

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 03/2012-13 DATED 25.05.2012 AT 4-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C – 04)	Confirmation and signing of the minutes of the Council's Meeting No. 01/2012-13 held on 26.04.2012 adjourned and against held on 01.05.2012.	3	4 – 11
02 (A – 13)	S/R of roads in NDMC area. Sub Head : Riding Quality Improvement Programme (Phase-II).	12 – 14	
03 (A – 14)	Additional & alteration in Type-IV flats at Sarojini Vihar.	15 – 17	
04 (B – 05)	New proposed HT feeds for various 66/11 KV, 33/11 KV and 11 KV Electric Substations from proposed 33 KV Electric Substation Keventer Dairy, New Delhi.	18 – 22	23 – 41
05 (B – 06)	SITC of 11 KV, 3 Phase operated 5.04 MVAR capacitor bank in combination of two unit (2.016 MVAR and 3.024 MVAR) for various 33/11 KV E/S/S	42 – 45	46 – 51
06 (U – 01)	Rejection and Recall of tenders for Security and Traffic Services/Arrangements at NDMC Premises under Group Contract 'C', 'D' & 'H'.	52 – 55	
07 (C – 05)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	56	57 – 65
08 (C – 06)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	66	67 – 118A

	PART –II (Confidential)		
09 (S – 01)	Major penalty proceedings initiated against Sh. S.C. Ahuja, DEO(G)	119 – 122	123 – 152
10 (S – 02)	Major penalty proceedings initiated against Sh. A.R. Dhawan, A.E. (C) (Retd.) (31, Main Market, Lodhi Colony)	153 – 158	159 – 214
11 (S – 03)	Major penalty proceedings against Sh. A.R. Dhawan, A.E. (C) (Retd.) (17, Jor Bagh)	215 – 218	219 – 244
12 (S – 04)	Major penalty proceedings against Sh. A.R. Dhawan, A.E. (C) (Retd.) (16, Barakhamba Road)	245 – 248	249 – 365
	PART –III (Confidential)		
13 (S – 05)	Major penalty proceedings initiated against Dr. R.Pal, CMO(Malaria) (Retd.) the then CMO (License), NDMC	366 – 376	377 – 426
14 (S – 06)	Major penalty proceedings initiated against Dr. G.S. Thind, Dy. M.O.H. (Retd.)	427 – 439	440 – 526
15 (S – 07)	Major penalty proceedings initiated against Sh. Ramesh Kumar, Sr. Assistant (Enforcement) the then licensing clerk (Retd.).	527 – 532	533 – 565
	Supplementary Item		
16 (A – 15)	S/R of roads in NDMC area. SH: Resurfacing of B.K. Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub-Division-III area.	566 – 568	
17 (C – 07)	Confirmation and signing of the minutes of the Council's Special Meeting No. 02/2012-13 held on 22.05.2012.	569	570
	Other Issue		

	Resolution moved by Shri Karan Singh Tanwar, Member, NDMC U/s 23 of NDMC Act, 1994 Regarding regularisatin of services of Doctors, Data Entry Operators, Teachers, Engineers, Beldars, Malis, Helpers and Other employees of class-I to Class IV by giving them one time relaxation in various requirements of recruitment rules for their respective posts.	571	
--	--	-----	--

ITEM NO. 01 (C- 04)

Confirmation and signing of the minutes of the Council's Meeting No. 01/2012-13 held on 26.04.2012 and adjourned meeting held on 01.05.2012. **(See pages 04-11).**

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 01/2012-13 HELD ON 26.04.2012, AT 3-00 P.M. AND ADJOURNED MEETING HELD ON 01.05.2012 AT 4-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	01/2012-13	01/2012-13(ADJOURNED MEETING)
DATE	:	26.04.2012	01.05.2012
TIME	:	3-00 P.M.	4-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.	PALIKA KENDRA, NEW DELHI.

PRESENT (26.04.2012) :

1. **Smt. Sheila Dikshit** - **Presiding Officer**
2. Ms. Archana Arora - Chairperson
3. Smt. Tajdar Babar - Vice Chairperson
4. Sh. Karan Singh Tanwar- Member
5. Sh. Ashok Ahuja - Member
6. Sh. Dharampal - Member
7. Mr. Mahmood Ahmed - Member
8. Sh. Santosh D. Vaidya - Secretary

PRESENT (01.05.2012) :

1. **Smt. Sheila Dikshit** - **Presiding Officer**
2. Ms. Archana Arora - Chairperson
3. Sh. Dharampal - Member

4. Mr. Mahmood Ahmed - Member
5. Sh. Santosh D. Vaidya - Secretary

In pursuance of the NDMC (Amendment) Act, 2011 (No.5 of 2012), published vide Gazette Notification dated 9th January, 2012, and Notification No. S.O. 101(E) dated 18th January, 2011, issued by the M/o Home Affairs, Govt. of India, Smt. Sheila Dikshit, Chief Minister, Delhi, took oath of office in the presence of the above members of the Council, which was administered by Ms. Archana Arora, Chairperson. Thereafter, Smt. Sheila Dikshit presided over the meeting.

Sh. Dharampal, Commissioner, Food and Civil Supplies Department, GNCT of Delhi, also took oath of office as a Member of the Council, vide Notification No. S.O. 835(E) dated 17th April, 2012, issued by the M/o Home Affairs, Govt. of India, which was duly administered by the Presiding Officer.

ITEM NO.	SUBJECT	DECISION
01 (C-01)	Confirmation and signing of the minutes of the Council's Meeting No. 14/2011-12 held on 28.03.2012.	Minutes confirmed.
02 (B-01)	Laying of 33KV, 3Cx 400sq.mm (XLPE) cables from 220KV/33KV ESS Trauma Centre to 33KV ESS Race Course & from 33KV ESS Trauma Centre to 33KV ESS State Guest House.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `281.45 Lacs for laying of 3CX400sq.mm XLPE from 220KV/33KV ESS Trauma Centre to 33KV ESS Race Course and from 33KV ESS Trauma Centre to 33KV ESS State Guest House.

It was then unanimously decided to adjourn the meeting and reschedule it on 1st May, 2012 at 4.00 p.m. in the Council Room, 3rd Floor, Palika Kendra, New Delhi.

MEETING HELD ON 1ST MAY, 2012, IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

ITEM NO.	SUBJECT	DECISION
03 (B-02)	Improvement of LT Rising Mains at Lok Nayak Bhawan, New Delhi. Sub-Head: Supply, Installation, Testing and Commissioning of TPN Sandwich Rising main of Aluminium 1200 Amp Bus Bar.	Resolved by the Council to accord approval to the Revised Estimate amounting to `1,46,46,820/- for the work of Improvement of LT Rising Mains at Lok Nayak Bhawan, which was completed on 15-3-2011. While approving the revised estimate it was desired by the Council that henceforth all requirements e.g. design, length etc. for the work may be examined in detail at the estimation stage so as to avoid such revisions subsequently.
04(B-03)	Purchase of LT ACB Panels in two Tier.	Resolved by the Council to accord approval for the purchase of 111 L.T. ACB Two Tier Panels from the eligible lowest tendering firm M/s Surendra Electricals Pvt. Ltd with their Ex-works rates `40,74,938/-, `18,06,048/-, `67,69,774/-, `15,59,736/-, `8,13,340/- & `42,67,901/- (for item Nos.1(a), 1(b), 1(c), 2(a), 2(b) & 2(c) respectively) + ED @ 10.3% Extra (or as applicable) + CST @ 2% against form 'C' + Freight & Insurance {`14,168/- each for item 1(a), `16,327/- each for item 1(b), `18,500/- each for item 1(c), `17,700/- each for item 2(a), `18,020/- each for item 2(b) & `18,500/- each for item 2(c)} + Local Cartage & Handling {`8,732/- each for item 1(a), `6,773/- each for item 1(b), `4,415/- each for 1(c), `5,199/- each for item 2(a), `4,880/- each for item 2(b) & `4,415/- each for item 2(c)} thus making computed cost to `49,05,149.75, `22,16,712.36, `86,70,491.94, `19,60,887.58, `10,29,556.30 & `54,66,179.70 for item no. 1(a), 1(b), 1(c), 2(a),2(b) & 2(c) respectively on terms, conditions & specifications of NIT. The overall computed cost for the purchase of aforesaid 111 LT ACB Panels is `2,42,48,977/- . It was also resolved by the Council that further action may be taken by the Department in

		anticipation of confirmation of the minutes by the Council.
05 (B-04)	Construction of 33/11 KV below Ground Sub-Station of NDMC at Church Road by DMRC.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the estimate furnished by the DMRC for the work of establishing a 33/11KV below ground Sub/station at Church Road for NDMC at the estimated cost of `25,25,54,874/- including Civil/Electrical works and payment of deposit fees @ 12.5% of the actual executed cost of work as per agreed terms & conditions which will be adjusted on pro-rata basis in the advance payments made by NDMC.</p> <p>It was further resolved by the Council that the Memorandum of Understanding may also be executed on mutually agreed terms.</p>
06 (A-01)	Improvement to Staff Quarters at Rohini. SH:-Imp. to 256 NDMC Staff Quarters, Sector – XI Rohini.	<p>Resolved by the Council to accord approval to the proposal of the Sub-committee for Improvement to Staff Quarters at Rohini, at an estimated cost of `3,35,80,000/-.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
07 (A-02)	S/R of roads in NDMC area. SH.: Providing mastic surface on road surface in Khan Market.	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to `1,75,64,600/- for the work of "Sub: - S/R of roads in NDMC area -Providing mastic surface on road surface in Khan Market area.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
08 (A-03)	Desilting and rehabilitation of 1100 mm & 1200 mm dia sewer	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate

	line at Ashoka Road from Nirvachan Sadan to C-Hexagon. (Preliminary Estimate Thereof).	amounting to `7,87,53,000/- for the work of "Rehabilitation of old sewer - Desilting and rehabilitation of 1100 mm & 1200 mm dia sewer line at Ashoka Road from Nirvachan Sadan to C Hexagon."
09 (A-04)	Improvement of Palika Awas Housing Complex, Sarojini Nagar. SH Improvement of Palika Awas Housing Complex, Sarojini Nagar with grit wash plaster using marble chips of different colours.	Resolved by the council to accord administrative approval and expenditure sanction amounting to `1,42,60,000/- for Improvement of Palika Awas Housing Complex, Sarojini Nagar with grit wash plaster using marble chips of different colours. It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.
10 (A-05)	S/R of roads in NDMC area. SH: Providing and Laying cement concrete service roads in Bharti Nagar.	Resolved by the Council to accord Revised Administrative Approval and Expenditure Sanction amounting to `1,32,23,100/- for the work of S/R of roads in NDMC area - Providing and laying of cement concrete service roads in Bharti Nagar. It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.
11 (A-06)	Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-I).	Resolved by the Council to accord:- (a) Approval to carry out Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-I) out of NDMC funds in view of severe hardships faced by residents of the area, in line with its earlier decision taken on 03 Sep.'09 & in supersession of its earlier decision of carrying out these works in anticipation of vesting of roads/parks with Council taken on 30 Sep.'09. (b) Approval for acceptance of the lowest offer

		<p>of M/s. Atcon India Ltd. amounting to `9,74,49,702/- which is 5.42% below the estimated cost of `10,30,34,744/- and 14.13% below the justified cost for the work 'Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-I)'.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
12 (A-07)	Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-II)	<p>Resolved by the Council to accord:-</p> <p>(a) Approval to carry out Improvement & upgradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-II) out of NDMC funds in view of severe hardships faced by residents of the area, in line with its earlier decision taken on 03 Sep.'09 & in supersession of its earlier decision of carrying out these works in anticipation of vesting of roads/parks with Council taken on 30 Sep.'09.</p> <p>(b) Approval for acceptance of the lowest offer of M/s. Atcon India Ltd. amounting to `9,68,44,693/- which is 6.01% below the estimated cost of `10,30,34,744/- and 14.66% below the justified cost of the work 'Improvement & up gradation of colony roads, back lanes taken over from CPWD in Sarojini Nagar (Part-II)'.</p> <p>It was also resolved by the Council that further action may be taken by the Department in</p>

		anticipation of confirmation of the minutes by the Council.
13 (A-08)	Redevelopment of Community Centre at Babar Road.	<p>Resolved by the Council that the work of "Redevelopment of Community Centre at Babar Road" be awarded to the lowest tenderer M/S R.K. Jain & Sons Hospitality Service Pvt. Ltd. at their tendered amount of `1,55,28,611/- which is 4.69% below the estimate cost of Rs.1,62,94,112/- and 0.36% below the justified cost.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
14 (A-09)	Resurfacing of colony roads, lanes by lanes in R-III Division.	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to `1,68,41,000/- for the work of Resurfacing of colony roads, lanes by lanes in R-III division, namely Sarojini Nagar, Netaji Nagar, Nauroji Nagar, West Kidwai Nagar & Moti Bagh (old),</p> <p>It was further resolved that since East Kidwai Nagar area is being taken up for redevelopment, resurfacing work of Colony roads may not be taken up in this area.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
15 (A-10)	Improvement to Palika Gram Housing Complex, Sarojini Nagar. SH: Improvement to toilets, kitchens, flooring and other connected items in flats at Palika Gram Housing Complex.	<p>Resolved by the Council to accord administrative approval and expenditure sanction amounting to `1,35,30,000/- for improvement to toilets, kitchens, flooring and other connected items in flats at Palika Gram Housing Complex.</p> <p>It was also resolved by the Council that further</p>

		action may be taken by the Department in anticipation of confirmation of the minutes by the Council.
16 (E-01)	Administrative Approval and expenditure sanction of Rs.300 Lacs for procurement of Allopathic Medicines for the year 2012-13.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to preliminary estimate of `300 Lacs for purchase of Allopathic Medicines during the year 2012-13.</p> <p>It was further resolved by the Council to accord approval to place supply orders every quarter, based on requirement, during the preceding three months with a provision to place a supplementary order in between, if the need so arises, to the firms under the approved rate contract, which is valid till 12.09.2012.</p>
17 (M-01)	Merger of two Secondary Schools and their up-gradation as a Senior Secondary School and merger & up-gradation of two middle schools to two secondary level schools.	<p>Information furnished by the department as detailed below has been noted by the Council :-</p> <ul style="list-style-type: none"> (i) Merger and up-gradation of two existing NP Secondary Schools (Girls & Boys) in evening & morning shift to NP Co-ed Senior Secondary School at Bapu Dham with commerce and humanities stream initially; (ii) Merger & up-gradation of NP Primary school No. 3 & NP Middle school in the same building to a NP Co-ed Secondary School at East Kidwai Nagar; (iii) Merger & up-gradation of NP Primary School & NP Middle School at Nauroji Nagar to NP Co-ed Secondary School at Nauroji Nagar; <p>Further resolved by the Council to accord approval for creation of 1 post of Principal in the pay scale of `15,600-39,100/- plus Grade pay of `7600/- for the</p>

		aforesaid Sr. Secondary School.
18 (A-11)	Upgradation of Municipal Market Phase-II in NDMC area. SH : Improvement & upgradation of Suvidha Market Netaji Nagar, Vegetable Stall Market Netaji Nagar, Mini Market Laxmi Bai Nagar, Mini Market Sarojini Market, Babar Market Lodhi Colony, Suvidha Market Kaka Nagar, Krishnan Menon Lane Market, Tilak Lane Market & Municipal Market Babar Road.	<p>Resolved by the Council the following:-</p> <p>(i) To accord administrative approval and expenditure sanction to the preliminary estimate amounting `2,62,16,200/- for Improvement & Up-gradation of Suvidha Market Netaji Nagar, Vegetable Stall Market Netaji Nagar, Mini Market Laxmi Bai Nagar, Mini Market Sarojini Nagar, Babar Market Lodhi Colony, Suvidha Market Kaka Nagar, Krishnan Menon Lane Market, Tilak Lane Market & Municipal Market Babar Road.</p> <p>(ii) The revision in rates in licence fee is also approved as under :-</p> <p>a) Krishna Menon Lane market, Babar road Market Tilak Lane Market & Sarojini Nagar Mini Market - no additional license fee is proposed yet, to be levied for the work of up-gradation of façade.</p> <p>b) Kaka Nagar Market and Tajdar Baber Market - minimum license fee @ `.33/- per sq. ft. per month and @ `.29/- per sq. ft. per month respectively, would be charged on completion of the work.</p> <p>c) The markets which are to be demolished and reconstructed, the minimum license fee @ `.40/- per sq. ft. per month would be chargeable. License fee for B and C group of markets were calculated on the basis of FR 45(B) taking 40% of current L&DO land rates for FAR 250 and comprehensive 10% annual rent and</p>

		<p>maintenance on combined land and construction cost as detailed at Annexure-III of the preamble.</p> <p>(iii) Approval is accorded for writing off 65 number of shops in Suvidha Market Netaji Nagar, Vegetable Stall Market Netaji Nagar and Mini Market Laxmi Bai Nagar, which are being dismantled for new construction.</p> <p>Further the Council directed that a proposal for improvement and upgradation of remaining markets/units, may also be examined and processed for consideration of the Council.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
19 (A-12)	Annual facility management services in N.D.M.C. Barat Ghars.	<p>Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to Rs. `2,63,10,000/- for the work of annual facility management services in N.D.M.C. Barat Ghars as per RFP document.</p> <p>It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the minutes by the Council.</p>
20 (C-02)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.100 lacs.	Information noted.
21 (C-03)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
22 (H-01)	Counting of 50% service put up by the employee on daily wager	Resolved by the Council that all TMR/RMR employees, who were regularized, may be extended

	for pensionary benefit.	the benefit of 3 years or 50% actual service rendered by them on daily wages for pensionary benefits with immediate effect.
23 (M-02)	Framing/amendment of Recruitment Regulations for the posts of Computer Lab/IT Assistant, TGT (Computer Science) & Lecturer (Informatics Practices/Computer Science).	Resolved by the Council that the proposed Recruitment Regulations for the posts of Computer Lab/IT Assistant, TGT (Computer Science) & Lecturer (Informatics Practices/Computer Science) are approved.
24 (I-01) (Table Item)	Modern Data Centre at NDMC.	Resolved by the Council to accord administrative approval and expenditure sanction for the estimate amounting to `2,67,40,936/- plus Tax Extra as applicable for establishing a Modern Data Centre for NDMC. The Council also directed to explore the possibility of using NIC Data Centre on rental basis by NDMC for its requirements.

