



**17th MEETING OF
DELHI URBAN SHELTER IMPROVEMENT BOARD
(DUSIB)**

GOVT. OF NCT OF DELHI

AGENDA NOTES

28.09.2016

**Venue: Conference Hall No. 2, Level 2,
Delhi Secretariat.**

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AGENDA ITEM NO. 17/1

**CONFIRMATION OF MINUTES OF THE 16TH MEETING
OF THE BOARD**

The minutes of the 16th Meeting of the BOARD held on 11.04.2016 were approved by the Hon'ble Chairman, Delhi Urban Shelter Improvement Board/ Chief Minister, Govt. of NCT of Delhi and circulated vide letter No. Meeting Cell/DUSIB/DD(Admn)2016/D-66 dated 18.04.2016 for kind information of all Members of the BOARD. No observation/comments have been received from any Member.

Board may confirm the Minutes of 16th Meeting.

AGENDA ITEM NO. 17/2

**ACTION TAKEN REPORT ON THE MINUTES OF
THE 16th BOARD MEETINGS**

| S.No. | SUBJECT | STATUS |
|--------------|---|---|
| 16/3 | Modification in "Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015". | Slum and JJ Rehabilitation and Relocation Policy, 2014 has been approved and a copy of the same has been filed in Hon'ble High Court of Delhi the matter of Ajay Makan case. |
| 16/4 | Draft Protocol for removal of jhuggis and JJ bastis in pursuance of the directions of Hon'ble High Court of Delhi issued vide Order dated 22.12.2015 in WP (Civil) No. 11616/2015 in the matter of <i>Ajay Maken & Ors Vs Union of India and Ors.</i> | Draft Protocol for removal of jhuggie jhopri basti, as approved, has also been filed in Hon'ble High Court of Delhi in the matter of Ajay Makan case. |
| 16/5 | Rehabilitation/ relocation of remaining JJ dwellers of 08 JJ Bastis relocated as per Rehabilitation Policy-2010. | Proposal for Rehabilitation/ Relocation of remaining JJ dwellers of JJ bastis relocated as per Rehabilitation Policy, 2010 was approved by the Board. Eligibility determination related to left out JJ dwellers of these JJ bastis is under progress. So far, 82 No. of JJ Dwellers have appeared before EDC and their eligibility has been determined. |
| 16/6 | Regarding attachment of 05 jhuggis located at backside of Telegraph Place, Bangla Sahib Road, Dr. Lane, Gole Market to any of the nearby cluster namely i) JJ Cluster behind Palika Dham & Nicco | Joint survey of 05 jhuggis attached with JJ basti, Palika Dham has been completed and eligibility determination will be done shortly, Land Owning Agency i.e. State of Jharkhand has already deposited rehabilitation and relocation cost |

| | | |
|-------|--|--|
| | Hotel Bangla Sahib Road (JJC code 492) or ii) JJ cluster Dairy No. 95, C-31 Block, Kali Bari Marg (JJC T-Huts near P&T Qtrs.-JJC Code-489). | as per the Slum and JJ Rehabilitation and Relocation Policy, 2015. |
| 16/7 | Rehabilitation/ relocation of JJ dwellers of 23 JJ Bastis out of 32 JJ Bastis whose eligibility has been determined under the policy guidelines of 2013. | De-novo survey of 21 JJ bastis out of 23 JJ bastis have been completed. 03 JJ bastis namely Janpath Plot-A, Jawahar Camp Kirti Nagar and Mahatma Gandhi Camp, Punjabi Bagh have been rehabilitated at Baprola. Eligibility determination in respect of NBCC Kidwai Nagar and in respect of C-33, Havloc square, Kali Bari Marg has also been completed. |
| 16/8 | Pilot Projects for In-situ Rehabilitation of Slums on DUSIB lands. | Joint survey in respect of P- Block, Sultan Puri and HGI Colony, Sultan Puri have been completed and eligibility determination will be conducted shortly. Joint survey in respect of C-10 Block Sultan Puri, K-Block Shyam Nagar and Sikri Bhatta, Tagore Garden could not be done due to protest by the JJ dwellers. Efforts are being made to conduct joint survey of these bastis after resolving their grievances at the earliest. |
| 16/9 | Allotment of land measuring 3.5 hectares at Sultanpuri Resettlement Colony to DHS for Hospital purpose. | As per the decision of Hon'ble Board, the letter for raising demand of amount for allotment of land measuring 3.5 hectare (32,555 sq. mtrs.) at Sultan Puri Resettlement Colony Delhi to DHS for construction of Hospital Building has been issued. |
| 16/10 | Allotment of land to Delhi Police. | The Delhi Police has deposited the demanded amount of Rs. 13.74 Crore for allotment of land at JJ |

| | | |
|-------|--|--|
| | | Colony Wazir Pur for Police Station. Now, Architect DUSIB is preparing possession plan. |
| 16/11 | Allotment of land for Mother Dairy Milk Shop/Booth at JJ Colony, Khyala, Vishnu Garden, Tilak Nagar. | The letter for handing over the physical possession of the site to Mother Dairy has been issued. |
| 16/12 | Extension of Interest/Penalty waiver/Relief Scheme in respect of Special Registration Scheme, 1985 up to 30.06.2016. | After making all efforts, a total of Rs. 84.92 Lakh outstanding dues have been received during the Penalty waiver scheme i.e. upto 30.06.2016. |
| 16/13 | Approval for the Recruitment Regulations for the Post of Lower Division Clerk. | As per approved RRs, the proceedings for promotion to the post of LDC are under process. |
| 16/14 | Engagement of Jr. Engineer (Civil) & Jr. Engineer (Elect) on Contract Basis. | As per approval of the Board request was made to ICSIL to provide JEs (civil & electrical) on contract basis. Due to some administrative reasons, the same did not materialize as such Engineering interns have been engaged from open market on contract basis. An agenda for information and ratification by Board is also put up. |
| 16/15 | Re-imbusement of refreshment charges in respect of Member Expert (Non Official). | As per approval of the Board, necessary orders have been issued and implemented. |
| 16/16 | Engagement of Senior Counsel Sh. Rajeev Sharma in the court case titled Ajay Maken vs. UOI & Ors. (WP (C) 11616/2015). | Sh. Rajeev Sharma has been engaged as special counsel. |
| 16/17 | Regarding ratification of issuance and distribution of 2000 blankets of DUSIB, to jhuggie dwellers of Shakur | Ratified by the BOARD. |

| | | |
|-------|--|--|
| | Basti (Cement Godown) in wake of demolition by the Railway Police on 12/12/2015. | |
| 16/18 | Regarding increasing the limit of Work Orders for S.E.(E&M). | Ratified by the BOARD. |
| 16/19 | Change in the Yardstick relating to per capita for implementing Plan Scheme "Environmental Improvement in Urban Slum". | Proposal has been taken up with UD Deptt., GNCTD for approval of Govt. |
| 16/20 | Regarding change in yardstick to carry out repairing works in DUSIB's Katras properties in walled city area under Plan Scheme "Structural Improvement and Rehabilitation of Katras". | Proposal has been taken up with UD Deptt., GNCTD for approval of Govt. |
| 16/21 | Appointment of Shri Kamlesh Kumar as Chief Legal Advisor on Contract Basis. | Offer letter was issued but Shri Kamlesh Kumar did not join. |
| | TABLE AGENDA | |
| | Proposal for conducting survey of all the JJ Bastis in Delhi and hiring of manpower. | DUSIB has engaged interns for conducting fresh survey of JJ basties where eligibility was decided as per Rehabilitation Policy, 2013. Survey is still going on. Further hiring of manpower will be done, as and when there is a need to do so. |

AGENDA ITEM NO. 17/3

ACCORD OF APPROVAL FOR THE AWARD OF WORK "CONST. OF 2 NOS. UNDERGROUND RCC WATER STORAGE TANK OF CAPACITY 1500 KL & 1400 KL INCLUDING CONSTRUCTION OF PUMP HOUSE AND BOUNDARY WALL UNDER THE SCHEME OF CONSTRUCTION OF 7400 NOS. (G+4) FIVE STORIED EWS HOUSES UNDER JNNURM FOR SLUM DWELLER POCKET-II, BHALASWA, JAHANGIR PURI"

1 DUSIB is entrusted to take up the work of the Construction of 7400 EWS houses under JNNURM for Slum Dwellers. Pocket-2 Bhalaswa Jahangir Puri under which a component of Providing UGRs for potable water to these flats is yet to be executed.

2 The present proposal is for the acceptance of rates of the first lowest tenderer M/s. Rama Constructions @ 6% above on the estimated cost of Rs.4,04,70,229/- put to tender for the work of Construction of 2 nos. underground RCC water storage tank of 1500 KL & 1400 KL capacity including construction of Pump House and Boundary Wall under the scheme of Construction of 7400 nos. (G+4) five storied EWS houses under JNNURM for Slum dweller Pocket-II, Bhalaswa, Jahangir puri.

The salient features of the case are as under:-

- **A/A & E/S:-** Accorded by DUSIB Board for Rs.366.55 Crores in 3rd Board meeting dated 22/6/2011. The corresponding amount Rs.5,09,49,000/- for the component of UGR is available in approved A/A & E/S.
- **Technical Sanction :-** Accorded for Rs. 4,08,74,940/- by SE-4 on 25/2/2015
- **Design & scope :-** The proposed UGR having capacity of 1500 KL & 1400 KL got designed from M/s. Swati Consultant & approved by SE-4. It is in accordance to the provision taken in the approved scheme of the water line of this project from Delhi Jal Board conveyed vide letter no.F/3(684) DJB/EEPWIII/2014/2126 dated 9/5/2014.
- **Land:-** Vacant piece of Land measuring 2008.23 sq. mtr. & 1857.40 sq.mtr. are available as per the Revised Lay out Plan of EWS housing for slum dwellers at Bhalaswa Pocket-II.
- **Draft NIT:-** Approved by CE-2 for Rs.4,0470229.14 on 9/4/2015.

- Time allowed for completion of work:- 270 days.
 - Details of Call of tender:-
- a) **First Call** – Tenders were invited on e-tender portal for the first time vide NIT No.03/EE C-11/ DUSIB/2015-16 having e-tender no. 2015/DUSIB/81920_1 with the vide publicity. Two nos. of agencies M/s. M.C. Constructions & M/s. Rama Constructions participated in this process but none of them was found eligible during the technical evaluation as per the NIT conditions to determine their technical eligibility for opening the financial bid. Accordingly, the tenders were recalled.
- b) **Second call-**
- Tenders were invited second time vide NIT NO.18/EE C-11/DUSIB/2015-16 having e-tender no. 2015/DUSIB/89271_1 with vide Publicity on 18.9.2015.
 - Technical bid of the Tenders were opened on 9/10/15.
 - Only two agencies participated in the tender process (detailed below) and found eligible as per the NIT conditions during the technical evaluation.

| Name of bidder/agency | Class in which registered | Deptt. In which enlisted |
|--------------------------------------|---------------------------|--------------------------|
| M/s. Rama Const. Co. | Class-I | CPWD |
| M/s. Sunehri Bagh Builders Pvt. Ltd. | Class-I | CPWD |

- After finalization of technical evaluation, financial bids were opened on 26.10.2015 as detailed below:-

| Name of bidder/agency | Estimated cost put to tender | Quoted rates | Tendered amount |
|--------------------------------------|------------------------------|--------------|-----------------|
| M/s. Rama Const. Co. | Rs.4,04,70,229/- | 6.00% above | 4,28,98,443/- |
| M/s. Sunehri Bagh Builders Pvt. Ltd. | Rs.4,04,70,229/- | 9.56% above | 4,43,39,183/- |

- Justification of the rates as worked out by Engineering wing (considering the prevailing rates at the time of opening of tender) is 10.87% above on the estimated cost put to tender of Rs.4,04,70,229/-

- Finance wing of DUSIB has also issued necessary financial concurrence of this case vide their final note dated 30/3/2016.
- The validity of the tender was up to 20/2/2016 which has been got further extended up to 15/9/2016.
- Central Work Advisory Board of DUSIB has also cleared the case & recommended for the approval of rates in favour of M/s. Rama Construction Co. @ 6% above on the estimated cost of Rs.4,04,70,229/- put to tender.
- The power to accept the rate/tender vests with DUSIB Board.

4 Accordingly, the case is placed before the Board for accord of necessary approval.

AGENDA ITEM NO. 17/4

BUDGET 2015-16 AND BUDGET ESTIMATE 2016-17
IN RESPECT OF DUSIB.

1. DUSIB vide notification no. F.14(18)/LA-2007/Law/227 dated 31.5.2010 read with Notification F. No. 1(7) UD/DUSIB/2010/9736 dated 1.7.2010 came into existence w.e.f. 1st July, 2010. The Board executes schemes/projects for improving the quality of life of Slum & JJ Dwellers through various Plan Schemes of Delhi Govt./Central Govt.
2. Delhi Urban Shelter Improvement Board (DUSIB) is an agency of Delhi Government which has been given the primary mandate of improving the quality of life of jhuggi-jhopri / Slum dwellers and their rehabilitation/ redevelopment. There are about 675 JJ clusters all over Delhi having 3,06,602 jhuggies.
3. The Budget for the year 2016-17 has been prepared on the basis of the information furnished/collected from various Sections/Divisions/Offices of DUSIB. The salient features thereof are given in the succeeding paragraphs.
4. The Budget of DUSIB for the year 2016-17 includes actual (Receipts & Expenditure) for the year 2015-16 and Budget Estimates for the year 2016-17 for the approval of the Board which is to be forwarded to Govt. of N.C.T of Delhi after its approval as per the provisions of Section 24(1) of DUSIB Act, 2010.
5. The revenue receipts of DUSIB at present are inadequate to meet its revenue expenditure. During 2015-16 the total revenue receipts of DUSIB were only Rs. 2,418.63 Lakh (excluding interest i.e. total revenue receipts Rs. 5,072.81 Lakh minus Interest Rs. 2,654.18 Lakh), while the revenue expenditure was Rs. 10,879.47 Lakh. The revenue deficit in 2015-16 was Rs. 8,460.84 Lakh. The revenue deficit i.e. the gap between revenue receipts and expenditure has been met through financial assistance in the form of Loan from Government of NCT of Delhi and Capital Receipts.

