

Mormugao Port Employees(Allotment of Residences) Regulations, 1986

THE GAZETTE OF INDIA: EXTRAORDINARY (PART II-Sec.3 (i)

MINISTRY OF SURFACE TRANSPORT

(PORTS WING)

New Delhi, the 12th May, 1987

NOTIFICATION

GSR No. 477(E): In exercise of the powers conferred by sub-section (1) of Section 124 read with sub section (1) of Section 132, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Mormugao Port Employees' (Allotment of Residences) Regulations, 1987 made by the Board of Trustees of the Mormugao Port Trust and set out in the Schedule annexed to this notification.

2. The said regulations shall come into force on the date of publication of this notification in the official Gazette.

(F.No. PR-12016/12/86-PE-I)

YOGENDRA NARAIN

Jt. SECRETARY

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963, the Board of Trustees of the Mormugao Port Trust, hereby makes the following regulations namely :-

1. **TITLE** **AND** **COMMENCEMENT:**
(1).These Regulations may be called the Mormugao Port Employees (Allotment of Residences) Regulations, 1987.
2. **APPLICATION** : These Regulations shall apply—
(a)To all the regular full-time employees, including persons on foreign service to the Board; and(b)To the employees of other Central Government departments who have been deputed to the Mormugao Port for carrying out duties in connection with the affairs of Mormugao Port Trust.
3. **DEFINITION** :
In these Regulations unless the context otherwise requires:-

(a) 'Allotment' means the grant of permission to an employee to occupy a residence owned, leased or requisitioned by the Board or a portion thereof for use by him as residence.

(b) 'Board' 'Chairman', Deputy Chairman and Heads of Departments shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963.

(c) 'Family' for the purpose of these Regulations shall include spouse (other than judicially separated spouse), children, including step-children and legally adopted children, parents, brothers and or sisters ordinarily residing with the employee and dependent on him.

(d) 'Rent' means the amount of house rent recoverable from the allottee in terms of the Government orders on the subject from time to time.

(e) 'Residences' means any residence for the time being under the administrative control of the Chairman or the Officer appointed for the purpose by the Board, whether owned by the Board or taken on hire from private parties.

(e)(i) 'Non-standard quarters' shall mean the quarters constructed before 1961 and the standard quarter would mean the quarter constructed thereafter.

(f) 'Sub-letting' includes sharing of accommodation by an allottee with another person with or without payment of rent, but will not include a full time servant staying with the allottee.

(g) 'Type' in relation to an employee means the category of residence to which he is eligible under these regulations.

(h) 'Appointed Officer' means any officer appointed by the Chairman on his behalf to implement these regulations.

(i) 'Waiting List' shall mean a waiting list prepared under these regulations.

(j) (i) Chairman/Deputy Chairman shall be the allotting authority in case of Class I and II officers and the officers/employees of other Central Government Organizations who have been deputed Mormugao Port for carrying out duties in connection with the Mormugao Port Trust concerning their departments.

(ii) An officer designated by the Chairman from time to time shall be allotting authority in case of Class (III) and (IV) employees of the Board and CISF staff.

(k) 'Assigned quarters' will mean quarters assigned and earmarked for particular officers.

(l)'Essential Category' shall mean a category declared essential for allotment of quarters on priority basis, as provided for under these regulations.

4. All the residences will be classified category-wise in accordance with the instructions issued by the Government from time to time.
5. **(a)** There shall be certain residences assigned and earmarked for any particular officer of any particular grade or category of officers, and will be allotted only to such officers for whom these residences are assigned or earmarked.**(b)** A separate register for indicating the assigned quarters and the officer for whom they are earmarked shall be maintained, and no new quarters or designation of the officer shall be entered in the said register, unless approved by the Chairman.**(c)** A certain number of quarters in each type will be reserved for being allotted to essential categories of employees from various departments. For this purpose, a register of categories declared as essential for the purpose of allotment of quarters on a priority basis will be maintained by the Estate Section of the Port, and the categories shall be included in this register, unless specifically approved by the Chairman.**(d)** For the purpose of allotment of residences to the employees from essential categories, the normal rules of seniority in the waiting list shall not apply, and the allotment will be made in consultation with the respective HODs.**(e)** In case of particular employee belonging to a category declared essential has been allotted quarter on the priority basis otherwise than on seniority and is promoted or transferred to a category which is not essential such an employee will not be required to vacate the quarter allotted to him and his allotment will be deemed to have been made from the general quota and the new person appointed in his place in the essential category will be allotted quarters on priority as and when it is available. For this purpose each department shall maintain register containing the names of the employees holding the posts which are declared as essential when any employee so declared as essential ceases to be essential due to his promotion or transfer or otherwise, the department concerned shall immediately intimate the Estate Officer about the same.**(f)** The employee who has been allotted a quarter because of his belonging to an essential category will continue to be on the waiting list till he gets quarters as per his normal seniority.
6. **(a)**Residences shall be allotted to the employee of the type to which they are eligible, subject to availability. The eligibility will be as decided from time to time in