ITEM NO. 02 (A-13)

- 1. Name of Project** : S/R of roads in NDMC area.
 Sub Head : Riding Quality Improvement Programme
 (Phase-II).

- 2. Name of the Department** Civil Engineering Department

3. Brief History of the Project :

A/A & E/S amounting to Rs. 43,48,16000/- accorded by the council vide Item no. 24 (A-15) dated : 28.04.2008, the work was split in two parts at Detailed Estimate stage i.e. (i) Riding quality improvement (Phase-II) and (ii) Riding quality improvement programme (Phase-II) Cold Mix Technology with estimated cost of Rs. 12,05,35,424/- and Rs. 6,77,71,685/- respectively. The work of Riding quality improvement (Phase-II) Cold Mix Technology was awarded with tendered amount of Rs. 8,43,88,578/- which is 24.52% above the estimated cost and the work of Riding quality improvement (Phase-II) was awarded with tendered amount of Rs.15,91,89,192/- which is 32.07% above the estimated cost against the justified rate of 43.91%.

4. Detailed Proposal on the Subject/ Project :-

During the execution of work, additional quantity amounting to Rs.5,67,80,011/- has been executed after obtaining the approval in principle from the competent authority. **Approval of additional quantity statement No. 01 amounting to Rs. 5,67,80,011/- by the NDMC.**

5. Financial implications of the Proposed Project :-

The financial implications of the proposal works out to Rs.5,67,80,011/-

6. Implementation schedule with time limits for such stage including internal processing :

The schedule time for completion of work was twelve months. The extension of time has already been granted by the competent authority to complete the additional work.

7. Comments of the Finance Department on the subject :-

We have no objection to the proposal of the department as at X on page - 126/N i.e. Additional Item Statement-I amounting to Its. 5,67,80,011/- as recommended by CE (C-I) for consideration & approval of the competent authority subject to (i) Availability of Funds (ii) Certification that (a) rates for deviated items have been assessed in terms of Clause 12 of the agreement (b) Additional quantities executed were necessary to complete the work in the interest of the Council (c) Total expenditure including amount of additional items executed is within the permissible limit of A/A & E/S (d) No undue benefit has been extended to the contractor on account of these deviations. (e) Deduction of bitumen rates on account of escalation has been correctly assessed.

8. Comments of the department on the comments of the finance department :-

The replies of the observation of the finance department are as under :-

- (i) Certified that the funds are available in the existing budget.
- (ii) It is certified that :-
 - (a) The rates for deviated items have been assessed in terms of Clause 12 of the Agreement rate.
 - (b) The additional quantities executed were necessary to complete the work in the interest of the Council.
 - (c) The expenditure including these statement will not exceed the permissible derivation limit of A/A & E/S sanction of Rs. 43,48,16,000/- vide item No. 24 (A-15) dated 24.04.2008.
 - (d) No undue benefit has been extended to the contractor on account of these items.
 - (e) The deduction of bitumen rates on account of escalation has been correctly assessed.

9. Final view of the Finance Deptt :-

Finance deptt has concurred the proposal at Page – 127/N vide Diary No. 409/Fin dated : 25.03.2011

10. Legal Implications on the subject :-

NIL

11. Details of previous Council Resolution existing law of Parliament and Assembly on the subject.

NIL

12. Comments of the Deptt. on the comments of Law Deptt.

NIL

13. Final view of law Deptt. :-

NIL

14. Certificate that all Central Vigilance Commission's (CVC) guidelines have been followed while processing the case :-

Certified that necessary guidelines of CVC followed.

15. Recommendations :-

The case is placed before the Council NDMC with recommendations for consideration and to accord the approval to additional quantity statement No. 01 amounting to Rs.5,67,80,011/- for the work **S/R of roads in NDMC area. SH-Riding Quality Improvement Programme (Phase-II).**

16. Draft Resolution:

Resolved by the council to accord approval to the additional quantity statement No. 1 amounting to Rs. 5,67,80,011/- NDMC for the work of S/R of Road in NDMC area. SH: Riding Quality Improvement Program. (Phase -II).

COUNCIL'S DECISION

Deferred by the Council with the direction that the department should come up with a detailed report on the expenditure incurred explaining Additional Quantity Statement, for consideration of the Council, in its next meeting.

ITEM NO. 03 (A-14)**1. Name of Subject :-**

Additional & alteration in Type-IV flats at Sarojini Vihar.

2. Name of Department :-

Civil Engineering Department Zone-II.

3. Brief History of the Subject:-

The construction of the building and the maintenance of the dwelling units for the municipal employees is one of the function of the Council as per section 12 (n) of NDMC Act, 1994. There is one Complex of NDMC at Sarojini Vihar having 24 Type-IV Flats for which a request is received for construction of additional room on behalf of Residents of Type-IV Flats, Sarojini Vihar endorsed by Sh. Varun Kapoor, Dy. Secretary (Grievances) from the office of Chief Minister, Delhi. The issue was examined for feasibility by C.A. Deptt. and Design Division. Accordingly, a drawing was prepared by Chief Architect Department for construction of additional room (3.45mx3.27m) with additional toilet (1.2mx2.0m) after demolition of the existing scooter garage, on the ground floor. The credit of demolished materials have been considered in the estimate. Based on the drawings issued by Architectural Department, the preliminary estimate has been prepared for `1,09,84,235/-.

On addition of one bedroom with toilet, the area of the flat will become 134.05 sq.mt. against the prescribed area of 100.80sq.mt. The new built up area of the flat shall be more than the prescribed area of 100.80 sq.mt. for type-IV flat and less than the area required for type-V flats i.e. 193.97 sq.mt. For increase in area of the flat, the matter was forwarded to the competent authority for obtaining the AIP and it was decided that case be progressed by allowing the additional area with increase in license fee of the allottee by Dir. (MH) on completion of the project.

4. Detailed proposal of the Subject:-

The proposal comprises the additions/alterations in 24 Type-IV Flats by adding one bed room with toilet with the existing structure with RCC frame structure.

Civil Works	:	₹95,62,998/-
Electrical Works	:	₹9,21,237/-
Contingencies @ 5%	:	₹5,00,000/-
Total	:	₹1,09,84,235/-

5. Financial implication of the proposed subject:-

On the basis of the Architectural drawings, issued by Architect Deptt. for construction of additional room with attached toilet in Type-IV Flats, the Preliminary Estimate amounting to ₹1,09,84,235/- prepared on the basis of PAR and DSR duly checked by planning has been concurred by Finance for ₹1,09,84,235/-.

6. Implementation schedule with timelines for each stage including internal processing:-

Time of completion of the Project – 10 months after award of the work.

Likely Time Lines:

P.E.	:	31.05.2012
D.E.	:	30.06.2012
N.I.T.	:	20.07.2012
Award	:	20.10.2012

7. Comments of the Finance Department on the subject:-

The Finance Department has observed vide Diary No.2314/Finance dated 21.11.2011 that "This is an estimate for additional room and toilet in existing staff flats for which FD had advised for obtaining AIP of competent authority duly justifying the proposal within the GOI norms/approved NDMC policy, i.e. with regard to numbers of rooms/total area of the flats after additional room vis-a-vis the entitlement of allottees. Finance Department reiterates its advice to the Department".

8. Comments of Department on the comments on the Finance Department:-

The reply of the department is that the case was sent to Finance for concurrence and Finance had advised for obtaining AIP from the competent authority duly justifying the proposal within the GOI norms/approved NDMC policy i.e. with regards to number of rooms/total area of the flats after additional room vis-a-vis the entitlement of the allottee prior to concurrence in the proposal of preliminary estimate. Accordingly, the department justifying the proposal with the GOI norms/approved NDMC policy submitted the case to competent authority to accord AIP.

9. Final view of Finance Department:-

Finance Deptt. has concurred the proposal vide Diary No.944/Finance dated 30.04.2012 with the advice that to ensure the structural stability of the building as per the resolution passed by Council 05(A-10) dated 26.06.2011 and to ensure necessary clearances from CA & Fire Deptt.

Comments of Department:

It is submitted that structural stability certificate has already been given by EE (Design). Clearance of Chief Architect Department for the scheme is already there as the drawing is already issued by the Chief Architect Department. Regarding clearance from the Fire Department, since height of the building is less than 15 metre, therefore, only fire extinguisher are required for which request is already sent to FO-CUM-NO for necessary action in the matter.

10. Legal implication of the Subject/Project:-

NIL

11. Details of previous Council Resolution/ Existing law of Parliament and Assembly on the Subject.

NIL

12. Comment of the Law Department on the Subject:-

NIL

13. Comments of the Department on the comments of the Law Department:-

NIL

14. Final view of Law Department:-

NIL

15. Certification by the Department that all Central Vigilance (CVC) guidelines have been followed, while processing the case:-

Certified that necessary guidelines of CVC have been followed while processing the case.

16. Recommendation:-

The case is placed before the Council for according Administrative Approval and Expenditure Sanction of the Preliminary Estimate amounting to `1,09,84,235/- for additional & alteration in 24 Type-IV flats at Sarojini Vihar. Permission be also accorded to take further action in anticipation of confirmation of minutes of the meeting of the Council.

17. Draft Resolution

Resolved by the council that A/A & E/S is accorded to the preliminary estimate amounting to `1,09,84,235/- (Rupees One Crore nine lacs eighty four thousand two hundred thirty five only) for additional & alteration in 24 Type-IV flats at Sarojini Vihar.

It was also resolved that further action in the matter be taken in anticipation of confirmation of the Minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the preliminary estimate amounting to `1,09,84,235/- for addition & alteration in 24 Type-IV flats at Sarojini Vihar.

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 04 (B-05)**1. Name of the subject.**

New proposed HT feeds for various 66/11 KV, 33/11 KV and 11 KV Electric Substations from proposed 33 KV Electric Substation Keventer Dairy, New Delhi.

2. Name of the Department : Electricity**3. Brief history of the subject**

NDMC has awarded the work of establishing various 33 & 66 KV Sub-stations at various locations to M/s PGCIL. The work at one of these Sub-stations namely; Sub-station 33 KV Keventer Dairy is completed. To utilize the transformer capacity installed there, some 11 KV feeders have been proposed to be emanated from this Sub-station. After consultation with E.E.(M/S). In one of the meeting in the chamber of S.E.(E-V), E.E.(E)(P.33KV) informed that there is a provision of two numbers HT 11 KV Board in the estimate(having 13 nos. HT panel in each board) at 33 KV of Keventer Dairy. Accordingly, estimate has been prepared in co-ordination with E.E.(M/S). E.E.(M/S) have seen the proposal as suggested by them in the estimate.

4. Detailed proposal on the subject.

- a. 2 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to proposed 33/11 KV Electric Substation at Church Road. (Advisor(Power) suggested that the proposed scheme of laying 2 X 400 sq.mm. 11-KV XLPE cables from Keventer Dairy to Church Road may be executed at the appropriate stage as the establishment of Sub-station at Church road will take to 2-3 years times.
- b. 2 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to proposed 33/11 KV Electric Substation at Sanjay Camp.
- c. 2 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to 66/11 KV Electric Substation at Babu Dham.
- d. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to Electric Substation at S.P. Marg (HT panel to be made vacant).

- e. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to Electric Substation at North Avenue (Existing HT cable from 11 KV Electric Substation Keventer Dairy to North Avenue Via S.P.M. shall be dismantled).
- f. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to Electric Substation Bardolai Marg.
- g. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to Electric Substation at Circular Road.
- h. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to extend Existing cable from Bardolai Marg to Circular Road after taken out from Circular Road Sub-station.
- i. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to extend the Existing cable from new Malcha Marg to fire brigade after taken out from Electric Substation Fire Brigade.
- j. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to extend the Existing cable from Electric Substation S.P. Marg to 11KV Electric Substation Keventer Dairy after taken out from Electric Substation 11 KV Electric Substation Keventer Dairy.
- k. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to Fire Brigade Sub-station.
- l. 1 x 400 sq.mm 11 KV XLPE cable has been proposed from 33 KV Sub-station Keventer Dairy to propose 11KV Electric Substation near Veera Wali Hospital.

5. Financial implications of the proposed project

Financial Implications in the proposal is anticipated to be `5,92,55,500/-

6. Implementation schedule with timeline for each stage including internal processing.

Six months

7. Comments of the Finance Department on the subject

Finance Deptt. comments are as under:-

1. The complete facts of the case have not been brought on record by the department. It has been mentioned that the work of establishing Electric Substation at Keventer Dairy along with other Sub-stations was awarded to M/s PGCIL. Whether the instant proposal of providing various feeds (a to i) is a part of the approval plan or scheme needs to be brought on record. The initial purpose for establishing the Electric Substation at Keventer Dairy also needs to be brought on record.
2. The department may add the relevant file vide which the work of establishing various 33 & 66 KV Sub-stations at various locations were awarded to M/s PGCIL.
3. The department has proposed to dismantle the existing HT cable from 11 KV Electric Substation Keventer Dairy to North Avenue. Whether the said cable has served its useful life or otherwise needs to be brought on record.
4. There are other 33 & 66 KV Sub-stations also which are being established by M/s PGCIL, therefore, it would be appropriate if the proper planning is done keeping all the factors / technical aspect of the schemes in r/o all the Sub-stations.
5. The view of Advisor (Elect) & Advisor (Power) may be obtained in the instant proposal as well as for the proper planning as observed at S.No. 2 above.
6. A project report detailing the cost benefit analysis of the scheme be prepared and be placed in the file.

8. Comments of the department on comments of Finance Department.

Point wise reply to the observations of Finance Deptt. at NP-8 are as follows:-

1. The then NDMC Chairperson constituted an Expert Committee in the year 2005 under the Chairmanship of Sh. Y.P. Singh, Chairman (ECGR Forum NDMC) including Chief Engineer (Elect.) alongwith representative one each of Electrical Deptt. and

Commercial Deptt. and Sh. D.K. Sharma, retired Engineer from the then D.V.B. as its members. This committee had submitted an exhaustive report based on system study, physical inspection of electric sub-stations/system control, deliberations with the field Engineers. The committee further recommended to address weak points by taking urgent actions not only for replacing of old/obsolete outlived cables/equipment but also for augmentation of transformers, feeders, switchgears and associated equipments to meet the increasing load demand and also provide flexibility in the system.

A number of transformers and cables as found overloaded were also advised to be replaced as a major exercise to relieve the system from overloading and leading to repeated interruptions/burning of cables etc. The job being voluminous, though started but could not take the *pace it was required to due* to lengthy procedures involved in sanctioned of estimates, award of work / purchase and inadequate manpower.

In view of above another committee was constituted by Secretary, NDMC vide office order No. 220/PS/ Secretary/D/07 Dt. 23/07/2007 to prepare a road map for the revamping of electrical system in NDMC befitting to the projections upto year 2021 under the overall guidance and convenorship of Sh. Y.P. Singh, Chairman ECGRF.

Accordingly the constituted committee submitted its report in October, 2007 and preliminary estimate for revamping of electrical system of NDMC upto 11 KV amounting to `336.09 crores. Council vide Reso. No. 11(B-15) dated 20-8-08 has accepted/approved. **(Annexure 'I') (See pages 23 – 25).**

2. Agreement between Power Grid Corporation of India Ltd. and NDMC is placed as **Annexure 'II' (See Pages 26 – 41).**
3. Existing HT feed is laid from Kaventer Diary to North Avenue via Swimming Pool E.E.(M/S) has mentioned in his noting that existing feed of 1X300 mm²/3C between Sub-station Kaventor Diary & Sub-station Swimming pool has served its useful life. This feed may be dismantled.
4. Several estimates were framed and approved by the council for evacuation of HT feeders from proposed 33-KV Sub-station i.e. 33/11 KV Sub-station Raja Bazar, 33/11 KV Sub-station Connaught Place, 33/11 Sub-station constitution club and 66/11 KV Sub-station Bapu Dham.

5. The case has already been examined by Advisor (Power) at NP 13/N and recommended to the Finance Deptt. for concur the proposal. Necessary amendment has been made in History Sheet.
6. This is not possible to prepare cost benefit analysis of the scheme. Because Y.P. Singh Committee and subsequent committee have prepared the planning. Keeping in view of present load demand as well as in future load demand and continuity of electric supply etc. in NDMC area as mentioned in para-I.

9. Final views of Finance Department.

On the reply of Deptt. Finance Deptt. has mentioned that we have no objection to the proposal of the department to provide various HT feeds from newly established 33 KV Sub-station at Keventer Dairy at an estimated cost of Rs. 5,92,55,500/-. However it is observed that earlier Council vide Reso. No. 11(B-15) dated 20.08.08 has approved preliminary estimate amounting to `336.099 crores for revamping of electrical system of NDMC up to 11KV. As per implementation schedule, these works (including the proposed one) were required to be carried out till the year 2009. As such department needs to bring the status of various works along with expenditure incurred up-to-date in this regard before seeking approval of competent authority.

In reference of above the Deptt. has clarified that most of the works / schemes as mentioned in the Council Resolution No. 11(B-15) dt. 20.08.2008 have already been prepared and issued for execution. However, there are few schemes including the scheme under consideration could not be completed due to time consumed by PGCIL in completion of 33 KV scheme at Keventer Dairy.

As regards to the update expenditure, it cannot be brought on record at present as various schemes / works are still in progress. However, the total expenditure shall not exceed ` 393.45 crores as resolved by the Council vide Reso. No. 11(B-15) dt. 20.08.2008.