6. The sources of revenue for DUSIB as per the receipts of 2015 were:-

| 1 | CAPITAL RECEIPTS | Rs. in Lakhs |
|------------------|--|---------------------|
| (i) | Development of plots/projects (Institutional) | 1401.22 |
| (ii) | Liquidation of Tenements | 138.43 |
| (iii) | Equated Installment in r/o flats allotted under Spl. Registration Scheme | 836.63 |
| (iv) | Liquidation of Stalls/shops under S.C.P | 147.36 |
| (v) | Conversion of JJR Plots into freehold | 29.45 |
| (vi) | Conversion of properties from leasehold to freehold right | 2.60 |
| (vii) | Dairy Forms Receipt (Premium) | 46.71 |
| | TOTAL 1 | 2602.39 |
| 2 | REVENUE RECEIPTS | Rs. in Lakhs |
| (A) | RENT RECEIPTS | |
| (i) | LICENCE FEE | |
| (a) | Tenements/ /Residential | 12.77 |
| (b) | Commercial including SCP & JJR | 162.55 |
| (c) | Institutional allotment | 135.25 |
| (d) | Properties in the walled city | 27.39 |
| (e) | JJR Plots | 0.47 |
| (f) | Staff qtrs. | 6.51 |
| (g) | Haj Manjil | 0.00 |
| (h) | Licencee Fees plus Booking charges from Community Halls | 132.65 |
| (i) | Rent from chunks/vacant land | 841.02 |
| (ii) | DAMAGES | |
| (a) | Properties in Walled City & JJR | 1.57 |
| (b) | Properties other than in walled city. | 5.55 |
| (iii) | GROUND RENT | 933.72 |
| (iv) | Recovery for Water Charges | 0.29 |
| | TOTAL 2 (A) | 2259.75 |
| 2 (B) | OTHER RCECEIPTS | |
| (i) | Interest | 2654.18 |
| (ii) | Night Shelter Receipts | 0.40 |
| (iii) | Sale of tender forms | 18.43 |
| (iv) | Forfeiture of Earnest Money | 12.32 |
| (v) | Maintenance charges of Jan Suidha Complexes | 40.55 |
| (vi) | Cleaning Charges and other misc. receipts | 68.14 |
| (vii) | Right to Inforamation Act-2005 | 0.47 |
| (viii) | Baba Ramdevji Old Cloth Seller Market, Raghbir Nagar,informal sector | 12.06 |
| (ix) | Parking Fee | 6.51 |
| | TOTAL 2 (B) | 2813.06 |
| | TOTAL 2 (A+B) | 5072.81 |
| 2 (C) (i) | Loan from GNCTD | 4000.00 |
| | TOTAL 2 (C) | 4000.00 |

1. The then Chairperson in the 5th Board meeting of DUSIB held on 19.12.2011 had also agreed to assist the organization in its initial years of working by giving Grant-in-aid/Loan, mainly for disbursement of salary and allowances.
2. In order to improve the financial position of DUSIB, specific measures are proposed to be taken to enhance the Capital Receipts by way of disposal of residential and commercial plots through auction, allotment of Institutional Land to Directorate of Health Services, DTC and other departments of Government of NCT of Delhi, liquidation of built up shops allotted under Special Component Plan to weaker sections of the society, liquidation of flats constructed under Special Registration Scheme, 1985 and liquidation of JJR plots in 45 resettlement colonies by way of grant of free hold rights. Accordingly, the target of capital receipts amounting to Rs. 185.60 Cr has been fixed in the Budget Estimates 2016-17.
3. The sources of revenue receipts of DUSIB are limited. Revenue Receipts are generated in the form of ground rent and license fee from residential, commercial, institutional properties and BVKs (allotted to NGOs), rent from chunks allotted to the highest bidders for booking by general public for marriage and social functions, license fee from community halls and recovery of damages from unauthorized occupants of properties in walled city and other properties of DUSIB. Targets of revenue receipts has been fixed at Rs. 4,289.00 Lakh (excluding interest) against the actual revenue receipt of Rs. 2,418.63 Lakh during the year 2015-16 (excluding interest.)
4. **COMPARISON BETWEEN CAPITAL & REVENUE RECEIPTS FOR THE FINANCIAL YEAR 2015-16 (ACTUAL) & FOR THE FINANCIAL YEAR 2016-17 (PROPOSED).**

Rs. In lakh

| Details | Financial year 2015-16 (Actual) | Financial year 2016-17 (Proposed) Estimates | Budget |
|---------------------------------|------------------------------------|---|-----------|
| Capital Receipt | 2,602.39 | | 18,560.00 |
| Revenue Receipt | 5,072.81 | | 7,289.00 |
| Grant from Govt. of Delhi | | | 4,000.00 |
| Loan from Govt. of Delhi | 4,000.00 | | 4,000.00 |
| GIA for Execution of Plan Works | 29,542.65 | | 37,365.00 |

Note

- (i) It is estimated that during 2016-17 there would be an increase in Capital Receipts by Rs.15,957.61 Lakh and Revenue Receipts by Rs 2,216.19 Lakh.
- (ii) The Capital Receipts proposed in the Budget Estimates under Development of Plots (a) Residential (b) Commercial and (v) Liquidation of JJR Plots are dependent upon approval of policy by GNCTD.

5. COMPARISON BETWEEN PLAN & NON-PLAN EXPENDITURE FOR THE FINANCIAL YEAR 2015-16 (ACTUAL) AND 2016-17 (PROPOSED)
(Rs. In Lakh)

| Details | Financial year 2015-16 (Actual) | Financial year 2016-17 (Proposed) Budget Estimates |
|--|---------------------------------|--|
| Capital Expenditure(Non-Plan) | 96.13 | 725.00 |
| Revenue Expenditure (Pay & Allowances etc.) (Non-Plan) | 10,786.18 | 19,637.64 |
| Expenditure on Execution of Plan Works (Plan) | 27,025.43 | 43,745.00 |

6. A Non-plan outlay of Rs.19,637.64 Lakh is proposed mainly to meet the expenditure on Pay & Allowances etc. The expected increase in expenditure due to implementation of the recommendations of Seventh Central Pay Commission and payment of arrears thereof has been factored in.

7. DUSIB is implementing number of plan schemes to provide basic facilities to JJ dwellers/slum dwellers of notified slum areas. The proposed expenditure on Execution of Plan Works to the tune of Rs. 43,745.00 Lakh would be required to complete the on-going works in respect of various State/Central Plan Schemes. Significant activities proposed under plan schemes *inter-alia* are mentioned below:

(i) To maintain the JJ clusters hygienic and to provide clean environment, there is an urgent need to curb the habit of mass defecation in open by JJ dwellers. A massive programme viz. Open Defecation Free city. is proposed to be taken up during the year 2016-17. It is proposed to construct new toilet blocks and to upgrade/renovate existing Jan Suvidha Complexes by providing 17846 WC seats in 688 JJ Basties. For this an outlay of Rs.10,735.00 Lakh is proposed.

(ii) DUSIB is constructing multi storied dwelling units for slum dwellers under JNNURM. So far, 3184 flats have been completed. During the year 2016-17 an amount of Rs.10,900.00 Lakh is proposed.

(iii) Under NLUM DUSIB is proposed to construct 04 Night Shelter at Dwarka Sector-3, Rohini Sector-5, Geeta Colony and Nangloi Phase-II as decided in the project sanctioning committee for shelter for Urban Homeless. An outlay of Rs. 2,265.00 Lakh*to initiate the works is proposed in 2016-17. In addition to above, work relating to refurbishment of existing permanent shelter and operation & management (O&M) of existing shelter (199) will also be undertaken.

8. The statements containing the details of actuals for the year 2015-16 and Budget Estimates for the year 2016-17 is enclosed as Annexure.

9. As stipulated under section 24(1) of the Delhi Urban Shelter Improvement Board Act 2010, the proposals containing Actuals for the financial year 2015-16 and Budget Estimates for the financial year 2016-17 have been prepared and placed before the Board for consideration, adoption and approval.

AGENDA ITEM NO. 17/5

RELOCATION OF JJ BASTI EXISTING ON NH-24 IN THE AREA OF VINOD NAGAR ON THE REQUEST OF NATIONAL HIGHWAY AUTHORITY OF INDIA TO WIDEN THE NH- 24

1. Delhi Urban Shelter Improvement Board in its 16th Board Meeting had approved the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. In the said Policy it has been provided that JJ Bastis which have come up before 01.01.2006 shall not be removed without providing them alternate housing. Jhuggis which have come up in such JJ Bastis before 01-01-2015 shall not be demolished without providing alternate housing;

2. It has been further provided that Land Owning Agency will not demolish any JJ Basti which is eligible as per above provision of the Policy, unless:

- (i) there is any Court order;
- (ii) that basti has encroached a street, road, footpath, Railway safety zone, or a park;
- (iii) the encroached land is required by the land owning agency for specific public project as envisaged in The NCT of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can't wait.

In these circumstances, the land owning agency shall bring the proposal before DUSIB. If DUSIB is satisfied and permits demolition, then DUSIB shall make all efforts to relocate the jhuggis in that JJ Basti, clear the land and hand it over to land owning agency within next six months after the date of DUSIB resolution. In such circumstances, the land owning agency shall pay such amount to DUSIB in advance, which meets the cost of construction of alternate dwelling units, cost of the land at Circle Rate on which those dwelling units are constructed and cost of relocation. However, the beneficiary contribution as well as the contribution made by the Government of India if any, towards the cost of construction of dwelling units, will be deducted from the aforementioned cost of rehabilitation.

3. General Manager(T)/Project Director, National Highways Authority of India(NHAI) vide letter dated 02.05.2016 informed that NHAI has awarded the project of Delhi Meerut Expressway and has requested to rehabilitate the affected families. It has been further informed that there are about 500 jhuggis at Vinod Nagar. The survey of the identified JJ basti has been done by DUSIB. Meanwhile, NHAI vide letter dated 03.08.2016 has also requested to conduct the survey of the area of Jaya Bharti Camp,

Vinod Nagar and other basti if any, within 90m Row(Right of Way) of NH-24.

4. As per list 675 JJ bastis, available on the website of DUSIB, there are two JJ bastis, namely JJ basti Nehru Camp, Patparganj, NH-24,(Cluster code 554) which consists of about 603 jhuggis, JJ basti Jai Bharti Camp, East Vinod Nagar (Cluster Code 559) which consists of about 250 jhuggis, These bastis are partly coming within , 90m ROW of NH-24.

5. DUSIB may relocate the affected families of above said JJ bastis after approval of the Board as per Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 provided NHA, the Land Owning Agency, pays the amount to DUSIB in advance as prescribed in the Policy.

6. Accordingly, the matter is placed before the Board for approval of para 5 of the Agenda.

AGENDA ITEM NO. 17/6

ADDITIONAL TERMS & CONDITIONS FOR GRANTING PERMISSION TO USE OF BASTI VIKAS KENDRA'S FOR ORGANIZING COMMUNITY DEVELOPMENT ACTIVITIES

1. Under the plan scheme of construction of community hall/Basti Vikas Kendra (BVK), DUSIB is providing the facilities of BVKs in all existing JJ Clusters. Presently there are about 317 BVKs out of which 29 are fully vacant and 7 are partly vacant. These units of BVKs are allotted to Non-Governmental Organizations/Voluntary Organizations / Charitable Trusts for extending the facilities like health care, adult literacy, skill up-gradation, education, vocational programme etc to the JJ dwellers on license fee basis.
2. The existing terms & conditions for allotment to BVKs were approved in the fifth meeting of the Board held on 31.11.2011 and applicable w.e.f. 01.01.2012 which are as under:
 - i) The user organization will utilize the allotted space for the very purpose for which it has been allotted and shall not let out in any form, to any other organization/person.
 - ii) No alteration/addition/construction shall be made in allotted accommodation.
 - iii) The user organization shall deposit Rs.10/-per sq. feet with minimum Rs. 10,000/- as security amount (refundable) in the favour of DUSIB. In the event of violation of any terms & conditions, the security amount will be forfeited.
 - iv) The permission is purely on provisional and temporary basis on nominal License fee @ Rs. 2/- per sq. feet per month. In the event of non-payment of License fee, permission to use BVK will be cancelled.
 - v) The user organization will vacate the BVK whenever required for official work/any government work without any demure / resistance. The organization will have no right to claim any kind of compensation whatsoever.
 - vi) The user organization shall be responsible for safe custody of furniture and fixture and cleanliness of the premises. The organization will also bear electricity and water charges. The periodical maintenance of the building however will continue to vest with DUSIB.

- vii) NGO/Charitable Trust will carry out community development activities on no profit and no loss basis and will submit annual income and expenditure statement.
 - viii) The allottee organization shall maintain a socio-economic data of the concerned slum/JJ colonies concerned.
 - ix) The allottee organization shall furnish reports of the activities carried out in Basti Vikas Kendra to the DUSIB on every six months.
 - x) The officers of the DUSIB shall have the authority to inspect BVK time to time to see activities being organized and the user organization shall provide all necessary information in respect of such activities.
 - xi) That nothing herein contained shall be construed as conferring upon user organization any right or title or interest in BVK.
 - xii) NGO/Charitable Trust will encourage local JJ dwellers to take part in the management and ongoing welfare activities being carried out in the BVK.
 - xiii) The DUSIB reserves the right to cancel permission to use BVK. The Decision of CEO (DUSIB) will be final.
 - xiv) Priority for allotment of BVK will be given to NGO's/ organization having recommendations from Local MLA.
 - xv) Existing NGO's coming for renewal of their term will be covered as per new terms and conditions on certificate of satisfactory performance.
3. In order to streamline the functioning of BVKs, additional terms & conditions were also placed in the 11th Board meeting dated 16.09.2014. After discussion, only one condition was approved in the 11th Board meeting i.e. the applicant shall deposit six months advance License fee twice in a financial year i.e. by 10th of April for the period starting from April to September and by 10th October for the period starting from October to March of respective year along with Activity Report for the past six months. No separate demand notice will be issued for License fees in routine manner. For other additional terms & conditions the board directed to re-examine the other terms and conditions to make them effective. In compliance of the direction of the Board, a proposal regarding additional terms & conditions in policy for granting permission to use BVK for organizing community development activities was placed before the CEO in the relevant file.