accordance with the Government orders on the subject. In case the residence of the entitled type is not available the employee on top of the seniority list will be given option to take residences of lower type than that of his entitlement which however will not affect his seniority in the eligibility list. **(b)** The details of eligibility of employee to various types of accommodation shall be circulated once in a year for the knowledge of the employees, and also in between as and when any changes are made therein.

(c) Every employee desirous of having an allotment of residence made under these regulations, shall submit an application in the prescribed form to the authority through the respective HOD immediately after his appointment.

(d) The concerned HOD shall, after satisfying himself as to the correctness of the statement made in the application, forward it to the concerned allotting authority.

EXPLANATION : However, this regulation shall not apply to the existing occupants of the residences and their allotment shall be deemed to have been made in accordance with the provisions of these regulations for all purposes

7.(a) At the commencement of these regulations, applications will be called from all the existing employees desirous of having allotment of residences made in their favour by a particular date through their respective HODs. On receipt of these applications, the general waiting list in order of seniority will be prepared by following the undermentioned criteria:

(i).Date of appointment/joining services;

(ii).Where there is more than one person who has been appointed/joined service on the same day, their pay will be the criteria for deciding their inter-se- seniority;

(iii).In cases where two or more employees have joined service on the same day, draw the same pay and belong to the same category of service, their inter-se- seniority at the time of selection will be the criteria;

(iv).In cases where two or more employees have joined on the same day and draw the same pay, but in different categories, the age will be the deciding factor, the older in age being considered senior. After having drawn up the general Waiting list as above, the consequential type-wise waiting list will be prepared based on the conditions governing the eligibility of the employees for allotment of the various types quarters and their interse position in the general waiting list. In the case of new appointees,

suitable addition to the aforesaid waiting list will be made as and when their applications are received, and their names will be duly entered at the appropriate places in the general waiting list as well as the waiting list for the quarters to which they are eligible at the time of allotment. Before making any new entries in the list maintained for higher type accommodation like 'B' 'C' and 'D' the general seniority list will be scrutinized, so as to ascertain if any of the existing employees have become eligible for higher type of accommodation, and their names will be included in the waiting list maintained for the respective /types before the name of the new appointee is included.

(iv) A. In case of ex-servicemen appointed/joined Port services, the date of priority for allotment of residences as per their entitlement will be fixed by counting the period of their past service and if there is break in past service, then the period of break shall be deducted from the total past service for determination of the priority date, and accordingly they will be placed in the Waiting/Seniority list maintained for the purpose of allotment of quarters.

(v)(a). A block of 8 'B' type quarters shall be reserved and any officer who is eligible for 'B' or 'C' type of accommodation shall be allotted a quarter from the said reserved block, besides from the hired flats.

(b).As soon as any residence in any type falls vacant the Estate Inspector shall intimate the same forthwith to the Allotting Authority, and the Allotting Authority will make the allotment of residences strictly in accordance with the relevant waiting list as mentioned above.

(c).In case of allotment made by the Allotting Authority other than Chairman, an Appeal, if any, will lie to Chairman.

