

THE COCHIN PORT EMPLOYEES (ALLOTMENT OF RESIDENCE) REGULATIONS, 1965

In exercise of the powers conferred under Section 28 of the Major Port Trust Acts, 1963 (38 of 1963), the Board of Trustees Cochin Port Trust, hereby makes the following regulations namely:-

1. Short title and Commencement

- (1) These regulations may be called the Cochin Port Employees (Allotment of Residence) Regulations, 1965.
- (2) They shall come into force on 1-4-1966.

2. Application

These regulations shall apply to the allotment of residence to all persons who are employed in the service of the Board, hereinafter referred to as 'employees'.

3. Interpretation

In these regulations, unless the context otherwise requires -

- (a) "Allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these regulations;
- (b) "Allotment year" means, the year beginning on 1st January or such other period as may be notified by the Board;
- (c) "Board", "Chairman", "Deputy Chairman" "Head of Department" shall have the meanings assigned to them in the Major Port Trusts Act, 1963;
- (d) "Eligible office" means an office under the Board which has been declared by the Board as Eligible for accommodation under these regulations;
- (e) ¹ "Emoluments" means-
 - A. In the case of Class I and Class II Officers -
 - (i) Pay including officiating pay, personal pay, special pay, technical pay, dearness pay, and any other emoluments specially classed as pay by the Board;
 - (ii) Compensatory allowances, other than dearness allowance, travelling allowance, mess allowance, uniform out-fit-allowance, uniform grant and grant for house and saddlery
 - (iii) Other payments received in the shape of a fixed addition to the monthly pay and allowances as a part of the authorised remuneration of a post; and
 - (iv) Pension other than extra-ordinary pension
 - B. In the case of a Class III And Class IV employees.
 - (i) Pay including officiating pay, personal pay, special pay, technical pay and any other emoluments specially classed as pay by the Board.

¹ Substituted w. e. f. 12-4-77 vide Notification No. EM / 298 / 74 dated 29-3-1977.

- (ii) Pension other than extra-ordinary pension

NOTE: (Applicable to both A and B above)

- (i) The emoluments of an employee on leave means the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.
- (ii) In the case of an employee under suspension the amount drawn by him on the first day of the allotment year in which he is placed under suspension, or if he is placed under suspension on the first day of the allotment year the emoluments drawn by him immediately before that date shall be taken as emoluments.
- (iii) In the case of a suspended employee who is subsequently reinstated and whose period of suspension is treated as leave, the emoluments would be as under note (i) above.
- (iv) overtime which is not sanctioned as a fixed addition to the pay of a post but is paid for according to overtime hours put in is not a part of "emoluments" for the purpose of rent. Fixed addition to the pay of a post in lieu of overtime shall, however, be reckoned as emoluments in respect of Class I and Class II officers.
- (f) "family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employee;
- (g) "Government" means the Central Government;
- (h) "Port" means the Port of Cochin.
- (i) "Priority date" of an employee in relation to a type of residence to which he is eligible under regulation 6 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Board except for periods of leave;

Provided that in the case of an employee, who before the 1st day of July, 1959, had drawn less than Rs.110 /- per mensem as emoluments in a Class III post, the period during which he drew such emoluments shall also be counted towards his priority date for "A" type residence;

Provided further that in the case of an employee who is on deputation to any foreign service, the period of foreign service; shall, on his re-posting in an eligible office under the Board, be included for the purpose of determination of his priority date;

Provided further that where the priority date of two or more employees is the same, seniority among them shall be determined (i) by the amount of emoluments drawn by each such employee, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments; and (ii) where the emoluments are equal, by the length of service under the Board;

- (j) ¹"rent", unless in any case it be otherwise expressly provided in these Regulations, means the sum of money payable monthly as mentioned below :-

Standard rent of the unit occupied or 10% of the monthly emoluments of the employee, whichever is less;

Provided that in the case of Class III and Class IV employee whose pay is less than Rs. 200 /-, the rent would mean 7 ½ of monthly emoluments or the standard rent of the unit occupied whichever is less;

¹ Substituted w. e. f. 12-4-77 vide Notification No. EM / 298 / 74 dated 29-3-1977.

