

No.DOE/RDV/13/Courtcase/2017
Government of India
Directorate of Estates
(RDV Cell)

Room No.513-B Wing, Nirman Bhawan.
New Delhi, dated 14th March, 2018.

OFFICE MEMORANDUM

Subject: Comprehensive policy for allotment, re-allotment and change of allotment under compulsory shifting in re-development colonies-reg.

In compliance of the directions of Hon'ble High Court of Delhi dated 13.11.2017 in W.P. (C) No. 4042/2017, 4290/2017, 4318/2017, 4485/2017 & 5962/2017, a Comprehensive Policy for allotment of quarters was submitted before Hon'ble Court. Hon'ble Court approved the Policy vide its order dated 20.02.2018. A copy of Comprehensive Policy is annexed. The Policy appropriately modifies the Directorate of Estates' O.M. No. DOE/RDV/A-II (Coord)/ 2016-Main dated 12.04.2017 & 26.04.2017.

2. This issues with the approval of Director of Estate-I.

(Naveen Yadav)
Director of Estates -II

1. Notice Board/Display Board
2. NIC-Cell, Directorate of Estates – for uploading in the DoE website.
3. Computer Cell, Directorate of Estates – for uploading in the GPRA websites.

COMPREHENSIVE POLICY AS PLACED BEFORE AND APPROVED BY THE HON'BLE HIGH COURT OF DELHI IN W.P. (C) No. 4042/2017, 4290/2017, 4318/2017, 4485/2017 & 5962/2017 FOR ALLOTMENT, RE-ALLOTMENT AND CHANGE OF ALLOTMENT UNDER COMPULSORY SHIFTING IN RE-DEVELOPMENT COLONIES.

Part-I

1. Brief of Present Policy of Out of Turn Allotments

1.1 Detailed guidelines for discretionary allotment of General Pool Residential Accommodation (GPRA) in Delhi was formulated **with the approval of Cabinet Committee on Accommodation** vide OM No.12035/2/97-Pol.II (Pt. II) dated 17.11.1997 in pursuance of the **Order dated 23.12.1996 of the Hon'ble Supreme Court in S. S. Tiwari v UOI in WP (Civil) No.585/1994** with a view to regulate and maintain transparency in discretionary/out-of-turn allotments. Hon'ble Supreme Court had directed that the ceiling for discretionary allotments shall be 5% of the total number of vacancies occurring in each type of houses in a year. Accordingly, it was decided to make maximum 5% discretionary/out of turn allotments on Medical, Security and Functional Grounds.

(i) Medical Grounds

1.2 Allotment shall be made in the case of Govt. Servants and their spouses, dependent children and dependent parents, suffering from critical ailments or disability. Committees, comprising of Doctors and Senior Officers constituted to examine the requests and give its recommendation for approval of Minister.

(ii) Security Grounds

1.3 Allotted to persons who are provided Z+ category (now SPG) security protection.

(iii) Functional Grounds

1.4 The Personal Staff working with Ministers and with other dignitaries specified shall be allotted accommodation on priority basis. Such allotment shall be made within the overall ceiling of 5% of vacancies in respect of each type of houses occurring in an year. The eligible dignitaries include PMO, Cabinet Minister, MOS, Dy Ministers, Parliamentary Secretaries, Cabinet Secretariat, Leader of Opposition in Lok Sabha/Rajya Sabha, Chairman/Dy. Chairman, Rajya Sabha, Speaker/Dy. Speaker, Lok Sabha, Chief Justice of India, Dy. Chairman, Planning Commission, Judges of Supreme Court, Members of Planning Commission, Chief Election Commissioners, Election commissioners, Secretary to Govt. of India, former Presidents, Vice Presidents and Prime Ministers. Such allotments shall be made in a central area - 1st Floor or out-side Central areas - any floor, subject to availability.

2. Allotment of Quarters with the approval of Cabinet Committee on Accommodation (CCA)

2.1 In addition to the above, in deserving cases, the Minister of Housing and Urban Affairs makes out-of-turn allotment to any person subject to ex-post facto approval of

Cabinet Committee of Accommodation (CCA). Such allotments shall be within the 5% ceiling of discretionary quota fixed as per the guidelines.

3. Regularization on Death/Retirement of Allottee (OM No.12031/1/2013-Pol.II dated 18.02.2014 & 17.07.2015)

3.1 Condition No. (iv) (e) of the above OM states that the regularisation/alternate allotment in the name of spouse/ward of the retired/deceased allottee will be made, to the extent possible, in the same area, failing which in a nearby area. Therefore, their right for allotment in the nearby area is protected by the said OMs dated 18.02.2014 and 17.07.2015.

