

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - Allowances - House Rent Allowances - Admissibility of house rent allowance in the revised scales of pay 1986 - Rules relating to payment of house rent allowance - Issued.

FINANCE & PLANNING (FW. PRC.I) DEPARTMENT

G.O.Ms.No. 107.

Dated: 15-4-1988.

Read the following:-

1. G.O.Ms.No. 208, Genl. Admn. (Spl'A) Dept., dt. 10-5-1985.
2. G.O.Ms.No. 237, Fin. & Plg. (FW. PRC.I) Dept., dt. 17-9-1979.
3. G.O.Ms.No. 239, Fin. & Plg. (FW. PRC.I) Dept., dt. 17-9-1979.
4. G.O.Ms.No. 300, Fin. & Plg. (FW. PRC.I) Dept., dt. 20-11-79.
5. G.O.Ms.No. 180, Fin. & Plg. (FW. PRC.I) Dept., dt. 1-7-1982.
6. G.O.Ms.No. 211, Genl. Admn. (Spl.A) Dept., dt. 7-8-1982.
7. G.O.Ms.No. 203, Fin. & Plg. (FW. PRC.I) Dept., dt. 28-6-1983.
8. G.O.Ms.No. 208, Fin. & Plg. (FW. PRC.I) Dept., dt. 8-7-1986.
9. G.O.Ms.No. 240, Fin. & Plg. (FW. PRC.I) Dept., dt. 3-9-1986.
10. G.O.Ms.No. 288, Fin. & Plg. (FW. PRC.I) Dept., dt. 17-11-86.
11. G.O.Ms.No. 289, Fin. & Plg. (FW. PRC.I) Dept., dt. 17-11-86.
12. G.O.Ms.No. 310, Fin. & Plg. (FW. PRC.I) Dept. dt. 30-12-86.
13. G.O.Ms.No. 24, Fin. & Plg. (FW. PRC.I) Dept., dt. 10-2-1988.
14. From the Advocate General of Andhra Pradesh Lr. No. 341/88, dated 9-3-1988.

ORDER:

In Government Order second read above, orders were issued sanctioning house rent allowance at the rate of 15% of pay subject to a maximum of Rs. 400/- per men sum to the employees whose place of duty is Hyderabad and Secunderabad, Visakhapatnam, Warangal, Vijayawada and Guntur and 1Vi% of pay in respect of other places where population exceeds 50,000 but does not exceed 2 lakhs. New places were subsequently included in the list of places where the house rent allowance is admissible either at 15% or at 1% of Pay vide Government Orders fourth to seventh and ninth read above.

2. Subsequently house rent allowance at 4% of pay was sanctioned to the employees working in headquarters of taluks and sub-taluks or municipalities and municipal towns and headquarters of Panchayat Samithis which are not taluk and sub-taluk headquarters and where no house rent allowance or compensatory allowance in lieu of house rent allowance was admissible vide G.O.Ms.No. 43 Finance and Planning (FW. PRC.I) Department dated 4-2-1980, G.O.Ms.No. 6, Finance and Planning (FW. PRC.I) Department, dt. 6-1-1981, G.O.Ms.No. 330, Finance and Planning (FW.PRC.I) Department, dated 17-12-1982 and G.O.Ms.No. 5, Finance and Planning (FW.PRC.I) Department dated 7-7-1983. Thus, the house rent allowance is admissible at 15%, 7Vt% or 4% according to the place of duty.

3. In the G.O.Ms.No. 344, General Administration (Sc.X) Department, dated 2-6-1975 orders were issued for providing Government quarters or accommodation by requisitioning private buildings under Andhra Pradesh Buildings (Lease, rent and eviction) Control Act, 1960 and under Andhra Pradesh Requisitioning of Building Act to all the judicial officers including subordinate Judges, District Munsiffs, Judicial second Class Magistrates and other Judicial Second Class Magistrates and other Judicial (Subordinate) Officers.

4. Government have also ordered that the District and Sessions Judges drawing a pay less than Rs. 1240/- per month shall be provided with rent free accommodation vide G.O.Ms.No. 345, General Administration Department, dated 2-6-1975. Subsequently, the pay limit as have been revised as a result of introduction of revised pay scales in 1974 and 1978.

5. In G.O.Ms.No. 300, Finance and Planning (FW.TA) Department, dated 4-12-1986 orders were issued sanctioning 10% of pay; subject to a maximum of Rs. 150/- per month as additional house rent allowance to the employees who are eligible for rent free accommodation under relevant orders but not provided with such accommodation.

6. Orders were also issued in G.O.Ms.No. 77, Social Welfare Department dated 24-4-1984 sanctioning additional house rent allowance to the employees working in tribal areas and who are entitled for rent free quarters under the relevant orders and who have not been provided with such quarters at 20% of pay subject to a maximum of Rs. 300/- per month in the case of 2nd class agency areas and at 25% of pay subject to a maximum of Rs. 375/- p.m. in the case of 1st class agency areas.

