

## **Residential Accommodation at Peshawar (Procedure for Allotment) Rules, 1980**

**No. EO/S&GAD/34-M, dated 30<sup>th</sup> January, 1980.**---In exercise of the powers conferred by Section 26 of the <sup>1</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>2</sup>[Khyber Pakhtunkhwa] Act XVIII of 1973), and in supersession of the Rules, for the allotment of civil clerks quarters, Kohat Road, Peshawar, the Government of the <sup>3</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules regulating allotment of residential accommodation to civil servants namely:

### **THE RESIDENTIAL ACCOMMODATION AT PESHAWAR (PROCEDURE FOR ALLOTMENT) RULES, 1980**

**1. Short title, application and commencement.**---(1) These rules may be called the Residential Accommodation at Peshawar (Procedure for Allotment) Rules, 1980.

(2) They shall apply to Government colonies/houses specified in Appendix “A” or such other colonies as Government may, from time to time, specify.

(3) They shall come into force at once.

**2. Definitions.**---In these rules, unless there is anything repugnant in the subject or context,--

(a) “allottee” means a civil servant in whose favour a residential accommodation stands allotted;

(b) “Appendix” means an appendix to these rules;

(c) “Colony” means a colony specified in Appendix “A”;

(d) ‘residential accommodation’ or ‘accommodation’ means a bungalow, flat or quarter, meant for allotment to civil servant in any of the colonies specified in Appendix “A”.

**3. Entitlement.**---A civil servant shall be eligible to a residential accommodation of his status, as Government may, from time to time, reserve for different categories of civil servants; provided that nothing contained in this rule shall debar a civil servant from the allotment of an inferior accommodation than the one to which he is entitled, if such civil servant has no objection to the allotment of such inferior accommodation.

<sup>1</sup> Subs. by Khyber Pakhtunkhwa Act No IV of 2011.

<sup>2</sup> Subs. by Khyber Pakhtunkhwa Act No IV of 2011.

<sup>3</sup> Subs. by Khyber Pakhtunkhwa Act No IV of 2011.

**4. Allotment.**---Subject to availability of accommodation, a civil servant shall be allotted a residential accommodation in accordance with the provisions of these rules and in the order of merit assigned to him under rule 7<sup>4</sup>[:]

<sup>5</sup>[Provided that where a civil servant to whom a residential accommodation has been allotted retires or dies during service, the real son or daughter of the retired or deceased allottee<sup>6</sup>{or his/her spouse} may be allotted, out of turn, an accommodation of his/her entitlement, subject to the condition that he/she is otherwise eligible for allotment of residential accommodation under these rules.]

**5. Allotment authority.**---An allotment under these rules shall be made by the Estate Officer, Services, General Administration, Sports and Tourism Department.

**6. Eligibility.**---Only civil servants who are posted at Peshawar and do not own houses either in their names or in the names of their spouses or dependent children shall be eligible for allotment of residential accommodation.

**7. Procedure for allotment.**---(1) A civil servant eligible for allotment of residential accommodation under these rules shall, if he so desires, make an application for the allotment of residential accommodation to the Estate Officer through proper channel.

(2). Applications received under sub-rule (1), shall be entertained by the Estate Officer and the names of the applicants shall be entered in the appropriate waiting list, to be maintained for the purpose in the order in which the applications are received.

Provided that if two or more applications belonging to the same category of civil servants are received on the same date, the non-local candidate shall have preference over the local candidate and if both the candidates are local or both are non-local, the candidate drawing more pay shall have preference over the candidate drawing less pay.

(3). A field officer in grade-17 or above, who had designated house at the place of his previous posting, shall, on his transfer to Peshawar, be considered for allotment of residential accommodation of preferential basis. For this purpose a separate list of such field officers shall be maintained in accordance with the principles laid down in the proceeding sub-rules and fifty percent of the accommodation available for allotment or to the extent of the number of applicants whichever is less, shall be allotted to such field officers.

**8. Rent.**---All allotment shall be subject to payment of monthly rent at the rate of 5 percent of the emoluments of the civil servant concerned as defined under F.R. 45-C or at such rate as Government may, from time to time, specify.

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<sup>4</sup>. Substituted for full stop by Notification No. EO(S&GAD) 34-M dated 20-02-1992

<sup>5</sup>. Inserted by Notification No. EO(S&GAD) 34-M dated 20-02-1992

<sup>6</sup>. Inserted by Notification No. E.O(ADMN)/34-M dated 14-02-2006, issued on 31-03-2006

(2) Drawing and Disbursing Officer shall be personally responsible for deduction of rent from the pay bills of the civil servants. A statement containing particulars of deductions in respect of house rent shall be furnished by each department/office to the Executive Engineer, Building Maintenance Division and Estate Officer within ten days of the close of the month to which the rent pertains.

