

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 11/2013-14 DATED 06.02.2014 AT 4-00 P.M.

Arrangement of business

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ITEM NO. 01 (C-27)

Confirmation and signing of the minutes of the Council's Meeting No. 09/2013-14 held on 29.01.2014. (See pages 3 - 7)

COUNCIL'S DECISION

Minutes confirmed by the Council subject to the condition that in the decision of the Council taken against Item No. 01 (C-24) the following Para may be added

6. "To grant RMR status to TMRs, who have completed 500 days as on 31.01.2014."

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 09/2013-14 HELD ON 29.01.2014, AT 10-00 A.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	09/2013-14
DATE	:	29.01.2014
TIME	:	10-00 A.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|-----------------------|---|--------------------------|
| 1. | Sh. Ajay Maken | - | Presiding Officer |
| 2. | Jalaj Shrivastava | - | Chairperson |
| 3. | Smt. Tajdar Babar | - | Vice Chairperson |
| 4. | Sh. Dharmendra | - | Member |
| 5. | Sh. Ashok Ahuja | - | Member |
| 6. | Sh. I.A. Siddiqui | - | Member |
| 7. | Sh. Suka Ram | - | Member |
| 8. | Sh. Vikas Anand | - | Secretary |

ITEM NO.	SUBJECT	DECISION
01 (C-24)	Confirmation and signing of the minutes of the Council's Meeting No. 08/2013-14 held on 10.01.2014.	Minutes confirmed subject to condition that the decision of the Council against Item No. 20 (H-02) be read as under :- The Council has resolved that the proposal regarding

		<p>policy for appointment/regularization of TMR / RMR / contractual workers etc. is approved in principle with the following amendments: -</p> <ol style="list-style-type: none"> 1. RMR workers at present working in NDMC shall be regularized as Group 'D' in 6th CPC scale w.e.f. 01.04.2014 subject to availability of vacancies. 2. None of the employees RMR or TMR/contractual will be rendered ineligible on the basis of qualification and age as per RRs. This is a one-time relaxation only and not to be quoted as precedent. However, this relaxation will not be available to any other applicant or to employees of other organizations applying for the post of Group 'D' and they have to fulfil all the eligibility criteria as per the RR. 3. In case of educational qualification being 'Literate' as defined by the Govt the weightage will be 15 marks. In case of more educated employees, the qualification shall be measured as weightage given for selection procedure i.e. 5th class: 16 marks, 8th class: 18 marks, and 10th class and above: 20 marks. 4. Professional experience and training is defined as experience in the same profession in Autonomous Body, Local Body, Public Sector Undertaking etc. under any government Central or State or diploma for certificate in their respective profession. 5. The vacancies will be filled in a calibrated manner on the basis of vacancies available.
02 (B-15)	Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE	Resolved by the Council that approval is accorded to award the work of Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of

	<p>Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area.</p> <p>Tender ID No. 2013_NDMC_28315_1 Award of work ` 6,98,97,433/-</p>	<p>HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% computed on the basis of tendered cost of L-1 firm amounting to `6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three) on the terms, condition & specifications of the NIT:</p> <ol style="list-style-type: none"> 1. M/s Creative Enterprises for `2,79,58,973/- (Two Crore Seventy Nine Lacs Fifty Eight Thousand Nine Hundred Seventy Three) being 40% of the tendered amount of L-1 firm. 2. M/s B.K. Power Enterprises for `2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm. 3. M/s Nav Shakti Traders for `2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm. <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>
03 (B-16)	<p>Annual Contract for laying of U/G LT Cables, Dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area.</p> <p>Tender ID No. 2013_NDMC_28323_1 Award of work ` 3,86,16,114/-</p>	<p>Resolved by the Council that approval is accorded to award the work of Annual Contract for laying of U/G LT Cables, dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to `3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen) on the terms, condition & specifications of the NIT:</p> <ol style="list-style-type: none"> 1. M/s Vichitra Construction (P) Ltd. For `1,54,46,446/- (One Crore Fifty Four Lacs Forty Six Thousand Four Hundred forty six) being 40% of the tendered value. 2. M/s B.K. Power Enterprises for `1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand

		<p>Eight Hundred Thirty four) being 30% of the tendered value.</p> <p>3. M/s Creative Enterprises for `1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty four) being 30% of the tendered value.</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>
04 (K-05)	Liberalized Medical Health Scheme.	Deferred
05 (F-01)	Determination of municipal tax, rates, cesses and rebates for the year 2014-15 and other related matters.	<p>Resolved by the Council to approve the proposals of the department contained in Paras - 09 to 12.1 of the preamble.</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>
06 (B-17)	Appointment of advisory firm for the formation of Electricity Cell within NDMC.	<p>Resolved by the Council to approve the following :-</p> <ul style="list-style-type: none"> (i) For appointment of SBI CAP as Advisory firm on nomination basis for Formation of Electricity Cell within NDMC. (ii) To hold negotiation with them and award the work after obtaining approval of the competent authority/Chairman. (iii) For obtaining administrative approval and expenditure sanction amounting to `150 Lac exclusive Govt levy & service tax as applicable. <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 (B-18)	Purchase of 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5 C duly ISI marked.	Resolved by the Council that approval is accorded for purchase of 24.5 Km 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C duly ISI marked from the eligible lowest tendering firm, M/s. Suraj Cables with their Ex-works rate `7,24,000.00 (Rs. Seven lacs twenty four thousand only) per Km + ED @ 12.36% Extra or as applicable +

		<p>VAT@ 5% Extra, thus making computed cost of `8,54,160.72 (Rs. Eight lac fifty four thousand one hundred sixty paise seventy two only) per Km length of cable. The total computed cost for the purchase of 24.5 Km 1.1 KV LT XLPE Cable of size: 400 sq.mm/3.5C worked out to `2,09,26,937.64, (Rs. Two crore nine lac twenty six thousand nine hundred thirty seven paise sixty four only) say: `2,09,26,938.00 (Rs. Two crore nine lac twenty six thousand nine hundred thirty eight only) on the terms, conditions and specification of NIT.</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 (L-04)	Open Auction in respect of premises at Main Gate of Lodhi Garden, New Delhi, allotted to M/s Aresko Restaurants Pvt. Ltd.	<p>The information was noted. However, it was advised by the Council that the Department may put the premises for open auction, without giving First Right to Refusal to the existing licensee.</p>																		
09 (G-08)	Revision of the existing water tariff in NDMC area.	<p>The Council resolved to approve the recommendation of Commercial Department for revising the tariff of non-domestic category of consumers at par with commercial/non-domestic tariff as notified by the DJB from time to time.</p> <p>ii) As regards the domestic category, the Council decided that the tariff structure as well as the rates be revised in a phased manner in 5 years and the following tariff structure was approved:-</p> <table border="1"> <thead> <tr> <th>SLAB (In KL)</th> <th>TARIFF (In Rs.)(Per KL)</th> <th>Fixed charge (In Rs.)</th> </tr> </thead> <tbody> <tr> <td>0-10</td> <td>2.00</td> <td>50.00</td> </tr> <tr> <td>10-20</td> <td>2.50</td> <td>50.00</td> </tr> <tr> <td>20-30</td> <td>8.00</td> <td>150.00</td> </tr> <tr> <td>30-40</td> <td>12.00</td> <td>150.00</td> </tr> <tr> <td>>40</td> <td>15.00</td> <td>150.00</td> </tr> </tbody> </table> <p>However, the present sewerage maintenance</p>	SLAB (In KL)	TARIFF (In Rs.)(Per KL)	Fixed charge (In Rs.)	0-10	2.00	50.00	10-20	2.50	50.00	20-30	8.00	150.00	30-40	12.00	150.00	>40	15.00	150.00
SLAB (In KL)	TARIFF (In Rs.)(Per KL)	Fixed charge (In Rs.)																		
0-10	2.00	50.00																		
10-20	2.50	50.00																		
20-30	8.00	150.00																		
30-40	12.00	150.00																		
>40	15.00	150.00																		

