

**20**

**OUT-OF-TURN ALLOTMENTS OF  
GOVERNMENT RESIDENTIAL  
ACCOMMODATION**

**MINISTRY OF URBAN AFFAIRS AND  
EMPLOYMENT  
(DEPARTMENT OF URBAN DEVELOPMENT)**

**PUBLIC ACCOUNTS  
COMMITTEE  
1997-98**

**ELEVENTH LOK SABHA**

**TWENTIETH REPORT**  
**PUBLIC ACCOUNTS COMMITTEE**  
**(1997-98)**  
**(ELEVENTH LOK SABHA)**

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GOVERNMENT RESIDENTIAL  
ACCOMMODATION**

**MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT  
(DEPARTMENT OF URBAN DEVELOPMENT)**

*Action Taken on 113th Report of Public Accounts Committee  
(10th Lok Sabha)*



*Presented to Lok Sabha on 20.11.1997  
Laid in Rajya Sabha on 30.3.98*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*November, 1997/Kartika, 1919 (Saka)*

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CORRIGENDA TO 20TH REPORT OF PUBLIC ACCOUNTS COMMITTEE  
(ELEVENTH LOK SABHA)

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## COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE (1997-98)

**Dr. Murli Manohar Joshi — Chairman**

### MEMBERS

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3. Shri Nirmal Kanti Chatterjee
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3. Shri P. Sreedharan	— <i>Deputy Secretary</i>
4. Shri Rajeev Sharma	— <i>Under Secretary</i>

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\* Expired on 24 May, 1997

\*\*Ceased to be member of the Committee on her appointment as Minister of State w.e.f. 3.6.1997.

## INTRODUCTION

I, the Chairman of the Public Accounts Committee having been authorised by the Committee, do present on their behalf, this Twentieth Report on action taken by Government on the recommendations of the Public Accounts Committee contained in their 113th Report (10th Lok Sabha) on Out-of-turn allotments of Government residential accommodation.

2. This Report was considered and finalised by the Public Accounts Committee at their sitting held on 13 November, 1997. Minutes of the sitting form Part II of the Report.

3. For facility of reference and convenience, the recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix to the Report.

4. The Committee place on record their appreciation of the assistance rendered to them in the matter by the Office of the Comptroller and Auditor General of India.

NEW DELHI;  
17 November, 1997

26 Kartika, 1919 (Saka)

DR. MURLI MANOHAR JOSHI,  
*Chairman,*  
*Public Accounts Committee.*

## CHAPTER I

### REPORT

1.1 This report of the Committee deals with the action taken by the Government on the Committee's recommendations and observations contained in their 113th Report (Tenth Lok Sabha) on paragraph 9.1 of the Report of the Comptroller and Auditor General of India for the year ended 31 March 1994 (No. 2 of 1995), Union Government (Civil) relating to "Out-of-turn allotments of Government residential accommodation".

1.2 The 113th Report which was presented to Lok Sabha on 22 December, 1995 contained 28 recommendations/observations. Action taken notes have been received in respect of all the recommendations/observations and these have been categorised as follows:

- (i) Recommendations and Observations that have been accepted by the Government:  
Sl. Nos. 1, 3, 9 to 16, 19, 20 and 23 to 26.
- (ii) Recommendations and Observations which the Committee do not desire to pursue in the light of the replies received from the Government:  
Sl. No. 18.
- (iii) Recommendations and Observations replies to which have not been accepted by the Committee and which required reiteration:  
Sl. Nos. 5, 6, 7 and 21.
- (iv) Recommendations and Observations in respect of which the Government have furnished interim replies:  
Sl. Nos. 2, 4, 8, 17, 22, 27 and 28.

#### *Out-of-turn allotments of Government Residential Accommodation*

1.3 The Directorate of Estates (DOE), Ministry of Urban Affairs and Employment (MUAE) have been assigned the overall responsibility for management of the Government residential accommodations which includes calling for applications for allotment of accommodations, actual allotment of accommodations, collection of rents through the respective departments, eviction of unauthorised occupants and also other issues related thereto. In the light of the fact contained in the Audit paragraph, the Committee had examined various aspects relating to management and allotment of Government Residential Accommodation. The Committee's examination had *inter alia* revealed: the existence of long waiting lists in all categories of accommodation; incorrect allotment of accommodation from general pool to employees covered under separate pools; earmarking of

certain units in Prime location in Delhi for non-residential purposes; unequal treatment to similarly placed employees in allotment of accommodation from Tenure Pool; laxity in the matter of eviction of unauthorised occupants and recovery of licence fee/damages; rampant misuse of allotted accommodation by resorting to unauthorized subletting and the failure of the authorities to deal sternly in such cases etc.

1.4 In the light of the precarious situation in the availability of Government residential accommodation, the Committee had observed that it was imperative that the management of residential accommodation was done strictly in accordance with the rules/guidelines so as to safeguard the interest of the employees in the matter of allotment. While observing that there was a total break-down in the administration and management of Government residential accommodation in general pool, the Committee had expressed their serious concern over it and had advised the concerned authorities to take suitable corrective/remedial steps to streamline the administration and management of Government residential accommodation in general pool. The Committee had also desired that the steps under contemplation by the Government viz. reducing the out-of-turn allotment, removing unauthorised occupants, preventing unauthorised subletting, increasing the housing facilities and incorporation of changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government employees should be converted into concrete plan of action with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent.

1.5 The various observations/recommendations made by the Committee and the Action Taken Note furnished by the Government thereon have been reproduced in the relevant subsequent chapters of this Report. The Committee will however, deal with the action taken by the Government on some of their recommendations and observations.

*Delay in taking conclusive action by the Government on various recommendations of the Committee*

1.6 The Ministry of Urban Affairs and Employment have not taken conclusive action on the Committee's recommendations contained in Paragraphs 115, 117, 121, 130, 135, 140 and 141 of the Report; and the replies furnished by the Ministry in respect of all these recommendations are of interim in nature. As intimated by the Ministry, the various stages of action being taken by them in regard to implementation of the recommendations contained in the above cited paragraphs of the Report are as under:—

Sl. No.	Paragraph No.	Recommendation of the Committee	Stage of action (as indicated in Interim ATN)
1	2	3	4
2	115	(i) Realistic assessment of the magnitude of the problem (real level of demand for general pool accommodation).	(i) It has been decided to invite fresh applications and actual demand would be calculated on receipt of such applications.

1	2	3	4
		(ii) Taking of effective steps to achieve the targetted satisfaction level.	(ii) To achieve the targetted satisfaction level, steps could be worked out within the financial constraints only after the details regarding actual demand of Government accommodation is received.
4.	117	To review the policy of allotment of general pool accommodation to officials of Delhi Administration etc. for whom separate pool exists in Delhi.	The Government would be in a position to take a final view on the subject only after considering all aspects of the case.
8	121	<p>(i) The Government should evolve a system of complete review of all such cases (allotment to dignitaries and organisations) at regular intervals</p> <p>(ii) the basis for allotment of accommodation to these categories should also be incorporated in the relevant rules.</p>	The guidelines are being framed and a copy of the same would be made available as soon as the same are notified after obtaining the approval of the Cabinet Committee on Accommodation.
17	130	To take corrective action where ad-hoc/out-of-turn allotments were made above entitlements.	Action Taken Note would be furnished in due course once the decision of the Supreme Court becomes available.
22	135	To take appropriate steps to expedite the enquiry in the matter by CBI. (nexus between property dealers and officials of DOE and organised rackets in allotments of out-of-turn Government accommodation involving officials of the DOE, CPWD etc.)	The investigations being done by the CBI are at various stages and no final report has been received so far.
27	140	The maximum limit of 20 percent for ad-hoc/out-of-turn allotment should be further brought down, say 10 percent.	The Supreme Court in its final order dated 23.12.1996 has directed that out-of-turn allotments may be made after framing guidelines and duly notifying the same. Such out-of-turn allotments would be against the ceiling of 5% of vacancies occurring in respect of each type of accommodation during a year. The guidelines are being framed.
28	141	Steps contemplated viz. reducing the out-of-turn allotments removing unauthorised occupants, unauthorised preventing subletting.	(i) A High Powered Committee has been constituted under the Chairmanship of Director General Works, CPWD to examine the need for

1	2	3	4
		<p>the housing stock and incorporating changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government servant should be converted into concrete plan of action in near future with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent.</p>	<p>more constructions of residential accommodation. The Committee shall furnish its report within a period of three months and follow up action will be taken thereafter.</p> <p>(ii) Changes in the Govt. Policy governing grant of House Rent Allowance and House Building Advance to the Govt. servants shall be considered after implementation of the recommendations of the Central Pay Commission.</p>

**1.7** The Committee observe that the Ministry have not taken concrete steps to effectively implement the recommendations of the Committee despite a lapse of considerable time. As a result, the final action taken replies to the recommendations of the Committee cited in the preceding paragraphs are yet to be received from the Ministry. The Committee regret to note that the Ministry also failed to keep the Committee informed contemporaneously of the developments in the matter. While deplored the lack of concern on the part of the Ministry towards effective and timely implementation of their recommendations, the Committee desire the Ministry to expeditiously finalise all the pending issues in regard to the various recommendations of the Committee and to submit the final replies duly vetted by audit within a period of three months from the presentation of this Report.

*Inclusion of residential accommodation being used for purposes other than residences*

*(Sl.No. 5, Para 118)*

**1.8** The Committee during the course of examination had found that the scarce availability of the residential accommodation in higher types had also been affected due to earmarking of certain units in prime location of Delhi for purposes other than residences. Keeping in view the acute shortage of accommodation, the Committee had recommended for inclusion of such residential units forthwith in the housing stock to enhance availability of already meagre accommodation in higher types.

**1.9** In their Action Taken Note, the Ministry stated that two bungalows Nos. 203 and 211, Rouse Avenue which were being allotted for marriage purposes had since been included in the general pool for allotment to the Government employees for residential purposes. The Ministry also furnished a statement showing details of 125 odd accommodations allotted for other than residential purposes. The Ministry further stated that the Supreme Court in its order dated 23.12.1996 in Writ Petition (Civil) No. 58594 had directed for review of such allotments in terms of the guidelines to be framed for discretionary allotment and also for getting those accommodation vacated by December, 1997 which were not covered under the guidelines. According to the Ministry, the steps had been initiated by the Government in accordance with the directions of the Supreme Court.

1.10 The Committee are dismayed to note that the Ministry even after being fully seized of the problem of scarcity of residential accommodation, allotted as many as 125 odd residential units in Delhi alone for purposes other than residence. The allottee organisations/parties/societies are still occupying quite a good number of the residential units as are indicated in brackets: Kendriya Bhandar (15), C.P.W.D.(8), Post Office (2), Co-operative stores (10), Delhi Public Library (2), CGHS Dispensary (11), Griha Kalyan Kendra (8), Political Parties (19), Other different types of societies (50). The Committee are also surprised to note that the Ministry seems to be content with getting vacated only two bungalows No. 203 and 211, Rouse Avenue and did not bother further to initiate any action to include these residential units in the housing stock. The Committee hope that the Ministry would take appropriate steps to review all such cases expeditiously in the light of the provisions of the new guidelines being framed/revised by the Government in pursuance of the directions of the Supreme Court so as to enhance the availability of housing stock. The Committee would like to be apprised of the final decision taken in the matter by the Government.

*Removal of discrimination in allotment from Tenure Pool*

(Sl.No. 6, Para 119)

1.11 In regard to Tenure Pool, the Public Accounts Committee (1974-75) in Paragraph 1.47 of their 168th Report (Fifth Lok Sabha) had recommended that the Officers of Central Services with transfer liability should also have been made eligible for allotment from the Tenure Pool accommodation and no distinction should have been made between two classes of officers. While examining the matter again in 1995, the Committee noted with distress that their earlier recommendation in this regard was eventually not accepted by the Government. During the course of examination, the Committee were informed that the matter was considered by the Committee of Secretaries on 26 October 1995 where it was decided to increase the number of houses under the tenure pool and also that the question of extension of tenure pool accommodation to officers belonging to certain other All India Services could be considered separately. The Committee had expressed their trust that the decision in the matter would be taken expeditiously so as to eliminate any discrimination in the allotment of accommodation between two classes of officers posted in Delhi on fixed tenure basis.

1.12 In their Action Taken Note, the Ministry stated that the recommendations of the Committee were being examined and the final decision in the matter would be communicated in due course.

1.13 The Committee are unable to comprehend as to why the Ministry have not succeeded in arriving at a final decision in the matter even after such a long period of time. Considering the fate of their earlier recommendation given more than 20 years back, the Committee are constrained to express their apprehension about the indifferent attitude of the Ministry to eliminate this discrimination in the Tenure Pool. The Committee do not find anything which could be considered a major impediment in giving effect to

their recommendation. The Committee, therefore, reiterate that there should be no discrimination in allotment of accommodation from Tenure Pool between two classes of employees similarly placed viz. All India Services and other Central Services with transfer liability and further desire that the final decision in regard to implementation of this recommendation be taken by the Ministry within a period of three months from the presentation of this report. The Committee would also like to be apprised of the precise rules framed or instructions issued by the Ministry in this regard.

*Evolving of an effective procedure for eviction of unauthorised occupants  
(Sl. No. 7, Para 120)*

1.14 While expressing their concern about the non-existence of an effective procedure for getting the residential premises vacated in time by the Directorate of Estates, the Committee had recommended the Ministry to make a comprehensive review of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 with a view to contemplating amendments to tackle effectively the problem of unauthorised occupancy in general pool. The Committee had also recommended the DoE to gear up their machinery for initiating a time bound programme to evict all unauthorised occupants and to collect all outstanding dues from such occupants of general pool accommodation.

1.15 In their Action Taken Note, the Ministry mentioned that during the course of hearing in the Supreme Court in CWP No. 58594, the Government had filed an affidavit before the Court that it proposed to amend the Act so as to minimise procedural delay in getting the unauthorised occupants evicted. The Ministry stated that it was proposed that the letter of the Directorate of Estates granting extension of retention of accommodation to retired/transferred officers or allottees beyond normal period may be treated as notice of eviction which would help in reducing the delay caused by requirement of giving a separate notice and further litigation which sometimes ensued therefrom but the Supreme Court in its final judgement on 23.12.1996 neither issued any direction on this count nor questioned any provision of the Act. In regard to initiation of measures to reduce unauthorised occupancy and timely recovery of dues, the Ministry stated that certain procedural measures like issuance of directions to concerned sections/officers to review the position of general pool accommodation and to file eviction as well as recovery proceedings, starting of summary eviction in case of unauthorised overstay in suites in Western Court Hostel/VP House, reduction of the period of retention of accommodation after retirement from 8 months to 4 months; and increasing the strength of Estate Officers to expedite the eviction order and recovery of outstanding dues etc. have been initiated.

1.16 The Committee do not find it acceptable that the Ministry could not initiate the process for amendment in the Act because of pendency of case

before the Supreme Court. Neither the validity of the Act was questioned before the Supreme Court nor any injunction was issued by the Court restraining the Ministry for initiation of any exercise towards amendments in the Act. While the Committee had recommended for comprehensive review of the Act, the Ministry have simply taken up only one aspect of the Act relating to granting of extension for retention of accommodation which in the opinion of the Committee will not yield the desired results. The initiation of certain procedural measures by the Government to reduce unauthorised occupancy and recovery of dues are steps in right direction. But, in the opinion of the Committee, these measures alone will not be sufficient to bring satisfactory results unless sincere efforts are made to make appropriate amendments in the Act as well as to activate the enforcement mechanism to tackle effectively the aberrations by unscrupulous elements. As such, the Committee are constrained to reiterate their earlier recommendation for comprehensive review of the Act with a definite objective to bring all necessary amendments in the act to deal with effectively the problem of unauthorised occupancy in general pool and also that of timely recovery of dues. The Committee would like to be apprised of the precise action taken in this regard.

*Unauthorised subletting of Government Residential Accommodations*

(Sl. No. 9, Para 122)

1.17 The Committee had noted that one rampant malpractice which had aggravated the already acute shortage of accommodation had been that of unauthorised subletting of quarters resorted to by certain unscrupulous allottees. The Committee had recommended the Government to examine this matter in depth and to gear up their machinery for dealing sternly with such cases of misuse of Government accommodation.

1.18 In the action taken note, the Ministry stated that out of the 40928 houses inspected during 1996, notices on account of suspected unauthorised subletting were issued in 4194 cases and the allotment of accommodation was cancelled in 1085 cases. The Ministry further stated that the Department of Personnel and Training carried out an amendment in August, 1996 in the CCS (Conduct) Rules, 1965 and Rule 15-A was inserted specifically prohibiting the unauthorised subletting of Government accommodation and violation thereof attracting disciplinary action under the relevant rules.

1.19 The Committee observe that though the steps now taken by the Government are in right direction, the fact remains that the Ministry are not carrying out vigorous and large scale inspections regularly to detect timely the unauthorised subletting of Government accommodations by the unscrupulous allottees. The Committee are of the definite view that if such inspections had been carried out regularly in the past, there would have been a continuous threat to those who were resorting to unauthorised subletting of the Government accommodation. The Committee while

appreciating the various measures being devised by the Government, would further advise that effective inspections be carried out regularly and extensively to detect maximum number of cases of unauthorised subletting and strong action be initiated against such unscrupulous elements as a deterrent which would not only discourage such aberrations but also mitigate the hardships faced by the needy employees by making available to them the Government accommodation at a faster rate. The Committee would like to know the concrete measures devised by the Ministry in this regard.

*Action Taken on Special Audit Report*

(Sl. No. 21, Para 134)

1.20 The Committee had noted in their original Report that in pursuance of the orders of the Supreme Court, the Ministry had moved the C&AG to conduct a Special Audit of all the out-of-turn allotments made on special compassionate grounds between 1991-95. The Committee had desired to know the outcome of the Special Audit.

1.21 In their Action Taken Note, the Ministry stated that the Special Audit Reports had been filed before the Supreme Court of India by the Directorate of Estates on 29.11.1996. The Ministry also made available a copy of the Special Audit Report to the Committee.

1.22 The Committee observe that the Special audit revealed grave irregularities in out-of-turn allotments, some of them are: sizeable magnitude of out-of-turn allotment to the extent of 8981 accommodations; according of sanctions on the applications itself without verification of the facts relating to the eligibility, validity of grounds etc.; missing of vital papers like DE-2 forms, allotments on grounds of general nature, non-recording of reasons for relaxation of rules, allotments to those already possessing houses within the municipal limits, allotments of particular accommodations of choice of the applicants, allotments on non-admissible grounds, allotments to those having not even completed 5 years of service, allotments of higher types of accommodations, extending larger share of such allotments to employees of a few departments/services; allotment in spite of contrary direction of the Directorate of Estates, allotment without sanction of the competent authority; and non-production of as many as 357 files by the Ministry for scrutiny by audit etc. The Committee, however, observe that the Ministry have not indicated as to what action has been taken by them on the facts emerged from the special audit. The Committee would, therefore, trust that all the irregularities/lapses brought out in the Special Audit Report will be thoroughly looked into and necessary action taken against the erring officials found responsible for various omissions and commissions and also efforts be made to plug the loopholes in the functioning of the system. The Committee would like to be kept informed of the precise action taken by the Government in this regard.