7. The Pay Revision Commissioner, 1986 appointed with the terms and conditions as laid down in the orders first read above, has recommended payment of house rent allowance as follows:

- i) House rent allowance at 20% of pay in places where 15% is now admissible subject to a minimum of Rs. 150/- per men sum.
- ii) House rent allowance at 10% of pay in places where 7 1/2% or 4% is now admissible subject to a minimum of Rs. 75/- per month.
- iii) In either case the maximum house rent allowance shall be Rs. 1,000/- as against the existing maximum of Rs. 400/- per month.

8. Accordingly executive instructions were issued in the order 11th read above, subsequently orders have been issued in Government Order 12th read above sanctioning house rent allowance at the rate of 12 1/2% to the employees working in the district head quarters where 7 1/2% of house rent allowance is admissible in the revised pay scales 1978 as against 10% of house rent allowance recommended by the pay revision commissioner, 1986 in the letter 14th read above the learned Advocate General has suggested that it would be desirable to frame rules under the proviso to article 309 of the Constitution of India giving retrospective effect to the rules, from 1-7-1986, the date from which the recommendations of the Pay Revision Commissioner have been enforced.

9. After Careful consideration. Government have accordingly decided to issue comprehensive rules, in regard to the admissibility or otherwise of house rent allowance to all the Government servants.

- i) Who are not eligible for rent free quarters under the relevant rules;
- ii) Who are eligible for rent free quarters under the relevant rules, but are not provided with such quarters;
- iii) who are eligible for rent free quarters under relevant rules, and are provided with such quarters;
- iv) Who are not eligible for rent free quarters under the relevant rules but who have been provided with Government quarters or other quarters on payment of reduced rent;
- v) The Judicial Officers including Subordinate Judges, District Munsiff, Judicial Second Class Magistrates and other Judicial (Sub-ordinates) Officers, who are entitled for accommodation in terms of G.O.Ms.No. 344, General Administration Department dated 2-6-1975 and who are provided with Govt. quarters.
- vi) The District and Sessions Judges whose basic pay is Rs. 1950/- in Revised Pay Scales, 1978 or Rs. 3880/- and below in Revised Pay Scales, 1986 and who are eligible for rent free accommodation but who are not provided with such accommodation;
- vii) The District and Sessions Judges whose basic pay is Rs. 1950/- in revised pay scales, 1978 or Rs. 3880/- and below in revised pay scales, 1986 and who are eligible for rent free accommodation and who are provided with such accommodation;
- viii) The District and Sessions Judges whose basic pay is Rs. 1950/- in

revised pay scales, 1978 or Rs. 3880/- in revised pay scales, 1986 and who are not entitled for rent free accommodation.

10. Wherever statutory notifications are required to be issued for applying these orders to the employees of Zilla Praja Parishads, Mandal Praja Parishads, Gram Panchayats, Municipalities, Municipal Corporations of Hyderabad, Vijayawada and Visakhapatnam, Zilla Grandhalaya Samsthas and agricultural market committees, the administrative departments of the Secretariat concerned shall issue such notifications.

11. Separate orders will be issued in regard to officers and staff of the High Court of Judicature.

12. Separate orders will be issued by General Administration Department in respect of Chairman and Members of the Andhra Pradesh Public Service Commission.

13. These orders shall be deemed to have come into force from the 1st July, 1986.

14. The following notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In the exercise of the powers conferred by the proviso to article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh Hereby makes the following rules:

RULES

1. Short title application and commencement.

1. These rules may be called the A.P. Public Employment (House Rent Allowance) Rules 1988.

2. They shall apply to all persons appointed to public services and posts in connection with the affairs of the State of Andhra Pradesh.

3. They shall be deemed to have come into force, the 1st July, 1986. 2. Rates of House Rent Allowance at different places.

1. The rate of House Rent Allowance (hereinafter referred to as the allowance), shall be 20% of pay in the twin cities of Hyderabad and Secunderabad, Visakhapatnam, Vijayawada, Warangal, Guntur, Kurnool, Rajahmundry, Nellore, Kakinada, Tirupathi and Nizamabad. This rate shall be subject to a minimum of Rs. 1'50/- per month and a maximum of Rs. 1000/- p.m.

2 The rate of the allowance shall be 12 1/2% of pay in all the district headquarters of the state except those district headquarters which are covered by sub-rule (1) of this rule.