Provided further that where concession is given to piece rate Shore Labour, the principle governing such concession would continue to apply to determine the rent for quarters allotted to them as modified by the Board from time to time.

Explanation:- Notwithstanding anything contained in these Regulations, where a Class III or Class IV employee is allowed to occupy a residence of lower type than what he / she is entitled to and the quarter of the type to which he / she is entitled is not offered to him / her, the rent will be on the basis of the maximum of the pay range for which such quarters are allotted.

The first proviso and the explanation will come into effect from 1-1-69.

Explanation for assessment of Standard Rent:

Standard monthly rent shall mean 1 / 200th of the capital cost of the residence;

Pooled standard rent of a residence shall mean the total standard monthly rent as calculated above for the residences belonging to each type divided by the total number of residences included in the pool.

- (k) "residence" means any residence for the time being under the administrative control of the Chairman or any other officer appointed for the purpose;
- (l) "sub-letting", includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;

Explanation:- Any sharing of accommodation by an allottee with close relations shall not be deemed to be "sub-letting".

- (m) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;
- (n) "transfer" means a transfer from the service of the Board to any other post;
- (o) "type" in relation to an employee means the type of residence to which he is eligible under regulation 6.

4. Ineligibility of officers owning Houses for Allotment under these Regulations

No employees shall be eligible for allotment of Board's accommodation, if-

- (a) He / she owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms, by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman reside consistently with his / her official position.
- (b) His wife / her husband or any dependent child owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms. by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman reside consistently with his / her official position.
- (c) His / her father, mother or any other dependent relation owns a house ¹[within the limits of Cochin Corporation including the suburban area coming within 20 kms, by the shortest route by road and / or water from the normal place of duty of the employee in the Port] in which he / she can, in the opinion of the Chairman, reside consistently with his / her official position and without inconvenience to himself / herself or to the owner thereof.

¹ Substituted w. e. f. 24-12-86 vide Ministry's Notification No. PW|PER-37|85 and published in the Gazette of India under GSR No. 1313 (E) dated 24-12-86

Any employee, who on any date (hereafter referred in the rules as relevant date) subsequent to the date of making application for allotment of quarters of subsequent to the date of allotment of Port accommodation, becomes ineligible for Port's accommodation under (a), (b) or (c) of the above rule, shall notify the fact to the Chairman or the Officer appointed within a period of 7 days or the 'relevant date'. In the case of employee's failure to so notify, the Chairman may reject the application for allotment or if an allotment has already been sanctioned, cancel such allotment with effect from the relevant date and require the employee to vacate the Port accommodation forth-with.

Notwithstanding the foregoing provisions of the regulation, the Chairman for the purpose may allot or re-allot Port accommodation to an employee who becomes ineligible for Port accommodation as stated under 1 (a), (b), (c);

- (1) If he is satisfied that it is not possible for the employee, for reasons beyond his control, to obtain vacant possession of the house, on his agreeing to pay standard rent fixed for the quarter allotted to him.
- (2) If he is satisfied that it will be in the Port's interests to house the employee in the Port's quarters.
- (3) (a) Occupation:- A person who is allotted quarters will occupy it within 8 days from the date of allotment, failing which he will be liable to lose his claim for the occupation thereof.

Provided however, that the Chairman may extend the above period in any particular case according to merits of the case.

Provided further that the person who loses his claim for the occupation of quarters due to his failure to occupy them within the period permitted will however be eligible to apply for quarters again and every such application will be treated as a new application for quarters.

(b) No unit should be occupied by more than one family, unless otherwise specifically permitted in writing by the Chairman.

