

144. THE SUPPLEMENTARY RULES

(Extract)

Division III—Medical Certificates of Fitness on First Entry into Government Service

(Rule made by the President under F.R. 10)

S.R. 3. A medical certificate of fitness for Government service shall be in the following forms :—

"I hereby certify that I have examined A.B., a candidate for employment in the.....Department, and cannot discover that.....has any disease (communicable or otherwise), constitutional weakness or bodily infirmity except.....I do not consider this a disqualification for employment in the office of....."

S.R. 4. (1) Such a certificate shall be signed by a Medical Board in the case of a Gazetted Government servant and by a Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status in the case of a non-gazetted Government servant other than Class IV.

(2) (a) In the case of a female candidate appointed to a Gazetted post, the medical certificate shall be signed by a Medical Board consisting of a woman doctor possessing medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), as one of its members; and

(b) In the case of a female candidate appointed to a non-gazetted post (i) in Delhi the medical certificate shall be signed by an Assistant Surgeon Grade I (Woman) under the Contributory Health Service Scheme; and (ii) in any other place by a registered female medical practitioner possessing a medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956) Indian Medical Central Act, 1970 and Homeopathy Central Council Act, 1973.

(3) In the case of class IV Government servants the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the schedules to the Indian Medical Council Act, 1956 (102 of 1956) and when there is no such Authorised Medical Attendant by a Government Medical Officer of the nearest dispensary or hospital possessing such qualification.

(4) A candidate, who is likely to be employed in a temporary capacity continuously for a period exceeding three months, shall produce either before or within a week from the date of employment, the certificate from the competent medical authority as prescribed in this rule. When, however, a Government servant initially employed in an office in a temporary capacity for period not exceeding three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for a period exceeding three months he

shall produce such a certificate within a week from the date of the order sanctioning his retention in that office or joining the new office.

S.R. 4-A. Except where a competent authority by general or special order directs otherwise, the following classes of Government servants are exempted from producing a medical certificate of health :—

(1) (i) [x x x]

(ii) A Government servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.

(2) A qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College course.

(3) A Government servant appointed in a temporary vacancy for a period not exceeding three months.

(3-A) Not Printed.

(4) A temporary Government servant, who has already been medically examined in one office, if transferred to another office without a break in his service.

(5) A retired Government servant re-employed immediately after retirement.

Note 1.—(a) The production of a medical certificate is necessary when—

(1) a Government servant is promoted from non-qualifying service paid from a local fund to a post in Government service;

(2) a person is re-employed after resignation or forfeiture of past service.

(b) When a person is re-employed in circumstances other than those referred to in clause (a) (2) above, the appointing authority will decide whether a medical certificate should be produced.

Note 2. [x x x]

PART I-A—PAY

Division III-A—Officiating Pay

S.R. 4-B. [x x x]

PART II—ADDITIONS TO PAY

Division IV—Drawing of Compensatory Allowances

S.R. 5. Save as provided by the rules in this division, compensatory allowances attached to a post will cease to be drawn by a Government servant when he vacates the post.

S.R. 6. In this division—

(a) 'Leave' means the entire leave if it does not exceed four months and the first four months of the leave if the actual duration of the leave exceeds that period, but does not include leave preparatory to retirement.

- (b) 'Temporary transfer' means a transfer to duty in another station which is expressed to be for a period not exceeding four months. For the purpose of this Division it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension.

Note.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule.

S.R. 6-A. [x x x]

S.R. 6-B. [x x x]

S.R. 6-C. [x x x]

S.R. 6-D. [x x x]

S.R. 7. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if—

- (i) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and
- (ii) the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted.

S.R. 7-A. A conveyance allowance to which the obligation of maintaining a horse or other animal is not attached is not admissible during leave or temporary transfer of holidays prefixed or suffixed to leave.

S.R. 7-B. (1) A compensatory allowance other than an allowance for the regulation of which provision is made in any of the Rules 6-A to 7-A and Rule 23 may be drawn during leave or temporary transfer if—

- (a) the authority sanctioning the leave or transfer certificate that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and
- (b) the Government servant certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

Note.—The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied direct that no part of the allowance shall be drawn.

(2) The allowance granted to light keepers for the education of their children may be drawn during leave, irrespective of the length and nature of the leave, if the children in respect of whom the allowance is drawn continue to attend the same school provided that the allowance will not be admissible during leave preparatory to retirement.

