

**VISAKHAPATNAM PORT EMPLOYEES
(ALLOTMENT OF RESIDENCES)
REGULATIONS, 1968**

In exercise of the powers conferred by section 123 of the Major Port Trusts Act, 1963 (38 of 1963) Visakhapatnam Port Trust Board, hereby makes the following first Regulations the same having been approved by the Central Government under Section 124 of that Act, namely:

1. Short title and commencement:

- (1) These Regulations may be called the Visakhapatnam Port Trust Employees (Allotment of Residences) Regulations, 1968.
- (2) They shall come into force on the date of their publication in the official Gazette w.e.f. 05-12-1968.

2. Application:

These Regulations shall apply to the allotment of residences to all employees in the Port of Visakhapatnam.

3. Definitions:

In these Regulations, unless the context otherwise requires:-

- (a) 'Allotment' means the grant of a licence to an employee to occupy a house owned leased or requisitioned by the Board or a portion thereof for use by him as residence.
- (b) "Allotment year" means the year beginning on 1st January or such other period as may be notified by the Board.
- (c) "Board", "Chairman" and "H.O.Ds" have the meaning respectively assigned to them in the Major Port Trusts Act, 1963.
- (d) "Eligible office" means an office under the Board which has been declared by the Board as eligible for recommendation under these Regulations.

N.B.: "References in the Regulations to the word 'Rent' shall be constituted as reference to the words "Licence fee" and these Regulations shall be deemed to have been amended accordingly".

- (e) "Emoluments" means the emoluments as defined in FR-45-C but does not include the compensatory allowances.

Explanation: 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 suspension in the first day of the allotment year, the emoluments drawn by him immediately before that 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) "Rent" means the sum of money payable monthly as determined by the Board from time to time in respect of a residence allotted under these Regulations.
- (h) "Residence" means any residence for the time being under the administrative control of the Chairman or the officer appointed for the purpose by the Board.
- (i) "Sub-letting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person.

Explanation: Any sharing of accommodation by an allottee with members of the family as defined in Clause-(f) shall not be deemed to be "Sub-letting".

- (j) "Type" in relation to an employee means the Type of residence to which he is eligible under Regulation-6.

4. Ineligibility of employees owning houses for allotment under these Regulations:

- (1) No employee shall be eligible for allotment of accommodation under these Regulations or, if he is already in occupation of such accommodation, to its continued retention if-
 - (a) he owns, or has, since the allotment of accommodation 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 a house which is located within 12 KM of the place of his duty and in which he can, in the opinion of the Board, reside consistently with his official position; or
 - (b) his wife or any dependent child owns, or has since the allotment of accommodation under these Regulations, become the owner, in full or part of a house which is located within 12 KM of the place of his duty and in which he can in the opinion of the Board, reside consistently with his official position;

Explanation:- I. In this sub-regulation, an employee is said 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 to benefit such other person; and
- ii. the employee is in actual or constructive possession of the house or enjoys its rents or profits.

Explanation-II: For the purposes of this sub-regulation, an employee shall be deemed to be the owner of a house if he is in possession thereof under an agreement of sale although the title has not been conveyed to him.

(2) (a) Any employee who subsequent to the date of his making application for allotment of accommodation under these Regulation becomes ineligible for such allotment under Clause (a) or Clause (b) or sub-regulation (1) shall notify the fact to the Head of his department within a period of seven days from the date of the acquisition of a house by him or his wife or any dependent child.

(b) If an allotment has already been sanctioned, such allotment shall be cancelled immediately and the employee shall vacate the accommodation forthwith.

(3) Notwithstanding anything contained in sub-regulation (1) and (2), the Board may allot or re-allot accommodation to an employee, if -

(a) the house owned by him, or by any member of his family has been requisitioned by Government; or

(b) it is proved to the satisfaction of the Board that such house was given out on lease;

(i) before the posting of the employee for service under the Board; or

(ii) before the acquisition of such house by him, or by any member of his family.

and the Board is satisfied that it is not possible for the loss or for reasons beyond his control to obtain vacant possession of the house.