5. Allotment to Husband and Wife-Eligibility in cases of officers who are married to each other

- (1) No employees shall be allotted a residence under these regulations if the wife or the husband, as the case may be, of the employee has already been allotted a residence unless such residence is surrendered:

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

- (2) Where two employees in occupation of separate residences allotted under these regulations marry each other, they shall, within one month of the marriage, surrender one of the residences.
- (3) If a residence is not surrendered as required by clause (2) above, the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of such one of them as the Chairman or the officer appointed for the purpose by the Board may decide shall be deemed to have been cancelled on the expiry of such period.
- (4) Where both husband and wife are employed under the Board, the title of each of them to allotment of a residence under these regulations shall be considered independently.

6. ¹Classification of Residences

Save as otherwise provided by these regulations, an employee shall be eligible for allotment of a residence of the type shown in the Table below:

TABLE

Sl No.	Quarter type	Basic Pay Ceiling (in Rs.)
1	I	3700
2	II	4300
3	III	5500
4	IV	7070
5	V	10750
6	VI*	13000
7	VII*	14500

* # Reserved for Chairman, Deputy Chairman and Head of Department

²[N.B. Officers other than Chairman, Dy. Chairman, Heads of Departments and those in the scale of Rs. 13000 are not normally entitled to get accommodation in Type VI and VII quarters as a matter of right irrespective of the fact that they might have drawn basic pay exceeding the maximum of the pay slab prescribed for type V quarters.]

NOTE: If an employee is in occupation of a higher type of residence than what is entitled to on the date ³ of implementation of this amendment, he shall continue to enjoy the benefit in respect of that residence.

7. Application for allotment

- (1) An employee who seeks allotment of residence or the continuance of allotment of a residence which has been allotted him, may apply at any time and shall if directed to do so, to the Chairman or the Officer appointed by the Board for this purpose in such form and in such manner and by such date as may be prescribed by the Chairman or the Officer appointed by the Board for the purpose.
- (2) All applications received otherwise than in pursuance of a direction issued under Clause (1), shall be considered for allotment in the succeeding month if such application has been received before the 20th day of a calendar month.
- (3) ⁴Notwithstanding any other provision in these Regulations, the Chairman may allot residence to any employee in the interest of the Port's work irrespective of whether he has applied for it or not and he shall occupy the residence so allotted.

¹ Substituted w. e. f. 16-3-1976 by Notification No.EM / 1290 / 72 dated. 27-2-76.

² Inserted w. e. f. 24-12-86 vide Ministry's Notification No. PW|PER-37|85 and published in the Gazette of India under GSR No. 1313 (E) dated 24-12-86

³ 16-3-76

⁴ Inserted w. e. f. 25-11-75 by Notification No. EM / 293 / 74 dated 12-11-75

- (4) ¹[Notwithstanding any other provisions contained in these Regulations the Chairman may allot quarters to the employees of local bodies for other Govt. Departments like Railway, Kerala Police, Post and Telegraph, Central Industrial Security Force, Kendriya Vidyalaya, Port Health Organisation, Inspectorate of Dock Safety, Department of Tourism, Civil Aviation Department, Concurrent Audit etc., who are closely connected with the working of the Port and in the opinion of the Chairman, should be provided with accommodation for the smooth functioning of the Port. The monthly rent in such cases shall be as follows:-

(a) CISF personnel other than officers	Free
(b) CISF officers and Audit staff	At flat rate on area basis as fixed by the Port based on the Government orders on the subject
(c) Central Govt. employees other than CISF Audit and all other categories	At flat rate on area basis as fixed by the Port subject to the remittance of the HRA so saved by the concerned Government Department from the pay of their employees to Port

²[7(A) Reservation for SC / ST employees in allotment of Quarters

- i) Notwithstanding anything Contained in these Regulations, 10% of Type I, Type II, Type III and 5% of Type IV & Type V quarters shall be allotted to Scheduled caste and Scheduled Tribe Employees in the order of their seniority.
- ii) A Separate waiting list of eligible SC / ST employees shall be maintained for this purpose. The employees shall be entitled for allotment of their entitled type according to their turn as per this waiting list.
- iii) Vacancies available in the quota reserved for the purpose shall be allotted in the ratio 2:1 to the SC / ST employees. In case, however, there is no ST employee available such reserved accommodation shall be allotted to SC employee.
- iv) Scheduled Caste / Scheduled Tribe employees who are already in occupation of Departmental quarters shall not be entitled to be considered for allotment to higher type from the reserved quota.]