8. If any quarters are allotted to an officer to use as his residence as well as office, rent will be charged from the officer for the residential portion of the accommodation. The rent would be calculated on the basis of the plinth area occupied by him in subject to the maximum 10% of his salary.
9. Notwithstanding anything contained in these regulations no employee who is holding an essential post and no employee who is holding a non-essential post and who own a house within a distance of 5 kmts. and 12 kmts. respectively from the main

Administrative Office Building, whether in his own name or in the name of his wife or children shall be allotted a residence under these regulations unless:

(a) such house has been requisitioned or taken on lease by Government, or (b) it is proved to the satisfaction of the Chairman that (i) such house was given out on lease by the employee before being posted in the MPT port and that he is unable for reasons beyond his control to obtain vacant possession of the house or (ii) having regard to the status of the employee, the house is manifestly inadequate to his requirements or is otherwise unfit for occupation; or (c) such employee is entitled to occupy any assigned quarters.

(2) No employee who has been granted a House building Advance under the regulations in force for constructing a house viz. M.P.E. (Grant of advance for building of houses) Regulations, 1973, within a radius as specified by a Committee consisting of Dy.Chairman and two Head of Departments, headed by Chairman, from time to time, shall be allotted a residence under these regulations or will be allowed to retain the residential building/quarters already allotted to him after the expiry of a period of 18 months or such extended period from the date of receipt of the amount of advance, unless the said residential building/quarters are in the nature of his assigned quarters.

(3) No employee shall be allotted a residence if the wife or the husband, as the case may be, of the employee has already been allotted a residence under these regulations, provided that in case where the husband or the wife is residing separately in pursuance of an order of judicial separation of any Court, this regulation shall not apply. Where two employees are in occupation of separate residences allotted to them marry each other, they shall within one month from the date of marriage surrender one of the residences. Failure to do so will make the respective allottees liable for payment of full standard rent in addition to the normal deduction towards house rent in respect of each of the occupied quarters.

(4) In case, both the spouses are working in the Port, and the spouse to whom the residence is allotted, retires, or expires, the allotment of the residence shall be transferred in the name of the surviving spouse if the entitlement of both the spouses is the same. If not, the living spouse will be allotted a residence as per his/her entitlement on priority basis.

(5) Any employee who is staying with his father or mother in Port quarters shall vacate the said quarters on the death of the allottee-parent. However he may be allotted sub-standard quarters as and when available

10. The Chairman may irrespective of the position in this waiting list, allot a residence out of turn to any employee who has not been allotted a residence of the type he is eligible, or the residence of the type less than his eligibility.

(i). Due to his illness or illness of a member of his family where the Chief Medical Officer of the Board certifies that the allotment of quarters is essential on grounds of illness;

(ii). In other exceptional cases to be specified in writing.

11.(i) These officers for whom accommodation is assigned by designation should occupy the same within a period of 10 days from the receipt of allotment order, failing which rent will be recovered from them according to the regulations in force in addition to any other disciplinary action which may be taken by the Competent Authority.

(ii) In all other cases as soon as an accommodation has been allotted, the allottee should on receipt of the allotment order, report to the Allotting Authority and should occupy the allotted accommodation within 10 clear days after the receipt of allotment order, failing which the name of such an allottee shall be removed from the waiting list, and he shall not be eligible for allotment of residence for a period of 2 years where after, also he will be included at the bottom of the list. However, in case of sufficient reasons advanced to the satisfaction of the Allotting Authority the time limit for taking over of the allotted residence shall be extended.

12. An allotment shall be effective from the date on which it is received by the employees concerned and shall continue until :-

(a)(i) It is cancelled or is deemed to be cancelled under these regulations, or

(ii) It is surrendered by the employee concerned, or

(iii) The employee concerned ceases to occupy the residence.

(b) If an employee proceeds on deputation or on foreign service (if his place of posting is shifted outside a 5 km radius of the Port installations at Mormugao Harbour) he shall vacate the residence allotted to him within 2 months from the date

of handing over of the charge. If the residence is not vacated within a period of two months (i) full standard rent or (ii) rent at 10% of his emoluments, which ever is higher shall be payable by the occupant for the residence for the period thereafter. After the second month, (i) double the standard rent or (ii) 20% of his emoluments whichever is higher shall be charged from the occupant, provided that the Allotting Authority may require the residence to be vacated at an earlier period after the expiry of the second month from the date of handing over charge. If the occupant refuses to vacate after the second month mentioned above is over, or the earlier period in which he is required by the Allotting Authority to vacate, has expired , he will be considered to be in un-authorized occupation and liable to pay (i) double the standard rent or (ii) 20 % of his emoluments, whichever is higher, from the date the residence was required to be vacated, apart from any action that the Board may take;

(a) for eviction and,

(b) for disobedience of lawful orders.

