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**Government of Jammu and Kashmir
General Administration Department**

Subject: The Jammu and Kashmir Estates Department (Allotment of Government accommodation) Regulation, 2004 - enforcement thereof.

Reference: Cabinet Decision No. 26/2 dated 25-01-2004.

Government Order No. 109 - GAD of 2004
D a t e : 10 - 02 - 2004

In supersession of all orders on the subject, it is hereby ordered that administration of residential accommodation under the control of the Estates Department and related matters shall be governed by the Jammu and Kashmir Estates Department (Allotment of Government accommodation) Regulations, 2004 appended to this Government Order.

This order shall come into force with immediate effect.

By order of the Government of Jammu and Kashmir.

Sd/-
Principal Secretary to Government
General Administration Department

No. GAD(Adm)Estates/2004

Dated: /02-2004.

Copy to the:-

1. All Financial Commissioners.
2. Director General of Police.
3. All Principal Secretaries to Government.
4. Principal Secretary to Hon'ble Chief Minister.
5. All Commissioner Secretaries to Government.
6. Secretary to His Excellency the Governor.
7. Divisional Commissioner/Jammu/Kashmir.
8. Secretary to the Legislative Assembly and Council.
9. All heads of Departments.
10. Director Information, J&K, Jammu.
11. Director Estates.
12. All Deputy Commissioners.
13. Special Secretary (Services), General Administration Department.
14. Secretary, J&K Public Service Commission/Services Selection Board.
15. General manager, Government Press Jammu/Srinagar.
16. Deputy Secretary to Chief Secretary.
17. PS to Principal Secretary to Government, GAD.
18. Government Order file/Stock file.

V. Patha
9/1/04
Under Secretary to Government
General Administration Department

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**REGULATIONS GOVERNING ALLOTMENT OF RESIDENTIAL
ACCOMMODATION OF THE ESTATES DEPARTMENT-**
ANNEXURE TO GOVERNMENT ORDER NO 169-GAD-1 DATED 10-2-2004

- 1- **Short title and commencement :-** (1) These regulations may be called the Jammu and Kashmir Estates Department (Allotment of Government accommodation) Regulations, 2004.
- (2) These shall come into force with immediate effect.
- 2- **Definitions :-** In these regulations, unless the context otherwise requires :-
- (a) "Government" means Government of Jammu and Kashmir.
 - (b) "Estates Department" means the Department of the Government in the Civil Secretariat having administrative control over Estates.
 - (c) "Director" means Director of Estates, Government of Jammu and Kashmir and includes Deputy Directors of Estates.
 - (d) "Officer" means any person serving with the Government in any capacity
 - (e) "Pay scale" means the pay scale prescribed for a post held by a officer in terms of relevant Pay Rules
 - (f) "Family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, unmarried brothers or sisters as ordinarily reside with and are dependent on the Government employee.
 - (h) "Allotment" mean the grant of licence to occupy a residential accommodation in accordance with the provisions of these regulations.
 - (i) "Type" in relation to an Officer means the type of residential accommodation to which he is entitled under these regulations.
 - (j) "Residential accommodation" means the residence allotted in favour of an Officer by the Estates Department under these regulations.
 - (k) "House" in relation to an Government employee or member of his family means a building or part thereof used for residential purpose and situated within the jurisdiction of a local municipality.
 - (l) "Eligible Office" means an office, the staff of which has been declared by the Government as eligible for accommodation under these regulations
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- (m) "Allotment year" means the year beginning on 1st January or other such period as may be notified by the Government in this behalf.

Explanation :- Pay scales held by a Government employee in terms of J&K Higher Standard Pay Scale Rules (INSITU) shall not be taken into consideration for purposes of allotment in terms of these regulations.

- (n) "Licence fee" means the sum of money payable in accordance with the provisions of these regulations.
- (o) "Priority date" of an officer in relation to a type of residence to which he is entitled under the provisions of these regulations means the earliest date from which he has been continuously drawing basic pay relevant to such type of accommodation.

