

(16.2) Retention of accommodation beyond permissible period.

(16.2.1) Sub: Retention of residential accommodation allotted to CSIR employees beyond the permissible period.

1. The question regarding retention of residential accommodation by the staff of CSIR and its National Labs./Instts. beyond the limits prescribed under Rule 11(2) of the CSIR Rules for Allotment of Residential Accommodation had been under consideration for sometime past. Although the provisions exist in the Rule vide para 21 of the said Rules stipulating powers of the Directors/ Heads of the Labs./Instts. to allow retention of residential accommodation for a period not exceeding six months beyond the period prescribed under Rule 11(2), it is understood no uniform guidelines/ procedure is being followed by the Labs./Instts. in Granting such permissions. Further the question regarding, granting such permissions, in case of persons who have been allotted general pool accommodation by the Director of Estates, New Delhi and other bodies at such other places had also been under consideration.

2. Director-General, Scientific & Industrial Research after consideration of the whole matter, has been pleased to decide that the following criteria should normally be applied by the CSIR and its National Labs./Instts. in granting permission for retention of residential accommodation belonging to CSIR general pool/non-pool accommodation, as well as the General Pool accommodation of Directorate of Estates, New Delhi and such other organisations where arrangements exist for allotment of accommodation to the Council by these organisations on rent under F.R.45-B/market rent.

3. Normally, the Council employee will be entitled to retention of residential accommodation as per limits prescribed under Rule 11 (2) of the CSIR Rules for allotment of residential accommodation. However, where the retention of the said accommodation by the concerned employees is considered to be Justified taking into account the merit of the case such as (i) due to education of children, (ii) illness in the family and (iii) or any other reasons which is considered to be beyond the control of the concerned Council Servants and for which he may be obliged to keep his family at the old station, the following criteria may be

followed for grant of permission for retention of residential accommodation for a minimum period of six months beyond the permissible limits :-

In Case of General Pool Accommodation Relating to Directorate of Estates or Other Bodies

(1) CSIR may bear market rent/rent under F.R.45-B, as the case may be, for the initial period of two months as per rules/existing arrangement and the employees may be required to pay license fee as per rules,

(ii) On the merit of each case, CSIR/Directors/Heads of the Labs./Instts. may agree to payment of double of the market rent/rent under F.R.45-B. as the case may be to the Directorate of Estate. The recovery in such cases may be made at the double of the standard rent for additional period of six months provided the concerned Council servant provides satisfactory evidence to the CSIR/Heads of National Labs./Instts. about the continuation of the education of children at the old station or illness in the family or any other reasons beyond his/her control for which the employee may be obliged to keep the family at the old station.

(iii) Beyond the additional period of six months the concerned council servants would be liable to pay full charges which may be levied by the Director of Estates for the unauthorised retention of the Government accommodation.

Similar procedure should be followed in grant of permission for retention of the CSIR accommodation by the Council employees in the similar circumstances. Doubtful cases may be referred to CSIR for taking necessary decision in the matter.

(No.6(3)/80-G, dated 25-4-1981)

(16.2.2) Sub: Retention of residential accommodation allotted to CSIR employees beyond permissible Amendment of CSIR Allotment Rules.

Reference this office letter No.6(3)80-G dt.25-4-81 providing therein retention of residential accommodation, allotted to CSIR employees beyond the permissible period, on twice the licence fee where it was considered to be justified taking into account the merits of the case such as (i) due to education of children, (ii) illness

in the family or (iii) any other reason beyond the control of the Council servant, for a minimum period of six months. This was also provided in the Allotment Rules by way of Addition to Rule 11 (2) xi, circulated vide this office letter No.28(8)/83-Engg.III, dated 22nd/24th March. 1984.

