

# COUNCIL'S MEETING

**NO. 01/2022-23**

<b>DATE</b>	<b>:</b>	<b>25<sup>TH</sup> MAY 2022 (WEDNESDAY)</b>
<b>TIME</b>	<b>:</b>	<b>11-00 A.M.</b>
<b>VENUE</b>	<b>:</b>	<b>1<sup>ST</sup> FLOOR, CONFERENCE ROOM, NDCC-II, NEW DELHI</b>



**NDMC**

नई दिल्ली नगर पालिका परिषद्

**NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI**



नई दिल्ली नगरपालिका परिषद्

नई दिल्ली नगरपालिका परिषद्  
NEW DELHI MUNICIPAL COUNCIL  
पालिका केन्द्र, संसद मार्ग, नई दिल्ली-110102  
Palika Kendra, Sansad Marg, New Delhi-110102

F.25(1)/CS/1/2022/D- 430

Dated: 18.05.2022

MEETING NOTICE

The next meeting no. 01/2022-23 of the Council is scheduled to be held on 25.05.2022 at 11-00 A.M. in 1<sup>st</sup> Floor, Conference Room, NDCC-II, New Delhi.

The list of business is enclosed herewith.

You are requested to kindly make it convenient to attend the same.

  
(ISHA KHOSLA)  
Secretary

ALL MEMBERS OF THE COUNCIL

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**NEW DELHI MUNICIPAL COUNCIL**  
**PALIKA KENDRA : NEW DELHI**

**COUNCIL'S MEETING NO. 01/2022-23 DATED 25.05.2022 AT 11-00 AM**

**Arrangement of Business**

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (CS)	Confirmation and signing of the minutes of the Council Meeting No. 08/2021-22 held on 30.03.2022	3	4 - 5
02 (CS)	Confirmation and signing of the minutes of the Council Meeting held through circulation of agenda dated 09.02.2022.	6	7
03 (Health)	Intimation regarding quarterly/quarter wise expenditure on the PPP Project of Collection & Transportation of garbage from NDMC area to the disposal site for the period July-2021 to September-2021.	8 - 9	---
04 (Elect-I)	Revised Preliminary Estimate for "Replacement/Augmentation of various 11 KV HT Cables in M/N and M/S area of NDMC".	10 - 13	14 - 16
05 (Finance)	Re-appropriation of Funds in Revised Estimates 2021-22	17 - 18	19 - 23
06 (Health)	Amendment to Section 390 of the New Delhi Municipal Council Act, 1994 - in compliance of order dated 24.12.2021 of Hon'ble High Court of Delhi in RE:WP(C) 5569/2021 title "Court on its own Motion vs North Delhi Municipal Corporation and Ors".	24 - 26	---
07 (CS)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.400 lacs.	27	28 - 41
08 (CS)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	42	43
09 (MS)	Extension of existing contract for 02 months at the same rates, terms & conditions to M/s Good Luck Enterprises w.e.f. 01.04.2021.	44 - 47	48 - 67
10 (Pers.)	<p>i. <b>Decision on raising a debit note</b> to North MCD for repayment of the amount to NDMC against drawl of Salary &amp; Allowances from NDMC exchequer in respect of staff of North MCD working with Monitoring Committee and,</p> <p>ii. <b>Decision on Order dated 20.08.2019</b> of the Chief Secretary, Govt. of NCT of Delhi to treat the staff posted in the Monitoring Committee on deputation basis and drawl of their salaries and other allowances in upgraded pay-scales of such deputation posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee.</p> <p>iii. <b>Decision on the letter dated 06.07.2020</b> from Monitoring Committee requesting to allow the salary and deputation duty allowances to <b>04 officials of South MCD</b> also w.e.f. 01.08.2020 working in the Monitoring Committee on the same line as being given to officials of North MCD</p>	68 - 74	75 - 105
11 (Civil)	Mechanized Sweeping and Housekeeping of roads, parking area, Corridor, public plaza of Connaught Place	106 - 110	
12 (Fin.)	Expenditure sanction in r/o 'Annual repair and Maintenance of (AR-MO) Works based on norms approved by the Council'	111 - 113	

13 (A/cs.)	Amendments in Sections 45, 46 and 48 of the NDMC Act, 1994; and Opening of separate zero balance subsidiary savings account(s) for each CSS/State Govt. Schemes as required under Public Financial Management System (PFMS) as per Directions of the Department of Expenditure, Ministry of Finance, GOI/GNCTD to receive funds under CSS/State Govt. Schemes in anticipation of amendment in Section 45, 46 and 48 of the NDMC Act, 1994.	114 - 121	122 -159
<b>VOLUME-II</b>			
14 (Pers.)	Grant of DTL pay scale to Social Education Department w.e.f. 01.04.1998 & to Aanchal School posts w.e.f. 16.07.2008.	160-163	164-207
15 (Estate-II)	Regularization of 100% Wooden loft within the premises of shops in Shankar Market (New Central Market), New Delhi - 110001.	208-212	213-235
<b>TABLE AGENDA</b>			
	Brief Summary regarding Ayushman Bharat Pradhan Mantri Jan Arogya Yojna (AB-PMJAY)	236	

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Copy of Reso. No. 01 (CS)  
of  
Council: Ordinary Meeting  
Dated: 25.05.2022

ITEM NO. 01 (CS)

Confirmation and signing of the minutes of the Council Meeting No. 08/2021-22 held on 30.03.2022 (See pages 4 - 5).

COUNCIL'S DECISION

Minutes confirmed.

For Secretary  
New Delhi Municipal Council  
New Delhi.

**NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI**

**MINUTES OF THE COUNCIL'S MEETING NO. 08/2021-22 HELD ON 30.03.2022 AT  
11-00 A.M. IN FIRST FLOOR, NDCC -II, NEW DELHI.**

MEETING NO.	: 08/2021-22
DATE	: 30.03.2022
TIME	: 11-00 A.M.
PLACE	: NDCC-II, NEW DELHI

**PRESENT:**

- |    |                           |   |                   |
|----|---------------------------|---|-------------------|
| 1. | Smt. Meenakshi Lekhi      | - | Presiding Officer |
| 2. | Sh. Dharmendra            | - | Chairperson       |
| 3. | Sh. Satish Upadhyay       | - | Vice Chairperson  |
| 4. | Sh. Virender Singh Kadian | - | Member            |
| 5. | Sh. Kuljeet Singh Chahal  | - | Member            |
| 6. | Smt. Vishakha Shailani    | - | Member            |
| 7. | Sh. Girish Sachdeva       | - | Member            |
| 8. | Ms. Isha Khosla           | - | Secretary         |

ITEM NO.	SUBJECT	DECISION
01 (C-16)	Confirmation and signing of the minutes of the Council Meeting No. 07/2021-22 held on 23.02.2022	Minutes confirmed.
02 (A-21)	Operation and Maintenance of Mechanical Road Sweepers for cleaning of main roads in NDMC area.	Deferred due to poor response from the vendors. The department is directed to recall the tender for wide publicity.
03 (A-22)	S/R of roads in NDMC Area. SH : Re-surfacing of 12 roads in R-V Division of NDMC.	Deferred.
04 (C-17)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.400 lacs.	Information noted.
05 (C-18)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
06 (B-10)	Implementation of Smart Grid Infrastructure Including Enhancement of Existing Network in NDMC Power Distribution Area. Sub Head:- Estimate for Supply, Installation, Testing and Commissioning of 11 KV HT Metering Cubicle for proper functioning of 11KV HT CT Smart meters.	Resolved by the Council to accord <b>Approval-in-Principle (AIP)</b> for the following:- I. To take over the work of Supply, Installation, Testing and Commissioning of 11 KV HT Metering Cubical for proper functioning of 11 KV HT CT Smart Meter, amounting to Rs.40,60,79,680/- through inviting tender from open market by Electricity department of NDMC. II. To incur the expenditure from NDMC's own fund.

07 (L-03)	E-auction of small shops, stalls, office space etc. in NDMC area.	Deferred.
08 (A-23)	Smart City Project in NDMC area. SH:-Development of K.G Marg as Happiness Area.	Deferred.
09 (B-11)	Submission of "Detailed Project Report" for revamping of "Sub-Transmission & Distribution Network including Feeder's, Distribution Transformers and Boundary Metering under Reforms-based and Result linked, Revamped Distribution Sector Scheme (RDSS) of Ministry of Power, Government of India for the NDMC area.	Resolved by the Council to accord approval to the proposal of the department as mentioned at para 13 of the preamble.
10 (A-24)	Individual piped water connection in the JJ Clusters and remaining unauthorized colonies under Jal Jeevan Mission (Har Ghar Jal) - In Principle Approval of the Council	Resolved by the Council to accord approval to the scheme for providing individual piped water connection for each and every resident of NDMC area including JJ Clusters as per the proposals under Jal Jeevan Mission and Har Ghar Jal. Although the Jal Jeevan Mission is for Rural Areas but on the same lines NDMC shall also provide Har Ghar Jal in JJ Clusters.  The Council further directed that the estimate with detailed timelines along with financial implications shall be prepared by Water Supply Division and put up before the Council.
11 (K-03)	Scheme for Palika Swachhta Scholarship for the wards of Safai Sewak of NDMC.	Resolved by the Council to accord approval to the proposal of the Department to implement Palika Swachhta Scholarship Scheme.  It is further discussed by the Council that similar Scheme may also be implemented to the Group "C" posts. The department shall prepare a detailed proposal.
12 (B-12)	Replacement of 14 Nos. Lifts installed at Block- C NDCC Phase-II Building.	Resolved by Council to accord administrative approval and expenditure sanction amounting to Rs. 8,48,50,905/- (Including GST@18%) for Replacement of 14 Nos. Lifts installed at Block-C, NDCC Phase-II Building with 05 Years CAMC.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

COPY OF Memo. No. 02 (CS)  
of  
Subject: Ordinance No. 1  
Date: 25.05.2022

ITEM NO. 02 (CS)

Confirmation and signing of the minutes of the Council Meeting held through circulation of agenda dated 09.02.2022. (See page 7).

COUNCIL'S DECISION

Minutes confirmed.

For Secretary  
New Delhi Municipal Council  
New Delhi.



**NEW DELHI MUNICIPAL COUNCIL**  
**PALIKA KENDRA: NEW DELHI**

**MINUTES OF THE COUNCIL'S MEETING HELD THROUGH CIRCULATION OF AGENDA**  
**on 09.02.2022.**

The following members have signed in token of its approval.

- |     |                           |   |                         |
|-----|---------------------------|---|-------------------------|
| 1.  | Sh. Arvind Kejriwal       | - | Presiding Officer       |
| 2.  | Smt. Meenakshi Lekhi      | - | Member                  |
| 3.  | Sh. Dharmendra            | - | Chairperson             |
| 4.  | Sh. Satish Upadhyay       | - | Vice-Chairperson/Member |
| 5.  | Sh. Virender Singh Kadian | - | Member                  |
| 6.  | Sh. Kuljeet Singh Chahal  | - | Member                  |
| 7.  | Smt. Vishakha Sailani     | - | Member                  |
| 8.  | Sh. Girish Sachdeva       | - | Member                  |
| 9.  | Sh. Ashutosh Agnihotri    | - | Member                  |
| 10. | Sh. Kamran Rizvi          | - | Member                  |
| 11. | Smt. D. Thara             | - | Member                  |
| 12. | Sh. Vikas Anand           | - | Member                  |
| 13. | Smt. Isha Khosla          | - | Secretary, NDMC.        |

ITEM NO.	SUBJECT	DECISION
01 (F-01)	Determination of Municipal Tax, Rates, Cesses and Rebates for the Financial Year 2022-23 and other related matters.	Resolved by the Council that A detailed proposal as contained in Paras – 03 to 05 on the Determination of Municipal Taxes, Rates, Cesses, and Rebates for the Financial Year 2022-23 is placed before the Council for ratification.  It is further resolved by the Council that department may initiate further necessary action on the decision taken as above in anticipation of confirmation of the Minutes.

**ITEM NO. 03 (Health)****1. NAME OF THE SUBJECT:-**

Intimation regarding quarterly/quarter-wise expenditure on the PPP Project of Collection & Transportation of garbage from NDMC area to the disposal site for the period July-2021 to September-2021.

**2. NAME OF THE DEPARTMENT:**

Public Health Department, NDMC

**3. BRIEF HISTORY OF THE SUBJECT / PROJECT:**

Vide Resolution Number 19 (E-04), dated:15/12/2015, Council resolution that the Chairperson, NDMC may accord expenditure sanction based on the amount billed in respect of monthly bills for collection and transportation of garbage from NDMC area as per concession agreement. The actual liability incurred shall be verified as per the prescribed procedure duly concurred by Finance Department and approved by Competent Authority. Total expenditure incurred in every quarter shall be brought into the notice of the Council.

**4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:**

As resolved by the Council vide resolution No. 19 (E-04) dated 15.12.2015, the monthly expenditure billed for the subject work has been got approved from Chairman, NDMC upto billed quantity for July-2021 to September-2021 is to be brought to the notice of the Council. The quarterly expenditure for the period July-2021 to September-2021 is Rs. 7,95,99,389/- (Rs. Seven Crores Ninety Five Lakh Ninety Nine Thousand Three Hundred Eighty Nine Only). The month wise details are as under:-

**27th Quarter**

Month	Amount
July-2021	Rs. 2,54,21,718/-
August-2021	Rs. 2,66,08,526/-
September-2021	Rs. 2,75,69,145/-
<b>Total</b>	<b>Rs. 7,95,99,389 /-</b>

**5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT / SUBJECT:**

Quarterly/quarter-wise expenditure for the months July-2021 to September-2021 is Rs. 7,95,99,389/- (Rs. Seven Crores Ninety Five Lakh Ninety Nine Thousand Three Hundred Eighty Nine Only).

**6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCEEDING:**

After finance concurrence and approval of the Competent Authority, the above payments have been paid to the concessionaire.

**7. FINAL COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NO. AND DATE:**

Finance Department has already concurred the above payments.

**8. LEGAL IMPLICATIONS OF THE SUBJECT/PROJECT:**

No legal implications.

9. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:

Council Resolution Item No. 07 (W-03) dated 30.01.2015.  
 Council Resolution Item No. 19 (E-04) dated 15.12.2015.  
 Council Resolution Item No. 10 (E-06) dated 27.06.2016.  
 Council Resolution Item No. 14 (E-13) dated 17.08.2016.  
 Council Resolution Item No. 25(E-17) dated 03.11.2016.  
 Council Resolution Item No. 10(E-21) dated 06.03.2017.  
 Council Resolution Item No. 20 (E-02) dated 27.04.2017.  
 Council Resolution Item No. 03 (E-09) dated 19.09.2018.  
 Council Resolution Item No. 07 (E-14) dated 28.02.2019.  
 Council Resolution Item No. 08 (E-01) dated 04.08.2020.  
 Council Resolution Item No. 11(E-04) dated 26.12.2020.  
 Council Resolution Item No. 24 (E-02) Dated 21.05.2021.  
 Council Resolution item no.36 (E-04) Dated: 28.11.2021.

10. FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT/ PROJECT  
 Not applicable

11. CERTIFICATION BY DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.  
 Yes, all CVC guidelines have been followed.

12. RECOMMENDATIONS:-

As resolved by the Council vide resolution No. 36 (E-04) Dated: 28.11.2021, the monthly expenditure billed for the subject work up to June-2021 already noted by council. The intimation regarding quarterly/quarter-wise expenditure for the July-2021 to September-2021 is Rs. 7,95,99,389/- (Rs. Seven Crores Ninety Five Lakh Ninety Nine Thousand Three Hundred Eighty Nine Only).

The month wise details are as under:-  
27<sup>th</sup> Quarter

Month	Amount
July-2021	Rs. 2,54,21,718/-
August-2021	Rs. 2,66,08,526/-
September-2021	Rs. 2,75,69,145/-
<b>Total</b>	<b>Rs. 7,95,99,389 /-</b>

13. DRAFT RESOLUTION

Council has taken note of the Quarter wise expenditure for the period from July-2021 to September-2021 is Rs. 7,95,99,389/- (Rs. Seven Crores Ninety Five Lakh Ninety Nine Thousand Three Hundred Eighty Nine Only).

Agenda is placed for kind information of the Council.

COUNCIL'S DECISION

Information noted.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Sengupta*

For Secretary  
 New Delhi Municipal Council  
 New Delhi.

**ITEM NO. 04 (Electric-I)****1. Name of the subject/ Project :**

Revised Preliminary Estimate for "Replacement/Augmentation of various 11 KV HT Cables in M/N and M/S area of NDMC".

**2. Name of the Department/Departments concerned :** Electricity-I**3. Brief history of the subject/Project:**

NDMC Council vide Council Resolution No.03(B-07) 26.12.2020 approved the preliminary estimate amounting to Rs. 62,59,56,000/-(Net) for total 138 feeders having length of 111.32Km, as per the requirement of user divisions i.e. Maintenance North & South Division.

As per the established practice, after the PE was accorded approval by Council, Planning informed Store Division to procure the cable and simultaneously asked Construction Division (C-I) for laying, testing and commissioning in the network. However, being a huge quantity of cable under procurement/laying i.e. 111.32 Km, it was decided to review the PE so that entire work of procurement and laying of cable may be completed in an efficient way. The review meeting was held as per the directions of Chief Engineer under the Chairmanship of SEE-III in which SEE-II, SEE-I, SEE-IV, Executive Engineers of M/S, M/N & Store Divisions were present. In the meeting, it was decided that Store-I division will procure 111321 Mtr by keeping delivery period of supply of cable as 3 years, the cable will received from supplier in lots, quarterly throughout a year, quantity of such lots will however be subject to requirement received from user/execution divisions during each quarter and that price variation clause will be considered in the NIT as per IEEMA price variation clause. The price variation clause has to be considered due to the fluctuating prices of the cables material i.e Aluminium, XLPE, PVC etc. keeping in view of the three year completion period.

The proposal was also seen by Finance who advise that as the proposal has been altered from the original approval/ A/A & E/S accorded by Council which also involves financial implication, as such, department may obtain revised approval/AA & ES from the Council.

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

Based on the recommendations given in review meeting and advice rendered by Finance, approval for the following amendments is being solicited :

(i) The completion period may be kept as three years while the same was kept two years in A/A & E/S accorded by the Council to the PE vide Resolution no. 03(B-07) dated 26.12.2020 **(Annexure-I) (See pages 14 - 16).**

(ii) Incorporation of price variation clause as per IEEMA price variation clause may be added while making procurement of cable.

(iii) Supplying and laying work would be executed separately by the Store Division and C-I(E) Division, respectively.

(iv) The rest of the details i.e. quantity, specifications, rates etc, etc. remains the same as per the previous approved Preliminary Estimate. The work shall be Chargeable to Budget Head of Account: 81/412/40 for which necessary budget provision will be kept in the B.E. 2022-23.

**5. Financial implications of the proposed project/subject:**

Financial, Implications to remain same as per originally sanctioned preliminary estimate i.e. Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/- (Net).

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

Three years.

**7: Final Comments of the Finance Department on the subject with dy no. & date:**

Finance Deptt. has concurred the current amended proposal Vide Dy.no.85360/CE(E-I) dated 28.01.2022.

1. Department has submitted the proposal for consideration of the Minutes of meeting placed at Page-132-133/C (TOC no. 575543) before inviting of tenders for the above cited work.
2. From perusal of the minutes of meeting reveals that the department has proposed to consider the followings : (i) completion period may be kept as three years in the NIT while the same was kept two years in A/A & E/S accorded by the Council to the PE vide Resolution no. 03(B-07) dated 26.12.2020 (placed at TOC no. 500180 at Page-82/C to 84/C) (ii) Incorporation of price variation clause as per IEEMA price variation clause, which has financial implication but approval of the same was not obtained in the A/A & E/S (iii) supplying and laying work would be executed separately by the Store Division and C-I (E) Division.
3. As the proposal has been altered from the original approval/ A/A & E/S accorded by Council which also involves financial implication, as such, department may obtain revised approval/AA & ES from the Council.

**8. Legal implication of the subject/project:** No legal Implication involved.

**9. Details of previous Council Resolutions, existing law of Parliament and Assembly of the subject:**

Council (vide Reso.No.11(B-15) 28.08.2008 and Council vide Reso.No.03(B-07) 26.12.2020.

**10. Final Comments of the Law department on the subject/ project:**

1. The draft agendum referred to the Law Deptt. is regarding "the proposal for consideration of the amendment in the original Preliminary Estimate approved by Council vide resolution No.03(B-07) dated 26.12.2020 in respect of change in total completion period, incorporation of IEEMA price variation clause and mode of execution of work may be accorded approval in continuation of originally accorded Administrative Approval and Expenditure Sanction of Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/- (Net) for Replacement of 11 KV HT cables in M/N & M/S Area of NDMC. Approval may also be accorded to take further action in anticipation to confirmation of the minutes of council meeting."

2. It is worthwhile to note here that the present agendum primarily involves financial and technical issues; & the same have already been examined by the Finance Department and EE(E)S-I Department respectively.

3. Having examined the contents of the draft agendum from the legal point of view, it is **observed that at this stage no specific legal query is referred to, or legal issue is involved.** However, the concerned department may ensure the correctness of facts, words and figures mentioned therein, and the other guidelines on the subject, if any, has been complied with.

4. It may also be ensured that the applicable provisions of GFR / CPWD Manuals / CVC Guidelines (as may be applicable) & the Opinion rendered by the Finance Department, may be strictly complied with by the concerned department.

On the observation of the Law department, it is ensured that the correctness of facts, words and figures mentioned therein, and the other guidelines on the subject, if any, has been complied with. It may also be ensured that the applicable provisions of GFR / CPWD Manuals / CVC Guidelines (as may be applicable) & the Opinion rendered by the Finance Department, may be strictly complied with by the concerned department.

11. **Certificate by the department that all Central Vigilance Commission (CVI) guidelines have been followed while processing the case:**

While processing the case, all guidelines of the CPWD manuals have been followed.

12. **Recommendation:**

The proposed amendment in the original Preliminary Estimate approved by Council vide resolution No.03(B-07) dated 26.12.2020 in respect of change in total completion period, incorporation of IEEMA price variation clause and mode of execution of work may be accorded approval in continuation of originally accorded Administrative Approval and Expenditure Sanction of Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/- (Net) for Replacement of 11 KV HT cables in M/N & M/S Area of NDMC. Approval may also be accorded to take further action in anticipation to confirmation of the minutes of council meeting.

13. **Draft Resolution:**

Resolved by the Council that the original Preliminary Estimate approved by Council vide resolution No.03(B-07) dated 26.12.2020 shall be incorporated with amendments as follows:

- (i) The completion period may be kept as three years.
- (ii) Incorporation of price variation clause as per IEEMA price variation clause may be added while making procurement of cable.
- (iii) Supplying and laying work would be executed separately by the Store Division and C-I(E) Division, respectively.
- (iv) The rest of the details i.e. quantity, specifications, rates etc, etc. remains the same as per the previous approved Preliminary Estimate.

This is in addition to already accorded Administrative Approval and expenditure sanction to the Preliminary Estimate of "Rs.63,01,99,624/- (Gross) Rs.62,59,56,000/- (Net) for" replacement of 11 KV HT cables in M/N & M/S Area of NDMC. Approval is also accorded to take further action in anticipation to confirmation of the minutes of council meeting.

**COUNCIL'S DECISION**

Resolved by the Council that the original Preliminary Estimate approved by Council vide resolution No.03(B-07) dated 26.12.2020 shall be incorporated with amendments as follows:

- (v) The completion period may be kept as three years.
- (vi) Incorporation of price variation clause as per IEEMA price variation clause may be added while making procurement of cable.
- (vii) Supplying and laying work would be executed separately by the Store Division and C-I(E) Division, respectively.
- (viii) The rest of the details i.e. quantity, specifications, rates etc, etc. remains the same as per the previous approved Preliminary Estimate.

This is in addition to already accorded Administrative Approval and expenditure sanction to the Preliminary Estimate of "Rs.63,01,99,624/- (Gross) Rs.62,59,56,000/- (Net) for" replacement of 11 KV HT cables in M/N & M/S Area of NDMC.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*D. Sengupta*

**For Secretary  
New Delhi Municipal Council  
New Delhi.**

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(B) -14-

Copy of Reso. No. 03(B-07)

of  
Council's Quarterly Meeting  
dated 26/12/2020

ITEM NO. 03 (B-07)

1. Name of the subject/ Project :

Preliminary Estimate for "Replacement/Augmentation of various 11 KV HT Cables in M/N and M/S area of NDMC".

2. Name of the Department/Departments concerned : Electricity-I

3. Brief history of the subject/Project:

NDMC, Chairperson constituted an expert Committee in the year 2005 under the Chairmanship of Sh. Y.P. Singh, Chairman (ECGR Forum NDMC) including Chief Engineer (Elect.) along with representative one each of Electrical Deptt. and Commercial Deptt. and Sh. D.K. Sharma, retired Engineer from the then D.V.B. as its members. This committee had submitted an exhaustive report based on system study, physical inspection of electric sub-stations/system control, deliberations with the field Engineers.

The committee recommended to address weak points by taking urgent actions not only for replacing of old/obsolete outlived cables/equipment but also for augmentation of transformers, feeders, switchgears and associated equipments to meet the increasing load demand and also provide flexibility in the system. A number of transformers and cables as found overloaded were also advised to be replaced as a major exercise to relieve the system from overloading and leading to repeated interruptions/burning of cables etc.

In view of above another committee was constituted by Secretary, NDMC to prepare a road map for the revamping of electrical system in NDMC befitting to the projections upto year 2021.

Accordingly the constituted committee submitted its report in October, 2007 and preliminary estimate for revamping of electrical system of NDMC upto 11 KV amounting to Rs.336.09 crores. Council vide Reso. No. 11(B-15) dated 20-8-08 has accepted/approved the same. As work was voluminous therefore the same was carried out in phased manner as per requirement of user department.

Initially an Estimate (Estimate No.: E-26/2014-15) amounting to Rs.20,29,07,691/= (G) and Rs.20,05,08,000/= (N) was framed by 11 KV(Planning) in view of proposal of (M/S) Division for augmentation of 60 nos. HT Cables in M/S Area. The P.E was also concurred by Finance Department. The case was put up to Hon'ble chairman to place draft agenda in the council. Hon'ble Chairman at NP-19 desired to discuss the case. Accordingly, CEE-I discussed the case. During the discussion, Chairman NDMC has directed/desired to frame such estimates in comprehensive manner & one go considering whatever augmentation & replacement is required. Thereafter, all the user divisions i.e. M/N, M/S, D/N & D/S were requested to furnish their credit sheet of outlived equipment/cables etc.

Meanwhile IPDS (Smart Grid) has been prepared by CEE-II Circle for replacement/augmentation of transformers, HT/LT Panels, HT Cables etc. for M/N & M/S area.

It is seen that some replacement & augmentation of HT cable of 11 KV systems are considered under IPDS whereas balance work is also required to be completed also for complete smart grid success. Also a case of IPDS was received in Planning-11 KV Division for comments on dt. 28/02/2017. In that case Planning-11 KV Division has requested to in-corporate the outlived cables as per user division, but IPDS Division did not agreed upon.



Therefore, preliminary estimate amounting to Rs.82,95,59,000/- was prepared as per the requirement of user divisions and put up to Hon'ble Chairman for Approval-in-Principle. Further, on the face of the noting, Hon'ble Chairman has desired to discuss the case with CEE-I & CEE-II.

Accordingly, the case was discussed with Hon'ble Chairman, NDMC by CEE-I & CEE-II and it was decided to consider those feeders which need immediate replacement. In this regards, separate note has been sent to EE(E)M/N & EE(E)M/S divisions to provide the details of the 11KV HT feeders which needs immediate replacement. Now, the details of the same has been received from EE(E)M/N & EE(E)M/S divisions which were not considered in IPDS. Thereafter, EE(E)M/N & EE(E)M/S divisions provide the details of cables i.e. PILCA/XLPE and mentioned that all the feeders have served its useful life and cannot be relied upon them. Hence, all are to be replaced being to make NDMC Smart City and giving interrupted power supply to VVIP area. Therefore, the preliminary estimate amounting to Rs. 62,59,56,000/-(Net) is prepared for total 138 feeders having length of 111.32Km, as per the requirement of user divisions after getting AIP from Chairman accordingly to process the Preliminary Estimate.

4. Detailed proposal on the subject/project:

Based on the requirement received from M/N & M/S divisions and as per approval in principle to the estimate amounting to Rs. 62,59,56,000/-. This estimate for replacement of out lived cable with HT XLPE cable of 400 sq mm/3C along with HS St. Th. joint box and HS indoor End termination kit have made taken. Provisions of labour charges and Civil Road Restoration have also been taken.

The work shall be Chargeable to Budget Head of Account: 81/412/40 for which necessary budget provision will be kept in the R.E. 2020-21 & BE 2021-22

5. Financial Implications of the proposed project/subject:

Financial Implications in the proposal is Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/-(Net).

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

Two years

7. Final Comments of the Finance Department on the subject with diary no. & date :

Finance Deptt. has concurred the proposal Vide Dy. No.FA- 2361/FA/ R-CE(E), Dt.22.10.2020 and copy of the same is placed at Annexure 'A' (See page 24).

The clarifications of the Finance deptt. are as under:

- i. Availability of funds will be ensured under proposed CoA : 81-412-40-0 before incurring any liability.
- ii. It is certified that Estimate is not inflated in terms of rates and quantities.

8. Legal implication of the subject/project:

No legal implication is involved.

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

Council vide Reso. No. 11(B-15) 28.08.2008

10. Final Comments of the Law department on the subject/ project:

Having examined the contents of the draft agenda from legal point of view, it is observed that no legal issue is involved of this stage. However, the department may ensure the correctness of facts and figures and other relevant guidelines & laws on the subject, if any.

Reply to the observation of the Law department

It is ensured that data are correctness of facts and figures and other relevant guidelines & laws on the subject.

11. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

While processing the case, all guidelines of the CPWD manuals have been followed.

12. Recommendation:

The Preliminary estimate is submitted accordingly for Administrative Approval and expenditure sanction of Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/- (Net) for Replacement of 11 KV HT cables in M/N & M/s Area of NDMC. Approval may also be accorded to take further action in anticipation to confirmation of the minutes of council meeting.

13. Draft Resolution:

Resolved by the Council that Administrative Approval and expenditure sanction is granted to the Preliminary Estimate of Rs. 63,01,99,624/- (Gross) & Rs. 62,59,56,000/- (Net) for replacement of 11 KV HT cables in M/N & M/s Area of NDMC. Approval is also accorded to take further action in anticipation to confirmation of the minutes of council meeting.

**COUNCIL'S DECISION**

Resolved by the Council that Administrative Approval and expenditure sanction is granted to the Preliminary Estimate of ₹ 63,01,99,624/- (Gross) & ₹ 62,59,56,000/- (Net) for replacement of 11 KV HT cables in M/N & M/s Area of NDMC.

It is further resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the Minutes.

*S. Sengupta*  
For Secretary  
New Delhi Municipal Council  
New Delhi,

~~Comptroller and Auditor General of India~~  
of  
~~Government of India~~  
~~New Delhi~~

**ITEM NO. 05 (FINANCE)****1. Name of the Subject/Project**

Re-appropriation of Funds in Revised Estimates 2021-22

**2. Name of the Department/departments concerned**

Finance (Budget) Department

**3. Brief history of the Subject/Project**

Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, notified in Delhi Gazette on 23.11.2010, prescribes for re-appropriation of budget allocation as under:

"If at any time during the year, it becomes necessary to increase or reduce Budget Estimates of the current year under one function to another function or from one major head to another major head within the same function, or from one minor head to another minor head within the same major head, and the expenditure for the same cannot wait adoption of Revised Estimates by the Council, on the recommendations of the Financial Advisor, the Chairperson, in anticipation of the approval of the Council, may authorize such alteration and place before the Council within one month from the end of the quarter, a report of such alteration and give effect to any order that may be passed by the Council in relation thereto....."

Further, Section 56 of the NDMC Act, 1994, prescribes that the Council may from time to time, during the year, transfer the amount or portion of the amount of the budget grant under any head to any other head.

Sub-section (2) of Section 56 further stipulates that every increase in a budget grant and every additional budget grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

**4. Detailed proposal on the Subject/Project**

In pursuance of directions as contained in Section 56 of the NDMC Act, 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, a report of the re-appropriations in Revised Estimates 2021-22 authorized during 4<sup>th</sup> Quarter of 2021-22 as per details enclosed at Annexure-I (See pages 19 - 23) is placed before the Council for information and approval.

**5. Financial implication of the proposed Project/Subject**

No financial implication is involved as it involves only re-appropriation within the total Budget. The total amount of re-appropriation is as under:

	(Rs. in thousands)	
	Plan	Non-Plan
Revenue Section	Nil	367666
Capital Section	Nil	500
<b>Total</b>	<b>Nil</b>	<b>368166</b>

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

Not applicable as Finance Department is not implementing department.

7. **Final Comments of the Finance Department on the subject with diary no. & date.**

Not applicable as the proposal itself is of Finance Department.

8. **Legal Implication of the Subject/Project**

Nil

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

- Council vide its Reso. No.- 01 (D-04) dated 07.01.2022 approved Budget 2022-23.

10. **Final Comments of the Law Department on the Subject/Project.**

Not applicable as it does not involve any legal aspect.

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

Not applicable being re-appropriation of existing Budget provision.

12. **Recommendation**

Re-appropriation in Revised Estimates 2021-22 authorized during 4<sup>th</sup> Quarter of 2021-22 as detailed in **Annexure-I (See pages 19 - 23)** be approved by the Council in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

13. **Draft Resolution**

Resolved that the Re-appropriations in Revised Estimates 2021-22 authorized during 4<sup>th</sup> Quarter of 2021-22 as detailed in **Annexure-I (See pages 19 - 23)** are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

**COUNCIL'S DECISION**

Resolved that the Re-appropriations in Revised Estimates 2021-22 authorized during 4<sup>th</sup> Quarter of 2021-22 as detailed in the preamble are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Sengupta*

**For Secretary**  
New Delhi Municipal Council  
New Delhi.

19-

**ANNEXURE-I**

**DRAFT AGENDUM**

**ITEM No.**

**Re-appropriation of funds in Revised Estimates 2021-22  
during 4<sup>th</sup> Quarter vide RAO No. 5 & 6**

**Statement-IX Detailed Statement of Expenditure**

(Rs. In thousand)

	COA	Field Code/Deptt.	Particulars	R.E. 21- 22	Amt. Re- approp.	R.E. 2021-22 after current Re- approp.	Remarks/ reason for re- approp.	RAO No/ Sanction order No & Date
From	02/22052	334 (CBS)	Professional & Other fees	85000	-33000	52000	For payment of reimbursement of medical bills of employees/ Pensioner and Hospitals under New Medical Health Scheme	RAO No. -5 vide No. 1/22293/202 dated 10.03.2022
	02/210-40-02	320 (Pension)	DCRG	374300	-20000	354300		
	51/210-40-02	320 (Pension)	DCRG	35178	-10000	25178		
	52/210-40-02	320 (Pension)	DCRG	35179	-20000	15179		
	81/210-40-02	320 (Pension)	DCRG	118200	-50000	68200		
To	02/210-20-25	311 (Secy. Accounts Branch)	New Medical Health Scheme	950000	133000	1083000		
<b>Total</b>				<b>1597857</b>	<b>0</b>	<b>1597857</b>		

From	02/210.10.	CBS (334)	Salaries, Wages and Bonus	1445328	-20000	1425328	<b>To Accept IUTs of Electric and Water Charges</b>	RAO No. - vide No. 1/23837/202 dated 30.03.2022
	21/210.10	CBS (334)	Salaries, Wages and Bonus	575920	-15000	560920		
	41/210.10	CBS (334)	Salaries, Wages and Bonus	977481	-29000	948481		

19/20

	COA	Field Code/Deptt	Particulars	R.E. 21-22	Amt. Re-approp.	R.E. 2021-22 after current Re-approp.	Remarks/ reason for re-approp.	RAO No/ Sanction order No & Date
	61/210.10	CBS (334)	Salaries, Wages and Bonus	696305	-23000	673305	To Accept IUTs of Electric and Water Charges	RAO No. - vide No. I/23837/202 dated 30.03.2022
	81/210.10	CBS (334)	Salaries, Wages and Bonus	818679	-15000	803679		
	82/210.10	CBS (334)	Salaries, Wages and Bonus	996576	-10000	986576		
	61/2105001	Hort. (307)	RMR Wages	150000	-25000	125000		
	61/2105003	Hort. (307)	NDMC contribution towards EPF & EPS	18000	-8000	10000		
	61/23051	Hort. (307)	Repair & Maint. Civic Amenities	130000	-20000	110000		
	82/2601001	Education (318)	Navyug Schools	594783	-40000	554783		
	82/2308009	Education (318)	Free Uniform	18000	-4666	13334		
	02/22051	Secy. A/Cs Branch (311)	Legal Expense	40000	-25000	15000		
To	21/2201101	Civil Road-IV (107)	Electric Charges for internal use	10000	1630	11630		
	21/2201101	Civil Con. Place Project (124)	Electric Charges for internal use	500	7502	8002		
	21/2201101	RIP Division (125)	Electric Charges for internal use	1200	225	1425		
	52/2201101	Sewerage Project (116)	Electric Charges for internal use	1500	531	2031		

20-21-

COA	Field Code/Deptt	Particulars	R.E. 21- 22	Amt. Re- approp.	R.E. 2021-22 after current Re- approp.	Remarks/ reason for re- approp.	RAO No/ Sanction order No & Date
02/2201101	Civil (BM-I) (101)	Electric Charges for internal use	1500	2148	3648	To Accept IUTs of Electric and Water Charges	RAO No. - vide No. 1/23837/20 2 dated 30.03.202
02/2201102	Civil (BM-I) (101)	Water Charges for internal use	13500	7206	20706		
02/2201101	Civil (BM-II) (102)	Electric Charges for internal use	4500	326	4826		
02/2201102	Civil (BM-II) (102)	Water Charges for internal use	15000	2803	17803		
02/2201102	Civil (BM-III) (103)	Water Charges for internal use	57000	9076	66076		
06/2201101	CBM PK (122)	Electric Charges for internal use	3000	1000	4000		
06/2201102	CBM PK (122)	Water Charges for internal use	12000	125809	137809		
02/2201101	EBM-I (201)	Electric Charges for internal use	30000	25786	55786		
02/2201101	EBM-II (202)	Electric Charges for internal use	18200	1380	19580		
24/2301001	Elect. Road Light Divn. (203)	Power and Fuel	58000	12630	70630		
81/2201101	Elect. M/N (205)	Electric Charges for internal use	1500	2106	3616		

(PF) 22-

COA	Field Code/Deptt	Particulars	R.E. 21- 22	Amt. Re-approp.	R.E. 2021-22 after current Re-approp.	Remarks/ reason for re-approp.	RAO No/ Sanction order No & Date
81/2201101	Elect. M/S (207)	Electric Charges for internal use	4500	5311	9811		
81/2201102	Elect. M/S (207)	Water Charges for internal use	300	43	343		
81/2201101	Elect. M-33 KV (208)	Electric Charges for internal use	12000	1418	13418		
81/2201102	Elect. M-33 KV (208)	Water Charges for internal use	700	141	841		
56/2201101	EC-III (213)	Electric Charges for internal use	21500	7500	29000		
08/2201101	Auto Workshop (302)	Electric Charges for internal use	500	295	795		
82/2308050	Education (318)	Other O& M Exp.	2500	6000	8500	Payment to M/s. Extra Marks	
02/2305918	IT (317)	Repair & Maint. Others	42000	3000	45000	Payment to M/s. e-Gov. Foundation	
02/2201102	General Branch (319)	Water Charges for internal use	27500	10800	38300	For acceptance of IUT of water charges	
<b>Total</b>			<b>6799972</b>	<b>0</b>	<b>6799972</b>		



22/23

Statement X - Details of Capital Work in progress.

	COA	Field Code/Deptt.	Particulars	R.E. 21-22	Amt. Re-approp.	R.E. 2021-22 after current Re-approp.	Remarks/ reason for re-approp.	RAO No/ Sanction order No & Date
From	81/41240-20/30	Elect. Const. Div. -VI (216)	Providing one No. additional 16/20 MVA, 33/11 KV Power Transformer at ESS B.D. marg	11000	-500	10500	Payment to vendor	RAO No.-t vide No. I/23837/202 dated 30.03.2022
To	81/41240-20/17	Elect. Const. Div. -VI (216)	Establishing 33 KV S/S At Aliganj Jorbagh PGCIL/CPWD.	1000	500	1500		
<b>Total</b>				<b>12000</b>	<b>0</b>	<b>12000</b>		

ITEM NO. 06 (HEALTH)

1.	Name of subject/project	AMENDMENT TO SECTION 390 OF THE NEW DELHI MUNICIPAL COUNCIL ACT, 1994-IN COMPLIANCE OF ORDER DATED 24.12.2021 OF HON'BLE HIGH COURT OF DELHI IN RE:WP(C) 5569/2021 TITLE "COURT ON ITS OWN MOTION VS. NORTH DELHI MUNICIPAL CORPORATION AND ORS"
2.	Name of the Department/ departments concerned	Public Health Department
3.	Brief history of the Subject/Project	<p>This is regarding Penalty for breaches of bye- laws under Section 390 of NDMC ACT 1994 which says that :-</p> <p>(1) Any bye- law made under this Act may provide that a contravention thereof shall be punishable- -</p> <p>(a) with fine which may extend to five hundred rupees; and</p> <p>(b) with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention;</p> <p>(c) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Chairperson or any municipal officer duly authorised in that behalf, by the person contravening the bye- law requiring such person to discontinue such contravention: Provided that a contravention of any bye- law relating to the road transport services may be punishable with imprisonment which may extend to three months, or with fine which may extend to fifteen hundred rupees, or with both.</p> <p>(2) Any such bye- law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.</p> <p>However, as per the Order of the Hon'ble High Court dated 24.12.2021 in the WP(C) No.5569/2021-reg wherein the Hon'ble High Court has directed as under:-</p> <p>We, therefore, direct the GNCTD to consider taking steps to initiate the process of amendment of the relevant statutory</p>

		provisions, namely, Section 482 of the Delhi Municipal Corporation ACT and Bye-Law 11 of the Delhi Municipal Corporation (Malaria and Other Mosquito Borne Disease) Bye Laws, 1975 to ensure that the afore said objectives are achieved.
4.	Detailed proposal on the subject/project	<p>As per the order of Hon'ble High Court, the Department proposes to Amend the Section 390 of NDMC Act by way of enhancing the amount of penalty to bring deterrent effect and for emphasised significance, which is as under:-</p> <p>In the Principal Act in sub section (1) of section 390, Wherever the existing words 'five hundred' occurs could be substituted by the words "not exceeding Fifty thousand" and wherever the existing word "twenty" occurs shall be substituted by the words "two Hundred".</p> <p>2. In the Principal Act, in section 390 after sub-section (2) a new sub section (3) shall be inserted namely,</p> <p>a. "The Chairman or an Officer of the Council authorized by the Chairman by a general or special order shall be empowered to levy and collect fine on the spot.</p> <p>b. In case of non-payment of fine at the spot, the procedure for prosecution prescribed under the New Delhi Municipal Council Act, 1994 shall follow.</p>
5.	Financial implications of the proposal/ subject	NA
6.	Implementation schedule with timeliness for each stage including internal processing.	NA
7.	Comments of the Finance Department on the subject with diary no. & date.	Finance Department has no objection for the proposal at Note no. 42 point no. 5 in File No. E- 103923 on 18-04-2022.
8.	Legal Implication of the subject/project	Law department concurrence at note no. 36 in File No. E- 103923 on 12-04-2022.
9.	Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.	NA
10.	Final Comments of the Law Department on the subject / project.	Final comments of Law Department at note no. 36 in file no. E- 103923 on 12-04-2022 has been taken care.

11.	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.	NA
12.	Recommendation.	<p>It is recommended that the penalty as mentioned under section 390 of New Delhi Municipal Council Act,1994 may be amended and enhance as under:-</p> <p>Wherever the existing words 'five hundred' occurs could be substituted by the words "not exceeding Fifty thousand" and wherever the existing word "twenty" occurs shall be substituted by the words "two hundred".</p> <p style="text-align: right;">MOH</p>
13.	Draft resolution.	<p>It is recommended that the penalty as mentioned under section 390 of New Delhi Municipal Council Act,1994 may be amended and enhance as under:-</p> <p>Wherever the existing words 'five hundred' occurs could be substituted by the words "not exceeding Fifty thousand" and wherever the existing word "twenty" occurs shall be substituted by the words "two hundred".</p>

### COUNCIL'S DECISION

It is recommended that the penalty as mentioned under section 390 of New Delhi Municipal Council Act,1994 may be substituted as under:-

Wherever the existing words 'five hundred' occurs; shall be substituted by the words "the amount as may be resolved by the Council from time to time" and wherever the existing word "twenty" occurs; shall be substituted by the words "the amount as may be resolved by the Council from time to time".

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*A. Sengupta*

**For Secretary  
New Delhi Municipal Council  
New Delhi.**

Copy of Resn. No. 07 (CS)  
of  
Council Ordinary Meeting  
Dated: 25.03.2022

ITEM NO. 07 (CS)

CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 400 LACS.

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.400 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto March 2022, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. (See pages 28 – 41 ).

COUNCIL'S DECISION

Information noted.

For Secretary,  
New Delhi Municipal Council,  
New Delhi.