(3) If a civil servant for any reason does not received pay for certain period or periods, the rent becoming due shall be deducted from the pay bills of the civil servant concerned as and when he gets pay for the period or periods for which the rent has not been paid, or shall be recovered in such other manner as may be permissible under any law, rules, order or intruction for the time being in force.

(4) Other charges such as electricity, suigas, water, conservancy etc; shall be paid directly by the allottee to the relevant authorities/institutions.

<sup>7</sup>[(5) Where an allottee of residential accommodation under these rules does not draw his pay from the Provincial ex-chequer, he shall be liable to deposit rent on monthly basis in the Provincial Government Treasury under the head "1000000—12000000-Non-Taxable Receipt-1241210-Rent-Misc-1241280-Receipt of House Rent" under intimation to the Estate Officer, Services & General Administration Department and the Executive Engineer, Building Maintenance Division, Communication and Works Department. The rent shall be chargeable at the rate of 5% of the basic pay he is for the time being drawing plus the amount admissible to him as house rent allowance and shall be deposited within seven days of its becoming due or receiving the pay, whichever is earlier.]

**9. Allotment of better residential accommodation.**---Where a civil servant entitled for better accommodation is allotted, due to non-availability of the residential accommodation of his entitlement, an inferior accommodation, he shall not by reason of that allotment, extinguish his right for allotment of accommodation of his entitlement. For that purpose, he shall, if he so applies, be considered for allotment of the residential accommodation of his entitlement and his order of priority for such allotment vis-a-vis other civil servant shall be determined with reference to the date of his original application.

**10. Handing and taking over of residential accommodation.**---(1) A residential accommodation allotted to a civil servant shall be given in possession of the civil servant by an official authorised by the C&W Department. An inventory of all fixtures and fittings or any other equipment installed in the residential accommodation shall be drawn up, in triplicate, by the said official in the presence of the allottee, and its receipt obtained from the allottee. One copy of the inventory shall be handed over to Estate Office and the C&W Department. Similarly, when an allottee vacates a residential accommodation, he shall properly hand over the possession of the residential accommodation to the said official for which he shall inform Estate Officer in writing well in time. The official of C&W Department shall check from the inventory drawn up

<sup>7</sup>. Added by Notification No. EO(S&GAD) 34-M dated 20-02-1992

at the time of handing over of the possession of the residential accommodation, whether all fixtures, fittings and equipments which were handed over, including those, if any, fixed or installed subsequently are intact. If any fixture, fitting or equipment is found missing, damaged or destroyed, the official shall prepare a list of all such articles in triplicate in the presence of the allottee, who shall retain one copy of the list and acknowledge the remaining copies by putting his signature thereon, which shall form part of the records of the Estate Officer and the C&W Department. The official shall then take possession of the residential accommodation and grant a certificate to that effect to the civil servant concerned in either of the two forms, as the case may be, specified in Appendix "B".

(2) Except for normal wear and tear the allottee shall be liable to pay the cost of fixtures, fittings and equipment found missing, damaged or destroyed.

(3) In the case of an allottee not surrendering the possession of the residential accommodation properly to the official of the C&W Department, of which the non-possession of the certificate referred to in sub rule (1) by the allottee concerned, shall be conclusive proof, the report of the official of the C&W Department with regard to the items missing, damaged or destroyed shall be final.

**11. Cancellation of allotment.---**(1) If a civil servant:--

- (a) Sub-lets, wholly or partly, the residential accommodation; or
- (b) becomes a source of nuisance for the neighbours of the locality; or
- (c) does not reside in the residential accommodation permanently; or
- (d) violates any of the terms and conditions of his allotment order or the provisions of these rules, his allotment order shall be cancelled without notice whereupon he shall be liable to vacate the residential accommodation within fifteen days of the cancellation order.

(2) If an allottee at any stage is found having a house at Peshawar either in his own name or in the name of his spouse or a dependent child, his allotment order shall be cancelled without notice whereupon he shall be liable to vacate the residential accommodation within fifteen days of the cancellation order.

<sup>8</sup>[(3) Where an allottee occupies or retains a residential accommodation in contravention of this rule and rule 12, then notwithstanding anything to the contrary contained in these rules, he shall render himself liable to pay rent at market rate of the occupied premises for the period beyond his/her entitlement till he vacates the premises or is ejected therefrom, as the case may be. Rent at market rate shall be charged irrespective of any extension, if granted to him by the competent authority, beyond the grace period, or the fact that he was entitled to rent free accommodation.]

