



GOVERNMENT OF KHYBER PAKHTUNKHWA ADMINISTRATION DEPARTMENT

NOTIFICATION
07th January 2015

No. FO(Admn) 34-M In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (KP Act XVIII of 1973), and in supersession of the Rules, for the residential accommodation at Peshawar (Procedure for Allotment Rules, 1980), the Chief Minister of Khyber Pakhtunkhwa is pleased to make the following rules regarding allotment of residential accommodation of civil servants namely:

THE RESIDENTIAL ACCOMMODATION AT PESHAWAR (PROCEDURE FOR ALLOTMENT RULES, 2015)

CHAPTER I – GENERAL

1. **Short title, extent and commencement.** - (1) These rules shall be called The Residential Accommodation at Peshawar (Procedure for Allotment Rules, 2015)
(2). They shall apply to allotment of accommodation at Peshawar.
(3). They shall come into force at once.
2. **Definitions.** In these rules, unless there is anything repugnant in the subject or context:
(a) **"accommodation"** means residential accommodation including a house, flat or quarter owned by Government of Khyber Pakhtunkhwa and placed on the pool of the Estate Office;
(b) **"allottee"** means a Civil Servant posted at Peshawar possessing a valid allotment letter duly issued by the Estate Office for an accommodation in his occupation;
(c) **"annex"** means an annexure to these rules;
(d) **"emoluments"** for the purpose of recovery of rent include pay, special pay, technical pay, deputation allowance, pension, non-practicing allowance, adhoc relief, qualification allowance, teaching allowance, performance evaluation allowance, special research allowance, computer allowance and such other pay and allowance as the Government may decide, from time to time, for the purpose of calculating normal rent;
(e) **"entitlement"** means the entitlement to accommodation as specified in rule 5.
(f) **"family"** means spouse, legitimate children and step children of a Government servant residing with him and wholly dependent upon him and includes his parents, real unmarried sisters and minor brothers, if residing with him and dependent upon him;
(g) **"Provincial Government Servant (PGS)"** means a person who is appointed in a Secretariat or an Attached Department against a regular post as a civil servant.
(h) **"Government"** means the Government of Khyber Pakhtunkhwa Administration Department.
(i) **"Waiting List (WL)"** means Waiting List maintained under rule 6;
(j) **"Normal rent"** means the rent calculated at the rate of five percent of the monthly basic pay plus amount of house rent allowance as admissible to the government servant.
(k) **"occupant"** means an individual or group of individuals occupying wholly or partially an accommodation;
(l) **"services"** mean electricity, water, gas supplies and telephone connections;
(m) **"Market rent,"** in relation to Government owned accommodation, means the rent fixed by the Government and notified from time to time.
(n) **"trespasser"** means an individual or group of individuals who occupy accommodation without valid allotment letter issued by the Estate Office for its occupation; and
(o) **"unauthorized occupant"** means a person whose allotment is no longer valid under these rules.

CHAPTER II-ELIGIBILITY

3. **Eligibility.**-(1) All married Provincial Government Servants (Civil Servants) in the Secretariat or Attached Departments, Posted at Peshawar, shall be eligible for accommodation from the Estate Office.
(2) Unmarried government servants shall be eligible for house rent allowance or single or bachelor accommodation so earmarked for them. However, unmarried Government Servant will be eligible for government accommodation provided he is living with his dependent parents.
(3) When both husband and wife are employed at Peshawar, only one of them shall be entitled to allotment of accommodation and in case they are serving at two different stations, one of them shall be allotted Government accommodation and other one shall be allowed single or bachelor accommodation or house rent allowance.
(4) Persons employed or re-employed on contract in Government pay scale in an eligible Government department mentioned in sub-rule (1) shall be eligible in accordance with terms and conditions of his appointment for Government accommodation from Estate Office.

(5) A Civil Servant, posted at Peshawar who owns a house in his own name or in the name of his spouse or dependent children, at Peshawar shall not be allowed Government accommodation. All Provincial Government Servants, posted at Peshawar, who are already in possession of government accommodation shall be allowed period of six months to shift to their own houses.