**LIST OF CONTRACTS / SCHEMES INVOLVING AN EXPENDITURE OF RS. 1.00 LAC,  
BUT NOT EXCEEDING RS. 400 LAC AWARDED DURING MARCH. - 2022**

S. No	Dept/ Division								
1	CE(C)/R-I	Repair and maintenance of Infrastructure Assets in R-I Division during 2021-22. SH.- Providing and fixing road sign boards for No Honking Zone around Hon'ble Supreme Court of India under the jurisdiction of Sub Division-III(R-I).	04.03.22	Sh. Gulshan Kumar	21.02.22	2.67	20.04.22	90%	
2	CE(C)/R-I	Repair and maintenance of Infrastructure Assets in R-I Division during 2021-22. SH.- Repair and maintenance of NDMC Assets under jurisdiction of Sub Division-I(R-I).	16.03.22	M/s Jay Pee Enterprises	15.03.22	4.05	14.05.22	Work yet to be started	
3	CE(C)/R-I	R/R Works under K-II Head in R-I Division. SH.- Restoration of footpath cut by various agencies area under the jurisdiction of Sub Division-II(R-I) at Barakhamba Metro Station, Copernicus Marg, Tolstoy marg Rohit House Hailey Road.	17.03.22	Sh. Ramesh Kumar	17.03.22	3.31	16.05.22	50%	

4	CE(C)/R I	Repair and maintenance of Infrastructure Assets in R-I Division during 2021-22. SH:- Providing and fixing new signage board and repair of signage board in the area under the jurisdiction of Sub Division-II(R-I).	25.03.22	Sh. Ramesh Kumar	23.03.22	2.74	22.04.22	10%	
5	CE(C)/R I	Repair and maintenance of Infrastructure Assets in R-I Division during 2021-22. SH:- Providing and fixing interlocking pavers and Red/White sand stone at lane around Mayur Bhawan and under jurisdiction of Sub Division-II (R-I).	25.03.22	M/s Rajni Construction Co.	29.03.22	2.38	28.04.22	10%	
6	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Replacement of Retro Reflective Sheets on Signages and Fixing of Convex Mirror under the Area of Sub Division-II(R-II).	09.03.22	Sh. Gulshan Kumar	28.02.22	3.11	27.04.22	100%	
7	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repair and Replacement of Damaged Victorian Type & Oxford Type Benches at Lodhi Garden.	10.03.22	Sh. Halke Ram	09.03.22	3.71	08.05.22	Yet to be start	

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8	CE(CI)/R II	Technical Maintenance of SW Drainage System in R-II Division during 2021-22. SH:- Hiring of Open Body Tipper / Truck for Khan Market Drainage Service Centre in the Area of Sub Division-IV(R-II)	10.03.22	Sh. Eipin Kumar	09.03.22	4.32	08.07.22	20%	
9	CE(CI)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repair of Existing Compost Pit at Lodi Garden.	14.03.22	M/s Shining India Construction and Supply Co.	09.03.22	2.98	08.05.22	30%	
10	CE(CI)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repair of Existing Compost Pit at Bharti Nagar.	14.03.22	M/s Shining India Construction and Supply Co.	09.03.22	2.70	08.05.22	30%	
11	CE(CI)/R II	K-II Head in R-II Division during 2021-22. SH:- Restoration of Cuts made by Water Supply Department at Maulana Azad Road in front of Vice President House under the Area of Sub Division-II(R-II)	14.03.22	M/s Shining India Construction and Supply Co.	09.03.22	1.81	22.04.22	Yet to be start	
12	CE(CI)/R II	Repair and maintenance of infrastructure assets in R-II division during 20-21. SH:- Improvement and Addition to the Temporary Structure for Stores at Services center Tees January lane, Sub Division-II(R-II)	14.03.22	M/s Shining India Construction and Supply Co.	09.03.22	2.88	22.04.22	10%	



2A

13	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repairing of Replacement of Damaged Signages type XI Sheet & New Signages of Stainless Steel	21.03.22	M/s Siya Construction Co.	09.03.22	2.65	08.05.22	Yet to be start	
14	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Improvement of Roundabouts of Q-Point, Vanija Bhawan, and York Place under the Area of Sub Division-II(R-II)	21.03.22	M/s Kvaanns Enterprises	09.03.22	2.58	22.04.22	Yet to be start	
15	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repairing to Dustbin platform and Ramps at B.K.Dutt Colony in the Area of Road Division.	21.03.22	M/s Aarti Construction	09.03.22	2.29	07.05.22	40%	
16	CE(C)/R II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Providing and Fixing Solar Studs at Nazafkhan Road and Aurbindo Marg.	21.03.22	Sh. Chander Prakash	15.03.22	6.17	14.04.22	Yet to be start	
17	CE(C)/R II	Technical Maintenance of SW Drairage system in R-II Division during 2021-22. SH:- Repair and Improvement in Drainage system at Nazaf Khan Road near Khanna Market Crossing to Palika Niwas.	25.03.22	Sh. Chander Prakash	27.03.22	3.38	25.04.22	25%	

18	CE(C)/R-II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Restoration of Damaged paved Portion at Q-Point Near Cementery under the Area of Sub Division-II(R-II).	25.03.22	Sh. Jaspal Singh	27.03.22	3.70	10.05.22	10%
19	CE(C)/R-II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Hiring of Open ody Tipper / Truck for Man Singh Road Service Center in the Area of Sub Division-II(f-II)	30.03.22	Jay Pee Enterprises	29.03.22	4.33	28.08.22	5%
20	CE(C)/R-II	K-II Head in R-II Division during 2021-22. SH:- Restoration of Damaged Footpath by laying cable of JIO Digital Fiber Limited in Safdarjung lane and Tughlak Crescent lane in the Area under R-II Division.	31.03.22	M/s Shining India Construction and Supply Co.	31.03.22	1.96	30.05.22	Yet to be start
21	CE(C)/R-II	R. R. work under K-II Head Head in R-II Division during 2021-22. SH:- Restoration of Area at Rabindra Nagar Colony which is to be Cut by W/S Division for Strengthening of Water Supply	31.03.22	M/s Shining India Construction and Supply Co.	29.03.22	11.65	28.06.22	Yet to be start
22	CE(C)/R-II	K-II Head in R-II Division during 2021-22 SH:- Restoration of Infrastructure Damaged due to work of Strengthening of Water Distribution system in Lodhi Colony, in the Area	31.03.22	Halke Ram	30.03.22	22.87	29.09.22	2%

23	CE(C)/R/II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repair of Footpath near to Gate of CPWD QTR at Aliganj in Area of Sub Division-III(R-II)	31.03.22	M/s Shining India Construction and Supply Co.	30.03.22	2.52	29.05.22	Yet to be start	
24	CE(C)/R/II	Repair and maintenance of infrastructure assets in R-II division during 21-22. SH:- Repair / Re-Construction of Kiosk No.36 at Maulana Azad Road and Kiosk No.4, Sunehri Bagh.	31.03.22	Jay Pec Enterprises	31.03.22	3.58	14.05.22	10%	
25	CE(C)/R/III	R/M of infrastructure assets in R-III division during 2021-22. SH:- Repairing of ramp, boundary wall and miscellaneous work at Compost plant Sarojini Nagar.	28.02.22	Sh. Halke Ram	02.03.22	2.49	01.05.22	work completed	
26	CE(C)/R/III	Road Restoration work under K-II head in R-III division during 2019-20. SH:- Restoration of damaged footpath and roads in R-III division for the period of one year.	04.03.22	Sh. Sujan Singh	07.03.22	4.53	06.03.23	5%	
27	CE(C)/R/III	R/M of infrastructure assets in R-III division during 2021-22. SH:- Repairing of potholes at CPH road and area under Moti Bagh area (R-III) by providing bituminous concrete.	14.03.22	M/s R.P. Construction	14.03.22	4.51	13.04.22	work yet to be start	

28	CE(C)/R III	R/M of infrastructure assets in R-III division during 2021-22. SH- Repair of damage boundary wall and fixing of New and Old M.S railing around E-Block parks, M-Block Moti Bagh.	14.03.22	M/s R.P. Construction	14.03.22	3.21	13.05.22	work yet to be start	
29	CE(C)/R III	R/M of infrastructure assets in R-III division during 2021-22. SH- Repair of damaged footpath at Jagannath Marg and opposite C&D workshop Laxmi Bai Nagar.	15.03.22	M/s Rajni Construction	15.03.22	2.60	14.05.22	work yet to be start	
30	CE(C)/R III	Deposit works in R-III division during 2021-22. SH: - Restoration of cut made by water supply division road and footpath at BHS road Sarojini Nagar.	25.03.22	M/s Choudhary Construction & Co.	22.03.22	22.70	21.07.22	work yet to be start	
31	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head: - Providing and applying Road Marking with Thermoplastic Paint at South Avenue Lane and Krishna Menon Lane.	03.03.22	M/s Kundu Enterprises	04.03.22	2.38	03.04.22	100%	

32	CE(C)/R IV	Road Improvement Programme in NDMC area during 2019-20 Sub Head:- Strengthening & resurfacing of roundabouts & T-junctions with SMA including Thermoplastic road marking, paint, Solar power studs & retro reflective studs in the area under R-IV Division during 2019-20.	03.03.22	M/s Awashti Construction Co.	06.03.22	225.24	05.09.22	Just awarded	
33	CE(C)/R IV	Repair and maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub Head:- Running and operation of fountains at SP Vatika, fire brigade, Malcha Market & Kautilya Park under Sub Div-I (R-IV).	07.03.22	M/s SS Vasisht & Co.	07.03.22	1.80	06.09.22	5%	
34	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head:- Supplying of Gloves, Gum Boot, Mask, Jackets, Rain Coat etc. for Swatchta Survekshan 2022 in R-IV Division.	11.3.2022	M/s Aarti Construction	14.03.2022	2.32	13.04.2022	-	Just awarded

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35	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head: Supplying and stacking of sanitizer, hand wash and mask etc. for safety of worker during pandemic period in R-IV Division.	16.03.22	M/s Siya Construction Co.	17.03.22	2.42	16.04.22	Just awarded	
36	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22.. Sub Head:-Supplying of Sewerman cum Beldar for day to day cleaning of open drain at Sanjay Camp.	16.3.22	M/s Divas Pray Consultancy	14.3.22	4.99	29.5.22	10%	
37	CE(C)/R IV	Restoration work under K-II Head of Account in R-IV Division Area. Sub-Head:-Restoration of footpath at Panchsheel Marg, Nyaya Marg and Other Locations where cutting made by various agencies under Sub-Division-I(R-IV).	23.3.22	Sh. Halke Ram	26.3.22	2.30	25.9.22	75%	

38	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head:-Cleaning of 450 mm dia RCC Pipe and Storm Water System at Eamon-Da-Valera Marg.	23.3.22	Sh. Halké Ram	26.3.22	2.39	09.05.22	5%	
39	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head:-Providing and fixing Robust Metal Bollards at Roundabout under Nehru Park Service Centre area (R-IV).	23.3.22	Sh. Bipin Kumar	24.3.22	5.00	07.05.22	Just awarded	
40	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head:-Hiring of truck at Kautliya Marg Service Centre in R-IV Division.	23.3.22	Sh. Bipin Kumar	26.3.22	4.87	28.7.22	5%	
41	CE(C)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head:-Cleaning of 450 mm dia RCC Pipe and Storm Water System at Teen Murti Lane.	25.3.22	M/s Shivaji Construction Co.	26.3.22	2.51	9.5.22	Just awarded	Just awarded

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42	CE(CI)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head: Cleaning of 450 mm dia RCC Pipe and Storm Water System at South Avenue Lane Market to T-Point Quarter.	25.3.22	Sh. Halke Raim	25.3.22	2.80	16.5.22	20%	
43	CE(CI)/R IV	Repair and Maintenance of Infrastructure Assets in R-IV Division during 2021-22. Sub-Head: Maintenance and Supervision of Plants of water bodies at BRICS Friendship Rose Garden under Sub-Division-III(R-IV).	28.3.22	M/s Team Jal Kumudimi	31.3.22	4.22	29.9.22	Just awarded	
44	CE(CI)/R V	Repair and Maintenance of infrastructure assets in R-V Division during 2021-22. SH.- Rubbing scrubbing cleaning and polishing at existing at surfaces at Hanuman Mandir Vatika, B.K.S. Marg.	09.03.22	Sh. Navin Kumar Gupta	11.03.22	2.20	09.04.22	100%	
45	CE(CI)/R V	K-II Head (Deposit Work). SH.- Restoration of Shankar Road for the cutting done by DTL under the jurisdiction of Udyan Marg Service Centre.	03.03.22	M/s Satya Prakash & Brothers Pvt. Ltd.	04.03.22	59.94	03.07.22	95%	



46	CE(C)/R V	Repair and Maintenance of Infrastructure Assets in R-V Division during 2021-2022. SH:- Replacement of damaged granite stone flooring near Subway and Churi Market, Hanuman Mandir Vatika, B.K.S. Marg.	09.03.22	Sh. Navin Kumar Gupta	11.03.22	2.41	10.06.22	80%	
47	CE(C)/R V	Repair and Maintenance of Infrastructure Assets in R-V Division during 2021-2022. SH:- Casting of RCC Channelizer of Mother Teresa Crescent Road.	15.03.22	M/s Kundu Enterprises	16.03.22	3.77	15.05.22	5%	
48	CE(C)/R V	Repair and Maintenance of R-V Division during 2021-2022. SH:- Construction of garden gazebo at park in Dr. Lane, Gole Market, New Delhi.	22.03.22	M/s Prabh Infra	22.03.22	3.46	21.06.22	5%	
49	CE(C)/R V	Repair and Maintenance of R-V Division during 2021-2022. SH: Construction of benches and ramps by Granite stone at Hanuman Mandir Vatika BKS Marg.	30.03.22	Sh. Navin Kumar Gupta	02.04.22	2.78	01.06.22	40%	

50	CE(C)/R V	K-II Head (Deposit Work) in R-V Division during 2021-2022. SH: Restoration of footpath which is damaged by drainage Sub-Division for laying 450mm dia at Kali Bari Lane.	31.03.22	M/s Ayush Const.	2.4.22	2.72	1.7.22	Work just awarded
51	CE(C)/R V	T/M of SWD System in R-V Division during 2020-21. SH: Improvement of drainage system in 18-42 Block Sector-2, DIZ area.	31.03.22	M/s Ayush Const.	1.4.22	3.20	15.05.22	Work just awarded
52	CE(C)/ Store	9-B suspense during 2021-22. SH: Supply and stacking of Block Board 19mm thick.	23.03.22	M/s Sachdeva Engineering & Contractors	29.03.22	6.06	28.04.22	100%
53	CE(C)/ Store	9-B suspense during 2021-22. SH: Supply and stacking of Instant road repair bitunous premix (Precoated Aggregate).	25.03.22	M/s M.K. Petro Product India Pvt. Ltd.	29.03.22	11.02	28.04.22	24%
54	CE(C)/S M S	T/M of sewer line in NDMC area during 2022. SH: Replacement of damaged sewer line and Re-constructed of damaged manholes in the Jurisdiction of Malcha Marg Sewerage Service Centre.	30.03.22	M/s Pushpender Singh Yadav Contractor	30.03.22	2.00	29.05.22	Yet to be started
55	CE(C)/ WS	Repair and Maintenance - Infrastructure Assets in NDMC area SH: Misc. repair work at Water Boosting Station at North Avenue, New Delhi	11.03.22	M/s S.S. Vashist & Co.	11.03.22	2.63	10.05.22	Work yet to start

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56	CE(C)/ WS	Repair and Maintenance - Infrastructure Assets in NDMC area SH: Repair of deep well hand pumps and maintenance water hydrants & PVC tanks laid in J.J. Cluster under Sub Division-IV (W/S)	17.03.22	Sh. Rahul Singh	16.03.22	2.85	15.07.22	5%	
57	CE(C)/ WS	Repair and Maintenance - Infrastructure Assets in NDMC area SH: Emergent work repairing of C.I./D.I./H.S. main line above 300mm dia area under Sub Division-III (W/S)	16.03.22	M/s Mihir Associates	21.03.22	3.29	20.06.22	30%	
58	CE(C)/ WS	Repair and Maintenance - Infrastructure Assets in NDMC area SH: Replacement of existing transmitter of ABB make water meter at various locations in NDMC.	23.03.22	Sh. Rajesh Kumar	24.03.22	6.96	07.04.22	95%	
59	CE(C)/ WS	Repair and Maintenance - Infrastructure Assets. SH: Replacement of defective C.I. sluice valves of 250mm dia in area under Sub Division-III (W/S)	28.03.22	M/s Deepak Allied Traders and Engineers	21.03.22	2.74	09.04.22	Work yet to start	
60	CE(C)/ WS	Replacement of sluice valves of various dia of filtered water mains SH: Replacement of defective C.I. sluice valves in area under Sub Division-I (W/S)	28.03.22	M/s Vishesh Builders	01.04.22	25.62	30.09.22	6%	

Copy of Res. No. 08 (CS)  
of  
Special Council Meeting  
Dated 25.05.2022

ITEM NO. 08 (CS)

ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.

In the Council Meeting held on 28.8.1998, it was decided that the status of execution of all ongoing schemes/works approved by the Council indicating the value of work, date of award/start of work, stipulated date of completion & the present position thereof be placed before the Council for information.

A report on the status of execution of the ongoing schemes/works awarded upto April, 2022 is placed before the Council for information. (See page 43).

COUNCIL'S DECISION

Information noted.

For Secretary,  
New Delhi Municipal Council,  
New Delhi.

ACTION TAKEN REPORT ON THE STATUS OF PROJECT / ON GOING SCHEMES / WORKS TILL APRIL 2022 (Works Approved by the Council)

DEPT. / V.	NAME OF WORK	DATE OF A/A & E/S	VALUE OF AWARD (IN LACS)	NAME OF THE CONTRACTOR	AUTHORITY APPROVING THE CONTRACTOR	REF. OF BUDGET	STIPULATED DATE OF COMPLETION	MAJOR ACTIVITIES	DATE OF COMPLETION OF ACTIVITIES AS PER BAR CHART	STAGE OF COMPLETION / %AGE OF WORK DONE	REMARKS
R.V. A)	Hiring operation and maintenance of 2 Nos jetting cum suction cleaning machines with water recycling technology (for 7 years)	02.03.16	24.24.94	M/s Metro Waste Handling Pvt Ltd	27(A-42) 03.11.16	52-230-4002	30.11.23		30.11.23	70.52%	
R.V. A)	Hiring of 02 Nos. Pressure jetting cum Sewer Suction Machine mounted on Truck (Classs of 7 years.	26.12.2018	891.08	M/s Ram Charan Bansal	07(A-02) 02.12.19	52-230-4001	20.01.2027		20.01.2027	21.42%	
R.V. A)	Deposit work(RVNL) Providing and laying 300mm dia sewer line from RVNL pushyostory housing complex at Mohi Bagh to Leela Palace Road about at BHS marg	19.03.2021	438.02	Sh. Brijn Kumar	Council vide Item no. 10(A-111) Dt 28.11.2021	52-470-10-01	08.10.2022		08.10.2022	66.00%	

## ITEM NO. 09 (MS)

1	Name of the subject/Project	Extension of existing contract for 02 months at the same rates, terms & conditions to M/s Good Luck Enterprises w.e.f. 01.04.2021.
2	Name of Department/ Departments concerned	Medical Services
3	Brief history of the Subject/Project	<p>NDMC operates Palika Maternity Hospital at Lodhi Colony, New Delhi to provide assistance to doctors/nurses/patients, the nursing orderlies/multitasking workers are required. It was outsourced in the year 01.04.2018 to 31.03.2021 vide Council Resolution No. 16, dt. 07.12.2017 &amp; 16 (E-10) dt. 19.09.2018 for a period of three years to M/s. Good luck Enterprises after call of e-tender. The term of the contract has expired on 31.03.2021.</p> <p><u>The duties of Nursing Orderlies/ Multitask Workers are as under: -</u></p> <ol style="list-style-type: none"> <li>a. He/She will assist nursing personnel/Doctor in patient care.</li> <li>b. He/She will take call-book/referral letter to various departments.</li> <li>c. He/She will transport the patients from one department to another department or for investigations, diagnostic, procedure and referrals, where necessary.</li> <li>d. He/She will get the indent/drugs/Linen from stores and also bring sterilized material from store.</li> <li>e. He/She will check the oxygen cylinder in use and also replace them as needed or as directed.</li> <li>f. He/She would assist the dietary department personnel in orderly distribution of diet in the wards.</li> <li>g. He/She will do dusting of the department including cobwebs and will also assist Nursing personnel for disinfection of the rooms. He/She will take appropriate care of the instruments used in the department.</li> <li>h. He/She will assist nursing staff in packing the dead body and its transportation to &amp; from mortuary.</li> <li>i. He/She will assist in providing first aid to patients as and when required/directed.</li> <li>j. The Nursing Orderlies/Multi tasking workers will also help the rescuers in case of any calamity/disaster in the hospital.</li> </ol>

		<p>k. He/She will be responsible for cleaning articles such as furniture, switch boards, fire fighting equipments, cleaning of tiles above skirting (including wall tiles) furniture in the OPD (before working time) cleaning of windows (including cleaning from outside) cleaning the facade of the building and removal of cobwebs etc.</p>
4	<b>Detailed proposal on the subject/project</b>	<p>As per approval of the Council vide Resolution No. 16, dt. 07.12.2017 &amp; 16 (E-10) dt. 19.09.2018, the work order for "Outsourcing of Nursing Orderlies/ Multitask Workers for Palika Maternity Hospital Lodhi Colony, New Delhi" was awarded to M/s Good Luck Enterprises through e-Tender for a period of three years w.e.f. 01.04.2018 which was expired on 31.03.2021.</p> <p>In this regard, it is stated that as per Administrative Approval &amp; Expenditure Sanction for outsourcing of Nursing Orderlies/ Multitask Workers for a period of three years by calling tender through GeM Portal accorded by the Council, NDMC vide Resolution No. 26(E-06), dt. 26.12.2020. The e-tender was uploaded on GeM Portal vide Bid No. GEM/2021/B/950583, dt. 09.01.2021. The tender process was completed in the month of March, 2021 but as the Council meeting was not held, so the work order could not be awarded to L1 firm.</p> <p>Meanwhile, the contract of M/s. Good Luck Enterprises has been extended for a period of 03 months with the prior approval of the Chairperson, NDMC dt. 27.03.2021 w.e.f. 01.04.2021 or approval of the council for awarding the work to L1 firm, whichever is earlier, so the work of the hospital does not suffer during the period.</p> <p>The fresh work order has been awarded to L-1 firm i.e. M/s. Sarvesh Security Services Pvt. Ltd. for a period of three years w.e.f. 01.06.2021 vide Council Resolution No. 03 (E-01), dt. 21.05.2021.</p>
5	<b>Financial implication of the proposed project/subject</b>	Actual expenditure has been incurred of Rs. 4,40,08,628/- for a period w.e.f. 01.04.2018 to 31.05.2021.
6	<b>Implementation schedule with timeliness for each stage including internal processing</b>	The work/supply order has already been awarded.
7	<b>Comments of Finance Department on the subjects</b>	<p>The Finance department, NDMC is advised as under:-</p> <p>(i) The department may give reasons/justifications for not obtaining Revised A/A &amp; E/S amounting to Rs.4,40,08,628/-(including GST) from competent authority i.e. Council before incurring liability.</p> <p>(ii) Since, the expenditure is exceeding by 10% over existing A/A &amp; E/S, as such, Revised A/A &amp; E/S is required. The department is advised to review the proposal with bringing on</p>

		record all the facts in draft agendum prepared at note #57 and put up to the Chairperson, NDMC for approval to place the same before the Council for appraisal/decision in the matter.
8	Comments of Department on the comments of Finance Department	<p>As per the advised by the Finance Department at Note#86, the parawise replies are as under:</p> <p>(i) The agenda for obtaining for AA&amp;ES was put up to vide council Resolution no. 16 (E-10) dated 19.09.2018 for ₹ 2,35,47,608/- along with the approval to release the additional payment on account of revised EPF, ESI, GST and Wages on the basis of minimum wages revised from time to time by the Govt. of NCT of Delhi, if any.</p> <p>Accordingly the payment was released to M/s Good Luck Enterprises and an expenditure of ₹4,40,08,628/- (Including GST) was incurred for the said period.</p> <p>Since the approval has already been obtained from the Council for releasing the payment on account of revised wages, so no revised AA&amp;ES was obtained subsequently.</p> <p>(ii) Further, it is clarified that since the council has approved the AA&amp;ES along with the expenditure to be incurred on a/c of revised wages, so the expenditure was incurred as per the approval of the council.</p> <p>The council may be appraised of the total expenditure of ₹ 4,40,08,628/- for the period 01.04.2018 to 31.05.2021 in the draft agenda. (Total Expenditure for the period 01.04.2018 to 31.03.2021 amounts to ₹ 4,15,71,898/- and for the period 01.04.2021 to 31.05.2021 amounts to ₹ 24,36,730/-).</p>
9	Legal implication of the subject	Not applicable
10	Detail of previous council resolution, existing law of Parliament & Assembly on the subject	<p>i. Council Reso. No. 05 (E-08) dt. 25.07.2016 (Annexure V) (See pages 65 - 67)</p> <p>ii. Council Reso. No.16 dt. 07.12.2017 (Annexure I) (See pages 48 - 51)</p> <p>iii. Council Reso. No. 16 (E-10) dt. 19.09.2018 (Annexure II) (See pages 52 - 56)</p> <p>iv. Council Reso. No. 26 (E-06 dt. 26.12.2020 (Annexure III) (See pages 57 - 60)</p> <p>v. Council Reso. No. 03 (E-01) dt. 21.05.2021 (Annexure IV) (See pages 61 - 64)</p>
11	Comments of the Department on the subject/project	<p>It is observed that at this stage no specific legal query is referred to, or legal issue is involved. However, the concerned department may ensure the correctness of facts, words and figures mentioned therein, and the other guidelines on the subject, if any, has been complied with. Additionally, it may also be ensured that the applicable provisions of GFR / CPWD Works Manuals / CVC Guidelines (as may be applicable), may be strictly complied with by the</p>

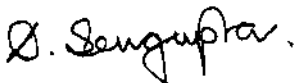


		concerned department.
12	Comments of the department on the comments of the Law Department	The Law Department observed that at this stage no specific legal query is referred to, or legal issue is involved. However, the department has ensured that the facts, words and figures mentioned therein are correct. Additionally, it has also ensured that the applicable provisions of GFR / CPWD Works Manuals / CVC Guidelines are complied
13	Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case	It is certified that all the CVC Guidelines have been/will be followed.
14	Recommendations	<p>a) Extension of existing contract for 02 months at the same rates, terms &amp; conditions to M/s Good Luck Enterprises and total expenditure for 02 months w.e.f. 01.04.2021.</p> <p>b) The council may be appraised of the total actual expenditure of ₹4,40,08,628/- for the period 01.04.2018 to 31.05.2021 (Total Expenditure for the period 01.04.2018 to 31.03.2021 of ₹ 4,15,71,898/- and 01.04.2021 to 31.05.2021 of ₹ 24,36,730/-).</p> <p>c) This is for intimation to the Council.</p>
15	Draft Resolution	The council may please approve the proposal of the Medical Services Department as per recommendation of para 14 above.

#### COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department as mentioned in para 14 of the preamble.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

  
 For Secretary  
 New Delhi Municipal Council  
 New Delhi.

ITEM NO. 16 DATED 07.12.2017 & [ITEM NO. 13 (E-05) DATED 16.10.2017]

## 1. Name of the subject:

Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony, New Delhi.

## 2. Name of the Department: Medical Services

## 3. Detailed history of the subject and proposal for consideration of Council:

- (a) NDMC operates Palika Maternity Hospital at Lodhi Colony, New Delhi. To provide assistance to doctors/nurses/patients the nursing orderlies/multitasking workers are required.
- (b) It was outsourced in the year 18.03.2015 to 17.03.2016 for a period of one year to M/S Good Luck Enterprises.
- (c) After expiry of term of contract, the periodicity of contract was extended from time to time and work was proposed to be awarded by calling e-tender for a period of three years.

## 4. Detailed proposal on the subject/Project:

- (i) Administrative Approval & Expenditure Sanction of Rs.3,34,99,336/- for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony, New Delhi for three years contract was accorded by Council vide Resolution No.05 (E-8) dated 25.07.2016 (Annexure- A See pages 1137 - 1139 ),
- (ii) Tender (third call) for the work was invited; in response to which three tenderers responded namely, M/S Good Luck Enterprises, M/S G.A. Digital Web World and M/S Kartikey Enterprises.
- (iii) Two bidders namely M/S G.A. Digital Web World and M/S Kartikay Enterprises did not submit the EMD and their tender was rejected as per terms and conditions of the approved NIT.
- (iv) The Financial bid of the lone bidder M/S Good Luck Enterprises opened by the Department.
- (v) The lone bidder M/s. Good Luck Enterprises is quoting 13.55% as contractors' margins against ₹ 5 per month per person in existing contract.

## 5. Financial Implication of the proposed project/subject:

The computed cost for three years for Award of work of Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony to the lone eligible bidder, i.e. M/S Good Luck Enterprises at its per month quoted rates of Rs.5,76,046/- + 13.55% as contractor's profit +GST, works out to Rs.2,35,47,608/-.

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

The work will be awarded for a period of three years to L-1 after the approval of Council.

7. Comments of Finance Department on the subject :

The Finance Department has seen the case for processing its proposal for obtaining approval from the Competent Authority i.e., Council to award the work of Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi Colony for a period of three years to the lone eligible bidder i.e., M/S Good Luck Enterprises at its quoted rates of Rs.5,76,046/- + 13.55% (as contractor's profit for one month) with a total computed cost for three years as Rs.2,35,47,608.38 (Rs.,54,100.23 X 36), subject to satisfying following: -

- i) A calculation sheet of Estimated Cost shown in BOQ be brought on record as already advised by the Department being disparity arising due to showing different amount in tender notice and BOQ.
- ii) The proper justification and comparative statement may be placed on record with respect to the negotiated rates quoted by the bidders.
- iii) Although the Department has certified in the check list (Flag 'Y') vide Sr. No. 05 Sub Serial No. (vii) that no LAR are available for similar nature of supply. However, it has been observed from the documents placed at p-10/c of Estimate File that in the existing contract of PMH for above stated work, the contractors had quoted contractor's profit for Rs.5/- per month. In the present tender the rates quoted/negotiated by the contractors are 13.55%. The department may certify that rates received in the instant tender are reasonable and justified and there shall be no loss to NDMC. Further, the department need to certify the negotiated rates i.e. 13.55% are reasonable and justified in terms in Para 20.4.3.1 of CPWD Works Manual 2014 in respect of contractors profit including contractors overheads.
- iv) The second page of the Negotiations Letter should also be authenticated.
- v) The department may ensure and certify that the conditions of NIT are not restrictive resulting in poor responses and further two bidders who have been disqualified were not fulfilling the conditions of the NIT and no undue benefit been given to any agency.
- vi) A Complaint No. 78672/2017/Cp from North India Mainpower Contractors Associations was received in the Office of Chairman, which was duly forwarded to Director (MS) on 04.08.2017 with the remarks "For Comments". The Department may bring on record: -

(a) Fate of Complaint.

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- (b) Whether the Chairman has been apprised with the outcome and complaint has been set-aside?
- (c) Whether the same has been resolved, if not the same may be resolved before placed the case for council.

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

- i) The Calculation sheet of Estimated Cost shown in BOQ has been prepared and added below as Annexure- 'B' (See page 1140).
- ii) There are three components in the estimate: -
- a) Wages,
  - b) EPF & ESI and
  - c) Contractor's profit.

In the analysis of rates while preparing market rate justification, the wages and EPF & ESI shall not be added as these are reimbursed on actual basis. With regard to contractor's profit, it is submitted that the contractor has quoted 16.75%. The department tried to obtain the rate of contractor's profit by visiting Safdarjung and RML Hospital for similar nature of work but could not get the details of their contract. As per advice of Finance Department, the department called the tenderer for negotiation on 28.07.2017 in the chamber of Director (MS) in the presence of CMO (Med), CMO (Coordination) and Sr. A.O. (MS). In response the tenderer explained that the contractor profit quoted by him includes all related cost such as summer/winter uniform sets, managerial cost, clerical and official expenses and after negotiation the contractor's profit was reduced from 16.75% to 13.55%, which according to provisions in CPWD Manual, is justified.

- iii) It is clarified and certified that the rates received in the instant tender on negotiation i.e. 13.55% are reasonable and justified in terms of provisions contained para No.20.04.3.1 of CPWD works manual, which is 15% (7.5% contractor's profit and 7.5% Overhead).
- iv) The second page of Negotiation Letter is authenticated Annexure-'C' (See pages 1141 - 1142).
- v) It is certified that no restrictive criteria have been kept to restrict the participants to respond in the tender, two bidders, disqualified, were not fulfilling the conditions of the NIT and no undue benefit has been given to any agency.
- vi) A Complaint No.78672/2017/CP from North India Mainpower Contractor Association was put up to Chairman, NDMC as detailed on Annexure-'D' (See pages 1143 - 1145) and the same is set aside.

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## 9. Final view of the Finance Department:

Already concurred the proposal vide 1643/Finance-R-MOH dated 18.08.2017.

## 10. Legal Implication of the subject: -N.A.-

## 11. Detail of previous council resolution, existing law of Parliament &amp; Assembly on the subject.

-N.A.-

## 12. Comments of the Law Department on the subject/project:

-N.A.-

## 13. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

It is certified that all the CVC guidelines have been/will be followed.

## 14. Recommendations:

- (a) Approval for acceptance of tender and award of work for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi Colony for a period of three years to the lone eligible bidder i.e., M/S Good Luck Enterprises at its quoted rates of Rs.5,76,046/- + 13.55% as contractor's profit for one month with a total computed cost for three years as Rs.2,35,47,608.38 (Rs.,54,100.23 X 36) or otherwise.
- (b) Sanction to release the contract on additional payment, on account of revised EPF, ESI, GST and wages on the basis of revised minimum wages from time to time by Delhi Govt., if any.

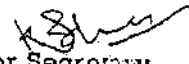
COUNCIL'S DECISION

Resolved by the Council to accord approval for acceptance of tender and award of work for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi Colony for a period of six months to the lone eligible bidder i.e., M/S Good Luck Enterprises at its quoted rates of Rs.5,76,046/- + 13.55% as contractor's profit for one month with a total computed cost for three years as Rs.2,35,47,608.38 (Rs.,54,100.23 X 36) or otherwise.

Further resolved by the Council to give sanction to release the contract on additional payment, on account of revised EPF, ESI, GST and wages, on the basis of revised minimum wages, from time to time, by the Govt. of NCT of Delhi, if any.

Further resolved by the Council that biometric attendance of persons engaged by the contractor, shall be mandatory for releasing payment to contractor by NDMC. The contractor shall release payment to persons engaged only through digital machine and contractor shall be responsible for payment.

Existing regular muster roll persons may be identified and trained for this purpose within 6 months' time. If this work can be handled by regular muster roll staff, then possibility may be explored to engage, first regular employees; otherwise engaging persons on contract basis for this purpose.

  
For Secretary  
New Delhi Municipal Council  
New Delhi.

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Annexure - II

16.10.2017

19/09/2018

## ITEM NO. 16 (E-10)

- 1) Subject: Review/consideration of council Reso. No. 13 (E-05) dated 16.10.2017 for approval of contract for outsourcing of Nursing Orderlies/Multi Tasking Worker for Palika Maternity Hospital, Lodhi Road to M/s Good Luck Enterprises for a total period of 3 years as per terms and conditions of NIT.
- 2) Name of the department: Medical Services Department.
- 3) Brief History of the Subject: Case is regarding outsourcing of nursing orderlies/MTS workers for Palika Maternity Hospital, Lodhi Colony, New Delhi. In this regard it is submitted that Council approved the proposal of department vide Res. No. 05 (E-08) dated 25.07.2016 for outsourcing of nursing orderlies/MTS workers for PMH for a period of three years at an estimated cost of Rs. 3,34,99,336/- (Annexure- A) (See pages 179-181). The department floated the tender for the same and after the 3<sup>rd</sup> call of tender, M/s Good Luck Enterprises was selected as the bidder. The case was put before the council for acceptance of tender to award the work to the lone selected bidder. However contrary to its earlier approval vide Reso. No. 05 (E-08) dated 25.07.2016, the council resolved vide council Reso. No. 13 (E-05) dated 16.10.2017 to award work for a period of six month notwithstanding the period of three years as per terms & condition of NIT/ tender (Annexure - B) (See pages 182-185). Accordingly, M/s Good Luck Enterprises was awarded the work for 6 months. The bidder M/s Good Luck Enterprises accepted the offer under protest without prejudice to rights and contentions of the firm in terms and conditions of the aforesaid NIT/tender including the term and extension of contract contained therein. Further, an agreement was entered between M/s Good Luck Enterprises and NDMC through Director (MS), Charak Palika Hospital on 15.03.2018 and a work order for commencement of work was issued to M/s Good Luck Enterprises vide letter no. D-190/Dir.(MS)/ 2018, dt. 20.03.2018 (Annexure-C) (See page 186). M/s Good Luck Enterprises was asked to commence the work w.e.f. 01.04.2018. It is to submit that M/s Good Luck Enterprises is continuing up to date and his work performance is satisfactory till date.
- 4) Detailed Proposal on the Subject/Project: The case is regarding outsourcing of Nursing Orderlies/Multi Tasking Workers for Palika Maternity Hospital, Lodhi Colony, New Delhi. In this regard it is submitted the Council approved the proposal of department vide Res. No. 05 (E-08) dated 25.07.2016 for outsourcing of Nursing Orderlies/ MTS Workers for PMH for a period of three years at the estimated cost of ₹ 3,34,99,336/- (refer Annexure 'A') (See pages 179-181).

- ER - SB -

The department floated the tender for the same and after the 3<sup>rd</sup> call of tender, M/s Good Luck Enterprises was selected as the bidder. The case was put before the council for acceptance of tender to award the work to the lone selected bidder. However, the Council contrary to its earlier approval of A/A & E/S for ₹ 3,34,99,336/- for a period of three years, approved the tender for a period of six months only vide Reso. No. 13 (E-05) dated 16.10.2017 in place of three years (refer Annexure 'B') (See pages 182-185). Accordingly, M/s Good Luck Enterprises was awarded the work for a period of 6 months (copy of Work Order annexed as Annexure 'C') (See page 186).

The bidder M/s Good Luck Enterprises accepted the offer under protest without prejudice to rights and contentions of the firm in terms and conditions of the aforesaid NIT/ tender including the term and extension of contract contained therein. Further an agreement was entered between M/s Good Luck Enterprises and NDMC through Director (MS), Charak Palika Hospital on 15.03.2018 and a work order for commencement of work was issued to M/s Good Luck Enterprises vide letter no. D-190/Dir.(MS)/ 2018 dt. 20.03.2018. M/s Good Luck Enterprises commenced the work w.e.f. 01.04.2018 (Annexure-C) (See page 186). It is to submit that M/s Good Luck Enterprises is continuing up to date and his work performance is satisfactory till date.

The brief of case in chronological order is as under: -

1. The Council accorded approval A/A & E/S for outsourcing of nursing orderlies/multi tasking workers for Palika Maternity Hospital at an estimated cost of ₹ 3,34,99,336/- for a period of three years vide Reso. No. 05 (E-08) dated 25.07.2016 (Copy attached).
2. Tender was floated for an estimated cost of ₹ 3,34,99,336/- for a period of three (03) years (Tender Notice).
3. Tender was invited from specialized contractors of nursing orderlies (multi tasking workers) for Palika Maternity Hospital at an estimated cost of ₹ 3,34,99,336/- for a period of 3 years (page 2 of 39 of NIT).
4. EMD of ₹ 6,70,000/- was calculated on the estimated cost of ₹ 3,34,99,336/- (page 2 of 39 of NIT).
5. M/s Good Luck Enterprises submitted the bid against the tender for the work for a period of three years.
6. The case for acceptance tender was examined and vetted by the Law Department before the case was placed before the council.
7. Council vide Resolution No. 13 (E-05) dated 16.10.2017 approved the tender for a period of six months.
8. The council vide Reso. No. 13 (E-05) dated 16.10.2017 resolved as under:-

19.09.2018

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*"Resolved by the Council to accord approval for acceptance of tender and award of work for Outsourcing of Nursing Orderlies /Multitasking workers for Palika Maternity Hospital, Lodhi Colony for a period of six months to the lone eligible bidder i.e. M/s Good Luck Enterprises at its quoted rates of ₹ 5,76,046/- + 13.55% as contractor's profit for one month with a total computed cost for three years as ₹ 2,34,47,608.38 ( ₹ 6,54,100.23 x 36) or otherwise.*

*Further, resolved by the Council to give sanction to release the contract as additional payment, on account of revised EPF, ESI, GST and wages, on the basis of revised minimum wages, from time to time, by the Govt. of NCT of Delhi, if any.*

*Further, resolved by the Council that biometric attendance of persons engaged by the contractor shall be mandatory for releasing payment to contractor by NDMC. The contractor shall release the payment to persons engaged only through digital machine and contractor shall be responsible for payment.*

*Existing regular muster roll persons may be identified and trained for this purpose within 06 months time. If this work can be handled by regular muster roll staff, then possibility may be explored to engage, first regular employees; otherwise engaging persons on contract basis for this purpose".*

9. Accordingly, M/s Good Luck Enterprises was awarded the work for six (06) months. The bidder M/s Good Luck Enterprises accepted the offer under protest without prejudice.
10. As per Council decision, the Medical Services Deptt. forwarded a request note to Director (P-I) for providing 47 nps. of RMR and 01 Clerk for supervision for Palika Maternity Hospital. It was requested that these RMR worker may be provided by the end of August' 2018 so that these RMR worker may be trained for a period of one month including one week compulsory training at St. John Ambulance, Golf Link, New Delhi or equivalent to enable them to perform the duties in Palika Maternity Hospital under the supervision of MS (PMH).
11. It is to submit that Personnel Department, NDMC issued a circular vide no. 3985/CGIT Cell/2018, dt. 08-08-2018 inviting applications from the willing RMR worker interested to work as MTS/ Nursing Orderly at Palika Maternity Hospital. It is pertinent to mention that response to the circular was very poor as only six (06) numbers of RMR workers submitted their willingness to work as MTS/ Nursing Orderly against the requirement of forty seven (47) RMR workers.
12. The bidder i.e. M/s Good Luck Enterprises submitted a representation vide letter no. GLE/2018/07 dated 23.07.2018 with the request to award the work for 03 years as per NIT (copy of representation placed in the file at Flag 'X').



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13. The bidder forwarded a copy of representation to Chairman, NDMC and Chief Legal Advisor. The Chief Legal Advisor commented on HOD concerned to please look into the same (i.e. representation) matter on priority to avoid any future litigation on this count (refer page 83/N). The department again forwarded the representation with the full details for the considered opinion. The CLA advised as under: -

*"Therefore, in view of the afore stated position, the department may reply to the issue in question accordingly including re-consideration over the same by putting up again before the council for decision thereupon" (refer page 91/N).*

The department most humbly submit that the decision of the Council to accept/approve the tender for a period of six months in place of three (03) years as provided in the terms and conditions of the NIT while floating the tender may amount to deviation of NIT and may invite litigation.

The work of Nursing Orderly is an essential work for the smooth functioning of hospital to provide medical care to the patients.

- 5) Financial Implications of the Proposed Project: The computed cost for three years for award of work of Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony to the lone eligible bidder i.e. M/s. Good Luck Enterprises at its per month quoted rates of Rs. 5,76,046/- + 13.55% as contractor's profit + GST works out to Rs. 2,35,47,608/-.
- 6) Implementation Schedule with timeline for each stage including internal processing: The work will be awarded immediately after the approval of the Council.
- 7) Comments of the Finance Department: N.A.
- 8) Comments of the Department on the comments of Finance Department: N.A.
- 9) Final view of the Finance Department: N.A.
- 10) Legal Implications of the Subject: Awarding of work order for a period of six months as resolved by the Council vide Resolution No. 16 dt. 07.12.2017 against a period of three years as stipulated in the tender/NIT may attract litigation.
- 11) Detail of previous Council Resolution, existing law of Parliament & Assembly on the subject: Resolution No. 16 dt. 07.12.2017 (Item No. 13 (E-05) dt. 16.10.2017).
- 12) Comments of the Law Department of the Subject/Project: The agenda for reconsideration is being submitted on the advice of Law Deptt., NDMC.

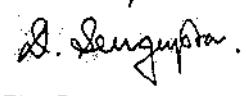
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13) Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case: It is certified that all the CVC guidelines have been/will be followed.

14) Recommendations: Awarding the contract for a period of three (03) years (inclusive of six months w.e.f. 01.04.2018 to 30.09.2018) to M/s. Good Luck Enterprises at its quoted rate of ₹ 5,76,046 + 13.55% as contractor profit for one month with a total computed cost for three (03) years as ₹ 2,35,47,608/- and sanction to release additional payment on account of revised EPF, ESI, GST and wages on the basis minimum wages from time to time by the Govt. of NCT of Delhi, if any.

COUNCIL'S DECISION

Resolved by the Council that the proposal contained in para 14 is approved.



For Secretary  
New Delhi Municipal Council  
New Delhi.

19.09.2018

## ITEM NO. 26 (E - 06)

1. Name of the subject/Project: Administrative Approval and Expenditure Sanction of Rs. 4,43,14,704/- (including GST) for outsourcing of Nursing Orderlies/ Multitasking Workers for PMH, Lodhi Colony, New Delhi for a period of three years by calling tender through GeM Portal.
2. Name of Department/Departments concerned: Medical Services.
3. Brief history of the Subject/Project:

NDMC operates Palika Maternity Hospital at Lodhi Colony, New Delhi. To provide assistance to doctors/nurses/patients the nursing orderlies/ multitasking workers are required. It was outsourced in the year 01.04.2018 to 31.03.2021 for a period of three years to M/s Good luck Enterprises after call of e-tender. Now the term of the contract is going to expire on 31.03.2021 and the work is proposed to be awarded for the next 03 years by tender through GeM Portal.

The duties of Nursing Orderlies/Multitasking Workers are as under:

- a. He/She will assist nursing personnel/Doctor in patient care.
- b. He/She will take call-book/referral letter to various departments.
- c. He/She will transport the patients from one department to another department or for investigations, diagnostic, procedure and referrals, where necessary.
- d. He/She will get the indent/drugs/Linen from stores and also bring sterilized material from store.
- e. He/She will check the oxygen cylinder in use and also replace them as needed or as directed.
- f. He/She would assist the dietary department personnel in orderly distribution of diet in the wards.
- g. He/She will do dusting of the department including cobwebs and will also assist Nursing personnel for disinfection of the rooms. He/She will take appropriate care of the instruments used in the department.
- h. He/She will assist nursing staff in packing the dead body and its transportation to & from mortuary.
- i. He/She will assist in providing first aid to patients as and when required/directed.
- j. The Nursing Orderlies/Multi tasking workers will also help the rescuers in case of any calamity/disaster in the hospital.
- k. He/She will be responsible for cleaning articles such as furniture, switch boards, fire fighting equipments, cleaning of tiles above skirting (including wall tiles) furniture in the OPD (before working time) cleaning of windows (including

cleaning from outside) cleaning the facade of the building and removal of cobwebs etc.

4. Detailed proposal on the subject/project:

As per the approval of Chairperson & concurrence of Finance Department, the work of "Outsourcing of Nursing Orderlies/Multitasking Workers for Palika Maternity Hospital, Lodhi Colony, New Delhi" was awarded to M/s Good Luck Enterprises through e-Tender for a period of three years which is expiring on 31.03.2021. Now again the work is to be awarded for the next 3 years. So the case is being put up before council for approval. The expenditure will be met out of budget provided for the year 2021-22 under HOA 35/2201104 where sufficient budget exists.

5. Financial implication of the proposed project/subject:

A sum of total Rs. 4,43,14,704/- (including GST) for a period of three years.

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

The work will be awarded for a period of three years to L-1 after calling tender through GeM Portal. The work order will be issued after scrutiny of tender(s). Concurrence of Finance Department & approval of Chairperson NDMC.

7. Comments of Finance Department on the subjects:

Finance Department concurs in the estimate amounting to Rs. 4,43,14,704/- (Includes GST) for outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity hospital, Lodhi Colony, New Delhi for a period of three years through GeM Portal and place the Draft Agenda to the council for approval. While submitting the case to competent authority for approval the department may ensure and certify that:

- (i) All the applicable taxes have been included in the preliminary estimate.
- (ii) The quantity of the manpower is as per bare minimum requirement.
- (iii) Availability of funds.
- (iv) Correctness of information, data and computation.

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

The Finance Department has concurred the proposal of the department for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony, New Delhi at page 12/N. The department has ensured and certified the following:

- (i) All the applicable taxes have been included in the preliminary estimate.
- (ii) The quantity of the manpower is as per bare minimum requirement.
- (iii) The sufficient funds are available under HOA
- (iv) The information, data and computation are correct.

9. Legal implication of the subject: No legal issues is involved.

10. Detail of previous council resolution, existing law of Parliament & Assembly on the subject: Resolution no.13 (E-05) dt16.10.2017.

11. Comments of the Law Department on the subject/project:

Having examined the contents of the draft agenda from the legal point of view, prima-facie it is observed that no legal issues is involved. However, the department may ensure the correctness of facts and figures, and compliance of CVC and other guidelines on the subject, if any. No further comments are called for.

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

It has ensured that the facts and figures are correct and CVC and other guidelines will be/have been followed.

13. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

It is certified that all the CVC guidelines have been/will be followed.

14. Recommendations:

- a. Administrative Approval and Expenditure Sanction of preliminary estimate of Rs. 4,43,14,704/- (including GST) for outsourcing of Nursing orderlies/ Multitasking workers for a period of three years by calling tender through GeM Portal.
- b. Sanction to release the contract on additional payment, on account of revised EPF, ESI, GST and wages on the basis of revised minimum wages from time to time by Delhi Govt., if any.
- c. The department is also directed to take further action in the said matter in anticipation of confirmation of minutes of the Council.

24-59-60-464

15. Draft Resolution: The council resolved to approve the proposal of the Medical Services Department as per recommendation of para 14 above.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval and Expenditure Sanction of preliminary estimate of ₹4,43,14,704/- (including GST) for outsourcing of Nursing orderlies/ Multitasking workers for a period of three years by calling tender through GeM Portal.

The Council also resolved to release the contract on additional payment, on account of revised EPF, ESI, GST and wages on the basis of revised minimum wages from time to time by Delhi Govt. if any.

It is further resolved by the Council that the Department may initiate further necessary action in anticipation of confirmation of the minutes.

*S. Sengupta*

Secretary,  
New Delhi Municipal Council  
New Delhi.

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Copy of ... 03(E-01)  
Special ...  
Date: 21/05/2021

ITEM NO. 03 (E-01)

Dir (M-S)

1. Name of the subject/Project: Award of work to the L-1 firm for the outsourcing of Nursing Orderlies/Multitasking workers for PMH, Lodhi Colony, New Delhi for a period of three years by calling tender through GeM portal.

2. Name of Department/Departments concerned: Medical Services.

3. Brief history of the Subject/Project: NDMC operates Palika Maternity Hospital at Lodhi Colony, New Delhi. To provide assistance to doctors/nurses/patients the nursing orderlies/ multitasking workers are required. It was outsourced in the year 01.04.2018 to 31.03.2021 for a period of three years to M/s Good luck Enterprises after call of e-tender. Now the term of the contract is going to expire on 31.03.2021 and the work is proposed to be awarded for the next 03 years by tender through GeM Portal.

The duties of Nursing Orderlies/Multitasking Workers are as under:

- a. He/She will assist nursing personnel/Doctor in patient care.
- b. He/She will take call-book/referral letter to various departments.
- c. He/She will transport the patients from one department to another department or for investigations, diagnostic, procedure and referrals, where necessary.
- d. He/She will get the indent/drugs/Linen from stores and also bring sterilized material from store.
- e. He/She will check the oxygen cylinder in use and also replace them as needed or as directed.
- f. He/She would assist the dietary department personnel in orderly distribution of diet in the wards.
- g. He/She will do dusting of the department including cobwebs and will also assist Nursing personnel for disinfection of the rooms. He/She will take appropriate care of the instruments used in the department.
- h. He/She will assist nursing staff in packing the dead body and its transportation to & from mortuary.
- i. He/She will assist in providing first aid to patients as and when required/directed.
- j. The Nursing Orderlies/Multi tasking workers will also help the rescuers in case of any calamity/disaster in the hospital.
- k. He/She will be responsible for cleaning articles such as furniture, switch boards, fire fighting equipments, cleaning of tiles above skirting (including wall tiles) furniture in the OPD (before working time) cleaning of windows (including cleaning from outside) cleaning the facade of the building and removal of cobwebs etc.

4. Detailed proposal on the subject/project: As per the approval of Council vide its Resolution No.16 dt. 07.12.2017 & 16 (E-10) dt. 19.09.2018, the work order for "Outsourcing of Nursing Orderlies/Multitasking Workers for Palika Maternity Hospital Lodhi Colony, New Delhi" was awarded to M/s Good Luck Enterprises through e-Tender for a period of three years which is going to expire on 31.03.2021. In this regard it is

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stated that, as per approval accorded by the Council, NDMC vide resolution no. 26(E-06), dt. 26.12.2020 (Annexure "A", See page 21 - 24), the tender was uploaded on GeM Portal vide Bid no. GEM/2021/B/950583 dated: 09.01.2021.

Nineteen (19) firms participated in the bid out of which nine (09) firms were found technically eligible during the technical evaluation by the APSC members. Accordingly, financial bid was opened of nine eligible bidders and M/s. Sarvesh Security Services Pvt. Ltd. emerged as L-1 by System Selected through Auto Run from GeM Portal. The details of L-1 quoted rates are as under:

- i. Nursing Orderly/MTS: - Rs. 25, 677.96 / person x 49 nos. x 36 months = Rs. 4,52,95,921.44
- ii. Supervisor: - Rs. 24,649.35 / person x 1 x 36 months = Rs. 8,87,376.60.

The total amount for Nursing Orderly + Supervisor is Rs. 4,61,83,298.04, the lowest rate quoted by the firm which is 4.21% above from the approved estimated cost of Rs. 4,43,14,704/- (Including GST).

The rates quoted by the L-1 firm is reasonable & justified, therefore, it is proposed that to award of work to lowest L-1 firm i.e. M/s Sarvesh Security Services Pvt. Ltd. at their quoted rates i.e. Rs. 4,61,83,298.04 as per system generated statement from GeM portal.

The expenditure shall be charged under HOA 35/2201104 budget provided for the year 2021-22 where sufficient budget exists.

5. Financial implication of the proposed project/subject: A sum of total Rs. 4,61,83,298.04 + GST for a period of three years.

6. Implementation schedule with timeliness for each stage including internal processing: The work/supply order will be awarded immediately for a period of three years to L-1 firm after the approval of the Council.

7. Comments of Finance Department on the subjects:

1. Finance Department concurred in the proposal of the Department at Note#13 for acceptance of the offer of the L1 firm, i.e., M/s Sarvesh Security Services Pvt. Ltd. at their quoted rates i.e. Rs. 4,61,83,298.04 through system generated Auto Run through GeM portal which is 4.21% above the Estimated Cost of 4,43,14,704/- (Including GST) for Outsourcing of Nursing Orderlies/ Multitask Workers at Palika Maternity Hospital, Lodhi Colony, New Delhi subject to approval of competent authority i.e. Council.
2. Before processing the case for approval, the Department may certify/ensure that:-
  - (i) Financial bids have been opened in respect of eligible bidders only and no eligible bidder in technical parameter left out for opening of financial bids.
  - (ii) All the information, data computed by the Department are correct.
  - (iii) Adequacy of funds.



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

The Finance Department has concurred vide their note No.73828 at page Note #17 the proposal of the department for Outsourcing of Nursing Orderlies/Multitasking workers for Palika Maternity Hospital, Lodhi colony, New Delhi. The department has ensured and certified the following: -

- (i) Financial bids have been opened in respect of eligible bidders only and no eligible bidder in technical parameter left out for opening of financial bids.
- (ii) The information, data and computation are correct.
- (iii) The sufficient funds are available under HOA 35/2201104.

9. Legal implication of the subject: Nil

10. Detail of previous council resolution, existing law of Parliament & Assembly on the subject:

- i. Resolution No.16, dt. 07.12.2017
- ii. Resolution No .16 (E-10), dt. 19.09.2018.
- iii. Resolution no.26 (E-06), dt. 26.12.2020

11. Comments of the Law Department on the subject/project: No legal issue is involved. However, the department may ensure the correctness of facts and figures mentioned therein, and further compliance of CVC and other guidelines on the subject, if any. No further comments are called for.

12. Comments of the department on the comments of the Law Department: The department has ensured that the fact and figures mentioned therein are correct and further complied that all the CVC & other guidelines have been/will be followed.

13. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case: It is certified that all the CVC guidelines have been/will be followed.

14. Recommendations:

- a. Award of work/Supply order to L-1 firm, M/s M/s Sarvesh Security Services Pvt. Ltd. at their quoted rates i.e. Rs. 4,61,83,298.04 + GST for a period of three (03) years after the approval of the Council.
- b. Sanction to release the contract on additional payment, on account of revised EPF, ESI, GST and wages on the basis of revised minimum wages from time to time by Delhi Govt.

- c. The department is also directed to take further action in the said matter in anticipation of confirmation of minutes of the Council.

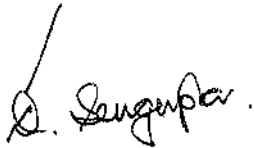
15. **Draft Resolution:** The council resolved to approve the proposal of the Medical Services Department as per recommendation of para 14 above.