		<p>charge would continue i.e. 50% of the volumetric charges.</p> <p>iii) Council further resolved to revive the water tariff for Municipal employees residing in municipal accommodation as follows :-</p> <table border="1"> <thead> <tr> <th>Category of Municipal employee</th> <th>Proposed Water Tariff (in `)</th> </tr> </thead> <tbody> <tr> <td>Group 'A'</td> <td>100.00</td> </tr> <tr> <td>Group 'B'</td> <td>50.00</td> </tr> <tr> <td>Group 'C'</td> <td>25.00</td> </tr> <tr> <td>Group 'D'</td> <td>Nil</td> </tr> </tbody> </table> <p>iv) The Council further resolved that the above tariff structure will come into force w.e.f. April, 2014 billing cycle.</p>	Category of Municipal employee	Proposed Water Tariff (in `)	Group 'A'	100.00	Group 'B'	50.00	Group 'C'	25.00	Group 'D'	Nil
Category of Municipal employee	Proposed Water Tariff (in `)											
Group 'A'	100.00											
Group 'B'	50.00											
Group 'C'	25.00											
Group 'D'	Nil											
10 (G-09)	Free Water Supply upto 20 KL per month to Domestic Consumers in NDMC area	Council resolved to approve the proposal of the Department subject to acceptance of the scheme by the DJB.										
11 (G-10)	Targeted Subsidy on Consumption of Electricity to Domestic Consumers in NDMC area.	Council resolved to approve the proposal of the Department subject to acceptance of the scheme by the GNCTD.										
12 (C-25)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	Information noted.										
13 (C-26)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.										
14 (L-05)	To obtain directions of the Council in the matter of Jagdish Kapila vs. NDMC in r/o. Shop No.M-24, Palika Bhawan, R.K.Puram, New Delhi.	Resolved by the Council that the licence in respect of Shop No. 24, Palika Bhawan, R.K. Puram, New Delhi may not be renewed further. As regards the issue regarding refund of licence fee to Sh. Jagdish Kapila, the Council was of the view that since Sh. Jagdish Kapila is in occupation of said Shop since the year 2007, the licence fee may not be returned and should be treated as usage charges of the said shop.										
15 (L-06)	Information regarding allotment of 70 vacant units of NDMC through open bid	The information was noted.										

	process.	
	OTHER ISSUES	
	Resolution proposed by Sh. I.A. Siddiqui, Member, NDMC, regarding guidelines on extending ownership right to shop keepers, transfer policy, extension of licence, approval from lease hold to free hold, tehbazari etc.	The Council directed the department to constitute a Committee, involving the members of the Council, Law Department and Estate Department for looking into the matter.
16 (K-06)	In- principle approval for appointment of all eligible applicants under compassionate appointment category on muster roll.	The Council resolved to approve in-principle, appointment of all eligible applicants under the compassionate appointment category as Casual Workers / Daily Wages.

ITEM NO. 02 (C-28)

Confirmation and signing of the minutes of the Council's Special Meeting No. 10/2013-14 held on 31.01.2014. **(See page 9)**

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S SPECIAL MEETING NO. 10/2013-14 HELD ON 31.01.2014 AT 2-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	10/2013-14
DATE	:	31.01.2014
TIME	:	2-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|----------------------------|---|--------------------------|
| 1. | Sh. Arvind Kejriwal | - | Presiding Officer |
| 2. | Sh. Jalaj Shrivastava | - | Chairperson |
| 3. | Smt. Tajdar Babar | - | Vice Chairperson |
| 4. | Sh. Surender Singh | - | Member |
| 5. | Sh. Ashok Ahuja | - | Member |
| 6. | Sh. I. A. Siddiqui | - | Member |
| 7. | Sh. Suka Ram | - | Member |
| 8. | Sh. Dharmendra | - | Member |
| 9. | Sh. Vikas Anand | - | Secretary |

In pursuance of the Notification dated 28th January, 2014, **(copy enclosed) (See pages 10 – 11)** issued by the M/o Home Affairs, Govt. of India, Sh. Arvind Kejriwal, Chief Minister, Delhi and Sh. Surender Singh, MLA, took Oath of office as Members of the Council in the presence of the aforementioned members. The oath was administered to Shri Arvind Kejriwal by Sh. Jalaj Shrivastava, Chairperson, NDMC. Thereafter Sh. Arvind Kejriwal, Chief Minister, Delhi, presided over the meeting and also administered the Oath to Sh. Surender Singh, MLA.

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

ANNEXURE 2 PAGES

ITEM NO. 03 (K-07)**1. Name of the Project / Subject:**

Liberalized Medical Health Scheme

2. Name of Department:

Welfare Department

3. Brief History of the Project:

The Competent Authority NDMC, approved Liberalized Medical Health Scheme for working employees/pensioners and their dependents on CGHS rules & rates with private hospitals. In the first stage NDMC, empanelled Max Group of Hospitals & Batra Hospital & thereafter from time to time NDMC empanelled more hospitals in Delhi & NCR. This proposal was approved by the Council vide Reso. No. 04(K-1) dated 31/05/2007, whereby the CGHS rates +5% was allowed to the Max Group of Hospitals for the treatments/test ect. mentioned in the CGHS list and a rebate of 35% over the Hospital treatment rates. But subsequently vide Reso. No. 27 (K-6) dated 19/12/2007, this rebate was removed for Max Group of Hospitals. Various hospitals were empanelled from time to time till 2012. In 2013 the it was observed that Medical reimbursement has gone very high & it was decided that this condition of 5% extra rates to Max Hospital be waived off for which Max Group of Hospitals but they did not agree. NDMC adopted CGHS pattern & invited Hospitals which were empanelled with CGHS on CGHS Terms & Conditions. The Hospitals which agreed, were/are empanelled. However one Non CGHS Hospitals was also empanelled because of its vicinity with NDMC boundaries as it agreed on CGHS terms & condition. Till date 06 Super Specialty Hospitals, 22 NABH accredited Hospitals, 28 Non NABH accredited Hospitals, 36 Eye Care Centers & 15 Diagnostic Centers & Labs have been empanelled.

4. The Salient features are of the Scheme are as under:

- Hospitals are paid CGHS rates in three categories Super Specialty, NABH & NON NABH.
 - The treatments which are not in the CGHS list reimbursement is made.
 - Since NDMC started its own dental centers, no dental Hospital was empanelled.
- (A) Referral system was introduced w.e.f 01/06/2013 in which the Hospitals are to entertain cases referred by any Govt. Doctor, but subsequently this condition was removed for Pensioners their dependents in case of NABH/Non NABH Hospitals.
- (B) The referral is valid for 6 months.
- (C) In case of emergency no hospital shall refuse admission or demand any advance payment from the beneficiary or his family member and shall provide credit facilities to the patient on production of a valid NDMC medical card. The refusal to provide the treatment to bonafide beneficiaries in emergency cases without valid ground would attract disqualification for continuation of empanelment.
- (D) Any treatment which has been started prior to 30/05/2013, will continue till 31/12/2013, without need for any referral.
- (E) Any reference to any test in empanelled Lab/Diagnostic Centre by any Empanelled hospital will not require further referral.
- (F) The present contributions of the employees as per CGHS as under:

S.No.	Grade pay drawn by the officer	Contribution (Rupees per month)
1	Upto Rs. 1,650/- per month	50/-
2	Rs. 1,800/-, Rs. 1,900/-, Rs. 2000/-, Rs. 2,400/- and Rs. 2800/- per month	125/-
3	Rs. 4,200/- per month	225/-

4	Rs. 4,600/-, Rs. 4,800/-, Rs. 5,400/- and Rs. 6,600/- per month	325/-
5	Rs. 7,600/- and above per month	500/-

(G) Entitlement of wards in empanelled Hospitals as per CGHS as under:

S.No.	Ward entitlement	Pay drawn in pay band
1	General Ward	Upto Rs. 13,950/-
2	Semi-private ward	Rs. 13,960/- to Rs. 19,530/-
3	Private ward	Rs. 19,540/- and above

But there was lot of resentment among working employee who have been representing through unions. Therefore a committee was constituted by the Competent Authority to examine the issues related to Medical Health Scheme and Referral system of NDMC and an office order dated 27/09/2013 was issued by the Director (P) vide which Sh. I.A. Siddiqui was appointed as the Chairman of the committee with Director (Finance/Accounts), Director (Welfare) as Members & Jt. Director (Welfare) as Member Secretary.

