



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

F.No: BSNL/6-1/SR/2017

Dated the: 04.09.2018

To,

All CGMTs, BSNL

Sub:- FAQ on Retention of Quarters beyond the permissible limits.

Kind attention is invited towards various instructions/guidelines issued by SR Cell and BW cell from time to time regarding retention of staff quarters and other related matters.

However, despite these instructions, it has been observed that :

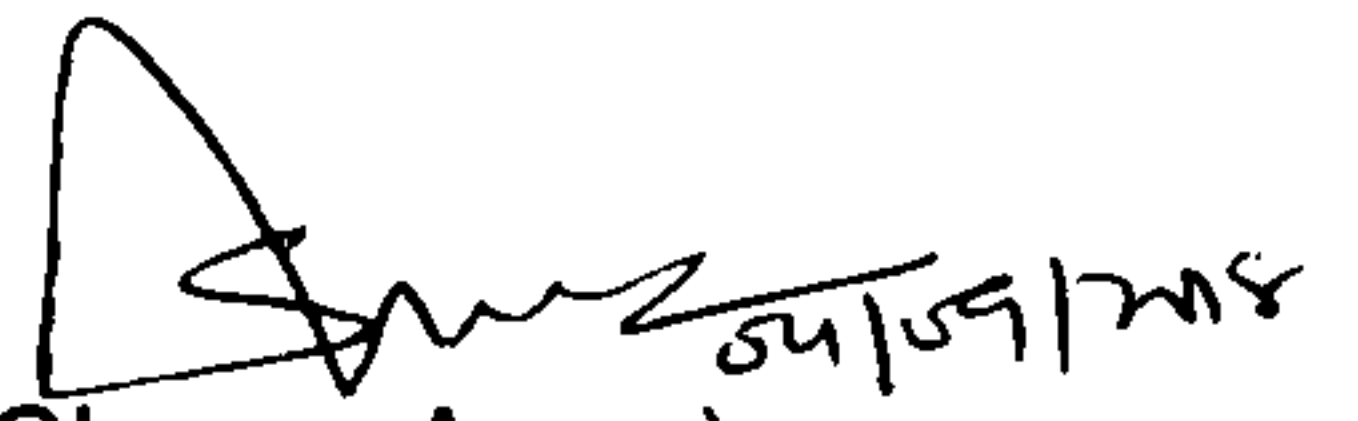
- a) Cases are not forwarded in time.
- b) Cases are forwarded without the necessary information/supporting documents / certificates.
- c) Cases are not forwarded along with prescribed proforma duly filled in.
- d) Proposals for retention of staff quarters are forwarded in a routine manner without full justification despite continuance of a long waiting list.
- e) Cases are not forwarded to concerned cell viz BW/SR.

Improper submission results in avoidable delay in taking decisions by High Power Committee (HPC) in BSNL Corporate Office.

Keeping in view the above, an FAQ has been prepared as per Annexure 'A' for perusal and processing the case attending all the points.

Encl:

- i) FAQ Annexure A
- ii) Revised format for forwarding application-Annexure B
- iii) SR letter dated 31.10.2011-Annexure C.


(Shyam Arora)
AGM (SR), BSNLCO
Tel. No.011-23037491
Fax No.011-23734338

FAQ (As on 04.09.2018)**Sub:- FAQ on Retention of Quarters beyond the permissible limits.**

Question 1: What is the Normal permissible period for retention of staff quarter?

S.No	Event	Normal permissible period of retention
1.	Transfer to other station/unit of BSNL	2-months+6months* *On educational/medical ground
2.	Transfer to Foreign Service in India/In-eligible office Out-side BSNL at same station/After transfer from Tenure station retention of old quarter at old station	2-Months
3.	Transfer to ineligible office within BSNL at same station	2-months+6months* *On educational/medical ground
4.	Retirement	4-months+4months* *On educational/medical ground
5.	Death	One year+One year* *(not admissible to a house owner)

Question No. 2: Who is the competent authority for deciding the retention beyond normal permissible period (Extended Period)?

