

V.K. Jain, IAS
Chief Executive Officer



सत्यमेव जयते

ANEXURE-1 149c
DELHI URBAN SHELTER IMPROVEMENT BOARD
दिल्ली शहरी आश्रय सुधार बोर्ड
Govt. of National Capital Territory of Delhi
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
Delhi - 110 002

दिल्ली-110 002

D.O. No. PS/CEO/DUSIB/2015/D-71

Dated 30/08/2015

Respected Sir

I would like to draw your kind attention to the demolition of about 40 jhuggies in Mehrauli area, located near Lal Masjid in Aam Ka Bagh (Shamshee Talaab). These jhuggies were demolished by DDA on 26th of August, 2015 without rehabilitating the affected families living there for about 15-20 years. These jhuggi dwellers have suddenly become homeless and are squatting there in very inhuman conditions; so much so that a young child from these families died.

2. In this connection, I want to bring to your kind notice that a meeting was taken by the Hon'ble Chief Minister of Delhi on 02.05.2015 which was attended by the then VC, DDA and the decisions regarding removal of JJ clusters taken in the said meeting are reproduced below:

"As far as removal of JJ clusters is concerned any structure which was existing before 1st June, 2014 is not to be removed at any cost. However, any encroachment which has come after this date is to be removed and it has to be ensured that no further encroachment or new construction comes up in these areas. The then Vice Chairman of DDA agreed to the following decisions in the said meeting (copy enclosed as Annexure 'A'):

- (i) DDA will not demolish any jhuggi which existed before 01.06.2014;
- (ii) If DDA needs any land for any project, DDA will intimate Delhi Government at least 6 months in advance so that appropriate action could be taken for their rehabilitation."

3. It is apparent that the demolition of jhuggies in Mehrauli on 26.08.2015 is not in consonance with the assurance given by the then VC, DDA to Hon'ble Chief Minister, Delhi. Further, I also want to bring to your kind notice that the Vice Chairman, DDA is an ex-officio member of the Delhi Urban Shelter Improvement Board (DUSIB) and your predecessor Sh. Balvinder Kumar attended the 12th meeting of the Board held on 15.06.2015 wherein it was decided that till the preparation of a detailed Slum Rehabilitation policy/guidelines, no demolition of JJ clusters should be carried out without taking into confidence the Chief Executive Officer, DUSIB. The relevant part of the decision of the Board is reproduced below :

"Dy. Chief Minister/Vice Chairman, DUSIB observed that DUSIB is facing difficulties in rehabilitation of slum clusters. In view of that, he proposed before the Board that:



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E-mail : delhishelter@gmail.com, Website : delhishelter.nic.in
Tel.: +91-11-23379626 Fax : 23370965

- (i) The cut-off date for considering the eligibility for rehabilitation may be raised to 14.02.2015;
- (ii) DUSIB should prepare a detailed slum rehabilitation policy / guidelines;
- (iii) Till that time no demolition of JJ clusters should be carried out without prior permission of CEO, DUSIB;
- (iv) DUSIB should come out with an in-situ up-gradation proposal for slum relocation."

4. Not only this, there are number of judgments of Hon'ble High Court of Delhi and the Hon'ble Supreme Court, wherein it is held that no demolition should take place without rehabilitating the affected families. In this connection, your kind attention is drawn to the observations made by the Hon'ble High Court of Delhi in WP(C) 8904/2009, titled 'SUDAMA SINGH & OTHERS Vs GOVERNMENT OF DELHI & ANR. which are reproduced below:

"BINDING NATURE OF MPD-2021

The Master Plan for Delhi (MPD-2021) envisages rehabilitation or relocation of the existing squatter settlement/jhuggi dwellers. It provides for relocation of the jhuggi dwellers if the land on which their jhuggies exist is required for public purpose, in which case, the jhuggi dwellers should be relocated / re-settled and provided alternative accommodation. It also provides that resettlement whether in form of in-situ up-gradation or relocation should be based mainly on built-up accommodation of around 25 sq mtrs. with common facilities."

5. The provisions of 'The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended in 2014 and the DUSIB Act, 2010 as interpreted by various Courts from time to time and read in letter and spirit mandate that no demolition of jhuggie should be undertaken by any land owning agency without rehabilitating the affected persons as per the rehabilitation policy.

6. It is understood that DDA has planned more such demolitions in the same area such as in Goshia Colony. I am directed to request you to stop such demolitions forthwith in view of the facts and circumstances discussed above.

7. I am also directed to convey the following plans/proposals of the GNCTD/ DUSIB:

- (i) Govt. of NCT of Delhi is committed to rehabilitate/relocate all the siums of Delhi within a period of 5 years and for the said purpose, DUSIB is working out a Rehabilitation and Resettlement policy for Jhuggie jhompri clusters.
- (ii) Even if DDA wants to clear some land for specific public projects, the same be conveyed to DUSIB 6 months in advance so that the rehabilitation of affected persons can be worked out as per the Rehabilitation Policy for JJ clusters being framed by GNCTD/DUSIB.
- (iii) GNCTD has decided to ensure that no new jhuggie cluster will be allowed to crop up in Delhi .

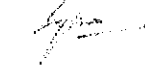
14/c

- (iv) DDA may consider to hand over to DUSIB the JJ clusters in Delhi belonging to DDA, on as is where is basis on the same terms & conditions on which JJ cluster at Kathputli Colony has been given to a private developer, on nomination basis. GNCTD will rehabilitate these clusters as per the commitment mentioned above and as per the rehabilitation policy which is likely to be announced shortly.

Keeping in view the urgency of the matter and on humanitarian grounds, Hon'ble Chief Minister of Delhi has decided to hold a meeting in his office on **31st August, 2015 at 10.00 A.M.** I am directed to request you to kindly make it convenient to attend this meeting in person.

Warm Regards

Yours sincerely,



(V.K. Jain)

Ends: as above

To,

Shri Arun Goel, IAS
Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA
New Delhi

ANNEXURE - 2^{17/c}

DELHI DEVELOPMENT AUTHORITY
Office of the Commissioner (LM)
Vikas Sadan, INA, New Delhi-110023

No. SW(134)/2013/LM/SWZ/ 195

Dated: 31.8.2015

To

Shri V K Jain, IAS
Chief Executive Officer
Delhi Urban Shelter Improvement Board
National Capital Territory of Delhi
Punarwas Bhawan, I P Estate
Delhi-110002.

Sub: Removal of jhuggis from Shamsi Talab, Mehrauli.

Ref: Your D.O. letter No. PS/CEO/DUSIB/2015/D-71 dated 30.8.2015.

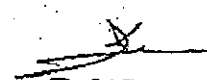
Sir,

With reference to your above cited letter, it is intimated that DDA has already decided to withhold demolition of jhuggi jhonpri clusters till review by the Hon'ble Lt. Governor, Delhi/Chairman, DDA.

Hon'ble Lt. Governor, Delhi/Chairman, DDA has scheduled a meeting in this matter on 31.8.2015 at 10.00 a.m. in his office.

In view of the above, it would not be possible for Vice Chairman, DDA to attend the meeting on 31.8.2015 at 10.00 a.m. as mentioned in your above mentioned letter.

Yours faithfully,


(D. SARKAR)
Commissioner (LM)

DELHI DEVELOPMENT AUTHORITY
Office of the Commissioner (LM)

No. F 10(1)2010/LMC/Part-III/464

Dated: 2nd September, 2015

Sub: Minutes of the meeting held under the chairmanship of Vice Chairman, DDA on 2.9.2015 regarding rehabilitation of dwellers of three unauthorized jhuggi jhonpri clusters.

1. A meeting was convened under the chairmanship of Vice Chairman, DDA on 2.9.2015 regarding rehabilitation of dwellers of three unauthorized jhuggi jhonpri clusters. A list of officers who attended the meeting is placed at Annexure-A.

2. A list of three DDA lands encroached by jhuggi jhonpri clusters which are required to be cleared for DDA's projects had been intimated to DUSIB with the request that DUSIB should prepare plans for rehabilitating dwellers of these jhuggi jhonpri clusters within two months and these plans would be discussed during the meeting. The above mentioned three sites are as follows:-

- i) Village Chowkari Mubarakabad (Anand Parbat area) - removal of approximately 500 kuchcha and pucca structures/jhuggis. Area required for development of green.
- ii) Vishwas Nagar 60 ft connecting road - removal of 59 jhuggis. Area required for construction of road.
- iii) Khasra No. 217, Near Son Burj, Ladha Sarai, Gosia Colony - 350-400 jhuggi jhonpris. Area required for development of green and preservation of heritage and ancient monuments as per orders of Hon'ble High Court of Delhi.

3. Vice Chairman, DDA stated that DDA is committed to the provisions contained in the National Capital Territory Laws (Special Provisions) - Second (Amendment) Act, 2014 and is committed to rehabilitating dwellers of identified jhuggi jhonpri clusters on DDA lands which are protected under the said Act. However, the rehabilitation work should be expedited and executed within two months and stage-wise timelines should be prepared.

4. CEO, DUSIB stated that it would not be possible to carry out the rehabilitation within two months as the draft rehabilitation policy which is in the draft stage would need to be approved and, therefore, suggested that the rehabilitation of jhuggi dwellers in the above mentioned three DDA lands be carried out within the next six months. The proposed rehabilitation policy of DUSIB would specify details with regard to eligibility for rehabilitation, cost

of alternative flats, cost to be borne by the land owning agency and stages of payment.

5. Vice Chairman, DDA suggested that DDA and DUSIB should work in a coordinated manner and carry out the task simultaneously to save time and expedite rehabilitation of these jhuggi dwellers. Vice Chairman, DDA suggested that the survey be conducted now and eligibility decided after the rehabilitation policy of DUSIB is finalized. CEO, DUSIB agreed to this proposal. Joint bio-metric survey of these three sites shall be conducted by two teams each of DDA and DUSIB. DDA would bear the cost of the bio-metric surveys. Individuals eligible for rehabilitation shall be identified, on the basis of this survey record, after the DUSIB rehabilitation policy is finalized.

6. CEO, DUSIB agreed that bio-metric surveys would commence at all the three sites simultaneously from 17.9.2015 and would be completed by 17.10.2015.

7. CEO, DUSIB intimated that the rehabilitation policy is likely to be finalized by end October, 2015.

8. CEO, DUSIB stated that DSIIDC had intimated that the flats in which dwellers of jhuggi jhonpri clusters are to be rehabilitated can be made habitable within six months after receipt of requisition from DUSIB.

9. Vice Chairman, DDA desired that DUSIB should explore the possibility of getting these flats for rehabilitation of dwellers of these three jhuggi clusters completed on priority at the earliest preferably within 2-3 months.

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

(D. SARKAR)
Commissioner (LM)

- 1 OSD to Vice Chairman, DDA for kind information of the latter.
- 2 Chief Executive Officer, DUSIB.
- 3 Finance Member
- 4 Engineer Member
- 5 Commissioner (Planning)
- 6 Chief Architect
- 7 Director (Horticulture) North & West
- 8 Director (Horticulture) South & East
- 9 Director (LM)-I
- 10 Deputy Director (LM) Coordn.

ANNEXURE-A

List of officers who attended the meeting chaired by Vice Chairman, DDA on 29.2.2015 regarding rehabilitation of dwellers of three unauthorized Jhuggi Jhonpri clusters.

Shri Arun Goel, Vice Chairman, DDA - (in Chair)

DUJIB

- 1 Shri V K Jaitu, Chief Executive Officer
- 2 Shri Sanjeev Mittal, Director

DDA

- 1 Shri D Sarkar, Commissioner (LM)
- 2 Shri Vinod Dhar, Chief Architect
- 3 Shri Amit Dass, Addl. Commissioner (AF), Planning
- 4 Shri Vishva Mohan, OSD to Vice Chairman
- 5 Shri S K Meena, Director (LM)-I
- 6 Smt. J P Parate, Director (F&H), Planning
- 7 Shri S S Dagar, Director (Horticulture) South & East
- 8 Shri Brij Lal, Director (Horticulture) North & West
- 9 Shri S D Sharma, Sr. Law Officer (LM)
- 10 Shri Suresh Kumar, Dy. Director (LM)/SWZ
- 11 Shri S S Nagar, Dy. Director (S&S)-II
- 12 Shri Y D Sharma, Dy. Director, Hort. Divn.-4
- 13 Shri Vinod Kumar, Dy. Director (Horticulture)
- 14 Shri Rajesh Kumar, Dy. Director (LM) Coordn.

AGENDA ITEM NO. 13/5

REGARDING RELOCATION OF JJ CLUSTER JWALA PURI ROAD
NO.5 IN COMPLIANCE OF THE ORDER DATED 15.09.2015 OF
HON'BLE HIGH COURT IN CONTEMPT CASE (CIVIL) NO.890/2011
TITLED AS VIRAT COOPERATIVE GROUP HOISING SOCIETY LTD.
& OTHERS. VS. COMMISSIONER, MUNICIPAL CORPORATION OF
DELHI & ORS.

1. JJ Cluster at Road No.5 Jwala Puri is situated on two roads connecting the four Cooperative Societies. These Cooperative Societies filed a Writ petition titled as Virat Co-operative Group Housing Society Ltd. & Ors Vs MCD and Ors.(W.P.(C) 5081/2007 in Hon'ble High Court for removal of this cluster coming in the right of way. This cluster is one of the 675 JJ clusters available on DUSIB website.
2. In the above matter, the Hon'ble High Court Delhi vide order dated 11.02.2009 (**Annexure-1**) directed the Respondents to remove illegal encroachments from the two roads, around the Cooperative Societies.
3. This order was not complied with; therefore the petitioners filed Contempt Case (Civil) No.890/2011 titled as Virat Cooperative Group Hosing Society Ltd. & Others. Vs. Commissioner, Municipal Corporation of Delhi & Ors.
4. To comply with the order of Hon'ble High Court, Slum & JJ Deptt. MCD had conducted joint survey of the JJ cluster along-with MCD, the Land Owning Agency (LOA) during August, 2009 and found 563 jhuggies existing there. The JJ Cluster in question was falling within the area earmarked for 'Right of Way', therefore, the JJ dwellers were not entitled for relocation as per the old policy of 2004 and MCD had to remove them. However, MCD had not removed the said encroachment till 2013.
5. Subsequently, Govt. of NCT of Delhi vide order No.F.18 (7)/UD/DUSIB/2011/Vol.I/2350 dated 25.02.2013 (**Annexure-2**), issued the revised Policy. Under this policy, even the JJ dwellers sitting on the right of way, road berm and foot path etc., became entitled for relocation, provided they fulfill the conditions.
6. The eligibility of the JJ Dwellers has been determined with reference to the policy issued on 25.02.2013 which prescribes the cut-off date of 04.06.2009. Department had organized four camps wherein 481 JJ dwellers appeared out of total 563 jhuggi dwellers. Out of these 481 JJ dwellers, 338 JJ dwellers were found eligible for relocation and 143 JJ dwellers were found ineligible. Eligible dwellers have been provisionally

allotted flats at Baprola and 332 out of 338 eligible JJ dwellers have already deposited the demanded amount.

7. DUSIB has issued demand notice for Rs.5.07 Cr to the South Delhi Municipal Corporation towards relocation charges vide letter dated 26.03.2014 followed by reminders dated 25.09.2014 and 27.10.2014, however, SDMC has not yet paid the relocation charges. Moreover, when the demand was raised for payment, Ex. Engineer (M-RZ) –I, MCD vide letter dated 01.04.2015 (**Annexure-3**) forwarded it to the Ex. Engineer, PWD, M-112, Rani Bagh, New Delhi mentioning therein that "Since presently the area/ road in question falls under the jurisdiction of PWD, as such you are requested to take urgent action in the matter for release of payment to the tune of Rs. 5,07,00,000/- in favour of Delhi Urban Shelter Improvement Board."

8. The removal action was scheduled for 30.04.2014 to 02.05.2014. However, the same could not be carried and Hon'ble Lt. Governor directed that efforts be expedited in the first instance for vacating all those clusters where vacant land is required for a specific project, NBCC or DMRC or MCD.

9. Hon'ble High Court vide order dated 01.07.2015 (**Annexure-4**) expressed annoyance directed the Chief Executive Officer, DUSIB to file a personal affidavit and also to remain present in person on 15th September, 2015. Accordingly, the CEO, DUSIB appeared in the Hon'ble High Court on 15.09.2015. The order of the Hon'ble High Court is reproduced below:-

ORDER
15.09.2015

On the last date of hearing, this Court had passed the following order:-

"It is strange that a contempt petition in this Court has been pending in Court for more than four years. A perusal of the file reveals that on one pretext or the other respondents are seeking an adjournment and not complying with the order. However, this Court is not able to find out as to who is stalling the execution of a legal and valid order which has attained finality.

Let a personal affidavit of Chief Executive Officer, DUSIB be filed, clearly naming the officer or the authority, who is stalling the execution of the order.

It is made clear that execution of a legal and valid order cannot be stalled on the ground for four years on the ground that a new policy is under contemplation.

It is also not understood as to why the Government could not frame a new policy if it wanted to do so for the last four years.

The Chief Executive Officer, DUSIB is also directed to be personally present in Court on the next date of hearing.

This Court clarifies that the personal presence of Chief Executive Officer, DUSIB is being insisted upon as it is a gross case in which for the last four year on one pretext or the other a legal and valid order passed by the Division Bench of this Court is not being implemented.

List the matter on 15th September, 2015."

In pursuance to the last order, Mr. V.K. Jain, CEO, DUSIB is personally present. Today in Court, he has handed over an affidavit. The same is taken on record.

In the said affidavit, it is stated that the Lieutenant Governor of Delhi has not granted permission for removal of the encroachment under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (for short the 'Act, 2011').

Since the allegation of the petitioners is that the main entrance to legal and authorized cooperative societies has been encroached upon, this Court is of the prima facie view that the exemption clause under Section 4(b) of the Act, 2011 is attracted.

Mr. V. K. Jain, at this stage states that it is not clear as to who is the land owning agency and as to who will bear the financial burden of relocation of the encroachers.

Learned senior counsel for the MCD states that as of today, PWD is the land owning agency of the roads in question.

This court is of the view that as there are judicial orders which have attained finality, the encroachments have to be forthwith removed and the encroachers who are entitled to rehabilitation have to be granted alternative accommodation with the existing policy.

This court of the view that at this moment cost of relocation should be borne by the Delhi Government. As to which department would bear the financial burden of the relocation can be decided by the Delhi Government at a subsequent dated.

In view of aforesaid clarification, CEO is directed to forthwith ensure compliance with the binding orders of this Court within a period of eight weeks.

The Police is directed to render full assistance to the DUSIB in implementing the orders of this Court.

List the matter on 30th November, 2015.

In the event, the orders are not complied with, the CEO, DUSIB shall be personally present in Court on the next date of hearing.

Order dasti to all the parties.

MANMOHAN, J.

September 15, 2015

10. Now keeping in view of the order of Hon'ble High Court, the Board is requested to accord its special approval for the following:

- (i) The JJ cluster in question be surveyed de-novo as per existing policy of 2013 with new cut-off date of 14.02.2015.
- (ii) Land Owning Agency as per the stand of the MCD in the court is PWD. As per order of the Hon'ble High Court and provisions of the existing policy of 2013, DUSIB may be allowed to go ahead with the relocation and recovery of cost of rehabilitation may be settled in due course.
- (iii) Earlier DUSIB has taken beneficiary contribution @ Rs. 68,000/- from each eligible family but in view of the inflation and as per the proposal under consideration, DUSIB may be allowed to charge Rs. 1,12,000/- per house only from the additional eligible JJ dwellers. In addition, both the earlier found eligible JJ dwellers and JJ dwellers found eligible after de-novo survey will be required to pay Rs. 30,000/- for the maintenance of flats.

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5081/2007

VIRAAT COOPERATIVE G/H SOCIETY and ORS Petitioners
Through Mr. Raj Panjwani with Ms. Sonia Singhani, Advocates.

versus

M.C.D and ORS

Respondents

Through Mr. O.P. Saxena, Advocate for R-1/MCD.

Ms. Rajdipa Behura with Mr. Chhinuhhal Singh and Mr. Deepak Anand, Advocates for R-2/DDA.

Mr. Prakash Kumar for Mr. Navin Chawla, Advocate for R-4.