The committee submitted its recommendation which are as under :

- i. The condition of referral in respect of Non-NABH/NABH empanelled hospitals be removed.
- ii. Referral system in respect of Super-specialty Hospital is recommended.
- iii. In case the Non-NABH/NABH empanelled Hospital feels that the condition of the patient is such that it can not be effectively managed by them, then they should be

authorized to refer the patient to Super-specialty Hospital with specific recommendations for better management of the case.

- iv. If any tests are prescribed in OPD by a doctor of empanelled hospital costing up to Rs. 500/- the same can be done without taking any permission but if the cost exceed Rs. 500/- the same would require referral from a Govt. Doctor.
- v. Since Dental Centre has been established by the NDMC there is no requirement of empanelment of dental hospitals, however the beneficiaries be made reimbursement at CGHS Non NABH/NABH rates for any treatment which is not for beatification /cosmetic purpose. The treatments can also be obtained from the empanelled hospital on payment basis at CGHS, Non NABH/NABH rates.
- vi. The removal of referral system of officers with GP 7600/- and above cannot be accepted because this will amount to discrimination with other categories of employees.
- vii. The doctors making referrals are specifically required to mention on the referral slip to which category hospital the patient is referred i.e. Non NABH/NABH/Superspecialty.
- viii. Services rendered by empanelled hospitals are required to be monitored by way of obtaining feed back from the employees who have availed the facilities from these hospitals.
- ix. Frequent yoga classes be organized on Saturday & Sunday for NDMC employees/their dependents.
- x. Separate modalities be worked out for providing medical health facilities to the employees wording on TMR/RMR/Contract basis and for the employees working with NSES, SKS, etc.

5. Financial implication of the proposed project/subject.

Approx Rs. 36 Lacs annually (Only OPD consultation facility of Rs. 58/- for 60,000/- beneficiaries) and approx Rs. 3 corers for tests upto Rs. 500/- by each beneficiaries.

6. Implementation schedule with timelines for each stage including internal Processing
Finance Department has agreed to the proposal that for NABH/Non NABH Hospitals conditions of referral should be removed and if tests prescribed more than Rs. 250/- the same would required referral. No IPD treatment (except emergency) be allowed without referral.

7. Comments of the Finance Department on the subject with diary No. and dated.

Finance Department has concurred the proposal vide dairy No. 1897/Finance/R-Welfare dated 20/09/2013.

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

The recommendation of committee are that referral should be required for tests costing more **then Rs. 500/- inserted of Rs. 250/- in case of OPD prescription.**

9. Legal implication of the subject / project:

No legal implication

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

Resolution No. 04 (K-1) dated 31st May 2007 & Resolution No. 27 (K-6) dated 19th December 2007.

11. Comments of Law Department on the subject/project

No legal issue involved.

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

N.A

13. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have followed while processing the case.

No violation of CVC guidelines

14. Recommendation

- i. The condition of referral in respect of Non-NABH/NABH empanelled hospitals be removed.
- ii. Referral system in respect of Super-specialty Hospital is recommended.
- iii. In case the Non-NABH/NABH empanelled Hospital feels that the condition of the patient is such that it can not be effectively managed by them, then they should be authorized to refer the patient to Super-specialty Hospital with specific recommendations for better management of the case.
- iv. If any tests are prescribed in OPD by a doctor of empanelled hospital costing up to Rs.500/- the same can be done without taking any permission but if the cost exceed Rs. 500/- the same would require referral from a Govt. Doctor.
- v. Since Dental Centre has been established by the NDMC there is no requirement of empanelment of dental hospitals, however the beneficiaries be made reimbursement at CGHS Non NABH/NABH rates for any treatment which is not for beatification /cosmetic purpose. The treatments can also be obtained from the empanelled hospital on payment basis at CGHS, Non NABH/NABH rates.
- vi. The removal of referral system of officers with GP 7600/- and above cannot be accepted because this will amount to discrimination with other categories of employees.
- vii. The doctors making referrals are specifically required to mention on the referral slip to which category hospital the patient is referred i.e. Non NABH/NABH/Superspecialty.
- viii. Services rendered by empanelled hospitals are required to be monitored by way of obtaining feed back from the employees who have availed the facilities from these hospitals.

- ix. Frequent yoga classes be organized on Saturday & Sunday for NDMC employees/their dependents.
- x. Separate modalities be worked out for providing medical health facilities to the employees working on TMR/RMR/Contract basis and for the employees working with NSES, SKS, etc.

COUNCIL'S DECISION

Resolved by the Council that the existing system referral in respect of Non-NABH/NABH empanelled hospitals be abolished, subject to following conditions :-

- 1) Except the Super Speciality Hospitals the employees shall not require any referral for getting treatment from any NABH/Non-NABH hospitals for treatment.
- 2) In case of emergency, employees can avail the facilities of any hospital, including the Super Speciality Hospitals.
- 3) In case a patient admitted to NABH/Non-NABH hospital is in requirement of treatment of specialized nature and the hospital is not equipped to provide the same then he can be referred by the Hospital to any Super Speciality Hospitals empanelled for the said specialized treatment.
- 4) Since Dental Centre has been established by the NDMC there is no requirement of empanelment of dental hospitals, however the beneficiaries be made reimbursement at CGHS Non-NABH/NABH rates for any treatment which is not for cosmetic purpose. The treatment can also be obtained from the empanelled Non NABH/NABH hospital on payment basis at CGHS Non-NABH/NABH.

ITEM NO. 04 (L-07)**1. Name of the Subject:**

Transfer of Ownership Right to 9 NDMC Markets – Representation of NDMC Market Federation.

2. Name of the Department:

Estate-I Department

3. Brief History of the subject:

In the year 1999, NDMC received various representations from the shopkeepers of Rehabilitation Market for the grant of Ownership Rights to them. The matter was placed before the Council vide its Item No. OM-3(xxiv) dated 03.2.2000. While discussing the various aspects of the proposal, the then Vice Chairman raised issues for clarification and thus, the proposal was deferred.

Vide Resolution No. 09 dated 03.8.2000 & Resolution No.3(i) dated 28.1.2002 , the Council had once given in principal approval for transfer of ownership rights in respect of 15 Municipal markets. The Council approved the proposal with some modifications and further resolved that necessary no objection of L&DO, M/o Urban Development as required under section Clause –XII of the perpetual lease deed executed between L&DO and NDMC be obtained and the proposal may also be sent to Chairman, DDA to get 'No Objection Certificate' in case of markets located on road berms as stated in the agenda item.

The issue of the resolution was also raised and discussed in the Council Meeting held on 17.6.2009.

In April 2010, the matter was again placed before the Council to review the decision on transfer of ownership rights in 15 municipal markets in NDMC area. Vide resolution no. 07(L-01) dated 21.4.2010, the Council resolved by majority that "the decision earlier taken vide Resolution No.9 dated 3.8.2000 and 3(i) dated 28.1.2002 for transfer of ownership rights in Municipal markets is rescinded/withdrawn.

That no new development has occurred since the case was rescinded/withdrawn by the Council.

The details of the 09 rehabilitation markets for which ownership rights in demand are as under:

Sr. No.	Name of Market	No. of Units	Approx. Size of shops(Sq.Ft.)	NDMC flat on Top	
				Type III	Type IV
1	Kidwai Nagar(South)	52	200	08	02
2	Kidwai Nagar (Central)	52	200	04	02
3	Netaji Nagar	76	150	09	01
4	Laxmi Bai Nagar	68	150	08	-
5	Basrurkar Market	47	150	09	02
6	Begum Zaidi Market	55	150	09	-
7	Nauroji Market	34	125	02	02
8	Prithviraj Market	53	250	22	04
9	Pandara Road Market	21	180-550	09	01
	Total	458		80	14

4. Detailed Proposal on the subject:

As per Section 11(k) NDMC Act, 1994 (Chapter III), the construction and maintenance of municipal markets and regulation of all markets is the *obligatory function* of the Council.