In the case of temporary transfer the Allotting Authority may exempt the employees from payment of enhanced rent provided he is satisfied that the transfer has been made in the interests of the Board and for a period not exceeding six months and the employee is likely to return to his place of posting at the same place within the period. In a very special case, the Allotting Authority for reasons to be recorded in writing can exempt employee from payment of enhanced rent up to a maximum limit of six months.

(c) In case of an employee who was already allotted residence prior to his going on deputation to other organizations is repatriated after his term of deputation, he shall be entitled for allotment of residence on priority basis.

13. Any employee to whom a residence of the appropriate type has been allotted under these regulations, may apply for a change of allotment within the same type and priority will be given to such applications based on the order of dates of allotment of existing quarters save under such special circumstances as may be determined to the satisfaction of the Allotting Authority. If any employee fails to accept a change of residence offered to him within the time specified in the order, he shall not be eligible for a subsequent change of allotment under this regulation. No employee

shall be allowed a change of allotment within the same type more than once under this regulation.

(a).when an employee in the process of voluntarily surrendering a quarter, such quarter will not be allowed to exchange to other employee, who is also in occupation of another quarter of the same type even if, they mutually agree for the same.

(b).When an employee is in occupation of quarter is due to retire on superannuation, within a period of one year, his quarter will not be allowed to exchange/change/mutually exchange, by other employee, who is also in occupation of same type of quarter.

14.An employee who has been allotted a residence may surrender the same at any time. However, in case of such surrender, he shall not be entitled for a fresh allotment of residence for a period of three years, whereafter he will have to apply fresh and his name shall be included in the Waiting List at the bottom at that time.

15.(a)If the employee to whom the residence is allotted dies, the allotment shall be treated as cancelled with effect from six months after the employee’s death. In very special cases the Allotting Authority may allow the dependents or his family to continue in the premises for a period up to the end of current scholastic year, subject to payment of such monthly rent as may be decided by Chairman.

(b). In other cases, a residence allotted to an employee may be retained on the happenings of any of the events specified under column (1) for the period specified in the corresponding entry under column (2) of the table below, subject to the conditions that the residence is required for the bonafide use of the employee or members of his family

TABLE

	Events (1)	Period (2)
(i)	Resignation, dismissal, removal, compulsory retirement from service, termination of service or unauthorised absence	One month
(ii)(a)	Retirement, terminal leave	2 months on normal licence fee and another 2 months on double the

		normal licence fee. On medical/education grounds– further retention 2 months on four times the normal licence fee. Subsequent 2 months on six times the normal licence fee.
(b)	Foreign service in India	Two months
(iii)	Death	2 years if the deceased or his/her dependant does not own a house at the last station.
(iv)	Foreign service outside India	Six months
(v)	Training	Full period of training
(vi)	Leave on medical ground	Full period of leave
(vii)	Study leave/training	For a period of study leave but not exceeding the maximum period of study leave prescribed under Mormugao Port Employees' (study leave) Reg., 1964.
(viii)	Maternity leave	For the period of leave plus leave granted in continuation subject to maximum of five months.
(ix)	Other kinds of leave	For the full period of leave not exceeding four months.

(c).In case an employee does not vacate the residence within the time limit specified in the Table shown under sub-regulation (b) above, he shall be liable to pay double the standard rent for the period of such unauthorized extended occupation, besides being liable for eviction in terms of Section 130 of the Major Port Trusts Act, 1963, and any other action that may be deemed necessary.

(d).An employee belonging to essential category, may be allotted quarters of a higher type in case of non-availability of entitled type of quarters in the exigencies of the situation till quarters of his entitled type is available

Such employee on allotment of entitled type of accommodation shall shift his residence to the same within 7 days from allotment failing which he shall be charged penal rent at the rate of 3 times of the normal house rent payable by him.

