



Agenda Notes for the 22<sup>nd</sup> Meeting of  
Delhi Urban Shelter Improvement Board (DUSIB)  
GOVT. OF NCT OF DELHI  
13.07.2018

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

INDEX

S. No.	SUBJECT	PAGE No.
22/1	Confirmation of the Minutes of 20 <sup>th</sup> & 21 <sup>st</sup> Meeting of the Board held on 22.08.2017.	1
22/2	Action Taken Report on the Minutes of the 20 <sup>th</sup> & 21 <sup>st</sup> Meeting of the Board.	2-5
22/3	Proposal for Making Community Toilet Complexes meant for Dwellers of JJ Bastis/Slum Areas, Free of User Charge wef 1 <sup>st</sup> January, 2018.	6
22/4	Ratification of Administrative approval and expenditure sanction for 4 nos. works of operation management & maintenance of Jan Suvidha Complexes under jurisdiction of D.U.S.I.B.	7-8
22/5	Issue of Making Community Toilets available to Slum dwellers "Free of Cost" regarding toilets under 30 year maintenance contracts.	9
22/6	Accord of A/A&E/S for providing portable toilets as service facility including operation, management and maintenance at various locations under Circle I & II. or any other location where water supply and sewage facility are not available and to call e-tenders for the same.	10-11
22/7	Ratification of the approval/ information for the "Appointment of agency for conducting demand survey and MIS Entry of Household in 675 JJ Basties in Delhi".	12-13
22/8	Accord of approval by DUSIB Board for construction of building for providing facilities of Old Age Home/ Barat Ghar/ Library/ Parking etc in Mangolpuri Assembly constituency(AC-12) as deposit works under the scheme of "Improvement of SC/ST	14-15

	Basties in Delhi "	
22/9	Works related to development and maintenance of parks/ shishu vaticas/nursery under the jurisdiction of DUSIB to be charged to H/A-Shishu Vatika. Development & Maintenance of parks/shishu vaticas on contract basis for a period of one year.	16-17
22/10	Construction of Mini Stadium/Sports Complex at wood land near CRPF Camp, Tilak Vihar.	18
22/11	DUSIB Budget (2018-19)	19-23
22/12	Providing Rs. 100.00 Cr. as lumpsum grant for discharging the GPF liability of DUSIB employees.	24-26
22/13	Delegation of Enhanced Financial Powers to Chief Engineers.	27
22/14	Relocation of (i) JJ Basti Sanjay Basti Timarpur, (ii) JJ Basti Kushak Nala between INA market and (iii) East Kidwai Nagar and JJ Basti Sunder Nagri Park, G-4 Block- High Court matters.	28
22/15	Policy for change of floor for persons with disability.	29
22/16	Regarding cost of flats constructed under JNNURM by DUSIB and DSIIDC.	30
22/17	Allotment of flats constructed under JNNURM scheme to registered waitlisted applicants of 1985 Special Registration Scheme.	31-35
22/18	Allotment of land for construction of Police Station & Staff Quarter at Khasra No. 440 & 441 near Gurudwara, SRS Colony, Bhalswa Dairy, Delhi	36
22/19	Allotment of additional land to DHS measuring 1.18 Acre at Madipur for hospital.	37-38
22/20	Issuance of NOC for opening /establishment of Aam Aadmi Mohlla Clinic (AAMC) in the form of Porta Cabin /Semi permanent structure and in	39-42

	Night Shelter/BVKs on the land belonging to DUSIB - ratification thereof from the Board regarding	
22/21	Ratification of approval for Extension of present agreements of SMAs/ NGOs for Operation and Management of Night Shelters for a period of 3 months w.e.f. 01.08.2018 to 31.10.2018.	43
22/22	Information in respect of 59 Muster Roll Employees engaged on various assets of DUSIB w.e.f the year 2004-2005.	44
22/23	Extension of tenure of engagement of Shri R.K. Gupta, Retd. Superintending Engineer as Consultant.	45
22/24	Extension of tenure of engagement of employees on Contract Basis	46
22/25	Extension of tenure of engagement of employees engaged against vacant posts of Jr. Stenographers and Patwaris on contract basis.	47
22/26	Re-employment of Retired employees of DUSIB.	48
22/27	Continuation of the Post of Chief Engineer.	49-50
22/28	Adoption of Recruitment Regulations for Recruitment/Promotion of the employees of DUSIB	51
22/29	(A) Information regarding hiring the services of Data Entry Operators (DEOs) and (B) I.T. Professionals (1 No. System Analyst and 3 Nos. Programmers) against vacant posts in DUSIB.	52-53
22/30	Scheme for grant of free-hold rights to residents/ occupants of JJ tenement situated in 6 JJR colonies of Delhi	54-55
22/31	Disciplinary proceedings case against Sh. G.L. Gupta, Dy. CA (Retd. u/s)- Retired on 31.10.2011.	56-72
22/32	Disciplinary proceedings case against Sh. O.P. Nasa, B&FO (Retd. u/s)- Retired on 30.09.2010.	73-86

22/33	Disciplinary proceedings case against Sh. Ajay Pal Mitra, A.O.(Current duty) (Retired U/S)- Retired on 30.09.2012.	87-100
-------	--	--------

## Annexures

Agenda No.	Details of Annexures	Page No.
22/03	Annexure A – Minutes of Meeting dated 04.12.2017.	1-3
	Annexure B – Approval of Chairman DUSIB/Hon'ble CM dated 29.12.2017.	4-8
22/05	Annexure A – Approval of VC, DUSIB/Hon'ble Minister UD, GNCTD dated 23.03.2018.	9-12
22/08	Annexure I – Minutes of Meeting dated 11.05.2018.	13-14
22/09	Annexure A – Status of Shishu Vatikas/Parks in DUSIB.	15-29
	Annexure B – Components of Horticulture Works.	30
	Annexure C – Expenditure Statement to be incurred for Horticulture Development.	31
22/10	Annexure A – Letter dated 09.03.2018 of Sh. Parvesh Sahib Singh, Hon'ble MP.	32-33
	Annexure B – Letter dated 13.04.2018 of Sh. Jarnail Singh, Hon'ble MLA.	34
22/12	Annexure A – Agenda & Minutes of 19 <sup>th</sup> Meeting.	35-42
22/15	Annexure I – Office Memorandum dated 09.10.2006.	43-46
22/16	Annexure I – Report dated 23.10.2017 of the Committee.	47-49
	Annexure II – Copy of Approval of Hon'ble Vice Chairman.	50-54
	Annexure III – Copy of Letter dated 11.12.2017.	55-56
22/17	Annexure I – Copy of New Terms & Conditions.	57-58
	Annexure II – Note dated 03.07.2018 of Hon'ble CM.	59
	Annexure III – Copy of Initial Terms & Conditions.	60-66
22/19	Annexure I – Copy of in principal approval of LG conveyed by Pr. Secy. to LG on dated 09.05.2008.	67-68
	Annexure II – Copy of Calculation Sheet.	69
22/21	Annexure A – Approval of Hon'ble CM.	70-73
22/22	Annexure A – List of Muster Roll Employee.	74-77
22/23	Annexure A – Office Memorandum dated 04.12.2015 issued by Finance (Accounts Deptt.), GNCTD.	78-80
	Annexure B – Office Order dated 27.09.2017.	81
	Annexure C – Copy of Agenda Item No. 20/08.	82
22/24	Annexure A – Establishment Order dated 19.01.2010.	83-84
	Annexure B – Circular No. RPA-VIII/CED(C-I)/2208/RK/68 dated 16.12.2008.	85-86
22/25	Annexure A – Establishment Order dated 06.09.2001.	87-88
	Annexure B – Establishment Order dated 30.06.2000.	89

22/26	Annexure A – Copy of Letter dated 07.09.2017. Annexure B – Copy of Letter dated 04.12.2015.	90 91-93
22/30	Annexure 1 – Copy of Letter dated 12.07.2013. Annexure 2 – Copy of Order dated 08.05.2018. Annexure 3 – Copy of Letter of Hon'ble MLA, Sh. Sahi Ram, dated 22.05.2018.	94-96 97-98 99

**AGENDA ITEM NO. 20/1**

**CONFIRMATION OF THE MINUTES OF THE 20<sup>th</sup> & 21<sup>st</sup> MEETINGS OF THE BOARD HELD ON 27.10.2017 & 10.02.2018 RESPECTIVELY.**

The minutes of the 20<sup>th</sup> & 21<sup>st</sup> Meetings of the BOARD held on 27.10.2017 & 10.02.2018 respectively were approved by the Hon'ble Chairman, Delhi Urban Shelter Improvement Board / Chief Minister, Govt. of NCT of Delhi. The approved minutes were circulated vide letter No. Meeting Cell/DUSIB/DD(Board)2017/D-138 dated 07.11.2017 & DD(Board)/DUSIB/2018/D-08 dated 13.03.2018 respectively for the kind information of all Members of the BOARD. No observation/comment has been received from any Member.

Hence, Board may confirm the Minutes of the 20<sup>th</sup> & 21<sup>st</sup> Meeting held on 27.10.2017 & 10.02.2018.



**AGENDA ITEM NO. 22/02**

**ACTION TAKEN REPORT ON THE MINUTES OF THE 20<sup>th</sup> & 21<sup>st</sup> BOARD MEETING.**

<b>S. No.</b>	<b>Agenda Items</b>	<b>Action Taken Report</b>
20/3	Ratification of RFP (Request for Proposal) and Shelter Management Agreement by Board for Management of Night Shelters.	The contract period of agreement for operation and management of Night Shelters by SMAs/NGOs has been extended upto 30.04.2018. As per direction of BOARD, RFP for selection of shelter management agencies has been re-examined and the fresh proposal is submitted to the office of Hon'ble Minister UD, GNCTD for consideration. Some observation has been made and the proposal is being re-examined.
20/4	Winter Action Plan 2017-18 for Night Shelters.	As per the direction of Board, Winter Action Plan has been prepone and executed w.e.f. 15.11.2017.
20/5	Ex-post facto approval for RE 2017-18 and BE 2018-19 of DUSIB.	The Board considered and approved the proposal.
20/6	Action Plan to implement the project for rehabilitation of 99 JJ Bastis on the DUSIB land parcels.	The Board after deliberations deferred the proposal for want of clarification.
20/7	Action Plan for implementation of the Housing Projects already approved by the Board.	The Board took note of the information furnished by the Department.
20/8	Ratification of engagement of consultants.	The Board ratified the proposal for engagement of consultants.
20/9	Appointment of DUSIB as State Level Nodal Agency (SLNA) for the implementation of Pradhan Mantri Awas Yojna (PMAY) – HFA (Urban) and signing of Memorandum of Agreement	The Chairperson desired that Relocation Policy, 2015 and PMAY guidelines may be studied again by the UD Deptt considering the conditions laid down in the scheme of PMAY.

	(MOA) with Ministry of HUPA, Govt. Of India.	Accordingly, the agenda was deferred for want of detailed examination by the UD Deptt. & DUSIB.
20/10	Transfer of 24 Squatters Resettlement Scheme (SRS) Colonies from DUSIB to concerned Municipal Corporations and Delhi Jal Board for the maintenance of civic amenities.	Pr. Secy. (UD) has not issued any direction in this regard. However, a meeting was convened under the chairmanship of Hon'ble Minister UD on the issue of maintenance of SRS colony on dated 29.06.2018. During this meeting decision for one specific SRS colony at Madan Pur Khadar Ph-III was taken that the maintenance work shall be taken up by DUSIB. Case for provision of budget and decision of had of A/c for taking up of works is being sent to UD department for further instruction.
20/11	Review of Plan Expenditure 2017-18.	The Board took note of the Agenda.
	<b><u>Table Agendas</u></b>	
1	Rehabilitation of JJ Cluster – availability of flats under JNNURM Scheme	Pr.Commr.,DDA informed that DDA does not have flats to accommodate the evictee families and if DUSIB agrees to give flats constructed under JNNURM Scheme on land cost plus construction cost basis for relocations of the dwellers of this JJ Basti, DDA will bear the cost. Accordingly, it was decided to finalize an action plan with DDA and also if required to work out the cost of the flats to be conveyed to DDA.
2.	Making Community Toilets available to slum dwellers 'free of cost'.	The Board approved the proposal for making these community toilets free of cost w.e.f. 01.01.2018. It was also decided that the funds

		for operation and management of these community toilets will be reimbursed by Delhi Govt.
	<b>21<sup>st</sup> Board Meeting</b>	
21/1	<p>(i) In a week's time get a report prepared for each Community Toilet Complex including videography of each Community Toilet Complex. The report should include but not limited to the steps of cleanliness, availability of water and electricity connection etc. S/Sh. Bipin Rai, Member and A.K. Gupta, Member will monitor the preparation of this report. CEO shall provide all resources and ensure its completion within a week. The copy of the report alongwith videos should reach each Member latest by 20<sup>th</sup> of February, 2018.</p> <p>(ii). CEO shall personally visit five Community Toilet Complexes every day starting from 11.02.2018 for one week upto 17<sup>th</sup> of February, 2018 at 6 AM every day when there is maximum usages of Community Toilet Complexes. CEO shall have videos made of each Community Toilet complex during his personal visit in his presence</p>	<p>As directed/ desired each Toilet Community Complex was inspected under the supervision of Sh. A.K.Gupta &amp; Sh. Bipin Rai, Members of Board along with 05 SBM Teams headed by Executive Engineers in coordination with concerned Engineering Divisions. The detailed compiled report along with videography of each toilet complex and a storage pen drive containing videos of inspection was sent to the Special Secretary to C.M vide No. No: F/10976/SE Coord(17)/report of/C.Toilet/2018/D- 174 Dt:28.03.18. A copy of the same was also sent to Hon'ble Minister of UD GNCTD and all other Members of the Board.</p> <p>In compliance of the decision taken in the Board meeting surprise inspections of Toilet Complexes were carried from 11.02.2018 to 17.02.2018 by the CEO, DUSIB along with the Chairperson/ Representatives of Delhi Commission for Women. The report of inspections carried out was sent to the Special Secretary to C.M vide No. No: F/10976/SE Coord (15)/Inspection of JSC/2018/D- 90 Dt:23.02.18 along with the DVDs</p>

<p>and send to all the Members present during the visit. CEO shall be accompanied by representative of Delhi Commission for Women (DCW). These will be surprise visits. Locations of Community Toilet Complexes shall be decided by DCW every day. Wherever available, the local MLA shall also accompany. If any Board member wishes to accompany he may do so.</p>	<p>containing videos of the inspection</p>
--	--

**AGENDA ITEM NO.22/03**

**Proposal for Making Community Toilet Complexes meant for Dwellers of JJ Bastis/Slum Areas, Free of User Charge wef 1<sup>st</sup> January, 2018.**

1. A Table Agenda for making Community Toilet Complexes of DUSIB, "Free of User Charge" in place of earlier "Pay & Use Scheme" at an estimated cost of Rs.50.00 crores, was placed in 20<sup>th</sup> DUSIB Board Meeting held on dated 27.10.2017 and a decision vide Minutes of Meeting dated 07.11.2017, was taken by the Board to make available these community toilets free of charges to the slum dwellers with effect from 01.01.2018.

2. Afterwards, a meeting was held under the Chairmanship of Hon'ble Minister, UD, GNCTD on dated 26.11.2017 to review DUSIB works and it was directed by the Hon'ble Minister, UD under Para-2 of Minutes of Meeting dated 04.12.2017 (**Annexure-A**) that atleast 2 toilets each for males & females be kept open in the night all over Delhi.

3. Accordingly, the cost of maintenance of all JSCs on 24x 7 basis was assessed and a proposal for making Community Toilet Complexes (JSCs) meant for Dwellers of JJ Bastis/Slum Areas, Free of User Charge wef 1<sup>st</sup> January, 2018 on 24 x 7 basis at revised estimated cost of Rs.100.00 crores, was submitted to the Chairman, DUSIB/Hon'ble CM, Delhi vide "Annexure-B" on dated 26.12.2018 for approval and the same was approved by the Chairman, DUSIB/Hon'ble CM, Delhi on dated 29.12.2017.

Now, under this Agenda, the following is proposed for approval by the Board:-

4. The proposal vide "**Annexure-B**" already approved by the Chairman, DUSIB/Hon'ble CM, Delhi on dated 29.12.2017, may be ratified by the Board.

## AGENDA ITEM NO. 22/04

### Ratification of Administrative approval and expenditure sanction for 4 nos. works of operation management & maintenance of Jan Suvidha Complexes under jurisdiction of DUSIB.

A table Agenda for making community toilet complexes of DUSIB being used by the dwellers of JJ Basties/Slum area all across Delhi "Free of user charge" was approved in 20<sup>th</sup> Board held on 27.10.2017. Accordingly all JSCs under the jurisdiction of DUSIB were made free of user charge from 01.01.2018. For making free of user charges, various NGOs/agencies were engaged for Operation and Maintenance of toilet complexes by DUSIB.

The proposal for making DUSIB Community Toilet Complexes/JCSs, meant for dwellers of JJ Bastis/Slum areas, free of user charges at an approximate cost of Rs.100.00 crore, i/c Draft NIT for calling tenders for Operation & Maintenance of all JSCs (except those of 30 year contract) in 2 groups through specialized O & M agencies, was also approved by the Hon'ble Chairman, DUSIB/CM, Delhi on dated 29.12.2017. Afterwards, the matter of approval of A/A & E/S and calling of tenders for the O & M of said JSCs was discussed during the meeting held at the Camp office of Hon'ble CM, (Delhi), in presence of Chief Secretary (GNCTD), Advisor to Hon'ble CM(Delhi), CEO (DUSIB), Member (Engg.) on dated 10.01.2018.

In the meeting, it was advised that the tenders for O & M of said JSCs be called in 4 groups (2 groups in each of 2 Zones of DUSIB) so that the work of O & M of all JSCs could be distributed/assigned to four such specialized agencies through contract in order to keep better convenience. This will also be appropriate to assign the work of O & M of any particular agency to other agencies in the event of default on part of that agency. Accordingly, the Preliminary Estimates for the works of O & M of JSCs in 4 groups, have been prepared under the plan head "Pay & Use JSC". The details are as under:-

Group No.	Name of Work	No. of JSCs	No. of WCs	Amount of PE (in crore)	Page Ref. of PE
1	Operation, Management & Maintenance of JSCs (165 Nos.) under jurisdiction of divisions C-1, C-3 & C-4 (Group-1) for one year.	165	5457	25.64	P-69/C to 80/C
2	Operation, Management &	135	4647	21.84	P-81/C to

	Maintenance of JSCs (135 Nos.) under jurisdiction of divisions C-5, & C-6 (Group-2) for one year.				93/C
3	Operation, Management & Maintenance of JSCs (Nos.) under jurisdiction of divisions C-7, C-8 & C-9 (Group-3) for one year.	140	4189	19.69	P-94/C to 109/C
4	Operation, Management & Maintenance of JSCs (....Nos.) under jurisdiction of divisions C-10, C-11 & C-12 (Group-4) for one year.	122	3799	17.85	P-110/C to 122/C
	TOTAL	562	18092	Rs. 85.02 crore	

The Preliminary estimate have been checked in the Planning section of DUSIB. The finance has also accorded financial concurrence to the PEs at P-15/N to 16/N in the file. The provision of O & M of JSCs on 24 hours basis is considered in the PEs as per approved proposal.

The A/A & E/S of 4 nos. of Preliminary Estimate amounting to Rs.85.02 crore were also approved by Chairman DUSIB and Hon'ble CM Delhi with permission to call the tenders for said works in the public interest on 29.01.2018 at P-18/N in the file.

Now the agenda for ratification of "A/A & E/S for 4 nos. of preliminary estimate for the works of "Operation Management & Maintenance of JSCs in Group-1, Group-2, Group-3 and Group-4 amounting to Rs. 25.64 crore, 21.84 crore, 19.69 crore and 17.85 crore respectively under the jurisdiction of DUSIB" accorded by Hon'ble Chairman DUSIB and Hon'ble CM Delhi, is being placed before the Board for consideration.

**AGENDA ITEM NO. 22/05**

**Issue of Making Community Toilets available to Slum dwellers "Free of Cost" regarding toilets under 30 year maintenance contracts.**

1. A proposal for making Community Toilets (JSCs) under 30 year maintenance contracts, available to the slum dwellers "Free of Cost", was submitted to the VC, DUSIB/ Hon'ble Minister, UD, GNCTD vide "Annexure-A" on dated 23.03.2018 for approval and the same was approved by the VC, DUSIB/ Hon'ble Minister, UD, GNCTD on dated 23.03.2018.

Now, under this Agenda, the following are proposed for approval by the Board:-

2. The proposal vide "Annexure-A" already approved by the VC, DUSIB/ Hon'ble Minister, UD, GNCTD on dated 23.03.2018, may be ratified by the Board.

3. The process of making payment to O & M agencies of 30 year contract JSCs @ Paisa 50 per use on average number of users, which was approved by the VC, DUSIB/ Hon'ble Minister, UD, GNCTD upto 30.06.2018 vide "Annexure-A", may be allowed to be continued further upto 31.10.2018 or till such time other alternative is explored, whichever is earlier.



**AGENDA ITEM NO. 22/06**

**Accord of A/A&E/S for providing portable toilets as service facility including operation, management and maintenance at various locations under Circle I & II/ or any other location where water supply and sewage facility are not available and to call e-tenders for the same.**

1. DUSIB has taken up the work of providing toilet facilities in JJ Bastis under its jurisdiction to make the JJ Bastis Open defecation free by providing adequate toilet facilities. It has been noted that at some locations neither the sewage disposal arrangement nor water is available. Apart from it, the land owning agencies also do not permit either pucca or temporary structure with septic tank etc at some of the locations. Providing toilet facilities at such locations is a huge challenge and one of the considered options is to provide portable/moveable toilet cubicles as service facility with end to end solution on the part of service provider. In this type of arrangement the moveable/portable toilet alongwith water/disposal of human waste/care taking facility shall be arranged by the service provider. The service provider shall be paid monthly service charges for the above facilities.
2. In accordance with approval, accorded by the DUSIB BOARD during its 18<sup>th</sup> Meeting held on 06/02/2017, circulated vide minutes of the said meeting vide no. Meeting cell/DUSIB/DD(Board) 2017/D-09 dated 07/02/2017, the DUSIB has been providing Portable toilets at various locations through different agreements with service provider agency(s) with original stipulation of Rs. 1/- as user charge which subsequent to 01/01/2018 has been waived off and the facility is now being provided free of charge to users. The agency is being compensated @ Rs. 900 per toilet seat per month in lieu of making facility free of any user charge in accordance with approval accorded by competent authority. As at present 435 nos. of portable toilet cubicle @ Rs. 4140 + Rs. 900 per cubicle per month as reimbursement in lieu of providing the facility free of any user charges (maximum), have been provided at 25 Nos. of locations and the present proposal covers for the scope of having 700 portable toilet cubicle at 43 Nos. of identified locations in JJ Clusters under DUSiB. However to continue the facility on market determined rates and to arrive at more competitive rates single estimate amounting to Rs. 10,01,75,738/- for all the identified locations under DUSIB, as per directions of the competent authority, which has already been examined by Planning wing, P&M wing and Finance wing of DUSIB.
3. Accordingly the case is placed before the BOARD for :-
  - (i) Accord of approval by BOARD to pay to Work Executing Agency @ 900/- per toilet cubicle per month or an amount arrived at for the number of monthly pass holders whichever is less over and above the awarded rates per toilet

cubicle in lieu of free usage charges till the contract for the present proposal for 700 Portable Toilet Cubicle is awarded by BOARD.

(ii) Accord of A/A&E/S for Rs. 10,01,75,738/- for subject work with permission to invite E-tender and award the entire quantum of work to the eligible agency who quotes lowest rates with the approval of BOARD.

**AGENDA ITEM NO. 22/07**

**Ratification of the approval/ information for the "Appointment of agency for conducting demand survey and MIS Entry of Household in 675 JJ Basties in Delhi".**

1. Hon'ble LG Delhi has nominated DUSIB as Nodal Agency for rehabilitation of JJ dwellers in 176 JJ Bastis on the land of DUSIB + 3 DMCs and other department of GNCTD . and remaining 499 JJ Bastis situated on Central Govt land, DDA is the Nodal Agency for rehabilitation of JJ dwellers residing there.
2. As per decision taken in the meeting chaired by Hon'ble CM Delhi/Chair Person of DUSIB on 15/12/2007, it was decided that survey of JJ Bastis situated on the land of DUSIB, Delhi Govt. & Municipal Corporation of Delhi is to be carried out by DUSIB and for other Central Govt. agencies joint survey may be done by DUSIB along with DDA.
3. The proposal to carry out demand survey of 675 JJ Bastis to be tune of Rs.4.00 Crore was prepared and in principle approval to carry out demand survey and permission to incur expenditure of Rs.4.00 Crore was accorded by Hon'ble CM of Delhi with the directions to place the matter in the next Board meeting.
4. Accordingly, the tenders for the same was invited by the DUSIB and same has been awarded to the lowest agency (L-1) M/s Society for Promotion of Youth & Masses (SPYM) @ Rs.44.80 per household with tendered amount of Rs.1,37,32,141/- vide award letter No. FWC/4450/AL-02/EEC-11/DUSIB/2018-19/D-220 dated 05.07.2018 (Copy attached) with the request to deposit an Rs. 1,73,214/- performance security with in a period of 7 days. The letter of Commencement shall be issued after the receipt of requisite performance security. The stipulated period of completion is 9 months which shall be reckoned from the date of issue of letter of Commencement.
5. The work shall be executed under the supervision of Deputy Director Rehabilitation in coordination of Dy. Director IT, DUSIB.
6. In accordance to the rate received and approved a revised proposal for A/A & E/S for amounting to Rs. 1,87,0,000/- has been framed and approved by competent authority with the following provisions: -
  - (A) Total no. of households/ jhuggies in 675 JJ Basties (Listed) -306521
  - (B) No. of additional households/ jhuggies JJ Basties (Un-listed) in 85 - 15497
  - (C) Total households - 322018
  - (D) Add verification 20% - 64404

(E)	Gross Total (No. of households/ Jhuiggies)	- 386422
(F)	Amount required for the survey @44.80/- per households	- 17311706/- A
(G)	Add 1% contingency of A	-173117/-
(H)	Add 1% QC of A	- 173117/-
(I)	Add 1% labour cess of A	- 173117/-
(J)	Add 5% Departmental charges of A	- 865585/-
	Total Amount	- 18696642/-
	Say Amount	- 18700000/-

7. The expenditure shall be met out from the plan scheme "PMAY" for which Rs. 11.80 crore has been allocated to DUSIB for the financial year 2018-19.