Circle heads have been delegated power to decide the retention of quarter in the event of "No waiting list" at the station (Letter No. BSNL/6-1/SR/2011(i) dated 31.10.2011-Annexure-C). When there is a waiting list, Circle heads shall forward the cases with their personal recommendations to the BSNL CO. Such cases shall be forwarded in exceptional circumstances justifying fully the grounds supported by necessary documents.

In case the waiting list exists, in no case extension shall exceed one year beyond the time permitted as per S.No. 4 of Annexure A of letter dated 31.10.2011.If any waitlisted employee has objected to the extension given beyond permissible limit, such objection shall also be forwarded to HPC Corporate Office alongwith comments.

Question No. 3: Whether a proforma has been prescribed for seeking retention of Staff quarters beyond permissible period?

Yes, there is a prescribed proforma for submitting the case for consideration of case by High Power Committee(HPC) at BSNL CO as per letter No.BSNL/6-1/SR/2006 dated 22.07.2008. The proforma circulated earlier vide No.BSNL/6-1/SR/2006 dated 22.07.2008 is now modified and is enclosed as Annexure B. All the columns of proforma should be properly filled up by the concerned unit.

Question No.4: What is the maximum period for retention of quarter at a stretch beyond permissible period ?

Retention of quarter beyond permissible limit shall be permitted for a maximum period of 6 months at a stretch.

Question No. 5: What is the condition of payment of rent for retention of quarter beyond permissible limit?

For retention of quarter beyond permissible limit, monthly rent is payable in advance. In case the allottee fails to deposit rent in advance, the permission for retention of quarter is liable to be cancelled immediately and recovery, eviction proceedings etc should be initiated as per the extant rules/guidelines/law.

In case of retention of quarter after transfer and beyond valid extension by the competent authority, on return the employee will have to apply afresh for allotment of quarter at previous station where the quarter was retained. He will not have any claim for allotment of the same quarter and his case will be considered afresh.

Question No. 6: What are the guidelines related to HRA for retention of quarter on transfer?

On transfer, HRA is admissible for 8 months only at new station, if accommodation at old station is retained. Thereafter, the allottee is not eligible for grant of HRA at new station. In case of retention of quarter, rent will be decided as follows:

Case No. 1: If an employee serving in BSNL is transferred to other station, in BSNL itself, and he has been allotted quarter at the new station and in addition he wishes to retain quarter at the previous station also beyond normal permissible period of retention of quarter as per existing guidelines issued by SR Unit vide its letter No.BSNL/6-1/SR/2011(i) dated 31.10.2011:

Applicable rent: He will not be entitled to HRA at new station and for the quarter retained at the old station he will be charged rent as per BW policy for leasing out of vacant/surplus staff quarter issued vide No. 482-09/2009-BG/Vol.II(Pt.I) dated 06.08.2015.

Case No. 2: If an employee serving in BSNL is transferred to other station, in BSNL itself and draws HRA at the new place of posting and he wants to retain quarter at previous place of posting beyond normal permissible period of retention of quarter, as per existing guidelines issued by SR Unit as referred in Case No. 1 above:

Applicable Rent: He will be required to pay rent as defined under the above said SR guidelines or BW Policy whichever is higher.

Question No. 7: How the licence fee in different cases are governed?.

Licence fee as notified by the Directorate of Estate is applicable in retention cases with multiplying factor as prescribed in SR cell letter dt 31.10.2011(Annex- C). Whenever Licence fee is revised by the DOE, it will be applicable in these cases also. Last revision of licence fee was issued by Directorate of Estates (DOE) vide letter No. 18011/2/2015-Pol.III dated 19.07.2017 (Available on website www.estates.nic.in)

Question No 8: What is the criteria of recommending cases of retention of quarters?