NDMC is the only body in the country which does not run on Govt. grant and sustains on its own resources. This is inspite of the fact that Central Govt. properties and Delhi Govt. properties are excluded from the purview of property tax. Similarly, Embassies also do not pay any charge to NDMC. The major revenue earner for NDMC therefore is Property Tax from remaining properties and collecting from Estate Properties.

That the land on which these markets are situated is on lease from L&DO to NDMC and therefore, NDMC is merely a lessee.

The Gazette Notification dated 24.03.2006 is not to give leasehold rights to licensees of NDMC markets. The notifications merely transfers markets to local bodies and gives management of these markets to NDMC, on behalf of L&DO/DOE as per their policies. The proceeds from the ground rent, conversion charges etc. are to be deposited in the Bank in a separate account and details thereof are to be submitted to L&DO/DOE from time to time. Out of transferred markets, there are leasehold markets as well as markets where shops are on licence basis. None of the licensed unit has apparently been given ownership right by the Govt. of India too, before these markets were transferred to NDMC.

Majority of the original allottees of these markets have changed hands, of course for large profits. Of the remaining allottees, again in many cases possession has actually passed over to others without information to the NDMC. Therefore, the Council felt that the contention of the Federation that these markets were rehabilitation markets and therefore, the allottees need sympathy does not hold grounds.

As per the data of records available, there are total 458 units in these 9 municipal markets on the ground floor with 94 flats for NDMC employees on first floor. It may be economically unviable and difficult for NDMC to accommodate 94 employees (approx.100

employees now days) who have been accommodated in the flats on the first floor of these markets.

A major issue which is being neglected is the difference between a lessee and a licensee. The LEASE is defined under *Sec.105 of the Transfer of Property Act* and as fundamental perception is that it is the separation of the right of possession from ownership. It imports a transfer of interest to enjoy the property and a essential condition of a lease is that the tenant would have the right of exclusive possession of the land. A lease is, therefore, transfer of interest in land and hence called leasehold interest. On the other hand LICENCE is defined *under Sec. 52 OF THE INDIAN EASEMENT ACT* and it consistently excludes any issues which otherwise amounts to or involves a transfer in the property or right to enjoy it. A licensee has the right only to use the premises without being entitled to its exclusive possession and the principle is a well settled law. Therefore, a licensee does no have any right to claim ownership of a property and which is merely allowed to use it for a specific purpose and for a specific period.

Further subsequent to the Council's Resolution regarding ownership right **Sec. 141 of the NDMC Act** has been clearly interpreted by the Apex Court in Chanakya case accepting the fact that any transfer, sale or disposal of immovable NDMC property could be through fair competition. Meaning thereby, that it should be at market rate by public auction, which is the accepted transparent mode of disposal and not merely by restricting it to the advantage of the licensees/occupants of the shops in question, which may not be a fit or a transparent mode as it would deprive many other aspirants.

The markets for which the Federation is requesting for leasehold rights are the markets developed by the NDMC on the land allotted by the L&DO. The markets have been developed in the space earmarked in each Government colony for a Shopping Centre and

the markets derive its name from the colony in which it has been established like Pandara Market for the Pandara Road Colony, Netaji Nagar Market for the Netaji Nagar Colony, Kidwai Nagar Market for Kidwai Nagar Government colony. These are not rehabilitation markets as claimed. The NDMC constructed the shops on the ground floor and employees quarters on the 1st floor. The quarters have been constructed for the employees to meet the requirement of the particular colony or for the NDMC area as such looking to acute shortage of accommodation for NDMC employees.

Estate-I Department is also managing certain markets which have been received on transfer from the Dte of Estates which are on licence and as such its not that Ministry of Urban Development has given leasehold rights on the land in all the markets. The Ministry was selective in giving leasehold rights in the land in the markets. Leasehold rights in the land have not been given by the Ministry of Urban Development in the buildings where they have their own offices or residential flats on the 1st floor or other floors. There only the shops are on licence basis and there is no claim from the licensees to give them leasehold rights. These are the markets in Asia House and Janpath Bhawan where on 1st floor, there are residential accommodation and office accommodation. Keeping in view of the stand of the Ministry of Urban Development not to give the leasehold right of the land to the licensees, where there are offices or residential accommodation maintained by the Dte of Estates and CPWD on 1st floor, there is no justification to give leasehold rights on the land to the shop owners of these nine markets when NDMC requires leasehold rights on the land for the residential flats at 1st floor of these markets and may like to further exploit the terrace for construction of more flats.

5. **Financial Implication of the proposed subject:**

Not applicable

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

Not applicable

7. **Comments of the Finance Department on the subject with diary number and date:**

Not applicable

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

Not applicable.

9. **Legal implication of the subject:**

Not applicable

10. **Details of previous Council Resolution on the subject:**

Council Resolution No. OM3(xxiv) dated 03.2.2000.

Council Resolution No. 09 dated 03.8.2000

Council Resolution No. 3(i) dated 28.1.2002

Council Resolution No. 07(L001) dated 21.4.2010

11. **Comments of the Law Department on the subject:**

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

13. **Certification by the Department that all Central Vigilance Commission(CVC) guidelines have been followed while processing the case**

Not applicable

14. **Recommendations**

The matter is placed before the Council for information pls.

COUNCIL'S DECISION

Information noted.

ITEM NO. 05 (L-08)**1. Name of the Subject:**

REFORMS IN ESTATE POLICY

2. Name of the Department:

Estate-I Department

3. Brief History of the subject:

A number of representations are being received in the department from different shops/stalls/kiosks/unit holders as well as Markets Associations regarding renewal of licenses of different units of NDMC. From the records, it has been noticed that in number of cases the licenses have not been renewed since long either due to non-receipt of request for renewal from the licensee or for one deficiency or the other. The scrutiny of records (unit-wise and market-wise) in respect of shops/units under Estate-I Department have been got conducted in the past three months to have a clear picture regarding pendency status of renewal of licence of these units. There are approximately 800 cases pending with the department for renewals of licenses. Apart from affecting the licensees, the pendency is also affecting NDMC's revenue adversely. Hence to clear the pendency of renewal cases and with a view to realize NDMC's revenue, it is important to streamline the system and adopt a one-time procedure for renewal of licenses of units. The objective of this procedure is to ease up the procedure and develop a transparent, hassle free and time bound system of renewals of licenses.

4. Detailed Proposal on the subject:

The scrutiny of pending cases as stated in Para 3 above, can be categorized mainly in following categories:

- (i) Units where renewals not done due to huge amount of arrears found in payment of licence fee.
- (ii) Units where renewals not done due to unauthorized construction/encroachment.
- (iii) Units where renewals not done due to trade violations.
- (iv) Units where renewals not done due to pending cases of transfers.
- (v) Units where licence fee is being paid as per policy but the licence has not been renewed by the NDMC.

At present the under mentioned procedure is being followed for such renewals:

- i) Consent of the licensee for renewal of licence is obtained within 60 days prior to expiry of the term of licence alongwith certain documents in support of his/her current residential address, copy of PAN Card, 15 clause affidavit and latest payment receipt.
- ii) After receiving these documents from the licensee, the Civil report regarding unauthorized construction/encroachment is obtained from the concerned maintenance Division of the Civil Engineering Deptt.
- iii) As per the term expiry and the enhancements in the licence fee are proposed by the execution branch and forwarded to the accounts branch of the Estate-I Deptt. for verification of the proposed rates of licence fee in accordance with the NDMC

resolutions and the dues position. The licensee is liable to deposit such outstanding dues communicated if any either through letter or through monthly bill.

- iv) After receiving the Civil report and deposit of such dues by the licensee, the case is processed for obtaining the approval of the Competent Authority i.e. Director (Estate-I) followed by the completion of the required formalities like deposit of security deposit etc. and execution of the licence deed.