Finally the Finance Deptt. has mentioned that Finance Deptt. has already concurred in the proposal with certain comments. The Department has provided the replies, in the light of which the case may be further processed for seeking approval of the Competent Authority.

10. Legal implication of the subject

Nil

11. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.

Nil

12. Comments of the Department on the comments of Law Department.

Nil

13. Final view of Law Department [wherever necessary].

No legal issue is involve

14. Certificate that all Central Vigilance Commission's guidelines have been followed while processing the case.

It is certified that all Central Vigilance Commission (CVC) guidelines have been followed in processing the case.

15. Recommendation:

The estimate amounting to `5,92,55,500/- for proposed HT feeds for various 66/11 KV, 33/11 KV and 11 KV Electric Substations from proposed 33 KV Electric Substation Keventer Dairy , New Delhi may be placed before the council to accord administrative approval and expenditure sanction. Approval may also be accorded to take further action in anticipation to confirmation of the minutes of Council Meeting.

16. Draft Resolution:

Resolved by the Council that Administrative Approval and expenditure sanction is granted to the estimate amounting to `5,92,55,500/- for proposed HT feeds for various 66/11 KV, 33/11 KV and 11 KV Electric Substations from proposed 33 KV Electric Substation Keventer Dairy, New Delhi. Approval is also accorded to take further action in anticipation to confirmation of the minutes of council meeting.

COUNCIL'S DECISION

Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `5,92,55,500/- for proposed HT feeds for various 66/11 KV, 33/11 KV and 11 KV Electric Substations from proposed 33 KV Electric Substation Keventer Dairy, New Delhi.

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 11 (B-15) dated 20.08.2008

(1) **Name of the work :** Report of the Committee to prepare a Road Map for Revamping electrical system in NDMC constituted vide Office Order No. 220 / PS / Secretary / D / 07 Dt. 23/07/2007 under the overall guidance of Sh. Y.P. Singh.

(2) **Name of the Department :** Electricity Department

(3) **Brief History of the case :**

Replacement/augmentation of electrical system in NDMC area had not been done as required for the last around 8 to 10 or more years. Due to fast development & appreciable load growth in the area, the system was loaded beyond its full capacity. The equipment had become obsolete. The redundancy in the system had been considerably reduced. The necessity for augmentation has thus become inevitable as also brought out by the Expert Committee on its Report on "Power Supply Position in NDMC area" submitted by Sh. Y.P. Singh – Chairman, Electricity Consumer Grievances Redressal Forum for NDMC in November, 2005. The report was accepted and implemented.

However, to meet the increased load demand and in order to maintain good quality electricity supply for Commonwealth Games 2010, with a long term perspective upto 2020, a Committee was constituted vide Office Order No. 220 / PS / Secretary / D / 07 Dt. 23/07/2007 under the overall guidance of Sh. Y.P. Singh comprising of Sh. P.K.Jain - EE (Plg.), Sh. Vijay Singh – EE (System Control), Sh. V.P.Verma – AEE(Plg.), Sh.Ramesh Chandra – AEE(M/F) & Sh. D.K.Sharma – retired Engineer (DVB) to prepare a road map for the revamp of the electrical system in NDMC area

The report has been examined in the department and is agreed.

(4) **Detailed proposal on the Project :**

The above constituted committee has submitted its report and is annexed at ANNEXURE-'A' (See pages 47 - 75). The preliminary estimate for revamping electrical system of NDMC upto 11 KV amounts to Rs.336.09 Crores and to augment 66/33 KV network comes to Rs.57.36 Crores besides the system strengthening works amounting to Rs.200 crores (approx.) being carried by POWERGRID on behalf of NDMC.

(5) **Financial implications :** Financial implications in the proposal is anticipated to be Rs. 393.45 Crores. Yearwise requirement of the funds shall be as under :

(Rs. in Crores)

S.NO.	PROJECT TITLE	2008-09	2009-10
1	Augmentation of 66/33 KV Network	Rs. 37.36	Rs. 20.00
2	Augmentation and strengthening of electrical distribution system in NDMC area.	Rs.186.09	Rs.150.00

(6) **Implementation schedule:** Individual detailed estimate/scheme shall be framed for replacement/augmentation of the transformers, HT/LT panels, HT/LT cables etc. and administrative approval and expenditure sanction of each work shall be obtained separately. Each estimate shall be framed/scrutinized by Planning before seeking administrative approval and expenditure sanction. All the works are likely to be completed by the end of 2009.

(7) **Comments of the Finance Deptt. on the subject :**

Finance Deptt. vide Dy. No. 1308/Finance dated 30-5-08 have commented "We have no objection in the Draft Agenda prepared by the Deptt. for placing the report of Expert Committee before the Council".

(8) **Comments of the Deptt.**

The file was submitted to Chairman, NDMC for placing the Draft Agendum before the Council. The Chairman directed to first discuss this case in the Empowered Committee. Accordingly a meeting of the Empowered Committee was held on 25-6-08 in the Council Room. During the meeting, it was confirmed that the anticipated load growth upto 2020 have been taken care of considering the normal load growth based on past practice in NDMC area, known development plans and unforeseen future requirement of load in NDMC. It was also informed that the total funds required for the revamping during 2008-09 are Rs. 223 crores & for the year 2009-10 it will be Rs. 170 crores approx. These figures do not include the cost of works outsourced to M/s POWERGRID. Further, it was also confirmed that the relevant points raised in the report of M/s PTC have been covered in the Y.P. Singh Committee Report and there are no contradictions in the two Reports. The Minutes of the Empowered Committee Meeting have been circulated by Director GA/CS vide No. F.25 (1)/CS/151/2008/D-175 dated 9-7-08.

(9) **Legal implication of the Project :** No legal implication is involved.

(10) **Details of previous Council Resolution :** NIL

(11) **Comments of Law Deptt. :** Law Deptt. has commented that "At this stage agenda item has no legal implication but this has our concurrence. However, department may ensure that facts and figures are mentioned therein are correct and as per the approval of the competent authority."

(12) **Comments of the Deptt. on the comments of Law Deptt. :** The facts and figures mentioned in the Report are correct and as per the approval of the competent authority.

(13) **Certification by the Deptt. that all Central Vigilance Commission (CVC) guidelines have been followed :** N.A.

(14) **Recommendation :** The Report of Committee on Road Map for Revamping electrical system in NDMC constituted vide Office Order No. 220 / PS / Secretary / D / 07 Dt. 23/07/2007 under the overall guidance of Sh. Y.P. Singh may be placed before the Council for acceptance and also to accord administrative approval and expenditure sanction

of the preliminary estimate for revamping electrical system of NDMC upto 11 KV amounting to Rs.336.09 Crores and to augment 66/33 KV network amounting to Rs.57.36 Crores besides the cost of establishing new grids for which land allotment is in progress amounting to Rs.75 Crores (approx.).

(15) **Draft Resolution** : Resolved by the Council that The Report of Committee on Road Map for Revamping electrical system in NDMC constituted vide Office Order No. 220 / PS / Secretary / D / 07 Dt. 23/07/2007 under the overall guidance of Sh. Y.P. Singh (placed at Annexure-'A') is accepted/approved. The administrative approval and expenditure sanction is accorded for the preliminary estimate for revamping electrical system of NDMC upto 11 KV amounting to Rs.336.09 Crores and to augment 66/33 KV network amounting to Rs.57.36 Crores and the cost of establishing new grids for which land allotment is in progress amounting to Rs.75 Crores (approx.).

COUNCIL'S DECISION

Resolved by the Council to accept the Report of Committee on "Road Map for Revamping electrical system in NDMC" constituted vide Office Order No. 220 / PS / Secretary / D /07 dated 23.07.2007 under the overall guidance of Sh. Y.P. Singh.

It was also resolved to accord administrative approval and expenditure sanction for the preliminary estimate for revamping of electrical system of NDMC, upto 11 KV, amounting to Rs.336.09 crores and to augment 66/33 KV network amounting to Rs.57.36 crores, in addition to the cost of establishing new grids, for which land allotment is in progress, amounting to Rs.75 crores (approx.)

ANNEXURE B 26-41

ANNEXURE END

ITEM NO. 05 (B-06)

1.	Name of the Subject/Project	- SITC of 11 KV, 3 Phase operated 5.04 MVAR capacitor bank in combination of two unit (2.016 MVAR and 3.024 MVAR) for various 33/11 KV E/S/S
2.	Name of the department/departments concerned	- Electricity Department
3.	Brief History of the subject/Project	<p>- Council vide Resolution No: 06(B-19) dated 15/09/2010 accorded Administrative Approval & Expenditure Sanction to the estimate amounting to `273 lakhs for the work of Supply, Installation, Testing & Commissioning (SITC) of 11 KV three phase operated 5.04 MVAr capacitor bank in combination of two unit (2.016 MVAr and 3.024 MVAr) for various 33/11 KV E/S/Ss.</p> <p>Before taking up the work for execution as per the sanctioned estimate some changes were considered necessary in view of the prevailing statutory guidelines and requirements suggested by the user division which were not envisaged in the original sanctioned estimate. As per the sanctioned estimate the capacitor banks are with fixed type manual mode of switching, whereas the statutory requirement mandates that the capacitor bank for installation in sub stations above 5MVA capacity should be with automatic power factor corrector mechanism (APFC). Based on above, the sanctioned estimate has been revised to be in compliance with the guidelines issued by The Government of India vide gazette notification dated 20/08/2010 of Central Electricity Authority (CEA) (ANNEXURE-A) SEE PAGES 46 – 48.</p>
4.	Detailed proposal on the subject/project	- The revised estimate takes into account the material and labour required for providing automatic power factor corrector mechanism as per the guidelines/gazette notification issued by The Government of India vide gazette notification dated 20/08/2010 of Central Electricity Authority and as per actual site conditions in various Electric Sub Stations. The system now

proposed in the revised estimate is for outdoor application as the equipments envisaged cannot be accommodated within the available space inside the sub stations.

The capacitors are proposed for installation in the following sub stations as was proposed in the original estimate and as detailed below: -

S.No.	Name of ESS	Voltage Level of ESS	Proposed Shunt Capacitor Bank of 5.04 MVAR	Remarks
1.	BD Marg	66/11 KV	1	Newly Constructed E/S/S
2.	Bapu Dham	66/11 KV	1	Newly Constructed E/S/S
3.	Shahjahan Road	33/11 KV	2	Existing E/S/S
4.	Mandi House	33/11 KV	2	Newly Constructed E/S/S
5.	State Guest House	33/11 KV	1	Newly Constructed E/S/S
6.	Church Lane	33/11 KV	2	Proposed E/S/S
7.	Janpath	33/11 KV	2	Proposed E/S/S

			<table border="1"> <tr> <td>8.</td> <td>Delhi High Court</td> <td>33/11 KV</td> <td>2</td> <td>Proposed E/S/S</td> </tr> <tr> <td>9.</td> <td>IGNCA</td> <td>33/11 KV</td> <td>2</td> <td>Proposed E/S/S</td> </tr> </table> <p>At present sub stations mentioned at S.No.6,7,8 & 9 are not ready, as such the work would be carried out in a phased manner. In the first phase capacitor bank would be installed at sub stations mentioned at S.No. 1,2,3,4 & 5 followed by others, depending upon the availability of new sub stations.</p>	8.	Delhi High Court	33/11 KV	2	Proposed E/S/S	9.	IGNCA	33/11 KV	2	Proposed E/S/S
8.	Delhi High Court	33/11 KV	2	Proposed E/S/S									
9.	IGNCA	33/11 KV	2	Proposed E/S/S									
5.	Financial implications of the proposed project/subject	-	₹ 6,30,06,000/- (Rupees Six Crores Thirty Lacs Six Thousand Only)										
6.	Implementation schedule with timeliness to reach stage including internal processing.	-	Eight months after the award of the work.										
7.	Comments of the Finance department on the subject	-	<p>Finance has observed as under:</p> <p>"We have no objection to the proposal of the department to seek the fresh approval of competent authority in the revised estimate amounting to ₹ 6,30,06,000/- (Rupees Six Crores Thirty Lacs Six Thousand Only) for the work of SITC of 11 KV 3 phase operated 5.04 MVAr capacitor bank in various 33/11 KV E/S/Ss, in lieu of earlier sanctioned estimate amounting to ₹ 2,73,00,000/- however, while seeking the approval of competent authority, department may bring on record the detail reasons/circumstances under which the work could not be started against already sanctioned estimate and due justification for increase in the cost of estimate may also be explained."</p>										
8.	Comments of the Department on comments of Finance Department	-	With reference to the observations of finance, it is clarified that the work could not be started against already sanctioned estimate as the same was not in compliance with the statutory guidelines issued by Central Electricity Authority vide gazette notification dated 20/08/2010, wherein it is stipulated that										

			capacitor shall be of automatic switched type for sub stations of 5 MVA and higher capacity. Further the cost of revised estimate is based on the current market price of various items included in the work and is supported by budgetary offers from leading firms in the trade.
9.	Final views of Finance department	-	NIL
10.	Legal implication of subject/project	-	NIL
11.	Details of previous Council resolutions existing law of Parliament and Assembly on the subject	-	Council Resolution No. 06(B-19) dated 15/09/2010. (ANNEXURE- B See pages 49 – 51)
12.	Comments of the Law Department.	-	No Legal issue.
13.	Comments of the Department on the comments of Law department	-	NIL
14.	Final view of Law Department wherever necessary	-	No Legal issue.
15.	Certificate that all Central Vigilance Commission's guidelines have been followed while processing the case.	-	It is certified that all CVC guidelines have been followed while processing the case.
16.	Recommendation	-	It is recommended to accord revised Administrative Approval and Expenditure Sanction to the estimate for the work of "SITC of 11 KV, 3 Phase operated 5.04 MVAR capacitor bank in combination of two unit (2.016 MVAR and 3.024 MVAR) for various 33/11 KV E/S/S" amounting to `6,30,06,000/- (Rupees Six Crores Thirty Lacs Six Thousand Only) in place of ` 273 Lacs sanctioned earlier Vide Council Resolution No. 06(B-19) dated 15/09/2010.

17.	Draft Resolution	-	Resolved by the council to accord revised Administrative Approval and Expenditure Sanction to the estimate for the work of "SITC of 11 KV, 3 Phase operated 5.04 MVAR capacitor bank in combination of two unit (2.016 MVAR and 3.024 MVAR) for various 33/11 KV E/S/S" amounting to ` 6,30,06,000/- (Rupees Six Crores Thirty Lacs Six Thousand Only) in place of ` 273 Lacs sanctioned earlier Vide Council Resolution No. 06(B-19) dated 15/09/2010.

COUNCIL'S DECISION

Resolved by the Council to accord revised administrative approval and expenditure sanction to the estimate amounting to `6,30,06,000/- for the work of "SITC of 11 KV, 3 Phase operated 5.04 MVAR capacitor bank in combination of two unit (2.016 MVAR and 3.024 MVAR) for various 33/11 KV E/S/S", in place of `273 Lacs sanctioned earlier Vide Council Resolution No. 06(B-19) dated 15/09/2010.

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99


 सत्यमेव जयते
भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 211]

नई दिल्ली, शुक्रवार, अगस्त 20, 2010/श्रावण 29, 1932

No. 211]

NEW DELHI, FRIDAY, AUGUST 20, 2010/SHRAVANA 29, 1932

CENTRAL ELECTRICITY AUTHORITY

NOTIFICATION

New Delhi, the 20th August, 2010

No. CEA/TETD/MP/R/01/2010.—In exercise of the powers conferred by sub-section (2) of Section 177 of the Electricity Act, 2003, the Central Electricity Authority hereby makes the following regulations namely :—

1. Short Title and Commencement.—(1) These regulations may be called the Central Electricity Authority (Technical Standards for Construction of Electrical Plants and Electric Lines) Regulations, 2010.

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

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

- (a) "Act" means the Electricity Act, 2003;
- (b) "Authority" means the Central Electricity Authority established under sub-section (2) of Section 70 of the Act;
- (c) "Base Load Operation" means operation at maximum continuous rating (MCR) or its high fraction;
- (d) "Basic Insulation Level (BIL)" means reference voltage level expressed in peak (crest) voltage with standard 1.2/50 μ s lightning impulse wave. Apparatus should be capable of withstanding test wave of basic insulation level or higher;
- (e) "Black Start" means the start up of a generating unit or gas turbine or internal combustion (IC) engine based generating set without use of external power following grid failure;
- (f) "Boiler Maximum Continuous Rating (BMCR)" means the maximum steam output, the steam generator (boiler) can deliver continuously at rated parameters;

-
- (2) **Voltage transformers (VTs)**
- (a) Voltage transformers shall conform to relevant IS.
 - (b) The number of secondary cores (protection/metering), accuracy class and burden shall be as per the requirements of the protection system.
 - (c) Voltage transformers shall be of electromagnetic type.
 - (d) The voltage transformers shall be oil filled or cast resin type for outdoor use. The indoor voltage transformers shall normally be cast resin type.
 - (e) The neutral point of star connected secondary windings of voltage transformers shall be earthed. Multiple earthing of voltage transformers shall be avoided under any circumstances.
 - (f) The accuracy class for metering core shall be equal to or better than the accuracy class of the meter specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006.
- 64. Control Room-** (1) Control room shall be provided to house the control and relay panels and all other indoor equipment, and measuring and recording instruments required for control and operation of the sub-station.
- (2) Adequate space shall be provided for the operation and maintenance staff.
 - (3) Provision of space for future expansion shall also be kept.
- 65. Earthing Arrangement-** (1) Earthing shall be provided for:
- (a) Safety of personnel;
 - (b) Preventing and minimizing damage to the equipment as a result of flow of heavy fault currents;
 - (c) Improving reliability of power supply.
- (2) Earthing shall be carried out in accordance with relevant IS and Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations as and when these are notified by the Authority.
- (3) The step and touch potentials shall be within safe limits.
- 66. Reactive Power Compensation-** (1) Shunt capacitors shall be connected on secondary side of 33/11 kV, 33/22 kV or 22/11kV transformers.
-

- (2) Capacitors and the residual voltage transformer shall be as per relevant IS.
 - (3) The capacitors shall be of automatic switched type for sub-stations of 5 MVA and higher capacity.
 - (4) Where un-switched (fixed) capacitors are provided, the rating shall be chosen so as to prevent over compensation during off peak periods.
 - (5) Each capacitor unit shall be provided with a built-in discharge resistor of adequate rating to discharge the residual voltage as per relevant IS.
 - (6) The capacitors shall be fixed firmly to the supporting structure to make them immovable.
 - (7) The capacitors shall be earthed appropriately to avoid accidental leakage of charge.
 - (8) Where the sub-station is feeding loads which have high harmonic levels, suitable harmonic filters shall be installed.
 - (9) In cases of sub-stations loaded with highly fluctuating loads like arc furnaces etc., flickers and voltage regulation problems shall be overcome by installation of static var compensators (SVCs).
- 67. Cables-** (1) Power and control cables of adequate current carrying capacity and voltage rating shall be provided.
- (2) Power cables shall be cross linked poly ethylene (XLPE) insulated, poly vinyl chloride (PVC) sheathed type conforming to relevant IS. Cables shall be flame retardant low smoke (FRLS) type. Cables shall be de-rated for the site's ambient and ground temperature, grouping and soil resistivity as per IS. Proper attention shall be given to ventilation/heat dissipation aspects particularly in case of HV cables.
 - (3) The control cables shall be of copper and conform to relevant IS.
 - (4) Cables shall not be laid directly on the trench floor.
 - (5) The cables shall be segregated by running in separate trenches or on separate racks, with the highest voltage class cables laid at the highest racks/tiers.
 - (6) The cable trenches shall be properly sloped so as to drain freely any water which may enter.