The cases of retention are forwarded by Circle to BSNL CO in following situations:

- a) When the quarters are not vacant and there is a waiting list.
- b) Beyond the permissible extended period as mentioned in this office letter No. BSNL/6-1/SR/2011(i) dated 31.10.2011.

Therefore, Circle heads may recommend retention cases only in exceptional circumstances of medical/education ground and such cases shall carry personal recommendations of the Circle head on the proforma along with supporting documents viz. proof of medical condition, education ground whichever is applicable.

Question No. 9: What is the time schedule of processing of retention cases?

Applicant shall be asked to apply 3 months in advance before the expiry of previous permissible period of retention/allotment for retention of quarter. The cases shall be forwarded to BSNL CO two months in advance before the expiry date of previous retention allowed.

Question No. 10: What is the period permissible for retention of quarter in different conditions?

For extended period of retention permissible, please refer this office letter BSNL/6-1/SR/2011(i) dated 31.10.2011 (Annexure C).

Question No. 11: What are the conditions where allotment of quarter can be made under BW policy?

BW policy has been framed for utilization of surplus vacant quarters. For quarter to be declared surplus, it shall satisfy following conditions:

- i) Quarter should have remained unoccupied for the last six months or more.

ii) All the requirements of staff likely to join in near future and the staff posted to tenure stations shall be taken into account for arriving at the number of quarters becoming surplus.

Circle head concerned is fully empowered to allot quarter under BW policy. Hence, where the case qualifies for consideration under BW policy, it should not be sent to Corporate Office.

Question No. 12: What are different BW policies for allotment of surplus vacant staff quarters in different conditions?

BW unit of BSNL has issued various policies from time to time for allotment of surplus BSNL staff quarters to different categories of employees:

S.No.	BW Policy	Scope
1.	Dated 26.11.2008	Utilization of vacant staff quarter ,Identification of surplus quarter, Allotment to Central Govt PSU
1.	Dated 01.09.2011	BSNL employee, posted at other station can apply for vacant surplus quarter for use of their family members under this policy
2.	Dated 10.07.2013	Retired employees of BSNL/DoT can apply for allotment of surplus vacant quarter under this policy
3.	Dated 06.08.2015	Central/State Government employees, Central PSUs employee, State PSUs employees and other reputed private agencies can be allotted quarters under this policy.
4.	'AMRUT' dated 06.04.2016 Clarification dated 11.08.2016 on 'AMRUT'	Surplus vacant Type I, II and III Qtrs. Can be allotted to following categories of employees: i) BSNL Employees posted at same station/Out station (for self, their family members or relatives). ii) Retired employee of BSNL. iii) Working/retired employee of BSNL/DoT. iv) Central/State Govt Department/CPSUs/State PSUs, Autonomous body 100% funded by Govt. for use of their employees Clarification on 'AMRUT' dated 06.04.2016

Cases falling under these policies are to be done at the level of circle by the authority as mentioned in the policy. Whenever necessary clarification are required, these may be sought from BW unit of Corporate office. At the same

time cases of retention of Surplus quarter beyond permissible limits, which are not in the power of Circles should be sent to SR cell.

Question No. 13: What are the conditions governing allotment of quarters under different BW policies?

BW policies are available on intranet and same may be referred for detailed terms and conditions. Circle heads shall invariably see the possibility of allotment of quarters under BW policy before forwarding the same to BSNL CO.

Question No. 14: What are the actions to be taken for unauthorized occupancy of BSNL premises?

Recovery of rent arrears including damage/penal rent, eviction from the premises and recovery proceedings is resorted to under provisions of PP Act. 1971, if allottee occupies the premises beyond permitted period.