**COUNCIL'S DECISION**

Resolved by the Council to accord approval to award of work/Supply order to L-1 firm, M/s. M/s Sarvesh Security Services Pvt. Ltd. at their quoted rates i.e. Rs. 4,61,83,298.04 + GST for a period of three (03) years.

It is also resolved by the Council to accord expenditure sanction to release the additional payment, on account of revised EPF, ESI, GST and wages, on the basis of revised minimum wages from time to time, by Delhi Govt.

It is further resolved by the Council that NDMC may initiate further necessary action on the decisions taken as above in anticipation of confirmation of the Minutes.

  
D. Sengupta  
Pos-Secretary  
New Delhi Municipal Council  
New Delhi.

Annexure V

~~65~~ - 65 - 05 (E-08)

Copy of Resp. No. \_\_\_\_\_  
of \_\_\_\_\_  
Government of India Meeting  
Dated: 25/07/16

● **ITEM NO. 05 (E-08)**

1. **Name of the subject/Project:**

Administrative Approval and Expenditure Sanction of Rs.3,34,99,336/- for outsourcing of Nursing Orderlies/ Multitasking Workers for PMH, Lodhi Colony, New Delhi for a period of three years.

2. **Name of Department/Departments concerned:**

Health, (Medical Sector)

3. **Brief history of the Subject/Project:**

NDMC operates Palika Maternity Hospital at Lodhi Colony, New Delhi. To provide assistance to doctors/nurses/patients the nursing orderlies/ multitasking workers are required. It was outsourced in the year 18.03.2015 to 17.03.2016 for a period of one year to M/s Good luck Enterprises after call of e-tender. Now the term of the contract has expired & the work is proposed to be awarded by calling e-tender. The Chairperson NDMC has directed to award the contract for a period of 3 years instead of 1 year.

**The duties of Nursing Orderlies/Multitasking Workers are as under:**

- a. He/She will assist nursing personnel/Doctor in patient care.
- b. He/She will take call-book/referral letter to various departments.
- c. He/She will transport the patients from one department to another department or for investigations, diagnostic, procedure and referrals, where necessary.
- d. He/She will get the indent/drugs/Linen from stores and also bring sterilized material from store.
- e. He/She will check the oxygen cylinder in use and also replace them as needed or as directed.
- f. He/She would assist the dietary department personnel in orderly distribution of diet in the wards.
- g. He/She will do dusting of the department including cobwebs and will also assist Nursing personnel for disinfection of the rooms. He/She will take appropriate care of the instruments used in the department.
- h. He/She will assist nursing staff in packing the dead body and its transportation to & from mortuary.
- i. He/She will assist in providing first aid to patients as and when required/directed.
- j. The Nursing Orderlies/Multi tasking workers will also help the rescuers in case of any calamity/disaster in the hospital.

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- k. He/She will be responsible for cleaning articles such as furniture, switch boards, fire fighting equipments, cleaning of tiles above skirting (including wall tiles) furniture in the OPD (before working time) cleaning of windows (including cleaning from outside) cleaning the facade of the building and removal of cobwebs etc.
4. Detailed proposal on the subject/project:  
As per the approval of Chairperson & concurrence of Finance Department, the work of "Outsourcing of Nursing Orderlies/Multitasking Workers for Palika Maternity Hospital Lodhi Colony, New Delhi" was awarded to M/s Good luck Enterprises through e-Tender for a period of one year. Now, the work is to be awarded for a period of three years through e-Tendering. So the case is being put up before council for approval. The expenditure will be met out of budget provided for the year 2016-17 under HOA 35/2201104 where sufficient budget exists & for the subsequent two years the budget will be sought accordingly.
5. Financial implication of the proposed project/subject:  
A sum of total Rs. 3,34,99,336/- for a period of three years.
6. Implementation schedule with timeliness for each stage including internal processing:  
The work will be awarded for a period of three years to L-1 after calling e-Tenders. The work order will be issued after scrutiny of tender(s). Concurrence of Finance Department & approval of Chairperson NDMC.
7. Comments of Finance Department on the subjects: Nil  
(Concurred the estimate for Rs. 3,34,99,336/- for a period of three years vide endorsement no. 561/Finance/R-MOH/ dated 31.03.2016).
8. Comments of Department on the comments of Finance Department: Nil
9. Final view of Finance Department:  
Already concurred the proposals vide no. 561/Finance/R-MOH/ dated 31.03.2016
10. Legal implication of the subject: N.A.
11. Detail of previous council resolution, existing law of Parliament & Assembly on the subject: N.A.

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12. Comments of the Law Department on the subject/project:

No legal issue appears to be involved in this matter at this stage. However, being administrative matter, may be decided by the concerned department at their own level as per approval of the competent authority. Department may also ensure that agenda fulfils their purpose.

13. Certificate by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

It is certified that all the CVC guidelines have been/will be followed.

14. Recommendations:

- a. Administrative Approval and Expenditure Sanction of preliminary estimate of Rs. 3,34,99,336/- for outsourcing of Nursing orderlies/ Multitasking workers for a period of three years.
- b. Sanction to release the contract on additional payment, on account of revised EPF, ESI, Service tax and wages on the basis of revised minimum wages from time to time by Delhi Govt. if any.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative Approval and Expenditure Sanction to the preliminary estimate of Rs.3,34,99,336/- for outsourcing of work of Nursing orderlies/ Multitasking workers for a period of three years.

The Council further resolved to grant sanction to release the contract on additional payment on account of revised EPF, ESI, service tax and minimum wages as amended, if any, by the appropriate Government during the period of contract.

It was further resolved by the Council that the department may initiate further necessary action in anticipation of confirmation of the minutes of the Council.

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For Secretary  
New Delhi Municipal Council  
New Delhi

## ITEM NO. 10 (Pers)

1.	Name of the subject / project.	<p>i. Decision on raising a debit note to North MCD for repayment of the amount to NDMC against drawl of Salary &amp; Allowances from NDMC exchequer in respect of staff of North MCD working with Monitoring Committee and,</p> <p>ii. Decision on Order dated 20.08.2019 of the Chief Secretary, Govt. of NCT of Delhi to treat the staff posted in the Monitoring Committee on deputation basis and drawl of their salaries and other allowances in upgraded pay-scales of such deputation posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee.</p> <p>iii. Decision on the letter dated 06.07.2020 from Monitoring Committee requesting to allow the salary and deputation duty allowances to 04 officials of South MCD also w.e.f. 01.08.2020 working in the Monitoring Committee on the same line as being given to officials of North MCD</p>
2.	Name of the Department and Departments concerned.	Personnel Department.
3.	Brief history of the Subject/Project	<p><u>A. Raising a debit note to North MCD for repayment of the amount to NDMC against drawl of Salary &amp; Allowances from NDMC exchequer in respect of staff of North MCD working with Monitoring Committee :-</u></p> <p><b>3.A.1:-</b> A proposal was submitted by Member, Monitoring Committee on 30.06.2018 to the Chief Secretary, Delhi vide Dy. No. D-67 dated 13.06.2018 (Annexure- I) (See page 75) regarding "Proposal for treating staff posted in the Monitoring Committee on deputation basis and drawl of their salaries from the New Delhi Municipal Council (NDMC) and stated that "..... due to financial constraints, the staff so posted in the Monitoring Committee from especially North MCD are not being paid their salaries regularly as a result whereof they are facing lot of financial hardships. During the course of Meeting held on 04.06.2018, the Chairman, New Delhi Municipal Council agreed to that all the staff posted in the Monitoring Committee shall draw their salaries from New Delhi Municipal Council. In view of the above, staff posted in the Monitoring Committee may henceforth be allowed to be treated as posted on deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to draw their upgraded pay-scales of the deputational posts in their respective cadres and further as agreed to by the Chairman/NDMC, drawl of their upgraded salaries and other deputation allowances from New Delhi Municipal Council. The said proposal shall be treated as a special case and shall not be a precedent for any other purpose....."</p> <p><b>3.A.2:</b> In the court matter of Shri M. C. Mehta Vs Union</p>

of India & Ors., Civil No. 4677/1985 was disposed of by Hon'ble Supreme Court of India vide Judgment dated 24.08.2018 concluding that *"it is submitted by the learned Amicus that all necessary facilities are to be provided by the MCD to the Members of the Monitoring Committee including the facility of transport, secretarial services, honorarium etc.*

*After trifurcation of the erstwhile MCD, this is proposed to be taken over by the Chairman, New Delhi Municipal Council. The Note dated 21.08.2018 in this regard has been placed before us by the learned Amicus in this regard. It should be taken on record.*

*In view of the willingness shown by the Chairman, NDMC, the NDMC will provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.*

*The note stands disposed of. (Annexure-II) (See pages 76 - 81)*

**3.A.3:** Inviting attention of the above said Order of Hon'ble Supreme Court, Monitoring Committee vide letter no. MC/SC/IHC/2018/D-127 dated 29.08.2018 (Annexure-II-A) (See pages 82 - 83) requested NDMC to comply with the directions of the Hon'ble Supreme Court of India in its letter and spirit keeping in view the proposal already referred to the NDMC.

**3.A.4:** In compliance of the direction of Hon'ble Supreme Court, the payment of Honorarium @ Rs 1,25,000/- per month is being paid by NDMC to Shri K. J. Rao and Major General (Retd.) S. P. Jhingan, Member of the Committee since **September 2018** vide Order dated 23.10.2018 was issued in consultation with Finance Department/ Finance Adviser, NDMC and with the approval of the Chairman, NDMC (Annexure-III) (See pages 84 - 85) and A- 42011/355/2018-Secy. Estt. Dated 26.10.2018 (Annexure-IV) (See page 86). The 3rd Member of the Committee- Sh Bhure Lal initially opted not to take any remuneration/honorarium.

**3.A.5:** Later on, the amount of honorarium was enhanced from Rs.1,25,000 to 2,00,000 per month in respect of the above said two Members w.e.f. 01.04.2019 and also, the payment of Honorarium was opted by/allowed to Dr. Bhure Lal, the 3rd Member of the Committee, w.e.f. 01.04.2019 vide order no. A-42011/355/2018/Secy Estt. dated 29.04.2019 (Annexure-V) (See page 87).

**3.A.6:** Further, with the approval of the Chairman, NDMC and in consultation with Finance Department/Financial Advisor, NDMC, salary alongwith deputation duty allowance is being paid by NDMC to 03 Officials of North MCD namely Shri Jagdish S. Dayani, Executive Engineer (Civil), Shri Rajender Kumar, SSA/UDC and Shri Hemant Kumar, JSA/LDC since December 2018 vide Order No. A-42011/355/2018-Secy. Estt. dated 07.12.2018. (Shri Hemant Kumar left the Monitoring Committee on 28.02.2019). Consequently, Dr. Dinesh Kathpalia, AE(Civil), North MCD is also being paid salary from NDMC w.e.f. 1.12.2019 onward vide order No. SO(E)/2112/SA-II/2020. dated 29.06.2020. (Annexure-

**VI) (See pages 88 – 90).**

**3.A.7:** Further, 06 officials of NDMC are working with Monitoring Committee and they have been allowed Special Duty Allowance (in lieu of deputation allowance @ 5% of their basic pay at par with the deputation duty allowance) subject to maximum of Rs.4500/- per month vide Order No.SO(E)/1922/SA-II/2019 dated 24.04.2019, order No. SO(E)/4144/SA-II/2019 dated 18.06.2019 and vide order SO(E)/1605/SA-II/2020 dated 11.03.2020 (**Annexure-VII) (See pages 91 - 93)**

**3.A.8:** Thus, as on date, all the 03 Members of Monitoring Committee are drawing their honorarium @ Rs. 2 Lakh per month and 03 officials of North MCD are drawing their salary and special allowance from NDMC (**Annexure-V) (See page 87)**. Further, 06 NDMC officials posted with Monitoring Committee are being given Special Duty Allowance as stated in para 6 above. Thus, there is additional financial burden on NDMC on account of the following:-

- i. honorarium @ Rs. 2 Lakh per month to 3 Members of the Committee
- ii. Salary and deputation duty allowance to 03 officials of North MCD posted with the Monitoring Committee
- iii. Special Duty Allowance to 06 officials of NDMC posted with the Monitoring Committee

**B. Letter dated 6.07.2020 from Monitoring Committee to allow the salary and deputation duty allowances from NDMC exchequer to 04 officials of South MCD working in the Monitoring Committee**

**3.B.1:** Now, a fresh reference dated 06.07.2020 has been received from Monitoring Committee requesting to allow the salary and deputation duty allowances to 04 officials of South MCD also w.e.f. 01.08.2020 working in the Monitoring Committee on the same line as being given to officials of North MCD (**Annexure-VII-A) (See page 94)**.

2. : There does not seem to be any provision in NDMC Act,1994 for provision to pay the salary & allowances to officials of an organization other than NDMC.. Section 43 of the NDMC Act,1994 (**Annexure-VIII ) (See pages 95 - 96)** provides for salaries and allowances of officers and other employees, stipulating as under:-

*"43. Power of Council to make regulations.- (1) The Council may make regulations to provide for any one or more of the following matters, namely:-*



- a. *the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter"*

*(e) Any other matter which is incidental of or necessary for, the purpose of regulation the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the Council provisions should be made by regulations.*

**3.B.3:** In absence of any provision to pay the salary & allowances to officials of an organization other than NDMC (i.e. the staff of North MCD and South MCD , as far as this case is concerned), the matter needs to be brought into the knowledge of the Council for decision. It is however reiterated that, the payment of salary to the North MCD's employees deputed in the Monitoring Committee are already being paid by New Delhi Municipal Council in compliance of the direction of Hon'ble Supreme Court of India due to stated financial crisis in North Delhi Municipal Corporation at that point of time.

**3.B.4:** With reference to the proposal dated 30.06.2018 of Monitoring Committee stated in para 3.A.1 above that:- *"..... The said proposal shall be treated as a special case and shall not be a precedent for any other purpose....."* and submissions made in pre-paras it may be seen that New Delhi Municipal Council had agreed to pay the salary and allowances to the staff posted in the Monitoring Committee from North MCD only in view of the stated financial crisis in North MCD.

**3.B.5:** In view of above, it seems that New Delhi Municipal Council is not bound to pay the salary to staff of South MCD, posted in the Monitoring Committee.

**3.B.6:** Accounts Department of NDMC was requested to provide the detail of expenditure of salary and allowances etc. paid up to October 2020 to the staff of North MCD and as well as employees of NDMC who have posted with Monitoring Committee. As per the reply received, total expenditure of Rs.1,93,54,615/- has been incurred upto October, 2020 by NDMC for making payments of salary and allowances/honorarium to the staff of Monitoring Committee as intimated by Accounts Department, NDMC (**Annexure-IX**) (See page 97).

**C. Implementation of order dated 20.08.2019 of the Chief Secretary, Delhi treating the staff posted in the Monitoring Committee on deputation basis and drawl of their salaries and other allowances against upgraded pay-scales of the deputational posts:-**

		<p><b>3.C.1.</b> The Members of the Monitoring Committee constituted by Hon'ble Supreme Court of India vide letter No.MC/SC/IHC/2020/D-33 dated 10.08.2020 requested to Chairman, NDMC to ensure immediate implementation of the order dated 20.08.2019 of the Chief Secretary, Delhi and forwarded copy of the letter No.000596131/18647-54 dated 30.06.2020 issued by the Director of Local Bodies, GNCTD and requested to submit ATR to the Monitoring Committee for intimation of the Hon'ble Supreme Court. <b>(Annexure-X) (See pages 98 - 100)</b></p> <p><b>3.C.2.</b> Further, the Local Bodies, GNCT of Delhi vide letter No.000596131/18647-54 dated 30.06.2020 addressed to Chairman, NDMC and Commissioners of three (03) MCDs forwarded a copy of approval of the Chief Secretary, GNCTD for treating the staff posted in the Monitoring Committee on deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to allow them to draw their salaries and other allowances against upgraded pay-scales of the deputational posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee. Chairman, NDMC was requested to look into the matter personally and ensure that the said proposal which was duly approved by the Chief Secretary, GNCTD is implemented. <b>(Annexure-XII) (See pages 102 - 104)</b></p> <p><b>3.C.3:</b> With regard to above para, it is submitted that pay and allowances corresponding to the post held by a Municipal/Govt. Employee can be paid to him. NDMC and MCD staffs are posted in Monitoring Committee on diverted capacity. No post of higher scale has been created in Monitoring Committee and there is no RRs stipulating mode of recruitment to such post. Therefore, the request of Monitoring Committee to pay upgraded Scale cannot be acceded to.</p>
4.	Detailed proposal of the subject	<ol style="list-style-type: none"> <li>i. The above said directions of the Monitoring Committee may be brought into the notice for the Council for information.</li> <li>ii. A demand be raised to North MCD for repayment of amount to NDMC, which has already been released on account of salary and allowances to North MCD Staff.</li> <li>iii. the demand/direction for drawl of salary and allowances in respect of 04 officials of South MCD posted in the Monitoring Committee on the line being paid to North MCD employees may be regretted being not justified and legally tenable.</li> <li>iv. The directions given vide Order dated 20.08.2019 of the Chief Secretary, Delhi treating the staff posted in the Monitoring Committee on deputation basis and drawl of their salaries and other allowances against upgraded pay-scales of the deputational posts, <u>may be considered only on creation of posts</u> in the Monitoring Committee and filling the posts on deputation basis as per the RRs to be framed for such posts.</li> </ol>

5.	Financial Implications of the proposed subject / project	As in Annexure-XI (See page 101).
6.	Implementation schedule with timeliness for each stage including internal Processing.	Immediate after Council approval.
7.	Comments of the Finance Department on the subject	<p>1. The case received in FD for advice at Note-51 of the department for:-</p> <p>(i) The decision on raising a debit note to North MCD for repayment of the amount to NDMC against drawal of Salary &amp; Allowance from NDMC exchequer in respect of staff of North MDC working with Monitoring Committee.</p> <p>(ii) The Decision on order dated 20.08.2019 of the Chief Secretary, Govt. of NCT of Delhi "to treat the staff posted in the Monitoring committee on deputation basis and drawl of their salaries and other allowance in upgraded pay-scales of such deputation posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee.</p> <p>2. In view of the above and advice of the law department, FD is also in agreement to raise debit note to North MCD for repayment of the amount to NDMC against drawl of Salary &amp; Allowance from NDMC exchequer in respect of staff of North MCD working with Monitoring Committee. (Annexure XII, See page 113) (This issues with the approval of F.A.)</p>
8.	Details of the previous Council resolution, existing law of Parliament and Assembly on the subject	There is no such earlier Council Resolution.
9.	Legal Implications/ Comments of the Law Department on the subject	<p>The Monitoring Committee constituted by the Hon'ble Supreme Court of India to deal with the issue of unauthorized construction and other related issues for the entire area of Delhi and New Delhi. An NDMC is not the sole local body in Delhi there are other local bodies like SDMC, North DMC, EDMC and Cantonment Board. And the staff posted in the Monitoring Committee is from NDMC and other local bodies also. Whereas; the payment on account of salaries to the staff of other local body/bodies posted in Monitoring Committee is being paid by the NDMC. Since; the NDMC is responsible for the salary of its own employees and not for the salary of employees of other local bodies as such NDMC should not be burdened for the expenditure incurred on the salaries of the officials of other local bodies posted in Monitoring Committee. Thus the recommendation of the department as contained in Clause 12 of the draft</p>

		agenda are appears to be in order as there appears no provision in the NDMC Act to this effect.
10.	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed While processing the case.	NA
11.	Recommendations	<ul style="list-style-type: none"> <li>i. A demand be raised to North MCD for repayment of amount to NDMC, which has already been released on account of salary and allowances to North MCD Staff.</li> <li>ii. The Monitoring Committee and the GNCT Delhi may be communicated the decision of the Council that NDMC is unable to pay salary and allowances to non- NDMC employees posted in Monitoring Committee as the NDMC Act,1994 does not provide for the same.</li> <li>iii. The Monitoring Committee and the GNCT Delhi may be communicated the decision of the Council that NDMC employees posted in the Monitoring Committee can be treated on higher and upgraded scale as in case of deputational, <u>only after</u> creation of the post in Monitoring Committee and selection of the NDMC employees against such a post following due procedure as per the RRs.</li> </ul>
12.	Draft resolution	

#### COUNCIL'S DECISION

Resolved by the Council to accord approval to the following :-

- i. A demand be raised to North MCD for repayment of amount to NDMC, which has already been released on account of salary and allowances to North MCD Staff.
- ii. The Monitoring Committee and the GNCT Delhi may be communicated the decision of the Council that NDMC employees posted in the Monitoring Committee can be treated on higher and upgraded scale as in case of deputational, only after creation of the post in Monitoring Committee and selection of the NDMC employees against such a post following due procedure as per the RRs.

So far as the point no. ii of the recommendation of the department placed at para 11 of the preamble is concerned, it was decided that that the matter be referred back to the department to obtain the views of law department in the light of order of the Hon'be Supreme Court dated 20.08.2018.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Singuvar*

For Secretary  
New Delhi Municipal Council  
New Delhi.

**Sub.: Proposal for treating staff posted in the Monitoring Committee on deputation basis and drawal of their salaries from the New Delhi Municipal Council (NDMC).**

The Hon'ble Supreme Court of India, in the year 2006, had appointed three Members Monitoring Committee to carry out and oversee implementation of its directions passed from time to time on the issue of sealing of commercial establishments in residential areas, unauthorised constructions etc.

2. Subsequently, in pursuance of its orders dated 15.12.2017 passed by the Hon'ble Supreme Court of India, the Monitoring Committee has also been dealing/deciding the permanent de-sealing cases of sealed properties and the staff so posted has been performing their duties similar to that of staff posted at the Appellate Tribunal, MCD.

3. Besides, the staff working in the Office of the Monitoring Committee has been invariably performing their duties till late hours and sometimes even during hours including on holidays, in view of the arduous nature of duties so as to ensure smooth and effective working of the Monitoring Committee.

4. It is pertinent to mention here that posts in the Appellate Tribunal, MCD are treated as deputational posts and the officials so posted are getting financial benefits of the upgraded pay-scales of the deputational posts & other consequential benefits thereof.

5. Due to financial constraints, the staff so posted in the Monitoring Committee from especially North MCD are not being paid their salaries regularly as a result whereof they are facing lot of financial hardships. During the course of Meeting held on 04.06.2018, the Chairman, New Delhi Municipal Council agreed to that all the staff posted in the Monitoring Committee shall draw their salaries from New Delhi Municipal Council.

In view of the above, staff posted in the Monitoring Committee may henceforth be allowed to be treated as posted on deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to draw their upgraded pay-scales of the deputational posts in their respective cadres and further as agreed to by the Chairman/NDMC, drawal of their upgraded salaries and other deputation allowances from New Delhi Municipal Council.

The said proposal shall be treated as a special case and shall not be a precedent for any other purpose.

D-67  
13/06/2018

Submitted for approval please.

*[Signature]*  
Member  
Monitoring Committee

Chief Secretary, Delhi

9/7/18  
13/06/18

its examine & put up

*[Handwritten notes and signatures]*  
S.S. (III)

Put up by 19/6

16/6

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ITEM NO.60

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) SEALING ISSUE:

REPORT NO. 127 SUBMITTED BY MONITORING COMMITTEE REGARDING BURARI AREA (NORTH MCD)

(2) IN RE: RELOCATION OF INDUSTRIES IN DELHI  
PROGRESS REPORTS RECEIVED FROM MONITORING COMMITTEE

Date : 24-08-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Ms. Anitha Shenoy, Advocate (A.C.)

Mr. Sudipto Sircar, Adv.

Ms. Srishti Agnihotri, Adv.

Ms. Saumya Singh, Adv.

Ms. Remya Raj, Adv.

Mr. Rahul Mishra, Adv.

Petitioner-In-Person

For Respondent(S) Mr. A.N.S. Nadkarni, ASG

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Ms. Suhasini Sen, Adv.

Mr. R. Bala, Adv.

Mr. Sachin Sharma, Adv.

Mr. Pranay Ranjan, Adv.

Ms. Aarti Sharma, Adv.

Mr. A.K. Kaul, Adv.

Mr. Raj Bahadur, Adv.

Mr. G.S. Makker, AOR

Mr. B.V. Balram Das, Advocate

Ms. Anil Katiyar, Advocate

Digitally signed by  
SACHIN SHARMA  
Date: 2018.08.24  
17:24:51 IST  
Reason:

*[Handwritten initials]*

*[Handwritten circled number 22]*

- Mr. D.N. Goburdhun, Advocate [NP]
- Mr. Vijay Panjwani, Adv.
- Mr. Praveen Swarup, Advocate [NP]
- Ms. Garima Prashad, Advocate [NP]

UPON hearing the counsel the Court made the following

O R D E R

Report No. 127 dated 20.08.2018

We have seen Report No.127 of the Monitoring Committee and have noted the following:

1. Burari Area (North MCD)

The land is agricultural land but several multi-storeyed buildings have come up in the area and on a personal inspection made on 06.08.2018, it was found that constructions are going on.

There is hardly any vacant land in that area and there is no agricultural land in the area.

The Monitoring Committee has already noted that even water bodies have been encroached upon and a large number of trees have been cut down. Along with the report, Google Maps of 2002, 2007 and 2017 clearly bring out the unauthorized constructions, which have been annexed to the Report.

It is further stated that in spite of huge amount of unauthorized constructions, the Deputy Commissioner concerned has taken action for demolition only against 35 properties.

It is further stated that as many as 30 unauthorized colonies have come up in Burari area and adjacent villages which have all been included in the list of "Unauthorized to be Regularized

(43)

Colonies" and for these provisional regularization Certificates have been given to these unauthorized colonies.

The Monitoring Committee has expressed the view that there is dismal state of affairs in the "unauthorized to be regularized colonies".

2. Vishwas Nagar (EDMC)

It is stated by the Monitoring Committee that there are approximately 800 Godowns/negative industries functioning in the residential premises.

It is stated that sealing action started on 16.08.2018 and only 78 properties were sealed.

3. Kishan Garh, South Zone (SDMC)

The Monitoring Committee accompanied by DDA and MCD officers inspected the area of Kishangarh on 10.08.2018 and noticed large scale unauthorized construction has already been built up and also ongoing on DDA land. There are a large number of multi-storeyed buildings on encroached government land including land belonging to the Forest Department.

The land of the DDA has been occupied illegally but no action has been taken by the DDA in this regard. Photographs have already been annexed along with the Report.

4. Encroachment of DDA land at Karkardooma Metro Station (EDMC)

The Monitoring Committee along with DDA and MCD officers visited and inspected premises of Karkardooma Metro Station and



24

24

noticed encroachment on DDA land and huge unauthorized construction on the premises besides few shops constructed illegally.

It is further stated that there is a small Mandir on the encroached land along with construction of various rooms which are being used as offices and residences of a family. The occupants prevented the Monitoring Committee accompanied by the DDA and MCD officers from inspecting the back portions of these residential premises.

Obviously, it appears that the occupants are influential and powerful enough to prevent inspection of the premises.

5. Bhatti Mines area of SDMC

It is stated that there is a large encroachment of Revenue / Forest land in Bhatti Mines and adjoining areas. This has been reported by the District Magistrate (South) who has been requested to take necessary action.

The Report of the Monitoring Committee notes very dismal state of affairs. We only hope that the Task Force appointed on the suggestion of the learned Attorney General for India acts on the Report of the Monitoring Committee and takes urgent action.

Report No. 127 stands adjourned for compliance.

Note dated 21.08.2018 submitted by the Monitoring Committee

There is no appearance on behalf of New Delhi Municipal Council.

It is submitted by the learned Amicus that all necessary facilities are to be provided by the MCD to the Members of the

*[Handwritten signature]*

28

Monitoring Committee including the facility of transport, secretarial services, honorarium etc.

After trifurcation of the erstwhile MCD, this is proposed to be taken over by the Chairman, New Delhi Municipal Council. The Note dated 21.08.2018 in this regard has been placed before us by the learned Amicus in this regard. It should be taken on record.

In view of the willingness shown by the Chairman, NDMC, the NDMC will provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.

The note stands disposed of.

Report Nos. 43-47 of the Monitoring Committee for relocation of industries in Delhi.

The aforesaid Monitoring Committee comprises of (i) the Chief Secretary of Delhi (ii) the Commissioner of Police, Delhi (iii) the Commissioner, Municipal Corporation of Delhi and (iv) the Vice Chairman of Delhi Development Authority.

With the trifurcation of the Municipal Corporation of Delhi, the composition of the Committee will now consist of the Commissioners of the three Municipal Corporations

This Committee was constituted by an order of this Court passed in M.C. Mehta v. Union of India & Ors. [(2004) 6 SCC 588].

In the directions given by this Court, it was mentioned that the Monitoring Committee would be responsible for stoppage of illegal industrial activity and to appoint responsible officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment.

to (4/6)

(28)

The reports including the aforesaid reports have been filed from time to time by the Monitoring Committee. It appears that relocation is not implemented in letter and spirit.

We would like the Monitoring Committee to file a consolidated report under its own signature and not under the signature of any officer subordinate to the Monitoring Committee.

The consolidated status report will be signed by each member of the Monitoring Committee and should be filed within three weeks from today.

List the matter on 05.10.2018.

Circular reg. amendment of Master Plan

No one is present on behalf of the DDA.

The learned Amicus informs us that as per his information, the circular appears to have been issued for implementation of the amendment of the Master Plan allowing illegal shopping centres by the SDMC.

Since there is no appearance on behalf of the DDA and Mr. Qadri, learned counsel appearing on behalf of SDMC says that he has no instructions, the learned ASG, under these circumstances, says that he will advise accordingly.

List the matter on 28.08.2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER

164483 1137 2018

30-8-18

*no. speak*

Annexure-II(A)

"IMPORTANT"

**MONITORING COMMITTEE**  
**CONSTITUTED BY HON'BLE SUPREME COURT OF INDIA**

Core 6A, L-11,  
India Habitat Centre,  
Lodhi Road, New Delhi - 110003  
Phone No 24641111

No. MC/SC/IHC/2018/D- 127

Dated: 29.08.2018

**Sub.: Regarding treating staff posted in the Monitoring Committee on deputation basis and drawal of their salaries in the upgraded pay-scales and deputation allowances etc. from New Delhi Municipal Council.**

This is in continuation of this Office letter No.MC/SC/IHC/2018-D-112 dated 08.08.2018 on the aforesaid subject. The issue involved was discussed with the Chairman, NDMC and Director (Personnel)/NDMC.

As per discussions and suggestion of the NDMC a proposal vide letter dated 21.08.2018 was placed before the Hon'ble Supreme Court of India through Special Leave Petition which is reproduced hereinbelow:-

*"The Hon'ble Supreme Court vide its Orders dated 24.03.2006 passed in O.P. No.4677/1985 titled 'M.C. Mehta V/s UOI & Others' appointed a three Member Monitoring Committee to carry out and oversee implementation of the directions passed from time to time on the issue of sealing of commercial establishments in residential areas, unauthorized construction etc. and further directed that all necessary facilities shall be provided by the MCD to the Members of the Monitoring Committee including the facility of transport, secretarial services, honorarium etc.*

After infurcation of the erstwhile MCD, the facilities were provided by the North MCD being the lead Corporation. However, the same is in financial distress.

Chairman, New Delhi Municipal Council (NDMC) has shown his willingness and agreed to pay & bear the honorarium of the Members of the Monitoring Committee including payment of salaries and other financial benefits to the staff posted in the Monitoring Committee in the upgraded pay scale treating them on deputation.

In view of the above, this Hon'ble Court is requested to consider the issue and issue appropriate directions to the Chairman, New Delhi Municipal Council in the same.

(30)

3 The Hon'ble Supreme Court of India vide its order dated 24.08.2018 (copy annexed herewith) has inter-alia, observed and directed as under:-

**Note dated 21.08.2018 submitted by the Monitoring Committee**

.....It is submitted by the learned Amicus that all necessary facilities are to be provided by the MCD to the Members of the Monitoring Committee including the facility of transport, secretarial services, honorarium etc.

After trifurcation of the erstwhile MCD, this is proposed to be taken over by the Chairman, New Delhi Municipal Council. The Note dated 21.08.2018 in this regard has been placed before us by the learned Amicus in this regard. It should be taken on record.

In view of the willingness shown by the Chairman, NDMC, the NDMC will provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.

The Note stands disposed of"

In view of the above, Chairman, NDMC is requested to comply with the directions of the Hon'ble Supreme Court of India in its letter and spirit keeping in view the proposal already referred to the NDMC

*6/21/18*  
*21/8/18*  
Member  
Monitoring Committee

Chairperson,  
New Delhi Municipal Council

~~83-84-~~

Annexure-III

(112)

(92)

New Delhi Municipal Council  
Palika Kendra, New Delhi

Dated. 23.10.2018

To

Shri K J Rao,  
Member, Monitoring Committee  
India Habitat Centre  
Lodhi Road  
New Delhi

Subject:- Compliance with Hon'ble Supreme Court direction dated 24.08.2018 in Writ Petition Civil No. 4677/1985 titled M.C. Mehta vs Union of India and Ors

Respected Sir,

In compliance with Hon'ble Supreme Court direction dated 24.08.2018 in Writ Petition (Civil) No. 4677/1985 titled M.C. Mehta vs Union of India and Ors., the Chairman NDMC has approved payment of honorarium @ Rs. 1,25,000/- per month to the following members of the Monitoring Committee:

- a) Shri K.J. Rao
- b) Major Gen. (Retd.) S.P. Jhingan.

In this regards orders have been issued with the approval of competent authority for compliance

2 NDMC is in receipt of letter dated 19.07.2010 from Dy. Director (Delhi Local Bodies), Government of NCT of Delhi regarding proposal of Member, Monitoring Committee for treating staff posted in the Monitoring Committee on deputation basis and drawl of their salaries from New Delhi Municipal Council. It is submitted that the Hon'ble Supreme Court's judgment/direction dated 21.08.2018 has directed NDMC to provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.

3 As per existing practice, when an official working in one office is directed to work in another office in diverted capacity, he/she continues to draw salary from the Parent Department (North MCD in this case). For the purpose of drawl of salary from New Delhi Municipal Council the concerned officer/official is to be taken on the strength of NDMC. For taking any official on deputation, the RR of relevant post should have the provision of deputation and the official concerned will have to follow the due procedure for joining NDMC on deputation basis

-84-85-  
-2- (113)

(93)

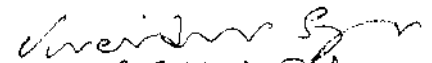
4. There is provision of deputation in the RR for the post of Executive Engineer(Civil) in NDMC. However, no such provision exist in the RR of Senior Assistant/Junior Assistant. As per existing deputation guidelines issued by DoPT, any official appointed on deputation basis cannot be paid salary more that has been sanctioned for the post. When a person holding a lower posis in his parent Department joins on deputation basis, he/she is allowed either pay scales sanctioned for the post on which he is appointed on deputation basis or pay scale of his post in the parent Department plus deputation allowance. In no case he can be paid salary more that has been sanctioned for the post.

5. Keeping in view the direction dated 24.08.2018 of Hon'ble Supreme Court, it is submitted that in case the Monitoring Committee so desires, NDMC can complete formalities for:

- a) Taking Executive Engineer on deputation basis and placing his service at the disposal of the Committee or alternatively place services of Executive Engineer of NDMC at the disposal of the Committee in the diverted capacity. In case, the Committee decide to take the Executive Engineer on deputation basis, in terms of existing deputation guidelines, such a person will be given pay scale of the post of Executive Engineer or his pay scale in parent Department plus deputation allowance.
- b) As there is no provision in the post of Senior Assistant / Junior Assistant in NDMC for appointment on deputation basis, if Monitoring Committee so desires we may place services of 02 Senior Assistant / Junior Assistant at the disposal of the Monitoring Committee.

6. This issues with approval of Chairperson, NDMC.

Yours sincerely

  
25.10.2018

(Virender Singh)

Director(P-I)

Tele: 23744227

(110)

96

File No. A-42811 dated 17.08.2018 For  
New Delhi Municipal Council  
Salary Return, New Delhi

Date: 17.08.2018

SECRET

In continuation of Office Order no. 110 dated 13.08.2018 the  
Competent Authority in NDMC has approved payment of honorarium @ Rs.  
1,25,000/- per month to Shri K.J. Rao and Major Gen. (Retd.) S.P. Jangar  
both Members, Monitoring Committee from 01.09.2018 onwards.

A copy each of Auditor Card, P.O. and uncrossed Cheques obtained  
from Shri K.J. Rao and Major Gen. (Retd.) S.P. Jangar, Members of  
AC/CBS, will ensure the payment of honorarium on the 10th day of each month. The payment of honorarium for the month of September  
2018 will be released within next few days.

*[Faint signature and stamp]*

- Copy to : For information and necessary action
1. AG/CBS, NDMC *[Signature]*
  2. Director, Accounts, NDMC
  3. JD(Est) / JD(Est) Board, NDMC
  4. Shri Pawar Chopra, Dy. Director (Local Bodies), JNCT of Delhi, 8<sup>th</sup>  
Level, Okhla, Delhi. SAC, NDMC, 110002, New Delhi. (110002)  
with letter no. F-182/NDM/110002 dated 13.08.2018
  5. Shri K.J. Rao, Member, Monitoring Committee, NDMC, 110002,  
New Delhi.
  6. Major Gen. (Retd.) S.P. Jangar, Member, Monitoring Committee, NDMC,  
110002, New Delhi.



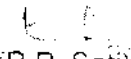
Dated: 29.04.2019

ORDER

In pursuance of letter No. CLO(HQ)/SDMC/2019/335 dated 06.03.2019 issued by Chief Law Officer, Law Department of South Delhi Municipal Corporation, New Delhi and with the approval of the Chairman in NDMC, the amount of Honorarium in respect of Shri K. J. Rao and Major Gen. (Retd.) S.P. Jhingan, Members of Monitoring Committee is enhanced from ₹1,25,000/- to ₹2,00,000/- (Rupees Two Lakhs) per month w.e.f. 01.04.2019.

2. Further, in pursuance of letter No. CLO(HQ)/SDMC/2019/495 dated 27.03.2019 issued by Chief Law Officer, Law Department of South Delhi Municipal Corporation, New Delhi, the Chairman, NDMC has approved payment of Honorarium @ ₹2,00,000/- (Rupees Two Lakhs) per month to 3<sup>rd</sup> member of Monitoring Committee, Dr. Bhure Lal, w.e.f. 01.04.2019.

3. The expenditure involved will be met from Secretary Accounts Branch – Function Code-02, Major Head 220- Minor Head 80 02 DH-Other Administrative Expenses 311- Field Code 311 from the annual budget grant of NDMC of the year 2019-20.

  
(R.P. Sati)  
Director (P-I)  
☎ 011-23364210

Copy to - for Information and necessary action

1. Shri Anil Kumar Sharma, Chief Law Officer/SDMC, South DMC, Law Deptt. 17<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee Civic Centre, Jawaharlal Nehru Marg, New Delhi-110002 – for kind information with reference to letter dated 06.03.2019 and 27.03.2019.
  2. Senior AO(Main Accounts), NDMC
  3. JD(Estt.)/SO(Estt.)/Guard file, NDMC
  4. Director (Accounts/Finance), NDMC
  5. Shri Pawan Chopra, Dy. Director (Local Bodies), GNCT of Delhi, 9<sup>th</sup> Level, C-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi -110002
  6. Shri K. J. Rao, Member Monitoring Committee, India Habitat Centre, New Delhi-110003.
  7. Major Gen. (Retd.) S. P. Jhingan, Member, Monitoring Committee, India Habitat Centre, New Delhi-110003.
  8. Dr. Bhure Lal, Member, Monitoring Committee, India Habitat Centre, New Delhi-110003.
  9. PA to Chairman, NDMC
  10. PA to Secretary, NDMC
  11. PA to Financial Advisor, NDMC
- } for kind information

(171)

Annexure-VI

A-42011/355/2018-Secy-Estt.  
NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI

OFFICE ORDER

Date: 07.12.2018

In pursuance of the order dated 06.12.2018 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 4677/1985 with reference to Report No. 141 dated 03.12.2018 filed by the Monitoring Committee appointed by the Hon'ble Supreme Court of India to monitor and oversee implementation of its direction passed from time to time on the issue of sealing of commercial establishments in residential areas, unauthorised constructions etc. in Delhi and with the approval of the Competent Authority, the matter has been discussed by Chairman, NDMC with Shri K. J. Rao, Member, Monitoring Committee on 07.12.2018 and accordingly it has been decided that the salaries and allowances to the following employees of North Delhi Municipal Corporation will be paid by the New Delhi Municipal Council from the month of December, 2018 till they are posted with Monitoring Committee and during such period they will stop getting their salaries and allowances from North Delhi Municipal Corporation, or till further orders, whichever is earlier.

Sl. No.	Name of Officials (with BMID Nos./ Employee Codes)	Designation	Parent cadre/ Corporation	Present Pay Band (Scale)/Level & Grade Pay as per 7th CPC)
1.	Shri Jagdish S. Dayani, (BMID No. 10096515)	Executive Engineer (Civil)	North Delhi Municipal Corporation	Basic — Rs. 83300/- (Level 11) Pay Band 3 (Rs. 15600-39100) Grade Pay Rs. 6600/-
2.	Shri Rajender Kumar (BMID No. 10098254)	SSA/UDC	North Delhi Municipal Corporation	Basic — Rs. 41600/- (Level 4) Pay Band 1 (Rs. 5200-20200) Grade Pay Rs. 2800/-
3.	Shri Hemant Kumar (BMID No. 10093140)	JSA/LDC	North Delhi Municipal Corporation	Basic — Rs. 26000/- (Level 2) Pay Band 1 (Rs. 5200-20200) Grade Pay Rs. 1900/-

2. In addition to the Basic Pay and other normal allowances, the above mentioned officers/ officials will be paid the deputation allowance which will be governed by the provisions as contained in Office Memorandum No. 2/11/2017-Estt.(Pay-II) dated 24.11.2017 of the Government of India, as amended from time to time.

3. The Accounts Department may take necessary action accordingly.

  
(Sharad Kumar)  
Jt. Director (Estt.)

Shri Subhash Chander  
Sr. AO A/c's  
NDMC, Palika Kendra  
New Delhi-110 102

Copy to:

1. Shri K.J. Rao, Member, Monitoring Committee, India Habitat Centre, Lodhi Road, New Delhi

-88- 89-  
321-

NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA, NEW DELHI  
SECRETARY'S ESTT. BRANCH

No. SO(E) 2/12 /SA-II/2020

Date: 29.6.2020

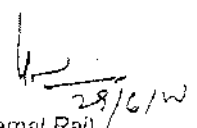
OFFICE ORDER

In pursuance of the letter No.MC/CS/IHQ/2019/D-187 dated 23.12.2019 received from Members, Monitoring Committee appointed by the Hon'ble Supreme Court of India to a carryout and oversee implementation of its direction passed from time to time on the issue of sealing of commercial establishments in residential area, unauthorized constructions etc. in Delhi and with the approval of the Competent Authority, the matter has been brought to the Chairman, NDMC and accordingly it has been decided that the salary and allowances to the following employee of North Delhi Municipal Corporation will be paid by the New Delhi Municipal Council from 1st December, 2019 onward till he is posted with Monitoring Committee and during such period he will stop getting his salary and allowances from North Delhi Municipal Corporation, or till further orders, which is earlier.

Sl. No.	Name of Official with BIMD No./Employee Code)	Designation	Parent cadre/ Corporation	Present Pay Band (Scale)/Level & Grade Pay (as per 7 <sup>th</sup> CPC)
1.	Dr. Dinesh Kathpalia	AE (Civil)	North Delhi Municipal Corporation	Basic - 80200 - (Level 09)

2. In addition to the Basic Pay and other normal allowances, the above mentioned officer/official will be paid deputation allowance which will be governed by the provisions as contained in Office Memorandum No.2/11/2017-Estt.(Pay-II) dated 24.11.2017 of the Government of India, as amended from time to time.

3. The Accounts Department may take necessary action accordingly.

  
(Kamal Rai)  
Dy. Director (Estt.)

Sr. AO (Accounts)  
NDMC, Palika Kendra  
New Delhi

Copy to:-

1. Shri K.J. Rao, Member, Monitoring Committee, India Habitat Centre, Lodhi Road, New Delhi
2. Co-ordinator, Monitoring Committee.

3. Shri Yoginder Handoo, Advocate, Flat E, Front Building, Sagar Apartment, 6, Tilak Marg, New Delhi - 03, the Counsel of NDMC in the above mentioned case with the request that the above mentioned order may be brought to the notice of Hon'ble Supreme Court of India.
4. Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minty Road, New Delhi - 110002 for information and necessary action accordingly.
5. Commissioner, South Delhi Municipal Corporation with the request to take a similar action about the officers/officials of South Delhi Municipal Corporation working under diverted capacity in the monitoring Committee.
6. *Individual*

Copy for information:-

1. P.S. to Chairman, NDMC.
2. P.S. to Secretary, NDMC.
3. P.S. to Financial Advisor, NDMC.

- 90 - 91 -

NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA: NEW DELHI  
SECRETARY'S ESTT BRANCH

No SO (E)/ SA-II/2019

Dated: 19.08.2019

**OFFICE ORDER**

With the approval of the Competent Authority, NDMC, the following officials of NDMC deputed with the Monitoring Committee on diverted capacity are granted Special Duty Allowance @5% of their Basic Pay at par with the Deputation Duty Allowance subject to maximum of ₹4500/- per month from the date of their joining in Monitoring Committee till further orders:-

S.No	Name of the Official	Designation	Emp. Code	Dt. of Joining in Monitoring Committee
1.	Shri Anil Bhatt	DEO, Grade-A	307882	19.08.2019
2.	Shri Parkash Chand Joshi	Sr. Assistant	260018	09.01.2019
3.	Shri Kuldeep Singh	Jr. Assistant	291360	09.01.2019

K. P. Rao  
Director, P-  
☎ 011-2735422

Copy to -

1. Individuals
2. SO(CBS), NDMC
3. JD(Estt.)/SO(Estt.)/Guard file, NDMC
4. Director (Accounts/Finance), NDMC
5. Shri Pawan Chopra, Dy. Director (Local Bodies), GNCT of Delhi, 9<sup>th</sup> Level, Wing, Delhi Sachivalaya, I.P. Estate, New Delhi -110002
6. Shri K.J. Rao, Member Monitoring Committee, India Habitat Centre, New Delhi -110003.
7. O.O. Book

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D-242897

NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA: NEW DELHI  
SECRETARY'S ESTT. BRANCH

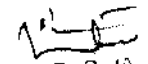
Dated: 18/06/19

No. SO (E)/4144/SA-II/2019

OFFICE ORDER

With the approval of the Competent Authority, NDMC, the following officials of NDMC deputed with the Monitoring Committee on diverted capacity are granted Special Duty Allowance @5% of their Basic Pay at par with the Deputation Duty Allowance subject to maximum of ₹4500/- per month from the date of their joining in Monitoring Committee till further orders:-

S.No.	Name of the Official	Designation	Emp. Code	Dt. of Joining in Monitoring Committee
1.	Shri Ramesh Chand Sharma	Peon	305654	30.05.2018(F/N)
2.	Shri Shamsher Singh	Beldar	313694	12.03.2019(F/N)

  
(R.P. Sali)  
Director (P-I)  
☎ 011-23364210

Copy to:-

1. Individuals
2. Shri K.J. Rao, Member Monitoring Committee, India Habitat Centre, New Delhi-110003.
3. Shri Pawan Chopra, Dy. Director (Local Bodies), GNCT of Delhi, 9<sup>th</sup> Level, C-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi -110002
4. PA to Chairman, NDMC for information
5. PA to Secretary, NDMC for information
6. SO(CBS), NDMC
7. Director (Accounts/Finance), NDMC
8. JD(Estt.)/SO(Estt.)/Guard file, NDMC
9. O.O. Book

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K.P. Sali  
21/6/19

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21/6/19

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21/6/19

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File No. 221/1/2021/Secy-Estt.

NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA, NEW DELHI  
SECRETARY'S ESTT. BRANCH

No. SO(E)/1605/SA-XIV

OFFICE ORDER

With the approval of Competent Authority, Shri Ravi Dadhich is hereby transferred and posted with immediate effect to the post of

Sr. No.	Name	Designation and Emp. Code No.	Present Post	Proposed Post
1	Shri Ravi Dadhich	Asst. Clerical Officer, 306835	Asst. Clerical Officer, 306835	Asst. Clerical Officer, 306835
2	Shri Narayan Singh	Asst. Clerical Officer, 306835	Asst. Clerical Officer, 306835	Asst. Clerical Officer, 306835

Copy to:-

1. Individuals
2. Shri Ravi Dadhich, Presenting Officer for transfer of the officer
3. Member, Monitoring Committee
4. PS to Chairman, NDMC
5. PA to Secretary, NDMC
6. SO (CBS)
7. Office Order Book
8. Personal Files

H.D.MC/SO/IIIC/2020/D- 15

Dated: 06/07/2020

Sub.: Regarding drawal of salaries and other allowances by the officials of South Delhi Municipal Corporation (SDMC) from the New Delhi Municipal Council (NDMC).

1. In pursuance of directions dated 06.12.2018 and subsequent directions dated 10.12.2018 passed by the Honble Supreme Court of India in Writ Petition (Civil) No.4677/1985 (MC Menta Vs. UOI & Others), officers/officials posted in the office of the Monitoring Committee in diverted capacity from MCDs have to draw their salaries and other allowances from New Delhi Municipal Council (NDMC). Accordingly, officials posted from North MCD have been drawing their salaries and other allowances from New Delhi Municipal Council.

2. It is pertinent to mention here that Dy. Director (Estt.)/NDMC has endorsed a copy of its Office Order No.SO(E)/2112/SA-II/2020 dated 29.06.2020 to the Commissioner, SDMC with the request to take a similar action about the officers/officials of South Delhi Municipal Corporation working under diverted capacity in the Monitoring Committee (copy annexed).

3. There are following officials working presently in the office of the Monitoring Committee in diverted capacity from South Delhi Municipal Council (SDMC) as per their details given here below:-

S.No.	Name of the officials	Designations	Employees Bio-Metric Numbers	Present pay Band (scale)/Level & Grade Pay (as per 7 <sup>th</sup> CPC)
1	Novish Sharma S/o Sh. Kapil Dev Sharma	Asstt. Law Officer	10002959	Basic -Rs.77,900/- (Level 9) Grade Pay Rs.5400/-
2	Rakesh Kumar S/o late Sh. Chandl Lal	Personal Assistant	10096042	Basic - Rs.66,000/- (Level 8) Grade Pay Rs.4800/-
3	Kamaljit S/o Shri Zile Singh	SSA/JDC	10083149	Basic - Rs.34,300/- (Level 4) (Grade Pay Rs.2400/-
4	Manoj Kumar S/o late Shri Raghur Singh	JSA/LDC	10008682	Basic - Rs.29,300/- (Level 2) Grade Pay Rs.1900/-

In view of the above, Chairman, NDMC is requested to allow drawal of salaries and other allowances (including deputation allowances) by the aforesaid officials of South MCD from New Delhi Municipal Council (NDMC) w.e.f. 01.08.2020 onwards, as applicable to other officials of North MCD, working in the Monitoring Committee.

Encl. As above

06/07/20  
Members  
Monitoring Committee

DISTRIBUTION

Chairman, NDMC



40. Consultation with the Union Public Service Commission.—No appointment to any category A post within the meaning of clause (i) of subsection (4) of section 34 shall be made except after consultation with the Commission:

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment—

- (a) to any acting or temporary post for a period not exceeding one year; or
- (b) to such ministerial posts as may from time to time be specified by the Council in consultation with the Commission when such posts are to be filled by promotion; or
- (c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a Group A post;
- (d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission; or
- (e) to such other posts, as may, from time to time, be specified by the Central Government in consultation with the Commission.

41. Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Council.—

- (1) The Commission may make regulations for the following matters, namely:—
  - (a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview;
  - (b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Council for consultation with the Commission;
  - (c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Council on any matter, the Council shall refer the matter to the Central Government and the decision of that Government thereon shall be final.

42. Recruitment to category B and category C posts.—The direct recruitment to category B and category C posts may be made by the Government through such agencies as may be prescribed for it.

43. Power of Council to make regulations.—(1) The Council may make regulations to provide for any one or more of the following matters, namely:—

- (a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

- (b) the powers, duties and functions of Secretary;
- (c) the qualifications of candidates for appointment to posts specified in section 33 and to posts dealt with in the Schedule of posts referred to in sub-section (1) of section 34 and the manner of selection for appointments to such posts;
- (d) the procedure to be followed in imposing any penalty under sub-section (1) of section 39, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;
- (e) any other matter which is incidental to or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the Council provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) shall be made except after consultation with the Commission.

CHAPTER VII  
REVENUE AND EXPENDITURE

*The New Delhi Municipal Fund*

44. Constitution of the New Delhi Municipal Fund.—(1) Save as otherwise provided in this Act—

- (a) all funds which immediately before the establishment of the Council vested in the New Delhi Municipal Committee;
- (b) all moneys received by or on behalf of the Council under the provisions of this Act or of any other law for the time being in force, or under any contract;
- (c) all proceeds of the disposal of property by, or on behalf of, the Council;
- (d) all rents accruing from any property of the Council;
- (e) all moneys raised by any tax, rate or cess levied for the purposes of this Act;
- (f) all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made thereunder;
- (g) all moneys received by or on behalf of the Council from the Government or Central Government or any individual or association of individuals by way of grant or gift or deposit;
- (h) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Council, including loans advanced under this Act; and
- (i) all moneys received by or on behalf of the Council from any other source whatsoever,

-26-97-

COMPUTER BILLING SECTION  
Room No. 6003, Palika Kendra, New Delhi

Ref: A.O No. S.O(E)/818/2018-A-11/2020 dt. 17.11.2020



The D. S. M. has requested to provide the details of expenses of the staff of NDMC, who have been posted with Monitoring Committee. The details are as follows:-

S.NO	Name & Designation	Total Amount	Period	Remarks
		Paid		
1	Sh. Ravender Kumar D.O. F. Code: 31567	RS. 12,17,100.00	12/2018 to 10/2020	
2	Sh. Jagdish S. Dayani D.O. F. Code: 31563	RS. 11,16,150.00	12/2018 to 10/2020	
3	Sh. Dinesh Kumar Kangra. A.L.O.	RS. 14,35,100.00	12/2019 to 10/2020	

List of Regular NDMC Employees:

S.NO	Name & Designation	Special Allowance	Total
		Paid	
1	Sh. Anil Bhatt D.O. F. Code: 30788	RS. 11,10,000	
2	Sh. Pankaj Chandra D.O. F. Code: 26003	RS. 10,00,000	
3	Sh. Suresh Chandra D.O. F. Code: 31364	RS. 11,00,000	
4	Sh. Ramesh Chand Sharma D.O. Code: 30584	RS. 12,00,000	

Submitted for information and record.

A.O(C-B5)

S.O(Estt.)

S.O(C-B5)

Sub.: Proposal for treating staff posted in the Monitoring Committee on deputation basis and drawal of their salaries in the upgraded pay-scales from their respective departments/Corporations.

The Hon'ble Supreme Court of India, in the year 2006, had appointed three Members Monitoring Committee to carry out and oversee implementation of its directions passed from time to time on the issue of sealing of commercial establishments in residential areas, unauthorized constructions etc

2 Subsequently, in pursuance of its orders dated 15.12.2017 passed by the Hon'ble Supreme Court of India in CWP No.4677/1985 (M.C. Mehta V/s UOI & Others), the Monitoring Committee has also been dealing/decided the permanent de-sealing cases of sealed properties and the staff so posted has been performing their duties similar to that of staff posted at the Appellate Tribunal, MCD

3 Besides this the staff working in the Office of the Monitoring Committee has been invariably performing their duties till late hours and sometimes even during hours including on holidays, in view of the arduous nature of duties so as to ensure smooth and effective working of the Monitoring Committee

4 It is pertinent to mention here that posts in the Appellate Tribunal, MCD are treated as deputational posts and the officials so posted are getting financial benefits of the upgraded pay-scales of the deputational posts & other consequential benefits thereof

5 Due to financial constraints, the staff so posted in the Monitoring Committee especially from North MCD are not being paid their salaries regularly as a result whereof they are facing lot of financial hardships. During the course of Meeting held on 04.06.2018, the Chairman, New Delhi Municipal Council agreed to that all the staff posted in the Monitoring Committee shall draw their salaries from New Delhi Municipal Council

6 On the assurance of the Chairman, New Delhi Municipal Council (NDMC), a Note dated 21.08.2018 was placed before the Hon'ble Supreme Court and Hon'ble Court vide its order dated 24.08.2018, inter-alia, observed and directed as under -

Note dated 21.08.2018 submitted by the Monitoring Committee

.....It is submitted by the learned Amicus that all necessary facilities are to be provided by the MCD to the Members of the Monitoring Committee including the facility of transport, secretarial services, honorarium etc.

After trifurcation of the erstwhile MCD, this is proposed to be taken over by the Chairman, New Delhi Municipal Council. The Note dated 21.08.2018 in this regard has been placed before us by the learned Amicus in this regard. It should be taken on record.

In view of the willingness shown by the Chairman, NDMC, the NDMC will provide all necessary facilities including the facility of transport, secretarial services, honorarium etc.

The Note stands disposed of

A-42011/355/2018-Secy-Estt.

379644/2021/SEC.ESTT.

- 48 - 99 -

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- 2/11 -

From pre-page

The Chairman, New Delhi Municipal Council (NDMC) had partly complied with the directions of this Hon'ble Court dated 24.08.2018 in respect of Members of the Monitoring Committee only vide order dated 23.10.2018 and staff of North MCD posted in the Monitoring Committee

In view of above, Monitoring Committee requests the Chief Secretary, GNCTD to accord necessary approval for treating the staff posted in the Monitoring Committee on deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to allow them to draw their salaries and other allowances against upgraded pay-scales of the deputational posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee.

This proposal may be treated as a special case and shall not be a precedent for any other purposes.

19/8/19  
Members  
Monitoring Committee

Chief Secretary, GNCTD

Approved as proposed  
23.7.2019

Monitoring Committee  
1/11/19



Office of Chief Secretary, Delhi  
Date: 24.8.19  
24/8/19

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IMPORTANT

**MONITORING COMMITTEE  
CONSTITUTED BY HON'BLE SUPREME COURT OF INDIA**

Director, Lobby Floor  
Indira Bhawan, Connaught  
Place Road, New Delhi-110001  
Phone: 26111111

No. MC/SC/HC/2020/D-35

Dated: 10/03/20

Sub: Implementation of order dated 20.08.2019 of the Chief Secretary, Delhi treating the staff posted in the Monitoring Committee on deputation basis and drawal of their salaries and other allowances against upgraded pay scales of the deputational posts.

Kindly refer to office letter No.F CD No.00000151/16647-54 dated 10.08.2019 of the Director (Local Bodies) Govt. of NCT of Delhi, submitted to the Chairman, NDMC and Commissioners of all three MCDs wherein it has requested to look into the matter personally and ensure that the said proposal which was approved by the Chief Secretary, GNCTD is implemented (photo copy annexed).

The Chairman (NDMC) and Commissioners of all three MCDs are to ensure immediate implementation of the aforesaid orders dated 20.08.2019 of the Chief Secretary, Delhi and ATR be submitted to the Monitoring Committee for information to Hon'ble Supreme Court.

At New Delhi

*[Signature]*  
10/03/20

Members  
Monitoring Committee

DISTRIBUTION

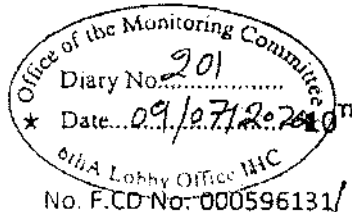
- Chairman, New Delhi Municipal Council, NDMC
- Commissioner, South MCD
- Commissioner, North MCD
- Commissioner, East MCD

For further information to  
Chief Secretary, GNCTD

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Financial implication in respect of Members/Staff posted in Monitoring Committee and being paid by NDMC as on 31.10.2020						
S.No.	Name	Designation	Department Name	Amount	Period	
1	Shri K.G. Rao	Member	North MCD	46,75,000	Sep 2018 to Oct. 2020	
2	Shri S.P. Jingan	Member	North MCD	46,75,000	Sep 2018 to Oct. 2020	
3	Shri Bhure Lal	Member	North MCD	38,00,000	Apr. 2019 to Oct. 2020	
4	Shri Rajender Kumar	UDC	North MCD	15,17,000	Dec 2018 to Oct. 2020	
5	Shri Jagdish S. Dayani	EE(C)	North MCD	31,16,350	Dec 2018 to Oct. 2020	
6	Shri Dinesh Kumar Kathpalia	A.E. (C)	North MCD	14,35,147	Dec 2019 to Oct. 2020	
7	Shri Hemant Kumar	LDC	North MCD	1,36,118		
			Total A	1,93,54,615		
Total Expenditure incurred on account of Special Allowance granted to the employees of NDMC on account of the deputation duty allowance						
S.No.	Name	Designation	Department Name	Amount	Period	
1	Shri Anil Bhatt	DEO	NDMC	41,370	Aug. 2016 to Oct. 2020	
2	Shri Parkash Chander Joshi	Sr. Assit.	NDMC	26,194	Jan. 2019 to Oct. 2020	
3	Shri Shamsher Singh	Beldar	NDMC	7,446	March 2019 to Oct. 2020	
4	Shri Ramesh Chand Sharma	Peon	NDMC	22,492	May 2018 to Oct. 2020	
			Total B	97,502		
	Total Expenditure A + B			1,94,52,117		

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GOVERNMENT OF NCT OF DELHI  
 DIRECTOR OF LOCAL BODIES  
 LEVEL C-WING, DELHI SACHIVALAYA  
 I.P. ESTATE, NEW DELHI

No. F.CD No: 000596131/18647-54

Date: 30-6-2020

The Chairman, New Delhi Municipal Council, Palika Kendra, parliament Street, N. Delhi	The Commissioner, South, DMC, Civic Centre, New Delhi	The Commissioner, North DMC, Civic Centre, N. Delhi	The Commissioner, East DMC, 419, Patparganj Indl. Area, Delhi
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Sub: Implementation of order dated 20.08.2019 of the Chief Secretary, Delhi treating the staff posted in the Monitoring Committee on deputation basis and drawal of their salaries and other allowances against upgraded pay-scales of the deputational posts.

Sir/Madam,

On the subject cited above, I am directed to state that this office is in receipt of a reference from the Member, Monitoring Committee which was constituted by Hon'ble Supreme Court of India in 2006 to carry out and oversee implementation of its directions passed from time to time on the issue of sealing of commercial establishments in residential areas, unauthorized constructions etc., regarding enhancement of pay scale in terms of the approval of the Chief Secretary, Delhi which was discussed in the Meeting convened by the Monitoring Committee on 20.02.2020 wherein Commissioner, SDMC submitted that a proposal has been moved before the Corporation in terms of approval of the Chief Secretary dated 20.08.2019 and shall be implemented shortly.

However, perusal of the said Agenda revealed that the Agenda placed before the Corporation as per para (5) is as under:-

"Keeping in view the above stated facts, it is proposed to extend the benefit of other Allowances to the staff of South DMC deployed on diverted capacity in the Office of the Director of Local Bodies and Monitoring Committee as referred above in Para 2 to 4 as per existing prevailing rules being extended to the other staff of different categories in South DMC as per Corporation Resolution No.125 dated 20.12.2017."

The said proposal moved by the Commissioner, SDMC is not in consonance with the orders issued by the Chief Secretary, Delhi dated 20.08.2019, which were subsequently conveyed to the respective Corporations vide letters dated 21.08.2019 and 11.09.2019 (copies enclosed for ready reference).

In this connection, I am directed to forward herewith the copy of the approval of the Chief Secretary, GNCTD for treating the staff posted in the Monitoring Committee on

*[Handwritten signature]*



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deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to allow them to draw their salaries and other allowances against upgraded pay-scales of the deputational posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee.

The details of such employees as per letter no. MC/SC/HC/2019/D-104 dated- 21.08.2019 is enclosed.

It is requested to look into the matter personally and ensure that the said proposal which was duly approved by the Chief Secretary GNCTD is implemented.

Enclosed As above.

Yours faithfully

(Ashok Kumar)

DY. DIRECTOR, LOCAL BODIES

Date:- 30/06/2020

No. F.CD No. 000596131 / 18647-91

Copy for information to -

1. Member Monitoring Committee, Core 6A, Lobby Office India Habitat Centre, Lodhi Road, New Delhi-110001.
2. OSD to Chief Secretary GNCTD.
3. PS to Pr. Secretary UD.
4. PS to ADLB.

61607/2019/10P

IMPORTANT IMMEDIATE

MONITORING COMMITTEE CONSTITUTED BY HON'BLE SUPREME COURT OF INDIA

CORE GA LOBBY OFFICE INDIA HABITAT CENTRE 11, DDA ROAD, NEW DELHI-110001

Dated 31/08/2019

No. MC/SC/HC/2019/D-104

Subj: Implementation of order dated 20.08.2019 of the Chief Secretary, Delhi treating the staff posted in the Monitoring Committee on deputation basis and drawal of their salaries and other allowances against upgraded pay-scales of the deputational posts.

The Chief Secretary, Govt of NCT of Delhi has accorded approval dated 20.08.2019 for treating the staff posted in the Monitoring Committee on deputation basis in the Monitoring Committee on the analogy of Appellate Tribunal, MCD and to allow them to draw their salaries and other allowances against upgraded pay-scales of the deputational posts notionally from their respective departments/Corporations from the date of their postings in the Monitoring Committee, as a special case and shall not be a precedence for any other purposes (photo copy annexed).

2. The details of the officials presently posted in the Monitoring Committee are given as under -

Table with 3 columns: S.No, Name of the official, Designation, Department/Corporation from where posted in the Monitoring Committee. Includes names like Shri Jagdish S. Dayan, Shri Novish Sharma, Shri V.K. Agarwal, etc.

The Chairman, NDMC and Commissioners of all three Corporations are hereby requested to ensure implementation of the aforesaid approval immediately in letter and spirit under intimation to the Monitoring Committee latest by 31.08.2019 positively.

Members Monitoring Committee

DISTRIBUTION:

- 1. Chairman, New Delhi Municipal Council
2. Commissioner, South Delhi Municipal Corporation
3. Commissioner, North Delhi Municipal Corporation
4. Commissioner, East Delhi Municipal Corporation

Copy for information to -

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Handwritten notes and dates like '31/8/19' and 'SPT'.

FINANCE DEPARTMENT

Sub: Drawal of salaries and other allowances by the officials of South Delhi Municipal Corporation (SDMC) from New Delhi Municipal Allowances.



न.दि.न.पा.प.  
N. D. M. C.



P. 16248

1757/Finance  
R-Seq.  
28/08/20

1. Finance Department concurred the proposal of the department to grant Special Duty Allowance to the officials of NDMC at 25% of pay which is at par with the Deputation Duty Allowance at 25% and accorded by the competent authority at P-31/N.
2. Finance Department vide Diary No.924 dated 04.06.2020 and advised being an administrative matter, the department may place the case to the competent authority for approval of Higher grade Pay scale to the officials of Monitoring Committee vide the recommendation of Monitoring Committee vide their Minutes dated 21.08.2019 for implementation of order dated 20.08.2019 of the Chief Secretary, Delhi as a special case and not to be a precedence for any other purposes. However, the noting in this portion has not been found in the file.
3. Finance Department has already given its views on 04.06.2020. Being an administrative matter, the department may proceed the case accordingly.

(This issues with the approval of F.A.)

*Veena Sharma*  
(VEENA SHARMA)  
Dy. Financial Advisor  
28.08.2020

Director ~~(Education)~~ (P-I)

*[Signature]*  
21/08/20

*[Signature]*  
21/08/20  
Pl:PK

*[Signature]*  
S0/ECH

1366/28544  
17/120

**ITEM NO. 11 (Civil)****1. Name of the Subject/Project:**

Subject: Mechanized Sweeping and Housekeeping of roads, parking area, Corridor, public plaza of Connaught Place

**2. Name of the Department:**

Civil Engineering Department, CP- Division.

**3. Brief History of the Project:**

- (i) Connaught Place area is one of the largest financial, commercial and business centers in Delhi. It is often abbreviated as CP, is the headquarters of several Indian firms. Its surrounding occupy a place of pride amongst the heritage structures of the city. It is one of the most iconic buildings in the city and has a lot of emotional and cultural significance as well. Under the Swachh Bharat Mission, the regular maintenance, cleanliness and the sanitation of the public space like Parking Area, footpaths, parks and public plaza are the most important aspects to maintain the area and these are required to be carried out by engaging a dedicated house-keeping team.
- (ii) The Connaught Place and its precincts area have been re-developed by providing Public Plazas, Planters, Parking area in front of every block, and the granite finished footpath in Inner Circle, Radials and Outer Circle which need sustainable mechanized sanitation. These are to be properly cleaned and maintained. It requires involvement of advanced machinery, workmanship, and other dedicated resources to achieve the desired standard of Cleaning and housekeeping.
- (iii) Connaught Place was developed as a showpiece of Lutyens Delhi with prominent Centre of business District Delhi. Central Park was developed by DMRC during 2005-2006 when Rajeev Gandhi underground Metro Stations was constructed. Entire development of Connaught Place area was carried out during common wealth games-2010 through EIL with provision of development of road, parking, footpath planters, construction of underground tunnels for services, strengthening of facade of existing heritage buildings under JNNURM fund by NDMC. Thereafter a musical fountain was developed by NDMC. Entire CP buildings are private where commercial activities run.
- (iv) After the presentation, Chairman, NDMC has suggested to concise and limit the scope of area up to Outer circle of Connaught place only and to prepare a comprehensive planning of housekeeping in Connaught Place and to prepare regular mechanized housekeeping work on roads, public places to facilitate visitors/traders by carrying out mechanize sweeping/cleaning of outer, middle, inner circle, radial roads, corridors, parking area, Plaza area, pavements, inner & outer open courtyard.
- (v) Accordingly, Preliminary Estimate has been checked by the Planning amounting to Rs.28,25,89,000/- based on market rate including 3% contingencies and ESI and EPF.
- (vi) Expenditure shall be charged to S/R of roads in NDMC area.

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

Following scope of work has been consider in estimate of Connaught Place area

**Activity 1: Mechanized road sweeping by MRS in Connaught place area**

Frequency: Daily before 9.00 A.M.

- Inner Circle
- Middle Circle
- Outer Circle
- Radial roads

**Activity 2: Mechanized sweeping by Ride on sweeping machine**

Frequency: Daily before 9.00 A.M.(Two times in Corridors)

- Parking area
- Corridors
- Courtyard
- Public plaza
- Footpath/ paved area of CP

**Activity 3: Walk Behind Sweeping machine (For inaccessible areas of ride on sweeping machine)**

Frequency: Daily before 9.00 A.M.(Two times in Corridors)

- Footpath/paved area
- Corridors
- Subways and
- Plaza area etc.

**Activity 4: Ride on Scrubbing machine/walk behind Scrubbing machine**

Frequency: Daily before 9.00 A.M.

- Corridors
- Granite footpath
- Plaza

**Activity 5: Washing by Pressure Jetting Machine** Frequency: Weekly before 9.00 A.M.

- Footpath/Kerb stone
- Plazas
- Planters
- Pan spitting walls, railings and corners
- Subways/staircase
- Litter bins

**Activity 6: Picking up of litters** Frequency: Round the clock 10:00 AM to 10:00 PM

- Whole CP area under scope of work.

**Activity 7 : Removal of Waste** Frequency: Daily or as when required

- Removal of waste from litter bins and dumping up to nearby garbage station and thereafter provide a new poly bags in litter bins everyday or as required. Garbage from main garbage bin will be cleaned by health department as per existing practice. The cleaning of the green area is not covered in this proposal. The cleaning of green area shall continue to be carried out by Horticulture/Health Department.

**5. Financial Implication of the proposal subject/Project.**

The Financial implication of the scheme works out to Rs. 28,25,89,000/- .

**6. Implementation schedule with time limits for such stage including internal processing.**

PE will be approved	--	April, 2022
DE & NIT	--	April, 2022
Tender will be invited	--	May, 2022
Work will be awarded	--	July, 2022
Completion of work	--	Two years

**7. Final Comments of the Finance Department on the subject with dairy No. and date**

Finance has concurred Preliminary Estimate amounting to Rs. 28,25,89,000/- the proposal vide note#44 dated 12.04.2022.

- 1) The proposal of the department is for seeking A/A & E/S as per Preliminary Estimate amounting to Rs.28,25,89,000/- prepared by the department based on Market Rate including 3% contingencies and ESI and EPF vide link at Page-173-206/C) for Mechanized Sweeping and Housekeeping of Roads, Parking area, Corridor, Public Plaza of Connaught Place, as per details vide Note#34.
- 2) AIP has been accorded by the Competent Authority i.e. Chairman, NDMC duly placed at CP-109-113 to process the estimate for the period of two years.
- 3) Recently, the tender case (C.No. 69170) for operation & maintenance of MRS for cleaning of main roads in NDMC was mooted by the RIP/SD and which was under acceptance of the Council. Bringing on record the reasons for considering execution of items i.e. "Operation and comprehensive maintenance of Truck mounted MRS" in the current / present proposal and as to why this part can not be deducted from proposed work, the Department may ensure and certify that there will be no overlapping of the proposal or items of execution thereof. However, the department is advised to prepare one proposal for entire requirement or similar purpose, so as to get the competitive, lowest & economical rates in a big work.
- 4) In view of the information brought on record by the department and subject to correctness of facts & computation of data, the department may submit the proposal (Sl.No.1 above) before the competent authority i.e. Council for accord of approval as checked by SE(Planning) and Sr.AO(Works) vide Note#32 and Note#34, respectively, and as recommended by CEC-I vide Note#35. This is subject to ensuring and certifying the following by the department:
  - i. Proposal is for minimum & as per actual site requirement.
  - ii. The proposed work is (a) within the responsibilities of NDMC and cannot be executed departmentally; and (b) Compliance to para-3 above.
  - iii. The cost saving analyses is placed on record showing comparison between existing system of work and in the instant proposal.
  - iv. The reasons for not processing the PE on the same file of AIP, are placed on record, as such initiating more than one file in r/o one work i.e. by way of duplicate proposal and /or different files at different stages of work is a serious irregularity which may result in duplicity of approval(s)/proposal(s). However, the same has already been circulated vide Circular dated 17.3.2022 issued by the Jt.FA(Nodal Cell) for strict compliance.
  - v. The rates in r/o items No.1 as per AoR placed at page 191-192/C are taken on the basis of 26 days in a month whereas in other items i.e. at Sl.2 and 3, the same are taken on the basis of 365 days in a year, which appears to be contradictory. The same may be rechecked and ensured its correctness before seeking approval.
  - vi. The specifications are in common nature and not favouring to any of the brand or particular firm etc..However, the reasons for considering of specific brand name in the item no.1 i.e. MRS of Bharat Benz/Eicher-roots, may be clarified.
  - vii. The Non-schedule items considered on the market rates are as per prevailing lowest market rates.
  - viii. Availability of sufficient funds under the appropriate relevant chart of account.

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

Reply of the department on comments of the finance department is as under:-

It is assured and certified that:-

- i. Proposal is for minimum & as per actual site requirement.
- ii. The proposed work is (a) within the responsibilities of NDMC and cannot be executed departmentally; and (b) Compliance to para-3 above.
- iii. The cost saving analyses is placed on record showing comparison between existing system of work and in the instant proposal.
- iv. The reasons for not processing the PE on the same file of AIP, are placed on record, as such initiating more than one file in r/o one work i.e. by way of duplicate proposal and /or different files at different stages of work is a serious irregularity which may result in duplicity of approval(s)/proposal(s). However, the same has already been circulated vide Circular dated 17.03.2022 issued by the Jt. FA(Nodal Cell) for strict compliance.

In this regard, it is stated that Preliminary Estimate was prepared by field executive on the basis of copy of AIP accorded by Chairman, NDMC on dated 25.01.2022 which exist on C/106-114 and cropped up new file and circular was issued on dated 17.03.2022. Further it is informed that it is not possible to process DE, NIT on same file of PE approved by the competent authority because as per direction of competent authority Detailed estimate and NIT is being prepared before PE concurred by the finance. Here it is informed that detailed estimate and NIT of this case has already been prepared on separate file and under scrutiny in planning. If we follow the circular dated 17.03.2022 than direction of competent authority for process the detailed estimate with in short duration could not possible. PE will take time for accord A/A & E/S more than one month period. However best efforts will be carried out in other cases.

- v. The rates in r/o items No.1 as per AoR placed at page 191-192/C are taken on the basis of 26 days in a month whereas in other items i.e. at Sl.2 and 3, the same are taken on the basis of 365 days in a year, which appears to be contradictory. The same may be rechecked and ensured its correctness before seeking approval.

In this regard, it is informed that necessary correction has been carried out during process of Detailed Estimate i.e. in r/o item No.1 AoR placed at page-191-192/C has been taken on the basis of 30 days in a month.

- vi. The specifications are in common nature and not favoring to any of the brand or particular firm etc. However, the reasons for considering of specific brand name in the item no.1 i.e. MRS of Bharat Benz/Eicher-roots, may be clarified.

The name of specific brand mechanize sweeping machine make of Bharat Benz/Eicher-roots has been consider in the item No.1 because these agencies are manufacturing of such vehicles.

- vii. The Non-schedule items considered on the market rates are as per prevailing lowest market rates.
- viii. Availability of sufficient funds under the appropriate relevant chart of account.

8. Legal implication of the subject / project.  
No legal issue.
9. Details of previous Council Resolutions, existing Law of Parliament and Assembly on the subject.  
NA

10. Final comments of law Department on the subject / project.  
No legal issue.
11. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.  
Certified that all CVC guidelines have been followed.
12. Recommendations  
The case is placed before the Council for:-
- (i) Consideration and accord of administrative approval & expenditure sanction amounting to Rs. 28,25,89,000/- for the work "Mechanized Sweeping and Housekeeping of roads, parking area, Corridor, public plaza of Connaught Place".
  - (ii) To initiate further action in anticipation of confirmation of Minutes of the Council Meeting.
13. Draft Resolution  
It has been resolved by the Council that
- (i) Consideration and accord of administrative approval & expenditure sanction amounting to Rs. 28,25,89,000/- for the work "Mechanized Sweeping and Housekeeping of roads, parking area, Corridor, public plaza of Connaught Place".
  - (ii) To initiate further action in anticipation of confirmation of Minutes of the Council Meeting.

#### COUNCIL'S DECISION

Resolved by the Council to accord administrative approval & expenditure sanction amounting to Rs. 28,25,89,000/- for the work "Mechanized Sweeping and Housekeeping of roads, parking area, Corridor, public plaza of Connaught Place".

It was further directed by the Council to include other left out areas such as Horticulture (green areas) etc. so that to the entire area can be maintained in a comprehensive manner.

Further the Council directed to appoint an agency as third party to monitor the upkeep and maintenance of the designated area.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Sengupta*

For Secretary  
New Delhi Municipal Council  
New Delhi.



**ITEM NO. 12 (Fin.)**

1. **NAME OF THE SUBJECT**  
Expenditure sanction in r/o 'Annual repair and Maintenance of (AR-MO) Works based on norms approved by the Council'
2. **NAME OF THE DEPARTMENT**  
Finance Department
3. **BRIEF HISTORY OF THE SUBJECT**  
Works in r/o 'annual repair and maintenance of' existing assets are executed by various departments like Civil, Electricity, Fire, Horticulture, Transport etc.

The funds/expenditure sanction accorded in r/o particular financial year elapses at the end of financial year i.e. 31<sup>st</sup> March of respective year. In order to take up any work/release of payment under AR-MO work(s) in the subsequent financial year commencing on 1<sup>st</sup> April, expenditure cannot be incurred pending accord of expenditure sanction from appropriate authority.

The works covered under AR-MO estimates are of regular and continuous nature and cannot be postponed or delayed. However, with the financial year closing and non availability of funds pending expenditure sanction by appropriate authority, the functions under AR-MO works are put on hold e.g. release of payment in r/o ongoing works of previous year(s) or non execution/hampering of works of emergent nature etc., despite available budget against respective AR-MO work for the year.

The AR-MO works can be broadly categorized as 'AR-MO works based on norms approved by the Council' and 'AR-MO works without norms'.

As per financial powers delegated by the Chairperson vide No. D-72/Fin/2013 dated 9<sup>th</sup> May, 2013, Secretary is competent to accord approval to AR-MO estimates based on Norms approved by the Council in r/o Civil and Electricity Departments. Approval to all other AR-MO estimates is accorded by the Chairperson (up to Rs four crores i.e. the financial power to enter into contract as delegated by MHA) or Council (beyond Rs four crores) as the case may be.

4. **DETAILED PROPOSAL ON THE SUBJECT**  
The works under AR-MO estimates are of regular and continuous nature, which should not be stopped or delayed. The funds/expenditure sanction accorded in r/o particular financial year elapse at the end of financial year i.e. 31<sup>st</sup> March of respective year. In order to take up any work/release of payment under AR-MO work(s) in the subsequent financial year commencing on 1<sup>st</sup> April, expenditure cannot be incurred pending accord of expenditure sanction for subsequent year.

Further, due to procedural compliances and formalities in obtaining expenditure sanction from appropriate authority, execution of works under 'AR-MO' gets adversely affected. Thus, non availability of funds at the beginning of the year till accord of expenditure sanction by appropriate authority stalls all projects/works under 'AR-MO' estimates.

The AR-MO estimates, in CPWD, do not require accord of expenditure sanction or technical sanction. The working units are facilitated with funds up to the limit of allocated budget for AR-MO work for respective year. Para 10.2 of CPWD Works Manual, 2019 provides, "In case of MoHUA budgetary works, no A/A & E/S is required for maintenance works

*undertaken from the budgeted works except for Addition & Alteration works for which excess up to 10% of the amount of the administrative approval may be authorized by officers of the CPWD, up to their respective powers of technical sanction."*

It is pertinent to mention that in NDMC, the budget for execution of AR-MO works in r/o ensuing year is sanctioned only after detailed discussion/examination by Budget Wing of Finance Department keeping in view previous expenditure sanction and trend of actual expenditure during previous years. Further, utilization of funds during the year is also ensured at B.E./R.E. stage and will continue to be looked into.

The proposal is to simplify the process but no dilution of norms is being proposed. The norms will continue to be approved by the Council.

The proposal is only to facilitate smooth functioning of the business of Council and is based on provision of CPWD Works Manual.

It is proposed that henceforth wherever Annual Repair and Maintenance estimates are based on norms approved by the Council, no separate expenditure sanction shall be required and the departments/units will have funds equivalent to allocated funds in the Budget Book for that year, for utilization against 'AR-MO works based on norms' approved by the Council, on the commencement of next financial year i.e. 1<sup>st</sup> April.

Concerned HOD/Divisional officer in consultation with Associate Finance shall ensure that such expenditure sanction is available only in r/o "AR-MO estimates based on Council approved norms" and the expenditure on AR-MO works based on norms during a financial year shall not exceed the allocated budget provision in r/o that year.

In all other cases i.e. 'AR-MO works – not based on Council approved norms', expenditure sanction by appropriate authority shall be required to be obtained and the existing procedure shall continue.

5. **FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT**  
Financial implication shall be covered under respective AR-MO estimate. No additional implication.
6. **IMPLEMENTATION SCHEDULE WITH TIMELINES FOR EACH STAGE INCLUDING INTERNAL PROCESSING.**  
Not applicable
7. **FINAL COMMENTS OF FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NUMBER & DATE**  
Not required, FD having initiated the proposal.
8. **LEGAL IMPLICATION OF THE SUBJECT**  
Nil.
9. **DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT.**
10. **FINAL COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT**
11. **CERTIFICATION BY THE DEPARTMENT THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE**

Not applicable.

12. **RECOMMENDATION**

For smooth functioning of the activities of the Council and considering that the works covered under AR-MO estimates are of regular and continuous nature that cannot be postponed or delayed, it is recommended that expenditure sanction equivalent to allocated budget for respective year shall be available for execution of 'AR-MO works based on Council approved norms' and separate expenditure sanction shall not be required to be obtained. This will facilitate availability of funds on the very first day of financial year i.e. 1<sup>st</sup> April and no maintenance works shall have to be postponed pending accord of expenditure sanction.

The availability of such funds shall be subject to (i) ensuring estimate is based on Council approved norms (ii) no works of capital nature are undertaken and (iii) no expenditure beyond allocated budget for that year, shall be incurred.

13. **DRAFT RESOLUTION**

1. Resolved by the Council :
  - i. Divisions/ Departments having allocated budget under AR & MO heads will be authorized to incur expenditure in cases where the norms have already been approved by the Council. No separate approval to the AR & MO estimates shall be necessary.
  - ii. HOD / Divisional Officer shall be responsible for ensuring expenditure strictly in r/o 'AR-MO works based on Council approved norms'.
  - iii. HOD/Divisional Officer in consultation with Associate Finance to also ensure that expenditure beyond allocated budget in r/o respective financial year, is not incurred for execution of aforementioned AR-MO works.
  - iv. HOD/Divisional Officer to ensure that no works of capital nature are undertaken.
  - v. Execution of 'AR-MO works based on Council approved norms' only and no diversion of funds shall be permissible.
2. Further resolved by the Council that subsequent action be taken in anticipation of confirmation of the minutes of the Council.

**COUNCIL'S DECISION**

Resolved by the Council that :

- vi. Divisions/ Departments having allocated budget under AR & MO heads will be authorized to incur expenditure in cases where the norms have already been approved by the Council. No separate approval to the AR & MO estimates shall be necessary.
- vii. HOD / Divisional Officer shall be responsible for ensuring expenditure strictly in r/o 'AR-MO works based on Council approved norms'.
- viii. HOD/Divisional Officer in consultation with Associate Finance to also ensure that expenditure beyond allocated budget in r/o respective financial year, is not incurred for execution of aforementioned AR-MO works.
- ix. HOD/Divisional Officer to ensure that no works of capital nature are undertaken.
- x. Execution of 'AR-MO works based on Council approved norms' only and no diversion of funds shall be permissible.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*D. Sanghvi*

For Secretary

Copy of Reso. No. 13 (A/c.s.)  
 of  
 Councils Ordinary Meeting  
 Dated: 25.05.2022

**ITEM NO. 13 (A/c.s.)**

**1. NAME OF THE SUBJECT/PROJECT-**

AMENDMENTS IN SECTIONS 45, 46 and 48 OF THE NDMC ACT, 1994;  
 AND

OPENING OF SEPARATE ZERO BALANCE SUBSIDIARY SAVINGS ACCOUNT(S) FOR EACH CSS/STATE GOVT. SCHEMES AS REQUIRED UNDER PUBLIC FINANCIAL MANAGEMENT SYSTEM (PFMS) AS PER DIRECTIONS OF THE DEPARTMENT OF EXPENDITURE, MINISTRY OF FINANCE, GOI/GNCTD TO RECEIVE FUNDS UNDER CSS/STATE GOVT. SCHEMES IN ANTICIPATION OF AMENDMENT IN SECTION 45, 46 and 48 OF THE NDMC ACT, 1994.

**2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED -**

Accounts Department (e-Finance Section)

**3. BRIEF HISTORY OF THE CASE -**

1. Public Financial Management System (PFMS) of the Department of Expenditure, Ministry Of Finance, GOI mandates opening of a separate zero balance subsidiary account in order to receive Grant/Funds from GOI/GNCTD for implementation of Centrally Sponsored Schemes (CSS). Some of the salient features of the PFMS are summarized as under:
  - Every State Government will designate a Single Nodal Agency (SNA) for implementing each CSS. The SNA will open a Single Nodal Account for each CSS at the state level in a scheduled commercial bank.
  - Implementing agencies (IAs) down the ladder should use the SNA's account with clearly defined limits set for that account. However, depending on operational requirements, zero-balance subsidiary accounts for each scheme may also be opened for the IAs either in the same branch of the selected bank or in different branches.
  - All zero balance subsidiary accounts will have allocated drawing limits to be decided by the SNA concerned from time to time and will draw on real time basis from the Single Nodal Account of the scheme as and when payments are to be made to beneficiaries, vendors etc. The available drawing limits get reduced by the extent of utilization.
  - The bank's software system should be able to monitor the drawing limits of IAs who should be able to draw funds on a real time basis from the SNA's account as and when payments are to be made.
  - After opening of Single Nodal Account of the scheme and before opening zero balance subsidiary account of IAs or assigning them drawing rights from SNA's account, the IAs at all levels shall return all unspent amounts lying in their accounts to the Single Nodal Account of the SNA. It will be responsibility of the State government concerned to ensure that the entire unspent amount is returned by all the IAs to the Single Nodal Account of the SNA concerned.
  - Payment will be made from the zero balance subsidiary accounts up to the drawing limit assigned to such accounts from time to time. Transactions in each subsidiary Account will be settled with the Single Nodal Account daily through the core banking solution (CBS) on the basis of payments made during the day.
  - State Governments will register the SNAs and all IAs on PFMS and use the unique PFMS ID assigned to the SNA and IAs for all payments to them. Bank accounts of the SNAs, IAs, vendors and other organizations receiving funds will also be mapped in PFMS.

- SNAs and IAs will mandatorily use the EAT module of PFMS or integrate their systems with the PFMS to ensure that information on PFMS is updated by each IA at least once every day.
- II. The following are some of the Centrally Sponsored Schemes being implemented presently in NDMC:
  - i. Atal Mission for Rejuvenation & Urban Transformation (Amrut).
  - ii. Swachh Bharat Mission (U).
  - iii. Smart City Mission.
  - iv. National Urban Livelihood Mission.
  - v. PM-Poshan scheme (Mid-Day-Meal Scheme).

For implementation of the CSS in Delhi, the Urban Development Department, GNCTD is the SNA (Single Nodal Agency) for schemes as at serial (i) to (iv) above, whereas Department of Education, GNCTD is the SNA for scheme as at serial (v) above.

- III. Through a number of references received from the Urban Development Department, GNCTD and Education Department, GNCTD (**Annexure-I**) (**See pages 122-140**), NDMC was asked to open a subsidiary zero balance account for each respective CSS.
- IV. The Education Department of NDMC - which is the Implementing Agency for implementation of PM-Poshan scheme in NDMC area - sought the advice of Finance Department, NDMC for opening of separate zero balance account. The Finance Department, NDMC citing the advice of Standing Counsel of NDMC dated 08.06.2015 initially advised not to open a separate bank account as opening of separate account leads to overriding the provisions of sections 44, 45 & 58 of the NDMC Act, 1994. (**Annexure-II**) (**See pages 141 - 144**)
- V. The Sections 44 & 45 of the NDMC Act, 1994 are reproduced as under:

**Section 44 -Constitution of the New Delhi Municipal Fund -**

1. *Save as otherwise provided in this Act -*
  - a. *all funds which immediately before the establishment of the Council vested in the New Delhi Municipal Committee;*
  - b. *all money received by or on behalf of the Council under the provisions of this Act or of any other law for the time being in force, or under any contract;*
  - c. *all proceeds of the disposal of property by, or on behalf of, the Council;*
  - d. *all rents accruing from any property of the Council;*
  - e. *all money raised by any tax, rate or cess levied for the purposes of this Act;*
  - f. *all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made there under;*
  - g. *all money received by or on behalf of the Council from the Government or Central Government or any individual or association of individuals by way of grant or gift or deposit;*
  - h. *all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Council, including loans advanced under this Act; and*
  - i. *all money received by or on behalf of the Council from any other source whatsoever,*

*shall form one Fund to be entitled "the Municipal Fund of New Delhi" (hereafter in this Act referred to as "the New Delhi Municipal Fund").*

2. *The New Delhi Municipal Fund shall be held by the Council in trust for the purposes of this Act subject to the provisions herein contained and a General Account relating to all money received by or on behalf of the Council shall be maintained.*

**Section 45 – New Delhi Municipal Fund to be kept in the State Bank of India**

*"All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".*

Thus, as per Section 44(g) "all money received by or on behalf of the Council from the Government or Central Government or any individual or association of individuals by way of grant or gift or deposit" shall be referred as the New Delhi Municipal Fund, and, as per Section 45 ought to be deposited into General Account of the New Delhi Municipal Fund held with State Bank of India.

- VI. Accordingly, with the approval of Chairman, NDMC, two separate letters dated 24.06.2021 & 30.06.2021 were sent by Director (Education), NDMC & Director (Accounts), NDMC respectively to Education Department and Urban Development Department of GNCTD (**Annexure-III**) (**See pages 145-146**), explaining the legal hurdles in opening separate zero balance bank account by NDMC and also requesting to allow NDMC to receive Grant-in-Aid/funds under EAT Module in the existing NDMC Bank Account no. 11084230945 in SBI instead of opening of separate bank accounts.
- VII. On the request of NDMC, the Addl. Secretary (UD), GNCTD sent a letter dated 01.08.2021 to Jt. Secretary, MoHUA, Gol seeking advice in this regard. Further, in the meeting held on 14.09.2021 in the chamber of Addl. Secretary (UD), GNCTD on various issues relating to implementation of Public Financial Management System (PFMS) for AMRUT, Smart City Mission, Sawachh Bharat Mission and National Urban Livelihood Mission (NULM), it was recorded in the MoM that the request of NDMC has been forwarded to Jt. Secretary, MoHUA, Gol (**Annexure-IV**) (**See pages 147-150**).
- VIII. Education Department, NDMC again submitted the proposal for opening of a separate zero balance account on receipt of letter dated 28.12.2021 & 24.01.2022 (**Annexure-V**) (**See pages 151-152**) from Education Department, GNCTD inter alia intimating that unless separate Zero Balance subsidiary bank account is not opened, Funds will not be released by their side.
- IX. During detailed discussions and deliberations, it has been observed that –
  1. Roll out of 'Expenditure Advance and Transfer' (EAT) module of 'Public Financial Management System' (PFMS) for ULBs across India by Department of Expenditure, Ministry of Finance, Govt. of India aims at achieving 100% digitization of payments under various schemes.
  2. The peculiar provisions under section 45 & 46 of the NDMC Act, 1994 restraining NDMC to open separate/multiple bank accounts - required to be mapped with State Nodal Agency (SNA) bank accounts as mandated under PFMS - have since resulted in a situation where release of funds/ GIA to NDMC for implementing CSS has been stopped despite (i) letters by Director (Accounts)/Director (Edn.), NDMC, to UD Department/Directorate of Education, GNCTD, besides in person meetings explaining the said

- restraints and seeking exemption from opening separate bank accounts for each CSS, (ii) forwarding of NDMC's request by the UD Department, GNCTD to MoHUA, GoI, and, (iii) an earlier precedence of exemption to NDMC by Ministry of Power, GoI from opening of separate bank account to receive GIA under the IPDS scheme of that Ministry.
3. Apparently, the said provisions under the NDMC Act, 1994 did not foresee the ongoing massive and crucial changes in the economic and financial landscape where through the use of digital technologies, account/record keeping as well as the accounting transactions - including the transfer of funds, is possible on real time basis and that too with complete transparency from source to the last recipient of funds in the chain. Thus, it can safely be stated that the said provisions of the NDMC Act, 1994 are not in sync even with the current times not to speak of future possibilities. Rather, the said provisions of the NDMC Act, 1994 are proving to be a road block for NDMC to achieve complete digitization of payments besides the financial loss accruing/likely to accrue due to stoppage or delayed release of funds by various departments/ministries. Hence, the said provisions of the NDMC Act need to be amended so that NDMC can continue to hold its lead position in digitization of administrative, accounting and other processes for delivery of best civic services.
  4. As is known, amendment of the NDMC Act, 1994 will be a long-drawn process and may take a minimum of two to three years to complete whereas unhindered implementation of various CSS - of which many are welfare schemes like Mid-Day Meal Scheme, after compliance of directions of the Ministry is immediate need of the hour.
  5. Considering the urgency in the matter, separate Savings Bank Accounts for each CSS or other scheme(s) as per the requirements of PFMS and directions of the Ministry of Finance, GoI and GNCTD in this regard, may be opened in anticipation of the amendment in the NDMC Act, 1994, after approval of the Council.
  6. The proposed separate Savings Bank Accounts, however, shall be operated and will be subject to audit by the Chief Auditor, NDMC as per the relevant provisions of the NDMC Act, 1994 governing operation of General Account of New Delhi Municipal Fund.
- X. In the backdrop of above stated peculiar situation and considering the urgency in the matter, Chairperson, NDMC approved the proposal for -
- i. Immediate Opening of separate subsidiary Savings Bank Accounts for each CSS or any other scheme(s) as per the requirements of PFMS as per directions of the Department of Expenditure, Ministry of Finance, GoI and GNCTD in this regard, in anticipation of the amendment in the NDMC Act, 1994 after approval of the Council;
  - ii. Placing the matter before the Council for information, and, approval to the requisite amendments in the NDMC Act, 1994 for which draft agendum shall be submitted separately in consultation with the Law Department.
- XI. After the approvals note-56 dated 19.01.2022 & note-74 dated 10.02.2022 of Chairperson, NDMC, a separate zero balance account has been opened with Union Bank of India as per following details (**Annexure-VI**) (**See pages 153 - 158**):

▪	
▪	Bank Name - UNION BANK OF INDIA
▪	Branch - Connaught Place
▪	Account No. - 307802010883912
▪	IFSC Code - UBIN0530786

**4. DETAILED PROPOSAL-**

The present proposal is submitted:-

- I. For information of the Council regarding opening of a separate zero balance subsidiary savings account with Union Bank of India-designated bank for PM-Poshan Scheme as required by PFMS of Gol due to the urgency involved in the matter in anticipation of amendment of NDMC Act-1994 after approval of the Council.
- II. For approval of the Council to open separate zero balance subsidiary savings accounts in respective designated banks for each of CSS/State Govt. Schemes as per directions from the Gol/GNCTD from time to time as required by PFMS.
- III. For approval of the Council for requisite amendments in Sections 45, 46, and 48 of the NDMC Act-1994 as proposed below:

<u>Existing Provision</u>	<u>Proposed Amendment</u>
<b>Section 45.</b> All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".	<b>Section 45.</b> All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".  Provided that all money received by or on behalf of the Council from the Government or Central Government for implementation of Centrally Sponsored Schemes/State Govt. Schemes may be credited in a separate account in the <b>authorized Scheduled Commercial Bank</b> -which shall be a part of the New Delhi Municipal Fund under section 44 (g) - according to the guidelines issued by the Government or Central Government from time to time.

<u>Existing Provision</u>	<u>Proposed Amendment</u>
<b>Section 46.</b> (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the New Delhi Municipal Fund except on a cheque signed by both - The Financial Adviser or an officer subordinate to him authorized by the Chairperson in this behalf; and The Chairperson or the Secretary or an officer subordinate to the Chairperson authorized by him in this behalf. (2) Payment of any sum due by the Council in excess of five hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way.	<b>Section 46.</b> (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India <b>or the authorized Scheduled Commercial Bank maintaining a separate account opened under proviso to section 45</b> , out of the New Delhi Municipal Fund except on a cheque signed <b>or on an authorization for digital transfer of funds</b> by both - The Financial Adviser or an officer subordinate to him authorized by the Chairperson in this behalf; and The Chairperson or the Secretary or an officer subordinate to the



(3) Payments not covered by sub-section (2) may be made in cash.	Chairperson authorized by him in this behalf. (2) Payment of any sum due by the Council in excess of five hundred rupees shall be made by means of a cheque signed <u>or an authorization for digital transfer of funds</u> in accordance with sub-section (1) and not in any other way. (3) Payments not covered by sub-section (2) may be made in cash.
<b>Existing Provision</b>	<b>Proposed Amendment</b>
<b>Section 48.</b> Before any person signs a cheque in accordance with section 46, he shall satisfy himself that the sum for which the cheque is drawn is either – required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or required for any payment referred to or specified in section 47.	<b>Section 48.</b> Before any person signs a cheque <u>or authorizes digital transfer of funds</u> in accordance with section 46, he shall satisfy himself that the sum for which the cheque is drawn <u>or authorization for digital transfer of funds is made</u> is either – required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or required for any payment referred to or specified in section 47.

5. **FINANCIAL IMPLICATION OF THE PROJECT**

No financial implication is involved in the proposal.

6. **Implementation schedule with time limit**

Due to the urgency involved in the matter and to avoid lapse of funds to be received from GoI/GNCTD, the zero-balance subsidiary account has already been opened with Union Bank of India in respect of PM-Poshan-Scheme (Mid-Day Meal Scheme) as per the directions of SNA concerned. For other CSS schemes or any State Government schemes, separate zero balance account in designated banks of SNA shall be opened as per the directions and guidelines of GoI/GNCTD.

The proposed amendments in the NDMC Act, 1994 shall be sent for approval of the Central Government after the same are approved by the Council.

7. **Final comments of the finance department on the subject with diary no. & date**

- i. The initial comments of the Finance Department are as at Annexure at TOC-P-29-32.
- ii. The Financial Adviser concurred the proposal for (a) immediate Opening of separate Savings Bank Accounts for each CSS or any other scheme(s) as per the requirements of PFMS as per directions of the Department of Expenditure, Ministry of Finance, GoI and GNCTD in this regard, in anticipation of the amendment in the NDMC Act, 1994 after approval of the Council; and, (b) placing the matter before the Council for information, and, approval to the requisite amendments in the NDMC Act, 1994 for which draft agendum shall be submitted separately in consultation with the Law Department (**Annexure-VI**) (**See pages 153 – 158**).

8. Legal implication of the subject/project

The proposal is for requisite amendments in Sections 45, 46, and 48 of the NDMC Act, 1994.

9. Details of previous Council Resolutions, existing law of parliament and assembly on the subject

NIL

10. Final Comments of the Law Department on the subject/project

The final comments/observations of Law Department and reply to the same is attached at Annexure-VII (See page 159).

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

Certified that CVC guidelines are not applicable in this case.

12. Recommendation.

The proposal of the department as in Para 4 above is recommended for consideration and approval of the Council.

