

BOMBAY PORT TRUST EMPLOYEES

(House Rent Allowance)

REGULATIONS, 1975

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the said Act, hereby makes the following regulations, the same having been previously published in two successive issues of the Official Gazette, as required under sub-section (2) of section 124, namely :

1. Short title and commencement -

- (1) These regulations may be called the Bombay Port Trust Employees (House Rent Allowance) Regulations, 1975¹
- (2) They shall come into force on the date² of the publication of the Government's sanction in the official Gazette.

2. Application - Save as otherwise provided in these regulations, these regulations shall apply to every employee of the Board, but shall not apply to -

- (a) persons in casual or part-time employment;
- (b) persons paid from contingencies ;
- (c) persons on deputation from the Central or a State Government or a local or other authority for a limited duration;
- (d) persons appointed on *ad hoc* or personal rates of pay, unless the orders sanctioning their appointment specifically provide for the drawal of house rent allowance in addition to pay;
- (e) apprentices

1 *Sanctioned by the Board by TR No.685 dated 23rd December 1975 and by the Central Government vide MOST's letter No.PEB(4)/76 dated 20.4.1976.*

2 *Effective from 6th May 1976.*

3. Definitions - In these regulations, unless the context otherwise requires –

- (a) 'Board', 'Chairman', 'Deputy Chairman' and 'Head of a Department' have the meanings respectively assigned to them in the Major Port Trusts Act, 1963 (38 of 1963);
- (b) 'employee' means an employee of the Board ;
- (c) 'pay' means pay as defined in Article 11 (11) of the B.P.T. Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, and includes 'dearness pay', wherever admissible;
- (d) (i) 'Class I post' means a post carrying a pay of, or a scale of pay the maximum of which is, Rs.1100 or more.
(ii) 'Class II post' means a post carrying a pay of, or a scale of pay the maximum of which is, more than Rs.650, but less than Rs.1100;
(iii) 'Class III post' means a post carrying a pay of, or a scale of pay the maximum of which is, more than Rs.160 but not more than Rs.650;
(iv) 'Class IV post' means a post carrying a pay of, or a scale of pay the maximum of which is, Rs.160 or less;
- (e) 'Family' means an employee's wife or husband, as the case may be, children and other persons residing with and wholly dependent upon him or her. A husband, wife, child, or parent, having an independent source of income is not treated as member belonging to the family of the employee

except where such income including pension (inclusive of temporary increase in pension and pension equivalent of death-cum-retirement benefits) does not exceed Rs.250 per mensem;

(f) 'Rent' means –

(i) if an employee is a tenant, the charges paid by him as consideration for the unfurnished house in his occupation including the Municipal and other taxes (except service taxes levied separately and described as such) legally payable by the occupier –

Provided that –

- (a) in case in which a consolidated tax is levied by a local authority and service taxes are not levied separately and described as such, the entire tax shall be treated as forming part of rent ;
- (b) if a refrigerator is provided in a house (the house being otherwise unfurnished), the gross charges paid for the house reduced by Rs.15 shall be treated as rent;
- (c) if a house is furnished, the gross charges paid for the house reduced by an amount equal to 2.1/2 per cent of the employee's pay shall be treated as rent;

Explanation : Accommodation fitted with electric ceiling-fans shall not be treated as furnished if it is otherwise unfurnished._

(d) if the furnished house also includes a refrigerator, the net amount as determined under sub-clause (c) reduced by Rs.15 shall be treated as rent;

(e) in a case in which an employee sublets or shares a part of his house with one or more adults not belonging to his family, whether employees or not, the charges for the house actually paid by him to its owner, reduced by 40%, or the actual amount recovered by him from the sub-tenant or the co-sharer, whichever is higher, shall be treated as rent.

Note (1) - Keeping of servants in the house shall not be deemed to be sub-letting or sharing a part of the accommodation._

Note (2) - In cases where an employee who shares his/her house with his wife/ her husband/parent/son/daughter who is also an employee of the Central or a State Government or another autonomous or semi-Government organisation, like a Municipality, he may be allowed the option to treat the entire charges paid by him for the house to its owner without the reduction of 40 per cent, if the spouse/ parent/son/daughter does not draw any house rent allowance._

(ii) if an employee is the owner, the gross rental value of the house as assessed for municipal purposes, without deduction of the rebate of 10 per cent on account of repairs, but including municipal and other taxes, except service and other taxes, levied separately and described as such, that are legally payable by the occupier.

(iii) if an employee resides in a hostel or a boarding house or resides and boards with a private family as a paying guest, an amount equal to 40% of the lodging and boarding charges paid by the employee, or an amount equal to 80% of the lodging charges paid by the employee if boarding is not availed of.