Premises of BSNL are Public Premises within the meaning of "Public Premises" defined in the Public Premises (Eviction of Unauthorised Occupants) Act 1971 {herein after called PP Act 1971} as per section 2(e)(2)(i) of the act. Actions for unauthorized occupation of BSNL premises shall be taken as per PP Act 1971. Following relevant provisions of PP Act 1971 are required to be considered:

a) Section 2(g) : Defines Unauthorized Occupation.

b) Section 4: Speaks about issue of show cause notice before passing an order of eviction.

c) Section 7: is about direction for payment of rent or damages.

d) Section 9: specifies appeal against the order of the Estate officer.

e) Section 10: The order passed by the appellate authority shall be final and shall not be called in question in any original suit, application or execution proceedings.

As per PP Act 1971, when Estate Officer by order requires the unauthorized occupant to pay the damages as per prescribed principles of assessment, every such order made by an Estate Officer or Appellate Officer under the Act attains finality and the order of Estate officer will not be called in question before any authority save as otherwise expressly provided in the Act.

Question No. 15: To whom the appeal lies against order of Estate Officer?

As per Section 9(1) of PP Act 1971, statutory appeal against the order of Estate officer lies only with "District Judge of District Court" of the district. The employees making appeals to other authorities should be promptly advised of this fact.

Question No. 16: What the relevant Fundamental Rules (FR) and Supplementary Rules (SR) dealing with allotment and occupation of staff quarters?

FR 45A, FR 45B and SR 311 to SR317 may be referred for dealing with cases related staff quarters matters.

Question No. 17: What other sources can be consulted for allotment, retention related matters ?

In addition to guidelines, circulars issued by BSNL for allotment of BSNL Staff quarters and retention of quarters, following can be consulted for guidance:

- A) FAQ on allotment of Govt Residences issued by DOE.
- B) Compendium on allotment of Govt Residences issued by DOE.

Both the documents are available on website www.estates.nic.in

(Annexure to FAQ dated 04 .09.2018)

PROFORMA

**(For forwarding cases for retention of quarters for consideration by
HPC at BSNL CO)**

To

**BSNL Corporate Office
(SR CELL)**

(Through Proper Channel)

PART A

(To be filled by the employee requesting permission to retain BSNL
accommodation beyond the permissible period)

1. Name and Designation of the employee:
2. Pay Scale:
3. Present Pay:
4. Name of Event e.g. transfer, death or event
after which his authorized retention ceases:
5. Date of Event mentioned in Col.4:
6. Type of Quarter:
7. Is it a post attached quarter:
8. Date upto which quarter was retained
on payment of normal licence fee :
9. Date till when quarter has been permitted
to be retained on payment of double the licence
fee deposited in advance:
- 10.Details of previous extensions by:
 - i) Circle Office:
 - ii) Corporate Office:
- 11.Further period for which permission is sought for:
- 12.Compelling reasons/grounds/circumstances on

account of which retention of quarter beyond normally permissible period is being requested:

13. Whether the employee has been allotted any other quarter by the Govt. at any place.

If so give particulars and date of allotment :

14. Whether employee has taken possession of the same. If not, reasons there of:

I hereby declare that the information furnished by me at Paras 1 to 14 above are correct to the best of my knowledge and that if any information is found incorrect, I am liable to be charged damage rates as demanded by BSNL, besides any other disciplinary action which the Department may deem fit.

I also undertake that if my above request for retention of quarter is not approved for whatever reasons, I will pay damage rent as decided by BSNL.

I also undertake to accept the retention of quarter at the rate decided by the BSNL.

Signature of the employee
Name and Designation of the employee.

PART B

(To be completed by the SSA/SSA Head)

1. The information furnished by the applicant at Paras 1 to 14 above has been checked and found to be correct (specify the corrections if any.)
2. Additional reasons/Grounds, if any on account of which the proposal is being recommended/supported.
3. That this proposal does not attract the provisions of BW Policy.
4. Pending approval of the above proposal by the Corporate Office, action has been taken/will be taken to ensure recovery of licence fee at damage rates through the monthly pay bills/ or through some other reasonable and practical way.