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

The Directorate of Estates (DoE) in the Ministry of Urban Affairs and Employment (MUAE) has been entrusted, among other functions, with the overall responsibility for administration and management of Government residential accommodation in general pool which is presently located at 23 stations in different parts of the country. The functioning of the DoE in this regard had engaged the attention of the Public Accounts Committee earlier also. The present Audit paragraph contained the results of the scrutiny of records by C&AG pertaining to *ad-hoc/out-of-turn* allotments made in Delhi by the DoE—from 1991 to July, 1994. The Committee's examination of the Audit paragraph and the related aspects has revealed several disquieting trends in the management and allotment of Government residential accommodation which are dealt with in the succeeding paragraphs.

[Sl. No: 1, Appendix II, Para 114 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/95-Pol.III dt. 11.9.96]

#### Recommendation

The Committee find that the total number of residential units in Delhi in the general pool is 63760 which accounts for about 70 per cent of the total general pool residential accommodation under the control of the DoE at various stations as on 31 December, 1994. At the same time, the waiting period for getting allotment in Delhi is also very long ranging between 15 to 31 years in Types I to IV. According to the information made available to the Committee, while 9443 employees entitled to Type-III accommodation were awaiting their turn for allotment even after rendering over 31 years of service, there were as many as 9703 employees entitled to Type-II accommodation and 1392 employees entitled to Type-IV accommodation who were yet to be allotted accommodation in their entitled category even after their putting in over 27 years of service as on 12 July, 1995. The Committee have also observed an equally precarious situation in higher Types where the percentage of Government servants awaiting allotment in July, 1995 ranged between 52 per cent (C.II type) to 83 per

ccnt (Type-IV Special) within the limited number of applications received in the DoE. Obviously, there are overall shortages with reference to total demands in all types of residential accommodations in general pool in Delhi and there may be a fairly large number of Government employees who would not be able to get Government accommodation in the entitled type in general pool during their entire period of service.

[Sl. No. 3, Appendix II, Para 116 of 113th Report of PAC (10th Lok Sabha)]

#### **Action Taken**

**Observations of the Committee** have been noted.

[Directorate of Estates O.M No. 13012/195-Pol.III dt. 11.9.96]

#### **Recommendation**

The Committee note that one rampant malpractice which has aggravated the already acute shortage of accommodation has been that on unauthorised subletting of quarters resorted to by certain unscrupulous allottees. The limited enquiry made by the Committee in this regard revealed that out of the 264 quarters inspected in a locality in Bombay in the first week of April, 1995, there were as many as 252 quarters which were found to be fully or partially sublet. The Ministry merely stated that necessary action has been initiated in such cases without indicating the relevant details. This clearly shows that no serious action has been initiated against the defaulters/offenders in those cases which is a matter of concern to the Committee. The MUAE are now stated to have requested the Department of Personnel to amend the Conduct Rules so that the unauthorised subletting of Government accommodation becomes a case for major penalty proceedings under the relevant Rules. The Committee would like the Government to examine this matter in depth and gear up their machinery for dealing sternly with such cases of misuse of Government accommodation. They would also like to be kept informed of the further action taken on the Ministry's proposals made for amending the Conduct Rules.

[Sl. No. 9, Appendix II, Para 122 of 113th Report of PAC (10th Lok Sabha)]

#### **Action Taken**

Apart from the Public Accounts Committee, the menace of subletting of Govt. accommodation has also recently attracted the attention of the Supreme Court. To check the incidence of subletting extensive inspections of Govt. residential accommodation was carried out in Delhi in the year 1996 and by Sept. '96 some 40928 houses were got inspected, out of which notices, on account of suspected subletting, were issued in 4194 cases. After due proceedings under the Allotment Rules, the allotment of accommodation was cancelled in 1085 cases. In the light of the observations of the Public Accounts Committee, the Dte. of Estates also requested all Ministries/Departments on 15.5.96 to circulate instructions to their

lower formations to advise their employees to refrain from subletting of Govt. accommodation, failing which stern action shall be taken under the Allotment Rules, the provisions whereof were being made more stringent.

2. At the behest of Ministry of Urban Affairs & Employment, the Deptt. of Personnel & Trg. has also carried out an amendment in August, 96 in the CCS (Conduct Rules) 1965 and Rule 15-A was inserted which specifically prohibits subletting of a Govt. accommodation. As such any violation in this regard would amount to misconduct, attracting disciplinary action under the relevant rules.

3. In the meanwhile, the Supreme Court of India, in its order dated 29.11.96, held that since subletting of Govt. accommodation, for pecuniary gain, is a grave misconduct, it is obligatory for the disciplinary authority concerned to initiate disciplinary proceedings against concerned Govt. servant under Rule 14 of the CCS (CCA) Rules, 1965 (major penalty) and the competent authority may also consider placing the delinquent Govt. servant under suspension. In view of this direction of the Hon'ble Court, the Deptt. of Personnel & Trg. has been approached for issuing necessary instructions to all Ministries/Departments.

4. In the wake of all round concern regarding rampant subletting, Govt. is considering making the existing penal provisions in the Allotment Rules regarding subletting more stringent. The Committee constituted by the Ministry, to consider amendments in the Allotment Rules, has recommended that in proven cases of subletting, the allottees may be debarred for allotment of accommodation for the remaining period of service and may also be charged 10 times the normal licence fee, instead of 4 times as at present, for the notice period of 60 days. The necessary amendments accordingly are expected to be made after getting the approval of the competent authority and vetting by the Ministry of Law.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

#### **Recommendation**

In the light of precarious situation in the availability of Government residential accommodation discussed in the preceding paragraphs, it was imperative that the management of residential accommodation was done strictly in accordance with the Rules/guidelines so as to safeguard the interests of the employees in the matter of allotment. The Committee are however, concerned to note from the Audit paragraph that Government, on the other hand, chose to resort to *ad hoc*/out-of-turn allotments on a large scale.

[Sl. No. 10, Appendix-II, Para 123 of 113th Report of PAC (10th Lok Sabha)]

### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

### Recommendation

The Committee note that no specific provision for *ad hoc*/out-of-turn allotment exists in the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and such *ad hoc*/out-of-turn allotments of Government residential accommodation are made under the blanket power given to the Government under SR-317-B-25 under Rules *ibid*, which provides that "the Government may for the reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences". Various administrative orders have, however, been issued specifying the circumstances and conditions under which *ad hoc* allotments are made to the following categories on the basis of the specific orders issued from time to time:

- (i) personal staff of high dignitaries;
- (ii) eligible wards of retired or deceased Government servants who are in occupation of General Pool Accommodation;
- (iii) Government employees suffering from malignant cancer, pulmonary tuberculosis, leprosy, heart ailments etc;
- (iv) physically handicapped Government servants;
- (v) an occupant of departmental housing who has to vacate it on transfer to general pool accommodation; and
- (vi) on compassionate grounds.

According to the guidelines stated to have been issued by the Ministry in January, 1990, the maximum number of out-of-turn allotments that may be made shall be one out of five such allotments.

[Sl. No. 11, Appendix II, Para 124 of 113th Report of PAC (10th Lok Sabha)]

### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

### Recommendation

From the information made available to them, the Committee find that the *ad hoc*/out-of-turn allotments made in Delhi had exceeded the prescribed norm of 20 per cent in all the years during the period 1991 to 1994. The Committee's examination in this regard has revealed that while the number of *ad hoc*/out-of-turn allotments made in Delhi in 1990 was 1237, the number of such allotments increased to 1720 in 1991; 2256 in

1992; 2057 in 1993 and 2811 in 1994. In fact, the percentage of out-of-turn allotments with reference to total number of allotments made in a year progressively increased from 26.4 in 1991 to 33.1 in 1992; 38 in 1993; and 47.19 in 1994. Distressingly, there were instances when the number of out-of-turn allotments had far exceeded the in-turn allotments particularly in Type-II where officials with 27 years of service were still waiting for their turn. The Committee's examination also revealed that despite the long waiting period for all Types, there were as many as 166 cases of out-of-turn allotment during 1991 to July 1994 to persons who had not even completed five years of service. In their reply to Audit in February, 1995, the Ministry stated that out-of-turn allotments are made by competent authority under SR-317-B-25 and that under this Rule, all provisions of Allotment Rules could be relaxed including any instructions issued there under; and that whatever instructions have been made regarding specific percentage to be maintained are only self-imposed instructions and were not part of the Supplementary Rules. In their subsequent note to the Committee, to NUAE again maintained the same position and reiterated that the restriction of 20 per cent was not a part of the Supplementary Rules. The Committee are not at all inclined to accept these assertions. Their scrutiny revealed that the Ministry had themselves gone on record to state in their note dated 22 February, 1994 that they "have, in the past, on more than one occasion, laid statements on the table of the House in Parliament that as per the internal policy of the Ministry, all efforts are made that in turn and out-of-turn allotments are given in 4:1 ratio. Both in Parliament as well as in various Parliamentary forums what has been emphasised by this Ministry is that out-of-turn allotments would be restricted to 20 per cent of the total allotments." From the foregoing, the Committee regret to conclude that Government did precious little to restrict themselves to 20 per cent norm for out-of-turn allotments prescribed by them earlier and they rather resorted to indiscriminate use of the power given to relax all or any of the provisions of the Allotment Rules.

[Sl. No. 12, Appendix II, Para 125 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

#### Recommendation

Another matter which engaged the attention of the Committee is the growing percentage of out-of-turn allotments made purely on "special compassionate grounds" during the years 1991 to 1994 which progressively increased from 63 per cent in 1991 to 74.2 in 1992; 79.1 in 1993 and 86.7 in 1994. Curiously enough, the reasons cited in such sanctions included, "exigencies of work," "inability to afford private accommodation", "other family compulsion" etc. Commenting on the nature of the cases covered

under the category of "special compassionate grounds" the Secretary of the MUAE deposed before the Committee that "this term compassionate is a misleading generic term" and that "it is the real out-of-turn allotment.....". Interestingly, the DoE/MUAE have neither issued any administrative orders/guidelines specifying the conditions which would constitute special compassionate circumstances deserving consideration for out-of-turn allotment nor prescribed any application forms in respect of cases of special compassionate grounds despite the fact that specific orders and application forms have been stipulated for several other categories of the officials desiring residential accommodation on *ad hoc*/out-of-turn basis. The Committee consider it to be yet another instance of the manner in which Government chose to make out-of-turn allotments without giving due regard to the large number of employees silently suffering and patiently waiting for in turn allotments for considerably longer time.

[Sl. No. 13, Appendix II, Para 126 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

#### Recommendation

The Committee find that in most of the cases the reasons for out-of-turn allotment contended to have been made in relaxation of Rules were not recorded in writing by the competent authority although it was required to be done under the relevant Rule, namely, SR-317-B-25. The Ministry during examination stated that in a number of cases the competent authority had considered the request and given orders on the application of request itself indicating that the reasons given in the application had been accepted by the competent authority. Keeping in view the specific provision in the Rule for recording the reasons in writing for relaxation of the Rules, the Committee expect that legal provisions shall be followed scrupulously in future.

[Sl. No. 14, Appendix II, Para 127 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

The recommendations made by the Public Accounts Committee has been noted for compliance. In the meanwhile, the Supreme Court, in its order dated 23.12.96 in Writ Petition (Civil) No. 585/94, has directed that discretionary/out of turn allotments may be regulated and transparency maintained by framing appropriate rules in this regard which may also be duly notified. The court has directed that while making discretionary allotments, the competent authority shall record speaking orders giving the reasons.

2. In accordance with the orders of the Hon'ble court, revised guidelines for discretionary allotments have since been proposed, which, *inter-alia*, lay down that the competent authority shall make a speaking order in each

case, giving specific reasons for discretionary allotment. These guidelines will be notified after obtaining the approval of the competent authority and a copy of the same will be submitted to the Committee in due course.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

#### Recommendations

The Committee are surprised to find that no departmental scrutiny could be exercised by the DOE in respect of such applications for *ad hoc*/out-of-turn allotments where direct submission were made to the competent authority who passed appropriate orders on the request. As has already been observed earlier, in a number of cases the competent authority had considered the request and given order on the request itself. According to the information made available to the Committee, the competent authority in some cases had also passed orders granting the request whereas the recommendations from the DOE/Ministry officials had been otherwise. During evidence, the Director of Estates deposed that specific files at various intervals were submitted to the competent authority pointing out the total percentage of out-of-turn allotment which was being given and also the ceiling which has been imposed in 1990. Interestingly, one such note prepared on 10 January, 1994 highlighted that *ad hoc* allotments of quarters of Type-B had been on the increase and during the year 1993, 4 per cent of the quarters were allotted out-of-turn which was much above the 20 per cent limit specified. This note even went to the extent of pointing out that the condition of in-turn allotment of quarters in the new allotment year in respect of Type-B was precarious as only one in turn allotment was made as against 38 *ad hoc* allotments made in Type-B during the first week of January, 1994. Yet another note recorded on 22 February, 1994 brought out that the out-of-turn allotments made during January, 1994 had been much above the 20 per cent norm in all types of accommodation except in Type-IV and Type-IV (Special). This note *inter alia*, contained suggestions for consideration to take a policy decision to restrict the number of allotment to be made during each month to 20 per cent and also not to entertain direct requests from Government servants since it was violative of the Civil Service Rules. The Committee do not wish to add anything to these self-speaking facts.

[Sl. No. 15, Appendix II, Para 129 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

#### Recommendation

The Committee note that *ad hoc*/out-of-turn allotments had been made under the General exception Rule viz. SR-317-B-25 which authorised that Government may for reasons to be recorded in writing relax all or any of

the provisions of the Allotment Rules. During evidence, the Committee were informed that these powers had been exercised by the Minister for Urban Development in respect of the out-of-turn allotments made above Type-IV and by the Minister of State, Urban Development in respect of the accommodation from Type-I to Type-IV. They were also informed that such distribution of work was made by an internal distribution order issued in the Ministry. The Committee have been informed that in pursuance of their query whether a Minister of State without independent charge in the Ministry could enjoy discretionary powers available under relevant Rules in respect of the work assigned to him by the Cabinet Minister in the Ministry, the MUAE have made a reference to the Ministry of Law for advice. The Committee would like to be informed of the legal advice obtained in the matter.

[Sl. No. 16, Appendix II, Para 129 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

The matter was referred to Deptt. of Legal Affairs under the Ministry of Law & Justice, and the Cabinet Secretariat who have indicated that whenever a Minister of State without independent charge is appointed in a Ministry headed by a Cabinet Minister, being the Minister-in-charge, he would perform such works/functions as may be allotted to him by the Minister-in-charge and dispose of the same under the general or special directions of the Minister-in-charge.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

#### Recommendation

The Audit Paragraph highlights that out of 7616 out-of-turn/*ad hoc* allotments made in Delhi from 1991 to July, 1994, only 235 cases files were produced for Audit scrutiny. The remaining files were not made available despite bringing the matter to the notice of the Government. Case files of out-of-turn/*ad hoc* allotments made in Bombay were also not made available. In their reply to the Audit in 1995, the Ministry observed that there was really no audit point involved in the matter for which those files should be put up for scrutiny before the Audit as any allotment made by the Government on out-of-turn basis did not exempt the allottee from the payment of licence fee prescribed under the Rules and that it might not be possible for the DoE to produce files relating to out-of-turn allotments for scrutiny by Audit. The Committee's examination has revealed that while the subject of making available files relating to *ad hoc*/out-of-turn allotment was under regular correspondence between the Ministry and the Audit at least from 30 August, 1994, it was only in July, 1995 and that too after the intervention of the Prime Minister that the Ministry informed the

C&AG that "Audit is most welcome to see whichever file/case they consider necessary in the discharge of statutory obligations". Evidently, non-production of files in time to the Audit resulted in a situation where the Audit had to make their scrutiny of records on this subject on the basis of limited information available. While expressing their unhappiness over this, the Committee desire that suitable action should be taken by the MUAE to obviate such recurrence in future.

[Sl. No. 19, Appendix II, Para 132 of 113th Report of PAC (10th Lok Sabha)]

#### **Action Taken**

The recommendations of the Committee have been noted for compliance in future.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

#### **Recommendation**

In this context, the Committee recommend that Government may evolve a procedure whereby all Ministries/Departments are asked to nominate a nodal officer preferably Financial Advisor, who should be made personally responsible to ensure that documents and information requisitioned by audit in discharge of their statutory obligations are made available by all concerned within a reasonable time.

[Sl. No. 20, Appendix II, Para 133 of 113th Report of PAC (10th Lok Sabha)]

#### **Action Taken**

Directorate of Estates is not concerned with the matter. Action has already been taken by Deptt. of Expenditure as per copy of O.M. No. 12(3)/E. Coord./96 dated 29th August, 1996 enclosed as Annexure-A.

#### **Further Audit Observation**

What action has been taken by the Ministry of Urban Affairs and Employment on the instructions contained in paragraph 3 of Ministry of Finance, Deptt. of Expenditure O.M. No. 12(3)/E-Coord./96 dated 29 August, 1996? Please enclose copy of instructions issued by the Ministry to nominate the nodal officer and for making available the documents/information called for by audit.

#### **Action Taken**

In pursuance of Ministry of Finance, Deptt. of Expenditure O.M. No. 12(3)/E Coord./96 dated 29th August, 1996, Ministry of Urban Affairs & Employment has *vide* O.M. No. G-25017/11/95-Bt. dated 12th Sept., 96, nominated Shri G.C. Bhandari, Jt. Secretary and Financial Adviser (UA&E) as nodal officer for ensuring submission of documents, files and other papers requisitioned by Audit Copy enclosed as Annexure-B.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

**ANNEXURE A**

No. 12(3)/E. Coord/96  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 29th August, 1996

**OFFICE MEMORANDUM**

**SUBJECT: 113th Report of the Public Accounts Committee (10th Lok Sabha)—Para 133 thereof—making available documents and information requisitioned by Audit**

The undersigned is directed to say that the Public Accounts Committee in para 133 of their 113th Report (10th Lok Sabha) on paragraph 9.1 of the Report of the C&AG for the year ended 31st March, 1994 (No. 2 of 1995), Union Government (Civil) relating to Out-of-turn allotments of Government residential accommodation has made following recommendations:

“133. In this context, the Committee recommend that Government may evolve a procedure whereby all Ministries/Departments are asked to nominate a nodal officer, preferably the Financial Adviser, who should be made personally responsible to ensure that documents and information requisitioned by Audit in discharge of their statutory obligations are made available by all concerned within a reasonable time.”

2. In this connection attention is also invited to the Section 18(2) of the Comptroller & Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 which reads as under:

“The person in charge of any office or department, the accounts of which have to be inspected and audited by the Comptroller and Auditor-General, shall afford all facilities for such inspection and comply with requests for information in as complete a form as possible and with all reasonable expedition.”

3. Therefore, while the primary responsibility for furnishing all information as asked for by audit lies with the person in charge of any office or department, the PAC vide para 133 of their 113th Report, as reproduced above have recommended that a procedure may be evolved whereby all Ministries/Departments are asked to nominate a nodal officer, preferably F.A. who should be made responsible to ensure that information called for by Audit are made available within a reasonable

time. The Ministry of Home Affairs, etc. are, therefore, requested that an officer of JS level, preferably the F.A., should be nominated as the nodal officer for ensuring submission of documents, files and other papers required by Audit.

4. It is also requested that the result of action taken in pursuance of the above stated recommendations of the PAC may be intimated to the Lok Sabha Secretariat within a period of one month, under intimation to this Department.

Sd/-  
(D. SWARUP)  
Joint Secy. to the Govt. of India.

All Ministries/Departments of the Government.

All Financial Advisers by name.

