

(238)

GOVERNMENT OF PAKISTAN  
MINISTRY OF HOUSING AND WORKS

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Islamabad, the 17<sup>th</sup> April, 2015

No. F. 1(12)/2010-Policy

OFFICE MEMORANDUM

Subject: OPINION OF LAW & JUSTICE DIVISION AS DESIRED BY DAC.

The undersigned is directed to say that the Estate Offices made the allotments to the employees of non-entitled departments under Pakistan Allocation Rules, 1971 and Pakistan Allocation Rules, 1993 on standard rent basis. The Prime Minister's Inspection Commission in its report recommended the cancellation of allotments. The allotments were accordingly cancelled, however, the occupants filed Writ Petitions in the Court of law and continued to reside in the said accommodation. The Accommodation Allocation Rules, 2002 were revised on 30.10.2002 under which there is no provision for allotment of accommodation on standard rent and provides for recovery of ceiling rent from the unauthorized occupants of government accommodation. The audit authorities are of the view that the ceiling rent should be charged from the allottees of non-entitled departments for the entire period.

2. The Law & Justice Division is requested to intimate as to whether the recovery of rent @ ceiling rent may be made from the occupants/allottees of government accommodation of non-entitled employees from back date or from the date of promulgation of Accommodation Allocation Rules-2002 i.e. 30.10.2002.

  
(Obaid Uddin)  
Section Officer (Policy)  
Ph. 051-9209192

✓ Secretary,  
Law, Justice & Human Rights Division,  
Islamabad.

Copy to:  
Section Officer (F&A), M/o Housing & Works, Islamabad.

Section Officer (Policy)

237/2015-  
21-4-2015

Law, J  
20/04/15



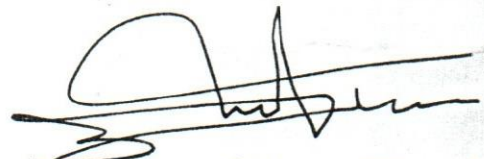
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Government of Pakistan  
Ministry of Law, Justice and Human Rights  
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(339)

**Subject: Opinion of Law & Justice Division as Desired by DAC.**

The issue raised by the Ministry of Housing and Works in their O.M.No.F.1(12)/2010-Policy dated the 17<sup>th</sup> April, 2015 is whether recovery of rent at ceiling rate may be made from the occupants/allottees from the accommodation of non-entitled employees from back date or from the date of commencement of the Accommodation Allocation Rules, 2002. It is pointed out that the Accommodation Allocation Rules, 2002 came into force with immediate effect in view of the sub-rule (3) of rule 1 of the Accommodation Allocation Rules, 2002 which says that the Rules shall come into force at once i.e. date of the notification being the 30<sup>th</sup> October, 2002. Therefore, recovery of rent at ceiling rate will be made from the date of the commencement of the Accommodation Allocation Rules, 2002 i.e. 30<sup>th</sup> October, 2002 and not from retrospective date.



(Muhammad Azam Warraich)  
Legislative Adviser  
21<sup>st</sup> April, 2015

Secretary

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M/o Housing & Works (Mrs. Obaid Uddin, Section Officer (Policy) & M/o Law, Justice & HR. U.O.No. 237/15-Law-2 dt. 23.4.15.