"Provided that where the priority date of two or more Officers is the same, the Officer in receipt of higher pay will have the precedence. Where the basic pay is equal by the length of eligible service and where both the basic pay and length of eligible service are equal, the Officer working on a higher post having higher scale of pay will have precedence."

- (p) "Transfer" means a transfer to Jammu or Srinagar from any other place or from an ineligible Office to eligible Office in Jammu or Srinagar and includes a transfer or reversion to the service under State Government and also a deputation to a post in an ineligible office or Organization.

3- **Classification of residence :-** Allotment shall be made by reference to the following classification/ re-categorization :-

S.No	Type of Accommodation	Entitlements Pay scale/slabs
1.	VIP Bungalows	Hon'ble Chief Minister / Hon'ble Chief Justice of J&K High Court/ Hon'ble Speaker Legislative Assembly/ Hon'ble Chairman Legislative Council/ Hon'ble Ministers/ Hon'ble Judges of J&K High Court / Hon'ble Dy. Speaker Legislative Council/ Hon'ble State Ministers/ Hon'ble Dy. Ministers/ Chief Secretary/ Chairman PSC/ D.G. Police and equivalent level officers.
2.	Special - A Quarters	Rs.18,400 - 22,400 to Rs.22,400 - 24,500
3.	A - Type Quarters	Rs.14,300 - 18,300 to Rs.18,400 - 22,400

4.	B - Type Quarters		
5.	3-Room Sets/ C-Type Houses		Rs. 6500-10500 to Rs. 9000-14100 (Selection Grade Under Secretaries)
6.	2-Room Sets/		Rs. 4000-6000 to Rs. 5000-8000
7.	1-Room Set/ Dormitories		Rs. 2550-3200 to Rs. 3050-4910

Reservation of allotment for different categories :- (i) the residential accommodation available with the Estates Department shall be reserved as under :-

- a) 84% for move employees (60% for Secretariat employees and 40% for non-Secretariat move employees).
- b) 7% for Government employees posted outside the division of residence.
- c) 1% for Central Government employees and
- d) 3% for employees of Judiciary.
- e) 5% discretionary quota placed at the discretion of the Minister Estates for persons, other than Government employees which will include Freedom fighters, ex-legislators and media persons also.

Provided, that any case for allotment of residential accommodation to media persons may be considered against the discretionary quota on the recommendations of the Information Department.

5- Non-eligibility for allotment of residential accommodation:-

Residential accommodation shall not be allotted to:-

- a) persons who own or possess a house in the concerned city whether in proprietorship or lease or otherwise whether by themselves or through their spouses, sons, unmarried daughters or parents.
- b) Persons who are in default in the payment of license fee/furniture rent for a period exceeding one year.

6- Criteria regarding allotment to Moving employees :- The allotment of residential accommodation in the cities of Jammu and Srinagar to officers/employees moving with the annual Darbar Move of the Government from Srinagar to Jammu and vice-versa shall be made by the Estates Department in accordance with the criteria laid thereunder:-

- a) First preference for allotment of residential accommodation in Jammu shall be given to the employees belonging to Kashmir and moving to Jammu

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with annual move provided they do not have their own houses in the City in ownership or lease. This will apply mutatis - mutandis in the case of employees belonging to Jammu and moving to Srinagar likewise.

- b) Total residential accommodation as available under Regulation 4(a) will, be distributed in the ratio of 60 : 40 between the moving employees of the Civil Secretariat and the employees of other moving departments respectively with respect to types of accommodation mentioned in Regulation 3 herein below.
- 7- Allotment to husband and wife :- Eligibility in case of Officers who are married to each other. (1) No Officer shall be allotted residential accommodation under these regulations if the wife or husband as the case may be has already been allotted a residential accommodation unless such accommodation is surrendered.

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of any order or because of judicial separation made by any competent Court.