(6) A Civil Servant, posted at Peshawar shall at the time of allotment submit an affidavit, that he does not own a house in his own name or in the name of any of his family members at Peshawar and if it is established that a Civil Servant has a house in the name of any one of the above at Peshawar, his allotment shall be cancelled and disciplinary proceeding would be initiated against such officer or official as the case may be.

CHAPTER III-POOL ACCOMMODATION

4. **Pool Accommodation.**-(1) The Estate Office shall not place its accommodation at the pool of any other department.

(2) If funds are provided by the Government to an eligible department for constructing its own residential colony or accommodation or a department has its own colony or accommodation at Peshawar, its employees shall cease to be eligible until that colony or accommodation is surrendered to the pool of the Estate Office.

(3) The Administration Department will provide designated houses for specified posts which shall be allotted to the designated officers on an undertaking that they will vacate the house within three months of their transfer from the post and handover the possession of the house through Estate Officer irrespective of the fact that alternate accommodation has been allotted to them or otherwise.

CHAPTER IV – CLASSIFICATION AND ENTITLEMENT FOR GOVERNMENT ACCOMMODATION

5. **Classification and entitlement of accommodation.**-(1) The entitlement of the Provincial Government Servants to various categories and classes of accommodation at Peshawar shall be as follows.—

<u>Basic Pay Scale of PGS</u>	<u>Class of accommodation</u>	<u>Category of accommodation</u>
1-11	C, F, G, H, P, SIII, V, ADA Hayatabad Quarters	2 Rooms
12-14	B, E, M, SII, IV, C Type B Block GRC, Hayatabad Quarters	3 Rooms
15-16	A, CC, D, IV-A, SI	4 Rooms
17-19	Houses/Flats	
20-22	10 Bungalow at Hayatabad, RCG ,Park Road, SAQ, Fort Road, Jheel Road	

(2) Specifications of Government owned houses in each category are given in annex-A.

CHAPTER V-REGISTRATION AND ALLOTMENT

6. **Maintenance of General Waiting Lists.**-(1) The applications for allotment of Government accommodation shall be received on the application form specified in annex-B. This form shall be forwarded to Estate Office under covering letter by the respective Administrative Department, certifying that the particulars given in the form are correct.

(2) The application for accommodation as and when received from an applicant, shall be acknowledged by the Estate Office by issuing a registration card in the form set out in annex-C.

(3) The Estate Office shall maintain waiting list of government servants who have applied for government accommodation on the prescribed form. The copies of the WL shall be provided to all eligible departments for information on yearly basis.

(4) Seniority of a Government Servant in the relevant WL shall be determined from the date of his entitlement /seniority to the class of accommodation.

(5) If the date of entitlement / seniority of two or more Government Servants are the same, the seniority shall be determined on the basis of length of service in the BPS and if the length of service in BPS is the same then the seniority shall be determined from the date of birth.

(6) The merit list would be followed strictly without any exception. However in case of grave security concerns to the life of civil servant / his family the Chief Secretary and Secretary Administration would have discretion to adjust the officer/official.

(7) If an allottee is transferred or sent on deputation to out station to an eligible department, he shall carry his seniority with him and shall be allotted accommodation at the new station of his posting on the basis of his date of entitlement to the class of accommodation. Unless he gets accommodation on the new station of duty, he would be allowed to retain the government accommodation.

(8) Provincial Government Secretaries (BPS-20) and officers in BPS-20 will be given priority for allotment of accommodation in case they are not in occupation of Government accommodation elsewhere.

7. **Mode of allotment.**- (1) The allotment of Government owned accommodation shall be made to the most senior Government Servant on WL of a particular class or category of accommodation. However Judges of the High Court, Secretaries to the Government of Khyber Pakhtunkhwa and Field Officers will be given preferential treatment.

(2) Allotment in each class and category shall be made subject to the terms and conditions laid down in the form of allotment letter as set out in annex-D.

(3) In case a house of his entitlement is not available, a Government Servant may be allotted an accommodation of a class or category lower than his entitlement on payment of normal rent on maturity of his turn on the basis of GWL of that category.