8. Maintenance of separate pools for certain categories of employees

- (1) Notwithstanding anything contained in these Regulations, the following pools shall be maintained, namely,
 - i) Residence for the Chairman.
 - ii) Pool of residences for Deputy Chairman, if any, and Heads of Departments.
 - iii) Lady employees, pool for lady employees except for those who are married and whose husbands are eligible for allotment under these regulations.
- (2) The number and the type of residence to be placed in these pools shall be determined by the Board from time to time.
- (3) Inter-se seniority of the employees eligible for allotment of residences under these regulations shall be determined in accordance with the date of their appointment in

¹ Substituted vide Govt's Notification No. PR-12016 / 57 / 2000-PE-I and published in the Gazette of India vide GSR 432 (E) dated 13-6-01

² Inserted w. e. f. 12-12-88 vide Ministry's Notification No. PR-12016/29/88-PE.I and published in the Gazette of India under GSR No. 1171 (E) dated 12-12-1988

the post which entitles them for consideration of allotment of residence included in the pool.

9. ¹Out of turn allotment

Notwithstanding any other provisions in these regulations the Chairman may allot a residence out of turn to an employee in the following cases:-

1. Physically handicapped employees on the basis of the percentage of disability assessed by a Committee consisted of Deputy Chairman, Chief Medical Officer, Secretary and Estate Manager.
2. In case of an employee or any member of his or her family suffering from chronic diseases requiring frequent and prolonged hospitalization and treatment at the Port Hospital on production of certificate to that effect from the Chief Medical Officer or the Deputy Chief Medical Officer of the Port Hospital.
3. Operationally important post holders whose presence in the Port premises is unavoidable and essential for departmental interest.

10. Non-acceptance of allotment or offer or failure to accept the allotted residence after acceptance

- (1) ²[If an employee fails to accept the allotment of a residence within 5 days from the date of receipt of letter of allotment or fails to take possession of that residence after acceptance within 8 days from the date of receipt of the letter of allotment he shall not be eligible for another allotment for a period of 2 years from the date of the allotment letter.]
- (2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under regulation 6 or the immediately lower type, he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the previously allotted residence on the following conditions, namely:-
 - (a) that such an employee shall not be eligible for another allotment for a period of ³five years from the date of the allotment letter for the higher class of accommodation.
 - (b) while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of residence already in his occupation, whichever is high.

11. Period for which allotment subsists and the concessional period for further retention

- (1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until,
 - (a) the expiry of the concessional period permissible under sub-regulation (2) below, after the employee cease to be on duty in an eligible office under the Board;

¹ Substituted vide Notification published in the Gazette of India under GSR No.968 (E) dated 09-12-1987

² Substituted w.e.f. 1-4-87 vide Notification published in the Gazette of India under GSR No. 360 (E) dated 1-4-87.

³ Amended w.e.f. 27-5-75 by Notification No. EM / 298 / 74 dated 21-5-75.

- (b) it is cancelled by the Chairman or the officer appointed for this purpose by the Board or is deemed to have been cancelled under any provisions in these regulations.
- (c) it is surrendered by the employee or
- (d) the employee ceases to occupy the residence.
- (2) A residence allotted to an employee may subject to sub-regulation (3), be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof, provided that the residence is required for the bona-fide use of the employee or members of his family.