8. The agenda is placed before the Board for appraisal and information please.

**AGENDA ITEM NO. 22/08**

**Accord of approval by DUSIB Board for construction of building for providing facilities of Old Age Home/ Barat Ghar/ Library/ Parking etc in Mangolpuri Assembly constituency(AC-12) as deposit works under the scheme of "Improvement of SC/ST Basties in Delhi "**

1. A letter dated 07.02.2018(P-6/C) from Ms. Rakhi Birla, Hon'ble Area MLA/Deputy Speaker, Delhi Vidhan Sabha, has been received in DUSIB for undertaking various works at the sites of abandoned toilet blocks, for the providing facilities such a Old Age Home/Barat Ghar/Library/Parking etc. on public demand.
2. In fact, there are a number of old toilet blocks which are lying abandoned & unutilized at present in Mangolpuri Assembly Constituency and some of such sites have been desired to be utilized for the construction of building for the purpose as cited above. The sites of abandoned toilet blocks which are to be used for the construction of building, have been inspected alongwith Hon'ble Area MLA/Deputy Speaker and the details of these sites along-with the proposed works are as under :-

S.No	Location of Site	Proposed Work	Land use a per LOP	Available Area of land in Sqm.	Toilet blocks existing at each site
1.	C-Block Mangolpuri	Construction of single storeyed CFC for Recreation Centre	Green	700.00	2 nos. abandoned toilet blocks
2.	A-Block Mangolpuri (Sabzi Mandi)	Construction of double storeyed CFC for Barat Ghar/Library etc	Green	1800.	2nos. abandoned toilet block
3.	K-Block Mangolpuri	Construction of single storeyed CFC for recreation Centre	Green	815.00	2nos. abandoned toilet blocks
4.	S-block Mangolpuri	Construction of single storeyed CFC for library	Green	580.00	1nos. abandoned toilet blocks

3. It is pertinent to mention here that the ownership of lands of said sites of abandoned JSCs, vest with DUSIB. These sites fall in green belts and

may not be utilized for any other purpose. The funds for the construction of above said buildings shall be taken from SC/ST Welfare Scheme of Delhi Govt.

4. In order to resolve the issue of concerned departments responsible for maintenance of said facilities after their construction, a meeting with the officers of Social Welfare Deptt., Hindi Academy (GNCTD) & DUSIB, was convened by the Hon'ble Deputy Speaker in her office on dated 25.04.2018. The Minutes of said meeting dated 11.05.2018, have been received and are annexed as **Annexure I**. During this meeting, the officers of Social Welfare Deptt. agreed to maintain 02 nos. recreation Centers and similarly, the officer of Hindi Academy, GNCTD agreed to maintain 2 libraries, in the " Community Facility Centers (CFC)" to be constructed by the DUSIB.
5. Proposal : The proposal is submitted for accord of approval from DUSIB Board regarding : -
  1. For making request for change of land use and for construction of 02 nos. recreation centers from the scheme of SC/ST Welfare fund and further maintained by Social Welfare Department.
  2. For making request for change of land use and for construction of 02 nos. libraries from the scheme of SC/ST Welfare fund and further maintained by Hindi Academy.

**AGENDA ITEM NO. 22/09**

**Works related to development and maintenance of parks/ shishu vaticas/nursery under the jurisdiction of DUSIB to be charged to H/A- Shishu Vatika.**

**Development & Maintenance of parks/shishu vaticas on contract basis for a period of one year.**

**BRIEF HISTORY**

1. The Horticulture Division of DUSIB under the Head of Account “ Shishu Vatika” takes up the work of Horticulture development and allied works in designated Shishu Vatika in the JJ basties under Plan Scheme of Delhi Government . Further Horticulture development works have also been taken up in the other schemes viz. JNNURM , MLALAD scheme , SC & ST welfare scheme and other scheme of State/Central Government . After completion of project no further funds are provided to DUSIB for maintenance of these Shishu Vaticas/Parks/Green Land . As the maintenance is always required , and in the absence of funds in the related Schemes , the horticulture works taken up earlier gets damaged and the parks / Shishu Vatika’s looks deserted. The budget allocated under the H/A- Shishu Vatika needs to be utilised for all the parks/shishu vatika under the various scheme being executed by DUSIB.

**STATUS OF SHISHU VATIKA / PARKS IN DUSIB**

**i. Total Nos. of Shishu Vatika’s/Parks : 414 Nos.**

**ii. Designated Shishu Vatika’s / Parks in JJ Clusters: 307 Nos.**

**iii. Parks / Shishu Vatika’s in various schemes of EWS Housing :107 Nos.**

**iv. Developed shishu vatika with area greater than 300 sqm. : 92 Nos.**

**v. Shishu vatika to be developed with area greater than 300 sqm : 155 Nos.**

**vi. Shishu Vatika wih area greater than 300 sqm :247 Nos. (Annex “A”).**

2. These Shishu vaticas are scattered all over in the assembly constituencies of Delhi . During this financial year 2018-19, Approximately 247 Nos. of Shishu Vatika of more than 300 sqm. area are proposed to be developed / maintained, through maintenance agencies and remaining 167 nos. shishu vaticas with area less than 300 sqm. shall be maintained by the 28 mallies which are in the department on work charge establishment and muster roll basis.

Various types of works which are taken up in these parks are detailed in Annexure “B”.

The shishu vaticas/parks with area greater than 300 sqm. are proposed to be developed and maintained on contract basis for a period of one year as under :

i. 155 undeveloped shishu vaticas to be developed and maintained through contract.

ii. 92 developed shishu vatika to be maintained through contract.

The departmental staff shall supervise the activities/ services provided by the contract agencies deployed for development & maintenance.

**Proposed Expenditure :** Rs. 1056.30 Lacs. (Annexure "C")

**Budget Provision 2018-19**

**Revenue Expenditure :** Rs.300.00 Lac

**Capital Expenditure :** Rs.150.00 Lac

**Total Budget Provision :** Rs. 450.00 Lac

**Proposal :** The proposal is submitted for accord of approval from DUSIB Board regarding :

I. To utilize the Head of A/C - Shishu vatika for horticulture works in Shishu Vaticas in JJ Clusters, JNNURM Housing Scheme of DUSIB.

II. To accord the approval for development and subsequent maintenance of Shishu vaticas/Parks through contract for a period of one year .



**AGENDA ITEM NO. 22/10**

**Construction of Mini Stadium/Sports Complex at wood land near CRPF Camp, Tilak Vihar.**

1. There is a DUSIB vacant land measuring approximately 6.00 acre at the above said location, earmarked in the Lay-Out Plan at Master Plan of Tilak Vihar as Wood Land and the use of this land is 'Green'.
2. A letter dated 09.03.2018 from Sh. Parvesh Sahib Singh, Hon'ble area MP (West Delhi Lok Sabha) has been received in DUSIB (**Annexure-A**) vide which, it has been desired by the Hon'ble area MP that a mini stadium with stage at an estimated cost of approx. Rs.2.00 crores, be constructed at the said vacant land under MPLAD scheme as there is no such facility available for the benefit of the area as well as the surrounding locality.
3. Afterwards, a letter dated 13.04.2018 (**Annexure-B**) addressed to the Hon'ble Minister, UD, GNCTD, has also been received from Sh. Jarnail Singh, Hon'ble area MLA for construction of an sports Complex under MLALAD Scheme, at the same location. The cost of construction of the Sports Complex would be approximately Rs.10.00 crores.
4. The above matter is placed before DUSIB Board for kind deliberations & Board may kindly take a decision regarding the scheme (i.e. MPLAD Scheme or MLALAD Scheme), under which the above said work may be taken up. Since the land use in master plan and LOP is green so the decision shall be subject to change of land use in Master Plan by DDA.

## AGENDA ITEM NO. 22/11

### Approval of DUSIB Budget for the year 2018-19

1. Delhi Urban Shelter Improvement Board (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. 1<sup>st</sup> July, 2010. The Board executes schemes/projects for improving the quality of life of Slum & JJ Dwellers through various Plan Schemes of Government of NCT of Delhi/Central Govt.
2. DUSIB is an autonomous body of the Government of NCT of Delhi (GNCTD) 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 3,06,600 jhuggies.
3. The Budget for the year 2018-19 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 2018-19 includes actual (Receipts & Expenditure) for the year 2017-18 and Budget Estimates for the year 2018-19 for the approval of the Board which is to be forwarded to GNCTD 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 2017-18 the total revenue receipts of DUSIB were only Rs.2,272.91 Lakh (excluding interest i.e. total revenue receipts Rs.4,147.71 Lakh minus Interest Rs.1,874.80 Lakh), while the revenue expenditure was Rs.13,296.51 Lakh. The revenue deficit in 2017-18 was Rs. 11,023.60 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 by utilizing Capital Receipts.
6. The sources of revenue for DUSIB as per the receipts of 2017-18 were:-

1	CAPITAL RECEIPTS	Rs. in Lakhs
(i)	<b>DEVELOPMENTS OF PLOTS/PROJECTS</b>	
	Residential/Commercial/Institution	2,775.20
(ii)	Liquidation of Tenements	99.82
(iii)	Equated Installment in r/o flats allotted under Spl. Registration Scheme	203.40
(iv)	Liquidation of Stalls/shops under S.C.P	32.51
(v)	Conversion of JJR Plots/Colonies into freehold	23.45
(vi)	Dairy Forms Receipt (Premium)	26.29

(vii)	Allotment of JNNURM Houses under Special Registration Scheme 1985	0
	<b>TOTAL 1</b>	<b>3,161.13</b>

<b>2</b>	<b>REVENUE RECEIPTS</b>	<b>Rs. in Lakhs</b>
<b>(A)</b>	<b>RENT RECEIPTS</b>	
(i)	<b>LICENCE FEE</b>	
(a)	Tenements/ /Residential	9.58
(b)	Commercial including SCP & JJR	0.79
(c)	Institutional allotment	337.36
(d)	Properties in the walled city	28.84
(e)	JJR Plots	0.61
(f)	Staff qtrs.	5.41
(g)	Licencee Fees plus Booking charges from Community Halls	191.13
(h)	Rent from chunks/vacant land	979.03
(ii)	<b>DAMAGES</b>	
(a)	Properties in Walled City & JJR	0.00
(b)	Properties other than in walled city.	4.98
(iii)	<b>GROUND RENT</b>	377.84
	<b>TOTAL 2 (A)</b>	<b>1,935.57</b>
<b>2 (B)</b>	<b>OTHER RECEIPTS</b>	
(i)	Interest	1,874.80
(ii)	Sale of tender forms	23.35
(iii)	Forfeiture of Earnest Money	12.37
(iv)	Maintenance charges of Jan Suvidha Complexes	57.11
(v)	Cleaning Charges and other misc. receipts	143.68
(vi)	Right to Information Act-2005	0.31
(vii)	Baba Ramdevji Old Cloth Seller Market, Raghbir Nagar, informal sector	23.24
(viii)	Medical Contribution	77.28
	<b>TOTAL 2 (B)</b>	<b>2,212.14</b>
	<b>TOTAL 2 (A+B)</b>	<b>4,147.71</b>

7. The then Chairperson in the 5<sup>th</sup> 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, mainly for disbursement of salary and allowances.

8. 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 GNCTD, 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. 282.15 Crore has been fixed in the Budget Estimates 2018-19.

9. 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. 3,046.00 Lakh (excluding interest) against the actual revenue receipt of Rs. 2,272.91 Lakh during the year 2017-18 (excluding interest.)

**10. COMPARISON BETWEEN CAPITAL & REVENUE RECEIPTS FOR THE FINANCIAL YEAR 2017-18 (ACTUAL) & FOR THE FINANCIAL YEAR 2018-19 (PROPOSED).**

(Rs. In Lakh)

Details	Financial year 2017-18 (Actual)	Financial year 2018-19 (Proposed) Budget Estimates
Capital Receipt. Including Grant from Govt. of Delhi	3,161.13	28,215.00
Revenue Receipt including Loan from Govt. of Delhi	20,075.71	15,546.00
GIA for Execution of Plan Works	11,390.36	20,880.00

**Note**

- (i) It is estimated that during 2018-19 there would be an increase in Capital Receipts by Rs.25,053.87 Lakh and Revenue Receipt including Loan from Govt. of Delhi would decrease by Rs. 4,529.71 Lakh
- (ii) The Capital Receipts in the Budget Estimates under auction of Plots (a) Residential (b) Commercial have not been factored in due to uncertainty of approval of policy by GNCTD.
- (iii) The Capital Receipts in 2018-19 will increase due to Liquidation of Flats constructed under JNNURM to be allotted to applicant of Special Registration Scheme-1985.

**11. COMPARISON BETWEEN CAPITAL & REVENUE EXPENDITURE FOR THE FINANCIAL YEAR 2017-18 (ACTUAL) AND 2018-19 (PROPOSED)**

(Rs. In Lakh)

Details	Financial year 2017-18 (Actual)	Financial year 2018-19 (Proposed) Budget Estimates
Capital Expenditure including Expenditure on Execution of Plan Works	10,864.55	14,280.00
Revenue Expenditure on Pay & Allowances etc. and Execution of Plan Works	17,520.97	26,321.00

12. A Revenue Expenditure outlay of Rs.26,321.00 Lakh is proposed mainly to meet the expenditure on Pay & Allowances etc. and Execution of Plan Works.

13. 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 has been kept at Rs. 24,610.00 Lakh (Revenue Rs. 10,600 Lakh and Capital Rs. 14,010.00 Lakh). This includes the amount required to complete the on-going works and fresh 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 in hygienic condition 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 2017-18 and during last year 16246 WCs has been completed for public use. It is proposed to construct new toilet blocks and to upgrade/renovate existing Jan Suvidha Complexes by providing 2547 WCs seats during this year and all the complexes are made free of any charges 24 x 7 for JJ dwellers living in Slum areas. All the JSCs are being run free of cost for public use w.e.f 1.1.2018. For this an outlay of Rs. 6,000.00 Lakh is proposed for Revenue Expenditure and Rs. 2,000.00 Lakh for Capital Expenditure.

(ii) DUSIB is constructing multi storied dwelling units for slum dwellers under JNNURM. So far, 10684 flats have been completed and 7400 flats are under construction. During the year 2018-19 an amount of Rs. 3,500.00 Lakh is proposed.

(iii) Under NULM it is proposed to construct two Night Shelters at Dwarka Sector-3 and Geeta Colony for shelter for Urban Homeless. An outlay of Rs. 300.00 Lakh to complete and initiate the works is proposed in 2018-19. In addition to above, works relating to refurbishment of 13 existing permanent shelter and operation & management (O&M) of existing shelters (198) will also be undertaken.

14. The statements containing the details of actuals for the year 2017-18 and Budget Estimates for the year 2018-19 are placed below.

15. As stipulated under section 24(1) of the Delhi Urban Shelter Improvement Board Act 2010, the proposals containing Actuals for the financial year 2017-18 and Budget Estimates for the financial year 2018-19 have been prepared and placed before the Board for consideration, adoption and approval.

## AGENDA ITEM NO 22/12

### Providing Rs. 100.00 Cr. As lumpsum grant for discharging the GPF liability of DUSIB employees.

- (1) Since inception of the erstwhile Slum & JJ Department (Now DUSIB) Provident Fund and Pension Cell is working as one unit, with one Bank Account and one Cash Book. In this bank account / cash book all receipts on account of GPF recovery, refund of advance, GIS recovery, recoveries in respect of Benevolent Fund, NPS and Pension Contributions are being credited. From this Bank Account / Cash Book all payments regarding Advance from GPF, final withdrawal from GPF, Final Payment of Provident Funds on account of death/retirement benefits, Pension / Family Pension and other retirement benefits are being paid. Leave Salary and Gratuity, however, are being charged to the establishment expenditure of DUSIB.
- (2) On review of the fund position in this Bank Account / Cash Book in respect of GPF balances it has been revealed that there is a liability of approximately Rs.124.08 Crore as on October 2017 on account of GPF accumulations of employees of DUSIB and the availability of fund in this combined account is only Rs.2.59 Crore in the shape of FD's (Maturity Value) + 2.18 Crore as Cash Book Balance as on 09/05/2018. Hence, the deficit of Rs.99.24 Cr. in September 2017 has increased to Rs.119.31 Crore upto October 2017 on account of Provident Fund alone. After November, 2017, PF & Pension have been separated and expenditure on pension is now under non – plan (Now Revenue head).
- (3) The matter relating to deficit in PF Account was placed before DUSIB Board in its 19<sup>th</sup> Board Meeting vide agenda item No. 19/13. The proposal of the said agenda was as under :-
  - (a) Present Bank Account / Cash Book may be allowed to account for the GPF (contribution / payment alone).
  - (b) All capital receipts may also be utilized to make good deficit of Rs.99.25 Cr. in GPF account till such time it is fully recouped.
  - (c) All pension / family pension and other retirement benefits may be directly charge to the establishment expenditure of DUSIB w.e.f. 01/04/2017.
  - (d) A budgetary support in the way of Grant – in – Aid of Rs.100.00 Cr. each year for meeting establishment expensive and pensionary expenses, and further one time lumpsum grant of Rs.50.00 Cr. may also be provided for recouping deficit in the Provident Fund Account.

Board after considering the agenda had approved the proposal in its 19<sup>th</sup> meeting held on 22/08/2017 (**Agenda and Minutes of the meeting are annexed as Annexure –A**), subject to certification of figures by the internal audit in order to avoid any ambiguity of figures.

On the direction of the Board the department has worked out actual deficit, which comes out to the tune of Rs.119.31 Cr. The deficit increased by Rs.20.06 Crore i.e. from Rs.99.25 Crore. to Rs.119.31 Crore as on date.

**For recouping deficit, provision of lumpsum grant of Rs.50.00 Cr. was made in Revised Estimate 2017-18 and forwarded to UD Department GNCTD but grant has not been provided during 2017-18.**

(4) It is further mentioned here that the reasons for this shortfall in the combine PF and Pension account *inter-alia* have been analysed and are given below:

- (a) Number of employees are decreasing and number of pensioners are increasing regularly. At present the number of pensioners are 1175 and number of servicing employees are 1093.
- (b) The credit on account of pension contribution is only 10% of Basic Pay + Grade Pay of the working employees which is very meager as compared to the expenditure on payment of Pensions and Family Pensions. The same was revised to 10% of Pay + Grade Pay + DA in 2014.
- (c) Payment of Deposit Linked Insurance Plan which is payable to the family of the deceased upto Rs.60,000/- per employee.
- (d) Benevolent Fund payment amounting to Rs.1,00,000/- to the family of the deceased employees.
- (e) The Department has paid the arrears to the pensioners / family pensioners on account of recommendations of Fifth, Sixth & Seventh Central Pay Commissions, grant of ACP/ MACP / promotion to retired employees with retrospective date, additional pension to Most Senior Citizens as announced by Sixth CPC.
- (f) Payment of pensions and retirement benefits have increased manifold on the basis of recommendation of the Seventh Central Pay Commission. DUSIB is also in the process of paying of arrears of pensions / family pension on account of implementation of the recommendation of the Seventh Central Pay Commission. The average expenditure on pensions and retirement benefits from April 2017 onwards workout at Rs.2.00 Cr. per month. With the increase of revision cases this trend is likely to further increase to Rs.2.25 Cr. per month.



(5) The position mentioned above reveals an alarming situation. If this is allow to continue further, DUSIB will not be able to discharge its GPF liability very soon. Therefore, it is proposed that the lumpsum grant of Rs.100.00 Cr. may please be provided by Delhi Government at the earliest for recouping deficit in the Provident Fund Account.

## Agenda ITEM NO. 22/13

### Delegation of Enhanced Financial Powers to Chief Engineers

1. Delhi Urban Shelter Improvement Board in its 2<sup>nd</sup> meeting held on 04/01/2011 had resolved to adopt the pattern of delegation of powers to the Engineers of the DUSIB as is prevailing in the Delhi Jal Board circulated vide No. CE(dusib)/2101/47(Pt.File)/PS/2011/D-1797 dated 19/01/2011. The power to sanction estimates for expenditure for works/purchase /of stores and acceptance of tender to

Chief Engineer	-	Rs. 50.00 lac
Member (Engineering)	-	above Rs.50.00 lac to Rs.100.00 lac
C.E.O. (DUSIB)	-	above Rs.100 lac to Rs.300 lac

2. Sh.M.K.Tyagi, Member Engineering was working in DUSIB on deputation basis has since been repatriated to his parent department BSNL on 30<sup>th</sup> June,2018. Now the post of Member (Engineering) is lying vacant since 01.07.2018. Government of NCT of Delhi has already been requested to fill up the post of Member (Engineering) in DUSIB.

3. However, till the regular Member Engineering is appointed by DUSIB or the alternate arrangement is made by GNCT of Delhi, it is proposed that the powers used by Member Engineering for development works i.e. sanction estimates for expenditure for works/purchase /of stores and acceptance of tender upto Rs.100 lac may be delegated to all Chief Engineers, DUSIB, (CE-I, CE-II and CE(E)) for the smooth functioning of department.

4. The draft agenda item on above is placed opposite before placing in the next Board meeting for approval.

**Agenda Item No. 22/14**

**Relocation of (i) JJ Basti Sanjay Basti Timarpur, (ii) JJ Basti Kushak Nala between INA market and (iii) East Kidwai Nagar and JJ Basti Sunder Nagri Park, G-4 Block- High Court matters.**

1. Smt. Manju Sachdeva had filed a Writ Petition No. 7323/2016 in Hon'ble High Court in respect of JJ Basti Sanjay Basti Timarpur. On 13.03.2018 ASG appearing for the Ministry of Housing and Urban Affairs, Govt. of India informed that Ministry has accorded in principal approval to the payment of appropriate amount to DUSIB for relocation/ rehabilitation of the eligible JJ dwellers at Sanjay Basti, Timarpur. DUSIB has already issued provisional demand notice for Rs. 82,72,17,000/- (Eighty two crores seventy two lacs and seventeen thousand only). DUSIB may relocate this JJ Basti after receipt of relocation charges as per provisions of Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 after approval of the Board.
2. Sh. Mathura Prasad had also filed a Writ Petition No. 3430/2017 in Hon'ble High Court for rehabilitation of JJ dwellers of JJ Basti Kushak Nala between INA Market and East Kidwai Nagar. Hon'ble High Court vide Order dated 23.03.2018 directed to conduct the survey of the said JJ Basti. Hon'ble High Court has also directed DUSIB to draw up the tentative charges the SDMC may be required to make in order to effect the relocation. DUSIB has already carried out the joint survey and found that there are 449 jhuggis in the JJ Basti. DUSIB may relocate this JJ Basti after receipt of relocation charges as per provisions of Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 after approval of the Board.
3. Sh. Rahees Ahmad had also filed a Writ Petition No. 7400/2016 in Hon'ble High Court in respect of JJ Basti Sunder Nagri Park, G-4 Block. Hon'ble High Court vide Order dated 05.02.2018 directed DUSIB to complete the survey of jhuggis and ascertain the entitlements of occupants of the JJ Basti. In compliance of order of Hon'ble High Court, DUSIB has carried out survey of the jhuggis and found 43 survey units in the Park. As per Section 2(g)(iii) of the DUSIB Act to constitute a 'Jhuggi Jhopri Basti' there must be at least fifty households as existing on 31<sup>st</sup> March, 2002. However, proviso of the said Section provides that Board may, by order attach any jhuggi or jhuggis scattered in the nearby areas to any jhuggi jhopri basti and such jhuggi or jhuggis shall be deemed to be part of such jhuggi jhopri basti. JJ Basti Block G-3, G-5, Sunder Nagri, Cluster Code 639 is nearby the above-said surveyed jhuggis. The Board may allow to deem these jhuggis as part of JJ Basti Block G-3, G-5, Sunder Nagri, Cluster Code 639 for the purpose of rehabilitation of JJ dwellers. This JJ Basti is situated on the land of DUSIB. DUSIB may relocate this JJ Basti after approval of the Board as per provisions of Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015.

**Agenda Item No.22/15**

**Policy for change of floor for persons with disability.**

1 DUSIB is relocating JJ dwellers of different JJ bastis as per provisions of Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy-2015, notified vide Order No. F. No. 730(7) UD/BSUP/2016/CD No.021366111/3014-22 dated 11.12.2017 after approval of Hon'ble LG, Delhi. In this Policy there is no separate provision for allotment of flat on ground floor to the persons with disability. JJ dwellers with disability, who have not been allotted flats on ground floor in the computerized draw, have been requesting for change of flat on the ground of illness/ disability and approaching at different level.

2 Ministry of Urban Development, Govt. of India vide Office Memorandum No. O-11016/1/2006-DDIIA(196/DDR/C) dated 09.10.2006 conveyed the approval of the Government to revised Policy for preferential allotment of houses/ land to persons with disability in term of Section 43 of 'The Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995'. In Section 43 of the Act it is provided that allotment of flats to persons with disability will be made at ground floor. The relevant provisions of the said Memorandum are as under:-

Para-2(I)(ii) Allotment of flats to persons with disability will be made at Ground floor

Para(I)(iv) The power for change of locality and floor to persons with disability shall be exercised by the Vice Chairman, DDA

The copy of the said Office Memorandum is annexed as **Annexure-I**.