S.R. 7-C. A Government servant on joining time under F.R. 105 (a), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the Government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living, and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clause (a) or clause (b) (i) of F.R. 105, provided that if the rates differ in the two posts, he may draw the lower rate only.

S.R. 8. [x x x]

Division V—Fees

S.R. 9. Unless the President by special order otherwise directs, no portion of any fee received by a Medical Officer in Civil employ for services other than professional attendance shall be credited to general revenues.

S.R. 10. Subject to any special orders issued by the President (1) Indian Medical Service Officers in Civil employ, and (2) other Medical Officers in Civil employ under the rule-making control of the President may accept fees for services other than professional attendance at the rates shown in Appendix VII subject to the following conditions :—

(1) No work or class of work involving the acceptance of fees may be undertaken on behalf of a private person or body or public body, except with the knowledge and sanction, whether general or special, of a competent authority to be prescribed the Central Government under whom the Medical Officer is serving.

(2) In cases where the fee received by the Medical Officer is divisible between himself and Government, the total amount should first be paid into the Government treasury, the share of the Medical Officer being thereafter drawn on refund bill in Form T.R. 41. In such cases a complete record of the work done and of the fees received should be kept by the Medical Officer.

Note.—The above procedure will not apply to fee for examination by a Medical Board for commutation of pension, three-fourths of which will be paid to the Medical Board in case by the examinee.

(3) For private bacteriological, pathological and analytical work carried out in Government laboratories and in the Chemical Examiner's Department 60 per cent of the fees should be credited to Government, the remainder 40 per cent being allowed to the Director of the Laboratory or the Chemical Examiner, as the case may be, who may divide it with his assistants and sub-ordinates in such manner as he considers equitable. No payment should, however, be made to officers from the sale proceeds of those vaccines which are used on a large

scale for prophylactic purposes, for example, T.A.B., Cholera, Influenza and Plague vaccines.

(4) The rates shown in Appendix VII are maxima which a Medical Officer will be free to reduce or remit if he is entitled to appropriate them himself. In cases where the fee is divisible between the Medical Officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to the pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realised instead of the scheduled fee, provided that the approval of the Central Government is obtained by a general or special order in this behalf.

S.R. 11. No Government servant may undertake work for another Government or a private or public body or a private person, or accept a fee therefore without the sanction of the competent authority who, unless it Government servant is on leave shall certify that the work can be undertaken without detriment to his official duties and responsibilities.

¹[S.R. 12. Unless the President by special order otherwise directs, one-third of any fees in excess of Rs. 5,000/- paid to a Government servant in the financial year shall be credited to the Consolidated Fund of India.]

S.Rs. 13 to 16. Cancelled.

Division VI

S.Rs. 17 to 195. See Part II of this Compilation.

PART III-RECORDS OF SERVICE

Division VII

[Rule made under F.R. 74 (a) (iv)]

GAZETTED GOVERNMENT SERVANTS

S.R. 196. A record of the services of a Gazetted Government servant will be kept by such audit officer and in such form as the Comptroller and Auditor-General may prescribe.

NON-GAZETTED GOVERNMENT SERVANTS

S.R. 197. A Service Book in such form as the Comptroller and Auditor-General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post with the following exceptions :—

- (a) Government servants the particulars of whose service are recorded in a history of services or a service register maintained by an audit officer.
- (b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment.

1. Subs. by GSR 4829(E), dated 15th November, 2021 (w.e.f. 23.11.2021).

- (c) Permanent subordinate non-pensionable servant in State railways, for whom a special form of record has been prescribed.

S.R. 198. In all cases in which a Service Book is necessary under Rule 197, such a book shall be maintained for a Government servant from the date of his first appointment to Government service. It must be kept in the custody of the Head of the Office in which he is serving and transferred with him from office to office.

S.R. 199. Every step in a Government servant's official life must be recorded in his Service Book, and each entry must be attested by the Head of his Office, or if he himself is the Head of an Office, by his immediate superior. The Head of the Office must see that all entries are duly made and attested, and that the book contains no erasure or overwriting, all corrections being neatly made and properly attested.