Ms. Sona Ansari for Ms. Zuheda Begum, Advocate for R-5/Commissioner of Police.

Ms. Avnish Ahlawat and Ms. Simran, Advocates for R-6/DTC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

11.02.2009

Four Cooperative Societies have filed the present petition for removal of illegal encroachments on two roads as per the site plan at page 73 of the paper hook. The two roads, around these Cooperative Societies, have been illegally and unauthorisedly occupied, as result of which the residents of the Cooperative Societies cannot use the roads and have been forced and compelled to use hack door or other entrances. The Petitioners have also filed photographs in support of their contention.

2. The Respondents have admitted encroachment on the two roads as shown in the site plan and harassment caused to the members of the four Cooperative

Societies. There is violation of the Zonal Development plan and the layout plan.

W.P.(C) 5081/2007 Page 1
of 2

3. In view of the aforesaid admitted position, the Respondents are directed to remove illegal encroachments from the two roads as shown in the site plan at page no. 73. Reasonable notice will be given to the unauthorized occupants, who have encroached upon the said roads and they may be relocated in terms of the policy of the Government. If required, the Slum and JJ Wing of MCD will coordinate with the General Wing of MCD and other statutory hodies / authorities. The aforesaid exercise will be completed within a period of two months from today. It will be the responsibility of MCD and the local police to ensure that after removal, roads have not again re-encroached. We may note here that one of the Petitioner Cooperative Society's - Jahaz Cooperative Housing Society had earlier filed Writ Petition 7568/2000 and jhuggi jhoprees along with the said Cooperative Society had been removed and relocated. However, with regard to removal of jbuggees on the main road beyond the wall of the said Cooperative Society, the matter was adjourned. No steps, thereafter have been taken by the Respondents. Keeping the aforesaid aspects in mind, we have issued aforesaid time bound directions. The writ petition stands disposed of.

(L.P.S)
 G 4/6/9
 Date: 25/02/13
 G/o (to) C.E.O. (DUSIB)
 C.U.C.T. of Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
9TH LEVEL, 'C' WING; DELHI SECRETARIAT; NEW DELHI

No.F.18(7)/UD/DUSIB/2011/Vol-I 23 STP

Date: 25/02/2013

ORDER

Relocation and rehabilitation of the JJ dwellers has been the priority of the Govt. of NCT of Delhi for quite some time. With the launch of Jawaharlal Nehru Urban Renewal Mission (JNNURM) by the Government of India financial assistance was given to the GNCTD for construction of flats under this scheme for urban poor. Standard flats of approximately 25 sq. meters carpet area (and 32 sq. meters plinth area) have been constructed for this purpose and are now ready for allotment. A number of guidelines were issued by the GNCTD from time to time for regulating the matter of allotment of these flats like determining criteria of eligibility, prescribing procedures for publicizing and identifying beneficiaries, enumerating the documents for verification, determining the quantum of contribution from beneficiaries, land owning agencies and the government, prescribing the nature and extent of tenurial rights after allotment etc. However since sufficient number of persons did not become eligible for allotment as per the strict criteria and procedures in the guidelines and because of some court rulings, the government decided to constitute a Group of Ministers (GoM) to examine the existing guidelines and suggest appropriate modifications. After careful consideration of the report submitted by the GoM, the Lt. Governor of the Government of National Capital Territory of Delhi is pleased to issue the following guidelines, which will supersede all previous guidelines and modifications thereof.

By Order


 Project Officer (BSUP)
 Department of Urban Development

Guidelines for implementation of the Scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013.

1. The Delhi Urban Shelter Improvement Board (DUSIB) will be the Nodal Agency for relocation/ rehabilitation of JJ clusters in respect of the lands belonging to MCD and Delhi Government and its Departments/Agencies. In case JJ colonies existing in lands belonging to Central Government/Agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council, etc. the respective agency may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB.
2. The DUSIB will initiate the process of notification of those 'jhuggi jhopri basties' which satisfies the conditions as given in Section 2(g) of the Delhi Urban Shelter Improvement Board, Act, 2010.
3. The DUSIB will carry out the survey of jhuggi jhopri bastis as per section 9 of the Act and in such surveys will follow the procedure as given below:
 - (a) DUSIB shall paste a notice regarding conduct of survey at least four weeks in advance at conspicuous places in the JJ Clusters and public announcement should be made through mass communication media like loud speakers and /or beating of drums etc. from the date of issue of notice on regular basis till the completion of survey, in order to ensure that all the jhuggi dwellers be informed about the survey being carried out by the DUSIB/Govt./any authorized person/ agency by the DUSIB.
 - (b) After four weeks of notice period, the joint-survey may be conducted by DUSIB so as to ensure that no genuine JJ cluster dweller is left out of the joint survey. However, in exceptional circumstances the above said notice period can be relaxed by DUSIB.
 - (c) The survey team has to ensure that the names of JJ cluster dweller and his/her family member who are actually residing in the said jhuggi (whether they are occupying the jhuggi themselves or occupying the jhuggi on rental basis), should be incorporated in the survey list. After the preparation of survey report JJ Cluster dwellers may be asked to submit the documents in support of their claim within 21 days.
 - (d) In addition to the above prescribed procedure if any genuine case(s) is/are still left out, then the CEO, DUSIB may consider the same as per individual merits of the case.

4. For any person to become eligible for allotment under these guidelines, he/she should satisfy the following eligibility criteria and will be further subject to the conditions and procedures as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The JJ dweller should have been occupying the Jhuggi on or before 4.6.2009 i.e. the date of announcement of RAY by Government of India;
- (iii) The JJ dweller cannot claim the allotment of a flat as a matter of right;
- (iv) The name of the JJ dweller should figure in the joint survey conducted by Slum & JJ Deptt./ DUSIB with the representative of Land Owning Agency. Based on the joint survey and verification of documents eligibility list will be prepared by the eligibility determination committee to be constituted by CEO, DUSIB;
- (v) The JJ dweller will be entitled for one residential flat only, even if he/she is occupying more than one jhuggi;
- (vi) No flat shall be allotted if the jhuggi is used for commercial purpose;
- (vii) The jhuggi being used for both residential and commercial purpose can be considered for allotment of one residential flat only. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one residential flat only, if such commercial and residential parts are occupied by the same person;
- (viii) In case of multi-storied jhuggi occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.
- (ix) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi, biometrics along with photos of both husband and wife and members of family will be prepared and maintained by Delhi Urban Shelter Improvement Board;
- (x) The flats to the eligible slum dwellers will be allotted initially on lease hold basis for 15 years and converted to free hold thereafter for which modalities will be worked out by the Delhi Urban Shelter Improvement Board (DUSIB) and Government's approval obtained;
- (xi) The lessee shall use the flat for residential purpose only;
- (xii) Neither allottee nor any of his/her family member(s) should own any plot/pucca house, full or part in Delhi;
- (xiii) The allottee shall abide by the terms and conditions of the allotment/lease deed of flat and shall pay the ground rent as to be determined by the Delhi Urban Shelter Improvement Board;
- (xiv) The Delhi Urban Shelter Improvement Board has the right to cancel allotment of the flat and to take over the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee

cannot claim any compensation whatsoever and such allottee shall handover the peaceful possession of the flat to the Lessor/DUSIB;

(xv) In case it is discovered that the allotment has been procured by misrepresentation, suppression of facts or fraud and producing fake documents, etc., the allotment shall stand cancelled and possession of the flat shall vest with the Delhi Urban Shelter Improvement Board without paying any compensation to the allottee, this shall be without any prejudice to any criminal action called for;

(xvi) Before allotment of a flat, the beneficiary shall have to file an affidavit duly verified by a First Class Magistrate /Notary Public specifying the above eligibility conditions. The photograph of the beneficiary (wife and husband together) should be pasted on the affidavit duly verified by the First Class Magistrate /Notary Public.

5. Those Jhuggi dwellers, who have come after the cut of date i.e. 4.6.2009, who do not have sufficient proof/documents of eligibility and is not covered by the eligibility norms and who have rented out / sold out the jhuggi and not in a possession of jhuggi at the time of removal. No allotment would be done against vacant /demolished / unoccupied jhuggi at the time of survey and no Jhuggi dwellers once allotted plot / flat will not be eligible for future allotment.

6. The Chief Executive Officer (CEO) of the DUSIB is authorized to constitute scrutiny/eligibility determination committee comprising of officer(s) of DUSIB, the concerned ERO/AERO/or any authorized officer(s) nominated by District Election Officer and officer(s) of the Land Owning Agency to determine the eligibility of shum/JJ dwellers. CEO, DUSIB is also authorized to devise any suitable mechanism/procedure and/or to modify/reconstitute the scrutiny/eligibility determination committee as per the exigencies of the work.

7. In order to ensure that no eligible JJ dweller (s) is left out from the Rehabilitation Scheme, the following documents will be considered for the purpose of proof of residence:

a. The name of the JJ dweller should be in the list of electors maintained by the Office of the Chief Electoral Officer as per the instructions of the Election Commission, of India on or before the proposed cut off date i.e 4.6.2009 and also in the year of survey;

b. In addition to above the JJ dweller shall submit any one of the following documents, issued on or before 4.6.2009 to substantiate the proof of residence:

- (i) Passport
- (ii) Ration Card with photograph

- (iii) Driving Licence
- (iv) Identity Card/Smart Card with photograph issued by State/Central Government and/or its autonomous bodies/agencies like PSU/Local Bodies.
- (v) Passbooks issued by public sector Bank/Post Office with photograph.
- (vi) SC/ST/OBC Certificate issued by the Competent Authority with photograph.
- (vii) Pension document with photograph, such as Ex-servicemen's Pension Book, Pension payment order, Ex-servicemen's widow/dependents certificate, old age pension order or widow pension order.
- (viii) Freedom fighter's identity card with photograph.
- (ix) Certificate of physically handicapped with photograph issued by Competent Authority.
- (x) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme).
- (xi) Identity Card with photograph issued in the name of the descendants of the slum/JJ dweller from a Government School.
- (xii) The JJ cluster dweller shall have to file an affidavit duly sworn before the Notary Public about the authenticity and veracity of the documents submitted by him/her.

In the case of minor legal heirs the above said prescribed documents/requirement can be relaxed by the CEO, DUSIB. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then the CEO, DUSIB may decide the genuineness of the same on case to case basis.

8. To have uniformity in the allotment of the dwelling units available for allotment as on date, the Land Owning Agency's contribution may be kept as Rs.1,50,000/- per eligible beneficiary and the cost of the dwelling units may be shared equally by the State Government and the beneficiary after deduction of Central Government share from the actual cost of the dwelling unit. In case of *in situ* development, the eligible beneficiary will have to pay the land owning agency share in addition to the beneficiary share.

9. The rehabilitation/relocation of JJ clusters shall be started without waiting for the receipt of Land Owning Agencies contributions from the Delhi Government Departments and/or its autonomous bodies/Public Sector Undertakings and the shortage of funds on accounts of this can be met out from the funds given by Government to the implementing agency. After the removal of JJ clusters, the said land may be handed over to the Land Owning Agency and the process for recovery of the Land Owning Agency contribution may be carried out simultaneously. However, in

cases where the land owner is a Government of India Department/Agency, the cluster may be removed only after receipt of the Land Owning Agency contribution.

10. The entire relocation/rehabilitation of JJ clusters shall be treated as a public project under JNNURM/RAY, under The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

11. DUSIB will utilise the Aadhaar/UIDAI Card data of the JJ dweller for biometric authentication. However, in case Aadhaar/UIDAI Card data is not available, then DUSIB may authenticate the JJ dweller through its own bio-metric process. Aadhaar/UIDAI/DUSIB bio-metric identity card data of each member(s) of the JJ dwellers family shall be kept in record for reference. However, production of UID/EID No. of the beneficiary will be compulsory before handing over the possession of the flat.

12. In the case of a JJ cluster dweller expiring after the date of survey, the widow/widower becomes eligible for allotment under the Scheme. However, where the JJ dweller and his/her spouse dies after the conduct of survey, the legal heir(s) who have been actually residing in the said jhuggi shall be eligible to avail the benefits under the Scheme, in order to remove hardships to the family of deceased beneficiary.

13. DUSIB shall refer specific complaint(s), if any, pertaining to foreign nationals case(s) to Delhi Police for verification and to consider remaining cases by taking an affidavit from the beneficiary regarding his/her details of permanent address and also a declaration to the effect that he/she is a *bonafide* citizen of India.

14. The cases of minor mistakes/variations in the name(s) and/or address(s) of the slum/JJ dweller/beneficiary would be decided by the CEO, DUSIB on the basis of documentation and verification.

15. Allotment of flats to the identified and selected eligible JJ dwellers will be made by computerized draw of flats by the DUSIB. Possession of the flats will be handed over to the eligible JJ dwellers by the DUSIB as per the terms and conditions.

16. The work of maintenance of flats will be the responsibility of the construction agency (DSIIDC/DUSIB) for a minimum period of five years from the date of allotment and, thereafter, the property will be transferred to the Nodal Agency/local body or RWA for maintenance. Maintenance charges as may be decided will be recovered from the allottees on sharing basis and will be deposited in the "Estate Management Fund" to be operated by the construction agency concerned.

17. DUSIB will assist those beneficiaries who are not able to arrange the beneficiary contribution to avail loans from banks /financial institutions including cooperative banks. However, in case of default in payments by the beneficiary, nodal agency i.e. DUSIB shall have the right to cancel the allotment and allot the flat to some other eligible JJ dweller.

18. In case of SC beneficiaries, financial assistance will be provided to meet the total amount of beneficiary contribution required under the relocation scheme as per the procedure prescribed vide Cabinet Decision No 1810 dated 19.9.2011 including in situ redevelopment.

19. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then CEO, DUSIB may consider the same as per individual merits of the case. The requirements of additional documents, if any, to decide the eligibility of the applicant in these cases may be decided by CEO, DUSIB.

20. The benefit of these guidelines will apply to the following eight JJ clusters namely (a) Cement Godown Moti Bagh/Netaji Nagar, (b) G-Point, Gole Market, (c) Pkt-6, near Dhobi Ghat, DDU Marg (d) Bengali Camp at Kidwai Nagar (e) Mandir Gali, G-F Block, Karam Pura (f) Shiv Camp near Safdarjung Airport (g) Cluster near Bharti Nagar (Khan Market) and (h) Arjun Das Camp, East Kidwai Nagar, which have already been relocated by DUSIB as per the policy guidelines issued vide order dated 19.2.2010 and its subsequent amendments. However, the financial sharing pattern in these cases would be as per order dated 19.2.2010.

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER-(M-RZ)-I
NEAR RANI JHANSI STADIUM KESHAVPURAM NEW DELHI

ANNEXURE 3

Dated: 1/4/14

No.E.E.-(M-RZ)-I/13/D/ 04

To

Sh. Sajal Mitra
Ex. Engineer (PWD)
M-112, Rani Bagh
New Delhi

Subject:

Payment of Relocation Charges in the respect of eligible jhuggi dwellers of J.J. Cluster S.P. Camp Virat Co-Operative Jawlapuri Delhi

Sir,

Please find enclosed herewith a demand letter for Rs. 5,07,00,000/- against payment of re-location charges in respect of 338 eligible jhuggi dwellers of J.J. Cluster S.P. Camp Virat Co-operative Jawlapuri. The said demand has been raised in pursuant to the guideline for implementation of the scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013 notified by Govt. of NCT of Delhi Deptt. of Urban Development vide order No. F 18(7)/UD/DUSIB/2011/Vol-1/2350 dated 25/02/2013. As per the para 8 of the guidelines the contribution of the land owning agency has been kept as Rs. 1,50,000/- per eligible beneficiary and the relocation charges are to be borne by the land owning agency. Since presently the area /road in question falls under the jurisdiction of PWD, as such you are requested to take urgent action in the matter for release of payment to the tune of Rs. 5,07,00,000/- in favour of Delhi Urban Shelter Improvement Board. An early action from your side shall speed up the rehabilitation process.

Encl: As above.

Executive Engineer (M-RZ)-I

Copy to:-

1. C.E. (Rohini), for kind information.
2. D.C. (Rohini), for kind information.
3. S.E. (Rohini)-I, for kind information.
4. Dy. Director, (JNNURM)-II, with the request to follow up the matter with PWD.
5. Office Copy.

3/1/14
Executive Engineer (M-RZ)-I

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 890/2011

VIRAT COOPERATIVE GROUP

HOUSING SOCIETY LTD & ORS

..... Petitioners

Through: Mr. D.K. Sharma, petitioner in person.

versus

COMMISSIONER MUNICIPAL

CORPORATION OF DELHI & ORS

..... Respondents

Through: Mr. Parvinder Chauhan, Advocate for
respondent No.1-DUSIB.

Ms. Mini Pushkarna, Standing counsel
for respondent No.2.

Ms. Niti Jain, Advocate for Mr. Anuj
Aggarwal, Advocate for respondent
No.3-GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

01.07.2015

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It is strange that a contempt petition in this Court has been pending in Court for more than four years. A perusal of the file reveals that on one pretext or the other respondents are seeking an adjournment and not complying with the order. However, this Court is not able to find out as to who is stalling the execution of a legal and valid order which has attained finality.

Let a personal affidavit of Chief Executive Officer, DUSIB be filed, clearly naming the officer or the authority, who is stalling the execution of

the order.

It is made clear that execution of a legal and valid order cannot be stalled on the ground for four years on the ground that a new policy is under contemplation.

It is also not understood as to why the Government could not frame a new policy if it wanted to do so for the last four years.

The Chief Executive Officer, DUSIB, is also directed to be personally present in Court on the next date of hearing.

This Court clarifies that the personal presence of Chief Executive Officer, DUSIB, is being insisted upon as it is a gross case in which for the last four years on one pretext or the other a legal and valid order passed by the Division Bench of this Court is not being implemented.

List the matter on 15th September, 2015.

MANMOHAN, J

JULY 01, 2015

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AGENDA ITEM NO. 13/7DISPOSAL OF DUSIB PLOTS/PROPERTIES

1. Properties/ Units belonging to DUSIB are spread throughout Delhi. DUSIB is, however, unable to protect a lot of stand-alone properties, small/built up assets from unauthorized encroachment due to paucity of funds and man power. It will, therefore, be in the interest of the Department to auction /tender these scattered properties to avoid unnecessary expenditure towards watch and ward and maintenance of such properties as well as to ensure that these properties are not encroached upon.

This will also help in augmenting scarce monetary resources for the Department.

2. The matter was placed before the Board in its 5th meeting held on 19.12.2011 and the Board accorded approval to the proposal which is reproduced below:

"In view of the position explained above and to tide over the present financial crunch, it is, therefore, requested to kindly accord the approval for disposal of commercial/residential land, built up shops etc., through auction/ tender on all lands including Nazul II and III which now vest with DUSIB in accordance with the manner laid down in the rule (Disposal and Development of Nazul Land) Rules - 1981 and the instructions issued by GOI from time to time in this behalf.

The CEO may be authorized to constitute committee to fix the reserve price and accept the bid of properties disposed through auction/tender.

The CEO may be authorized to exercise the power for disposal of land /properties on freehold/leasehold basis through auction/tender, on the recommendation of committees except Nazul Lands for which the approval of Competent Authority i.e., Hon'ble Lt. Governor of NCT of Delhi will be sought."

3. Later on, regarding the disposal of properties, a clarification was sought by DUSIB vide letter dated 08.05.2014 from the Government of NCT of Delhi regarding the competency of the Board i.e. DUSIB to dispose of its properties (Annexure-I). Vide the said letter, the Secretary (UD), GNCTD was requested to intimate whether DUSIB can dispose of its properties through auction/ tender for generating the revenue as per the practice that had been adopted by the erstwhile Slum & JJ Department, now DUSIB.

4. The Department of Urban Development, GNCTD vide letter dated 10.07.2014 has conveyed that the matter has been examined in the Govt. of NCT of Delhi and the suggestion of the Finance Department, GNCT of Delhi is given as under:-

" That as per schedule to Rules 7 & 8 of Transaction of Business Rules, the approval of the Council of Minister is required in respect of proposal involving alienation, either temporary or permanent or of sale, grant or lease of Government property (exceeding Rs. one Lakh in value) or the abandonment or deduction of revenues exceeding that amount except when such alienation, sale grant or lease of Government property is in accordance with the rules or with general scheme already approved by the Council.