(4) Notwithstanding anything contained in this Regulations:

- (i) employees who own private accommodation within the specified distance limits of their place of duty, and who were under earlier orders declared ineligible for allotment of accommodation will also be eligible for allotment of accommodation in their turn on the basis of the normal allotment rules; and
 - (ii) all such employees shall, however, be charged rent at the rate of the standard rent calculated under F.R. 45-B.
- (5) Allotment to husband and wife: Eligibility in cases of employees who were married to each other -
- (1) No employee shall be allotted a residence under these Regulations if the wife or the husband, as the case may be, if the employee as 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 the month of the marriage surrender one of the residence.
 - (3) If a residence is not surrendered as required under Sub-Regulation (2), the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of such one of them as the Chairman or the Officer appointed for the purpose by the Board may decide shall be deemed to have been cancelled on the expiry of such period.
6. "Orders issued by the Central Government from time to time, for the reservation in allotment of Type-I, Type-II, Type-III and Type-IV quarter to Scheduled Castes and Scheduled Tribes, shall apply mutatis-mutandis, to allotment covered by these regulations".
7. Classification of Residences:
- Save as otherwise provided by these Regulation, an employee shall be eligible for allotment of a residences of the type shown in the Table follow:

Type of residence	Existing monthly emoluments of employees as on the first day of the allotment year in which the allotment is made w.e.f. 1-1-92 in respect of Class I & II Officers and 1-1-93 in respect of Class-III & IV employees	Proposed monthly emoluments of employees as on the first day of the allotment year in which the allotment is made consequent on revision of pay scales w.e.f. 1-1-97 in respect of Class-I & II Officers and from 1-1-98 in respect of Class-III & IV Employees.
(1)	(2)	(3)
1. Type-I-A single roomed existing Type-I.	Class-IV employees are eligible.	--
2. Type-II-A double roomed B.G. and existing Type-II.	All Class-III employees drawing less than Rs.2,940/- p.m.	All Class-III employees drawing less than Rs.5,760/- p.m.
3. Type-III (T.S-5 T.S-14) PLP & Existing Type-III Quarters	All Class-III employees drawing less than Rs.5,690/- p.m. but not less than Rs.2,940/-	All Class-III employees drawing less than Rs.11975/- p.m. but not less than Rs.5,760/-
4. Type-IV (E-Type, existing T-IV Quarters	All Class-I & II Officers drawing pay less than Rs.5,500 but not less than Rs.4,000/-	All Class-I & II Officers drawing pay less than Rs.10800/- but not less than Rs.8,600/-
5. Type-V, All quarters in Maharanipeta, D-II and existing T-V quarters in Harbour Park extension area	All Class-I Officers drawing less than Rs.7,500 but not less Rs.5,500/-	All Class-I Officers drawing less than Rs.15100/- but not less Rs.10850/-
6. Type-VI, All Bungalows in Harbour Park and existing T-VI quarters area	All Class-I Officers drawing the pay Rs.7,500 and above	Officers drawing Rs.15,100/- and above
7. (a) Notwithstanding anything contained in Regulation-7 Board shall classify the pay ranges for purpose of allotment of various types of residences owned by the Board from time to time depending upon the revision of scales of pay of the employees of the Board.		
8. <u>Authority to allot:</u>		
Residences shall be allotted.		
(a) In the case of Class-I & Class-II Officers, by the Chairman or the Officer appointed for the purpose of the Board; and		
(b) In the case of Class-III and Class-IV employees by the Chairman or a Committee appointed by him at his discretion.		

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

- (1) If a residence is allotted to an employee and if he does not occupy the residence within fifteen days from the date of the receipt of the letter of allotment, he shall not be eligible for allotment of quarters thereafter and any house rent allowance he may be entitled to, shall also be stopped unless the Chairman, as a special case, for reasons to be recorded in writing decides otherwise.
- (2) If an employee occupying a lower type of residence is allotted a residence of the type for which he is eligible, he shall immediately occupy the higher type allotted, failing which the employee shall be made to vacate the lower type occupied by him and shall also be debarred from future allotment of quarters.

10. Period for which allotment subsists and the concessional period from 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 concession period permissible under sub-regulation (2) after he ceases to be on duty in an eligible office under the Board;
 - (b) it is cancelled by the Chairman or the Officer appointed for this purpose by the Board or is deemed to have been cancelled under any provisions in these regulations.
 - (i) it is surrendered by the employee; or
 - (ii) 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 to column 1 of the table below for the period specified in the corresponding entry to column 2 thereof.