(g) words and expressions used herein and not defined, but defined in the BPT Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, or B.P.T. Employees' (Leave) Regulations, 1975 ; shall have the meanings in the BPT Digest of Pay & Allowances Leave and Pension Rules, 9th Edition or BPT Employees (Leave) Regulations, 1975.

4. Rates of allowance -

(1) The rates at which house rent allowance may be granted to employees shall be as follows:

(i)	Employees holding Class I or Class II posts	16 per cent of pay, subject to a maximum of Rs.160 per mensem. If, however, the rent actually paid by an employee exceeds 26 per cent of his pay, if he is in receipt of pay of Rs.1000 or less, or exceeds 10 per cent of his pay plus Rs.160, if he is in receipt of more than Rs. 1000, the allowance admissible will be the amount by which the rent actually paid exceeds 10 per cent of his pay, limited to 20 per cent of his pay, or Rs, 300, whichever is less, provided that the scale of accommodation rented by him is approved by the Chairman, or the Deputy Chairman as suitable to his pay and status and the employee produces for verification every six months the receipt for the rent paid by him.
(ii)	Employees holding Class III or Class IV posts.	16 per cent of pay, subject to a minimum of Rs. 20 per mensem.

(2) Save as otherwise provided in these regulations, house rent allowance may be paid to an employee, at the rate of 16 per cent of pay, subject to a minimum of Rs. 20 per mensem, if he holds a Class III or Class IV post, or at the rate of 16 per cent of pay, subject to a maximum of Rs. 160 per mensem, if he holds a class I or Class II post, without the production and verification of rent receipt and without reference to the rent actually paid by him.

5. Cases in which no house rent is admissible -

(1) No house rent allowance shall be granted to an employee –

(i) who occupies a residence allotted to him by the Port Trust; or

Note : For the purpose of this sub-clause, an employee to whom dormitory accommodation has been allotted by the Port Trust shall not be treated as being in occupation of a residence allotted by the Port Trust.

(ii) who stays in a Port Trust residence unauthorisedly; or

(iii) who shares a residence allotted rent free to another employee.

(2) No house rent allowance shall be granted to an employee -

(i) who refuses or fails to occupy the residence allotted to him but who is treated as in occupation of that residence and is charged rent, for the period specified in sub-regulation (2) of regulation 10 of the B.P.T. Employees (Allotment and Occupancy of Residence) Regulations, 1975, for the period for which he is charged such rent.

(ii) who surrenders his allotment after acceptance, but fails to give due notice of surrender, and is charged rent, for the period specified in regulation 19 of the B.P.T. Employees (Allotment and Occupancy of Residence) Regulations, 1975, for the period for which he is charged such rent.

- (3) The house rent allowance of an employee, who accepts allotment of a Port Trust residence, shall be discontinued from the date of occupation, or on the expiry of fourteen days from the date of receipt by him of the authorisation of allotment, whichever is earlier, or, if the period has been extended by the Administrative Authority beyond fourteen days from the date of receipt by him of authorisation of allotment under sub-regulation (1) of regulation 10 of the B.P.T. Employees' (Allotment and Occupancy of Residence) Regulations, 1975, on the expiry of the period so extended or the date of occupation, whichever is earlier.

6. Allowance admissible when permitted to share residence allotted to another employee -

When an employee is permitted by the Administrative Authority under regulation 17 of the B.P.T. Employees' (Allotment and Occupancy of Residence) Regulations, 1975, to share a residence allotted, otherwise than on a rent-free basis, to another employee, he, but not the allottee, may be granted house rent allowance, if it is otherwise admissible.

7. Regulation of allowance in case of joint allotment - When more than one employee (other than employees holding a Class I or Class II post) are in occupation of a residence jointly allotted to them under regulation 9 of the B.P.T. Employees' (Allotment and Occupancy of Residence) Regulations, 1975, each such employee may be granted fifty per cent of the house rent allowance that would otherwise be admissible to him.

8. Option to draw house rent allowance by paying market rent for sub-standard residence - If an employee (other than an employee holding a Class I or Class II post) is in occupation of a sub-standard residence allotted to him by the Port Trust, he may be paid the house rent allowance otherwise admissible to him if he elects to pay the market rent of the accommodation as fixed by the Board.

9. Employees owning houses -

- (1) An employee living in a house owned by him, his wife, children, father or mother, may be granted house rent allowance on the basis of the rent for the house (or if he is not in occupation of the entire house, for the portion of the house actually in his occupation), as determined under sub-clause (ii) of clause (f) of regulation 3. When separate assessed value is not available in respect of a portion of a house, it shall be worked out proportionately with reference to the plinth area actually in the occupation of the employee.
- (2) The house rent allowance of an employee living in a house owned by a Hindu undivided family in which he is a coparcener shall be regulated in the same manner as is laid down in sub-regulation (1), but only with reference to the portion of the house actually in his occupation, and not on the basis of the rent he claims to pay to the Manager of the Hindu undivided family.

