

Copy of :-

GOVERNMENT OF TAMILNADU  
ABSTRACT

BUILDINGS- Government Residential Quarter- Overstayal  
in Public works Department Quarters by occupants even after  
transfer & retirement etc., & Collection of penal rent instead  
of market rate of rent. Order - Issued  
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PUBLI WORKS DEPARTMENT

G.O.(Ms) No. 821

Dated 19th May 1988

Read:-

From the Chief Engineer (Buildings) PWD, letter  
No. EC(1) 7-497/79 dated 22.3.1984

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ORDER:

As per G.O.Ms.No. 608 Public Works dated 23-4-78 and G.O.Ms.No. 590 PWD, dated 3-5-88, Government Servants who are transferred after 1st september are permitted to retain the quarters on Government's specific orders upto the academic year and on payment of market rate of rent with effect from the date of joining in the new station. If an occupation is ~~more~~ ~~as per~~ Government on leave exceeding 180 days, market rate of rent is levied as per Government Memo. 75785/H2/7853 dated 28-11-79. The family of deceased Government servants can retain the quarters for a period of 3 months from the date of death, or the end of the academic year, whichever is later, at the normal rate of rent and thereafter pay the market rate of rent as per G.O.Ms.No. 967 PWD, dt. 20.6.75. Retired Government servants are allowed to retain the quarters for one month only from the date of retirement on payment of market rate of rent and it is levied till the end of the extended period.

2. The Chief Engineer (Buildings) in his letter, read above has stated that the term "Market" rate of rent as mentioned in paragraph 275 of the PWD code as further amended in G.O.Ms.No. 910 PWD, 21.6.76 is the rate of rent prevailing in the locality for similar accommodation belonging to private owners and it should not be less than the rent calculated by taking into account 7% of interest on the capital cost of the building; moreover, Note 3 under the paragraph required provision of the market rate of rent once in 3 years. He has also stated that in calculating the market rate of rent the following factors are taken into consideration:

- |       |  |                |
|-------|--|----------------|
| (i)   | Cost of Land                             |                |
| (ii)  | Building cost, (i.e) Replacement at cost |                |
| (iii) | Water supply installations               | .. 7.5% on (2) |
| (iv)  | Sanitary installations                   | .. 7.5% on (2) |
| (v)   | Electrical installations                 | .. 7.5% on (2) |

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3. The Chief Engineer (Buildings) has stated that it is found very difficult to calculate the market rate of rent for each and every quarter since market value of the land is varying from time to time, it is considered not feasible to workout market rate of rent for all the quarters; moreover, plus area rates are being revised annually and so, it consumes a lot of labour and time to workout market rate of rent for all quarters every year. Again, fixation of market rate of rent, is being delayed for years for want of land cost from the concerned office and that the delay caused on account of this results in loss of revenue to Government. The Chief Engineer (Buildings) has also stated that calculation of market rate of rent has become cumbersome due to uncertainty regarding land cost, which is to be fixed by the Revenue Authorities. The plus area rates for which the replacement cost of the building is to be worked out, are subjected to provision year after year. The Chief Engineer (Buildings) has added that the Agents/Executive Engineers in divisions are not in a position to fix the market rate of rent for all the residential quarters even after 3 years because of other pressing items of work. Moreover, this work naturally increases the volume of work in the various divisions and in the office of the Accounts General-II (Works Audit Branch) Nandanam, Madras-36.

4. The Chief Engineer (Buildings) has therefore, proposed a special rate of rent called "PENAL" rate of rent in respect of the existing "Marketing rate of rent" to be adopted in all cases of PWD buildings. He has suggested that the penal rates of rent may be calculated as follows:-

- (a) In case of extension granted by Government for the occupancy of the quarters beyond the date of retirement or transfer etc., the penal rate may be one and half times if the rent last paid (the rent last paid is the normal rate of rent plus House Rent Allowance)
- (b) In cases of continued occupation of the quarters without proper authority after retirement or transfer etc., the penal rate may be three times of the rent last paid (the rent last paid is the normal rate of rent and House Rent Allowance)

5. The Government, after careful examination, approved the proposal of the Chief Engineer (Buildings) to collect the penal rent from the Government servants who occupy the Government PWD quarters even after their retirement and transfer etc., instead of Market rate of rent as was collected hitherto. Accordingly, they issue the following orders:-

- (i) In cases of extension granted by the Government for the occupancy of the Public works Department quarters beyond the date of retirement or transfer etc., the penal rate may be one and half times of the rent last paid.

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(ii) In cases of continued occupation of the quarters without proper authority after retirement or transfer etc., three times of the rent last paid.

6. This order issued with the concurrence of the Finance Department - vide No. U.O. No. 41263/ All. II/SS-1, dated. 2-5-58.

(BY ORDER OF THE SECRETARY)

V. SANKRASHUBALIAN,  
Comptroller & Secretary to Government

The Chief Engineer, PWD(BUILDINGS) Madras-5.

/true copy/