Part-II

4. Alternative Allotments made due to Re-development of Colonies (Compulsory Shifting)

4.1 Seven (07) Government Colonies at Mohammadpur, Nauroji Nagar, Netaji Nagar, Sarojini Nagar, Thyagraj Nagar, Kasturba Nagar and Srinivaspuri were identified and approved for re-development by the Union Cabinet in July, 2016. Accordingly, the Directorate of Estates, with the approval of the then Hon'ble Union Minister of Urban Development, chalked out the following plan to evacuate the affected allottees from these Colonies in a time-bound manner:-

- i. Freeze the new allotment in Type-I to Type-IV. However, as an exception, allotments under "unsafe/dangerous" category as well as "functional" and "medical" and those with the ex-post-facto approval of CCA (subject to restriction imposed by Hon'ble Supreme Court in S. S. Tiwari v UOI in WP(C) No.585/1994) were to continue.
- ii. Same category of accommodation to be offered to the affected allottees of all such re-development colonies.
- iii. In case of Department Pool also, same type of accommodation to be provided.
- iv. All allotments would be made "on-line" through Automated System of Allotment (ASA) giving 3 months' time to occupants to get allotments of their preference, failing which Directorate of Estates would allot quarters on its own and cancel the existing quarters.

4.2 Accordingly, new allotment for Type-I to Type-IV was frozen from September, 2016 and the process of evacuation started in October, 2016 in Nauroji Nagar and Mohammadpur after allowing three months' time to the allottees to give their options "on-line." Thereafter, remaining allottees were also allotted alternate accommodation based on their date of priority manually. Both these colonies have been handed over to NBCC and CPWD, the agencies designated for re-development of these Colonies.

4.3 The experience gained in the evacuation of Nauroji Nagar and Mohammadpur prompted Directorate of Estates to formulate broad guidelines for alternate allotment and for changing allotted accommodation on request to the affected allottees with a view to streamline the process and speed up the evacuation process. The existing allottees were divided into following four categories, and included in the guidelines issued vide OM dated 12.04.2017 :-

- i. The first category of allottees are those who were allotted govt. accommodation on the grounds of functional (working with dignitaries), medical, CCA, regularization categories.
- ii. The second category of allottees are those who have secured their initial allotment under Ladies Pool.
- iii. The third category of allottees are those who have participated in the mandatory cycle of allotment process, but could not get allotment as per their preferential locations.
- iv. The fourth category of allottees are those who have not participated in the cycle of allotment process, either willingly or having failed to do so despite efforts.

4.4 In addition to the above 4 categories, one more category of allottees was identified i.e., who had already been earlier shifted from other re-development colonies such as Kidwai Nagar (East) and Mohammadpur, and were required to be shifted again and as such, can be categorised as “double shifting” cases. They were included in Category 4.3 (i) above along with functional/medical/CCA/regularisation vide OM dated 26.04.2017.

4.5 As per the above guidelines, those who could not get allotment of quarters under ASA, either because of lack of adequate seniority for a preferred locality or on account of failing to participate in “on-line” bidding, the allotment is to be made manually by giving preference to Category (i), then Category (ii), then Category (iii) and lastly Category (iv). It was also decided that the inter-se seniority in each of the 04 categories will be maintained separately before making allotments as per their date of priority.

Part-III

5. COMPREHENSIVE POLICY NOW PROPOSED

5.1 Based on the experience of Directorate of Estates, it has been noticed that the following situations arise once the allottees exercise their options for alternative quarters in the Automated System of Allotment (ASA), where they get three chances in three consecutive months:-

Illustration 1 : Allottees exercised their options on-line and got allotment as per their preferences and choice under ASA and **accepted the allotted accommodation**;

Illustration 2 : Allottees made their option in ASA and got allotment as per their preferences and choice given by them, but subsequently **did not accept the allotted accommodation and desired change**;

Illustration 3 : Allottees made their options in ASA, but **did not get any allotment under ASA** (due to opting for quarters of higher priority vis-à-vis their respective seniority or, not exercising proper options or giving limited options, etc.); and

Illustration 4 : Allottees **did not participate** in the on-line submission of option for alternative quarter at all.

5.2 Methodology Suggested for alternative allotment of quarters

5.2.1 In respect of Illustration 1 above, the opted quarters are allotted electronically through ASA and Directorate of Estates has no further role. However, in case the allotted quarter is found to be "dangerous/inhabitable" or already "occupied," the quarter will be changed in the same locality, with the approval of Director of Estates.