Signature
Name/Designation
Head of SSA

PART C

(To be completed by the Head of Circle)

1. Personal recommendation of the Head of the Circle.

Signature
Name/Designation
Head of Circle



BHARAT SANCHAR NIGAM LTD.

(A GOVERNMENT OF INDIA ENTERPRISE)
SR CELL, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

No. BSNL/6-1/SR/2011 (I)

Dated, the 31.10.2011

To,

All CGMs,
Bharat Sanchar Nigam Limited.

Sub: Cases/requests for retention of staff quarters beyond permissible period at stations where sufficient quarters are vacant— Delegation of Powers to Circle Heads regarding

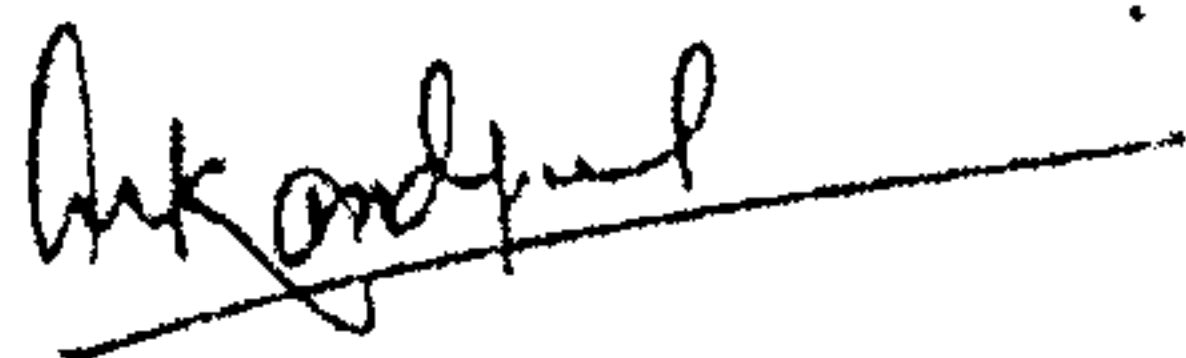
In order to ensure optimal utilization of vacant staff quarters and to minimize delay in deciding the cases/requests for retention of staff quarters beyond permissible limit, it has been decided by the High Power Committee, BSNL Corporate Office to delegate its power to the Circle heads. The guidelines relating to consideration of such cases of retention beyond normal permissible period at stations where vacant quarters are available and attendant conditions thereof are as follows :-

- i.) The cases/requests for retention of staff quarters beyond permissible period at stations where sufficient quarters are available will henceforth be considered and decided by the Circle head, who may be assisted by a High Power Committee to be constituted at Circle HQrs. and may consist of the following –

PGM/Sr.GM	-	Chairman
GM (concerned with quarter allotment)	-	Member
Circle IFA	-	Member
[or any other DGM level officer from Finance side to be nominated by the Circle IFA in his place.]		

The concerned cell in the circle handling cases of quarters will coordinate/provide necessary support to the committee.

- ii.) Retention of quarter beyond permissible limit shall be permitted for a maximum period of 6 months at a stretch subject to the conditions laid down in Annexure-A for different situations, viz. Transfer / retirement / death etc. Similarly, the rent to be charged is also specified in Annexure-A.
- iii.) For retention of quarter beyond permissible limit, Monthly rent is payable in advance. In case the allottee fails to deposit advance rent, the permission for retention of quarter is liable to be cancelled immediately and eviction proceedings initiated as per the extant rules/guidelines.



