

NATIONAL INSTITUTE OF EDUCATIONAL PLANNING AND ADMINISTRATION

RULES

FOR ALLOTMENT OF RESIDENCES TO NIEPA'S EMPLOYEE

1. SHORT TITLE AND APPLICATION

- i) These rules may be called "The Rules for Allotment of Residences to NIEPA's employees.
- ii) They shall come into force from 1.6.1987

2. DEFINITIONS

In these rules, unless the context otherwise requires:-

- a) 'ALLOTMENT' means the grant of license to a NIEPA's employee to occupy a residence in accordance with the provision of these rules;
- b) 'ALLOTMENT YEAR' means year beginning on 1st January or such other period as may be notified by the NIEPA.
- c) 'EMOLUMENTS' means the emoluments as defined in Fundamental Rules 45-C, but excluding the compensatory allowances and the deputation pay.

EXPLANATION: In the case of an officer who is under suspension the emoluments drawn by him immediately before the date of suspension shall be taken as 'emoluments'.

- d) 'EMPLOYEES' means a whole time employee of the NIEPA.
- e) '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.
- f) 'NIEPA' means the National Institute of Educational Planning and Administration.
- g) 'DIRECTOR' means the Director, NIEPA.

- h) 'PRIORITY DATE' of an officer in relation to a type of residence to which he is eligible under the provisions of these rules means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the NIEPA, except for periods of leave.

'PROVIDED' that in respect of a Type-I, Type-II, Type-III or Type-IV residence, the date from which the officer has been continuously in service under the NIEPA shall be his priority date for that type.

'PROVIDED' that where the priority date of two or more officers is the same, seniority among them shall be determined by the amount of emoluments, the officer in receipt of higher emoluments taking precedence over the officer in receipt of lower emoluments; and where the emoluments are equal, by the length of service.

- i) 'LICENCE FEE' means the sum of money payable monthly in accordance with the provisions of the fundamental rules in respect of a residence allotted under these rules.
- j) 'RESIDENCE' means any residence for the time being under the administrative control of the NIEPA.
- k) 'SUBLETTING' including sharing the accommodation by allottee with another person with or without payment of rent by such other person.

EXPLANATION: Any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

RULE 3 ELEGIBILITY

All employees who are appointed on regular scales of pay.

ELIGIBILITY OF HUSBAND AND WIFE

1. No officer shall be allotted a residence under these rules if the wife or the husband, as the case may be, of the officer has already been allotted a residence, unless such residence is surrendered.

PROVIDED that this sub-rule 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 officers in occupation of separate residences allotted under these rules marry each other, they shall, surrender one of the residences within one month of the marriage.

RULE 4 CLASSIFICATION OF RESIDENCES (S.R. 317-B-5).

Save otherwise provided by these rules, an officer will be eligible for allotment of residence of type shown in the table below:-

Type of Residences	Category of officer or his monthly emoluments (Revised scales) as on the first day of the allotment year in which the allotment is made.
Type – I	Upto Rs. 3049
Type – II	Rs. 3050 to Rs. 5499
Type – III	Rs. 5500 to 8499
Type – IV	Rs. 8500 to Rs. 11999
Type – V	Rs. 12000 and above

Rule 5 : APPLICATION FOR ALLOTMENT

An employee who seeks allotment/change of a residence shall apply on the prescribed form to the Registrar.

RULE 6: ALLOTMENT OF RESIDENCE

1. Save as otherwise provided in these rules, a residence, on falling vacant shall be allotted to an applicant having the earliest priority date for that type of residence from among those desiring change, or those without accommodation, or those living in a type of lower type of accommodation.
2. The NIEPA may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer if the residence in occupation of the officer is required to be vacated.

3. A vacant residence may, in addition to allotment to an officer under sub-rule (1) above, be offered simultaneously to other eligible officers in order of their priority dates.