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<sup>8</sup> . Rule 11(3) substituted by Notification No. EO(S&GAD) 34-M dated 20-02-1992.

<sup>9</sup>[(4) The market rent shall be assessed by the Communication and Works Department on case to case basis and shall be deposited by the defaulter in the Provincial Government Treasury under the head specified in sub-rule (5) of rule 8 within the period specified in the notice served to him in this behalf, failing which the same shall be recoverable as Government dues.

(5) Rent during the grace period shall, however, be charged at normal rate or rent last paid plus the house rent allowance to which he may be entitled, as the case may be.

**Note:---** *In case of a deceased civil servant or those who cease to be civil servants for any reason, house rent allowance would mean an amount equivalent to such allowance which would have been admissible to him had he been in the service.]*

<sup>10</sup>[12. (1) A civil servant or his family, as the case may be, shall, in any of the following circumstances, not be entitled to retain a residential accommodation, except for period provided against each:

(i)	In case of death of the allottee civil servants.	The family may retain the accommodation for six months from the date of death.
(ii)	In case of retirement.	Three months from the date of retirement.
(iii)	In case of dismissal, removal, termination or resignation from service.	<sup>11</sup> [two] month from the date of dismissal, removal, termination or resignation, as the case may be.
(iv)	In case of transfer outside the Province.	Three months from the date of relinquishing/handing over the charge.
<sup>12</sup> [(v)	In case of transfer within the Province.	Two months from the date of relinquishing / handing over the charge, provided that those who are transferred during the last quarter of the academic year may retain houses at Peshawar for three months at normal rent even if they have designated houses at their place of posting]

<sup>9</sup>. Added by Notification No. EO(S&GAD) 34-M dated 20-02-1992

<sup>10</sup>. Substituted by Notification No. EO(S&GAD) 34-M dated 20-02-1992.

<sup>11</sup>. Substituted for the word "one" by Notification No.EO(S&GAD)34-M dated 24-10-1994.

<sup>12</sup>. Substituted by Notification No.EO(S&GAD)34-M dated 24-10-1994.

(vi)	In case of extra-ordinary leave for more than one year.	One month from the date of availing leave.
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(2) A civil servant proceeding on training sponsored by Government may retain accommodation for the full period of his training on payment of rent at such rate as may, for the time being, be applicable, subject to the condition that his/her family shall reside in the accommodation.

(3) A civil servant resuming duty after availing extra-ordinary leave for more than one year shall have first preference in the allotment of residential accommodation of his entitlement.

<sup>13</sup>[13. Deleted]

**14. Addition, Alteration etc.**---A civil servant shall not make any addition or alteration to the residential accommodation.

<sup>14</sup>[15. Deleted]

**16. Savings.**---These rules shall be in addition to and not in derogation of any instruction nor order issued by Government from time to time which may transfer be issued.

**APPENDIX "A"**  
**[SEE RULE 1 (12)]**

S. No	Name of Colony
1.	Race Course Gardens.
2.	Dabgari Gate Gardens.
3.	Hashtanagari Gate Gardens.
4.	Gunner Lane Flat
5.	N.C. Flats.
6.	Khyber Colony.
7.	Irrigation Colony.
8.	Civil Colony.
9.	Civil Colony (for civil Servants in NPS 14)
10.	Civil Quarters.
11.	Bachelors' Hostel (Civil Quarters).
12.	Bachelors' Hostel (Gunner Lane).
13.	Jheel Road Bungalows
14.	Fort Road Bungalows.
15.	Sahibzada Abdul Qayyum Road Bungalows.

<sup>13</sup> . Rule 13 deleted by Notification No. EO(S&GAD) 34-M dated 20-02-1992.

<sup>14</sup> . Rule 15 deleted by Notification No. EO(S&GAD) 34-M dated 20-02-1992.

16. Any other accommodation on the pool of Estate Officer, Services and General Administration, Sports and Tourism Department.

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**APPENDIX "B"**

**FORMA.**

This is to certify that possession of bungalow/flat/quarter No ----- colony, has been taken today, the----- from Mr./Mrs./Miss -----the outgoing allottee and everything in the said bungalow/flat/quarter, including fixtures, fittings and equipments, has been found intact.

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**FORM "B"**

This is to certify that possession of bungalow/flat/quarter No.-----colony has been taken today, the -----from Mr./Mrs./Miss-----the allottee. The following fixtures/fittings/equipments have been found missing, damaged or destroyed:-

S. No	Fixture, Fittings, Equipments	Remarks
1	2	3