10. Regulation of allowance in different circumstances - The drawal of house rent allowance in the following circumstances shall be regulated as hereinafter provided.

(a) Leave :

- (i) House rent allowance may be granted during leave at the rate at which the allowance was granted immediately before the commencement of the leave. For this purpose, leave means total leave of all kinds, not exceeding 120 days, and the first 120 days of the leave, if the actual duration of the leave exceeds that period, but does not include leave preparatory to retirement, leave preparatory to final cessation of service, refused leave or terminal leave or extraordinary leave taken otherwise than on medical certificate. When holidays are combined with leave, the entire period of holidays and leave shall be taken as one spell of leave.

Note : If an employee who has been granted leave on medical certificate exceeding 120 days is retired on grounds of ill-health incapacitating him for further service, no recovery shall be made of house rent allowance already drawn in respect of that leave, notwithstanding the fact that the entire leave is treated as leave preparatory to retirement.

- (ii) The limit of 120 days shall be extended to 8 months in the case of an employee suffering from T.B., cancer or other ailments during the period of his leave on medical certificate, irrespective of whether the leave is on medical certificate from the very commencement or it is in continuation of other leave.

Provided that the limit of 8 months may be extended by the Chairman or the Dy. Chairman for such further period, or periods, as he may decide at his sole discretion.

Provided further that the medical certificate accompanying the application for leave shall be a medical certificate signed or countersigned by a Medical Officer of the Board.

(b) Deputation for training out of India :

House rent allowance may be granted to an employee deputed for training out of India at the rate admissible from time to time for the first six months of his absence from his post in India under the Board.

(c) Training in India

House rent allowance may be granted to an employee who is deputed for training or a course of instruction in India and whose period of training or course of instruction is treated as duty, for the entire period of his training or course of instruction at the rate admissible to him from time to time.

(d) Suspension

House rent allowance may be granted to an employee under suspension, subject to such conditions, as the authority ordering his suspension may direct, on the basis of the pay he was in receipt of on the date of suspension.

(e) Re-employment

House rent allowance may be granted to an employee who is re-employed in the Board's service. Provided that –

(a) if he is governed by the pension scheme, the allowance shall be calculated on the basis of the maximum pay of the post in which he is re-employed, in case his pay plus pension exceeds that maximum and on the basis of his pay plus pension, in all other cases;

(b) if he is governed by the contributory provident fund scheme, the allowance shall be calculated on the basis of the pay he would have drawn in the post in which he is re-employed, had no deduction been made there from on account of the pensionary equivalent of his retirement benefits.

11. House rent allowance in lieu of rent-free residence –

(1) An employee, who holds a Class III or Class IV post and is entitled, as a condition of his service, to the concession of rent-free residence, may be granted house rent allowance at the rate of 26 per cent of his pay, or the actual rent paid, whichever is less, subject to a minimum of 16 per cent of his pay, or Rs. 20 per mensem, as the case may be, for so long as he is not provided with a residence by the Port Trust. If such an employee claims house rent allowance at a rate higher than 16 per cent of his pay, or Rs.20 per mensem, as the case may be, he shall produce for verification every six months the receipt for the rent paid by him.

(2) If an employee who is eligible for a Port Trust residence free of rent refuses or fails to occupy the residence allotted to him, he will not be eligible for any house rent allowance from the date he was to have occupied the residence and for so long as the residence remains vacant. Thereafter, the employee will be eligible for the house rent allowance only at the ordinary rate and not at the higher rate allowed in lieu of rent-free residence.

Note : Refusal to occupy residence of a type lower than that for which an employee is eligible would not be refusal for the purpose of this sub-regulation.

12. Procedure for claiming allowance at higher rate than 16 per cent of pay, subject to a ceiling of Rs. 160 per mensem, by a Class I or Class II employee - An employee holding a Class I or Class II post, who claims house rent allowance at a higher rate than 16 per cent of his pay, subject to a ceiling of Rs. 160 per mensem, shall not draw the first such claim, until it has been admitted by the Manager (Services and O & M) of the Board after verification of the

original rent receipt and other documents submitted by the employee. If there is a change in the rent or other particulars affecting the rent resulting in an increase or decrease of the house rent allowance admissible, the allowance shall not be drawn without obtaining the fresh approval of the Manager (Services and O.& M.). Such an employee shall also furnish in January and July each year a certificate in the form set out in Annexure I-A or Annexure I-B, as the case may be, to these regulations.