Provided that the residence is required for the bonafide use of the employee or members of his family.

T A B L E

<u>Events:</u>	<u>Permissible period for retention of the residence</u>
i) Resignation, dismissal removal or termination of service	1 Month
ii) Retirement or terminal leave	4 months
iii) Death of the allottee	12 Months
iv) Transfer to a place outside the Port limits	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, terminal leave, medical leave or study leave)	For the period of leave but not exceeding 4 months.
viii) Leave preparatory to retirement or refused leave granted under F.R.86	For the full period of leave on full average pay subject to maximum of 4 months inclusive of the period permissible in the case of retirement.
ix) Study leave in or outside India	<p>(a) In case the employee is in occupation of accommodation below his entitlement for the entire period of study leave.</p> <p>(b) In case the employee is in occupation of his entitled type of accommodation, for the period of study leave; but not exceeding six months; provided that where the study leave extend beyond six months he may be allotted alternative – accommodation one type below his entitlement on the expiry of six months or from the date of commencement of the study leave if he so desires.</p>
x) Deputation outside India	For the period of deputation but exceeding 6 months.
xi) Leave on medical grounds (other than T.B. Leave)	For the period of leave but not exceeding eight months.
xii) Medical leave on grounds of T.B.	For the full period of leave
xiii) On proceeding on training	For the full period of training

Explanation: The period permissible on transfer mentioned against item (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 under 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 shall also be eligible for any further allotment of residence under these regulations:

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 on the occurrence of a vacancy.

- 5) Notwithstanding anything contained in sub-regulations (2) or (3) or (4), when an employee is dismissed or removed from service or when his services have been terminated and the Chairman is satisfied that it is necessary or expedient in the public interest so to do, he may cancel the allotment of the residence made to such employee either forthwith or with 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.

11. Provisions relating to rent:

- (1) (a) Where an allotment of accommodation or alternative accommodation has been accepted the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment, whichever is earlier.
- (b) An employee who after acceptance fails to take possession of that accommodation within fifteen days from the date of receipt of the allotment letter, shall be charged rent from such date upto a period of one month or upto the date of re-allotment of that particular accommodation, whichever is earlier.

- (2) (a) 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 date of occupation of the new residence
- (b) He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.
- 3) The Competent Authority may permit an employee during his temporary absence from his station to store his furniture and other property at his own risk, free of rent in the residence occupied by him immediately prior to such absence, unless
 - (a) the employee, if any, who discharges the duties of the absent employee is responsible for payment of the rent of the residence, or
 - (b) arrangements are made to allot the residence to another employee during such temporary absence.

Provided that if a claim for vacancy remissions of property tax or taxes for specific services such as water, electricity and, scavenging becomes in admissible consequent on the storage of furniture, and amount equal to the vacancy remission of tax that would otherwise have accrued shall be recovered from the Port Trust employee who enjoyed the concession:

Provided further that the permission for storage of furniture and the like, free of rent, shall be given for a limited period not exceeding eight months.

12. Personal liability of the employee for payment of rent till the residence is vacated and furnishing of surety by temporary Officers.

- (1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services provided the rein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment have been cancelled under any of the provisions of those regulations until the residence along with the out-house apartment thereto have been vacated and full vacant possession thereof has been restored to the Board.

- (2) Without prejudice to any action that may be taken under Section 130 and 131 of the Major Port Trusts Act, 1963, an employee also renders himself liable to disciplinary action such as may be decided upon by the Board for any breach of the provisions of Sub-Regulation (1).

13. Surrender of an allotment and period of notice:

- (a) an employee may at any time surrender an allotment by giving intimation so as to reach the Chairman or the Officer appointed for this purpose by the Board at least ten days before the date of vacation of the residence.
- b) The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Chairman or the Officer appointed for the purpose by the Board or the date specified in the letter, whichever is later.
- c) If he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days by which the notice given by him falls short of ten days.

Provided that the Chairman or the said Officer may accept a notice for a shorter period.

14. Maintenance of Residence:

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Board.

15. Sub-letting and sharing of residences:

No employee shall share his residence with another Port employee or sub-let his residence.