**ANNEXURE B**

No. G-25017/11/95  
Government of India  
Ministry of Urban Affairs & Employment  
(Budget Section)

.....

New Delhi, 12th September, 1996

**OFFICE MEMORANDUM**

**SUBJECT: 113th Report of the Public Accounts Committee (10th Lok Sabha)— Para 133 thereof—making available documents and information requisitioned by Audit.**

The undersigned is directed to refer to the Ministry of Finance, Deptt. of Expenditure's O.M. No. 12(3)E. Coord./96 dated the 29th August, 1996 on the subject mentioned above and to say that Shri G.C. Bhandari, Joint Secretary & Financial Adviser (UA&E) is nominated as nodal officer for ensuring submission of documents, files and other papers requisitioned by Audit.

2. This issues with the approval of Secretary (UD).

Sd/-  
(Neena Garg)  
Director (Finance)  
Tel. No. 301-7916

To  
The Ministry of Finance,  
Deptt. of Expenditure,  
(Shri D. Swarup, Joint Secretary),  
North Block,  
New Delhi.

### Recommendation

Ad hoc/out-of-turn allotments are made to certain categories of Government employees under certain specific circumstances which are liable to be changed subsequently. The Committee, however, find that as per the extent practice, employees who have been allotted accommodation once on ad hoc/out-of-turn basis are not subjected to a subsequent review. The Committee are of the view that Government should consider the desirability of undertaking periodical review of such out-of-turn/ad hoc allotments so that only genuine persons are allowed to retain such allotments.

[Sl. No. 23, Appendix II, Para 136 of 113th Report of PAC (10th Lok Sabha].

### Action Taken

As per the existing provisions of the allotment rules and the extent practice, Govt. employees who have been allotted accommodation on adhoc/out-of-turn basis are not subjected to periodical review. The Hon'ble Supreme Court has however taken up review of out-of-turn allotments made in the year 1991-95 in Civil Writ Petition No. 58594 filed by Shri Shiv Sagar Tiwari. The Court, in its order dated 8.4.96 in the aforesaid petition, has directed that the Director of Estates to public notice as to why the persons occupying Type-III and above houses, who had secured allotment under the 'special compassionate grounds' category be not evicted in pursuance of the above orders. A list of such allottees has been published and all the allottees have been called upon to show cause as to why they should not be evicted from the Govt. premises occupied by them. The replies received from such allottees are being compiled and would be placed before the Court at the next hearing (16.7.96). Such persons who may so wish may appear before the Hon'ble court in support of the cause shown by them. The Committee shall be informed of the outcome of the petition in due course.

### Comments of Audit

"Since ad hoc/out-of-turn allotments are made on special considerations which are valid at the time of such allotments and such allotments deprive the waitlisted employees of their chance to get Govt. residential accommodation in their turn, it is imperative that all out-of-turn allotments are reviewed periodically. While the Hon'ble Supreme Court has taken up review of out-of-turn allotments made in the year 1994-95, the limitation in not examining the possibility of periodical review of all such cases may please be explained."

### Action Taken Note

In this regard, it may be stated that the Hon'ble Supreme Court of India has since passed its final order on 23.12.96 in the CWP No. 58594. While the Court took note of the affidavit filed by the Dte. of Estates regarding ways and means to streamline the procedure for out-of-turn allotment, it directed that appropriate rules may be framed in this regard and duly notified. It further directed that for the purpose, 5% of the vacancies in each type per annum shall be adequate and while making such allotment a speaking order would be passed, giving reasons in each case. It further directed that the list of all such allottees should be circulated to all departments and an yearly statement be laid down on the table of the both Houses of Parliament.

2. In the light of the above direction of the Hon'ble Court, the guidelines for discretionary allotment, within the quota of 5%, has since been formulated and a proposal in this regard is likely to be placed for consideration of the CCA shortly. In the proposed guidelines, the allotment of accommodation to Eminent Artists, Freedom Fighters, Social Workers, non-Governmental/Govt. Voluntary organisation/institution (other than PSUs), persons allotted accommodation on security grounds etc., has been envisaged for fixed period, subject to review thereafter. However, in respect of personal staff attached with Ministers etc. as well as the key functionaries working in the PMO/Cab. Sectt. and the persons allotted accommodation on medical grounds, it has not been considered necessary to review the allotment periodically. Regarding Govt. servants allotted accommodation on functional grounds, since the allotment is made in the next below type of their entitlement, except for the Private Secretaries to the Ministries, it has not been found desirable to make allotment co-terminus, so long as they continued to be eligible for G.P. residential accommodation. The practical problem of getting the house vacated and consequential hardship to the eligible Govt. servants were also taken note of. Regarding allotments made on medical grounds, which shall be made only in extreme case of disability/seriousness of disease, periodical review of allotment was not considered desirable due to compassionate nature.

[Directorate of Estates O.M. No. 13012/195-Pol. III dt. 4.4.97]  
**Recommendation**

The Committee note that in pursuance of the recommendation made by them in their 168th Report (1974-75), the Government had decided to publish all the relevant figures of out-of-turn allotments made under each category during the year in the Annual Report of the Ministry. The Committee regret to note that this decision is not being implemented presently. The Committee desire that such details should invariably be published in the Annual Report of the Ministry at least from 1995-96 onwards with a view to maintaining transparency and disseminating information in the matter of out-of-turn allotments.

[Sl. No. 24, Appendix II, para 137 of 113th Report of PAC (10th Lok Sabha)]

#### **Action Taken**

The total number of allotments of residential accommodation (1.1.95 to 31.3.96) including out-of-turn allotment as submitted to M/o Urban Affairs & Employment for including in its Annual Report for the year 1995-96 is Annexed at Annexure-(C).

#### **Observations of Audit**

It is an Action Taken Note furnished by the Ministry and, therefore, final position needs to be indicated. Please state the page number of the Annual Report for 1995-96 at which the figures of out-of-turn allotment for all categories were included in it and enclose a copy of the Annual Report. Further, the information furnished by DoE to the Ministry is not complete and does not serve the purpose of providing full information. With a view to bringing in transparency, which is the principal objective behind the recommendations of the PAC, it is desirable to add a column of date of priority upto which regular allotments are covered as also the latest

priority covered under out-of-turn allotment under each category. Besides, the out-of-turn allotments should be split into three columns containing categories under functional medical and security grounds. No. of cases where 'one type below the entitlement' rule is not followed and where higher than entitled type of accommodation is provided on out-of-turn basis needs also to be indicated in the footnote in future.

**Action taken**

The figures on out-of-turn allotments have been published at page-50 of the Annual Report as Annexure-V of the write up on Dte. of Estates.

The Date of Priority covered in in-turn allotments as on 31-12-96 are as under:

**D.O.P. Covered as on 31-12-1996**

Type	General	S.C.	S.T.	Ladies (M)	Ladies (S)
I.	20.4.83	29.4.83	29.4.83	—	—
II.	27.9.72	1.10.72	8.11.83	7.2.72	6.2.89
III.	21.2.89	24.7.70	5.10.78	24.2.69	23.10.74
IV.	30.6.72	6.7.72	31.7.81	13.3.73	2.7.84
V-A.	5100 T.P. 4250	—	—	—	—
V-B.	6100 T.P. 5550	—	—	—	—
VI.	6500	—	—	—	—
4 Spl.	4250	—	—	—	—

**HOSTEL**

Hostel	Double Suite	Single Suite with Kitchen	Single Suite without Kitchen
TP	258/86- Rs. 3500	—	—
G.P.	1/889 Rs. 3400	1/186 Rs. 2825	1/186 Rs. 2750
LP (S)	—	6592 Rs. 2525	17392 Rs. 2275
LP (M)	1/892 Rs. 3100	9588 Rs. 2300	19390 Rs. 2180

3. No out-of-turn allotments are being made after the Order of the

Hon'ble Supreme Court dated 17.7.96 on the CWP No. 58594 Shiv Sagar Tiwari Vs U.O.I.

4. No out-of-turn allotments have been made on functional or medical grounds. However guidelines regarding Allotment of general pool accommodation to non-eligible persons on security grounds were issued on 10.10.96.

After issue of guidelines no fresh allotment on security grounds has been made.

However the Dte. of Estates has earlier made some allotments on security consideration, with the approval of the competent authority, on case to case basis. All such allotments on security grounds are under review in terms of the guidelines dated 10/10/96 and in consultation with Min. of Home Affairs.

5. Since no out-of-turn allotments are being made figures regarding out-of-turn allotments in entitled type or above entitled type would not be available.

[Directorate of Estate's O.M. No. 13012/195-Pol.III dt. 4.4.97]

**ANNEXURE 'C'**

***Total number of allotment of residential accommodation  
(1.1.95 to 31.3.96)***

Type	Total allotment	Out-of-turn allotment (including regularisation cases etc.)
I.	1391	194
II.	2887	747
III.	2304	311
IV.	1686	97
IV Spl.	93	06
V-A	165	31
V-B	83	21
VI-A	102	07
Hostel	624	23
<b>Total:</b>	<b>9335</b>	<b>1437</b>

**Recommendation**

The Committee note that the issue relating to out-of-turn allotment is currently pending with the Supreme Court where a Public interest writ petition has been filed by way of reference to the complaints of corruption in the matter of allotment of Government accommodation on out-of-turn basis as also the use of discretion for allotment of accommodation on out-of-turn basis. The Committee have been informed that in the light of these developments, the Government now propose certain measures for revamping the system and keeping the out-of-turn allotment to the barest minimum. The steps so proposed include *inter-alia* limiting out-of-turn allotments to a maximum of 20 percent in each type on well defined grounds, placing such requests before an inter-departmental committee constituted for the purpose, incorporating the ceiling and grounds for out-of-turn allotments in the Supplementary Rules both for the Government servants as well as other specified categories, initiating deterrent action against guilty Government servants in the matter of sub-letting, amending Public Premises (Eviction of Unauthorised Occupants) Act etc. The Committee were further informed that concrete action on the proposals

referred to above would be taken after the decision of the Supreme Court in the matter. The Committee would like to be apprised of the further developments and also the subsequent action taken in the matter.

[Sl. No.25 Appendix II, Para 138 of 113th Report of PAC (10th Lok Sabha)].

#### Action taken

The Supreme Court of India in its final judgement dated 23.12.96 in the Public Interest Litigation (Writ Petition Civil No. 585/94) has directed the Government that discretionary allotment/out-of-turn allotments be regulated and transparency maintained by framing appropriate rules in this regard which may also be duly notified. While making out-of-turn allotment, speaking orders would be passed giving the reasons. The extent of out-of-turn allotments would be 5% in each type of houses which would fall vacant in one year. Freedom fighters, Artists and Social Workers and Voluntary organisations/Institutions may be considered for discretionary allotment from the quota of 5% if guidelines be framed.

2. Revised guidelines have been formulated regarding discretionary allotments which shall be made on functional grounds, Medical and security grounds, to private persons such as freedom fighters, social workers, eminent artists and organisations/institutions. It has been proposed that such allotments shall be considered by two Committees of officers, duly constituted for the purpose, which shall consider each such request within the laid down policy guidelines. The ceiling on discretionary allotments, shall be 5% of the total number of vacancies occurring in each type in a year. Approval of the CCA is being obtained for the proposed guidelines for allotment of residential accommodation under discretionary quota before the same are notified and circulated.

3. Apart from the Public Accounts Committee, the menace of subletting of Govt. accommodation has also recently attracted the attention of the Supreme Court. To detect the subletting in Govt. accommodation, extensive inspections were carried out in Delhi during the year 1996 and 40,928 houses were got inspected, out of which notices on account of suspected subletting were issued in 4194 cases. Allotment in respect of 1085 quarters have been cancelled due to subletting. Keeping in view the observations made by the PAC in its Report, the Dte. of Estates have requested all Ministries/Departments on 15.5.96 to circulate instructions to their lower formations to advise their employees to refrain from subletting their Govt. accommodation, failing which stern action will be taken as per provisions of the allotment rules.

4. Deptt. of Personnel and Training has also carried out an amendment in the CCS (Conduct) Rules 1965 and Rule 15A has been inserted which makes subletting of Govt. accommodation a violation of CCS(Conduct) Rules. These amendments have been made at the behest of the Dte. of Estates.

5. The Supreme Court in its orders dated 29.11.96 held that since subletting of Govt. accommodation, for pecuniary gain, is a grave misconduct, it is obligatory for the disciplinary authority concerned to initiate disciplinary proceedings against the Government servant under Rule 14 of the CCS(CCA) Rules 1965 (major penalty) and Competent Authority may also consider placing the delinquent Govt. servants under suspension. In view of the above direction of the Court, Deptt., of Personnel and Training has been requested for issue of necessary instructions to all Ministries/Department.

6. To check the menace of subletting Govt. have examined the question of making the existing penal provisions in the allotment rules more stringent. The Committee constituted by the Ministry to consider amendments in the allotment rules has recommended that in proven cases of subletting, the allottees may be debarred for allotment of Govt. accommodation for the remaining period of service and he may also be charged 10 times of the normal licence fee, instead of 4 times at present, for the notice period of 60 days. The necessary amendments are expected to be made after getting the approval of the Competent Authority and due vetting by Ministry of Law.

7. To get the unauthorised occupants of Govt. accommodation evicted immediately after expiry of the permissible period of retention, the Govt. is considering the existing provisions in the Public Premises (Eviction of Unauthorised Occupants) Act 1971 with a view to make them more stringent in consultation with Ministry of Law.

[Directorate of Estates O.M. No. 13012/1/95-Pol.III dt. 4.4.97]

#### Recommendations

The facts narrated above reveal a total breakdown in the administration and management of Government residential accommodation in general pool. The Committee are greatly distressed that this administrative paralysis has led the entire matter to the doors of the judiciary for appropriate remedies. While admitting the realities of this unfortunate situation, the Secretary, MUAE deposed before the Committee that "somehow the credibility of the whole operation has come into question": The Committee earnestly hope that the authorities concerned would atleast now take suitable corrective/remedial steps to keep their house in order and streamline the administration and management of Government residential accommodation in general pool.

[Sl. No. 26, Appendix II, Para 139 of 113th Report of PAC  
(10th Lok Sabha)]

#### Action Taken Note

Observations of the Committee have been noted.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 11.9.96]

### CHAPTER III

#### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES RECEIVED FROM THE GOVERNMENT

##### Recommendation

What has caused further concern to the Committee is the manner in which the MUAE handled the entire matter relating to their decision in January, 1990 to constitute two Committees for scrutinising requests for out-of-turn allotments and give their recommendations for consideration and orders of the competent authority. While the then Minister for Urban Development had deferred for three months the setting up of these two Committees, no subsequent action was taken in the MUAE on a rather strange ground that "the file relating to the orders of the Minister could not be located till recently". The Committee took up their examination of this subject. While expressing their unhappiness over the inaction on the part of the MUAE in this matter, the Committee would like to be apprised of the circumstances under which such an important file could not be traced in five years for follow up action in time.

[Sl. No. 18, Appendix II, Para 131 of 113th Report of PAC (10th Lok Sabha)]

##### Action Taken

In this regard it may be stated that a note proposing constitution of two Committees to consider the cases of ad-hoc/out of turn sanctions was submitted by the then Secretary (UD), to the then Urban Development Minister on 5.1.90. In the meantime, the orders regarding constitution of Committees for consideration of requests for out-of-turn allotment were issued vide O.M. No. 12029/1/90-Pol. II dated 24.1.90 with the approval of Secretary (UD).

2. The relevant file, where in the then Secretary (UD) had submitted the proposal in this regard to the Urban Development Minister on 5.1.90, was returned with the minutes dated 19.2.90 of the Minister. The relevant extract of the minutes are as under:

"As regards an Inter-Departmental or Departmental Committee to process the case for out-of-turn priority, before putting up to me, it is felt that no such Committees need be formed at this stage and we may review the situation after about three months. In the meanwhile, any deserving case for out-of-turn sanction which come to the notice of the Secretary or the Joint Secretary (EH) or brought to my notice may be put up to me for orders."

3. The said file was, however, not received down the line, and apparently the office was not aware of the specific direction of the Minister and the file could be located only in July '95 in the almirah in the Director of Estates' room, when the search for the same was made in connection with the production of the same before the Comptroller and Auditor General.

4. The persual of the main file, however, indicates that the instruction to keep the functioning of the two Committees in abeyance, might have been conveyed verbally. While no formal orders for withdrawal of Policy O.M. dated 24.1.90 were issued, these orders were never put into effect. It was only pointed out, from time to time, that the ratio of the out of turn and in-turn allotment be restricted to 1:4, as was stipulated in the O.M. dated 24.1.90.

5. Submitted for information of the Committee.

[Directorate of Estates O.M. No. 13012/1/95-Pol.III dt. 4.4.97]

## CHAPTER IV

### RECOMMENDATIONS/OBSERVATIONS REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

#### Recommendation

The Committee during the course of examination found that the scarce availability of the residential accommodation in higher types has also been affected due to earmarking of certain units in prime location of Delhi for purposes other than residences like marriages. Taking note of the fact that there is an acute shortage in general pool accommodation especially in higher types and that the total percentage of utilisation of those units was merely 59 per cent and 64 per cent during the years 1993 and 1994 respectively, the Committee fail to understand as to why these units have been put to use for purposes other than residential. They, therefore, desire that these residential units may be included in the housing stock forthwith so as to enhance availability of the already meagre accommodation in the higher types.

[Sl. No. 5, Appendix II, Para 118 of 113th Report of PAC (10th Lok Sabha)].

#### Action Taken

Bungalows Nos. 203 and 211, Rouse Avenue which were being allotted for marriage purposes, have now been included in the general pool for allotment to the Govt. employees for residential purposes.

#### Further Audit Observations

Please state if no residential units other than bungalows Nos. 203 and 211, Rouse Avenue were allotted/earmarked for purposes other than residence. The Committee's recommendation related to all such residential accommodation which were allotted/earmarked for purposes other than residence and was not confined to residential accommodation earmarked for marriage only. Please indicate the position in respect of all such accommodation and enclose a statement of all such cases.

#### Action Taken

A statement showing details of accommodation allotted other than for residential purposes is enclosed as Annexure 'D'. Allotment of General Pool accommodation to the Kendriya Bhandar/Grih Kalyan Kendra/Post Offices/Cooperative Stores etc. have been made as per the policy of the Govt. The Govt. residential accommodation has been allotted to CGHS dispensaries/CPWD enquiry offices in localities where no separate building for the purpose is available.

2. Certain allotments have been made to private/voluntary/semi Govt. organisations who are otherwise not eligible for accommodation from General Pool. These allotments have been made on case to case basis, depending on the merits of the case, with the approval of Cabinet Committee on Accommodation. Recently, the Hon'ble Supreme Court of India in its order dated 23.12.96, in Writ Petition (Civil) No. 585/94, has directed that these allotments be reviewed in terms of the guidelines to be framed for discretionary allotment and if any case is not covered under the guidelines, the house may be got vacated within a period of one year, i.e. by December '97. Similarly, with regard to the allotments made to the Political Parties, the Hon'ble Court has observed that the existing guidelines may be reviewed/revised. Steps have been initiated by the Government in accordance with the directions of the Hon'ble Supreme Court.