3 The Board is therefore, requested to consider and grant approval for the following:-

"CEO, DUSIB may be authorised to permit change of floor at the same location in suitable cases subject to availability of flat and the production of certificate from a Government hospital / recognized hospital which establishes that either the allottee or any member of his family(i.e. mother, father, son, daughter, widow/unmarried sister/daughter) residing with him, suffers from any disability i.e.(i) blindness (ii) orthopedic handicapped of lower limbs which are effected not less than 50%, (iii) rheumatoid arthritis with not less than 50%, (iv) serious heart conditions."

**AGENDA ITEM NO.22/16**

**Regarding cost of flats constructed under JNNURM by DUSIB and DSIIDC.**

- 1 It has been provided in Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015, notified vide No. F.No.730(7)/UD/BSUP/2016/CD No. 021366111/3014-22 dated 11.12.2017 after approval of Hon'ble LG, Delhi, that the land owning agency shall pay such amounts to Delhi Urban Shelter Improvement Board in advance, which meets: (i) Cost of construction of alternative dwelling units, (ii) Cost of the land which will be on 'Institutional Rate' at which Delhi Urban Shelter Improvement Board has purchased the land, (iii) 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.
2. A Committee consisting Chief Engineer-I and Chief Engineer-II of DUSIB, Chief Engineer, DSIIDC and BFO, DUSIB was constituted to calculate the cost of flats constructed under JNNURM by DUSIB at Savda Ghewra, Sultan Puri and Dwarka, Sector 16-B, Site-I, Site-II and Site-III and flats constructed by DSIIDC at Bhorgarh, Bawana, Ghoga, Baprola Phase-I and Phase-II, Narela Phase-I, Type-I and Type-III and Pooth Khurd-I. The cost of flats recommended by the said Committee is annexed as **Annexure-I**.
3. Hon'ble Vice Chairman, DUSIB vide order 17.11.2017 approved the rates recommended by the Committee. The copy of approval of Hon'ble Vice Chairman is annexed as **Annexure-II**.
4. The cost of flats was circulated vide letter No.D-331/DD(Rehab.)HQ/DUSIB/2017 dated 11.12.2017. The Copy of the said letter is annexed as **Annexure-III**.
5. The matter is placed before board for information and approval.

## AGENDA ITEM NO 22/17

### Allotment of flats constructed under JNNURM scheme to registered waitlisted applicants of 1985 Special Registration Scheme.

1. Slum & JJ Department (now DUSIB) while under management of control of DDA had launched a Special Registration Scheme in the year 1985, namely "Residential Flats Registration Scheme-1985" for allotment of residential flats on the pattern being followed by DDA. The residents of notified slum areas, JJ resettlement colonies, unauthorized colonies or urban villages were eligible to apply. 50% of the flats were meant for allotment on cash down basis while remaining on hire purchase basis. The applicants were required to register under the scheme in the prescribed form along with an initial deposit of Rs.3,000/-.

2. About 27,693 applicants got registered themselves under the scheme. The allotment of flats to the 5662 successful registrants was done in accordance with the priority number of the registrants, assigned through computerized draw of lots.

The details of flats allotted till date, are as under:-

Total flats allotted	: 5662
On Cash Down basis	: 2596
On hire purchase basis	: 2463
For widows (Group Housing Societies)	: 603

3. Out of the balance 22031 registrants, about 2550 registrants have withdrawn of their own, from the scheme and registration money had been refunded to them with 7% per annum simple interest. Now, 19481 registrants are still to be allotted flats and are in the waiting list.

4. Matter was placed in the 13th board meeting held on 22.09.2015 and the board had taken following decisions:

(i) Flats constructed under JNNURM scheme to be allotted to the wait-listed registrant of this scheme.

(ii) Allotment will be made after checking the eligibility of the applicants as per the policy.

(iii) CEO, DUSIB was authorized to formulate a detailed operational plan for allotment of flats to wait-listed registrants of 1985 Special Registration Scheme.

5. After approval of the Board, a reference was made to the Ministry of Urban Development, GOI for seeking their approval for allotment flats constructed

under JNNURM scheme to wait-listed registrants of Residential flat Scheme 1985 for Slum Dwellers. Joint Secretary Ministry of Housing & Urban Poverty Alleviation responded that the proposal of DUSIB has been examined in the Ministry and after a series of meetings held with DUSIB, GNCTD and DDA it has been clarified that identifying beneficiaries as per the BSUP guidelines, is the responsibility of the State Government and allotment of houses constructed under JNNURM is essentially the mandate of Govt. of NCT of Delhi, and as such GNCT of Delhi may allot such constructed dwelling units (DUs) to beneficiaries identified subject to adherence to BSUP scheme guidelines of JNNURM.

6. The matter was examined by the Urban Development Department Government of Delhi and after detailed and after that proposal was submitted to Hon'ble L.G. through Hon'ble Minister, UD/Vice Chairman, DUSIB for consideration and approval to initiate the process of advertisement for determination of the eligibility of wait-listed registrants of Residential Flats Registration Scheme-1985 for slum dwellers and others for allotment of JNNURM flats constructed by DUSIB at Savda Gherva (7600 flats). After approval of the Government, the income certificate having income upto Rs.3.00 lakh has been prescribed the registrants alongwith new address proof, Aadhar card, ID proof etc. while submitting the consent letter of considering their eligibility. In case the number of interested/eligible registrants out of the wait-listed registrants of Residential Flats Registration Scheme-1985, is more than the flats constructed at Savda Ghevra (7600 flats), then the remaining interested/eligible registrants would be considered for allotment out of the available flats constructed under JNNURM for which fresh approval would be taken. The Hon'ble L.G. has approved this proposal.

7. There are many Writ Petitions related to this scheme which were pending in the Hon'ble High Court and the same were clubbed by the Hon'ble Court. After obtaining approval of Hon'ble L.G., Department has informed the Hon'ble Court that Department is going to give an advertisement for seeking fresh consent from the Registrant for allotment of flats. After considering the submission of the Department, Hon'ble High Court has disposed of the applications.

8. After obtaining approval of Hon'ble L.G. a Committee was constituted under the Chairmanship of Member(Admn.) for formulating terms and conditions, format of letters to be issued to the waitlisted registrants, format of consent letter and affidavit to be submitted by the waitlisted registrants. After finalization of terms and conditions and other documents the same was submitted for approval of Hon'ble Minister, Urban Development and the same was approved. Copy of terms and conditions is attached as **Annexure-I**.

9. Department has also given advertisement in the leading newspapers on 22.05.2018 and 26.06.2018 so that maximum number of waitlisted registrant may be made aware regarding this scheme. Individual letters are also being

issued to all the waitlisted registrants. Last date of submission of documents is 17.08.2018.

10. After advertisement in the newspapers more than 1000 waitlisted registrants collected the format of consent letter and affidavit from the Department. Department has also uploaded all the information/forms related to this scheme in the website of DUSIB i.e. **delhishelterboard.in**. Many waitlisted registrants have downloaded the required forms from the website. Apart from that a helpline number has also been established for providing basic information and Department is receiving more than 100 calls daily on this number. It is further to add that 58 completed forms have been received in the Department till date.

11. A note dated 03.07.2018 has been received from the office of Hon'ble Chief Minister of Delhi(**Annexure-II**) mentioning the objections filed by the people against the new terms and conditions under this scheme and directed to examine the representation and placed the matter before the next Board meeting for appropriate decision. Department has also received some representations against the present terms and conditions. After careful consideration of these representations the point-wise reply is as under:

S. No.	Objection	Remarks
1.	Give clarification on the term and conditions as which were fulfilled at the time of Registration, whether can be modified or amended after 32 years for taking allotment of flats. It may know and may be aware that after 32 years the life has changed and do not depend on the past and as well as the terms and conditions has also been changed. We would be granted what we were promised as a citizen. I have waited for 32 years for taking a flat. Further, after waiting for such a long period of 32 years, these term and conditions which have been now changed, likely my annual income that has been increased being a Government Servant.	As per Clause 6.8 of original terms and conditions department can amend/modify the condition as when it requires. As per <b>clause 3.2</b> of original terms and conditions( <b>Annexure-III</b> ) applicant shall be slum dwellers or residents of unauthorized colony or residents of urban villages. It means they shall be from economic weaker section. In the guidelines of Pradhan mantri awas yojna-Housing for all (Urban)-2015 EWS households are defined as households having an annual income upto Rs.3,00,000(Rs Three lakhs).To maintain parity with this said guidelines the clause of ceiling of income upto Rs. 3.00 Lakhs has incorporated in the new terms and conditions, hence it is justifiable.
2.	Income Limit Rs.3 Lakhs per year:	As per <b>clause 3.2</b> of original terms



	<p>Most of the Bank do not pay loan to applicant if their income is Less than 3 Lakh P.A. How the allottee will arrange Rs.13 Lakh loan from any Bank. During Last 33 Years many applicant has increased their Income as there was no condition in the "Scheme" that they cannot increase their Income in Subsequent years. Moreover Income Certificate from Revenue Department is also touch condition as many applicants have changed their Residence to Delhi NCR region or any other state during last 33 years Agency like DDA, MCD do not ask for Income Certificate from Revenue Department but they admit declaration on "Affidavit".</p>	<p>and conditions applicant shall be slum dwellers or residents of unauthorized colony or residents of urban villages. It means they shall be from economic weaker section. In the guidelines of Pradhan mantri awas yojna- Housing for all (Urban)-2015 EWS households are defined as households having an annual income upto Rs.3,00,000(Rs Three lakhs).To maintain parity with this said guidelines the clause of ceiling of income upto Rs. 3.00 Lakhs has incorporated in the new terms and conditions, hence it is justifiable. Regarding formalities and difficulties for obtaining loans from banks, DUSIB shall not offer comments as it not falls under jurisdiction of this department.</p>
3.	<p>Recently DDA has allotted Plot to Rohini 1981 Scheme and they gave relaxation to applicant who acquired Plot/Flat upto 68 Sq. Yards in Subsequent Years.</p>	<p>As per <u>clause 3.2</u> of original terms and conditions applicant shall be slum dwellers or residents of unauthorized colony or residents of urban villages. It means they shall be from economic weaker section. The Rohini 1981 Scheme of DDA is not for economic weaker section people.</p>
4.	<p>Tough Condition for transferor of Name in favour of Legal heirs, As per M.C.D, Rules Mutation is being carried on the basis of Death Certificate And Affidavit from Legal heirs.</p>	<p>The procedure followed by DUSIB in the cases of transfer of name in the case of death is as per legal provisions.</p>
5.	<p>Applicant should be given the facility to see the Flats before giving "Consent Letter" otherwise most of the allottee will surrender their Flat as happened in DDA-2017 Scheme.</p>	<p>This facility is already available.</p>
6.	<p>Price of the Flat is too much high.</p>	<p>Cost of flats has been calculated on the same analogy as followed by DDA.</p>

13. The Board may consider the remarks and allow the scheme to continue as per approval of the Government.

**AGENDA ITEM NO. 22/18**

**Allotment of land for construction of Police Station & Staff Quarter at Khasra No. 440 & 441 near Gurudwara, SRS Colony, Bhalswa Dairy, Delhi**

1. The Deputy Commissioner of Police, Land & Building Cell: PHQ: Delhi vide letter dated 28.4.2016 and SHO, Bhalswa Dairy letter dated 02.9.2016 had requested for allotment of land for construction of Police Station & Staff Quarters at Khasra No. 440 & 441 near Gurudwara, SRS Colony, Bhalswa Dairy, Delhi.
2. Accordingly, the case has been examined by the Department and on having the report from Planning Wing and Land Section as well as Engineering Wing of DUSIB. The Director (TP), DUSIB vide his observations dated 28.6.2017 has informed that the proposed land feasible for construction of Police Station as per Lay Out Plan available in TP record and as per Zonal Development Plan of Delhi the land falls in Category "G" which is "Residential".
3. Further, the Finance Wing of DUSIB has computed the cost of land found feasible for allotment measuring 5539.50 sq. mtrs. @ Rs.46,200/- per sq. mtr. for Category "G" applying Factor-01 which works out to Rs.25,59,24,900/- and annual Ground Rent @ 2.5% amounting to Rs.63,98,123/- per annum on the basis of revised circle rates applicable as notified by the Government of NCT of Delhi as per the approved policy of the Board in this regard.
4. The cost of land and ground rent has been conveyed to Delhi Police vide letter dated 16.8.2017 and the Delhi Police has conveyed its consent to accept the land measuring 5539.50 sq.mtrs. of Khasra No. 440 & 441 near Gurudwara, SRS Colony, Bhalswa Dairy, Delhi at the prescribed cost and ground rent vide letter dated 20.9.2017. The office of Dy. Commissioner of Police has also deposited the requisite amount of Rs. 25,59,24,900 + 63,98,123= Rs.26,23,23,023/- ( Rs. Twenty Six Crores Twenty Three lacs Twenty Three Thousand and Twenty Three only) towards cost of land along-with G/Rent vide letter No.1558/(DA-IV)/L&B Cell/PHQ, dated 13.02.2018.

**Proposal:**

The proposal for allotment of land measuring 5539.50 sq. mtrs. to Delhi Police for construction of Police Station at the land of Khasra No. 440 & 441 near Gurudwara, SRS Colony, Bhalswa Dairy, Delhi at Circle Rates on Lease Hold basis and usual terms & conditions of allotment is placed for the consideration of the Board. After approval of Hon'ble Board, the matter shall be placed before Hon'ble LG, Delhi for subsequent approval being Competent Authority for disposal of Nazul Land.

**AGENDA ITEM NO. 22/19**

**Allotment of additional land to DHS measuring 1.18 Acre at Madipur for hospital.**

1. As per the request received from Delhi Health Services for opening 200 bedded Hospital at Madipur, Delhi, the case was examined by the Department and on having accorded 'in principal approval' of Hon'ble L.G., Delhi which was conveyed by Principal Secretary to LG dated 09.5.2008, a piece of land measuring 8.44 acre was allotted to Directorate of Health Services (DHS) on 5.7.2008 for construction of 200 bedded Hospital at Resettlement Colony, Madipur, Delhi as Annexure-I. The cost of land and annual ground rent on Institutional rates on provisional basis worked out to Rs.3,30,110/- has been deposited. The physical possession of the aforesaid land was handed over to DHS on 02.7.2010 and the time allowed for 2 years of completion of the construction which lapsed on 01.07.2012. The construction of Hospital building has not taken place by PWD/DHS till date. The land use change of the site in question was approved by DDA on 12.10.2011 for Hospital use.
  
2. The DHS had taken over the possession of the land measuring 8.44 acre for the purpose but due to unavailability of the approach road the proposed hospital building, the adjacent plot i.e. additional land measuring 1.18 acre of existing park & Vyayamshala has been requisitioned by DHS. In this connection, attention is invited to the minutes of joint inspection issued on 4.4.2018 which was carried out by Principal Secretary (Health) on 17.3.2018 thereby directing Additional Director (Plg.) DGHS, Govt. of NCT of Delhi to furnish the consent in respect of offered additional land measuring 1.18 acre (4775.33 sq. mtrs.) and release the demanded cost Rs.3,63,04,089/- to DUSIB for allotment of land. The consent has been communicated by Additional Director (Plg.), DHS vide his office letter No.F-10/527/2006/DHS/P&S/247264-247272 dated 21.3.2018. It was also directed that the encroachment from the entire land will be removed by the concerned officer of DUSIB before handing over the land to DGHS.
  
3. In this regard, Board raised a demand of Rs.3,63,04,089/-(on provisional basis) on 24.3.2015 which has also been deposited by DHS on 6.4.2018 on the basis of rates applicable for the year 2012-13. Now the rates for Institutional allotment has been revised @ Rs.475.32 lakh per acre for the year 2015-16. On the basis of revised rates, calculation have been made for additional cost amounting to Rs.1,47,67,014/- + Rs.2,11,85,865/- = Rs.3,59,52,879/- ( Rupees Three Crores Fifty Nine Lacs Fifty Two Thousand Eight Hundred Seventy Nine Only ) which includes revised Cost of land,

Ground Rent and interest thereon as well as Composition Fee in respect of both the plot admeasuring 8.44 & 1.18 acre. The calculation sheet vetted by Finance Wing of DUSIB is annexed as Annexure-II for which demand is to be raised by DUSIB which is also required to be consented by DHS.

Proposal:

4. The request for allotment of additional land measuring 1.18 Acre alongwith the revised rates as stated above is placed before the Board for approval. After approval of the Board, the matter shall be placed before Hon'ble LG, Delhi for subsequent approval being Competent Authority for disposal of Nazul Lands.

**AGENDA ITEM NO. 22/20**

**Issuance of NOC for opening /establishment of Aam Aadmi Moholla Clinic (AAMC) in the form of Porta Cabin /Semi permanent structure and in Night Shelter/BVKs on the land belonging to DUSIB - ratification thereof from the Board regarding.**

1. A list of 118 sites proposed by Hon'ble MLA constituency wise, Govt. of NCT of Delhi forwarded to this office by DGHS on 24.07.2017 for issuance of NOC / user permission for installation /opening of AAMC on the land belonging to DUSIB in the form of Porta Cabin/Semi permanent structure. Out of which 38 sites have been found feasible on the basis of reports furnished by Engineering Wing of DUSIB.

2. The NOC for 38 sites have been issued to Directorate of Health Service, GNCTD vide this office letter No. F-14(76)/NOC/AAMC/DHS/DD/IAL/DUSIB/2016/D-122 dated 13.9.2017 which also includes 01 site i.e. Buland Masjid premises of DUSIB which has already been approved by Board in its 19<sup>th</sup> Board meeting. Hence, the list of remaining 37 sites excluding site of Buland Masjid yet to be approved by Board is given below:-

<b><u>Sr. No.</u></b>	<b><u>Location</u></b>
<u>1</u>	<u>Metro Vihar, Ph-I ( Near Dispensary), B-Block</u>
<u>2</u>	<u>Metro Vihar, Ph-II ( Near Dispensary)</u>
<u>3</u>	<u>L-Block , Ph-II, Savda Ghevra JJ Colony,</u>
<u>4</u>	<u>Shakurpur village near M- Block JJ Colony, Shakurpur</u>
<u>5</u>	<u>Shastri Nagar, L-2 Block</u>
<u>6</u>	<u>Shivanand Basti, Punjabi Bagh</u>
<u>7</u>	<u>Sewa Basti Chunna Bhatti</u>
<u>8</u>	<u>Open Thada Exit point of Paschim Vihar Ext. B Block Madipur,</u>
<u>9</u>	<u>Open Space ( Thada) Near B-958 Madipur</u>
<u>10</u>	<u>Open Thada in front of House No.232 A -Block, Madipur,</u>
<u>11</u>	<u>Open Space in front of N-162, Raghubir Nagar</u>
<u>12</u>	<u>Open Space in front of L-56, Raghubir Nagar</u>
<u>13</u>	<u>Open Space ( Thada) near House No.R-380, Raghubir Nagar,</u>
<u>14</u>	<u>Toilet Platform, Opp-529, E Block Budh Nagar, Inderpuri,</u>
<u>15</u>	<u>Sanjay Camp Dakshinpuri Camp</u>

<u>16</u>	<u>Gautam Puri, Ph-1 Near Bal Vaatika Kharab Sauchalaya Ki Zameen</u>
<u>17</u>	<u>Park JJ Colony, Ph-III Madanpur Khadar, DUSIB</u>
<u>18</u>	<u>Block No-1, Trilokpuri</u>
<u>19</u>	<u>Block No-2, JJ Camp, Trilokpuri</u>
<u>20</u>	<u>Block No-8, Behind Bal Bhawan School, Trilokpuri</u>
<u>21</u>	<u>Block No-9, Public Toilet, Trilokpuri</u>
<u>22</u>	<u>Block No-9 vacant and abandoned space, Trilokpuri</u>
<u>23</u>	<u>Block No- 25 near Sant Nirankari Samagam Bhawan, Trilokpuri</u>
<u>24</u>	<u>Block No Extra 30 near Delhi Govt Dispensary, Trilokpuri</u>
<u>25</u>	<u>Block No – 31 Public toilet, Trilokpuri</u>
<u>26</u>	<u>Block No – 13 Vacant Land, Trilokpuri</u>
<u>27</u>	<u>DDA Flats Gazipur</u>
<u>28</u>	<u>Sunder Nagari Ward 244</u>
<u>29</u>	<u>C-3 near H.No 507, Nand Nagari</u>
<u>30</u>	<u>Near Dr. Siddiqui Clinic Block C-3 Nand Nagari</u>
<u>31</u>	<u>8/35, Basti Vikas Kendra ( NGO),</u>
<u>32</u>	<u>BVK near Chameli Park Raghubir Nagar</u>
<u>33</u>	<u>Basti Vikas Kendra, F Block Budh Nagar, Inderpuri</u>
<u>34</u>	<u>Basti Vikas Kendra, Indira Camp,</u>
<u>35</u>	<u>Shri Ram Camp Basti Vikas Kendra</u>
<u>36</u>	<u>V.P.Singh Camp Railway Colony, Tughalkabad</u>
<u>37</u>	<u>Kailash Nagar DUSIB premises</u>

3. NOC for 17 more sites which have been found feasible have been issued to the Pr. Secretary (Health), Health & Family Welfare Department, GNCTD vide this office letter No. F-14(64)/Misc/DD/IAL/DUSIB/2016-17/D-151 dated 9.11.2017.

S.No	Place Identified
38	Office of the DUSIB shelter Gali Ravi Dass, Sadar, Delhi.
39	Block 6 Dev Nagar Community Centre
40	1546-51/VIII, Gali Borian Ajmeri Gate, Delhi( Night Shelter)
41	797/VIII, Kundewalan, Ajmeri Gate ( Night Shelter)
42	Kabir Basti Malka Ganj( within premise of Raghushalla, Delhi
43	Slum Park Shankar Gali Sita Ram Bazar
44	Slum Community Centre Dharamshala/Shankar Gali Sita Ram Bazar, Delhi
45	F- Block Tilak Nagar
46	Site at J-Block New Seelampur near Madrasa, Delhi.
47	Majnu Ka Tila, Night Shelter
48	Toilet platform opp.Rakesh Hardwar Main road B Block Budh Nagar Inderpuri
49	Toilet platform near store, F-block budh nagar , Inderpuri
50	DUSIB plot J- Block JJ Colony Sawda
51	DUSIB plot A- Block JJ Colony Sawda
52	DUSIB Night Shelter, ( Women) Ph-II, Matiala
53	Office of the DUSIB shelter Pratap Nagar, Delhi
54	Sunder Singh Gali Arya Pura Shishu Vatika, Delhi .

4. The following mentioned 04 sites have been allotted for establishment of AAMC in BVK/Night Shelters.

55	<u>BVK Janata Majdoor Camp Jaffarabad</u>
56	<u>Janta Colony Idgha Gate Badarpur</u>
57	<u>Night Shelter site at Cement Siding Shakurpur</u>
58	<u>02 rooms in BVK at 640 Slum Tenements, Madipur.</u>



5. It is informed that V.C.DUSIB/Hon'ble UD Minister has already approved 108 sites for setting up of Mohalla Clinics on dated 23.03.2018. It is further informed that 50 sites have already been ratified /approved by the Board in its 19<sup>th</sup> Meeting held on 22.08.2017.

6. **Proposal:-** The proposal for ratification of NOCs issued in respect of feasible 58 sites (37+17+4) identified & requisitioned by the DHS for allotment of establishing AAMC on the land belonging to DUSIB, in accordance with the decision taken by the Cabinet in its meeting held on 10.11.2015 is placed before the Board.

## AGENDA ITEM. 22/21

### Ratification of approval for Extension of present agreements of SMAs/ NGOs for Operation and Management of Night Shelters for a period of 3 months w.e.f. 01.08.2018 to 31.10.2018.

1. DUSIB is running 198 Night Shelters to cater to the needs of Homeless persons of Delhi. DUSIB invited bids by way of floating RFP on dated 05.07.2017 for Operation and Management of these Night Shelters. After receiving bids, technical bids were opened. The financial bids were not opened as it was decided to get the RFP ratified by DUSIB Board.
2. Accordingly, the Agenda vide item No.20/3, was placed in 20<sup>th</sup> Board Meeting, held on dated 27.10.2017, regarding ratification of RFP (Request For Proposal), for Operation and Management of Night Shelters/Shelter Homes, by SMAs and NGOs. The Board after due deliberations considered one of condition of RFP to be restrictive one, which mentioned that there should be no financial loss incurred in last 3 consecutive years, by the NGOs. The deliberations considered the fact that NGOs work with the objective of no profit and generally depend on donations for carrying out their activities. It was suggested by Board-Members to revisit and reframe the terms and conditions for NGOs in RFP. Accordingly, the financial bids were not opened and tenders were rejected as per recommendation of Board. The Ex-post facto approval was also granted to extend the contract period of existing agreements upto 30.04.2018. The Minutes of 20<sup>th</sup> Board meeting were circulated vide No. Meeting Cell/DUSIB/DD Board/2017/D-138 dated 07.11.17
3. Further, as per the directions of the Board, the RFP was re-examined, and modified RFP/Proposal was prepared and submitted for approval of Hon'ble Chairman, DUSIB. Same has now been received on dated 05.07.2018, in DUSIB for it to be based on **QCBS (Quality and Cost Based Selection)** process, as being done by Health Department of MHFA of GOI, which will take some more time in examination & re-submission for approval.
4. In the meantime, the Chairman, DUSIB/Hon'ble CM, Delhi has granted approval for extension of existing agreements with SMAs/NGOs on dated 02.07.2018 for further period upto 31.10.2018 on same terms and conditions of Operation and Management of Shelter Homes to avoid any disruption in services of homeless people.
5. Now, under this Agenda, it is proposed that the approval for extension of existing agreements with SMAs/NGOs accorded by the Chairman, DUSIB/ Hon'ble CM, Delhi on dated 02.07.2018 (**Annexure -A**) for further period upto 31.10.2018 on same terms and conditions of Operation and Management of Shelter Homes may be ratified by the Board please.