4. As per directions of CEO, this issue was considered by High Level Coordination Committee of DUSIB in its meeting held on 19.04.2016 and recommended as under:

"The existing terms & Conditions for allotment of BVK have already been approved by the Board in the 5th & 11th meeting of the Board. For rationalizing the allotment of BVK available all over Delhi, there is need for additional terms & conditions to be incorporated for allotment of BVK which are also to be placed before the Board for final approval."

5. After detailed deliberations, the committee proposed the additional terms & conditions for allotment of BVK with some suggestions. **The following additional terms & conditions are placed before the board for consideration & approval please.**

(i) Applicant shall provide two guarantors/Sureties (other than family member) along with their Aadhar Cards for necessary legal formalities. In case of failure in depositing the outstanding dues, the same will be recovered from these guarantors/Sureties.

(ii) The allotment shall be liable to be cancelled in case of violation of terms & conditions. The NGO shall deposit up to date dues and hand over the premises to the concerned Executive Engineer. In case of failure, the premises shall be taken over by the Department by force and Department shall not be responsible for articles/belongings lying in the BVK.

(iii) The permission is purely on provisional and temporary basis on license fee @ Rs.3/- (Rupees three) per sq. feet per month (from existing Rs.2 per sq feet per month fixed in year 2011) and security may be fixed Rs.15,000/- (proposed for enhancement from minimum Rs. 10,000/-) per BVK per Allotment and six months licence fee may be deposited in advance.

(iv) In cases where the outstanding dues are not recovered, the recovery be made under the relevant laws. The entire cost of such recovery shall be borne by the allottee. Intimation in this regard will be sent to the Registrar of the Society /Trust for BLACK LISTING and attachment of assets of the officer bearers.

(v) In Any dispute related to allotment of BVK including payment of license fee or any outstanding dues, the decision of CEO, DUSIB will be final.

(vi) NGO/User organization shall install separate pre-paid power meter & water connection. DUSIB will not be liable for any outstanding dues in this regard.

6. While considering the allotment of BVK in Rajasthani Camp, Sarita Vihar, it was decided to streamline the procedure of allotment of BVK's and therefore, following will be considered at the time of allotment:-

(i) Non-Governmental Organization / Voluntary Organization / Charitable Trust / Resident Welfare Association / Govt. office will submit 'aims and objectives' at the time of allotment of BVK.

(ii) Track Record of the activities being done by Non-Governmental Organization / Voluntary Organization / Charitable Trust / Resident Welfare Association / Govt. office and proposed action plan for 1-2 years.

(iii) The Non-Governmental Organization / Voluntary Organization / Charitable Trust / Resident Welfare Association / Govt. office will submit the detail of educational/professional background of its members and give a presentation, if so required.

7. Board is requested to approve the additional terms and conditions as delineated in para 5 and 6.

AGENDA ITEM NO. 17/7

APPOINTMENT OF APPELLATE AUTHORITY TO DECIDE CASES OF REHABILITATION AND RELOCATION OF JJ DWELLERS

1. Delhi Urban Shelter Improvement Board in its 16th Board Meeting had approved the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. In para 3 of the Part B of the said Policy, it has been provided that DUSIB will constitute an Appellate Authority for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate Authority will consist of the following:

- (a) Retired Judge of the level of Additional District Judge ;
- (b) Retired civil servant of the level of Joint Secretary to Govt. of India;
- (c) An expert member to be nominated by the Chairperson of DUSIB;
- (d) Dy. Director of DUSIB to be nominated by the CEO- as Convener

2. In the said Policy, it has been further provided that :

- (i) Any JJ dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the JJ dweller shall be entitled to file an appeal before the Appellate Authority within a period of 30 days from the date of communication of the impugned order.
- (ii) The Appellate Authority may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (iii) above.
- (iii) The Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit.
- (iv) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.

3. The terms and conditions of appointment of the Appellate Authority, procedure to be followed by the Appellate Authority and the honorarium payable to the Members of the Appellate Authority has not been mentioned in the policy and it has been provided that it will be decided by the Board separately.

4. The Standard Operating Protocol for Appellate Authority has been prepared as same is as under:

**STANDARD OPERATING PROTOCOL FOR APPELLATE
AUTHORITY**

1. **Short title, extent and commencement** - (1) This protocol shall be called the "Standard Operating Protocol(SOP)";
(2) It shall come into force from the date of its approval by the Board, (DUSIB).
2. **Definitions** – (1) In this protocol, unless the context otherwise requires, -
 - (a) "Act" means the Delhi Urban Shelter Improvement Act, 2010 (07 of 2010);
 - (b) "Appellate Authority" means Appellate Authority constituted as per provisions of Delhi Slum & JJ Rehabilitation and Relocation Policy-2015;
 - (c) "jhuggi" means 'jhuggi' as defined in Section 2(f) of the DUSIB Act, 2010;
 - (d) "jhuggi jhopri basti" mean 'JJ basti' as defined in Section 2(g) of the DUSIB Act, 2010;
 - (e) "Policy" means Delhi Slum & JJ Rehabilitation and Relocation Policy-2015;
 - (f) "Protocol" means the Protocol approved by the DUSIB Board for removal of jhuggis and JJ bastis in Delhi.
3. **Appellate Authority**

An Appellate Authority for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers will be constituted with the approval of CEO, DUSIB. The Appellate Authority will consist of the following:

 - (a) Retired Judge of the level of Additional District Judge ;
 - (b) Retired Civil Servant of the level of Joint Secretary to Govt. of India;
 - (c) An expert member to be nominated by the Chairperson of DUSIB;
 - (d) Dy. Director of DUSIB to be nominated by the CEO- as Convener
4. **Selection procedure**

A search-cum-selection committee consisting of all the official members of DUSIB will identify and short list the willing

candidates who will be engaged with the approval of CEO, DUSIB. This committee will be headed by Member (Administration) and may evolve the procedure as deemed fit for the purpose.

5. Jurisdiction of Appellate Authority:

- (a) Any JJ dweller, whose eligibility has been determined by the Eligibility Determination Committee (EDC), constituted under provisions of the Delhi Slum & JJ Rehabilitation and Relocation Policy-2015, feeling aggrieved by any order passed by such EDC, shall be entitled to file an appeal before the Appellate Authority within a period of 30 days from the date of communication of the impugned order.
- (b) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (i) above.

6. Time duration - The Appellate Authority shall decide the appeal maximum within one month.

7. Notice to the parties –

- (i) The JJ dweller, who has filed the appeal against the order of EDC, about the date and time for appearance before the Appellate Authority, shall be issued a notice by the Dy. Director of DUSIB to be nominated by the CEO as Convener.
- (ii) The appeal shall be disposed of on the day of hearing itself.
- (iii) In case due to some inevitable reason(s), if the appeal cannot be finalized on the given date and time, the Appellate Authority shall inform the next date of hearing to the appellant and record the same in the proceedings. The appeal shall however, be disposed off in such cases in not more than two hearings

8. Procedure in Appellate Authority –

- (i) The Appellate Authority shall decide the appeal as per provisions of the Delhi Slum & JJ Rehabilitation and Relocation Policy-2015 and Protocol for removal of jhuggis and JJ bastis in Delhi. Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit on the basis of documents available on record or on the basis of documents submitted by the appellant during proceeding of appeal.
- (ii) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.

- 9. Honorarium-** The honorarium/fee and other perks to the members of the Appellate Authority may be given on the basis of actual numbers of sitting of Appellate Authority in a month which may be equivalent to the payment being made to the Members of Lok Adalat per sitting.

For year 2016-2017 Fee/honorarium to the Members of Appellate Authority shall be payable as under:

| S.No. | Member of Appellate Authority | Fee/Honorarium payable (Per sitting) |
|--------------|---|---|
| 1. | Retired Judge of the level of Additional Distt. Judge Judicial Officer | Rs.5,250/- |
| 2. | Retired Civil Servant | Rs. 5,250/- |

5. The standard operating protocol for Appellate Authority in para 4 above is submitted before Board for consideration and approval.

AGENDA ITEM NO. 17/8

AGENDA RELATING TO APPOINTMENT OF SH. PURSHOTAM PATHAK (DJS) BY THE BOARD AS COMPETENT AUTHORITY IN ACCORDANCE WITH SECTION 6 (1) OF DUSIB ACT – 2010.

1. In accordance with the provision contained in section 3 (2) of the DUSIB Act, 2010, the Board constituted under sub-section (1) of section 3 shall be the Competent Authority to implement the provisions of the Slum Areas (I&C) Act, 1956. Further, as per section 6 (1) of the DUSIB Act, the Board may appoint such officer as it may consider necessary for the efficient performance of its functions under this Act. Hence, it is to be construed that the powers of the Board as Competent Authority under the Slum Areas (I&C) Act, 1956, can be delegated to any officer as per the discretion of the Board.
2. Sh. Purshotam Pathak, an officer of Delhi Judicial Service, has already been posted to DUSIB, on deputation basis, vide office of Registrar General, Hon'ble High Court of Delhi, letter No. 3113/ DHC/ GAZ/ DUSIB/2016 dated 27.07.2016 for the aforesaid purpose.
3. In view of the above, the Board, being Competent in terms of section 6 (1) of the DUSIB Act, 2010, may appoint Sh. Purshotam Pathak, an officer of Delhi Judicial Service, to exercise powers of Competent Authority to implement the provisions of the Slum Areas (I&C) Act, 1956.

Board may kindly approve.

AGENDA ITEM NO. 17/9

**APPOINTMENT OF INTERNS FOR CONDUCTING SURVEY
OF JJ BASTIS**

1. Delhi Urban Shelter Improvement Board, in its 16th Board Meeting, had approved relocation of 23 JJ bastis, where eligibility was decided under the Relocation Policy of 2013, after getting de novo survey of these bastis. Besides these 23 JJ bastis, survey of 5 JJ bastis, situated on DUSIB land, was also proposed as the JJ dwellers of these bastis are also to be rehabilitated/relocated shortly. In these JJ bastis there are about 10,000 jhuggies.
2. There is limited manpower available in DUSIB as there are 45 vacant posts of F.I./S.I. and therefore, to strengthen the Survey teams, Department has engaged 20 Interns on contractual basis @Rs.25,000/- (Rs. Twenty five thousand only) per month, after approval of the Hon'ble Deputy Chief Minister and Hon'ble Vice Chairman of the Board. These Interns are professionally qualified Graduates or Post Graduates in disciplines like Architecture, Social work, Statistics and Mathematics etc.
3. These Interns were engaged for two months i.e., w.e.f 06.06.2016 to 05.08.2016. All the Interns have rendered their utmost services for carrying the survey work as supporting team to the Sociology Division of DUSIB. During this period, survey of 17 JJ bastis was completed and survey in one JJ basti was going on.
4. The work of survey could not be completed, therefore, CEO, DUSIB extended the services of 12 willing Interns, w.e.f. 06.08.2016 to 05.09.2016, on the same terms and conditions.
5. Each Intern was paid @Rs.25,000/- (Rs. Twenty five thousand only) per month. Total expenditure for above said period incurred on remuneration of Interns comes to Rs.13,00,000/- (Rs. Thirteen lakhs only).
6. Accordingly, the matter is placed before the Board for perusal and ratification.

AGENDA ITEM NO. 17/10

ENGAGEMENT OF ENGINEERING INTERNS ON CONTRACT BASIS.

1. In DUSIB, there are 195 sanctioned posts of Jr. Engineer (Civil) and 35 sanctioned posts of Jr. Engineer (Elec.) out of which 61 posts are lying vacant in civil side and 26 posts in electrical side of engineering wing.
2. An agenda was placed before 16th Board meeting held on 11.04.2016 vide item no. 16/14 to consider and approve the proposal for engagement of Jr. Engineers (civil) & (electrical) on consolidated amount of Rs. 30,000/- per person/month, either through M/s ICSIL, an undertaking of Govt of GNCTD OR from open market, initially for a period of one year. The Board has approved the proposal.
3. Accordingly, ICSIL was requested to sponsor the names of candidates for engagement of 50 Jr. Engineers (civil) and 20 Jr. Engineer (Elec.) vide letter dated 09.05.2016. Due to administrative reasons, request for engagement of Jr. Engineers was withdrawn from ICSIL vide letter dated 15.07.2016.
4. In view of the above and to meet the exigencies of work, an advertisement was published in the leading newspapers and on the website of DUSIB vide which applications were invited online from intended candidates to engage them as engineering interns (Civil & Electrical), 50 & 20 nos. respectively, for a period of six months, on contractual basis @ Rs. 25,000/- per month.
5. Separate committees duly constituted for selection of the civil & electrical interns, selected the candidates. Accordingly, offer letters were issued to them. Most of the selected candidates (43 in civil side & 18 in electrical side) have joined his/her duty, till date.
6. The above selection of engineering interns (civil & electrical) is submitted for ratification by the Board.

AGENDA ITEM NO. 17/11

ENGAGEMENT OF MEDIA CO-ORDINATOR ON CONTRACT BASIS.

1. DUSIB deals with large population base and several references are received under CPGRAMS, PGMS, PGC, L.G Listening Post, MPs and MLAs and general public. These grievances are received through various portals and also in physical format. Handling of all these grievances requires specialized knowledge of electronics and information technology. It was felt imperative to recruit a person well-versed with all these technologies to assist the Chief Engineer (Coordination) to deal with these public grievances and media related issues effectively and expeditiously.
2. In DUSIB, there is one sanctioned post of Press Co-ordinator which has been lying vacant. To fill up the post, the matter was placed before High Level Coordination Committee, DUSIB. In its meeting held on 26.07.2016, considering the magnitude of the issues requiring remedial measures, the committee was of the view that it will be imperative to recruit a person, well-versed with the technologies in the field of electronics and information & technology and having qualification of Graduate in Engineering with Computer Science/ information Technology/Electronic and Electrical Engineering, with three years' experience in portal handling, grievance management and social media interaction, on consolidated remuneration of Rs. 50,000/- plus Rs. 20,000/- as conveyance charges.
3. Accordingly, an advertisement was published for intending candidates, in leading newspapers on 02.08.2016 and on the website of DUSIB. Interview of the short-listed candidates was held on 17.08.2016. The Selection Committee, duly constituted, recommended the name of Sh. Bhaskar Sharma s/o Sh. Ashok Sharma. The Committee further recommended to redesignate the post of Press Coordinator as Media Coordinator. The offer letter to Sh. Bhaskar Sharma to the post of Media Coordinator, on contractual basis, has been issued on 19.08.2016.
4. Accordingly, the above selection of Media Coordinator, on contract basis, is submitted for ratification by the Board.