13. Procedure for claiming allowance at a higher rate than 16 per cent of pay by a Class III or Class IV employee entitled to rent-free residence concession - An employee, holding a Class III or Class IV post and entitled to a residence free of rent, who claims house rent allowance at a higher rate than 16 per cent of his pay, or Rs. 20 per mensem, as the case may be, shall not draw the first such claim until it has been admitted, after verification of the original rent receipt and other relevant documents submitted by him, by the Head of the Department in which he is employed. If there is a change in the rent paid by the employee resulting in an increase or decrease of the house rent allowance admissible to him, house rent allowance at a higher rate than 16 per cent of his pay, or Rs. 20 per mensem, as the case may be, shall not be drawn by the Head of Department without a fresh verification. Such an employee shall also furnish in January and July each year a certificate in the form set out in Annexure II to these regulations.

14. Certificates - The Heads of Departments or the officers authorised to draw the paysheets shall furnish the certificates in the paysheets for January and July each year in the form set out in Annexure III to these regulations.

15. Interpretation - If any question arises relating to the interpretation of these regulations and in all matters not hereinabove provided, the Chairman's decision shall be final.

16. Repeal and Saving - All orders corresponding to these regulations and in force immediately before the commencement of these regulations are hereby repealed.

Provided that any order made or any action taken under the orders so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.

ANNEXURE I-A

Certificate to be furnished by a Class I or Class II employee for
the grant of house rent allowance at a higher rate than 16 per cent
of pay, subject to a maximum of Rs.160 per mensem, in terms of
Regulation 12.

(1) I certify that I am residing in a rented house (address of premises) _____ from _____ the _____ to the _____ and I am paying monthly rent of Rs. _____. This includes/does not include:

- (a) rent of refrigerator
(if otherwise unfurnished) : Rs.15
- (b) rent of furniture at 2 ½ per cent
of my pay : Rs.____
- (c) occupier's share of municipal and
other taxes not legally payable by
the tenant : Rs.____

(d) service taxes levied separately and
described as such : Rs. _____
for the period _____.

*(2) I certify that accommodation in respect of which the allowance is claimed is not sub-let or occupied normally by others who do not belong to my family.

Date: _____ Signature: _____
Name of employee _____
Designation _____
Department _____

*Delete if not applicable

ANNEXURE I-B

Certificate to be furnished by a Class I or Class II employee for the grant of house rent allowance at a higher rate than 16 per cent of pay, subject to a maximum of Rs.160 per mensem, in terms of regulation 12 read with regulation 9.

(1) I certify that I am residing in a house owned by me/my wife/son/ daughter/father/mother/Hindu undivided family in which I am a coparcener _____ (address of premises) from the _____ to the _____ and that the monthly gross rental value thereof as assessed for municipal purposes (without deduction of the rebate of 10 per cent on account of repairs) is Rs. _____. This includes/does not include –

(a) Municipal and other taxes : Rs. _____
payable by the owner

(b) service taxes levied separately : Rs. _____
and described as such
for the period _____.

*(2) I certify that accommodation in respect of which the allowance is claimed is not occupied normally by others who do not belong to my family.

Date _____ Signature _____

Name of employee _____

Designation _____

Department _____

* delete if not applicable.

ANNEXURE II

Certificate to be furnished by a Class III or Class IV employee,
entitled to the concession of rent free residence, for the grant of house
rent allowance, in lieu of rent free residence, at a higher rate than
16 per cent of pay, in terms of regulation 13.

I certify that I am residing in a rented house _____ (address of
the premises) from the _____ to the _____ and I am paying monthly rent of Rs. _____.
This includes/does not include –

(a) Municipal and other taxes : Rs. _____
payable by the owner

(b) service taxes levied separately : Rs. _____
and described as such

for the period _____

Date _____

Signature _____

Name of employee _____

Designation _____

Department _____

ANNEXURE III

Certificate to be furnished by Heads of Departments or the officers drawing
paysheets for January and July each year in terms of regulation 14.

- (i) "Certified that in the case of all employees for whom house rent allowance is drawn in this paysheet, the eligibility for the allowance has been verified with reference to the Bombay Port Trust Employees' (House Rent Allowance) Regulations, 1975".
- (ii) "Certified that the certificates prescribed under the Bombay Port Trust Employees (House Rent Allowance) Regulations, 1975, have been obtained from the employees for whom house rent allowance has been drawn at a higher rate than 16 per cent of pay, subject to a minimum of Rs. 160, or 16 per cent of pay, subject to a maximum of Rs.20 per mensem, as the case may be, and I am satisfied that the claims are in accordance with the relevant provisions of the said regulations."