- v) In addition to the above work, the supervising authorities such as SO(Estate-I), DD (Estate-I) and Dir. (Estate-I) may to their satisfaction order/requisition any other information in order to ascertain that there is no violation of the terms of conditions of licence deed such as trade violation, encroachment, subletting, unauthorized construction, dues, interest, damages etc.

Proposal:

The department now intends to propose the following being a One Time Procedure for minimizing the present pendency of the renewal cases except those pending due to transfers.

- (a) Units which are clear from Vigilance, Accounts, Civil, Architecture, litigation, encroachment and free from any other violation etc. and not been renewed, it is proposed that an affidavit alongwith supporting documents can be taken and licence can be renewed. The licensee must submit his ID proof, Affidavit, No Dues Certificate & photo of the shop showing no unauthorized construction and any other document required for the purpose.

- (b) Units where only arrears/municipal dues are pending, a notice may be sent immediately for making the due payment so that renewals could be initiated.

- (c) Units where there are unauthorized constructions/violations have been found, it is proposed that as per the report of Civil/Arch. Deptt., notices may be issued and deadline may be set to remove the said violations. An affidavit on action taken and removal of violations may also be obtained from the allottee.
- (d) In all matters including (a) to (c) above and those not exactly being covered by above 3 instances, documents would then be placed before the Sub-committee to be constituted comprising representatives of different departments for scrutiny of all such cases. Such Sub-Committee would give its recommendations to the Competent Authority in this regard. In cases where need of inspection is felt, the sub-committee may refer the cases for inspection before submitting its final recommendations. Market Associations may also be involved in the procedure of suggestions and processing.

For the above, sufficient convenient time would be given till the end of June 2014 for submission of relevant documents and compliances of all above formalities. It is proposed that in July 2014, marketwise camps would be organized where cases would be scrutinized by the proposed Screening Committee. The Screening Committee would submit its recommendations by the end of July 2014 and renewals of licences would be taken up accordingly.

An exhaustive list of documents required for renewal of licence to be submitted by the licensee/occupant would also be placed online for information and convenience.

This one time procedure for renewals is expected to clear **about 50-55% of cases** pending with the department at present.

Most importantly, it is proposed that after clearing the current pendency, all future renewal cases from July 2014 would be done Online. We may adopt a dynamic automated system of renewal whereby an applicant may be able to apply ONLINE for renewal of license. Based on the inputs from Estate Department, a user-friendly software would be meanwhile prepared and tested by the IT Department by June 2014 for the purpose. The following flow chart specifying the prescribed time adherence/ proposed for renewal process:

- (i) Receipt of application for renewal in Estate-I Department 60 days before the date of expiry of term of present licence.
- (ii) Issuance of letter to AO(Estate), Civil Engg. Deptt. & Enforcement Department for status of pendency of dues, unauthorized construction and encroachment respectively.
- (iii) Report to be submitted by AO(Estates), Civil Engg. Deptt. & Enforcement Department on status of dues, unauthorized construction & encroachment respectively .
- (iv) Upon receiving the reports of Civil Engg., Enforcement Deptt. and AO(Estates), the Execution side of Estate-I Department will either renew the licence or issue a deficiency memo to the licensee/occupant.

Specific time-frame for each department involved would also be prescribed in renewal process and time adherence.

Keeping in mind the inaccessibility to internet facility to various shop/kiosks/unit holders, it is also proposed that the existing system of accepting applications for renewals may

also remain continue till the online system of accepting application becomes popular with the users. However, adherence of timeframe may also be made applicable for existing system.

The above proposal of One Time Renewal Procedure has been approved by the Competent Authority with the following salient features:

- (i) Adopting one time procedure, as detailed in Para 4 above, for disposal of pending cases of renewal of licences except the cases where units have been transferred without bringing the same in the knowledge of NDMC.
- (ii) Adopting Online procedure and adherence to specified timeframe by different departments, as proposed above, for disposal of cases related of renewal of licenses in future.

The only issues which would remain unsettled would be those where the units have applied for transfer or have transferred units without the consent or are sub-leased units and now matters are pending due to orders of Delhi High Court dated 05.3.2012. It is learnt that in pursuance of **judgement of Delhi High Court dated 05.3.2012**, transfer based on partnership basis were discontinued till finalization of a comprehensive policy in this regard. The relevant extracts of this court order is as under:

21. Plea of Resolution No. 6 of 1999 of the respondent – NDMC freely permitting transfer, has to be considered in its proper perspective. If any such transfer is in violation of the terms and conditions of the License Deed, like in the instant case, i.e. for want of prior permission from the respondent – NDMC, then sub-letting cannot be valid one. This aspect has been considered in detail in the impugned order, to

which there is no worthwhile challenge from this petitioner. The finding returned against the petition in the impugned order is as under:-

"32. The device to transfer the property in question from one hand to another without written consent or permission of the NDMC by execution of partnership deed and thereafter executing dissolution deed after some duration without actually acting upon the same is a gross abuse of public policies. There is nothing on record to show if any of the parties ever carried any partnership business in the premises in question.

33. Moreover, even if the parties had entered into any business in partnership, that did no confer any right in the property in question to the other partner with whom partnership deed was executed. Mere execution of the partnership deed could not confer any legal status upon the other partner regarding the transfer of premises in question."

Prior to pronouncement of the judgement of Delhi High Court as quoted above, the transfer policy of NDMC was being governed by the Resolution No. 6 dated 18.3.1999, which was discontinued after the judicial pronouncement. This has been subsequently upheld by the Division Bench of High Court of Delhi vide order dated 5th June 2013. The Hon'ble Supreme Court of India also upheld decision of the Division Bench by dismissing the appeal vide its orders dated 27.6.2013.

After pronouncement of the judgement, the policy of transfer has got affected and the work of transfers of units is not being done presently. As there are number of cases pending even for the period prior to pronouncement of the judgement, legal

consultations are in process so that policy could be formulated keeping in mind legal parameters.

5. **Financial Implication of the proposed subject:**

Not applicable

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

As per the proposal, pending renewal cases will be cleared by July 2014.

7. **Comments of the Finance Department on the subject with diary number and date:**

Not applicable

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

Not applicable.

9. **Legal implication of the subject:**

Not applicable

10. **Details of previous Council Resolution on the subject:**

Council Resolution No.6 dated 18.3.1999

11. **Comments of the Law Department on the subject:**

Not applicable

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

Not applicable.

13. **Certification by the Department that all Central Vigilance Commission(CVC) guidelines have been followed while processing the case**

Not applicable

14. **Recommendations**

The above proposal is placed before the Council for information.

COUNCIL'S DECISION

Resolved by the Council to accord approval for adopting a one time procedure, as detailed in Para 4 of the preamble, for disposal of pending cases of renewal of licences in a time bound manner.

It was further resolved by the Council to accord approval to the proposal of the department for adopting Online procedure and adherence to a specified timeframe by different departments, for disposal of cases related of renewal of licenses in future.

It was also resolved by the Council to constitute a Committee tentatively comprising of Smt. Tajdar Babar, (Vice Chairperson), Sh. Ashok Ahuja and Surender Singh, Members, Director (Estate), and Director (PP) to look into those cases which are pending because of transfers of units within three months and submit its recommendation to the Chairperson, NDMC.

ITEM NO. 06 (H-04)

1. NAME OF THE SUBJECT:

Policy for granting RMR status to TMRs who have completed 500 days as on 31.01.2014.

2. NAME OF THE DEPARTMENT:

Personnel Department (**Secretary's Establishment**)

3. BRIEF HISTROY OF THE SUBJECT:

An agenda was placed before the Council in its meeting dated 10.01.2014 with the following proposal:—

A. RELAXATIONS FOR EXISTING RMR TO REGULAR

1. **Present Practice of regularizing the RMR to Regular employees:** The RMR employees need to work for 6 years before becoming regular employees.
2. **Recommendations for the consideration of the Council:** The RMR employee who has completed total of 2000 days (including TMR & RMR days) since he started working as daily wager/muster roll employee in NDMC, will be regularized subject to minimum duration of 2 years working as RMR.
3. **Benefit:** A RMR employee, if he has been engaged as daily wager for long period before becoming RMR (which is a norm in most of the cases), can be regularized within 2 years of becoming RMR instead of waiting for 6 years. This will also benefit the contractual employees who work for number of years on full time basis generally very limited break.