CHAPTER VI – OCCUPATION OR VACATION

8. Occupation of allotted accommodation.-(1) On receipt of an allotment letter from the Estate Office, the Provincial Government Servant shall take over possession of accommodation from the Complaint Office within ten days of such allotment or permission of occupation and sign a receipt for all fittings and fixtures under intimation to Estate office and his department.

(2) Where a Provincial Government Servant does not accept allotment within seven days or does not occupy the allotted house within ten days of the allotment without any cogent reason, such allotment shall be cancelled without any notice and his name shall be brought at the bottom of the relevant General Waiting List and the Government accommodation shall be allotted to next eligible Provincial Government Servant as per rule 7.

(3) The Occupant shall send the occupation report to the Estate Office induplicate within three days of occupation.

9. Vacation of Accommodation.-(1) At the time of vacation of allotted Government accommodation, the allottee shall hand over its possession to the Complaint Office and obtain a receipt thereof induplicate which shall include an inventory of the fixtures and fittings available in such accommodation and up to date position of the service charges paid by him.

(2) The outgoing allottee shall produce up to date paid utility bills and make payment for deficiencies or damages caused to the accommodation beyond normal wear and tear at the time of handing over possession of the accommodation to the Government. In case he fails to do so, he shall not be issued NOC by the Estate Office.

(4) The handing over by Complaint Offices shall not be delayed for want of clearance of utility bills or for making up of deficiencies or damages in the said accommodation.

(5) On vacation of allotted accommodation the Provincial Government Servant shall obtain an NOC from Estate Office upon production of the vacation report and inventory of the Complaint Office.

(6) Where a Provincial Government Servant is in heavy arrears of rent or other dues, including unpaid cost of damages or deficiencies caused to the property during his occupancy and utility bills left unpaid by him, the Estate Office shall not issue NOC.

(7) In case of his posting or deputation within the country or abroad, the Accountant General or the department of the Provincial Government Servant, as the case may be, shall not release the house rent allowance or issue Last Pay Certificate till issuance of NOC from the Estate Office.

(8) The Estate Office shall refer the case of defaulters to the AG and the concerned department for the recovery of dues from the salary of the defaulting allottees at source.

(9) In order to allow the processing of pension case of the retiring or deceased allottees the Provisional No Demand Certificate shall be issued subject to the following conditions namely:-

(a) he/she shall clear all the dues including utility bills or damages or deficiencies up to the date of retirement;

(b) where the retired or deceased allottee or his family is allowed to retain the accommodation for the prescribed period, the PGS shall submit a valid undertaking that in case of non-clearance of utility bills, damages or deficiencies reported in the accommodation, the amount may be recovered from his pension; and

(c) where a pensioner who is allowed to retain the accommodation after his retirement, defaults, the matter shall be referred to AG for recovery of dues from his pension.

(d) 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.

(10) A PGS who has joined on transfer or posting from another station, shall produce a No Demand Certificate in respect of accommodation, if any occupied by him at the previous station before he is allotted accommodation at the place of new posting.

CHAPTER VII-CHANGE, USAGE AND RETENTION OF ALLOTTED ACCOMMODATION

10. Change of accommodation.-Change from one accommodation to the other or exchange of accommodation between two allottees for same category of accommodation may be permitted by the Administration Department subject to production of a certificate from their employers to the effect that they are not expected to be retired or transferred during the next one year and other required documents as prescribed by Administration Department from time to time.

11. Use of allotted accommodation.-The whole or any part of allotted accommodation shall not be used by the Provincial Government Servant or his family for a purpose other than that for which it has been allotted:

Provided that the Estate Office may permit an allottee or a member of his family to carry out medical practice in a Government Accommodation subject to payment of rent at the rate of ten percent of his total emoluments and in case of default a penal rent at the rate of fifteen percent of his emoluments or one rental ceiling, whichever is more, shall be charged from the allottee.

12. Sharing Of allotted accommodation.-An allottee may allow a friend or relative to share accommodation with him without any monetary gain for a period of one month without the permission of the Estate Office.