13. Draft Resolution

Resolved by the Council that -

- i. Information regarding opening of a separate zero balance subsidiary savings account with Union Bank of India-designated bank for PM-Poshan Scheme as required by PFMS of Gol due to the urgency involved in the matter in anticipation of amendment of NDMC Act-1994 is noted.
- ii. Approval is accorded to open separate zero balance subsidiary savings accounts in respective designated banks for each of CSS/State Govt. Schemes as per directions from the Gol/GNCTD from time to time as required by PFMS.
- iii. Approval is accorded for amendments in Sections 45, 46, and 48 of the NDMC Act 1994 as under:-


<u>Existing Provision</u>	<u>Proposed Amendment</u>
<p><b>Section45.</b> All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".</p>	<p><b>Section45.</b> All money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".</p> <p>Provided that all money received by or on behalf of the Council from the Government or Central Government for implementation of Centrally Sponsored Schemes/State Govt. Schemes may be credited in a separate account in the <b>authorized Scheduled Commercial Bank</b> - which shall be a part of the New Delhi Municipal Fund under section 44 (g) - according to the guidelines issued by the Government or Central Government</p>

Existing Provision	from time to time.
	Proposed Amendment
<p><b>Section 46.</b> (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the New Delhi Municipal Fund except on a cheque signed by both –</p> <p>a. The Financial Adviser or an officer subordinate to him authorized by the Chairperson in this behalf; and</p> <p>b. The Chairperson or the Secretary or an officer subordinate to the Chairperson authorized by him in this behalf.</p> <p>(2) Payment of any sum due by the Council in excess of five hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way.</p> <p>(3) Payments not covered by sub-section (2) may be made in cash.</p>	<p><b>Section 46.</b> (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India <u>or the authorized Scheduled Commercial Bank maintaining a separate account opened under proviso to section 45</u>, out of the New Delhi Municipal Fund except on a cheque signed <u>or on an authorization for digital transfer of funds</u> by both –</p> <p>a. The Financial Adviser or an officer subordinate to him authorized by the Chairperson in this behalf; and</p> <p>b. The Chairperson or the Secretary or an officer subordinate to the Chairperson authorized by him in this behalf.</p> <p>(2) Payment of any sum due by the Council in excess of five hundred rupees shall be made by means of a cheque <u>signed or an authorization for digital transfer of funds</u> in accordance with sub-section (1) and not in any other way.</p> <p>(3) Payments not covered by sub-section (2) may be made in cash.</p>
Existing Provision	Proposed Amendment
<p><b>Section 48.</b> Before any person signs a cheque in accordance with section 46, he shall satisfy himself that the sum for which the cheque is drawn is either –</p> <p>a. required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or</p> <p>b. required for any payment referred to or specified in section 47.</p>	<p><b>Section 48.</b> Before any person signs a cheque <u>or authorizes digital transfer of funds</u> in accordance with section 46, he shall satisfy himself that the sum for which the cheque is drawn <u>or authorization for digital transfer of funds is made</u> is either –</p> <p>a. required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or</p> <p>b. required for any payment referred to or specified in section 47.</p>

#### COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department as mentioned at para 13 of the preamble.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

  
 For Secretary  
 New Delhi Municipal Council  
 New Delhi.





UTILIZATION CERTIFICATE MIDDAY MEAL

P. No. 1(13)PFMS/PC/2020 - 124-

Government of India  
Ministry of Finance  
Department of Expenditure  
PFMS Division

34e

Block No. 11, 5<sup>th</sup> Floor,  
COO Complex, Lodhi Road,  
New Delhi, dated 23.03.2021

OFFICE MEMORANDUM

**Subject: Procedure for release of funds under the Centrally Sponsored Schemes (CSS) and monitoring utilization of the funds released**

The General Financial Rule 232(v) prescribes the release of funds to the State Governments and monitoring utilization of funds through PFMS. For better monitoring of availability and utilization of funds released to the States under the Centrally Sponsored Schemes (CSS) and to reduce float, the Department of Expenditure vide letter of even number dated 16.12.2020 had shared a draft modified procedure for release of funds under CSS with all the State governments and Ministries/Departments of the Government of India to seek their comments. The comments received from the State governments and Ministries/Departments of the Government of India were considered and the procedure has been suitably modified.

With a view to have more effective cash management and bring more efficiency in the public expenditure management, it has been decided that the following procedure will be followed by all the State Governments and Ministries/Departments of the Government of India regarding release and monitoring utilization of funds under CSS with effect from 1<sup>st</sup> July, 2021:

1. Every State Government will designate a Single Nodal Agency (SNA) for implementing each CSS. The SNA will open a Single Nodal Account for each CSS at the State level in a Scheduled Commercial Bank authorized to conduct government business by the State Government.
2. In case of Umbrella schemes which have multiple sub-schemes, if needed, the State Governments may designate separate SNAs for sub-schemes of the Umbrella Scheme with separate Single Nodal Accounts.
3. Implementing Agencies (IAs) down the ladder should use the SNA's account with clearly defined drawing limits set for that account. However, depending on operational requirements, zero-balance subsidiary accounts for each scheme may also be opened for the IAs either in the same branch of the selected bank or in different branches.
4. All zero-balance subsidiary accounts will have allocated drawing limits to be decided by the SNA concerned from time to time and will draw on real time basis from the Single Nodal Account of the scheme as and when payments are to be made to beneficiaries, vendors etc. The available drawing limit will get reduced by the extent of utilization.

*[Handwritten signature]*

For seamless management of funds, the main account and all zero balance subsidiary accounts should preferably be maintained with the same bank. However, State Government may choose different banks for opening Single Nodal Accounts of different CSS.

6. Only banks having a robust IT Systems and extensive branch network should be chosen for opening the Single Nodal Account of each CSS. The bank chosen should have the facility to open the required number of subsidiary zero balance accounts and a robust MIS for handling accounting and reconciliation at each level. The bank should also provide a user friendly dashboard to officers at various levels to monitor utilization of funds by IAs.
7. The bank's software system should be able to monitor the drawing limits of the IAs who should be able to draw funds on real time basis from the SNA's account as and when payments are to be made. The selected bank should ensure proper training and capacity building of branch managers and other staff for smooth operation of these accounts.
8. The Ministries/Departments will release the central share for each CSS to the State Government's Account held in the Reserve Bank of India (RBI) for further release to the SNA's Account.
9. Funds will be released to the States strictly on the basis of balance funds of the CSS (Central and State share) available in the State treasury and bank account of the SNA as per PFMS or scheme-specific portals fully integrated with PFMS in consonance with rule 232(V) of the General Financial Rules, 2017.
10. The SNAs shall ensure that the interest earned from the funds released should be mandatorily remitted to the respective Consolidated Funds on pro-rata basis in terms of Rule 230(S) of GFR, 2017. Interest earned should be clearly and separately depicted in PFMS, scheme-specific portals integrated with PFMS and in MIS provided by the banks.
11. Except in case of schemes/sub-schemes having no State share, States will maintain separate budget lines for Central and State Share under each CSS in their Detailed Demand for Grants (DDG), and make necessary provision of the State share in the State's budget. While releasing funds to SNA, State's Integrated Financial Management Information System (IFMIS) should provide these budget heads and the same should be captured in PFMS through treasury integration.
12. In the beginning of a financial year, the Ministries/Departments will release not more than 25% of the amount earmarked for a State for a CSS for the financial year. Additional central share (not more than 25% at a time) will be released upon transfer of the stipulated State share to the Single Nodal Account and utilization of at least 75% of the funds released earlier (both Central and State share) and compliance of the conditions of previous sanction. However, this provision will not be applicable in case of schemes where a different quantum of release has been approved by the Cabinet.
13. After opening of Single Nodal Account of the scheme and before opening zero balance subsidiary account of IAs or assigning them drawing rights from SNA's account, the IAs at all levels shall return all unspent amounts lying in their accounts to the Single Nodal Account of the SNA. It will be the responsibility of the State government concerned to ensure that the entire unspent amount is returned by all the IAs to the Single Nodal Account of the SNA concerned. For this, the State Governments will work out the modalities and the timelines and will work out Central and state share in the amount so available with IAs.

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BSP

- SNAs will keep a record of unspent balance lying in the account of IAs and the amount refunded by IAs.
14. Refund of balance amount by IAs and the amount available in the SNA's account should be taken into account by the Program Division of the Ministry/Department while releasing funds under the scheme. Concerned SNAs shall keep a record of the unspent amount lying in the account of IAs to be deposited in the Single Nodal Account while assigning drawing rights to IAs.
  15. Ministries/ Departments will ensure that releases under all CSS are made strictly as per the actual requirement on the ground, without resulting in any material float with the implementing agencies at any level.
  16. The State Government will transfer the Central share received in its account in the RBI to the concerned SNA's account within a period of 21 days of its receipt. The Central share shall not be diverted to the Personal Deposit (PD) account or any other account by the State Government. Corresponding State share should be released as early as possible and not later than 40 days of release of the Central share. The funds will be maintained by the SNA in the Single Nodal Account of each CSS. State Governments/SNAs/IAs shall not transfer scheme-related funds to any other bank account, except for actual payments under the Scheme.
  17. State Governments will register the SNAs and all IAs on PFMS and use the unique PFMS ID assigned to the SNA and IAs for all payments to them. Bank accounts of the SNAs, IAs, vendors and other organizations receiving funds will also be mapped in PFMS.
  18. Payments will be made from the zero balance subsidiary accounts up to the drawing limit assigned to such accounts from time to time. Transactions in each Subsidiary Account will be settled with the Single Nodal Account daily through the core banking solution (CBS) on the basis of payments made during the day.
  19. SNAs and IAs will mandatorily use the EAT module of PFMS or integrate their systems with the PFMS to ensure that information on PFMS is updated by each IA at least once every day.
  20. SNAs will keep all the funds received in the Single Nodal Account only and shall not divert the same to Fixed Deposits/Flexi-Account/Multi-Option Deposit Account/Corporate Liquid Term Deposit (CLTD) Account etc.
  21. The State IFMIS should be able to capture scheme component-wise expenditure along with PFMS Scheme Code and Unique Code of the Agencies incurring the expenditure. State Governments will ensure daily uploading/sharing of data by the State IFMIS/Treasury applications on PFMS. PFMS will act as a facilitator for payment, tracking and monitoring of fund flow.
  22. Release of funds by the Ministries/Departments to States towards the end of the financial year should be avoided to prevent accumulation of unspent balances with States. Ministries/Departments will arrange to complete the release well in time so that States have ample time to seek supplementary appropriations from their respective legislatures, if required, and account for all the releases in the same financial year.



EDUCATION

UTILIZATION CERTIFICATE MIDDAY MEAL

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29/c

case of CSS having no State share and where as per the scheme guidelines, funds are released by the Central Ministry/Department directly to the districts/blocks/Gram Panchayats/Implementing agencies, the requirement of notifying a single Nodal Agency and opening of a Single Nodal Account at the State level may be waived by the Secretary of the Central Ministry/Department concerned in consultation with the Financial Adviser.

24. UTs without legislature work directly in PFMS. Therefore, there is no need for them to open a Single Nodal Account. They will ensure that the funds are released to the vendors/beneficiaries 'just in time'. In case funds are to be released to any agency as per scheme guidelines, provision of Rule 230 (vii) of GRF 2017 will be strictly followed to avoid parking of funds, with agencies.

25. Ministries/Departments shall undertake monthly review of the release of funds (both the Central and State Share) from the State treasury to the SNA, utilization of funds by SNAs and IAs and outputs/outcomes vis-à-vis the targets for each CSS.

This issues with the approval of Secretary (Expenditure) and shall supersede all earlier guidelines on this subject..

  
23/3/21  
(Subhash Chandra Meena)  
Director (FCD)  
011-24368543  
E-mail: [subhash.meena@nic.in](mailto:subhash.meena@nic.in)

To,

1. All Secretaries to the Government of India
2. All Financial Advisors to the Government of India
3. All Pr. CCAs/CCAs of all Ministries/Departments

Copy to:

1. PSO to Secretary (Expenditure)
2. PPS to CGA
3. Sr.PPS to Addl. Secretary (Expenditure)
4. PSO to Addl. Secretary (Pers)
5. Sr. PPS to JS (PFC-II)
6. Sr. PPS to JS(PF-S)

G-25020/81/2021-ABAS

459135 dt 24-6-22

128-

INVESTMENT

URBAN DEVELOPMENT DEPARTMENT  
 GOVT. OF NCT OF DELHI, 5<sup>TH</sup> FLOOR 'C' WING  
 DELHI SECRETARIAT, NEW DELHI



Dated: 22.06.22

606738  
 18/1/2022

F.No.310-(7)UD/AMRE/PPMS/2021/46 9-1

To:

1. Chairperson, New Delhi Municipal Council, Palike Kendra New Delhi.
2. Commissioner, South Delhi Municipal Corporation, New Delhi.
3. Commissioner, East Delhi Municipal Corporation, Udyog Sadak, Patparganj, Delhi.
4. Commissioner, North Delhi Municipal Corporation, New Delhi.
5. CEO, Delhi Cantonment Board, Sector 6, Delhi-10.
6. CEO, Delhi Jal Board, Varanasi, Kirti Nagar, Jhandewalan, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, Pusa, Vikas Bhawan, Delhi.
8. The Mission Director (NULM) Mission Swara, Vikas Bhawan II, Upper Bots Road, Civil Lines Delhi.

*J.C. Choudhary*

*D. Singh*  
*M. Singh*  
*Raj Singh*

Sub: Opening of Zero Balance Account in pursuance of revised procedure for release of funds in respect of Centrally Sponsored Schemes regarding

Sir,

Please refer to this department detailed letter dated 11.06.2021 (copy enclosed) and the reminder email dated 21.06.2021 on the subject cited above issued in following to D.O. letter No. 1. (AS/PPMS/PCD/2020) dated 12.04.2021 from Secretary (Department of Planning, Govt. (copy enclosed) and Finance Department, GNCTD communication No. 04(28)2021-PPMS, G.P. P/Amru/1245-1246 dated 21.05.2021 (copy enclosed) for immediate implementation of the revised procedure for release of funds under Centrally Sponsored Schemes which will be effective from 01.07.2021

Chairman  
 Secy  
 FA

In this context it is informed that UD Department is the Nodal Department for implementing four Centrally Sponsored Schemes which are (i) Atal Mission for Rejuvenation & Urban Transformation, (ii) Smart Cities Mission, (iii) Smart City Mission & (iv) NULM. The revised procedure for the release of funds under the Centrally Sponsored Schemes (CSS) has been initiated by Urban Development Department and Public Finance Management System (PFMS) has already been adopted by UD Department and is functional. Accordingly, separate bank accounts for the aforementioned four Centrally Sponsored Schemes have already been opened at State Bank of India at Vikas Bhawan, I.P. Estate, New Delhi as per details below.

*Not Acknowledged*  
*enc/*  
*u*

Name of Scheme	Scheme Code (State)	Name (as per passbook)	Account Number	IFSC Code
Atal Mission for Rejuvenation & Urban Transformation	(DL-76)	DL-76 ATAL MISSION FOR REJU & UT (AMRUT)	39979852141	SBIN0001187
Smart City Mission	(DL-137)	DL-137 SMART CITY MISSION	39979785328	SBIN0001187
Swachh Bharat Mission (U)	(DL-98)	DL-98 SWACHH BHARAT MISSION	39979785313	SBIN0001187
National Urban Livelihood Mission	Not alloted	NATIONAL URBAN LIVELIHOOD MISSION (NULM)	39979849779	SBIN0001187

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COMMITMENT

G-25020/81/2021-ABAS

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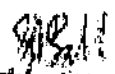
Accordingly, all the above mentioned implementing agencies are requested to immediately open a subsidiary zero balance bank account in State Bank of India for each respective Central Sponsored Scheme.

You are further requested to transfer the unspent funds (if any) in r/o of each of the Central Sponsored Scheme(s) to the respective bank account(s) as per details above, opened by the US Department in the State Bank of India at Vikas Bhawan, I.P. Estate, New Delhi.

This may be treated as SECRET, as according to instructions issued by Department of Administrative Services, Ministry of Finance and Planning Department, GOVT of India for the implementation of the revised procedures for release of funds under Central Sponsored Schemes in force issued on 30.05.2021.

Encl: As above

Yours sincerely,

  
Subhash Chandra, IAS  
Special Secretary (UD)

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E-606264  
18/11/2022

19/52

2021/EDUCATION

X-17011/103/2021-EDUCATION



GOVT. OF NCT OF DELHI  
DIRECTORATE OF EDUCATION  
MID DAY MEAL BRANCH, ROOM NO.252,  
OLD SECRETARIAT, DELHI.  
Ph. 23890002



No.DE.23(769)/MDM/2020-21/ 304

Dated: 22-7-2021

To,

The Director (Education)  
New Delhi Municipal Corporation (NDMC).  
Palika Kendra, New Delhi-110001.

Subj: State linked scheme to be registered/mapped on PFMS portal for use of EAT module-reg.

Sir,

With reference to your letter no.42/AEO(MMS)/Edn/2021 dated 24<sup>th</sup> June, 2021, regarding Opening of zero-balance subsidiary account by implementing agency for implementation of modified procedure for release of funds under centrally sponsored scheme (CSS) of Mid Day Meal in GNCT of Delhi.

I am directed to say that as per guidelines issued by Ministry of Education, Govt. of India, & endorsed by Finance Department, GNCT of Delhi, all the Implementing Agencies (IAs) shall have to be opened zero-balance subsidiary accounts, otherwise funds will not be released.

This issues with prior approval of Competent Authority.

Yours sincerely

(DHARMENDER SINGH PUNDIR)  
DEPUTY DIRECTOR  
(Mid Day Meal)

2021 INVESTMENT

DEPARTMENT OF URBAN DEVELOPMENT  
9<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT - 131 -  
L.P. ESTATE, NEW DELHI-110002

4-8-21

F. No. 310(7)/UD/AMRUT/PFMS/2019/4701-12

Date: 10/7/2021  
01/08/2021

To,  
The Joint Secretary  
Ministry of Housing & Urban Affairs  
Govt. of India  
144-C, Nirman Bhawan,  
New Delhi-110011.

2306 2440  
2306 2540

Sub-Opening of zero balance subsidiary account and registration of Implementing Agencies (IAs) in PFMS - reg.

I am directed to apprise you that the Urban Development Department, GNCTD has initiated preparatory activities for implementation of revised procedure of Public Finance Management System (PFMS) issued by Ministry of Finance, Govt. of India.

Chairman  
Secy  
Dir (Fin.)

1. Single Nodal Agency (SNA) has been appointed for Atal Mission for Rejuvenation & Urban Transformation (AMRUT), Smart City Mission, Swachh Bharat Mission (U) & National Urban Livelihood Mission (NULM).
2. Single Nodal Agency has been registered in PFMS and SNA accounts have also opened.
3. Request has been made to all Implementing Agencies (IAs) to transfer the unspent funds available with them to SNA account. Some of the IAs have already transferred the available unspent funds to respective SNA account of State Government.
4. Registration of IAs in PFMS is in the process.
5. Separate budget lines for Central and State Share have already been made available for each scheme in Detailed Demand for Grants (DDG) of Delhi Govt.
6. Other actions are to be taken to implement the PFMS in a complete manner.

1/5/8

It is also brought to your kind notice that the New Delhi Municipal Council (NDMC) which is one of the Implementing Agency of AMRUT & Smart City Mission has conveyed its inability to open a separate zero balance subsidiary account for each scheme by referring to provisions of section 44, 45 & 58 of NDMC Act 1994. A letter dated 30/06/2021 has also received in this regard from Director (Accounts), NDMC, which is also enclosed herewith for ready reference.

You are therefore, requested to advise in the instant matter of NDMC as mentioned above.

10/07/2021  
21-08-21

Pertains to Dir (Fin.) pl.

S to FA

310  
05/08/21

05/8/21

(R. C. Surinder)

Additional Secretary, UD /  
Smart City, GNCTD,  
Govt. of NCT of Delhi.

By Govt. 7503504251

"Wearing Mask, Washing Hands and Following Social Distancing"

011-2339215

Dir (Fin.)

10/05/21

R. Surinder

S to (fcl)

- 05 - 182 -

**2021 INVESTMENT**

Copy for information to :-

1. Chairman, New Delhi Municipal Council.
2. Special Secretary, Finance Department, Govt. of NCT of Delhi.
3. Controller of Accounts, Principal Account Office. GNCTD.

*[Handwritten Signature]*  
29/7/21

Additional Secretary, UD /  
Mission Director (AMRUT, Smart City, SBM, NULM)  
Govt. of NCT of Delhi.

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**Purge Sanction Division**



Ministry of Finance  
Government of India  
Ministry of Housing and Urban Affairs  
Finance Block, New Delhi-110011

**D.O. No. G-25029/Pr.AO/HUA/PPMS/Smart Cities/201920/828** New Fund Flow Procedure/2021-22  
September 08, 2021

Dear Vijay,

Please refer to my earlier D.O. No. G-25029/Pr.AO/HUA/PPMS/Smart Cities/201920/828 dated 18th September 2019, 13th April 2020, and 07th January 2021 regarding roll out of the Expenditure Advance and Transfer (EAT) module of Public Financial Management System (PFMS) in SPVs and ULBs across India for achieving 100% digitization of payments under various schemes of MHA/UA.

I am pleased to note that with the active support of State Government officers and close follow up done by my officers, the first phase of EAT implementation in 100 Smart Cities has been achieved successfully and Smart Cities are now Digitally Smart. Further, as part of second phase, all ULBs of AMRUT Cities in all States were required to be on-boarded and roll out EAT module of PFMS for all our schemes i.e. SBM-J, SBM-U, AMRUT and NULM. As on date, most of the States have taken necessary action and ULBs of their AMRUT cities have been on-boarded on PFMS and EAT module has been rolled out. However, despite regular and sustained follow up by my officers, it has been observed that only 1 ULB in Delhi has rolled out EAT module under AMRUT i.e. 3 ULBs are yet to roll out EAT module.

As you are aware, Department of Expenditure vide its O.M. No. 112/PPMS/FCD/2020 dated 23rd March 2021 has also issued instructions for switching over to new system for onward release of funds by States under Centrally sponsored schemes which envisages designation of Single Nodal Agencies (SNA) for each scheme, opening of Single Nodal Account by them for each CSS, opening of zero balance account by ULBs and roll out of EAT module of PFMS in all ULBs or integrating PFMS with IT based payment system if it already exists in the State or proposed to be developed. Secretary (Expenditure), Ministry of Finance, vide D.O. dated 12th April 2021 addressed to States had also listed out a number of preparatory activities to be completed by the State Governments and Implementing Agencies for smooth implementation of the scheme with effect from 1st July 2021.

While MoF vide its O.M. dated 30th July 2021 regarding SOP to be followed has given the flexibility to the States in terms of various options but in case there is no existing IT based system of payments in NCT, Delhi, it may be more appropriate to roll out EAT module in the remaining ULBs, particularly when above task is required to be completed by end of this month for all the ULBs as stipulated by MoF. Further for the rollout of already established EAT module of PFMS there will not be any additional cost on hardware or software etc. as the web based PFMS system can be made operational by merely getting registered and logging on it by the users.

Contd. 2/

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5. Subsequently, vide MoF No. G-28011/213/2022-e-Finance Deptt. has granted the following relaxations:

(a) Relaxation of 3% in rate of retention of separate funds for Central and State share for each CSS in PMNS of States.

(b) Relaxation of 6% in rate of retention of unspent balances available in the bank account of Implementing Agencies (IA) into the Single Nodal Account of the Single Nodal Agency concerned.

6. As far as roll out of EAT module in all ULBs is concerned, being one of the concluding steps for aforesaid revised procedure of MoF, you would agree with me that with the advance initiative already undertaken by our Ministry in coordination with states with ULB/SPVs of 100 Smart Cities, it should be easy for your State to scale up the rollout of EAT module to cover all ULBs, particularly on priority the ULBs of 60 AMRUT cities for covering onward releases under all the schemes of MoHUA.

7. Further, for switching over to above revised procedure for release of funds stipulated by MoF and roll out of EAT module of PFMS in all left over ULBs to be completed by end of this month, the concerned state officials may be advised to seek support from PFMS teams of office of Controller General of Accounts, MoF are deployed in States.

8. In view of the above, may I request you to look into the reasons as to why the EAT module could not be rolled out in all the four ULBs and direct the concerned officials to complete this rollout at the earliest, say by 15<sup>th</sup> of September 2021. Based on this experience and the related operational issues faced, it will make it easy for the State to now scale up for covering roll out of EAT module in all the ULBs. You are also requested to review the progress of preparatory activities to implement the new fund flow procedure in the all CSS Schemes in your State i.e. PMAY (U), SBM(U), AMRUT and NULM along with roll out of EAT module in all the ULBs in your at the earliest but not later than the end of September 2021 so that the releases of funds to the State can continue unhindered w.e.f from 01<sup>st</sup> October 2021 onwards.

9. Considering the approaching timeline set by MoF, I would appreciate if weekly progress is intimated to concerned Missions as per proforma enclosed and a line of confirmation in this regard is sent to me finally on completion of the above task.

*Regards,*

Yours Sincerely

*(Signature)*

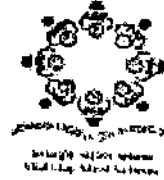
(Durga Shankar Mishra)

Shri Vijay Kumar, Dy.  
Chief Secretary,  
Govt. of Madhya Pradesh,  
Indore State, New Delhi.





GOVT. OF NCT OF DELHI  
DIRECTORATE OF EDUCATION  
MID DAY MEAL BRANCH, ROOM NO. 252,  
OLD SECRETARIAT, DELHI.  
Ph.-23890002



No.F.DE.23 (769)MDM/2020-21/PL/Rev/1018-1021

Dated: 28/12/2021

To,

1. The Director (Education)  
South Delhi Municipal Corporation  
15<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee  
Marg, Civic Centre, New Delhi.

2. The Director (Education)  
East Delhi Municipal Corporation  
419, Udyog Sadan, Patparganj  
Industrial Area, Delhi-92

3. The Director (Education)  
North Delhi Municipal Corporation  
15<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee  
Marg, Civic Centre, New Delhi.

4. The Director (Education)  
New Delhi Municipal Council (NDMC)  
Pailka Kendra, Parliament Street,  
Connaught Place,  
New Delhi.

5. The Chief Executive Officer  
Delhi Cantonment Board,  
Delhi Cantt., New Delhi.

Sub.: PFMS account of Mid Day Meal, Govt. of NCT of Delhi-SNA accounts  
ratification regarding.

Sr,

Ministry of Education, GOI vide letter dated 08/11/2021 has advised to have only one SNA Account for releasing funds under MDM (now PM POSHAN) Centrally sponsored Scheme instead of 14 SNA accounts opened earlier as per sub-heads of Budget. Accordingly, Education Department, Govt. of NCT of Delhi has approved to remain only one SNA account DL-47 MDM for Children-Supplies & Materials.

In view of above, you are requested to please change the State-linked Scheme code nomenclature or close the said accounts and open the new account with the Scheme Code No. DL-47 MDM for Children-Supplies & Materials at all linked Implementing Agency's accounts down the ladder so as to map in PFMS Portal with main SNA Account and transfer of funds smoothly.

This may be treated as MOST URGENT please.

Yours faithfully,

(SANJEEV KUMAR SHARMA)  
DY. DIRECTOR OF EDUCATION (NOM)

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GOVT. OF NCT OF DELHI  
DIRECTORATE OF EDUCATION  
MID DAY MEAL BRANCH, ROOM NO. 252,  
OLD SECRETARIAT, DELHI

F.DE23(769)/MDM/2020-21/Pt. File/ 1234

Dated: 24/1/2022

To

The AEO(MMS),  
Mid Day Meal Branch,  
Education Department,  
New Delhi Municipal Council  
Delhi - 110001

Sub: BFMS Account of Mid Day Meal, Govt. of NCT of Delhi - SNA Accounts  
ratification regarding opening of a separate SNA Bank Account.

Sir,

With reference to your letter No.AEO(MMS)/D/2022 dated 20.01.2022 on the above cited subject. It is informed that as per the revised guidelines issued by Govt. of India dated 21.03.2021, zero balance subsidiary account of IAs down the ladder should be opened in the same bank or in its branch.

The main SNA A/C of MDM (now PM-Poshan) scheme is with Union Bank of India, so you are therefore requested to open the zero balance subsidiary A/C in the Union bank of India. Copy of guidelines are attached.

The compliance report as per directions of Pr. Secretary (Education) conveyed in V.C on dated 19.01.2022 may be submitted Wednesday positively.

Yours faithfully

*(Signature)*  
24/01/22

(Naresh Kumar)

Section Officer (MDM)

Encls: As above

P. No. 1(13)PFMH/PCD/2020

Government of India  
Ministry of Finance  
Department of Expenditure  
PFMS Division

Block No. 11, 5<sup>th</sup> Floor,  
CGO Complex, Lodhi Road,  
New Delhi, dated 23.03.2021

**OFFICE MEMORANDUM**

**Subject: Procedure for release of funds under the Centrally Sponsored Schemes (CSS) and monitoring utilization of the funds released**

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3. Implementing Agencies (IAs) down the ladder should use the SNA's account with clearly defined drawing limits set for that account. However, depending on operational requirements, zero-balance subsidiary accounts for each scheme may also be opened for the IAs either in the same branch of the selected bank or in different branches.
4. All zero balance subsidiary accounts will have allocated drawing limits to be decided by the SNA concerned from time to time and will draw on real time basis from the Single Nodal Account of the scheme as and when payments are to be made to beneficiaries, vendors etc. The available drawing limits will get reduced by the extent of utilization.

For seamless management of funds, the main account and all zero balance subsidiary accounts should preferably be maintained with the same bank. However, State Government may choose different banks for opening Single Nodal Accounts of different CSS.

6. Only banks having a robust IT Systems and extensive branch network should be chosen for opening the Single Nodal Account of each CSS. The bank chosen should have the facility to open the required number of subsidiary zero balance accounts and a robust MIS for handling accounting and reconciliation at each level. The bank should also provide a user friendly dashboard to officers at various levels to monitor utilization of funds by IAs.
7. The bank's software system should be able to monitor the drawing limits of the IAs who should be able to draw funds on real time basis from the SNA's account as and when payments are to be made. The selected bank should ensure proper training and capacity building of branch managers and other staff for smooth operation of these accounts.
8. The Ministries/Departments will release the central share for each CSS to the State Government's Account held in the Reserve Bank of India (RBI) for further release to the SNA's Account.
9. Funds will be released to the States strictly on the basis of balance funds of the CSS (Central and State share) available in the State treasury and bank account of the SNA as per PFMS or scheme-specific portals fully integrated with PFMS in consonance with rule 232(V) of the General Financial Rules, 2017.
10. The SNAs shall ensure that the interest earned from the funds released should be mandatorily remitted to the respective Consolidated Funds on pro-rata basis in terms of Rule 230(B) of GFR, 2017. Interest earned should be clearly and separately depicted in PFMS, scheme-specific portals integrated with PFMS and in MIS provided by the banks.
11. Except in case of schemes/sub-schemes having no State share, States will maintain separate budget lines for Central and State Share under each CSS in their Detailed Demand for Grants (DDG), and make necessary provision of the State share in the State's budget. While releasing funds to SNA, State's Integrated Financial Management Information System (IFMIS) should provide these budget heads and the same should be captured in PFMS through treasury integration.
12. In the beginning of a financial year, the Ministries/Departments will release not more than 25% of the amount earmarked for a State for a CSS for the financial year. Additional central share (not more than 25% at a time) will be released upon transfer of the stipulated State share to the Single Nodal Account and utilization of at least 75% of the funds released earlier (both Central and State share) and compliance of the conditions of previous sanction. However, this provision will not be applicable in case of schemes where a different quantum of release has been approved by the Cabinet.
13. After opening of Single Nodal Account of the scheme and before opening zero balance subsidiary account of IAs or assigning them drawing rights from SNA's account, the IAs at all levels shall return all unspent amounts lying in their accounts to the Single Nodal Account of the SNA. It will be the responsibility of the State government concerned to ensure that the entire unspent amount is returned by all the IAs to the Single Nodal Account of the SNA concerned. For this, the State Governments will work out the modalities and the timelines and will work out Central and state share in the amount so available with IAs.

IAS will keep a record of unspent balances lying in the account of IAs and the amount refunded by IAs. 30/c

14. Refund of balance amount by IAs and the amount available in the SNA's account should be taken into account by the Program Division of the Ministry/Department while releasing funds under the scheme. Concerned SNAs shall keep a record of the unspent amount lying in the account of IAs to be deposited in the Single Nodal Account while assigning drawing rights to IAs.
  15. Ministries/ Departments will ensure that releases under all CSS are made strictly as per the actual requirement on the ground, without resulting in any material float with the implementing agencies at any level.
  16. The State Government will transfer the Central share received in its account in the RBI to the concerned SNA's account within a period of 21 days of its receipt. The Central share shall not be diverted to the Personal Deposit (PD) account or any other account by the State Government. Corresponding State share should be released as early as possible and not later than 40 days of release of the Central share. The funds will be maintained by the SNA in the Single Nodal Account of each CSS. State Governments/SNAs/IAs shall not transfer scheme-related funds to any other bank account, except for actual payments under the Scheme.
  17. State Governments will register the SNAs and all IAs on PFMS and use the unique PFMS ID assigned to the SNA and IAs for all payments to them. Bank accounts of the SNAs, IAs, vendors and other organizations receiving funds will also be mapped in PFMS.
  18. Payments will be made from the zero balance subsidiary accounts up to the drawing limit assigned to such accounts from time to time. Transactions in each Subsidiary Account will be settled with the Single Nodal Account daily through the core banking solution (CBS) on the basis of payments made during the day.
  19. SNAs and IAs will mandatorily use the EAT module of PFMS or integrate their systems with the PFMS to ensure that information on PFMS is updated by each IA at least once every day.
  20. SNAs will keep all the funds received in the Single Nodal Account only and shall not divert the same to Fixed Deposits/Flexi-Account/Multi-Option Deposit Account/Corporate Liquid Term Deposit (CLTD) Account etc.
  21. The State IFMIS should be able to capture scheme component-wise expenditure along with PFMS Scheme Code and Unique Code of the Agencies incurring the expenditure. State Governments will ensure daily uploading/sharing of data by the State IFMIS/Treasury applications on PFMS. PFMS will act as a facilitator for payment, tracking and monitoring of fund flow.
  22. Release of funds by the Ministries/Departments to States towards the end of the financial year should be avoided to prevent accumulation of unspent balances with States. Ministries/Departments will arrange to complete the release well in time so that States have ample time to seek supplementary appropriations from their respective legislatures, if required, and account for all the releases in the same financial year.
- [Signature]*

EDUCATION

UTILIZATION CERTIFICATE MIDDAY MEAL

- 146 -

29/10

In case of CSS having no State share and where as per the scheme guidelines, funds are released by the Central Ministry/Department directly to the districts/blocks/Gram Panchayats/Implementing agencies, the requirement of notifying a single Nodal Agency and opening of a Single Nodal Account at the State level may be waived by the Secretary of the Central Ministry/Department concerned in consultation with the Financial Adviser.

24. UTs without legislature work directly in PFMS. Therefore, there is no need for them to open a Single Nodal Account. They will ensure that the funds are released to the vendors/beneficiaries 'just in time'. In case funds are to be released to any agency as per scheme guidelines, provision of Rule 230 (vii) of GRF 2017 will be strictly followed to avoid parking of funds, with agencies.

25. Ministries/Departments shall undertake monthly review of the release of funds (both the Central and State Share) from the State treasury to the SNA, utilization of funds by SNAs and IAs and outputs/outcomes vis-à-vis the targets for each CSS.

This issues with the approval of Secretary (Expenditure) and shall supersede all earlier guidelines on this subject.

*(Signature)* 23/3/21  
(Subhash Chandra Meena)  
Director (FCD)

011-24368543

E-mail: [subhash.meena@nic.in](mailto:subhash.meena@nic.in)

To,

1. All Secretaries to the Government of India
2. All Financial Advisors to the Government of India
3. All Pr. CCAs/CCAs of all Ministries/Departments

Copy to:

1. PSO to Secretary (Expenditure)
2. PPS to CGA
3. Sr. PPS to Addl. Secretary (Expenditure)
4. PSO to Addl. Secretary (Pers)
5. Sr. PPS to JS (PFC-II)
6. Sr. PPS to JS (PF-S)

-1417

ANNEXURE - II**Note # 13****FINANCE DEPARTMENT**

Subject: State linked scheme to be registered/ mapped on PFMS portal for use of EAT module by Administrative Deptt., GNCTD. Internal note No.73239

1. The case is regarding registering/mapping of Mid Day Meal Scheme on PFMS portal for use of EAT module as per directions issued from Principal Account Office vide its letter 06.10.2020.
2. Further, it is mentioned that to implement the scheme District offices of Directorate of Education has to open 02 Saving Bank Account in Nationalized Bank wherein the funds will be transferred for further disbursement to the MDM suppliers/NGOs.
3. It is observed that the letter dated 04.01.2021 referred to by the department in its proposal has been addressed to Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt., Delhi. Deptt. may place on record appropriate reference.
4. The case has been referred to Finance for advise on two issues; (i) operation of the account by a officer to be designated as Scheme Manager and not less than DDE as per the requirement of Delhi Govt., and (ii) whether opening and operation of two accounts are permissible in the light of provisions of the NDMC act.
5. As regards to operation of the account on PFMS portal, department may designate an officer of the rank of DDE as Scheme Manager after the approval of the competent authority. However, it may be ensured that this has no effect or is not contrary to the provisions of Section 46 of NDMC Act, 1994.
6. As per Section 45 of NDMC Act 1994, All moneys payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund".
7. Accordingly, opening of 02 saving accounts for funds received on a/c of Mid day Meal Scheme is not permissible as per Act.
8. All the funds received by way of grant has to be deposited in the General Account of the New Delhi municipal Fund in SBI.
9. Standing Counsel, NDMC confirmed vide their note dated 10.06.2015(copy attached) that separate account cannot be opened under section 54 of the NDMC Act 1994.

In view of the above, if approved, the comments of Director (A/cs) may be obtained in this regard

(This issues with the approval of F.A.)

08/06/2021 04:03 PM


LAW DEPARTMENT

- 142-

This department had already rendered the comments on the issue of opening separate bank account for execution of work under MLA's Scheme at page-3/N as per NDMC Act, 1994.

However the views of the Standing Counsel, NDMC, in this matter, are invited on urgent basis please.

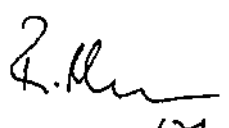
This issues with the approval of the Director (Law) please.

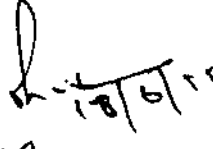
  
(DHARAM PAL)  
LAW OFFICER  
28.05.2015

SC-High Court

Opinion attached

May kindly see the opinion of Standing Council, duly seen by the Dir (Law)

Dir (Account)  8/12/16

FA  
Dir. FA (Budget)  18/6/15

The Standing Council, NDMC, has confirmed the stand taken by/views of the Finance (B) Deptt. that separate bank accounts cannot be opened under the provisions of the NDMC Act, 1994, for execution of MLA LAD Scheme.

The file may, if approved, be sent back to AO (F&I) for f.n.a. pl.

F. A.

Director (A/c)

  
18/6/15

~~19/5/15~~  
~~29/5/15~~  
SR/1492/84/15  
1/376/84/15  
29/05/15

-3337/LD/15  
10/6/15

~~11/11/15~~  
17-6-15





OFFICE OF THE STANDING COUNSEL: NDMC -143-

DELHI HIGH COURT: 432-433, LAWYERS CHAMBER, NEW DELHI

SUB: OPENING OF SEPARATE BANK ACCOUNTS IN RESPECT OF EACH ASSEMBLY CONSTITUENCY FOR EXECUTION OF WORK UNDER MLA LAD SCHEME.

I have gone through the queries raised by the department at page 4 of the note sheets, upon the circular dated 15.1.2015 issued by the Department of Urban Development, Govt. of NCT of Delhi wherein it has been requested to open separate bank accounts before execution of work for each assembly constituency for the amounts received under the MLALAD scheme. As stated in the file notings, at present funds received under MLALAD scheme are credited in the 'General account of the New Delhi Municipal Fund' in SBI in accordance with Section 44 and 45 of NDMC Act, 1994. Further, the accounts of NDMC are prepared as per the head of accounts and there are separate head of account for each constituency and separate chart of expenditure are prepared for booking of expenditure.


The queries at Page 4 have also been answered by the finance department at Page 5 which are detailed and self explanatory. The only question left to be answered now is whether NDMC is bound to follow the Circular dated 15.1.2015. In my confirmed opinion said circular is an administrative order which is stated to have been passed in light of the guidelines issued for MLALAD scheme. Such an administrative order therefore in my opinion cannot override the provisions of the NDMC Act, 1994. NDMC Act, 1994 under Sections 44, 45 and 58 specifically provide the manner in which funds and accounts are to be maintained and as such the circular dated 15.1.2015 cannot override these express provisions of law.

Thus I am of the confirmed opinion that in view of provisions of NDMC Act, 1994 and in the absence of any regulations under Section 54 of NDMC Act, 1994 the separate account cannot be maintained as advised by letter dated 15.1.2015.

100/1492/134/15  
10/06/15

B.T.  
L.O. = 2237/10/15  
10/6/15

L.O. (Ch/Secy)  
Dated: 8.6.2015  
Addl. Dy. (Genl)  
10/6  
CS  
15/6

  
(ANIL GROVER) -  
STANDING COUNSEL

144-

**Note # 34**

I/N-92731  
(Previous linked file of FD No. 89930 & 73239)

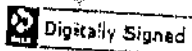
FINANCE DEPARTMENT

Sub.: Release of payment in r/o 3 agencies i.e. M/s Akshaya Patra Foundation, M/s Manjeet Cafeters and M/s Annamrita Foundation for supply of dry ration kits amongst students of NDMC /NDMC Aided /Navyug Schools.

- a. The case received in FD for comments regarding the proposal of the department at Note#30 for resolving the issue regarding payment of pending dues payable totaling to Rs.1,14,28,766/- to the three mid-day meal suppliers i.e. M/s Akshaya Patra Foundation, M/s Manjeet Cafeters and M/s Annamrita Foundation for supply of dry ration kits amongst students of NDMC /NDMC Aided /Navyug Schools.
- b. The issue is regarding non-receipt of grant-in-aid from the Govt. of NCT of Delhi for the financial year 2021-22 due to inability to open a separate account exclusively for this scheme as per provisions of The NDMC Act 1994 and as of now, the payment of dues to the meal suppliers is pending.
- c. Now, as being a peculiar situation arise on account of non receipt of the grant-in-aid from the government for the financial year 2021-22 and the payment to the meal suppliers is being pending, FD is in view that the department may take up the matter with the Govt. of NCT of Delhi for release of the Grant-in-aid for the year 2021-22 in the existing bank account of NDMC, so as to avoid lapse of Grant-in-Aid and for releasing payments to the contractors.

(This issues with the approval of FA)

03/12/2021 04:57 PM

 Digitally Signed

To, Dir. (Education)

X-17011/103/2021-Edu (C.No.68647)  
 EDUCATION DEPARTMENT  
 NEW DELHI MUNICIPAL COUNCIL  
 PALIKA KENDRA: NEW DELHI-110001

ANNEXURE-III

No. 42/Information/2021/2021

Dated: 24<sup>th</sup> June 2021

To,

Sh. Udit Prakash Rai,  
 Director Education,  
 Directorate of Education, Govt. of NCT of Delhi,  
 Room No. 12, Civil Lines, Near Vidhan Sabha, Delhi-110054.

Subject: State linked scheme to be registered / mapped on PFMS portal for use of EAT module  
by Administrative Deptt., GNCTD.

Sir,

I am directed to reply to your DO letter no. PS/DE/2021/96 dated 03.06.2021 regarding Opening of Separate Bank Account by NDMC under PFMS Scheme to use Grant in aid under EAT Module, it is brought to your kind knowledge that as per Section 45 of NDMC Act 1994, all money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund". Further, as per the advice of Standing Counsel, NDMC, no separate bank account can be opened under the provisions of Section 54 of the NDMC Act, 1994. In a similar case, to avail grant-in-aid by the IPDS Division of NDMC, a separate Head of Account under the e-Financial Application of NDMC is being maintained to keep record of all the Receipts & Expenditures of the said Grant-in-aid received. The same is functioning well.

2. Thus, opening of a Separate Bank Account for receiving Grants-in-Aid under EAT Module will lead to the violation of provisions of Section-45 & 54 of NDMC Act-1994. Accordingly, on the same line, NDMC will maintain separate Head of Account instead of opening of a Separate bank Account for maintaining record of all the receipts and expenditures against the Grant-in-Aid under EAT Module for Mid Day Meal Scheme received by NDMC. The view facility to the Grantee can be provided to enable them to scrutinize the Accounting Ledgers maintained in the e-Financial Application, where all the Receipts & Expenditures of the Transactions pertaining to Mid Day Meal scheme under EAT Module will be captured.

3. You are therefore, requested to allow NDMC to receive Grants-in-Aid under EAT Module by NDMC in the existing NDMC's Bank Account No. 11084230945 in State Bank of India, New Delhi instead of opening a separate Bank Account.

4. This issues with the approval of Chairman, NDMC.

Yours faithfully,



(R.P. SATI)  
 Director (Education)

Copy to: F.A., NDMC - For information please.

476/2021/DIF. (Accounts)

ACCOUNTS DEPARTMENT  
NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENORA: NEW DELHI-110001

No.

Dated: 30<sup>th</sup> June 2021

To.

Mr. Subhash Chandra, IAS  
Special Secretary (UD)  
9<sup>th</sup> Floor, C-Wing, GNCT Delhi  
Delhi Secretariat, New DelhiSubject: Opening of Zero Balance Account in pursuance of revised procedure for release of funds in r/o centrally sponsored schemes regarding.

Sir,

I am directed to reply to your e-mail dated 22.06.2021 regarding Opening of Separate Subsidiary Bank Account by NDMC under PFMS Scheme to use Grant in aid for Implementation of Four centrally sponsored scheme i.e (i) AMRUT (ii) SWACHH BHARAT MISSION (iii) SMART CITY MISSION (iv) NULM, it is brought to your kind notice that as per Section 45 of NDMC Act 1994, all money payable to the credit of the New Delhi Municipal Fund in the General Account shall be received by the Chairperson and shall be forthwith paid into the State Bank of India to the credit of the said Account which shall be entitled "The General Account of the New Delhi Municipal Fund". Further, as per the advice of Standing Counsel, NDMC, no separate bank account can be opened under the provisions of Section 44, 45 & 58 of the NDMC Act, 1994. In a similar case, to avail grant-in-aid by the IPDS Division of NDMC, a separate Head of Account under the e-Financial Application of NDMC is being maintained to keep record of all the Receipts & Expenditures of the said Grant-in-aid received and the same was also agreed by the Minister of Power, GOI vide minutes dated 22.05.2017 (copy annexed). The same is functioning well.

2. Thus, opening of a Separate Bank Account for receiving Grants-In-Aid under above referred Four Schemes will lead to the violation of provisions of Section-44 & 45 of NDMC Act-1994. Accordingly, if permitted on the line of IPDS, NDMC will maintain separate Head of Account for each scheme instead of opening of a Separate bank Account for maintaining record of all the receipts and expenditures against the Grant-in-Aid under these Schemes received by NDMC. The view facility to the Grant issuing authority can be provided to enable them to scrutinize the Accounting Ledgers maintained in the e-Financial Application, where all the Receipts & Expenditures of the Transactions pertaining to these schemes will be captured.

3. You are therefore, requested to allow NDMC to receive Grants-In-Aid under above referred schemes in the existing NDMC's Bank Account No. 11084230945 in State Bank of India, New Delhi instead of opening a separate Bank Account.

4. This issues with the approval of Chairman, NDMC.

Yours faithfully,

Digitally signed by RAM SINGH  
Date: Thu Jul 01 15:55:55 IST 2021  
Reason Approved(RAM SINGH)  
Director (ACCOUNTS)

17-09-21  
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ANNEXURE-IV

GOVERNMENT OF NCT OF DELHI  
URBAN DEVELOPMENT DEPARTMENT  
9<sup>th</sup> LEVEL, C-WING, DELHI SECRETARIAT  
I.P. ESTATE, NEW DELHI-110002

F. No: 310(7)/UD/AMRUT/PFMS/2019/ Dated: 10/09/2021

MINUTES OF THE MEETING

**Minutes of the Meeting held under the Chairpersonship of Additional Chief Secretary (UD) on various issues relating to implementation of Public Financial Management System (PFMS) for AMRUT, Smart City Mission, Swachh Bharat Mission (U) & NULM on 14.09.2021 (Tuesday) at 04:30 PM at 9<sup>th</sup> level, C-wing, Delhi Secretariat.**

*The list of officers who attended the meeting is attached at "Annexure-A".*

At the outset, Special Secretary (UD) welcomed all the participants present in the meeting. Special Secretary (UD) commenced with a brief introduction about the revised procedure of release of funds for Centrally Sponsored Scheme (CSS) in NCT of Delhi and outlines the agenda points of the meeting.

The Special Secretary (UD) informed that there are four CSS schemes which are being implemented through UD Deptt. and required preparatory activities for on-boarding all these schemes in PFMS have already been carried out but due to non-compliance of operational requirements by Implementing Agencies (IAs) it could not be operationalized, yet. He referred the correspondences of O o Mission Directorate (AMRUT), UD in this regard which were issued in favour of revised procedure for release of funds under CSS detailing the procedure to be adopted by Implementing Agencies (IAs). He has also stressed upon on non-active participation of IAs on this matter despite of regular and sustained follow up by O o Mission Directorate (AMRUT), GNCTD.

The Controller of Accounts (CoA) narrated about the matter and requested to the representatives of IAs to adhere the instructions issued by MoHUA, GoI & Finance Deptt. GNCTD in t/o PFMS. Further, CoA (UD) also stressed upon on the matter of transferring of unspent balance and requested to ensure that all unspent balance lying with IAs should be transferred to respective State Nodal (SN) Account before 25.09.2021 along with expenditure statement & Utilization Certificate.

In the meantime, Additional Secretary (UD)-cum-Mission Director (AMRUT/SBM(U)/SCM/NULM) enlighten about the fund flow hierarchy of PFMS and explained the process of registration / mapping of child agencies. He further explained about the child agencies is the last zonal/divisions of IAs in which payment is to be made to vendors/contractors/stakeholders. He also informed that the Finance Deptt., GNCTD is monitoring this issue closely and also holding weekly meetings, therefore it needs to be carried out shortly.

The Chief Manager, SBI, Vikas Bhawan informed that 12 (twelve) accounts of child agencies under various schemes have been opened in a single day and also trying to provide account number to the agencies on same day but needs cooperation from agencies in terms of proper filling application form, office letter along with resolution of competent authority and KYC documents of account holders. He further assured that all technical possible support will be provided as and when asked by UD Deptt., as well IAs.

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The agency-wise record of discussions is as under:- ✓

The Special Secretary (UD) reviewed the progress made by Implementing Agencies (IAs) towards on-boarding PFMS for CSS schemes and noticed that only EDMC under AMRUT is opened Zero Balance Subsidiary Account (ZBSA). He emphasized on on-boarding of schemes on PFMS by IAs and directed all IAs to complete the process without further delay. He further directed that none compliance of the same will be reviewed seriously and will be taken-up with higher authority.

Thereafter, AS (UD) reviewed a scheme-wise progress and record of discussion is as under:-

- i. The Delhi Jal Board (DJB) informed that there are 14 (fourteen) projects which are being implemented by them and no account has been opened yet. Mission Director directed the representative of DJB, that all accounts should be opened and mapped in PFMS. It was assured by the DJB that all accounts will be opened in SBI, Vikas Bhawan, Delhi before 17.09.2021 (Friday) and mapping/registration in PFMS may also be done by 17.09.2021. DJB also informed that they have no unspent balance, to which CoA (UD) requested DJB to submit the UCs.

The Special Secretary (UD) directed DJB to ensure that all the required activities should be completed before 17.09.2021 (Friday).

(Action by: - Delhi Jal Board for AMRUT)

- ii. The representative of South DMC informed that they have transferred the unspent balance to SN Account under AMRUT & SBM (U) and there is total three child agencies/zones/division (two for AMRUT plus one for SBM) from where payments are being made to vendors/contractors. Accounts for these child agencies have been opened at SBI, Vikas Bhawan, IP Estate, Delhi and will be mapped in PFMS in 2-3 days.

The CoA (UD) also requested to the representative of South DMC to provide the expenditure statement along with relevant Utilization Certificate (UC), so that the amount transferred by South DMC can be reconciled. SS (UD) also directed to ensure that the mapping of the schemes in PFMS should be completed before 17.09.2021 (Friday).