ANNEXURE 'B'**ITEM NO. 06 (B-19)/ 15/9/2010****1. NAME OF WORK:**

SITC of 11KV, 3-phase operated 5.04MVAR Capacitor Bank in combination of two unit (2.016 MVAR & 3.024 MVAR) at various 33/11KV ESS

2. Name of the Department- ELECTRICITY DEPARTMENT**3. Brief history of the proposals-**

As per the statutory Grid Codes and Technical Standards for connectivity to the Grid Regulations notified by Central Electricity Authority (CEA) on 21.02.2007, it is mentioned at Part-IV-Grid Connectivity Standards applicable to be Distribution System and Bulk Consumers under the heading 'Reactive Power'. "The Distribution Licensees shall provide adequate reactive compensation to compensate the inductive reactive power requirement in their system so that they do not depend upon the Grid for reactive power support. The Power Factor of the Distribution System and Bulk Consumer shall not be less than 0.95".

Further, Delhi Grid Code notified on 22.4.08 also clarifies at Clause 16.4.1 "Reactive Power Compensation and/or other facilities shall be provided by Users, as far as possible, in low voltage systems close to be load points there by avoiding the need for exchange of Reactive Power to/from the STS (State Transmission System) and to maintain the STS voltage within the specified range".

During the 13th NRPC Meeting held on 27.6.09, it was decided that each constituent state would install capacitors as per the requirement announcement for the year 2009-10. (5000MVAR for the NR) and further the capacitor requirement in NR for 2.10.12 after considering the additional generation and transmission capacity expected to be to the system. In NDMC the total installed capacity is 109MVAR and all are working. The maximum load of NDMC is 300MW. The analogy of NRPC studies suggest at least 250MVAR capacity is to required for meeting the load demand of 300MW.

Accordingly, NDMC proposed to install the additional 150MVAR shunt capacitor and to be added in the system at 11KV level in phase manner. The estimate for execution of first phase work for 75MVAR has already been issued.

4. Detailed proposal on the Project-

In the second phase additional 75 MVAR Shunt Capacitor is proposed and capacity of 5.04 MVAR each will be installed at following ESS.

SI No	Name of ESS	Voltage Level of ESS	Proposed Shunt capacitor Bank of 5.04 MVAR	Remark
1	B.D Marg	66/11 KV	1	Newly constructed ESS
2	Bapu Dham	66/11 KV	1	Newly constructed ESS
3	Shahjahan Road	33/11KV	2	Existing ESS
4	Mandi House	33/11KV	2	Newly constructed ESS
5	State Guest House	33/11KV	1	Newly constructed ESS
6	Church Lane	33/11KV	2	Proposed ESS

7	Janpath	33/11KV	2	Proposed ESS
8	Delhi High Court	33/11KV	2	Proposed ESS
9	IGNCA	33/11KV	2	Proposed ESS
			15	

5. Financial Implications-

An estimate amounting to Rs.273 Lacs including 3% contingencies has been prepared to cover the cost of the above work.

The expenditure shall be chargeable to the Head of A/c E-4-1 under the Original works for which suitably provision shall be kept in the RE 2010-11 and subsequently in BE-2011-12.

6. Implementation schedule with timeline for each stage including internal processing: -

The scheme will be complete within 10 months after sanction of estimate.

7. Comments of the Finance Department on the subject:-

The Finance Deptt. has concurred the estimate vide diary No.2120/PS/FA/D-10 dated 7.09.2010 with no further comments.

8. Comments of the Department on comments of Finance Deptt:-

Nil

9. Legal implications of the Project: -

No legal implication is involved.

10. Details of Previous Council Resolution:-

Nil

11. Comments of the Law Deptt. on the Project:

Nil

12. Comments of the Deptt. on the Law Deptt:

Nil

13 Certificate on CVC Guidelines:-

All CVC guidelines shall be adhered to while processing the case.

14. Recommendation:-

The estimate amounting to Rs.273 Lacs for SITC of Capacitor Bank at various locations in order to improve the p.f. and voltage profile, may be placed before the Council to accord Administrative Approval and Expenditure Sanction. Since the work is of urgent nature, approval is solicited to take further action in anticipation to confirmation of the Minutes of Council Meeting.

15. Draft Resolution:-

Resolved by the Council that Administrative Approval & Expenditure Sanction is granted to the estimate amounting to Rs.273 Lacs for SITC of Capacitor Bank at various locations in order to improve the p.f. and voltage profile. Further approval is accorded to take action in anticipation to confirmation of the Minutes of Council Meeting.

COUNCIL'S DECISION

Resolved by the Council that Administrative Approval & Expenditure Sanction is granted to the estimate amounting to Rs.273 Lacs for SITC of Capacitor Bank at various locations in order to improve the p.f. and voltage profile.

It was also resolved that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 06 (U-01)**1. Name of the Subject/Project**

Rejection and Recall of tenders for Security and Traffic Services/Arrangements at NDMC Premises under Group Contract 'C', 'D' & 'H'.

2. Name of the department/department concerned.

Security Department.

3. Brief history of the subject/project.

After administrative approval and expenditure sanction amounting to ₹14,26,95,885/- for the work of Security and Traffic Services/ Arrangements at NDMC Buildings under Group A to H for the year 2011-12, the online tenders were invited for both Semi-skilled (C, D & H) as well as Un-skilled (E, F & G) Groups.

4. Detailed proposal on the subject/project.

The tenders for these 6 groups were opened and proposal for awarding the work to L1 bidder(s) was finalized but prior to approval of the competent authority to award the work, the L1 bidder for Group Contract 'H' withdrew stating its inability to execute the work due to some administrative reasons. Rest of five Group Contracts was awarded after proper approval. Out of these, deployment has been made under Group Contracts E, F & G.

M/s Sarvesh Security Services (P) Ltd, the firm to whom the Group Contract C & D were awarded took its own time for mandatory training of required

manpower as per NIT conditions but failed to deploy the guards stating various reasons as is evident from their self explanatory letters.

Since, the firm neither furnished the Performance Guarantee nor commenced the work within stipulated period; therefore; the whole amount of Earnest Money (of both tenders) is liable to be forfeited besides the firm requires to be restricted from participating in re-tendering process.

The issue of non deployment in Group Contract C, D & H was discussed in detail with the concerned firm, Director (IT & Project), Financial Advisor and CVO/Secretary and it is opined that the NIT conditions for these Groups (Semi-skilled Guards) are somewhat tough to comply with in comparison to Group Contract E, F & G (Un-skilled Guards).

In view of above, the case is submitted for obtaining approval of the Council to:-

- (a) Reject the tenders of Group C & D and forfeit the whole amount of Earnest Money deposited by M/s Sarvesh Security Services (P) Ltd. besides restricting the firm from participating in the tendering process for Group C & D.
- (b) Recall the tenders for Group Contract C, D, & H on the same technical criteria and terms and conditions which were followed for already awarded Group E, F & G in anticipation of approval of the Annual Estimate for 2012-13 from the Council. Further; the term of existing contracts for Group C, D & H may be extended till finalization of new contracts.

5. Financial implication of the proposed project/subject

`19491978.00 for Group 'C', `17110924.00 for Group 'D' and `15818085.00 for Group 'H' per annum.

6. Implementation schedule with timeliness for each stage including internal processing.

Two years from the date of deployment i.e. within 10 days after issue of award letter.

7. Comments of the Finance Department on the subject

Finance vide diary No.778/Finance dated 03.04.2012 has no objection as under:

- a) Finance Department has no objection, if the Department obtain the approval of the competent authority for recalling the tenders for

Group C, D & H in anticipation of approval of the Annual Estimate for 2012-13 from the Council.

- b) Further, the Department may again advise to seek the approval of the competent authority in respect of rejection of tenders as in accordance with already advised.

8. Comments of the Department on comments of Finance Department

No Comments. Accordingly the case is being placed before the Council.

9. Final views of Finance Department.

As above.

10. Legal Implication of the subject/project

It has no legal implication.

11. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject

Reso. No. 04 (U-02) dated 31.10.2011 and Reso. No. 07 (U-05) dated 31.10.2011

12. Comments of the Department on the comments of Law Department

No Comments

13. Final view of Law Department

It has no legal issue.

14. Certification that all Central Vigilance Commission's guidelines have been followed while processing the case.

It is certified that all CVC guidelines have been followed while processing the case.

15. Recommendation

(a) Reject the tenders of Group C & D and forfeit the whole amount of Earnest Money deposited by M/s Sarvesh Security Services (P) Ltd. besides restricting the firm from participating in the retendering process for Group C & D.

(b) Recall the tenders for Group Contract C, D, & H on the same technical criteria and terms and conditions which were followed for already awarded Group E, F & G in anticipation of approval of the Annual Estimate for 2012-13 from the Council and confirmation of minutes of the Council Meeting. The term of existing contracts for Group C, D & H may be extended till finalization of new contracts.

COUNCIL'S DECISION

Resolved by the Council to reject the tenders of Group C, D & H and forfeit the whole amount of Earnest Money deposited by M/s Sarvesh Security Services (P) Ltd. besides restricting the firm from participating in the retendering process for

Group C, D & H.

Further the Council also resolved to extend the terms and conditions of the existing contracts for Group C, D & H, till finalization of new contracts.

The Council was of the view that the Work Order should have been issued after 'Performance Guarantee' was executed by the L-1 firm.

The Council further resolved that the department may revisit the pre-qualifying conditions to enable only those firms that can provide the level and quality of security services that the department needs, to submit financial bids.

ITEM NO. 07 (C-05)**CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 100 LACS.**

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.100 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto April, 2012, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 57 – 65).**

COUNCIL'S DECISION

Information noted.

ANNEXURE 09 PAGES

ANNEXURE END.

ITEM NO. 08 (C-06)

ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.

In the Council Meeting held on 28.8.1998, it was decided that the status of execution of all ongoing schemes/works approved by the Council indicating the value of work, date of award/start of work, stipulated date of completion & the present position thereof be placed before the Council for information.

The said report on the status of the ongoing schemes/works upto March, 2012, had already been included in the Agenda for the Council Meeting held on 26.04.2012 & 01.05.2012.

A report on the status of execution of the ongoing schemes/works awarded upto April, 2012, is placed before the Council for information.
(See pages 67 – 118-A).

COUNCIL'S DECISION

Information noted.

ANNEXURE 53 PAGES

ANNEXURE END AT 118 – A (ONE PAGE EXTRA)

ITEM NO. 09 (S-01)

1. **Subject:** Major penalty proceedings initiated against
Sh. S.C. Ahuja, DEO(G)

2. **Name of the Department:** Vigilance Department

3 **Brief History of the subject:** Major penalty proceeding was initiated against Sh. S.C. Ahuja, DEO(G) (Retd.) under Rule 14 of CCS (CCA) Rules 1965, vide Memorandum No.31/CH/Vig./Imp/2008/IOV-II(M) dated 10.09.08 **(Annexure-I)** **(See pages 123-127)** by the Chairman/Disciplinary Authority, NDMC during the period when he was posted in the Education Department, NDMC, New Delhi during the year 2008 for not delivering the office orders dated 05.06.08 & 06.06.08 in respect of Sh. Vivek Negi and Smt. Lalita Chakraborty, Asstt. Teachers respectively regarding their removal from Municipal Service.

4. **Details of the case:**

Articles of Charge

"While working as D.E.O. (G) in Education Department, NDMC, New Delhi during the year 2008, Sh. S.C. Ahuja has failed to maintain absolute devotion to duty in as much as that:-

The Office orders dated 05.06.08 & 06.06.08 in respect of Sh. Vivek Negi and Smt. Lalita Chakraborty, Asstt. Teachers respectively regarding their removal from Municipal Service, were found lying undelivered in the Office of Sh. S.C. Ahuja, DEO (G) till 16.07.08, when an inspection was carried out by the Vigilance Team on 16.07.08.

These orders were found lying under the wooden writing platform kept on the table of Sh. Sanjay Kumar, T.V. Attendant working in the office of DEO (G) who was looking after the work of diary/dispatch.

Thus as D.E.O.(G), he has failed to get the office orders of removal from Municipal Service delivered to Sh. Vivek Negi and Smt. Lalita Chakraborty even after lapse of a period of about one month.

The above act on his part amounts to gross misconduct unbecoming of a Council/Municipal Servant. He has thus violated the provisions of Rule-03 of the CCS (Conduct) Rules, 1964."

5. Findings of Inquiring Authority

The Inquiring Authority submitted the Inquiry Report, vide letter dated 19.05.2009 (**Annexure-II**) (**See pages 128-132**) concluding that the charges leveled against the said Sh. S.C. Ahuja '**as partly proved**'.

6. Submissions made by C.O. against the findings of Inquiring Authority

The findings of the Inquiring Report was sent to Sh. S.C. Ahuja, vide letter dated 30.06.2009 (**Annexure-III**) (**See pages 133-134**) for submitting his representation/ submissions against the findings of the said report. In response, Sh. Ahuja submitted his representation dated 11.07.2009 (**Annexure-IV**) (**See Pages 135-136**).

7. Findings of the Disciplinary Authority

The Disciplinary Authority, vide his note dated 09.09.09 (**Annexure-V**) (**See Pages 137-138**), after having gone through all the records noticed that the Office orders dated 05.06.08 & 06.06.08 for removal of Sh. Vivek Negi and Smt. Lalita Chakraborty, Asstt. Teachers were received in the office of Sh. S.C. Ahuja, the then DEO(G) on 09.06.2008 to get delivered to the individuals and that the same were found lying under the beneath wooden writing platform kept on the table of Sh. Sanjay Kumar, T.V. Attendant alongwith other papers at the time of the surprise inspection on 16.07.2008 by a team of vigilance Department. It was further noticed by him that Sh. Sanjay Kumar was on leave from 09.06.2008 to 13.06.2008 and subsequently from 23.06.2008 to 27.06.2008 and the said office orders were received in the office of the then DEO(G) on 09.06.2008 and therefore, it was onus on the part of the CO to ensure the delivery of the same to the respective officials but he utterly failed to do so. Disciplinary Authority further observed that the CO also failed to apprise Sh. Sanjay Kumar about the receipt of the said office orders on his return from leave. Thus the Disciplinary Authority held the CO guilty of the charges framed in the chargesheet served upon him.

8. Orders of the Chairman/Disciplinary Authority

Keeping in view all the facts and circumstances of the case a penalty of 2% cut in pension for one year was imposed by the Disciplinary Authority/Chairman, NDMC, vide order dated 29.10.09 **(Annexure-VI) (See Page 139)**.

9. Orders of Appellate Authority

Aggrieved with the orders of the Disciplinary Authority , NDMC, Shri S.C. Ahuja, the CO, filed an appeal **(Annexure-VII) (See Pages 140-148)** before the Appellate Authority/Hon'ble Lt. Governor Delhi, who, vide order, dated 02.11.2011 **(Annexure-VIII) (See Page 149)**, set aside the said major penalty of '2% cut in pension for one year' on the ground of lack of jurisdiction with the further directions that the Disciplinary Authority to submit a report recording its findings to the New Delhi Municipal Council for an appropriate view in the matter.

10. Financial implication:

Nil

11. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

13. Comments of the Finance:

N.A.

14. Legal implication:

Sr. Advocate has already advised for placing the case before the Council.
(Annexure-IX See Pages 150-152).

15. Details of previous Council Resolution:

N.A.

16. Comments of the Department on the comments of the Law Department:

In agreement with the Law department.

17. Final View of the Law a Department :

N.A.

18. CVC Advice:

Not required, being class II officer.

19. Recommendation:

For taking an appropriate view in the matter by the Council.

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council unanimously decided to impose penalty of 5% cut in pension for a period of 5 years on Sh. S.C. Ahuja, DEO (G) (Retd.).