S.R. 200. Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the Service Book and must be attested by the Attesting Officer. It is the duty of the Attesting Officer to see that such entries are promptly made.

S.R. 201. Personal certificates of character must not, unless the Head of the department so directs, be entered in a Service Book but, if a Government servant is reduced to a lower substantive post the reason of the reduction must be briefly shown.

S.R. 202. It shall be the duty of every Head of Office to initiate action to show the Service Books to the Government servants under his administrative control every year and to obtain their signature therein as taken of their having inspected the Service Books. A certificate of the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by end of every September. The Government servants shall *inter alia* ensure before affixing their signature that their services have been duly verified and certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer has made therein necessary entries connected with his foreign service.

S.R. 203. If Government servant is transferred to foreign service, the Head of his Office or Department must send his Service Book to the Audit Officer. The Audit Officer will return it after noting in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's retransfer to Government service, his Service Book must again be sent to the Audit Officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service including the fact of recovery of leave and pension contributions. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

S.R. 204. [* * *]

S.R. 205. [* * *]

PART IV-LEAVE

Divisions VIII to XXI

S.Rs. 206 to 292 Not Printed.

PART V-JOINING TIME

S.Rs. 293 to 302-A Not Printed.

S.Rs. 303 to 306-A [* * *]

PART VI-FOREIGN SERVICE

Division XXIV—Interest on overdue contributions

[Rule made under F.R. 199 (b)]

¹S.R. 307. (1) Contribution for leave salary or pension due in respect of a Government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the President, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

(2) The leave salary and pension contributions should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account, should be set off against these contributions.

Division XXIV-A—Travelling Allowance

S.R. 307-A. The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion there from to Government service will be borne by the foreign employer.

PART VII-DELEGATIONS

Division XXV

S.R. 308. (a) Appendix 4 schedules the delegations of powers made by the President under Fundamental Rules 4 and 6.

(b) Appendix 13 schedules the authorities subordinate to the President which exercise the powers of a competent authority under the various Supplementary Rules made under the Fundamental Rules by the President.

(c) For convenience of reference, cases in which the Ministry of Finance had declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by a Ministry of Department of the Government of India of powers

1. Subs. by G.I., M.F., Notification No. F. 1 (1)-(E). III(B)/76, dated, the 19th April, 1976 (not published in the Gazette). Since published in Gazette of India as Notification No. F. 1 (1)-E. III/83, dated the 10th August, 1983 and effective from the 10th August, 1983.

conferred by the Fundamental Rules upon the Central Government have been included as delegations in both Appendices.

S.R. 309. The Ministry of Finance has declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the powers delegated by Appendices 4 and 13.

S.R. 310. The delegations made in Appendices 4 and 13 are subject to the following conditions :—

- (a) Except where President by general or special orders directs otherwise, a power may be exercised by authority to which it is delegated in respect of those Government servants only who are under the administrative control of that authority.
- (b) The nature of each power delegated is shown in column 3 of the appendices. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.
- (c) If any power conferred upon a competent authority by the Fundamental or the Supplementary Rules, as the case may be, is not shown in the Appendices, it is to be understood that such power is not delegated by any authority subordinate to the President.
- (d) Any power delegated by either Appendix to a Head of Department may be exercised by a Ministry or a Department of the Government of India or an Administrator of a Union Territory.
- (e) [* * *]
- (f) [* * *]

PART VII-GOVERNMENT RESIDENCES

Division XXVI-Allotment of Residences

[Rules made under Fundamental Rule 45]

S.R. 311. When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

S.R. 312. (1) The incumbent of a post to which a residence has been allotted under Rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) An officer shall not be considered to be in occupation of a residence only by reasons of the fact that he shares it with an officer who is in occupation thereof.

(3) An officer shall be considered to be in occupation of his residence when absent on tour or at hill station where he is permitted, but not required by Government to reside.

(4) An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

S.R. 313. (1) The competent authority may suspend the allotment of a residence to a post—

- (a) which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence;
- (b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence;
- (c) to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence; or
- (d) [* * *]
- (e) [* * *]
- (f) in which officer is officiating for a period not exceeding two months if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the President.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or whom the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or, if it is not required by any such officer, to any suitable person :

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

¹[x x x]

S.R. 315. Officer holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognised by Government. Each officer shall remain responsible for the licence fee of the residence allotted to the post held by him.