(Action by:- South Delhi Municipal Corporation for AMRUT & SBM-U)

- iii. The representative of east DMC informed that there are twenty three zones/divisions (five for AMRUT plus eighteen for SBM) where payment are being transferred under AMRUT & SBM (U) and one ZBSA (Zero Balance Subsidiary Account) of child agency under AMRUT has been opened and mapped in PFMS, rest will be completed within 2-3 days. Further, EDMC assured that the unspent balance of AMRUT & SBM (U) will be transferred to the respective SN Account before 25.09.2021.

The Special Secretary (UD) directed EDMC that all the required activities such as opening of accounts child agencies/registration/mapping in PFMS should not be delayed beyond 17.09.2021.

(Action by:- East Delhi Municipal Corporation for AMRUT & SBM-U)

iv. The representative of North DMC informed that they have transferred the unspent balance to SN Account under SBM (U) and twelve child agencies/zones/division involved in implementation of SBM (U). It has been informed by the representative of North DMC that nine accounts of child agencies have been opened at SBI, VikasBhawan, and rest will be opened by tomorrow (15.09.2021). further registration/mapping will also be done within 2-3 days.

The CoA (UD) requested to North DMC to provide the expenditure statement alongwith relevant Utilization Certificate (UC), so that the amount transferred by North DMC can be reconciled. SS (UD) also directed to ensure that the mapping of the schemes in PFMS should be completed before 17.09.2021 (Friday)

(Action by:- North Delhi Municipal Corporation for SBM-U)

v. The representative of NDMC informed that NDMC has already submitted its request about its unavailability to open separate bank accounts, as the establishment act of NDMC does not allow doing so.

The SS (UD) informed that the request of NDMC (New Delhi Municipal Council) for exemption for PFMS has already been forwarded to MoHUA, GoI & Finance Deptt., GNCTD, which is under consideration.

(Action by:- New Delhi Municipal Council for AMRUT, SBM-U & SCM)

The Controller of Accounts (UD) informed that there is only one Implementing Agencies of NULM i.e. Mission Swaraaj and unspent balance is yet to be transferred by Mission Swaraaj. Further, Additional Secretary (UD) directed that all required activities including transferring of funds should be completed by 25.09.2021

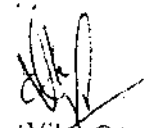
(Action by:- Mission Swaraaj for NULM)

vii. It has been observed by the Special Secretary (UD) that no representative from Delhi Urban Shelter Improvement Board (DUSIB) & Delhi Cantonment Board (DCB) is present in the meeting. AS (UD) directed to convey his displeasure on non-attending the meeting and further directed to convey that the all required activities in i/o PFMS for DUSIB & NULM should not be delayed beyond 25.09.2021.

(Action by:- DUSIB, Delhi Cantonment Board)

The special secretary (UD) directed that all required activities such as opening of Zero Balance Subsidiary Accounts (ZBSA), mapping and registration of child agencies in PFMS by IAs should be completed in all manners before 30.09.2021 without any delay alongwith transfer of unspent balance & reconciliation statement.

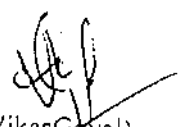
Meeting ended with vote of thanks to the Chair.

  
(Vikas Goyal)  
Deputy Secretary, UD

To.

1. Chairperson, New Delhi Municipal Council.
2. Commissioner, South Delhi Municipal Corporation.

3. Commissioner. East Delhi Municipal Corporation.
4. Commissioner. North Delhi Municipal Corporation
5. Chief Executive Officer. Delhi Jal Board
6. Chief Executive Officer. Delhi Urban Shelter Improvement Board.
7. Chief Executive Officer. Delhi Cantonment Board.
8. Mission Director (NULM). SamajikSuvidhaSangam Mission Swaraj.
9. Chief General Manager. State Bank of India. VikasBhawan.

  
(Vikas Goyal)  
Deputy Secretary, UD

F. No:310(7)/UD/AMRUT/PFMS/2019/476-83. Dated: 17/09/2021

Copy to:-

1. PS to Additional Chief Secretary (UD).
2. PS to Special Secretary (UD).
3. PA to Additional Secretary (UD).
4. Controller of Accounts (UD) with the request to attend the meeting.

  
Deputy Secretary, UD



- 67 -

-151-  
ANNEXURE-V

GOVT. OF NCT OF DELHI  
DIRECTORATE OF EDUCATION  
MID DAY MEAL BRANCH; ROOM NO. 252,  
OLD SECRETARIAT, DELHI.  
Ph.-23890002



No.F.DE.23 (769)/MDM/2020-21/Pl.file/ 1018-1022

Dated: 28/12/2021

To,

1. The Director (Education)  
South Delhi Municipal Corporation  
15<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee  
Marg, Civic Centre, New Delhi.

2. The Director (Education)  
East Delhi Municipal Corporation,  
419, Udyog Sadan, Patpaganj  
Industrial Area, Delhi-92.

3. The Director (Education)  
North Delhi Municipal Corporation  
15<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee  
Marg, Civic Centre, New Delhi.

4. The Director (Education)  
New Delhi Municipal Council (NDMC)  
Palika Kendra, Parliament Street,  
Connaught Place,  
New Delhi.

5. The Chief Executive Officer  
Delhi Cantonment Board,  
Delhi Cantt., New Delhi.

Sub.: PFMS account of Mid Day Meal, Govt. of NCT of Delhi-SNA accounts  
ratification regarding.

Sir,

Ministry of Education, GOI vide letter dated 08/11/2021 has advised to have only one SNA Account for releasing funds under MDM (now PM POSHAN) Centrally sponsored Scheme instead of 14 SNA accounts opened earlier as per sub-heads of Budget. Accordingly, Education Department, Govt. of NCT of Delhi has approved to remain only one SNA account - DL-47 MDM for Children-Supplies & Materials.

In view of above, you are requested to please change this State-linked Scheme code nomenclature or close the said accounts and open the new account with the Scheme Code No. DL-47 MDM for Children-Supplies & Materials at all linked Implementing Agency's accounts down the ladder so as to map in PFMS Portal with main SNA Account and transfer of funds smoothly.

This may be treated as MOST URGENT please.

Yours faithfully,

(SANJEEV KUMAR SHARMA)  
DY. DIRECTOR OF EDUCATION (MDM)

152-  
GOVT. OF NCT OF DELHI  
DIRECTORATE OF EDUCATION  
MID DAY MEAL BRANCH, ROOM NO. 252,  
OLD SECRETARIAT, DELHI

F.DE23(769)/MDM/2020-21/Pt. File/ 1234

Dated: 24/1/2022

To

The AEO(MMS),  
Mid Day Meal Branch,  
Education Department,  
New Delhi Municipal Council  
Delhi -110001

Sub: PFMS Account of Mid Day Meal, Govt. of NCT of Delhi – SNA Accounts ratification regarding opening of a separate SNA Bank Account.

Sir,

With reference to your letter No.AEO(MMS)/D/2022 dated 20.01.2022 on the above cited subject. It is informed that as per the revised guidelines issued by Govt. of India dated 21.03.2021, zero balance subsidiary account of IAs down the ladder should be opened in the same bank or in its branch.

The main SNA A/C of MDM (now PM-Poshan) scheme is with Union Bank of India, so you are therefore requested to open the zero balance subsidiary A/C in the Union bank of India. Copy of guidelines are attached.

The compliance report as per directions of Pr. Secretary (Education) conveyed in V.C on dated 19.01.2022 may be submitted Wednesday positively.

Yours faithfully

*(Signature)*  
24/01/22  
(Naresh Kumar)

Section Officer (MDM)

Encls: As above

153-ANNEXURE-VI

- c. It is also proposed that before processing further, the advise of Law Deptt. w.r.t. the proposal at (a) & (b) may be obtained please.

18/01/2022 04:31 PM

SHEETAL

DEO

Note # 52

18/01/2022 04:57 PM

 Digitally Signed

SAROJ GUPTA

AO

Note # 53

18/01/2022 05:28 PM

 Digitally Signed

PANKAJ ANAND

JT CAO

Note # 54

1. Roll out of 'Expenditure Advance and Transfer' (EAT) module of 'Public Financial Management System' (PFMS) for ULBs across India by Department of Expenditure, Ministry of Finance, Govt. of India aims at achieving 100% digitization of payments under various schemes.
2. The peculiar provisions under section 45 & 46 of the NDMC Act, 1994 restraining NDMC to open separate/multiple bank accounts - required to be mapped with State Nodal Agency (SNA) bank accounts as mandated under PFMS - have since resulted in a situation where release of funds/ GIA to NDMC for implementing CSS has been stopped despite (i) letters by Director (Accounts)/Director (Edn.), NDMC, to UD Department/Directorate of Education, GNCTD, besides in person meetings explaining the said restraints and seeking exemption from opening separate bank accounts for each CSS, (ii) forwarding of NDMC's request by the UD Department, GNCTD to MoHUA, GoI, and; (iii) an earlier precedence of exemption to NDMC by Ministry of Power, GoI from opening of separate bank account to receive GIA under the IPDS scheme of that Ministry.
3. Apparently, the said provisions under the NDMC Act, 1994 did not foresee the ongoing massive and crucial changes in the economic and financial landscape where through the use of digital technologies, account/record keeping as well as the accounting transactions -

154-

Including the transfer of funds, is possible on real time basis and that too with complete transparency from source to the last recipient of funds in the chain. Thus, it can safely be stated that the said provisions of the NDMC Act, 1994 are not in sync even with the current times not to speak of future possibilities. Rather, the said provisions of the NDMC Act, 1994 are proving to be a road block for NDMC to achieve complete digitization of payments besides the financial loss accruing/likely to accrue due to stoppage or delayed release of funds by various departments/ministries. Hence, the said provisions of the NDMC Act need to be amended so that NDMC can continue to hold its lead position in digitization of administrative, accounting and other processes for delivery of best civic services.

4. As is known, amendment of the NDMC Act, 1994 will be a long-drawn process and may take a minimum of two to three years to complete whereas unhindered implementation of various CSS - of which many are welfare schemes like Mid-Day Meal Scheme, after compliance of directions of the Ministry is immediate need of the hour.
5. Considering the urgency in the matter, separate Savings Bank Accounts for each CSS or other scheme(s) as per the requirements of PFMS and directions of the Ministry of Finance, GoI and GNCTD in this regard, may be opened in anticipation of the amendment in the NDMC Act, 1994, after approval of the Council.
6. The proposed separate Savings Bank Accounts shall, however, shall be operated and will be subject to audit by the Chief Auditor, NDMC as per the relevant provisions of the NDMC Act, 1994 governing operation of General Account of New Delhi Municipal Fund.
7. In view of the above, approval of the Chairperson, NDMC may, if approved, be sought for -
8. (a) Immediate Opening of separate Savings Bank Accounts for each CSS or any other scheme(s) as per the requirements of PFMS as per directions of the Department of Expenditure, Ministry of Finance, GoI and GNCTD in this regard, in anticipation of the amendment in the NDMC Act, 1994 after approval of the Council;
9. (b) Placing the matter before the Council for information, and, approval to the requisite amendments in the NDMC Act, 1994 for which draft agendum shall be submitted separately in consultation with the Law Department.

19/01/2022 12:06 PM



Digitally Signed

V K HASIJA

DIRECTOR

Note # 55

19/01/2022 02:08 PM



Digitally Signed

ISHA KHOSLA

SECRETARY

Note # 56

As proposed.

-155-

19/01/2022 03:33 PM



Digitally Signed

**DHARMENDRA**

**CHAIRPERSON**

**Note # 57**

19/01/2022 03:36 PM

**ISHA KHOSLA**

**SECRETARY**

**Note # 58**

Immediate requisite action as per the approval of Chairperson, NDMC shall be initiated and compliance report be submitted.

19/01/2022 10:32 PM



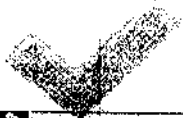
Digitally Signed

**V K HASIJA**

**DIRECTOR**

**Note # 59**

20/01/2022 11:24 AM



Digitally Signed

**PANKAJ ANAND**

**JT CAO**

**Note # 60**

**Subject: Opening of Zero Balance Account in pursuance of revised procedure for release of Funds in r/o Centrally Sponsored Schemes- Regarding**

As per approval of Chairman, NDMC, the formalities for opening of a zero balance savings account has been completed and submitted to the SBI. It is informed by SBI vide email dated 20.01.2022 that new zero balance savings account has been opened in SBI with below mentioned details (copy of email attached):-

Name of Bank	:	State Bank of India
Branch	:	Sansad Marg, New Delhi
Account Number	:	40728336107
IFSC Code	:	SBIN0000691

- 156 -


Accordingly, a draft letter addressed to Director (Education) has been prepared and attached for information of the opening of New Savings Bank Account for receipt of grant-in-aid as per request of Education Department.

The case may be submitted for approval of Draft letter and signature please.

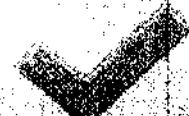
20/01/2022 05:00 PM  
MEENU SAWANT  
AAO  
Note # 61


20/01/2022 05:12 PM



 Digitally Signed PANKAJ ANAND  
JT CAO  
Note # 62  
As proposed.

20/01/2022 05:23 PM



 Digitally Signed RAM SINGH  
DIRECTOR  
Note # 63

20/01/2022 05:26 PM



 Digitally Signed PANKAJ ANAND  
JT CAO


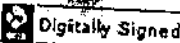
157-

- b. To send the amendments required in NDMC Act, 1994 to MHA for further action in the matter.
- c. Permission to close the newly opened zero balance savings account no. 40728336107 in State Bank India as proposed by Education Department of NDMC.



Submitted please.

03/02/2022 11:39 AM  
PRIYA  
DEO  
Note # 70

03/02/2022 11:52 AM

  
 MEENU SEHGAL  
AO  
Note # 71

03/02/2022 12:26 PM



  
 PANKAJ ANAND  
JT CAO  
Note # 72

03/02/2022 04:21 PM  
RAM SINGH  
DIRECTOR  
Note # 73

The account had been opened in SBI, but communication from Delhi Govt says that the same needs to be in Union Bank of India since their main account is with UBI. There is no other option being a directive of Govt of Delhi. We may agree to psi at para 11 above.

08/02/2022 05:53 PM



158-

  
 Digitally Signed PUSKAL UPADHAYAY  
FINANCIAL ADVISOR  
Note # 74



10/02/2022 11:46 AM

  
 Digitally Signed DHARMENDRA  
CHAIRPERSON  
Note # 75

10/02/2022 11:50 AM

  
 Digitally Signed PUSKAL UPADHAYAY  
FINANCIAL ADVISOR  
Note # 76

10/02/2022 11:54 AM

  
 Digitally Signed RAM SINGH  
DIRECTOR  
Note # 77

10/02/2022 11:55 AM

  
 Digitally Signed PANKAJ ANAND  
JT CAO



**Annexure-VII**

**The final comments/observations of Law Department and para-wise reply of Accounts Department.**

Sr. No.	Observations of Law Department	Reply to the observations of Law Department
1.	Having examined the contents of the draft agendum from the legal point of view, it is observed that at this stage no specific legal issue is involved. However, the concerned department may ensure the correctness of facts, words and figures mentioned therein, and the other guidelines on the subject, if any has been complied with.	The correctness of facts, words and figures mentioned therein, have been checked, and the other guidelines on the subject have been complied with.
2.	Further, it is suggested that the 'designated bank' as mentioned in the proposed amendments in the draft agendum should preferably be a 'Scheduled Public Sector Bank', operating under the overall administrative control of the Central Government, to protect the interests of the NDMC and its funds.	<p>It is submitted that point no. 1 of office memorandum dated 23.03.2021 of GOI, Ministry of Finance, department of expenditure on the subject procedure for release of funds under the Centrally Sponsored Schemes (CSS) and monitoring utilization of the funds released, reads as under (attached at <b>P-92 Annexure-I</b>):-</p> <p>"Every State Government will designate a Single Nodal Agency (SNA) for implementing each CSS. The SNA will open a Single Nodal Account for each CSS at the State level in a <b>Scheduled Commercial Bank</b> authorized to conduct government business by the State Government".</p> <p>Hence, it is submitted that the word "designated" may be replaced with "authorized Scheduled Commercial Bank" instead of "Scheduled Public Sector Bank" in the proposed amendments in NDMC Act, 1994.</p>

## ITEM NO.14 (Pers.)

1. Name of the subject / project.	Grant of DTL pay scale to Social Education Department w.e.f. 01.04.1998 & to Aanchal School posts w.e.f. 16.07.2008.
2. Name of the Department and Departments concerned.	Personnel Department.
3. Brief history of the subject / project	<p>3.1 The Council vide its Resolution No. 36(H-03) dated 27.06.2016 (Annexure-I) (See pages 164-175) resolved the following-</p> <ul style="list-style-type: none"> <li>i. To accept the proposal as outlined in para 10 for extending the benefit of DTL pay scales to the left out categories of the employees.</li> <li>ii. To form a Committee comprising of Secretary, NDMC, Financial Advisor and Director (Personnel) to look into the grievances relating to disparity in grant of replacement pay scales, if any, of the employee from the left out categories who have been recommended for grant of DTL pay scales now, after excluding the employees of Electricity Department who have already been granted DTL Scales.</li> <li>iii. To take immediate steps for notifying regulation as per provision of Section 43 of the NDMC Act, 1994.</li> </ul> <p>3.2 In pursuance of ibid Council Resolution dated 27.06.2016, NDMC Office Order No. SO(E)/5084/SA-III dated 05.09.2016 (Annexure-II) (See pages 176-177) was issued for grant of DTL pay scales to left out categories including Social Education Department posts (mentioned in Annexure-I). Further, the pay of Social Education Department posts were fixed, as per DTL replacement scales mentioned in Annexure-I of order dated 05.09.2016. The Council vide its resolution No. 36(H-03) dated 27.06.2016 has also formed an Anomaly Committee to look into the grievances relating to disparity in grant of replacement pay scales.</p> <p>3.3 Subsequently, Anomaly Committee in its report dated 18.08.2017 [in Para 10 (G)] has recommended that <i>"The posts of Aanchal School became NDMC post only from 16.07.2008 and thus can be granted replacement scale only from that date whereas the Ms. Rita Kumar Sub-Committee has recommended grant of DTL pay scales along with other posts from the same date i.e. 01.04.1998."</i></p> <p>As employees/posts of Aanchal School comes under Social Education Department w.e.f. 16.07.2008 and they cannot be granted DTL Scales prior to the date it became part of Social Education Department.</p> <p>3.4 It is pertinent to mention that Social Education Department have 46 Nos of posts including Aanchal School post mentioned in Annexure-I of Office Order dated 05.09.2016 (Annexure-III) (See pages 178-183)</p>

which were granted DTL Scales w.e.f. 01.04.1998. The recommendation of the same has been approved vide Council Reso. No. 36 (H-03) dated 27.06.2016.

3.5 To resolve this Anomaly, the Department placed a proposal vide Para 4(ix) Agenda item no. 01(H-04) before the Council in its meeting dated 28.08.2017 for "grant of equivalent replacement scale to posts in Aanchal under Social Education Department from 16.07.2008 i.e. date from which it became NDMC posts" (Annexure-IV) (See pages 184-194) However, the decision issued vide Council resolution no. 01(H-04) dated 28.08.2017 (Annexure-V) (See pages 195-204), instead of mentioning of 'Aanchal School under Social Education Department', the word 'Social Education Department' is mentioned as under

*"The replacement DTL pay scales to be granted w.r.t. posts in Account/Audit Cadre, Law Department and Social Education Department would be decided separately"*

Consequently, DTL scales granted to all posts of Social Education Department vide Council Resolution No. 36(H-03) dated 27.06.2016 get suspended, inadvertently.

3.6 In the year 2008, Aanchal School was merged with Social Education Department. Accordingly, Anomaly Committee reported that employees/posts of Aanchal School cannot be granted DTL replacement pay scales prior to merger of Aanchal School with Social Education Department. Agenda was proposed only for employees of Aanchal School posts. However, it seems there was typographical error while issuing the Council decision issued vide Resolution No. 1 (H-04) dated 28.08.2017. But subsequently an Office Order was issued vide No. SO(E)/5246/SA-III/2018 dated 03.12.2018 (Annexure-VI) (See page 205), wherein it was directed in order to safeguards the interest of NDMC, arrear of pay fixation to the existing and retired employees will be released after adjustment of token/adhoc payment already given to them on account of DTL pay scale under left out category. Accordingly, pay of all the posts of Social Education Department get revised as per 7<sup>th</sup> CPC scales and dues were settled.

3.7 Aggrieved off the Council decision, employees of the Social Education Department approached the Court against the decision of NDMC. In addition numerous representations from Unions are also being received. Personnel Department reviewed/examine the case in detail in view of Court cases and employees/union representatives.

3.8 The Social Education Department provide a list of 46 Posts which were granted DTL Pay Scales vide Office Order No. SO(E)/5084/SA-III dated 05.09.2016 in their list, they also mentioned that Posts (S. No. 1 to 33) belongs to Social Education Department(including Aanchal School Posts) and Posts (S. No. 34 to 46) are not belongs to Social Education Department. (Annexure-VII) (See pages 206-207).

4. Detailed proposal of the subject	The department proposes that the DTL Pay scales in respect of Social Education Department posts may be again granted as granted vide Council Resolution No. 36(H-03) dated 27.06.2016 and stopped vide Council Resolution No 01(H-04) dated 28.08.2017 in parity with other left out category who have been granted DTL replacement pay scale vide order dated 27.12.2017. Further, to maintain the uniform pay scales within the Social Education Department posts, the benefit of DTL pay scale may also be granted to the post of Aanchal School w.e.f. 16.07.2008 i.e. the date from which Aanchal School posts comes under Social Education Department, NDMC.
5. Financial implications of the proposed subject / project	The issue have been already considered in the Council Meeting vide agenda item no. 36 (H-03) dated 27.06.2016, item No. 34 (H-03) dated 21.08.2017 & item No. 01(H-04) dated 28.08.2017. No new expenditure is being proposed in the instant agenda item.
6. Implementation schedule with timeliness for each stage including internal processing.	Immediate after Council approval.
7. Comments of the Finance Department on the subject	Finance Department has no objection to place the proposal of the department to grant DTL Pay Scales to Social Education Department w.e.f. 01.04.1998 & to Aanchal School posts w.e.f. 16.07.2008 subject to ensuring that the benefit of DTL Pay Scales should not be extended to Teaching & Vacational Staff and the said proposal is in pursuance to the decisions taken/orders issued in this behalf.
8. Legal implications of the subject	No legal implication involved.
9. Details of the previous Council resolution, existing law of Parliament and Assembly on the subject	Resolution No. 21 (H-03) dated 22.07.2009. Resolution No. 15/2013-14 dated 26.02.2014. Resolution No. 36 (H-03) dated 27.06.2016. Resolution No. 34 (H-03) dated 21.08.2017. Resolution No. 01 (H-04) dated 28.08.2017.
10. Comments of the Law Department on the subject	Administrative matter. No comments has been obtained as no new legal issue is involved.
11. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.	Not applicable being purely an administrative matter.
12. Recommendations	The department proposes that (i) The DTL Pay scales in respect of Social Education Department posts may be again granted as granted vide Council Resolution No. 36(H-03) dated 27.06.2016 and stopped vide Council Resolution No. 01(H-04) dated 28.08.2017, in parity with other left out category who have granted DTL replacement pay scale vide order dated 27.12.2017 and (ii) The benefit of DTL replacement pay scale granted vide order dated 27.12.2017 may be granted to the

	posts of Aanchal School w.e.f. 16.07.2008 i.e. the date from which Aanchal School posts became part of Social Education Department, NDMC. (iii) The benefit of DTL replacement pay scale may not be granted to the posts of Teaching & Vocational Staff under Social Education Department.
Draft resolution	

**COUNCIL'S DECISION**

Resolved by the Council that :-

- (i) The DTL Pay scales in respect of Social Education Department posts may again be granted as granted vide Council Resolution No. 36(H-03) dated 27.06.2016 and stopped vide Council Resolution No. 01(H-04) dated 28.08.2017, in parity with other left out category who have granted DTL replacement pay scale vide order dated 27.12.2017 and
- (ii) The benefit of DTL replacement pay scale granted vide order dated 27.12.2017 may be granted to the posts of Aanchal School w.e.f. 16.07.2008 i.e. the date from which Aanchal School posts became part of Social Education Department, NDMC.
- (iii) The benefit of DTL replacement pay scale may not be granted to the posts of Teaching & Vocational Staff under Social Education Department.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Sengupta*

For Secretary  
New Delhi Municipal Council,  
New Delhi.

36 (H-03)

## 1. NAME OF THE SUBJECT:-

Grant of DTL Pay Scales to the 'Left Out' categories of employees of NDMC

## 2. NAME OF THE DEPARTMENT:-

Personnel Department.

## 3. BRIEF HISTORY OF THE SUBJECT:-

- (i) On the pattern of erstwhile DESU (now Delhi Transco Lt. DTL), NDMC adopted and extended higher pay scale to the officers and staff of Electricity Department vide Resolution No. 15 dated 19/10/1973 and with Resolution No. 1 dated 07/01/1974
- (ii) From time to time, on the basis of various Court/Tribunal orders, NDMC had been granting DTL pay scales to employees of various Departments/Wings. The grant of DTL pay scales to a few categories of employees had led to filing of numerous cases in Hon'ble Delhi High Court/Supreme Court by those who were still getting CPC pay scales.
- (iii) The High Court of Delhi vide its judgments dated 17.09.2008 in various Writ Petitions filed by various categories of employees had granted them entitlement to the benefit of SSC pay scales. The NDMC had filed appeal against the said judgment of the High Court. The Supreme Court in the judgment dated 16.07.2008 in R.L. Gautam & Others Vs NDMC and others had disposed of various appeals with following directions
- ..... However, these anomalies should not have been brought on record but these should have been settled by the authorities themselves by rationalizing the pay scales to all the employees working in the department."*
- (iv) Pursuant to Hon'ble Supreme Court's directions dated 27/10/2008, the Chairman, NDMC constituted a Committee under the Chairmanship of Shri Bharat Bhushan vide order No. SO (E)/4237 dated 08/08/2008. The Committee had submitted its recommendations before the Council in 2009. After consideration of the said recommendations, the Council on 22.07.2009 decided as under

*"Resolved by the Council that those employees who have been denied of the benefit of Shiv Shankaran Scale, may also be given the benefit of the Shiv Shankaran Scale, in view of the directions given by Hon'ble Supreme Court of India in SLP (Civil) No.(s) 13301/2005 & Batch*

*it was further resolved by the Council that the present report of the Bharat Bhushan Committee may be referred back to the same Committee for giving its further recommendations within two weeks from the receipt of report of the Pay Revision Committee constituted in the Delhi Transco Limited.*

Subsequently vide Council Resolution No. 15/2011-14 dated 26.07.2011 it was further decided as under:-

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1960122/2020/SECRET.

"After detailed deliberations and discussion, it was resolved that SS Scale should be given to the affected employees as decided in the Council meeting vide Resolution No. 21(H-03) dated 22.07.2009."

Pursuant to the Council Resolution, DTL pay scales were granted to NDMC's Civil Engineering Department vide Office Order No. SO(CE-II)/2672/SAG-1 dated 17/12/2015.

- (v) In order to implement Council's Resolution dated 22/7/2009 and 26/02/2014 - for grant of DTL pay scales to the left out categories of NDMC employees as also for removal of anomalies in the pay scales of different posts in various Departments due to grant of DTL pay scales to some categories of posts, a Sub-Committee was constituted vide Office Order No. PA/Dir(P)/134/2015 dated 07/04/2015 with the following Members :

1. Ms. Rita Kumar, Special Advisor (Estt.)	Chairperson
2. Sh. T.K. Sanyal, Advisor (Law and Revenue)	Member
3. Dy. Chief Auditor ( Presently - Sh. A.S. Budhwar )	Member
4. Dy. Fin. Adviser -III (Presently Sh. Chandrashekhar)	Member
5. Joint Dir. (CGIT Cell (Presently Sh. Anil Kumar )	Convener
6. Joint Direct/Dy. Dir. of Establishments	Members

- (vi) Various Establishment Branches/Units of Personnel Department of NDMC i.e., Health Establishment, Social Education Establishment, Civil Establishment, Electrical Establishment, A&H Establishment and Main Establishment had provided detailed information of CPC scales/DTL scales in respect of the left out categories of employees under their administrative control which were examined by the Sub-Committee for resolving anomalies resulting from grant of DTL pay scales. The said Committee has since submitted its report on 25.02.2016. The details of the report are as under:

- (a) the DTL Scales granted to Electricity Department since 1973 and also DTL scales granted to Civil Engineering Department in December 2015 was referred to.
- (b) replacement scales of DESU/DVB/DTL as adopted by NDMC from time to time vide specific orders issued for various categories formed the basis of reference. However, the Committee referred to DVB/DTL scales specifically applicable as on 01/04/1998.
- (c) the replacement DTL scales considered were with reference to applicable DTL Scales as on 01/04/1998 or its closest scales.
- (d) for any change in CPC scales after 01/04/1998, DTL replacement scales was applied to the pre-revised scale as on 1.4.1998 and current scale till the date of revision to avoid any double benefit.
- (e) for the posts that may have been created or posts that may have come into existence in NDMC after 01/04/1998, they compared it to similar DTL scales granted to Electricity Department/Civil Engineering Department or other categories by NDMC.

- (f) comparative CPC scales vis-avis DESU/DVB/DTL scales adopted by NDMC since 1972-73 was referred to wherever required to determine DTL replacement scales. Copy of comparative scales enclosed.
- (g) wherever there is no specific scale available with DTL, the Committee at its discretion recommended replacement DTL scale on merit and keeping in view the post's hierarchy and parity with other similar scales adopted by NDMC in the past.
- (h) the Sub-Committee recommended that posts of other Departments/categories carrying the same pay scales in CPC as CE/SE/XEN/AE/JE as on 1.4.1998, should be given the same scale of pay in DTL as was granted by Personnel Department to the employees of Civil Department.
- (i) the Sub-Committee took note of the fact that there are certain Departments that exist in NDMC as well as DTL, viz., Accounts & Finance, Law and Personnel with different nomenclatures in its hierarchical structures. The Sub Committee while considering the posts attempted to retain uniformity and parity with similarly placed DTL scales in NDMC as on 1.4.1998 while recommending DTL pay scales/grade pay.
- (j) while recommending DTL pay scale to certain categories of post in Departments dealing with Security/Fire/Dispatch Riders etc., the Sub-Committee ensured that the status of employees is not altered to their disadvantage. For instance, the status of a category C employee in CPC should not get downgraded to category D in DTL.
- (vii) A copy of report is attached as Annexure-I (See pages) and some of the specific recommendation of the Sub- Committee are as under:-
- The post of Mali in A&H Department as well as the post of Sr. Mali were placed in the CPC Scale of Rs. 5200-20200+G.P. 1800/-. The DTL equivalent scale of this scale is Rs. 6000-20200+G.P.2000/-. However, the post of Sr. Mali is promotional post and it is observed that the pay scales prior to 1998 were also higher in respect of Sr. Mali. The Committee recommended the DTL Scale of Rs. 6000-20200 +GP 2200/-.
  - The post of Chaudhary in A&H Department is a Category 'C' post and their pay in CPC scale was fixed at Rs. 5200-20200+G.P. 1900/-. The lowest pay scale in DTL for Category 'C' post is Rs. 8500-26300+G.P. 2800/- as such the Sub-Committee recommended the pay scale of Rs. 8500-26300+G.P. 2800/-.
  - The post of Anti Malaria Fitter, Anti Malaria Jamadar and Anti Malaria Gangman of Health Department had CPC Scale of Rs.5200-20200+G.P. 1800/-. However, it is noticed that Anti Malaria Jamadar is a feeder cadre to the post of Anti Malaria Fitter and Anti Malaria Gangman is feeder post of Anti Malaria Jamadar. Accordingly, the DTL Scale for Anti Malaria Gangman recommended is Rs. 6000-20200+G.P.2000/- and for Anti



Malaria Jamadar DTL Scale of Rs. 6000-20200+G.P.2200/- and for Anti Malaria Fitter DTL pay scale of Rs.6000-20200+G.P.2400/- is recommended.

- d. The post of Sewer mate and Sewer man of Health Department has DTL Scales of Rs. 3200-5055 (6000-20200+GP 2200) and Rs. 3200-4985 (6000-20200+GP 2000) respectively. However, Sewer man is the feeder post for Sewer mate accordingly, the pay DTL pay scale of Rs.6000-20200+2200 G.P. is recommended for the post of Sewer Mate and the DTL pay scale of Rs 6000-20200+2000 for Sewer man.
- e. Pump Attendant of Civil Engineering was placed in 5<sup>th</sup> CPC of Rs.3050-4590 and Pump Driver was placed in 5<sup>th</sup> CPC Rs. 3200-4985. However, Pump Attendant is the feeder cadre for the post of Pump Driver. The DTL pay scale recommended for Pump driver is Rs. 8500-26300+2900 and the DTL pay scale of Rs Rs.6000-20200+2800 for Pump attendant.
- f. The Committee observed that the pay scale of Directors namely Director Finance, Director Accounts, Deputy Chief Auditor, Law Officer, Director Horticulture, Additional Chief Architect, Deputy Architect, Sr. Architect were in the 5<sup>th</sup> CPC scale of Rs. 12000-16500 and as per the orders dated 10/11/2009, two scales of pay will operate for the Directors and similarly placed others working in Council.
  - i. Those officer with 5 years in the pre revised scale of Rs. 12000-16500 up to 01/01/2006 be given higher scale of Rs. 14300-18300 i.e. revised to CPC scale Rs. 37400-67000+8700(G.P.) which is equivalent to DTL scale of Rs. 37400-67400-8900 GP. They will be placed in the DTL scale Rs 37400-67400-8900 GP as and when they complete 5 years in pre-revised scale of Rs. 12000-16500 .
  - ii. Other Officers will operate in the DTL scale of 19000-39100+G.P. 7600
- g. Dy Director (Horticulture) and Joint Directors were in the scale of Rs. 10,000-15200 in 5<sup>th</sup> CPC. Executive Engineer of Electrical and Civil were also in the 5<sup>th</sup> CPC scale of Rs. 10,000-15200. However, Executive Engineer were granted DTL scale of Rs. 19000-39100+7600 G.P. Accordingly, it recommended that the DD(Hort) and Joint Directors be also placed in the scale of Rs. 19000-39100 + 7600 G.P.
- h. The post of Dy. Directors was in the 5<sup>th</sup> CPC of Rs 7500-12000 as on 1.1.96 / 1.4.98. The post of Asstt Engineers of Electrical and Civil Departments were in the CPC scale of Rs. 6500-10500. This was lower to the scale of Dy. Directors. However these Asstt Engineers have been granted DTL scale of 19000-39100 + 5400 as on 1.1.2006 . Accordingly the DTL scale of 19000-39100 with GP of 6600 was proposed.
- i. It is observed that as on 1.1.96/1.4.98 the CPC pay scale in respect of Audit Officer/Accounts Officer and Senior Audit Officer/Senior Accounts

Officers were in the scale of Rs. 8,000-13500 and corresponding 6<sup>th</sup> CPC scale was Rs. 15600-39100+5400 G.P. for both the categories of posts. However, Audit Officer/Accounts Officer is a feeder cadre to the post of Senior Audit Officer/Senior Accounts Officer, accordingly the Committee has recommended the pay scale of Rs.19000-39100 + G.P. 6600 for Audit Officers and Accounts Officers and DTL pay scale of Rs. 19000-39100+G.P. 7000 Sr Account/Sr Audit Officers.

- j. As on 1.1.96/1.4.98, the posts of Assistant Audit Officer/Assistant Accounts Officer were in the 5<sup>th</sup> CPC scale of Rs. 6500-10500. Assistant Engineers of Electrical and Civil who were also in the 5<sup>th</sup> CPC Scale of Rs. 6500-10500 were granted the DTL pay scale of Rs. 19000-39100+G.P. 5400. Accordingly on the same basis/analogy, the Junior Account Officer/Assistant Audit Officers/Assistant Account Officers have been recommended the DTL pay scale of Rs. 19000-39100+G.P. 5400.

COMMENTS ON RECOMMENDATIONS OF THE SUB-COMMITTEE:

As per recommendation of 6<sup>th</sup> CPC the status of a post is determined by the 'Grade Pay' assigned to the post. The Sub-Committee in its recommendation has recommended replacement pay scales by maintaining category wise parity with regard to CPC and DTL pay scales, amongst different posts. As a result some of the posts are getting benefit of increase in the salary both in term of the pay scale and in term of Grade Pay. This would result in substantive increase the salary of Category C posts. However, while recommending DTL pay scales for certain posts like Dy. Director/Joint Director in Horticulture Department, Architects in Architect Department, AAO/AO/Sr.AO in Accounts/Audit Department, ALO/DLO/Addl. LO in Law Department etc., the Committee has recommended next higher Grade Pay, which perhaps was not the mandate of the Sub-Committee.

To rationalise the pay structure of the employees amongst different Department in NDMC, only the replacement pay scales may be desirable. In cases where no equivalent DTL pay scale is available, the employees may be given next higher available Grade Pay.

4. DETAILED PROPOSAL ON THE SUBJECT:-

- (i) The need for introduction of DTL Pay Scales for the employees other than Electric Establishment has arisen in the wake of Hon'ble Supreme Court Judgement dated 16.07.2008 in the matter title as NDMC Vs. R.L.Gautam, wherein NDMC was directed to rationalize the pay scale of NDMC employees.
- (ii) In compliance of the said order, a Committee under the Chairmanship of Sh. Bharat Bhushan, (Retired High Court Judge) was constituted for rationalization of pay scales of NDMC vide Office Order No. SO(Estt.)/4237 dated 8.8.2008.
- (iii) The Committee submitted their report on 30.04.2009 recommending the 6<sup>th</sup> CPC Scales to all NDMC employees w.e.f. 1.1.2006. The specific recommendations of Bharat Bhushan Committee is reproduced as under:-

- (a) Para- 5.5.6 The combined reading of provisions of section 34, 36, 42 and 43 of the NDMC Act, 1994, the Central Civil Services (Revised Pay) Rules, 2008 and the Notification dated 9<sup>th</sup> April 2009 regarding classification of posts leave no scope for the Council to have any other classification/categorization and scale of pay for its officers and employees except the categorization/classifications and scale of pay as per Central Civil Services (Revised Pay) Rules, 2008.
- (b) Para- 5.5.7 The NDMC Act, 1994 is a Central Legislation and the legislature in its wisdom has legislated that Central Government shall have control over the Council and officer and employees of the Council shall be appointed in A, B, C or D category of posts, which would have its scales and emoluments similar to Group A, B, C or D posts in Central Government. This ensures that Council should not appoint officers and employees in inferior or superior scales and would maintain parity in the scales of pay with the Central Govt. Employees and Municipal Corporation of Delhi. The scales of pay in Delhi Cantonment Board, DDA, Delhi Jal Board and Government of NCT of Delhi are also the same.
- (iv) NDMC Act 1994 is essentially a Central Govt. Act and the salaries and other service conditions of the NDMC employees are required to be regulated as per the regulations to be notified by the Government as per the provisions mentioned in Section 43 (a) and (e) as under:-
- (a) *the tenure of office, salaries and allowances, provident fund, pensions, gratuities leave of absence and other conditions of service of officers and other employees appointed under this Chapter;*
- (e) *any other matter which is incidental to or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Council and any other matter for which in the opinion of the Council provisions should be made by regulations.*
- (v) As per the provisions under Section-34 (4) of the NDMC Act, the classification of various categories (A,B,C & D) of posts would be decided having regard to scale of pay or emoluments as classified under the Central Government in accordance with the orders issued by the Government from time to time.
- (vi) Section 387 of the Act further provides that:
- " (i) Any regulation which may be made by the Council under this Act may be made by the Central Government within one year of the establishment of the Council; and any regulation so made may be altered or rescinded by the Council in the exercise of its powers under this Act.
- (ii) No regulation made by the Council under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette."
- (vii) It is placed on record that Council has passed a Resolution No. 28(C-35) dated 17.10.2007 approving the Regulations under Section 43(1)(a) of Act, for regulating condition of Service of Municipal Officers. The Council

had resolved vide said Resolution that all its employees would be governed by the Rules & Regulations applicable to an employee of Central Government. The said Regulation were also approved by the Central Government (Ministry of Home Affairs) as required under Section 387(2) in May 2010. The Regulations approved by Central Government (Ministry of Home Affairs) inter alia envisages extending applicability of Central Civil Services (Revised Pay) Rules 2008 to Municipal Officers of NDMC. However, same are awaiting notification in official Gazette.

- (viii) Due to apparent oversight, while forwarding the Regulations adopted by the Council, for approval by the Ministry of Home Affairs in 2007/2010, it was not brought on record that not all employees of NDMC are not drawing salary in CPC pay scales. There is sizeable number of employees, even outside the Electricity Department who are drawing salary in DTL pay scale. Any notifications of the Regulations then would have been erroneous on ground. In case the Council now approves rationalisation of pay scale by granting of DTL pay scales to the left over categories of employees, the Regulations approved earlier by the Council/Ministry of Home Affairs would required to be simplified by incorporating the dual pay scales for the employees i.e. CPC and DTL pay scales and the Council's approval obtained afresh in a time bound manner. Thereafter approval of the Ministry of Home Affairs would be obtained again before notification of the modified Regulations in Official Gazette published by the Government of NCT of Delhi.
- (ix) Even after more than 20 years of the enactment of NDMC Act, there is no Regulation in place to govern the service conditions of NDMC employees. In absence of any Regulations for regulating the Service condition of NDMC employees, keeping in view various Court judgments and decisions dated 27.02.2009 and 26.02.2014 of the Council, the benefit of DTL pay scales have extended to around 75% of the employees.

#### 5. STATUS OF NDMC EMPLOYEES

- (i) At present there are two categories of posts in NDMC namely:
- a) those where incumbents are drawing DTL pay scales; and
  - b) those where incumbents are drawing CPC pay scales.

Amongst the total of 3340 employees in the left out categories, there are following 03 sub categories of employees so far as grant of DTL pay scale is concerned.

- a) 849 employees who have been already granted DTL pay scales and final arrears of payment made.
- b) Around 1144 employees whose pay have been fixed under DTL pay scale and are drawing revised salary. Two ad-hoc payment of DTL arrears have already been released to these employees. However, final arrears after adjustment of two ad-hoc payment, is pending.
- c) 1347 employees whose proposal was considered by anomaly committee and recommended. Pending the final decision of the Council, two ad-hoc payment of DTL arrears have already been

made to these employees. If approved, the salary of these employees would be fixed in DTL pay scales and final arrears after adjustment of two ad-hoc payment, would be made.

6. NOTE ON NDMC VIS-À-VIS DELHI TRANSCO LTD.

- a) NDMC, being primarily a Municipal Body, currently maintains consolidated Accounts for all its activities in accordance with the provision of NDMC Act, and segregated Accounts for the Electric Supply and Distributions activities are not maintained. To ensure transparent tariff settings, DERC has issued directions to NDMC for segregating the financial records pertaining to its Electricity Distribution Function and to furnish separate details on independent Accounts of Electricity Distribution Function while filling the Annual Revenue Requirement (ARR). To comply with directions issued by DERC, SBI Capital Market Ltd.(SBICAP) was appointed to study the present set up and suggest a plan for formation of Electricity Distribution Strategic Business Unit(EDBSU) within NDMC, as well as assist in its implementation.
- b) M/s. SBICAP has since submitted its final report to NDMC suggesting the re-organised structure for creating the proposed EDSBU, preparation of opening Balance Sheet and Accounting Policies including Policies for shared expenses suggesting corresponding changes in NDMCs Accounting Software and undertaking computation of actuarial valuation for the employees to be domiciled in EDSBU.
- c) At present NDMC has no option but to comply with the directions of DERC with regards to creation of a separate Electric Distribution Function. It is only in the Electric Distribution Department that duties/functions of posts are similar to those in DTL.

7. SALARY Vs. REVENUE RECEIPT: To keep the expenses on the salary manageable and sustainable on long terms basis without adversely affecting the financial health of NDMC, urgent rationalisation of the salary structure is required. A comparative table indicating year-wise expenditure on salary in % terms vis-a-vis total revenue receipt of NDMC is as under:

Year	Revenue Receipt (in thousands)	Salary (in thousands)	Salary as % of Revenue Receipt
2004-05	10557614	2080401	19.71
2005-06	10312396	2170794	21.05
2006-07	11000827	2238986	20.35
2007-08	13119731	2372443	18.08
2008-09	12822038	3279386	25.58
2009-10	16623200	4045700	24.34
2010-11	16911908	4971030	29.39
2011-12	19446111	4735528	24.35
2012-13	22984647	5159005	22.45
2013-14	23824097	4750099	19.94
2014-15	27372781	6380872	23.31
2015-16	28907084	6618485	22.90
2016-17	30415918	7677439	25.24
2016-17*	30415918	8177439	26.89
2016-17#	30415918	10140024	33.34

\* amount calculated after allowing payment of 30% arrears of DTL pay scales to left out categories.

# amount calculated after allowing expected average rise of 24% in salary on account of 7<sup>th</sup> CPC recommendation.

8. EFFECT OF GRANT OF DTL PAY SCALES:

- a) As per recommendation of 6th CPC, the '*status*' of a post is determine by the Grade Pay assigned to the posts. With grant of DTL pay scale, the Grade Pay of a number of posts in different Departments in NDMC would get upgraded to that of Category 'A' for which, as per NDMC act, the recruitment agency is UPSC. With upgradation of the Grade Pay, the recruitment to the post would be outside the purview of DSSSB. The UPSC follows the criteria for categorisation of posts stipulated by the Government of India and may not make any recruitment to such posts, being Group 'B' posts as per categorisation followed by Government of India but has become Category 'A' post on account of grant of DTL pay scale. The acute manpower shortage in NDMC may be aggravated further for want of fresh recruitment.
- b) as per extant policy of Government of India on reservation of posts for persons belonging to SC/ST category in promotions, the posts on being included in Category 'A', after being granted DTL pay scale, would come out of purview of reservation as no reservation is applicable to promotion within Group 'A'. To that extant, it would restrict the already limited career progression opportunities of persons belonging to SC/ST category.
- c) at present, there are limited career progression opportunities for each post in NDMC. Any person joining these posts on direct recruitment basis may rise by one or two level only in most of the cases. Such a situation may not attract best of talent available in market and may remain vacant for indefinite period or may have very high attrition rate as the selected persons would always be looking for better options that may be available.
- d) grant of DTL pay scale to left out categories may give rise to similar demand for grant of such pay scales. Already, Teachers in Education Department are demanding extension of DTL pay scale to Education Department. This will further inflate the salary bill of NDMC.

9.1 The Service conditions of NDMC employees in the various categories required to be regulated through the Regulations made by the Council, approved by the Central Government and published in the official Gazette of the Government of NCT of Delhi. Even if the Regulations as passed by the Council and approved by the Ministry of Home Affairs, are notified, the same would have prospective effect. The root cause of the grievances/litigations i.e. different pay scales for various categories of posts would persist and need to be addressed once and for all.

9.2 So far the NDMC has adopted Service Rule except for DTL pay scales, issued by the Central Government, for its employees. The Central Government is processing the recommendations of the 7<sup>th</sup> CPC and decision is expected soon. The problem of different pay scales to various categories of post would be compounded in case Central Government decided to implement recommendation of 7<sup>th</sup> CPC any time in future.

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9.3 Due to legal constraint it may not be possible to withdraw DTL pay scale already extended to the employees without inviting legal complications/Contempt of Court. Keeping in view the equity and peculiar circumstances, it would be advisable to extend the benefit of DTL pay scale to the left over categories of employees and then take a considered decision of adoption of CPC or DTL pay scales for various categories of posts.

9.4 To rationalise the pay structure, the NDMC may consider granting DTL pay scale only to those working in Electric Distribution Strategic Business Unit, proposed to be created in future. The said Unit would be equivalent of DTL in NDMC so far as function of distribution of electricity is concerned. Modalities on transfer of staff to such a Unit can be worked out as per norms followed by Government of India. In respect of employees other than those working in the proposed Unit, the pay scale prescribed by Central Pay Commission may be considered. The proposed rationalisation has been suggested keeping in view the directions of DERC and need to keep the salary outgo vis-a-vis revenue receipt of NDMC at a sustainable level on long term basis.

9.5 To obviate need for further grievances and to bring the pay scales of NDMC employees in conformity with pay scale of Central Government employees, the Regulations already approved by the Council / Ministry of Home Affairs in 2010 may be simplified by incorporating provision of dual pay scales, i.e. CPC and DTL pay scales and notified at the earliest after completion of all formalities.

9.6 Keeping in view the peculiar circumstances and to finally settle the issue, it would be advisable if the benefit of extending DTL pay scale to remaining left out categories of posts is considered and a policy decision with regard to applicability of DTL/CPC pay scales to various categories of posts is taken keeping in view the facts enumerated in preceding sub-para.

10. In view of this, following proposal is submitted for consideration of the Council:-

- (i) To accept the recommendations of the Sub-Committee for grant of DTL scale to left out category of NDMC employees except for the categories given at Annexure-II with modification that only the replacement DTL pay scales may be granted to left over categories of employees.
- (ii) In cases where no equivalent DTL pay scale is available, the employees may be given next higher available Grade Pay.
- (iii) The date of implementation of above pay scales is w.e.f. 01.04.1998.
- (iv) The pay revision of the left out categories as per the recommendation of the Sub-Committee with modification at sub-para(i) above may be effected and the revised salary allowed with immediate effect. As regards arrears, the same may be released in two installments in the ratio of 50:50 over the period of two years starting with October-November this year. The first installment of arrears would be paid after determining the revised salary in the DTL pay scales and adjusting the ad-hoc/final installment already paid. While calculating the salary arrears, no arrears is generally paid for HRA, Children Education Allowance, Transport Allowance, Special Duty Allowance etc. (as per Department of Expenditure O.M. No. 1/1/2008-IC dated 30.09.2008). The said allowances are paid prospectively. However, it has been practice in NDMC that whenever, benefits of DTL pay scales have been

extended to any category of employees, payment of arrears including that HRA, CEA and other allowances have been extended retrospectively from the due date i.e. 01.04.1998.

- (v) To update the Regulations already approved by the Council / Ministry of Home Affairs in 2010 by incorporating provision of dual pay scales, i.e. CPC and DTL pay scales and take steps for its notification at the earliest after completion of all formalities i.e. approval of the Council and Ministry of Home Affairs.

11. FINANCIAL IMPLICATIONS OF THE PROPOSED SUBJECT:-

The Finance Department have projected that the proposed extension of DTL pay scales to the left out categories would involve an additional expenditure of Rs. 225 Crores toward payment of arrears and monthly salary including an expenditure of Rs. 1.40 Crores per month towards rise in salary and pension for which provisions would have to be made in NDMC budget for the financial year 2016-17.

12. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSING:-

Immediately after Council Resolution.

13. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:-

The financial implication works out to Rs.1.40 Crores per month for salary, in case the report of the Anomaly Committee is accepted. The calculation above is purely tentative as the pay fixation of these employees will be done by Personnel Department and this pay fixation will be the basis of provision in NDMC Budget. At present there is no provision for this increased expenditure in NDMC budget. The same can be proposed at RE stage.

14. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:-

In view of point No. 13, no comments.

15. LEGAL IMPLICATIONS OF THE SUBJECT/PROJECT.

As per the requirement of NDMC Act, regulation to govern the service conditions of NDMC employees are required to be notified which also covers the pay scales to be given to the employees. In the absence of regulation, it is desirable that Ministry of Home Affairs may be consulted before releasing the arrears of the proposed pay scales.

16. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:-

Resolution No.21(H-03) dated 22.07.2009 followed by another Reso. No. Council Meeting No. 15/2013-14 dt. 26.2.2014



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17. COMMENTS OF THE LAW DEPARTMENT ON THE SUBJECT:  
No comments required.
18. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF THE LAW DEPARTMENT.  
No legal aspects involved.
19. RECOMMENDATIONS & RESOLUTION:  
To accept the proposal as outlined in para 10 above.
20. DRAFT RESOLUTION: The Council has resolved to accept the proposal as outlined in para 10 above for extending the benefit of DTL pay scales to the left out categories of the employees. The Council has also resolved to take immediate steps for updating the Regulations approved earlier, obtain its approval and that of Ministry of Home Affairs and take steps for its notification at the earliest.

#### COUNCIL'S DECISION

Resolved by the Council as under :-

- (i) To accept the proposal as outlined in para 10 above for extending the benefit of DTL pay scales to the left out categories of the employees.
- (ii) To form a Committee comprising of Secretary, NDMC, Financial Advisor and Director (Personnel) to look into the grievances relating to disparity in grant of replacement pay scale, if any, of the employee from the left out categories who have been recommended for grant of DTL pay scales now, after excluding the employees of Electricity Department who have already been granted DTL Scales.
- (iii) to take immediate steps for notifying regulation as per provision of Section 43 of the NDMC Act, 1994.

DEEPAK KUMAR  
Jt. Director (Customs & Excise)  
NDMC, New Delhi

NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI  
SECRETARY'S ESTT. BRANCH

No.SO(E)/5084 /SA-III

Dated : 05.09.2016

OFFICE ORDER

The Council vide Resolution No. 36 (H-03) dated 27.06.2016, subject to the following conditions approved extending the benefit of DTL pay scale to the left out categories of employees of NDMC w.e.f. 01.04.1998 as per details in Annexure 'I' & 'II' :-

- (i) The DTL pay scale are to be granted to left out category of NDMC employees as recommended by the Sub-Committee except for the categories given at Annexure-II of this order, with modification that employees of Electricity Department who have already been granted DTL scales would be excluded.
- (ii) In cases where no equivalent Grade Pay exist in a particular DTL pay scale, than the employees concerned will be given next higher available Grade Pay in that pay scale.
- (iii) The date of implementation of above pay scales is w.e.f. 01.04.1998.
- (iv) The pay revision will be effected and the revised salary allowed with immediate effect. The arrears of salary will be released in two instalments in the ratio of 50:50 over the period of two years starting with October-November, 2016. The first instalment of arrears will be paid after determining the revised salary in the DTL pay scales and adjusting the ad-hoc/final instalment already paid.
- (v) With notification of New Delhi Municipal Council (Conditions of Services of Municipal Officers) Regulations, 2016 vide Government of NCT of Delhi's Notification No. F13(126)UD/MB/2014/420 dated 07.04.2016, the salary of all NDMC employees are to be governed in terms of the provisions of the Central Civil Services (Revised Pay) Rules, 2008 as amended from time to time. As such the salary of the left out categories is to be fixed in the DTL pay scale for the period 01.04.1998 to 06.04.2016 and the arrears calculated accordingly.

2. Further, a Committee comprising Secretary, NDMC, Financial Advisor and Director (Personnel) to look into the grievances relating to disparity in grant of replacement pay scale, if any, of the left out categories who have been recommended for grant of DTL pay scales excluding the employees of Electricity Department who have already been granted DTL scales, is constituted. Any category of employees who have grievances with regard to disparity in grant of replacement pay scale may submit their representation, within 15 days in the attached proforma along with necessary documents in support of their claim. No representation shall be accepted after the prescribed timeline.

3. The typographical/clerical errors, if any, in the pay scales be brought to the knowledge of Personnel Department.

*(Signature)*  
05.09.2016  
(Virender Singh)  
Director (Personnel)  
Tele: 23744227

Encl. : As stated above.

*Pl. up to us*  
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*for memo*  
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Copy to :-

1. All HODs
2. Vice Chairperson
3. Members of the Council
4. PS to Chairman
5. PS to Secretary
6. PS to Financial Advisor
7. PS to Advisor (Revenue)
8. Director (IT) – with a request to upload the order on website.
9. All Jt. / Dy. Directors of Estt. Units
10. All SOs of Estt. Units
11. AO (CBS)
12. O.O. Book

*Virender Singh*  
05.09.2016  
(Virender Singh)  
Director (Personnel)  
Tele: 23744227

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Special Education Departmental  
Non-Academic/Non-Teaching Categories

Minimum Pay Scale Rs. 2550-3200 (Sp. CPC) (w/o Adv)

Interruption Name of Post & NDC	Cat F/ G/o up	No. of Posts	Pay as on 1.1.1972		Pay as on 1.1.1973		Pay as on 1.1.1978		Pay as on 1.1.1986		Pay scale as on 1.1.2006		Remarks	Recommended Scales of Sub Committee
			2nd CP C	2nd DTL	3rd CP C	3rd DTL	4th CP C	4th DTL	5th CP C	5th DTL	6th CP C	6th DTL		
1. School (School)	D	4	120 150	130 160	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
2. Fresh (School)		01	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
3. Foreman (School)		01	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
4. Asst. Pump Operator Swimming Pool		02	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	DTL replacement scale at col 14 & 16
5. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
6. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
7. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
8. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
9. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	
10. Librarian (School)		03	120 150	196 232	196 232	196 232	410 580	410 580	950 1360	950 1360	15 15	4440 - 7440 + 1300 (Non Metric) 5200-20200 + 1800 CP (Metric)	6000-20200 + 2000 CP	

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Non-Commissioned/Non-Transferring Categories

Pay Grade	Pay as on 1.1.1973		Pay as on 1.1.1978		Pay as on 1.1.1986		Pay as on 1.1.2006		Remarks
	3rd CPC	2nd DTL	3rd DTL	4th DTL	4th CPC	4th DTL	5th CPC	5th DTL	
02	260-400	185-300	320-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
03	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
40	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
69	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
04	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	
01	260-400	185-300	520-815	2190	950-1500	4000	5200-20200 *	8500-26300 *	

1. The pay scale of A. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

2. The pay scale of B. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

3. The pay scale of C. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

4. The pay scale of D. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

5. The pay scale of E. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

6. The pay scale of F. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

7. The pay scale of G. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

8. The pay scale of H. Social Edn. Tr. has been revised of Rs. 1900 to 2600 and of Rs. 2600 to 4000 respectively and now both the scales have merged into a single scale of Rs. 1900-2600-4000.

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**Printing Pay Scales - 4000-6000 (S-CPC) (Group 5)**

S. #	Recommendation of/Name of Post in EDMC	Dev. up	No. of Post #	Pay as on 1.1.1972		Pay as on 1.1.1978		Pay as on 1.1.1986		Pay Scale CPC as on 1.1.1996 or 1.4.1998 with Grade Pay/Pay Band		Remarks
				2nd CPC	3rd CPC	4th CPC	5th CPC	6th CPC	7th CPC	8th CPC	9th CPC	
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Work Experience Teacher 0-1		01	200-400	300-550	500-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
2	Lab Asst.		41	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
3	Supervisor (MIS)/Circ. Ac		02	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
4	Sr. Social Edn. Tr. (Craft)		01	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
5	Clerk/Clean Cloth. Cutter/Clot & Carther Sewing Teacher		01	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
6	Jr. Spl. Edn. Tr. (Asstch)		13	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
7	Chalk Making, Book Binding & Tailoring Instructor (Asstch)		08	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
8	Jr. Technical Asst. (Asstch) Librarian		01	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15
9			16	250-400	350-550	590-1105	1320-2950	4000-6000	4200-9100	5200-20200	5200-20200	15

Recommendation of/Name of Post in EDMC

Dev. up

No. of Post #

Pay as on 1.1.1972

Pay as on 1.1.1978

Pay as on 1.1.1986

Pay Scale CPC as on 1.1.1996 or 1.4.1998 with Grade Pay/Pay Band

Remarks

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Existing Pay Scale Rs. 4500-7000 (Group C)

Sl. No.	Grade	Name of Post in FDNC	Pay as on 1.1.1972		Pay as on 1.1.1973		Pay as on 1.1.1986		Pay Scale CPC as on 1.1.1996 or 1.4.1998 with Grade Pay/Band		Pay scale as on 1.1.2006		Remarks	Recommended Scales of Sub-Committee								
			2nd CPC	2nd DTL	3rd CPC	3rd DTL	4th CP	4th DTL	5th CPC	5th DTL	6th CPC	6th DTL										
2	3	Statistical Asstt.	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		
	04	Statistical workers (Soc. Adm.)	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		
	04	Social Worker (Paras)	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		
	02	Instructor (Wood Work & Wood Craft)	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		
	01	Occupational Therapist	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		
	11+ 14	Instructor (Computer / Dress Designing / CCHM) (WT)	S 6	250-400	7	380-530 A 330-560	8	630-1000	11	1350-2750	13	4500-7000	14	4500-8625	15	5200-20200 + 2800 GP	16	5200-20200 + 2800 GP	17	5200-20200 + 2800 GP		

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Existing Pay Scale Rs. 5500-9000/5000-8000/6500-10500 (6<sup>th</sup> CPC)

Organization/Name of Post in HDMC	Gr. No. of Post	Pay as on 1.1.1972		Pay as on 1.1.1973		Pay as on 1.1.1978		Pay as on 1.1.1986		Pay Scale CPC as on 1.1.1996 or 1.4.1998 with Grade Pay/Pay Band		Pay scale as on 1.1.2006		Remarks	Recon: ended Scales of Sub-Committee etc
		2 <sup>nd</sup> CP C	2 <sup>nd</sup> DTL	3 <sup>rd</sup> CPC	3 <sup>rd</sup> DTL	CP C	DTL	4 <sup>th</sup> CPC	4 <sup>th</sup> DTL	5 <sup>th</sup> CPC	5 <sup>th</sup> DTL	6 <sup>th</sup> CPC	DTL		
2	4	5	6	7	8	9	10	11	12	13	14	15	16		
Sr. Librarian	10	125-700	870-2425	500-900 & 650-900	870-2425	1640-2900	1640-3500	5500-9000	5500-9000	10900	10900-34800	10900-34800	10900-34800	Read to 4800	
Coaches (Swimming Pool.)	04	300-655	710-1305	425-750, 425-800 & 470-750	710-1305	1640-3275	1640-3275	5000-8000	5000-8000	9875	9875	9875	9875	Read to GP	
Incharge youth Centre	06	125-700	870-2425	500-900 & 550-900	870-2425	1640-2900	1640-3500	5500-9000	5500-9000	16900	16900	16900	16900	Read to GP	
Supervisor (Soc. Edn.)	01	300-655	710-1305	425-750, 425-800 & 470-750	710-1305	1640-3275	1640-3275	5000-8000	5000-8000	9875	9875	9875	9875	Read to GP	
Superintendent (Community Health)	01	450-960	1000-1200	650-960, 650-1040 & 700-900	1000-1200	2000-3200	2000-3900	6500	6500	14500	14500	14500	14500	Read to GP	
Social Worker (Anchal)	01	300-655	710-1305	425-750, 425-800 & 470-750	710-1305	1640-3275	1640-3275	5000-8000	5000-8000	9875	9875	9875	9875	Read to GP	
Psychotherapist (Anchal)	01	300-655	710-1305	425-750, 425-800 & 470-750	710-1305	1640-3275	1640-3275	5000-8000	5000-8000	9875	9875	9875	9875	Read to GP	
Special Therapist (Anchal)	01	300-655	710-1305	425-750, 425-800 & 470-750	710-1305	1640-3275	1640-3275	5000-8000	5000-8000	9875	9875	9875	9875	Read to GP	

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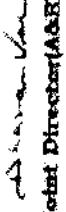
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therapist											34800 + GP 4200	10900 + 4600	UTL replaces ent. stat. at 01/15 3.18 replaces 2014
			425-800 A 470-750							9875		10900 + 4600	
Sp. Edn. Tr. (Anchal)	C	01	300-655 425-800 A 470-750	710-1305						9300 34800 + GP 4000		10900 + 4600	
Principal (WTT)	B	01	125-700 500-800 A 550-900	870-2425	1640-2900	1820-3500				9300 34800 + 4200 GF		10900 + 4600	

 Joint Director (Geny Estt.) Member  
 Joint Director (Health Estt.) Member  
 Joint Director (A&R) Member  
 Joint Director (Soc. Edn.) Member  
 Joint Director (Civil Estt.) Member

 Joint Director (Elect. Estt.) Member  
 Dy. Chief Auditor Member  
 Dy. Financial Advisor Member  
 Advisor (R&A) Member  
 Special (Advisor Estt.) Chairperson

New Delhi Municipal Council  
Personnel Department

Minutes of meeting of Anomaly Committee held on 18.08.2017 to consider representations received from various category of employees for grant of replacement of DTL scales.

Present :-

1. Ms Geetali Tare, Financial Advisor
2. Ms. Chanchal Yadav, Secretary
3. Shri Virender Singh, Director (P-I)

The Anomaly Committee was informed that the Council vide its Resolution No. 21(H-03) dated 22.07.2009 and Resolution No. 15/2013-14 dated 26.02.2014 decided to grant DTL pay scale to all left out categories of employees.

2. To implement the Council's Resolution dated 22.07.2009 and 26.02.2014, a sub-Committee under Ms. Rita Kumar was constituted for examination and removal of anomalies viz-a-viz other cadre vide order No. PA/Dir(P)/134/2015 dated 07.04.2015. The Rita Kumar sub-Committee submitted its report on 25.02.2016. It gave recommendations in respect of 311 categories. The report of the sub-Committee was considered by Council vide its Resolution No. 36 (H-03) dated 27.06.2016 and orders relating to grant of DTL pay scales issued on 05.09.2016. While approving the grant of DTL pay scales, the Council has also approved constitution of a Committee comprising of Secretary, NDMC, Financial Advisor and Director (Personnel) to look into the grievances relating to disparity in grant of replacement pay scale, if any, of the employee from the left out categories who have been recommended for grant of DTL pay scales now, after excluding the employees of Electricity Department who have already been granted DTL Scales

3. From the report, it may be seen that the sub-Committee had adopted following criteria for recommending replacement pay scale.

- i. replacement scale as on 01.04.1998 was considered.
- ii. merger of the pay scale by 5<sup>th</sup> CPC was to be taken into account.
- iii. inter Departmental parity was to be prime determinant.
- iv. where no specific scale was available, merit, post hierarchy and parity with other similarly placed post was to be adopted.

4. While examining the report, the Ms. Rita Kumar sub-Committee had also observed that the Personnel Department had been maintaining inter departmental parity between Electrical and Civil engineers and sub-Committee recommended maintenance of parity between the posts in these two Departments. The sub-Committee had also observed that posts in Account, Finance, Law and Personnel Department having different nomenclature in its hierarchy structure were present. While recommending replacement pay scale uniformity and parity with similarly placed DTL pay scale was to be retained.

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*Virender Singh*

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Salient feature of Rita Kumar Committee

5.1 The Ms. Rita Kumar sub-Committee maintained parity between Electrical and Civil Departments.

5.2 The Sub-Committee recommended replacement pay scales for the post hitherto carrying CPC pay scale in NDMC.

5.3 The sub-Committee recommended upgradation of category 'B' pay scales to category 'A' pay scales not supported by any instructions or principle issued by Government of India or the Council. Instead of recommending replacement pay scales, the Committee upgraded certain posts which has created anomalous situation in NDMC wherein, if implemented UPSC recruited category A officers would get lower pay scales as compared to promotee Law/Administrative/Account/Audit Officers who are promoted from Category B. The sub-Committee had also completely ignored the criteria laid down by DoPT vide O.M. dated 07.03.1984 for determining analogous posts.

5.4 Similarly, Category B promotee officer having Grade Pay of Rs. 4600, 4800 and 5400- recommended Rs. 5400, 6600 and 6600/- respectively. Category A officers having Grade Pay of Rs. 5400- recommended upgraded pay scale of Rs. 7000.

5.5 The sub-Committee did not maintained intra Group parity while recommending pay scales.

5.6 The sub-Committee overlooked the fact that posts with equivalent pay scales albeit with different designation in Finance / Law etc. exists in Delhi Transco Limited.

5.7 The Committee overlooked the following conditions under which pay scales of a post can be upgraded:

- i. abolition of a post in lower Grade and creation in higher Grade OR
- ii. specific recommendation of Pay Commission for grant of higher pay scale to particular posts in a Grade

5.8 The Anomaly Committee was also informed of the criteria for determining analogous post as contained in DoPT's O.M. No. 14017/27/75-Esst.(D)(pt.) dated 07.03.1984. The said O.M. provides that for determining analogous posts, nature of duties performed, qualifications prescribed and experience required. If these parameters are considered then the recommendation of grant of upgraded pay scale in place of replacement pay scale cannot be justified on any ground.

6.1 It was also submitted before the Anomaly Committee that after submission of Wage Review Committee report in Delhi Transco Limited, a High Power Committee was constituted by the Govt. of NCT of Delhi to examine the report. The High Powered Committee comprised following members:

- a) Shri V V Bhat, Pr. Secretary, Finance, GNCT
- b) Shri Rajendra Kumar, IAS, Secretary(Power), GNCT
- c) Shri Parimal Rai, IAS, Chairperson, NDMC

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6.2 The High Powered Committee concurred with higher pay bands but suggested maintenance of parity in terms of Grade Pay for a post vis-a-vis CPC pay scales (Annexure-I). Thus it was a conscious decision of Delhi Transco Limited to continue parity in terms of Grade pay of a post, amongst the posts in CPC and Delhi Transco Limited. The employees of DTL were allowed higher wages as compared to CPC pay scales, by issue of fitment table for pay fixation which was entirely different from the fitment table for CPC pay scales.

6.3 No record is available which suggest that the recommendations and the principle adopted by High Power Committee was ever submitted to the Ms. Rita Kumar Sub-committee. Hence Ms. Rita Kumar sub-Committee, by suggesting higher Grade Pay for posts in Personnel, Law, Accounts and other Departments has gone against the principle adopted Delhi Transco Limited Wage Review Report on the grounds not supported by any document or financial principle.

7.1 The Anomaly Committee was informed that vide Notification No. S.O 946(E) dated 09.04.2009, the Government of India had approved classification of posts as under:

GROUP	PAY BAND (6 <sup>TH</sup> CPC)	GRADE PAY (in Rs.)
D	PB-1	1300/-
		1400/-
		1600/-
C	PB-2	1800/-
		1900/-
		2000/-
		2400/-
		2800/-
B	PB-3	4200/-
		4600/-
		4800/-
		5400/-
A	PB-4	5400/-
		6600/-
		7600/-
		8700/-
		10000/-

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7.2 The Ms. Rita Kumar sub-Committee had recommended revised/upgraded pay scales as under:

Category of post	Grade Pay in CPC	Grade Pay in DTL
C	2800	4000/-
B	4200/-	4200/-
	4600/-	4600/-
	4800/-	4800/-
	5400/-	5000/-
A	5400/-	5400/-
	6600/-	6600/-
		7000/-
	7600/-	7600/-
	8700/-	8900/-
	8900/-	10000/-

*Member of  
18.08.2021*

7.3 The upgradation of Grade pay of posts was effected in DTL as under:

UPGRADATION WITHIN DTL		
4000	→	4600
4200	→	4800
4600	Does not exist in DTL	
4800	→	4800
5400	→	5000

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7.4 The pay fixation was effected in DTL in the following manner:

### HOW PAY FIXATION WAS EFFECTED IN DTL

4000	→	4600
4200	→	4800

PAY FIXATION			REVISED PAY FIXATION		
Basic Pay	Grade Pay	Total	Basic Pay	Grade Pay	Total
24000/-	4000/-	28000/-	23400/-	4600/-	28000/-
24000/-	4200/-	28200/-	23400/-	4800/-	28200/-

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It was submitted before the Anomaly Committee that unlike CPC pay scales where the basic salary of an Officer cannot be reduced, in DTL while effecting pay fixation after allowing higher Grade pay, the basic salary was reduced by Rs. 600 so that the net effect on the total salary payable remain unchanged.

#### ANALYSIS OF 64 CATEGORIES

8. The Anomaly Committee was informed that main grievances have been received from incumbent of posts included in the Annexure II of Office Order No SO(E)/5084/SA.III dated 05.09.2016 (popularly called as 64 categories). The analysis of these 64 categories indicates:

- i. The sub-Committee has recommended replacement pay scale in respect of 13 categories of the post.
- ii. The sub-Committee has recommended upgraded pay scale in respect of 36 categories.
- iii. The sub-Committee has recommended lower pay scale in respect of 03 posts.
- iv. The sub-Committee has not recommended any change for 09 posts.
- v. Three posts were repeated. As a result total posts in Annexure II of Office order dated 05.09.2016 was 61 only.

9.1 Besides the above 61 categories of the post, another 29 categories of the posts have been identified on the basis of representations received from employees with respect to which individual employee/association has sought parity. These included:

- i. Labour Welfare Officer (Joint Director Welfare) and Speech and Hearing Assistant for which no scale has been recommended.
- ii. Assistant Dietician-Wrong pay scale indicated

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- iii. Junior Sport Assistant shown as Junior Sports Officer
- iv. Assistant Labour Welfare Officer- pay scale shown wrongly

10. A summary of the post which have been recommended upgraded pay scales is as under:-

A. Posts recommended upgraded Grade pay from Rs. 4800 to Rs. 6600/-

- i. Statistical Officer (Health)(6)
- ii. Programmer(48)
- iii. Dy. Director(Vigilance)(25)
- iv. Dy. Director(28)
- v. Hindi Officer (54)
- vi. Dy. Law Officer (52)

- These posts were recommended Category A pay scales instead of Category B, replacement pay scales.

B. Posts recommended upgraded Grade Pay from Rs. 5400-Rs. 6600/-

- i. Audit Officer (22)
- ii. Account Officer (33)

- These posts were recommended Category A pay scales instead of Category B replacement pay scales.

C. Posts recommended upgraded Grade Pay from Rs. 5400 to Rs. 7000/-

- i. Sr. Audit Officer (21)
- ii. Sr. Account Officer (32)

- These posts were recommended upgraded pay scales within Category A

D. Posts recommended upgraded Grade Pay from Rs. 4800 to Rs. 5400/-

- i. Assistant Audit Officer
- ii. Assistant Account Officer
  - ✓ The post of JAO/SO which was equivalent to Assistant of CSS/SO(Audit) of CAG was granted pay scale of Rs. 6500-10500 w.e.f. 01.01.1996 as a result of merger of three pay scale Rs. 5000-8000, Rs. 5500-9000 and Rs. 6500-10500 by 5<sup>th</sup> CPC).
  - ✓ Similarly post of AAO was upgraded Rs. 6500-10500 to Rs. 7450-11500 with effect from 01.01.1996.
  - ✓ Relevant to mention that in CPC benefit of upgraded pay scales was allowed 01.01.1996 but in NDMC, it was allowed notionally w.e.f. 01.01.1996 but actual payment made w.e.f. 19.02.2003.

E. Posts recommended upgraded Grade Pay from Rs. 4600 to Rs. 5400/-

- i. Data Processor (49)
- ii. Assistant Law Officer (53)
- iii. Assistant Fire Officer (45)
- iv. Assistant Director (Horticulture)(55)
- v. Assistant Architect (57)

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F. Another case submitted before the Anomaly Committee as that of posts in the pre-revised 5<sup>th</sup> CPC pay scale of Rs. 4500-7100. There are a total of 20 posts in different Department in the said scale. The Anomaly Committee observed that for 16 posts, the Sub-Committee had recommended replacement pay scales with Grade Pay of Rs. 3300/- For 04 posts, the Sub-Committee recommended Grade Pay of Rs. 3200/-. Thus the Sub-Committee's recommendation has created anomaly for the posts within same pay scales.

G. The posts of Aanchal School became NDMC post only from 16.07.2008 and thus can be granted replacement scale only from that date whereas the Ms. Rita Kumar sub-Committee has recommended grant of DTL pay scales alongwith other posts from the same date i.e. 01.04.1998.

11. Another ground on which Rita Kumar Committee had recommended upgraded pay scale was that no equivalent pay scale exists in the concerned department for comparison with equivalent post in DTL. Following table indicating hierarchy of the post in DTL and their equivalent post in NDMC was presented before the Anomaly Committee.

TECHNICAL DEPARTMENT			
Name of the post	Pay Band	Grade Pay (Rs.)	Equivalent post in NDMC
General Manager	37400-67000	10000	C.E.
DGM	37400-67000	8900	S.E.
Manager	19000-39100	7600	E.E.
Asstt. Manager	19000-39100	5400	A.E.
Jr. Engineer (Elect.)	10900-34800	4000 (4600)	J.E.
Jr. Engineer (Civil)	10900-34800	4000 (4600)	J.E.

FINANCE DEPARTMENT			
Name of the post	Pay Band	Grade Pay (in Rs.)	Equivalent post in NDMC
General Manager (Finance)	37400-67000	10000	No post
DGM (Fin.)	37400-67000	8900	Director (Accounts)
Manager (Fin.)	19000-39100	7600	Director (Accounts)
Dy. Manager (Fin.)	19000-39100	6600	Jt. CAO
Asstt. Manager (Fin.)	19000-39100	5400	Sr. A.O.
Section Officer (Accounts)	10900-34800	4800	AAO

PERSONNEL DEPARTMENT			
Name of the post	Pay Band	Grade Pay (in Rs.)	Equivalent post in NDMC
General Manager (HR)	37400-67000	10000	No post
DGM (HR)	37400-67000	8900	Director
Manager (HR)	19000-39100	7600	Director
Dy. Manager (HR)	19000-39100	6600	J.D.
Asstt. Manager (HR)	19000-39100	5400	No Post
Section Officer (HR)	10900-34800	4800	SO

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Name of the post	LEGAL DEPARTMENT		
	Pay Band	Grade Pay (in Rs.)	Equivalent post NDMC
General Manager (Legal)	37400-67000	8900	No post
Dy. General Manager (Legal)	37400-67000	8900	Director
Dy. Manager (Legal)	19000-39100	6600	Adl. Law Officer
Asstt. Manager (Legal)	19000-39100	5400	No Post
No post	10900-34800	4800	Dy. Law Officer

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12. Documents relating to equivalency of the post submitted before the Anomaly Committee:-

i. An employment Notice (Annexure-II) for issued by Delhi Transco Limited. It indicates that Assistant manager (Legal) is a category 'A' post in the pay scale of Rs.19000-39000 with Grade Pay of Rs.5400/-. For this post government officer of the Central/State Government with 05 years regular service in the post in the pre-revised pay scale of Rs.65000 (revised to Grade Pay of Rs.4800/-) was eligible. In NDMC the post of Dy. Law Officer is in the pay scale with Grade Pay of Rs. 4800/- in PB-2 but the sub-Committee recommended replacement pay scale of with Grade Pay Rs.6600/- which is equivalent to Deputy Manager (Legal) carrying Grade Pay of Rs.6600/-.

ii. An employment Notice (Annexure-III) for the post of Assistant Manager (Finance) in the pay scale of Rs.19000-34100 with Grade Pay of Rs.5400/-. For this post, officer of organise Account Department, holding analogous post (Grade Pay of Rs.5400/-) or officer having 05 years experience in pre-revised pay scale of Rs.6500-10500 (present Grade Pay of Rs.4800/-) was eligible. In NDMC for the post of Senior Account Officer, a promotional post having Grade Pay of Rs. 5400 in PB-3, AO with having Grade Pay of Rs.5400/- in PB-3 of CPC pay scale with 02 years of regular service are eligible. It is also relevant to mention here that for promotion to AO post, AAO with Grade Pay of Rs. 4800 are eligible. Thus the Sub-committee could not have recommended upgraded Group-A pay scale for Group-B post. It is also relevant to mention here that Assistant Manager (Finance) (Grade Pay of Rs.5400/-) is also a direct recruitment post in DTL and Chartered Accountant from Institute of Chartered Accountant of India (equivalent cost and work accountant from Institute of Cost and Works Accountant of India/MBA (Finance) from recognised University/Institute having 03 years post qualification work experience connected with Finance, Account and Audit are eligible(Annexure-IV). In NDMC the recruitment rules for the post of Senior Accounts Officer prescribes graduation as essential qualification but the concerned official is required to qualify SSSA examination.

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398427/2021/SECRETARYMENT Notice (Annexure-V) for for the post of Assistant Manager (HR) on deputation basis in the pay scale of Rs. 19000-34100 with Grade Pay of Rs. 5400/- For this post Officer of Central/State Government with 05 years regular service in the post(s) in the pay scale of Rs. 6500-10500(pre-revised) or equivalent are eligible. In NDMC there is no equivalent post of Assistant Manger(HR). The post of Deputy Director is in the pre-revised Grade Pay of Rs. 4800/- Hence any replacement pay scale has to be lower than that of Assistant Manager (HR).

iv. An employment Notice (Annexure-VI) for the Medical Officer in the pay scale of Rs. 19000-39100 with Grade Pay of Rs. 5400/- For this post a person must possess MBBS Degree from the recognised University and have atleast 05 years post qualification experience.

13. A copy of the Resolution No. 34 dated 27.03.1991 (Annexure-VII) was also submitted before the Anomaly Committee which indicate that the then NDMC SSSA Associations had submitted undertaking before the Hon'ble Supreme Court of India that they will neither claim benefit of S.S. Scale nor will pursue legal proceedings pending in the Supreme Court of India. Based on the said undertaking, the Council has approved grant of functional grade to the accounts cadre. It is relevant to mention here that DTL pay scales have been denied to nursing cadre only on the grounds that a similar Affidavit was given by them before the Court for adoption of CPC pay scales only.

14. While recommending the grant of DTL pay scale to left over categories of employees, the Rita Kumar sub-Committee should have taken 4<sup>th</sup> CPC/DTL pay scales which were similar in both CPC and DTL as base and then recommended replacement pay scales for each post. Incidentally it is mentioned that the CPC/DTL pay scales mentioned against each post in the Department wise table recommended by Ms. Rita Kumar sub-Committee indicates the correct pay scale of a post.

15. From the documents above, it may been seen that the Ms. Rita Kumar sub-Committee has exceeded its mandate and recommended upgradation of the pay scales which would create analogous situation and will give rise to fresh demand from UPSC selected direct recruit officers for grant of equivalent pay scales. This would be an un-ending process and would give rise to litigation and hence the need for rationalisation of replacement pay scales in NDMC on par with DTL pay scales by restricting it to the same category for similar or analogous posts.

16. The Anomaly Committee observed that a large number of representation have been received from incumbents of Category 'D' posts almost from all Departments. Their main grievance relates to upgradation of their pay scales on par with holder of category 'D' post in DTL. The DTL vide its order No. E/B.Cell/A&G-602/220 dated 15.11.1999 had merged that pay scale of Rs. 3050-4845/- and Rs. 3200-4985/- into a single scale of Rs. 3200-4985. This revised pay scale was applicable to holder of posts having designation ALM Gr. II, Peon. Mate(Gen) Gr. II, Security Guard etc. Subsequent orders issued stipulated that 1<sup>st</sup> TBPS to the pre-

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Rs. 4000-6000/- was to be granted. Though this have been effected in NDMC w.e.f 01.01.2006, the employees demand is for parity with DTL and grant of merged pay scale of Rs. 3200-4985/- w.e.f date it was allowed by DTL

17. In view of the above, after examination of DTL Wage Review Committee Report, recommendation of Government of NCT of Delhi's High Powered Committee Council Resolution dated 22.07.2009 and 26.02.2014. Honble Supreme Court directions for rationalisation of pay scale and representations received from various individuals/associations, the Anomaly Committee recommended as under -

- i. The replacement pay scale equivalent to different Group in CPC pay scale may be given category-wise i.e. category-A pay scales in NDMC may be replaced with category-A pay scale in DTL, category-B pay scale in NDMC may be replaced with category-B pay scale in DTL so forth and so on (Table I).
- ii. The Anomaly Committee observed that the DTL pay scales have been extended to left out categories of employees vide Council Resolution dated 22.07.2009. Keeping this in view, the Anomaly Committee reviewed the minutes of the meeting dated 02.12.2016 and decided that the DTL replacement pay scales are to be granted by comparing the posts that existed in NDMC and DTL as on 22.07.2009 and the following principle should be adopted in grant of replacement DTL pay scales in NDMC
  - a) Where same post or a equivalent post either with same or with different designation is available in DTL, the pay scale of the post in DTL has been recommended for as replacement pay scale for the post in NDMC
  - b) Where a same or equivalent post is not available but post with similar pay scale is available in DTL, replacement pay scale have been recommended on scale to scale basis for the post in NDMC

iii. A curious case of post of Draughtsman was also submitted before the Anomaly Committee. There are three Grades- Grade I, II and III in the post of Draughtsman. If we adopt DTL pay scale for the post, Draughtsman Grade I get Grade pay of Rs. 3800/- and Draughtsman Grade II get Rs. 3500/- But if we adopt CPC, Draughtsman Grade I get Rs. 4800/- but Draughtsman Grade II and Draughtsman Grade III will get Rs. 3100/- Hence for this post CPC pay scales are more beneficial than DTL pay scales. But once the NDMC adopt DTL Pay Scales, the employees in the post would not any option to make and they would have to take lower pay scales by allowing pay protection.

iv. For the post of Pump Mechanic in Civil Department, the 5<sup>th</sup> CPC Pay Scale of Rs. 4500-7100. The incumbent on shift to DTL would get replacement DTL pay scale with Grade Pay of Rs. 3100/-. But in NDMC there are posts with same designation in Electric Department with Grade Pay of Rs. 3600 and hence granted replacement scale with Grade Pay of Rs. 3600. The

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- v. On the basis of grant of Grade Pay of Rs. 3600/- to the post of Pump Mechanic, the incumbents in remaining posts in Rs. 4500-7100/- have represented for parity. The Anomaly Committee did not find any merit in grant of higher replacement pay scales as their demand is not based on any principle adopted for grant of replacement pay scales in NDMC
- vi. Based on document submitted as recorded in para 12-13, the anomaly committee concluded that Ms. Rita Kumar Sub-Committee erred in recommending upgradation of the pay scales when post with equivalent pay scales were available in Delhi Transco Limited. A number of posts in Accounts and Law Department have been upgrade after the due date for grant of DTL pay scales i.e. 01.04.1998. To avoid any ambiguity or misinterpretation, for these posts, Committee recommended that the replacement pay scale equivalent to the post as given in the Table-II A and II B may be provided.
- vii. Since the DTL has recommended higher starting salary for each post in the fitment table for pay fixation, the incumbent of each post would be invariably benefited in the exercise of grant of replacement DTL pay scales. However, the Personnel Department may issue revised orders for replacement pay scales, Grade/Pay scale wise to have an element of transparency and to avoid any further grievances.
- viii. All the posts which have been granted DTL pay scale of Rs. 3050-4845/- and Rs. 3200-4985/- w.e.f. 01.04.1998 may be granted merged replacement pay scale of Rs. 3200-4985/- w.e.f. 15.11.1999, subsequent replacement pay scales as on 01.01.2006 and 1<sup>st</sup> and 2<sup>nd</sup> TBPS to the pay scale Rs. 3200-5155/- and Rs. 4000-6000/- as per their entitlement subject to fulfilment of terms and condition of TBPS.
- ix. Grant of equivalent replacement scale to posts in Aanchal under Social Education Department from 16.07.2008 i.e. date from which it became NDMC posts (Table III).

18.08.2017

*Virender Singh*  
 18.08.2017  
 (Virender Singh)  
 Director(P-I)

*Geetali Tare*  
 18. VIII. 17  
 (Ms. Geetali Tare)  
 Financial Advisor

*Chanchal Yadav*  
 18/8/17  
 (Ms. Chanchal Yadav)  
 Secretary

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01(H-04)  
Annexure-V  
Meeting  
28-08-2017

ITEM NO. 01 (H-04)

1. Name of the subject/project-	Submission of minutes of meeting of sub-Committee constituted under section 9 of NDMC Act 1994 to consider issue relating to III. grant of DTL pay scales to left out category of NDMC employees; and IV. guidelines for engaging eligible dependents of deceased NDMC employees on Temporary Muster Roll basis.
2. Name of the department/departments concerned	Personnel Department
3. Brief history of the subject/project	<p>I. <u>Grant of DTL pay scales to left out categories of post.</u></p> <p>In its Council meeting held on 27.06.2016, the Council vide its agenda item no. 36(H-03) had resolved as under:-</p> <ul style="list-style-type: none"> <li>(a) To accept the proposal as outlined in para 10 above for extending the benefit of DTL pay scales to the left out categories of the employees.</li> <li>(b) To form a Committee comprising of Secretary, NDMC, Financial Advisor and Director (Personnel) to look into the grievances relating to disparity in grant of replacement pay scale, if any, of the employee from the left out categories who have been recommended for grant of DTL pay scales now, after excluding the employees of Electricity Department who have already been granted DTL Scales.</li> <li>(c) To take immediate steps for notifying regulation as per provision of Section 43 of the NDMC Act, 1994.</li> </ul> <p>The issue has been considered by the anomaly committee which has since submitted its report. <b>ANNEXURE - A (See pages 14 - 38)</b></p> <p>The issue was also raised in the Council Meeting held on 06.03.2017 wherein Council desired that the matter may be considered by sub-Committee constituted under section 9 of NDMC Act 1994. A presentation was made before the sub-Committee by the Personnel Department and the issue were again discussed in its meeting held on 07.06.2017. In the said meeting the sub-Committee desired that the details of the post alongwith pay scale recommended by Ms. Rita Kumar sub-committee and as suggested by Personnel Department may be provided to all the</p>

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Members. Accordingly, a booklet containing detail of post in 04 annexure were circulated to all the Members on 09.06.2017 (ANNEXURE-B) (See pages 39 - 84). Subsequently, another Annexure containing 29 posts (ANNEXURE-C)(See pages 85 - 92 ) where there was anomaly in grant of replacement pay scale was circulated amongst the Members.

The issue was discussed in details in the meeting held on 02.08.2017. The Minutes of the meeting in the Committee are annexed at ANNEXURE -D (See pages 93 - 102).

II. Guidelines for engagement of dependent of deceased government employees on TMR basis

The Council vide in its meeting held on 06.03.2017 while agenda item no. 30(H-11) had approved grant of TMR engagement to the eligible dependent of deceased NDMC employee for a period not exceeding 239 days in last 12 months. The modalities for engagement on TMR basis were to be decided by the sub-Committee constituted under Section 9 of NDMC Act 1994. The sub-Committee has, in detail, discussed the issue of engagement of dependent of deceased NDMC employee in its meeting held on 02.08.2017. The minutes of the meeting are at annexure 'D' (See pages 93 - 102 )

In the meeting of the Council held on 21.08.2017, the same agenda with No. 34(H-01) was submitted. However the Council desired that the report of Anomaly Committee may be circulated amongst the member. It was informed that the report of Anomaly Committee is attached as Annexure A to the said agenda. The Council also desired that the details list indicating number of death of employees may be provided. A list indicating the number of death of employees is attached at ANNEXURE-E (See page 103 ),

4. Detailed proposal on the subject

Grant of DTL pay scales to 64 left out categories of employees:

The Council vide Resolution No. 36 (H-03) dated 27.06.2016, while extending DTL pay scales to all the left out categories of the post except 64 categories of the post in respect of which the Personnel Department did not agree with the recommendation of the Rita Kumar Sub-Committee had recommended constitution of a Anomaly Committee under the Chairmanship of Secretary, NDMC to consider the anomalies/grievances of the employees.

2. The Govt. of NCT of Delhi vide their notification No. F.13(126)/UD/MB/2014/420 dated 07.04.2016 notified Council's approved New Delhi Municipal Council (Condition of Service of Municipal Officers) Regulation 2016 on 07.04.2016 according to which the salary of all municipal employee in NDMC is to be regulated in terms of Central Civil Services (Revised Pay Rules) 2008 as amended from time to time As such the DTL pay scale is to be allowed to the left out categories of the post w.e.f. 01.04.1998 to 06.04.2016. Keeping this in view, the grant of DTL pay scales as approved by the Council is to be regulated as under:-

- i. The holder of the post in the left out category would be allowed DTL replacement pay scale equivalent to CPC pay scale as on 01.04.1998.
- ii. The DTL replacement pay scale granted as on 01.04.1998 would be replaced with revised DTL pay scale as on 01.06.2006 as per recommendation of 6<sup>th</sup> DTL Wage Revision Committee Report.
- iii. The employee will be allowed 7<sup>th</sup> DTL pay scale as on 01.01.2016 as per recommendation of DTL Wage Revision Committee which yet to be submitted.
- iv. The employees would be shifted to 7<sup>th</sup> CPC pay scales as on 07.04.2016 by protecting the pay drawn by them in the DTL pay scales and thereafter all the employees would draw salary in CPC pay scales.

3. The Anomaly Committee adopted the following principle for grant of DTL replacement scale in NDMC

- a) Where same post or a equivalent post either with same or with different designation is available in DTL, the pay scale of the post in DTL has been recommended for as replacement pay scale for the post in NDMC
- b) Where a same or equivalent post is not available but post with similar pay scale is available in DTL, replacement pay scale have been recommended on scale to scale basis for the post in NDMC

In terms of DoPT's O.M. No. AB.14017/66/2008-Estt.(RR) dated 09.03.2009 where ever the pay scale of a post is upgraded, suitability of officer who has been placed in a upgraded / replacement pay scale which fall in Category 'A' by recommendation award of the Pay Commission(DTL in the instant case) will continue to be assessed and the proposal would have to be submitted to UPSC

4. After examination of DTL Wage Review Committee Report, recommendation of Government of NCT of Delhi's High Powered Committee, Council Resolution dated 22.07.2009 and 26.02.2014, Hon'ble Supreme Court directions for rationalisation of pay scale and representations received from various individuals/associations, the Anomaly Committee recommended as under:-

- i. The replacement pay scale equivalent to different Group in CPC pay scale may be given category-wise i.e. category-A pay scales in NDMC may be replaced with category-A pay scale in DTL, category-B pay scale in NDMC may be replaced with category-B pay scale in DTL so forth and so on (Table I).
- ii. The Anomaly Committee observed that the DTL pay scales have been extended to left out categories of employees vide Council Resolution dated 22.07.2009. The DTL replacement pay scales are to be granted by comparing the posts that existed in NDMC and DTL as on 22.07.2009 and the following principle should be adopted in grant of replacement DTL pay scales in NDMC:
  - a) Where same post or a equivalent post either with same or with different designation is available in DTL, the pay scale of the post in DTL has been recommended for as replacement pay scale for the post in NDMC.
  - b) Where a same or equivalent post is not available but post with similar pay scale is available in DTL, replacement pay scale have been recommended on scale to scale basis for the post in NDMC.
- iii. A curious case of post of Draughtsman was also submitted before the Anomaly Committee. There are three Grades- Grade I, II and III in the post of Draftsman. If we adopt DTL pay scale for the post, Draughtsman Grade I get Grade pay of Rs. 3800/- and Draughtsman Grade II get Rs. 3500/-. But if we adopt CPC, Draughtsman Grade I get Rs. 4800/- but Draughtsman Grade II and Draughtsman Grade III will get Rs. 3100/-. Hence for this post CPC pay scales are more beneficial than DTL pay scales. But once the NDMC adopt DTL Pay Scales, the employees in the post would not any option to make and



they would have to take lower pay scales by allowing pay protection.

- iv. For the post of Pump Mechanic in Civil Department, the 5<sup>th</sup> CPC Pay Scale of Rs. 4500-7100. The incumbent on shift to DTL would get replacement DTL pay scale with Grade Pay of Rs. 3100/-. But in NDMC there are posts with same designation in Electric Department with Grade Pay of Rs. 3600/- and hence granted replacement scale with Grade Pay of Rs. 3600/-. The Anomaly Committee recommended maintenance of inter Departmental parity and Grade Pay of Rs. 3600 for the post of Pump Mechanic.
- v. On the basis of grant of Grade Pay of Rs. 3600/- to the post of Pump Mechanic, the incumbents in remaining posts in Rs. 4500-7100/- have represented for parity. The Anomaly Committee did not find any merit in grant of higher replacement pay scales as their demand is not based on any principle adopted for grant of replacement pay scales in NDMC.
- vi. Based on document submitted as recorded in para 12-13, the anomaly committee concluded that Ms. Rita Kumar Sub-Committee erred in recommending upgradation of the pay scales when post with equivalent pay scales were available in Delhi Transco Limited. A number of posts in Accounts and Law Department have been upgrade after the due date for grant of DTL pay scales i.e. 01.04.1998. To avoid any ambiguity or misinterpretation, for these posts, Committee recommended that the replacement pay scale equivalent to the post as given in the Table-II A and II B may be provided.
- vii. Since the DTL has recommended higher starting salary for each post in the fitment table for pay fixation, the incumbent of each post would be invariably benefited in the exercise of grant of replacement DTL pay scales. However, the Personnel Department may issue revised orders for replacement pay scales, Grade/Pay scale wise to have an element of transparency and to avoid any further grievances.
- viii. All the posts which have been granted DTL pay

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scale of Rs. 3050-4845/- and Rs. 3200-4985/- w.e.f. 01.04.1998 may be granted merged replacement pay scale of Rs. 3200-4985/- w.e.f. 15.11.1999, subsequent replacement pay scales as on 01.01.2006 and 1<sup>st</sup> and 2<sup>nd</sup> TBPS to the pay scale Rs. 3200-5155/- and Rs. 4000-6000/- as per their entitlement subject to fulfilment of terms and condition of TBPS.

- ix. Grant of equivalent replacement scale to posts in Aanchal under Social Education Department from 16.07.2008 i.e. date from which it became NDMC posts.

**Guidelines for engagement of dependent of deceased government employees on TMR basis**

The issue of engagement of dependent of deceased government employees on TMR basis in NDMC was discussed in details in the meeting of sub-Committee held on 07.08.2017. All the members shared their views on the issued. The following policy Guidelines for engaging eligible dependents of deceased NDMC employees on Temporary Muster Roll is proposed to be followed:

- (i) Personnel Department shall undertake the following exercise twice every year regularly at following interval.
- (ii) Personnel Department shall access the regular vacancies all Department in the first week of month in which such exercise is undertaken. Every Department shall place its requisition, mentioning number of Temporary Muster Roll (TMR) required during the next six months to the Personnel Department (CGIT Cell).
- (iii) All the candidates for appointment on compassionate ground would be asked to apply in the form for seeking compassionate appointment as provided in Annexure to the DoPT's OM No. 14014/02/2012-Estt.(D) dated 16.01.2013.
- (iv) All the candidates who have either applied or applying for appointment on compassionate ground would be asked to submit an undertaking on a non-judicial stamp paper of Rs.10/- alongwith their application that:
- (a) the facts given by him/her are, to the best of his/her knowledge, correct, and if any of the facts are found to be incorrect or false at a

future date, his/her services may be terminated, and in such case he/she will also be liable to return all the money paid by NDMC to him/her in any form/ name/ manner in lieu of his/her appointment/remuneration, and

(b) he/she will maintain properly the other family members who were dependent on the Government servant in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith.

(v) After verification, all the applications received for appointment on compassionate ground would be assessed by Personnel Department on the criteria for compassionate appointment.

(vi) A merit list to be prepared by the Personnel Department on the basis of marks out of total 100 marks received by such candidates in descending order.

(vii) Personnel Department shall convene a meeting of the Screening Committee for considering cases of appointment on compassionate ground against the regular vacancies identified to be filled under Direct Recruitment in category 'C' and 'D'.

(viii) First 5% regular vacancies to be filled as per policy of Government of India, Department of Personnel and Training (DoPT) w.r.t. compassionate appointment, as amended from time to time, after following due procedures.

(ix) In case, the number of candidates is less than the number of regular vacancies to be filled under compassionate appointment, then in such case, process of filling such excess regular vacancies should be dealt as per DoPT rules/ regulations / guidelines.

(x) In case, number of candidates for compassionate appointment is more than number of regular vacancies to be filled under compassionate appointment, remaining candidates after para (viii) above will be dealt in the following manner:

(a) on the basis of seniority in merit list mentioned in para (vi) above, such remaining candidates equal to number of TMR requisitioned by various Department, would be offered by the Personnel Department to get engaged as TMR.

and if he/she interested, for a maximum period of 239 days in two cycles of 119 days each in two blocks out of three blocks of four month each (i.e. January to April, May to August & September to December) in last 12 months. In any case, not more than 239 days engagement shall be allowed to such candidate in block of 12 months;

- (b) all the candidates who join as TMR will be asked to report to allotted by CGIT Cell.
- (c) the requirement of remaining TMRs all Department will be fulfilled by Personnel Department by inviting applications on NDMC's website from the persons interested for the same. A list will be prepared by Personnel Department from the applications received in lieu of invitations sought on website, on the basis of number of days in descending order for which such applicant had worked earlier in a Department as TMR, and such applicants will be engaged by Personnel Department, in such number to match the remaining requirement of TMR all Departments.

(xi) Requests for engagement on TMR basis would be considered only in those cases where the death of NDMC employees has occurred in last five year i.e. after 01.01.2012.

(xii) All Muster Roll engagement to be done through Personnel Department (CGIT Cell) only.

(xiii) The following shall be completed within three months from the date of confirmation of minutes of the meeting of approval of the Council in the matter:

(A) The following record of Muster Roll employees is to be updated and made online by CGIT cell

- a) Name
- b) Father's Name
- c) AADHAR No.
- d) Whether belongs to SC/ST/OBC
- e) Educational Qualification
- f) Address
- g) Permanent Address

(B) Payment of wages to the Muster Roll Employees to be linked to AADHAR.

(C) Salary disbursement of Muster Roll persons to be linked with biometric attendance.

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(D) Service record of each existing Muster Roll person to be verified and concrete steps should be taken by CGIT cell to remove persons who have gained Muster Roll engagement on the basis of false record.

(xiv) Compassionate Appointments and engagement of TMRs in all Departments of NDMC shall follow the above procedure only through Personnel Department.

(xv) Expenditure on payment of wages to Muster Roll Persons to be booked under project / maintenance head of respective Department.

(xvi) These policy guidelines are required considering the time and again representations received from such candidates in the matter.

5.	Financial implications of the proposed project/subject	The Issues have been already considered in the Council meeting vide agenda item no. 36 (H-03) dated 27.06.2016 and item No. 30(H-II) dated 06.03.2017. No new expenditure is being proposed in the instant agenda item.
6.	Implementation schedule with timeliness for each stage including internal processing.	Immediate after Council approval.
7.	Comments of the Finance Department on the subject	Purely an administrative matter. As no new expenditure has been proposed, no comments of the Finance has been obtained.
8.	Legal implication of the subject/project	No legal implication involved.
9.	Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.	<b><u>Grant of DTL Pay Scale</u></b> Resolution No. 21(H-03) dated 22.07.2009. Resolution No. 15/2013-14 dated 26.02.2014. Resolution No. 36(H-03) dated 27.06.2016  <b><u>Engagement on TMR basis on compassionate ground</u></b> Resolution No.16 (K-06) dated 29.01.2014 Resolution No. 37(H-06) dated 25.07.2016 Resolution No. 30(H-11) dated 06.03.2017  <b><u>Both issues</u></b> No. 34(H-01) dated 21.08.2017,
10.	Comments of the Law Department on the subject/project	Administrative matter. No comments has been obtained as no new legal issue is involved.
11.	Certification by the Department that all Central Vigilance Commission (CVC)	Not applicable being purely an administrative matter.

	guidelines have been followed while processing the case.	
12.	Recommendation	Approval of the Council is requested for proposal mentioned in para 4 above, subject to the condition that cases of grant of DTL w.e.f. 01.04.1998 where the upgraded/replacement pay scale falls in category 'A' then suitability of officer will continue to be assessed and the proposal would have to be submitted to the UPSC.
13.	Draft Resolution	The Council resolved to approve the proposal mentioned in para 4 of the Preamble, subject to the condition that cases of grant of DTL w.e.f. 01.04.1998 where the upgraded /replacement pay scale falls in category 'A' then suitability of officer will continue to be assessed, and the proposal would have to be submitted to the UPSC.