2. It has been decided by the Government of India that retention of quarter may be allowed for a period not exceeding six months beyond the permissible period as above on payment of twice the standard licence fee under FR 45-A or twice the pooled standard licence fee under FR 45-A, whichever is higher, but not exceeding 30% of the emoluments as defined under FR 45-C last drawn by the officer, vide its O.M. No. 12035(1)82 Pol.II. dated 25-1- 1983.

3. In view of the above, the DGSIR has been pleased to approve that the following provision with regard to retention of residential accommodation beyond the permissible period may be incorporated in the CSIR Allotment Rules as Sub-Rule 2(A) under Rule 11:-

'The Head of the Lab./Instt. may allow the retention of the residence for a period not exceeding six months beyond the period permitted under Sub Rule (2) where he is satisfied that the retention of the residence is justified for any of the following reasons :-"

(a) due to education of children.

(b) illness in the family;

(c) or any other reason which is considered to be beyond the control of the concerned Council servant and for which he may be obliged to keep his family at the old station

On payment of twice the standard licence fee under FR 45-A or twice the pooled standard licence fee under FR 45-A, whichever is higher but not exceeding 30% of the emoluments as defined under FR 45-C last drawn by the officer. In the case of an officer who was not paying licence fee under FR 45- A, he may be allowed to retain a residence for the aforesaid period on payment of twice the standard licence fee under FR 45-A or twice the pooled standard Licence fee under FR 45-A or twice the Licence fee that he was paying whichever is the highest."

Consequently the following addition to Rule 11(2)/xi shall stand deleted.-

"Provided that an Officer, in special case may be allowed by the Head of Lab/Instt. to retain a residence on payment of twice the standard licence fee under FR 45-A for a period not exceeding six months beyond the period permitted under Rule 11 (2). "

4. The provision with regard to restricting the recovery of double the standard licence fee to 30% of the emoluments will come into effect from 25-1-1983.

5. The DG has further been pleased to approve that Sub Rule 11. 3 shall read as follows

"Where a residence is retained by an officer under Sub-Rule(2) or 2(A), the allotment shall be deemed to be cancelled on the expiry of the periods mentioned therein

6. It is requested that the above amendments may please be incorporated in the CSIR allotment Rules & circulated to the members of the staff of your Lab./Instt.

(No.26(31)/74-Engg, dated 10- 1- 1986)

(16.2.3) Sub: Retention of Staff quarters by the Council employees accepting foreign assignments abroad.

A question has arisen regarding the rate at which licence fee should be recovered from the Council employees for retaining the staff quarters beyond the permissible period when they take up foreign assignments, where their salary is paid by foreign employers. It was found that the laboratories were not following a uniform practice in this regard. There have been instances when staff quarters have been retained by employees on long assignments abroad aggravating the housing situation. After careful consideration it has now been decided that in cases where the employees proceed on assignments abroad, (as distinct from fellowship, etc.) cannot retain the quarters beyond four months on payment of normal licence fee. In the event of their retaining the staff quarter beyond four months penal licence fee, as per rules may be charged. The foreign assignments

are, however, distinct from cases where CSIR employees go on training and fellowship, etc. abroad.

(No.28(1)/81 -Engg, dated. 19th January, 1982)

(16.2.4) Sub: Amendments proposed in the existing rules for the allotment of residential accommodation to staff employed in the Laboratories.1Institutes under the CSIR other than General Pool Accommodation.

The Committee constituted for the purpose of drawing guidelines for guidance of the laboratories/Institutes of the CSIR in regard to the allotment of quarters as well as continued occupation of the allotted quarters beyond the permissible period has recommended the following amendments in the above Rules of Allotment.