RULE 7: POOL FOR PERSONS BELONGING TO SCHEDULED CASTES AND SCHEDULED TRIBES

1. Employees belonging to SC/ST shall be eligible for allotment under this pool. This pool shall be maintained for Types I, II, III, & IV of residences. Such persons should specifically apply for allotment under this pool. In the absence of such applications, they shall be considered under the general pool.
2. The vacancies to be earmarked for SC and ST should be out of clear vacancies, i.e., the vacancies which are required for change shall be excluded. 10% clear vacancies in types I and II and 5% clear vacancies in types III & IV shall be reserved for this pool and shall be allotted in the ratio of 2:1 to the SC/SC/ST employees respectively. Thus, every 10th, 20th and 30th clear vacancy will go to SC/SC/ST employees quota for types A and B accommodation and every 20th, 40th and 60th clear vacancy will go to SC/SC/ST employees for types III and IV accommodation. In case however, there is no ST employees available the quota reserved would be allotted to SC employee.
3. SC/ST employees who are already having accommodation shall not be considered for the entitled type of accommodation under SC/ST quota. Such allottees shall be considered only in their turn.

The quota shall be applicable only with regard to the initial allotment.

RULE 8 NON-ACCEPTANCE OF ALLOTMENT OR FAILURE TO OCCUPY THE ALLOTTED RESIDENCE AFTER ACCEPTANCE

1. If any officer fails to accept the allotment of a residence within five days or fails to occupy that residence after acceptance within eight days from the date of receipt of the letter of allotment the allotment will 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 a lower type residence is allotted or offered a residence of the type for which he is eligible he may, on refusal of the said allotment or offer of

allotment, be permitted to continue in the previously allotted residence on the following conditions, namely:

- (a) That such an officer shall not be eligible for another allotment for a period of six months from the date of the allotment letter for the higher class accommodation.
- (b) While retaining the existing residence he shall be charged the same license fee which he would have had to pay under F.R. 45-A in respect of the residence so allotted or offered or the license fee payable in respect of the residence already in the occupation, whichever is higher.

RULE 9 PERIOD FOR WHICH ALLOTMENT WILL BE VALID

1. A residence allotted to an officer may subject to sub-rule (3) be retained on the happening of any of the events specified in column 1 of the table below for the period specified in the corresponding entry in column 2 thereof provided the residence is required for the bonafide use of the officer or members of his family.

TABLE

(1)	(2)
i) Resignation, dismissal or removal from service, termination of service or unauthorized absence with permission	1 month
ii) Retirement or terminal leave	4 months
iii) Death of allottee	2 years
iv) On proceeding on foreign service in India	2 years
v) Temporary transfer to a place outside India.	4 months
vi) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave or study leave)	For the period of leave but not full average pay subject to a maximum of 4 months inclusive of the period permissible in the case of retirement.
viii) Study leave or deputation outside India	For the period of leave but not exceeding 12 months.
ix) Study leave in India	For the period of leave but not exceeding 12 months.
x) Leave on medical grounds	Full period of leave.
xi) On proceeding on Training.	Full period of training.

2. Where a residence is retained under sub-rule (2) the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in NIEPA.
3. Where an officer is on medical leave without pay and allowances, he may retain his residence by virtue of the concession under item (x) of the Table below sub-rule (1) provided he remits the licence fee for such residence in cash every month and where he fails to remit such license fee for more than two months, the allotment shall stand cancelled.

4. An Officer who has retained the residence by virtue of the concession under item (i) or item (ii) of the table below sub-rule (1) shall, on re-employment in NIEPA 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 rules.

PROVIDED that if the emoluments of the officer 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.

5. Notwithstanding anything contained in sub-rule (2) or sub-rule (3) or sub-rule (4) when an officer is dismissed or removed from service or when his services have been terminated and the Director is satisfied that it is necessary or expedient in NIEPA's interest so to do, he may cancel the allotment of the residence made to such officer 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-rule (1) as it may specify.
6. Where an employee to whom accommodation has been allotted by the NIEPA or any person claiming through him does not hand over vacant possession there-of immediately on the expiry of the permissible period prescribed in Rule 9, such employee or such person shall be liable to pay eight times of the standard rent or market rent, whichever is higher, for the continued possession of the accommodation beyond the said prescribed period. Payment of higher rent will not confer any right to continue possession of the residence.

