as to cover.

(a) Such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works on the capital cost of additional work;

(b) the percentage or amount fixed for deterioration,

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Government.)

OR

(ii) If the landlord refuses to accept any liability for the additional work, the standard rent will be raised so as to cover during the period of the lease.—

CHAPTER III

(a) the capital sum expended, including interest at such percentage rate as may be prescribed from time to time as the standard of return on productive irrigation works;

(b) the annual estimated charges for maintenance and repairs of the additional work.

NOTE—The standard rent should be fixed when the work is completed. In case (i) the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In the case (ii) interest will be calculated on half the amount of the outlay,

(b) In the case of residential buildings owned by Government the standard rent shall be calculated at 7 per cent per annum on the capital cost of the buildings.

NOTE.—Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence to be made during such period as the rules may determine without the rent of the residence being increased.

(c) In both cases, standard rent shall be expressed as standard for a calendar month and shall be equal to one twelfth of the annual rent as calculated above.

The standard rate of rent of a building shall be fixed at the nearest half-rupee or rupee as indicated below—

In regard to rents of Rs. 5 and above, fractions of 50 paise and over shall be treated as one rupee, those below 50 paise being ignored. In regard to rent below Rs. 5 fractions of 25 paise and above but below 75 paise shall be taken as 50 paise ignoring the fractions below 25 paise and fractions of 75 paise and above shall be rounded off as one rupee.

FUNDAMENTAL RULE 45-A. IV

IV. When Government supplies an officer with a residence leased or requisitioned or owned by Government, the following conditions shall be observed--

(a) The scale of accommodation supplied shall not except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless, in any case, it be otherwise expressly provided in these rules, he shall pay (i) rent for the residence at 10 per cent of his monthly emoluments irrespective of the Standard rent except in cases where a higher rate of rent has been fixed and shall forego the house rent allowance and

(ii) Municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

NOTE--For the purposes of clauses III and IV (b) (ii) of rule 45-A, the portions of property tax levied on Government buildings by local bodies representing water, drainage, lighting and scavenging taxes shall be treated as being not in the nature of house or property tax.

(c) Notwithstanding any thing contained in sub clause (b) above Government may.--

(i) at any time, after the standard rents have been calculated under the provisions of clause III above, group a number of residences whether in a particular area or of a particular class or classes; for the purpose of assessment of rent, subject to the following conditions being fulfilled.--

(1) That the basis of assessment is uniform; and

(2) That the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments;

(ii) By general or special order, provide for taking a rent in excess of that prescribed in sub-clause (b) above from an officer--

(1) Who is not required or permitted to reside on duty at the station at which the residence is supplied to him or

(2) Who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him or.

(3) Who is in receipt of a compensatory allowances granted on account of dearness of living or.

(4) Who is permitted to sub-let the residence supplied to him or.

(5) Who sub-lets without permission the residence supplied to him or.

(6) Who does not vacate the residence after the cancellation of allotment.

Instructions under rule 45A IV (c) (ii) (1) and (2)

When a Government servant who is provided by Government with a residence attached to the post held by him occupies for his own convenience, an additional residence either at or outside the headquarters or, occupies accommodation at the headquarters in excess of that appropriate to his status, the standard rent as defined in rule 45A III (b) or 10 per cent of salary or the concessional rate that may be applicable to him, whichever is least, should be recovered for the residence attached to the post held by him. The full standard rent as defined in rule 45A (iii) (b) should be recovered, for the additional residence or the additional accommodation occupied by the Government servant at or outside his headquarters, irrespective of his salary or of the recovery of rent for the residence attached to the post held by him.

2. When a building is leased by Government for an officer who is not entitled to rent free quarters the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the building.

(d) When rent has been recovered short through an error in calculation of standard rent or through mistake or inadvertance, the Government servant shall pay the deficiency on demand made within twelve months from the date on which the short recovery was made in such number of instalments as the Government may direct.

(e) (i) Where the standard rent of a residence cannot be determined for reasons to be recorded in writing at the time of its allotment the Government servant shall pay such rent as may be fixed by the Government on the basis of the actual expenditure on the construction or the cost of acquisition of the building the cost of fittings therein and the known and anticipated liabilities relating thereto plus 10 per cent of the amount so arrived at or 10 per cent of his monthly emoluments, whichever is less.

(ii) The rent so fixed shall remain effective until the last date of the calendar month in which the standard rent for the residence is determined.

(iii) In addition to the rent referred to in sub-clause (e) (i) a Government servant shall pay municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax and compensation for the charges, payable by the Government in respect of the services provided for the residence.

(f) Notwithstanding anything contained in Sub-clause (e) (i) if recovery for rent is made from a Government servant in respect of the residence allotted to him in accordance with that sub-clause or on any other basis adopted before the 6th January 1964, in respect of that residence and the standard rent for that residence has not been determined, the rent so recovered shall be deemed to be the rent for that residence recoverable under the rules.

Instructions:

In the case of Government servants occupying Government residential buildings, rent shall be recovered from them for the period of their occupation during joining time on transfer at the rates at which they are payable before their transfer.

Rent shall be recovered at the same rates from Government servants on transfer who are allowed to occupy Government residential buildings beyond their joining time, because neither, the Government servants holding additional charge of the posts nor the incoming regular incumbents of the posts for whom the said buildings are intended are in need of them for the period of such extended occupation, provided that the new posts to which the Government servants are transferred do not carry higher scales of pay. In cases where the new posts to which the Government servants are transferred carry higher scales of pay their enhanced rates of pay shall be taken into consideration for calculating rent at 10 per cent of their emoluments from the actual dates of their joining the new posts.

Rent shall also be recovered at the rates specified in the first paragraph from Government servants on transfer, proceeding to new stations during their joining time and occupying the Government residential buildings attached to such posts, if vacant earlier than actually taking over charge of the new posts, for the period of such occupation during joining time.