TABLE

Events	Permissible period for retention of the residence
(i) Resignation, dismissal, removal or termination of service	1 month
(ii) Retirement or terminal leave	2 months
(iii) Death of the allottee	4 months
(iv) Transfer to a place outside the Port	2 months
(v) On proceeding on foreign service in India	2 months
(vi) Temporary transfer in India or deputation to a place outside India	4 months
(vii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, Medical leave or study leave)	For the period of leave but not exceeding 4 months
(viii) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86	For the full period of leave on full average pay subject to a minimum of 4 months inclusive of the period permissible in the case of retirement
(ix) Study leave or deputation outside India	For the period of leave but not exceeding 6 months
(x) Study leave in India	For the period of leave but not exceeding 6 months
(xi) Leave on medical grounds	For the period of leave but not exceeding 8 months
(xii) (other than T.B. leave)	
(xiii) Medical leave on grounds of T.B	For the full period of leave
(xiv) On proceeding on training	For the full period of training

EXPLANATION:- The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave, if any sanctioned to and availed of by the employee before joining duty at the new office.

- (3) where a residence is retained under sub-regulation (2) above, the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty in an eligible office under the Board.
- (4) An employee who has retained the residence by virtue of the concession under them (i) or item (2) of the Table below sub-regulation (2) shall, on re-employment in an eligible office under the Board within the period specified in the said Table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence.

Provided that if the emoluments of the employee on such re-employment do not entitle him to the type of residence occupied by him, he shall be allowed a lower type of residence on the occurrence of a vacancy.

12. Recovery of rent

The rent and other charges will accrue from the date of actual occupation of the unit or from the 8th day of allotment whichever is earlier and may, wherever possible, be deducted from the pay sheet of the occupant. In other cases, the charges should be paid in cash by the occupants on a prescribed date and anyone who is in arrears for more than one month, will lose his right to occupy the unit allotted to him. The arrears will be recovered in one lumpsum from the next pay.

¹**12A**The allottee will also be required to pay the cost of water, electric energy etc., consumed and also a nominal rent Rs. 1/- per mensem for each yielding coconut tree or whatever revised rent the Board may fix from time to time, if any, standing in the compound of the residence.

13. Personal liability of the employee for payment of rent till the residence is vacated and furnishing of surety by temporary employee

- (1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair, wear and tear caused thereto or to the furniture fixtures or fittings or services provided therein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions in these regulations, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Board.
- (2) Where the employee to whom a residence has been allotted is neither a permanent nor a quasi-permanent employee of the Board, he shall execute a security bond in the form prescribed in this behalf by the Board with a surety, who shall be a permanent employee of the Board for due payment of rent and other charges due from him in respect of such residence and services and any other residence provided in lieu.
- (3) If the surety ceases to be in the service of the Board or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the employee shall furnish a fresh bond executed by another surety, and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the Chairman (²) be deemed to have been cancelled with effect from the date of that event.

¹ Inserted w. e. f. 12-4-77 by Notification No. EM /298 / 74 dated 29-3-1977.

² Deleted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-1977

- (4) without prejudice to any action that may be taken under section 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963) an employee shall also render himself liable to disciplinary action and to such punishment as may be decided upon by the Board in the case of any breach of this regulation.

14. Surrender of an allotment and period of notice

An employee may at any time surrender an allotment by giving intimation so as to reach the Chairman or the officer appointed for this purpose by the Board at least 10 days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the 11th day after the day on which the letter is received by the Chairman or the officer appointed for this purpose by the board or the date specified in the letter, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for 10 days or the number of days by which the notice given by him falls short of 10 days, provided that the Chairman or the officer appointed for this purpose by the Board may accept a notice for a shorter period

¹[He shall not be eligible for another allotment for a period of one year from the date from which non-accommodation certificate is issued by the accommodation controlling authority, provided house rent allowance was granted to him during the period]

15. Change of residence

- (1) An employee to whom a residence has been allotted under these regulations may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of one type of residence allotted to the employee.
- (2) ²Changes shall be offered on the basis of inter-se seniority of priority date for allotment of quarters among the employees who have applied for change of quarters. All applications for change received on or before 20th day of a calendar month will be considered for change in the succeeding month.
- (3) If an employee fails to accept a change of residence offered to him within 5 days of the receipt of such offer for allotment, he shall not be considered again for a change of allotment of that type.