In view of above, FD feels that the approval of Council of Ministers or of the Competent Authority empowered to exercise the powers of the Cabinet is required in the instant case, since it involves disposal of land. FD also feels that if the Competent Authority agrees to dispose off the land through auction, the Board may either adopt the auction policy being followed by DDA for the public auction of movable and immovable property or chalk out a better improved transparent policy which will fetch more revenue. DUSIB should seek the approval of the Competent Authority for the specific property, being auctioned each time. Blanket approval for the disposal of land through auction is not advisable. Further, DUSIB should also ensure that the immovable property to be auctioned is not required for resettlement of residents of Jhuggi Jhopani Basties removed from the encroached land of Government and other agencies or for any other use as per the mandate of DUSIB". (Annexure-II)

DUSIB was advised to take further necessary action as per the above opinion of the Finance Department, GNCT of Delhi.

5. On the above advisory of Urban Development Department and Finance Department of GNCT of Delhi, the following comments are submitted for kind consideration of the Board:

(i) Delhi Urban Shelter Improvement Board Act 2010 has been notified vide notification no. F.14(18)/LA-2007/LC Law/217 dated 31 May 2010, after President of India accorded his assent. (Annexure -III)

(ii) Funds of the Board - As per section 23 (d) of the DUSIB Act, the Board shall have and maintain its own funds to which all moneys received by the Board from the disposal of lands, buildings and other properties, movable and immovable; apart from other sources.

(iii) Taking over the assets and liabilities - As per section 31 of the DUSIB Act, on and from the commencement of this Act, the Board may take over such assets and liabilities, both movable and immovable, of any existing organization of the Government or any local authority as may be specified by the Government or by the Central Government, as the case may be, by an order issued in this behalf, on such terms as may be specified in such order.

(iv) Vide notification no. F.3(7)/UD/DUSIB/2010/13736-13749 dated 30 Aug 2010, the Government of the NCT of Delhi granted approval to DUSIB to take over all the assets and liabilities, both, movable and immovable in possession of Slum and JJ Department of the MCD on 'as is where is' basis. **(Annexure – IV)**

(v) Vide notification dated 29 September 2010, DUSIB took over all the assets and liabilities both movable and immovable of erstwhile Slum and JJ Department of the MCD on 'as is where is' basis. **(Annexure – V)**

(vi) Kind attention is drawn to section 33 of the DUSIB Act which is reproduced below:

"The Board shall for the purposes of this Act, by agreement on such terms and conditions at such price as may be approved by the Board, have power to acquire and hold or dispose of moveable and immovable property or any interest thereon".

By virtue of this section, it is categorical that the Board is fully competent to acquire, hold of, disposed of moveable and immovable properties or any interest thereon as on date.

(vii) Prior to notification of Delhi Urban Shelter Improvement Board, the erstwhile Slum & JJ Department, MCD organized auctions for disposal of residential plots, commercial plots, shop plots and built up shops etc. for generating revenue. Last auction was held by the erstwhile Slum & JJ Department of MCD in 2002 and last sale through tender was done in May, 2005. The auction / tender is being done after checking the land use, whether it is free from encumbrances and on fixation of reserve price by Reserve Price Fixation Committee through Finance Wing of DUSIB.

6. In view of above the following proposals are submitted for consideration before the Board.

(i) CEO, DUSIB may be authorised to dispose off smaller plots of land and built up properties up to 100 Sq. mtr. by e-auction/auction/tender in a transparent manner..

(ii) CEO, DUSIB may be allowed to follow the policy/procedure being followed in DDA for fixation of reserve price. DUSIB can obtain the list of property valuers empanelled by DDA on the similar terms and conditions and/or DUSIB may empanel its own property valuers.

(iii) DUSIB may construct boundary walls on bigger size plots to protect them from encroachment and engage security guards for watch and ward wherever required.

Annexure - II

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
PUNARVAS BHAWAN, NEW DELHI - 110002

NO: Meeting Cell/DUSIB//DD(Admn)2015/D-50

Dated: 28/09/2015

Sub: Minutes of the 13th Meeting of Delhi Urban Shelter Improvement Board held on 22.09.2015.

Sir/Madam,

Please find enclosed herewith the minutes of the 13th Meeting of Delhi Urban Shelter Improvement Board (DUSIB) held on 22.09.2015 duly approved by Hon'ble Chairman, DUSIB for kind information.

Encl: as above


Dy. Director (Admn.)

1. Secy. to Chief Minister, GNCT of Delhi.
2. Secy. to Dy. Chief Minister, GNCT of Delhi.
3. Shri Sahi Ram, MLA, Tughlakabad (AC. No. 52).
4. Shri Akhilesh Pati Tripathi, MLA, Model Town (AC No. 18).
5. Shri Hazari Lal Chauhan, MLA, Patel Nagar (AC No. 24).
6. Shri Ram Kishan Bansiwala, Municipal Councillor, NDMC(Ward No. 5)
7. Shri Chander Prakash, Municipal Councillor, SDMC (Ward No.195)
8. Shri Sunil Kumar Jha, Municipal Councillor, EDMC (Ward No.242)
9. Vice Chairman, DDA.
10. Pr. Secretary(UD), UD Deptt. GNCT of Delhi.
11. Director (Local Bodies), GNCT of Delhi.
12. CEO, Delhi Jal Board.
13. CEO, DUSIB.
14. Chairperson, NDMC.
15. Shri Dharmendra, Jt. Secretary(L&W), M/o UD, Gol, Nirman Bhawan-representative of M/o UD.
16. Shri Gopal K. Saxena, BSES, Member(Power).
17. Member(Admn), DUSIB.
18. Member(Finance), DUSIB.
19. Member(Engineering), DUSIB.
20. Shri Bipin Kumar Rai, Expert (non-official).
21. Shri A.K. Gupta, Expert (non-official).
22. Office copy.

OFFICE OF THE CHIEF EXECUTIVE OFFICER
DELHI URBAN SHELTER IMPROVEMENT BOARD
Govt. of N.C.T. of Delhi
PUNERVAS BHAWAN, I.P. ESTATE,
NEW DELHI- 110002
delhishelter@gmail.com

No. Meeting Cell/DUSIB/DD(Admn.)/2015/D-

Dated: 28.09.2015

Minutes Of The 13th Meeting Of The Board Held Under The
Chairmanship Of Hon'ble Chief Minister On 22.09.2015 at 11.00 A.M.
in The Conference Hall No.2, Delhi Secretariat, New Delhi

List of the participants is annexed.

At the outset, CEO, DUSIB welcomed all the participants and briefed about the agenda and sought permission of the Chair to start the meeting. After detailed deliberations on the items contained in the Agenda, already circulated to the members, the following decisions were taken:

Agenda Item No. 13/1

Confirmation of Minutes of 12th Meeting of the Board

The minutes of the 12th Meeting of the BOARD held on 15.6.2015 were approved by the Hon'ble Chief Minister, Govt. of NCT of Delhi and circulated vide letter No. Meeting Cell/DUSIB/DD (Board) 2015/D-37 dated 24.6.2015 for the kind information of all Members of the Board. Since no observation/comments have been received from any Member, the Board approved and confirmed the minutes of the 12th Board meeting.



Preliminary Observations

1. Before taking up the agenda, Shri Sahi Ram, Hon'ble MLA desired to know as to why the Vice Chairman, DDA is not present in today's meeting, being the ex-officio member of the Board. Supporting his contention Shri Akhilesh Pati Tripathi, Hon'ble MLA also insisted that VC, DDA should have been present in the meeting today since this meeting has been called on *urgent basis* to take a view on the recent demolition undertaken by the DDA and the demolitions proposed to be taken up by the DDA in the near future. He further observed that *there is no such provision in the DUSIB Act, 2010, where any of the Board Members can depute a nominee to attend the meeting on his behalf.*
2. Shri J.P. Agrawal, Pr. Commissioner (Land Disposal) who was present in the meeting on behalf of the Vice Chairman, DDA, informed that there is some oral evidence of the VC, DDA in the Parliament of India, and therefore, he is not able to attend this meeting.

The Chairman, Sh. Arvind Kejriwal requested the members to allow Sh. J. P. Aggarwal to represent VC, DDA. However, the members did not agree citing law that no member was allowed to send representatives.
3. It was decided by the Board, that the agenda item no. I3/4 pertaining to "*demolition of jhuggis by DDA and request for relocation of three JJ clusters*" be deferred for the next meeting.
4. It was also decided that the next meeting be called on *5th October, 2015 at 11.00 A.M.* keeping in view the urgency of the matter. Sh. J.P. Agrawal was requested to confirm the availability of VC, DDA for the said date and time for the next meeting. If VC, DDA is not available on this date, the meeting can be re-scheduled by mutual convenience.

Agenda Item No. 13/2

Action Taken Report on the Minutes of 12th Board Meeting

1. CEO, DUSIB informed that action on all the items, decided in the last Board meeting, have already been taken/initiated by DUSIB.
2. CEO, DUSIB also informed that notification of JJ clusters under section 2(g) of DUSIB Act, 2010 is pending for want of notification of the amendment in the DUSIB Act, as mentioned in item No. 12/5. The said file is under submission to the office of Hon'ble Lt Governor, Delhi.
3. The matter was discussed by the Board and it was desired that DUSIB may go ahead with notification of JJ clusters under Section 2(g) of the DUSIB Act, taking 01.01.2006 as cut-off date in view of the provisions of NCT of Delhi Laws (Special Provisions) Act, 2011 passed by the Parliament of India. CEO, DUSIB submitted that the necessary action will be taken after legal consultation.
4. Regarding item no. 12/7 i.e., "*continuation of the interest/penalty waiver/relief scheme in respect of Special Registration Scheme, 1985*", the action taken by DUSIB was noted by the members. Some of the members, namely; Sh Sahi Ram, MLA and Sh Akhilesh Pati Tripathi, MLA expressed that allottees of these flats are facing hardships in clearing the dues of DUSIB particularly the interest component and requested that the Board may consider waiving of the interest altogether keeping in view that the allottees belong to the Economically Weaker Section.
5. The matter was deliberated in the Board at length and *it was resolved that the interest on the delay in payment of installments of these flats be reduced from 12% to 7% for a period of 3 months as a one-time measure keeping in view the hardship being faced by these allottees.* The CEO, DUSIB will work out the modalities of the said **Amnesty Scheme** and implement the same. Those who do not take

advantage of this scheme within this period of three months, will again become liable to pay interest @ 12%.

Agenda Item No. 13/3

Delhi Slum Rehabilitation and Relocation Policy, 2015

1. CEO, DUSIB presented the salient features of the proposed Delhi Slum Rehabilitation and Relocation Policy, 2015. The Scheme was deliberated by the members and there was a general consensus.
2. However, Mr. Anand Mohan, representative of Ministry of Urban Development, Govt. of India requested that he needs time to discuss this policy with his seniors in the Ministry.
3. It was decided that the said policy be placed again before the Board in the next meeting for further consideration and approval.
4. It was desired by the Board that the CEO, DUSIB will also place in the next meeting, the agenda pertaining to "the terms & conditions at which alternative accommodation will be provided & the eligibility conditions, as mentioned in para 2 (iii) of the proposed policy.
5. It was also desired that henceforth, a representative of Railways be called in the meeting as a special invitee because a large number of JJ clusters belong to them in Delhi.

Agenda Item No. 13/4

Demolition of Jhuggies by DDA and Request for Rehabilitation of three JJ Clusters

This item was deferred because VC DDA was not present and the Board did not consider it appropriate to take a view in his absence.

Agenda Item No. 13/5

Regarding Relocation of JJ Cluster(s) at Jwala Puri in Compliance of the Order dated 15.09.2015 of Hon'ble High Court of Delhi

Keeping in view the orders of the Hon'ble High Court of Delhi in Contempt Case (Civil) No.890/2011 titled as Virat Cooperative Group Housing Society Ltd. & Ors Vs. Commissioner, Municipal Corporation of Delhi & Ors, it was decided by the Board that survey of the cluster(s) which is/are the subject matter of the court case, be carried out by DUSIB by taking 14-02-2015 as the cut-off date.

Agenda Item No. 13/6

Allotment of Flats Constructed Under JNNURM Scheme to Registered Wait-Listed Applicants of 1985 Special Registration Scheme.

The proposal was considered and approved by the Board.

Agenda Item No. 13/7

Disposal of DUSIB Plots/Properties

After detailed deliberations, the proposal was approved by the Board in-principle. However, it was desired by the Board that CEO, DUSIB should place the details of the specific plots which are immediately available for sale before the Board in the next meeting.

Agenda Item No. 13/8

Booking of Vacant Grounds of DUSIB for Ramleela / Dussehra and Mela Activity

The proposal was considered and ratified/ approved.

Agenda Item No.13/9

Appointment to the Post of Director on Deputation in DUSIB

The Board considered and approved the proposal.



Agenda Item No. 13/10

Approval of Revised Recruitment Regulations for the Post of Senior Investigator

The Board considered and approved the proposal.

Agenda Item No. 13/11

Engagement of Sh. M.C.T. Pareva as Principal Director (Projects) on Contract Basis in DUSIB

The Board considered and ratified the proposal.

Agenda Item No.13/12

Revision Petition of Sh. Qamaruddin S/o Sh. Amir Bakhsh, ex. Junior Engineer

As per the directions of Hon'ble High Court of Delhi, the Board considered the representation of Sh Qamaruddin and after deliberations, the Board desired that CEO, DUSIB should give him a personal hearing on behalf of the Board and place his comments before the Board in the next meeting for taking a view in the matter.

Agenda Item No. 13/13

Budget Estimates 2015-16

CEO, DUSIB presented the budget for the financial year 2015-16 and after deliberations, the Board approved the same.




Table Agenda- Management of Night Shelters

1. In addition to the Agenda circulated, an e-mail received from Shri Bipin Rai, Member of the Board, regarding the management of Night Shelters by DUSIB, was discussed as table Agenda by the Board with the permission of the chair.
2. CEO, DUSIB explained the present system of management of Night shelters and informed that inspections have been intensified and follow up action is being taken. It was also informed to the Board that an Action Plan has been prepared for the forthcoming winters.
3. Sh Bipin Rai stated that some of the night shelters particularly those which have been given to security agencies for management, are being poorly managed and may create problem for the DUSIB in the forthcoming winters.
4. The matter was deliberated in the Board and it was decided that inspection teams be constituted in consultation with Sh Bipin Rai to carry out the inspections of night shelters and based on the inspection reports, existing agreements with the Shelter Management Agencies (SMA's) may be terminated, wherever required. An alternative mechanism to run the said shelters be worked out by the DUSIB.

The Chairman emphasized very strongly that DUSIB must ensure adequate and good arrangements of night shelters well in advance of winter season. DUSIB should take all steps that are needed to ensure that. Strict action, including registration of criminal cases, should be taken against those who have taken night shelters & are found misusing them for other purposes.

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


(V.K. Jain)

Chief Executive Officer / DUSIB

List of Members/Officers who Attended the DUSIB Board Meeting Held on 22.09.2015 at 11.00 Am

Members

1. Sh Arvind Kejriwal, Chairperson/ Hon'ble Chief Minister, Delhi
2. Sh Manish Sisodia, Vice Chairperson/Hon'ble Dy CM
3. Sh Akhilesh Pati Tripathi, Hon'ble MLA
4. Sh Sahi Ram, Hon'ble MLA
5. Sh Hazari Lal, Hon'ble MLA
6. Sh Sunil Kumar Jha, Hon'ble Councillor
7. Sh R.K. Bansiwala, Hon'ble Councillor
8. Sh S.S. Yadav, CEO, Delhi Jal Board
9. Sh V.K. Jain, CEO, DUSIB
10. Sh Anand Mohan, L&DO, Govt. of India
11. Sh Pankaj Asthana, Member(Admn), DUSIB
12. Sh M.K. Tyagi, Member (Engg.), DUSIB
13. Sh Gopal K Saxena, Member
14. Sh Bipin Rai, Member
15. Sh A.K. Gupta, Member

List of officers

1. Sh J.P. Agrawal, Pr Commissioner, DDA
2. Sh C. Arvind, Secy to Dy CM
3. Sh Sanjeev Mittal, Pr Director
4. Sh B.B. Sharma, Director
5. Sh P.K. Raghav, Director
6. Sh Brij Mohan, FA
7. Sh H.S. Nanra, B&FO
8. Sh Parveen Shukla, CLA
9. Sh S.K. Mahajan, OSD to CEO
10. Sh S.Dania, SE(NS)

hpr

Annexure - III

Residential Plot at Shivaji Enclave, Raghubir Nagar

S.No	Name of Scheme/Area	No. of plots	Area of plot	Plot No.
1.	Residential plot at Shivaji Enclave (Block-FC, FD & FE)	25	70.00 Sqm. each	FC-107,FD-64, FE-45 to FE-63, FE-68 & FE-69,72,73
2.	Residential plot at Shivaji Enclave (Block-FC)	7	84.00 Sqm. each	FC-1 ,3,6,9 to 12
3.	Residential plot at Shivaji Enclave (Block-FE)	1	89.60 Sqm.	FE-24
	Total	33		

Residential plot at Nand Nagri.

S.No	Name of Scheme/Area	No. of plots	Area of plot	Plot No.
1.	Residential plots between ESI Dispensary & A-3 Block Nand Nagri	06	40.00 Sqm each	7,14,15,16,17 & 18
2.	Plot at Block – D-1, Nand Nagri	18	21.00 Sqm. each	28,34,35,84,88, 89,114,119,120, 131,138,150,172, 173,177, 186, 206 & 250
3.	Plot at Block- D-2, Nand Nagri	04	21.00 Sqm. each	368,382,406 & 413
4.	Plots at Block D-3, Nand Nagri	06	36.00 Sqm each	7 to 12
	Total	34		

Commercial /Shop Plot at Madipur/Punjabi Bagh Enclave..

S.No	Name of Scheme/Area	No. of plots	Area of plot	Plot No.
1.	LSC at Madipur /Punjabi Bagh Enclave`	17	15.00 Sqm each	1 to 12 and 14 to 18
2.	LSC at Madipur /Punjabi Bagh Enclave`	17	10.00 Sqm each	1 to 6 & 8 to 18
3.	LSC at Madipur /Punjabi Bagh Enclave`	04	5.00 Sqm. each	Numbering not shown in Architectural drawing
4.	CSC at SS2, Slum Flats at Madipur /Punjabi Bagh Enclave`	17	12.00 Sqm. each	6 to 22
5.	CSC at 552, Slum Flats at Madipur /Punjabi Bagh Enclave`	04	4.41 Sqm. each	5,6,7 & 8
	Total	S9		

64

AAA
309-15
DD CMPD

AGENDA ITEM NO. 13/12

REVISION PETITION OF SH. QAMARUDDIN S/o SH. AMIR BAKHSH,
EX. JUNIOR ENGINEER

Sh. Qamaruddin S/O Sh. Amir Bakhsh was working as Junior Engineer (Civil) in Delhi Urban Shelter Improvement Board. He was convicted in case bearing No. 69/11, RC No. 8A/2010/ACB/CBI/N. Delhi by the Ld. Court of Special Judge (Prevention of Corruption Act)/ CBI-03/New Delhi vide order dated 24.5.2014. In brief it was alleged against him that on the basis of false/fake documents, he alongwith Sh. Roop Chand, Jr. Engineer in active connivance with builders and land mafia facilitated illegal sale of several un-allotted/vacant plots situated at Gautampuri, Molar Band, Phase-I & II, Badarpur, Delhi. They also allowed unauthorised construction on such plots belonging to MCD while it was their duty to ensure that no illegal construction took place on the vacant plots and in case of detection of any such construction, to take action for demolition.

Sh. Qamaruddin had been sentenced by the Spl. Judge, CBI to undergo rigorous imprisonment for a period of four years under section 120B read with sec. 420/471 r/w sec. 468 IPC and further sentenced to undergo rigorous imprisonment for a period of four years under section 13(2) r/w sec.13(1)(d) of the PC Act; and in addition fine.

He had been remanded to judicial custody by the Ld. trial court on the day of awarding the sentence. The Disciplinary Authority in exercise of the powers conferred under the CCS (CCA) Rules 1965 had placed Sh. Qamaruddin under deemed suspension with effect from 24.5.2014. Taking into account, the gravity of criminal charges, the disciplinary authority imposed on him the penalty under rule 11 (ix) of "dismissal from service which shall ordinarily be disqualification for future employment under the Government" as per the provisions of 19 read with rule 11 of the CCS (CCA) Rules. An extract of Rule 19 & 11 of the CCS (CCA) rules are **ANNEXURE-A**.