[Directorate of Estates O.M. No. 13012/1/95-Pol.III dt. 4.4.97]

**ANNEXURE D**

**Details of residential accommodation allotted for other than residential use**

Sl. No.	Quarter No.	Allotted to
1.	15/190, Prem Nagar	Kendriya Bhandar
2.	15/192, Prem Nagar	-do-
3.	G-27, Nauroji Nagar	-do-
4.	S-VII, 1013 R.K. Puram	-do-
5.	S-VII, 1015 R.K. Puram	-do-
6.	139/1/S-I, M.B. Road	-do-
7.	6-D/S-IV, M.B. Road	-do-
8.	G-263, Nauroji Nagar	C.P.W.D.
9.	G-271, Nauroji Nagar	-do-
10.	102/1S-I, M.B. Road	-do-
11.	147, S-IV, R.K. Puram	-do
12.	S-II, 333 Sadiq Nagar	-do-
13.	S-II, 337 Sadiq Nagar	-do-
14.	S-II, 338 Sadiq Nagar	-do
15.	S-II, 342 Sadiq Nagar	-do-
16.	S-I, 763 R.K. Puram	Post Office
17.	S-I, 847 R.K. Puram	Delhi Public Library
18.	H-313, Kali Bari Marg	Kendriya Bhandar
19.	H-314, Kali Bari Marg	-do-
20.	H-35, Kali Bari Marg	-do-
21.	B-83, Kidwai Nagar	-do-
22.	B-85, Moti Bagh	Co-operative Store
23.	B-87, Moti Bagh	-do-
24.	69(41) II A, Lancer Road	-do-
25.	80-H/S-IV, DIZ Area	Congress-I
26.	87-T/S-IV, DIZ Area	-do-
27.	45-A/S-IV, DIZ Area	-do-
28.	H-556, Kali Bari Marg	-do-
29.	896, B.K.S. Marg	-do-
30.	C-401, Albert Square	-do-
31.	C-402, Albert Square	-do-
32.	G-519, Sriniwas Puri	Kendriya Bhandar
33.	H-379, Nanak Pura	-do-
34.	H-634, Sarojini Nagar	Co-operative Store

Sl. No.	Quarter No.	Allotted to
35.	H-638, Sarojini Nagar	Co-operative Store
36.	B-245, Sarojini Nagar	-do-
37.	D-90, Sarojini Nagar	All India Kashmiri Samaj
38.	10/165, Lodi Colony	Co-operative Store
39.	D-808, Mandir Marg	-do-
40.	9/4, Andrews Ganj	-do-
41.	11/4, Andrews Ganj	-do-
42.	71/2, S-I, M.B. Road	Post Office
43.	2-X, 3-X, 4-X & 5-X Chitra Gupta Road	CGHS Dispensary
44.	E-310 to E-316, Karol Bagh	CGHS Dispensary (Declared dangerous)
45.	S-I/45, S-I/49 & S-I/53, Sadiq Nagar	CGHS dispensary
46.	B-260, Nanak Pura	Greh Kalyan Kendra
47.	B-291, Nanak Pura	-do-
48.	S-XII/160, R.K. Puram	-do-
49.	S-VIII/654, R.K. Puram	-do-
50.	S-IX/431, R.K. Puram	-do-
51.	B-12/143, Dev Nagar	Kendriya Bhandar
52.	S-IX/821, R.K. Puram	C.G.E.C. Coop. Society
53.	S-II/1, Sadiq Nagar	-do-
54.	107/3, S-I, M.B. Road	-do-
55.	XY-68, Sarojini Nagar	Kendriya Sachivalya Hindi Parishad
56.	85/S-XII, R.K. Puram	CPWD Wifes Associations
57.	14(LF), Tansen Marg	Handicapped Welfare Federation
58.	Flat No. 8, Site-I, Nanak Pura	Moti Bagh Mutual Aid-Education Society
59.	425 and 427, Laxmibai Ngr.	Delhi Public Library
60.	137/S-III, Sadiq Nagar	Greh Kalyan Kendra
61.	33/IV, N.W. Moti Bagh	Govt. Employees Consumer Co-operative Store
62.	19, Fire Brigade Lane	Mahila Dikshita Samiti
63.	D-II/136, K.K. Nagar	Central Wakf Council
64.	34-D, Kotla Road	Akhil Bhartiya Hindi Sanstha Sangh
65.	147, North Avenue	Green Cross Society
66.	193, Rouse Avenue	Indu Suid Foundation
67.	D-II/113, K.K. Nagar	Sardar Patel Society
68.	7-10, Park Street	Central Sectt. Club
69.	164-166, Rouse Avenue	Avami Urdu Conference

Sl. No.	Quarter No.	Allotted to
70.	D-III/21, Shahjehan Road	Shahjehan Road Club
71.	16, Willingdon Crescent	Ravi Shankar Shukla Samarak Smiti
72.	D-II/9, K.K. Nagar	KKN Residents Welfare Society
73.	190, Rouse Avenue	Samajwadi Sahitya Nyas Trust
74.	92-B, Press Road	Greh Kalyan Kendra
75.	38-D, Dev Nagar	-do-
76.	D-II/321, P.D. Road	Kendriya Bhandar
77.	105, 107, 109, Press Road	Society for Handicapped Persons
78.	5, Raisina Road	A.I.C.C. (I)
79.	24, Akbar Road	-do-
80.	26, Akbar Road	-do-
81.	2, Talkatora Road	D.P.C.C. (I)
82.	11, Ashoka Road	B.J.P.
83.	15, Windsor Place	Lok Dal (A)
84.	12, G.R.G. Road	B.S.P.
85.	16, Dr. R.P. Road	Janta Dal (Samajwadi)
86.	13, Windsor Place	-do-
87.	18, Copernicus Lane	Samajwadi Party
88.	3, Pandit Pant Marg	Lok Dal (B)
89.	5, Pandit Pant Marg	Janata Party
90.	7, Akbar Road	United Front
91.	14, Akbar Road	Janta Dal
92.	25, Ashoka Road	M/o Welfare, B.R. Ambedkar Cent. Celebration Commission
93.	2, Rajaji Marg	British High Commission
94.	1, Akbar Road	Indira Gandhi Memorial Trust
95.	1, Safdarjung Road	Indira Gandhi Memorial Trust
96.	11, T.M. Marg	Official Language Commission
97.	9, Race Course Road	S.P.G.
98.	AB-19, Mathura Road	Foreign Association Correspondents
99.	1-A, Sunehri Bagh Road	Kashi Nagri Pracharni Sabha
100.	215, Rouse Avenue	Farmers Parliamentary Forum
101.	4, M.L.N. Marg	I.B.
102.	5, M.L.N. Marg	-do-
103.	11, Pandit Pant Marg	-do-

Sl. No.	Quarter No.	Allotted to
104.	AB-1, Purana Qila Road	UNWOGIP
105.	5, Windsor Place	Indian Women Press Corps.
106.	12, Windsor Crescent	Sanjay Gandhi Memorial Trust

### Recommendation

The Committee note that a separate pool known as "Tenure Pool" has been created for allotment of accommodation exclusively for All India Services Officers belonging to IAS; IPS; and IFS personnel. Pertinently, the Public Accounts Committee (1974-75) in paragraph 1.47 of their 168th Report (Fifth Lok Sabha) had recommended that the officers of Central Services with transfer liability should also be eligible for the allotment from the Tenure Pool accommodation and no distinction should be made in this regard between two classes of officers. Although the Committee were informed at that stage that the recommendation was being examined, they regret to note that eventually, Government had not accepted the same. The Committee are unable to comprehend the logic behind separate treatment to similarly placed employees with transfer liability. While agreeing with the MUAE that this facility cannot be extended to those officers for whom separate pools are maintained, the Committee feel convinced that the officers of those Central Services who come to Delhi on a fixed tenure basis should also be made eligible for accommodation from the Tenure Pool. In this context, the Committee have also been informed that this matter was considered by the Committee of Secretaries on 26 October, 1995 where it was decided to increase the number of houses under the tenure pool and also that the question of extension of tenure pool accommodation to officers belonging to certain other All India Services could be considered separately. The Committee trust that the decision in the matter will be taken expeditiously so as to eliminate any discrimination in the allotment of accommodation between two classes of officers posted in Delhi on fixed tenure basis.

[Sl. No. 6, Appendix II, Para 119 of 113th Report of PAC (10th Lok Sabha)]

### Action Taken

The recommendations of the Committee are being examined and final decision in the matter would be communicated in due course.

### Comments of Audit

"Please state the time frame within which the decision is likely to be taken and enclose a copy of the Note of the Committee of Secretaries. Please also state if any of the recommendations, particularly increasing the number of residential accommodation under the Tenure Pool has already been given effect to. Please also state as to why it has taken so long to take a decision to eliminate the discrimination among similarly placed employees.

Besides, the Ministry had informed the PAC (reference paragraph 12 of the 113th Report-Tenth Lok Sabha) about different department pools and stated that officers who were eligible for accommodation from the departmental pools were not eligible for allotment of house from the general pool, except on exchange basis.

It may please be stated if a separate departmental pool at Delhi, Bombay, Calcutta etc. exists for officers of Indian Revenue Service (Income Tax and Central Excise & Customs) some of which were carved out of general pool accommodation and whether the averment of the Ministry about non-eligibility of accommodation from general pool to the department with their own pool accommodation, applies to the Indian Revenue Service/Department also".

### Action Taken

As desired, a copy of the note for the Committee of Secretaries, which was considered by the Committee on 26.10.95, is enclosed (*Annexure-E*). The final decision regarding the implementation of the Committee of Secretaries' Decision dated 26.10.95 is expected to be taken shortly. It has been proposed to earmark certain number of units in CI and above type of accommodation for Secretary and Secretary level officers who may belong to All India Service or any other service. So far lower types of accommodation are concerned, the Govt. is assessing the requirement of accommodation for such central services officers who come to Delhi on central deputation. The related issues are still under examination.

2. So far as the observation of the Audit regarding eligibility of Indian Revenue Service officers for G.P. accommodation, despite having a departmental pool, is concerned, it is stated that under the existing policy only such departments who have a significant Pool of accommodation of their own, with the level of satisfaction in the pool higher than or comparable to that of the G.P., are not eligible for allotment of accommodation from General Pool. Since the Income Tax and Central Excise & Customs are having a small pool of accommodation, with low satisfaction level, its officers are having simultaneous eligibility for allotment of accommodation under G.P. Unless these organisations are able

to augment their pool of accommodation substantially, so as to achieve level of satisfaction comparable to G.P., it may not be desirable to declare them in-eligible for allotment of General Pool accommodation.

[Directorate of Estates O.M. No. 13012/195-Pol. III, dt. 4.4.97]

**ANNEXURE—E**

No. 12024/1/84-Pol. II (Pt.)  
**MINISTRY OF URBAN AFFAIRS & EMPLOYMENT**  
(Department of Urban Development)

New Delhi, the 6th Sept., 1995

**NOTE FOR THE COMMITTEE OF SECRETARIES**

**SUBJECT: *Inadequacy of Tenure Pool Accommodation in Delhi.***

***I. Background***

While considering the housing problems of the SPG personnel in its meeting held on 4.10.94, the Committee of Secretaries had *inter alia*, decided that this Ministry should prepare a paper for consideration of the COS on the availability of Tenure Pool Accommodation including the period of waiting for such allotments and the percentage of out of turn allotments during the last five years. A separate note on the rationalisation of procedure for allotment of Govt. accommodation to Govt. servants, other eligible persons and certain special categories (which, *inter alia*, dealt with the problem of out of turn allotments) was submitted for consideration of the COS *vide* this Ministry's No. 12035/1894-Pol. II dated the 7th August, 1995 and the same has also been deliberated upon in the COS meeting held on 17th August, 1995 and certain decisions have been taken. The present note accordingly confines itself only to the problems arising out of the inadequacy of Tenure Pool Accommodation.

***II. No. of Tenure Pool officers in Delhi vis-a-vis the availability of accommodation in the pool***

2. The data gathered from the DOP&T, MHA and the Ministry of Environment & Forests on the number of IAS/non-IAS officers posted in

Delhi at various levels from those of the Under Secretaries/equivalent to Additional Secretaries/equivalent shows the following *number of Tenure Pool officers working in Delhi* as on date at these levels:—

S. No.	Level of post	IAS officers	Non-IAS officers (excluding IPS&IFS officers)	IPS officers	IFS officers	Total Remarks
1.	Addl. Secy./ equivalent	68	12	7	2	89
2.	Jt. Secy./ equivalent	215	41	108	2	366
3.	Director/ equivalent	135	111	78	17	341
4.	Dy. Secy./ equivalent	93	115	97*	26	331
5.	Under Secy./ equivalent	9	15	—	2	26
*Combined figure of all Officers of S.P.'s rank.						
		520	294	290	49	1153

3. Besides, the MHA and MOE&F have also intimated that 15 IPS officers of DGP's rank and one IFS Officer of Special Secretary's rank are working in Delhi. Adding to it the number of IAS and other Officers working as Secretaries to Govt. of India and in other equivalent positions at Delhi, it is expected that at least 100 IAS/IPS/IFS/other officers of Secretaries/Special Secretaries' rank should be presently working in Delhi and be eligible for General Pool accommodation.

4. As things stand today, Tenure Pool operates only in respect of Type-IV and Type-V (i.e. D-II and D-I types) houses. As against a total of 63,785 Central Govt. houses/flats available in Delhi, 63,237 are in the

General Pool and 548 in the Tenure Pool. The break-up of General Pool and Tenure Pool houses out of the total stock of Types-IV, D-II and D-I houses in Delhi, at present, is as follows:—

Sl. No.	Type of house/flat	No. of houses/flats in Delhi		
		Total	GP	TP
1.	Type-IV	5001	4930	71
2.	Type-IV (Spl.)	372	372	—
3.	D-II	1432	1136	296
4.	D-I	431	250	181
Total		7236	6688	548

5. With regard to the higher types of houses in Delhi where no Tenure Pool presently operates the position regarding the overall stock of houses is as follows:—

Sl. No.	Type of Houses	No. of houses/flats in Delhi		
		Total	GP	TP
1.	C-II(Type VI-A)	425	425	—
2.	C-I/Bungalow type accommodation (Type VI-B)	111	111*	—
3.	Type-VII	108	108	—
4.	Type-VIII	113	113	—

\*C-I = 68 + Bungalows = 43

### *III. Analysis of the situation*

6. It would be seen from the figures given in the foregoing paragraphs that as against the total of 1153 Tenure Pool officers belonging to different services and working at various levels from those of Under Secretary/ equivalent to the Additional Secretary/ equivalent in the Govt. of India at Delhi the number of Tenure Pool houses, which was obviously fixed a long time ago, is only 548 i.e. less than half the number of Tenure Pool officers working in Delhi. At the level of Deputy Secretaries and Under Secretaries or equivalent levels, 357 Tenure Pool officers are working in Delhi against which only 71 houses are available in the Tenure Pool in respect of Type-IV/Type-IV (Spl.) to which these levels of officers would be entitled. In respect of Directors and equivalent levels, 341 officers are

working in Delhi as against which only 296 D-II houses to which such officers should be normally entitled are available. At the level of Joint Secretaries and equivalent, 366 officers are working in Delhi, as against which only 181 houses of D-I type to which these officers should be normally entitled are available. Finally, at the level of Additional Secretaries and equivalent, 89 officers are working in Delhi on tenurial basis, but no houses of C-II or higher types are earmarked for such officers in Delhi. In respect of officers of the rank of Secretaries to the Govt. of India and equivalent, the total number of officers is expected to be in excess of 100, but the overall number of C-I/equivalent houses in Delhi is only 111, many of which stand allotted to non-officials (including ex-Governors/ex-Ministers/ex-MPs) as well as Members of Parliament. The position relating to actual availability of houses of higher types (i.e. Types-VII or VIII) for the Secretaries to Govt. of India is extremely dismal and unless the allotment of these types of houses to non-entitled categories is strictly controlled through a conscious policy, there is hardly any hope for most Secretary level officers in the Govt. of India to get Type-VII or Type-VIII accommodation during their entire tenure of service.

#### *IV. Recommendations for consideration of the COS*

7. According to the Allotment of Govt. Residences (General Pool in Delhi) Rules, 1963-SR-317-B-8—a tenure officers' Pool is required to be maintained only for the officers of Indian Administrative Service, Indian Police Service and the Indian Forests Service, who are on duty with the Central Govt. or the Delhi Administration on tenurial basis. Thus, officers of other services not belonging to these categories while working under the Govt. of India or the Delhi Administration (GNCTD) on tenurial basis are not entitled to the allotment of accommodation from the Tenure Pool. There does not appear to be any special justification for exclusion of officers of other services (except those of the CSS, who are necessarily posted for the most part of their careers in Delhi, and of a few other services where separate residential pools are maintained by the respective Departments/organisations for them) from the allotment of Tenure Pool accommodation, either in Delhi or outside Delhi.

8. As mentioned earlier, no Tenure Pool house is reserved at present under Type-IV (Spl.), C-II, C-I or higher categories. In view of the compelling need for allotment of Govt. accommodation to officers working at the level of Deputy/Joint/Addl. Secretaries and Secretaries to the Govt. of India, there again seems to be a very good reason for creating a Tenure Pool at least in respect of Type-IV (Spl.), VI-A and VI-B (i.e. C-II and C-I) types of houses, where no tenure pool exists at present.

9. There is overall shortage of Govt. accommodation in Delhi not only for Tenure Pool officers, but also for General Pool officers. However, accommodation in the Tenure Pool is generally provided only under "one below category", whereas the General Pool accommodation is usually

allotted to the concerned officers in their entitled types. Although the waiting period in the latter cases is much larger, the Tenure Pool officers who come to work in Delhi and on deputation from various State Governments, or services *on a fixed tenurial basis* cannot be made to wait for months or years to get even "one below" type of accommodation. Keeping this in view, there is a strong reason to increase the number of Tenure Pool houses in different categories mentioned above to the extent of the number of tenurial officers of different services working in Delhi at present, besides providing for a marginal buffer of 10% to accommodate the cases of overstays following transfers, retirements, etc. and downtime needed for repairs.

10. Keeping all the aforesaid aspects in view, the following recommendations are made for the consideration of the COS:—

(i) *Increase in the number of Tenure Pool houses:*

*Types-IV/IV (Special)/D-II and D-I:*

- (a) As against total stock of 5373 Type-IV/Type IV (Spl.) houses in Delhi, the number of Tenure Pool officers presently working at the level of Deputy Secretaries Under Secretaries and equivalent is 357. With a buffer of about 10-15%, the number of houses required for this category should be approximately 400. Hence, the number of Tenure Pool houses in respect of Type-IV/Type-IV(Spl.) in Delhi needs to be raised from 71 at present to 400, *provided* the facility of allotment of Tenure Pool accommodation is made available to the 130 non-IAS/IPS/IFS officers working on tenurial basis under the Government of India at these levels also. However, this would not apply to officers belonging to CSS for the reasons stated earlier or to other services for whom special residential pools are being maintained by the respective Departments/organisations.
- (b) In respect of D-II houses, the number of Tenure Pool houses at present is only 296 as against 341 Tenure Pool Officers (including 111 officers belonging to the services other than IAS/IPS/IFS) in Delhi. Again, if a 10% buffer is added, the number of houses required to be reserved for this category would go up to about 375. As such, the number of Tenure Pool houses of D-II type in Delhi needs to be raised from 296 at present to 375 (out of an overall stock of 1432).
- (c) The total number of D-I houses in Delhi happens to be 431 at present, out of which only 181 are in the Tenure Pool as against a total of 366 officers working in Delhi at Joint Secretaries or equivalent levels (including 41 non-IAS/IPS/IFS officers). Again, if a 10% buffer is added, the actual number of houses required for this category would go upto about 400 as against only 181 tenure pool houses of D-I type presently. However, keeping the limited stock of only 431 D-I type houses in Delhi at present, it would be difficult to

increase the number of Tenure Pool D-I type houses from 181 at present to 400. As such, it is recommended that the number of D-I type Tenure Pool houses to be earmarked for the officers of the level of Joint Secretaries or above may be increased only to 250 D-I houses (as against 181 at present).