1. **(a).** No allottee shall sub-let his residence or any portion of his residence or take any lodgers paying guests, or allow any other port employee or any person other than the bonafide dependents of the allottee or a casual guest to live in the residence.
(b). In case any allottee sub-lets the residence or portion of his residence in contravention of sub-regulation, 16 (a) above, his allotment shall be cancelled, and he shall not be entitled for fresh allotment.
(c) .Sub-letting of residence in contravention of sub-regulation, 16 (a) above shall be construed as misconduct in terms of Regulation 3 of the M.P.E. (Conduct) Regulations, 1964, and shall be liable for disciplinary action under the MPE (Classification, Control and Appeal Regulations, 1964).
(d). Any allottee may however share his residence or any portion of his residence with any other port employee with the permission of the allotting authority subject to the original allottee paying the market rent to the Port Trust and the person who shares the accommodation getting the house rent allowance as per the subject in force.
1. Non-standard quarters will be allotted in accordance with the waiting list for allotment of 'A' type quarters. However, refusal to accept such non-standard allotment will not disentitle such employee from being allotted standard quarters in accordance with his seniority in the waiting list. In case the non-standard quarters so allotted becomes completely unfit for residence. The occupant of such quarters will be allotted a standard quarters on priority subject to Chief Engineer (Civil) certifying the fact and taking up such quarters for demolition immediately.
2. The employee to whom a residence has been allotted shall be personally responsible for the rent there of and for any willful damage beyond fair wear and tear caused thereto or to the furniture/fixtures or services provided therein by the Board during the period for which the residence has been and remains allotted to him.
3. The employees to whom a residence has been allotted shall be required when he enters into occupation of and when he vacates the residence to sign an inventory of the fixtures and fittings.

4. **(a)**The employee to whom the residence has been allotted shall maintain the residence and premises in clean condition to the satisfaction of the allotting authority.**(b)**The maintenance staff of the Port Trust shall have the right to enter the premises for the purpose of attending to the maintenance work, which shall not be objected to by any of the occupants of the residence.
5. The employees to whom a residence has been allotted, shall not permit trees and shrubs in the premises to be cut down or chopped save with the consent of the Allotting Authority.

If the employee to whom a residence has been allotted, commits any breach of the regulations or uses the residence or premises for any purpose which the Allotting Authority considers to be improper or if it is found that the employee has knowingly furnished incorrect information in application or written statement with a view to securing an allotment, the Allotting Authority may, without prejudice to any other disciplinary action that may be taken against him.

- (a)** require him to vacate the residence and may allot it to another employee;
- (b)** declare him to be ineligible for a residence during a specified period.

For the purpose of this rule 'improper use' shall include :-

- (i)** erecting an unauthorized structure in any part of the residence;
- (ii)** using the residence or a portion thereof for purposes other than those for which they are meant;
- (iii)** drawing unauthorized extensions from electric and water connections or tampering there with.

An appeal against the order of the Allotting Authority in this regard will lie to Dy. Chairman in case of Class III & IV employees, and Chairman in case of Class I & II employees.

1. If any question arises as to the interpretation of these regulations, the decision of the Board shall be final.
2. The Board, may, for reasons to be recorded in writing, relax any or all the regulations in the case of any employee or residence or class of employees or residences.

3. The Allotting Authority may delegate any of the powers and functions conferred upon him by the regulations to any employee under his control subject to such conditions, as he may deem fit to impose.
4. (a) Reservation of residence to SC/ST shall be observed as per the orders issued by the Central Government from time to time regarding allotment of residences to SC/ST employees and shall apply mutatis mutandis to all allotments or residences. (b) The directives issued by the Ministry of Works and Housing, Directorate of Estate, New Delhi, vide O.M.No.12045 (3)/73 POL (II) dated 22.7.75. shall apply to reservation and allotment of residences to Scheduled Caste and Scheduled Tribes employees.

27. The above regulations supersede all previous regulations or orders issued in this behalf from time to time.

FOOT NOTE :

The Principal Regulations were published vide G.S.R. No. 477 (E) dated 12-5-1987 and subsequently amended as follows :-

- (i) G.S.R. No. 867 (E) dated 29-9-1989.
- (ii) G.S.R. No. 645(E) dated 24-10-1991.
- (iii) G.S.R. No. 437(E) dated 27-4-1992.
- (iv) G.S.R. No. 569 (E) dated 1-6-1992.
- (v) G.S.R. No. 838 (E) dated 30-10-1992.
- (vi) G.S.R. No. 640 (E) dated 6-8-1993.
- (vi) G.S.R. No. 431(E) dated 29-7-1997.
- (viii) G.S.R. No. 802 (E) dated 7-11-2009.