16. Mutual exchange of residence

Employees to whom residence of the same type have been allotted under these regulations, may apply for permission to mutual exchange of their residence permission for mutual exchanges may be granted if both the employees are reasonably expected to be on duty under the Board and to reside in their mutually exchanged residences for atleast ¹[two years] from the date of approval of such exchange.

17. Maintenance of residence

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Board. Such employees shall not grow any tree, shrubs or plants contrary to the instructions issued by the Chairman or the Officer appointed for this purpose by the Board nor cut or lop off any existing tree or shrub in any garden, courtyard or compound attached to the residence save with the prior permission in writing of the Chairman or the Officer appointed for this purpose by the Board. Trees, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the Chairman or the Officer appointed for this purpose by the Board at the risk and cost of the employee concerned.

¹ Substituted w. e. f. 24-12-88 vide Notification GSR No. 1313 (E) dated 24-12-86

² Inserted w. e. f. 4-11-69 by Notification No. P / OM / 114 /66 dated 16-10-69

18. Subletting and sharing of residences

¹No occupant shall sublet or underlet any portion of his quarters or take in lodgers or allow any outsider other than a casual visitor to live in his quarters

19. Suspension of allotment of quarters

- (1) When a quarter is allotted to an employee, he will normally be allowed to retain the quarter until he surrenders it, or retires or resigns, or he is allotted another quarter or the allotment is cancelled by the Chairman
- (2) ²Deleted.

20. ³Forfeiture of house rent allowance

- (1) No house rent allowance shall be payable to the employees to whom quarters are allotted.

Provided that when quarters are shared, the sharer or sharers belonging to Class III or Class IV service excluding the allottee shall be paid house rent allowance as may be admissible if however the allottee occupies quarters on a rent-free basis, the sharer or sharers will not be entitled to house rent allowance

- (2) The accommodation controlling authority shall furnish information regarding non acceptance of allotment offer or failure to accept the allotted residence after acceptance or surrender of an allotment to the Head of the Department to regulate the grant of house rent allowance to the employee according to the orders on the subject.

NOTE:- Refusal to occupy accommodation of a type other than that for which the employee is eligible is not "refusal" for the purpose of this rule.

21. Free allowance of drinking water

Free allowance of drinking water will be allowed to occupants on the scale laid down by Board from time to time.

22. Keeping of cattle

- (a) No allottee will be allowed to keep cattle in Willingdon Island without a permit issued by the Chairman or the Officer authorised by him in this behalf. A token bearing a number will be issued and this should be tied round the neck of the cattle
- (b) Only one cow and a calf should be maintained by a family. A fee of Rs. 5/-towards the permit will be levied,
- (c) An employee found keeping cattle without permit and token will be liable to pay a penalty of Rs. 50/-
- (d) Allottees to whom permits for keeping cattle have been issued will be responsible for maintaining the precincts in a clean and sanitary condition. They will also be responsible for carrying out any suggestions made by the Board or the Port Health Department for improving the sanitary conditions.
- (e) The allottee should keep the cattle within the grounds of their quarters and should not allow them to stray elsewhere.

¹ Substituted w. e. f. 24-12-86 vide Notification GSR No. 1313 (E) dated 24-12-86

² Deleted w. e. f. 27-5-75 by Notification No. EM / 298 / 74 dated 21-5-1975

³ Substituted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-77

- (f) If any allottee contravenes any of the above conditions, the chairman may after issuing a notice, cancel the allotment of the quarter concerned.
- (g) Unclaimed cattle will be disposed of under the provisions of the Kerala Cattle Trespass Act.

23. Consequence of breach of rules of conditions

- (1) Without prejudice to any action that may be taken under sections 130 and 131 of the Major Port Trust, act 1963 (38 of 1963), the following penalties may, in addition for good and sufficient reasons, be imposed by the Board.