13. Retention Of Accommodation.-(1) In case of death of allottee.-

(a) the family of the allottee shall be entitled to retain the accommodation under their occupation for a period not exceeding one year on payment of normal rent.

(b) his serving widow or serving legitimate children may be allotted the said accommodation provided he/she is eligible for the accommodation or becomes eligible for the said accommodation within one year of the event. In case the allottee expires within six months after retirement, his serving spouse or legitimate children may be considered for allotment provided all other conditions are met. Where the accommodation is of a class or category higher than his entitlement, he shall be allotted the first available accommodation in that class or category as the case may be, and shall not be dislodged and shall be charged normal rent till such time as the alternative accommodation of his entitlement has been made available to him. Provided that in no case the occupant shall be entitled to retain the accommodation of higher category for more than one year.

(2) In case of retirement of an allottee:- (a) the Government accommodation would not be transferred to any of his serving son or daughter or spouse. The allotment would stand cancelled and the son/daughters of retired civil servants would apply afresh for allotment of residential accommodation.

(b) An allottee, on his retirement or expiry of contract period shall be entitled to retain the accommodation under his occupation for a period not exceeding six months, on payment of normal rent and this facility will be available to Provincial Government Servant once only.

(c) An allottee who has resigned or is dismissed, removed, compulsorily retired from service may retain accommodation under his occupation for a period of three months.

(4) **An allottee who is.**- (a) transferred or sent on deputation shall be entitled to retain the accommodation till his posting back to the station of accommodation or till the availability of accommodation at the new station provided he does not claim the accommodation or house rent allowance at his new place of posting.

(b) transferred to an ineligible Provincial Government department or organization at the same station may be allowed to retain the accommodation on market rent for a period not exceeding five years from the date of his transfer or the date of his permanent absorption in the new department, whichever is earlier;

(c) transferred to an autonomous organization at the same station may retain the accommodation under intimation to the Estate Office till such time as that organization provides him alternate accommodation or for a period of five years whichever is earlier. The total monthly house rent allowance payable to the allottee or his rental ceiling, which ever is more will be payable into govt treasury by the organization; and

(d) transferred to an autonomous organization at an out station may retain accommodation under intimation to the Estate Office for a period of six months or till such time as such organization provides him alternate accommodation (whichever is earlier) on payment of house rent allowance payable to the allottee by his organization or his rental ceiling whichever is higher.

(5) **A PGS may.**-(a) retain accommodation for entire period of Government sponsored courses or training only and in case of self-financed training or studies may retain accommodation for a period of six months only; and

(b) retain accommodation for a maximum period of upto one year during all kinds of leave.

(6) (a) In case of posting of PAS/PMS/PSP officers to the field i.e as Commissioners, DCs, ACs, PAs, ASPs and DPOs they would be entitled to retain Government accommodation allotted to them by Administration Department for at least one year.

(b) An allottee or his family shall be served a notice of cancellation along with permission of retention of the house in case of retirement from service or resignation etc., from the date of occurrence of the event. This shall be treated as final notice and no further notice shall be served upon him for vacation of the accommodation.

CHAPTER VIII - CANCELLATION AND EJECTMENT

14. Subletting.-(1) The accommodation shall not be sublet by the allottee.

(2) If an allottee is found guilty of subletting his accommodation the allotment shall be cancelled from the date of taking over possession of the house and he shall be charged Market rent for the entire period.

(3) If an allottee or illegal tenant, is a Provincial Government Servant, he shall be liable to disciplinary action for misconduct under the relevant rules or laws and such allottee shall be disqualified for future allotment of accommodation for five years.

(4) On becoming eligible for Government accommodation his name shall be placed at the bottom of the GWL on that date, provided he applies.

15. Possessing more than one accommodation.-(1) No Provincial Government Servant shall keep more than one accommodation at the same time in his possession.

(2) If a Provincial Government Servant is found in possession of more than one accommodation at the same time, the allotments of all the accommodations in his possession shall be cancelled.

(3) He shall be charged rent at market rate per month for possessing any additional accommodation over and above his entitlement.

(4) He shall be liable to disciplinary action for misconduct under the relevant rules or laws.