(2) Where the Officers in occupation of separate residence allotted under these regulations marry each other, they shall within one month of the marriage surrender one of the residence.

(3) If allotted residence is not surrendered as required under clause (2) the allotment of the residential accommodation of the lower type shall be deemed to have been cancelled on expiry of such period and if the residences are of the same type the allotment of such one of them, as the Estates Department may decide, shall be deemed to have been cancelled on the expiry of such period.

- 8- Application for allotment :- (1) Every Officer desirous of applying for residential accommodation shall submit his application duly endorsed by his Department in such form and manner and by such date as may be specified by the Director of Estates in this behalf.

The Director Estates shall maintain (a) on-line waiting list of the applicants for each category of residential accommodation according to entitlement under these regulations by assigning a serial number to each application and (b) allotment status for all the allottees/ applicants on the pattern of Directorate of Estates, Government of India.

A suitable software for the purpose shall be arranged by the Department of Information Technology. Till the suitable software package is introduced, the Director Estates shall maintain the waiting lists and allotment status on registers.

(3) Among the non-move employees, Heads of the Department of a particular division when posted in another division should get preference for allotment out of the quota available for non-move employees.

9- Allotment of residence :- (1) Save as otherwise provided in these regulations residential accommodation falling vacant shall be allotted by the

- (a) No officer/ official shall be allotted a residential accommodation of a type higher than that to which he is entitled to under these regulations.
- (c) No Officer shall be compelled to accept a residential accommodation of a lower type than that to which he is entitled to under these regulations subject to the willingness of the Officer.
- (d) An officer may get preference in allotment if he requests for a residential accommodation of type lower than his entitlement.

(2) Estates Department may cancel the existing allotment of an Officer and allot to him an alternative accommodation of the same type or in the emergent circumstances an alternative accommodation of the type next below the type of residential accommodation in occupation of the Officer if the residence in his occupation is required to be vacated in public interest.

10. Provision of furniture and Fixtures :- Estates Department may provide furniture and fixtures to different categories of Officers for use at their allotted residential accommodation as per his entitlement as shown in annexure "II" attached to these regulations.

11. Non acceptance of allotment or offer or failure to occupy the allotted residence :-

(1) If any officer/ official fails to take possession of the allotment of a residence within seven days and in case of moving employees within twenty days, the allotment shall stand cancelled and he shall not be eligible for another allotment for a period of one year from the date of such cancellation.

(2) If an Officer occupying residential accommodation of a lower type is allotted or offered a residence of the type for which he is entitled to under these regulations and for which he has applied, he may, on refusal of the said allotment or offer of allotment be permitted to continue on the previously allotted residence on the following conditions, namely :-

- (a) that such Officer shall not be eligible for another allotment for the remaining period of the allotment year in which he has declined the allotment of Officer;
- (b) while retaining the existing residential accommodation he shall be charged the same licence fee which he would have to take under these regulations in respect of the residence so allotted or offered or the licence fee payable in respect of the residential accommodation already in his possession, whichever is higher.

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12- Period for which allotment subsists :-
effective from the date on which possession is
continue in force till :-

(1) An allotment shall be taken by the Officer and shall

- (a) the expiry of the permissible period under these regulations after the Officer ceases to be on duty in an eligible office in Jammu or Srinagar.
- (b) it is cancelled by the Estates Department or is deemed to have been cancelled under any provision of these regulations.
- (c) it is surrendered by the Officer.
- (d) the Officer ceases to occupy the residence.

13. Retention on resignation, retirement, dismissal etc (1) An Officer may retain his allotted residence on the happening of any of the event and for the period specified below provided that the residence is required for the bonafide use of the Officer or members of his family :-

Events	Permissible period for retention of the residential accommodation.
(i) Resignation, dismissal, removal from service, termination of service or unauthorized absence without permission.	One month
(ii) Retirement or terminal leave	One month
(iii) Death of the allottee	Two months
(iv) Transfer to a place outside Jammu or Srinagar	One month
(v) Transfer outside the State	Three months
(vi) Leave (authorized)	For the period of leave
(vii) Allottee other than Government employee	One month after relinquishing of office or expiry of the period of allotment.