*(ii) Creation of Tenure Pool in respect of Type-VI houses*

As indicated earlier, there is no separate tenure pool for C-II and higher types of houses. The total stock of C-II houses in Delhi at present happens to be 425 and another 60 houses of similar type are being added to this pool shortly in the Andrews Ganj area. The total stock of C-I/equivalent houses happens to be 111. As there are 89 Tenure Pool officers of the level of Additional Secretaries or equivalent (including 12 non-IAS/IPS/IFS officers) in Delhi, and we are short of about 150 houses of the D-I type in the Tenure Pool for officers of the level of Joint Secretaries and equivalent, it is recommended that 50% of the C-II houses i.e. 242 should be earmarked under the Tenure Pool for officers of the level of Joint Secretaries/Additional Secretaries/Secretaries to the Government of India. Further, out of 111 C-I/Type-VI Bungalow-type houses, at least 50 houses should be exclusively earmarked for purposes of allotment to the officers of the level of Secretaries to the Government of India and equivalent.

*(iii) Inclusion of officers other than those belonging to the IAS/IPS/IFS and CSS working in Delhi and elsewhere against tenurial posts under the Government of India where no separate residential pool exists for such services*

According to the information provided by the DOP&T, a total of 294 non-IAS/IPS/IFS officers are presently working against tenurial posts in Delhi at different levels from those of the Under Secretary/equivalent to the Additional Secretary/equivalent. There does not seem to be any good reason why such officers, except those belonging to the CSS (who are posted at Delhi more or less on a permanent basis) and of other services where the concerned departments/organisations maintain separate residential pools should be deprived of the benefit of Tenure Pool accommodation. It is, therefore, suggested that these officers should be approved for inclusion under Tenure Pool in Delhi as well as outside by suitable amendment to SR-317-B-8, the provisions of which have been referred to earlier.

*(iv) Advising the Government of NCT of Delhi to create a separate residential pool for its officers.*

At present, the IAS/IPS officers working under the GNCTD are also entitled to accommodation from the General Pool. The number of such officers is large and they remain posted in Delhi for the most part of their careers. This is resulting in the blocking of a large number of General Pool houses/bungalows in Delhi. It is, therefore, recommended that the GNCTD should be requested to create a separate residential pool for its

officers in Delhi on a time-bound basis in areas which are close to the Delhi Government Sectt. in the Civil Lines area in Delhi and its other existing/proposed offices. That Government should also consider building houses for the Judges of the Delhi High Court for whom nearly 27 Type-VII/VIII bungalows have been allotted from the Central Government General Pool at present, because the constitutional responsibility for the provision of houses to the Judges of a High Court happens to be that of the concerned State Governments. In case sufficient land in suitable locations is not available for the construction of Delhi Government Pool houses as above, that Government should take steps to acquire the land in appropriate locations as early as possible. However, wherever Central Government land in the Old Delhi area is available and can be spared for the GNCTD for aforesaid purposes, this could, perhaps, be done by charging the prescribed rates. This suggestion, if approved would gradually release a fairly large number of houses for allotment from the General Pool to Central Government officers working at different levels in Delhi.

*(v) Increase in the overall housing stock*

In the ultimate analysis, the problem of housing the Govt. employees can be solved only by increasing the overall housing stock. As such, Ministry of Finance may consider increasing the annual allocation for General Pool (including Tenure Pool) housing from approximately Rs. 40 crores at present at least to Rs. 60 crores per annum, if not Rs. 100 crores per annum, which has been recommended by the COS in the recent past. A part of this amount should also be permitted to be utilised for purchase of land as well as ready-built flats (in units of 100 or more) from bodies like Urban Development Authorities, State Housing Boards or private agencies. It also appears necessary that old Government houses/bungalows which are more than 75-100 years old and many of which occupy large areas of precious land in the heart of metropolitan cities be taken up for demolition and re-development for constructing more modest but functionally useful accommodation for various levels of Government employees and other functionaries, on the basis of a phased programme. The plot areas of all such new houses should generally conform to the limits prescribed under the ULCAR Act.

*(vi) Earmarking of Type-VII and VIII houses for Secretaries to Government of India/equivalent officers*

It is also for consideration whether 10 Type-VII and 10 Type-VIII bungalows out of the existing Pool of 108 Type-VII and 133 Type-VIII bungalows could be specifically earmarked for Secretaries to Government of India/equivalent officers (with the approval of the Minister for Urban Affairs & Employment) in view of the difficulties that are being experienced in providing entitled type of accommodation to the Secretaries/Secretary level officers presently. It may, however, be added that as of now, a number of Cabinet Ministers are also not able to get

Type-VIII accommodation because of the contiguous occupation of many Type-VII and VIII bungalows by non-entitled persons, including ex-Governors/ex-Chief Ministers/ex-Ministers etc. Also, the Supreme Court and the Delhi High Court have both been asking for allotment of a few additional type VII and VIII bungalows to them for a long time to make good the deficiencies which presently exist in the number of bungalows allotted to them with reference to the sanctioned strengths of Judges in the said two Courts.

9. The COS may consider the suggestions contained in the above para and take appropriate decisions in the matter.

(N.P. SINGH)

Additional Secretary to the Govt. of India

To

Shri S.K. Mishra,  
Joint Secretary,  
Cabinet Secretariat,  
Rashtrapati Bhawan,  
NEW DELHI

### **Recommendation**

The Committee are deeply concerned to note that no effective procedures have been evolved by the Directorate of Estates for getting their residential premises vacated in time with the result that a large number of Government residential units continue to be occupied unauthorisedly for longer periods. The Committee are particularly surprised at the plea raised by the DOE that it has not been possible in all the cases to initiate eviction proceedings immediately after an occupant become unauthorised because there is delay in receiving intimation from the concerned office of the allottee regarding his transfer, retirement, death etc. Interestingly, the DOE has also stated that the manual system of record keeping presently followed by them does not facilitate keeping track of all such cases and inadvertent omissions do take place. The Committee are not inclined to accept these pleas of the DOE and they are of the strong view that the Directorate have failed to evolve proper systems to exercise effective control over the Government residential accommodation under their control. The Committee's examination has revealed that besides a list of 391 unauthorised occupants in Delhi, there are as many as 393 cases of unauthorised occupancy at eight other stations of which 184 and 153 cases relate to Calcutta and Bombay respectively. An unauthorised occupant is liable to pay damage rate of licence fee upon expiry of the authorised period of stay. The Committee have, however, observed that a total amount of licence fee/damages recoverable on this account as on 1 April, 1995 stood at a staggering figure of Rs. 6.5 crores. Surprisingly, there were as many as 1161 cases relating to arrears of Rs. 10,000 or more each. Strangely enough, proceedings for recovery of arrears is stated to have been filed only in respect of 599 cases. The Committee's scrutiny has also brought out 77 cases of outstanding rent recovery against Government Officers who have been transferred but are still retaining Government residential accommodation unauthorisedly in Delhi. Of these, 21 cases involved arrears of rent recovery exceeding even Rs. one lakh each with one Government servant even liable to pay an arrear of the order of over Rs. five lakhs. The Committee view this situation with grave concern and are in no doubt that the working in the DOE is far from satisfactory both in the matters of eviction of unauthorised occupants of general pool accommodation as well as recovery of damages from such occupants. Needless to say that such situation not only erodes the availability of houses to those awaiting their turn but also denies Government of their timely collection of dues. Keeping in view the specific difficulties stated to have been experienced in the eviction procedure under Public Premises (Eviction of Unauthorised Occupants)

Act, 1971, the Committee desire the Ministry to make a comprehensive review of the Act with a view to contemplating desired amendments so that the problem of unauthorised occupancy in general pool can be tackled effectively. The Committee would also like the DOE to gear up their machinery for initiating a time bound programme for eviction of all unauthorised occupants and collection of outstanding dues from such occupants of general pool accommodation. The Committee would further like to be informed of the latest position of unauthorised occupation of Government residential accommodation as also the dues outstanding from such cases.

[Sl. No. 7, Appendix II, Para 120 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

So far as the amendment of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 is concerned, during the course of hearing in the Supreme Court of India in CWP No. 585/94 — Shri Shiv Sagar Tiwari Vs. UOI, the Govt. had filed an affidavit before the Hon'ble Court that it proposed to amend the Act so as to minimise procedural delay in getting the unauthorised occupants evicted. It was proposed that the letter of the Dte. of Estates, granting extension of retention of accommodation, to retired/transferred officers or allottees beyond normal period, may be treated as notice of eviction which will help in reducing the delay caused by requirement of giving a separate notice and further litigation which sometimes ensued therefrom. The Apex Court, in its final judgement on 23.12.96, however neither gave any direction on this account nor questioned any provision of the Act. However, the said proposal, which was withheld awaiting direction of the court, is now being referred to the Ministry of Law for its legal opinion.

2. The Dte. of Estates has since initiated measures to reduce unauthorised occupation of Govt. accommodation and timely recovery of outstanding dues. It has directed all concerned sections officers to review the position in respect of G.P. accommodation under their control and immediately file eviction as well as recovery proceedings against the unauthorised occupants and to ensure that the same are finalised well in time. Recently, the Dte. of Estates has also started resorting to summary eviction in case of unauthorised overstay beyond permissible period of temporary allotment of suites in Western Court Hostel/VP House. The Govt. in its endeavour to make G.P. accommodation available to the serving Govt. servants expeditiously, has also reduced the period of retention admissible to an employee after retirement from a total period of

8 months to 4 months only. After cancellation of allotment at the expiry of 4 months period, the section concerned will refer the case to litigation branch automatically for filing eviction proceedings under the PP Act. To expedite the eviction order and the recovery of outstanding dues, the number of Estate Officers in the Dte. of Estates has also been increased nearly two fold. In the last three months or so, in 4812 number of cases, recovery proceedings under Section 7 of the PP Act have been initiated.

3. The tendency to overstay in Govt. premises is expected to get reduce, particularly in the higher types, on account of the fact that the Supreme Court of India has, in its order dated 23.12.96, struck down all waiver/reduction of rent granted by the Cabinet Committee on Accommodation during the year 1992—95. It is expected that the unauthorised occupancy will not longer linger on in the hope to get the 'damages' waived/reduced by approaching the CCA for relaxation of rules. Apart from this, the Govt. is examining the possibility of resorting to use of the recent amendment in the CCS (Pension) Rules, 1972 which provides for recovery of outstanding dues of licence fee from the dearness relief portion of the pension of the retired Govt. servant. A proposal is also under consideration of the Govt., in consultation with the JCM, to increase the amount of gratuity, from existing Rs. 1000/- to Rs. 15000/- which could be withheld from the retired/deceased employees till a 'No Demand Certificate' is issued by the Dte. of Estates.

4. The latest position of unauthorised occupants in G.P. and that of outstanding dues has been indicated in the Annexures 'F' & 'G'.

[Directorate of Estates O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

**ANNEXURE F**

***Latest Position of Unauthorised Occupation and Outstanding Dues***

**Position as on 28.2.1997**

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1. Name of Station	Delhi
2. Total number of unauthorised occupants	707
3. Amount of outstanding dues	Rs. 4.00 crores

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**ANNEXURE G**

***Position of unauthorised occupation as on 28.2.97***

<i>Name of Station</i>	No. of Unauthorised Occupants
Bombay	153
Calcutta	132
Madras	15
Faridabad	1
Shimla	4
Ghaziabad	9
Nagpur	5
Chandigarh	9

### **Recommendation**

The Committee further note in this connection that in pursuance of the orders of the Supreme Court, the MUAE have now moved the C&AG to conduct a Special Audit of all the out-of-turn allotments made on Special Compassionate grounds between 1991 and 1995 *vide* their communication dated 1 December, 1995. The Committee would await the outcome of the Special Audit.

[Sl. No. 21, Appendix II, Para 134 of 113th Report of PAC (10th Lok Sabha)]

### **Action Taken**

In pursuance of the directions of Hon'ble Supreme Court to the Ministry of UA&E during the hearing on Writ Petition (Civil) No. 585/94—Shiv Sagar Tiwari Vs Union of India and others on 23.11.95 to get a Special Audit done in respect of out-of-turn allotments made on special compassionate ground during the period 1991—95, the Principal Director of Audit, Economic & Service Ministries was requested to conduct a Special Audit. A copy of the interim Report on Special Audit submitted by the Principal Director of Audit is enclosed. The final report of the Special Audit is awaited.

### **Audit Observation**

Final Report of special audit was already been sent *vide* D.O. letter No. 606-Rep(C)/97-94/Part-II dated 9th July 1996. Please enclose copies of report of special audit sent *vide* D.O. letter No. 63-Rep(C)/97-94/Part-II dated 23 January 1996 and D.O. No. 606-Rep(C)/97-94/Part-II dated 9th July 1996 from Additional Deputy Comptroller and Auditor General to the Secretary, Ministry of Urban Affairs and Employment, Department of Urban Development.

Please also state whether both the reports of special audit conducted on the request of the Ministry in pursuance of the direction of Hon'ble Supreme Court have been filed before the Court.

### **Further Action Taken Note**

The Special Audit Reports have been filed before the Supreme Court of India by the Dte. of Estates on 29.11.96. The relevant extract of Court proceedings in the Writ Petition (Civil) No. 585 of 1994 in this regard are as under:

“Pursuant to this Court's order dated November 23, 1995 report on special audit on special compassionate allotment of Government residential accommodation by Director of Estates, New Delhi and Bombay during

1995-96 conducted by Principal Director of Audit, Economic and Service Ministeries has been placed on record by the Director of Estates."

2. The copies of Special Audit Reports dated 23.1.96 and 9.7.96 are placed at the Annexure - 'H'.

[Dte. of Estates O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

## ANNEXURE 'G'

### *Report on special audit on special compassionate allotment of Government Residential Accommodation by Directorate of Estates, New Delhi and Bombay during 1991-95*

#### Introduction

1. In pursuance of direction of Hon'ble Supreme Court to the Ministry of Urban Affairs and Employment (Ministry) during the hearing of Writ Petition (Civil No. 585/94 — *Shiv Sagar Tiwari vs. Union of India and others*) on 23 November, 1995 to get a special audit done in respect of the out-of-turn allotment made on special compassionate grounds during the period 1991—95, the Ministry requested Principal Director of Audit, Economic & Service Ministries *vide* their letter No. 12035 (18)/94-Pol. II (Vol. III) dated 01 December 1995 to conduct a special audit.

2. The matter relating to out-of-turn allotment of Government residential accommodation was earlier examined by Audit during August—December, 1994. The result of this examination was included as Audit Paragraph number 9.1 in report No. 2 of 1995 of the Comptroller and Auditor General of India which was laid on the Table of the Parliament on 09 May, 1995. A copy of this Paragraph is enclosed as 'Annexure I'. Public Accounts Committee (PAC) examined this Audit Paragraph and took oral evidence of the officers of the Ministry on 06 October, 1995. Findings and recommendations of the PAC are contained in its Hundred and thirteenth report (10th Lok Sabha) which was presented to Lok Sabha on 22 December 1995 and laid in Rajya Sabha on the same date. A copy of this Report is enclosed as 'Annexure II'.

3. Some of the important recommendations and observations of the Public Accounts Committee in their Report are as under:—

#### Recommendations

(i) The limit on out-of-turn allotments should be brought down from the existing 20 per cent to 10 per cent. (Paragraph 140, Page 75)

(ii) The grounds and the procedure for out-of-turn allotment should be defined clearly. (Paragraph 126, Page 67)

(iii) Periodic review of *ad-hoc* out-of-turn allotment may be undertaken to ensure that only genuine persons are allowed to retain such allotments. (Paragraph 136, Page 73)

(iv) With a view to maintaining transparency and disseminating information in the matter of out-of-turn allotments details to be published in the annual report of the Ministry. (Paragraph 131, Page 73).

(v) The Committee have also taken note of Ministry's assurance to limit the blanket power for *ad-hoc* out-of-turn allotment under SR 317 - B-25, which gives discretionary authority to relax all provisions of the rules by making specific provision for out-of-turn allotments in the rules (Paragraph 84, Page 39)

(vi) Non-production of documents for Audit: The Committee noted that it was only at the intervention of the Prime Minister, when the matter was brought to his notice by the Comptroller and Auditor General of India that the Ministry agreed to make the papers relating to out-of-turn allotment available for Audit. They have recommended that Government may evolve a procedure whereby all Ministries/Departments are to nominate a nodal officer, preferably the Financial Adviser, who should be made personally responsible to ensure that documents and information requisitioned by Audit in discharge of its statutory obligation are made available by all concerned within a reasonable time. (Paragraph 133, Pages 71-72)

(vii) Ministry of Urban Affairs & Employment should review their policy of allotment of general pool residential accommodation to officials of Delhi Administration etc. for whom separate pool exists in Delhi so as to ensure that the availability of accommodation in general pool is not adversely affected. (Paragraph 117, Pages 57-58)

(viii) Unauthorised occupation and sub-letting the Committee observed that a large number of Govt. residential units continue to be occupied unauthorisedly for longer periods and a large number are sublet by allottees. The Committee felt that the Directorate has failed to evolve proper systems to exercise effective control over the Govt. residential accommodation under their control and desired the Directorate of Estates to gear up their machinery for initiating a time bound programme for eviction of all unauthorised occupants and collection of outstanding dues from such occupants of general pool accommodation and check rampant sub-letting. (Paragraphs 120—122, Pages 59—63)

(ix) All officers with transfer liability should be treated alike in matters of allotment of residential accommodation so that similarly placed employees are not given separate treatment. (Paragraph 119, Page 59)

#### Observations

(i) PAC observed that the Director of Estates have neither issued any administrative orders guidelines specifying the conditions which would constitute special compassionate circumstances deserving consideration for out-of-turn allotment nor prescribed any application forms in respect of cases of special compassionate grounds despite the fact that specific orders and application forms have been stipulated for several other categories of the officials desiring residential accommodation on *ad-hoc* out-of-turn basis. (Paragraph 55, Pages 25,26)

(ii) The Ministry stated that the then Minister of urban Development did not approve in 1990 the setting up of the committees proposed by the Ministry for scrutiny of the cases of out-of-turn allotments and hence it was not put into effect. The PAC observed that while the order of January 1990 was issued, it was not implemented since the then Minister for Urban Development had deferred it for three months. The position was to be reviewed after three months. This was not reviewed as the file relating to the orders of the Minister was stated to be missing. (Paragraphs 86—93, Pages 40—43)

(iii) There is acute shortage of governmental residential accommodation. In view of this, only restricted number of applications (as distinct from all eligible applications) are called for preparing Master Waiting List. As on 12 July 1995, 42 to 92 per cent of such restricted applicants were still waiting for residential accommodation. (Paragraph 26, Page 13)

(iv) While applicants for Type I to Type IV with service of 15 to 30 years were still waiting for allotment in Delhi, the coverage in type IV (Spl.) to 17.1 was limited to much higher pay than the eligibility pay. (Paragraph 25, Pages 12-13)

(v) Very high percentage of allotments made on special compassionate grounds and steep increase in such allotments during 1990 to 1994. (Paragraph 56, Pages 26-27)

(vi) There were cases of allotment of higher than entitled type of accommodation. (Paragraphs 73—75, Pages 34 - 35)

(vii) Reference has been made by Ministry in a few cases to CBI for alleged malpractice in out-of-turn allotment of government residential accommodation. (Paragraph 102, Page 47)

(viii) Indiscriminate use of the power to relax all or any of the provisions of the allotment rules leading to break down in the administration and management of residential accommodation in general pool. (Introduction - Paragraph 5)

#### Scope of Audit

4. Documents relating to out-of-turn allotments made on special compassionate grounds in Delhi and Bombay during the period 1991—1995 were scrutinised in the light of the rules and orders governing out-of-turn allotments with a view to examining the circumstances under which such allotments were made.