**AGENDA ITEM NO. 22/22**

**Information in respect of 59 Muster Roll engaged on various assets of DUSIB w.e.f the year 2004-2005.**

1. This is a case of 59 Muster Roll employees engaged by various divisions of Engineering Wing of erstwhile S&JJ Department, MCD (Now DUSIB) from time to time for watch and ward of Assets and other related activities. Due to scarcity of the permanent as well as Work charged staff and their continuous requirement, they are being given extension w.e.f. 2004 continuously without giving any break. The Muster Roll engagement is made by the Engineering Wing as per CPWD Manual during the period 2004-05. Executive Engineer of the concerned division is empowered to make such appointments.
2. There are 59 Muster Roll employees of different cadres engaged on various sites as per list attached at **Annexure A**. Out of 59 Muster Roll Employees, 12 are Malies, 2 coolies, 3 Asstt. Supervisors, 11 Chowkidars, 25 Security Guards, 3 Khallassi/helpers, 2 drivers and 1 is peon.
3. These officials have been working in DUSIB for the last 10 to 14 years continuously. Due to exigency of work and as well as shortage of staff they have been given extension from time to time by soliciting the administrative approval even when the erstwhile S&JJ Department was under the Administrative control of MCD. The extension was granted by Addl. Commissioner(S&JJ) now CEO/DUSIB.
4. The extensions are being granted keeping in view the need and interest of the Department. Not only this even after inception of DUSIB Board w.e.f. 2010 these officials have been given extension from time to time administratively.
5. It is pertinent to mention here that the payment is being made to them as per the minimum wages issued by Labour Department, Govt. of National Capital Territory of Delhi.
6. Since the services of these Muster Roll officials are being used even after the formation of DUSIB as such the matter is placed before the Board for information. It is further informed that no engagement has been done after 2005. Hence, Board is requested to allow CEO/DUSIB to grant extension of tenure of these officials in future as well as till their services are required in DUSIB.

**The Agenda is placed before DUSIB Board for information please.**

**AGENDA ITEM NO. 22/23**

**Extension of tenure of engagement of Shri R.K. Gupta, Retd. Superintending Engineer as Consultant.**

1. Section 6(1) of Chapter II of DUSIB Act, 2010 provides that the Board may appoint Secretary and such other Officers and employees as it may consider necessary for discharge of its function under this Act.
2. Delhi Urban Shelter Improvement Board is executing various projects especially In-situ Rehabilitation of JJ Basties and projects being carried out in JJ Basties under various Plan Scheme of DUSIB. For effective monitoring and to coordinate the progress of these projects and their completion in a time bound manner, Shri R.K. Gupta, Retired Superintending Engineer from Delhi Development Authority has been appointed as Consultant in Delhi Urban Shelter Improvement Board for a period of one year on contract basis w.e.f. 1.9.2017 with the approval of the Hon'ble Chief Minister/Chairperson, DUSIB. The appointment of Shri R.K. Gupta, SE(Retd) was made as per the terms of Office Memorandum No. F.20/472015-AC/204-248 dated 4.12.2015 issued by the Finance (Accounts) Department, GNCTD (**Annexure-A**). The remuneration is to be paid to the officer against the vacant post of Director, DUSIB.
3. Shri R.K. Gupta, SE(Retd) was engaged as Consultant vide Office Order No. GA/1076/12/2017/Admin/D-313 dated 27.9.2017(**Annexure-B**). The appointment of Shri R.K. Gupta, SE(Retd) was placed before the Board in its 20<sup>th</sup> Meeting on 27.10.2017 as Agenda Item No. 20/8 which was ratified by the Board(**Annexure-C**).
4. The period of engagement of Shri R.K. Gupta, SE(Retd) as Consultant is going to expire on 31.8.2018.
5. **Proposal:**

The matter is placed before the Board for consideration of grant of extension of tenure of engagement to Shri R.K. Gupta, SE(Retd) as Consultant for a further period of one year w.e.f. 1.9.2018 as per the terms and conditions laid down in Office Order No. GA/1076/12/2017/Admin/D-313 dated 27.9.2017.

## Agenda Item No. 22/24

### Extension of tenure of engagement of employees on Contract Basis

1. In the erstwhile Slum & JJ Department (now DUSIB) when the Deptt was under Administrative Control of Municipal Corporation of Delhi, 23 dependents of the deceased employees of the department were engaged on contract basis on the grounds of compassion in Group D posts initially for a period of one year vide Establishment Order No. GA/1140/1/Admn/2010/D-25 dated 19.1.2010(**Annexure-A**) on the terms and condition laid down in the said E.O. These appointments were made as per Circular No. RPA-VIII/CED(C-I)/2208/RK/68 dated 16.12.2008(**Annexure-B**).

2. Of these 23 officials, the services of 18 were regularized under compassionate appointment quota from time to time as per their eligibility and availability of vacancies as per rules. One person namely Shri Velu S/o Shri Siraran did not join the duties despite offer of appointment.

3. However, the services of rest of the four dependents of the deceased officials have not been regularized for want of vacancies under compassionate appointment quota though they have been granted extension of 89 days (with a day break) from time to time. The last extension to these left over dependents of the deceased officials, namely

- (i) Smt. Brahmavati, Peon
- (ii) Smt. Munesh, Beldar
- (iii) Shri Gaynender, Peon &
- (iv) Shri Rajesh Singh, Peon

was granted vide Office Order dated 09.05.2018 for 89 days(giving one day break) subject to condition that it will not confer any right for regularization.

#### 4. **Proposal:**

The matter is placed before the Board for consideration and ratification of engagement of the above mentioned 4 officials continuing since 2010, on daily wages basis, subject to the condition that it will not confer any right for their regularization. It will, however, further subject to condition that as and when vacancies under 5% quota for compassionate appointment will be available, these persons will be considered for regular appointment as per their eligibility and suitability as per the extant rules governing such appointment.

**Agenda Item No. 22/25**

**Extension of tenure of engagement of employees engaged against vacant posts of Jr. Stenographers and Patwaris on contract basis.**

1. There are 44 sanctioned posts of Jr. Stenographer of which 43 posts are lying vacant in DUSIB and one Jr. Stenographer is working on contract basis. Further there are 25 sanctioned posts of Patwaris out of which 3 are filled up on regular basis and one Patwari is working on contract basis. For filling up these posts, the matter is being taken up with Delhi Subordinate Service Selection Board (DSSSB).

2. In the year 2001, vide establishment Order No. GA/1075/4/2000/Admn./D-401 dated 6.9.2001, Nine Jr. Stenographers joined their duties in the then Slum & JJ Deptt, Municipal Corporation of Delhi (now DUSIB) for a period of six months on the terms and conditions laid down in the said E.O.(Annexure-A). They have been granted extension from time to time on their satisfactory completion of work performance. Of these nine Jr. Stenographers, eight have left the job during the course of time.

3. However, Shri Amit Kumar, Jr. Stenographer is still working on contract basis against a vacant post of Jr. Stenographer and due to shortage of Jr. Stenographers he has been granted extension from time to time with the approval of the Competent Authority. The last extension was granted to Shri Amit Kumar, Jr. Stenographer (on contract basis) w.e.f. 26.4.2018 to 22.10.2018 (after giving one day break) on consolidated remuneration of Rs. 25,500/- per month plus D.A. admissible on the existing terms and conditions.

4. Shri Vinod Kumar was engaged as Patwari vide Establishment Order No. D/243/Admn/2000 dated 30.6.2000 (Annexure B) on contract basis on a consolidated salary initially for a period of six months on the terms and conditions laid down in the said E.O.. He has been granted extension from time to time due to shortage of Patwaris and with the approval of the Competent Authority. The last extension was granted to Shri Vinod Kumar, Patwari (on contract basis) w.e.f. 4.1.2018 to 2.7.2018 (after giving one day break) on consolidated remuneration of Rs. 21,700/- per month plus DA admissible on the existing terms and conditions.

5. **Proposal:**

The matter is placed before the Board for consideration and ratification of continuation of engagement of Shri Amit Kumar, Jr. Stenographer and Shri Vinod Kumar, Patwari on contract basis on usual terms and conditions of their engagement till posts are filled up on regular basis by DSSSB.

**AGENDA ITEM NO. 22/26**

**Re-employment of Retired employees of DUSIB.**

1. Delhi Urban Shelter Improvement Board (DUSIB) came into existence in 2010. All the employees of erstwhile Slum & JJ Department, Municipal Corporation of Delhi became the employees of DUSIB by way of notification issued under the DUSIB Act.
2. The sanctioned strength of all categories of employees in DUSIB is 2089 whereas as at present it has only a meagre working strength approximately 1126 employees. Of late there has been tremendous increase in the work load of the Deptt as it has been given the responsibility of discharging the importance mandate of the Govt. like running and management of night shelters, construction and management of Jan Suvidha Complexes, Housing projects for weaker sections of the society and other important projects of public welfare.
3. However, of late, there has been sharp decline in the work strength of the Department owing to large scale retirement, pre-mature retirement with no fresh recruitment being made during the last decade. . It is apprehended that by the end of 2019, the present working strength will dip to very low strength which will lead to hampering of functional requirement of the Department especially in the technical cadre like Finance Deptt and the Engineering Deptt.
4. Section 6(1) of Chapter II of DUSIB Act, 2010 provides that the Board may appoint Secretary and such other Officers and employees as it may consider necessary for the efficient performance of its functions under this Act.
5. Here it is pertinent to mention that the Board in its 20<sup>th</sup> Board Meeting has ratified the proposal of the Deptt for engagement of its retired employee- Shri Ramesh Singh, AO(HQ) on contract basis(**attached as Annexure-A**).

**Proposal:**

6. In order to discharge its functional responsibility, as no fresh appointments have been made since long, the matter may be placed before the Board for authorizing CEO, DUSIB to engage its retired employee as Consultant in accordance with the terms and conditions stipulated in Officer Memorandum No. F.20/472015-AC/204-248 dated 4.12.2015(**Annexure-B**) issued by the Finance(Accounts) Deptt, GNCTD and their remuneration shall be drawn against the post vacated by the officer on his superannuation.

## AGENDA ITEM NO. 22/27

### Continuation of the Post of Chief Engineer.

1. There is one sanctioned post of Chief Engineer(Civil) carrying the pay band of Rs. 37,400-67,000/- with grade pay of Rs. 10,000/- in Delhi Urban Shelter Improvement Board at present. This post was carried forward from erstwhile Slum & JJ Department, MCD.

2. The works of Engineering Department of DUSIB are scattered throughout Union Territory of Delhi. The work in these divisions are supported by Junior Engineers (Civil), supervised by Assistant Engineer (Civil) and overlooked by & 22 Executive Engineer (Civil). The office of Junior Engineer are located at different locations all across Delhi. Apart from it, there is also a complete set up of Electrical and Mechanical (E&M) Wing comprising one Superintending Engineer (Elect), 6 Ex. Engineers (Elect) and supporting Asstt. Engineer and Jr. Engineers. The works of E&M Wing are also being supervised by the said Chief Engineer (DUSIB).

3. The Engineering Wing of DUSIB looks after management and maintenance of various properties created under different schemes. It also carries out development works in various katras, JJ clusters with a view to improve the living conditions of slum & JJ dwellers under various plan schemes.

4. Pursuant to the constitution of the Board, the work of the Engineering Deptt. have increased manifold. Apart from the routine maintenance and development works, watch & ward activities DUSIB is also involved. Further, the Engineering Division is also involved in creating the housing stock for poorer section of the society at Bhalaswa, Savda Ghevra, Sultanpuri and Dwarka for relocation of jhuggi dwellers. Recently, a few more proposals like In-situ up-gradation of clusters, construction of transit accommodation, development of EWS housing, construction of flats for low In-come group people have also been approved by the Board for implementation which are in conformity of DUSIB Act 2010. Besides it, under Swach Bharat Mission, construction and maintenance of Jansuvidha Complexes (JSCs) in various sites located all over Delhi is also looked after by the Engineering Wing of DUSIB.

5. It is, therefore, proposed in the 9<sup>th</sup> Board Meeting that one additional post of Chief Engineer(Civil) carrying the pay band of Rs. 37,400-67,000/- with grade pay of Rs. 10,000/- be created which was approved by the Board in its 9<sup>th</sup> meeting held on 16.8.2013 for a period of five years the tenure of which is going to be completed on September, 2018.



**Proposal:**

6. It is, therefore, proposed that the additional post of Chief Engineer(Civil) may be extended for another period of five years due to need made in para 3 & 4.

7. The Board may kindly approve the above proposal.

**AGENDA ITEM NO. 22/28**

**Adoption of Recruitment Regulations for Recruitment/Promotion of the employees of DUSIB.**

1. Delhi Urban Shelter Improvement Board came into existence in the year 2010. Earlier it was working under Municipal Corporation of Delhi after its transfer from Delhi Development Authority in the year 1992. Different cadre posts which were created and are in existence in Delhi Urban Shelter Improvement Board are on the analogy of Delhi Development Authority. Thus the employees of the Board are still governed by the Recruitment Regulations which were in operation in the erstwhile Slum & JJ Department.
2. As there has been no induction of staff in the Board since long and many staff members are attaining superannuation, which is resulting in decrease in manpower. Accordingly, a decision has been taken to induct fresh staff by direct recruitment in the Board through DSSSB. As the Recruitment Rules have not been framed after formation of the Board, now a need has been felt to either create new Recruitment Regulations for various posts of DUSIB or to adopt the same from analogous organizations. Accordingly, those Recruitment Rules that are in existence in Govt. of NCT of Delhi have been proposed to be adopted *mutandis mutandis*. Simultaneously, all those posts which do not exist in the Government of NCT of Delhi or whose nomenclature are not in existence in Govt. of NCT of Delhi be adopted from the Delhi Development Authority, being the parent department of DUSIB and the Recruitment Regulations of DDA are applicable in DUSIB for Recruitment and Promotion of its cadre.
3. Accordingly, it is proposed to adopt the Recruitment Regulations of Govt. of NCT of Delhi in respect of the post of Lower Division Clerk's and Patwari's and to follow the Recruitment Regulations of Delhi Development Authority (DDA) in respect of the posts of Field Investigator (F.I), Draftsman and Survey Officer. All these posts will be notified with the revised pay scales i.e. of 7<sup>th</sup> CPC as already adopted by the Board.
4. It is informed that Hon'ble Chief Minister has already accorded its approval for adoption of Recruitment Regulations of the post of LDC of Govt. of NCT in DUSIB.

**Proposal:**

The matter is placed before the BOARD for ratification of approval of adoption of RR for the post of LDC and consideration and allowing the adoption of Recruitment Regulations for the post as mentioned in para 3 above.

**AGENDA ITEM NO. 22/29**

**(A) Information regarding hiring the services of Data Entry Operators(DEOs) and (B) I.T. Professionals (1 No. System Analyst and 3 Nos. Programmers) against vacant posts in DUSIB.**

1. Regarding Data Entry Operators(DEOs):

(i) To discharge the functions of various Sections of DUSIB, DEOs were deployed initially w.e.f. 01/01/2011 to 30/04/2011. Thereafter the Data Entry Operators were hired from M/s ICSIL (Intelligent Communication System India Ltd.- A joint Venture company of TCIL, a Govt. of INDIA Enterprise and DSIIDC) after approval from Competent Authority.

(ii) Presently, 92 Nos. DEOs deployed in the Department are rendering valuable services to the sections w.r.t. Data Entry, Typing, Processing of Tenders and Internet related works etc. The remuneration of the DEOs is paid as per the minimum wage fixed by Delhi Govt. The sanctioned strength of LDC in DUSIB is 367 Nos. and as of date vacant position is 292 Nos. against which the aforementioned DEOs have been hired. The matter for filling up of vacant posts of LDCs has been taken up with DSSSB.

2. Regarding I.T. Professionals (1 No. System Analyst and 3 Nos. Programmers) the details are mentioned below:

(i) Initially 2 Nos. of IT Professionals (One No. System Analyst and One No. Programmer) were hired on Contract basis from M/s ICSIL in the year 2011 for which AA&ES was duly accorded and approval was granted by the then CEO.

(ii) Further, 2 more Programmers were hired from M/s ICSIL in the year 2014 for which AA&ES was also duly accorded and approval was granted by the then CEO.

(iii) The above mentioned Four IT Professionals have been hired and are deployed against vacant post in IT Section of (A) 2 Nos. Asstt. Director(System) which carry a pay-scale at Level 10 on the minimum basic of Rs. 56,100/- and (B) 3 Nos. Asstt. Programmer which is at Level 6 on the minimum basic of Rs. 35,400/-.

3. These Four IT Professionals (Sh. Saurabh Kumar, System Analyst; Sh. Deepak Kaushik, Programmer; Sh. Mukesh Singh, Programmer and Sh. Anoop Singh, Programmer) have been deployed in DUSIB as per the Computerization initiative undertaken by DUSIB.

4. The IT professionals have developed various software applications for the department and have been managing the following:

- (i) JJ Cluster dwellers databases.
- (ii) Monitoring of Night Shelter.
- (iii) JSC and civil projects via web and mobile applications which are time to time updated and upgraded.
- (iv) Currently they are working on the development of Software for DUSIB Schemes like 1985 Registration Housing Scheme and Community Hall Booking.
- (v) IT Section has taken up the GPS mapping of the DUSIB vacant lands and a mobile application has been developed for capturing the various attributes which has latitude longitude, presence of Boundary Walls, Encroachment details, if any, and photographs of the vacant land. The same is updated into the Vacant Land database on line from the site. A web application of the Land MIS has been developed where the details of the land and the photograph can be viewed.

5. Board is also informed that DUSIB participated in the SKOCH Governance Assessment and SKOCH Award for Governance 2018 held on 27/04/2018 and 15/05/2018 and submitted the following applications for nomination Viz. (a) Aadhaar Based Allotment System for Jhuggie Dwellers (b) Night Shelter management System (c) GIS Mapping of DUSIB vacant land and (d) Jan Suvidha(Toilet) Complex monitoring System. **DUSIB IT Team attended the SKOCH Award for Governance 2018 function at the Constitution Club and apart from the three Nos. "Order of Merit Awards", our software application of "Jan Suvidha (Toilet) Complex Monitoring" was awarded the SKOCH GOLD Award.**

6. Further, it is to be intimated that the 92 Nos. DEOs have been granted extension of their services w.e.f. 01/04/2018 to 30/09/2018 and the Four Nos. IT Professionals have been accorded the approval of their deployment w.e.f. 01/07/2018 to 31/12/2018 by CEO(DUSIB).

7. Proposal : The Agenda is, therefore, placed before the Board for information of deployment of 4 Nos. IT professionals and 92 Nos. of DEOs.

**AGENDA ITEM NO. 22/30**

**Regarding scheme for grant of Free hold / ownership right to the residents/ occupants of JJ tenements situated in six JJR Colonies of Delhi.**

1. Multi storied JJR tenements were constructed from 1968 onwards by the Delhi development Authority (DDA/ Govt. of India ) to resettle people who were dislocated by removing and demolishing JJ Clusters and were managed by the erstwhile Slum & JJ Department of the DDA. The distribution of tenements so constructed and allotted in the six different locations of Delhi are as given in the Table -1 below.

Sr.no.	Location of the Colony	Number of Tenements
1	Tenements at Garhi (3 storied)	384
2	Tenements at Raghubir Nagar (4 storied)	1000
3	Tenements at Seelampur Phase I & II (2 storied)	224
4	Tenements at Seelampur Phase III & IV (Welcome) (2 storied)	448
5	Tenements at Ranjeet Nagar (4 storied)	384
6	Tenements at Kalkaji (4 storied)	1240

2. These tenements were allotted by the DDA under Jhuggie Jhopri Removal Scheme on payment of licensee fee. Although the allotment was done on license fee basis for eleven months, the occupation of these tenements appears to have been continued by the allottees, their legal heirs or their successors even after the expiry of the time.
3. In the meantime, consequent to the establishment of the Delhi Urban Shelter Improvement Board in the year 2010, all assets and liabilities of the erstwhile Slum & JJ Department of MCD ( this department attached to the DDA and MCD from time to time) were transferred to the Delhi Urban Shelter Improvement Board, DUSIB). The DUSIB was established by an Act passed by the Legislature of the National Capital Territory of Delhi in the year 2010.
4. It may be recalled that approval was given by the Government of India to confer freehold / ownership rights in respect of allottees of 45 resettlement colonies in 2013 in the case of plots. The tress- passers have not been covered in that proposal.
5. A proposal was accordingly sent to the Ministry of Urban Development, Govt of India vide letter No. F. 391 (7) /UD/BSUP/2013/18259 dated 12<sup>th</sup> July 2013 by the Department of Urban Development, Govt. of NCT of Delhi, The tress-

passers have not been covered in the said proposal. A copy of the said letter is enclosed herewith as **Annexure-1**.

6. The DUSIB has been pursuing the matter with the Department Urban Development, Govt of NCT of Delhi, and last reminder in this regard was sent on 27.03.2018.
7. In the case of a tenement situated in Raghubir Nagar, the Hon'ble LG, Delhi has issued directions under the DUSIB Act- 2010, in the capacity of appellate Authority, to the CEO, DUSIB to consider the case / representation of the occupant / tress-passer. Accordingly, CEO, DUSIB has passed orders for the eviction of the said tenement and also passed directions to carry out the survey of such similar properties in Raghubir Nagar so that action is taken against all the tress- passers, if any. A copy of the said order dated 08.05.2018 is enclosed herewith **Annexure- 2**.
8. Shri Sahi Ram, Hon'ble MLA / Hon'ble Member of the Board, vide his letter dated 22.05.2018 has desired that a proposal be placed before the next board meeting desiring that the damages payee, tress- passers, and unauthorized occupants who are residing and in occupation for the last about 25-30 years in such tenements may not be evicted from the tenements which are occupied by them and that till a policy is made, no coercive action such as eviction be taken against them. A copy of the letter dated 22.05.2018 is attached herewith as **Annexure- 3**.
9. The proposal may kindly be placed before the BOARD for consideration further deliberations.

**AGENDA ITEM NO. 22/31**

**Disciplinary proceedings case against Sh. G.L. Gupta, Dy. CA (Retd. u/s))- Retired on 31.10.2011.**

**RDA NO.1/VIG/DUSIB/16/2010**

This case relates to the embezzlement of government money, amounting to Rs. 19.44 crores by one Sh. Purshottam Kumar, Asstt. Director/Head Cashier and others, in the accounts wing of the erstwhile Slum and JJ Department of MCD (Now DUSIB). Soon after the scam came to the knowledge of the higher authorities in Sept'2010, Sh. Purshottam Kumar, Assistant Director was suspended on 23.09.2010. Besides on the basis of Preliminary inquiry by Shri Mukesh Kumar, Vigilance Officer/DJS, nine more officials/officers were also placed under suspension including Sh. G.L. Gupta, Dy. CA\_on 29.09.2010 and booked for major penalty proceedings

2. Initially, the case was reported to the local police by the accounts officers but later on, the same was referred to the CBI for carrying out investigation into the above matter. In the meantime, the local police had referred the matter to the Economic Offences Wing, Crime Branch of Delhi Police. But, the CBI did not take any action in the first instance. Letters were also sent to the Directorate of Vigilance, GNCTD etc. The then CEO again referred the matter to CBI requesting therein to the CBI to investigate the matter, keeping in view of the involvement of large number of officials and magnitude of the embezzled amount. Before the CBI could take any action, the Anti-Corruption Branch of Govt. of NCT of Delhi registered a case against the above named officials who were under suspension. Sh. Purshottam Kumar, AD(Cash) (now dismissed), Sh. S.K. Sharma, FA, Sh. O.P. Nasa, B&FO, Sh. Ramachandran V, Sr. AO, Sh. A.P. Mitra, AO and Sh. N.K. Gupta, AO were arrested by the ACB, GNCT of Delhi and later released on bail. Presently the matter is under investigation with the A.C.B., GNCT of Delhi.

3. These officials/officers were prima facie guilty of the misconduct as they remained posted at Slum HQ but did not take any action in the matter. Regular disciplinary action for major penalty against them was ordered.

4. A special audit of the accounts section was carried out by the Comptroller of Accounts (Audit), Directorate of Audit, for the period 1992 to 2010. The Special Audit report received in the year 2011 reflects serious irregularities such as non-maintenance of ledgers, non-conducting of audit by the internal audit branch & Municipal Chief

Auditor, huge difference in opening and closing balance and also irregularities in financial statements of annual accounts including the embezzlement of government money to the tune of Rs.19.44 crores. Besides the 10 officers (9+1) as mentioned in para 1 above, some of the officers' role also came into picture in the above case. The Special audit report suggested action against the erring officers and also suggested some preventive actions for future to avoid recurrence of such scams in future. The special audit report also suggested for recovery of the embezzled amount.

5. After receipt of Special Audit Report, 18 more officers were found prima facie guilty. Regular Departmental Action (RDA) for major penalty has been ordered against them. Some Officers had retired before this misconduct came to notice of higher authorities. Role of some other officers/officials are under examination.

6. A first stage CVC advice was sought, Commission advised major penalty proceedings against the 28 officers/officials (including 06 officers from DDA who were posted in S&JJ Deptt. (Now DUSIB).