S.R. 316. The competent authority may permit an officer during temporary absence from his station to store his furniture and other property at his own risk, free of licence fee in the residence occupied by him prior to such absence, unless—

- (a) the officer if any, who discharges the duties of the absent officer, is responsible for payment of the licence fee of the residence; or

1. Omitted by G.S.R. 396, dated 26.8.1995 (w.e.f. 26.8.1995).

- (b) arrangements are made to let the residence during such temporary absence:

Provided that if a claim for vacancy remission of property tax or taxes for specific services such as water, electricity, scavenging, etc. becomes admissible, consequent on the storage of furniture, etc., an amount equal to the vacancy remains of tax (es) that would otherwise have accrued shall be recovered from the Government servant who enjoyed the concession :

Provided further that the permission for storage of furniture, etc., free of licence fee shall be given for a limited period not exceeding eight months.

S.R. 316-A. If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.

[See S.R. 317-B11. For revised confessional periods for further retention in the cases of retirement/terminal leave/death.]

S.R. 317. (1) Rules 311 to 316, both inclusive, shall be deemed to have come into force on the 1st April, 1924 and Rule 316-A on the 31st January, 1940.

(2) Rules 311 to 316-A, both inclusive, shall not apply to any class of residence in respect of which rules, other than Rules 311 to 316-A, made by the President under Fundamental Rule 45, are in force.

Division XXVI-A—Not Printed

Division XXVI-B

Allotment of residences under the administrative control of the Director, of Estates to officers employed in eligible offices who are required to reside on duty in Delhi with the Government of India or the Delhi Administration.

Division XXVI-C to Division XXVI-G—Not Printed

Division XXVII—Licence Fee of Government Residences

[Rules made under F.R. 45-A]

S.R. 318. For the purposes of Clause II of Fundamental Rule 45-A, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

- (a) a Public Works Officer, or rank not lower than an Executive Engineer, nominated in that behalf by the competent authority; or
- (b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said department, and when—
 - (i) the residence is in occupation of an officer whose pay does not exceed Rs. 150 a month; or

- (ii) the capital costs of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S.R. 319. For the purpose of Clause II of Fundamental Rule 45-A, expenditure incurred on such works as—

- (a) raising, levelling and dressing sites;
 - (b) construction of revetments, retaining walls, compound walls, fences, and gates;
 - (c) storm water drainage; and
 - (d) approach roads and paths within the compound;
- shall be regarded as expenditure upon the preparation of site.

S.R. 320. For the purposed of proviso (vi) to clause II of Fundamental Rule 45-A, the following shall be regarded as fittings, namely :—

Electric Fittings

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans, including switches and regulators, the hire of which is not charged separately;
- (c) Meters;
- (d) Electric heaters and water heaters, which are fixed to walls, floor or ceiling; and
- (e) Electric lifts.

Sanitary and Water Supply Fittings

- (a) Apparatus for hot water supply;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters.

S.R. 321. In the calculation of the standard licence fee of a leased residence under sub-clause (a) of Clause III of Fundamental Rule 45-A, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges, for both ordinary and special maintenance and repairs, the amount estimated by the Competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alteration as and for the interest on such capital expenditure an amount estimated by the competent authority to be sufficient to

repay to Government during the period the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government plus interest calculated at the rate fixed by the President under sub-clause (b) (i) of clause III of Fundamental Rule 45-A—

- (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
- (ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed.

S.R. 322. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-A of the standard licence fee of residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water supply and electric installations and fittings) plus the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under Clause II of Fundamental Rule 45-A as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate of fixing the percentage referred to in sub-rule (1) :—

- (a) "*probable cost*" shall include all charges which may reasonably be expected to be incurred;
- (b) "*ordinary repairs*" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "*special repairs*" shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost or probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

S.R. 323 (1) When the standard licence fee of a residence has been calculated minor additions and alternations may be made without the licence fee of the residence being increased, subject to the following conditions, namely :—

- (a) the total cost of such additions and alteration shall not exceed 5 per cent of the capital cost on which the standard licence fee was last calculated, and
- (b) such additions and alterations shall be made within five years after the last calculation of the standard licence fee.