Sh. Qamaruddin filed an appeal on 27.11.2014 against the order dated 03.11.2014 before the Hon'ble L.G. of Delhi addressing him as the Appellate Authority. However, the Secretariat L.G. Secretariat forwarded his appeal to DUSIB for examination of admissibility before Hon'ble L.G., and intimate the Appellant accordingly and submit the report to the Secretariat. A copy of the appeal is **ANNEXURE-B**. As per agenda approved in the BOARD meeting held on 22.6.2011 and notified vide office order dated 28.7.2011, **ANNEXURE-C** the Appellate Authority in respect of group "C" officials was specified as the Chief Executive Officer, DUSIB. The Junior Engineer is a group "C" post and therefore Chief Executive Officer was the Appellate Authority in respect of the

penalty imposed by the Disciplinary Authority. The appeal of Sh. Qamaruddin was accordingly found inadmissible before Hon'ble L.G. but it was considered admissible before the Chief Executive Officer. Accordingly, a Personal Hearing was granted to the appellant by the Appellate Authority. After considering the entire case and submissions of the appellant his appeal was dismissed and its dismissal was communicated to Sh. Qamaruddin vide order dated 14.1.2015 **ANNEXURE-D.**

Sh. Qamaruddin filed a writ petition vide No. WP(C) 8049/2015 before the Hon'ble High Court of Delhi. The Hon'ble High Court vide order dated 25.8.2015, **ANNEXURE-E** disposed the writ petition with directions that the petitioner will file a revision petition within 10 days from the date of the order and the same shall be considered by the BOARD at the earliest by passing a reasoned and speaking order within 04 weeks from the date of receipt of the revision petition.

Accordingly, the Revision Petition dated 2.9.2015 has been filed by Sh. Qamaruddin which is **ANNEXURE-F.** The issues raised in Revision petition are as under:-

1. Sh. Qamaruddin in his Revision Petition stated that he was appointed on 20.4.1985 as Junior Engineer by the Vice Chairman, Delhi Development Authority who is in the rank of Addl. Secretary, Govt. of India. He further stated that on 1.9.1992, his service was transferred to then Slum & JJ Department (MCD) on as is where is basis. It is stated by Sh. Qamaruddin that as per the transfer order of the services of Sh. Qamaruddin, it was mentioned in the terms and conditions that the services will be governed by the DDA (Salaries, Allowances and conditions of service) Regulations, 1961.
2. Sh. Qamaruddin further stated that on 31.10.2014, he had verbally explained to the Member (Admn.) of DUSIB that he was appointed by Vice Chairman of DDA who is an officer of the rank of Addl. Secretary and he cannot be dismissed from services by a person who is below the rank of Addl. Secretary. He alleged that on 3.11.2014, the Member (Admn.) in utter violation of law passed the order of dismissal against him.
3. He further stated that he filed an appeal dated 27.11.2014 but his appeal was again turned down by an incompetent authority claiming to be the Appellate Authority. He stated that during trial in court the so called Appellate Authority

had deposed that he was the Competent Authority to remove him from the service. He further stated that the Appellate Authority was also subordinate to the Appointing Authority.

4. Sh. Qamaruddin has alleged that he had filed a revision petition before the Hon'ble L.G. of Delhi who is Revisionary Authority under section 44 of the DUSIB Act. It is alleged that vide letter dated 8.6.2015 he was informed by DUSIB that Hon'ble L.G. was not the Appellate Authority and his representation was wrongly rejected which was his Revision Petition.
5. At last he submitted that he was appointed by Vice Chairman of DDA and by virtue of DDA (Salaries, Allowances and conditions of service) Regulations 1961 he had protection and that protection cannot be taken away by amendment of rules or delegation of powers. He has cited decision of Hon'ble Apex Court in the case of Managment of DTU V/S Sh. B.B.L. Hajelay and another reported in (1972) 2 SCC 744 para 12 and 14.

The facts as above are placed before the BOARD for consideration and decision into the Revision Petition Sh. Qamaruddin.

<<<< CCS (CCA) RULES, 1965 >>>>

CENTRAL CIVIL SERVICES

(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965

PART V

PENALTIES AND DISCIPLINARY AUHTORITIES

11. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

Minor Penalties -

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iii a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (iv) withholding of increments of pay;

Major Penalties -

- (v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay
- (vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period -
 - (a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

(b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

(vii) **compulsory retirement;**

(viii) **removal from service which shall not be a disqualification for future employment under the Government;**

(ix) **dismissal from service which shall ordinarily be a disqualification for future employment under the Government.**

Provided that, in every case in which the charge of possession of assets disproportionate to known-source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed :

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

956/c

To

The Appellate Authority/
Lt. Governor,
Govt. of NCT of Delhi,
Raj Niwas,
Delhi-110054

Reg: **Appeal under Rule 23 of CCS(CCA) Rules 1965 against the impugned penalty of dismissal from service imposed upon Appellant vide order No. D-1399/DD/Vig./DUSIB/2014 dated 3.11.2014 passed by Member (Admn.), Delhi Urban Shelter Improvement Board.**

By:

Qamaruddin

....Appellant.

Hon'ble Sir,

The humble appeal of the Appellant above named is against the penalty of dismissal from service imposed upon him vide order NO. D-1399/DD(Vig.)/DUSIB/2014 dated 3.11.2014 passed by the Member (Admn.)DUSIB, quite arbitrarily and irregularly thereby depriving him from the means of livelihood. The said penalty has been inflicted under garb of Rule 19 of the CCS(CCA) Rules, 1965. There are no good and sufficient reasons, which calls for imposition of any penalty. There was cogent evidence on record. The order of penalty is totally perverse. A copy of penalty order dated 3.11.2014 is annexed and marked as Annexure-A1.

2. The facts of the case are that during 2000-2001, JJ Cluster behind All India Institute of Medical Sciences was shifted and its residents were rehabilitated at Gautam Puri, Molar Band Ph-I & II Badarpur by allotting plots. Out of 5000 plots 513 were cancelled as they were found allotted to in-eligible persons. The status of those 513 plots was shown as vacant in record of Slum & JJ Department, MCD.

2.1 The joint surprise checks were conducted on 18.3.2010 and 12.4.2010 by CBI & MGD and it was found that about 300 out of 513 vacant plots were found unauthorisedly occupied by private

JLO (Vig.)
[Signature]
13/12/14

Sh. Pannan
[Signature]
4/12/14

persons having made illegal construction. The sale of these plots was not permissible. The Chief Engineer (Slum) issued circular in 2008 that in compliance of directions of Hon'ble High Court in CWP.6659/2001 dated 11.12.2001, the Engineering Wing of Slum Deptt. shall make utmost sincere and concerted efforts to retrieve all cancelled plots by 31.12.2008. It was alleged that the appellant and Shri Roop Chand, JEs in connivance with builders and land mafia facilitated illegal sale of aforesaid unallotted/vacant plot on the basis of fake/false documents; they also allowed unauthorized construction on such plots. It was also alleged that it was their duty to ensure that no illegal construction take place on the vacant plots and in case of detection of any such construction, to take action for demolition.

2.2 That number of cancelled/vacant plots were unauthorisedly sold by land mafia/property dealers namely Mohd. Salim Alvi, Mohd. Mustkeen, Mohd. Jahangir, Rajender Singh, Joginder Singh and Ram Avtar etc. to various persons on the basis of false/fake documents. Some of the unauthorized occupants during inquiry stated that they purchased the plots from the above named private persons on the basis of the documents of ownership shown to have been issued by MCD (Slum & JJ Deptt.) and on being assured by the concerned JEs (the Appellant & Sh. Roop Chand, JE) that the properties proposed to be purchased by them were not disputed. Some of the purchasers also stated that they paid Rs.15,000/- to Rs.20,000/- to JEs. But these facts remained disproved in the said criminal case against the appellant.

2.3 The Documents like Ration Cards, G-8 Forms, identification slip, receipt of Rs.7000/- and possession slips in about 60 cases were found to be fake. The GPAs were sent to CFSL Chandigarh for expert opinion on signature and handwriting of suspected namely the private persons named above and positive GEQD report against them. The present appellant and his predecessor Sh. Roop Chand is not found to have any proximity with those persons or documents in any ma unauthorisedly constructed during the

989/c

period 1.10.2007 to 19.5.2010 during the posting of appellant and Shri Roop Chand, JE.

2.4 It was also alleged that the appellant and Sh. Roop Chand, JEs were looking after the work of un-authorisedly construction and encroachment.

2.5 That after investigation the CBI, filed charge-sheet u/s 120-B, 420,471 IPC & Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act and the appellant was charged on 28.7.2012 alongwith others for which he pleaded not guilty and claimed trial.

2.6 During trial Shri Amar Nath, CEO, DUSIB appeared as PW-15 and deposed that he was the sanctioning Authority for the Appellant,

2.7 The appellant in his statement u/s 313 Cr.P.C. stated that he has been falsely implicated in the said criminal case. It was the duty of Enforcement Department to detect encroachment /unauthorized construction and take action. However, in the best interest of Department, he had lodged complaints with regard to unauthorized construction/encroachment, as and when the same took place to the police as well as to the higher authorities of his department. That he also initiated proceedings for demolition/sealing of the properties, which were found unauthorized.

3. Thereafter the appellant examined DWs and appeared himself in witness-box and brought on record that the Appellant was posted as JE in Development Division-V at Maharani Bagh w.e.f. October 2008 to 30.6.2010. He was transferred at Molar Band Ph-I & II and took charge from Sh. Roop Chand, JE co-accused. The oral and documentary evidence was brought on record in support of his claim that it was not his duty to detect and demolish unauthorized construction but it was the duty of Enforcement Department. The appellant pleaded that charge leveled against him that in active connivance with builders and land mafia, he failed to discharge his duty, by failing to detect and demolish unauthorized construction is misplaced. Although it was not his duty, still whenever any unauthorized construction was

noticed by him, the same was brought to the notice of Police and higher authorities of his department by lodging complaints. He also urged that when he joined in 2008, the construction had already taken place and there was occasion for him to prevent unauthorized construction. It has also come on record that duty to take action for sealing or for demolition of any unit was in the domain of the Engineering Department and that Assistant Director (Demolition) takes such action for sealing and demolition as an executing authority whenever any such request is received from Engineering Department. It was also brought on record that the duty of the appellant was to look after the development and maintenance work in the area and whenever, any unauthorized construction/encroachment in concerned area came to his notice, he was supposed to inform his superiors about the same, which he did.

4. That Sh. Amar Nath, CEO(DUSIB) granted sanction as stated above and deposed that he was competent to act as disciplinary authority in the case of appellant but the impugned order dated 3.11.2014 has been passed by his subordinate i.e. Member (Admn.) DUSIB. Therefore, this appeal is being preferred before the higher authority to the C.E.O. DUSIB.

5. That subsequent to the conviction order passed by the Trial Court, the appellant was served with a notice dated 7.8.2014 calling upon him to make representation on the penalty proposed under Rule 19(1) of CCS(CCA) Rule, 1965.

6. That the appellant submitted representations on 26.8.14 and 11.9.14 and also attended personal hearing on 31.10.14 but failed to win over the confidence of the disciplinary authority, who without meticulously considering the representation made by appellant passed the impugned order of dismissal from service in the mechanical manner.

7. The appellant urged before the disciplinary authority that when action is taken under Rule 19(1) of the Rules, the first prerequisite is that the disciplinary authority should be aware that a

government servant has been convicted on criminal charge. But the awareness alone will not suffice. Having come to know of the conviction of a Government servant on a criminal charge, the disciplinary authority must consider whether his conduct which had led to his conviction, was such as warrants the imposition of a penalty and if so, what that penalty should be, for that purpose, it will have to peruse the judgment of the criminal court and consider all the facts and circumstances of the case. In considering the matter, the disciplinary authority will have to take into account the entire conduct of the delinquent employee, the gravity of the misconduct committed by him, the impact which his misconduct is likely to have on the administration and other extenuating circumstances or redeeming features. This, however, has to be done by the disciplinary authority by itself. Once the disciplinary authority reaches the conclusion that the government servant's conduct was blameworthy and punishable, it must have to decide upon the penalty that should be imposed on the Government servant.

8. The principle, however, to be kept in mind is that the penalty imposed upon the civil servant should not be grossly excessive or out of all proportion to the offence committed or one not warranted by the facts and circumstances of the case.

9. Although the Constitution of India confers on the government the power to dismiss a person from the service "on the ground of conduct which had led to his conviction on a criminal charge" But, that power, like every other power has to be exercise fairly, justly and reasonably. It is true that the said Article is inapplicable when a penalty is imposed on a government servant on the ground of conduct which led to his conviction on criminal charge. But the right to impose a penalty carries with it the duty to act justly. It was also urged that the authority which is conferred with statutory discretionary power is under obligation to take into consideration all the attending facts and circumstances of the case before imposing the order of punishment. It was also urged that the appellant has served the government for about 29 years with utmost devotion to

duty without any memorandum which requires explanation about his conduct with any irregularity in discharging of his duties.

10. That it was also urged before the disciplinary authority that the appellant is likely to succeed in his appeal pending in the Hon'ble High Court against conviction due to various fundamental errors in the judgment. There was no demand and acceptance by the petitioner from anybody which is a requisite to convict someone under the Prevention of Corruption Act. There is every likelihood of Appellant to succeed in Criminal Appeal pending before the Hon'ble High Court.

11. That the appellant urges that the impugned penalty order is not maintainable being not passed by the competent authority, who granted sanction for prosecution but order has been passed by the Member (Admn.), DUSIB, hence the order be set aside on this ground alone.

12. That penalty order is also not maintainable because as per Rule 19 of the Rules special procedure in certain cases has been provided. In that notwithstanding anything contained in Rule 14 to Rule 18, the disciplinary authority may impose any of the penalties specified under Rule 11;

13. Likewise the proviso to Rule 11 of the said Rules provide that in every case in which the charge of possession of assets disproportionate to know sources of income or the charge of accept any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established the penalty mentioned in clauses (viii) or clause (ix) shall be imposed. In the second proviso it is provided that in any exceptional case and for special reasons recorded in writing any other penalty may be imposed. It means and understood that it is not a case that in every case of conviction only dismissal or removal from service and compulsory retirement is to be awarded.

14. In State of Madhya Pradesh & Ors. vs. ted in (2008) 3 SCC 273, the Hon'ble Supreme Court has held that power conferred on the disciplinary authority to dispense with enquiry against a

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government servant and to impose penalty under the relevant rule " on ground of conduct which has led to his conviction on a criminal charge" does not mean that irrespective of the nature of the case in which he is involved or the punishment which has been imposed upon him, an order of dismissal must be passed. Such a construction is not warranted. The disciplinary authority must apply its mind whether the punishment of dismissal is adequate or not.

15. The impugned order passed by disciplinary authority is cryptic and shows that there is no application of mind by the disciplinary authority. The observation of the authority that rule 19 does not provide to keep in abeyance the penalty order, is not sufficient to justify the impugned penalty order dated 03.11.2014."

PRAYER:

In view of the above submissions, it is humbly prayed that the present appeal may kindly be accepted and the penalty of dismissal from service order dated 3.11.2014 passed against the appellant may kindly be set aside and quashed in the interest of justice.

Dated: 27th Nov., 2014

Encls: As stated above.

Amir
27/11/14
(QAMARUDDIN)
Ex-Jr. Engineer (DUSIB)
S/O Sh. Amir Baksh,
E-48, Abul Fazal Enclave,
Zamia Nagar,
New Delhi-110025.
...APPELLANT

✓ copy to : The member (Admin.) DUSIB for NA please

Amir
27/11/14

95/1

ANNEXURE - A

Delhi Urban Shelter Improvement Board
Govt. of N.C.T. of Delhi
Vigilance Cell
Room No. G-1, Vikas Kuttir, I.P. Estate, New Delhi-110002

No. D-1399/DD/Vig./DUSIB/2014

Dated: 03/11/2014

Office Order

WHEREAS vide order dated 24.5.2014 passed by the Ld. court of Ms. Poonam A. Bamba Special Judge (PC Act)/ CBI-03/New Delhi, Sh. Qamaruddin S/O Sh. Amir Bakhsh working as Junior Engineer in Delhi Urban Shelter Improvement Board had been convicted in case No. 69/11, RC No. BA/2010/ACB/CBI/N. Delhi. He has been sentenced to undergo rigorous imprisonment for a period of four years under section 120B read with sec. 420/471 r/w sec. 468 IPC and further read with section 13(2) r/w section 13(1) (d) of the Prevention of Corruption Act, 1988 and he shall also pay a fine of Rs.25,000/- and in default to undergo RI for a period of three months; and is further sentenced to undergo rigorous imprisonment for a period of four years under section 13(2) r/w sec.13(1)(d) of the PC Act; and he shall also pay a fine of Rs.25,000/- and in default, to undergo R.I. for a period of three months. On the day of passing the sentence he has been remanded to judicial custody by the Ld. trial court. The disciplinary authority in exercise of the powers conferred under rule 19 (2) (ii) of the CCS CCA rules 1965 had placed Sh. Qamaruddin under deemed suspension with effect from 24.5.2014 which is the date of his taking into judicial custody.

AND WHEREAS the disciplinary authority proposed to award an appropriate penalty under rule 19 of CCS CCA rules 1965 taking into account gravity of criminal charges;


AND WHEREAS after a careful consideration of the order of Ld. court the disciplinary authority had come to the conclusion that Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer is not a fit person to be retained in service. The gravity of the charges was such as to warrant the imposition of a major penalty and accordingly the disciplinary authority proposed to impose on him the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government".

Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was hereby given an opportunity of making representation on the penalty proposed as above. A memorandum was issued to him vide No. D-1087/DD/Vig./DUSIB/2014 dated 7.8.2014. The representations made by Sh. Qamaruddin against the penalty were considered by the undersigned and on 31.10.2014 a personal hearing was also granted to him. The convicted official has mainly taken the plea that he has filed an appeal before the Hon'ble High Court of Delhi against the judgement/order of the Ld. trial court and the same has been admitted for hearing by the Hon'ble High Court. He has submitted that sentence awarded to him has been stayed by the Hon'ble High Court. However, rule 19 of the CCS (CCA) rules 1964 does not provide any provision for keeping in abeyance the penalty required to be imposed till disposal of the appeal.

Now therefore, keeping in view the charges, the conduct of the official, rule position and the judgement/order of the Ld. trial court, I do hereby impose the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government" upon Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer with immediate effect.


Member (Admn.)

Sh. Qamaruddin S/O Sh. Amir Bakhsh R/O -H.No.- E-48,
Abul Fazaal Endlave, Part-1, Zamia Nagar, New Delhi-110025


29/11/14

**OFFICE OF THE DIRECTOR (ADMINISTRATION)
Delhi Urban Shelter Improvement Board, GNCTD
Punarwas Bhawan, IP Estate, New Delhi-110002**

No.PA/DIR (Admn.)2011/D-550

Dated: July 28,2011

OFFICE ORDER

Consequent upon the approval of Delhi Urban Shelter Improvement Board in its meeting held on 22nd June, 2011, it is hereby ordered that Disciplinary/ Appellate Authority in respect of DUSIB employees will be as follows:

Designation of post / category	Penalties	Competent Disciplinary Authority	Competent at Appellate Authority	Authority Competent to decide Revision Petitions
1	2	3	4	5
Group 'A' Officers	Minor(i to iv)	Member (Admn.)	C.E.O.	Board
Group 'A' Officers	Major (v to ix)	C.E.O.	Board	---
Group 'B' Officers	Minor /Major (i to ix)	Member (Admn.)	C.E.O.	Board
Group 'C' Officials	Minor (i to iv)	Director (Admn.)	Member (Admn.)	C.E.O.
Group 'C' Officials	Major (v,vi,vii,viii,ix)	Member (Admn.)	C.E.O.	Board
Group 'D' Officials	Major/Minor (i to ix)	Director (Admn.)	Member (Admn.)	C.E.O.