Provided that the allowances, at the rates mentioned in sub-rules (1) and (2) of this rule, shall be admissible to the employees who are working in offices situated within a distance of 8 KMs from the Municipal limits of the places mentioned in sub-rule (1) and (2) of this rule, subject to the following conditions, namely:

i) For this purpose, the distance shall be computed with reference to the nearest route between the municipal limits of the qualified town and the place where the office is situated.

ii) The Executive Engineers (R&B) in whose jurisdiction the office is situated shall issue a certificate indicating therein.

iii) The certificate as in instruction (;) above shall be issued in duplicate to each drawing officer on receipt of a requisition from the head of office indicating therein the exact location of the office and its proximity to the qualified towns. The requisition should be issued immediately to avoid inconvenience to the employees. The Executive Engineer shall see that certificate is issued within 15 days from the date of receipt of requisition.

iv) On receipt of the certificate one copy shall be attached to the bill in which House Rent Allowance is claimed. The other copy shall be retained by the Head of office and audit for the purposes of departmental audit by the parties of Accountant General's office. The Chief Engineer (R&B) shall issue instructions to all the Executive Engineers (R&B) to issue certificates after physical verification expeditiously. Provided that in case of employees who have already submitted the distance certificate for the purpose need not submit the same.

3. The rate of allowance shall be 10% of pay subject to a minimum of Rs. 75/- per month in all other places not covered by sub-rules (1) and (2) of this rule

4. In all cases covered by sub-rules (1) and (2) and (3) the allowance shall be subject to a maximum of Rs. 1000/- p.m.

3. Pay for the purpose of calculation of the allowance.

1. Pay for the purpose of calculation of the allowance shall be the pay as defined in F.R.9(21) (a).

2. In respect of those who opted to remain in the pre-revised scales of pay from 1st July 1986, pay for purpose of calculation of the allowance shall be, the pay in the revised scales of 1978 plus dearness allowance at the rate admissible as on 1-1-1986.

3. In respect of those who are on leave, the allowance shall be calculated on the basis of the pay i.e. salary admissible during the leave period.

4. Eligibility to draw the allowance:

1. Every Government employee, shall be eligible to draw the allowance at the rates specified in sub-rules (1), (2) and (3) of rule 2, as per the place of duty referred to therein.

2. Employees who are entitled to rent free quarters under the relevant rule, and who have not been provided with such quarters shall be eligible to draw the allowance at the rate applicable to the place of duty. They shall also be eligible to draw, Additional House Rent Allowance at the rate of 10% of pay subject to maximum of Rs. 150/-

3. Employees who are working in the tribal areas and are entitled to rent free quarters under the relevant orders and who have not been provided with such quarters, shall be eligible to draw the allowance at the rates specified in sub-rules (1) (2) and (3) of rule 2. They shall also be eligible to draw additional house rent allowance at 20% of pay subject to a maximum of Rs. 300/- per month in the case of 2nd Class Agency areas and at 25% of pay subject to a maximum of Rs. 375/- per month in the case of 1st class agency areas.

5. Admissibility during leave and on encashment of leave:

1. The allowance shall be admissible to employees who are on leave not exceeding four months.

2. The allowance shall be admissible for the period of leave surrendered.

3. Non-availability of the allowance to certain categories of Government Servants:

1. The allowance shall not be admissible to those Government servants who are eligible for rent free quarters under the relevant rules and are provided with such quarters.

2. The allowance shall not be admissible to those Government servants who are provided with quarters belonging to Government, State Housing Board, Local Bodies (including Municipal Corporation/Municipal Councils, Panchayat Raj) Industrial and Commercial undertakings and from whom rent at a percentage of emoluments, as determined by Government time to time, or standard rent whichever is less or concessional rate of rent is recovered.

3. In case where both wife and husband are employees, and residing in any of the quarters mentioned in sub-rule (1) and (2) of this rule neither of the incumbents shall be eligible for the allowances.

4. The allowance shall not be admissible to the Judicial Officers including Subordinate Judges, District Munsiffs, Judicial Second Class Magistrates and other Judicial (subordinate) Officers who are provided with Govt. quarters.

5. The allowance shall not be admissible to the District and Sessions Judges whose basic pay is Rs. 3,880/- and below in Revised Pay Scales, 1986 and who are eligible for rent free quarters and provided with such quarters.

6. The allowance shall not be admissible to the District and Sessions Judges whose basic pay is above Rs. 3,880/- in revised pay scales 1986 and who are provided with Government quarters.

Recovery of the H.R.A. wrongly drawn from 1-7-1986.

7. Any House Rent Allowance drawn in contravention of these rules with effect from 1st July 1986 shall be recoverable in easy installments, not exceeding twelve.

8. If any difficulty arises in given effect to the provisions of these rules, Government may by order, make such provisions or give such directions as appear to them to be necessary for removing the difficulty.

9. No rules made or deemed to have been made under the provision to article 309 of the Constitution shall in so far as it is inconsistent with any of the provisions of these rules, have any effect. The executive orders issued by the Social Welfare Department in regard to the allowance in tribal areas and the executive orders issued by General Administration department in respect of all Judicial Officers including Subordinate Judges, District Munsiffs, Second Class Judicial

Magistrates and other Judicial (subordinate) officers shall in so far as they are inconsistent with any of the provisions of the rules shall have no effect.

2. Save as otherwise provided in these rules, those rules shall be in addition to any other rules made or deemed to have been made under the proviso to article 309 of the Constitution.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF
ANDHRA PRADESH)**

K. SUBRAMANYAM,
Principal Secretary to Government.