(5) A Provincial Government Servant who is found guilty under sub-rule(4) shall be disqualified for any allotment in future, for ten years.

(6) On becoming eligible for government accommodation his name shall be placed at the bottom of the GWL on that date, provided he applies.

16. Possessing accommodation both by husband and wife.-(1) No Married couple shall keep more than one allotted accommodation at the same time.

(2) Where the couple is found in possession of more than one accommodation at the same time, allotted accommodations shall after affording reasonable opportunity of show cause, be cancelled from their names.

(3) They shall be charged rent at market rate for the entire period of retaining additional accommodation.

(4) They shall be liable to disciplinary action for misconduct under the relevant rules or laws.

(5) The Provincial Government Servant against who is found guilty in proceeding under sub-rule(4) is taken under this rule shall be disqualified for future allotment of accommodation for ten years.

(6) On becoming eligible for government accommodation, his name shall be placed at the bottom of the GWL on that date, provided he applies.

17. Making structural changes in allotted accommodation.-(1) An allottee shall not carry out or maintain any additions, alterations or encroachments to the allotted premises or demolish any part thereof without the prior approval of the Administration Department. This does not include normal repairs and maintenance of the existing structure and installations.

(2) If it is established that a Provincial Government Servant has carried out any unauthorized addition, alteration encroachment or demolition of any part of the premises then his allotment shall be liable to cancellation and the allottee shall be evicted thereafter:

Provided that such an allottee shall be given a notice before eviction:

Provided further that the cancellation order and notice may be withdrawn if the allottee demolishes such unauthorized additions or alterations or encroachments or reconstruct the demolished part at his own cost.

(3) A Provincial Government Servant against whom action is taken under this rule shall be disqualified for future allotment for a period of five years and the cost for demolition of such additions or alterations or encroachments or reconstruction as assessed by the government shall be recovered from the out-going Provincial Government Servant or his family.

(4) On becoming eligible for government accommodation his name shall be placed at the bottom of the GWL on that date, provided he applies.

18. Not residing in allotted accommodation.-(1) If an allottee or his family does not ordinarily reside in the allotted accommodation or allows some other person to live in the allotted accommodation, the allotment shall be liable to be cancelled.

(2) A Provincial Government Servant whose allotment is cancelled under sub-rule (1) shall be disqualified for a period of five years and he shall be liable to disciplinary action for misconduct under the relevant rules or laws.

(3) On becoming eligible for government accommodation, his name shall be placed at the bottom of the GWL on that date provided he applies.

19. Non-payment of rent.-Where an allottee is in arrears of rent for two consecutive months, the allotment of accommodation shall be liable to cancellation and the allottee shall be evicted thereafter:

Provided that such allottee shall be given one month's notice before eviction:

Provided further that the cancellation order and notice may be withdrawn if the allottee produces documentary evidence within the notice period to the effect that he had been paying rent regularly or had not paid the same for reasons beyond his control and that he has paid his outstanding dues.

20. Provision of wrong information to obtain undue benefits.-If at any stage it is found that a Provincial Government Servant has provided wrong information, which may be concerning his seniority, pay scale of his entitlement etc., including the information provided in the allotment form, his accommodation will be cancelled and he shall be liable to disqualification for a period of five years and shall also be liable to disciplinary action for misconduct under the relevant rules or laws.

21. Curbing unsocial practices.-(1) Allottees or their family members shall abstain from all such actions or activities as may cause nuisance or inconvenience to other residents of the locality.

Explanation. Resorting to encroachments, littering, uncivilized behavior or lack of civic sense may be treated as activities as may cause nuisance for this purpose.

(2) Such practices may lead to cancellation of allotment or disqualification for further allotments for five years.

(3) On becoming eligible again, he shall be placed at the bottom of GWL, provided he applies.

22. Allotments made in violation of rules.-The Government may, at any stage, cancel the allotment made in violation of rules in favour of a Provincial Government Servant including those made to the employees of non-entitled departments. The government shall cancel all the allotments made against the entitlement i.e houses of higher grade officers / officials allotted to low grade officers / officials.