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

Annexure pages 30

Annexure End

ITEM NO. 10 (S – 02)

1. **Subject:** **Major penalty proceedings initiated against Sh.A.R. Dhawan, A.E. (C) (Retd.) (31, Main Market, Lodhi Colony)**

2. **Name of the Department:**

Vigilance Department

3. **Brief History of the subject:**

Major penalty proceedings were initiated against Sh. A.R. Dhawan, Assistant Engineer (C) under Rule 14 of CCS (CCA) Rules 1965, vide Memorandum No.11/CH/Vig/Imp/2009/IOV-VI dated 18.03.09 **(Annexure-I) (See Pages 159-163)** during the period when he was posted in the Misuse Cell of the Architect Department in the year 2008 for facilitating the occupants to remove the goods by descaling the premises No.31, Lodhi Colony without approval of the Monitoring Committee.

4. **Details of the case:**

Articles of Charge

"While working as Assistant Engineer in Misuse Cell, Chief Architect Department, NdMC, New Delhi during the year 2008, Sh. A.R. Dhawan has failed to maintain absolute devotion to duty in as much as that:-

He did not take appropriate timely action against the misuse of shop No.31, Main Market, Lodhi Colony, New Delhi before it was inspected by the Monitoring Committee. During the period 11.04.2008 to 04.08.2008, he facilitated the occupants to remove the goods by desealing the premises No.31, Lodhi Colony without approval of the Monitoring Committee.

The above act on his part amounts to misconduct unbecoming of a Council/Municipal Servant. He has thus violated the provisions of Rule-03 of the CCS (Conduct) Rules, 1964."

5. **Findings of Inquiring Authority**

The Inquiring Authority submitted its report vide Inquiry Report dated

19.03.2010 (**Annexure-II**) (**See Pages 164-176**) concluding as under:-

S. No.	Charges	Conclusion
1	CO did not take appropriate timely action against the misuse of Shop No.31 Main Market, Lodi Colony, New Delhi before it was inspected Monitoring Committee.	Not Proved
2	During the period 11.04.08 to 04.08.08, he facilitated the occupants to remove the goods by desealing the premises No.31 Main Market, Lodi Colony without the approval of the Monitoring Committee.	Partly Proved

6. Submissions made by C.O. against the findings of Inquiring Authority

The disagreement alongwith the report of the Inquiring Authority was communicated to the C.O. vide letter dated 29.04.2010 **(Annexure-III)** **(See Page 177)**.

In response, Sh. Dhawan submitted his representation dated 26.07.2010 **(Annexure-IV)** **(See Pages 178-193)**.

7. Findings of the Disciplinary Authority

Subsequently, a hearing was provided to the C.O. by the Chairperson in the interest of the natural justice on 17.08.2010 and observed, vide note dated 26.08.10 **(Annexure-V)** **(See Pages 194-195)** that after going through all the records of the case that the said shop was sealed on 11.04.2008 instead of 10.04.2008 as was directed by the Monitoring Committee during its inspection which is evident with the sealing reports dated 10.04.2008 and 11.04.2008 which indicated that the said shop was not sealed on 10.04.2008 intentionally to facilitate the occupant of the said shop to remove his goods. The Disciplinary Authority, further, noticed that the officials of the misuse Cell of the C.A. Department are not only responsible to check the misuse in the private properties of the NDMC area

but they are also supposed to check the misuse in the Municipal Properties and to take appropriate action against the same as well. The result of the inspection of the main market Lodhi Road carried out by the Monitoring Committee without a doubt establishes the Supervisory lapses on the part of the C.O. and therefore hold the C.O. guilty of the all the charges framed against him.

8. Orders of the Chairman/Disciplinary Authority

Considering all the facts and circumstances of the case, the then Chairman/Disciplinary Authority, under Rule 9 of the CCS (Pension) Rules, 1972, imposed a penalty of 5% cut in pension upon him for one year **(Annexure-VI) (See Pages 196-197)**.

9. Orders of Appellate Authority

Aggrieved with the orders of the Disciplinary Authority , NDMC, Shri A.R. Dhawan, the CO, filed an appeal **(Annexure-VII) (See Pages 198-210)** before the Appellate Authority/Hon'ble Lt. Governor Delhi, who, vide order dated

16.11.2011, set aside the said major penalty of '5% cut in pension for one year' on the ground of lack of jurisdiction with the further directions that the Disciplinary Authority to submit a report recording its findings to the New Delhi Municipal Council for an appropriate view in the matter, **(Annexure-VIII) (See Page 211)**.

10. Financial implication:

Nil

11. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

12. Comments of the Finance:

N.A.

13. Legal implication:

Sr. Advocate has already advised for placing the case before the Council.

(Annexure-IX See Pages 212-214)

14. Details of previous Council Resolution:

N.A.

15. Comments of the Department on the comments of the Law

Department:

In agreement with the Law department.

16. Final View of the Law a Department :

N.A.

17. CVC Advice:

Not required being class II officer

18. Recommendation:

For taking an appropriate view in the matter by the Council.

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council unanimously decided to impose penalty of 5% cut in pension for a period of 3 years on Sh. A.R. Dhawan, A.E. (Civil) (Retd.).

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

Annexure till 214

Annexure End

ITEM NO. 11 (S – 03)**1. Subject:**

Major penalty proceedings against Sh.A.R. Dhawan, A.E. (C) (Retd.) (17, Jor Bagh).

2. Name of the Department:

Vigilance Department

3. Brief History of the subject:

Major penalty proceedings were initiated against Sh. A.R. Dhawan, Assistant Engineer (C) under Rule 14 of CCS (CCA) Rules 1965, vide Memorandum No.23/CH/Vig/Imp/2009/IOV-VI dated 09.06.09 **(Annexure-I) (See Pages 219-223)** by the Chairman/ Disciplinary Authority NDMC, during the period when he was posted in the Misuse Cell of the Architect Department during the period 2007-2008 for his failure to take timely and appropriate action to re-seal the premises No.17, Jor Bagh, New Delhi on 01.04.08 since Supreme Court had earlier extended its de-sealing upto 31.03.08. Further, instead of sealing complete building, only one room of the said premises was sealed on 16.05.08.

4. Details of the case:**Articles of Charge**

“While working as Assistant Engineer in Misuse Cell, Chief Architect Department, NDMC, New Delhi during the the period 2007-2008, Sh. A.R. Dhawan has failed to maintain absolute devotion to duty in as much as that:-

He failed to take timely and appropriate action to re-seal the premises No.17, Jor Bagh, New Delhi on 01.04.08 since Supreme Court had earlier extended its de-sealing upto 31.03.08. Further, instead of sealing complete building, only one room of the said premises was sealed on 16.05.08.

The above act on his part amounts to gross misconduct unbecoming of a Council/Municipal Servant. He has thus violated the provisions of Rule-03 of the CCS (Conduct) Rules, 1964.”

5. Findings of Inquiring Authority

The Inquiring Authority, vide Inquiry Report dated 04.02.2011 **(Annexure-II)** **(See Pages 224-234)** concluded the charges leveled against the said Sh. A.R. Dhawan **‘as proved’**.

6. Submissions made by C.O. against the findings of Inquiring Authority

The findings of the Inquiring Report was sent to Sh. Dhawan vide letter dated 21.04.2011 **(Annexure-III)** **(See Page 235)** for submitting his representation/submissions against the said report.

7. Findings of the Disciplinary Authority

Subsequently, a hearing was provided to the C.O. by the Chairperson in the interest of the natural justice on 02.09.11 and observed, vide note dated 14.10.11 **(Annexure-IV) (Page 236)** that the premises No.17, Jor Bagh, New Delhi was sealed on 31/08/2007 on account of its misuse. Subsequently, the Hon'ble Supreme Court vide its order dated 09/10/2007 had allowed to de-seal the said premises till 11/12/2007 and further extended upto 31/03/2008 vide order dated 11/12/2007, therefore, the premises was to be re-sealed on 01/04/2008 positively. This fact had been brought on record by Sh. Bhagwan Singh, the then Junior Engineer (Misuse) vide his note dated 31/12/2007 after confirming from Shri Surya Kant, Advocate NDMC, representing NDMC and marked the file to C.O. yet, the CO continuously insisted upon for the said Court's order whereas no such order was demanded when the premises was de-sealed on 12/10/2007.

The Chairperson has also taken note of the fact that there had been deliberate efforts not to seal the building in guise of absence of Court's order and the premises was finally sealed but partly on the intervention of the Monitoring Committee, vide their note dated 14/05/2008 wherein it was specifically mentioned that premises should have been sealed by NDMC on 01/04/2008 as per order dated 11/12/2007 of Hon'ble Supreme Court of India but the same was not sealed till that date i.e. 14/05/2008, therefore, they were requested to seal the premises immediately. It is further surprising that the said note was not put up to his superior officers for taking orders. The premises was finally completely sealed on 19/05/2008. The contents of the note dated 16/5/2008 are also an after thought on part of the CO to raise false defence. The Disciplinary Authority, therefore, hold the C.O. guilty of the charges framed against him which warrants for imposition of a major penalty upon him.

8. Orders of the Chairman/Disciplinary Authority

Keeping in view all the facts and circumstances of the case a penalty of 5% cut in pension for one year has been recommended by the Disciplinary Authority/Chairman, NDMC, vide order dated 14.10.11 (**Annexure-V**) (**See Pages 237-240**).

9. Orders of Appellate Authority

Since, in the other cases wherein the orders for cut in pension have been passed by the Disciplinary Authority/ Chairman, NDMC, the Appellate Authority/Hon'ble Lt. Governor Delhi, have set aside the said order of cut in pension on the ground of lack of jurisdiction with the further directions that the Disciplinary Authority to submit a report recording its findings to the New Delhi Municipal Council for an appropriate view in the matter (**Annexure VI See page 241**).

10. Financial implication:

Nil

11. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

12. Comments of the Finance:

N.A.

13. Legal implication:

Sr. Advocate has already advised for placing the case before the Council.

(Annexure-VII See Pages 242-244).

14. Details of previous Council Resolution:

N.A.

15. Comments of the Department on the comments of the Law Department :

In agreement with the Law department.

16. Final View of the Law Department :

N.A.

17. CVC Advice:

Not reqd. being class II officer

18. Recommendation:

For taking an appropriate view in the matter by the Council.

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council unanimously decided to impose penalty of 5% cut in pension for a period of 3 years on Sh. A.R. Dhawan, A.E. (Civil) (Retd.).

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE TILL 244

ANNEXURE END

ITEM NO. 12 (S – 04)**1. Subject:**

Major penalty proceedings against Sh.A.R. Dhawan, A.E. (C) (Retd.) (16, Barakhamba Road)

2. Name of the Department: Vigilance Department

3. Brief History of the subject:

Major penalty proceeding was initiated against Sh. A.R. Dhawan, Assistant Engineer (C) under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Misuse Cell of the Architect Department during the year 2008 for recommending desealing of the basement of premises No.16, Barakhamba Road, New Delhi on the wrong affidavit filed by the party overruling the remarks of the JE(M) dated 09.05.08, without verifying the fact that the basement is meant for parking purposes only.

4. Details of the case:

Articles of Charge {issued vide Memorandum dated 16.04.09 **(Annexure-I)**
(See Pages 249-253)

"While working as Assistant Engineer in Misuse Cell, Chief Architect Department, NDMC, New Delhi during the year 2008, Sh. A.R. Dhawan has failed to maintain absolute devotion to duty in as much as that:-

He recommended desealing of the basement of premises No.16, Barakhamba Road, New Delhi on the wrong affidavit filed by the party overruling the remarks of the JE(M) dated 09.05.08, without verifying the fact that the basement is meant for parking purposes only.

The above act on his part amounts to gross misconduct unbecoming of a Council/Municipal Servant. He has thus violated the provisions of Rule-03 of the CCS (Conduct) Rules, 1964."

5. Findings of Inquiring Authority

The Inquiring Authority submitted the Inquiry Report dated 04.11.2009 (**Annexure-II**) (**See Pages 254-285**) concluding the charges leveled against the said Sh. A.R. Dhawan '**as proved**'.

6. Submissions made by C.O. against the findings of Inquiring Authority

The findings of the Inquiring Report was sent to Sh. Dhawan vide letter dated 16.11.2009 (**Annexure-III**) (**See Page 286**) for submitting his representation/submissions against the findings of the said report. In response, Sh. Dhawan, submitted his representation dated 09.12.2009 (**Annexure-IV**) (**See Pages 287-318**).

7. Findings of the Disciplinary Authority

After having carefully scrutinized all the relevant records of the case including the facts that were emerged at the time of enquiry proceedings, the Disciplinary Authority found **(Annexure-V) (See Page 319)** the CO guilty of recommending for temporary de-sealing of the basement of the premises No.16, Barakhamba Road on the wrong affidavit filed by the party and also ignoring the facts mentioned by the then JE(Misuse) in his note dated 09/05/2008. The CO should have verified the facts with the records available with the NDMC in order to cross check as to whether the facts mentioned in the affidavit submitted by the party are as per the sanction plan of the premises. Thus, the CO utterly failed to properly discharge his duties assigned to him.

8. Orders of the Chairman/Disciplinary Authority

Considering all the facts and circumstances of the case including the findings of the Inquiry Officer, the then Chairman/Disciplinary Authority, under Rule 9 of the CCS (Pension) Rules, 1972, imposed a penalty of 3% cut in pension upon him for one year which may be recovered in one time **(Annexure-VI) (See Pages 320-322)**.

9. Orders of Appellate Authority

Aggrieved with the said orders, an appeal **(Annexure-VII) (See Pages 323-361)** was filed by the said Shri A.R. Dhawan, before the Appellate Authority/Hon'ble Lt. Governor Delhi, who set aside the

said Major Penalty of '**3% cut in pension for one year**', vide order dated 05.11.2011 **(Annexure-VIII) (See Page 362)** on the ground of lack of jurisdiction with the further direction that the Disciplinary Authority would submit a report recording its findings to the New Delhi Municipal Council for an appropriate view in the matter.

10. Financial implication:

Nil

11. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

12. Comments of the Finance:

N.A.

13. Legal implication:

Sr. Advocate has already advised for placing the case before the Council.

(Annexure-IX) (See Pages 363-365)

14. Details of previous Council Resolution:

N.A.

15. Comments of the Department on the comments of the Law Department:

In agreement with the Law department.

16. Final View of the Law Department :

N.A.

17. CVC Advice :

Not required being class II officer

18. Recommendation:

For taking an appropriate view in the matter by the Council.

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council unanimously decided to impose penalty of 5% cut in pension for a period of 3 years on Sh. A.R. Dhawan, A.E. (Civil) (Retd.).

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the Minutes by the Council.

ANNEXURE TILL 365 (117 PAGES)

ANNEXURE END

ITEM NO. 13 (S – 05)**1. Subject:**

Major penalty proceedings initiated against Dr. R. Pal, CMO (Malaria) (Retd.)
the then CMO (License), NDMC

2. Name of the Department: Vigilance Department**3. Brief History of the subject:**

Major penalty proceedings were initiated against Dr. R. Pal, CMO (License) under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003 for having issued health license to a number of firms and also renewed the same despite the fact that there was total ban on issuance of hawking and fresh health licenses during the relevant period as per order of the then Chairman, NDMC.

4. Details of the case:

Major penalty proceedings were initiated against Dr. R. Pal, CMO(License) under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003, vide Memorandum No.80/CH/Vig/Imp/2006/IOV-II(S) dated 05.12.06 **(Annexure-I) (See Pages 377 – 384)** by the Chairman, NDMC as the Disciplinary Authority, as follows:-

Articles of Charge

“While working as Medical Officer of Health during the year 2003, Dr. R. Pal, has failed to maintain absolute integrity/devotion to his duty in as much as that:-

Dr. Dr. R. Pal, the then CMO (License), presently working as CMO (Malaria) has overruled the Chairman’s order and has not obeyed the written instructions issue by the then Chairman vide Orders No.349/PS/Secy./D/98 dated 16.10.1998. The said order was in the notice of Dr. R. Pal, CMO(Lic.). He has given his remarks in the case of M/s Jagadamba Water Cooling Plant & M/s Nav Bharat Cooling Plant. But he has not mentioned the ban order of the Chairman dtd. 16.10.1998 in the following case and on his recommendations, Dr. G.S. Thind the then MOH had approved the proposal of him for grant of health license

1. M/s Shankar Cooling plants.
2. M/s Gagan Cooling Plant.
3. Sh. Radha Charan s/o Sh. Shiv Charan
4. M/s Fab-Café
5. M/s Thanigai Mulgae
6. M/s Jain Dhaba
7. M/s Hotel Inderprastha

The above act on the part of Dr. R. Pal, Health Department besides unbecoming of a Council servant amounts to gross misconduct in the performance of his duties and thus violated the Provision of Rule-39(2) of the NDMC Act-1994.

Statement of imputation of misconduct

“While working as Medical Officer of Health During the year 2003, Dr. R. Pal has failed to maintain absolute integrity/devotion to his duty in as much as that:-

A complaint from Water Cooling Plant Association, New Delhi regarding issuance of licence of cooling plant and 9 trolleys in the name of Sh. Naveen Kumar S/o Sh. Shiv Kumar at Shop No.118, Khan Market new Delhi by illegal means. In the complaint it was alleged that department had shown favour to its employee, Sh. Shiv Kumar, CSI. The licence was issued to Sh. Naveen Kumar, (partner of M/s Nav Bharat Cooling Plant) inspite of ban order of the Chairperson for issuing of licence. It has been revealed from the record that the licences had applied in April 2003 and the licence was issued to him in May 2003. Dr. G.S. Thind the then MOH presently working as Dy.MOH issued the Health Licence to M/s Nav Bharat Water Cooling Plant on 30/5/2003 (one day prior to the joining of new MOH).

Issue of new Cooling plant licence were banned vide order No.349/PS/Secy./D/98 dated 16/10/98 but still this particular licence was granted. Whereas in order of Jagdamba Cooling Plant Dr. G.S. Thind had written that licence cannot be given as there is ban, but he had issued licence to M/s Nav Bharat Cooling Plant without considering the ban. This clearly shows that Dr. R. Pal. had shown undue favour and has given discriminatory treatment in grant of licences to water cooling plants before issued of the licence as under:-

1) M/s Shankar Cooling Plant.

Renewal/Grant- Nine licences were granted to M/s Shankar Cooling Plant on 28/10/2002 and the same was renewed on 29/5/2003 (just 2 days before joining of new MOH). This hawking licence was also granted inspite of the ban. Moreover, this

hawking licence was again renewed on 29/5/2003 i.e. in a single day as the new MOH was to join on the next day.

2) M/s Fab-Cafe

Renewal/Grant- Licence was granted to M/s Fab-Cafe on 4/3/2003 & renewed on 10/5/2003 after one month of grant (before joining of new MOH). Second floor of Khan Mkt. is residential and no commercial activity is allowed over there. In this case, no NOC was obtained from NDMC/L&DO. The party had applied in the last week of Feb. 2003 and licence was granted within a week without completing the codal formalities for Health Licence. Above all this, licence was again renewed in the first week of May, 2003 itself after one month of grant licence as the new MOH was to join in few weeks time.

3) M/s Thanigai Mulgae 46, Janpath, New Delhi.

Renewal/Grant= Licence was granted to M/s Thanigai Mulgae on 3/4/2003 (one month before joining of MOH). 46 Janpath was the old premises of Hotel Sona Roopa. It was sold to Mr. P. Rajgopalan. The new Health Licence was granted to this establishment without following the codal formalities. However, the renewal of this establishment has been withheld.

4) M/s Jain Dhaba, Madras Hotel

Renewal/Grant- Licence was granted on 12/3/2003. This Dhaba is running under extreme unhygienic conditions. Health Deptt. has given numerous notices to him and has confiscated his articles regularly. His request for grant of licence was never acceded to during last 20 years. Health Licence was granted to this Dhaba without adhering to hygiene/sanitation and putting aside all the norms such as NOC from CA and L&DO.

5) M/s Hotel Inderprashta, Lodging House, 19 – Ashoka Road, New Delhi

Renewal/Grant – Licence was renewed to M/s Hotel Inderprashta, Lodging House on 28.2.2003. ITDC had sold the Hotel Ashok Yatri Niwas long back and new party i.e. M/s Inderprastha has purchased it and applied for the licence. This hotel is not functioning at all and its premises is still under construction/renovation but still the Health licence was issued. Licence was granted to this new party without completing the codal formalities of issuing the Health licence such as NOC from CA, Dir. (Tax), L&DO, CFO etc. Moreover, once the hotel has been sold, licence should have been treated as grant in the name of new proprietary, which was not done.

6) M/s Gagan Cooling Plant

Renewal/Grant – Nine licence were granted to M/s Gagan Cooling Plant on 20.1.2003. The hawking licence was granted even after the ban imposed by the Chairman vide orders dated 16/10/1998. This was granted even when the Court case was pending.

7) M/s Radha Charan S/O Late Shiv Charan Hawking Licence for cut fruits.

Renewal/Grant –Licence was granted to Sh. Radha Charan Son of Late Sh. Shiv Charan on 09.01.2003. Chairperson had ordered on 12/6/2000 for cancellation of all the hawking licences, which were not renewed after 1999. No approval from Chairman has been obtained for renewing this sale licence amongst the cancelled licences were 700+. Under orders of the Chairman, issue of new hawking licences are banned in NDMC area. For giving any Hawking licence, the matter should have to be referred to Chairperson before granting any licence in view of Chairman's orders. This was not done in this case.

The above act on the part of Dr. R. Pal, Health Department, NDMC besides unbecoming of a Council servant amounts to gross misconduct in the performance of his duties and thus violated the provisions of Rule 39 (2) of the NDMC Act 1994.

4. Action on Chargesheet

He denied the charges leveled against him vide his defence dated 26.04.07 **(Annexure-II) (See Pages 385-389)**. Accordingly, Sh. G. Sudhakar, Director (Enforcement) was appointed as Inquiring Authority to Inquire into the charges leveled against him vide order dated 25.07.2007 **(Annexure-III) (See Pages 390-391)** of the Chairman as Disciplinary Authority, NDMC.

5. Findings of Inquiring Authority

The inquiring authority submitted its report on dated 21-12-2010 **(Annexure -IV) (See Pages 392-403)** by analyzing the cases in different heads as per the charges as follows:-

5.1 M/s Shankar Cooling Plant

The I.O. agreed with the contention of the C.O. that the licences for running M/s Shankar Cooling Plant and for operating nine water trolleys is not covered under the ban order governing issue/renewal of hawking licences at the time of grant of the said licences and that the MOH is the licensing authority for grant of such licences holds good in the light of the defence documents placed on record and the depositions of the prosecution witnesses namely Lt. Col. S.K. Garg,

Ex-MOH (SW-2), Dr. V.N. Reu, Ex-CMO (SW-1) and Dr. R. Choubey, CMO (SW-3) who have held the senior posts and well versed in the procedures and rules involved in the granting/renewal of such licences and therefore concluded the charge of granting licence to M/s Shankar Cooling Plant despite ban vide order dated 16.10.98 and without the approval of the Chairman, NDMC as '**not proved**'.

However, M/s Jagdamba Cooling Plant was refused grant of licences for operating of water trolleys by the decision of the then MOH solely and not on the basis of recommendation of C.o. who is the CMO (Licensing) as can be seen in the file noting dated 23.04.2003. Hence the charge is **not proved**.

5.2 M/s Fab Café

The I.O. on the basis of the contention of the C.O. that the Health Licence was granted and renewed as per the procedure followed by the Public Health Department which is corroborated by the statement of Dr. R. Chobey, CMO (SW-3) about the procedure of granting health licence and therefore concluded the charge as '**not proved**'.

5.3 M/s Thanigai Mulgae

The I.O. observed that the contention of the C.O. that the Health Licence was granted for the year 2003-04 for running an eating establishment as per the procedure holds good in the light of the favorable inspection report of the area sanitary inspector, recommendation by the CMO (Licensing) [Exh.S-5 (iii)] and as per the Circular No.UO No. 487/Vig./Imp./99/IOV-II(S) dated 19.02.99 (Exh.D-6, Page

no.4) of the then Director (Vig.), NDMC, governing the licensing procedure to be followed in the case of eating establishments by the Health Deptt. of the NDMC. I.O. also observed that the prosecution could not furnish any documentary evidence or witness in support of the charge and therefore concluded the charge as '**not proved**'.

5.4 M/s Jain Dhaba Madras Hotel

The I.O. observed that the C.O. himself rejected the recommendation of the area Sanitary Inspector and CMO (licensing) vide note dated 20.1.2003 [Page 2 of Exh.S-7(i)] on the grounds that preparation of tea, coffee and other food items cannot be prepared by the '*pakoriwala*' in most unhealthy circumstances at the premises and simultaneously marked the file to CMO (Licensing) for conducting a joint inspection but the licence was granted by the C.O. without having recorded any joint inspection report, vide note dated 03.02.03 [page 3 of Exh.S-7(i)] or the reasons for reversing his earlier decision and accordingly concluded the charge as '**proved**'.

5.5 M/s Hotel Indraprastha Lodging House – 19, Ashoka Road, New Delhi

The I.O. accepted the contention of the C.O. that the prosecution has failed to list any document of witness in support of the charge regarding the norms and regulations governing the issued of lodging house during the course of hearing and accordingly concluded the charge as '**Not proved**'.

5.6 M/s Gagan Cooling Plant

The I.O. on the basis of the contention of the C.O. that the Licences for operation of water trolleys granted to M/s Gagan Cooling Plant is not covered under the ban order governing issue/renewal of hawking licences at the time of grant of the said licences and that MOH is the licensing authority for grant of such licences holds good in the light of the defence documents placed on record and deposition of the prosecution witnesses namely Lt. Col. S.K. Garg, Ex-MOH (SW-2), Dr. V.N. Reu (SW-1), Ex-CMO and Dr. R. Choubey (SW-3), CMO who have held senior post in NDMC and thoroughly well versed in the procedures and rules involved in the granting/renewal of such licences and therefore held the charge of granting licence to M/s Gagan Cooling Plant despite ban vide order dated 16.10.98 and without the approval of the Chairman, NDMC as '**not proved**'.

However, the charge of issuing licences inspite of the pendency of the Court case, without obtaining the advice of Law Department as held '**proved**' and, therefore, concluded the charge as '**partly proved**'.

5.7 M/s Radha Charan

The I.O. on basis the contention of the C.O. that the ban order dated 16.10.98 of the Chairman was applicable only for issue of '*fresh hawking licence*' whereas the instant case was regarding '*renewal of existing licence*' and therefore concluded charge as '**Not proved**'.

6. Action on the Inquiry Reports

The findings of the Inquiring Authorities was disagreed and conveyed to the Co, Vide letter dated 26.04.2011 (**Annexure-V**) (**See Page 404**) on the following ground:-

1. He while working as Ex.CMO, NDMC, had recommended for issuance of Health license in the name of M/s Jain Dhaba and M/s Gagan Cooling Plant despite the pendency of Court case in the matter without seeking advice of the Law Department.
 2. License were issued on the recommendation of the C.O. to M/s Shankar cooling Plant, M/s Gagan Cooling Plant, M/s Radha Charan, M/s Fab Café Pvt. Ltd., M/s Thanigai Muglai and M/s Jain Dhaba and also the same were renewed when there was a total ban for the same. He should have mentioned about the Office Order No.349/PS/Secy./D/98 dated 16.10.1998 as he had done in the case of M/s Nav Bharat Cooling Plant and M/s Jagdamba Water Cooling Plant. The mention of said office. The mention of said office order by the C.O. in his note while processing the case in respect of M/s NavBharat Cooling Plant and M/s Jagdamba Water Cooling Plant for issuance of licence clearly establish that there was total ban of issuance of licence during the relevant period and as such the charges of having over ruled the Chairman's order and disobeyed his written instructions. Thus all the charges framed against Dr. Pal held as proved against him.
7. **Submission made by C.O. against the findings of Inquiry/ Authority/ disagreement by the Disciplinary Authority.**

He, vide his 16 pages representation (**Annexure-VI**) (**See Pages 405-420**) has highlighted that the ban order dated 16.10.98 was not applicable to the various Cooling Plant/refrigerated water trolleys in NDMC area and that there was no ban for renewal of the license. He clarified the following points, raised by Vigilance:-

ADVICE OF LEGAL ADVISOR TAKEN

He has submitted that earlier licence was granted to one Manoj Cooling Plant despite pending Court case & without taking advice of the Law Department by his predecessor and that in these two cases Hon'ble Judges had also ordered to decide the same on time bound basis and that the same remained pending for more than 7-8 years whereas they continued to operate there water trolleys under the cover of stay.

DEFINATION OF HAWKERS

He has cited the notification gazette of Delhi Government issued vide No.F(5)/93/PFA 3347 dated 17.07.2000 which states that hawkers means the person who has not fixed place of business and carries the business of selling foods from place to place.

REGARDING VIOLATION OF BAN OF NEW HAWKING LICENCE

He has cited that various hawking licences were issued in 1999(**50 nos.**), 2001(**17 nos.**), 2002(**153 nos.**) and 2003(**98 nos.**) by Hon'ble 3 Chairperson, NDMC inspite of the said Ban order dated 16.10.98.

Para (I) NAV WATER COOLING PLANT.

He stated that the case was scrutinized by the Sanitary Inspector and recommended to grant health licence after the inspection with CMO for nine water trolleys which was further recommended by CMO to MOH.

Para (II) SHANKAR COOLING PLANT

He stated that there was long outstanding pending Court cases and NDMC was restrained from removing their water trolleys. NDMC was advised verbally for settlement. The party agreed to withdraw the court case if, two water plants were granted. Accordingly, after due process of inspection health licence was granted by the MOH. He cited the case of Lok Adalat for compromise a case of Yashwant Place Market.

Para (III) FAB CAFÉ 32, KHAN MKT., NEW DELHI.

As per the lease Deed of L&DO, he cited that the use of 2nd Floor of this premises was for business and not for residence and based on the same, the licence was for pre-cooked food with heating arrangement on Electric heater. He has further stated that he would like to confide with Chairperson personally regarding further clarification in the case.

Para (IV) M/S THANGAI MUGLAE, 46, JANPATH.

He stated that M/s Sona Rupa Restaurant has been doing the business since 1978, duly licensed by the NDMC and it was a simply change of name and working partner. He cited a note dated 24.05.2005 of the then MOH (his successor) who opined that if it is with in rules there should no problem in renewing the health licence and directed to inform CA and Director (Tax) by giving a copy of a letter that licence has been renewed and if there is any objection the same can be revoked. He also mentioned that there was no point writing so many letters again for NOC. The CO has

therefore stipulated that if the establishment was on the wrong footing without codal formalities, then the same would not have been reviewed subsequently.

Para (V) JAIN DHABA.

He stated that he granted the health licence with their remarks that no cooling was allowed and that too after the site was inspected by the SI and CMO who were satisfied and that if there was any in-sanitary conditions, his successor could revoke the said licence. He also cited that subsequently **his successor also granted the licence even for cooking purpose Dhaba.**

Para (VI) M/S GAGAN WATER COOLING PLANT.

He stated that there was long outstanding pending Court cases and NDMC was restrained from removing their water trolleys. NDMC was advised verbally for settlement. The party agreed to withdraw the court case if, two water plants were granted. Accordingly, after due process of inspection health licence was granted by the MOH. He cited the case of Lok Adalat for compromise a case of Yashwant Place Market.

Para (VII) M/S RADHA CHANNAN.

He has stated that he was holding hawking licence since 1968 for selling un-cut fruit and vegetable on cycle but could not get it renewed and was cancelled.

In the case of Jagdamba Cooling Plant the health licence was not rejected but was remarked as "no new health licences can be given till further orders".

8. **Financial implication:**

Nil

9. **Implementation schedule:**

Immediately after the Agenda is accorded by the Council.

10. **Comments of the Finance:**

N.A.

11. **Legal implication:**

N.A.

12. **Details of previous Council Resolution:**

N.A.

13. **Comments of the Department on the comments of the Law Department:**

N.A.

14. **Final View of the Law a Department :**

N.A.

15. **CVC Advice** :

In continuation to our letter No.2547/Vig./Imp./2011 dated 18.10.11
(Annexure-VII) (See Pages 421-425) CVC, vide their O.M. dated
17.11.2011 (page 560/C) **(Annexure-VIII) (See Page 426)**, in agreement

with NDMC advised for imposition of suitable cut-in-pension on Dr. R.Pal, CMO (License) (Retired).

16. Recommendation:

Council is to impose cut in pension of NDMC (Retired employees). Council is, therefore, requested to take a decision on suitable cut in pension of Dr. R. Pal, CMO (License) (Retired).

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council, by majority, decided to impose penalty of 5% cut in pension for a period of 5 years on Dr. R. Pal, CMO (Malaria) (Retd.).

It was also resolved by the Council that the Vigilance Department may take further action for seeking concurrence of UPSC, if required, in anticipation of confirmation of the Minutes by the Council.

ANNEXURE TILL 426

ANNEXURE END

ITEM NO. 14 (S – 06)**1. Subject:**

Major penalty proceedings initiated against Dr. G.S. Thind, Dy. M.O.H. (Retd.)

2. Name of the Department: Vigilance Department**3. Brief History of the subject:**

Major penalty proceedings were initiated against Dr. G.S. Thind, Dy. M.O.H. under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003 for having issued health license to a number of firms and also renewed the same despite the fact that there was total ban on issuance of hawking and fresh health licenses during the relevant period as per order of the then Chairman, NDMC.

4. Details of the case:

Major penalty proceedings were initiated against Dr. G.S. Thind, Dy. M.O.H. under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003, vide Memorandum No.79/CH/Vig/Imp/2006/IOV-II(S) dated 05.12.06 **(Annexure-I) (See Pages 440-449)** by the Chairman, NDMC as the Disciplinary Authority, as follows:-

Articles of Charge

"While working as Medical Officer of Health during the year 2003, Dr. G.S. Thind has failed to maintain absolute integrity/devotion to his duty in as much as that:-

Dr. G.S. Thind, the then MOH, presently working as Dy. MOH granted licence to run Water Cooling Plants and sale refrigerated water through water trolleys by violating of all norms and flouting the Chairman's order for ban to issue of new hawking licences. In case of M/s Nav Bharat Cooling Plants, it has been revealed from the records that the licensee had applied in April, 2003 and the licence was issued to him in May, 2003 inspite of Sanitary Inspector's information regarding ban on issue of new Hawking Licence without seeking the approval of competent authority i.e. Chairperson, prima facie the allegation made in the complaint that Sh. Shiv Kumar, CSI, NDMC got issued licences illegally in the name of his son, Sh. Naveen Kumar, partner of M/s Nav Bharat Water Cooling Plant seems to be correct.

The Cooling plant licences were banned vide order No.349/PS/Secy./D/98 dated 16/10/98 but still this particular licence was granted whereas in one case of M/s Jagdamba Cooling Plant, Dr. G.S. Thind had written that Licence cannot be given as there is ban, but he had issued licence to M/s Nav Bharat Cooling Plant without considering the ban order. No NOC was obtained from the Chief Architect in this case. No approval was sought from the competent authority i.e. Chairperson in view of his previous orders. All the normal codal formalities were by passed to issue licence to Nav Bharat Cooling Plant as new MOH was going to join on the next day. Where as Jafdamba Cooling Plant had not been given the licence because of ban. Ban orders had been mentioned by the Licensing Clerk, Sh. Ramesh Kumar, but Dr. G.S. Thind had over ruled them and issued licence for cooling plants and a water trolleys in the name of M/s Nav Bharat Cooling Plants. Further, Dr. G.S. Thind, the then MOH had also issued the health licence to the following:-

- i) Nine licenses were granted to M/s Shankar Cooling Plant on 28/10/2002 and the same was renewed on 29/5/2003 just 2 days before joining of new MOH.
- ii) Nine licences were granted to M/s Gagan Cooling Plant on 20/1/2003.
- iii) Licence was granted to M/s Jain Dhaba on 12/3/2003.
- iv) Licence was granted to M/s Fab Care, 32.2nd Floor, Khan Mkt. on 4/3/2003 and renewed on 10/5/2003.
- v) Licence was granted to M/s Thanigai Mulgae on 3/4/2003.
- vi) Licence was granted to M/s Hotel Inderprasta, Lodging House, 19, Ashoka Road, New Delhi on 28/2/2003.
- vii) The hawking licence was granted to Sh. Radha Charan S/o Sh. Shiv Charan on 20/1/2003.