:2:

The Suspension Review Committee for Group-A, B, C & D will be as follows:-

S.No.	Description of Posts	Authority Competent to impose all penalties which it may impose w.r.t. Rule 11 of CCS (CCA) Rules 1965 Disciplinary Authority	Appellate Authority	Review Committee's for the purpose of reviewing the suspension.
1	Group 'A' post of DUSIB	C.E.O.	Board	1.CEO – Disciplinary / Appellate Authority 2. Member(A) 3. Principal Secretary (U.D.) G.N.C.T. of Delhi
2	Group 'B' post of DUSIB	Member (A)	C.E.O. DUSIB	1.C.E.O. - Appellate Authority 2. Member (A)- disciplinary authority 3. Member (F or Eng.)- an officer of the level of disciplinary authority.
3	Group 'C' post of DUSIB	Member (A)	C.E.O. DUSIB	1.C.E.O. - Appellate Authority 2. Member(A)- disciplinary authority 3. Member(F or Eng.) - an officer of the level of disciplinary authority.
4	Group 'D' post of DUSIB	Director (Admn.)	Member (Admn.)	1. Member(A)- Appellate authority. 2. Director (Admn.) Disciplinary Authority 3. Any other Director- an officer of the level of disciplinary authority.

Proceedings after Retirement:

There are two categories of officials i.e. (i) against whom charge sheet had been issued prior to retirement and (ii) against whom disciplinary proceedings are contemplated after their retirement for alleged mis-conduct, the Board ordered as under:-

- (i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service.
- (ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of I.O. and P.O., where -after on the findings of inquiry proceedings the case will be placed before the Delhi Urban Shelter Improvement Board for a final view in the matter.
- (iii) UPSC and CVC will be consulted where ever applicable.

The above delegation of powers in respect of DUSIB employees in supersession of all previous orders issued in this respect will mutatis mutandis apply to all the pending disciplinary cases / appeals.

This is notified for information & necessary action by all concerned.

Pankaj Kumar

DIRECTOR (ADMINISTRATION)

DISTRIBUTION

- 1.P.S. to Chief Executive Officer (DUSIB) for kind information of letter.
- 2.P.S. to Member (Admn.) for kind information of letter.
- 3.P.S. to F.A./Dy. Commissioner (DUSIB) for kind information of letter.
- 4.Chief Engineer (DUSIB) for kind information please.
- 5.All Directors (DUSIB)
- 6.All SEs (DUSIB)
- 7.B&FO (DUSIB)
- 8.All Dy. Directors (DUSIB)
- 9.All EEs
- 10All Sr. AOs/ ACAs/FO to CE(S)
- 11The Other Sectional Heads of DUSIB
- 12Office copy.

I/236/2015

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Delhi Urban Shelter Improvement Board
Govt. of N.C.T. of Delhi
Vigilance Branch

Room No. G-1, Vikas Kutir, I.P. Estate, New Delhi-110002

No. D- /DD/Vig./DUSIB/2015 Dated: / /2015

Office Order

WHEREAS vide order dated 24.5.2014 passed by the Ld. Court of Ms. Poonam A. Bamba Special Judge (PC Act)/ CBI-03/New Delhi, Sh. Qamaruddin S/O Sh. Amir Bakhsh working as Junior Engineer in Delhi Urban Shelter Improvement Board had been convicted in case No. 69/11, RC No. 8A/2010/ACB/CBI/N. Delhi. He had been sentenced to undergo rigorous imprisonment for a period of four years under section 120B read with Sec. 420/471 r/w Sec. 468 IPC, and further read with Section 13(2) r/w section 13(1) (d) of the Prevention of Corruption Act, 1988 and he shall also pay a fine of Rs.25,000/- and in default to undergo RI for a period of three months; and was further sentenced to undergo rigorous imprisonment for a period of four years under section 13(2) r/w sec.13(1)(d) of the PC Act; and he shall also pay a fine of Rs.25,000/- and in default, to undergo R.I. for a period of three months. On the day of passing the sentence he had been remanded to judicial custody by the Ld. trial court. Upon receipt of the order of the trial Court, the Disciplinary Authority in exercise of the powers conferred under rule 19 (2) (ii) of the CCS CCA rules 1965 had placed Sh. Qamaruddin under deemed suspension with effect from 24.5.2014 which was the date of his taking into judicial custody.

AND WHEREAS the Disciplinary Authority proposed to award an appropriate penalty under rule 19 of CCS CCA rules 1965 taking into account gravity of criminal charges;

AND WHEREAS after a careful consideration of the order of Ld. court the Disciplinary Authority had come to the conclusion that Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was not a fit person to be retained in service. The gravity of the charges was such as to warrant the imposition of a major penalty and accordingly the Disciplinary Authority proposed to impose upon him the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government".

Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was given an opportunity of making representation on the penalty proposed as above. A memorandum was issued to him vide No. D-1087/DD/Vig./DUSIB/2014 dated 7.8.2014. The representations made by Sh. Qamaruddin against the penalty were considered by the Disciplinary Authority and on 31.10.2014 a personal hearing was also granted to him. The convicted official had mainly taken the plea that he had filed an appeal before the Hon'ble High Court of Delhi against the judgement/order of the Ld. trial court and the same had been admitted for hearing by the Hon'ble High Court. He had submitted that sentences awarded to him had been stayed by the Hon'ble High Court. However, rule 19 of the CCS (CCA) rules 1964 did not provide any provision for keeping in abeyance the penalty required to be imposed

till disposal of the appeal.

Keeping in view the charges, the conduct of the official, rule position and the judgement/order of the Ld. trial court, the Disciplinary Authority vide order dated 03.11.2014 imposed the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government" upon Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer with immediate effect.

Sh. Qamaruddin filed an appeal dated 27.11.2014 under rule 23 of the CCS (CCA) Rules 1964 against the order dated 3.11.2014 passed by the Disciplinary Authority before the Appellate Authority. However, it was wrongly addressed to the Hon'ble L.G. However, upon reference and submission, on 29.12.2014, I, being the Appellate Authority granted a personal hearing to Sh. Qamaruddin, Ex. Jr. Engineer (Civil). The submissions made by the Ex. official were duly considered and records were perused. After due consideration of the case, I find no compelling reason to interfere with the order of the Disciplinary Authority. The appeal is accordingly dismissed.

Chief Executive Officer
Appellate Authority

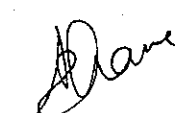
Sh. Qamaruddin S/O Sh. Amir Bakhsh R/O -H.No.- E-48,
Abul Fazal Enclave, Part-1, Zamia Nagar, New Delhi-110025

Digitally signed by CEO (DUSIB) on 13.1.2015

Dispatched through e-office vide No. 1/236/2015 dated on 14.1.2015

Copy to PS to CEO for kind information.

o/e


Dy. Director (Vig.) (DUSIB)

IN THE HIGH COURT OF DELHI AT NEW DELHI

Disposed of

Final Draft

No. 2535 /DHC/WRITS/D-8/2015

Dated 7/9/15

From

The Registrar General
High Court of Delhi.
New Delhi.

UB
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15/9/15

To

Delhi Urban Shelter Improvement Board.
through its Chief Executive Officer,
Govt. of NCT of Delhi. Vikas Bhawan-II,
Upper Bela Road. Delhi-110054.

WRIT PETITION (CIVIL) NO. 8049/2015

Sh. Qamaruddin

....Petitioner/s

Vs.

Delhi Urban Shelter Improvement Board

....Respondent/s

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 25.08.2015 passed by Hon'ble Mr. Justice V. Kameswar Rao of this Court in the above noted case along with a copy of Memo of Parties.

Please acknowledge receipt.

Yours faithfully

J. Callan
3-9-15
Assistant Registrar (Writs)
for Registrar General
BY [Signature]

AB/31.8.15

Inform order to the branch concerned.

L.A. (H.C.)
Pr. get scanned & put up in office
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Azi
15/9/15

7
HIGH COURT OF DELHI AT NEW DELHI

...IT PETITION (CIVIL) No. 379 OF 2015

Sh. Qamaruddin

... PETITIONER

Versus

Delhi Urban Shelter Improvement Board ... RESPONDENT

MEMO OF PARTIES

Sh. Qamaruddin

S/O Sh. Amir Baksh

R/O E-48, Abul Fazal Enclave

Part-I, Zamia Nagar,

NEW DELHI-110025

... PETITIONER

Versus

Delhi Urban Shelter Improvement Board

Through its Chief Executive Officer,

Govt. of NCT of Delhi

Vikas Bhawan-II, Upper Bela Road,

Delhi-110054.

... RESPONDENT

NEW DELHI

Dated: 19.8.2015


(DALEEP SINGH)

Advocate for the Petitioner
Ch. No. 259-260, Western Wing,
Tis Hazari Court, Delhi-110054
(Mob: 9891180489)

§-15

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 8049/2015
QAMARUDDIN

..... Petitioner
Through: Mr. Apurb Lal, Advocate with
Mr. Daleep Singh, Advocate

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD

..... Respondent
Through: Mr. Nishant Prateek, Advocate

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

25.08.2015

1. The petition has been filed challenging the order dated November 03, 2014 and January 13, 2015, whereby the petition on conviction by Criminal Court was dismissed and the appeal thereof was also rejected.
2. Learned counsel appearing for the respondent has placed before me an office order dated July 28, 2011 to contend that the petitioner has a remedy of revision before the Board of the respondent organization.
3. Learned counsel for the petitioner states that the petitioner disputes the power of revision of the Board. He further states that without prejudice, he would file a revision petition before the Board, so as to enable the Board to consider the same. In view of the statement, let a revision petition be filed

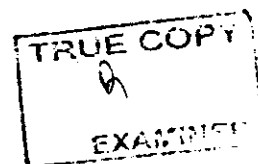
by the petitioner within ten days from today and the same shall be considered by the Board at the earliest by passing a reasoned and speaking order within four weeks from the date of receipt of the revision petition. The order shall be communicated to the petitioner, who would be at liberty to challenge the same if the same is to his prejudice, in accordance with law.

The petition stands disposed of.

Dasti to counsel for the parties.

AUGUST 25, 2015/km

f d l -
V. KAMESWAR RAO, J



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02 SEP 2015

REVISION

To

Delhi Urban Shelter Improvement Board,
~~Through~~ The Director (Administration/Board),
 2nd Floor, Vikas Bhawan-II, Upper Bela Road,
 Govt. of NCT of Delhi, Delhi-110054.

Subject: Revision against the penalty orders dated 3.11.2014, appellate order dated 14.1.2015 and 08.06.2015 in terms of the order dated 25.08.2015 passed by the Hon'ble High Court of Delhi in writ petition (Civil) No. 8049/2015.

Sir,

The undersigned submits as under:-

1. The undersigned was appointed on 20.04.1985 as a Junior Engineer by the Vice Chairman, Delhi Development Authority, who is in the rank of Additional Secretary, Govt. of India.
2. That on 1.9.1992, the service of the undersigned was transferred to then Slum & JJ Department (MCD), on "as-is where-is basis." It is relevant to mention that as per the transfer order of the services of the undersigned it was mentioned in the terms and conditions that the service conditions will be governed by the DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961.
3. That in 2010 (CC No. 69/11) RC No.8A/ 2010/ ACB/CB/ND was regd. against the undersigned and other persons.
4. That on 24.5.2014 the undersigned was convicted and sentenced to undergo RI for a period of 4 years under sections 120B read with section

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420/471/468 IPC and under section 13(2) read with section 13(1)(d) of Prevention of Corruption Act and also fined with Rs.50,000/-, on the same day the undersigned was put on suspension on the basis of Judicial custody.

5. That the undersigned preferred an appeal vide Criminal Appeal No. 675/2014 before the Hon'ble High Court of Delhi against the order of conviction.
6. That thereafter the undersigned was released on bail by the Hon'ble High Court of Delhi.
7. That on 7.8.2014 a memorandum was issued to the undersigned under Rule 19 of CCS (CCA) Rules, 1965.
8. That the undersigned replied to the said memorandum vide representation dated 26.8.2014 and also given supplementary reply on 11.9.2014 stating therein that the memorandum was issued by an authority, who is subordinate to his appointing authority and therefore the said memorandum is not sustainable in law.
9. That on 31.10.2014 the undersigned has orally explained to the Member (Admn.) of DUSIB on the day of his personal hearing that he was appointed by the V.C., DDA and he cannot be dismissed from service by a person, who is below the rank of Additional Secretary.
10. That on 3.11.2014 the Member (Admn.) in utter violation of law passed the order of dismissal of the undersigned.

11. That the undersigned aggrieved by the order of dismissal passed by an incompetent person preferred an appeal dated 27.11.2014.
12. That the appeal of the undersigned was again turned down by an incompetent authority claiming to be the appellate authority. It is relevant to mention that the so called appellate authority has deposed during trial that he is the competent authority to remove the undersigned from the service. Though the appellate authority is also subordinate to the appointing authority of the undersigned.
13. That the undersigned preferred a revision under the provision of Section 44 of The Delhi Urban Shelter Improvement Board Act, 2010 against the order dated 3.11.2014 and 14.1.2015 passed by the incompetent authority on 20.5.2015.
14. That vide an order dated 8.6.2015 the undersigned was informed from the office of DUSIB stating therein that the L.G. is not the appellate authority without considering that as per section 44 of the DUSIB Act, 2010 the L.G. is the Revisional authority and thus wrongly rejected the representation dated 20.5.2015 which was a revision.
15. That aggrieved by the orders passed by the incompetent authorities, the undersigned filed writ petition vide W.P.(C) No. 8049/2015 before the Hon'ble High Court of Delhi where the counsel for the DUSIB made a statement before the court that as per their office order dated 28.7.2011, the Board is the revisional authority and undersigned should have made the revision before coming to the Court.

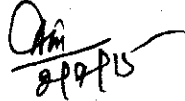
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16. That vide order dated 25.8.2015 , the Hon'ble High Court granted liberty to the undersigned to file a revision before the Board.
17. That the submission of the undersigned is that he was appointed by the Vice Chairman, DDA and by virtue of statute DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961 he has protection and that protection cannot be taken away by way of amendment of Rules or delegation of powers. Therefore the Rules and Regulations cannot override the protection given by statute as held by Hon'ble Supreme Court of India in the Management of DTU v/s Shri B.B.L. Hajelay and Another reported in (1972) 2 SCC 744 para 12 and 14. Copy of judgment is annexed.

PRAYER:

Therefore, the undersigned requests to consider his case in the light of the law raised by the undersigned in his present revision petition and thereafter set aside the order dated 3.11.2014, 14.1.2015 passed by incompetent authorities.

New Delhi
Dated: 02.09.2015


(QAMARUDDIN)
Ex-Jr. Engineer (DUSIB)
S/O Sh. Amir Baksh,
E-48, Abul Fazal Enclave,
Zamia Nagar,
New Delhi-110025

(1972) 2 Supreme Court Cases 744

(From Delhi High Court)

[BEFORE J. M. SHELAT, D. G. PALEKAR AND S. N. DWIVEDI, JJ.]

THE MANAGEMENT OF D. T. U. ... Appellant;

Versus

SHRI B. B. L. HAJELAY AND ANOTHER ... Respondents.

Civil Appeal No. 1518 (N) of 1971†, decided on September 6, 1972

Dismissal—General Manager appointing authority of an employee—General Manager delegating his powers to Assistant General Manager—Assistant General Manager, whether competent to remove the employee from service—Delhi Municipal Corporation Act, 1957—Sections 92, 95, 491, 504, 511 and 516—Constitution of India—Article 311.

Delhi Road Transport Authority Act, 1950—Act repealed by Delhi Municipal Corporation Act, 1957—Employees appointed under the former Act—Services transferred to the Corporation—Power to start disciplinary proceedings against such employees.

Administrative Law—Subordinate legislation—Rules and regulations cannot override protection given by statute.

One V was employed as a driver in the Delhi Road Transport Authority. With the enforcement of the Delhi Municipal Corporation Act, 1957, the services of V, along with other employees were transferred to the Corporation with effect from January 1, 1958. The Assistant General Manager (Transport), to whom the General Manager had delegated his powers in 1961, started disciplinary proceedings against V in 1962 and decided to remove V from service. The High Court held that the General Manager (and not the Assistant General Manager) was competent to remove him. Hence this appeal.

Held:

- (i) The proviso to Section 95(1) gives protection to every officer and employee of the undertaking that he may not be removed or dismissed by an authority subordinate to that by which he was appointed. It may be that in 1961, the functions of the General Manager had been delegated to the Assistant General Manager. The only consequence is that after 1961, the Assistant General Manager may make the appointment of a driver and may remove him from service. But so far as V is concerned, his individual position will have to be determined with reference to January, 1958. (Para 11)
- (ii) Under Section 92 of the Delhi Municipal Corporation Act, 1957, the power of appointing municipal employees to posts carrying a minimum salary of Rs. 350/- vested in the General Manager (Transport) and by means of Section 516 of the Act, V would be deemed to have been appointed under Section 92 of the said Act. Being so appointed, no subordinate authority would be competent to remove him from service under the proviso to Section 95(1). (Para 11)
- (iii) It is true that the power of making regulations is vested in the Corporation and it is open to the Corporation to prescribe by regulations who would be the authority to punish any municipal employee for his delinquency. Such a regulation may provide that a driver can be removed by the

†Appeal by special leave from the Judgment and Order, dated January 21, 1971, of the Delhi High Court in Civil Writ Petition No. 719 of 1969.

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DWIVEDI, JJ.]

Appellant;

Respondents.

September 6, 1972

of an employee—General Manager—Assistant General Manager from service—Delhi 511 and 516—Constitu-

acted by Delhi Municipal Corporation—former Act—Services—by proceedings against

and regulations cannot

Transport Authority. With the services of V, along with on January 1, 1958. The Manager had delegated his and decided to remove V (and not the Assistant Manager).

any officer and employee of r dismissed by an authority l. It may be that in 1961, n delegated to the Assistant at after 1961, the Assistant a driver and may remove ed, his individual position ary, 1958. (Para 11)

on Act, 1957, the power of ying a minimum salary of ransport) and by means of ave been appointed under , no subordinate authority rvice under the proviso to (Para 11)

s vested in the Corporation y regulations who would ployee for his delinquency. r can be removed by the

dated January 21, 1971, of

Assistant General Manager. And yet by virtue of the proviso to Section 95(1), V would be protected against any such action of the Assistant General Manager because a protection which is given to an employee by the statute cannot be nullified by rules and regulations. (Paras 12 and 14)

(ii) Since the General Manager (Transport) is an officer of the Corporation, it will amount to saying that what the Corporation could not do by a regulation, could be done by an officer of the Corporation by merely delegating his functions to the Assistant General Manager. Since the authority which can remove an employee is the appointing authority or its superior in office, the protection thus provided cannot be destroyed by importing concepts of agency. (Paras 14 and 15)

R. T. Rangachari v. Secretary of State, 64 IA 40: AIR 1937 PC 27, relied upon.

Appeal dismissed.

Advocates who appeared in this case:

M. C. Chagla, Senior Advocate (S. K. Dholakia, Advocate with him) for Appellant;

R. K. P. Shankerdass, D. N. Vohra, H. K. Puri and S. K. Dhingra, Advocates for Respondent No. 2.

The Judgment of the Court was delivered by

Palekar, J.—This is an appeal from the Judgment and Order, dated January 21, 1971, of the Delhi High Court in Civil Writ Petition No. 719 of 1969.

2. Respondent No. 2 Ved Prakash was originally employed as a driver in the Delhi Road Transport Authority which had been constituted under the Delhi Road Transport Authority Act, 1950. The Delhi Municipal Corporation Act, 1957 came into force in January, 1958. By Section 514(1)(a) of the Corporation Act, the Delhi Road Transport Authority Act, 1950, stood repealed and in virtue of several other sections of the Corporation Act the functions of the Delhi Road Transport Authority were taken over by the Corporation. Under Section 511 every officer and employee of the Transport Authority stood transferred to and become an officer and employee of the Corporation. Thus respondent No. 2 became an employee of the Corporation from January, 1958.

3. A disciplinary enquiry was started against respondent No. 2 by the Assistant General Manager (Transport) in 1962 and the Assistant General Manager decided to remove respondent No. 2 from service with effect from May 16, 1963. At that time an industrial dispute was pending before respondent No. 1 the Presiding Officer of the Labour Court and hence an application was made under Section 33(2)(b) of the Industrial Disputes Act for approval of the proposed action of removal of respondent No. 2 from service. Respondent No. 1 did not approve of the action on the ground that the order for removal was made by the Assistant General Manager and not the General Manager who alone could have removed him from service. That order was challenged in the High Court which, however, agreed with the view taken by respondent No. 1. Hence the present appeal.