Rules No.	Existing	Proposed
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Rule No.11

Deputation outside	Penal rent is not specified beyond	Ale following penal
rent P.M. is proposed beyond		

India	permissible period of 6 months.	permissible period
:		

Type of	A class cities	Others quarter
VII	Rs.4000/-	Rs.3500/-
VI	Rs.3500/-	Rs.3000/-
V	Rs.3000/-	Rs.2500/-
IV	Rs.2500/-	Rs.2000/-
III	Rs.2000/-	Rs. 15001-
II	Rs. 15001-	Rs. 1 000/-

Rule No. 14

In case an Officer surrenders the quarter on or before the Surrender of an Not provided expiry of permissible period of 6 months top priority for allotment and period one class below will be given to him on joining the duty of Notice and in case he does not surrender the quarter within the prescribed period he will be debarred for two years for allotment from the date he joins duty, Facility of storage for house hold goods will be provided on payment subject to availability of space.

Rule No. 21

Overstayal in Residentinal rent is not specified. Same penal rent is proposed as against S.No. 1 above.

Rule No. 23

Interpretation of Rules. If a question arises as to the If a question arises as to the Interpretation of the rules, the interpretation of the rules, the decision of the Committee comprising of Heads of Local decision of the Committee Labs./Instts. controlling the CSIR GPA shall he final. An appeal comprising of Heads of Local may, however, lie to DGSIR on Interpretation grounds only.

Lab./Instt. controlling the CSIR

GPA shall be final.

Rule No.24

Relaxation of Rules. The Committee comprising of Heads he Committee comprising of the Heads of participating of participating Lab./Instt./ units Lab./Instt./Units controlling the CSIR GPA may-for reasons to controlling the CSIR GPA may for be recorded in writing to recommend relaxing all or any of the reasons to be recorded in writing to provisions of these rules in the case of any officer or residence relax all or any of the provisions of or residences or class of officers or type of residence including these rules in the case of any officer cases where waiving of penal license is involved to DG-CSIR or residence

or residences or class of who alone will have the power to relax. DG-CSIR only will have officer or type of residence except in the power to relax any or all rules subject to the case where waiving of penal licence recommendation sought from the Laboratory Committee is involved.

The DGSIR has desired that before the final adoption, these amendments maybe circulated to all the National laboratories/ Institutes to elicit their comments in this regard. In case no comments are received by the 3rd October, 83 it will be presumed that the Director concerned agrees with the proposed amendments.

(No.28(1)/83-Engg.III, dated 20-9-83)

(16.2.5) Sub : Overstayal in Council accommodation by Council servants-departmental action against.

It has come to notice that in some cases Council employees after cancellation of allotment of their residence or otherwise ceasing to be entitled to retain the same, continue to stay in Council accommodation with impunity. A very serious view has been taken of this. With a view to accelerating-the process of vacating the Council accommodation, it has been decided by DGSIR that when a Council servant falls to comply with the orders of vacation of Council accommodation, after cancellation of licence, it may be treated as an act unbecoming of a Council servant involving violation of Rule 3 (1)(iii) of the CCS (Conduct) Rules, 1964 as made applicable to Council employees and disciplinary proceedings may be immediately instituted against him under CCS (CCA) Rules. This would be in addition to any other proceedings that may be taken for getting the premises vacated.

The above instructions may be brought to the notice of all employees for guidance and compliance.

(No.28(1)86-Engg, dated April 18, 1986)

(16.2.6) Sub : Unauthorised occupation of Staff Quarter - Institution of disciplinary Proceedings under Rule 9 of CCS (Pension) Rules, 1972.

Instances have come to the notice of the CSIR where some Council Pensioners have continued to occupy unauthorisedly the Council accommodation after

retirement without impunity. Such an act on the part of a pensioner constitutes gross misconduct. It has, therefore, been decided that where a Council pensioner continues to occupy unauthorisedly Council accommodation, proceedings may be instituted against him, under Rule 9 of the CCS (Pension) Rules as adopted by the CSIR, after following-the prescribed procedure. This course of action would be in addition to any other action such as eviction proceedings in Civil Court, that may be taken against the pensioner. This may be widely circulated in Laboratory/ Institute for information of all the employees.

No.28(1)85-Engg, dated 28th August,86)