If an employee to whom residence has been allotted, ¹[fails without sufficient cause to bring his family to reside with him within a reasonable period to be decided by the Chairman or the Officer authorised in this behalf depending on the merit of each case, or] unauthorisedly sublets the residence or charges from the sharer at a rate which the Chairman or the Officer appointed for this purpose by the Board considers excessive or erects any unauthorised structure in any part of the residence, or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electric or water connection, or commits any other breach of the regulation, or the terms and conditions of the allotment or uses the residences or premises or permits or offers the residence or premises to be used for any purpose which the Chairman or the Officer appointed for this purpose by the Board considers to be improper, or conducts himself in a manner which, in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbours, or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the Chairman or the officer appointed for this purpose by the Board may cancel the allotment of the residence.

EXPLANATION :- In this clause, the expression 'employee' includes, unless the context otherwise requires, a member of his family and any person claiming through the employee.

- (2) If the employee has in any application or statement suppressed any material fact, the Chairman or the officer appointed for this purpose by the Board may cancel the allotment with effect from the date he become ineligible for allotment of the Board's accommodation.
- (3) If an employee sublets a residence allotted to him or any portion thereof or any of the outer houses, grades or stables apartment thereto, in contravention of these regulations, he may, without prejudice to any other action that may be taken against him be charged enhanced rent not exceeding 4 times the standard rent (²) The quantum of rent to be recovered and the period for which the same may be recovered in each case will be decided by the Chairman (²) on merits. In addition the employee may be debarred from sharing the residence for specified period in future as may be decided by the Chairman (²)
- (4) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee a period of sixty days shall be allowed to the allottee and any other person residing with him there in to vacate that premises. The allotment shall be cancelled with effect from the date the vacation of the premises or expiry of the period of sixty days from the date of the orders for the cancellation of the allotment, whichever is earlier.

¹ Inserted w. e. f. 25-8-70 by Notification No. EM / 1489 / 68 dated 13-8-70

² Deleted w. e. f. 12-4-77 by Notification No. EM / 298 / 74 dated 29-3-77

- (5) Where the allotment, of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbour; the employee at the discretion of Chairman (¹) may be allotted another residence in the same class at any other place.
- (6) The Chairman or the officer appointed for this purpose by the Board shall be competent to take all or any of the actions under sub-regulations (1) to (5) of this regulation and also to declare the employee, who commits a breach of these regulations and instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years. Where the case relates to a Class I employee, the approval of the Board should be taken.

24. Overstayal in residence after cancellation of allotment

Where, after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or of any person claiming through him, such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the Board from time to time.

Provided that an employee, in special case, may be allowed by the Chairman or the officer appointed for this purpose by the Board to retain a residence on payment of twice the standard rent (¹) or twice the pooled standard rent (¹) whichever is higher for a period not exceeding six months.

25. Continuance of allotment made prior to the issue of these regulations

Any valid allotment of residence which is subsisting immediately before the commencement of these regulations under the rules then in force shall be deemed to be an allotment duly made under these regulations notwithstanding that the employee to whom it has been made is not entitled to a residence of that type under regulation 6 and all the preceding provisions of these regulations shall apply in relation to that allotment and that employee accordingly.

26. Interpretation of regulation

If any question arises as to the interpretation of these regulations the same shall be decided by the Board.

27. Relaxation of regulations

The Chairman (¹) may for reasons to be recorded in writing relax all or any of the provisions of the regulations in the case of any employee or residence or class of employees or type of residences.

28. Delegation of power of functions

The Chairman or the Board may delegate any or all the powers conferred upon him or it by these regulations to an officer under his or its control subject to such conditions as he or it may deem fit to impose.

(Bd 6806 / 63 dated 31-12-1965)

¹ Deleted w. e. f.12-4-77 by Notification No. EM / 298 / 77 dated 29-3-77.