B. PROCEDURE FOR APPOINTMENT OF SKs:

1. **Present Practice of regularizing the TMR to Regular employees:** Judgement of Supreme Court in case of Uma Devi rules that appointments have to be made as per constitutional provisions and as per regular recruitment rules. Supreme Court in this Judgement considered regularization of contractual employees and muster roll employees considered as back door entry. In view of the Judgement of Hon. SC in the case of Umadevi, at present no person is entitled for regularization in NDMC.
2. **Recommendations for consideration of the Council:**
 - No fresh engagement on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago). The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as

per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.

- All the persons who have worked as or working as TMR employees or contractual employees in NDMC as SKs/Sewermen may apply for appointment as Regular SKs.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.
- As on 01st January 2014 the minimum qualification for SKs will be 8th standard. However qualification may be raised to 10th standard within next 5 years for subsequent selections in coming years and the RRs will be changed accordingly. Weightage for 10th pass is 100% and those above or below 90%.
- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- The pay scale of helper as per the CPC shall be given and no DTL scale shall be claimed or given to any employee. Further promotions or MACP shall also be governed by the CPC. They shall execute an agreement for the same.
- 20% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30 years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.
- Reservation policy of the Govt. of India for various categories shall be applicable

- Selection procedure for the SKs:

S. No.	Parameter	Weightage
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.
- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be on RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular SK (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.

C. PROCEDURE FOR APPOINTMENT OF GR. D (OTHER THAN SKs)-

1. **Present Practice of regularizing the TMR to Regular employees:** Judgement of Supreme Court in case of Uma Devi rules that appointments have to be made as per constitutional provisions and as per regular recruitment rules. Supreme Court in this Judgement considered regularization of contractual employees and muster roll employees considered as back door entry. In view of the Judgement of Hon. SC in the case of Umadevi, at present no person is entitled for regularization in NDMC.
2. **Recommendations for the consideration of the Council:**

- No fresh person shall be engaged on TMR till further orders except on the current compassionate basis (untimely death occurred not more than 3 years ago. The list of such compassionate cases shall be compiled by the welfare department in consultation with the personnel department as per the guidelines of the DoPT and get approved from the Chairperson). The aim is to clear the existing list of TMRs instead of going for new engagement.
- All the persons who have worked or working as TMR employees or contractual employees at any level (working as daily wagers, contractual helpers along with other similarly placed employees of different category like Clerks, Data Entry Operators, Masons, Drivers etc.) may apply for appointment as regular Group-D employee.
- The TMR workers of above category who have completed more than 500 days or 5 years or contractual employees of any category who has completed more than 700 days of 5 years will be given full Weightage and less than that will be weighed on pro-rata basis.
- As on 01st January 2014 the desirable qualification for Gr. D employee (other than SKs) will be 10th standard. The Weightage for standard 10th pass is 100% and those above that is 90%. RR shall be amended suitably to make eligibility criteria 8th Standard on 1st January, 2014 and that will be raised in subsequent 5 years to 10th Standard.
- The applicant will be given relaxation in the upper age limit which shall be calculated on the basis no. of days (Converted into years) they have put in as TMR/daily wager/contractual. For the reserved categories this shall be over and above the relaxation of age granted by the Central Govt.
- Upon appointment the designation and pay scale of helper as per the CPC shall be given and no DTL scale shall be applicable on these employees. Further promotions or MACP scale shall be only in the CPC scale. They shall execute an agreement for the same.
- 10% of the posts shall be reserved for the eligible candidates under compassionate appointment.
- The candidate must be eligible as per RR as on the first day of first TMR he has worked in the past (however the upper age limit as on first day of first TMR will be considered up to 30

years). In case the candidate is not fulfilling the criteria of eligibility as on the date of first TMR then his/her candidature shall be rejected straight away without any notice and intimation shall be given on the notice board of NDMC. However, in case of rejection by the criteria of age, the NDMC can consider them for contractual appointment against the vacant posts.

- Reservation policy of the Govt. of India for various categories shall be applicable
- Selection procedure for the Gr. D employees (other than SKs):

S. No.	Parameter	Weightage
1.	Days completed as RMR/Contractual in NDMC	35
2.	No. of years completed in NDMC	10
3.	Educational Qualification	20
4.	Professional Experience/Training	20
5.	Interview	15

- On the basis of the first four criteria the candidates will be shortlisted and 4 times of the vacancies shall be called for interview.
- The final list shall be prepared on the basis of the aggregate of all the 5 criteria.
- Appointment shall be subjected to availability of the vacant posts. Initially the appointment shall be as RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular helper (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. Further promotions or MACP shall be in the CPC Scale. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately.

4. THE COUNCIL CONFIRMED THE MINUTES OF ITS MEETING NO. 08/2013-14 DATED 10.01.2014 AS UNDER:-

The Council has resolved that the proposal regarding policy for appointment/regularization of TMR/RMR/Contractual workers etc. is approved in principle with the following amendments:-

1. RMR workers at present working in NDMC shall be regularized as Group 'D' in 6th CPC scale w.e.f. 01.04.2014 subject to availability of vacancies.
2. None of the employees RMR or TMR/contractual will be rendered ineligible on the basis of qualification and age as per RRs. This is a one-time relaxation only and not to be quoted as precedent. However, this relaxation will not be available to any other applicant or to employees of other organizations applying for the post of Group 'D' and they have to fulfill all the eligibility criteria as per the RR.
3. In case of educational qualification being 'Literate' as defined by the Govt. the weightage will be 15 marks. In case of more educated employees, the qualification shall be measured as weightage given for selection procedure i.e. 5th class: 16 marks, 8th class: 18 marks and 10th class and above: 20 marks.
4. Professional experience and training is defined as experience in the same profession in Autonomous Body, Local Body, Public Sector Undertaking etc. under any government Central or State or diploma for certificate in their respective profession.
5. The vacancies will be filled in a calibrated manner on the basis of vacancies available.

5. **Recommendation/Proposal:**

Now, on the instance of Hon'ble Members namely Shri Suka Ram, Shri I.A. Siddiqui and Mrs. Tajdar Babar, the following proposal is placed before the Council for consideration, "TMR'S WHO HAVE COMPLETED 500 DAYS AS ON 31.01.2014 MAY BE GIVEN RMR STATUS."

6. **FINANCIAL IMPLICATIONS OF THE PROPOSAL:**

As TMRs is general work in various departments, there shall no huge burden if proposal is accepted.

7. IMPLEMENTATION SCHEDULE WITH TIMELINES FOR EACH STAGE INCLUDING INTERNAL PROCESSING:

—

8. COMMENTS OF THE DEPARTMENT:

ANNEXURE

9. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:

—

10. LEGAL IMPLICATIONS OF THE SUBJECT:

LA may give the views as legal implications in Council meetings.

11. CERTIFICATION BY THE DEPARTMENT THAT ALL THE CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:

Administrative matter.

DRAFT RESOLUTION:

COUNCIL'S DECISION

Deferred. It was desired that the Members of the Council would be meeting separately at an early date and recommending further modifications to this Agenda item, and thereafter take it up in the next Council Meeting.

ANNEXURE

Copy of agenda placed before the Council on 10th January, 2014 and approved by the Council subject to the conditions as mentioned on pre-page is placed in the file. In this regard, the proposal is "Appointment shall be subject to availability of the vacant posts. Initially the appointment shall be as RMR for 5 years. On completion of the 5 years the employee will be automatically upgraded to Regular helper (in the pay scale of helper in CPC) with one year of probation subject to the police verification and other formalities. Further promotions or MACP shall be in the CPC Scale. In case of long absences the period of RMR will increase and up-gradation to regular status will be delayed proportionately."

Further, the weightage given to all those who have completed 500 days on Muster Roll shall be 100% of 35 marks. In the agenda approved by the Council the table which was proposed for the weightage of marks for various parameters, the days completed RMR should have been, in fact, the days completed on Muster Roll/Daily wages/contractual/adhoc etc.