#### Operational Audit

5. At the time of earlier audit during August—December 1994, Ministry had discontinued making the files relating to out-of-turn allotments available after only 235 files had been scrutinised by Audit. Subsequently in July 1995, after the Ministry conceded that all files requisitioned by Audit would be made available, audit of out-of-turn allotments was

resumed in August 1995. However, files were not made available on the ground that these were required by the Ministry in connection with the Writ Petition.

6. In the context of the request of 01 December 1995 by the Ministry, special audit of out-of-turn allotments on special compassionate grounds was conducted during 11 December 1995 to 12 January 1996 in Delhi and during 13 December to 21 December 1995 in Bombay. Of the total of 7387 cases of out-of-turn allotments of Government residential accommodation on special compassionate grounds in Delhi, only 6408 case files were made available by Directorate of Estates, New Delhi in batches upto 12 January 1995. The remaining 979 files could not be audited since these were not made available. Reasons for withholding the remaining files in spite of their own specific request for special audit and types of cases involved in the withheld files are not clear.

The findings in the following paragraphs are limited to the extent of constraints imposed on account of non-production of 979 files to Audit.

**Rules Governing out-of-turn allotments Powers of Government to relax the Rules.**

7. Allotment of Government residential accommodation is governed by Fundamental Rule-45 which is reproduced as under:

“The Central Government may make rules or issue orders laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences of such buildings owned or leased by it, or such portions thereof, as the Central Government may make available for the purpose. Such rules or orders may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.”

In pursuance of the powers conferred by Fundamental Rule-45. Central Government has made such rules, called Allotment of Government Residences (General Pool) Rules, 1963 which appear under Supplementary Rule 317.

Due to shortage of Government residential accommodation applications for all types of accommodation from intending eligible Government servants are restricted to specified date of priority. The date of priority of a Government servant upto Type IV accommodation is determined on the basis of the date from which he/she is continuously in Government service whereas the priority for Type IV Spl. and higher is reckoned with effect from the date he/she starts drawing emoluments corresponding to his/her entitlement for a particular type of accommodation.

8. Supplementary Rule (SR) 317-B-25, which governs powers of the Government for relaxation of Rules provides as under:

"Government may, for reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residence."

Various administrative orders defining the circumstances for relaxation of Rules under discretionary powers of Government vested under SR-317-B-25 for *ad-hoc*/out-of-turn allotments to personal staff of high dignitaries, eligible wards of retired or deceased Government servants. Government employees suffering from specified ailments, physically handicapped Government servants and Government servants transferred to general pool from departmental pools, have been issued by the Ministry in the past. However, the circumstances/conditions for out-of-turn allotment on special compassionate grounds have not been specified leaving unlimited scope for interpretation of what constitutes special compassionate ground.

#### Out-of-turn allotment on special compassionate ground

9. The position regarding *ad-hoc* allotments made by Directorate of Estates during 1991 to 1995 (upto April 1995) in Delhi is as under:

Sl. No.	Year	Specified Condition Regularisa- tion of quar- ters on Death/ Retirement of the employee	Personal Staff of Ministers, Judges etc.	On Medical grounds	Occupation of Deptt. Pool on transfer to offices	Other ground like nature of duty	Special Compa- sionate Grounds	Total out-of- <i>ad-hoc</i> Allotment
1.	1991	268	232	89	27	20	1084	1720
2.	1992	313	195	30	8	37	1673	2256
3.	1993	228	109	73	9	11	1627	2057
4.	1994	232	58	67	6	12	2436	2811
5.	Jan. to April 1995	89	24	18	1	6	567	705
Total		1130	618	277	51	86	7387	9549

It would thus, be seen that special compassionate ground which was intended to be a *residual* ground for consideration of out-of-turn allotment since most of the circumstances under which such allotments were to be made were already defined actually constituted over 77 per cent of the total out-of-turn allotments.

Documents relating to 390 case files of out-of-turn allotments in Bombay were also scrutinised. Since sanction for *ad-hoc* allotments of Government

residential accommodation in Bombay were accorded from the Ministry in Delhi, it could not be ascertained as to how many of them were allotted on special compassionate grounds. Subsequently, the files relating to sanction of the out-of-turn allotments in Bombay were requisitioned from Director of Estates in Delhi. Only 16 files out of 390 were however, made available.

#### Audit findings

##### General

10. Scrutiny of files relating to out-of-turn allotments on special compassionate grounds revealed that in general the applications were received on plain paper, either submitted directly by the applicants to the Minister/Minister of State or forwarded by political leaders rather than the administrative departments of the Government servants. In most of the cases, the sanctions for out-of-turn allotment including allotment of particular residence were accorded by the Minister/Minister of State on the application itself, without administrative examination in the Ministry and verification of the facts relating to the eligibility, validity of grounds for *ad-hoc* allotment request and other information necessary for allotment of Government residential accommodation which are to be filled up in the prescribed form DE-2. In cases where particular accommodation was sanctioned on the application itself, even the fact of availability of that accommodation was not ascertained. Two committees constituted in January 1990 for processing the cases of requests for out-of-turn allotments did not function.

11. Applications on plain paper to the Minister/Minister of State were entertained from Government servants and allotment orders were noted by the Minister in the margin on the application itself in 4875 out of 6408 cases scrutinised by Audit. It may incidentally be mentioned that Rule 20 of Central Services (Conduct) Rules prescribes Government servants from bringing political pressure in official matters. Infringement of this rule attracts disciplinary action. However, since the Minister/Minister of State for Urban Development entertained direct applications and those recommended by political leaders, the scope for application of this rule was stunted. After allotments were already predetermined through orders of the Minister/Minister of State recorded on the applications, letters were sent to the concerned employees by the Director of Estates requesting them for certain documents including form DE-2 to "enable the Directorate to consider the allotments". In Bombay, in 70 cases of out-of-turn allotment applications in prescribed form DE-2 were called for after receipt of sanction for *ad-hoc* allotment from the Ministry.

##### Form DE-2 not available

12. As indicated in the preceding paragraph number 10, applications were accepted on plain paper and generally the Director of Estates asked for the application in the prescribed form DE-2 after the sanction of out-of-turn accommodation, including allotment of particular residence of

choice of the applicant were already accorded. However, it was noticed that this vital form containing all information necessary for allotment of accommodation duly certified by administrative office of the employees were not available in 186 cases. Thus, in all such cases the allotments were made without verification of eligibility etc. at all. In 108 cases the files were incomplete in as much as these did not contain even the application for *ad-hoc* allotment. In Bombay, 34 case files of out-of-turn allotments did not contain the application in prescribed form DE-2.

#### **Periodic review of allotments**

13. Though out-of-turn allotments are stated to be made as a special case in consideration of special circumstances of the applicant at that point of time there is no provision of periodic review of the allotments from time to time and the residences are allotted without any limitation of time i.e. until the employee remains eligible for Government residential accommodation. This encourages a tendency among the employees to somehow obtain accommodation by jumping the queue through the route of out-of-turn allotment and retain the house, thereafter until they remain eligible.

#### **Validity of reasons**

14. In 4870 cases, the applications for *ad-hoc* allotments on special compassionate grounds included the reasons as, "exigencies of work", "inability to afford private accommodation", "other family compulsions" "family disputes", "large family dependent on applicant", etc., one or more of which could be true for any Government servant. In 1048 cases the reasons advanced were medical grounds of family members, 119 cases were on medical grounds for self without any medical certificate and only 56 out of 6408 cases made available to Audit, appeared, *prima facie* to be covered under the guidelines.

#### **Reasons not recorded**

15. Reasons for out-of-turn allotment made in relaxation of the Rules were not recorded in writing by the competent authority as required under SR-317-B-25. The Ministry, during examination by PAC, stated that in a number of cases the competent authority had considered the request and given orders on the request application itself, indicating that the reasons given in the application had been accepted by the competent authority. This contention is not tenable since no conscious examination of the grounds and transparent scrutiny/verification of facts was made before allotment and the statements made by interested Government servants were accepted as valid and sufficient.

**Disproportionately large number of out-of-turn allotments**

16. In-turn and out-of-turn allotments made by Director of Estates with effect from 01 January, 1991 to April, 1995 were as follows:

Type	1991			1992			1993			1994			1995 (upto April 1995)			
	In-Turn	Out-of-Turn	Percentage of Out-of-Turn	In-Turn	Out-of-Turn	Percentage of Out-of-Turn										
I	1173	297	20.2	827	290	26.0	545	203	27.1	684	255	27.2	144	64	30.8	
II	1364	825	37.6	1008	1078	51.7	866	1002	53.6	396	1166	74.6	207	251	54.8	
III	1224	262	17.6	1235	471	27.6	742	417	36.0	882	866	49.5	158	263	62.5	
IV	489	213	30.3	805	267	24.9	888	244	21.6	969	290	23.0	255	76	23.0	
SpI	39	01	2.5	326	01	0.3	109	05	4.4	68	09	11.7	07	1	12.5	
VA	221	74	25.1	168	101	37.5	101	101	50.0	86	118	57.8	12	26	68.4	
DII	VB	148	29	16.4	108	22	16.9	40	30	42.9	29	59	67.0	05	15	75.0
DI	VIA	147	19	11.4	85	26	23.4	44	55	55.6	31	48	60.7	10	09	47.4
CII)																
<b>Total</b>	<b>4805</b>	<b>1720</b>	<b>26.4</b>	<b>4562</b>	<b>2256</b>	<b>33.08</b>	<b>3335</b>	<b>2057</b>	<b>38.1</b>	<b>3145</b>	<b>2811</b>	<b>47.2</b>	<b>798</b>	<b>705</b>	<b>47.0</b>	

17. It would be seen that the percentage of out-of-turn allotment of residential accommodation progressively increased during 1991-95 reaching upto 75 percent of total number of allotments in Delhi in some cases. The position particularly deteriorated during 1993 to 1995 when the percentage of out-of-turn allotments were between 53 & 74 for type II, 36 & 62 for type III, 50 & 68 for type V-A(DII), 43 & 75 for type V-B(DI) and 47 & 60 for type VI-A(CII) against Ministry's own guidelines to restrict the out-of-turn allotments to 20 per cent. In terms of numbers, 8800 houses of Type I to IV and 749 houses of Type IV Spl. and above were allotted out-of-turn during 1991-95. An analysis of out-of-turn allotments on special compassionate grounds in Delhi emerging from the case files made available to Audit is given in Annexure III to this Report.

#### **Ineligible medical grounds**

18. In 1048 cases, the applicants had applied on grounds of illness of family members which are-not considered (barring the cases of specified malignant diseases like cancer/TB/leprosy where ailment of spouses are considered as attracting compassion) as grounds for compassionate allotment in order of the Ministry related to allotment on medical grounds. It is clear from OM No. 120292/80-POI,II dated 9.1.1986 of the Ministry that even in the case of heart disease, the relaxation was to be restricted to cases of ailment of the government servant himself.

#### **Special compassionate allotments on medical ground of employees not supported by medical certificate**

19. In 119 cases, special compassionate allotments were made on the grounds of the stated illness of the Government employees, which were not accompanied by any medical certificate. In these cases, the established procedure of scrutiny was bypassed.

#### **Compassion for house owners**

20. As per Government of India, Ministry of Urban Development, Directorate of Estates OM No. 12035(21)/86/Pol. II dated 09 November, 1987 included below SR-317-B-3, no *ad hoc* allotment is to be made to an officer or employee who owns a house either in his name or in the name of any member of his family in a station of his posting or in the adjoining municipal area. It was noticed that in 114 cases in Delhi and in two cases in Bombay, houses were allotted out-of-turn to those who possessed house in their own/spouse's name within the municipal limits. 101 such allotments in Delhi were of higher Types IV to VI. Normally there could be no occasion of compassionate ground for jumping the queue in cases where the Government servant owns a house at his place of posting.

#### **Special consideration in allotting particular accommodation**

21. As per provisions in SR 317(V)-7 even for allotment in their own turn, a residence falling vacant will be allotted by Director of Estates to an applicant without accommodation in a type having the earliest priority date

for that type of residence without reference to any preference of the applicant for any particular quarter/colony. Special audit revealed that in 3372 cases of out-of-turn allotments on compassionate grounds were made in Delhi of *particular quarters*, specified as *choice* by the applicants. In none of them, it was verified if the particular accommodation being allotted was actually vacant and *individual's choice* was assumed as sufficient to establish the vacant availability of the houses. The number of such specific allotments in Bombay was 110.

#### Allotments to those with under 5 years of service

22. It was also observed that in 726 cases, allotments were made in Delhi on out-of-turn basis to Government servants who had not even completed 5 years of service whereas employees with approximately 15 to 30 years of service were waiting for allotment of residential accommodation.

#### Allotment of higher type of residence

23. Out-of-turn allotment of Government accommodation are required to be made in the next below type except in type I and II. It was noticed that in 1578 cases in Delhi, the rule to allot residence of one type below was not followed and the entitled type of accommodation were allotted to them, which amounted to allotment of higher type of accommodation in contravention of the orders on the subject. In 187 cases not only the rule of one type below was not followed but one type higher than entitled category of houses were allotted. In 27 cases, two type above the entitled type and in one case three type above the entitled type of accommodation were allotted on special compassionate ground. These cases revealed an inexplicable combination of compassion with choice of more comfortable accommodation for which the employees were not entitled even in their turn. Thus the discretionary power were misused not only to allot accommodation out-of-turn but higher than normally permissible type of accommodation were allotted in these cases. In Bombay one type below rule was not followed in 120 cases.

#### Allotment for change of locality or to higher type from already existing in-turn or out-of-turn accommodation

24. In Delhi 304 out-of-turn allotments were made on special compassionate grounds to such Government employees, who were already living in Government residential accommodation. Change to higher type of accommodation on compassionate grounds consisted of even cases from type IV, DII and DI, which are more than comfortable to evoke further compassion. This would show that the discretionary provisions for special compassionate allotment were misused in these cases where compassionate grounds could not exist to improve the existing residence of employees by infringing on the claim of waitlisted employees.

In Bombay in 19 cases, out-of-turn allotments were made for change of existing accommodation, out of which two were for change from lower type to higher type.

#### **Departmental profile**

25. Special audit revealed that employees of a few departments/service had larger share of out-of-turn allotments. Allotments on special 'compassionate grounds were made to 484 employees of Ministry of Urban Development (now Urban Affairs and Employment) including those working in the Directorate of Estates and Central Public Works Department, 221 to those belonging to Central Revenues departments and 207 to the officers of All India Services. While separate departmental pool for Revenue service in both Delhi and Bombay exist and Ministry had stated before the PAC that employees covered under their separate pools are not allotted residential accommodation out of general pool, 221 employees of Indian Revenue department were provided out-of-turn allotment of Government residential accommodation out of general pool on special compassionate grounds in Delhi. In Bombay 60 residential accommodation out of 90 out-of-turn allotments of type V and VI were given to the officers of Indian Revenue Services, who have their separate residential accommodation for allotment to officers of this service. 12 out of 17 hostel accommodation allotted out-of-turn in Bombay were also in favour of the employees of this department.

The Ministry could not furnish information on the number of out-of-turn allotments made to the officers of All India Service from out of general pool and whether this distorted the picture of residential accommodation in favour of the tenure pool at the expense of wait-listed employees in the general pool and the extent to which the total number of residential accommodation held by the officers of this pool exceeded the number fixed for each type of accommodation from time to time.

#### **Out-of-turn allotment in spite of stay order**

26. Scrutiny of documents in the Office of Estate Manager, Bombay revealed that Director of Estates, New Delhi issued orders dated 29 May, 1995 that no out-of-turn allotment and occupation slips were to be issued from that day and even in cases where occupation slip had been issued the concerned enquiry officers were to be asked not to hand over the possession of the houses. This order was received by the Estate Manager, Bombay on 30 May, 1995. Notwithstanding clear directions of Director of Estate to stop all out-of-turn allotments at each stage of allotment including upto the stage of handing over of possession, the Estate Manager, Bombay gave out-of-turn allotments in two cases on 27 June, 1995.

#### **Out-of-turn allotment without sanction**

27. In five cases in Bombay, the Estate Manager allotted accommodation without sanction of the competent authority.

**Supplementary Audit**

28. This audit report is not complete since a large number of records were not made available to Audit which require to be scrutinised in Audit. A supplementary Audit Report can be prepared as and when the complete records are made available for which a request has been made addressed to the Secretary, Department of Urban Development.

-Sd/  
Pr. Director of Audit  
Economic & Service Ministries.

## ANNEXURE-'H'

### Supplementary Audit Report on Special Compassionate Allotment of Government residential accommodation by Directorate of Estates, New Delhi and Bombay during 1991-95.

#### Introduction

A report on special audit on special compassionate allotment on Government residential accommodation by Directorate of Estates, New Delhi and Bombay during 1991-95 was issued by the CAG of India to the Ministry of Urban Affairs and Employment *vide* D.O. letter No. 63/Rep(C)/91—94/Part II dated 23.1.1996. This report was based on 6408 cases files furnished by Directorate of Estates upto 12.1.1996.

Previously, the Ministry had intimated that 7387 Government residential accommodation were allotted out-of-turn on special compassionate grounds in Delhi. Subsequently, the Ministry submitted before the Hon'ble Supreme Court in February 1996 that the actual number of Government residential accommodation allotted out-of-turn on special compassionate grounds was 8768. However, during the special audit, the Ministry furnished 213 files pertaining to out-of-turn allotment of Type A(1) houses over and above the number (647) indicated in its submission to the Hon'ble Supreme Court. Thus, the total number of Government residential accommodation allotted out-of-turn worked out to 8981.

Out of this, 6408 files were furnished during special audit in December 1995-January 1996. Subsequently, 1832 files were furnished for supplementary audit during 13 January 1996 to 20 May 1996. The Ministry stated, in April 1996, that in 384 cases, the offer of out-of-turn allotment were not accepted by the applicants. The cases, where out-of-turn allotments were not accepted by the applicants, were not examined by Audit. However, the Ministry did not furnish the remaining 357 files (Type B(II)-65, Type C(III)-286, Type V-5, Hostel-I) pertaining to out-of-turn allotment of Government residential accommodation.

The total number of cases of out-of-turn allotment of Government residential accommodation in Bombay were 260. 130 cases out of 390 cases mentioned in earlier report were of regularisation of Government residential accommodation due to death/retirement of the Government officials. 16 files out of 260 cases of out-of-turn allotments in Bombay were earlier made available by the Directorate of Estates, New Delhi.

