

January 17, 2014

ORDER

As directed by the Hon'ble Supreme Court in Civil Appeal No.4064 of 2004 in the matter of S. D. Bandi V/s Divisional Traffic Officer, KSRTC & Others, following instructions are issued to prevent cases of Govt. Employees who continue to stay in the residential accommodation provided by the Government though they are no longer entitled to such accommodation:

- (i) As a precautionary measure, a notice should be sent to the allottee / officer / employee concerned under Section 4 of the PP Act three months prior to the date of his / her retirement giving advance intimation to vacate the premises.
- (ii) The department concerned from where the government servant is going to retire must be made liable for fulfilling the above-mentioned formalities as well as follow up actions so that rest of the provisions of the Act can be effectively utilized.
- (iii) The principles of natural justice have to be followed while serving the notice.
- (iv) After following the procedure as mentioned in SR 317-B-11 (2) and 317-B-22 proviso 1 and 2, within 7 working days, send as show cause notice to the person concerned in view of the advance intimation sent three months before the retirement.
- (v) Date of appearance before the Estate Officer or for personal hearing as mentioned in the Act after show cause notice should not be more than 7 working days.
- (vi) Order of eviction should be passed as expeditiously as possible preferably within a period of 15 days.
- (vii) If, as per the Estate Office, the occupant's case is genuine in terms of Section 5 of the Act then, in the first instance, an extension of not more than 30 days should be granted.
- (viii) The responsibility for issuance of the genuineness certificate should be on the Department concerned from where the government servant has retired for the occupation of the premises for next 15 days and further. Giving additional responsibility to the department concerned will help in speedy vacation of such premises. Baseless or frivolous applications for extensions have to be rejected within seven days.
- (ix) If as per the Estate Officer the occupant's case is not genuine, not more than 15 days' time should be granted and thereafter, reasonable force as per Section 5(2) of the Act may be used.
- (x) There must be a time frame within how much time the Estate Officer has to decide about the quantum of rent to be paid.
- (xi) The same procedure must be followed for damages.
- (xii) The arrears/damages should be collected as arrears of land revenue as mentioned in Section 14 of the Act.

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