

RBE No. 60/2004

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)**

No.E(G)99 QR1-16.

New Delhi, dated 16-3-2004

The General Managers,
All Indian Railways/PUs and others.

Sub: Retention of Railway quarter in the event of transfer, deputation, retirement etc. in individual cases – powers to relax.

1. Ministry of Railways have issued instructions from time to time laying down the provisions for regulating allotment/retention of Railway quarters in favour of the Railway employees. In terms of Railway Board's letter No. E(G)99 QR1-16 (Pt.III) dated 18/7/2000 Ministry of Railways (Railway Board) is vested with the powers to relax all or any of the existing provisions regarding allotment/retention of Railway accommodation. This power is exercised by full Board making reasonable relaxation by recording reasons in writing, in public interest. The Hon'ble High Court of Delhi in CWP No. 5057 of 1999 had, vide interim order dated 16/10/2000, as confirmed in the final judgment dated 5/12/2001, directed that the above provisions of "powers to relax" were to be exercised only for a class of employees and not for individuals.

2. The matter was further discussed in a full Board Meeting held on 11/7/2002 wherein it was considered essential to empower the Board to make relaxation to cover a group of such individuals affected by extreme hardship on medical grounds. Based on the decision taken by the Board, it has been decided to modify the instructions dated 18/7/2000, as under:

"Notwithstanding anything contained in the general orders, guidelines etc. in regard to allotment/retention and charging of rent in respect of Railway accommodation in Railway Board's Master Circular No. 49 (No. E(G)92 QR1-20 – Master Circular) dated 19/1/1993 as further amended from

time to time, the Ministry of Railways (Railway Board), for reasons to be recorded in writing, may make reasonable relaxations in public interest in all or any of the existing provisions therein regarding allotment/retention of Railway accommodation and charging of rent therefor, for a class/group of employees.

Every proposal meriting relaxation as provided in para (2) above, shall be considered by the full Board in terms of laid down policy guidelines/instructions regulating the subject matter, vis-à-vis the operational and administrative needs of the Railways and decision taken by Board thereon, shall be communicated by issue of orders.

Notwithstanding anything contained in paras above preceding, Board may also permit retention of Railway accommodation as a special case in the case of individuals constituting a class on medical grounds which necessitate the retention of Railway accommodation beyond the permissible period”.

✓ 3. The following procedure/guidelines shall be followed in processing cases for grant of retention of accommodation over and above the permissible period as laid down in the general instructions:-

- (i) The individual Railway employee who seeks retention of Railway accommodation beyond the period permissible under the general policy on medical grounds, may apply to the quarter controlling authority alongwith certificate from the Railway Medical Authorities. The quarter controlling authority shall process the request for the personal approval of the General Manager.
- (ii) If the General Manager is satisfied that there are adequate and reasonable grounds for permitting further retention, he may make his recommendations to the Railway Board with a speaking order for grant of this dispensation.
- (iii) The retention of Railway accommodation beyond the permissible period on medical grounds may be granted by the competent authority for a period not exceeding one year in any case.
- (iv) The benefit of retention of Railway accommodation shall be admissible in the case of severe illness of Railway employee

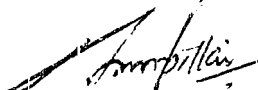
himself/herself or any member of the employee's family as defined in the Railway Servants (Pass) Rules.

- (v) "Severe illness" in such cases means illness of the nature of acute debilitating disease, which requires hospitalization and/or constant medical supervision to the Railway employee or any member of his/her family, which must be duly certified by the concerned Chief Medical Director of the Railway recommending such retention of Railway accommodation.
- (vi) The rate of rent to be charged for the extended retention shall be at four times of the normal licence fee per month.
- (vii) In the event of grant of permission for retention of Railway accommodation at the previous place of posting beyond the period provided for in the relevant instructions, the employee in whose favour retention as above has been permitted, shall not be entitled to draw House Rent Allowance at his new place of posting.
- (viii) The allottee will have to vacate the premises on or before the expiry of permitted period, and in the event of occupation of quarter after the permitted period of retention, it shall be treated as an unauthorised occupation and (damage) rent will be charged from him/her.

4. The request of officers in SAG and above for retention of accommodation on medical grounds as specified above, shall be forwarded to the Railway Board by the General Manager while all other cases will be dealt with at AGM's level for forwarding to Board along with recommendations for consideration.

5. This issues with the concurrence of Finance Directorate of the Ministry of Railways.

Please acknowledge receipt.



(M.D. PILLAI)

JT. DIRECTOR ESTT. (GENL.)