

## 14. THE ALL INDIA SERVICES (HOUSE RENT ALLOWANCE) RULES, 1977

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely :—

**1. Short title and commencement.**—(1) These rules may be called the **All India Services (House Rent Allowance) Rules, 1977.**

(2) They shall come into force on the date of their publication in the official Gazette.

**2. Definition.**—In these rules, unless the context otherwise requires, “member of the Service” means a member of an All India Service, as defined in Section 2 of the All India Services Act, 1951 (61 of 1951).

**3. Regulation of House Rent Allowance.**—(1) A member of the Service, serving in connection with the affair of the Union, shall be entitled to draw House Rent Allowance at such rates, and subject to such conditions as may be specified by the Central Government from time to time, in respect of officers of the Central Civil Services Group ‘A’ :

Provided that, where any special orders have been issued by the Central Government to regulate the grant of House Rent Allowance to the members of the Service serving in connection with the affairs of the Union, such members shall be entitled to draw House Rent Allowance under such special orders.

(2) A member of the Service, serving in connection with the affairs of a State, shall be entitled to draw House Rent Allowance at such rate, and subject to such conditions, as may be specified by the State Government concerned, from time to time in respect of officers of the State Civil Services Class I :

Provided that, the House Rent Allowance allowed to a member of the Service under this sub-rule shall not at any time be less than what he would have drawn under sub-rule (1), had he been appointed to serve in connection with the affairs of the Union at the same station.

(3) Every officer whose initial pay is fixed in accordance with sub-rule (5) or sub-rule (6-A) of Rule 4 of the Indian Administrative Service (Pay) Rules, 1954 or sub-rule (5) or sub-rule (5-A) of Rule 4 of the Indian Police Service (Pay) Rules, 1954 or sub-rule (6) of Rule 4 of the Indian Forest Service (Pay) Rules, 1968, shall be entitled to draw House Rent Allowance in the same manner as a member of the Service under sub-rule (2).

[DP & AR Notification No. 20019/1/75-AIS (II), dated 4.1.1977].

**4. Interpretation.**—If, any question arises as to the interpretation of these rules, it shall be referred to the Central Government, who shall decide the same.

### Government of India's decision

DP & AR File No. 20019/114/77-AIS (II).—An Officer owns a house, but, living in a rented house, which has been leased in the name of his wife. The rent of the house

is, however, reported to be paid by the officer. Since the house has been leased in the name of wife of the officer, a question has been raised whether in view of Note 2 below Rule 4 of the House Rent Allowance Rules applicable to the Central Government servants, the officer can be granted HRA or is it necessary that he should first get the lease of the house transferred in his own name to get the HRA.

It has been decided in consultation with the Ministry of Finance that the officer concerned cannot claim House Rent Allowance on the basis of the rent paid by his wife. However, as a co-sharer of the accommodation, he can claim HRA in respect of 40% of the rent actually paid by his wife. Alternatively, he can claim HRA in terms of the provisions of paras 1(5) of OM No. 11011/1/E.II.B/78, dated the 25th February, 1977, if this would be more favourable to him. He will, of course, have to give the appropriate certificate as required in the instructions contained in the Ministry of Finance OM No. 2 (37)-E.II.B/64, dated the 27th November, 1965 as amended from time to time.

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