AGENDA ITEM NO. 17/12

**APPROVAL FOR FUNDS REQUIRED FOR ADDITIONAL WORKS FOR
1024 EWS FLATS AT SITE-II & SITE-III, SECTOR-16 B, DWARKA**

The two Housing Projects having 1024 EWS houses (i.e.736 EWS houses at Site No.II & 288 EWS houses at Site No. III) at Sector- 16 B, Dwarka were sanctioned by the Ministry of HUPA, Government of India under the JNNURM Scheme in the year 2008 for the rehabilitation of jhuggi dwellers. The amounts sanctioned for these Housing Projects were Rs.29.31 crore & Rs.10.99 crore respectively.

The 736 EWS dwelling units at Site No.II were completed on dated 31.12.2011 and 288 EWS dwelling units at Site No.III were completed on dated 05.10.2011. The works of services/facilities such as roads, water-line network, sewerage system, street lights, parks, livelihood centre, community centre, informal market etc. were also completed subsequently. The sanctioned amounts under these Projects have already been incurred and no further works can be taken up within the sanctioned amounts of said Housing Projects.

It is mentioned here that the provision of kitchen sink, WC cistern & glass panes in windows of these houses were not considered in the DPRs at the time of sanction as there was cost restrictions being low cost houses. All these houses under both Housing Projects had been allotted to the jhuggi dwellers of various JJ Bastis in the year 2013 but actual possession to the beneficiaries could not be given due to the fact that about 50% families of each JJ Basti were only eligible for rehabilitation. Now, under modified "Delhi Slum & JJ Rehabilitation Policy-2015" approved by DUSIB Board in April 2016, about 90% families are covered under rehabilitation. Accordingly, after carrying out latest field surveys & EDCs etc. the programmes have now been fixed by Rehabilitation Section of DUSIB for starting rehabilitation/ handing over possession of said houses to the jhuggi dwellers in the month of October, 2016.

Since the period of about 5 years has already been elapsed after construction of said dwelling units and no maintenance work has been taken up during this period, some deterioration has taken place. Hence, the following essential works are required to be carried out before handing over possession of said houses to the allottees:-

(A) Items not included in approved DPR (Rs. 3.93 crore)

1. Provision of flushing cistern in WC & Kitchen sink in Kitchen of each Dwelling Unit (Cost-Rs.59.00 lac)
2. Providing & fixing window glass panes in 736 houses. (Cost- Rs.20.00 lac)
3. Amount required to be paid to DJB on a/c of balance Infra-structure fund. (Rs.313.73 lac).

(B) Items Required for Repainting, Electrical repair / replacement of wiring Minor Civil Repairs etc. (Rs. 2.00 crore)

4. Electrical Repair/replacement of wiring (Cost- Rs.53.23 lac)
5. Apex painting on exterior of exposed surface on walls of all Dwelling Units.(Cost-Rs.71.00 lac).
6. Replacement/Repair of damaged PVC rain water pipes, SCI pipes, kota stone flooring, brick work for water meter, PVC connections for water supply to Dwelling Units & labour for maintenance etc. (Cost-Rs.25.00 lac)
7. Internal color-washing/painting, minor repair and Watch & Ward arrangement for one year as allotment of all DUs may take one year. (Cost-Rs.50.60 lac).

(C) Maintenance of services (Rs.0.80 crore)

8. Operation & maintenance of pump set for one year and electricity consumption charges, operation of UGR & street light for one year. (Cost-Rs.20,00 lac)
9. Annual Maintenance cost of external services (Cost-Rs. 60.00lac)

Thus, total funds requirement is about Rs. 6.73 crore.

DUSIB is getting Beneficiary Contribution of Rs.1.12 lac & maintenance charges of Rs. 30,000/- from each allottee and Rs. 1.50 lac for each flat from Land Owning Agency. The Land Owning Agency contribution for these houses will be about Rs. 15.36 crore.

It is further mentioned that fund corpus in the form of "DUSIB Estate Management Fund" has been created by DUSIB under the modified "Delhi Slum & JJ Rehabilitation & Relocation Policy 2015" and each allottee has to contribute Rs.30,000/-for maintenance of common external services by DUSIB for 5 years. As per approved policy of rehabilitation by cabinet of Delhi Govt. the contribution of each beneficiary@ Rs.1,12,000/- is also to be kept in DUSIB State Management Fund so that annual maintenance can be taken up from the interest accrued from this amount. Since, these

houses require maintenance from beginning, the amount required for first year maintenance may be allowed to be with-drawn from this fund. The total fund available for these housing complexes under DUSIB Estate Management Fund shall be about Rs.14.54 crore.

The slum dwellers after shifting to these houses may require help for maintenance of internal services also due to non familiarity regarding availability of labour from outside and also it is more costly to call labour for minor works. Therefore, it is also proposed that DUSIB may provide maintenance labour to the occupants for their internal maintenance work also till their regular RWAs start functioning. The proposal for providing maintenance labour for internal maintenance may be extended in all cases of rehabilitation upto one year after the occupation of all flats.

The above essential works other than maintenance work costing to Rs.5.93 crore to be taken up on urgent basis in the said Housing Projects at Dwarka may be allowed to be taken up chargeable to the fund available as Land Owning Agencies' contributions. Meanwhile, UD Department of GNCTD will be requested to release Rs.5.93 crore as grant to make these houses habitable as their completion being 5 years old & to provide items not covered in approved DPR.

Proposals for Approval:-

The following proposals are therefore placed before the Board:-

1. That a request in this regard be sent to Delhi Government for providing necessary funds to take up these additional works. However, till the assistance is received, Board may allow to undertake the above essential works amounting to Rs.5.93 crore (approximately) in said Housing pockets at Dwarka chargeable to the fund available as contribution of Land Owning Agencies.
2. To charge first year maintenance of external & internal services to DUSIB Estate Management Fund and thereafter, efforts will be made that this is met from the interest earned from DUSIB Estate Management Fund.
3. The methodology of charging maintenance of first year to the DUSIB Estate Management Fund & for subsequent years to the interest earned from this fund may be followed in other colonies also.

AGENDA ITEM NO. 17/13

REQUIREMENT OF FUNDS FOR DEVELOPMENT WORKS & MAINTENANCE OF 3456 NOS. (G+3) FOUR STOREYED EWS FLATS CONSTRUCTED BY DSIIDC AT PHASE-II, BAPROLA.

A total of 3456 four storeyed EWS flats in Blocks- F to Q at Ph-II, Baparola were constructed by DSIIDC under JNNURM Scheme reportedly about three years back. In compliance of the directions of Hon'ble Delhi High Court in Contempt Case (Civil) titled- Virat Co-operative GHS & Others V/s. Commissioners & Others regarding rehabilitation of families of Jwala Puri JJ Basti, a decision was taken in a meeting held on dated 09.11.2015 under the Chairmanship of Pr. Secretary (UD), GNCTD for allotment of flats at Baparola to the families of said JJ Basti. Accordingly, the possession of 560 flats in Block-F & G at above said location was taken over by DUSIB from DSIIDC on dated 21.11.2015. Afterwards, 608 nos. more flats in Block J & K at above location were also taken over from DSIIDC on dated 29.06.2016 for allotment to the families of various JJ Bastis. Thus, DUSIB has so far taken over 1168 nos. flats & out of which about 700 flats stand allotted to the families of various JJ Bastis. The remaining flats will also be taken over by DUSIB from DSIIDC shortly.

As regards maintenance of services is concerned, the same were maintained by DSIIDC only upto 31.07.2016 & presently, DUSIB is maintaining the services. Besides, there are complaints of seepage in toilets/bathroom & other minor defects in number of allotted flats which need repairs. DUSIB is maintaining the services & attending the defects on day to day basis.

Further, it is mentioned here that some original works including deficiencies are left out by DSIIDC which need to be provided in the housing complex to make the services functional for the beneficiaries of the said flats. These are as under:-

- 1. Water Supply Network:-** No proper arrangement of regular supply of potable water is existing in the complex though DSIIDC has laid the water supply network including an UGR which still needs to be connected to the peripheral water line of DJB. Presently, bore water is being supplied to the individual flats through overhead water tanks placed at the terrace for bathing & other purposes. The drinking water is being provided to the families through DJB water tankers on DUSIB cost as an interim arrangement. DUSIB is incurring an amount of Rs.1.56 lac per month for water tankers which will increase with the increase in the occupancy. A water

ATM by DJB is also made functional in the area for supplying potable water to the residents on chargeable basis i.e. 20 paise per litre. But, the residents are not ready to take water from water ATM & therefore the water supply through water tankers is continued.

For making provision of potable water supply in these flats on permanent basis, the Water Supply Scheme provisionally sanctioned by Delhi Jal Board has not been conveyed to DSIIDC for want of Rs.18,42,47,460/- (revised) on account of Infrastructure Fund. The Chief Engineer-III, DSIIDC has conveyed vide his letter dated 28.06.2016 that DSIIDC has not deposited the said amount with DJB and asked DUSIB to deposit the amount after getting from Delhi Government.

An amount of Rs.18.43 crore will therefore be required to be deposited with DJB for the sanction of said Water Supply Scheme. After payment of Infrastructure Fund(i.e. Scheme Sanction charges), the water supply system should be maintained by DJB as individual water connection to the allottees will have to be given by DJB as per the mandate.

2. **Sewerage System:-** There is no proper system of sewage disposal in the complex though DSIIDC had laid sewer lines. The discharge/ effluent from the flats is collected in a sump well and then pumped into a septic tank and then effluent from septic tank run through open drain to nearby Najafgarh Drain thus resulting in a foul smell in the area. However, there was a provision of STP in the approved DPR but DSIIDC has provided a septic tank causing erratic treatment system. Therefore, it is essential to provide STP & the approximate cost of construction of STP for all flats would be approximately Rs.8.0 crore.
3. **Roads, Drainage Network & Boundary wall for UGR & Parks:-** These services though provided at site but are not in proper condition. The extensive repairs of roads/ drains i/c construction of additional drains are required to be carried out at site. Road berms are also not provided with pavement at most of places which cause inconvenience to public. The approximate cost under this component i/c construction of boundary wall for UGR & parks would be Rs. 2.50 crore

4. **Horticulture Work:-** There are 10 Nos. undeveloped Parks in the area. The approximate cost under this component for development of parks & roadside plantation including tube-well bores for parks etc. would be Rs. 62.49 lac.
5. **Deficiency Amount in r/o Water Supply & Sewerage Network:-** There would be approximately an amount of Rs.700.00 lac on account of deficiency charges of Water Supply & Sewerage Network to be paid to DJB as per verbal enquiry from DJB.
6. **Construction of Dhalao:-** A land piece earmarked in LOP is required to be handed over to the EMS Deptt. of SDMC as no such facility for collection of garbage is available in the complex. The cost of construction of Dhalao will be (approx.) Rs.10.00 lac.
7. **Electrical Work:-** The amount of deficiencies in original electrical work has been assessed as Rs. 35.00 lac
Total Cost on account of original works
 $=1842.47+800.00+249.15+62.49+700.00+10.00+35.00=3699.11$
 lac/ approximately **37.00 crore.**
8. **Internal Defects:-** Besides, the funds are also required to the tune of Rs. 50.00 lac for attending the defects such as seepage in toilet/bathroom, replacement of damaged M.S.Door (terrace), CC flooring, cement plaster etc. pertaining to the 1168 flats already taken over by DUSIB, which should have been done by DSIIDC.
Total Cost on account of original as well as repair works=
Rs.37.50 crore
 DUSIB has already written to DSIIDC vide letter no. F/8727/31/SE-1/DUSIB/2016-17/D-969 dt 12.08.2016 to remove this deficiencies or to pay to DUSIB this amount for taking up the work.
9. As per policy, annual maintenance of external services is to be done by DUSIB from the DUSIB Estate Management Fund and depending upon requirement, DUSIB may contribute in this fund from its own resources and attempts will be made as far as possible to carry out maintenance work from the interest earned from this fund.
10. Besides above works, the day to day maintenance of internal services is also required for which occupants are facing difficulty in getting labour from outside being costly. It is, therefore, proposed

that DUSIB may provide maintenance labour for internal works also till the RWAs are formed and take control say initially one year after all the flats are occupied. The expenditure for providing labour for internal and external maintenance can be met out from Estate Management Fund.

11. As per the policy, DUSIB is getting Rs.1,42,000/- from each allottee (i.e. Rs.1,12,000/- as Beneficiary Contribution & Rs.30,000/- as Maintenance Charges for external services for 5 years). As decided by the Hon'ble CM, this total amount shall be deposited in DUSIB Estate Management Fund so that annual maintenance can be done from the interest of this fund. In addition to above, DUSIB is also getting Rs.1,50,000/- for each flat from Land Owning Agency as their contribution.

During previous meeting of the Board, it was decided that contribution from beneficiary will also be kept by DUSIB towards DUSIB Estate Management Fund and maintenance will be done from the interest earned from this fund.

However, during first year, maintenance is to be done from the Estate Management Fund as the interest will be earned in subsequent years.

Thus, DUSIB will be having following funds for this colony i.e. Baprola Ph-II consisting of 3456 EWS houses.

| | | |
|------------------------------------|---|-------------|
| 1) DUSIB Estate Management Fund | - | 49.08 crore |
| 2) Land owning agency contribution | - | 51.84 crore |

Following approvals are sought from the Board:-

1. If DSIIDC is not removing these deficiencies, then DUSIB be allowed to take up these works amounting to Rs. 37.5 crore chargeable to the fund available under Land Owning Agency's contribution till the fund is received from DSIIDC.
2. To charge the first year maintenance charges amounting to approximately Rs.2.00 crore for 3456 EWS houses to DUSIB Estate Management Fund because the interest will be earned only after one year and to allow to provide labour for internal maintenance of the houses initially for one year after the occupation of all EWS Houses. Thereafter, efforts will be made to meet this expenditure from the interest earned on Estate Management Fund.

To provide at-least 20 litres free drinking water to every family per day through water tankers or any other arrangement till DJB starts supplying drinking water. The expenditure for this arrangement is Rs.1.56 lac per

month at present which will increase to approx. Rs.7.70 lac per month when all the houses will be occupied. The Government of NCT of Delhi will be requested to give financial assistance to provide drinking water to these houses & till such time, BOARD may allow to charge this expenditure to the fund available with DUSIB under Land Owning agency's contribution.