(2) In cases where additions or alterations are made at the specific request of an officer to whom the residence has been allotted, additional licence fee calculated at the rate of 6% of the estimated cost of additions and/or alterations will be recovered from that officer from the date of completion of the work, over and above the licence fee which otherwise would have been charged under the provision of Clause IV (b) (i) of F.R. 45-A. Such additional recovery will continue until that residence is allotted to another officer or till standard licence fee has been recalculated under the provisions of S.R. 324.

S.R. 324. (1) When, by reason of additions and alterations, the capital cost of residence exceeds fee was last calculated, the standard licence fee shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of licence fee, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard licence fee of a residence shall be recalculated on the expiry of five years from the date of the last calculation and the recalculation shall, take effect from the 1st April next following or from such other date as the President may direct.

(3) Notwithstanding sub-rules (1) and (2), when a residence referred to in sub-rule (2) of S.R. 323 is vacated by the officer at whose request additions or alterations were made, the standard licence fee of residence on its reallocation to another officer will be the existing standard licence fee plus the additional licence fees sanctioned in accordance with S.R. 323 (2) for works carried out up to the date of reallocation. If the standard licence fee of that residence has been pooled with other residences, its pooled licence fee will be the existing pooled licence fee plus additional licence fee recoverable under S.R. 323 (2).

¹[(4) Notwithstanding anything contained in sub-rules (1) and (2), the flat rate of licence fee prescribed under F.R. 45-A-IV (c) (ii) for residences shall be recalculated on the expiry of three years from the date of the last calculation and the recalculation shall take effect from 1st July next following or from such other date as the President may direct.]

S.R. 325. (1) If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as furniture, tennis Court of garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the President under Clause VI of Fundamental Rule 45-A, are in force) the licence fee to be charged for such services in addition to, and during the same period as the licence fee

1. Ins. by G.I., M.P., Noti. No. F. 11 (7)-W. & E/86, dated the 30th June, 1987, published in the *Gazette of India, Extraordinary, Part II, sub-section (1) of Section 3*, dated 1.7.1987 as G.S.R. 624 (E). This comes into force on the 1st day of July, 1987.

payable under Clause IV of Fundamental Rule 45-A, shall be determined the competent authority subject to the following provisions, namely :—

- (a) the licence fee shall, in the case of furniture, be calculated for durable and non-durable Articles separately;
- (b) the licence fee shall be expressed as a monthly licence fee and shall be non-twelfth of the amount annually required for the payment of—
 - (i) interest at a rate to be fixed from time to time by the President in this behalf on the capital cost of such services;
 - (ii) in the case of furniture, depreciation and repairs; and
 - (iii) in the case of such services, other than furniture, maintenance charges :

Provided that in case of furniture supplied in Government residences in Simla, New Delhi, licence fee shall be calculated in the manner specified in Rules 323 and 324, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the licence fee shall be 4 per cent of the capital cost of furniture instead of 5 per cent laid down in those rules. This provisions will also apply *mutatis mutandis* in the event of a reduction in the scale of furniture; and

- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water, the charges for such services shall be recovered in additions to the licence fee payable under sub-rule (1) and under Clause IV of Fundamental Rule 45-A and shall be determined by the competent authority subject to the following provisions, namely :—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters.

The rate of the cost per unit shall be so fixed as to include in additions to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

- (i) interest at a rate to be fixed by the President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;
- (ii) depreciation and maintenance charges on the capital assets; and
- (iii) actual running expenses;
- (b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.
- (c) If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

(3) The President may in special circumstances by order remit or reduce the additional licence fee and charges referred to in sub-rules (1) and (2) or reasons which should be recorded in the order.

S.R. 326. Fundamental Rule 45-A shall be deemed to have applied, with effect from the 1st April, 1924 to all Government servants not mentioned, in the said rule to whom the rules Governing the allotment and conditions of occupation of Government residences and quarters in Delhi and Simla applied and with effect from the 1st April, 1929, shall apply to all Government servants, other than those occupying residence belonging to the Indian Railways or rented at the cost of Railway revenues, who fulfill the conditions set forth in Rule 1 of these rules.

Division XXVIII—Licence Fee of Government Residence.