- (A) (1) Notwithstanding anything contained in Regulation-14, an employee may with the previous approval in writing of the Chairman, share the residence allotted to him with another employee of the Board entitled to accommodation or a similar scale.
- (2) The employee who has been allotted such quarter, shall be personally responsible for the payment of rent, and other charges including damages beyond fair wear and tear and the rent to be charged by him to his tenant should not exceed the house rent allowance payable to him.

- (B) (1) The Chairman/Committee/Officer appointed for the purpose may at his/its discretion, allot a quarter jointly to two employees entitled to accommodation on a similar scale.
- 2) Where joint allotment of quarters is made, both the allottees would be entitled to 50% of the House Rent allowance where otherwise admissible to them under Rules of the Port Trust.
- 3) An employee shall not be entitled to House Rent allowance if:
- i) He/She resides in accommodation allotted to his/her parents/ Son/daughter by the port Trust Board or by the Central Government, State Government, an Autonomous public undertakings or semi government organization such as a Municipality, Nationalised Banks, Life Insurance Corporation of India etc.
 - ii) His wife/her husband has been allotted accommodation at the same station by the Port Trust Board or by the Central Government, State Government, an Autonomous Public Undertaking or semi Government organization such as a Municipality, Nationalised Banks, Life Insurance Corporation of India etc., whether he/she resides in the accommodation or he/she resides separately in accommodation rented by him/her.
- 3) Where the joint allotment of quarters is made for two employee entitled to same scale of accommodation, both of them should pay 50% of the house rent applicable to them according to the rules.

16. Overstay 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 in occupation of the employee to whom it was allotted or of any person claiming through him, "its electricity and water supply connections etc., may be disconnected by the Board and such employee or person, as the case may be, shall be liable to pay damages for use and occupation of the residence, equal to the market rent as may be determined by the Board from time to time.

Provided that an employee, in special cases, may be allowed by the Board to retain a residence on payment of twice the standard rent under F.R.45-A for a period not exceeding six months beyond the period permitted under Regulation-10.

17. Continuance of allotment made prior to the issue of these Regulations:

Any allotment of residence which is subsisting immediately before the commencement of these Regulations under the rules then in force shall be deemed to be an allotment duly made under these regulations.

18. Interpretation:

If any question arises as to the interpretation of these regulations, the same shall be decided by the Chairman.

19. Power to Relax:

The Chairman may, for reasons to be recorded in writing, relax all or any of the provisions of the Regulations in the case of any employee or residence or class of employees of type of residences.

20. Delegation of Powers:

The Board or the Chairman may delegate all or any of the powers conferred upon it or by him by these regulations to an employee under its or his control subject to such conditions as it or he may deem fit to impose.

21. Consequences of breach of Regulations:

Without prejudice to any action that may be taken under Sections-130 and 131 of the Major Port Trusts Act, 1963, the following penalties may be imposed by the Board, namely:-

- (a) If an employee to whom a residence has been allotted un-authorisedly sublets the residence or shares it with another or erects any un-authorised structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electrical or water connection or commits any other breach of the Regulations or the term and conditions of the allotment or uses the residence or permits the residence to be used for any purpose which the Board considers to be improper or conducts himself in a manner which in the opinion of the board 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 Board may cancel the allotment of the residence and take any further disciplinary action as it deems necessary.

- (b) (i) If an employee sublets the residence allotted to him or any portion thereof in contravention of these Regulations he may, without prejudice to any other action that may be taken against him, be charged for an enhanced rent not exceeding four times the standard rent under F.R. 45 A.
- (ii) The quantum of rent to be covered and the period for which the same may be recovered in each case shall be decided by the Chairman at his discretion.
- (iii) In addition the employee may be debarred from future allotment of accommodation under these Regulations.

PRINCIPAL REGULATIONS: The Visakhapatnam Port Trust Employees' (Allotment of Residences) Regulations, 1968 have been approved by the Ministry of Transport and Shipping (Transport Wing) in their Lr.NO.17-E (49)/67, dt.07-11-1968. These Regulations have been amended as mentioned below.

1. No.17-PE (47)/70, dt. 09-02-1971.
2. No.17-PE (47)/70, dt. 03-06-1971.
3. No.17-PE (73)/72, dt. 04-01-1974.
4. No.17-PE (73)/74, dt. 18-06-1974.
5. No.PEV-31/79, dt. 22-05-1979
6. No.PEV-5/81, dt. 14-07-1981