AGENDA ITEM NO. 17/14

RULES FOR SALARIES & ALLOWANCES AND CONDITIONS OF SERVICE OF CHIEF EXECUTIVE OFFICER AND MEMBERS UNDER THE DELHI URBAN SHELTER IMPROVEMENT BOARD ACT, 2010

The Delhi Urban Shelter Improvement Board Act, 2010 was passed by Legislative Assembly of National Capital Territory of Delhi on 1st April, 2010.

2. The Delhi Urban Shelter Improvement Board Act, 2010 provides for constitution of an authority to be called 'Delhi Urban Shelter Improvement Board' comprising of Chairperson, Vice Chairperson, Chief Executive Officer, nominated full time Members, ex-officio Members, nominated members of Legislative Assembly, Councilors and two Member experts.

3. Chief Executive Officer and Member (Administration), Member (Finance), Member (Engineer) and Member (Power) are full time official Members of the Board who look after day to day management of activities of Board.

4. Section 4 of the DUSIB Act provides terms and conditions of service of Members and provides that the Chief Executive Officer and other full time Members shall be governed by such condition of services as may be prescribed.

" As per section 4 of DUSIB, Act , 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."

5. In order to ensure smooth Operation and Management of activities of the Board, it is essential that Rules are framed as per DUSIB Act.

Section 52 of the Act provides that Government may by notification make rules for carrying out all or any of the purpose of this Act which include salary, allowances and condition of service of Members of the Board.

6. There are several similar Organizations /Commissions / Boards of Government of India and Government of NCT of Delhi where Members are appointed and similar rules have been notified governing the salaries and allowances and conditions of service for Chairman and Members etc. Some such organizations are Delhi Value Added Tax Appellate Tribunal, Public Grievance Commission, Delhi Electricity Regulatory Commission (DERC), Delhi Consumer Forums, State Election Commission, Delhi Commission for Child Protection, Staff Selection Commission and Delhi Cooperative Tribunal. DUSIB is also an autonomous organization like the above mentioned bodies and it will be in the fitness of things that similar condition of service of members of DUSIB are prescribed and therefore the rules are proposed, based on the norms being followed in above mentioned organizations.

7. The draft rules for appointment and terms and conditions of service of Chief Executive Officer and other full time Members are as under:

The Delhi Urban Shelter Improvement Board (Salaries and allowances and Conditions of Service of Chief Executive Officer and Members) Rules, 2016

No....., dated.....-In exercise of the powers conferred by sub section (1) of section 4 read with clause (a) of sub-section (2) of section 52 of the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act07 of 2010), the Government hereby makes the following rules regulating the salaries and allowances payable to and other terms and conditions of service of the Chief Executive Officer and Members of the Delhi Urban Shelter Improvement Board, namely:

1. **Short title and commencement.**
 - (a) These rules may be called the Delhi Urban Shelter Improvement Board (Salaries and Allowances and Conditions of Service of Chief Executive Officer and Members) Rules, 2016.
 - (b) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**

In these rules, unless the context otherwise requires,

- (a) "Act"; means the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act 07 of 2010);
- (b) "Chief Executive Officer" means the Chief Executive Officer so appointed in terms of clause (ii) of sub section (4) of section 3 of the Act;
- (c) "Members" mean the Members so appointed in terms of clause (ix), (x), (xi) and (xii) of sub section (4) of section 3 of the Act.

3. Tenure of office.

- (a) The Chief Executive Officer shall, unless removed from office under sub section (2) of section 4 of the Act, hold office for a period not exceeding five years, or till the age of sixty-five years, whichever is earlier, provided that in case the serving officer appointed as Chief Executive Officer retires on superannuation before completing the tenure of five years, he shall be deemed to be on re-employment for the remaining period of tenure subject to the upper age limit of sixty-five years.
- (b) The Member shall, unless removed from office under sub section (2) of section 4 of the Act, hold office for a period not exceeding five years, or till the age of sixty-five years, whichever is earlier, provided that in case the serving officer appointed as Member retires on superannuation before completing the tenure of five years, he shall be deemed to be on re-employment for the remaining period of tenure subject to the upper age limit of sixty-five years.
- (c) A person who has held the office of Chief Executive Officer or Member for a term of five years shall not be eligible for re-nomination as Chief Executive Officer, or as the case may be, as Member.
- (d) If the Chief Executive Officer is unable to discharge his functions owing to illness or other incapacity, the Government shall nominate any Member to act as Chief Executive Officer and the Member so nominated shall hold office of Chief Executive Officer until the Chief Executive Officer resumes office.
- (e) If a vacancy occurs in the office of the Chief Executive Officer by reason of his death or resignation, the Government shall nominate any Member to act as Chief Executive Officer and the Member so nominated shall hold office of Chief Executive Officer until the vacancy is filled by a fresh nomination under clause (ii) sub-section (4) of section 3 of the Act.

4. Salaries and allowances.

- (a) The Chief Executive Officer and every Member shall be paid a salary in the pay band of Rs.37400-67000/- with grade pay of Rs.10000/- per month:

Provided that where the tenure of the Chief Executive Officer or any other Member is on re-employment basis subsequent to his superannuation from Government service, the emoluments shall be last pay drawn minus pension. The salary and allowances shall be governed as per the provisions of Department of Personnel and Training of Government of India, as applicable and amended from time to time.

- (b) The Chief Executive Officer and every Member shall receive allowances admissible to the pay scale of the post.
- (c) If the Chief Executive Officer or a Member is in service of the Central or a State Government, his appointment in the Delhi Urban Shelter Improvement Board shall be on deputation and his salary shall be regulated in accordance with the rules applicable to him.

5. Leave.

The Chief Executive Officer and every Member shall be entitled to leave as follows:

- (a) Earned leave, half pay leave and commuted leave in accordance with the Central Civil Services (Leave) Rules, 1972, as amended from time to time;
- (b) Extraordinary leave as admissible to the temporary Government servants under the Central Civil Services (Leave) Rules, 1972, as amended from time to time.

6. Traveling allowance.

- (a) The Chief Executive Officer, and every Member shall be entitled to draw travelling allowances and daily allowance at the rates appropriate to their pay admissible to equivalent post of the Government.
- (b) The Chief Executive Officer and every Member shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

7. Residential accommodation.

(a) *The Chief Executive Officer and, every Member shall be entitled to the use of an official residence as may be determined by the Government.*

(b) *If the Chief Executive Officer or a, Member is not provided with or does not avail himself of the accommodation specified in sub-rule (1), he shall be paid every month house rent allowance at the rates admissible to officers of an equivalent rank in the Government.*

8. Facility for conveyance.

The Chief Executive Officer and every Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government.

9. Facility for medical treatment.

The Chief Executive Officer and every Member shall be entitled to medical treatment and hospital facilities as provided in the Delhi Government Employees Health Scheme (DGEHS) Health Scheme Rules or CGHS or as may be determined by the Government.

10. Residuary provisions.

The conditions of service of the Chief Executive Officer and the Members for which no express provision has been made in these rules shall be as determined by the Government.

8. The rules as given in para 7 may be approved by the Board.

AGENDA ITEM No. 17/15

DISCIPLINARY PROCEEDINGS CASE AGAINST SH. ASHOK BHATIA, DY.DIRECTOR (RETD.) RETIRED u/s ON 28.02.2013

RDA NO.1/VIG/DUSIB/31/2013

1. In the year 2007, allotments of a large number of plots/piece of land made in the past to various JJ dwellers situated at Molar Band and Madanpur Khadar, New Delhi were cancelled by the SUR Branch of Slum & JJ department of M.C.D. for violation of terms and conditions including non -occupancy by allottees and/or illegal sale – purchase etc. It was reported in the file vide note dated 20.2.2009 by the Executive Engineer, DD-V that out of those cancelled plots 37 plots situated at Molar Band Phase-I and 247 plots situated at Molar Band, Phase-II, New Delhi were encroached and unauthorised construction was being carried at those plots. It was further reported in the file by J.E. concerned that unauthorised constructions were carried out by the occupants after cancellation of allotments. On 29.7.2009, the proposal for demolition of illegal structures/eviction was approved by the Addl. Commissioner (S&JJ).

2. Sh. Ashok Bhatia did not fix and execute the programme. He did not comply with directions of Addl. Commissioner. On 22/3/2010, he returned the file to S.E.-III and later on 27/4/2010 to Chief Engineer with remarks that it was for the engineering/enforcement division to do the needful. These remarks were not proper as action was required to be taken by demolition branch which is evident from the fact that the demolition branch later fixed the programme on 23.6.2010.

3. A charge sheet for major penalty proceeding under rule 9 of CCS (Pension) rule-1972 was issued to Sh.Ashok Bhatia, Dy.Director (Retd.) after necessary approval of Chairperson, DUSIB vide **D-975/DD(Vig)/DUSIB/2013 dt. 01/08/2013.**

4. The Central Vigilance Commission's first stage advice was also sought. The Central Vigilance Commission, vide OM No.013/DLH/032-212788 dated 16.05.2013, in agreement to DUSIB, advised to initiate Disciplinary Proceedings for major penalty against Sh.Ashok Bhatia, Dy.Director (Retd.).

5. In the charge sheet it was alleged that:

Sh. Ashok Bhatia, Dy. Director (Retd.) was working as Director on adhoc basis during the period 2010-11 in demolition branch of Delhi Urban Shelter Improvement Board (erstwhile Slum

& JJ Department of M.C.D.). He was duty bound to expeditiously fix and execute the programme for demolition of unauthorized structures/eviction to trespassers from 37 plots situated at Molar Band, Ph-1 and 247 (Block-A & B) plots situated at Molar Band, Ph-2, New Delhi as approved/ordered on 29/07/2009 by the Addl. Commissioner (S&JJ) in the file bearing no. WJ/6980/10/EE (S) DD V/08-09. Sh. Ashok Bhatia, committed the misconduct in the following manner:

- i. He did not fix and execute the programme for demolition/eviction as approved/ordered by the Addl. Commissioner (S&JJ).
- ii. He returned the file bearing No. WJ/6980/10/EE (S) DD V/08-09 on 22.3.2010 to S.E.-III and later on 27/4/2010 to Chief Engineer with remarks that it was for the engineering/enforcement division to do the needful. These remarks were not proper as action was required to be taken by demolition branch itself.

6. The above acts of Sh. Ashok Bhatia, Dy. Director (Retd.) amounts to adopting dilatory tactics and wilfully delaying the action, grave misconduct, lack of integrity, lack of devotion to duties and dereliction towards his duties in such a manner which is unbecoming of a govt. servant thereby violating rule 3 (1) (i) (ii) (iii), and 3 (A) of CCS (Conduct) rules 1964 which renders him liable for stern disciplinary action.

7. The C.O. had denied the charges, accordingly, Sh. JawaharLal, SE (Retd.), DUSIB was appointed to inquire into charges framed against Sh. Ashok Bhatia, Dy. Director (Retd.). The Inquiry Officer in his inquiry report has held the charges No.1 as proved and charge No.2 as partly proved.

8. The I.O. has proved charge no. 1 on the ground "that Ironically the C.O. has failed to understand the distinction between passing of orders for demolition of unauthorized construction and execution of the same on ground. C.O. has not been charged for not passing the orders for demolition rather he has been proceeded against for not executing the same for which he was duty bound. The C.O. has apparently failed to understand the purport and import of the orders dt. 29/07/2009." Charge no. 2 was held as partly proved "as dilatory approach without any cogent reason is not being nipped in the bud at the instance of C.O. The C.O. was wrong to hold that the needful is to be done by the Engineering Division/Enforcement Division because he (Demolition section) has already been directed to execute the orders dt. 29/07/2009."

9. The copy of the inquiry report was served to Sh. Ashok Bhatia, Dy. Director (Retd.)/Co vide letter No.D-419/DD (Vig.)/DUSIB/2015 dated 24.07.2015;

10. In his reply/comments to the inquiry report, he mainly stated that there is no lapse on the part of C.O/Director (Demolition) and the finding of the inquiry officer containing the charge no.1 as proved and charge no 2 as partly proved are totally arbitrary, erroneous and biased. The I.O. has given perverse findings to safeguard himself and his fellow engineers and thus supported the version of the prosecution without taking care of the oral and documentary evidences on the record of inquiry. He further stated that charge I & II levelled against the C.O. are wholly untenable and not proved by the prosecution against the C.O.

11. Accordingly, he has prayed that he may be exonerated of all the charges levelled against him and also requested for grant of personal hearing to explain his innocence in the matter.

12. As per office order no.PA/DIR (Admn)/2011/D-200 dt. July, 28, 2011, there are two categories in respect of retired employees 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 misconduct. The Board vide its decision in the meeting held on 22/06/2011 ordered as under:

- i. The Board delegates its power to the respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).
- ii. The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, 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. (in respect of employees at category (ii) above).
- iii. The UPSC and CVC will be consulted wherever applicable.

13. Sh. Ashok Bhatia, Dy. Director (Retd.)/Charged Officer is a group 'A' retired employee. As per the above order, the Charged Officer falls under the category (ii).

14. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

" The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering

recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. Three thousand five hundred per mensem. "

15. Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Sh. Ashok Bhatia, Dy. Director (Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/16

DISCIPLINARY PROCEEDINGS CASE AGAINST SH. Y.P.RAWAL,
DIRECTOR(RETD.) RETIRED ON 31.07.2010

RDA NO.1/VIG/DUSIB/26/2012

1. In the year 2007, about 492 plots (in total) allotted to JJ dwellers situated at Molar Band and MadanpurKhadar, New Delhi were cancelled by the department vide various orders including order No.F.09/Molarband/MP Khadar/OSD(SUR)/ S&JJ/2007/D-15 dt. 30.8.07 and order No.F.09/Molarband/MP Khadar/OSD(SUR)/S&JJ/2007/D-59 dt. 29.11.07 for violation of terms and conditions including non-occupancy by allottees and/or illegal sale –purchase etc.
2. The statement of staff posted in Rehabilitation section was recorded. A perusal of the records showed that Sh. Y.P. Rawal was holding the charge of Director (SUR) from 2007 to Oct, 2009. He was responsible for proper maintenance of the records of allotment. He retired on attaining the age of superannuation on 31.7.2010.
3. Accordingly, a charge sheet for major penalty proceeding under rule 9 of CCS (Pension) rule-1972 was issued to ShY.P.Rawal, Director (Retd.) after necessary approval of Chairperson, DUSIB vide **Memo No. D-155/DD(Vig)/DUSIB/2013 dt. 08/02/2013**. The Central Vigilance Commission's first stage advice was also sought. The Central Vigilance Commission, vide OM No.012/DLH/035-197358dated 19.12.2012, in agreement to DUSIB, advised to initiate Disciplinary Proceedings for major penalty against ShY.P.Rawal, Director (Retd.).
4. In the charge sheet it was alleged that:

Sh. Y.P.Rawal, was working as Director (SUR) during the period 2008-09 in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). He retired on attaining the age of superannuation on 31.7.2010. He was responsible to supervise the maintenance of the records of allotment files and take action against allottees for violation of terms and conditions of allotment. While working as Director in Rehabilitation branch (erstwhile SUR branch) he failed to discharge his duties diligently in as much as he did not manage to keep intact the record of allotment files regarding allotment of various plots to JJ dwellers at Gautam Puri, Molar Band & MadanpurKhadar, Delhi in

Rehabilitation branch which is a grave misconduct and dereliction of duties on following counts:

- i. He failed to supervise that all records pertaining to plots developed by the department since the inception of the scheme of the relocation compiled and updated with the Engineering Division and Town planning Wing by his subordinate staff i.e. Sh. Ramesh Kumar Sharma PS/Asstt. Director and Smt. SatinderKaur, Asstt. Director.
- ii. He did not supervise maintenance of records of about 463(out of 492 files) files regarding allotment of plots made to various persons at Molar Band and MadanpurKhadar which were cancelled in the year 2007 vide various office orders.
- iii. He failed to supervise segregation of the records of allotments made to various persons as stated above in various rehabilitation colonies as directed to him which resulted into loss of records of allotment files, inaction on the part of department and continued illegal possession of the various persons of the public on the plots of the department.
- iv. He did not take further follow up action to ensure that the unauthorised occupants were evicted by the concerned officers from various plots cancelled in the year 2007 vide various office orders.

He, thereby, contravened rule 3 (1) (i) (ii) (iii) of CCS (Conduct) rules 1964 as made applicable to the employees of Delhi Urban Shelter Improvement Board, Govt. of N.C.T. of Delhi.

5. The C.O. had denied the charges, accordingly, Sh. K.R.Kishore, DANICS (Retd.) was appointed to inquire into charges framed against Sh. Y.P.Rawal, Director (Retd.). The Inquiry Officer in his inquiry report has held the charges No.1 as not proved, charge No.2 proved, charge No.3 as partly proved and charge No.4 as not proved.

6. The I.O. has proved the charge no. 2 on the basis of record and evidence "that there was no proper maintenance of record in SUR branch and no handing over and taking over of record by the record keepers which indicates that no proper system of maintenance of record was kept in place by the senior officers including the C.O. as well." Further, I.O. has partly proved the charge no. 3 on the basis of record and evidence "that there appears segregation of record was done during the tenure of C.O. but it was not proper/complete, hence it amounts that this charge is partly proved."

7. The copy of the inquiry report was served to Sh. Y.P.Rawal, Director (Retd.)/Co vide letter No.D-561/DD (Vig.)/DUSIB/2015 dated 23.09.2015.

8. In his reply/comments to the inquiry report, he has raised the issue of the validity of the Memorandum issued to him in violation of CCS (Pension) Rules, 1972 referring the memorandum indicating the period of event took place in 2008-2009 which is more than four years and another point which he made was that he was not heard during the investigation and before the issuance of a charge-sheet.

While referring the finding of the inquiry officer i.e. charges No.1 as not proved, charge No.2 proved, charge No.3 as partly proved and charge No.4 as not proved, the C.O. has commented upon charge no.2 and charge no.3

He stated that these two charges mainly relate to non-maintenance and segregation of records and there is no lapse on the part of C.O/Director (SUR). While elaborating facts of the case citing extract of notes etc, he has submitted that regular concerted efforts were made by him to ensure compilation and updation of all the records pertaining to plots developed by the department since the inception of the scheme of relocation with the Engineering Wing and Town Planning Wing, which also included , per se, records pertaining to 463 files (out of 492files) regarding allotment of plots made to various persons at Molar Band and Madanpur Khadar, which were cancelled in the year 2007, by taking up the issue at the highest level in the department.

Accordingly, he has prayed that the alleged charge no. 2 and charges no. 3 (partly) may kindly be held, "Not Proved" and also requested for **grant of personal hearing by the Disciplinary Authority before taking any action on the inquiry report.**

9. The Board in its 3rd meeting has delegated the power of Disciplinary Authority to CEO & Member (Admn) as mentioned in office order no.PA/DIR (Admn)/2011/D-200 dt. July, 28, 2011. However, it is further mentioned that there are two categories in respect of retired employees 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 misconduct. The Board vide its decision in the Board meeting held on 22/06/2011 ordered as under:

i. The Board delegates its power to their respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).

ii. The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, whereafter 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. (in respect of employees at category (ii) above).

iii. The UPSC and CVC will be consulted wherever applicable.

10. Sh. Y.P. Rawal, Director (Retd.)/Charged Officer is a group 'A' retired employee. As per the above order, the Charged Officer falls under the category (ii).

11. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

" The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. Three thousand five hundred per mensem. "

12. Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Sh. Y.P. Rawal, Director (Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/17

DISCIPLINARY PROCEEDINGS CASE AGAINST SMT. SATINDER
KAUR, ASSISTANT DIRECTOR(RETD.), RETIRED ON 31.08.2010

RDA NO.1/VIG/DUSIB/26/2012

1. Major penalty proceedings were initiated against Smt. Satinder Kaur, Assistant Director (Retd.), DUSIB, in pursuance of sanction accorded by Chairperson, DUSIB, under rule 9 of the CCS(Pension) Rules, 1972, vide Memo No. D-173/Dy.Dir.(Vig.)/DUSIB/2013 dated 14.2.2013 under Rule 14 of the CCS(CCA) Rules, 1965. It was alleged that Smt. Satinder Kaur, while working as Asstt. Director, during the period 2008-10, in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.), in Rehabilitation branch (erstwhile SUR branch), was responsible to maintain the records of allotment files and to take action against allottees for violation of terms and conditions. While working as Asstt. Director (SUR branch) she failed to discharge her duties diligently in as much as she did not manage to keep intact the record of allotment files regarding allotment of various plots to JJ dwellers at Gautam Puri, Molar Band and Madanpur Khadar, New Delhi, which is a grave misconduct and dereliction of duties. Smt. Satinder Kaur retired on 31.8.2010.

2. The vigilance branch of Delhi Urban Shelter Improvement Board was further investigating the matter as reported by the Central Bureau of Investigation in a case bearing FIR No. RC-DAI-2010-A-008. It was gathered from the Rehabilitation branch (Erstwhile SUR branch) and Engineering Wing of DUSIB that besides other colonies, in the year 2007, about 492 plots (in total) allotted to JJ dwellers situated at Molar Band and Madanpur Khadar, New Delhi, were cancelled by the department vide various orders including order No. F.09/Molarband/MP Khadar/OSD(SUR)/S&JJ/2007/ D-15 dt. 30.8.07 and order No.F.09/Molarband/MP Khadar/OSD(SUR)/ S&JJ/ 2007/D-59 dt. 29.11.07, for violation of terms and conditions including non -occupancy by allottees and/or illegal sale -purchase etc.

3. After receipt of aforesaid information, the file was put up before CEO (DUSIB) for orders. From the massive cancellation of plots, it was clear that some bogus allotments were made in the matter. CEO, (DUSIB) directed to find out the names of those officers involved in fraudulent allotments and initiate action against them. It was further directed by C.E.O. (DUSIB) that allotment files concerned be seized. For this purpose, the vigilance branch requisitioned the allotment files of

those cancelled plots from Rehabilitation branch. Despite repeated written letters, the Rehabilitation branch failed to provide the allotment files of the cancelled plots. DD (Rehabilitation) had tendered information, vide letter dated 13.9.2012, that only 29 files were available with them. A survey of these plots was carried out by sociology division of DUSIB. The survey report disclosed that despite cancellation orders, the said plots were still in possession of unauthorized occupants or trespassers.

4. Investigations were carried out in the vigilance branch of the DUSIB. During the course of investigation, statements of various officers/officials were also recorded.

5. From the investigations, it was revealed that the above said charged officer was duty-bound to maintain the records in Rehabilitation branch pertaining to allotment of plots to JJ dwellers at Gautam Puri, Molar Band and Madanpur Khadar, New Delhi, and ensure that the records are not tampered with or destroyed by anybody. But she did not maintain the records of such files of allotment to various JJ dwellers.

She also did not take follow up action in respect of 492 plots (in total) allotted to various JJ dwellers situated at Molar Band and Madanpur Khadar, New Delhi, which were cancelled by the Slum & department of M.C.D., in the year, 2007, vide various orders, for violation of terms and conditions including non-occupancy by allottees and/or illegal sale-purchase etc. She did not ensure that possession of these plots is retrieved back by concerned officials and plots so vacated are utilized as per policy of the department.

6. From the investigations, it was revealed that the said officer dealing with old schemes of Rehabilitation branch was absolutely negligent towards her duties and she never bothered to manage or keep intact the records of allotment files in Rehabilitation branch which is a grave misconduct and dereliction of duties. Resultantly, important files regarding allotment of various plots to JJ dwellers at Gautam Puri, Molar Band and Madanpur Khadar, New Delhi, have been either destroyed or misappropriated by her. In the absence of such files, responsibility of the erring officials towards fraudulent allotments etc. could not be fixed.

7. Considering the role of the Charged Officer, the approval of Chairperson of the Board was obtained on 31/01/2013, to initiate Regular Disciplinary Action for major penalty against her. The Central Vigilance Commission's first stage advice was also sought. The Central Vigilance Commission, vide OM No.012/DLH/035-197358 dated 19.12.2012, in agreement to DUSIB, advised to initiate Disciplinary

Proceedings for major penalty against Smt. Satinder Kaur, Asstt. Director (Retd.).

8. A regular Inquiry was held by Inquiry Officer Sh. Rohit Kumar, SE(Retd.), DDA. The Inquiry Officer, vide his report dated 25.5.2015, held the charge as 'proved' against Smt. Satinder Kaur.

"The I.O. has proved the charge on the basis of office order no. F.18/Director (SUR)/S/08/D-13 dt. 16.6.2008 and D-69 dt. 6.3.2009 issued by the then Director Shri Y.P. Rawal, which shows that it was the duty of the CO to do the work of compilation and up gradation of the records pertaining to the plots developed by the department since inception of the scheme of Relocation. Although, charged officer has stated that no records had been created / prepared hence, there was no question of maintaining them and that it was the duty of LDC/UDC to keep all the records, but that is only partly true since as AD in SUR Branch it was the duty of the CO to supervise and see that the records are indeed maintained by the LDC/UDC. Also, if initially the records had not been created then she, the CO, should have herself created the same and ensured that they were thereafter maintained. She thus failed to compile and update records pertaining to plots developed by the department since inception of the scheme of relocation, failed to maintain records of files of allotment of plots, failed to supervise segregation records of allotment and also failed to take follow up action to ensure that the unauthorized occupants were evicted from the various plots cancelled in the year 2007".

9 Smt. Sartinder Kaur, AD(Retd.) has filed her reply / comments, against the Inquiry Report which was served upon her vide letter no. D-446/DD(Vig)/DUSIB/2015 dt. 03/08/2015. In her reply/comments, she has stated as under:-

(i) That, the investigations in the matter had not been carried out in a proper manner, following the rules/norms. She was not given any show cause notice or granted any opportunity to explain her views.

(ii) That IO paid no consideration in regards to the quantum of work of segregation/computerization of 60000 nos of files in loose papers thrown away in heaps of debris by the CBI Agency, lying in open on floors, insufficient staff etc.,

(iii) Vigilance authorities are prejudiced against the C.O. which is reflected from the fact that CEO has directed for investigation into fraudulent allotment of the plots in Molar Band and Madanpur Khadar

Schemes. Sh. Ram Dhar Mehto, the Dealing Clerk in investigation has wrongfully dealt the case without collecting/procuring the record from SUR Office to corroborate his findings, and provided no opportunity to the CO to explain her point of views.

(iv) The order dt. 20.11.2007 issued by Sh. Kundan Lal, the then OSD(O&E) was meant for field Engineers and has no concern with Smt. Satinder Kaur, Retd.AD(SUR)-II because she neither worked in SUR Branch during 29.11.2007 nor there were any order issued to her for pursuing or taking action to retrieve the cancelled plots of any scheme issued by any Authority. Therefore, the job of retrieving the evicted plots does not arise at all. The segregation job was performed by the CO during the period 2008-2010,

10 The Board in its 3rd meeting has delegated the authority of Disciplinary Authorities as mentioned in office order no.PA/DIR(Admn)/2011/D-200 dt. July, 28, 2011. There are two categories in respect of retired employees' 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 misconduct. The Board in its meeting held on 22/06/2011 has ordered as under:

- (i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).
- (ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, 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. (in respect of employees at category (ii) above).
- (iii) The UPSC and CVC will be consulted wherever applicable.

11 Smt.Satinder Kaur, Assistant Director (retired)/Charged Officer is a Group 'B' retired employee. As per the above order, the Charged Officer falls under the category (ii).

12. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

" The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement::

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. (Three thousand five hundred) per mensem. "

13 Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Smt. Satinder Kaur, Asstt. Director(Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/18

**DISCIPLINARY PROCEEDINGS CASE AGAINST SH. HIRALAL,
ASSTT. DIRECTOR (RETIRED) RETIRED ON 30.09.2012**

RDA NO.1/VIG/DUSIB/26/2012

1. In the year 2007, about 492 plots (in total) allotted to JJ dwellers situated at Molar Band and Madanpur Khadar, New Delhi were cancelled by the department vide various orders including order No.F.09/Molarband/MP Khadar/OSD(SUR)/S&JJ/2007/D-15 dt. 30.8.07 and order No.F.09/Molarband/MP Khadar/OSD (SUR)/ S&JJ/ 2007/D-59 dt. 29.11.07 for violation of terms and conditions including non - occupancy by allottees and/or illegal sale –purchase etc.
2. The C.E.O. (DUSIB) had directed that allotment files concerned be seized. The Rehabilitation branch failed to provide the allotment files of cancelled plots. The D.D. (Rehabilitation) had tendered information vide letter dated 13.9.2012 that only 29 files were available with them. The survey report disclosed that despite cancellation orders, the said plots are still in possession of unauthorised occupants or trespassers.
3. Sh. Hira Lal, Assistant Director (Retd) did not compile and update the records pertaining to plots developed by the department since the inception of the scheme of relocation with the engineering division and town planning wing. He did not maintain records of about 463 files (out of 492 files) regarding allotment of plots made to various persons at Molar Band & Madan Pur Khadar, which were cancelled in the year 2007 vide various office orders. He failed to segregate the records of allotments made to various persons as stated above in various rehabilitation colonies as directed to him which resulted into loss of records of allotment files, inaction on part of department and continued illegal possession of the various persons of the public on the plots of the department. He did not take further follow up action to ensure that the unauthorized occupants were evicted by the concerned officers from various plots cancelled in the year 2007 vide various office orders.
4. A charge sheet for major penalty proceeding under rule 9 of CCS (Pension) rule-1972 was issued to Sh. Hira Lal, Asstt. Director (Retired) after necessary approval of Chairperson,

DUSIB vide D-172/DD(Vig)/DUSIB/13 dt. 14/02/2013. The Central Vigilance Commission's first stage advice was also sought. The Central Vigilance Commission, vide OM No.012/DLH/035-197358 dated 19.12.2012, in agreement to DUSIB, advised to initiate Disciplinary Proceedings for major penalty against Sh. Hira Lal, Asstt. Director (Retired).

5. In the charge sheet it was alleged that:

Sh. Hira Lal, was working as Asstt. Director during the period 2011-12 in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). He was posted in Rehabilitation branch (erstwhile SUR branch). He retired on 30.9.2012. Vide office order dated 05.10.2010 issued by Sh. Ashok Bhatia, Director he was given the responsibility to deal with all matters related to old schemes i.e. allotment of plots. He was thus responsible to supervise proper maintenance of all record including about 492 allotment files whose allotment was cancelled in the year 2007 vide various office orders. He failed to maintain absolute integrity, devotion to duty and committed gross misconduct and dereliction of duties on following counts:

- i. He did not compile and update the records pertaining to plots developed by the department since the inception of the scheme of relocation with the engineering division and town planning wing.
- ii. He did not maintain records of about 463 (out of 492 files) files regarding allotment of plots made to various persons at Molar Band & Madan Pur Khadar which were cancelled in the year 2007 vide various office orders.
- iii. He failed to segregate the records of allotments made to various persons as stated above in various rehabilitation colonies as directed to him which resulted into loss of records of allotment files, inaction on part of department and continued illegal possession of the various persons of the public on the plots of the department.
- iv. He did not take further follow up action to ensure that the unauthorised occupants were evicted by the concerned officers from various plots cancelled in the year 2007 vide various office orders.

He, thereby, contravened Rule 3(1)(i)(ii)(iii) of CCS(Conduct) Rules, 1964 as made applicable to the employees of Delhi Urban Shelter Improvement Board, Govt. of N.C.T. of Delhi.

6 The C.O. had denied the charges, accordingly, Sh. Rohit Kumar, SE (Retd.), DDA was appointed to inquire into charges framed against Sh. Hira Lal, Asstt. Director (Retd.). The Inquiry Officer in his inquiry report has held the charges as proved against the C.O.

7 "The I.O. has proved the charge on the basis of office order no. F.18/Director (SUR)/S/08/D-13 dt. 16.6.2008 and D-69 dt. 6.3.2009 issued by the then Director Shri Y.P. Rawal, which shows that it was the duty of the CO to do the work of compilation and up gradation of the records pertaining to the plots developed by the department since inception of the scheme of Relocation. Although, charged officer has stated that no records had been created / prepared hence, there was no question of maintaining them and that it was the duty of LDC/UDC to keep all the records, but that is only partly true since as AD in SUR Branch it was the duty of the CO to supervise and see that the records are indeed maintained by the LDC/UDC. Also, if initially the records had not been created then she, the CO, should have herself created the same and ensured that they were thereafter maintained. She thus failed to compile and update records pertaining to plots developed by the department since inception of the scheme of relocation, failed to maintain records of files of allotment of plots, failed to supervise segregation records of allotment and also failed to take follow up action to ensure that the unauthorized occupants were evicted from the various plots cancelled in the year 2007."

8 The copy of the inquiry report was served to Sh. Hira Lal, Asstt. Director (Retd.) /Co vide letter No.D-367/DD (Vig.)/DUSIB/2015 dated 06.07.2015.

9 In his reply/comments to inquiry report, he has stated that the case pertains to year 2007 and the charge sheet was issued on 14.2.2013, citing pension rule 9(2)(b)(ii) that the departmental enquiry shall not be instituted in respect of any event which took place more than four years before such institution. He further stated that C.O. is not responsible for not complying with the directions

mentioned in the office orders and hence the charge against the CO. does not stand proved.

10. As regard supervision of record maintained by LDC/UDC, he has stated that when no record has been created or prepared as stated by all PWs hence there was no lapse on the part of C.O. The C.O. has requested for exoneration of all the charges levelled against him.

11. As per office order no.PA/DIR (Admn)/2011/D-200 dt. July, 28, 2011, there are two categories in respect of retired employees 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 misconduct. The Board in its meeting held on 22/06/2011 as ordered as under:

- (i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).
- (ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, 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. (in respect of employees at category (ii) above).
- (iii) The UPSC and CVC will be consulted wherever applicable.

12 Sh. Hira Lal, Asstt. Director (Retired)/Charged Officer is a group 'B' retired employee. As per the above order, the Charged Officer falls under the category (ii).

13. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

" The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found

guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. Three thousand five hundred per mensem. "

14 Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Sh. Hira Lal, Asstt. Director (Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/19

DISCIPLINARY PROCEEDINGS CASE AGAINST SH.HARISH CHANDER VATS, DY. DIRECTOR(RETD.) RETIRED ON 30.06.2013

RDA NO.1/VIG/DUSIB/32/2013

1 A source information was received in Vigilance Branch, DUSIB, which revealed that in the garb of allotment of flats to riot victims of 1984, some fraudulent allotments of Slum flats were made at Jahangirpuri, Delhi by the DUSIB officials in connivance with some property dealers etc. It was further revealed that MCD has issued directions for providing in-situ regularisation of genuine victims of 1984 riots on the basis of eligibility letters issued by Divisional Commissioner and by charging cost of Rs. 37,600/- per flat. The cut-off date for coming into possession/ trespassing by riot victim was fixed up to 30/4/1985. Other trespassers were to be dealt separately and a cost of Rs. 3, 00,000/- was to be charged from them for each flat. During the investigation, the allotments files in respect of many flats were scrutinised. It revealed that the INSITU regularisation/ allotments of flats bearing No. C-9-Z and C-15-Z were prima-facie bogus.

2 Show Cause Notice dated 27.5.2013 was issued mentioning lapses on part of Sh. Harish Chander Vats which was replied by him on 4.6.2013. He had made allotment in respect of flat no. C-9-Z and C-15-Z in favour of Sh. Manjit Singh and Sh. Sarabjit Singh respectively without caring that both flat no. C-9-Z and C-15-Z were required to be sealed as per orders of Addl. Commissioner. The flat bearing No.C-15-Z was even already sealed on 29.01.09. In case of INSITU regularisation, the current physical possession of the allottee was first required to be ensured which was not done by Sh. Harish Chander Vats. As per report of J.E. in the file concerned, the flat bearing No. C-9-Z was trespassed on 9.2.96 and flat No. C-15-Z was trespassed on 9.02.95. As such Sh. Manjit Singh as well as Sh. Sarabjit Singh was not riot victims but subsequent trespassers. Thus allotments made by Harish Chander Vats in favour of both Sh. Manjit Singh and Sh. Sarabjit Singh were not in accordance with the relevant rules. The allotments were made by Harish Chander Vats without getting de-sealing/non sealing orders from the Competent Authority. He did not put up to inform to the concerned SDM and did not request to reconsider the eligibility

letter as on 11.7.2008 the Addl. Commissioner had ordered to seal the flat bearing No. C-9-Z and C-15-Z, Jahangirpuri, Delhi.

3 Sh. Harish Chander Vats did not get the survey of the site conducted to ensure that the applicants were in actual undisputed physical possession of flat bearing No. C-9-Z and C-15-Z, Jahangirpuri, Delhi.

4 Sh. Harish Chander Vats was working as Dy. Director during the year 2009-10 in Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). He was duty bound to make allotment of Slum flats situated at Jahangirpuri pertaining to Slum & JJ Department of MCD in accordance with the relevant rules and other directions of higher authorities. While working as Dy. Director, he committed grave misconduct.

5 In pursuance to sanction accorded by the Chairman (DUSIB) under Rule 9 of the CCS (Pension) Rules, 1972, for instituting departmental proceedings against Sh. Harish Chander Vats, Dy. Director (Retd.), the Central Vigilance Commission's first stage advice was sought. The Commission, vide OM No.013/DLH/064-220490 dated 22.07.2013, in agreement to DUSIB, advised to initiate Disciplinary Proceedings for major penalty against Sh. Harish Chander Vats, Dy. Director (Retd.).

6 Accordingly, a charge sheet was issued to him vide memorandum No. D/1021/DD (Vig.)/DUSIB/2013 dt. 13/8/2013 on following counts:

i) Sh. Harish Chander Vats malafidely made allotment in respect of flat no. C-9-Z and C-15-Z, Jahangirpuri, Delhi in favour of Sh. Manjit Singh and Sh. Sarabjit Singh respectively while both flats were required to be sealed as per orders dated 11.7.2008 of Addl. Commissioner. The flat bearing No.C-15-Z was even already sealed on 29.01.09.

ii) As per report of J.E. in the file concerned, the flat bearing No. C-9-Z was trespassed on 9.2.96 and flat No. C-15-Z was trespassed on 9.02.95. As such Sh. Manjit Singh as well as Sh. Sarabjit Singh were not riot victims but subsequent trespassers. But allotments were made by Sh. Harish Chander Vats in favour of both Sh. Manjit Singh and Sh. Sarabjit Singh in violation to resolution No. 27 dated 7.04.03 passed by MCD.

iii) The allotments in respect of flat no. C-9-Z and C-15-Z, Jahangirpuri, Delhi were made by Sh. Harish Chander Vats without getting de-sealing/non -sealing orders from the Competent

Authority which was in disobedience to the orders dated 11.7.2008 of the Addl. Commissioner.

- a. He did not inform to the concerned SDM and did not request to reconsider the eligibility letter as on 11.7.2008 the Addl. Commissioner had ordered to seal the flat bearing No. C-9-Z and C-15-Z, Jahangirpuri, Delhi.
- b. He did not get the survey of the site conducted to ensure that the applicants were in actual undisputed physical possession of flat bearing No. C-9-Z and C-15-Z, Jahangirpuri, Delhi.
- c. He failed to supervise to Sh. Mahavir Singh, LDC & Sh. Arun Kumar Mathur, A.D.

7 The above acts of Sh. Harish Chander Vats, Dy. Director (Retd.) amounts to grave misconduct, lack of integrity, lack of devotion to duties and dereliction towards his duties in such a manner which is unbecoming of a government servant thereby violating rule 3 (1) (i) (ii) (iii), & 3(2) of the CCS (Conduct) rules 1964 which renders him liable for disciplinary action.

8 The C.O. had denied the charges leveled against him and vide order no.D-292/DD(Vig)/DUSIB/2014 dated 03/03/2014, the Disciplinary Authority had appointed Sh. Rohit Kumar, SE(Retd.), DDA as Inquiring Authority.

9 The Inquiry Officer has held that the charges are "Not Proved" against the Charged Officer on the basis of the listed documents and depositions of the PWs as well as the written briefs of PO and CO. The I.O. report is based, primarily on the argument submitted by C.O. that no orders dt. 11/07/2008 of the Addl. Commissioner for sealing the flat no. C-9-Z and C-15-Z Jahangir puri neither were available in the file nor come to his knowledge. He also pointed out that he could not have challenged the authenticity of the eligibility letter issued by the SDM after completing all the formalities. He further, stated that the temporary allotment letters were issued after completing all formalities by his subordinate and Assistant Director.

10 A copy of inquiry report has been served upon the charged officer vide no.D-471/DD(Vig)/DUSIB/2016 dt. 20/07/2016. The charged officer, Sh. Harish Chander Vats, Dy. Director (Retd.), vide his submission has accepted the findings of inquiry report and

further requested for exoneration from the charges levelled against him.

11 As per office order no.PA/DIR (Admn.)/2011/D-200 dt. July, 28, 2011, there are two categories in respect of retired employees 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 misconduct. The Board in its meeting held on 22/06/2011 ordered as under:

- (i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).
- (ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, 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. (in respect of employees at category (ii) above).
- (iii) The UPSC and CVC will be consulted wherever applicable.

12 Sh. Harish Chander Vats, Dy. Director (Retd.) is a group 'A' retired employee. As per the above order, the Charged Officer falls under the category (ii).

13. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

“ The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. Three thousand five hundred per mensem. “

14 Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Sh. Harish Chander Vats, Dy. Director (Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/20

DISCIPLINARY PROCEEDINGS CASE AGAINST SH. S. K. AGGARWAL, ASSISTANT ENGINEER (RETD) RETIRED ON 30.09.2013

RDA NO.1/VIG/DUSIB/59/2015

1. Shri S.K. Aggarwal, the then Asstt. Engineer (since retired), was looking after the charge of the post of Executive Engineer in Building Deptt., S.P. Zone of the MCD during the period 28.4.2011 to 13.10.2011. He was duty bound to stop/demolish the unauthorised construction/ deviation at its initial on-going stage. He was also duty bound to timely book the unauthorised construction/deviations for taking action u/s 343/344 of the DMC Act. He was also duty bound to initiate action for sealing the unauthorised construction u/s 345-A and for prosecution of the owner/builder u/s 332/461 or 466-A of DMC Act. He was also duty bound to exercise proper supervision and control over the functioning of his subordinate staff.