- iv.) Status of availability of staff quarters will be reviewed every month. In case, the situation/status of vacant quarters changes and quarters are required by the eligible employees, then the quarter may be got vacated after giving due notice to the allottee. The notice period for vacation of staff quarter is one month by either side. This condition needs to be mentioned in the order allowing retention of the quarter.
- v.) On transfer HRA admissible for 8 months only at new station if accommodation at old station is retained. Thereafter, he is not eligible for grant of HRA at new station. In case the employee is allotted quarter at the new station in addition to retention of quarter at the old station then the employee shall pay HRA + licence fee + departmental charges for the accommodation allotted at the new place of posting. In addition, the employee will pay rent equivalent to HRA being drawn at the time of transfer + licence fee + departmental charges for the accommodation retained at the old place of posting
- vi.) In cases where permission for retention of staff quarter is not granted and the occupant of the quarter continues beyond permissible period, the entire period after permissible period shall be treated as unauthorized and penal rent charged for the period of over-stay, i.e. till quarter is physically vacated by the allottee and possession of vacant quarter handed over to the administration.
- vii.) Whenever Licence Fee is revised by the Government, it will be applicable in these cases also.

3. The above guidelines are to be followed where vacant quarters are available and waiting list is not there. However, in cases of waitlist, if the Circle head is personally convinced with the grounds for retention of quarter beyond permissible period, he may forward the request with his recommendations/comments to the BSNL Corporate Office in prescribed pro-forma observing/complying the guidelines circulated vide this office letters No. (i) BSNL/6-1/SR/2006 dated 22nd July, 2008 & (ii) BSNL/6-1/SR/2011 dated 24th March, 2011.

L.M. Kandpal
(L.M. Kandpal) 31/10
AGM (SR-III), BSNL CO

Encl.: As above.

Copy for information to:

1. ES to CMD, BSNL
2. All Board Directors. BSNL
3. All PGMs / Sr.GMs / GMs, BSNLCO.
4. AO (Pay Bill), BSNLCO

o/c
Issued
2.11.2011

Annexure-A

Rent & Maximum periods for retention of staff quarter for different situations, viz. Transfer / retirement / death etc.

Sl No	Event	Period of retention of Staff quarter	Charges during the period of retention of staff quarter
1	Transfer to other station/unit of BSNL		
	Normal permissible period	<ul style="list-style-type: none"> • 2-months+6- months* *On educational/medical ground 	First 2-months - Normal Licence fee + Deptt. charges Next 6-months - Double licence fee + Deptt. charges
	Extended period	Further for maximum period of 2 years on educational/medical ground	Rent equivalent to HRA admissible to the employee, where quarter is retained + Licence fee + Deptt. Charges
2.	Transfer to Foreign Service in India/ In-eligible office Out-side BSNL at same station /After transfer from Tenure station retention of quarter at old station		
	Normal permissible period	2-months	2-months - Normal licence fee + Deptt. Charges
	Extended period	Further for maximum period of 2 years on educational/medical ground	Rent equivalent to HRA admissible + Licence fee + Deptt. charges
3.	Transfer to ineligible office within BSNL at same station		
	Normal permissible period	2-months + 6- months* *On educational/medical ground	First 2-months - Normal Licence fee + Deptt. charges Next 6-months - Double licence fee + Deptt. charges
	Extended period	Further for maximum period of 2 years on educational/medical ground	Rent equivalent to HRA admissible + Licence fee + Deptt. Charge
4.	Retirement		
	Normal permissible period	4-months + 4- months* *On educational/medical ground	First 2-months - Normal Licence fee + Deptt. charges Next 2-months - Double licence fee + Deptt. charges Next 2-months - 4 times licence fee + Deptt. charges Next 2-months - 6 times licence fee + Deptt. charges
	Extended period	Further for maximum period of 2 years on educational/medical ground	Rent equivalent to HRA admissible at the time of retirement + Licence fee + Deptt. Charges
5.	Death		
	Normal permissible period	One year + One year* *(not admissible to a house owner)	2 years- Normal licence fee + Deptt. charges
	Extended period	Further for maximum period of 3 years on educational/medical ground	Rent equivalent to HRA otherwise admissible to the deceased employee at the time of Death + Licence fee + Deptt. Charges

Arkanand