(2) Where a residential accommodation is retained under clause (1) above, allotment shall be deemed to have been cancelled on the expiry of the permissible period.

(3) An Officer who has retained the residential accommodation under item (i) or (ii) of clause (1) he shall, on re-employment in an eligible office within the period specified in the said clause, be entitled to retain the residential accommodation and shall also be eligible for any further allotment of residential accommodation under these regulations;

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such Officer either forthwith or with effect from such date prior to expiry of the period referred to in clause (1) as he may specify and the Estates Department shall act accordingly.

14. Charging of licence fee and Furniture rent :- (1) The Government shall charge such licence fee and rent for the furniture issued to different category of officers for their residential accommodation as it may determine from time to time. However, the Government may charge different licence fee and furniture rent from the persons other than Government employees.

(2) The liability for payment of licence fee shall commence from the period of occupation or acceptance of residential accommodation.

(3) Where an Officer, who is in occupation of a residential accommodation is allotted another residential accommodation and he occupies the new residential accommodation, the allotment of the former residence shall be deemed to have been cancelled from the date of occupation of the new residential accommodation. He may, however, retain the former residential accommodation without payment of licence fee for that day and the subsequent day for shifting. If the former residential accommodation is not vacated by the subsequent date as aforesaid, the Officer will be liable to pay for use and occupation of the residential accommodation, services, furniture and Garden charges as may be determined by the Government from time to time with effect from the date they are taking possession of the later residential accommodation.

15. Personal liability of the officer for payment of licence fee/ furniture rent will the residential accommodation is vacated :-

(1) The Officer to whom a residential accommodation has been allotted shall be personally liable for the licence fee thereon and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services provided therein by the Estates Department during the period for which the residential accommodation has been and remains allotted to him or where the allotment has been cancelled under any of the provisions of these regulations, until the residence alongwith out-houses and apartments have been vacated and vacant possession has been restored to the Estates Department.

(2) Where the Officer to whom a residential accommodation has been allotted is neither a permanent nor a quasi-permanent Government employee, he shall, execute a security bond in the form prescribed in this behalf by the Estates

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Department with a surety of a permanent Government employee serving under the State Government for due payment of licence fee and other charges due from him in respect of such residential accommodation.

(3) If the surety ceases to be in Government service or becomes insolvent or ceases to be available for any other reason, the Officer shall furnish a fresh bond executed by another surety within 30 days from the date of his acquiring knowledge of such event or fact and if he fails to do so, the allotment of the residential accommodation to him shall, unless otherwise decided by the Estates Department, be deemed to have been cancelled with effect from the date of that event.

- 16- Surrender of an allotment and period of notice :- (1) An Officer may at any time surrender an allotment by giving intimation to the Estates Department atleast five days before the date of vacation of the residential accommodation. The allotment shall be deemed to be cancelled with effect from the sixth day after the day on which the letter is received by the Estates Department or the date specified in the letter whichever is later. If he fails to give such notice, he shall be responsible for payment of lice fee and furniture rent for the number of days by which the notice given by him falls short of six days provided that Estates Department may accept a notice for a shorter period.

(2) An Officer who surrenders the residential accommodation under clause (1) shall not be considered again for allotment of residential accommodation at the same station for a period of one year from the date of such surrender.

- 17- Maintenance of residence - The Officer to whom a residential accommodation shall maintain the residence and premises in a clean condition to the satisfaction of Estates Department.

- 18- Subletting and sharing of residence :- No Officer shall share the residential accommodation allotted to him or any of the out-houses, garages or apartments with it to any body except his family members or sublet the same. The servant quarters, out-houses and garages may be used only for bonafide purposes including residence of the servants of the allottee or for such other purposes as may be permitted by the Estates Department.