The above act on the part of Dr. G.S. Thind, Dy. MOH, Health Department besides unbecoming of a Council servant amounts to gross misconduct in the performance of his duties and thus violated the Provision of Rule-39(2) of the NDMC Act-1994.

(ii) Statement of imputation of misconduct

“While working as Medical Officer of Health During the year 2003, Dr. G.S. Thind has failed to maintain absolute integrity/devotion to his duty in as much as that:-

A complaint from Water Cooling Plant Association, New Delhi regarding issuance of licence of cooling plant and 9 trolleys in the name of Sh. Naveen Kumar S/o

Sh. Shiv Kumar at Shop No.118, Khan Market new Delhi by illegal means. In the complaint it was alleged that department had shown favour to its employee, Sh. Shiv Kumar, CSI. The licence was issued to Sh. Naveen Kumar, (partner of M/s Nav Bharat Cooling Plant) inspite of ban orer of the Chairperson for issuing of licence. It has been revealed from the record that the licences had applied in April 2003 and the licence was issued to him in May 2003. Dr. G.S. Thind the then MOH presently working as Dy.MOH issued the Health Licence to M/s Nav Bharat Water Cooling Plant on 30/5/2003 (one day prior to the joining of new MOH).

Issue of new Cooling plant licence were banned vide order No.349/PS/Secy./D/98 dated 16/10/98 but still this particular licence was granted. Whereas in order of Jagdamba Cooling Plant Dr. G.S. Thind had written that licence cannot be given as there is ban, but he had issued licence to M/s Nav Bharat Cooling Plant without considering the ban. This clearly shows that Dr. G.S. Thind had shown undue favour and has given discriminatory treatment in grant of licences to water cooling plants before issued of the licence as under:-

i) M/s Nav Bharat Cooling Plant

Renewal/Grant- Licence was granted to M/s Nav Bharat Cooling Plant on 30/5/2003 (one day prior to the joining of new MOH).

Cooling plant licences are banned vide order No.349/PS/Secy./D/98 dt. 16/10/98 but still this particular license was granted whereas in one case of "Jagdamba Cooling Plant" Dr. Thind had written that licence cannot be gien as there is ban, but he had issued license to M/s Nav Bharat Water Cooling Plant without bothering about the ban. No NOC was obtained from CA in this case. No approval was sought from the

competent authority i.e. Chairperson in view of his previous orders not to issue any fresh licence to cooling plant. All the normal codal formalities were by passed to issue licence to Nav Bharat Cooling Plant as new MOH was going to join on the next day, whereas Jagdamba Cooling Plant had not been given the licence because of ban. Why this differentiation?

ii) **M/s Shankar Cooling Plant.**

Renewal/Grant- Nine licences were granted to M/s Shankar Cooling Plant on 28/10/2002 and the same was renewed on 29/5/2003 (just 2 days before joining of new MOH). This hawking licence was also granted inspite of the ban. Moreover, this hawking licence was again renewed on 29/5/2003 i.e. in a single day as the new MOH was to join on the next day.

iii) **M/s Fab-Care, 32.2nd Floor, Khan Mkt.**

Renewal/Grant- Licence was granted to M/s Fab-Care on 4/3/2003 & renewed on 10/5/2003 after one month of grant (before joining of new MOH). Second floor of Khan Mkt. is residential and no commercial activity is allowed over there. In this case, no NOC was obtained from NDMC/L&DO. The party had applied in the last week of Feb. 2003 and licence was granted within a week without completing the codal formalities for Health Licence. Above all this, licence was again renewed in the first week of May, 2003 itself after one month of grant licence as the new MOH was to join in few weeks time.

iv) **M/s Thanigai Mulgae 46, Janpath, New Delhi.**

Renewal/Grant= Licence was granted to M/s Thanigai Mulgae on 3/4/2003 (one month before joining of MOH). 46 Janpath was the old premises of Hotel Sona Roopa. It was sold to Mr. P. Rajgopalan. The new Health Licence was granted to this establishment without following the codal formalities. However, the renewal of this establishemtn has been withheld.

v) **M/s Jain Dhaba, Madras Hotel**

Renewal/Grant- Licence was granted on 12/3/2003. This Dhaba is running under extreme unhygienic conditions. Health Deptt. has given numerous notices to him and has confiscated his articles regularly. His request for grant of licence was never acceded to during last 20 years. Health Licence was granted to this Dhaba without adhering to hygiene/sanitation and putting aside all the norms such as NOC from CA and L&DO.

vi) **M/s Hotel Inderprashta, Lodging House, 19 – Ashoka Road, New Delhi**

Renewal/Grant – Licence was renewed to M/s Hotel Inderprashta, Lodging House on 28.2.2003. ITDC had sold the Hotel Ashok Yatri Niwas long back and new party i.e. M/s Inderprastha has purchased it and applied for the licence. This hotel is not functioning at all and its premises is still under construction/renovation but still the Health licence was issued. Licence was granted to this new party without completing the codal formalities of issuing the Health licence such as NOC from CA, Dir. (Tax), L&DO, CFO etc. Moreover, once the hotel has been sold, licence should have been treated as grant in the name of new proprietary, which was not done.

vii) **M/s Gagan Cooling Plant**

Renewal/Grant – Nine licence were granted to M/s Gagan Cooling Plant on 20.1.2003. The hawking licence was granted even after the ban imposed by the Chairman vide orders dated 16/10/1998. This was granted even when the Court case was pending.

viii) M/s Radha Charan S/O Late Shiv Charan Hawking Licence for cut fruits.

Renewal/Grant –Licence was granted to Sh. Radha Charan Son of Late Sh. Shiv Charan on 09.01.2003. Chairperson had ordered on 12/6/2000 for cancellation of all the hawking licences, which were not renewed after 1999. No approval from Chairman has been obtained for renewing this sale licence amongst the cancelled licences were 700+. Under orders of the Chairman, issue of new hawking licences are banned in NDMC area. For giving any Hawking licence, the matter should have to be referred to Chairperson before granting any licence in view of Chairman's orders. This was not done in this case.

The above act on the part of Dr. G.S. Thind, Dy. MOH, Health Department, NDMC besides unbecoming of a Council servant amounts to gross misconduct in the performance of his duties and thus violated the provisions of Rule 39 (2) of the NDMC Act 1994.

4. Action on Chargesheet

He denied the charges leveled against him vide his defence dated 24.04.07 **(Annexure-II) (See Pages 450-480).** Accordingly, Sh. G. Sudhakar, Director (Enforcement) was appointed as Inquiring Authority to Inquire into the charges leveled

against him vide order dated 25.07.2007 (**Annexure-III**) (**See Pages 481-482**) of the Chairman as Disciplinary Authority, NDMC.

5. Findings of Inquiring Authority

The Inquiring Authority submitted its report dated 21.12.10 (**Annexure-IV**) (**See Pages 483-495**) by analyzing the cases in different heads as per the charges as follows:-

5.1 M/s Nav Bharat Cooling Plant

The I.O. agreed with the contention of the C.O. that the licences for running M/s Nav Bharat Cooling Plant and for operating nine water trolleys is not covered under the ban order governing issue/renewal of hawking licences at the time of grant of the said licences and that the MOH is the licensing authority for grant of such licences holds good in the light of the defence documents placed on record and the depositions of the prosecution witnesses namely Lt. Col. S.K. Garg, Ex-MOH (SW-2), Dr. V.N. Reu, Ex-CMO (SW-1) and Dr. R. Choubey, CMO (SW-3) who have held the senior posts and well versed in the procedures and rules involved in the granting/renewal of such licences and therefore concluded the charge of granting licence to M/s Nav Bharat Cooling Plant despite ban vide order dated 16.10.98 and without the approval of the Chairman, NDMC as '**not proved**'.

However, the charge of discriminatory attitude in granting licence to M/s Nav Bharat Cooling Plant in May 2003 while refusing the grant of licence to Water Trolleys by him vide order dated 23.04.2003 in the case of M/s Jagdamba Cooling Plant as held **proved** and, therefore, concluded the charge as '**partly proved**'.

5.2 M/s Shankar Cooling Plant

The I.O. agreed with the contention of the C.O. that the licences for running M/s Shankar Cooling Plant and for operating nine water trolleys is not covered under the ban order governing issue/renewal of hawking licences at the time of grant of the said licences and that the MOH is the licensing authority for grant of such licences holds good in the light of the defence documents placed on record and the depositions of the prosecution witnesses namely Lt. Col. S.K. Garg, Ex-MOH (SW-2), Dr. V.N. Reu, Ex-CMO (SW-1) and Dr. R. Choubey, CMO (SW-3) who have held the senior posts and well versed in the procedures and rules involved in the granting/renewal of such licences and therefore concluded the charge of granting licence to M/s Shankar Cooling Plant despite ban vide order dated 16.10.98 and without the approval of the Chairman, NDMC as '**not proved**'.

However, the charge of discriminatory attitude in granting licence to M/s Shankar Cooling Plant in November, 2002 and May, 2003 respectively while refusing the grant of licence to Water Trolleys by him vide order dated 23.04.2003 in the case of M/s Jagdamba Cooling Plant as held **proved** and, therefore, concluded the charge as '**partly proved**'.

5.3 M/s Fab Café

The I.O. on the basis of the contention of the C.O. that the Health Licence was granted and renewed as per the procedure followed by the Public Health

Department which is corroborated by the statement of Dr. R. Chobey, CMO (SW-3) about the procedure of granting health licence and therefore concluded the charge as '**not proved**'.

5.4 M/s Thanigai Mulgae

The I.O. observed that the contention of the C.O. that the Health Licence was granted for the year 2003-04 for running an eating establishment as per the procedure holds good in the light of the favorable inspection report of the area sanitary inspector, recommendation by the CMO (Licensing) [Exh.S-5 (iii)] and as per the Circular No.UO No. 487/Vig./Imp./99/IOV-II(S) dated 19.02.99 (Exh.D-6, Page no.4) of the then Director (Vig.), NDMC, governing the licensing procedure to be followed in the case of eating establishments by the Health Deptt. of the NDMC. I.O. also observed that the prosecution could not furnish any documentary evidence or witness in support of the charge and therefore concluded the charge as '**not proved**'.

5.5 M/s Jain Dhaba Madras Hotel

The I.O. observed that the C.O. himself rejected the recommendation of the area Sanitary Inspector and CMO (licensing) vide note dated 20.1.2003 [Page 2 of Exh.S-7(i)] on the grounds that preparation of tea, coffee and other food items cannot be prepared by the '*pakoriwala*' in most unhealthy circumstances at the premises and simultaneously marked the file to CMO (Licensing) for conducting a joint inspection but the licence was granted by the C.O. without having recorded any joint inspection report, vide note dated 03.02.03 [page 3 of Exh.S-7(i)] or the reasons for reversing his earlier decision and accordingly concluded the charge as '**proved**'.

5.6 M/s Hotel Indraprastha Lodging House – 19, Ashoka Road, New Delhi

The I.O. accepted the contention of the C.O. that the prosecution has failed to list any document of witness in support of the charge regarding the norms and regulations governing the issued of lodging house during the course of hearing and accordingly concluded the charge as **'Not proved'**.

5.7 M/s Gagan Cooling Plant

The I.O. on the basis of the contention of the C.O. that the Licences for operation of water trolleys granted to M/s Gagan Cooling Plant is not covered under the ban order governing issue/renewal of hawking licences at the time of grant of the said licences and that MOH is the licensing authority for grant of such licences holds good in the light of the defence documents placed on record and deposition of the prosecution witnesses namely Lt. Col. S. K. Garg, Ex-MOH (SW-2), Dr. V.N. Reu (SW-1), Ex-CMO and Dr. R. Choubey (SW-3), CMO who have held senior post in NDMC and thoroughly well versed in the procedures and rules involved in the granting/renewal of such licences and therefore held the charge of granting licence to M/s Gagan Cooling Plant despite ban vide order dated 16.10.98 and without the approval of the Chairman, NDMC as **'not proved'**.

However, the charge of issuing licences inspite of the pendency of the Court case, without obtaining the advice of Law Department as held **'proved'** and, therefore, concluded the charge as **'partly proved'**.

5.8 M/s Radha Charan

The I.O. on basis the contention of the C.O. that the ban order dated 16.10.98 of the Chairman was applicable only for issue of '*fresh hawking licence*' whereas the instant case was regarding '*renewal of existing licence*' and therefore concluded charge as '**Not proved**'.

6. Action on the Inquiry reports

The findings of the Inquiring Authorities was disagreed and conveyed to the CO, vide letter dated 26.04.2011 (**Annexure-V**) (**See Pages 496-497**) on the following ground:-

1. He has shown different attitude in granting licence in the name of M/s Shankar Cooling Plant & M/s Nav Bharat Cooling Plant.
2. He issued licenses in the name of M/s Shankar Cooling Plant, M/s Nav Bharat Cooling Plant, M/s Gagan Cooling Plant, M/s Radha Charan & Thanigai Mulgae inspite of ban order dated 16.10.98, issued by the then Chairman, NDMC whereas he rejected the request received from M/s Jagdamba Water Cooling Plant on the ground of ban order dated 16.10.98, issued by the then Chairman, NDMC.
3. He issued fresh license to M/s Nav Bharat Cooling Plant and renewed the license in r/o M/s Shankar cooling Plant just before two days of joining of Lt. Col. S.K. Garg as MOH which proves the partial and discriminatory attitude in granting licenses.

4. He had not only shown discriminatory attitude in granting licenses but also disobeyed the orders of the Chairman, NDMC by granting license to various firms, therefore, all the charges framed against him are held as proved.

7. **Submissions made by C.O. against the findings of Inquiring Authority/disagreement by the Disciplinary Authority.**

He, vide his 23 paged representation **(Annexure-VI) (See Pages 498-520)** has highlighted that the ban order dated 16.10.98 was not applicable to the various Cooling Plant/refrigerated water trolleys in NDMC area and that there was no ban for renewal of the license. He clarified the following points, raised by Vigilance:-

ADVICE OF LEGAL ADVISOR TAKEN

He has submitted that earlier licence was granted to one Manoj Cooling Plant despite pending Court case & without taking advice of the Law Department by his predecessor and that in these two cases Hon'ble Judges had also ordered to decide the same on time bound basis and that the same remained pending for more than 7-8 years whereas they continued to operate there water trolleys under the cover of stay.

DEFINATION OF HAWKERS

He has cited the notification gazette of Delhi Government issued vide No.F(5)/93/PFA 3347 dated 17.07.2000 which states that hawkers means the person who has not fixed place of business and carries the business of selling foods from place to place.

REGARDING VIOLATION OF BAN OF NEW HAWKING LICENCE

He has cited that various hawking licences were issued in 1999(**50 nos.**), 2001(**17 nos.**), 2002(**153 nos.**) and 2003(**98 nos.**) by Hon'ble 3 Chairperson, NDMC inspite of the said Ban order dated 16.10.98.

Para (I) NAV WATER COOLING PLANT.

He stated that the case was scrutinized by the Sanitary Inspector and recommended to grant health licence after the inspection with CMO for nine water trolleys which was further recommended by CMO to MOH.

Para (II) SHANKAR COOLING PLANT

He stated that there was long outstanding pending Court cases and NDMC was restrained from removing their water trolleys. NDMC was advised verbally for settlement. The party agreed to withdraw the court case if, two water plants were granted. Accordingly, after due process of inspection health licence was granted by the MOH. He cited the case of Lok Adalat for compromise a case of Yashwant Place Market.

Para (III) FAB CAFÉ 32, KHAN MKT., NEW DELHI.

As per the lease Deed of L&DO, he cited that the use of 2nd Floor of this premises was for business and not for residence and based on the same, the licence was for pre-cooked food with heating arrangement on Electric heater. He has further stated that he would like to confide with Chairperson personally regarding further clarification in the case.

Para (IV) M/S THANGAI MUGLAE, 46, JANPATH.

He stated that M/s Sona Rupa Restaurant has been doing the business since 1978, duly licensed by the NDMC and it was a simply change of name and working partner. He cited a note dated 24.05.2005 of the then MOH (his successor) who opined that if it is with in rules there should no problem in renewing the health licence and directed to inform CA and Director (Tax) by giving a copy of a letter that licence has been renewed and if there is any objection the same can be revoked. He also mentioned that there was no point writing so many letters again for NOC. The CO has therefore stipulated that if the establishment was on the wrong footing without codal formalities, then the same would not have been reviewed subsequently.

Para (V) JAIN DHABA.

He stated that he granted the health licence with their remarks that no cooling was allowed and that too after the site was inspected by the SI and CMO who were satisfied and that if there was any in-sanitary conditions, his successor could revoke the

said licence. He also cited that subsequently **his successor also granted the licence even for cooking purpose Dhaba.**

Para (VI) M/S GAGAN WATER COOLING PLANT.

He stated that there was long outstanding pending Court cases and NDMC was restrained from removing their water trolleys. NDMC was advised verbally for settlement. The party agreed to withdraw the court case if, two water plants were granted. Accordingly, after due process of inspection health licence was granted by the MOH. He cited the case of Lok Adalat for compromise a case of Yashwant Place Market.

Para (VII)M/S RADHA CHANNAN.

He has stated that he was holding hawking licence since 1968 for selling un-cut fruit and vegetable on cycle but could not get it renewed and was cancelled.

In the case of Jagdamba Cooling Plant the health licence was not rejected but was remarked as "no new health licences can be given till further orders".

