



TEA BOARD
14, Biplabi Trailokya Maharaj Sarani
Kolkata-700001

Dated: 23.02.2021

OFFICE MEMORANDUM NO. 15/2021

The undersigned is directed to forward herewith a copy of the Office Memorandum No. 18011/5/1990.Pol.III dated 25.12.2020 issued by Ministry of Housing & Urban Affairs, Directorate of Estates, Govt. of India regarding recovery of dues/damages from retired Govt. servant on account of over stayal in the allotted accommodation from the dearness relief of monthly pension for information of all concerned of the Board.

akusht
(Dr. Rishikesh Rai)
Secretary (I/C)

Distribution :-

1.	Executive Director, Guwahati & Coonoor	With the request to please intimate the details, if any, from time to time to the undersigned.
2.	Estate Officer (I/C), Tea Board, Kolkata	
3.	In-charge, DTR & DC, Kurseong	
4.	All In-charges of Board's Regional/Sub-Regional Offices	
5.	P.S to Dy. Chairman, Tea Board	
6.	Pension Section, Tea Board, Kolkata	
7.	IT Cell	With the request to upload in Board's website.
8.	TBEA/TBWA/TBOA	
9.	Estt. Branch	With spare copies.

Ref. File No. 28(1)/Estt/89/Part-I

No.18011/5/1990-Pol.III

Government of India

Ministry of Housing and Urban Affairs

Directorate of Estates

Nirman Bhavan, New Delhi,

Dated: 25th December, 2020.

2436530

01/01/2021

Please circulate

OFFICE MEMORANDUM

Sub.: Recovery of dues/damages from the retired Govt. Servants- reg.

The undersigned is directed to say that in view of the increase in overstay in the allotted Govt. accommodation and non-payment of the damages by the retired allottees, the matter regarding recovery of dues and damages from the retired allottees under CCS(Pension) Rules from Gratuity/Pension/Dearness Relief on Pension was taken up with the Department of Pension and Pensioners' Welfare.

2. Now, vide their OM No.38/01(02)/2020-P&PW(A)(6790) dated 24.11.2020 (copy enclosed) the Department of Pension & Pensioners' Welfare has *inter-alia* clarified that even in those cases where the Govt. Servant overstays beyond the permissible period of retention of the Govt. accommodation but no part of the gratuity was withheld at the time of retirement, the damages on this account can be recovered from the dearness relief on monthly pension without the consent of the pensioner, in accordance with Rule 72 (8) (of CCS (Pension) Rules), and no dearness relief shall be paid until full recovery of such dues has been made. However, no recovery in this respect can be made from the pension, other than dearness relief.

3. All Ministries/Departments are, therefore, requested to circulate this for information of their employees. Allotment Sections in this Directorate are directed to issue order for recovery of dues/damages unpaid by the retired allottees, if any, from the retired allottees from the Dearness Relief of their pension after vacation/eviction of their allotted accommodation. Orders may be issued for recovery from Dearness Relief in past cases also, if any, as per Rule 72(8) of CCS (Pension) Rules.

M.C. Sonowal
(M.C. Sonowal)

Deputy Director of Estates (Policy)

Tel. No. 23062505

Encl: 4/4

To,

1. All Ministries/Department of Govt. of India.
2. The Central Pension Accounting Office, Ministry of Finance, Trikot-II, Complex, Bhikaji Cama Place, R.K. Puram, New Delhi -110066.

3. Under Secretary, Pension and Pensioners Welfare, Lok Nayak Bhavan, Khan Market, New Delhi - w.r.t. their OM dated 24.11.2020 mentioned above.
4. All Officers/Sections in the Directorate of Estates, Nirman Bhavan, New Delhi.
5. The Deputy Secretary, DOP&T, North Block, New Delhi - with the request to upload on their website for information of employees
6. TD, NIC, Directorate of Estates, Nirman Bhavan, New Delhi.
7. Hindi Section - for Hindi version.