4. The short point with which we are concerned is whether the Assistant General Manager of the Delhi Transport Undertaking of the Municipal Corporation of Delhi was a competent authority to remove respondent No. 2 from service.

5. There is no dispute that under Section 511(1) of the Corporation Act, respondent No. 2 became an employee of the Corporation from

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January, 1953. By reason of Section 516(2)(a) his appointment continued in force and was deemed to have been made under the provisions of the Corporation Act. Under Section 92 which comes under Chapter VI of the Corporation Act dealing with Municipal officers and other Municipal employees, so far as is relevant, is as follows:

“92(1) Subject to the provisions of Section 89 the power of appointing municipal officers and other municipal employees, whether temporary or permanent,.....

(b) to posts carrying a minimum monthly salary (exclusive of allowances) of less than three hundred and fifty rupees, shall vest in the General Manager (Transport).”

The minimum monthly salary of respondent No. 2 was less than Rs. 350/- and hence the appropriate authority under the Corporation Act to appoint respondent No. 2 would be the General Manager (Transport).

6. Section 95 deals with disciplinary actions against municipal officers and employees. Sub-section (1) provides “every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulations”. The first proviso to the above sub-section reads “provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed”.

7. In view of the proviso referred to above it was contended on behalf of respondent No. 2 that he cannot be removed by any authority subordinate to the General Manager (Transport) and since the Assistant General Manager was a subordinate of the General Manager, the order of removal was unauthorised and illegal. That contention has been upheld by the High Court.

8. Two more provisions of the Corporation Act have to be noticed at this stage. They are Sections 491 and 504 in Chapter XXV entitled “Miscellaneous”. Section 491 is as follows:

“The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any municipal officer or other municipal employee specified in the order.”

9. Section 504 so far as is relevant is as follows:

“Save as expressly provided in this Act and unless the context otherwise requires,—

(i) Any reference in this Act to the Commissioner..... shall be construed,

(ii) in relation to any matter pertaining to the Delhi Transport Undertaking, as a reference..... to the General Manager (Transport).....”

10. Reading those two provisions together one sees that the General Manager (Transport) is entitled by order to direct that any power conferred

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Appointment continued
the provisions of the
Chapter VI of the
other Municipal

89 the power of
employees, whether

Salary (exclusive of
gratuities, shall vest in

less than Rs. 350/-
under the Act to appoint
(art).

For all municipal officers
and employees, whether
in the service of the
Municipal Corporation or
other authority, who are
retired, removed or
dismissed or of discipline or
misconduct by such
authority, the first proviso to the
Section 95(1) shall apply to
such officers and employees as
if they were appointed by
the authority.

It is contended on behalf
of respondent No. 2 that
the authority subordinate
to the Assistant General
Manager is not the authority
in the order of removal
has been upheld by the

It has to be noticed that
Section XXV entitled

any power conferred
shall, in such circum-
stances, be specified in the
Municipal Corporation or other

and unless the context
clearly indicates otherwise

to the Delhi Transport
Authority to the General
Manager.

It is seen that the General
Manager has the power conferred

or any duty imposed on him by or under the Act shall be exercised and performed also by any municipal officer or other municipal employee specified in the order. It is common ground that the General Manager (Transport) has by an order issued in 1961 delegated his power to the Assistant General Manager to appoint and consequently to remove from service a driver like respondent No. 2.

11. Mr. Chagla, appearing on behalf of the appellant Undertaking, contended that respondent No. 2 had been actually appointed by the Manager of the Delhi Road Transport Authority constituted under the Delhi Road Transport Authority Act, 1950 and on the repeal of that Act and the takeover of the Authority by the Corporation, any officer of the appellant Undertaking, competent to appoint or remove a driver, was entitled to remove him from service. The Assistant General Manager of the Undertaking could not be described as subordinate to the Manager of the Delhi Road Transport Authority because factually he was not. Therefore, he contended, the provision that he shall not be removed by the authority subordinate to that by which he was appointed found in Section 95 of the Corporation Act was inapplicable. In our opinion, the contention is not well founded. The proviso to Section 95, sub-section (1) gives protection to every officer and employee of the Undertaking that he may not be removed or dismissed from service by an authority subordinate to that by which he was appointed. It may be that in 1961 the functions of the General Manager (Transport) had been delegated to the Assistant General Manager. The only consequence is that if after 1961 the Assistant General Manager makes the appointment of a driver like respondent No. 2, he would no doubt be entitled to remove him from service. But so far as respondent No. 2 is concerned his individual position will have to be determined with reference to the time when he was absorbed in Corporation Service. That was in January, 1958. Section 516 while repealing the Delhi Road Transport Authority Act, 1950 by clause (a) of sub-section (1) protects the appointments made under that Act. Sub-section (2)(a) provides "Notwithstanding the provisions of sub-section (1) of this section.....(a) any appointment made and in force immediately before the establishment of the Corporation, shall, insofar as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act, unless and until it is superseded by any appointment..... made under the said provisions". Since under Section 92(1)(b) already referred to, the power of appointing municipal employees to posts carrying a minimum monthly salary of Rs. 350/- vested in the General Manager (Transport), respondent No. 2, at the time of his absorption in January, 1958, would be deemed to have been appointed under Section 92(1)(b) which would mean that he was appointed by the General Manager (Transport). Being so appointed, no subordinate of his including the Assistant General Manager (Transport) would be entitled to remove him from service in view of Section 95(1), proviso.

12. Section 95(1) dealing with disciplinary action against municipal officers and employees specifically provides that every officer or other municipal employee shall be liable to be punished in the several ways referred to in that section by such authority as may be prescribed by regulations. The definition of the word 'regulation' given in Clause 48 of sub-section (2) is as follows: "Regulation" means regulation made by the Corporation under this Act by notification in the official Gazette. In other words, the power of making regulations is vested in the Corporation and it is open

to the Corporation to prescribe by regulation who would be the authority to punish any municipal officer or employee for his delinquency. Such a regulation may provide that an employee of the status of respondent No. 2 can be removed, for example, by the Assistant General Manager. And yet by virtue of the proviso to that sub-section respondent No. 2 would be protected against any such action of the Assistant General Manager because his appointing authority was the General Manager and the Assistant General Manager was his subordinate. A similar situation had arisen in *R. T. Rangachari v. Secretary of State*¹. The appellant Rangachari had been appointed by the Inspector General of Police but his dismissal was ordered in 1928 by an official lower in rank than the Inspector General. Rangachari claimed protection under Section 96(b) of the Government of India Act, 1919, which so far as we are concerned was as follows:

Sub-section (1).—Subject to the provisions of this Act and the rules made thereunder every person in the Civil Service of the Crown in India holds office during His Majesty's pleasure and may be employed in any manner required by a proper authority within the scope of his duty but no person in that service may be dismissed by any authority subordinate to that by which he was appointed."

Since rules had been framed by which the power of dismissal had been delegated by the Inspector General of Police to a subordinate authority it was contended, though with certain amount of hesitation, that the dismissal of Rangachari was proper. Lord Roche delivering the judgment in the case observed, "The courts below held that the power of dismissal was in fact delegated and was lawfully delegated to the person who purported to exercise it. Counsel for the respondent candidly expressed a doubt as to the possibility of maintaining this view and indeed it is manifest that if power to delegate this power could be taken under the rules, it would wipe out a proviso and destroy a protection contained not in the rules but in the section itself. Their Lordships are clearly of opinion that the dismissal purporting to be thus ordered in February was by reason of its origin bad and inoperative. It is manifest that the stipulation or proviso as to dismissal is itself of statutory force and stands on a footing quite other than any matters of rule which are of infinite variety and can be changed from time to time. It is plainly necessary that this statutory safeguard should be observed with the utmost care and that a deprivation of pension based upon a dismissal purporting to be made by an official who is prohibited by statute from making it rests upon an illegal and improper foundation".

13. It is, therefore, clear that a protection which is given to an employee by the statute cannot be nullified by rules and regulations authorised by the statute itself. In other words, any regulation made by the Corporation which would have authorised the Assistant General Manager to remove respondent No. 2 from service would have been inoperative qua respondent No. 2 as his appointing authority was the General Manager (Transport). The question now is whether if the Corporation itself by any regulation could not have destroyed the above protection given by the statute to respondent No. 2, it would be appropriate to say that the General Manager by an order delegating his functions to the Assistant General Manager under Section 491 read with Section 504 of the Corporation Act could destroy the protection. Since the General Manager (Transport) is an officer of the Corporation and subordinate to the Corporation, it will amount to saying

1. 64 IA 40: AIR 1937 PC 27.

uld be the authority delinquency. Such a of respondent No. 2 Manager. And yet nt No. 2 would be ral Manager because the Assistant General risen in R. T. Ranga- had been appointed as ordered in 1928 by Rangachari claimed dia Act, 1919, which

this Act and the rules ice of the Crown in and may be employed within the scope of his ssed by any authority

of dismissal had been subordinate authority it tion, that the dismissal e judgment in the case dismissal was in fact dele- purported to exercise it. abt as to the possibility hat if power to delegate wipe out a proviso and at in the section itself. dismissal purporting to be n bad and inoperative. smissal is itself of statu- ian any matters of rule rom time to time. It is ld be observed with the ased upon a dismissal hhibited by statute from ion".

which is given to an es and regulations autho- regulation made by the sistant General Manager ave been inoperative qua s the General Manager Corporation itself by any ction given by the statute that the General Manager sistant General Manager oration Act could destroy nsport) is an officer of the it will amount to saying

that what the Corporation could... an officer of the Corporation... Assistant General Manager... position in law is that while... the General Manager (Transport) to... a subordinate, they did not... involved in matters of appointment... the employee and the status... the proviso to sub-section... employee shall not be dismissed... which he was appointed the... The proviso places an embargo... rity from removing or dismissing... the High Court was right in holding... respondent No. 2 by the Assistant General

14. Mr. Chagla then contended... the Assistant General Manager had become... and the act of the Assistant General Manager... the General Manager himself... of agency. It is implicit in the... a lesser authority, that the appointing... mind to the question of removal... the authority which can remove... or its superior in office, the protection...

15. In the result the appeal fails and dismissed with costs.

(1972) 2 Supreme Court Cases 749

(From Punjab and Haryana High Court)

[BEFORE A. N. RAY AND I. D. DUA, JJ.]

GURCHARAN SINGH

Appellant;

Versus

STATE OF HARYANA

Respondent.

Criminal Appeal No. 232 of 1969, decided on September 13, 1972

Penal Code, 1860 (45 of 1860)—Section 362—Abduction—Prosecutrix lured by two ladies and brought to accused—Accused threatening her with pistol and after taking her to another place committing rape—Held, it cannot be said that the offence of abduction was complete when the prosecutrix was induced by the two ladies to accompany them—Accused did commit offence under Section 362.

Penal Code, 1860 (45 of 1860)—Section 376—Rape—Prosecutrix below or about 16 years of age—Held consent immaterial—Absence of violent or stiff resistance and the absence of marks of violence on private parts not necessary—Held, of no consequence.

Penal Code, 1860 (45 of 1860)—Section 376—Rape—Prosecutrix below or about 16 years of age—Held consent immaterial—Absence of violent or stiff resistance and the absence of marks of violence on private parts not necessary—Held, of no consequence.

§-15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8049/2015**
QAMARUDDIN

..... Petitioner

Through: Mr.Apurb Lal, Advocate with
Mr.Daleep Singh, Advocate

versus

DELHI URBAN SHELTER IMPROVEMEMT BOARD

..... Respondent

Through: Mr.Nishant Prateek, Advocate

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **25.08.2015**

1. The petition has been filed challenging the order dated November 03, 2014 and January 13, 2015, whereby the petition on conviction by Criminal Court was dismissed and the appeal thereof was also rejected.
2. Learned counsel appearing for the respondent has placed before me an office order dated July 28, 2011 to contend that the petitioner has a remedy of revision before the Board of the respondent organization.
3. Learned counsel for the petitioner states that the petitioner disputes the power of revision of the Board. He further states that without prejudice, he would file a revision petition before the Board, so as to enable the Board to consider the same. In view of the statement, let a revision petition be filed

12

by the petitioner within ten days from today and the same shall be considered by the Board at the earliest by passing a reasoned and speaking order within four weeks from the date of receipt of the revision petition. The order shall be communicated to the petitioner, who would be at liberty to challenge the same if the same is to his prejudice, in accordance with law.

The petition stands disposed of.

Dasti to counsel for the parties.

V. KAMESWAR RAO, J

AUGUST 25, 2015/km

True copy
D. Singh

DALEEP SINGH
ADVOCATE

DELHI HIGH COURT
259-260, Western Wing
Tis Hazari Courts, Delhi-110054
Mob.: 9891180489

02 SEP 2015

**DELHI URBAN SHELTER IMPROVEMENT BOARD
JNNURM SECTION
RAJA GARDEN, DELHI-27**

**Sub:-Status report regarding eligibility decided in respect of JJ dwellers
residing in various prioritised JJ clusters (as on 20.07.2015)**

S.No	Cluster Name	Name of LOA	Surveyed Jhuggies	Appeared	Eligible	In-Eligible
1.	Infront of Ayurvedic Hospital Haiderpur	PWD	138	25	16	9
2.	Press Road Old Sectt.	CPWD	118	81	49	32
3.	Khichripur B/W B Bridge	I&FC	428	235	98	137
4.	K&L Block Wazirpur	I&FC	410	248	189	59
5.	Park side, Badli	INDUSTRIES	523	350	327	23
6.	Virat Co-operative Jwalapuri	MCD(SD MC)	563	481	338	143
7.	Jawahar Camp, Kirti Nagar, Maya Puri	DMRC	116	86	57	29
8.	Mahatma Gandhi Camp Road No. 77 Punjabi Bagh	CPWD/D MRC	112	78	42	36
9.	STD Booth Shalimar Bagh	PWD	70	69	56	13
10.	Nivedita Kunj	L&DO	147	81	48	33
11.	Pratap Camp	L&DO	518	373	342	31
12.	Kirbi Place	Defence	1583	736	570	166
13.	C-33, Havloc Square, Kali Bari Marg, New Delhi	CPWD	95	78	73	5
14.	JJC 5855, NDMC water supply central room, Kali Bari Marg, New Delhi	CPWD	76	68	61	7
15.	JJC adjacent to Bunglow No-12, Suneheri Bagh	CPWD	74	38	14	24
16.	JJC Noor nagar, Jamia Milia	JAMIA MILIA ISLAMIC UNIVERSITY	75	65	39	26
17.	JJC Rajiv Camp, Aram bagh	CPWD	51	25	16	9

18.	NBCC, Kidwai Nagar	NBCC	196	171	143	28
19.	N.C.J.M. Hospital	NCJM HOSPIT AL	682	504	393	111
20.	I.G.Camp Taimoor Nagar	DELHI POLICE	952	682	592	90
21.	Dhobi Ghat No. 10	CGHS	36	28	26	02
22.	Dhobi Ghat No.7 & 9	CPWD	56	52	33	19
23.	Janpath Plot A New Delhi	Dr. Ambetkar Foundati on, Ministry of Social Welfare, GOI	36	31	22	09
24.	Ramesh Nagar Kirti Nagar	MCD(SD MC)	845	236	185	51
25.	Cement Godowan, Moti Bagh, Netaji Nagar (Demolished)	L&DO	434	140	67*+6 3= 130	10
26.	Karam Pura G & F Block (Demolished)	FLOOD CONTRO L	66	36	10*+2 0= 30	6
27.	JJC Bengali Camp, East Kidwai Nagar (Demolished)	NDMC	56	51	44*+6 = 50	1
28.	JJC Bharti Nagar Camp, Khan Market (Demolished)	NDMC	32	25	18*+7 = 25	0
29.	JJC Arjun Dass Camp, East Kidwai Nagar. (Demolished)	NDMC	134	120	78*+4 2 104	16
30.	JJC Shiv Mandir Camp, (Demolished)	AIRPOR T	74	53	26*	27
31.	JJC G - Point, Gole Market (Demolished)	CPWD	44	39	21*+8 = 29	10
32.	DDU Marg, pkt - 6 (Demolished)	CPWD	13	13	2*+9= 11	2
Total			8753	5298	4134	1164

*Already relocated at DSIIDC Housing Complex Bawana

ANNEXURE - II

- 50/c -

ANNEXURE 'A'

S.No	Location	No. of Units	Year of Const.	Total Expenditure (In Lacs)	Expenditure per Unit (In Lacs)	Land Cost per unit (In Lacs)	Total Cost Per Dus (In Lacs)
2	Flats Constructed by DSIIDC	3	4	5	6	7	
1	Bhoggarh	1272	2011	7393.66	5.81	(42490.35 - 6373.55) X 46200 = 13.12	18.93
2	Bhawana	704	2011	3804.01	5.40	(26465.42 - 3969.81) X 46200 = 14.76	20.16
3	Bawana * 293 flats already allotted 893 remaining	1184	2011	6437.49	5.44	(41357.27 - 6203.59) X 46200 = 13.72	19.16
4	Ghoga	3680	2011	16199.65	4.40	(89270.20 - 13390.53) X 46200 = 9.53	13.93
5	Haprola Phase-I	5568	2013	29260.98	5.26	(227465 - 34119.75) X 46200 = 16.04	21.30
6	Baprola	5568	2011	34616.69	6.22	(227465 - 34119.75) X 46200 = 16.04	22.26
7	Narela Phase-I 1412 Type-III	1184	2011	6160.94	5.20	(35145.12 - 5271.76) X 46200 = 11.66	16.86
	Type-I	228	2011	953.31	4.18	(5438.15 - 815.72) X 46200 = 9.37	13.56

* Component towards Land Cost i/c rate & calculation be confirmed from Land Section

(Bhupinder Singh)
Chief Engineer-I & II
Chairman

(Krishan Kumar) Member
(H.S. Nanra) Member
(M.C. Yadav) Member
(B.V. Gautam) Co-Op Member

- 5/c -

Subject: Working out Rates at which the Flats Construction under JNNURM

S.No	Location	No. of Units	Year of Const.	Total Expenditure (In Lacs)	Expenditure per Unit (In Lacs)	Land Cost per unit (In Lacs)	Total Cost Per Dus (In Lacs)
1	'A' Flats Constructed by DUSIB	3	4	5	6	7	
1	Sawda Ghewra	7620	2013-15	44158.33	5.80	$(153000 - 22950) \times 46200 = 7.88$	13.68
2	Sultanpuri	1060	2013-15	6427.23	6.06	$(2720.57 - 4158.08) \times 46200 = 10.27$	16.33
3	Dawarka Sector 16-B, Site-1.	980	2013-15	5397.00	5.51	$(24435 - 3665.25) \times 106400 = 22.55$	28.06
4	Dawarka Sector 16-B, Site-2	736	2011-13	3337.00	4.53	$(18574 - 2786.10) \times 106400 = 22.82$	27.35
5	Dawarka Sector 16B, Site-3	288	2011-13	1290.00	4.48	$(7000 - 1050) \times 106400 = 21.98$	26.46

(Signature)
 (Bhupinder Singh)
 Chief Engineer-I & II
 Chairman

(Signature)
 (Krishan Kumar)
 Member

(Signature)
 (H.S. Nanra)
 Member

(Signature)
 (M.C. Yadav)
 Member

(Signature)
 (B.V. Gaurbh)
 Co Member

Annexure - I

Delhi Urban Shelter Improvement Board
Govt. of NCT of Delhi
(Meeting Cell)

Room No. 49, Punerwas Bhawan, New Delhi - 110 001.

Dated: 3rd July, 2015

NO: GA/1160/1/Admn/2013/D- 38

OFFICE ORDER

Chairperson, Delhi Urban Shelter Improvement Board (DUSIB), Govt. of NCT of Delhi, vide his approval dated 29th June, 2015, has been pleased to nominate following Experts (non-official) as members of the BOARD under clause (xv) of sub section 3 of the Delhi Urban Shelter Improvement Board Act, 2010, in place of previously appointed Expert (non-official) members:

1. Shri Bipin Kumar Rai
2. Er. A.K. Gupta

P.K. Raghav

(P.K. Raghav)
Director(Admn), DUSIB

Copy forwarded for information to:

1. Secretary to Chairperson, DUSIB.
2. Secretary to Dy. Chairperson, DUSIB.
3. Pr. Secretary(UD), UD Deptt, GNCT of Delhi.
4. All Members of the BOARD.
5. Shri Bipin Kumar Rai
6. Shri A.K. Gupta.
7. Shri K. Dharmarajan
8. Mrs. Rekha Dewani.
9. Project Officer, BSUP, UD Deptt, GNCT of Delhi.
10. Office copy/guard file.