The findings in the following paragraphs are based on the scrutiny of 1832 and 244 case files relating to the out-of-turn allotments in the Directorate of Estates, New Delhi and Bombay respectively:

### ***1. Audit Findings***

Applications on plain paper to the Minister/Minister of State were entertained from Government servants and allotment orders were noted by the Minister in the margin on the application itself in 1396 out of 1832 cases scrutinised by Audit. Since Minister/Minister of State for Urban Development entertained direct applications and those recommended by political leaders, the scope of application of Rule 20 of Central Civil Services (Conduct) Rules were stunted. After allotments were pre-determined through orders of the Minister/Minister of State recorded on the applications, letters were sent to the concerned employees by the Director of Estates requesting them for certain documents including from DE2 to "enable the Directorate to consider the allotments". In Bombay, in 166 cases of out-of-turn allotment applications in prescribed form DE 2 were called for after receipt of sanction for ad-hoc allotment from the Ministry. (Para 11 of the report issued on 23.1.1996 may be referred to.)

### ***2. Form DE-2 not available***

It was observed that in 85 cases the prescribed form DE 2, which is a vital form containing all necessary information for allotment of accommodation duly certified by the Administrative office of the employee were not found available in the respective files of the out-of-turn allotment case files. 177 case files were incomplete in as much as these did not contain even the application for ad-hoc allotment. (Para 12 of the report issued on 23.1.1996 may be referred to.)

### ***3. Validity of reasons***

In 1436 cases, the applications for ad-hoc allotments on special compassionate grounds included the reasons as "exigencies of work", "inability to afford private accommodation", "family dispute", "large family dependents on applicant", etc., one or more of which could be true for any Government servant. In 231 cases reasons advanced were medical grounds of family members, 26 cases were on medical grounds for self without any medical certificates. In 175 cases in Bombay office the out-of-turn allotment were on special compassionate grounds. In 52 cases reasons advanced were on medical grounds of family members and in 9 cases on medical grounds for self without any medical certificate. (Para 14 of the report issued on 23.1.1996 may be referred to).

### ***4. Compassion for house owners***

As per Government of India, Ministry of Urban Development, Directorate of Estates OM No. 12035 (21)/86/Pol. II dated 09 November 1987 included below SR 317-B-3, no ad-hoc allotment is to be made to an officer or employee who owns a house either in his name or in the name of any member of his family in a station of his posting or in the adjoining

municipal area. It was noticed that in Delhi in 59 cases out of 1832 and in two cases in Bombay, houses were allotted out-of-turn to those who possessed house in their own/spouse's name within the municipal limits. (Para 20 of the report issued on 23.1.1996 may also be referred to).

#### *5. Special consideration in allotting particular accommodation*

As per provision in SR 317 (B)-7, even for allotment in their own turn, a residence falling vacant will be allotted by Director of Estates to an applicant without accommodation in a type having the earliest priority date for that type of residence without reference to any preference of the applicant for any particular quarter/colony. Special audit revealed that in 532 cases of out-of-turn allotments on compassionate grounds were made in Delhi of particular quarters, specified as choice by the applicants. The number of such specific allotments in Bombay was 62. (Para 21 of the report issued on 23.1.1996 may be referred to.)

#### *6. Allotments to those with under 5 years of service*

It was observed in special audit that in 164 cases, allotments were made in Delhi on out-of-turn basis to the Government servants who had not even completed 5 years of service whereas, employees, with approximately 15 to 30 years of service were waiting for allotment of residential accommodation. In Bombay, 29 cases of such allotment were made to the applicants who had not even completed 5 years of service. (Para 22 of the report issued on 23.1.1996 may be referred to.)

#### *7. Allotment of higher type of residence*

Out-of-turn allotment of Government accommodation are required to be made in the next below type except in type I and II. It was noticed that in 89 cases in Delhi the rule to allot residence of one type below was not followed and the entitled type of accommodation were allotted to them, which amounted to allotment of higher type of accommodation in contravention of the order on the subject. In 13 cases not only the rule of one type below was not followed but one type higher than entitled category of houses were allotted. In 1 case two type above the entitled type of accommodation was allotted on special compassionate grounds. In Bombay, in 13 cases one type above the entitled category of accommodation and in 24 cases, two type above the entitled type of accommodation were allotted. These cases revealed an inexplicable combination of compassion with choice of more comfortable accommodation for which the employees were not entitled even in their turn. Thus, the discretionary powers were misused not only to allot the accommodation out-of-turn but higher than normally permissible type of accommodation were allotted in these cases. (Para 23 of the report issued on 23.1.1996 may be referred to.)

#### *8. Departmental profile*

Special audit revealed that employees of a few departments/service had larger share of out-of-turn allotments. Allotments on special compassionate

grounds were made to 103 employees of Ministry of Urban Affairs and Employment including those working in the Directorate of Estates and Central Public Works Departments 71 to those belonging to Central Revenues departments and 14 to the officers of All India Services. In Bombay 61 residential accommodation out of 77 out-of-turn allotments of type V and VI were given to the officers of Indian Revenue Services, who have their separate residential accommodation for allotment to officers of this service.

Sd/-

Pr. Director of Audit  
Economic and Service Ministries

## CHAPTER V

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH THE GOVERNMENT HAVE FURNISHED INTERIM REPLIES

#### Recommendation

Although all Govt. servants on regular employment are eligible for allotment of residential accommodation, the Committee's examination has revealed that no exercise has been made to call for application for allotment of residential accommodation from such eligible Government servants. However, an estimate about the number of employees who demand general pool residential accommodation at various stations under the DOE was prepared by the MUAE which projected requirement of the order of 2.9 lakh residential units for achieving 70% satisfaction in Delhi and 50% at other stations. As against this, the DOE has only 0.91 lakh residential units under general pool, as on 31 December, 1994, at various stations. This acute shortage in availability of Govt. residential accommodation at various stations has led to a situation where only restricted applications for allotment are invited from those officials who have either joined service before a particular date or have reached certain pay levels by a specified date. Since the records of the DOE are maintained on the basis of the number of applications invited within the prescribed restrictions the level of demand and availability of the Government residential accommodation in general pool as reported by the MUAE does not reflect the real position. The Committee, therefore, desire that the magnitude of the problem be realistically assessed by the MUAE and effective steps taken for achieving the targeted satisfaction level at various stations within a reasonable period of time.

[Sl. No. 2, Appendix II, Para 115 of 113th Report of PAC (10th Lok Sabha)].

#### Action taken

As per the existing practice, applications for allotment of Govt. accommodation are invited on restricted basis due to the fact that there is acute shortage of Govt. accommodation. As such the demand for Govt. accommodation is computed on the basis of the restricted number of applications so invited. The demand for Govt. accommodation was last calculated on the basis of applications invited for the allotment year 1994-95.

2. In the meantime, the Hon'ble Supreme Court in its interim directions dated 17.7.95 in the civil writ petition No. 585/94 filed by Shri Shiv Sagar Tiwari and others, directed that no fresh applications for allotment

of Govt. accommodation may be called till the pending applications are exhausted. Accordingly, the allotment year 1994-95 has been extended till the existing waiting list is exhausted. An affidavit however, was subsequently filed before the Hon'ble Supreme Court praying to permit the Directorate of Estates to invite fresh applications. The Court has now permitted. Dte. of Estates to invite fresh applications for allotment of Govt. accommodation to eligible candidates subject to the condition that they be considered only after the pending list is exhausted.

3. Accordingly, it has been decided to invite fresh applications for the allotment year 1.8.96 to 31.7.98. However, the fresh applications will be operated only after the existing applications are exhausted. The actual demand for Govt. accommodation would be calculated on receipt of the fresh applications from the Govt. servants seeking Government accommodation.

4. Generally, the targetted satisfaction level of Govt. accommodation at Delhi is taken as 70% and 50% at other outside stations. To achieve the said satisfaction level at various stations within a reasonable period, steps could be worked out within the financial constraint only after the details regarding actual demand of Govt. accommodation is received. The details of Govt. accommodation being constructed at Delhi and various regional stations to augment the existing accommodation are enclosed.

#### Further audit observations

Details of Govt. Accommodation being constructed at Delhi and various Regional Stations to augment the existing accommodation may be enclosed.

#### Action Taken

Details of Residential accommodation under construction at various stations are enclosed as *Annexure-I*.

[Directorate of Estates, O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

**ANNEXURE I**

**Details of Residential accommodation under construction at various stations**

Sl. No.	Location	Type	Number of Units
1	2	3	4
1.	M.B. Road, New Delhi	IV	112
2.	Jaipur	I	28
		II	42
		III	52
		IV	16
		V	06
3.	New Bombay	I	150
		II	300
		III	400
		IV	112
		V	56
		V	28
4.	Lucknow Sitapur	I	84
		II	112
		III	64
		IV	42
		V	32
		II	48
5.	Anna Nagar	III	200
		V	24
		VI	04
6.	Madras K.K. Nagar	I	16
		II	16
		III	12
		IV	12
7.	Trivandrum	I	16
		II	16
		III	80
		IV	24
		V	12

1	2	3	4
8.	<b>Mysore</b>	I	32
		II	40
		III	40
		IV	16
		V	08
9.	<b>Hyderabad</b>	I	32
		II	32
		II	72
		III	32
10.	<b>Kanpur Gujjaini</b>	I	24
		II	36
		III	36
		IV	24
		V	24
11.	<b>New Delhi (R.K. Puram)</b>	V	42
		V	63
		V	95
12.	<b>New Delhi (R.K. Puram)</b>	V	105
		Hostel	106 Suites
13.	<b>Gangtok</b>	I	24
		II	24
		III	40
		IV	12
		V	06
14.	<b>Dehradun</b>	I	20
		II	04
		III	16
		IV	04
15.	<b>Srinagar</b>	II	114
		III	84
		IV	18
		V	06

1	2	3	4
16.	Shimla	I	36
		II	174
		III	210
		IV	26
17.	Nagpur	I	16
		II	120
		III	112
18.	Bombay	II	60
		III	20
19.	Bangalore	I	96
		II	420
		III	240
		IV	140
		V	56
		VI	03

#### Recommendation

The Committee note that a large number of Government residential units have been reserved under different department pools. They have been informed in this connection that the official from other departmental pools are not eligible for allotment of accommodation from general pool. The committee examination has, however, revealed that 2657 quarters, as on 31 October, 1995, have been allotted to officials of Delhi Administration and Delhi Police from general pool despite the fact that Delhi Administration including Delhi Police maintained their own pool of residential accommodation in Delhi in this context, the Committee have been informed that the Offices of Delhi Administration were included in the list of offices eligible for allotment of general pool accommodation earlier as Delhi was a Union Territory. Considering the fact that the official entitled only to general pool accommodation have to wait for their turn for substantially longer periods, the Committee recommend the MUAE to review their policy of allotment of general pool residential accommodation to officials of Delhi Administration etc., for whom separate pool exists in Delhi in the light of the policy followed in respect of other major departmental pools of residential accommodation in Delhi.

so as to ensure that the availability of accommodation in general pool not adversely affected.

[Sl. No. 4, Appendix II, Para 117 of 113th Report of PAC (10th Sess]

#### Action Taken

Under the allotment of Government Residences (General Pool Delhi), Rules, 1963, the Central Government offices, the staff which have been declared eligible for accommodation under these rules, are entitled to General Pool residential accommodation. However, the employees working in Government of National Capital Territory of Delhi (erstwhile Delhi Administration) have been securing allotment of accommodation from general pool since early 1950s. However, it was decided in 1976 to allow them continued allotment of accommodation from G.P., subject to the condition that a certificate will be issued by the Delhi Admn., while forwarding the acceptance letter to the Dte. of Estates, to the effect that no allotment has been made by the Delhi Admn. from their pool to person junior in the waiting list to the said allottee. The matter was reviewed in 1985 and again in 1988 when it was observed that the Delhi Admn. employees were better off in respect of provision of Government accommodation, as compared to the employees of other Deptts. eligible for GPRA. The policy of allotting Government accommodation to the employees of Delhi Admn. has since continued subject to strict adherence to the conditions laid down in 1976. However, it was conveyed to the Delhi Admn. in January, 1990 that their proposal for inclusion of 33 new offices in the eligibility list could not be acceded to in view of the existing shortage of houses for eligible categories of Government employees. The matter regarding augmentation of the existing pool of accommodation with the Government of NCT of Delhi, was also considered, besides other issues, in the meeting of the Committee of Secretaries on 26.10.95. The Government of NCT of Delhi agreed in principle to construct more houses for their employees, provided land is made available to them by the Dept of Urban Development on inter-Government terms.

2. The recommendations of the PAC was brought to the notice of the Chief Secretary, NCTGD in January '96. It was impressed upon the Delhi Admn. that since a regular State Government has replaced the Union Territory of Delhi and the State is now at par with other State Governments, it may not be appropriate to allow continued eligibility of the employees of Delhi Admn. for allotment of accommodation from General Pool. It was highlighted that the Delhi Admn. has a considerable pool of accommodation with a better percentage satisfaction level than that prevailing in General Pool. It was also brought to their notice that if the eligibility of the offices of NCTGD is discontinued henceforth, it will affect the availability position for Central Government employees which would

also be in conformity with the Supreme Court direction in CWP No. 585. to reduce waiting period in General Pool.

3. In response to the aforesaid communication, the Chief Secrets NCTGD has however, informed that the satisfaction in the Department Pool of Delhi Admn. is barely 6% and unlike other State Governments they have no land of their own and, therefore, should not be compared with the other State Governments. Since the position with regard to availability of accommodation in the Delhi Admn. Pool, as now indicated by Chief Secretary, Delhi are at variance with those given by them earlier he has been requested to furnish upto date type-wise demand for availability position in their pool. Regarding allocation of land, a series of meetings have been held between the officers of Delhi Admn. and Land Division in the Ministry of Urban Affairs & Employment to identify suitable plot of land acceptable to NCT Government.

4. In view of the position explained above, the Committee may like to take note of the fact that the Government would be in a position to take final view on the subject only after considering all aspects of the case, such as level of satisfaction prevailing in Delhi Admn. Pool, finalisation of proposal for transfer of land to them and construction of new residential units there on. It may, therefore, not be possible to indicate any definite time frame in this regard.

[Directorate of Estates, O.M. No. 13012/1/95-Pol. III dt. 4.4

#### **Recommendation**

The Committee further find that certain specific categories of persons who are not Government servants and organisations had been identified for allotment of Government accommodation keeping in view their service to the categories included, persons who had held high offices in the country such as President, Vice-President and Prime Minister or their spouses; Journalists and Accredited Press Correspondents; Emired Artists; Freedom Fighters of all India standing; miscellaneous categories of persons engaged in useful work of national standing; Political Parties. Allotment of accommodation to these categories is governed by specific guidelines issued by Government from time to time. The period of allotment is also governed by the guidelines and/or the decision of the Cabinet Committee on Accommodation. The Committee have been informed that presently 296 residential units have been allotted to these categories of persons. In view of the fact that these categories are allotted accommodation usually for a specified time, the Committee desire that Government should evolve a regular intervals so that timely decision can be taken for continuance of such allotments or for initiating eviction proceedings in cases where grant has been granted. The Committee are also of the

that the basis for allotment of accommodation to these categories should also be suitably incorporated in the relevant Rules and they be apprised of the precise action taken in the matter.

[Sl. No. 8, Appendix II, Para 121 of 113th Report of PAC(10th Lok Sabha)]

#### Action Taken

As per the existing guidelines approved by the CCA, allotment to ineligible persons such as Journalists, Eminent Artists, Freedom Fighters, etc., is made for specific period. The request of the individuals for further retention of Government accommodation duly recommended by the concerned Ministries is considered keeping in view the guidelines issued from time to time.

2. So far as incorporation of the guidelines governing allotment of Government accommodation to the ineligible persons, in the Allotment Rules is concerned, the Government has undertaken review of the existing allotments in respect of Journalists, Eminent Artists, Political Parties, etc., in consultation with concerned Ministries. Further this Directorate has also filed an affidavit in the Supreme Court in the on going public interest litigation explaining the allotments made to the ineligible categories such as Journalists, Artists, etc. The Hon'ble Supreme Court is yet to take up the matter for hearing and there is every possibility that the Court may direct for suitable amendments in the guidelines.

3. Keeping in view the above facts after comprehensive review/direction of the Hon'ble Supreme Court, the revised guidelines could be incorporated in the Allotment Rules.

#### Further Audit Observation

The Ministry may specify the constraint in *suo-moto* review of the position of need for continued provision of allotment of Government residential accommodation to ineligible persons, the period for which the residence is allotted to them and periodic review of continuance of their allotment. It may please be stated clearly if the Hon'ble Supreme Court has stalled all administrative actions by the Ministry to review and revise the guidelines relating to out-of-turn allotments. If so, please enclose a copy of the decisions of Hon'ble Supreme Court.

#### Action Taken

Supreme Court *vide* its interim directions dated 17.7.95 in the Writ Petition (Civil No. 585/94) stopped all out of turn allotments except on genuine medical grounds. The Court also directed to suggest ways and means by which the waiting period could be reduced so that the Court may consider revamping of allotment system and give clear directions to the

Dte. of Estates, after hearing the parties. Director of Estates filed an affidavit on 4.9.95 suggesting that the out of turn allotments on the following grounds is justified subject to a maximum ceiling of 20%:—

- (i) Functional grounds.
- (ii) Security grounds.
- (iii) Medical grounds.

It was also suggested that such requests shall be considered by a inter-departmental Committee of officers. The affidavit filed by the Dte. was taken on record and the final judgement of Court in this regard has been delivered on 23.12.96.

2. During the course of hearing, the Court had desired to file affidavit in respect of allotments made to ineligible persons such as Journalists, Eminent Artists, Freedom Fighters and Social Workers etc. The Court also directed the Press Council of India to suggest guidelines for allotment of Government accommodation to the Journalists. The guidelines suggested by Press Council of India were also taken on record by the Court. The Court in its judgement dated 23.12.96 has now directed that guidelines may be formulated for out-of-turn allotment which will be duly notified and while making out-of-turn allotments specific orders would be passed giving reasons and list of such allottees shall be notified/circulated. The extent of out-of-turn allotment would be 5% in each type of house which would fall vacant in a year. Freedom Fighter, Artists, Social Workers and Voluntary Organisations/Institutions may also be considered for allotment from discretionary quota of 5%, if guidelines so framed permitted. The Court also directed that the Political Parties would be entitled to allotment as per the policy to be framed by the Government. So far as allotment to journalists is concerned, they would be considered for allotment from Press Pool in accordance with the guidelines to be framed as per the recommendations of the Press Council of India.

3. The guidelines are being framed accordingly by the Government. It has been provided in the proposed guidelines for allotment to specified categories of private persons that such allotments would be for a specific period and allotments would be reviewed thereafter. A copy of the revised guidelines will be furnished to the Lok Sabha Sectt. as soon as the same are notified after obtaining the approval of the Cabinet Committee on Accommodation.

[Directorate of Estates, O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

#### Recommendation

According to the prevailing instructions, out-of-turn/adhoc allotments are to be made one type below the entitlement of applicant. The information made available by the MUAE, however, revealed that there were as many as 69 cases, as on 1st January, 1993, where the allotments

re made above entitlements. Strangely enough the details of such cases luded seven cases of allotments in D-II Type and 37 in Type-IV. The mmittee have been informed that the list of all persons who were given -of-turn allotments above their entitlement has since been submitted ore the Supreme Court in connection with the Writ Petition No. 585 of 14 and a decision on this issue would depend on the official orders of the urt. The Committee would like to be apprised of the corrective action en in such cases in due course.

Sl. No. 17, Appendix II, Para 130 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

The observations of the Committee have been noted and Action Taken te would be furnished in due course, once the decision of the Hon'ble oreme Court becomes available.