10. PROVISIONS RELATING TO LICENCE FEE

1. Where an allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall commence from the date of occupation of the eighth day from the date of the allotment letter, whichever is earlier.

An officer, who after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter, shall be charged licence i.e. from 9th day till written communication for surrender is received from the allottee, provided that nothing contained herein shall apply where the NIEPA certifies that the accommodation is not yet ready for occupation and as a result thereof the officer does not occupy the accommodation within the period aforesaid.

2. Where an officer, 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. He may, however, retain the former residence without payment of licence fee for that day and the subsequent day for shifting.

RULE 10 (ii) PERSONAL LIABILITY OF THE OFFICER FOR PAYMENT OF LICENCE FEE TILL THE RESIDENCE IS VACATED AND FURNISHING OF SURETY BY TEMPORARY OFFICERS

1. The officer, to whom a residence has been allotted shall be personally liable for the licence fee thereof and any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services provided therein by the NIEPA during the period for which the residence has been and remains allotted to him or where the allotment has been cancelled under any of the provisions in these rules, until the residence alongwith the out-houses apartment thereto have been vacated and full vacant possession thereof has been restored to the NIEPA. It will also be the personal responsibility of the officer to settle all dues for electricity, water, etc.
2. Where the officer to whom a residence has been allotted is neither a permanent nor a quasi-permanent NIEPA employee, he shall execute a surety bond in the form prescribed in this behalf with a surety who shall be a permanent NIEPA employee serving under the NIEPA for due payment of licence fee and other charges due from

him in respect of such residence and services and any other residence provided in lieu.

3. If the Surety ceases to be in the NIEPA service or becomes insolvent or ceases to be available for any other reasons, the officer shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event or fact; and if he fails to do so, the allotment of the residence to him shall unless otherwise decided by the NIEPA; be deemed to have been cancelled with effect from the date of that event.

RULE 11 SURRENDER OF AN ALLOTMENT AND PERIOD OF NOTICE

1. An officer may at any time surrender an allotment by giving intimation so as to reach at least ten days before the date of vacation of the residence. 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 NIEPA or the date specified in the letter, whichever is later. If he fails to give due notice he shall be responsible for payment of licence fee for ten days or the number of days by which the notice given by him falls short of ten days provided that the NIEPA may accept a notice for a short period.
2. An officer who surrenders the residence under sub-rule (1) shall not be considered again for allotment of accommodation for a period of one year from the date of such surrender.

RULE 12 CHANGE OF RESIDENCE

1. An employee to whom a residence has been allotted under these rules may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of the type of residence allotted to the officer.
2. Change shall be offered in order of seniority determined in accordance with sub-rule (2) and having regard to the officer's preference as far as possible.
3. If an officer fails to accept a change of residence offered to him within five days of the issue of such offer of allotment; he shall not be considered again for a change of residence of that type for 3 years from the date the offer of change is made to him.

RULE 13 MUTUAL EXCHANGE OF RESIDENCE

Two employees to whom a residence of the same type have been allotted under these Rules may apply for permission to exchange their residences mutually provided neither of them is likely to surrender the accommodation consequent upon his transfer/resignation/retirement or release from NIEPA's service or on likelihood of getting accommodation of higher type.

RULE 14 MAINTENANCE OF RESIDENCE

An employee to whom a residence has been allotted shall maintain the residence and premises in clean conditions to the satisfaction of the NIEPA. Such employee shall not grow any tree, shrubs or plants contrary to the instructions issued by NIEPA from time to time and not cut or chop off any existing tree or shrub in any garden, courtyard or compound attached to the residence.

RULE 15 SUBLETTING AND SHARING OF RESIDENCES

1. No officer shall share the residence allotted to him or any of the out-houses, garages etc. except with the employee of the NIEPA eligible for allotment of residence under these rules. Prior approval of NIEPA is necessary in any case. The servant quarters, out-houses, garages etc. may be used only for the bona fide purposes including residences of the servant of the allottee or for such other purposes as may be permitted by the NIEPA. If NIEPA does not permit accommodation or a part of it to be shared or used for a particular purpose, the instructions shall be duly complied with.
2. No officer shall sublet the whole of his/her residence.