Board Meetr file

To,

Date-29th July 2015

Mr VK Jain,
CEO,
DUSIB,
New Delhi

Subject- Request for operating guideline and ToR

Dear Mr Jain,

This is with respect to my (Bipin Rai) recent appointment as member expert DUSIB Board. I have been engaged on the issue of housing, temporary shelters for homeless, relief and rehabilitation work in Delhi from past several years.

I have considerable work experience on the ground related to the issue and keeping this in view, would like to contribute more effectively to my new role as Board member. This would require my full time engagement with DUSIB.

So request you to please provide me with necessary operating guidelines and terms of reference detailing my roles and responsibilities.

Thanking you

Warm Regards,

Bipin Rai

A8, first floor,
Mayur Vihar – Phase 1
Contact nos: 9999046469

BIPIN KUMAR RAI

C/o Rakesh Agrawal, A-8, Street no-1 Kotla Ext., Mayur Vihar Phase-1 Pocket -2, Delhi-110091
Mobile: +91-99990 46469, E-mail- bipinr123@gmail.com

EDUCATIONAL QUALIFICATION

Qualification	Year	Institution
M.A in Psychology	2001 - 2003	Banaras Hindu University, Varanasi
Bachelor of Arts in Psychology	1998 - 2001	Banaras Hindu University, Varanasi

AREAS OF EXPERTISE

- Mass Mobilization, Campaigning and Advocacy on issues of Urban Homeless & CityMakers
- Networking & Lobbying with Civil society and Govt. departments at State and National level
- Management of Urban Development projects
- Understanding of Right based Approach in Urban Context

WORK EXPERIENCE

From: Feb 2013 - Till date
Place: New Delhi
Organization: Action aid
Position: National Campaign Manager

Responsibilities: Overall Planning, desining and coordination of AA campaign nationwide. Specially on gender and Urban Poverty and designing Advocacy in right based approach.
I am responsible to look after the urban campaign in the perspective of "People's vision of the city".

From: May 2009 -Feb 2013
Place: New Delhi
Organization: Indo Global Social Services Society (IGSSS)
Position: Asstt. Manager, Advocacy & Networking

Responsibilities: Overall management of Urban Poverty Program in Delhi and designing Advocacy Campaigns in a right based approach and facilitate collective forums and networks for the rights of the Urban Poor and homeless/City makers. Earlier as Programme Officer, I was actively involved in the lobbying and advocacy at policy levels to get people and authorities sensitized towards the issues of Urban poor. I have been also instrumental in designing and completion of a historic nation wide campaign to reclaim the rights of the City makers. I managed the following major program since 2009 -

- Homeless Citizen Resource Center- Initiative is supported by Delhi Government. We are managing two HRC in Delhi.
- National CityMakers Caravan - Conceptualized and managed a nationwide campaign for the right of homeless city makers. Through this process we create a network of organization at national level. 22 states were the part of this network.

From: January 2008- April 2009
Place: New Delhi
Organization: Delhi Forum (Programme for Social Action)

Responsibilities: Worked with Delhi Forum as an Associate, Coordinator.

DF is facilitating a support process of National and local Movements in Delhi. DF is a place where movements takes support for their campaign when they start at the advocacy with politicians, Media and support provide them their Protest at national level in Delhi.

For the support for various processes, we create a space called Delhi solidarity group. All Delhi level organization and individual activists are part of this platform. I was also looking one more project, this project was totally based on Forest Right Act- 2006. In this project, I facilitated advocacy and campaigning for the implementation for this act.

From: February 2007- December 2007
Place: New Delhi
Organization: Ekta Parishad

Responsibilities: Worked with Ekta Parishad as "Networking & Mobilization Coordinator".

Ekta Parishad is a well known Mass Organization and work on Land right. Ekta Parishad organized JANADESH-2007(People's verdict). There were 30,000 landless people foot march from Gwalior to Delhi (2nd Oct. to 25th Oct. 2007).

As coordinator for Networking and Mobilization, I was responsible for mobilizing slum and urban youths and masses through various awareness drives and facilitated sensitization of community about human rights issues.

Also, I am also associated with Himalaya Niti Abhiyan, a forum of Mountain movements on the issue of climate change and livelihood. This forum is campaigning for specific Himalayan Policy for Sustainable Mountain Development. I am associated with this forum from 2005 to till date as member of coordination committee.

From: January 2006 - January 2007
Place: New Delhi
Organization: World Social Forum- India Secretariat

Responsibilities: Worked as Facilitator for Youth and Student Forum (YSF) and Volunteer Coordinator in India Social Forum & performed tasks of mobilizing rural and urban youths for ISF-2006. Networking with student and youth groups of all across the country was major responsibility of mine. I was official representative of Youth and Students in WSF - India Organizing Committee and India Working Committee for organizing ISF 2006 and for representing youths on behalf of WSF-India in World Social Forum - Nairobi, Kenya in January 2007 and WSF Brazil in 2009.

I was associated with YOUTH SOCIAL FORUM, a part of World Social Forum, India. I was the Facilitator for Youth & student Mobilization. There were more than six hundred volunteers for entire event.

From: June 2003- November 2005
Place: New Delhi
Organization: Association for People's Welfare & Development (APWAD)

Responsibilities: Project Coordinator in Association for People's Welfare and Development (APWAD), a National NGO since 2003 in Delhi. Responsible for coordinating projects of Sarva Siksha

Abhiyan (SSA); Reach India (US aid); Awareness campaign in Haryana, Jharkhand & H.P, on the issue of Aids, TB, First Aid, Girl child Adolescence etc.

Honorary positions:

- Member, Inspection committee, Right to shelter from Supreme Court Commissioner Office. (Feb 2010 to March 2013).
- Member, NMIC, PC&PNDT act, Ministry of Health, Govt of India.

VOLUNTARY WORK EXPERIENCE

From: November 2005 - December 2005
Place: New Delhi
Organization: People's Caravan for Justice, Dignity and Sovereignty

Responsibilities: Worked more than three months in Peoples' Caravan for Justice Dignity and Sovereignty held on 17th Nov. -10th Dec. 2005. This event was an initiative of Action Aid India and thousand of civil society Organization in India for the anti people's policies of World Trade Organization (WTO). There were five States in North Zone Caravan including Punjab, Himachal Pradesh, Chandigarh, Haryana & New Delhi. I was the coordinator of Northern Peoples' Caravan. The responsibility assigned to me involved Coordination with Local groups & NGOs; Coordination with Caravan Team member; Media Management; Advocacy with state Government; Prepare a Report on North Zone Caravan; Submission of charter of Demand; Logistic arrangement; Interaction with local People.

From: July 2005 - September 2005
Place: New Delhi
Organization: People's Summit Against Poverty (PSAP) - National Level Convention under United Nations Millennium Development Goals (UNMDG)

Responsibilities: Worked more than two month in the secretariat of People's Summit Against Poverty (PSAP), held on 3-4 September 2005. This event was a part of civil society movement in India for the fulfillment of Millennium Development Goals (MDG), National Development Goals (NDG), and Common Minimum Programme (CMP). The responsibility met by me included coordination with more than three hundred volunteers; coordination with various committees; looked after the logistics etc.

MAJOR TRAININGS, CONSULTATIONS & EXPOSURES ATTENDED

- Participated and made a presentation on how to build a national network on **urban poverty issues in India in two day national consultation on urban poverty** organized by Action aid, HRLN, HLRN, Aman Biradari, ICGSS and other organization in January 3-4, 2011.
- Participated as member of organizing committee in *PEOPLE'S SAARC in Katmandu, Nepal March 23rd-25th 2007.*
- Participated in *WORLD SOCIAL FORUM Karachi, Pakistan March 24th-29th 2006, Kenya in 2007, Brazil in 2009 and Tunisia 2015.*
- Organized HIV/AIDS awareness training camp in Rohtas district of Bihar in July 2005. The programme was supported by Bihar AIDS Control Society.
- Attended the workshop on Education, organized by NAFRE in New Delhi, August 2005.
- Attended a three days workshop on Rights to Information, conducted by National Campaign Against Rights to Information in Delhi, April 2005.

TO WHOMSOEVER IT MAY CONCERN

This is to certify that **Mr. Bipin Kumar Rai** who is currently working with ActionAid Association since 15 February 2013 as **Campaigns Manager, Programme Policy Directorate, Country Office, Delhi**, is currently entitled to salary and benefits as per details stated below.

Salary Break-up		
Campaigns Manager	Grade II B	
Salary Components	Monthly (INR)	Annual (INR)
Basic	28600	343200
HRA	17160	205920
Conveyance	1600	19200
Special Allowance	3800	45600
Professional Development Allowance	3200	38400
Telephone/Mobile***	3000	36000
Medical ***	1250	15000
LTA ***	2383	28600
Monthly Gross	60993	731920
Employer's PF - (12% of Basic)	3432	41184
Monthly CTO (Cost To Organisation)	64425	773104
Other benefits include :-		
<p>1. The Organisation covers Staff and 5 Dependents (Spouse, children and Dependent Parents in case of Married staff and Dependent Parents and Siblings (upto 18 years) in case of Unmarried staff) under Medical insurance for a Floater amount of Rs. 500000/-. The married staff can also avail this facility for their in-laws (mother-in-law & father-in-law) and additional child at an additional premium of Rs. 2000/- per person.</p>		
<p>2. The staff is also covered under Personal Accident insurance for a coverage equal to 36 month's Gross Salary, premium fully paid by the Organisation. This coverage is applicable only to staff.</p>		
<p>3. 3. Gratuity @ One Month's Basic salary is payable to staff for every year of completed service, after completion of 3 years in the organisation.</p>		


Vijay Naugain

Senior Manager-Organisational Effectiveness

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Diary No. S.F.S.T. : 3 P

Annexure - III
858 (3P)
25/8/15
G-39863/04
25-8-15
CTO

Date: 25/8/15
Director (Admin)
GNCT of Delhi

The CEO,
DUSIB, GNCT of Delhi,
ITO, New Delhi-110002

Subject: Nomination of expert (Non-Official) as member of the DUSIB

Sir,

I am thankful to Chairperson (DUSIB) Govt of NCT of Delhi for nominating me expert (Non-Official) as member of the BOARD under clause (XV) of sub-section 3 of the DUSIB Act-2010. In this regard the office order has already been issued by Director (Admin) DUSIB; vide office order no: GA/1160/1/Admn2013/D-38 Dt-03/07/2015.

I hereby further take this opportunity to submit that I am willing to work for the board on regular basis so that I can dedicate more time and full effort to the job. Most humbly it is also requested to decide the terms of office and conditions of service of non-official Members of the BOARD under clause 4 (1) of the DUSIB constitution.

Thanking you.
With Regards

Er AK Gupta
Member (DUSIB)
Ph Mob: 9810391819, LL: 011-22711771
Email: akgupta.delhishelter@gmail.com
Res: 31-C, Pkt-4, Mayur Vihar Ph-I, Delhi-110091

30 JUL 2015

29/8/15
26/8/15
दिनांक 26/08/15
कार्यालय निदेशक (अ) दिल्ली शासकी अख्यत इण्डिया

CEO
M/A

Director (Admin)

26/8/15
partip
27/8/15

D (Board)

15/08/2015
20/8/15

Er AK Gupta

Urgent Pl.

sh. Chandika
H (Board)

31/8/15
we my dream

109

Er A. K. Gupta

Res: 31-C/IV, Mayur Vihar Ph-I, Delhi-110091

Mobile: 9810391819 LL: 011-22711771

Email: ashokgupta3333@gmail.com

Retired Engineer from DUSIB seeking to add further value to the efficient working of DUSIB

An experienced retired government professional having deep knowledge and clarity about the working of a government organization. Having Strong interpersonal skills with the ability to work even in an adverse environment for which respectful and effective communication skills are integral. A proficient manager in stock control, transaction processing and problem resolution having leadership skills with the capability to ensure effective team work.

Key Skills:

- Extensive researching
- In-situ up gradation
- Installation of Bio-Toilets
- Manufacturing of Mobile Toilets
- Public dealing

Technical Skills: Microsoft Word and Firefox

Education:

- **Diploma in Mechanical Engineering** from G. B. Panth Polytechnic in 1970
- **Degree in Mechanical Engineering** from Institution of Engineers (India) in 1975

Academic Achievement:

- **Fellowship of Institution of Engineers (India)** since 2008

Professional skills:

- **Problem Solving:** Ability to apply a logical approach to problem solving that minimises conflict and creates positive outcomes.
- **Collaborating Team Members:** Ability to collaborate with team members. I was President of Engineering Association of Slum and JJ department from 2007 to 2010. Presently I am Secretary of Federation of RWAs Mayur Vihar ph-I, Delhi-110091 and remain active to solve social problems of the society.

Professional Work-experience:

- Worked as production Engineer in Poysha Industrial Co Ltd. Meerut Road, Ghaziabad (1970-1974)
- Worked in Slum and JJ Department Now DUSIB w.e.f. 1st January 1975 to 31st December, 2010 (36 years). During the period the department remained under DDA, MCD and now DUSIB under Delhi Government. I have retired as Executive Engineer (E/M) from DUSIB on 31st December, 2010. I was associated in the department with various projects such as in-situ up gradation of JJ colonies, Night Shelters, Mobile Toilet vans, Bio-Toilets in JJ Colonies, Decentralised Sewerage treatment plants. Apart from this I looked after the Jhuggie- Jhopri squatter settlements / clusters by way of provision of civic amenities and their resettlement too.
- Post retirement I worked for Kalash Consultancy Services as consultant, dealt in Bio-toilets, Mobile Toilet Vans and Water Harvesting.
- Also post retirement, I am working as General Secretary of RWA Pkt-4, Mayur Vihar Ph-I and also working as Secretary of Federation of RWAs DDA's flats of Mayur Vihar Ph-I for the period 2015-17.

Other achievements:

- I am a good sports person. I was the open champion of Badminton Singles from college in 1970 and having represented DDA's Badminton team as vice captain for several years during 1981-1986. I have been a good athlete and have won many prizes and merit certificates.
- Beside Asst. Engineer at IG Stadium ASIAD-82, also posted as Asst. Public Relation officer during ASIAD-1982 Asian Games at IG Indoor stadium, IP Estate, New Delhi-110002.
- Innovated Mobile Toilet vans in Slum and JJ department. Also worked for decentralised sewerage treatment plants for resettlement colonies and bio-toilets in JJ Colonies.

With my knowledge, skills and experience, I can prove to be an asset to the organization and help in its substantial growth.

It is informed that I have retired from DUSIB on 31st Dec 2010 at Grade pay of Rs 7600-00 & drawing Pension Salary accrued during Pension

Pension A/c no - 614 - III -

[Signature]
30/7/15

CHAPTER II

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ITS
CONSTITUTION

Establishment of the Board.

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the official Gazette, constitute an authority to be called "the Delhi Urban Shelter Improvement Board". (herein after referred to as "the Board").
- (2) The Board constituted under sub-section (1) shall be the competent authority to implement the provisions of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).
- (3) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and to contract and shall by the said name sue and be sued.
- (4) The Board shall consist of the following, namely:-
- (i) (a) a Chairperson, who shall be the Chief Minister;
 - (b) a Vice-Chairperson who shall be the Minister in-charge of the concerned department of the Government dealing with the Board;
 - (ii) the chief executive officer, to be nominated by the Government who shall be an officer carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India;
 - (iii) three members of the Legislative Assembly of Delhi, to be nominated by the Chairperson in consultation with the Speaker;
 - (iv) two members of the Municipal Corporation of Delhi, to be nominated by the Mayor;
 - (v) the Vice Chairman, Delhi Development Authority, ex-officio;
 - (vi) the Commissioner of the Municipal Corporation of Delhi, ex-officio;
 - (vii) the Chief Executive Officer, Delhi Jal Board, ex-officio;

- (viii) the Chairperson of the New Delhi Municipal Council, ex-officio;
- (ix) a Member (Engineering), to be nominated by the Government, who shall be an engineer, carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and experience in the matters relating to engineering;
- (x) a Member (Finance), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of accounting and financial matters;
- (xi) a Member (Administration), to be nominated by the Government carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of personnel and administrative matters;
- (xii) a Member (Power), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of power and administrative matters;
- (xiii) the Secretary in charge of the concerned Department of the Government dealing with the Board, ex-officio;
- (xiv) a representative of the Ministry of Urban Development, Government of India, who shall be an officer of the rank of Joint Secretary to the Government of India, to be nominated by the Central Government;
- (xv) two experts on the subjects dealing with the urban planning and slum matters non officials, to be nominated by the Chairperson.

Term of office and conditions of service of members.

4. The term of office and other conditions of service of the members shall be as follows: -

- (1) Members nominated under clauses (ii), (ix), (x),

(xi), (xii) and (xv) of sub section 4 of section 3 of this Act shall receive from the funds of the Board such salaries and allowances, and shall be governed by such conditions of service, as may be prescribed.

(2) Except in the case of ex-officio members and members nominated under clauses (iii) and (iv) of sub-section (4) of section 3 of this Act, the members of the Board shall hold office at the pleasure of the Government.

(3) The members of the Board nominated under clauses (iii) and (iv) of sub-section (4) of section 3 of this Act shall hold office for a period of two years and such term shall come to an end as soon as the member concerned ceases to be a member of the body from which he/she was nominated.

Acts and proceedings not to be invalidated by vacancies, etc.

5. No act done or proceeding taken by the Board or under the authority of the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

Appointment of officers and employees and their salaries and allowances.

6. (1) The Board may appoint a Secretary and such other officers and employees as it may consider necessary for the efficient performance of its functions under this Act.

(2) The pay and other conditions of service of the officers and employees of the Board shall be such as may be prescribed by regulations.

(3) Unless expressly provided to the contrary under this Act or the regulations made thereunder, the terms and conditions of service of officers and employees of the Board shall be governed mutatis mutandis by the terms and conditions of service under the rules and regulations applicable to the employees of the Government and by the orders and decisions issued by the Government from time to time.

Power to levy fees and charges.

7. The Board shall, for the purposes of this Act, levy fees and charges for any services, which it may be

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
PUNERWAS BHAWAN

No.PS to Director(Admn.)/DUSIB/2015/D-100

Dated: 30.09.2015

Subject: MINUTES OF THE MEETING OF HIGH LEVEL COORDINATION COMMITTEE (HLCC 09/2015) UNDER THE CHAIRMANSHIP OF MEMBER(ADMN.) HELD ON 30.09.2015 AT PUNARWAS BHAWAN, I.P. ESTATE, NEW DELHI.

Please find enclosed herewith Minutes of the meeting of High Level Coordination Committee (HLCC) held on 30.09.2015 under the Chairmanship of Member (Admn.) for information and further necessary action.

Prakash

DIRECTOR(ADMN.)/CONVENER

Encl.: As above

ALL CONCERNED

Copy to:-

PS to CEO for information.

GOVT. OF NCT OF DELHI
PUNERWAS BHAWAN

Minutes of the meeting of High Level Coordination Committee (HLCC 09/2015) held on 30.09.2015 under the chairmanship of Member(Admn.) in his chamber.
The following were present.


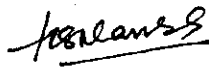
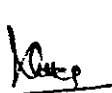

- | | |
|--|----------|
| 1. Sh. M.K. Tyagi, Member (Admn./ Engineering) | In Chair |
| 2. Sh. Sanjeev Mittal, Pr. Director (A&M). | Member |
| 3. Sh. H.S. Nanra, BFO (Rep. of Member, Finance) | Member |
| 4. Sh. P.K. Raghav, Director (Admn.) | Convener |

Director (Admn.) briefed about the agenda items to be discussed during the meeting and after detailed deliberation on the items contained in the agenda, the committee has taken following decision:

Salaries and allowances to two Experts (non-officials)/Members nominated by the Chairperson, DUSIB under Clause(xv) of sub section 4 of Section 3 of DUSIB Act, 2010.