[Directorate of Estates, O.M. No. 13012/1/95-Pol.III dated 11.9.96]

#### Recommendation

The Committee find that certain anonymous/pseudonymous complaints :ing a nexus between property dealers and officials of the DoE and anised rackets in allotments of out-of-turn Government accommodation olving officials of the DoE, CPWD etc., were received in the MUAE i the problems of investigating such complaints were discussed in a ordination meeting held with the CBI officials in January, 1994. In rsuance of the discussions held with the CBI, the Ministry forwarded to :I seven complaints in May, 1994 and another list of suspected officials April, 1995. However, the MUAE are stated to have received no feed & from the CBI with regard to the action taken by them so far. The mmittee hope that the Government would take appropriate steps to edite the enquiry in the matter and apprise the Committee of the action en thereon.

Sl. No. 22, Appendix II, Para 135 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

So far no feed back has been received from the CBI on the complaints .. referred to CBI by the Ministry of Urban Affairs & Employment in : year 1994 and 1995. However, the CBI has, in pursuance of the preme Court direction in Writ Petition (Civil) No. 585/94-Shiv Sagar vari Vs. Union of India & others, been investigating the cases of alleged ruption and malpractices in the matter of allotment of General Pool sidential Accommodation. The investigations being done by the CBI is

at various stages and no final report has been received so far. The Committee shall be apprised of the position as and when such a report from CBI is received.

[Directorate of Estates, O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

#### Recommendation

The Committee do recognise the need for having certain limited flexibility available with Government to allot accommodations on ad-hoc/ out-of-turn basis to meet the administrative exigencies that would arise. Considering the acute shortage of accommodation and the fact that each out-of-turn allotment deprives an eligible applicant in the long waiting list of his legitimate entitlement, the Committee believe that the maximum limit of 20 per cent for such allotments is definitely on the high side. They are, therefore, of the view that this limit should be further brought down, say to 10 per cent.

[S. No. 27, Appendix II, Para 140 of 113th Report of PAC (10th Lok Sabha)]

#### Action Taken

All out-of-turn allotments have been stopped in pursuance to the Hon'ble Supreme Court's interim direction dated 17-7-95 in civil writ petition filed by Shri Shiv Sagar Tiwari. The Court had also directed to suggest the ways and means to reduce the waiting period. In pursuance to this Government had filed an affidavit acknowledging the need to keep the out-of-turn allotments to the barest minimum. It was also suggested that the categories entitled to out-of-turn allotment should be well defined providing limited exercise of administrative discretion. The categories of persons who could be considered for out-of-turn allotment within the limit of 20% would be defined and limited as under:—

(i) Functional Grounds

(ii) Medical Grounds

(iii) Security Grounds

2. The affidavit filed by the Government is yet to be taken up for hearing. Fixing of ceiling on out-of-turn allotment would be considered after the hearing of the Hon'ble Supreme Court in this regards, the final Action Taken Note would be submitted to the Committee in due course. The recommendations of PAC that out-of-turn allotments be 10% would be brought to the notice of the Hon'ble Court as well.

#### Audit Observation

It is not clear if the Hon'ble Supreme Court has put embargo on administrative actions by the Ministry to streamline the systems and procedures in relation to the out-of-turn allotments of Government residential accommodation. If, not please explain the reasons why administrative action cannot be taken to streamline the out-of-turn

allotments, including fixing of the ceiling recommended by the Committee, which could be implemented as and when the ban on out-of-turn allotment are lifted by the Supreme Court.

#### Action Taken

Since affidavit filed by the Directorate of Estates suggesting ways and means streamlining the procedure of out-of-turn allotments was taken on record by the Supreme Court, no guidelines for allotment of Government accommodation on out-of-turn basis could be framed during the pendency of the petition. The Court in its final order dated 23-12-96 has since directed that out-of-turn allotments may be made after framing guidelines and duly notifying the same. Such out-of-turn allotments would be against the ceiling of 5% of vacancies occurring in respect of each type of accommodation during a year. The Directorate of Estates has initiated action for framing guidelines for out-of-turn allotment. A copy of the rules/guidelines framed in this regard shall be submitted to the PAC in due course.

[Directorate of Estates, O.M. NO. 13012/1/95-Pol. III dt. 4.4.97]

#### Recommendation

It is common knowledge that the root cause for the tendency to secure out of turn allotments is the slow pace of expansion in housing and the resultant poor availability of accommodation. The Committee have been informed that Government, therefore, proposed to adopt a multi-pronged strategy to minimise the problem. The steps contemplated in this direction, *inter-alia*, include reducing the out-of-turn allotment, removing unauthorised occupants, preventing unauthorised sub-letting, increasing the housing stock and incorporating changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government servants. The Committee trust that the steps contemplated would be converted into concrete plan of action in the near future with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent. The Committee may be apprised of the action taken in the matter.

[Sl. No. 28, Appendix II, Para 141 of 113th Report of PAC (10th Lok Sabha)].

#### Action Taken

Out-of-turn allotment of Government accommodation, eviction of unauthorised occupants and checking unauthorised sub-letting, alongwith deterrent penalty therefor, were the subject matters which come up for consideration before the Supreme Court in a recent public interest litigation. The Court in its judgement dated 23.12.96 has directed that Government shall frame appropriate rules relating to out-of-turn allotment and will duly notify the same. It also directed that while making out-of-turn allotment speaking orders would be passed giving reasons and list of such allottees shall be notified and circulated to all Government

departments. An yearly statement would be laid on the Table of each House of the Parliament. Extent of out-of-turn allotment would be 5% in each type of house which would fall vacant in a year. Freedom Fighters, Artists, Social Workers and Voluntary Organisations/Institutions may be considered for discretionary allotment from 5% quota, if guidelines so framed, permitted. The revised guidelines have been formulated which, *inter-alia*, provide that the ceiling of discretionary allotment shall be 5% of the total vacancies occurring in each type in a year. Two Committees of officers duly constituted for the purpose, shall consider each such request within the laid down policy guidelines. The Committees shall consider the cases on medical grounds, functional grounds which are not covered by the Government's general policy/instructions and to private persons such as freedom fighters, artists, social workers and organisations/institutions. Approval of the CCA is being obtained before these guidelines are notified/circulated. A copy of the revised guidelines shall be furnished to the Committee in due course.

2. The Central Civil Service (Conduct Rules) 1965 has been amended at the behest of Directorate of Estates by providing that no Government servant shall sublet, lease or otherwise allow occupant by any person of the Government accommodation which has been allotted to him. After the cancellation of allotment the Government servant shall vacate the same within the time limit prescribed by the allotting authority. The Supreme Court in its judgement dated 23.12.96 has held that the sub-letting of Government accommodation is a grave mis-conduct on the part of Government servant and therefore, it would be obligatory for the Disciplinary Authority to initiate major penalty/disciplinary proceedings under Rule-14 of CCS(CCA) Rules, 1965. The Disciplinary Authority may also consider to place delinquent Government servants under suspension in the proven cases of sub-letting. Deptt. of Personnel & Training has been requested to issue instructions to all the concerned Ministry/Dept. for necessary action in this regard.

3. The Court has also laid emphasis on the constructions of more Government accommodation to meet existing demand and has suggested that a High Powered Committee which may include employees representatives as well, be constituted to consider the need for construction of more residential accommodation. A High Powered Committee has been constituted under the Chairmanship of Director General, Works, CPWD to examine the need for more constructions of residential accommodation. Two representatives of the employees have also been included in the Committee. The Committee shall furnish its report within a period of three months and follow up action will be taken thereafter.

4. Changes in the Government policy governing grant of House Rent Allowance and House Building Advance to the Government servants shall

e considered after implementation of the recommendations of the Central  
th Pay Commission. The Committee shall apprised of the Action Taken  
1 the matter due course.

[Directorate of Estates, O.M. No. 13012/1/95-Pol. III dt. 4.4.97]

NEW DELHI;  
7 November, 1997  
\_\_\_\_\_  
6 Kartika, 1919 (Saka)

DR. MURLI MANOHAR JOSHI,  
Chairman,  
Public Accounts Committee.

## PART II

### MINUTES OF THE EIGHTEENTH SITTING OF THE PUBLIC ACCOUNTS COMMITTEE (1997-98) HELD ON 13 NOVEMBER 1997

The Committee sat from 1500 hrs. to 1630 hrs. on 13 November, 1997 in Committee Room 'B' Parliament House Annexe.

#### PRESENT

Dr. Murli Manohar Joshi —  
*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Nirmal Kanti Chatterjee
3. Shri N.S.V. Chiththan
4. Dr. T. Subbarami Reddy
5. Shri Ishwar Dayal Swami

##### *Rajya Sabha*

6. Shri R.K. Kumar
7. Smt. Margaret Alva
8. Shri Surinder Kumar Singla
9. Shri Vayalar Ravi

#### SECRETARIAT

1. Shri P. Sreedharan — *Deputy Secretary*
2. Shri Rajeev Sharma — *Under Secretary*

#### OFFICERS OF THE OFFICE OF C&AG OF INDIA

1. Shri Vikram Chandra — Pr. Director of Audit (Indirect Taxes)
2. Shri A.K. Thakur — Pr. Director of Audit (Reports—Central)
3. Smt. S. Ghosh — Director of Audit (Customs)

2. The Committee took up for consideration the following draft Reports

■:

(i) Action Taken on 113th Report of PAC (10th Lok Sabha) on Out-of-turn allotments of Government residential accommodation.

(ii) **	**	**
(iii) **	**	**
(iv) **	**	**
(v) **	**	**
(vi) **	**	**
3. **	**	**

4. The Committee then took up for consideration draft Reports mentioned at Serial Nos. (i) to (iii). The Committee adopted the Reports at serial nos. (i) and (iii) with certain modifications and amendments as shown in Annexures I and II\* respectively and the Report at Serial No. (ii) without any modifications/amendments.     \*\*     \*\*     \*\*

5. The Committee also authorised the Chairman to finalise the draft Reports mentioned at Serial Nos. (i) to (iii) in the light of verbal and consequential changes arising out of factual verification by Audit and present the same to Parliament.

*The Committee then adjourned.*

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\*Not appended.

## ANNEXURE

### *Amendments/Modifications made by the Public Accounts Committee in the Draft Action Taken Report relating to out-of-turn Allotments of Government Residential Accommodation*

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Page	Para	Line	Amendments/Modifications
3	1.4	10	<i>Add "facilities" after "housing" Substitute "incorporating" by "incorporation of"</i>
		10	
7	1.10	12	<i>Substitute "got themselves contended by just" by "seems to be content with"</i>
9	1.13	3	<i>Substitute "despite taking" by "even after such"</i>
		8	<i>Delete "as" after "considered"</i>
11	1.16	3 & 4	<i>Substitute "the Supreme Court because neither" by "The Supreme Court. Neither"</i>
		14	<i>Delete "desired" after "dues are"</i>
		14 & 15	<i>Substitute "direction, yet," by "direction. But,"</i>
12	1.19	6	<i>Substitute "opinion" by "view"</i>
13	1.19	5	<i>Delete "measures" after "deterrent"</i>

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**APPENDIX**  
**CONCLUSIONS AND RECOMMENDATIONS**

Sl. No.	Para No.	Ministry/ Dept. concerned	Conclusions and Recommendations
1	2	3	4
1.	1.7	Ministry of Urban Affairs and Employment (Dept. of Urban Development)	<p>The Committee observe that the Ministry have not taken concrete steps to effectively implement the recommendations of the Committee despite a lapse of considerable time. As a result, the final action taken replies to the recommendations of the Committee cited in the preceding paragraphs are yet to be received from the Ministry. The Committee regret to note that the Ministry also failed to keep the Committee informed contemporaneously of the developments in the matter. While deploring the lack of concern on the part of the Ministry towards effective and timely implementation of their recommendations, the Committee urge the Ministry to expeditiously finalise all the pending issues in regard to the various recommendations of the Committee and submit the final replies duly vetted by all within a period of three months from the presentation of this Report.</p>
2.	1.10	-do-	<p>The Committee are dismayed to note that the Ministry even after being fully seized of the problem of scarcity of residential accommodation, allotted as many as 125 residential units in Delhi alone for purposes other than residence. The allottee organisations/parties/societies are still occupying quite a good number of the residential units as are indicated in brackets: Kendriya Bhandar(15), C.P.W. (8), Post Office(2), Co-operative Stores(1), Delhi Public Library(2), CGHS Dispensary(1), Griha Kalyan Kendra(8), Political Parties(</p>

1 2 3

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Other different types of societies(50). The Committee are also surprised to note that the Ministry seems to be content with getting vacated only two bungalows No. 203 and 21 Rouse Avenue and did not bother further initiate any action to include these residential units in the housing stock. The Committee hope that the Ministry would take appropriate steps to review all such cases expeditiously in the light of the provisions of the new guidelines being framed/revised by the Government in pursuance of the directions of the Supreme Court so as to enhance the availability of housing stock. The Committee would like to be apprised of the final decision taken in this matter by the Government.

3. 1.13 Ministry of Urban Affairs and Employment (Dept. of Urban Development)

The Committee are unable to comprehend as why the Ministry have not succeeded in arriving at a final decision in the matter even after such a long period of time. Considering the fate of their earlier recommendation given more than 20 years back, the Committee are constrained to express their apprehension about the indifferent attitude of the Ministry to eliminate this discrimination in the Tenure Pool. The Committee do not find any thing which could be considered a major impediment in giving effect to their recommendation. The Committee, therefore, reiterate that there should be no discrimination in allotment of accommodation from Tenure Pool between two classes of employees similarly placed viz. A India Services and other Central Services will transfer liability and further desire that the final decision in regard to implementation of the recommendation be taken by the Minister within a period of three months from the presentation of this report. The Committee would also like to be apprised of the precise rules framed or instructions issued by the Ministry in this regard.

1	2	3	4
4.	1.16	Ministry of Urban Affairs and Employment (Dept. of Urban Development)	<p>The Committee do not find it acceptable that the Ministry could not initiate the process for amendment in the Act because of pendency of case before the Supreme Court. Neither the validity of the Act was questioned before the Supreme Court nor any injunction was issued by the Court restraining the Ministry for initiation of any exercise towards amendments in the Act. While the Committee had recommended for comprehensive review of the Act, the Ministry have simply taken up only one aspect of the Act relating to granting of extension for retention of accommodation which in the opinion of the Committee will not yield the desired results. The initiation of certain procedural measures by the Government to reduce unauthorised occupancy and recovery of dues are steps in right direction. But, in the opinion of the Committee, these measures alone will not be sufficient to bring satisfactory results unless sincere efforts are made to make appropriate amendments in the Act as well as to activate the enforcement mechanism to tackle effectively the aberrations by unscrupulous elements. As such, the Committee are constrained to reiterate their earlier recommendation for comprehensive review of the Act with a definite objective to bring all necessary amendments in the act to deal with effectively the problem of unauthorised occupancy in general pool and also that of timely recovery of dues. The Committee would like to be apprised of the precise action taken in this regard.</p>
5.	1.19	-do-	<p>The Committee observe that though the steps now taken by the Government are in right direction, the fact remains that the Ministry are not carrying out vigorous and large scale inspections regularly to detect timely the unauthorised subletting of Government accommodations by the unscrupulous allottees. The Committee are of the definite view that if</p>

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such inspections had been carried out regularly in the past, there would have been a continuous threat to those who were resorting to unauthorised subletting of the Government accommodation. The Committee while appreciating the various measures being devised by the Government, would further advise that effective inspections be carried out regularly and extensively to detect maximum number of cases of unauthorised subletting and strong action be initiated against such unscrupulous elements as a deterrent which would not only discourage such aberrations but also mitigate the hardships faced by the needy employees by making available to them the Government accommodation at a faster rate. The Committee would like to know the concrete measures devised by the Ministry in this regard.

6. 1.22 Ministry of Urban Affairs and Employment (Dept. of Urban Development) The Committee observe that the Special audit revealed grave irregularities in out-of-turn allotments, some of them are: sizeable magnitude of out-of-turn allotment to the extent of 8981 accommodations; according of sanctions on the applications itself without verification of the facts relating to the eligibility, validity of grounds etc.; missing of vital papers like DE-2 forms, allotments on grounds of general nature, non-recording of reasons for relaxation of rules, allotments to those already possessing houses within the municipal limits, allotments of particular accommodations of choice of the applicants, allotments on non-admissible grounds, allotments to those having not even completed 5 years of service, allotments of higher types of accommodations, extending larger share of such allotments to employees of a few departments/services; allotment in spite of contrary direction of the Directorate of Estates, allotment without sanction of the competent authority; and non-production of as many as 357 files by the Ministry for scrutiny by

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audit etc. The Committee however, observe that the Ministry have not indicated as to what action has been taken by them on the facts emerged from the special audit. The Committee would, therefore, trust that all the irregularities/lapses brought out in the Special Audit Report will be thoroughly looked into and necessary action taken against the erring officials found responsible for various omissions and commissions and also efforts be made to plug the loopholes in the functioning of the system. The Committee would like to be kept informed of the precise action taken by the Government in this regard.

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**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA SECRETARIAT PUBLICATION**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
<b>ANDHRA PRADESH</b>			
1.	M/s. Vijay Book Agency, 11-1-477, Mvlargadda, Secunderabad-500 306.	12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
<b>BIHAR</b>			
2.	M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar).	13.	M/s. Madimala, Buys & sells, 123, Bow, Bazar Street, Calcutta-1.
<b>GUJARAT</b>			
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T.No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi, (T.No. 351663 & 350806)
<b>MADHYA PRADESH</b>			
4.	Modern Book House, Shiv Vilas Place, Indore City. (T.No. 35289)	15.	M/s. J.M. Jains & Brothers, P. Box 1020, Mori Gate, Delhi-110006. (T.No. 2915064 & 230936)
<b>MAHARASHTRA</b>			
5.	M/s. Sunderdas Gian Chand, 601, Girgaum Road, Near Princes Street, Bombay-400 002.	16.	M/s. Oxford Book & Stationery Co., scindia House, Connaught Place, New Delhi-110 001. (T.No. 3315308 & 45896)
6.	The International Book Service, Deccan Gymkhana, Poona-4.	17.	M/s. Bookwell, 2/72, Sant Nirankari Colony, Kingsway Camp, Delhi-110 009. (T.No. 7112309).
7.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400 001.	18.	M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old Doubule Storey, New Delhi-110 024. (T.No. 6412362 & 6412131).
8.	M/s. Usha Book Depot, Law Book Seller and Publishers' Agents Govt. Publications, 585, Chira Bazar, Khan House, Bombay-400 002.	19.	M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110 033.
9.	M & J Services, Publishers, Representative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fule road Nalgaum, Dadar, Bombay-400 014.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, connaught Circus, New Delhi-110 001. (T.No. 344448, 322705, 344478 & 344508).
<b>TAMIL NADU</b>			
11.	M/s. M.M. subscription Agencies, 14th Murali Street, (1st Floor), Mahalingapuram, Nungambakkam, Madras-600 034. (T. No. 476558)	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
<b>UTTAR PRADESH</b>			
12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.	23.	M/s. Books India corporation Publishers, Importers & Exporters, L-27, Shastri Nagar, Delhi-110 052. (T.No. 269631 & 714465).
<b>WEST BENGAL</b>			
13.	M/s. Madimala, Buys & sells, 123, Bow, Bazar Street, Calcutta-1.	24.	M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, ansari Road, Darya Ganj, New Delhi-110 002.
<b>DELHI</b>			