Further, the confusion arises because of the typographical error of RMR in the table of Weightage instead of TMR, therefore, the need to rectify the same and inform the Council. Therefore, in the table which is given below the first row is:

Sr. No.	Parameters	Weightage
1.	Days completed as RMR/Contractual in NDMC	35

May be read as:

Sr. No.	Parameters	Weightage
1.	Days completed as Muster Roll/Daily Wages/Casual	35

	Workers/Contractual/adhoc	
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There is no need to bring any separate agenda. Even the proposed draft agenda placed in the file may be ultra virus of the Judgment of the Hon'ble Supreme Court in case of Uma Devi as the same amounts to backdoor entry. The policy also approved by the Council is of appointment and not of regularization which is prohibited as per the said Judgment. Enmasse blanket regularization for converting into RMR without any selection procedure will not be prudent move & may amount to committing illegality.

ITEM NO. 07 (I-01)

1. **Name of the Subject/project:** Modern Data Centre at NDMC
2. **Name of the department / departments concerned:** Information Technology Department.
3. **Brief history of the subject/project:**

NDMC has own Data Centre at 7th Floor in IT Department for providing the various services to the citizens;

1. Operational Automation System
2. Electricity Water Billing
3. Property Tax
4. NDMC Web Portal
5. Booking of Barat Ghar
6. Birth & Death
7. e-Finance Services

The existing Data Centre developed in 2000-2001 with only 2 or 3 Servers for providing services and small space at 7th floor. Now, NDMC has 16 Blade Servers and also procured 10 more Blade Servers which may need the proper cooling, big space etc. Due to implementation of Operational Automation System NDMC has approx.20 more Blade Servers required.

Council resolved to accord A/A & E/S vide item No. 24(I-01) dt. 26.4.12) for the estimate amounting to Rs. 2,67,40,936/- (plus tax extra as applicable) for establishing Modern Data Centre for NDMC with the direction to explore the possibility of using NIC Data Centre on rental basis by NDMC for its requirements, the possibility of using NIC Data Centre on rental basis was explored and found that it was more expensive as compared to establishment of its own Data Centre and Disaster Recovery Centre. Accordingly, decision was taken to establish its own Data Centre and D.R. Centre.

4. **Detailed proposal on the subject/project:**

Technical Design Consideration**UPS**

APC Symmetra 32 KW N+1, Modular, Scalable, Hot – swappable. Symmetra 48 KW N Frame configured @ 32 KW N+1. Scalability in steps of 16 KW upto 32 KW. Battery runtime 14 minutes @ 32 KW Load. Built-in Modular Plug 'N' Play hot swappable power distribution to the rack PDUs with branch circuit monitoring. All the distribution components are factory terminated which eliminates on-site engineering work.

Racks

Server Rack 05 Nos of 600 MM Wide, 1070 mm depth, 42 U has been considered to support IT load of 4 kw per rack and Network Rack 02 Nos of 750 Mm wide, 1070 MM depth, 42 U has been considered to support IT Load of 2 Kw per rack.

Precision Cooling

DX based precision Cooling System Nominal Capacity 8.5 TR -02 Nos (1W -1.5) have been considered to support Data Center heat load of 26 KW.

UPS Power Distribution

- UPS Power Distribution is done up the server racks and Network Racks PDUs (Power Distribution Unit) through modular breakers.
- 4 KW Racks contains two PDUs of 32A, 1 Phase powered by modular distribution breaker for dual feed.
- 2KW Racks contains two PDUs of 16A 1 phase powered by modular distribution breaker.

Surveillance System

- Two Netbotz Cameras monitoring the server room.

Management Software

- Infrastructure Central Standard software and hardware is considered to monitor all APC equipment, which enables the status of each supplied APC equipment within THE Data Center if any error/breakdown occurs which can be easily detected and solved.

Fire Alarm System

- Conventional Type Fire Alarm Systems if considered with Cross Zoning Principle.
- Optical Type smoke detectors are considered for DC Area.
- Early smoke Detection system (HSSD) is considered for DC area Only.

GAS Based Extinguishing System

- FM 200 System is considered for DC area only (5.9x3.75) (IxW)
- The system shall be integrated with FAS.

Rodent Repellent System

- Master Console with satellites for Rodent repellent system, which emits ultrasonic sound waves to create an acoustically hostile environment that repels rodents, this frequency of sound will induce auditory stress to rodents and make them to move away. It is best bet than traps, it is chemical free and completely inaudible to people and non-rodent.

Access Control System

- Biometric standalone door access control for the server room door.

Very Early smoke Detection System

- High sensitivity laser based particle detection system. The detection system shall incorporate a dust separation system.

Civil Works

- Raised Floor for DC Room
- Mineral fiber false ceiling in DC room
- Under deck and floor insulation (Nitrile rubber 9 mm thick) for DC area.
- Anti static vinyl flooring.

Electrical Distribution;

- LT Panel with requirement breakers and accessories for UPS input, cooling Unit.
- Input cable to receive power from customer's LT Panel to DC LT Panel, Length considered for cable is 70 running mtrs.
- Input cable from DC LT Panel to UPS.
- Input Cable for Precision cooling units 2 Nos form DC LT Panel.

- Earthing cables for UPS and cooling units.

Scope of Supply/Services

Our scope of supply and services is as below. Items not included here and additional to offer to meet customer's specific need, can be offered separately at extra price.

Scope of supply

1. ISX (Infrastructure)
 - a. UPS
 - b. Server Racks.
 - c. Network Racks.
 - d. UPS Power Distribution
 - e. Rack Power Distribution
 - f. Management Software
2. Fire Alarm System
3. Very Early Smoke Detection System.
4. Fire Extinguishing System.
5. Rodent Repellent System.
6. Access Control system.
7. Civil Interior works
8. Electrical Distribution

IT Department is a need of merger of Room No.7001 and 7002 to server room (7003 and 7004) for proper maintenance of data centre and also for the purpose of disaster recovery. Further a space (one room) at SBS Place has been allocated to the IT Department for establishment of data center as a parallel run .

The following locations are identified for making of Modern Data Center

- ✓ Data Center 7th floor Palika Kendra
- ✓ Disaster Recovery Center 2nd floor SBS place Gole Market

It has been decided that the IT Department has to implement Mirroring Concept for all applications as well as databases in synchronized manner to ensure 100% uptime. First modernization of Data Center work will be done in Disaster Recovery site i.e. SBS Place, Gole Market.

Brief on tender processes

It is a third call of tender. During first call of tender, open tenders were invited through e-procurement system as well as wide publicity in the leading newspaper. In response, 2 bidders submitted their tender but only one firm fulfilled the technical criteria. But for better competition, it was decided to call fresh tender.

Accordingly 2nd call of tender was called. In response two bidders submitted their proposal; both the bidders i.e. M/s. Trimax IT Infrastructure & Service Limited and M/s.Sai Infosystem (India) Ltd fulfilled the technical criteria. Hence their financial bids were opened on 07.03.2013. M/s. Sai Infosystem (India) Ltd emerged as L1 bidder who quoted the rate as ` 2,90,53,585.08 (tax extra) in comparison to the rates of M/s. Trimax IT Infrastructure and Service Ltd who quoted `3,79,26,799.58. After taking approval from the Council, the work was awarded to M/s Sai Info. System at their lowest quoted rate of ₹2,90,53,585.08 (tax extra) vide Council's Reso. No. 02(I-02) dt. 26.3.2013. The work order was issued to the firm on 7.6.13. But the firm did not turned up after issue of work order and later on it was found that the firm has been announced bankrupt due to which the work was abandoned. And after taking approval of the competent authority, the work order was cancelled, their earnest money deposit amount ₹ 8,02,228/- was forfeited and tender was re-called.