7. Accordingly, a charge sheet for major penalty proceedings under rule 9 of CCS (Pension) rule, 1972 was issued to Sh. G. L. Gupta, Dy.CA vide no. VG/1201/01/ DUSIB/2010/D-283 dt. 11/03/2013, after obtaining necessary approval of Chief Minister of Delhi, Chairperson, DUSIB. In the charge sheet, it was alleged that:

8. Sh. G.L. Gupta was working as Sr. A.O. (Plan) in Slum & JJ Department since July 2007 to September, 2008. He was promoted as DCA in September, 2008. He retired under suspension on 31.10.2011 after attaining the age of superannuation. Sh. G.L. Gupta, Dy. CA failed to maintain absolute integrity, devotion to duty and committed gross misconduct on the following counts:

#### Article-I

Sh. G.L. Gupta in connivance with Sh. Purshottam Kumar, Cashier, and other officers of the Accounts wing viz. AAO, AO, and Sr.AO posted from time to time at Head Quarters in various branches including the HQ (Slum) and HQ (JJ), failed to supervise the remittance of public funds in bank which were received in cash by Shri Purshottam Kumar, Asstt. Director (Cash). The officials of the accounts wing including Shri Purshottam Kumar, Cashier/AD(Cash), did not remit the revenue collected/received in cash through challans and G-8 books from various sources in bank accounts of the erstwhile Slum & JJ Department of M.C.D. (now Delhi Urban Shelter Improvement Board). There is a difference of Rs. 14, 74, 13, 861/- in the 26 Cash Books of squatter scheme for the period from 17/5/2000 to 9/9/2010



which was not remitted/deposited in bank account No. 10310544886 (Old No. 80090) State Bank of India, I.P. Estate, New Delhi, which was collected/received in the Department through challans and G-8 books etc. from various sources of the erstwhile Slum & JJ Department of M.C.D. (now Delhi Urban Shelter Improvement Board).

#### Article-II

Sh. G.L. Gupta failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. There is a difference of Rs. 3,20,95,777/- reflected in the Special Audit Report, as per 31 cash books of Slum (Non-plan) scheme for the period from 29/1/1997 to 21/9/2010, which was not remitted/deposited in bank account No. 10310544412 (Old No. 17658) State Bank of India, I.P. Estate, New Delhi which was collected/received by the Cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). Shri G.L. Gupta was required to effectively/efficiently supervise the staff posted under him.

#### Article-III

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. There is a difference of Rs. 1,10,72,834/- as per 15 cash books of JJ(HQ) scheme for the period from 01/4/2003 to 03/9/2010, as reflected in the Special Audit report, which was not remitted/ deposited in bank account No. 1220608294, Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi which was collected/received by the cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). There is embezzlement and misappropriation of Government money/funds amounting to Rs. 19.44 Crores as reflected in the Special Audit Report in the Special Audit of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD). If Shri G.L. Gupta had taken sufficient care and efficiently supervised the cashier and other staff posted under him, embezzlement of government money could have been avoided.

#### Article-IV

Sh. G.L. Gupta further failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. As per scrutiny of the challans of different zones the cash amounting to Rs. 63,31,492 was collected and deposited with Sh. Purshottam Kumar, cashier (HQ) during the period 1/4/2008 to 23/4/2008. But, Rs. 32,15,096/-, is short, as reflected in the special audit report of the special audit, which was not deposited in bank as per bank statement. There is an embezzlement and misappropriation of above said funds of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD) by the Cashier. The

cash book of JJ (HQ) scheme from 1/4/08 to 23/11/2008 were also not produced and made available to the Special Audit Team for conducting special audit.

#### Article-V

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. As per 04 cash books of YAP scheme for the period from 19/9/2001 to 31/5/2010 there is a difference of Rs.609174/-, as reflected in the special audit report, which was not remitted/deposited in bank account No. 10310541669 (Old No. 80130) State Bank of India, I.P. Estate, New Delhi which was collected/received by the Cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). There is an embezzlement and misappropriation of above said funds of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD) by the Cashier.

#### Article-VI

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Sh. Purshottam Kumar, Cashier/AD(Cash) & other supervisory officials above the Cashier prepared and used false and fake bank statement in respect of Slum (Plan) & Slum (PF) account number 10310544401 State Bank of India, I.P. Estate, New Delhi & 1220602338 Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi.

#### Article-VII

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Reconciliation of Bank statements in respect of various accounts maintained by the erstwhile Slum & JJ Department of MCD (now DUSIB) with State Bank of India, I.P. Estate, New Delhi & Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi, was not done for many years. The DDOs were required to prepare bank reconciliation statement of drawls and deposits on monthly basis to keep a track of deposits and withdrawals from bank account. But the same was not done by DDOs in mutual connivance with cashier for so many years. It was well within the notice of Shri O.P. Nasa that reconciliation of bank statements with the cash book and vice versa is mandatory under the settled accounting procedure. The settled accounting procedure was violated. Shri G.L. Gupta did not take any action in the matter and also failed to ensure that the settled accounting procedure is not violated.

#### Article-VIII

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. False bank statement for the month of August 2007, December, 2007, March, 2008 and October, 2009 for account no. 10310544401 (Plan scheme) as per records (inventory) (item No. 45) were found used in the records of accounts as reflected in the Special Audit Report.

#### Article-IX

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. 50 fake counterfoils of bank deposit from 5.4.10 to 31.8.10 in respect of account no. 1220608294 (JJ) (HQ) amounting to total Rs. 1384150/- were found used in the records of the accounts as reflected in the Special Audit Report.

#### Article-X

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Cheque bearing No. 911523 dated 2/8/2007 for Rs. 421150 was not deposited in account no. 1220611536 (CBI) (JJ PF). The said cheque was deposited in account no. 10310544401 (SBI) (Plan scheme).

#### Article-XI

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Sh. Purshottam Kumar, Cashier/AD(Cash) did not make entry in cash books regarding cash deposits in various bank accounts of Plan Scheme, Slum non-plan, Yamuna Action plan i.e. account no. 10310544401, 10310544412 & 10301541669 respectively as reflected in the Special Audit Report. There was a complete failure of supervision over the cashier by the other supervisory staff posted above the Cashier and also by Shri G.L. Gupta.

#### Article- XII

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Interest given by the bank was not entered by the Cashier in cash books at several occasions as reflected in the Special Audit Report.

#### Article- XIII

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Some cheque payments were not entered in cash books which were shown in bank statement and vice versa as reflected in the Special Audit Report.

#### Article-XIV

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Entry of debit of the amount invested in various FDR were not entered in cash book as reflected in the Special Audit Report.

#### Article-XV

Sh. G.L. Gupta also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Entry of 61 cheques for total Rs.3,61,55,015/- (JNNURM scheme) was not made on payment side of cash books as reflected in the Special Audit Report.

#### Article-XVI

Shri G.L. Gupta further failed to get conducted the accounts of the HQ and other branches of the erstwhile Slum & JJ Department of MCD (now DUSIB) audited from the Internal Audit of or Municipal Chief Auditor. If internal audit was got conducted, financial irregularities could have been avoided.

Sh. G.L. Gupta, B&FO (now Retired under suspension) failed to supervise his subordinate staff including Shri Purshottam Kumar, Cashier/AD(Cash) and other staff posted above the Cashier. Sh. O.P. Nasa, in connivance with other officials/officers of finance and accounts department of erstwhile Slum & JJ Department of MCD (Now DUSIB), did not take proper preventive steps in order to stop any embezzlement and misappropriation of government money/funds. It was well within the notice of Shri O.P. Nasa that the Settled accounting procedure was also violated in the Account Department of the erstwhile Slum & JJ Department of MCD (Now DUSIB).

#### Article-XVII

Sh. G.L. Gupta failed to supervise his subordinate staff posted under him from time to time in the Internal Audit Branch. Internal audit of the accounts was not conducted, as per settled accounting procedure, by the Internal Audit Branch of the erstwhile Slum & JJ Department of MCD (Now DUISB) which resulted in non-detection of embezzlement of funds of DUSIB amounting to Rs. 19.44 crores. It was well within the notice of Shri O.P. Nasa that the Settled accounting procedure was also violated in the Accounts Department of the erstwhile Slum & JJ Department of MCD (Now DUSIB) and that no internal auditing was done. If internal audit was conducted, financial irregularities including embezzlement of government money could have been avoided as reflected in the special audit report.

### Article-XVIII

Sh. G.L. Gupta failed to supervise his subordinate staff posted in the Double Entry System Branch. He did not take any action, as per settled accounting procedure, on the report of K.G. Somani & Company (Chartered Accountants) which converted the accounts of the DUSIB from single entry system to Double entry system for the year ending on 31.3.2006 which indicated a difference of Rs.3325234737/- in opening balance and (-) 1456120646.58 in the profit & loss accounts.

### Article-XIX

Sh. G.L. Gupta failed to supervise his subordinate staff posted in the Double Entry System Branch. He did not take any action, as per settled accounting procedure, on the report of ICAI-ARF. He failed to get maintained the ledgers in the Double Entry System Branch as per settled accounting procedure during his posting in Double Entry system while it was required so.

9. The charges were denied by him. Accordingly Sh. K.R. Kishore, Sr. DANICS (Retd.) was appointed to inquire into the charges vide no. D/1384/DD/Vig./ DUSIB/2013 dated 29/10/2013.

10. The Inquiry Officer submitted his report on 28/04/2015. **Inquiry Officer has proved 10 charges Article II, III, VII, VIII, IX, X, XII, XV, XVI (i), XVII out of the 18 charges; partly proved Article VI, Article XI and Article XVI and Not proved Article I, IV, V, XIII, XIV and XVIII.** The inquiry report is placed at pages 1/C to 50/C for kind perusal. A copy of the report was served on Sh. G.L. Gupta, C.O. vide letter D-343/DD(Vig)/DUSIB/2015 dated 29/06/2015. He submitted his representation dt 16/07/2015.

11. Sh. G.L. Gupta/C.O. has made no comments on the charges which have been held not proved by the I.O. however, with regard to other charges which have been proved and partly proved by the I.O. he has commented in detail with regard to each of the Articles. However, a brief stand taken by Sh. G.L. Gupta, Dy.C.A. (Retd.) with the articles that is proved by the I.O. is that, all the charges have been proved on the basis of only one ground that he had worked in the capacity of Dy. C.A. and supervised all sections of the finance wing of the department against the three sanctioned posts of Dy.CA in the fag end of his service of about one or two years and got the fraud, which was going on in the department for the last more than 20 years, brought to books. He has state, how the embezzlement was disclosed by him and explained in detail under the heading "4 disclosure of the embezzlement" in his statement of defense filed before the IO dated 18.11.14. He has stated that the embezzlements which was going on in the accounts of AO(Slum)HQ for the last about more than fifteen years could never have been brought to books until and unless either any one out of the cashier, AAO, AO and then MCA audit party behaved and performed his

duties properly, as the accounts of AO(Slum) HQ not routed through his supervisors i.e. Dy.CA, B&FO, FA etc. and these were being forwarded to the AO(Plan) directly from the level of AO(Slum) HQ for consolidation etc. He has further stated that as the monthly accounts of the individual DDOs not routed through the Dy.CA for consolidation and obtaining approval of the Competent Authority, so the Dy.CA in his supervisory capacity not responsible for any supporting documents if not prepared in the office of DDO before submission of his account. He has stated that he has never worked as DDO in the sections where cash transactions of the erstwhile Slum & JJ Department (i.e. of the Govt. Account) were involved. He had only worked in the plan section as DDO for a period of about one year i.e. from 17.07.2007 to 01.09.2008 where funds were received from the Delhi govt. through ECS and payments were released through cheques only. There was no cash transaction involved in the section. That bank reconciliation work was being done in the section regularly on monthly basis during his tenure. As per the rule of hierarchy he was, in the capacity of Dy.CA not supposed to supervise the cashier and the staff posted above him except the DDO, who too, only in respect of the documents required to be put up before the higher authorities for approval through his supervisor.

11.1 With regard to article-II of the charge sheet he has stated that in the capacity of Dy.CA he was not supposed to supervise the cashier and the staff posted above him except the DDO, who too, only in respect of the documents required to be put up before the higher authorities for approval through his supervisor and not in respect of the documents where full powers under the provisions of Rules framed by the GOI and also followed in the erstwhile Slum & JJ Department have been delegated to DDO for disposal of the office work on day to day basis. He has stated that only the DDO concerned is fully responsible for handling of the cash of the department Further that when the powers have been delegated under the provisions of various rules framed by the Govt. of India, instructions from, or approval of, a superior officer or authority are not required by a govt. servant to evade his responsibilities as per explanation II given under Rule 3 General of CCS (CCA) Rules 1965(page 56 of the Swamy's compilation of CCA (CCS) Rules. Hence the superior officer above DDO's i.e. Dy.CA, B&FO, FA, Head of the department are not responsible in respect of the matter involving handling of the cash of the Govt. account. Further, he stated that his contention has not been taken into consideration by the I.O. whereas the witnesses produced by the prosecution given their own statement without quoting any rules have been considered which is required to be re-examined. Further, the hierarchy of Accounts personnel in the department was Acctt./AAO, AO/Sr. AO., Dy.CA, B&FO and FA but duties and responsibilities to any officer/officials in the chain are assigned in every govt. office by two ways i.e. a) through provisions' of rules framed by the Govt. of India as contained in CTR, GFR, CPWA Code, Receipt and Payment Rules

etc. and (b) the other through issue of orders by the higher authorities from time to time for smooth functioning of the work of the department. While discharging duties and responsibilities under (a) above, no further instructions, directions, approval etc. required by the officer from his superior as per explanation under Rule 3. General of CCS (CCA) Rules 1965 (page 56 of Swamy's compilation. For other departmental orders are issued for smooth functioning of the work like the order dated 06.10.2008 and 23.11.1992 issued in the department. This does not mean, the above orders supersedes the provisions of the Rules framed by the GOI and no authority is competent to make amendments without the approval of the President of India. The statement of Sh. S.K.Minocha, Sh. Om Parkash, Sh. Ahuja, Sh. S.P. Mitra who have worked in the finance in the capacity of FA and DCA themselves could not be able to disclose the embezzlement or even could not be able to get the work of bank reconciliation started during their tenure. Their statements are without support of any rule position available on the subject.

11.2 He has further stated that Sh. Mukesh Kumar, the V.O., after recording the statements of various accounts personnel, finalized the report without ensuring the truth of statements of Sh. N K Gupta, then AO, Smt. K.V. Dutta the then AO(JJ)HQ etc. Sh. Surender Kumar Sharma, never worked at HQ and not fully conversant about compilation of account HQ. The Vigilance officials prepared the charge sheet only on the basis of record made available to them and were not conversant with the rules and accounting procedure. Hence, there is no failure of supervision on my part in the capacity of Dy.CA as regard to the charge under this article and needs to be reconsidered for dropping the charge under reference.

11.3 With regard to Article-III, he has brought out the embezzlement which was going on in the department for the last more than 20 years was brought to books and enable to stop further embezzlement in the JJ(HQ) side as well as in the AO(HQ) Slum side which he has already stated in detail in his statement of defense file earlier to IO on dated 18.11.2014. In view of the justifications stated his statement of defense dated 18.11.2014, there was no failure of supervision in his part in the capacity of Dy.CA. as regard to the charge under this article and hence views of the IO that the prosecution could substantiate the charge needs to be reconsidered for dropping the charge under reference.

11.4 With regard to Article-VI, he has stated that he has worked as DDO in the Plan Section for a short period of one year i.e. from 17.07.2007 to 01.09.2008. During his period as DDO in Plan section none of the entry of debit or credit found missing in the bank statement of plan account no. 10310544401, SBI, IP Estate, New Delhi collected by the department and produced before the audit, with reference to cash book maintained in the

section. The entry of Rs 4,77,50,000/- reflected in annexure XXII enclosed with the special audit report, the only entry pertaining to his period shown as remitted into the bank as per the cash book but not reflecting in bank statement of Plan account, is due to the fact that the amount was clubbed with the amount of MLA fund to the tune of Rs. 8,05,000/- and reflected in the bank statement on dated 05.06.2008 as Rs. 4,85,55,000/- which may be seen at sl. No. 98 of annexure XVI enclosed with the special audit report. Further, there were some entries on the credit side of the bank statement which did not found place in the cash book as these entries not pertain to the plan account and might be wrong credit given by the bank. Most of the wrong credits given by the bank later on transferred to the concerned scheme to which these entry pertain as and when came in the notice of DDO(Plan) which may be seen from annexure XVI enclosed with the Special audit report. Some of such entries could not be transferred as the concerned DDO whose entries were missing on the credit side of the bank statement of his concerned bank account not approached the plan section for transfer of his missing credits.

11.5 Regarding false and fake statements used for bank reconciliation statement during his tenure as Sr. AO (Plan) he has stated that it looks so original and on bank stationary as were available in the record for earlier period also, that no one can judge about its fake. Moreover, none of the entry of debit or credit found missing in the bank statement of plan account-no. 10310544401, SBI, IP Estate, ND collected by the department and produced before the audit, with reference to the cash book maintained in the section. So there was no loss of revenue of the department due to use of the false bank statement. Further he has stated that it is correct to say that DDO was the supervisory authority of cashier and Accountant/AAO but as discussed in length in Art.II Dy.CA was not supposed to supervise the cashier and supervisory officers above cashier as regard to the cash/treasury matter of govt. account.

11.6 He has stated with regard to Art. VII that the bank reconciliation is a supporting document required by the DDO to ensure correctness of the entries made in the cash book before compilation of his account on the basis of the cash book for submission to the concerned section for further necessary action. It was well known fact that he was not aware of non-preparation bank reconciliation statement in HQ (Slum) prior to 17.09.2010. the statement given before the Vigilance Officer incorporated in the preliminary inquiry report clearly indicate that he was not aware of non-preparation of bank reconciliation statement in HQ(Slum) prior to 17.09.2010. Non compilation of bank statement came to the notice of my predecessors Sh. S.K. Minocha, and Sh. Om Parkash well in time as per their statements but they did not take any steps during their tenure for getting such an important work done or even started to get the same done



through their subordinates nor brought it to notice of higher authorities. That there is no truth in the statement that the fact of non-compilation of bank statement was in the notice of all the senior officers of accounts deptt. as no documentary evidence is available on record in support of the statement.

11.7 That wherever he remained in the department as Acctt., AAO, AO and Sr. AO since 1988 i.e. from the date of his appointment as Accountant, the accounts of that section were submitted after ensuring the authenticity of the entries made in the cash book by way of completion of the work of bank reconciliation, which may be verified from the accounts of the Plan section where he remained as DDO even for a short spell of about one year. As per the provisions of rules available on the subject, all DDO are duty bound to prepare the accounts after ensuring the correctness of entries made in their cash book with the help of completion of the work of bank reconciliation. So the source on the basis of IO as well as Ex S-2 arrived at is not known to him. That as per the settled accounting procedure the bank reconciliation work in the office of DDO is subsidiary in nature to ensure correctness of entries made in the cash by the DDO before compilation of monthly account on the basis of cash book. That in the capacity of Dy.CA he was not supervisory authority of the cashier and other supervisory officers above cashier as regard to matters pertaining to cash/treasury. That there was no violation on his part in the capacity of Dy.CA for non-reconciliation of bank statement at the level of DDO. That charge needs to be reconsidered for dropping.

11.8 With regard to Art.VIII regarding use of false bank statement has already been discussed in article VI. That charge needs to be reconsidered for dropping.

11.9 With regard to Art. IX is a repetition of introductory para1 as well as in statement of defense filed by him before the I.O. dated 18.11.2014. That charge accordingly needs to be reconsidered for dropping.

11.10 With regard to Art. X he has stated that during the period that he worked as DDO(Plan) none of the entry of debit and credit was found missing in the bank statement of Plan account no. 10310544401 with reference to the cash book maintained in the section is based on record. That the entry of cheque as reflected in the bank statement not pertain to Plan account no. 10310544401 which might be wrong credit given by the bank and hence not found place in the cash book of Plan Account. That the entry could not be detected at that time due to non-preparation of bank reconciliation by the DDO(JJ)Hq. At that time he was neither working as DDO(JJ)HQ nor Dy.CA.

11.11 Reg. Art. XI he has stated that the entries for an amount of Rs.1,50,000/- and Rs. 200/- not made in the cash book of Plan account because these entries did not pertain to Plan scheme and might be wrong credit given by the bank. These entries could be verified only when the concerned DDO to whom the entries pertain approach the Plan section. The remaining entry of Rs. 950/- not pertain to his period as DDO and that he was not supposed to supervise the DDO in the capacity of Dy.CA as regard to the matter pertaining to cash/treasury and as such there was no failure on his part in the capacity of Dy.CA. That charge accordingly needs to be reconsidered for dropping.

11.12 Reg. Art. XII he has stated that in the first part Ex S-8, the evidence on record made clear that the Cashier, Acctt/AAO and AO/DDO were responsible for making proper entries in cash book and that he was not supposed to supervise the DDO in the capacity of Dy.CA.

11.13 Art. XIII and XIV IO concluded that the prosecution is not liable to substantiate the charge hence no comments.

11.14 Art. XV with regard to cheque payments shown as debit in the bank statement of JNNURM scheme procured by the department from the bank and produced before the audit pertain for the period from 29.08.2008 to 17.03.2008. The payments made though these cheques not pertain to JNNURM scheme and hence not entered in the cash book. The JNNURM scheme as well as cash book of the scheme was not operative during the period under reference. He further stated that as per rule 40 of the Receipt and Payment Rules the cheque books got issued against a Bank account from the bank should be kept by DDO in safe custody under lock and key and in slum department chest with lock and key was maintained by AO(HQ) only. He has stated that AO/DCA were authorized to sign cheque drawn against all the bank accounts operative in the S&JJ Deptt irrespective of the fact that he was the DDO of that account or not. Taking this benefit AO(HQ) who was having the custody of the cheque book and authorized to sign, issued cheques under reference for slum non plan expenditure after making necessary entries in the Slum non-plan cash book, from the cheque book got issued against the JNNURM scheme. This did not come in my notice at the time as the scheme was not operative and he had not issued any cheque against the scheme. The cheque payments under reference were not for expenditure pertaining to JNNURM scheme and hence not entered in the cash book of the scheme. The payments made through these cheques were for non-plan expenditure and entered in the non-plan cash book by the AO(HQ). All AOs are at par with the DDO as far as operation of all the bank accounts of the department is concerned as all AOs were also authorized to sign the cheques drawn against any bank account of the department irrespective of the fact whether he was the DDO of that account

or not as such there was no failure of supervision over the cashier and other supervisory staff above cashier on my part in this regard.

11.15 With regard to Article XVI, as and when the JJ(HQ) was placed under his supervision in the capacity of Dy. C.A. w.e.f. 01.06.2009, it came to his notice during interaction with the Municipal Audit party about the fact of non-conducting of audit of JJ(HQ) from the very beginning, he immediately brought it to notice of higher authorities and directed the concerned to forward the account of the section on monthly/quarterly basis to the audit after obtaining approval of the Competent Authority hence there was no lapse on his part for not carrying out audit of JJ(HQ) section for such a long period. He has further stated that he was the only Dy.CA looking after the work of entire finance of the department which used to be shared by three Dy. CAs prior to him and was not possible to make structural change at that time and revive the internal audit section for the purpose of audit of the various sections of the department, which was not functional for the purpose since 1998 as per the directions of the Sr. Officers of the Internal audit section. The second part of the charge not pertains to him as it is referred to Sh. O.P. Nasa, hence the prosecution partly proved the charge needs to be reconsidered for dropping the charge under reference.

11.16 Article XVI (i) charge is almost repetition of the preceding charge hence his discussion above holds good here also. Further stated that regular conduct of audit is a part of settled accounting procedure and hence the work of audit was carried out by a team of Municipal Audit party regularly.

11.17 Article XVII he has stated that the staff posted in the DES as well as the consultant made their utmost efforts to sort out the difference shown in the balance sheet for the year ending 2005 but could not succeed as there was a huge difference pertaining to the year prior to March 2005 and was a long and time consuming exercise which might not be sorted out by the department till date i.e. even after lapse of more than five years. The department relied upon the statement of the chartered accountant being professional that they have seen the bank reconciliation of the all the DDO of Slum side to which their financial statement pertains. There was no reason with the department not to rely on the statement as it was neither in the notice of the departmental nor informed by any DDO about non reconciliation of statement in their office as discussed in detail under article=VII.

11.18 Article XVIII IO concluded the prosecution could not substantiate the charge against him hence no comments.

11.19 In the concluding Para he has stated that the embezzlement of funds which was going on in the department for the last so many years could be brought to books only due to his sincere, hardworking, efficient supervisory control and dedicated service to the department as given in detail above as well as in statement of defense filed before IO dtd. 18.11.2014. Further, is anything seems unreasonable allow him to give further justification.

12. Shri G.L.Gupta in his representation has mainly stated that as per rule of hierarchy, in the capacity of Dy.CA he was not supposed to supervise the cashier and the staff posted above him except the DDO, who too, only in respect of the documents required to be put up before the higher authorities for approval through his supervisor and not in respect of the documents where full powers under the provisions of Rules framed by the GOI and also followed in the erstwhile Slum & JJ Department have been delegated to DDO for disposal of the office work on day to day basis. Further, he added that only DDOs concerned is fully responsible for handling of the cash of the department. Hence the superior officer above DDO's i.e. Dy.CA, B&FO, FA, Head of the department are not responsible in respect of the matter involving handling of the cash of the Govt. account. He has stated that he has never worked as DDO in the sections where cash transactions of the erstwhile Slum & JJ Department (i.e. of the Govt. Account) were involved. Further, he stated that he had only worked in the plan section as DDO during 17.07.2007 to 01.09.2008 where funds were received from the Delhi govt. through ECS and payments were released through cheques only. While referring his statement of defense filed before the IO dated 18.11.14, he stated that how his efforts got the fraud brought to books, is explained in detail in his statement.