[Rules made under F.R. 45-B]

S.R. 327. For the purposes of Clause II of Fundamental Rule 45-B the present value of a residence including its subsidiary building and of the site on which it stands, shall be estimated by—

- (a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority; or
- (b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said department and when—
 - (i) the residence is in the occupation of an officer whose pay does not exceed Rs. 150 a montl.; or
 - (ii) the capital cost of the residence and of the subsidiary holdings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S.R. 328. For the purposes of Clause II of Fundamental Rule 45-B, expenditure incurred on such works as—

- (a) raising, levelling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences and gates;
- (c) storm-water drainage; and
- (d) approach roads and paths within the compound,

shall be regarded as expenditure upon the preparation of a site.

S.R. 329. For the purposes of proviso (vi) to Clause II of Fundamental Rule 45-B, the following shall be regarded as fittings, namely :—

Electric Fittings

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans including switches and regulators, the hire of which is not charged separately;
- (c) Meters;
- (d) Electric heaters, and water heaters, which are fixed to walls, floors or ceilings; and
- (e) Electric lifts.

Sanitary and Water Supply Fittings

- (a) Apparatus for hot water supply;
- (b) Baths, basins and inventory equipment; and
- (c) Meters.

S.R. 330. In the calculation of the standard licence fee of a leased residence under sub-clause (a) of Clause III of Fundamental Rule 45-B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the provable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the President under sub-clause (b) of Clause III of Fundamental Rule 45-B—
 - (i) if no part such charges is to be reimbursed by lessor, on half such charges; or
 - (ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S.R. 331. (1) In the calculation under sub-clause (b) of Clause III of Fundamental Rule 45-B of the standard licence fee of a residence owned by Government, the addition to be made for municipal and other taxes payable

by the Government, and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *plus* the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under Clause II of Fundamental Rule 45-B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually, charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1)—

- (a) “probable cost” shall include all charges which may reasonably be expected to be incurred;
- (b) “ordinary repairs” shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) “special repairs” shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost or probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

S.R. 332. When the standard licence fee of a residence has been calculated, minor additions and alterations may be without the licence fee of the residence being increased, subject to the following conditions, namely :—

- (a) the total cost of such additions and alterations shall not exceed 5 per cent of the capital cost on which the standard licence fee was last calculated, and
- (b) such addition and alterations shall be made within five years after the last calculation of the standard licence fee.

S.R. 333. (1) When, by reason of addition and alterations, the capital cost of a residence exceeds by more than 5 per cent the capital cost on which the standard licence fee was last calculated, the standard licence fee shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of licence fee, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard licence fee of a residence shall be recalculated on the expiry of five years from the date of the

last calculation and the recalculation shall take effect from the 1st April next following or, from such other date as the President may direct.

S.R. 334. (1) If a residence is supplied with service such as water supply, sanitary or electric installations and fittings, furniture, tennis Court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the President under Clause VI of Fundamental Rule 45-B, are in force) the licence fee to be charged for such services in addition to, and during the same period as, the licence fee payable under Clause IV of Fundamental Rule 45-B shall be determined by the competent authority subject to the following provisions, namely :—

- (a) the licence fee shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the licence fee shall be expressed as a monthly licence fee and shall be one-twelfth of the amount annually required for the payment of—
 - (i) interest at a rate to be fixed from time to time by the President in this behalf on the capital cost of such services;
 - (ii) in the case of such services other than tennis Court and garden depreciation and repairs; and
 - (iii) in the case of tennis Court and garden, maintenance charges :

Provided that in the case of furniture supplied in Government residences in Simla, New Delhi and Delhi licence fee shall be calculated in the manner specified in Rules 332 and 333, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the licence fee shall be 4 per cent of the capital cost of furniture, instead of the 5 per cent laid down in those rules. This provision will also apply *mutatis mutandis* in the event of a reduction in the scale of furniture; and

- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water, the charges for such services shall be recovered in addition to the licence fee payable under sub-rule (1) and under clause IV of Fundamental Rule 45-B and shall, be determined by the competent authority subject to the following provisions, namely :—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—
 - (i) interest at a rate to be fixed by the President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;

- (ii) depreciation and maintenance charges on the capital assets; and
- (iii) actual running expenses.
- (b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.
- (c) If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

(3) The President may in special circumstances, by order, remit or reduce the additional licence fee and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

S.R. 335. Rules 327 and 328, both inclusive, shall be deemed to have come into force on the 3rd August, 1927.