2 On 31.5.2011, the Hon'ble High Court in WP (c) No.3853/2011 directed the MCD to take action against the unauthorised construction in property No.3395-97, Galli Lallu Missar, Sadar Bazar within six weeks and to submit status report in this regard. The property was booked by Sh. Arvind Mukhraiya, JE (Bldg.) on 23.5.2011 vide file No.74/B/UC/SPZ/11 and show cause notice was issued to the owner on the same date. Demolition order was also passed on 9.06.2011 but no demolition action was taken up to 15.7.2011 for the reason that in the meantime owner filed an application on 8.6.2011 vide file No.98/R/SPZ/11 for regularization of property. Sh. Nutan Gupta, AE was competent to approve/reject the said application but he provided ample opportunity to owner to provide reply to letter dated 14.6.2011 and finally rejected the application only on 1.12.2011 whereas he was duty bound to decide the application in time-bound manner being court case as a result of which demolition action was withheld up to 1.12.2011. After rejection of the application, the Bldg., Deptt., S.P. Zone taken part demolition action on 9.1.2012 vide which roof of shops at GF was demolished. The owner/builder again moved a file for regularization on 13.1.2012 vide file No.188/R/SPZ/12 which was rejected by Sh. Nutan Gupta, AE only on 24.4.2013 vide No.482/AE(B)/SPZ/13 dated 25.4.2013. During this period, the Bldg. Deptt. Should have taken appropriate decision in the case of regularisation on priority but instead rejected it on 24.4.2013 which transpires that regularization application

of said property remained pending during the period 8.6.2011 to 1.12.2011 and again w.e.f. 13.1.12 to 25.4.2013 in spite of the fact that the matter was to be placed before Hon'ble High Court of Delhi in time bound manner.

3 Sh. S.K. Aggarwal, the then Asstt. Engineer (since retired) was looking after the charge of Executive Engineer, Building Department of MCD. From the foregoing, it is evident that Sh. S.K. Aggarwal, failed to maintain absolute integrity, devotion to duty and committed gross misconduct in as much as he failed to comply with the orders passed by the Hon'ble High Court of Delhi in WP(C) No.3853/2011 to get demolished the unauthorised construction within 06 weeks carried out in property No.3395-97 Gali Lallu Missar, Sadar Bazar and to submit the status report thereof. He failed to initiate action for sealing the unauthorised construction u/s 345-A of DMC Act. He also failed to initiate prosecution action against the owner/builder u/s 332/461 or 466-A of DMC Act. He also failed to exercise proper supervision and control over the functioning of his subordinate staff.

4 He, thereby, contravened Rule 3(I) (i) (ii) (iii) & 3 (2) of CCS(Conduct)Rules, 1964 as made applicable to the employees of DUSIB.

5 Accordingly, a charge sheet for major penalty proceeding under rule 9 of CCS (Pension) rule-1972 was issued to Sh.S.K.Aggarwal, A.E.(Retd.) vide D-591/DD(Vig)/DUSIB/2015 dt. 05.10.2015 after necessary approval of Chairperson, DUSIB. In the charge sheet it was alleged that:

Shri S.K. Aggarwal, the then Asstt. Engineer(since retired) while looking after the charge of Executive Engineer in Building Deptt., S.P. Zone during the period 28.4.2011 to 13.10.2011 failed to maintain absolute integrity, devotion to duty and committed gross misconduct on the following counts;

a He failed to comply with the orders dated 31.5.2011 passed by the Hon'ble High Court of Delhi in WP (C) No.3853/2011 to get demolished the unauthorised construction within 06 weeks carried out in property No.3395-97 Gali Lallu Missar, Sadar Bazar and to submit the status report thereof.

b He failed to get initiated action for sealing the unauthorised construction u/s 345-A of DMC Act.

c He also failed to get initiated prosecution action against the owner/builder u/s 332/461 or 466-A of DMC Act.

d He also failed to exercise proper supervision and control over the functioning of his subordinate staff.

He, thereby, contravened Rule 3(I)(i) (ii) (iii) & 3 (2) of CCS(Conduct)Rules, 1964 as made applicable to the employees of DUSIB.

6 The C.O. had denied the charges. Accordingly, Sh. K.R.Kishore, DANICS (Retd.) was appointed to inquire into charges framed against Sh. Sh.S.K.Aggarwal, A.E.(Retd.). The Inquiry Officer in his inquiry report has held the charges as proved against the charged officer on the basis of argument submitted by the C.O. that he was not aware of the orders of Hon'ble High Court seems not supporting the case of C.O. Similarly, the contention of C.O. that demolition action was to be taken by AE/JE is wrong. Though the main responsibility lies on JE/AE yet as supervisory authority EE i.e. C.O. cannot be absolved of his responsibility. Therefore, on the principle of preponderance of probability the charge against the C.O. that he failed to get demolished the unauthorized construction in compliance of the Hon'ble High Court dt. 31/05/2011 stands proved.

7 The copy of the inquiry report was served to Sh. S.K.Aggarwal, A.E.(Retd.) /Co vide letter No.D-463/DD (Vig.)/DUSIB/2016 dated 19.07.2016.

8 The C.O. has submitted his detailed reply to the inquiry report, He has mainly stated that the findings of the learned I.O. are contrary to the evidence which have come on record during the inquiry proceeding. The Inquiry Officer has himself mentioned in the inquiry report that the prosecution have not placed any direct evidence to indicate the court orders were placed before the C.O./brought to his knowledge, yet from the material available on record, presumption may be drawn. He has further stated that "though prosecution seems to have not placed and direct evidence to indicate said court orders were placed before the C.O./brought to his knowledge, yet from the material available on record, presumption may be drawn that it is unlikely that such order might not have been placed/brought to the notice/knowledge of EE(B)/SP Zone who happened to be the supervisory authority of JE & AE." Regarding 2nd and 3rd charge he has stated that the charges were held as proved which is contrary to the deposition of the prosecution witnesses.

9 In view of above submissions, he has requested for exoneration from the charges framed against him.

10 As per office order no.PA/DIR (Admn)/2011/D-200 dt. July, 28, 2011, there are two categories in respect of retired employees 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 misconduct. The Board vide its decision in the meeting held on 22/06/2011 ordered as under:

i) The Board delegates its power to their respective Disciplinary Authority as if they were continued in service. (in respect of employees at category (i) above).

(ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of IO and PO, 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. (in respect of employees at category (ii) above).

(iii) The UPSC and CVC will be consulted wherever applicable.

11 Sh. S.K.Aggarwal, Assistant Engineer (C)/Charged Officer is a group B retired employee. As per the above order, the Charged Officer falls under the category (ii).

12. The Disciplinary Proceedings against the charged officer are covered under Rule 9 of CCS (Pension) Rules, and have to be considered accordingly. The relevant portion of Rule 9 of CCS (Pension) Rules is reproduced below:

" The President Reserves to himself the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or a gratuity of the whole or part of any pecuniary loss cause to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of Rs. Three thousand five hundred per mensem. "

13 Accordingly, the facts as above are placed before the Board for consideration and taking final decision in the matter of Disciplinary proceeding (as the BOARD may deem fit) against Sh. S.K. Aggarwal, Asstt. Engineer (Retd.)/Charged Officer, DUSIB.

AGENDA ITEM NO. 17/21

**AGENDA FOR REVISION PETITION FILED BY SH. RAMESH ARORA,
UDC (NOW RETIRED) RETIRED ON 31.01.2015 AGAINST THE ORDERS
OF APPELLATE AUTHORITY**

RDA NO.1/VIG/DUSIB/08/2011

1 A flat no. A-382D, New Ranjeet Nagar, New Delhi was allotted in the name of Sh. Rafiq Ahmed initially and possession of the same was given to Sh. Rafiq Ahmed on 22.09.1985. The said flat was purchased by Sh. M. K. Chotiwalla Tripathi on 10.05.1988. Sh. M.K. Chotiwalla was declared as trespasser and a Criminal Proceedings was initiated against him for offences u/s 448/506 IPC and Section 3 of Public Property Damage Act. Sh. M.K. Chotiwalla filed a Petition in the court of Sh. R.S.Verma, Addl. Session Judge. The Hon'ble Court was satisfied that the case of the Petitioner (Sh. M.K. Chotiwalla) was entitled for transfer of above said Slum tenement in his favour. Consequently, a Committee of Four Members was also constituted by the Addl. Commissioner(S&JJ) to examine the authenticity of the documents. After considering the documents, Committee recommended for allotment of Flat no.A-382D New Ranjit Nagar in favour of Sh. M.K. Chotiwalla on the basis of judgement of Hon'ble Court of Sh. R.S. Verma, Addl. Session Judge, Delhi.

2. In the meantime, Sh. Ramesh Arora, UDC was also making representation before the Hon'ble PGC that flat no.A-382D; New Ranjit Nagar is trespassed by Sh. M.K.Tripathi. The PGC vide order dt. 28.06.2010 directed to take disciplinary action against Sh. Ramesh Arora, UDC for filing complaints against the bonafide orders of Slum & JJ department, MCD and violating conduct rules, if this is so established.

3. Accordingly the matter was investigated and a charge-sheet bearing memorandum **No.D-414/Dir.(Vig.)/DUSIB/2011 dated 30.8.2011** was issued to Sh. Ramesh Arora, UDC (now retired). In the charge-sheet it was alleged that:

In the year 2009-2010, Sh. Ramesh Arora while working as UDC in erstwhile Slum & JJ Department of Municipal Corporation of Delhi(Now Delhi Urban Shelter Improvement Board) appeared in the public Grievances Commission and leveled false allegations against the erstwhile Slum and JJ Department of MCD(now DUSIB). The PGC had desired to take appropriate disciplinary action against Sh. Ramesh Arora. During investigation serious

irregularities were found committed by Sh. Ramesh Arora, UDC as given below:

- a. Sh. Ramesh Arora, UDC attended PGC on many dates as mentioned in the order of PGC without taking any leave for said purposes while remaining on duty in office. The attendance before the PGC by Sh. Ramesh Arora was not an official task.
- b. He levelled false allegations against the bonafied orders/working of the erstwhile Slum & JJ Department (now DUSIB) before the Hon'ble PGC. By doing so, he has brought a bad name /image of the department and its officers. Such acts of public servant are serious misconduct and amounts to wilful contempt of the authorities.
- c. During the course of hearing before the Hon'ble PGC, GNCTD, he concealed his identity that he was an employee of the erstwhile Slum & JJ Department (now DUSIB).
- d. Further, he also mentioned wrong residential address of 22, Village Rangpuri, P.O. Mahipalpur, New Delhi-37, in the complaint made to the PGC, GNCTD with a view to mislead the Hon'ble PGC while he is not residing there. This all was done by him to get undue benefit by showing himself to be a bonafide/genuine complainant/person the public while in fact, he was/is an employee of the erstwhile Slum & JJ Department (now DUSIB).

4 The above acts of Sh. Ramesh Arora, UDC amounts to grave misconduct, lack of integrity, lack of devotion and dereliction towards his duties in such a manner which is unbecoming of Govt. Servant thereby violates Rule 3(1)(i)(ii)(iii) of CCS(Conduct) rules, 1964 which renders him for departmental action.

5 Sh. Ramesh Arora, UDC/C.O. did not admit the charges therefore Sh. Vivin Ahuja, Director, DDA was appointed as Inquiry Officer to look into the charges against Sh. Ramesh Arora, UDC.

6 The inquiry officer held that the charges framed against the C.O. are held "**Partly Proved**" on the ground that the complaint is unrelated to the functions and activities of Slum & JJ Employees Union. The complaint is regarding alleged allotment to an unauthorized person and as such the same is outside the scope of work of the aforesaid Employees Union. Therefore, CO's action to lodge a complaint in his capacity as President of the Employees Union was unwarranted. Rather, CO has misused his

position by making an allegation against the Deptt. in which he is himself employed. Thus, making a complaint against the Deptt. by CO was not a bonafide action.

7 The prosecution produced copy of orders dt. 28.6.2010 of Public Grievances Commission. It is evident from the order that complainant, i.e., CO was not present on the date of hearing. There is no evidence on record to show that the complainant appeared before Public Grievance Commission on that day. Thus the element of charge that complainant appeared before Public Grievance Commission is not proved.

8 A Copy of inquiry report was served upon the Charged Official vide D-723/DD(Vig.)/DUSIB/2014 dated 5.6.2014 for his comments.

The matter was placed before the disciplinary authority with his comments dated 24.06.2014.

9 After considering inquiry report, defence brief, representation of C.O. and documents placed on record, the Disciplinary Authority had imposed a penalty of "Reduction in pay in present time scale of pay by three stages till 31.12.2014 with cumulative effect." vide office order No.D-1227/DD/Vig./DUSIB/2014 dated 05.09.2014.

10 The Charged Official filed an appeal dated 07.10.2014 before Appellate Authority/CEO, DUSIB against the order of Disciplinary Authority.

11 A personal hearing was granted to the C.O. on 17.11.2014. After assessing the facts and circumstances of the case, the Appellate Authority reduced the penalty imposed upon him and accordingly a penalty of "Reduction in pay in present time scale of pay by three stages till 31.12.2014 without cumulative effect." was imposed upon him vide office order No. I/237/2015 dated 14.01.15.

12 Sh. Ramesh Arora, UDC (now retired) filed a revision petition, before the "BOARD" stating therein that the inquiry officer has not proved the charge of appearing in PGC while levelling of allegation in PGC was proved. He further stated that he did not understand as to how it is possible without appearing, one can level allegation? Accordingly, prayed for revision of orders of Appellate Authority.

13 In this case, as per office order no.PA/DIR (Admn)/2011/D-200 dt. July, 28, 2011, the "BOARD" is the competent Authority to decide revision petition.

14 Accordingly, the facts as above are placed before the BOARD for consideration and decision into the revision petition in respect of Sh. Ramesh Arora, UDC (now retired).

TABLE AGENDA ITEM

The Central Civil Services(Revised Pay) Rules,2016, as notified by the Govt. of India, Ministry of Finance, Department of Expenditure vide notification No. 721 (E), dated 25th July 2016 duly endorsed by the Finance (Estt.-III), Department, Govt. of NCT of Delhi vide No. F.(21)/Fin.(Estt.-II/07CPC/2016/dsv/870 dated 16.8.2016 has been adopted in Delhi Urban Shelter Improvement Board and a Circular to this effect has also been issued vide endorsement No. GA/1070(2)/Admn.-II/2016/D-1404 dated 01.09.2016.

The matter is placed before Board for kind information.