5.2.2 The criteria now proposed, to process the cases which would fall under Illustration 2, 3 and 4, so as to bring more transparency and rationality, is as follows :-

- a. All allottees who want to change their alternate accommodation, whether allotted through ASA or manually/electronically, may apply through the prescribed proforma (Annexure) immediately after the allotment, but not later than 15 days from the date of allotment.
- b. Their application should be forwarded by their respective Administrative Department, duly attested by designated administrative officer. However, this condition may not be insisted upon in case where the allottees are posted in Jammu & Kashmir, North Eastern Region or Left-Wing Extremism affected regions and Border Fencing Divisions.
- c. All such requests should be submitted in Room No.7 near Gate No.1 of Nirman Bhawan in prescribed format, along with supporting documents, if any, within 15 days from the date of allotment.
- d. Directorate of Estates may not consider any such application, if found not routed through proper channel, incomplete or not enclosed with supporting documents as per claims of allottees.
- e. Therefore, it is advisable for allottees to become fully satisfied before applying for change.
- f. In order to prevent the misuse of the above provisions as a tool for delaying / halting the process of redevelopment, it has been decided that merely applying for change will not have any bearing on the process of eviction of Colonies under redevelopment.
- g. However, in order to safeguard the interests of genuine applicants, after considering such requests for change, a reasonable time will be allowed for shifting.
- h. No shifting /compensatory allowance /any other facility will be provided to any allottee.
- i. Only one application will be accepted from one allottee.

5.2.3 After scrutiny of the cases, a list of allottees who are to be allotted quarters will be prepared by placing allottees under the above categories of successive priority mentioned above. The Ladies Pool allottees will be mentioned separately in the list. The category-wise waiting list of prospective allottees will be prepared and put on the website for display. Any discrepancy will have to be brought to the notice of the Directorate within a week, otherwise the list will be treated as final.

5.3 Procedure for allotment: -

5.3.1 In order to ensure a level-playing field for all the 3 categories of allottees mentioned above [i.e., (i), (iii) and (iv) in para 4.3], the number of vacancies remaining un-allotted as reported by the Central Public Works Department (CPWD) at the end of the third monthly cycle of exercising options, and, further vacancies that would have arisen from 16th of the 3rd monthly cycle up to 15th of the month immediately thereafter

(for e.g., if cycle is from August, September, October, the vacancies occurring from 16th October to 15th November), will be taken into account and distributed among the three categories of allottees as mentioned in para 4.3 above, as under :-

- i. The vacancies will be arranged in the descending order of preference - most preferred or nearby (to Colony being re-developed) or central areas at the top and least preferred areas at the bottom. The vacancies in such manner will be enlisted based on program prepared by National Informatics Centre (NIC) taking into consideration the preference shown in the Colonies where allottees have to be shifted and automated allotments will be done.
- ii. List of Ladies Pool (LP) vacancies will be prepared separately and Ladies who were initially allotted quarter under LP will be allotted from the list in the ratio 2:1 between Ladies Married and Ladies Single based on their respective Date of Priority.
- iii. The remaining allottees will be allotted quarters, Category-wise through Computer by rotation in the following ratio:-
 - a. 3 quarters to allottees in Category (i) (functional/medical/CCA/regularization/double shifting)
 - b. 6 quarters to allottees in Category (iii) (participated in ASA and not allotted)
 - c. 3 quarter to allottee in Category (iv) (did not participate in ASA).
- iv. In one cycle, twelve (12) vacancies will be distributed among the three categories. This cycle will be repeated in the same ratio from (iii) (a) again until either the vacant quarters are exhausted or the allottees are exhausted.
- v. If the allottees are exhausted, the remaining vacant quarters will automatically go to the next bidding cycle starting 16th of next month.
- vi. If the vacancies are exhausted, similar exercise will be carried out as and when vacancies become available in the next monthly cycle.

5.3.2 The procedure will be followed for all Type I to Type IV quarters in redevelopment colonies.

5.3.3 The above methodology will be applicable to the current pending cases of allotment only and previous settled cases (who have taken possession of the quarters allotted to them) will not be reconsidered.

PROFORMA

Subject:- Request for change of alternate accommodation under proposed redevelopment of GPRA colonies

1. Name of Allottee:
2. Date of Priority/date of Joining Service:
3. Date of Retirement:
4. Registration No./ID:
5. Alternate Quarter Allotted:
6. Contact No. as per DE-2 form:
7. Office address as per DE-2 form:
8. Present office address (if any difference from DE-2):
9. Reasons for such request(in brief):-
10. Documents attached with this applications (as per claimed made in S.No.9):

Date

Signature

To be filled by the Department

The particulars submitted through this application have been verified and found to be true.

Office Stamp

SIGNATURE

NAME

DESIGNATION

DATE