



From

Registrar General
High Court of Uttarakhand
Nainital.

To

All the District Judges,
State Judiciary,
Uttarakhand

C.L. No. ⁹ XVII-5 /DR(I)/2013 dated: August 13, 2013

**Sub: RETENTION OF RENT FREE ACCOMMODATION BY THE
JUDICIAL OFFICERS ON TRANSFER.**

Madam/Sir,

On the above noted subject, I have been directed to say that judicial officers are entitled to rent free Government Accommodation as per the recommendation of the Shetty Commission. An officer is supposed to vacate the residence occupied by him on his transfer before the expiry of the period of joining time (exclusive of journey time permissible to him) as per Rule 18A (5) (a) of the Financial Hand Book Vol. II to IV. However, High Court's C.L. No. 86/5(b)/Admin. Budget dated 13.01.1987 provides that the judicial officers upon transfer or retirement, as the case may be, shall not retain their official residence beyond 45 days on any ground whatsoever without prior permission of the Court. A Judicial officer has to take permission of the Court to retain official residential accommodation beyond 45 days of his handing over charge as per C.L.No.2/Admn.(B-1) Section dated 5.5.1995. If a Judicial officer is allotted rent free accommodation at the new station and he is permitted to retain the official accommodation at the earlier station for some time, the rent has to be paid as per Financial Hand Book. It is generally noticed that that the officers do not vacate the residence within the stipulated period and do not apply for permission of High Court in time.

It is also noticed that after having been permitted to retain the house, the judicial officers do not pay the rent at the old station even though rent free Government accommodation is allotted to them at the new station. This is highly objectionable. In this connection, I have been directed to request you to impress upon the judicial officers not to retain the Government accommodation allotted to them beyond the period of 45 days without the permission of the Court. It is hereby



clarified that even after getting permission to retain the house beyond the period of 45 days, the judicial officers are required to pay the rent at the old station as per the provision made in Financial Hand Book (II to IV). Subsidiary Rule 18A (5) (a) and (b) clearly provide as under:

“(5) (a) The incumbent of a post to which a residence is allotted shall vacate the residence occupied by him on his transfer before the expiry of the period of joining time (exclusive of journey time permissible to him). He may be permitted to occupy the residence in his occupation beyond the period of joining time as indicated above on payment of rent as follows:

- (i) normal rent under F.R. 45-A-IV(b) for one month from the date of transfer;
- (ii) the standard rent of the residence for the next two months;
- (iii) double the standard rent for the following two months; and
- (iv) triple the standard for any subsequent period.

(b) In case, however, permission for continued occupation beyond joining time as referred to in sub-paragraph (a) above, is not obtained or is not granted, the occupation will be unauthorised and the incumbent will be liable to action in accordance with the law on the subject.”

The Hon'ble Supreme Court of India and Hon'ble High Court of Allahabad have also deprecated the practice of the Government Official to retain the official accommodation beyond the permissible limit on their transfer or retirement. The Hon'ble Courts have observed that in view of the present shortage of accommodations, it is not at all desirable that a government servant occupies two government accommodations; one at the old station and another at the new station and the successor to the government servant find himself helpless without official accommodation and the government has to bear additional burden by paying the rent.

You are, therefore, requested to kindly impress upon judicial officers to comply with the above directions and direct them to apply in time for permission to retain the Government accommodation on transfer and if permitted to retain the same, to pay the rent as per Rule 18A of Financial Hand Book (II to IV).

Yours faithfully,

(Ram Singh)

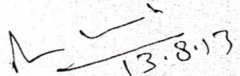
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No. 4505 /DR(1)/2013 dated: August 13, 2013

Copy forwarded for information to:

1. Director, Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
2. Judges, Family Courts, Hardwar, Pauri Garhwal, Nainital, U. S. Nagar, Roorkee, Dehradun, Rishikesh.
3. Officer-in-charge, NIC, High Court.
4. Guard File.


13.8.13
Registrar General