12.1 While going through the representation/comments of Sh. G.L.Gupta, C.O., it is given to understand that he has repeated the contents of his earlier submissions and while analyzing the evidence on record I.O. has considered almost all the points raised by the C.O. during the inquiry proceedings. In his findings, the Inquiry Officer has stated that as per details of special audit report, cash shown as remitted into the Bank as per cash books but not found credited in bank statement of account no. 10310544412 Slum (Non-plan) are from 10/02/1997 to 16/09/2010 and the C.O. had worked as Dy.CA looking after the slum (non-plan) scheme from 08.09.2008 to 29.09.2010. The non-remittances of cash as stated above therefore falls during the tenure of C.O.

12.2 Regarding supervision of cashier, I.O.has stated that the hierarchy in the accounts wing of Slum & JJ Wing was Accountant/AAO, A.O., Dy. C.A., B& FO and F.A. as per PW-II, the work distribution orders issued by FA broadly indicate the supervisory role of Dy.CA and B&FO and as per orders Dy. CAs, were to supervise the branches allotted to them which include cash/treasury matters, management and maintenance of cash books, cash

receipts and disbursement etc. and report to B&FO. Dy.CA/B&FO were to supervise cashiers and staff above cashier and FA as head of the department was the overall in charge/supervisor and controller of all activities in the Accounts wing of the department. He further added in the report that the contents of the Special Audit report have been confirmed by prosecution witnesses i.e. members of special audit team who had conducted the special audit and submitted the report. CO had also admitted the contents of special audit report except the observations relating to non-maintenance of Ledger. Therefore, the embezzlement of Govt. Funds as mentioned in the article is proved fact.

12.3 I.O. has stated that the contention of C.O. that as Dy.CA he was not supposed to supervise the cashier and other staff except DDO and he was not supposed to supervise DDO as Dy.CA in the matters of handling cash etc. seems not convincing as per evidence brought on record by prosecution. The C.O. himself had admitted that Sh. Purshottam Kumar, AD (Cash)/Cashier was working under AAO (HQ)/AO (HQ) and AO(HQ) was under Dy.CA (C.O. himself). The C.O. cannot absolve of his responsibilities of his supervision on his subordinate working under him in the hierarchy of accounts personnel in the department to the amount of non-remittances of cash pertaining to the tenure of CO as Dy.CA (HQ) Slum.

12.4 Further, regarding fake and false bank statement, it has been stated by I.O. that the C.O. cannot absolve himself of his supervisory responsibility for the use of fake and false bank statement in the plan section during the period he had worked as DDO i.e. for the months of August, 07, Dec.07 and March 08 and Oct, 09 in the capacity of Dy.CA i.e. supervisory authority of plan section.

12.5 Further, showing significance by referring to preliminary inquiry report of Sh. Mukesh Kumar, Vigilance Officer/DJS, I.O. has noted that Purshottam Kumar, Cashier was not performing his duties properly and this fact was never supervised by the senior officials who were well aware about all happenings related to finance particularly the non-remittances of cash, missing credits and reconciliation of bank statements not being carried out.

12.6 The I.O in his analysis with respect to charge of non-preparation of Bank Reconciliation has elaborated the significance of Bank Reconciliation in reference to contents of Special Audit Report and stated that the submission of CO that he was not aware of non-preparation of Bank reconciliation statement in HQ (Slum) appears not convincing as per evidence on record. Further, he has stated that the C.O. remained in the department for several years in various capacities such as Accountant, AAO, AO and Sr.AO and as Dy.CA (also worked as AO (Plan) DDO and Dy.CA (plan). Therefore, it seems, it is unlikely that he was not aware of it. He noted in the findings that Bank reconciliation statement was not being prepared during the tenure of C.O., there had been violation of settled

accounting procedure and thus C.O had failed as supervisory authority to ensure the same.

12.7 As per report of I.O., it is on record, had bank reconciliation been done regularly the embezzlement and other lapses mentioned in audit report could have been avoided/averted or detected much earlier.

12.8 Regarding the charge of fake counter foil of bank deposit, missing entries in bank statement, non-deposit of cheques, missing entries in cash book and non-entry of interest given by bank, the IO has stated that the contention of CO is contrary to the fact on record and cannot be accepted as CO himself admits the fact that he was the supervisory authority and had a role to play as supervisory authority. Accordingly, IO in the instant matter stated that the C.O. failed to supervise the cashier and other supervisory staff above cashier posted under him from time to time.

12.9 I.O. has further noted that during the relevant period, CO was AO (Plan), DDO. The Cheque payments that were reflecting in the bank statement of JNNURM scheme should have been entered in the cash book of JNNURM but they were not entered in those cash books as revealed from special audit report. In this regard CO had submitted that during relevant period the JNNURM scheme was not operative. IO noted that if that was the case, CO should have inquired into the matter and acted upon it accordingly. However, nothing has been brought on record by CO in this regard. As per provisions of CTR, GFR and CPWA code etc. referred by PO and CO, the DDO has to ensure that proper entries are made in the cash books and he is responsible for its correctness. Therefore, for this lapse CO is responsible and it can be said that CO failed to supervise the cashier and other supervisory staff above the cashier in this regard.

12.10 As regard the charge of not conducting internal audit for a long time, IO in his findings has stated that CO cannot absolve of his responsibility of not taking initiative in this regard being Dy.CA in-charge of Internal Audit Section. IO further noted that CO had not placed on record any such efforts that were ever made by him. IO further added had there been regular conduct of internal audit the irregularity/ embezzlement could have been avoided therefore the evidence suggest CO failed to supervise staff posted in internal audit.

12.11 As regards the charge of not taking action on the report of M/s K.G. Somani & Co., which indicated the huge difference in opening balance and in the profit and loss account in balance sheet prepared by them. IO in his findings stated that no effort had been made by the staff working in DES to work out and analyze the reasons for the difference shown in the report and not placed the same before higher authorities for appropriate action. It has been further noted by IO that there is nothing to show that any effort was made to examine the points raised by consultant with respect to difference in

the opening balance of 332 crores and also about the comments made by CA cum FA relating to bank reconciliation and the reply by the consultants that they had seen the bank reconciliation statements. Accordingly, IO has proved the charge against the C.O.

13. As regard, criminal case pending in the Anti-Corruption branch, GNCTD, the investigation is under process and final outcome is awaited. The Accounts branch, DUSIB has also filed a recovery suit against Sh. Purshottam Kumar, Asstt. Director (Dismissed) & Others – CS (OS) - 623/2016 & I.A. 15982/2016 (U/S 151 CPC) and the same has been admitted in the Hon'ble High Court of Delhi on 26/7/2017.

14. The Board in its 3<sup>rd</sup> 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.

(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.

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

15. Sh. G.L.Gupta, Dy.CA (Retd. u/s) / Charged Officer is a group 'A' retired employee. As per the above order, the Charged Officer falls under the category (ii).

16. Now, keeping in view the charges framed against the report of the Inquiry Officer and the representation filed in this regard by the charged officer, the matter is required to be placed before the Board in pursuance of office order no.PA/Dir.(Admn.)/2011/ D-200 dated 28.07.2011.

17. 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. G.L.Gupta, Dy.CA (Retd. u/s) / Charged Officer, DUSIB.

**AGENDA ITEM NO. 22/32**

**Disciplinary proceedings case against Sh. O.P. Nasa, B&FO (Retd. u/s)-  
Retired on 30.09.2010.**

**RDA NO.1/VIG/DUSIB/16/2010**

1. This case relates to the embezzlement of government money, amounting to Rs. 19.44 crores by one Sh. Purshottam Kumar, Asstt. Director/Head Cashier and others, in the accounts wing of the erstwhile Slum and JJ Department of MCD (Now DUSIB). Soon after the scam came to the knowledge of the higher authorities in Sept'2010, Sh. Purshottam Kumar, Assistant Director was suspended on 23.09.2010. Besides on the basis of Preliminary inquiry by Shri Mukesh Kumar, Vigilance Officer/DJS, nine more officials/officers were also placed under suspension including Sh. O.P. Nasa, B&FO on 29.09.2010 and booked for major penalty proceedings.

2. Initially, the case was reported to the local police by the accounts officers but later on, the same was referred to the CBI for carrying out investigation into the above matter. In the meantime, the local police had referred the matter to the Economic Offences Wing, Crime Branch of Delhi Police. But, the CBI did not take any action in the first instance. Letters were also sent to the Directorate of Vigilance, GNCTD etc. The then CEO again referred the matter to CBI requesting therein to the CBI to investigate the matter, keeping in view of the involvement of large number of officials and magnitude of the embezzled amount. Before the CBI could take any action, the Anti-Corruption Branch of Govt. of NCT of Delhi registered a case against the above named officials who were under suspension. Sh. Purshottam Kumar, AD(Cash) (now dismissed), Sh. S.K. Sharma, FA, Sh. O.P. Nasa, B&FO, Sh. Ramachandran V, Sr. AO, Sh. A.P.Mitra, AO and Sh. N.K. Gupta, AO were arrested by the ACB, GNCT of Delhi and later released on bail. Presently the matter is under investigation with the A.C.B., GNCT of Delhi.

3. These officials/officers were prima facie guilty of the misconduct as they remained posted at Slum HQ but did not take any action in the matter. Regular disciplinary action for major penalty against them was ordered.

4. A special audit of the accounts section was carried out by the Comptroller of Accounts (Audit), Directorate of Audit, for the period 1992 to 2010. The Special Audit report received in the year 2011 reflects serious irregularities such as non-maintenance of ledgers, non-conducting of audit by the internal audit branch & Municipal Chief Auditor, huge difference in opening and closing balance and also irregularities in financial statements of annual accounts including the embezzlement of government money to the tune of Rs.19.44 crores. Besides the 10 officers (9+1) as mentioned in para 1 above, some of the officers' role also came into picture in the above case. The Special audit report suggested action against the erring officers and also suggested some preventive actions for future to avoid recurrence of such



scams in future. The special audit report also suggested for recovery of the embezzled amount.

5. After receipt of Special Audit Report, 18 more officers were found prima facie guilty. Regular Departmental Action (RDA) for major penalty has been ordered against them. Some Officers had retired before this misconduct came to notice of higher authorities. Role of some other officers/officials are under examination.

6. A first stage CVC advice was sought, Commission advised major penalty proceedings against the 28 officers/officials (including 06 officers from DDA who were posted in S&JJ Deptt. (now DUSIB).

7. Accordingly, a charge sheet for major penalty proceeding under rule 9 of CCS (Pension) rule-1972 was issued to Sh. O. P. Nasa, B&FO (Retired u/s) vide no. VG/1201/01/DUSIB/2010/D-282 dt. 11/03/2013 after obtaining necessary approval of Chief Minister of Delhi, Chairperson, DUSIB. In the charge sheet, it was alleged that:

8. Sh. O.P. Nasa joined Slum & JJ Department of MCD in July 1992 as Sr. A.O. He was promoted as DCA in July 2000 and was promoted as B&FO on 18.9.2008. He retired, while under suspension, on 30.9.2010 after attaining the age of superannuation. During the above period, Shri Nasa remained posted at Head Quarter. It was alleged that Shri O.P. Nasa failed to maintain absolute integrity, devotion to duty and committed gross misconduct on the following counts:

#### Article-I

Sh. O.P. Nasa in connivance with Sh. Purshottam Kumar, Cashier, and other officers of the Accounts wing viz. AAO, AO, Sr.AO, and DCA posted from time to time at Head Quarters in various branches including the HQ(Slum) and HQ(JJ), failed to supervise the remittance of public funds in bank which were received in cash by Shri Purshottam Kumar, Asstt. Director (Cash). The officials of the accounts wing including Shri Purshottam Kumar, Cashier/AD(Cash), did not remit the revenue collected/received in cash through challans and G-8 books from various sources in bank accounts of the erstwhile Slum & JJ Department of M.C.D. ( now Delhi Urban Shelter Improvement Board). There is a difference of Rs. 14,74,13,861/- in the 26 Cash Books of squatter scheme for the period from 17/5/2000 to 9/9/2010 which was not remitted/deposited in bank account No. 10310544886 (Old No. 80090) State Bank of India, I.P. Estate, New Delhi, which was collected/received in the Department through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). Sh. O.P. Nasa failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time.

## Article-II

Sh. O.P. Nasa failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. There is a difference of Rs. 3, 20, 95, 777/- reflected in the Special Audit Report, as per 31 cash books of Slum (Non-plan) scheme for the period from 29/1/1997 to 21/9/2010, which was not remitted/deposited in bank account No. 10310544412 (Old No. 17658) State Bank of India, I.P. Estate, New Delhi which was collected/received by the Cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). Shri Nasa was required to efficiently supervise the staff posted under him.

## Article-III

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff of the Cashier posted under him from time to time. There is a difference of Rs. 1,10,72,834/- as per 15 cash books of JJ(HQ) scheme for the period from 01/4/2003 to 03/9/2010, as reflected in the Special Audit report, which was not remitted/deposited in bank account No. 1220608294, Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi which was collected/received by the cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). There is embezzlement and misappropriation of Government money / funds amounting to Rs.19.44 Crores as reflected in the Special Audit Report in the Special Audit of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD). If Shri Nasa had taken sufficient care and efficiently supervised the cashier and other staff posted under him, embezzlement of government money could have been avoided.

## Article-IV

Sh. O.P. Nasa further failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. As per scrutiny of the challans of different zones the cash amounting to Rs. 63,31,492 was collected and deposited with Sh. Purshottam Kumar, cashier (HQ) during the period 1/4/2008 to 23/4/2008. But, Rs. 32,15, 096/-, is short, as reflected in the special audit report of the special audit, which was not deposited in bank as per bank statement. There is an embezzlement and misappropriation of above said funds of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD) by the Cashier. The cash book of JJ(HQ) scheme from 1/4/08 to 23/11/2008 were also not produced and made available to the Special Audit Team for conducting special audit.

#### Article-V

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. As per 04 cash books of YAP scheme for the period from 19/9/2001 to 31/5/2010 there is a difference of Rs. 609174/-, as reflected in the special audit report, which was not remitted/ deposited in bank account No. 10310541669 (Old No. 80130) State Bank of India, I.P. Estate, New Delhi which was collected/received by the Cashier through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). There is an embezzlement and misappropriation of above said funds of the Delhi Urban Shelter Improvement (erstwhile Slum & JJ Department of MCD) by the Cashier.

#### Article-VI

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Sh. Purshottam Kumar, Cashier/AD(Cash) & other supervisory officials above the Cashier prepared and used false and fake bank statement in respect of Slum (Plan) & Slum (PF) account number 10310544401 State Bank of India, I.P. Estate, New Delhi & 1220602338 Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi.

#### Article-VII

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Reconciliation of Bank statements in respect of various accounts maintained by the erstwhile Slum & JJ Department of MCD (now DUSIB) with State Bank of India, I.P. Estate, New Delhi & Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi, was not done for many years. The DDOs were required to prepare bank reconciliation statement of drawls and deposits on monthly basis to keep a track of deposits and withdrawals from bank account. But the same was not done by DDOs in mutual connivance with cashier for so many years. It was well within the notice of Shri O.P. Nasa that reconciliation of bank statements with the cash book and vice versa is mandatory under the settled accounting procedure. The settled accounting procedure was violated. Shri O.P. Nasa did not take any action in the matter and also failed to ensure that the settled accounting procedure is not violated.

#### Article-VIII

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. False bank statement for the month of July 2005, October 2005, August 2007, December 2007, March 2008 and October 2009 for account no.

10310544401(Plan scheme) as per records (inventory) (item No. 45) were found used in the records of accounts as reflected in the Special Audit Report.

#### Article IX

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. 50 fake counterfoils of bank deposit from 5.4.10 to 31.8.10 in respect of account no. 1220608294 (JJ) (HQ) amounting to total Rs. 1384150/-were found used in the records of the accounts as reflected in the Special Audit Report.

#### Article- X

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Cheque bearing No. 911523 dated 2/8/2007 for Rs. 421150 was not deposited in account no. 1220611536 (CBI) (JJ PF). The said cheque was deposited in account no. 10310544401 (SBI) (Plan scheme).

#### Article-XI

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Sh. Purshottam Kumar, Cashier/AD(Cash) did not make entry in cash books regarding cash deposits in various bank accounts of Plan Scheme, Slum non-plan, Yamuna Action plan i.e. account no. 10310544401, 10310544412 & 10301541669 respectively as reflected in the Special Audit Report. There was a complete failure of supervision over the cashier by the other supervisory staff posted above the Cashier and also by Shri Nasa.

#### Article- XII

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Interest given by the bank was not entered by the Cashier in cash books at several occasions as reflected in the Special Audit Report.

#### Article- XIII

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Some cheque payments were not entered in cash books which were shown in bank statement and vice versa as reflected in the Special Audit Report.

#### Article-XIV

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Entry of debit of the amount invested in various FDR were not entered in cash book as reflected in the Special Audit Report.

#### Article-XV

Sh. O.P. Nasa also failed to supervise the Cashier and other supervisory staff above the Cashier posted under him from time to time. Entry of 61 cheques for total Rs. 3,61,55,015/- (JNNURM scheme) was not made on payment side of cash books as reflected in the Special Audit Report.

Sh. O.P. Nasa, B&FO (now Retired under suspension) failed to supervise his subordinate staff including Shri Purshottam Kumar, Cashier/AD (Cash) and other staff posted above the Cashier. Sh. O.P. Nasa, in connivance with other officials/officers of finance and accounts department of erstwhile Slum & JJ Department of MCD (Now DUSIB), did not take proper preventive steps in order to stop any embezzlement and misappropriation of government money/funds. It was well within the notice of Shri O.P. Nasa that the Settled accounting procedure was also violated in the Account Department of the erstwhile Slum & JJ Department of MCD (Now DUSIB).

#### Article-XVI

Sh. O.P. Nasa failed to supervise his subordinate staff posted under him from time to time in the Internal Audit Branch. Internal audit of the accounts was not conducted, as per settled accounting procedure, by the Internal Audit Branch of the erstwhile Slum & JJ Department of MCD (Now DUISB) which resulted in non-detection of embezzlement of funds of DUSIB amounting to Rs. 19.44 crores. It was well within the notice of Shri O.P. Nasa that the Settled accounting procedure was also violated in the Accounts Department of the erstwhile Slum & JJ Department of MCD (Now DUSIB) and that no internal auditing was done. If internal audit was conducted, financial irregularities including embezzlement of government money could have been avoided as reflected in the special audit report.

#### Article-XVII

Sh. O.P. Nasa failed to supervise his subordinate staff posted in the Double Entry System Branch. He did not take any action, as per settled accounting procedure, on the report of K.G. Somani & Company (Chartered Accountants) which converted the accounts of the DUSIB from single entry system to Double entry system for the year ending on 31.3.2006 which indicated a difference of Rs.3325234737/- in opening balance and (-)1456120646.58 in the profit & loss accounts.

#### Article-XVIII

Sh. O.P. Nasa failed to supervise his subordinate staff posted in the Double Entry System Branch. He did not take any action, as per settled accounting procedure, on the report of ICAI-ARF. He failed to get maintained

the ledgers in the Double Entry System Branch as per settled accounting procedure during his posting in Double Entry system while it was required so.

9. The charges were denied by him. Accordingly Sh. K.R. Kishore, Sr. DANICS (Retd.) was appointed to inquire into the charges vide no. D/1382/DD/vig./DUSIB/2013 dated 29/10/2013.

10. The Inquiry Officer submitted his report on 15/06/2015. **Inquiry Officer has proved 11 charges ( II,III,IV,VII,VIII,IX,X,XI,XII,XVI & XVII ), partly proved Article VI and Article XV and not proved Article I, V, XIII, XIV, XVIII.** A copy of the report was served on Sh. O.P. Nasa, B&FO C.O. vide letter dated 30/06/2015. He submitted his representation dt. 01/08/2015, after seeking extension of time, which is placed opposite (P-69/c to 81/C) for kind perusal.

11. The submissions of the C.O., Sh. O.P. Nasa, B&FO (now Retd. under suspension), in brief are as under:

11.1 Shri. O.P. Nasa, in his representation has stated that his representation is only on the articles which have been held as proved or partly proved and not on articles of charge which have been held as not proved i.e. Article-1, Article-V, Article-XIII, Article-XIV and Article- XVIII as the same have been considered by the Competent Authority and agreed with the report since no disagreement has been recorded and conveyed in respect of the charges which have been held as not proved by the I.O.

11.2 With regard to Article-II of the charge sheet, he has stated that there was no connivance between him, the cashier and officer supervising the cashier, there is no evidence, either documentary or supporting the allegation. Sh. Purshottam Kumar, the then cashier, has neither been cited as witness nor has been produced as witness during inquiry. Evidence of PW-5 shows, that there is no connivance. None of the 26 cash books of squatter scheme, the G-8 books, challans, the revenue collected and entered in the cash books have been produced during the inquiry. The contention of the I.O. that he was allowed to inspect the cash books as additional document does not hold good as the same has not been taken on record during the inquiry. I.O. cannot rely upon any evidence which has not been taken on record during inquiry irrespective of its availability elsewhere. That under Rule 2 (b) Central Treasury Rules, AO has been defined as the Head of Office of accounts set up and Rule 77(ii) all monetary transactions are required to be entered in the cash book as soon as they occur and attested by the Head of office in token of having checked it. No evidence has been produced to show he was AO of Plan Section from March 1997 to May 1998, worked as DDO for PF & Pension from April 1997 to June 1998. As per page 310 of Ex S-1 there is no short deposit in Squatter Scheme after 08.08.2007. He has worked as B&FO from 2008 to 28.09.2010, when he was placed under suspension. Further he has been shown as Dy. CA in squatter scheme, during his tenure no short

deposits in the squatter scheme. The I.O. has relied on the reference in the brief of the P.O where he has referred to Preliminary inquiry report that the officers including FA, B&FO DY. CA were well aware about the fact of non-reconciliation of bank statement and non-remittance of cash but no action was taken by them against Sh. Purshottam Kumar and other officials and has not taken in account the cross examination of Sh. Mukesh Kumar that his report is based on statements given by the officers/officials of the accounts department and their suspicions. Suspicion cannot be taken as proof. Cognizance of a statement can be taken only if the same is admitted by the person making the statement before the IO and not by the person who recorded the same or by any other person. As such Article-II cannot be taken as proved.

11.3 Replying to Article III, he stated that it is similar to charge of article II and therefore analysis of Article II is held good in this charge also. Evidence of PW-5 shows that there is no connivance. The 13 cash books examined by the Special audit team were not part listed in Annex III nor produced during inquiry. The bank statements of Central bank of India of account no. 1120608294 at page 28-29 of S-1 gives details of the deposits in the bank for the period from 05.04.2010 to 31.10.2010 but the statement for the period from 02.09.2005 to 04.04.2010 is not attached with the Special Audit Report and therefore it is not possible to say what amount was short deposited. PW-6 has clarified that the cashier and DDO were responsible for depositing in the bank the cash or cheques received. PW 8 has stated that short deposits could not be found out in the absence of cash books and bank statements giving details of deposit. In view of above explanation in Article II and above, Article III cannot be taken as proved. The I.O. has completely relied on the written brief of the PO without caring to see the supporting evidences.

11.4 With regard to Article IV it is stated by him that the charge is based on the observation of Para 1(3) of the Special audit report. The challans of different Zone allegedly scrutinized by the Audit team have not been made part of the Audit report (ExS-1). In the absence of the challans it is not possible to check the veracity of the audit statement as well as whether the amounts were actually received by the cashier and not deposited in the bank.

11.5. Further, in the absence of cash books it is not proved if the money was received by the cashier and how the same was finally disposed of in the cashbooks. As per special audit report a sum of Rs. 3215096/- was short deposited. There is no documentary evidence to show that the sum of Rs. 6331492/- was short deposited. Further, IO has relied on the statement of PO None of the monthly accounts stated to have been submitted to the higher authority for approval have either been listed or produced during the inquiry. He has further stated that in the absence of supporting, Art. IV cannot be taken as proved.

11.6. With regard to Article VI which has been partly proved by IO, it is stated by him that when the bank has stated that the request is more than 15 years old and no records are available for the period under reference, how the bank statements supplied to audit team from the inventory can be termed as false. Also no such statement has been listed in Annex. III of Charge sheet. PO has not produced any evidence except for saying that the charged office prepared and used false and fake bank statements. The charge itself states that the cashier prepared and used false and fake statements prepared by the CO. In the absence of any supporting evidence this article of charge does not stand proved.

11.7. With regard to art. VII he has stated that the circular no. CA/F&C/2003/1231 dated 10.09.03 says that DCA shall be responsible for checking bank reconciliation statement of DDA under their control. When he was appointed as B&FO, it was never brought to his notice that the month bank reconciliation statement was not being prepared before signing the monthly bank account. That the circular dated 10.09.2003 and office order dated 06.10.2008 referred by the PO in his brief do not say that B&FO will be responsible for bank reconciliation, rather Sh. G L Gupta, DCA-I will supervise the financial matter dealt with by the sections mentioned therein and report to Sh. S.K. Sharma, B&FO – I whereas Sh. S.K. Minocha, DCA-II was to report to him. Since he was not workings B&FO-I, he was not required to supervise cashier and his supervisory officers. Hence the charge does not stand proved.

11.8. With regard to article VIII, he has stated that IO has partly proved the article of charge. He has stated that this charge is similar to charge under Art. VI except the part relating to Slum (PF), therefore, the analysis under Article VI holds good and that he was not dealing with Plan section except for Oct, 2009 when he was B&FO. He has stated that he stated that he was DCA for Slum Plan during April 2008 to August 2008 and during the period there was no false bank statement which was allegedly produced before the Special Audit team. That he has not dealt with treasury matter as B&FO. In the absence of any supporting evidence, this article of charge against him does not stand proved, even partly.

11.9. With regard to article IX which is with regard to 50 fake counterfoils of bank deposits from 5.4.10 to 11.8.10 in r/o A/C no. 12206068294(JJ)(HQ) amounting to Rs. 13,84,150. He has stated the IO has held the charge as proved as per para no. 4 of EX S-1, Ex.E-3 and Ex S-4 establish the fact the amounts shown in the respective counterfoils of the bank pay in slips were not actually remitted into the concerned bank. That Ex S-3 and S-4 were confirmed by PW 15 i.e. the branch manager of Central bank of India, Vikas Kutir, ND. Further, the note dated 21.09.2010 of AAO(JJ) Ex S-6/2 reporting that the embezzlement corroborate the fact that fake counterfoils were prepared and used in JJ(HQ) was shown remitted against those pay-in-slips was in fact not found remitted; that use of those counterfoils in the



department suggest supervisory failure. In this regard he has stated that during the enquiry no documents have been produced showing that any steps were taken by the higher authorities of DUSIB to unearth the origin of fake counterfoils and the person responsible for the fake bank receipts amounting to Rs. 13,84,150/- and who were the immediate supervisory officers of the cashier. That during enquiry no evidence has been produced that Sh. Purshottam Kumar, cashier was under my supervisory control, hence article does not stand proved.

11.10. With regard to the charge of the deposit of cheque bearing no.911523 dated 02.08.2007 for Rs. 4,21,150/- was not deposited in a/c no. 1220611536(CBI)(JJPF) and was deposited in SBI (Plan scheme) in Article. X of the charge, that the cheque was wrongly deposited when he was posted as DCA(JJ PF) 19.08.2002 to 17.09.2008 and the irregularity remained undetected till the conduct of the Special audit.

11.11. With regard to the charge that Sh. Nasa also failed to supervise the Cashier and other supervisory staff above the cashier posted under him from time to time. Sh. Purshottam Kumar, Cashier/ AD(Cash) did not make entry in cash books regarding cash deposits in various bank accounts of plan Scheme, Slum non-plan, Yamuna Action plan i.e. accounts no. 10310544401, 10310544412 & 10301541669 respectively as reflected in the Special Audit report . The inquiry officer has held the charges as proved as it was the responsibility of supervisory officers above the cashier to see that the cash books are properly maintained; that being the Dy. CA/B&FO holds supervisory position and therefore cannot absolve himself of his supervisory role on subordinates below him. In this regard he has stated that none of the cash books of above accounts were produced during the inquiry to find out who were the DDOs and concerned Dy.CA s. That in the absence of cash books it is not possible to know as to who was the DDO and the Dy.CA and that as far as he is concerned, the cashier and his supervisory staff were not under his supervisory control.

11.12. With regard to Article XII of the charge supervisory lapse on his part regarding interest given by the bank having not entered by the cashier in cash books at several occasions, the IO has held the charge as established that amount of interest given by bank was not entered in the cashbooks relating to Sl. No. 3 & 5 pertain to his tenure as B&FO and that B&FO being the supervisory officer was to ensure recording of entries in the cash books and maintenance of cash books and other records. In this connection, Sh. Nasa has stated that none of the cash books were produced during the inquiry. Merely inspection of these cash books does not mean that the same become evidence on record. In reply to question no. 25 to PW-6, he has stated cashier and DDO respectively were responsible for entry of interest given by the bank in the cash book and to check that interest is duly entered in the cash book as such how he has been held responsible since the concerned cash books have

not been produced and hence not possible to know if any cash book was ever submitted to him as Dy.CA and B&FO.

11.13. With regard to Article XV for failure to supervise the cashier and other supervisory staff above the cashier posted under him for entry of 61 cheques of total Rs. 3,61,55,015/-(JNNURM scheme) was not made on the payment side of the cash books as reflected in the Special Audit report, the IO has stated that the transactions are from 29.08.2007 to 17.03.2008 during which period CO was not holding the post of DCA/B&FO looking after JNNURM scheme. With regard to connivance with other staff, no direct evidence has been placed on record by the prosecution. Regarding IO's report of him being aware of non-preparation of bank reconciliation and inaction against the concerned staff being a senior accounts functionary and the factor of preponderance of probability weighing in favor of prosecution, there is no evidence on record. Hence charge cannot be proved partly.

11.14. With regard to Article XVI regarding non-conducting of internal audit, IO had held Sh. O.P. Nasa/CO responsible being B&FO since 2008 as supervising authority of internal audit section. Further, that he did not initiate any action in the above direction as stated in Ex. S-7. CO has stated that internal audit was never under his control.

11.15. With regard to Article XVII reg. supervision of staff of double entry system branch, Sh. O.P. Nasa has stated that there is no evidence to show that the double entry system branch was under his supervision /control. With regard to report of M/s KG Somani and Co. (CA) , the report containing financial statement year ending 31<sup>st</sup> March 2006, of S&JJ Deptt. MCD, is not signed by any functionary of K.G. Somany and is not known when this report was submitted and to whom? The file in which the report was dealt with neither a listed document nor produced during the inquiry. Hence, it cannot be said that he did not take any action as per settled accounting procedure, which is not available in DUSIB. No evidence has been led to show that he had dealt with this report and the charge does not stand proved against him. The file referred by the PO has not been produced during the inquiry.

11.16. In light of the points brought out in his representation, Shri O.P. Nasa, B&FO (Retd. u/s) in the concluding Para has requested that he will highly obliged, if an objective assessment of evidences is made and exonerate him of the charges.

12. Shri O.P. Nasa in his representation has mainly stated that the cash books/challans etc. were not produced during the course of inquiry whereas as per I.O. in his findings, has stated that CO was allowed inspection of relevant records including cash books as additional documents during course of inquiry proceedings. While analyzing the evidence on record I.O. has stated that non remittance of cash into the concerned bank account are from

10/02/1997 to 16/09/2010 and as per posting details, C.O. had worked as Dy. C.A.(Slum) from April 2008 to August 2008 and from September'2008 to 28/09/2010 as B&FO as overall in charge of Slum & JJ Wing (Now DUSIB). The non-remittances of cash as stated above therefore falls during the tenure of C.O. Regarding supervision of cashier I.O.'s stated that the hierarchy in the accounts wing of Slum & JJ Wing was Accountant/AAO, A.O., Dy. C.A., B&FO and F.A. as per PW-1 Sh. Rajender Gosain, Asstt. Director (Admn.). The work distribution orders issued by FA broadly indicate the supervisory role of Dy.CA and B&FO and as per orders Dy. CAs, were to supervise the branches allotted to them which include cash/treasury matters, management and maintenance of cash books, cash receipts and disbursement etc. and report to B&FO. Dy.CA/B&FO were to supervise cashiers and staff above cashier and FA as head of the department was the overall in charge/supervisor and controller of all activities in the Accounts wing of the department.

12.1 Further, showing significance by referring to preliminary inquiry report of Sh. Mukesh Kumar, Vigilance Officer/DJS, I.O. has noted that Purshottam Kumar, Cashier was not performing his duties properly and this fact was never supervised by the senior officials who were well aware about all happenings related to finance particularly the non-remittances of cash, missing credits and reconciliation of bank statements not being carried out.

12.2. The submission of CO that he came to know for the first time only September 2010 that bank reconciliation was not being done seems to be misplaced as per finding of I.O. as PO cited the file noting on the subject matter of reconciliation of bank accounts which had the signature of C.O. dated 13/09/2006 in the capacity of Dy.CA-II. Further in his analysis I.O. has stated that being the senior most officer in the accounts wing of the department having held all categories of position from AO to B&FO suggest that settled accounting procedure of bank reconciliation statement and attaching with monthly account was being violated during the tenure of CO and Dy.CA and B&FO.

12.3 The contention of the CO that internal audit was never under his control is contrary to evidence on record as the work distribution order Sh. S.K. Minocha was In-charge of internal audit as Dy.CA and was to report to CO being B&FO. Had there been regular conduct of internal audit the irregularity /embezzlement could have been avoided therefore the evidence suggest CO failed to supervise staff posted in internal audit.

12.4 As per report of I.O., it is on record, had bank reconciliation been done regularly the embezzlement and other lapses mentioned in audit report could have been avoided/averted or detected much earlier. It means non preparation of bank reconciliation has facilitated the embezzlement as mentioned in the special audit report. Therefore, CO cannot absolve himself of his supervisory responsibility of all the subordinate staff including the cashier and other supervisory staff above cashier.

12.5 Further, regarding contention of the C.O. that fake bank statement and copy of bank statement obtained by the audit team not produced during the course of inquiry is not tenable as per I.O.'s findings as same is part of Ex. S-1. The contention of CO that no efforts were made to detect the origin of the said fake counterfoils is not relevant, as per I.O. findings, given the fact that no cash was found remitted into the concerned bank accounts against those counterfoils had been established. just because no further action as suggested in the Special audit report has been taken by the department, does not mean that the fact that no amount was deposited in the concerned bank against the said remittance slips is disproved and therefore suggest supervisory lapses on the part of CO. As regard contention of CO that there has been no loss to the department due to depositing of cheque in SBI (Plan Scheme) instead of CBI (JJ PF), the I.O. has stated that the charge is about the occurrence of irregularity as mentioned in the charge i.e. non deposit of the said cheque in the concerned account.

12.6 As regards the charge of not taking action on the report of M/s K.G. Somani & Co, IO in his findings stated that the contention of CO is contrary to the evidence placed on record that he had not dealt with the file related to report of M/s K.G. Somani & Co as evidence on record suggest that the CO in the capacity of B&FO seems to have dealt with the file relating to payment of Rs.50 lakhs to the said firm which indicated the huge difference in opening balance and in the profit and loss account in balance sheet prepared by them.

13. As regard, criminal case pending in the Anti-Corruption branch, GNCTD. The investigation is under process and final outcome is awaited. The Accounts branch, DUSIB has also filed a recovery suit against Sh. Purshottam Kumar, Asstt. Director (Dismissed) & Others-CS (OS)-623/2016 & I.A. 15982/2016 (U/S 151 CPC) and the same has been admitted in the Hon'ble High Court of Delhi on 26/7/2017.

14. The Board in its 3<sup>rd</sup> 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.

(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.

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

15. Sh. O.P. Nasa, B&FO (Retd. u/s)/ Charged Officer is a group 'A' retired employee. As per the above order, the Charged Officer falls under the category (ii).

16. Keeping in view the charges framed against Sh. O.P. Nasa, B&FO (Retd. u/s), the report of the Inquiry Officer and the representation filed in this regard by the charged officer, the matter is required to be placed before the Board in pursuance of office order no. PA/Dir.(Admn.)/2011/D-200 dated 28.07.2011.

17. 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. O.P. Nasa, B&FO (Retd. u/s)/ Charged Officer, DUSIB.

**AGENDA ITEM NO. 22/33**

**Disciplinary proceedings case against Sh. Ajay Pal Mitra, A.O.(Current duty) (Retired U/S)- Retired on 30.09.2012.**

**RDA NO.1/VIG/DUSIB/16/2010**

1. This case relates to the embezzlement of government money, amounting to Rs. 19.44 crores by one Sh. Purshottam Kumar, Asstt. Director/Head Cashier and others, in the accounts wing of the erstwhile Slum and JJ Department of MCD (Now DUSIB). Soon after the scam came to the knowledge of the higher authorities in Sept'2010, Sh. Purshottam Kumar, Assistant Director was suspended on 23.09.2010. Besides on the basis of Preliminary inquiry by Shri Mukesh Kumar, Vigilance Officer/DJS, nine more officials/officers were also placed under suspension including Sh. Ajay Pal Mitra, A.O. (Current duty) on 29.09.2010 and booked for major penalty proceedings

2. Initially, the case was reported to the local police by the accounts officers but later on, the same was referred to the CBI for carrying out investigation into the above matter. In the meantime, the local police had referred the matter to the Economic Offences Wing, Crime Branch of Delhi Police. But, the CBI did not take any action in the first instance. Letters were also sent to the Directorate of Vigilance, GNCTD etc. The then CEO again referred the matter to CBI requesting therein to the CBI to investigate the matter, keeping in view of the involvement of large number of officials and magnitude of the embezzled amount. Before the CBI could take any action, the Anti-Corruption Branch of Govt. of NCT of Delhi registered a case against the above named officials who were under suspension. Sh. Purshottam Kumar, AD(Cash) (now dismissed), Sh. S.K. Sharma, FA, Sh. O.P. Nasa, B&FO, Sh. Ramachandran V, Sr. AO, Sh. A.P. Mitra, AO and Sh. N.K. Gupta, AO were arrested by the ACB, GNCT of Delhi and later released on bail. Presently the matter is under investigation with the A.C.B., GNCT of Delhi.

3. These officials/officers were prima facie guilty of the misconduct as they remained posted at Slum HQ but did not take any action in the matter. Regular disciplinary action for major penalty against them was ordered.

4. A special audit of the accounts section was carried out by the Comptroller of Accounts (Audit), Directorate of Audit, for the period 1992 to 2010. The Special Audit report received in the year 2011 reflects serious irregularities such as non-maintenance of ledgers, non-conducting of audit by the internal audit branch & Municipal Chief Auditor, huge difference in opening and closing balance and also irregularities in financial statements of annual accounts including the embezzlement of government money to the tune of Rs.19.44 crores. Besides the 10 officers (9+1) as mentioned in para 1 above, some of the officers' role also came into picture in the above case. The

Special audit report suggested action against the erring officers and also suggested some preventive actions for future to avoid recurrence of such scams in future. The special audit report also suggested for recovery of the embezzled amount.

5. After receipt of Special Audit Report, 18 more officers were found prima facie guilty. Regular Departmental Action (RDA) for major penalty has been ordered against them. Some Officers had retired before this misconduct came to notice of higher authorities. Role of some other officers/officials are under examination.

6. A first stage CVC advice was sought. Commission advised major penalty proceedings against the 28 officers/officials (including 06 officers from DDA who were posted in S&JJ Deptt. (Now DUSIB).

7. Accordingly, a charge sheet for major penalty proceedings under rule 9 of CCS (Pension) rule, 1972 was issued to Sh. A.P. Mitra, Accounts Officer vide no. VG/1201/01/DUSIB/2010/D-281 dated 11.03.2013, after obtaining necessary approval of Chief Minister of Delhi, Chairperson, DUSIB.

8. In the charge sheet, it was alleged that Sh. A.P. Mitra was working as AAO in Slum & JJ Department since May 1995 to January, 2001 and thereafter August 2006 to February 2008. He was promoted as Accounts Officer on current duty charge. He was posted at HQ as A.O. (Plan) in February, 2008 till his suspension on 29.9.2010. After attaining the age of superannuation, he retired under suspension on 30.09.2012. Sh. A.P. Mitra, Accounts Officer failed to maintain absolute integrity, devotion to duty and committed gross misconduct on the following counts:

#### Article-I

Sh. A.P. Mitra failed to supervise the remittance of public funds in bank which were received in cash by Shri Purshottam Kumar, Asstt. Director (Cash), working in erstwhile Slum & JJ Department of MCD (now Delhi Urban Shelter

Improvement Board). Shri Purshottam Kumar remained posted in accounts branch (Slum & JJ) as UDC (Cashier) thereafter as Head clerk (Cashier) and later on as Asstt. Director (Cash). Sh. Purshottam Kumar did not remit the revenue collected/received in cash through challans and G-8 books from various sources in bank accounts of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.). As per 26 cash books of squatter scheme for the period from 17/5/2000 to 9/9/2010 there is a difference of Rs. 14,74,13, 861/- which he did not remit/deposit in bank account No. 10310544886 (Old No. 80090) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8

books etc. from various sources of the erstwhile Slum & JJ Department of M.C.D. (now Delhi Urban Shelter Improvement Board) .

#### Article-II

Sh. A.P. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of M.C.D. (Now Delhi Urban Shelter Improvement Board). As per 31 cash books of Slum (Non plan) scheme for the period from 29/1/1997 to 21/9/2010 there is a difference of Rs. 3,20,95,777/- which Shri Purshottam Kumar did not remit/deposit in bank account No. 10310544412 (Old No. 17658) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8 books etc. from various sources of the erstwhile Slum & JJ Department of M.C.D. (now Delhi Urban Shelter Improvement Board) as reflected in the Special Audit report.

#### Article-III

Sh. A.P. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD (Now Delhi Urban Shelter Improvement Board). As per 04 cash books of YAP scheme for the period from 19/9/2001 to 31/5/2010 there is a difference of Rs. 609174/- which Shri Purshottam Kumar did not remit/deposit in bank account No. 10310541669 (Old No. 80130) State Bank of India, I.P. Estate, New Delhi which was collected/received by him through challans and G-8 books etc. from various sources of the Delhi Urban Shelter Improvement Board (erstwhile Slum & JJ Department of M.C.D.) Shri Purshottam Kumar embezzled and misappropriated above said funds of the Delhi Urban Shelter Improvement erstwhile Slum & JJ Department of MCD.

#### Article-IV

Sh. A.P. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD(now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar prepared and used false and fake bank statement in respect of Slum (Plan) account no.10310544401 State Bank of India, I.P. Estate, New Delhi for the month of March,2008 and October 2009. Parallel bank statement in respect of Account no. 10310544401, SBI, I. P. Estate, were maintained in the department.

#### Article-V

Sh. A.P. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD (Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar did not reconcile bank statements in respect of various accounts maintained by DUSIB with State Bank of India, I.P. Estate, New



Delhi & Central Bank of India, Vikas Kutir, I.P. Estate, New Delhi for many years. The DDOs were required to prepare bank reconciliation statement of draws and deposits on monthly basis to keep a track of deposits and withdrawals from bank account. But the same was not done by DDO in mutual connivance with cashier Sh. Purshottam Kumar for so many years.

#### Article-VI

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD (Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar did not make entry in cash books regarding cash deposits in various bank accounts of Plan Scheme, Slum non-Plan, Yamuna Action Plan i.e. account no.10310544401, 10310544412 & 10301541669 respectively as reflected in the Annexure-XIV of the Special Audit report.

#### Article-VII

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD (Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar & other officials of DUSIB did not enter interest given by the bank in cash books at several occasions as reflected in the Special Audit report.

#### Article- VIII

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director(Cash), working in the erstwhile Slum & JJ Department of MCD(Now Delhi Urban Shelter Improvement Board). At page number 91 of cash book of deposit work, an amount of Rs. 342874/- is shown on receipt side on 1.2.2010 and it is written that amount credited as per bank statement through PAO-6 towards development works through Bhagidari vide cheque no. 388283 dt. 15.1.2010 but during the scrutiny of the bank statement during the course of special audit, the amount was not found reflected on credit side of the statement of the respective bank account no. 10310544412.

#### Article- IX

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director(Cash), working in the erstwhile Slum & JJ Department of MCD(Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar & other officials of DUSIB did not enter some cheque payments in cash books which were shown in bank statement and vice versa.

#### Article-X

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director(Cash), working in the erstwhile Slum & JJ Department of MCD(Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar did not make entry of debit of the amount invested in various FDR in cash book.

#### Article-XI

Sh. Mitra failed to supervise Shri Purshottam Kumar, Cashier/Asstt. Director (Cash), working in the erstwhile Slum & JJ Department of MCD (Now Delhi Urban Shelter Improvement Board). He in connivance with Sh. Purshottam Kumar did not make entry of 61 cheques for total Rs. 3,61,55,015/- (JNNURM scheme) on payment side of cash books.

Sh. A.P. Mitra, Retired A.O. failed to supervise remittance of cash in bank accounts of DUSIB by Sh. Purshottam Kumar. He did not reconcile the bank statement with cash books. He did not take proper preventive steps to stop the embezzlement and misappropriation of funds by Sh. Purshottam Kumar.

9. The charges were denied by him. Accordingly, Shri K.R.Kishore, Sr. DANICS (Retd.) was appointed as Inquiry Officer vide no. D/1392/DD/Vig./DUSIB/2013 dated 29.10.13 to inquire into the charges. The Inquiry Officer submitted his report dated 07.05.2015. **In brief the findings of the Inquiry Officer are that out of the XI charges as mentioned above Article no. I, Article-II, Article- IV, Article-V, Article- VI and Article-VII are 'proved'; Article III, Article- VIII, Article- IX, Article – X and Art. XI as 'Not Proved'.**

10. A copy of the report was sent to Sh. A.P. Mitra, A.O. (Retd.) vide letter no. D-339/DD/Vig./DUSIB/2015 dated 26.06.2015 which returned undelivered due to change in address. It was again sent to him vide letter no. D-385/DD/Vig./DUSIB/2015 dated 10/07/2015. Sh. A.P. Mitra, C.O. requested for extension of time for submission of reply dated 05/08/2015 and 20/08/2015 and submitted his comments 07.09.2015. The comments made by him were placed before the higher authorities. Since, a number of cases were under examination in the embezzlement matter, it was discussed and desired by the then Member (Admn.)/CVO, DUSIB that the inquiry reports of serving employees with fewer charges may be taken up in the first instance and the retired cases afterwards.

11. Sh. A.P. Mitra, C.O., at the outset, has stated that his comments are on the findings of the I.O. on each of the Article of Charge which has been held as proved against the applicant i.e. Art. I, II, IV, V, VI and VII.

12. As regards Article-I, Sh. A.P. Mitra, C.O., giving Para wise reply to the report of I.O., has stated that the inquiry officer has wrongly relied upon the contents of the Special audit report without getting it verified. Hence, the figure of Rs. 14, 74, 13,861/- appearing in the special audit report allegedly not remitted/deposited in bank a/c no. 1031544886, S.B.I., I.P. Estate is subject to verification and authentication by the department cannot be treated as admitted figure/confirmed figure. Bank challan/bank advice/transfer voucher and other cash receipts of relevant periods, remittance register containing counterfoils of bank deposit slips(Pay in slips) of cash books under which Art. I has been proved by the I.O. were not shown to the C.O. as the same were not listed documents. There are 1074 entries of remittances as per cash book for the period from 17/05/2000 to 09/09/2010, the non remittance of fund by the cashier during the tenure of CO. i.e. May 1995 to February 2001 and thereafter from August 2006 to Feb 2008 amounts to Rs. 1, 57, 41,240/- and Rs 3, 18, 46,640/- respectively at Sl. No. 1 to 77 and Sl. No. 908 to 1074 of Annex. III of special audit report, the prosecution did not produce any pay in slip of remittance to substantiate any lapse or extent of lapse of CO. That as per IO the contents of Ex S-1 were confirmed by PW-6, 7, 8 & 9, the members of Spl audit and the C.O. did not dispute the contents. In this regard he has stated that he had asked a number of questions from the key witnesses but they avoided the replies deliberately. Enquiry Officer did not take cognizance of C.O.s submissions about the rule positions as per instructions, orders, rules contained in the various books published by various departments of the Govt of India including CAG. That the CO was not given any duty of cash related matter by the DDO as per **Rule 57 of the Central Treasury Rules** and that the prosecution did not produce any such formal order to substantiate that the cashier/AD(Cash) was working under the control of the C.O. That as per provisions of CGA (Receipt and Payment Rule), Central Treasury Rules, GFR, CPWA code etc the DDO is personally responsible for correct maintenance of any rendition of accounts, handling of cash, maintenance of cash book and its the duty of drawing and disbursing officer to satisfy himself that the amount has actually been credited into the bank before attesting the bank receipts on the pay-in-slips with the entry in the cash book etc. That as per **Rule 48 of CTR**, the DDO and the cashier are jointly responsible for the safe custody of the cash. That as per **rule 13(ii) of CGA(R&P) rules**, all monetary transactions should be entered into cash book as soon as they occur and attested by the DDO. That as per **Rule 13(v) of CGA(R&P)** provides that when govt money in the custody of a government officer are paid into the government account in the accredited bank, the DDO making such payment should compare the bank's receipt on the paying-in-slips/challan with the entry in the cash book before attesting it and satisfy himself that the amount has been actually credited into the bank. That PW-11 and PW 15 confirmed that as per Para 22.3.1 read with sub Para 16 of Para 22.4.15, the bank reconciliation statements are to be prepared by the DDOs in form 51 and appended with monthly accounts. He has stated that the proposal to retain Sh. Purshottam

Kumar, Asstt. Director(Cash) was mooted by Sh. Ramachandran V, A.O.(HQ) vide note dated 31/10/2005 and again 19/12/2005 since AD(Cashier) was working directly and exclusively under the control of AO(HQ)/DDO and hence AAO(HQ)/CO had no role in supervision over the cashier/AD Cash as Sh. Purshottam Kumar never worked under him. That inquiry officer has wrongly relied upon the pieces and fragments of statement of the CO before the Vigilance Officers during the preliminary enquiry and ignored the facts brought out by him during the inquiry before the I.O. and in his written brief. The I.O. did not take the cognizance of the fact that no rule, manual, account code, books, circulars, instructions and orders have been cited by the special audit team, prosecution in their charge sheet in support of article of charge sheet and by the P.O. in his written brief, whereas during cross examination PW-11 and PW 15 contradicted their own statements. The C.O. was attesting/checking the entries arithmetically on the basis of pay in slips produced by Sh. Purshottam Kumar, Asstt. Director (Cash)/Cashier. AAO is never involved in the matters of cash handling and are dealt with by the cashier and DDO without the involvement of the AAO.

13. Further, he has stated that the IO has arbitrarily relied upon the statements of Sh. N.K. Gupta, AO, Sh. Ramachandran V, Sr. AO and Sh. Bharat Bhushan, AAO that their statement corroborate the Statement of Sh. Surender Kumar Sharma, AO,(S-&) therefore the contention of CO that Ex S-7 does not support the charge against the CO is not tenable. Sh. Mitra CO has stated that these officers were not produced by the prosecution/PO for examination by the PO and cross examination by the CO therefore could not get the opportunity to cross examine these witnesses to establish the fact that no duty of cash related matter had been ever assigned to him by the DDO. The C.O. was only attesting/checking the entries arithmetically on the basis of pay-in-slips produced by AD (Cash)/Cashier. In this regard he has cited Supreme Court of India in case of Bareilly Electricity Supply Co. Ltd V/s the workman and others AIR 1972 SC 330 that a letter or other documents is produced to establish some fact which is relevant to the enquiry the writer must be produced or his affidavit in respect thereof be filed and opportunity afforded to the other party who challenges this fact. The I.O. has not taken cognizance of the fact that regarding non reconciliation of bank statement, it was well in the knowledge of every officer of finance and accounts department from top to bottom. Sh. Ramachandran, Sr. AO, Sh N.K. Gupta, AO, have nowhere stated that the duty of bank reconciliation statement had been assigned to the CO and that both are charged officers in this case. Further I.O. has not taken cognizance of the statements of Sh. S. K. Minocha, Director(Finance), Sh. S.K. Sharma, FA, Sh. G.L. Gupta, Dy.CA and Sh. S S Ahuja that it was the duty of DDO to get the reconciliation done on regular basis, attach bank reconciliation with individual monthly accounts being put up for approval of Competent Authority etc. Further that the I.O. has arbitrarily and erroneously held that the cashier-AAO/AO/DDO were privy to the entries made in the cash book and accountable for the entries made in the cash book

which had shown remitted into the respective bank account but in fact not deposited (Ann. III of S-1) and that the prosecution neither produced Sh. N.K. Gupta and Sh. Ramachandran, nor produced any other documents to substantiate that the duties as mentioned in Rule 57 of C&R were ever assigned to the C.O. by the DDO.

14. Further, Sh. Mitra has stated that the PO has wrongly mentioned the non remittance from May 1995 to January 2001 as Sl. No. 1 to 176 amounting to Rs. 3, 45, 01, 680.00 whereas as per Annexure III of Ex S-1, the non remittance up to Jan 2001 is from Sl. NO. 1 to 77 and amounts to Rs, 1, 57, 41, 240/-. The figures from August 2006 to February 2008 amounts to Rs 3,18,46,640.00 which tallies with the figure worked out by the P.O. therefore the total non remittance of fund during the tenure of CO has been correctly worked out by the C.O. as  $\text{Rs } 1,57,41,240/- + \text{Rs } 3,18,46,640.00 = \text{Rs } 4,75,86,880.00$ . The I.O. has wrongly concluded that since the above said funds were not remitted by the cashier during the tenure of the C.O., it is supervisory failure on the part of the C.O., it has been already established above by the C.O. that the cashier was working directly and exclusively under the control of DDO. Thus there is no failure of supervision on the part of the C.O. the inquiry officer committed serious lapse to hold the charge as proved fully while the CO held the office for a very small period in which embezzlement was made by the cashier. He has stated that the findings of the inquiry officer in respect of Article-I of the charge are totally arbitrary, erroneous, perverse and not proved.

15. With regard to the comments on the findings of Inquiry Officer under the head analysis of evidence, he has held in para 5 of Article II that the analysis of Article -I hold good here also. Sh. Mitra in his comments has more or less reiterated what has already been stated in the above paras that Sh. Purshottam Kumar, Cashier/Asstt. Director (Cash) was working directly and exclusively under the control of AO (HQ)/DDA and he never worked under the control of AAO/CO. That the govt funds received by the cashier on behalf of the DDO were being handled by the DDO and the cashier and the AAO (HQ)/CO had no role to play in it. He has cited various rules i.e. Rule 1.10, Rule 1.13, Rule 1.4 of Receipts and Payment manual, para 6.6.5 of CPWA code, cited duties and responsibilities of the DDO as per CTR Rules, Receipts and Payments manual, CGA(R&P) Rules, CPWA Code and GFR etc. That CO was attesting/checking entries arithmetically on the basis of pay in slips produced by Sh. Purshottam Kumar, Asstt. Director/Cashier. That the I.O. has not taken the tenure as AAO(HQ) was since May 1995 to January 2001 and thereafter from August 2006 to February 2008, during this period the non remittance by AD(cash) amounts of Rs 2,03,40,813/- as per Sl. No.1 to 158 of Annexure-III of S-1 and Rs. 262705/- as per Sl. No. 405 to 415 of Annexure-III respectively total amounting to Rs. 2,06,03,518/- and not 2.61 crore calculated by the P.O. and that the cashier was directly working under the supervision of

AO(HQ)/DDA as such there was no failure of supervision of the cashier on the part of C.O.

16. Article III is not proved by the Inquiry Officer. Regarding Article IV which is with regard to connivance with Sh. Purshottam Kumar prepared and used false and fake statements in respect of Slum (Plan) a/c no. 10310544401, SBI, I.P. Estate for the month of March 2008 and October 2009, he has stated that the I.O. has agreed with the contention that since he was posted in the plan section as AO from September 2008, the bank statement for the month of March 2008 cannot be held against him; therefore there cannot be any element of connivance of the CO with cashier /AD(Cash) when the charge is failure of supervise. IO has not taken cognizance of these contentions. Regarding the statement for the month of October 2009, the bank had allegedly intimated that the bank statement for the month of October 2009 was false. The PO/Prosecution as well as IO have relied upon this intimation given by the bank but the bank manager who gave this statement was not produced during the inquiry proceedings and such no opportunity was afforded to the CO to cross examine him, instead the manager of the Central Bank Of India, Vikas Kutir, was produced as a prosecution witness which had no relevance with charge against the CO. The IO has not taken cognizance of the fact that since there were no cash transactions during the month of October 2009, there was no loss of Government money in this case. That the IO has not taken cognizance of the fact that prior to the posting of CO as AO (Plan) i.e. July 2005, Oct.2005, August 2007 and December 2007 which could not be detected by his predecessors' shows that Sh. Purshottam Kumar, Asstt. Director (cash) was habitual of committing such offences of forgery/cheating and there was no connivance of CO with cash regarding the allegedly fake/false bank statement of October 2009. However, the IO has fully proved the charges against the CO.

17. Regarding Article V the CO has stated that it is alleged that Sh. A.P. Mitra failed to supervise Shri Purshottam Kumar/Asstt. Director(Cash) and in connivance with Sh. Purshottam Kumar did not reconcile bank statement in respect of various accounts maintained by DUSIB with State Bank of India, I.P. Estate and Central Bank of India, Vikas Kutir. He has stated that he has controverted in written brief which may be read as part of his comments. He has stated that the inquiry officer has not taken cognizance of the fact that the bank reconciliation statement for the period CO was posted as AAO(HQ) was to be prepared by AO(HQ) who was the DDO and the DDOs were to keep track of deposits and withdrawals from bank account; that the Vigilance Officer held higher accounts functionaries including AO(HQ) responsible for the whole embezzlement and non reconciliation of bank accounts for more than 20 years; the depositions of the state witnesses show that CO was not responsible for the embezzlement and non reconciliation of bank account. Further that the IO relied upon the pieces and fragments of statements of various officers given by them before the Vigilance Officer. The statements

given by Sh. S.P. Mitra and Sh. Surender Kumar Sharma to the Vigilance Officer during preliminary hearing is not based upon any rules of CTR, Receipts and payment manual, CGA(R&P) Rule, CPWA Code, GFRs etc and as such not authentic. That the findings of IO based upon reply given by Sh. Surender Kumar Sharma to Q. No. 6 as per the provisions of CPWA code chapter 4.2 and Chapter 22.4.18 are erroneous and perverse as they pertain to Accountants/AAOs posted in divisional offices and he was AAO(HQ). The IO has not taken cognizance of the fact that Sh. S.K. Sharma, FA, Sh. G.L. Gupta, Dy.CA and Sh. S.S. Ahuja,(Internal audit) DDA that it was the duty of the AOs and cashier to attach their bank reconciliation statement along with monthly accounts. The CO submits that there is no evidence on the record of inquiry either oral or documentary to substantiate that there was any lapse on the part of the CO relating to non preparation of bank reconciliation statement which had resulted in the embezzlement of govt. funds. Further that the embezzlement of funds was done by Sh. Purshottam Kumar in Slum (Non Plan) schemes where the CO was working as AAO (HQ). Sh. Purshottam Kumar was working under the direct control of AO (HQ)/DDO and there was no involvement of AAO (HQ) in cash related matters. The responsibility of preparation of bank reconciliation statement and appending with the monthly accounts vests with DDO as per CPWA code and no such responsibility had been assigned to the CO by the DDO. Therefore, the C.O. is not responsible for the embezzlement of public funds by cashier during his tenure of AAO (HQ). The retention of Sh. Purshottam Kumar as Asstt. Director (Cash) was strongly recommended by the then AO (HQ) since Sh. Purshottm Kumar, cashier was working directly and exclusively under the control of AO (HQ)/DDO. That there has been no embezzlement of public funds during the tenure of the CO as AO (Plan). The inquiry officer has agreed that no direct evidence is placed on record by the prosecution about the connivance of C.O. and the conclusion arrived at the I.O. of preponderances of probability weigh in favour of the prosecution is totally unfair, unjust and arbitrary. In view of above he has stated that no charge has been substantiated by the prosecution. The findings of inquiry officer are totally arbitrary, erroneous and perverse. And that the charge is wholly not proved against the C.O.

18. Article VI: the charge is CO in connivance with Sh. Purshottam Kumar did not make entry in cash books regarding cash deposits in various bank accounts of Plan scheme, Slum non Plan, Yamuna Action Plan. In this regard the CO has stated that the irregularity on the part of the cashier was to be detected by the DDO since cashier was directly and exclusively under the control of DDA. That as per Rule 1.4 of receipts and payment manual, the DDO is personally responsible for the correct maintenance and timely rendition of accounts or returns in respect of public funds. The responsibility of preparation of bank reconciliation statement vests with DDO as confirmed by PW-11 and PW 15. That from the findings of the I.O. he has agreed with the contention of the CO that the mounts/cash was deposited on 4.8.2000, 8.10.2000, 25.01.2001 and 31.01.2001 in bank a/c no. 10310544412(Slum

non Plan) whereas these amounts actually pertained to Squatter Scheme (Bank A/c no. 10310544886). The entries of these amounts were correctly made in cash book of squatter scheme to which the amount actually pertained which is evident from the entries at Sl. No. 23, 44, 75 & 77 of Annexure III of Ex. S.1). The CO had contended that the cash amounts were actually deposited by the cashier/AD (Cash) in the bank accounts of the department but these bank accounts pertain to the respective bank account wherein the cash/amount was deposited. However, the entries in the cash book were made by the cashier in the respective cash book to which the amount actually pertained. This was mere irregularity on the part of the cashier but there was no financial loss to the department as the amount had been remitted into the bank account of the department. Further, he has more or less reiterated what has already been stated in his explanation to Article no V. Finally, he has stated that the findings of the I.O. in respect of Article VI are arbitrary, erroneous and perverse.

19. Article VII which is with regard to not entering interest given by the bank in cash books at several occasions as reflected in the special audit report in connivance with Sh. Purshottam Kumar, and other officials of DUSIB, he has stated that it has already been proved from his comments in Article I, II and V that for all cash related matters, the cashier functions directly under DDO and not under the supervision of AAO as observed by the I.O. He has stated that the I.O. has mentioned in Para 7 of Art. VII that the wording of this article of charge and the contents of the special audit report shows that it is referring to Para 12 of the said report. Therefore, the charge against CO is relating to the details of Para 12 of Ex. S.1.

20. He has stated that IO has mentioned in Para 8 of Article VII that the C.O. had admitted the fact that only the credit of Rs 9,54,497/- was shown in the bank statement on 31/12/20107 pertains to the tenure of the CO. However, perusal of Para 12 reveals, interest given by the bank relating to JNNURM dated 30/06/2010 for an amount of Rs 7, 12, 368/- also relate to the tenure of CO as AO (Plan). These were not entered into the cash book. In this regard he submits that JNNURM was under AO (HQ) during the year 2010 but it has not been substantiated that JNNURM was under AO (Plan) on 30/06/2010 and that the entry of Rs 7, 12,368/- dated 30/06/2010 relating to JNNURM pertains to the tenure of C.O. is incorrect and that the said entry dated 30/06/2010 pertains to the tenure of Sh. N.K. Gupta, A.O., who has attested the same. Thus the entry dated 30/06/2010 for an amount of Rs 7, 12,368/- pertains to the tenure of the C.O. as AO (Plan) is totally arbitrary, baseless and erroneous. Regarding Para 9 and 10 of I.O. article VII that it was also the duty of C.O. as AAO for proper maintenance of cash books and its authenticity and supervision of the cashier in ensuring the same and that the facts indicate CO had failed in discharge of his duties, Sh. Mitra has once again reiterated that from his comments in Article I, II and V that all cash related matters, the cashier functions under DDO and not through AAO and that the I.O. has not



taken various factors which prove that Sh. Purshottam Kumar worked directly and exclusively under the control of AO(HQ). He has also stated that Inquiry Officer committed a serious lapse to hold the charge as proved fully although the C.O. held the office for a very small part of the period. There are 5 entries in Para no. 12 of Special Audit report whereas only one entry dated 31.12.2007 pertains to the C.O. The inquiry officer did not take cognizance of the fact that credits of interest are given by the bank directly into the account and are informed to the department in their monthly bank statement. That the cashier and the DDO come to know about the direct credits when the bank reconciliation statement is prepared at the time of preparation of monthly account and that the bank reconciliation statement and monthly accounts are prepared by the cashier and DDO. He also commented that the prosecution has not produced any evidence on the record of the inquiry to prove the connivance of the C.O. with the cashier in respect of Art. VII and the I.O. has not given his findings/observations in this regard which establishes that the I.O. has agreed with the contention of the C.O. that there was no connivance of the C.O. with the cashier in respect of article VII and therefore as per CO this article has not been substantiated by the prosecution against the C.O.

21. The main contention of the C.O. is that Sh. Purshottam Kumar worked as cashier, always under the control of concerned DDO's and was assisting the DDOs in the discharge of all duties and functions of the DDOs as per rules applicable in the erstwhile Slum & JJ Department and AAO (HQ)/CO had no role in supervision over the cashier/AD (Cash) as Sh. Purshottam Kumar never worked under him. however, I.O. in his findings while analyzing the evidence has noted that the evidence produced by the prosecution indicate that Sh. Purshottam kumar AD (cash) was working as cashier under the CO at the relevant period as the hierarchy of the Accounts Cadre of the department as explained by Sh. R.K. Gosain, (PW\_14) is Accountant/AAO, AO, Dy.CA, B&FO and F.A. Further, I.O. has established that cashier-AAO-AO/DDO is part of the chain and as such was privy to the entries made in the cash book. Therefore, they are accountable for the entries made in the cash book which had shown cash as remitted into the respective bank account but in fact not found deposited. CO was also to supervise cashier in the matters relating to proper recording of entries, maintenance and authenticity of the cash book, transaction into the bank, preparation of bank reconciliation statement etc. and that since, the funds were not remitted by the cashier during the tenure of CO, it is a case of supervisory failure on the part of C.O. In his findings the I.O. has stated that not only DDO, CO as AAO (HQ) is also responsible to ensure the preparation of bank reconciliation statement regularly. while analyzing in his findings IO mentioned the observations of the Special Audit Report that "Non preparation of bank reconciliation statement on regular basis had led many serious irregularities such as non-deposit of huge govt money, misappropriation of funds, creation of false statements, origin of fake counterfoils etc. if the bank reconciliation statements of all the bank accounts have been prepared on regular basis the occurrence of serious

financial irregularities would have been averted or detected much earlier". The I.O. has stated that therefore the CO cannot absolve himself of his part of responsibility relating to non preparation of bank reconciliation statement which has resulted in embezzlement of govt. funds. The I.O. in his analysis has further stated CO had admitted the fact that only the credit of Rs. 9, 54,497/- shown in the bank statement on 31/12/2007 pertains to the tenure of the CO. However, interest given by the bank relating to JNNURM dated 30/06/2010 for an amount of Rs. 7,12,368/- also relates to the tenure of CO as AO(Plan) and these were not entered in the cash book and failed to discharge his duties.

22. Finally, Sh. A.P.Mitra, C.O. has requested that in the interest of justice, equity and fairness, his submissions based upon cogent, reliable and logical evidences may be considered sympathetically and the findings of IO in respect of Article I, II, IV, V, VI and VII may be rejected and he be exonerated of all the charges levelled against him. He has also requested to give him an opportunity for personal hearing by CVO, DUSIB and the Disciplinary Authority to explain his innocence in the case.

23. In his representation dt 19/02/2018, requested that he may be granted personal hearing as his counterparts have been heard and decision given by the Disciplinary Authority. In this regard it is submitted that Sh. A.P. Mitra, Accounts Officer retired under suspension on 30/09/2012 after attaining the age of superannuation. However, his counterparts are serving employees and charge sheet issued to him is under Rule 9 i.e. after his retirement and his case is processed under the rules mentioned below.

24. As regard, criminal case pending in the Anti-Corruption branch, GNCTD. The investigation is under process and final outcome is awaited. The Accounts branch, DUSIB has also filed a recovery suit against Sh. Purshottam Kumar, Asstt. Director (Dismissed) & Others – CS (OS) - 623/2016 & I.A. 15982/2016 (U/S 151 CPC). and the same has been admitted in the Hon'ble High Court of Delhi on 26/7/2017. The name of Sh.A.P.Mitra, A.O. is also figure in the list of "others".

25. The Board in its 3<sup>rd</sup> 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.

(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.

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

26. Sh. A.P. Mitra, A.O. (Retd. u/s), / Charged Officer is a group 'B' retired employee. As per the above order, the Charged Officer falls under the category (ii).

27. Now, keeping in view the charges framed against the report of the Inquiry Officer and the representation filed in this regard by the charged officer, the matter is required to be placed before the Board in pursuance of office order no.PA/Dir. (Admn.)/2011/ D-200 dated 28.07.2011.

28. 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. A.P. Mitra, A.O. (Retd. u/s), / Charged Officer.

**Table Agenda No. 1**

**Subject: - Ratification of the approval/ information accorded for the "Appointment of Financial Consultant cum Transaction Advisor for the Development of housing projects on public private partnership (PPP) mode under the scheme of Pradhan Mantri Awas Yojana (Urban) for "In-situ" slum Redevelopment at different locations in Delhi".**

1. Under PMAY (U), DUSIB has been assigned the work of in-situ rehabilitation of slum dwellers residing in 138 JJ Bastis which are existing on the lands of DUSIB and other departments of Delhi Government; along with this the work of conducting demand survey of 38 JJ bastis existing on the lands of 3 DMCs will also be done by DUSIB. For 38 JJ bastis (9526 jhuggis) which exist on the lands of 3 DMCs rehabilitation plan will be made by DMCs, however on the request of DMCs this plan can be made by DUSIB.
2. As estimated there are about 59,169 jhuggis in these 138 JJ bastis, some of the details like location, approximate numbers of jhuggis, approximate area of land etc. Land owning agency (LOA) wise bifurcation of these 138 JJ bastis is as under:-
  - I. 99 JJ bastis on the lands of DUSIB (46212 jhuggis).
  - II. 39 JJ bastis on the lands of other departments of GNCTD (12957 jhuggis)

**Total 59,169 Jhuggies**
3. As per Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 & under in-situ rehabilitation, houses are to be provided within 5 Km from the existing JJ bastis, accordingly it has been planned to provide the houses to slum dwellers of 21 JJ bastis in the following manner.
  - i. In 1060 EWS houses at Sultanpuri constructed under JnNURM - 4 JJ bastis of Sultanpuri Assembly Constituency (These houses are complete & ready to shift).
  - ii. In 7400 EWS houses at Bhalaswa, Jahangirpuri constructed under JnNURM- 7 JJ bastis of Jahangirpuri (These houses are under construction and will be ready within 6 months).
  - iii. In 5594 proposed new EWS houses to be constructed on EPC mode with land as the resource as per the approval of DUSIB board in 18<sup>th</sup> & 19<sup>th</sup> meetings (placed at 36-50/C) -10 JJ bastis (7 of Jahangirpuri+ 1 of Model Town + 1 of Dev nagar + 1 of Lajpat nagar).
    - For the construction of these EWS houses seed money of Rs.600 Cr will be provided by GNCTD and in lieu of this DUSIB will hand over the vacated lands to GNCTD of amount equivalent to construction cost. Under this scheme 3780 at Bhalaswa+ 582 at Sangam Park + 784 at Dev nagar + 448 at Lajpat nagar will be constructed.
    - However as there are about 125 jhuggies on part of the land at Dev nagar so instead of constructing sanctioned 784 EWS houses only 500 EWS houses will be constructed in phase 1, thereafter balance i.e. 784-500=284 EWS houses will be constructed after shifting these jhuggies in the houses constructed under phase 1. The tenders for the construction of 5310 EWS houses (3780 at Bhalaswa+ 582 at Sangam Park + 500 at Dev nagar + 448 at Lajpat nagar) are being called shortly as per the approval of Hon'ble CM & Chairman, DUSIB Board.

Presently total available EWS houses with DUSIB are on the locations 7400 (Bhalaswa),1060(Sultanpuri)= 8460 EWS houses.

- iv. Balance i.e  $138-21=117$  JJ bastis will be shifted in the EWS houses to be constructed on PPP mode at various locations.
4. As decided by the Chairman, DUSIB and Hon'ble Chief Minister of Delhi, DUSIB has to construct new EWS houses for in-situ rehabilitation of JJ bastis through Public Private Partnerships (PPP) for the balance 117 JJ bastis ( $99-21+39=117$ ). Quantum of such required houses will be about 45400 (Total no of jhuggies-available flats- already sanctioned no of flats i.e.  $59,169-8460-5310= 45399$  say 45400).
5. Earlier an agency (M/s Ernst and Young) was appointed by DUSIB for submitting a report on "Technical feasibility and Financial Viability for in-situ development of JJ bastis including Rehabilitation at suitable available sites with various viable financial models under 3 Assembly Constituencies (Model Town, Sultanpuri & Tagore garden). In its final Project Report (copy placed separately with this file), this agency recommended the in-situ rehabilitation of 20 JJ bastis falling in these ACs, by constructing EWS houses on EPC model instead of PPP model, by quoting :-
- "DUSIB stands to gain through EPC mode of implementation of the projects as the revenues to DUSIB are upfront in case of sale of land parcels for the locations at Tagore Garden, Sultanpuri and Sangam Park. Whereas in case of PPP the revenues to the developers from selling of units are deferred to post completion of EWS component and hence having a negative impact on the NPV of the project PPP"*
6. About this report DUSIB Board was also apprised in its 16<sup>th</sup> meeting vide agenda item no 16/8.
7. In Master Plan of Delhi 2021 (MPD-2021) it has been stipulated that "for in-situ rehabilitation of JJ Bastis, a maximum of 40% land can be used as a resource and minimum of 60% of land has to be used for in-situ redevelopment to rehabilitate JJ dwellers". On this stipulation different revenue models will have to be developed to finalize an efficient & economic model. Seeing the limited capacity of DUSIB & involvement of huge amounts for the construction of these EWS houses, it will be appropriate to appoint "Financial Consultant cum Transaction Advisor" through call of Request for Proposals (RFP) for working out such revenue models. This financial consultant cum transaction advisor will also be asked to consider the report of E & Y while working out revenue models for above mentioned 117 JJ bastis.
8. Secretariat for PPP & Infrastructure, Planning Commission, Govt. of India (GOI) has also published 'Model Request for Proposals for the selection of Financial Consultant & Transaction Advisor for PPP projects' (available on [www.infrastructure.gov.in](http://www.infrastructure.gov.in)). DUSIB will prepare its RFP as per the guidelines given in this "Model Request for Proposals" of GOI. The main scope of work for Financial Consultant cum Transaction Advisor will be to provide workable & viable revenue models, preparation of bid document for the appointment of developers, assist DUSIB in finalization of developers etc. However, broad terms of reference & scope of work to be carried out by the Financial Consultant cum Transaction Advisor will be as given below.
- Based on the report of demand survey (which is being carried out separately) the consultant shall prepare Housing For All Plan of Action (HFAPoA) & Annual Implementation Plans(AIPs) as per the guidelines of PMAY(U).
  - Collection, compilation and analysis of relevant financial data relating to all costs and revenues.

- Prepare a reasonable estimation of the likely revenues considering provisions of Housing for All (U) Scheme guidelines March 2016 under PMAY (amended from time to time).
- Assisting DUSIB in identification of project risks and in allocation of the same in an efficient and economic manner.
- Identification and quantification of estimated financial impact of the Project on government resources.
- Prepare Feasibility Report along with development of various possible alternatives for revenue maximization and preparation of Revenue Model for the Project using land as a resource.
- Advising on tax-related issues arising out of the Project structuring.
- Preparation of a consolidated list of approvals/consents/clearances required from Government Instrumentalities.
- Prepare the draft & final Concession Agreement.
- Preparation of Bid documents including the relevant Schedules of the Concession Agreement.
- Assisting DUSIB [in the selection of suitable firms as technical and legal consultants and also assisting] in the entire bidding process up to the signing of the concession agreement.
- Consultant shall follow various provisions given in PMAY guidelines relevant to "In-situ" Slum redevelopment using land as resource in order to implement HFA (Urban) under PMAY.

Hon'ble C.M, Delhi/ Chairman DUSIB vide his note dated 16.02.2018 was kind enough to accord In-Principal approval for appointment of "Financial Consultant cum Transaction Advisor to carry out in-situ rehabilitation of balance 117 JJ bastis through PPP mode using land as a resource & as per the guidelines of Housing for All under PMAY.

In pursuance of the above approval RFP has been invited and M/s JONES Lang LaSalle Property Consultants India Limited (JLL) quoted the lowest offer / rate for Rs. 433/- (Rupees four hundred thirty three) per house with tendered amount of Rs. 1,94,85,000/-. The proposal is under the scrutiny and shall be decided / approved in due course of time.

The Agenda is placed before the Board for information and ratification.