8. Financial implication:

Nil

9. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

10. Comments of the Finance:

N.A.

11. Legal implication:

N.A.

12. Details of previous Council Resolution:

N.A.

13. Comments of the Department on the comments of the Law Department :

N.A.

14. Final View of the Law a Department :

N.A.

15. CVC Advice :

In continuation to our letter No.2547/Vig./Imp./2011 dated 18.10.11 **(Annexure-VII) (See Pages 521-525)** CVC, vide their O.M. dated 17.11.2011 (page 560/C) **(Annexure-VIII) (See Page 526)**, in agreement with NDMC advised for imposition of suitable cut-in-pension on Dr. G.S. Thind, Dy. MOH (Retd.).

16. Recommendation:

Council is to impose cut in pension of NDMC (retired employees). Council is, therefore, requested to take a decision on suitable cut in pension of Dr. G.S. Thind, Dy. MOH (retired).

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council, by majority, decided to impose penalty of 5% cut in pension for a period of 5 years on Dr. G.S. Thind, Dy. M.O.H. (Retd.).

It was also resolved by the Council that the Vigilance Department may take further action for seeking concurrence of UPSC, if required, in anticipation of confirmation of the Minutes by the Council.

Annexure Till 526

Annexure End

ITEM NO. 15 (S – 07)**1. Subject:**

Major penalty proceedings initiated against Sh. Ramesh Kumar, Sr. Assistant (Enforcement) the then licensing clerk (Retd.).

2. Name of the Department: Vigilance Department**3. Brief History of the subject:**

Major penalty proceedings were initiated against Sh. Ramesh Kumar, Sr. Assistant (Enforcement) (Retd.) the then licensing clerk under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003 for having issued health license to a number of firms and also renewed the same despite the fact that there was total ban on issuance of hawking and fresh health licenses during the relevant period as per order of the then Chairman, NDMC.

4. Details of the case:

Major penalty proceedings were initiated against Sr. Assistant (Enforcement) (Retd.) the then licensing clerk under Rule 14 of CCS (CCA) Rules 1965 during the period when he was posted in the Health Department during the year 2003, vide Memorandum No.81/CH/Vig/Imp/2006/IOV-II(S) dated 05.12.06 **(Annexure-I) (See Pages 533-539)** by the Chairman, NDMC as the Disciplinary Authority, as follows:-

(i) Articles of Charge

"While working as Licensing Clerk in Health Department during the year 2003, Sh. Ramesh Kumar has failed to maintain absolute integrity/devotion to his duty in as much as that:-

Sh. Ramesh Kumar the then Licensing Clerk presently working as Sr. Asstt. In Enforcement Department has over rules the Chairman's orders and has not obeyed the written instructions issued by the then Chairman vide orders No.349/PS/Secy./D/98 dated 16.10.98. He has mentioned the ban order dated 16.10.98 in the case of M/s Jagdamba Cooling Plant and M/s Nav Bharat Cooling Plant. He has not mentioned the said order in the following cases and recommended for renewal of Health Licences to the MOH and not mentioned the orders of the then Chairperson dated 16/10/98. On his recommendations, the then MOH had approved the proposal for grant of health Licence to the following cases:-

1. M/s Shankar Cooling Plants.
2. M/s Gagan Cooling Plant.
3. Sh. Radha Charan S/O Sh. Shiv Charan.

The above act on the part of Sh. Ramesh Kumar, the then Licensing Clerk, Health Department besides unbecoming of a Council servant amounts to gross misconduct in the performance of his duties and thus violated the Provision of Rule-39(2) of the NDMC Act-1994.

(ii) Statement of imputation of misconduct

While working as Licensing Clerk during year 2003, Shri Ramesh Kumar has failed to maintain absolute integrity/devotion to his duty in as much as that:-

A complaint from Water Cooling Plant Association, New Delhi regarding issuance of license of cooling plant and 9 trolleys in the name of sh. Naveen Kumar S/o Sh. Shiv Kumar at Shop No.118, Khan Market, New Delhi by illegal means. In the complaint it was alleged that department had shown favour to its employee, Sh. Shiv Kumar, CSI. The licence was issued to Sh. Naveen Kumar, (partner of M/s Nav Bharat Cooling Plant) insptie of ban order of the Chairperson for issuing of licence. It has been revealed from the record that the licences had applied in April 2003 and the licence was issued to him in May 2003. Dr. G.S. Thind the then MOh presently working as Dy. MOH issued the Health Licence to M/s Nav Bharat Water Cooling Plant on 30.05.2003(one day prior to the joining of new MOH).

Issue of new Cooling Plant licence were banned vide order No. 349/PS/Secy./D/98 dated 16.10.98 but he had recommended to issue the licence to M/s Shankar cooling Plant, M/s Gagan Cooling Plan, Shri Radha Charan S/O Late Sh. Shiv Charan, without considering the ban. He has mentioned the ban order dated 16.10.98 in the case of M/s Jagdamba Cooling Plants and M/s Nav Bharat Cooling Plants. This clearly shows that Shrio Ramesh Kumar had shown undue favour and has given discriminatory treatment in grant of licenses to the following before issue of the licence as under:-

a) **M/s Shankar Cooling Plant**

Renewal/Grant – Nine Licences were granted to M/s Sankar Cooling Plant on 28.10.2002 and the same was Renewed on 29.5.2003 (just 2 days before joining of new MOH). This hawking licence was also granted inspite of the ban. Moreover, this hawking licence was again renewed on 29.5.2003 i.e. in a single day as the new MOH was to join on the next day.

b) M/s Gagan Cooling Plant.

Renewal/Grant – Nine Licences were granted to M/s Gagan Cooling Plant on 20.1.2003. The Hawking licence was granted even after the ban imposed by the Chairman vide orders dated 16.10.1998. This was granted even when the Court case was pending.

c) M/s Radha Charan S/o Late Shiv Charan Hawking Licence for cut fruits.

Renewal/Grant – Licence was granted to Sh. Radha Charan son of Late Sh. Shiv Charan on 9.1.2003. Chairperson had ordered on 12.6.2000 for cancellation of all the hawking licences, which were not renewed after 1999. No approval from Chairman has been obtained for renewing this sale licence amongst the cancelled licences were 700+.

Under orders of the Chairman, issues of new hawking licences are banned in NDMC area. For giving any Hawking licence, the matter should have to be referred to Chairperson before granting any licence in view of Chairman's orders. This was not done in this case.

The above act on the part of Sh. Ramesh Kumar, the then Licencing Clerk, Health Department, NDMC besides unbecoming of a Council servant amounts to gross

misconduct in the performance of his duties and thus violated the provisions of Rule 39 (2) of the NDMC Act 1994.

4. Action on Chargesheet

He denied the charges leveled against him vide his defence dated 11.01.2007 **(Annexure-II) (See Pages 540-542)**. Accordingly, Sh. G. Sudhakar, Director (Enforcement) was appointed as Inquiring Authority to Inquire into the charges leveled against him vide order dated 25.07.07 **(Annexure-III) (See pages 543-544)** of the Chairman as Disciplinary Authority, NDMC.

5. Findings of Inquiring Authority

The Inquiring Authority submitted its report dated 21.12.10 **(Annexure-IV) (See Pages 545-552)** by analyzing the cases in different heads as per the charges as follows:-

5.1 Shankar Cooling Plant

The contention of the C.O. that the licensing clerk is not the recommending authority for grant of licence for operation of water trolleys holds good in light of the depositions of the prosecution witnesses. The charge of the prosecution is that the C.O. has shown partiality and discriminatory attitude in recommending the grant and renewal of licence to M/s Shankar Cooling Plant in November 2002 and May 2003 respectively by not mentioning the above mentioned ban order while not recommending the same in the case of M/s Jagdamba Cooling Plant in April 2003. Charge is **not proved**.

5.2 M/s Gagan Cooling Plant

The contention of the C.O. that the licensing clerk is not the recommending authority for grant of licence for operation of water trolleys holds good in light of the depositions of the prosecution witnesses. The charge of the prosecution is that the C.O. has shown partiality and discriminatory attitude in recommending the grant and renewal of licence to M/s Gagan Cooling Plant in November 2002 by not mentioning the above mentioned ban order while not recommending the same in the case of M/s Jagdamba Cooling Plant in April 2003. Charge is **not proved**.

5.3 M/s Radha Charan S/o late Shiv Charan

The contention of the C.O. hold good considering that in the ban order dated 16.10.98, it is clearly specified that the ban is only for issue of fresh hawking licence. The charge is **not proved**.

6. Action on the Inquiry Reports

The findings of the Inquiring Authorities was disagreed and conveyed to the CO, vide letter dated 26.04.2011 (**Annexure-V**) (**See Page 553**) on the following grounds:-

7. Submissions made by C.O. against the findings of the Inquiring Authority/disagreement by the Disciplinary Authority.

He vide his 6 paged representation (**Annexure-VI**) (See pages 554-559) has highlighted that the ban order dated 16.10.98 was not applicable to the various cooling plants/refrigerated water trolleys in NDMC area and that there was no ban for renewal of the license.

ADVICE OF LEGAL ADVISOR TAKEN

He has submitted that earlier licence was granted to one Major Cooling Plant despite pending Court case & without taking advice of the Law Department by his predecessor and that in these two cases Hon'ble Judges had also ordered to decide the same on time bound basis and that the same remained pending for more than 7-8 years whereas they continued to operate there water trolleys under the cover of stay.

DEFINATION OF HAWKERS

He has cited the notification gazette of Delhi Government issued vide No.F(5)/93/PFA 3347 dated 17.07.2000 which states that hawkers means the person who has not fixed place of business and carries the business of selling foods from place to place.

REGARDING VIOLATION OF BAN OF NEW HAWKING LICENCE

8. Financial implication:

Nil

9. Implementation schedule:

Immediately after the Agenda is accorded by the Council.

10. Comments of the Finance:

N.A.

11. Legal implication:

N.A.

12. Details of previous Council Resolution:

N.A.

13. Comments of the Department on the comments of the Law Department:

N.A.

14. Final View of the Law a Department :

N.A.

15. CVC Advice:

In Continuation to our letter No.2547/Vig/Imp/2011 dated 18.10.11 **(Annexure-VII) (See Pages 560-564)** CVC, vide their O.M. dated 17.11.2011 (page 560/C) **(Annexure-VIII) (See Page 565)**, in agreement with NDMC advised for imposition of suitable cut-in-pension on Sh. Ramesh Kumar, Licensing Clerk (Retired).

16. Recommendation:

Council is to impose cut in pension of NDMC (retired employees). Council is, therefore, requested to take a decision on suitable cut-in-pension of Sh. Ramesh Kumar, Sr. Assistant, Licensing Clerk (Retired).

COUNCIL'S DECISION

The details of the case were explained to the Council by Director (Vigilance). After considering the facts of the case, as brought out in the agenda circulated and gravity of charges, the Council, by majority, decided to impose penalty of 5% cut in pension for a period of 5 years on Sh. Ramesh Kumar, Sr. Assistant (Enforcement) (Retd.).

Since the official is a co-charged officer, involved with other charged officers of Group 'A', it was also resolved by the Council that the Vigilance Department may take further action for seeking concurrence of UPSC, if required, in anticipation of confirmation of the Minutes by the Council.

Annexure (33 pages) till 565

Annexure End

ITEM NO. 16 (A – 15)**1. Name of the subject/project**

Sub.: S/R of roads in NDMC area.

SH: Resurfacing of B.K. Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub-Division-III area.

2. Name of the Department/departments concerned

Civil Engineering Department, Road-II Division

3. Brief history of the subject/project

- a) During inspection in around Jor Bagh Lane, B.K. Dutt Colony, Aliganj and other colony service roads condition of roads was found to be pathetic and it was desire to take action for resurfacing the road of the area.
- b) The condition of road are in a very bad shape and the day by day its condition is deteriorating. Surface is wornout due to raveling.
- c) The CRRI has evaluated the road surface and recommended the bituminous mastic treatment. The same has been taken for estimate. Accordingly preliminary Estimate has been prepared by the project team for Rs.4,43,98,000/- which has been checked by Planning Division.

4. Detailed proposal on the subject / project

- (i). Tack Coat
- (ii). DBM 50mm thick
- (iii). Mastic Asphalt 25mm thick

5. Financial implications of the proposed project/subject

The financial implications of the proposal works out to Rs.4,43,98,000/-.

6. Implementation schedule with time line for each stage including internal processing

The schedule with time line for each stage including internal processing work is as under: -

One month for Approval of Detailed Estimate

One month for Approval of NIT

One & Half Month for Award of work

Completion of work has been taken for three months.

7. Comments of finance department on the subject with diary No. & date

Finance Department vide diary No. 1142/Finance/R-Civil dated 18.5.2012 has concurred the Preliminary Estimate and mentioned that "*FD has no objection to the proposed estimate as checked by Planning for placing before competent authority for obtaining A/A & E/S. However, as it has been mentioned by the department that no water logging has been seen in the above area, we advise the department for reconsideration & deletion of 10% provision kept on lump sum basis on account of improvement of drainage system where there is no such requirement of this work*".

8. Comments of the department on the comments of Finance Department

After raising of roads and lanes, surface, the drainage problem may occur that provision of 10% of drainage work may considered for future prospect and preliminary estimate amounting to Rs.4,43,98,000/- may be considered.

9. Legal Implication of the subject/proposal

No legal Issue.

10. Detail of previous Council Resolution, existing law of Parliament and Assembly on the subject.

N.A.

11. Comments of Law Department on the subject/project.

Law Department commented that *" This has no legal issue. However, work in B.K. Dutt Colony may be taken up only of seeking clarification from Additional Standing Council that there is no stay from the Court"*.

12. Comments of the Department on the comments of the Law Department.

There is no legal issue as well as no stay from the Court.

13. Certificate by the Department that while processing the case, all guidelines of the CPWD Manual has been followed.

Certified that all guidelines of CVC has been followed.

14. Recommendations

The case is placed before the Council for consideration and

- (a) To Accord of Administrative Approval and Expenditure Sanction for Rs. 4,43,98,000/- for the work of "Pavement improvement programme during 2011-12. Sub Head: Improvement to footpath at Janpath Road from Maulana Azad Road to Claridge Hotel Round about and Rajesh Pilot Marg.
- (b) To initiate further action in anticipation of confirmation of minutes of the Council Meeting.

15. Draft Resolution

Resolved by the Council that the proposal to accord of Administrative Approval and Expenditure Sanction for Rs.4,43,98,000/- for the work of "Pavement improvement programme during 2011-12. Sub Head: Improvement to footpath at Janpath Road from Maulana Azad Road to Claridge Hotel Round about and Rajesh Pilot Marg and to initiate further action in anticipation of approval of minutes of Council meeting.

COUNCIL DECISION

Statement of CE(C-I), regarding typographical error in para 14 (a) & 15 of the agenda circulated, was taken on record.

The Council further resolved to accord of Administrative Approval and Expenditure Sanction for `4,43,98,000/- for the work of S/R of roads in NDMC area. SH: Resurfacing of B.K. Dutt Colony, Aliganj Colony, Lodhi Colony, Jor Bagh Colony Road and other colony service roads in Sub-Division-III area.

It was also resolved by the Council that further action in the matter be taken in anticipation of confirmation of the Minutes by the Council.

ITEM NO. 17 (C – 07)

Confirmation and signing of the minutes of the Council's Special Meeting No. 02/2012-13 held on 22.05.2012 **(See pages 570)**.

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S SPECIAL MEETING NO. 02/2012-13 HELD ON
22.05.2012, AT 4-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	02/2012-13
DATE	:	22.05.2012
TIME	:	4-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|-------------------------|---|--------------------------|
| 1. | Ms. Archana Arora | - | Presiding Officer |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Karan Singh Tanwar- | | Member |
| 4. | Sh. Ashok Ahuja | - | Member |
| 5. | Sh. Dharampal | - | Member |
| 6. | Sh. D.S. Pandit | - | Secretary |

Due to pre-occupation of Sh. Ajay Maken, MP, Minister of State (I/C) for Sports and Youth Affairs, in the Parliament, oath could not be administered. The meeting was adjourned for a date to be notified.

The meeting ends with a vote of thanks to the Chair.

Sd/-
(D.S. PANDIT)
SECRETARY

Sd/-
(ARCHNA ARORA)
PRESIDING OFFICER

Resolution moved by Shri Karan Singh Tanwar, Member, NDMC U/s 23 of NDMC Act, 1994 Regarding regularisatin of services of Doctors, Data Entry Operators, Teachers, Engineers, Beldars, Malis, Helpers and Other employees of class-I to Class IV by giving them one time relaxation in various requirements of recruitment rules for their respective posts.

It has been observed that various employees of Class-I to Class-IV category i.e. Doctors, Data Entry Operators, Teachers, Engineers, Beldars, Malis Helpers and Persons on other posts are working on contract/adhoc and muster roll for the last even upto 14-18 years. This fact transpires that the NDMC was regularly in need to their services for those respective posts which have not been filled in due to various reasons.

Lastly, when the matter of regularisation of their services was taken up, the same could not be finalized as such persons were allegedly not fulfilling the various conditions of Recruitment Rules for their respective posts like qualifications, age etc. etc. Resultantly, the tenure of most of such employees was not extended despite their having excellent past record. The NDMC has previously also regularized/promoted various personnel by giving them one time relaxation in required criteria of RRs.

In view of the above, it is resolved that the Council may regularize the services of various employees of Class-I to Class-IV category i.e. Doctors, Data Entry Operator, Teachers, Engineers, Beldars, Malis Helpers and persons on other posts are working on contract/adhoc and muster roll by giving them one time relaxation in certain conditions mentioned in Recruitment Rules for respective posts.

COUNCIL'S DECISION

The Council directed that a report on the issue be placed before the Council, after getting necessary inputs from the concerned department.

(D.S. PANDIT)
SECRETARY

(SHEILA DIKSHIT)
PRESIDING OFFICER