- 19- Retention of residential accommodation by move employees :- (4) Moving employees can retain their allotted residential accommodation in the winter/summer capitals of the State on proper application and retention orders thereof issued by the Estates Department provided that such accommodation is to be used by their families for study of their children or for a bonafide reason to be mentioned in the application form.

(2) Any Officer who has retained the residential accommodation after proper retention orders, if found having sublet the accommodation to some other person shall be liable for departmental action under rules for the time being in force and his allotment shall stand cancelled. No further allotment of residential accommodation shall be made in his favour.

(3) The licence fee for such period of sub-letting will be recovered from the erring Officer at the market rate or ten times of the normal licence fee paid by him whichever is higher.

(4) The Officer who does not retain accommodation at Srinagar or Jammu after Durbar Move shall hand over the possession of the residential accommodation along with furniture/ furnishing articles to the Estates Department against proper receipt. If the residential accommodation is kept locked by the allottees, the licence fee for the period the residential accommodation is kept locked and charges for the furniture and fixtures shall be borne by him.

(5) The Officer who is a bonafide allottee shall be responsible for all furniture/ furnishing articles issued for his residence by the Estates Department on his requisition and shall get these tallied with Estates Department periodically.

(6) The Officer shall maintain the residence and furniture and furnishing articles in good condition and abnormal wear and tear of these articles shall be the responsibility of the said Officer.

Breach of Regulations :- (1) If an Officer to whom a residential accommodation has been allotted, sublets the residence or shares it with unauthorized person(s) or erects an unauthorized structure in any part of the residential accommodation or uses any portion of it for any purpose other than that for which it has been allotted or tampers with electric or water connections or commits any breach of these regulations or of the terms and conditions of allotment or uses the residential accommodation or permits it to be used for any purposes which the Estates Department considers to be improper or conducts himself in a manner which, in the opinion of the Estates Department, is prejudicial to the maintenance of harmonious relations with neighbours or has knowingly furnished incorrect and false information in any application or written statement with a view to secure the allotment, the Estates Department may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residential accommodation.

Explanation : (1) The expression "Officer" for purposes of this clause includes a member of his family.

(2) If an Officer sublets a residence allotted to him or any of the out-houses, garages, or apartment thereto in contravention of these regulations, he may, without prejudice to any other action that may be taken against him, be charged ten times the normal licence fee or market rent whichever is higher.

(3) Where action to cancel the allotment is taken on account of unauthorized/ subletting of the premises or part thereof by allottee, period of two days shall be allowed to the allottee and other persons residing therein to vacate the premises. The allotment shall stand cancelled with effect from the date it is subletted.

(4) Where the allotment of a residential accommodation is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the Officer may be allotted another residential accommodation of the same type at any other place by the Estates Department.

21- Any Officer aggrieved by an order passed under these regulations may prefer an appeal within 15 days of such to the Minister i/c Estates.

22- Delegation of powers - Cases of all fresh allotments shall be placed before the Hon'ble Chief Minister through the Chief Secretary for consideration and approval:

Provided that the Director Estates will dispose of the following cases under prevalent rules -

- (a) Renewal/change/ of allotments which are otherwise covered under rules.
- (b) Eviction of unauthorized occupants.
- (c) Providing of Hotel type accommodation to be hired by the Government for such purposes.

23- Continuance of allotment made prior to these regulations :- Allotments made by the Estates Department from time to time or the residential accommodation of the Estates Department in possession of any employee/ person which are not in accordance with these orders shall be deemed to be unauthorized except in the case of sitting Hon'ble MLAs/ MLCs and shall be terminated in respect of non-entitled persons for readjustment in respect of entitled persons wherever necessary

24- Interpretation of Regulations - If any question arises as to the interpretation of these Regulations, it shall be referred to the Government for a decision and such decision shall be final

25- Relaxation - The Government may, for reasons to be recorded in writing, relax any of the provisions of these regulations in case such regulation operates harshly in any particular case