POVIDED that an officer proceeding on leave may accommodate, in the residence any other officer `eligible to share NIEPA's accommodation, as a Caretaker for the period of leave but not exceeding six months.

3. Any officer who shares his residence shall do so at his own risk and responsibility and shall remain personally responsible for any licence fee payable in respect of the

residence and for any damage caused to the residence or its precincts or grounds or services provided therein by NIEPA beyond fair wear and tear.

RULE 16 CONSEQUENCES OF BREACH OF RULES AND CONDITIONS

1. If an officer to whom a residence has been allotted, unauthorisedly sublets the residence or charges rent from the sharer at a rate which the NIEPA considers excessive or erects any unauthorized structure in any part of the residence or uses the residence or any portion thereof for any purposes other than that for which it is meant or tampers with the electric or water connection or commits any other breach of the rules or of the terms and conditions of the allotment or uses the residence or premises or permits or offers the residence or premises to be used for any purpose which the NIEPA considers to be improper or conducts himself in a manner which in his opinion is prejudicial to the maintenance of harmonious relations with his neighbors or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the NIEPA may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

EXPLANATION: In this sub-rule, the expression `officer' includes, unless the context otherwise requires, a member of his family and any person claiming through the officer.

2. If an officer sublets a residence allotted to him or any portion thereof or any of the out houses garages etc. in contravention of these Rules, he may, without prejudice to any other disciplinary action that may be taken against him be charged enhanced licence fee upto eight times the standard licence fee under F.R. 45-A or the market rent whichever is higher. The quantum of licence fee to be recovered and the period for which the same may be recovered will be decided by NIEPA in each case. In addition, the officer may be debarred from sharing the residence for a specified period in future as may be decided by the NIEPA.
3. Where action to cancel the allotment is taken on account of unauthorized subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee, and any other person residing with him therein to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or

expiry of the period of sixty days from the date of the orders for the cancellation of the allotment whichever is earlier.

4. The NIEPA shall be competent to take all or any of the actions under Sub-rules (1) to (3) of this rule and also such other disciplinary action as may be necessary against the officer who commits breach of the rules of allotment of residential accommodation.

RULE 17 OVERSTAYAL IN RESIDENCE AFTER CANCELLATION OF ALLOTMENT

1. Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these rules, the residence remains or has remained in occupation of the officer to whom it was allotted or of any person claiming through him, such officer shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market licence fee as may be determined by the NIEPA from time to time.

PROVIDED that an officer, in special cases, may be allowed by NIEPA to retain a residence on payment of twice the standard licence fee under F.R. 45-A, or twice the pooled standard licence fee under FR 45-A, whichever is higher, for a period not exceeding six months beyond the period permitted.

2. In case of officers who are in occupation of NIEPA's accommodation on leaving service on retirement or otherwise, the quarters allotted to them may be cancelled after expiry of the stipulated period. A no-dues certificate will be issued only after they vacate the NIEPA accommodation. Till that time their full amount of gratuity and sum due to encashment of leave will be withheld by the NIEPA till they vacate the quarters.

RULE 18 ALLOTMENT PRIOR TO ISSUE OF RULES

Any valid allotment of residence which is subsisting immediately before the commencement of these Rules shall be deemed to be an allotment duly made under these rules.

RULE 19 INTERPRETATION OF RULES

If any question arises as to the interpretation of the Rules the decision of the Director thereon shall be final.

If any case is not covered by these rules, the Director will be competent to take a decision.

RULE 20 RELAXATION OF RULES

The Director may for special reason to be recorded in writing for example on grounds of extreme hardship to any employee, or when the NIEPA enters into a contractual obligation with a person whose services have to be obtained in the interest of the NIEPA or for any other compelling reasons in the interest of the NIEPA, relax all or any of the provisions of the Rules in the case of any employer or residence or class of employees or type of residences.

RULE 21 DELEGATION OF POWERS OR `FUNCTIONS

The Director may delegate any or all the powers conferred upon him by these rules to any officer(s) his control subject to such conditions as he may deem fit to impose.

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