Copy for information to:

1. PS to HUAM
2. PSO to Secretary
3. PPS to JS(L&E)
4. PPS to DE-1/PS to DE-2

फा . न. 38/01(02)/2020-P&PW (A) (6790)

भारत सरकार
कार्मिक, लोक शिकायत और पेंशन मंत्रालय
पेंशन और पेंशनभोगी कल्याण विभाग

लोक नायक भवन
खान मार्केट नई दिल्ली
दिनांक 24.11.2020

कार्यालय ज्ञापन

विषय: Provisions in the Central Civil Services (Pension) Rules for recovery of damages for overstay in the Government accommodation beyond the permissible period.

The undersigned, is directed to refer to the D.O. letter No. 18011/3/1990-Pol.III dated 08.10.2020 from Secretary, Ministry of Housing and Urban Affairs addressed to Secretary, Department of Pension & PW on the above cited subject and to say that this matter was also discussed by Director (PP), Department of Pension & PW with Director of Estates and other officers of the Ministry of Housing and Urban Affairs, through video conferencing on 17.11.2020.

2. In the above meeting, Ministry of Housing and Urban Affairs mentioned that it was not clear as to whether recovery of outstanding dues relating to Government accommodation, including damages for overstay, can be made from the dearness relief of a pensioner if no part of the gratuity was withheld at the time of retirement. It was explained that as per the existing Rule 72 of the CCS (Pension) Rules, 1972 the amount of outstanding licence fee intimated by the Directorate of Estates during the course of processing of the pension case of a retiring employee, can be recovered from pay and allowances/retirement gratuity. In case it is not possible for the Directorate of Estates to assess the outstanding licence fee, 10% of the retirement gratuity may be withheld by the Head of Office on the advice of Directorate of Estates, in accordance with Rule 72(5) of the CCS (Pension) Rules. It was also explained that the licence fee for the retention of the accommodation for the permissible period beyond the date of retirement can be adjusted from the retirement gratuity at the time of retirement itself.

3. In case of overstay by an employee beyond the permissible period for retention of accommodation, the damages on this account can be recovered from the withheld amount of gratuity, if a part of the gratuity was withheld by the Head of Office on the advice of Directorate of Estates. If the withheld amount of gratuity is not sufficient to recover the amount of damages for the period of overstay, the balance recovery can be made from the dearness relief payable on monthly pension.

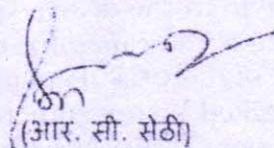
4. Even in those cases where the Government servant overstays beyond the permissible period for retention of the Government accommodation but no part of the gratuity was withheld at the time of retirement, the damages on this account can be recovered from the

Signature

dearness relief on monthly pension without the consent of the pensioner, in accordance with Rule 72(8), and no dearness relief shall be paid until full recovery of such dues has been made. However, no recovery in this respect can be made from the pension, other than dearness relief.

5. As regards the suggestion of Ministry of Housing and Urban Affairs to make submission of No Demand Certificate (NDC) issued by Directorate of Estates mandatory along with submission of the Life Certificate, it was mentioned in the above meeting that the pensioners who availed the Government accommodation during service and those who overstay beyond the permissible period, form a very small part of the overall strength of the pensioners. Therefore, all pensioners can not be required to submit the NDC along with Life Certificate. Further, it is the endeavour of the Government to simplify the process of submission of life certificate by the pensioners and submission of a NDC from Directorate of Estates along with life certificate would make the process of submission of life certificate complicated. Therefore, this suggestion is not considered desirable/ practical.

6. This issues with the approval of the competent authority in the Department.



(आर. सी. सेठी)

अवर सचिव, भारत सरकार

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✓ Ministry of Housing and Urban Affairs
(Attn.: Ms. Rita Sain, Director of Estates)
Nirman Bhavan, New Delhi.

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