23. Unauthorized occupation.- (1) The Estate Office shall carry out ejection of unauthorized occupants from the government owned accommodation under Khyber Pakhtunkhwa, Public Property (Removal of Encroachment Act 1977).

(2) The ejection of trespassers from the Government accommodation shall be carried out by the Estate Office, immediately without serving any notice on the trespasser and First Information Report (FIR) shall be lodged against the trespasser by the Estate Office.

(3) In order to expedite the eviction under sub-rule (1), the Estate Office shall arrange the disconnection of services like water supply, gas, electricity and telephone of the house under illegal occupation.

- (4) In case an accommodation is occupied or retained without legitimate allotment or is trespassed, the Estate Office shall charge rent at the rates given below from the occupant for the period of unauthorized occupation or retention.
- (a) In case of unauthorized retention beyond legally allotted period, market rate will be charged for the whole period of unauthorized period.
- (b) In case of trespassing or unauthorized occupation, double market rent of the house occupied shall be charged for each month for the entire period of unauthorized occupation;
- (c) A Provincial Government Servant against whom action is taken under this rule shall be liable to disciplinary proceedings under the relevant rules or laws; and
- (d) A person other than Provincial Government Servant shall be liable to criminal proceedings for being in illegal possession of government property.

CHAPTER IX-RECOVERY OF RENT AND HOUSE RENT ALLOWANCE

- 24. Rent.**-(1) Unless entitled to rent free accommodation the allottee of an accommodation shall be charged normal rent at the rate of five percent of the emoluments as defined in clause (j) of rule 2.
- (2) The Drawing and Disbursing Officer of the allottee shall be personally responsible for deduction and recovery of rent from the civil servant.
- (3) Every Department shall furnish quarterly statement of deductions and recoveries on occupant of rent to the Estate Officer.
- (4) utility bills shall be paid directly by the allottee to the relevant authorities/institutions.
- (5) A Provincial Government Servant who vacates government accommodation shall be allowed house rent allowance only after obtaining a certificate from concerned Estate Office that the officer / official is not occupying a Government accommodation.

CHAPTER X-MISCELLANEOUS

25. Reporting of transfer, retirement, posting abroad etc.-Within a fortnight of the transfer, retirement, resignation, dismissal or removal from service or in the event of the death of an allottee or of his proceeding abroad on training or deputation, the Establishment Department or the head of the office of the allottee, as the case may be, and the allottee himself shall be responsible for reporting any such fact to the Estate Office through his department.

26. Direction by the Provincial Government.-The Government may, from time to time, issue such directions as it may deem necessary to carry out the purposes of these rules.

27. Appeal and revision.-(1) Any Provincial Government Servant aggrieved by any order or decision under these rules may, within thirty days, prefer an appeal against such order or decision.

(2) An appeal preferred by a Provincial Government Servant shall be heard and decided within thirty days by Deputy Secretary (Admn) Administration Department and the aggrieved Provincial Government Servant may, within fifteen days of the order apply for revision of the order to the Secretary Administration Department who shall hear and decide the revision petition within thirty days and his decision shall be final.

28. Oversight & Review Committee.-(1)The following Committee is mandated to oversee and periodically review Observance of Rules in allotment of residential accommodation in Peshawar

Chief Secretary, Government of Khyber Pakhtunkhwa.....Chairman

Secretary Administration, Government of Khyber Pakhtunkhwa.....Member

- (2). The Administration Department shall provide quarterly reports to the Oversight and Review Committee;
- (3). The Report shall contain inter alia detail of application received during the quarter allotment made, issues and updated waiting lists with certification that they have been circulated to Administrative Departments.
- (4). Any Civil servant feeling aggrieved with any decision regarding allotment of residential accommodation may forward, through his/her Administrative Department, a reference to the Oversight and Review Committee for a review of the decision; and
- (5). The Committee shall give its decision on reference within one month and his decision shall be final.

29. Repeal and savings.-(1) The Residential Accommodation at Peshawar (Procedure for allotment Rules 1980) and policy for Residential Accommodation At Peshawar – Policy for Allotment 2010 are hereby repealed.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT