

HISTORY OF SLUM and JJ DEPTT (DUSIB)

35/N

CD No 204378851

406. May kindly see the note of Finance Department, GNCTD and UD Department note at page 33/N and 34/N respectively. UD department has stated that the information sought by Finance Department in para 404 may be brought on record with requisite information and documentary evidence. Accordingly the point wise information along-with documentary evidence is given below:-

407. The operational methodology being adopted by DUSIB in respect of authorisation and management of pension for the employees governed with old pension scheme.

Reply:-The erstwhile S&JJ Department since its existence has worked under the umbrella of MCD and DDA from time to time and in accordance with the governing conditions of the transfer orders and in both the organizations the **pension is admissible (under CCS Pension Rules as amended from time to time) to their employees.** The same methodology has been adopted mutatis mutandis in erstwhile S & JJ Deptt and since then the pension is being disbursed to the retirees of the S&JJ Deptt during the department's entire tenure under MCD and DDA and vice-versa. Even after formation of DUSIB all the assets and liabilities of S&JJ alongwith services of employees, have been taken over by DUSIB. The DSUIB Act provides that service conditions of the employee cannot be altered to his disadvantage.

Slum & JJ Department

Following different orders issued by Local Self Govt. Delhi Administration/Urban Development Department, Govt. of Delhi given below shows that S&JJ Department was transferred from MCD to DDA and vice-versa along with their relevant Terms & conditions relating to employees.

S. No	Order No	Dated	Transfer From/to	Page No
1.	No.F.3/2/74-CSE(A)/30	28.02.1974	MCD to DDA	77-78/C
2.	No.PA/D(P)/78/30-N	31.03.1978	DDA to MCD	79-80/C
3.	F.12/4/74-LSC(Vol.III)/4171	14.05.1980	MCD to DDA	81-82/C
4.	F.12(4)/74-LSG/UI	01.09.1992	DDA to MCD	84-86/C

1. **Transfer from MCD to DDA vide Order No. No.F.3/2/74-CSE(A)/30 dated 28.02.1974 w.e.f 01.03.1974 (P 77-78/C) :-**

- The establishment of the Slum Unit will be separate. The employees of this unit alone will be considered for confirmation and promotion against the posts in this unit.
- The terms of appointment of these employees in the M.C.D. and the emoluments drawn by them before the transfer of the scheme would be fully protected.

2. **Transfer from DDA to MCD vide Order No.PA/D(P)/78/30-N dated 31.03.1978 w.e.f. 01.04.1978 (P 79-80/C):-**

- Since the Slum work & JJR work are Govt. of India Scheme financed and controlled by them through the Delhi administration, the staff of these two Wings will be maintained as separate entity in the Municipal Corporation of Delhi and accordingly a separate cadre will be formed.
- The pays and inter-alia-seniority of the staff of JJR and Slum Wings will remain as they are subject to reconsideration of individual cases on merit.

3. **Transfer from MCD to DDA vide Order No. F.12/4/74-LSC(Vol.III)/4171dt 14.05.1980 w,e,f.15.05.1980 (P 81-82/C).**

- The Slum Department will be maintained as a separate entity and its staff will not be merged with the DDA main staff. The services matters of the Slum Deptt. will be the concerned of the Slum Estt., headed by the Director(Slum & JJ) under the overall direction and control of V.C. DDA.

4. Transfer from DDA to MCD vide Order dated 26.08.1992 w.e.f. 01-09-1992 (P 84-86/C).

- (i) The transfer will be on "as is where is" basis.
- (ii) Except to the extent indicated below, working of Slum & JJ Department will be governed by the same rules of business and procedure as are applicable to any other Department of the MCD.
- (ii) The employees of the Slum & JJ Wing of the DDA will become the employees of Slum & JJ Department of the MCD. They will continue to be governed by their present terms and conditions of service. They will not be merged with any cadre of the MCD till any orders to the contrary are issued.

(A) Constitution of Delhi Urban Shelter Improvement Board

Erstwhile S&JJ Department converted into Board vide F.No.1(7)/UD/DUSIB/2010/-9736-47 dated 01.07.2010. (P 93/C)

The Delhi Urban Shelter Improvement Board Act, 2010
(Delhi Act 07 of 2010)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 01st April, 2010)

- (B) Taking over the Services of officers and employees- Section 30 of DUSIB Act (P 74/C) :-** In administering the provisions of this Act, the Board may, with the prior approval of the Government, take over the services of the officers and other employees of any existing organization of the Government or any other local authority with such designations as the Board may determine and they shall hold office for the same tenure, and at the same remuneration and on same terms and conditions of service, as they would have held if the Board had not been established and shall continue to do so until such tenure, remuneration and terms and conditions are duly altered by the Board.

Provided that the tenure, remuneration and terms and conditions of service of any such officer or employee shall not be altered to his disadvantage without the previous approval of the Government.

Provided further that any services rendered by any such officer or employee before the establishment of the Board shall be deemed to be services rendered under the Board.

When the official of DUSIB retire on superannuation/vol Retired from service he/she submit pension papers as prescribed under CCS (pension) Rules along with NO DUE CERTIFICATE from concerned branch to his head of office. Vigilance Clearance is obtained by HOO from Vigilance Department of DUSIB. After examining all the pension papers of the employees and verifying his / her service record in his service book, forward the pension papers alongwith all other certificate and service of the employee to Accounts officer (PF & Pension), DUSIB for further examination. Accounts Officer (PF & Pension) after scrutinizing his / her pension papers, calculate pension, gratuity, and commutation as admissible to him/her under CCS Pension Rules and obtains the approval of HOD, issues PPO (both halves) and sends it to Central Bank of India for releasing pension as per authorisation letter issued by DUSIB. Central bank of India releases pension of individual pensioners and debit the DUSIB (PF & Pension) Accounts. Operational methodology of payment of pension to the DUSIB employees is similar to that of operational methodology being adopted by the Government for its employees. The only difference is that pension of the Government employees is debited to the consolidated fund of India whereas in the case of DUSIB employees it is debited to the (PF & Pension) Account of DUSIB.

In view of the position explained above it is crystal clear and established beyond doubt that, the erstwhile S&JJ Department had been disbursing the pension to the retirees since its existence as per the analogy of the policy in vogue in the department during the tenure the department under control of the respective organizations. Further, Provision under CCS Pension Rules is being followed for finalization of pension's cases at present.

At present 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/withdrawal/final withdrawal from GPF, DLI Payment, Payment of Benevolent fund, 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.

It is again reiterated that provisions of all services rules, pensions' rules, GPF rules, Central Treasury Rules, General Financial Rules & Conduct Rules etc. were adopted mutatis mutandis in erstwhile S& JJ Department now Delhi Urban Shelter Improvement Board as applicable to the employees of GOI, Delhi Development Authority, Municipal Corporation of Delhi and Delhi Govt.

The, Delhi Shelter Improvement Board in its meeting held on 22nd June, 2011 has also approved that CCS/CCA Rules viz CCS Conduct Rules, CCS Pay Rules, CCS Pension Rules, CCS Leave Rules etc., and other such related Rules & Regulations as applicable to the employees of Government of NCT of Delhi from time to time will also be made applicable to the employees of Delhi Urban Shelter Improvement Board. Accordingly, Director (Administration), DUSIB has issued office order vide no PA/DIR (Admn.)2011/D-198 dated July 28, 2011 (P 90/C).

From the above it is clear that pensionary benefits are applicable to employees of DUSIB also and are being paid in accordance with relevant rules.

408. The procedure being adopted for new pension scheme. Is there any new entrants and how their NPS is remitted to the concerned authority.

As already stated in preceding para that the erstwhile S&JJ Department since existence has worked under the umbrella of MCD,DDA and Delhi Govt. as per governing condition of the transfer orders. Different orders issued by Local Self Govt. Delhi Administration/Urban Development Department, Govt. of NCT of Delhi. Government of NCT of Delhi, Department of Urban Development vide notification No. F.1(7)UD/DUSIB/2010/-9736-47 dated 1/7/2010 declared first day of July 2010 as the date on which the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act. 07 of 2010) shall come into force.

1. In accordance with the Govt. of India, Ministry of Finance notification No.05/7/2003-ECB & PR dated 22.12.2003, and Department of Finance (Budget), Govt. of NCT of Delhi on dated 19.7.2006 order regarding implementation of New Defined contributory pension scheme w.e.f. 01/01/2004 for new entrants to the service under Government of NCT of Delhi (P 91-95/C), the erstwhile S&JJ department under the umbrella of MCD started recovering the employees contribution from the salary of those recruited on or after 01/01/2004, in accordance with the scheme. The contributions recovered from those employees, however, remained with erstwhile S&JJ department.

2. The matter of implementation of NPS in DUSIB was placed before the Board meeting held on 10.09.2014 vide agenda item no 11/9 and the same was approved by the Board as per the minutes of the meeting issued vide No Meeting Cell/DUSIB/DD(Board)/2014/D-27 dated 16.09.2014 (P 96/C).
3. The case for obtaining the approval of the Government for implementation of NPS was moved in the file to Urban Development Department with the request that approval of Delhi Government may kindly be conveyed at the earliest (P 114-116/C).
4. Spl. Secretary (UD) on dated 12/11/2014 has recommended for granted administrative approval for the implementation of New Pension Scheme in Delhi Urban Shelter Improvement Board in respect of its employees who has been recruited on or after 01/01/2004. Secretary (UD) forwarded the case to FD for approval (P 114/C).
5. Principal Secretary (Finance) on dated 20/11/2014 has approved the adoption of New Pension Scheme in Delhi Urban Shelter Improvement Board. (Page - 112/C)
6. The Urban Development Department has sent the consent letter to NSDL for implementation of NPS in DUSIB (see note of the PO BSUP at P 108/C).
7. Thereafter, after completing all the codal formalities as per the requirement of NSDL e-Governance Infrastructure Limited, the subscription of employees of DUSIB covered in the New Pension Scheme alongwith share of Govt was transferred to NPS Trust Fund dated 29/10/2016 and thereafter it has been transferred regularly every month to NPS Trust Fund (Page 117-131/C).
8. The detail of employees contribution alongwith Govt. Share as provided by the DDO's every month alongwith PRAN Number as allotted by the NSDL uploaded on the portal of NSDL by using the software of NSDL for uploading the data of employees of NPS. Accordingly Contribution Submission Form are being generated and the equivalent amount is being transferred to NPS Trust Fund through the bank as on date there are 228 employees covered under New Pension Scheme.
9. There are 222 employees ^{recruited} ~~recruited~~ since 2014. The detail of Subscription Contribution File / Contribution Submission Form generated from the portal of NSDL for the month of December 2016 in respect of the employees of DUSIB are placed at (Page 132/C).

Hence ^{it} is very much evident that NPS in DUSIB was implemented with the prior approval of Government of NCT of Delhi and is on same footing as being implemented in Government of NCT of Delhi. There is no new entrant.

409. Copy of the order vide which DUSIB has been granted permission to implement 7th Pay Commission recommendation, even if it has not been extended to Autonomous Bodies/Grantee institutions by the Government of India.

Finance Department had forwarded the copy of the letter No F.21/Fin.(Estt.-III)/07/CPC/2016/dsv/870 dated 16.08.2016 relating to adoption of the Central Civil Services (Revised Pay) Rules 2016 to Director (Admin), DUSIB. Photocopy of the envelope showing the stamp of the finance department is placed at P-133/C.

After the approval of CEO, circular received from Finance department was further endorsed to all sectional heads/DDO by Dy. Director (Admin) vide endorsement no GA/1076(2)/Admn-II/2016/D-1404 dated 01.09.2016 P134-136/C.

It is pertinent to mentioned here that as per the notification issued by Principal Secretary (Urban Development) on 25th August, 2010, it has been categorically mentioned in para 3 that " The officer and employees shall hold office for the same tenure at the same remuneration and on the same terms and conditions of service as would have held, if the Board had not been established and shall continue to do so until such tenure, remuneration and terms and conditions are duly altered by the Board. (P 137/C).

The matter was placed before the Board in 17th Board meeting held on 28.09.2016. The Board Chaired by Hon'ble Chief Minister has approved the adoption and implementation of GOI, M/o Finance, Department of Expenditure notification no 721(E) dated 25.07.2016 which was endorsed by Finance Department, GNCTD vide no F.21/Fin.(Estt.-III)/07/CPC/2016/dsv/870 dated 16.08.2016. (Copy of the Board agenda and minutes are placed at **page 138-139/C**).

As stated in the preceding paras again re-iterated that the service condition of the employees of the erstwhile S&JJ department / DUSIB will not changes irrespective of whether they worked under the umbrella of DDA, MCD, or under DUSIB.

Delhi Shelter Improvement Board in its meeting held on 22nd June, 2011 has also approved that CCS/CCA Rules viz CCS Conduct Rules, CCS Pay Rules, CCS Pension Rules, CCS Leave Rules etc., and other such related Rules & Regulations as applicable to the employees of Government of NCT of Delhi from time to time will also be made applicable to the employees of Delhi Urban Shelter Improvement Board.

In view of the above, it is clear that 7th pay commission recommendations have been implemented in DUSIB only after receiving the order from Government of Delhi and approval of the Board was taken.

410. In view of para 6 of notification dated 13th Many, 2010 dully placed opposite at page 75/C, DUSIB may certify that the pay and other service conditions of the employees working with DUSIB are identical to that of the employees of the Government. In case any changes in the nomenclature of posts and /or revision of pay (upward or downward) effected after the issuance of notification dated 13.05.2010, such information alongwith documentary evidence may be brought on record.

The Delhi Urban Shelter Improvement Board has taken over the services of officers and employees of the erstwhile Slum & JJ Department in accordance with the section 30 of DUSIB Act, 2010. Further as per notification dated 25th August 2010, the designation of the officers and employees of the erstwhile S&JJ department shall remain the same until modified by the Board. The tenure remuneration and terms and conditions of service of any such officer or employee shall not be altered to his disadvantage without the previous approval of the Government.

As already mentioned DUSIB has already adopted all CCS/CCA Rules, CCS Pension Rules etc.

It is however, added that retired Pr. Chief Engineer of PWD, GNCTD was engaged as Pr. Director (Project) as per the guidelines of retired government officer (i.e. Last pay drawn minus pension) after recommendation of the search and selection committee head by Pr. Secretary , Urban Development , GNCTD and approved by Hon'ble Chief Minister GNCTD/Chairman DUSIB Board. The engagement of Pr. Director (Project) was ratified by the Board in its 13th Board meeting held on 22.09.2016 **(P140-147/C). The tenure of Pr. Director (Project) was for one year and is already over**

In view of the above facts, it again re-iterated that the conditions of service of employees of DUSIB especially relating to hours of working (9.30 A.M to 6.00 P.M), payment of OTA etc are exactly similar to those in the case of Government of NCT of Delhi/Central Government employees, the pattern of emolument structure i.e. pay scales and allowances, DA, HRA and Transport Allowance etc are identical to those in the case of Government of NCT of Delhi/Central Government employees. All the previous Pay Commissions reports are already implemented in erstwhile S&JJ/DUSIB. Deductions on accounts of GPF, NPS are already applicable to the employees of the DUSIB.

411. Further it is already stated that DUSIB has allotted institutional land to the following agencies as per the directions of the Government of NCT of Delhi on institutional rates of DDA as against the policy of DUSIB to allot land on circle rate and **loss of revenue** as per details given below:-

S.No	Detail of Loss to DUSIB due to land allotted to following agencies on Govt direction	Cost at Circle Rates	Cost at Institutional Rates	Difference in Circle Rate & Institutional Rate	Reference No.
1.	2.	3.	4.	5.	6.
1.	Land allotted to DMRC, at inter-departmental rate of DDA instead of circle Rate	Rs.422.25 Cr	Rs.22.30 Cr	Rs.399.95 Cr	Already available in file
2.	Land given to Health Department at 02 sites at Trilok Puri, and 01 site at Savda Ghavra Ph-III at inter-departmental rate of DDA instead of Circle Rate	Rs.31.20 Cr	Rs 3.58 Cr	Rs.34.78	-do-
3.	Land given to Dte of Education at 12 sites. Cost of land	Rs.164.99 Cr	Rs 1/- p.a.	Rs.164.99 Cr	-do-
4.	Land given to Health Department at Sultanpuri Resettlement colony. DUSIB Board approved it in 16 th Board meeting.	Rs.150.42 Cr	Rs 24.17Cr	Rs.126.26Cr	-do-
	Total=	Rs.768.86 cr	Rs.51.05 Cr	Rs.725.98 Cr	

The **Section 28 of DUSIB Act 2010** provide as under:-

"The Government may, at any time, issue directions to the Board in relation to the management of the Board and the Board shall comply with such directions. Provided that the Government shall obtain and consider the opinion of the Board before issuing any such direction. Provided further that the Government shall make due provision for any financial liability to the Board arising directly in consequence of any such directions".

During the pre-budget meeting, CEO has requested for recouping the revenue loss of Rs.721.45 Cr, and also provides Rs.80.00 Cr as Grant-in-Aid for 2016-17 toward salary and establishment expenses. Unfortunately, only Rs.40.00 Cr as loan for salary has been provided during 2016-17.

412. Further during the course of review of meeting of DUSIB held under the chairmanship of Hon'ble Chief Minister on 12.05.2016 at 11.00 AM in the Conference Hall No 2, Delhi Sectt, New Delhi in which Hon'ble Minister PWD & Health and Pr. Secretary to Hon'ble CM was also present beside CEO and other officers of DUSIB, CEO, DUSIB raised the issue of getting funds under non plan as Grant-in-aid to meet the expenditure of DUSIB particularly salary bill. CEO, DUSIB also requested that funds under non plan be given as grant-in-aid rather than as loan as per the present practice. Hon'ble CM agreed to the request of CEO, DUSIB and asked his Principal Secretary to get funds of Rs.80 Crore from finance depart of GNCTD as grant-in-aid to DUSIB during the current year and earlier funds granted to DUSIB under non-plan as loan should also be converted into Grant-in-aid(P 148-c).

413. DUSIB at its own level is making every effort to generate revenue from the internal sources available in DUSIB such as Licence fee/ lease money from residential / commercial properties, Interest/Penalty /Relief Scheme in respect of housing scheme of 1985, allotment of Institutional land to Government Department at Circle Rates on lease basis and Recovery of dues by issuing demand notices to tenement for Ground Rent, lease money etc. The details of Receipt and Expenditure from 2011-12 to 2014-15 and 2015-16 is already on record at page 8/N and also in the link file placed below. It is very much clear that revenue resources of DUSIB are very limited and are not sufficient to meet the entire establishment expenses.

414. The Financial position of DUSIB is very precarious and there are no funds available to pay salary for January onwards.

415. The average monthly expenditure on account of Salaries and other expenses in DUSIB is Rs.12 crore. With the Rs.40 crore loan received from Government of NCT of Delhi and meagre revenue receipts in DUSIB, we have been able to meet the expenditure on this count till the month of September, 2016. 4. Thereafter, as all the revenues have exhausted the salaries and allowances for the months of October and November, 2016 have been paid by diverting the funds available under Non-Plan schemes as there was no immediate requirement of funds in these schemes. However, the amount so diverted has to be recouped and reimbursed to the respective schemes.

416. In this connection attention is invited to the decision taken in the review meeting chaired by Hon'ble CM on 12.05.2016, wherein it was agreed to provide Rs.80.00 Cr to DUSIB. CEO, DUSIB, has on this issue, addressed a note to Pr. Secretary to CM, and the said note (placed at page 153/C), with the remarks "this issue was discussed with Hon'ble CM and was agreed pl", was marked to Hon'ble Dy. CM and then to Pr. Secretary (Finance).

417. It is thus once again requested that the additional grant of Rs.40 crore be provided immediately by making a provision in the Revised Estimates for the current financial year. Otherwise, it would not be possible to release the salaries and allowances for the months of January, 2017 onward.

418. It is, therefore, requested that Grant-in-Aid of Rs.40.00 crore for payment of salaries and allowances to the DUSIB employees and other running expenditure against the Revised Budget Estimates for the financial year 2016-17 may be released at the earliest on the basis of budget assurance or authorisation with assurance for incurring expenditure to the tune of 40 Cr may be given to us.

for release
18.1.17

(H.S.NANRA)

Budget and Finance officer, DUSIB

Member (Finance)

419. Note above is in reference to queries at page 33/A.

We may send it to U.D. Deptt, Govt of Delhi, with the request to release grant-in-aid as already approved by Hon'ble Chief Minister.

CEO

R. Secy, UD

420. Pl. ensure grant-in-aid.

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J. Secy
23/1/17

DS (B&F)

23/1/17

23/1/17
Joint Secy,
Pr. Secy, (UD)

23/1/17
K. Jain
DUSIB