Now, this is a third call of tender. For wide publicity of the tender, tender notice was published in the leading newspaper and tenders were called through e-procurement system. Pre-bid meeting was also held on 12.11.13 and necessary queries of the bidders had been attended and incorporated in the tender document. In the pre-bid meeting, 12 representatives from 08 firms were participated. On the due date of opening i.e. on 25.11.13, only one firm i.e. M/s Sify Technologies submitted its bid. Their bid was technically checked and found fit. Financial bid of only bidder i.e. of M/s Sify Tech. was opened on 13.12.13. The firm quoted ₹ 3,36,89,442/- which was appx. 25% above the estimated cost of department i.e. ₹2,67,40,936/-. For justification of rates received in higher side, it is stated that the estimate of the captioned work was made in the year 2011 and the Dollar rates were increased manifold in these years i.e. appx. 32.76%. Further, it is stated that 60% of equipments/parts are imported and attract the rates of Dollar. The case was sent to Finance Deptt. of NDMC for scrutiny of tender. After due scrutiny of the tender, the Finance Deptt. gave its no objection to the proposal of the Deptt. to process the case for further seeking approval of the Council to award the work to lone L-1 firm i.e. M/s Sify Technologies Ltd. at their quoted rates of ₹ 3,36,89,442/- plus taxes.

5. Financial implications of the proposed/subject:

Yes, Total Commercial implication for establishment of Modern Data Centre shall come to `3,36,89,442 (Rupees Three Crore thirty six Lacs eighty nine thousand four hundred and forty two only) plus Taxes Extra as applicable which are. Further, the rates received are justified. The sufficient funds are available in IT Head of account 4106008, Scheme Number 4 and Sub Scheme Number 8 in Budget Estimate 2013-14.

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

The expected time for awarding the work would be **one month** which would include Award of contract, signing of contract and agreement.

The expected time for Establishment of two number of Modern Data Centre (DC + DR) of NDMC would be **4 Months**.

7. Comments of the Finance deptt. on the subject :

Finance department has concurred the proposal and further, scrutinize the tender vide dated 04.02.14

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

No Comments

9. Legal implication of the subject/project:

None.

10. Comments of the Law deptt. on the subject :

No legal issue involved.

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

No Comments

12. Certification by the department that All Central Vigilance Commission (CVC) guidelines have been followed while processing the case:-

It is certified that all CVC guidelines have been followed during tendering process.

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

Council Resolution No. 02(I-02) dt. 26.3.13.

Council Decision: Resolved by the council to award the work to M/s SAI Infosystem (India Ltd.) against the tendered value of ₹2,90,53,585/- (tax extra) for establishing a modern data centre for NDMC. It was also resolved by the Council that further action may be taken by the Deptt. in anticipation of confirmation of the minutes by the Council.

14. Recommendation:

The department recommends for establishing a Modern Data Center for NDMC. Accordingly, it is proposed to accord revised A/A & E/S of ₹3,36,89,442/- (Rupees Three Crore thirty six Lacs eighty nine thousand four hundred and forty two only) plus Taxes Extra as applicable

15. Draft Resolution:

It is resolved to accord revised administrative approval and expenditure sanction amounting to ₹ 3,36,89,442 (Rupees Three Crore thirty six Lacs eighty nine thousand four hundred and forty two only) plus Taxes Extra as applicable. It is further resolved that the Department may initiate action in anticipation of confirmation of the minutes by the Council.

COUNCIL'S DECISION

Resolved by the Council to reject the single bid and fresh NIT be issued for establishment of Modern Data Centre after going through the bid documents again.

ITEM NO. 08 (W-02)**1. Name of the Subject/Project**

Creation of a New Head of Account and budget provision for New Projects

2. Name of the Department/departments concerned

Project Department

3. Brief history of the Subject/Project

General Financial Rules (GFRs) and Delegation of Financial Powers Rules (DoFPRs) prescribe general restrictions on appropriation or reappropriation of funds as under :

DoFPR 10

(1) Funds shall not be appropriated or reappropriated to meet expenditure which has not been sanctioned by an authority competent to sanction it.

(4) Funds shall not be appropriated or reappropriated to meet expenditure on a new service or new instrument of service not contemplated in the budget as approved by Parliament.

(5) (a) Funds shall not be appropriated or reappropriated to any work which has not received administrative approval and technical sanction as prescribed by the Central Government from time to time.

In pursuance of the above, only those capital schemes/work are included in budget estimates/revised estimates which have either been accorded AA&ES by the competent authority or have at least been concurred in by the Finance Department.

The executive officers have been demanding provision for new projects/work likely to be accorded AA&ES after approval of the budget citing various practical problems. The issue

was also raised in HODs meeting on 24.1.2014 when FA was desired to look into the matter. In a meeting by FA with Advisor (Revenue) on 27.1.2014, it was decided that a new head of account could be opened with a lump sum provisions of `10-25 crore for '**new projects**' after approval of the Council and requisite funds could be allocated therefrom to respective new schemes/projects which are accorded AA&ES after approval of the budget by the Council. Director (Project) was then requested by FA & Advisor (Rev.) to place a draft agendum to this effect in the next Council Meeting for approval of the Council.

4. Detailed proposal on the Subject/Project

it is proposed to obtain approval of the Council to open a new Capital Head of Account/Scheme namely 'New Projects' with a provision of `10 crore in Budget Estimates every year to facilitate allocation of funds therefrom to new projects which are accorded administrative approval and expenditure sanction after approval of detailed Annual Budget by the Council. It is further proposed to obtain approval of the Council to reappropriation of funds for new projects/scheme/work which are not contemplated in the Annual Budget.

5. Financial implication of the proposed Project/Subject

However, only a provision of `10 crore in Budget Estimates is being kept. The overall financial implications would be NIL since this newly created Head of Account would be used for allocation of funds therefrom through reappropriation to new projects/schemes/work which are accorded AA & ES by the competent authority.

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

The proposed new Head of Account shall be effective w.e.f. financial year 2014-15 i.e.from 01.04.2014.

7. Comments of the Finance Department on the subject

The proposal of the department seeks an exception/relaxation of General Financial Rules and Delegation of Financial Powers Rule 10 prescribing general restrictions on appropriation or reappropriation of funds. In view of the practical problems cited, the competent authority may consider approval of the proposal for administrative

convenience and expediency subject to observance of other relevant rules and regulations.

8. Comments of the department on comments of Finance Department

Not Applicable

9. Final views of Finance Department

The proposal of the department seeks an exception/relaxation of General Financial Rules and Delegation of Financial Powers Rule 10 prescribing general restrictions on appropriation or reappropriation of funds. In view of the practical problems cited, the competent authority may consider approval of the proposal for administrative convenience and expediency subject to observance of other relevant rules and regulations.

A new scheme, namely, **New Projects** (Chart of Account 02.412.40.00, Scheme No. 30, Field Code 313) opened with a provision of `10 crore in Budget Estimates.

10. Legal Implication of the Subject/Project

Not Applicable

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

NIL

12. Comments of the Law Department on the Subject/Project.

Not Applicable

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

Not Applicable

14. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

Not Applicable

15. Recommendation

Recommended for approval of the Council for opening of a New Head of Account/a new scheme namely '**New Projects**' (Chart of Account 02.412.40.00, Scheme No. 30, Field Code 313) opened with a provision of `10 crore in Budget Estimates for allocation therefrom through reappropriation to respective new schemes/projects which are accorded AA & ES by the competent authority after approval of the Budget by the Council.

16. Draft Resolution

Resolved for opening of a New Head of Account/a new scheme namely '**New Projects**' (Chart of Account 02.412.40.00, Scheme No. 30, Field Code 313) opened with a provision of `10 crore in Budget Estimates for allocation therefrom through reappropriation to respective new schemes/projects which are accorded AA & ES by the competent authority after approval of the Budget by the Council.

COUNCIL'S DECISION

Resolved by the Council for opening of a New Head of Account/a new scheme namely 'New Projects' (Chart of Account 02.412.40.00, Scheme No. 30, Field Code 313) opened with a provision of `10 crore in Budget Estimates for allocation therefrom through reappropriation to respective new schemes /projects which are accorded administrative approval and expenditure sanction by the competent authority after approval of the Budget by the Council.

(JALAJ SHRIVASTAVA)
CHAIRPERSON

(AJAY MAKEN)
PRESIDING OFFICER