1. As per provisions under Clause (xv) of sub - section 4 of Section 3 of Delhi Urban Shelter Improvement Board(DUSIB) Act, 2010, the Chairperson has nominated two experts (non-officials)/Members namely Sh. Bipin Kumar Rai and Er. Sh. A.K. Gupta vide office order No. GA/1160/1/Admn/2013/D-38 dated 03/07/2015.
2. Sh. Bipin Kumar Rai, Member(non-official) represented vide letter dated 29/07/2015 that he has wide experience of issues related to housing, temporary shelter for homeless, relief and rehabilitation work in Delhi and as such requested for his engagement as Member(Board), non-official on full time basis. He also enclosed pay certificate issued by an organisation namely actionaid where in he was working and drawing an emoluments of Rs. 64,425/-per month in Feb, 2013.
3. Sh. A.K. Gupta, Member (non-official) represented vide letter dated 30/07/2015 that he is willing to work on full time basis and requested that his condition of service may be settled on the basis of Section 4(1) of DUSIB Act, 2010. It is also to mention that Sh. A.K. Gupta retired from the services of DUSIB as Executive Engineer.
4. As per Section 4(1) of the DUSIB Act, 2010, the terms of office and other conditions of service of the Members shall be as follows:

HLCC MINUTES dated 30.09.2015



(i) "Members nominated under clause (ii), (ix), (x), (xi), (xii) and (xv) of sub section 4 of Section 3 of this Act shall receive from the funds of the Board such salaries and allowances, and shall be governed by such conditions of service, as may be prescribed."

(ii) Except in the case of ex-officio members and members nominated under clause (iii) and (iv) of sub-section (4) of section 3 of this Act, the members of the Board shall hold office at the pleasure of the Government.

5. DUSIB/GNCTD has so far not prescribed salaries and allowances and conditions of services of experts members (non-official) as envisaged under the provision of Section 4(1) of the DUSIB Act, 2010.


6. Keeping in view the representations of two experts (non-officials) and provisions of section 4(1) of the Act, the HLCC considered utilisation of their services on full time basis and settlement of salaries/remuneration may be recommended as under :


- (i) As Sh. Bipin Kumar Rai while working with 'actionaid' was drawing Rs. 64,425/- in the Feb, 2013, his monthly remuneration may be fixed on consolidated amount of Rs. 70,000/-
- (ii) Sh. A.K. Gupta, who has retired from DUSIB as Executive Engineer, may be given salary as per practice i.e last pay drawn minus pension per month plus D.A at the prevailing rate.

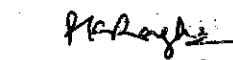
7. The other terms & conditions for their engagement may be as follows:

- (i) Their engagement will be on full time basis till they hold the office of Expert (non-official)/Members of the Board as envisaged under Section 4(2) of DUSIB Act, 2010;
- (ii) They will not be permitted to take any other assignment during their engagement with Board;
- (iii) They may be entitled for mobile phone charges @ Rs. 1500/- monthly reimbursement;
- (iv) Due to shortage of Staff Cars, they may be given travelling allowance @ Rs. 25000/- per month for performing various official duties assigned to them;
- (v) They will not be entitled for residential accommodation/HRA;
- (vi) They will not be entitled for any other facility i.e re-imbusement of medical expenses, LTC etc.;
- (vii) They may be entitled for TA/DA on Tour at par with the regular Members of the Board;
- (viii) They may be asked to perform any duties as and when assigned by DUSIB.


(M.K. Tyagi)
Member (Admn./Engg.)


(Sanjeev Mittal)
Pr. Director (A&M)


(H.S. Nanra)
B&FO


(P.K. Raghav)
Director (Admn.)

Annexure - I

GOVERNMENT OF NCT OF DELHI
SERVICES DEPARTMENT
SERVICES-I BRANCH
DELHI SECRETARIAT, NEW DELHI

No.F.8/05/2014/S.I/P.U.I/

Dated: 14.08.2015

ORDER No. 432

The Competent Authority is pleased to order transfer/posting of following officers/officials with immediate effect:-

Sl. No.	Name of the Officer	Present Posting	Transferred to
1.	Sri Radha Charan, DANICS	Superintendent, Central Jail, Tihar	SDM (Karawal Nagar)
2.	Sri Krishna Kumar, DANICS	Director, DUSIB	Special Director(TTE)
3.	Sri Sanjeev Kumar Mittal, DANICS	Under Posting	Director, DUSIB
4.	Sri J.P. Singh, Ad-hoc DANICS	AD, UTCS	Assistant Commissioner (Excise) AD, UTCS
5.	Sri Rajendra Kumar, Ad-hoc DANICS	Deputy Secretary (Land & Building)	AO (TTE)
6.	Sri Joginder Singh Rana, Ad-hoc DANICS	AO (TTE)	Superintendent, Central Jail, Tihar.
7.	Sri Sanjeev Gupta, Ad-hoc DANICS	Deputy Secretary (Home)	AO(TTE)
8.	Sri Rakesh Sharma, Ad-hoc DANICS	SDM (Karawal Nagar)	Superintendent, Central Jail, Tihar.
9.	Sri Arvind Jain, Ad-hoc DANICS	Deputy Secretary (LAS)	Superintendent (Central Jail)
10.	Sri John P. Minz, Ad-hoc DANICS	Deputy Secretary (LAS)	SREO
11.	Sri Mukesh Chand Sharma, Ad-hoc DANICS	VATO (T&T)	Deputy Secretary (LAS)
12.	Sri Pawan Parvesh, Ad-hoc DANICS	VATO (T&T)	Deputy Secretary (Law)
13.	Sri Brijesh Sharma, Ad-hoc DANICS	VATO (T&T)	Deputy Secretary (Home)
14.	Sri Sudhir Sharma, Ad-hoc DANICS	Deputy Secretary (UD)	Election Officer, CEO
15.	Sri Adeshwar Kant, Ad-hoc DANICS	Excise Officer	Deputy Secretary (Tourism)
16.	Sri Sandeep Solanki, Grade-I (DASS)-21.08.1983	Education	MAIDS (On deputation)
17.	Sri Vikas Narain, Grade-I (DASS)- 17.05.1979	DSSSB (Diverted from Education)	CMO (Diverted from Education)
18.	Sri Sandeep Kumar, Grade-I (DASS) - 10.05.1981	SR (Pitampura)	Superintendent (Education)
19.	Sri Sandeep Dabas, Grade-I (DASS) - 27.08.1981	Superintendent (Education)	SR (Pitampura)
20.	Sri Naresh Kumar, PPS	Under Posting	GAD
21.	Sri D.C. Sabharwal, Sr. PA	Under Posting	MAMC
22.	Sri Om Prakash, Sr. PA	Under Posting	TTE

28	Mr. Amar Nath, Grade-II DASS	Under Posting	...
29	Mr. Anand Kumar, Grade-II DASS-III (20.01.1980)	Under Posting	...
30	Mr. Sushil Kumar, Grade-II DASS/UDC	IAS	...
31	Mr. Deepak Bharti, Grade-III (DASS)-18.04.1987	PAO	...
32	Mr. Ravinder Pal Singh, Grade-II DASS/UDC-22.01.1979	UD	...
33	Mr. Pradip Barua, Grade-II (DASS)-22.08.1962	DFW	...
34	Mr. Durvin Singh, Grade-II (DASS)-01.02.1968	DFW	...
35	Mr. Manish, Grade-III DASS/UDC-14.04.1977	ISFC	...
36	Mr. Ravinder Kumar, Grade-III DASS/UDC-20.02.1972	UD	...
37	Mr. Debajit Dutta, Grade-III DASS/UDC-16.10.1989	Refrw	...
38	Mr. Gurvinder Singh, Grade-III DASS/UDC-20.05.1975	DCC	...
39	Mr. Richa Prabhu, Grade-II DASS/UDC-17.06.1982	SHSO	...

1. Secretary to Lt. Governor, Govt. of NCT of Delhi.
2. Secretary to Chief Minister, Govt. of NCT of Delhi.
3. Mr. D. B. Jaiswal, Member of Opposition, Delhi Vidhan Sabha.
4. Mr. D. B. Jaiswal, Speaker, Delhi Vidhan Sabha.
5. Mr. D. B. Jaiswal, Deputy Speaker, Delhi Vidhan Sabha.
6. Secretary to Dy. Chief Minister, Govt. of NCT of Delhi.
7. Secretary to all Ministers, Govt. of NCT of Delhi, Delhi.
8. Mr. D. B. Jaiswal, Member of Opposition, Delhi Vidhan Sabha.
9. Mr. D. B. Jaiswal, Secretary (Services), Govt. of NCT of Delhi.
10. All other concerned.
11. All Principal Secretaries, Secretaries/Special Secretaries, Under Secretaries, Govt. of NCT of Delhi.
12. All HODs/Official Bodies/Public Undertakings, Govt. of NCT of Delhi.
13. Secretary, Legislative Assembly, Govt. of NCT of Delhi.
14. Mr. D. B. Jaiswal, Chief Secretary, Govt. of NCT of Delhi.
15. Mr. D. B. Jaiswal, Secretary (Services), Govt. of NCT of Delhi.
16. Mr. D. B. Jaiswal, Secretary (Coordination), Services Department, Govt. of NCT of Delhi.
17. Mr. D. B. Jaiswal, the request is placed to the Secretary, Govt. of NCT of Delhi.
18. Mr. D. B. Jaiswal, the request is placed to the Secretary, Govt. of NCT of Delhi.
19. Mr. D. B. Jaiswal, the request is placed to the Secretary, Govt. of NCT of Delhi.
20. Mr. D. B. Jaiswal, the request is placed to the Secretary, Govt. of NCT of Delhi.

Annexure - 11

9/e

To

The Principal Secretary
Urban Development Department
Govt. of NCT of Delhi
New Delhi

*Member (Admin)
Please put up on file
with comments
by 27/08/15*

*D
27/8/15*

(Through Proper channel)
CEO, DUSIB

D (Admin)

Sub: Request for posting as Member, DUSIB

Sir,

With due respect, I am to inform that I am a DANICS officer of 1993 batch and have been promoted to JAG-I (Grade Pay Rs 8700/-) vide Order dt. 02/07/2015. On repatriation from DDA and in compliance of the Order 432 dt. 14/08/2015 of the Services Department, GNCT of Delhi, I joined as Director, DUSIB on 20/08/2015.

In this regard, it is to state that DUSIB is following the Recruitment Rules of DDA for the post of Director as RR for the post of Director have not been notified by DUSIB till date. As per the RR of DDA, the post of Director is in the Grade pay of Rs 7600/- and is to be filled by Deputation. As per the eligibility criteria, the post is to be filled by officers with five (5) years of regular service in the grade pay of Rs 6600/- (**Annex. 1**).

Till date, officers in the grade pay of Rs 6600/- or at most grade pay of Rs 7600/- have been posted and they got the benefit of drawing higher grade pay. It is further stated that even officers 8-10 years junior to me had been posted as Director, DUSIB in the past and had already transferred from DUSIB 3-4 years ago after completion of their tenure.

Before formation of DUSIB, i.e. in erstwhile Slum and JJ Department, DANICS officers of JAG level in grade pay of Rs 7600/- or Rs 8700/- (or equivalent) had been posted as Deputy Commissioner and directors were reporting to the Dy. Commissioner.

Further I have already completed more than 21 years of service and am eligible for grade pay of Rs 10,000/- as per the recent Order no 428 dated 11/08/2015 issued by Delhi Govt. Even otherwise promotion from grade pay of Rs 7600/- to Rs 10,000/- requires cumulative qualifying service of 8 years which I have already completed as I was promoted to JAG II (grade pay of Rs 7600/-) in the year 2007 (**Annex. II**).

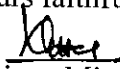
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It is a common practice that an officer is posted at one level higher on a deputation post as compared to his regular scale but in my case I am posted to a post which is one level lower.

In view of the above and in the interest of justice, it is my humble request to post me as Member, DUSIB which is a post next in the hierarchy or otherwise I may be posted in some other department on a post commensurate to my seniority.

I hope for your sympathetic consideration.

Yours faithfully


Sanjeev Mittal

Director, DUSIB

Dated: 25th August, 2015

Copy to:

Principal Secretary (Services), GNCT of Delhi

AGENDA ITEM NO. 3

Financial upgradation of the posts of Director on Deputation.

There are 7(seven) sanctioned posts of Director. As per recruitment rules, 50% have to be filled up from the promotion quota failing which by deputation and 50% from the deputation quota. Normally, there is lack of eligible departmental candidates to fill up the posts from promotion quota. On deputation, at present officers are not willing to join Delhi Urban Shelter Improvement Board because the incentive is very less after 6th Pay commission, the Officers eligible for the post of Director are also in the Pay Band-III and post is also in the PB-III. We have also received a communication from Deptt of Urban Development where they have stated that officers of Delhi Government are not willing to join DUSIB. Therefore, to attract good officers from GNCTD, it is proposed to financially upgrade the post of Director under deputation quota as follows:-

- The officer who is in the Pay Band of Rs.15600-39100/- and having Grade Pay of Rs.7600/- if opts to join DUSIB or get the same scale during deputation then he will get salary in the Pay Band-IV of Rs.37400-67000/- with Grade Pay of Rs.8700/-.
- If Officer is having 7 years service in the PB-III with Grade Pay of Rs.6600/- then he may be offered the Pay scale of Rs. 15,600/- - 39,100/- having grade pay Rs. 7,600/- with a provision of Special Pay of Rs. 3000/-

:3:

The following agenda items were discussed:

AGENDA ITEM 1

REGARDING ADOPTION OF CCA / CCA RULES IN
DUSIB

After discussion the Board approved the agenda.

AGENDA ITEM 2

REGARDING CONSTITUTION OF SUSPENSION
REVIEW COMMITTEE AND DECISION ABOUT
APPOINTING AUTHORITY / DISCIPLINARY
AUTHORITY / APPELLANTS AUTHORITY IN
RESPECT OF VARIOUS CATEGORIES OF POSTS

After discussion the Board approved the agenda.

AGENDA ITEM 3

FINANCIAL UPGRADATION OF THE POST OF
DIRECTOR ON DEPUTATION

After discussion the Board approved the agenda.

AGENDA ITEM 4

SERVICE CONDITIONS OF CHIEF EXECUTIVE
OFFICER, MEMBER (ADMN.), MEMBER (FINANCE)
AND MEMBER (ENGINEERING) IN DUSIB

After discussion approved the agenda with the remarks that
service condition of the CEO will be same as CEO of Delhi Jal Board.

DK

OFFICE OF THE DIRECTOR (ADMINISTRATION)
Delhi Urban Shelter Improvement Board, GNCTD
Punzarwas Bhawan, IP Estate, New Delhi-110002

87c

No.PA/DIR (Admn.)2011/D- 25\

Dated: July 28,2011

OFFICE ORDER

Consequent upon the approval of Delhi Urban Shelter Improvement Board in its meeting held on 22nd June, 2011, it is hereby ordered to financially upgrade the post of Director under deputation quota as under:-

- (i) The officer who is in the Pay Band of Rs.15600-39100/- and having Grade Pay of Rs.7600/- if opts to join DUSIB or get the same scale during deputation then he will get salary in the Pay Band-IV of Rs.37400-67000/- with Grade Pay of Rs.8700/-.
- (ii) If Officer is having 7 years service in the PB-III with Grade Pay of Rs.6600/- then he may be offered the Pay scale of Rs. 15,600/- - 39,100/- having grade pay Rs. 7,600/- with a provision of Special Pay of Rs. 3000/-.

This is notified for information & necessary action by all concerned.

Rajesh Kumar
DIRECTOR (ADMINISTRATION)

DISTRIBUTION

- 1.P.S. to Chief Executive Officer (DUSIB) for kind information of letter.
- 2.P.S. to Member (Admn.) for kind information of letter.
- 3.P.S. to F.A./Dy. Commissioner (DUSIB) for kind information of letter.
- 4.Chief Engineer (DUSIB) for kind information, please.
- 5.All Directors (DUSIB)
- 6.All SEs (DUSIB)
- 7.B&FO (DUSIB)
- 8.All Dy. Directors (DUSIB)
- 9.All EEs
- 10.All Sr. ACs/ACAs/FO to CE(S)
- 11.The Other Sectional Heads of DUSIB
- 12.Office copy.

As desired, the bio-data of the undersigned is as follows:

Name: SANJEEV MITTAL

Qualification: B.Tech (Mechanical Engg.), M.Tech (IIT, Delhi)

1. I am a DANICS Officer of 1993 batch. After training, I was posted in the Transport Deptt. as Dy. Director. I worked there *from July 1996 to March 2000* and looked after the charge of Operation & Secretariat Branch, DGM, ISBT Pollution Control Division and MRTS branch etc.
2. *From March 2000 to April 2001*, I was posted as Sub Divisional Magistrate Seelampur in District North East and dealt with Revenue and magisterial matters.
3. During the period from *April 2001 to October 2002*, I was posted as Superintendent, Central Jail, Tihar and dealt with the work related to management/ admn. of Correction Home.
4. *From November 2002 to June 2005*, I was posted in Admn. of Daman & Diu and handled the matters related to Personnel Department, Urban Development, Home, Social Welfare and District Admn. etc.
5. *From July 2005 to March 2009*, I was posted as ADM in District West Delhi and dealt with the matters related to District Admn., Land Acquisition, Revenue Court, Elections etc.
6. *From April 2009 to July 2009*, I was posted as Dy. Commissioner in Trade & Taxes Deptt.
7. *From August 2009 to August 2011*, I worked as OSD to Hon'ble Lt. Governor in Raj Niwas and handled the files pertaining to all departments of Delhi Govt. and disciplinary proceedings matters related to Delhi Govt., DDA, NDMC, MCD and DJB etc.
8. *From August 2011 to May 2012*, I attended long term training programme sponsored by DOPT, Gol at Syracuse University, USA and obtained the Degree of Masters in Public Administration.
9. During the period *June 2012 to July 2015*, I was posted as Director (Vigilance) in DDA. I held the additional charge of Institutional Land Branch and Old Scheme Branch (which deals with the properties leased out by DIT as well as rehabilitation schemes of refugees).

CEO, DUSIB


28/07/2015
(SANJEEV MITTAL)
DIRECTOR, DUSIB

CHAPTER II

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ITS
CONSTITUTION

Establishment of the Board.

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the official Gazette, constitute an authority to be called "the Delhi Urban Shelter Improvement Board". (herein after referred to as "the Board").

(2) The Board constituted under sub-section (1) shall be the competent authority to implement the provisions of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).

(3) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and to contract and shall by the said name sue and be sued.

(4) The Board shall consist of the following, namely:-

- (i) (a) a Chairperson, who shall be the Chief Minister;
(b) a Vice-Chairperson who shall be the Minister in-charge of the concerned department of the Government dealing with the Board;
- (ii) the chief executive officer, to be nominated by the Government who shall be an officer carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India;
- (iii) three members of the Legislative Assembly of Delhi, to be nominated by the Chairperson in consultation with the Speaker;
- (iv) two members of the Municipal Corporation of Delhi, to be nominated by the Mayor;
- (v) the Vice Chairman, Delhi Development Authority, ex-officio;
- (vi) the Commissioner of the Municipal Corporation of Delhi, ex-officio;
- (vii) the Chief Executive Officer, Delhi Jal Board, ex-officio;

- (viii) the Chairperson of the New Delhi Municipal Council, ex-officio;
- (ix) a Member (Engineering), to be nominated by the Government, who shall be an engineer, carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and experience in the matters relating to engineering;
- (x) a Member (Finance), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of accounting and financial matters;
- (xi) a Member (Administration), to be nominated by the Government carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of personnel and administrative matters;
- (xii) a Member (Power), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of power and administrative matters;
- (xiii) the Secretary in charge of the concerned Department of the Government dealing with the Board, ex-officio;
- (xiv) a representative of the Ministry of Urban Development, Government of India, who shall be an officer of the rank of Joint Secretary to the Government of India, to be nominated by the Central Government;
- (xv) two experts on the subjects dealing with the urban planning and slum matters non officials, to be nominated by the Chairperson.

Term of office and conditions of service of members.

4. The term of office and other conditions of service of the members shall be as follows: -
- (1) Members nominated under clauses (ii), (ix), (x),