#### COUNCIL'S DECISION

The Council considered the report of the Anomaly Committee dated 18.08.2017, and resolved the following:

- (i) to accord approval to grant DTL pay scales upto 06.04.2016 to all left out categories as contained in para 4 of the Preamble and as recommended by the Anomaly Committee in para 17 of its report dated 18.08.2017, except in the case of posts in Account/Audit Cadre, Law Department and Social Education Department;
- (ii) where grant of DTL pay scales to all categories since 01.04.1998 results into upgraded /replacement pay scale in category 'A' from category 'B', the suitability of official will continue to be assessed, and the proposal would have to be submitted to the UPSC;
- (iii) the replacement DTL pay scales to be granted w.r.t. posts in Account/Audit Cadre, Law Department and Social Education Department would be decided separately.

The Council considered the proposal of framing guidelines for engaging eligible dependents of deceased NDMC employees on Temporary Muster Roll basis and resolved that the concerned Department shall submit the details of dependent of deceased NDMC employees, who have been:

- (i) appointed on permanent post under 5% quota for compassionate appointments;
- (ii) engaged on regular muster roll basis; and
- (iii) engaged on temporary muster roll basis alongwith the number of days for which they worked on temporary muster roll basis,

before the Council for taking a decision in the matter.



Per Secretary  
New De. Municipal Council  
New Delhi.

NEW DELHI MUNICIPAL COUNCIL  
PANKAJ KUMAR, NEW DELHI  
SECRETARY, SECRET BRANCH

No. SOE/1/2021

OFFICE ORDER

1. With the approval of the Competent Authority in NDMC, the revision of pay fixation under 7th CPC Pay Matrix 2016 is allowed in respect of Accounts/Audit Department, Law Department and Social Education Department till the realization of 8th Pay Scale.

2. The concerned Establishment Units will revise the pay of officials/Officers including those retired under 7th CPC Pay Matrix 2016 in respect of Accounts/Audit Department, Law Department and Social Education Department.

3. In order to safeguard the interest of NDMC, arrears of pay fixation to the existing and retired employee will be released after adjustment of token/ad-hoc payment already given to them on account of 7th Pay Scale under different categories.

(Kamal Raj)  
By Director (Estt.)  
Tel No. 011-23744935

Copy to:-

- 1. PA to Director (Education)
- 2. PA to Director (P-I & P-II)
- 3. PA to Financial Advisor
- 4. Joint FA/CAO (A/cs)
- 5. AO (CBS)
- 6. Personal file
- 7. OJO Book

**SOCIAL EDUCATION DEPARTMENT  
NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA: NEW DELHI**

Sr. No.	Name of the Posts	DTL scale recommended by the committee as per office order no. SO(E)/5084/SA-III dated 05.09.2016.	Vocational / Non Vocational
1.	Pump Operator	YES	Non-Vocational
2.	Jr. Social Edu. Teacher	YES	Non-Vocational
3.	Creche Attendant	YES	Non-Vocational
4.	Astt. Cutter (Soc.)	YES	Non-Vocational
5.	Mechine Mechanic (Craft)	YES	Non-Vocational
6.	Mechine Mechanic (WTI)	YES	Non-Vocational
7.	Sewing Teacher	YES	Non-Vocational
8.	Carpenter	YES	Non-Vocational
9.	Typist (Aanchal)	YES	Non-Vocational
10.	Assistant Store Keeper (Aanchal)	YES	Non-Vocational
11.	Asstt. Pump Operator (Swimming Pool)	YES	Non-Vocational
12.	Creche Aya (Social Edn.)	YES	Non-Vocational
13.	Aya (Pawan)	YES	Non-Vocational
14.	Aya Cum Attendant (Aanchal)	YES	Vocational
15.	Social Worker (Pawan)	YES	Vocational
16.	Instructor Word Work & Wood Craft (Pawan)	YES	Vocational
17.	Occupational Therapist	YES	Vocational
18.	Instructor (Computer Dress Designing/ CCHM WTI)	YES	Vocational
19.	Supervisor (Creche)	YES	Non-Vocational
20.	Social Education Teacher (Craft)	YES	Non-Vocational
21.	Clark cum Cloth Cutter	YES	Non-Vocational
22.	Junior Social Education Teacher	YES	Non-Vocational
23.	Chalk Making, Book Binding, Tailoring Instructor (Aanchal)	YES	Non-Vocational
24.	Junior Technical Assistant (Aanchal)	YES	Vocational
25.	Junior Librarian	YES	Non-Vocational
26.	Coach Swimming Pool	YES	Non-Vocational



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		YES	Non-Vacational
27.	Supervisor Social Education	YES	Non-Vacational
28.	Social Worker (Aanchal)	YES	Vacational
29.	Physiotherapist (Aanchal)	YES	Vacational
30.	Speech Therapist (Aanchal)	YES	Vacational
31.	Special Education Teacher Junior (Aanchal)	YES	Vacational
32.	Special Education Teacher Senior (Aanchal)	YES	Vacational
33.	Principal (WTI)	YES	Non-Vacational
<p>however, it has been noticed that some of the posts mentioned in Office Order SO(E)/5084/SA-III dated 05.09.2016 are shown under Social Education Department but they do not exist under Social Education Department as details under:-</p>			
34.	Bal Sayika (School)	YES	<p>Not Pertain To Social Education Department.</p>
35.	Frash (School)	YES	
36.	Waterman (School)	YES	
37.	Game Attendant (Stadium)	YES	
38.	Work Experience Teacher G-II	YES	
39.	Work Experience Teacher G-I	YES	
40.	Lab Assistant	YES	
41.	Assistant Sewing Teacher	YES	
42.	Statistical Assistant	YES	
43.	Student Welfare Worker (Social Education)	YES	
44.	Incharge Youth Center	YES	
45.	Superintendent (Community Hall)	YES	
46.	Senior Librarian	YES	

District of Delhi  
 Social Education Officer  
 Social Education Department  
 A.S.E.O.  
 73, Kirti Marg, New Delhi

**ITEM NO. 15 (Estate-II)****1. Name of the subject/project:**

Regularization of 100% Wooden loft within the premises of shops in Shankar Market (New Central Market), New Delhi – 110001

**2. Name of the Department:**

Estate-II Department

**3. Brief History of the subject/project:**

**3.1** The Estate – II Department of New Delhi Municipal Council (NDMC) is dealing with lease management (substitution, mutation, freehold conversion, commercial conversion etc.) of properties (i.e. shops/flats/stalls) situated in specified 10 Markets (including New Central Market also known Shankar Market) transferred from Land & Development Office (L&DO) as per Gazette Notification dated 24.03.2006. The following 10 Markets were transferred from L&DO for lease management from 1<sup>st</sup> April, 2006:

(i)	Khan Market	(ii)	Khanna Market
(iii)	Sarojini Nagar Market	(iv)	New Central Market (Shankar Market)
(v)	Babu Market	(vi)	Bhagat Singh Market
(vii)	Aliganj Market	(viii)	Jor Bagh Market
(ix)	Diplomatic Enclave (Malcha Marg Market)	(x)	Bengali Market

A copy of the above said Notification is at Annexure-I. (See pages 213-218) The Para-3 of the notification states *"The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution / mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization / restoration of allotment of shops etc. change of trade, conferment of ownership rights, recovery of misuse / damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi"*.

**3.2** The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.

**3.3** The notification further stipulates that in addition to performing the function as Lessor/licensor, the local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.

4.1 The NDMC was in receipt of various representations from Shankar Market (New Central Market) Traders Association (Regd.) and Member of NDMC regarding 100% coverage of wooden lofts used for storage purpose. Hon'ble MP and Member of Council desired that in case the NDMC has any reservation in regularizing the wooden lofts, the matter could be discussed in the meeting of Council for taking a view in this regard.

4.2 Since, the issue of regularization of wooden loft falls under Building Bye Laws, hence, the same was forwarded to Department of Architecture & Environs, who placed the matter before the Council of NDMC in its meeting held on 04.04.2018 vide Item No. 25 (L-04). The Council deliberated upon the issue of regularization of wooden loft in the shops of Shankar Market (New Central Market) and resolved that *"the loft be permitted upto 50% to 70% of the shop for only storage purpose subject to the following:*

- a. *It has to be temporary structure only and with the help of the Architect Department, modalities will be looked into for a suitable gap of minimum 50% to 70% of the shop will be maintained between the loft over verandah and the loft within the shop for accessibility and maintaining a manageable depth from fire safety point of view;*
- b. *The height of the loft upto maximum 1.5 mtr. would be so maintained/constructed that the resultant habitable height of the shop is as per the provision of Building Bye Laws;*
- c. *The lowering the shop floor with reference to the front verandah will not be permitted;*
- d. *In case of any violation in this regard, the action will be taken as per the Laws and terms of the Lease Deed, including termination of Lease Deed.*

*The Council further resolved that the Chief Architect, NDMC should prepare plan as per the above guidelines in consultation with Fire Department for fire safety. Thereafter, the matter may be placed before the Council for its consideration, including the issue referring the matter in the Technical Committee of Delhi Development Authority".* The copy of Reso. No. 25(L-04) dated 04.04.2018 is placed as **Annexure – II (See pages 219-225).**

4.3 Accordingly, the Department of Architecture and Environs had prepared the plan for loft in Shankar Market (New Central Market) in consultation with Fire Department of NDMC (**Annexure – III**) (**See page 226**). The Plan has following salient features:

- i. The size of loft shall be 50% of the area of shop as permissible under Building Bye Laws.
- ii. The Loft shall be the temporary structure like iron girder/section & stone slab.
- iii. The Height of the shop should be minimum of 2.75 mtrs. as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
- iv. The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.

5. After preparation of drawing of loft by the Architect Department, NDMC as per decision of Council, the matter of regularization of wooden loft within the premises of shops in Shankar Market (New Central Market) was placed before the Council of NDMC by the Estate – II Department in its meeting held on 20.12.2019 vide Item No. 23 (L-03). *The Council resolved the matter and approved the plan prepared by Architect Department of NDMC having following provisions:*

- i. *The maximum permissible area for loft shall be 50% of lease area of the shop.*
- ii. *The Loft shall be the temporary structure like iron girder/section & stone slab.*
- iii. *The Height of the shop should minimum of 2.75 mtrs as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.*
- iv. *The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.*
- v. *In case of any violation of the conditions, the action will be taken as per the terms of Lease Deed and Municipal Laws.*

*The Council further resolved that no damage charges will be levied if the area of old loft is as per plan approved by the Council. The copy of Council Reso. No. 23 (L-03) dated 20.12.2019 is placed as Annexure – IV (See pages 227-234).*

The above decision of Council was duly circulated vide Circular No. D/627/S.O. (STC)/2020 Dated 09.07.2020 (Annexure – V) (See page 235).

6. Based on above decision of Council as well as inspection carried out time to time, the Government dues including Damage Charges were computed in respect of properties situated in New Central Market (Shankar Market) as per formula as well as policy/guidelines of Land & Development Office (L&DO) and conveyed to various shopkeepers/applicants/lessees of properties in applied cases.

7. The matter of regularization of 100% "Wooden Loft" within the premises of shops/stalls in Shankar Market (New Central Mkt) was discussed in the Council in its meeting held on 30/03/2022. The Council after due deliberation on the issue resolved in principle for regularization of 100% loft in Shankar Market. The Council also resolved that the concerned department of NDMC shall bring an Agenda in the next meeting of the Council for final approval of the proposal. Accordingly, as deliberated and resolved by the Council in its meeting held on 30/03/2022, the proposal for regularization of 100% wooden loft in shops/stalls located in Shankar Mkt.(New Central Mkt.) is placed before the Council for its approval.

**8. Proposal:**

i. The proposal of 100% regularization of wooden loft in the shops/stalls of Shankar Mkt.(New Central Mkt.) is placed before the Council for its approval. However, the conditions as imposed earlier by the Council while approving 50% regularization of loft may remain the same. The conditions imposed earlier for regularization of 50% which is proposed to be kept for the 100% regularization also are as under :-

- a. The loft shall be the temporary structure like iron girder/section & stone slab.
- b. The height of the shop should minimum of 2.75 mtrs as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
- c. The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.

- d. In case of any violation of the conditions, the action will be taken as per the terms of Lease Deed and Municipal Laws.
- ii. It is further submitted that the Council may resolve that no damage charges will be levied if the area of the old loft is as per approved plan by the Council.
- iii. The Council in its meeting held on 30/03/2022 has also resolved that no damage charges will be levied by the NDMC in case of violation of loft area in shops/stalls of Shankar Market even for the back dates, therefore, the proposed approval of the Council may be made applicable retrospectively and hence no damage charges to be levied in case of any violation in the loft area in the past by any of the shopkeepers of the Shankar Market.
- iv. Besides, it may be further resolved by the Council that the cases which have already decided will not be reviewed in any circumstances.

**9. Comments of the Finance Department:**

Since department has brought on record that Council has already resolved in principle for regularization of 100% wooden loft in shops/stalls located in Shankar Market (New Central Market), Department may place the draft Agendum before the Council for seeking approval ensuring that:

- a. Comments of Architect Department have been incorporated in proposed draft Agendum at appropriate place.

**10. Comments of Law Department:**

No legal issue is involved in the proposal.

**11. comments of Architecture & Environs:**

Earlier, Estate Department, NDMC had prepared an Agenda on the issue of regularization of wooden loft within the premises of shops in Shankar Market (N.C. Market) and placed before the Council of NDMC its meeting held on 04.04.2018 and the Council deliberated upon the issue of regularization of wooden loft in the shops of Shankar Market & took a decision. If loft area is to be again increased upto 100%, then there is no need for preparation of plan. Estate Department, NDMC may put up a revised agenda as done earlier. Director Estate with request for taking further necessary action in the matter please.

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

*Reso. NO. 23(I-03) dated 20.12.2019 - The Council resolved following*

- i. *The size of loft shall be 50% of the area of shop as permissible under Building Bye Laws.*
- ii. *The Loft shall be the temporary structure like iron girder/section & stone slab.*
- iii. *The Height of the shop should be minimum of 2.75 mtrs. as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.*
- iv. *The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.*

*Reso. No. 25 (L-04) dated 04.04.2018- The Council resolved following:*

- a. *It has to be temporary structure only and with the help of the Architect Department, modalities will be looked into for a suitable gap of minimum 50% to 70% of the shop will be maintained between the loft over verandah and the loft within the shop for accessibility and maintaining a manageable depth from fire safety point of view;*
- b. *The height of the loft upto maximum 1.5 mtr. would be so maintained/constructed that the resultant habitable height of the shop is as per the provision of Building Bye Laws;*
- c. *The lowering the shop floor with reference to the front verandah will not be permitted;*
- d. *In case of any violation in this regard, the action will be taken as per the Laws and terms of the Lease Deed, including termination of Lease Deed.*
- e.

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

Not Required

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

Not Required

**15. Recommendations:**

Regularization of 100% Wooden loft within the premises of shops in Shankar Market (New Central Market), New Delhi - 110001 may be approved by the Council and it may be made applicable retrospectively and hence no damage charges to be levied in case of any violation in the loft area in the past by any of the shopkeepers of the Shankar Market.

#### COUNCIL'S DECISION

Resolved by the Council to regularize 100% Wooden loft within the premises of shops in Shankar Market (New Central Market), New Delhi - 110001 and be made applicable retrospectively and hence no damage charges to be levied in case of any violation in the loft area in the past by any of the shopkeepers of the Shankar Market, subject to condition mentioned at para 8 of the preamble.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

*S. Sengupta*  
 For Secretary  
 New Delhi Municipal Council  
 New Delhi.

MINISTRY OF URBAN DEVELOPMENT  
NOTIFICATION

New Delhi, the 24th March, 2006

S.O. 404(E).—Whereas the Land and Development Office, Directorate of Estates and Central Public Works Department under the Ministry of Urban Development are administering various markets in Delhi:

2. And whereas the Central Government has decided to transfer the markets under Land & Development Office, Directorate of Estates and Central Public Works Department (except Indira Chowk, Rajiv Chowk and I.N.A. Market Complex) comprising of shops and flats over the shops (excluding the general pool flats over the shops in R.K. Puram Market, Srinivaspuri, Andrews Ganj, Nanakpura and Lancer Road Markets) to the New Delhi Municipal Council and Municipal Corporation of Delhi on "as is where is" basis, it is decided as follows;
3. On transfer of these markets, New Delhi Municipal Council and Municipal Corporation of Delhi will function as the lessor or Licensor, in respect of shops and flats in these markets and shall exercise all powers being performed by Land & Development Office, Directorate of Estates and Central Public Works Department, as the case may be, as the lessor or licensor. The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution/mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization/restoration of allotment of shops etc., change of trade, conferment of ownership rights, recovery of misuse/damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi.

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4. In addition to performing the functions as lessor/licensor, local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.
  
5. Both New Delhi Municipal Council and Municipal Corporation of Delhi shall create a separate Corpus of Fund to which the revenue generated from the transfer of markets by way of receipt of rent, licences, unearned increase, premium, conversion fee, damages/misuse charges etc. shall be deposited. If for any reason the amount is credited in the common Municipal Fund, then a separate Account shall be maintained in respect of the revenue realized from transfer of markets and this be duly accounted for. These Funds shall be utilized only for the purpose of development of the markets and for no other purpose. A quarterly report of the deposits made and the amounts spent are to be furnished to the Land and Development Office and Ministry of Urban Development, Nirman Bhawan, New Delhi.
  
6. The details of the markets being transferred to the New Delhi Municipal Council are listed under **Annexure-I**. Similarly, the details of the markets being transferred to the Municipal Corporation of Delhi are at **Annexure-II**.
  
7. The transfer of Markets will take effect from 1<sup>st</sup> April, 2006 and transfer of all records shall be completed by 30<sup>th</sup> April, 2006

[No. L & DO/PS-IV/Policy/1/2004]

P. K. PRADHAN, Jr. Secy.



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**Annexure-I****List of Markets under the Land & Development Office, Directorate of Estate and CPWD, transferred to the New Delhi Municipal Council(NDMC).**

Sr. No.	Name of the Market	
1.	Baird Road Market	
2.	Bhagat Singh Mkt.	(i) Shops
		(ii) residential flats over shops
3.	Khan Market	(i) Shops
		(ii) residential flats over shops
4.	Khanna Market	
5.	Ali Ganj Market	
6.	Bengali Market Shop-cum-Residence	
7.	Jor Bagh Shop-cum-Residence	
8.	Diplomatic Enclave	
9.	N. C. Market	(i) Shops
		(ii) residential flats over shops
		(iii) stalls
10.	S.N. Market	(i) Shops
		(ii) residential flats over shops
11.	Babu Market, Sarojini Nagar -- shops	
12.	Kidwai Nagar( South)	
13.	Kidwai Nagar (Centre)	
14.	Moti Bagh-I	
15.	Begum Zaidi Market	
16.	Basurkar Market	
17.	Naroji Nagar	
18.	Pandara Road Market	
19.	Laxmi Bai Nagar Market	
20.	NetajiNagar Market	
21.	Prithviraj Road Market	
22.	Lodhi Colony Main Market	
23.	Janpath Market	
24.	DIZ Area, Sec IV, B.K.S. Marg (convenient shopping Centre)	
25.	Hanuman Road	
26.	Asia House Market	
27.	Ring Road Market	

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**Annexure-II**

**List of Markets under the Land & Development Office, Directorate of Estate and CPWD, transferred to the Municipal Corporation of Delhi (MCD).**

Sr. No.	Name of the Market
1.	Ansari Market
2.	Ashoka Market
3.	Azad Market
4.	Desh Bandhu Gupta Mkt. (i) Shops (ii) Comm. flats.
5.	Gaffar Market
6.	Gokhale Market
7.	Indra Market
8.	Khursheed Market (Shops & Comm. flats)
9.	Lajpat Nagar Market
10.	Lehna Singh Market
11.	Mirdard Road Market
12.	Old Rohtak Road Market
13.	Rani Jhansi Market
14.	Roshnara Road Market
15.	Sewa Nagar Market
16.	Teliwara Market
17.	Timar Pur Market
18.	Gulabi Bagh Market
19.	Tilak Nagar (New Market)
20.	Tilak Nagar (Old Market)
21.	Defence Colony Market
22.	Kalkaji Market
23.	Jung Pura Market
24.	Moti Nagar Market
25.	Tehar-I Market
26.	Old Rajender Nagar Mkt.
27.	Ramesh Nagar Market
28.	West Patel Nagar(New Mkt.)
29.	West Patel Nagar (Old Mkt.)
30.	Nizamuddin Mkt.
31.	New Qutab Road Market
32.	South Patel Nagar Market
33.	Central Market, LPN
34.	Pushpa Market, LPN
35.	Krishna Market, LPN
36.	Malviya Nagar Market
37.	Malka Ganj Market

38.	Inner Market, Malka Ganj	
39.	Main Road Mkt., Malka Ganj	
40.	East Patel Nagar Market	
41.	New Rajinder Nagar Market	
42.	Edward Lane Market	
43.	Punchkuian Road Market	
44.	Pahar Ganj Market	
45.	Sunder Nagar Market Shop-cum-Residence	
46.	Prem Nagar Market	
47.	M.B. Road - Shops	
48.	Kamla Market	(i) Shops
		(ii) residential flats over shops
49.	Meharchand Market - Shops	
50.	R.K.Puram Market, Sector-I	
51.	R.K.Puram Market Sector-II	
52.	R.K.Puram Market Sector-III	
53.	R.K.Puram Market Sector-IV	
54.	R.K.Puram Market Sector-V	
55.	R.K. Puram Market Sector-VI	
56.	R.K.Puram Market Sector-VII(Centre-I)	
57.	R.K.Puram Market Sector-VII(Centre-II)	
58.	R.K.Puram Market Sector-VIII	
59.	R.K.Puram Market Sector-IX	
60.	R.K.Puram Market Sector-XII	
61.	Site-D Market, Sector-VI, R.K. Puram(Platforms)	
62.	Kasturba Nagar- Shops	
63.	Sri Nivas Puri - Shops	
64.	Nanak Pura - Shops	
65.	Pleasure Garden Market - Shops	
66.	Lancer Road - Shops	
67.	"Y" Shape Building I.P. Bhawan	
68.	Vaşant Vihar Shopping Complex	
69.	Mohammadpur Shopping Complex	
70.	Sadiq Nagar Market	(i) shops
		(ii) stalls
		(iii) platforms
		(iv) Kiosks
		(v) cycle repairs shop
		(vi) scooter repair shop
71.	M.B.Road, Sec-I, Market	(i) shops
		(ii) office
		(iii) scooter repairs shop
		(iv) cycle repair shop
72.	M.B.Road, Sec-III, Market	

73.	M.B.Road, Sec-III-A Markets
74.	M.B.Road Sec-III B, Markets
75.	M.B.Road, Sec-IV, Market( Local Shopping Centre)
76.	M.B.Road, Sec-IV, Market( Convenient Shopping Centre)
77.	M.B. Road, Sec-V, Markets
78.	Lodhi Road Complex, Centre-I Shops
79.	Lodhi Road Complex, Centre-II Market

## ITEM NO. 25 (L-04)

1. Name of the subject/project:  
Regularization of wooden loft within the premises of shops in Shankar Market (N.C. Market).
2. Name of the Department:  
Department of Architecture & Environs.
3. Brief History of the subject/project:  
3.1 In terms of the Government of India Notification dated 24th March, 2006, the following 10 markets were transferred to New Delhi Municipal Council (NDMC) by the Land & Development Office, Ministry of Urban Development, Govt. of India for lease management from 1st April, 2006:-
- |  |                          |
|--|--------------------------|
| 1. Khan Market                             | 2. Khanna Market         |
| 3. New Central Market (Shankar Market)     | 4. Bhagat Singh Market   |
| 5. Bengali Market                          | 6. Sarojini Nagar Market |
| 7. Babu Market                             | 8. Jor Bagh Market       |
| 9. Diplomatic Enclave (Malcha Marg Market) | 10. Aliganj Market       |

A copy of the above said Notification is at Annexure-I (See pages 1049 - 1051). The Para-3 of the notification states *"The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution / mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization / restoration of allotment of shops etc. change of trade, conferment of ownership rights, recovery of misuse / damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi"*.

- 3.2 The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.
- 3.3 The notification further stipulates that in addition to performing the function as lessor/licensor, the local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.
- 3.4 NDMC has received representation from Shankar Market (New Central Market) Traders Association (Regd.) which is also forwarded by Hon'ble Member of Parliament (Lok Sabha) & Member of NDMC Smt. Meenakshi Lekhi regarding 100% coverage of wooden lofts used for storage purpose. Hon'ble MP and

Member of Council has desired that in case NDMC has any reservation in regularizing the wooden lofts, the matter could be discussed in the meeting of Council for taking a view in this regard.

3.5 The brief history of the Shankar Market is as follows:-

- (i) Shankar market is located on the outer periphery of Connaught Place opposite M Block. The market was constructed by the Government in 1956.
- (ii) The shops were constructed with a verandah in front.
- (iii) Originally, a loft was constructed over the verandah accessible from inside the shops.
- (iv) Over the period of time the shopkeepers started constructing wooden/Stone Slab lofts upto 100% coverage unauthorizedly within the shops for storage of goods and merged the same with the existing loft resulting in decrease in the height of the shops. The resultant height of the shops became inhabitable.
- (v) To overcome the low height some of the shopkeepers started to lower the floor of the shops by 1 feet 6 inches to 2 feet. Some of the shopkeepers even started to use the loft as workspace in gross violation of BBL by installing narrow staircase making the lofts unsafe for use.
- (vi) Prior to 1983, 50% area for loft was permitted but at present only 25% of loft area is permitted in a shop with a max height of 5 feet.

3.6 The Association has stated in the representation that there is a need to allow 100% coverage of wooden lofts for storage purpose as allowed in the Municipal Markets under NDMC. It has been pointed out that NDMC vide Resolution No.16 dated 06.04.1976 had deemed regularize 100% coverage of wooden loft for storage purpose only whereas in Shankar Market 25% coverage of wooden loft is allowed. Further, it has been mentioned that 100% coverage of wooden loft was regularized /compounded by Chief Architect, NDMC on 30.12.1994 by charging Rs.7500/- in shop No. 42 N. C. Market and this should be extended to all the shops in the market. There is one more issue of 18" depth show cases/window covered in front of shops in common verandah and display of goods between two pillars has been raised. The Association has stated that common verandah is the sole property of shopkeepers and show cases/windows do not come under building. The representation of Association is at Annexure-II (See pages 1052 - 1061 ).

3.7 As per the NDMC Resolution No.16 dated 06.04.1976, the Committee decided that all internal changes such as wooden partitions/cabins/glazing wooden panelling etc. be allowed/regularized in all the Municipal Markets temporary as well as permanent similarly 100% coverage of lofts for storage purposes only (excluding public verandah) were also deemed to be regularized in all the municipal markets including temporary ones subject to a minimum clear height of

7' from the floor and maximum standing height of 5' between the loft floor and ceiling. While recommending regularization of allotment in the light of Committee's resolution no. 16 dated 06.04.1976, it was considered that use of loft for purposes other than storage be tolerated and that side/door openings be regularized if it does not cause any obstruction to the pedestrians. Back door openings have not been recommended for regularization as it encourages misuse of land at the back of the shops/stalls. However, there seems no objection if they provide a window with grill in the back for ventilation purposes (Annexure-III) (See pages 1062 - 1063). The representation also have mention of L&DO Office Order dated 13.3.85 regarding decision on the problems of Shankar Market, New Delhi and Report of some Technical Committee (The Office Order and Report of the Committee is unsigned and without number & date and requires confirmation from L&DO).

- 3.8 It is stated that NDMC resolution No. 16 dated 06.04.1976 allows deemed regularization of 100% coverage of wooden loft for storage purpose only in all the Municipal Markets. However, at the time of resolution the shops of Shankar Market were not part of Municipal Markets and the market is a leased market of L&DO. The market was transferred to NDMC in 2006 by L&DO. As per certified building Bye-Laws, 2016 (7.2.5), Loft shall be permitted in residential building & shops only. Area of such loft shall be restricted to 25% of the covered area of respective floor. Maximum height between Loft shall be 1.75 mtr. and the clear height below the loft shall be as stipulated in the Building Bye-Laws for the space below it.
- 3.9 As per the Circular No. D-1043/SO (Estate-I)/2016, dated 16.08.2016 regarding policy of licenses of NDMC's shops, kiosks, pan tharas etc., which is approved by the Council, all cases of Lofts and Mezzanine before issuing the circular i.e. 16.08.2016 shall be governed as per the Council's resolutions applicable as on that date. Further from the date of decision of the Council, permission for loft and mezzanine be considered wherein 'Unified Building Bye-laws for Delhi (as applicable from time to time) and 'Master Plan Delhi, 2021' (as applicable from time to time) permits the same, subject to technical feasibility, structural safety and other statutory clearance, as applicable. (Annexure IV) (See pages 1064 - 1075)
- 3.10 On perusal of the file of Flat No. 42, Shankar Market, New Delhi, it reveals that L&DO itself permitted 25% loft & the remaining area of constructed / existing loft was treated as unauthorized construction in the year 1998. Moreover, Chief Architect Department, NDMC vide letter dated 30.12.1994 raised Rs 7500/- towards the penalty for regularization of the new stone loft constructed in place of old timber loft by lowering it approximately 1'-0".

3.11 As regard, show cases / window shutter, it is observed that L&DO has permitted the same in the individual cases and it cannot be treated as matter of rights by the shop keepers.

4. Consultation with Delhi Development Authority:

The Architect Department of NDMC has approached Delhi Development Authority in December 2016 seeking comments with respect to the regularization/construction of loft at Shankar Market, New Delhi. The DDA has informed the following (Annexure V) (See pages 1076 - 1077):

(i) The land use of the site under reference (i.e. Shankar Market, New Delhi) is 'Commercial C1 (Retail Shopping, General Business and Commerce) as per MPD-2021 and 'Commercial-Retail and General Business (CBD) as per approved Zonal Development Plan of Zone 'D' prepared under MPD-2001.

(ii) The subject matter relates to the land owning agency i.e. L&DO in this case.

5. Consultation with Land & Development Officer, Ministry of Urban Development Government of India:

As per the advice of Delhi Development Authority and the issues raised in the representation of the Association, L&DO has been requested to offer their comments on (i) the representation of the Association; (ii) the office order and report of the committee as referred in the representation; (iii) the factual position in the light of Master Plans applicable from time to time; and (iv) whether the proposal of Association have any impact on the other markets of L&DO. A copy of the NDMC's letter is at Annexure -VI (See pages 1078 - 1082). A response from the L&DO is still awaited despite reminder dated 17.01.2018 & 06.03.2018.

6. Comments of the Finance Department:

The Finance Department of NDMC has been consulted by Estate II Department of NDMC and their comments are as follows:

(i) The Draft Agendum has been examined and it is seen that no recommendation has been proposed by the Department.

(ii) The Resolution No. 16, dated 06.04.1976 of the Committee was with respect to municipal markets and not for L&DO markets which have been stated handed over to NDMC in 2006 (may be placed on record). The proposal of the department is to regularize Shankar Market, only which is L&DO one of the markets. Department may bring on record what would be the effect in remaining 09



- (b) A gap of minimum 4 feet will be maintained between the loft over verandah and the wooden loft within the shop for accessibility, safety and maintaining a manageable depth.
- (c) The height of the loft upto maximum 1.5 mtr. would be so maintained/constructed that the resultant habitat height of the shop is as per the provision of Building Bye Laws.
- (d) The lowering of the shop floor with reference to the front verandah will not be permitted.
- (e) In case of any violation of the conditions, the action will be taken as per the terms of the Lease Deed and Municipal Laws.
9. Comments of the Law Department:  
Comments of the Law Department are awaited.
10. Comments of EBR Department:  
Comments of the EBR Department are awaited.
11. Implementation schedule with timeliness for each stage including internal processing:  
Not applicable.
12. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject:
- (i) The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.
- (ii) NDMC resolution No. 16 dated 06.04.1976 allows deemed regularization of 100% coverage of wooden loft for storage purpose only in all the Municipal Markets.
- (iii) Policy of licenses of NDMC's shops, kiosks, pan tharas etc., which is approved by the Council issued vide Circular No. D-1043/SO (Estate-I)/2016, dated 16.04.2016.
- (iv) Master Plan of 2021.
13. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:  
Not required.

## 14 Recommendation:-

The matter regarding regularisation of 100% wooden loft in Shankar market (new central market) is placed before the Council for deliberations subject to concurrence of L&DO, Technical Committee of DDA and Chief Fire Officer.

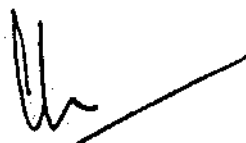
COUNCIL'S DECISION


The Council deliberated upon the issue of regularization of wooden loft in the shops of Shankar Market (New Central Market) and resolved that the loft be permitted upto 50% to 70% of the shop for only storage purpose subject to the following:

- (a) It has to be a temporary structure only and with the help of the Architect Department, modalities will be looked into for a suitable gap of minimum 50% to 70% of the shop will be maintained between the loft over verandah and the loft within the shop for accessibility and maintaining a manageable depth from fire safety point of view;
- (b) the height of the loft upto maximum 1.5 mtr. would be so maintained/ constructed that the resultant habitable height of the shop is as per the provision of Building Bye Laws;
- (c) the lowering of the shop floor with reference to the front verandah will not be permitted;
- (d) in case of any violation in this regard, the action will be taken as per the Laws and terms of the Lease Deed, including termination of Lease Deed.

The Council further resolved that the Chief Architect, NDMC should prepare plan as per the above guidelines, in consultation with the Fire Department for fire safety. Thereafter, the matter be placed before the Council for its consideration, including the issue of referring the matter to the Technical Committee of the Delhi Development Authority.

  
(RASHMI SINGH)  
SECRETARY

  
(NARESH KUMAR)  
CHAIRPERSON

  
(MEENAKSHI LEKHI)  
PRESIDING OFFICER

## 14 Recommendation:-

The matter regarding regularisation of 100% wooden loft in Shankar market (new central market) is placed before the Council for deliberations subject to concurrence of L&DO, Technical Committee of DDA and Chief Fire Officer.

COUNCIL'S DECISION

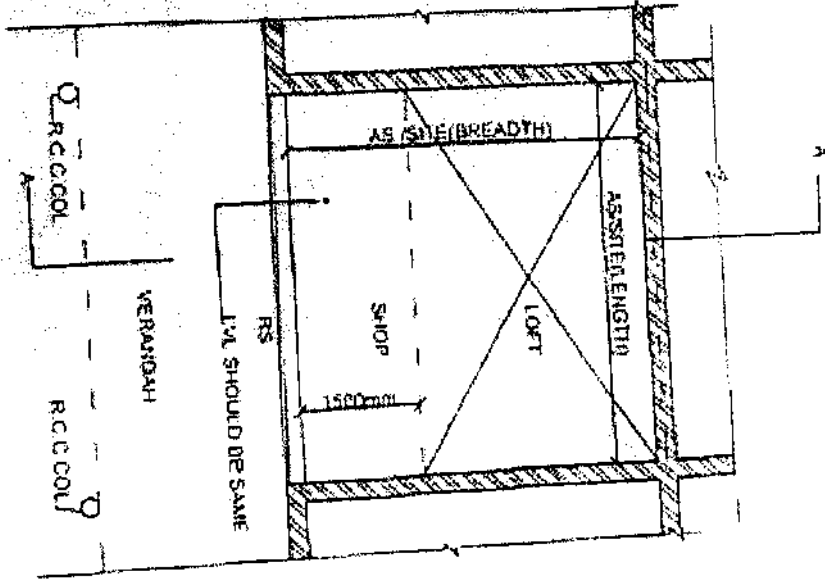
The Council deliberated upon the issue of regularization of wooden loft in the shops of Shankar Market (New Central Market) and resolved that the loft be permitted upto 50% to 70% of the shop for only storage purpose subject to the following:

- (a) It has to be a temporary structure only and with the help of the Architect Department, modalities will be looked into for a suitable gap of minimum 50% to 70% of the shop will be maintained between the loft over verandah and the loft within the shop for accessibility and maintaining a manageable depth from fire safety point of view;
- (b) the height of the loft upto maximum 1.5 mtr. would be so maintained/ constructed that the resultant habitable height of the shop is as per the provision of Building Bye Laws;
- (c) the lowering of the shop floor with reference to the front verandah will not be permitted;
- (d) in case of any violation in this regard, the action will be taken as per the Laws and terms of the Lease Deed, including termination of Lease Deed.

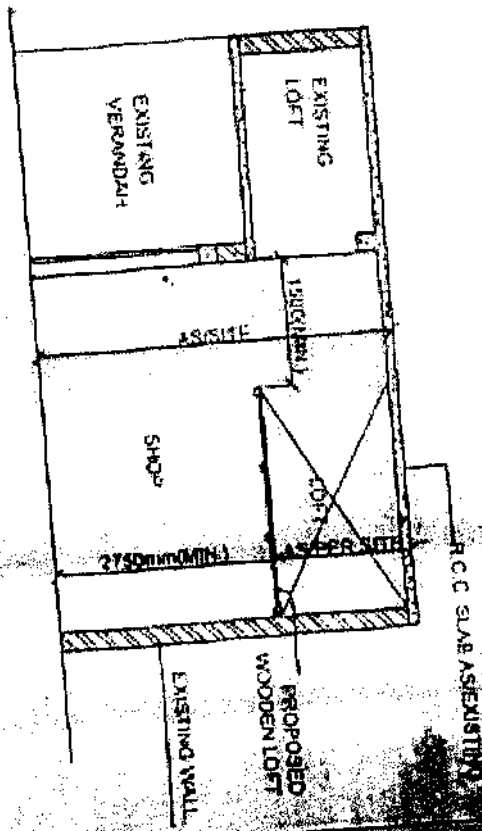
The Council further resolved that the Chief Architect, NDMC should prepare plan as per the above guidelines, in consultation with the Fire Department for fire safety. Thereafter, the matter be placed before the Council for its consideration, including the issue of referring the matter to the Technical Committee of the Delhi Development Authority.

  
For Secretary  
New Delhi Municipal Cor  
New Delhi.

PLAN OF SHOP



SECTION AA



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THE SUBMITTER OF THIS APPLICATION HAS BEEN ADVISED THAT THE PROPOSED WORK IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY AND THAT THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED WORK. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED WORK. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED WORK.

OFFICE OF THE CHIEF ARCHITECT / PLANNING SECTION  
 PROPOSED LOFT & SHOP  
 SHANMUGA BARUATI

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ITEM NO. 23 (L-03)

1. Name of the subject/project:  
Regularization/Permission of wooden loft within the premises of shops in Shankar Market (N.C. Market).
2. Name of the Department:  
Estate-II Department
3. Brief History of the subject/project:
  - 3.1 In terms of the Government of India Notification dated 24th March, 2006, the following 10 markets were transferred to New Delhi Municipal Council (NDMC) by the Land & Development Office, Ministry of Urban Development, Govt. of India for lease management from 1st April, 2006 :-
 

1. Khan Market	2. Khanna Market
3. New Central Market (Shankar Market)	4. Bhagat Singh Market
5. Bengali Market	6. Sarojini Nagar Market
7. Babu Market	8. Jor Bagh Market
9. Diplomatic Enclave (Malcha Marg Market)	10. Aliganj Market

A copy of the above said Notification is at Annexure-I (See page 203 - 214). The Para-3 of the notification states *"The guidelines and procedure followed by Land & Development Office and Directorate of Estates in the matter of substitution / mutation of title, Gift Permission, Sale Permission, Mortgage Permission, Conversion of lease hold into freehold, change of use of premises, regularization / restoration of allotment of shops etc. change of trade, conferment of ownership rights, recovery of misuse / damages charges etc. may also be followed by the local bodies viz. New Delhi Municipal Council and Municipal Corporation of Delhi"*.

- 3.2 The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.

- 3.3 The notification further stipulates that in addition to performing the function as lessor/licensor, the local bodies can also take appropriate action against violation of building bye-laws, municipal bye-laws and exercise other statutory powers.
- 3.4 NDMC has received representation from Shankar Market (New Central Market) Traders Association (Regd.) which is also forwarded by Hon'ble Member of Parliament (Lok Sabha) & Member of NDMC Smt. Meenakshi Lekhi regarding 100% coverage of wooden lofts used for storage purpose. Hon'ble MP and Member of Council has desired that in case NDMC has any reservation in regularizing the wooden lofts, the matter could be discussed in the meeting of Council for taking a view in this regard.
- 3.5 The brief history of the Shankar Market is as follows:-
- (i) Shankar market is located on the outer periphery of Connaught Place opposite M Block. The market was constructed by the Government in 1956.
  - (ii) The shops were constructed with a verandah in front.
  - (iii) Originally, a loft was constructed over the verandah accessible from inside the shops.
  - (iv) Over the period of time the shopkeepers started constructing wooden/Stone Slab lofts upto 100% coverage unauthorizedly within the shops for storage of goods and merged the same with the existing loft resulting in decrease in the height of the shops. The resultant height of the shops became inhabitable.
  - (v) To overcome the low height some of the shopkeepers started to lower the floor of the shops by 1 feet 6 inches to 2 feet. Some of the shopkeepers even started to use the loft as workspace in gross violation of BBL by installing narrow staircase making the lofts unsafe for use.
  - (vi) Prior to 1983, 50% area for loft was permitted but at present only 25% of loft area is permitted in a shop with a max height of 5 feet.
- 3.6 The Association has stated in the representation that there is a need to allow 100% coverage of wooden lofts for storage purpose as allowed in the Municipal Markets under NDMC. It has been pointed out that NDMC vide Resolution No.16 dated 06.04.1976 had deemed regularize 100% coverage of wooden loft for storage purpose only whereas in Shankar Market 25% coverage of wooden loft is allowed. Further, it has been mentioned that 100% coverage of wooden loft was

regularized /compounded by Chief Architect, NDMC on 30.12.1994 by charging Rs.7500/- in shop No. 42 N. C. Market and this should be extended to all the shops in the market. There is one more issue of 18" depth show cases/window covered in front of shops in common verandah and display of goods between two pillars has been raised. The Association has stated that common verandah is the sole property of shopkeepers and show cases/windows do not come under building. The representation of Association is at Annexure-II (See pages 215 - 219).

- 3.7 As per the NDMC Resolution No.16 dated 06.04.1976, the Committee decided that all internal changes such as wooden partitions/cabins/glazing wooden paneling etc. be allowed/regularized in all the Municipal Markets temporary as well as permanent similarly 100% coverage of lofts for storage purposes only (excluding public verandah) were also deemed to be regularized in all the municipal markets including temporary ones subject to a minimum clear height of 7' from the floor and maximum standing height of 5' between the loft floor and ceiling. While recommending regularization of allotment in the light of Committee's resolution no. 16 dated 06.04.1976, it was considered that use of loft for purposes other than storage be tolerated and that side/door openings be regularized if it does not cause any obstruction to the pedestrians. Back door openings have not been recommended for regularization as it encourages misuse of land at the back of the shops/stalls. However, there seems no objection if they provide a window with grill in the back for ventilation purposes (Annexure-III, See pages 220 - 221). The representation also have mention of L&DO Office Order dated 13.3.85 regarding decision on the problems of Shankar Market, New Delhi and Report of some Technical Committee (The Report of the Committee is unsigned and without number & date and requires confirmation from L&DO).
- 3.8 It is stated that NDMC resolution No. 16 dated 06.04.1976 allows deemed regularization of 100% coverage of wooden loft for storage purpose only in all the Municipal Markets. However, at the time of resolution the shops of Shankar Market were not part of Municipal Markets and the market is a leased market of

L&DO. The market was transferred to NDMC in 2006 by L&DO. As per Unified Building Bye Laws, 2016 (7.2.5), Loft shall be permitted in residential building & shops only and area of such loft shall be restricted to 25% of the covered area of respective floor. Maximum height between Loft and Ceiling shall be 1.75 mtr. and the clear height below the loft shall be as stipulated in the Building Bye Laws for the space below it.

- 3.9 As per the Circular No. D-1043/SO (Estate-I)/2016, dated 16.08.2016 regarding policy of licenses of NDMC's shops, kiosks, pan tharas etc., which is approved by the Council, all cases of Lofts and Mezzanine before issuing the circular i.e. 16.08.2016 shall be governed as per the Council's resolutions applicable as on that date. Further from the date of decision of the Council, permission for loft and mezzanine be considered wherein 'Unified Building Bye-laws for Delhi (as applicable from time to time) and 'Master Plan Delhi, 2021' (as applicable from time to time) permits the same, subject to technical feasibility, structural safety and other statutory clearance, as applicable (Annexure IV, See pages 222 - 233).
- 3.10 On perusal of the file of Flat No. 42, Shankar Market, New Delhi, it reveals that L&DO itself permitted 25% loft & the remaining area of constructed / existing loft was treated as unauthorized construction in the year 1998. Moreover, Chief Architect Department, NDMC vide letter dated 30.12.1994 raised Rs 7500/- towards the penalty for regularization of the new stone loft constructed in place of old timber loft by lowering it approximately 1'-0".
- 3.11 As regard, show cases / window shutter, it is observed that L&DO has permitted the same in the individual cases and it cannot be treated as matter of rights by the shop keepers.
4. Keeping in view of the above, the Department of Architecture and Environs had submitted a proposal before the council for regularization of wooden loft within the shops of New Central Market (Shankar Market), New Delhi which was considered by the Council in its meeting held on 04.04.2018 (Annexure-V, See pages 234 - 240). The Council resolved as under:



"The Council deliberated upon the issue of regularization of wooden loft in the shops of Shankar Market (New Central Market) and resolved that the loft be permitted upto 50% to 70% of the shop for only storage purpose subject to the following:

- (a) It has to be temporary structure only and with the help of the Architect Department, modalities will be looked into for a suitable gap of minimum 50% to 70% of the shop will be maintained between the loft over verandah and the loft within the shop for accessibility and maintaining a manageable depth from fire safety point of view;
- (b) The height of the loft upto maximum 1.5 mtr. would be so maintained/constructed that the resultant habitable height of the shop is as per the provision of Building Bye Laws;
- (c) The lowering of the shop floor with reference to the front verandah will not be permitted;
- (d) In case of any violation in this regard, the action will be taken as per the Laws and terms of the Lease Deed, including termination of Lease Deed.

The Council further resolved that the Chief Architect, NDMC should prepare plan as per the above guidelines in consultation with Fire Department for fire safety. Thereafter, the matter may be placed before the Council for its consideration, including the issue referring the matter to the Technical Committee of Delhi Development Authority.

5. Department of Architecture and Environs has prepared the plan for loft in Shankar Market (New Central Market) in consultation with Fire Department of NDMC vide Resolution No 25 (L-04) (Part-B) dated 04.04.2018 (Annexure-VI, See pages 241 - 242). The Plan has following salient features:

- (i) The maximum permissible area for loft is 50% of lease area of the shop.
- (ii) The Loft shall be the temporary structure like iron girder/section & stone slab.
- (iii) The Height of the shop should be minimum of 2.75 mtrs. as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
- (iv) The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.

6. Financial implications of the proposed project/subject:

The Shankar Market is a leased market and NDMC charges Misuse and damage charges, as the case may be, as per the violations by Shopkeepers. It may run into lakhs according to the violation in each case.

7. Proposal:

7.1 The Plan prepared by Chief Architect, NDMC in consultation with Fire Department of NDMC vide Resolution No 25 (L-04) (Part-B) dated 04.04.2018 may be placed before the Council for consideration. The Plan has following salient features:

- (i) The maximum permissible area for loft is 50% of lease area of the shop.
- (ii) The Loft shall be the temporary structure like iron girder/section & stone slab.
- (iii) The Height of the shop should be minimum of 2.75 mtrs. as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
- (iv) The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.
- (v) In case of any violation of the conditions, the action will be taken as per the terms of Lease Deed and Municipal Laws.

7.2 The Council may decide on the issue of referring the matter to the Technical Committee of the Delhi Development Authority

8. Comments of the Law Department:

The Law Department has been consulted on the previous note of the Department of Architect and Environs and since the present note is submitted for consideration of plan prepared by the Department of Architect and Environs, no further consultation with the Law Department is required.

9. Comments of Finance Department:

The Finance Department has been consulted on the previous note of the Department of Architect and Environs and since the present note is submitted for consideration of plan prepared by the Department of Architect and Environs, no further consultation with the Finance Department is required.

10. Implementation schedule with timeliness for each stage including internal processing:  
Not applicable.
11. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject:
- (i) The Council had, in its meeting held on 19.04.2006, passed a resolution which empowers NDMC to carry on the lease management of transferred markets by following the policy & guidelines of L&DO. The NDMC is now functioning as the LESSOR in respect of shops and flats in these markets and exercising all powers performed by Land & Development Office, Directorate of Estates, as the case may be, as the Lessor.
  - (ii) NDMC resolution No. 16 dated 06.04.1976 allows deemed regularization of 100% coverage of wooden loft for storage purpose only in all the Municipal Markets.
  - (iii) Policy of licenses of NDMC's shops, kiosks, pan tharas etc., which is approved by the Council issued vide Circular No. D-1043/SO (Estate-I)/2016, dated 16.08.2016.
  - (iv) Master Plan of 2021.
  - (v) Council Resolution dated 04.04.2018.
12. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:  
Not required.
13. Recommendations:-
- 13.1 The Plan prepared by Chief Architect, NDMC having following salient features in consultation with Fire Department of NDMC vide Resolution No 25 (L-04) (Part-B) dated 04.04.2018 is placed before the Council for consideration:
- (i) The maximum permissible area for loft is 50% of lease area of the shop.
  - (ii) The Loft shall be the temporary structure like iron girder/section & stone slab.
  - (iii) The Height of the shop should minimum of 2.75 mtrs as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
  - (iv) The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.
  - (v) In case of any violation of the conditions, the action will be taken as per the terms of Lease Deed and Municipal Laws.

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13.2 The Council may decide on the issue of referring the matter to the Technical Committee of the Delhi Development Authority.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the Department as mentioned at para 13.1 of the preamble. Further no damage charges will be levied if the area of old loft is as per the plan approved by the Council.



For Secretary  
New Delhi Municipal Council  
New Delhi.



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Annexure-V

ESTATE - II DEPARTMENT  
NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI

No. DI 627 IS.O.(STC)/2020

Dated: 9/7/2022

Circular

**Sub: Regularization of 'Wooden Loft' within the premises of shops in Shankar Market (New Central Market), New Delhi - 110001.**

New Delhi Municipal Council is in receipt of various representation for 100% regularization of 'Wooden Loft' within the premises of shops in Shankar Market (New Central Market), New Delhi.

2. The issue has been considered by the Council on 20.12.2019 and the Council has approved the plan prepared by Architect Department of NDMC having following conditions.

- (i) The maximum permissible area for loft is 50% of lease area of the shop
- (ii) The Loft shall be the temporary structure like iron girder/section & stone slab.
- (iii) The Height of the shop should minimum of 2.75 mtrs as per Building Bye Laws and the height of the loft is to be maximum 1.5 mtr.
- (iv) The lowering of the shop floor with reference to the front verandah will not be permitted and shall be strictly enforced.
- (v) In case of any violation of the conditions, the action will be taken as per the terms of Lease Deed and Municipal Laws.

The Council has also approved that no damage charges will be levied if the area of old loft is as per the plan approved by the Council.

3. In view of above, all lessees/occupiers/shopkeepers of Shankar Market (New Central Market) are requested to apply for sanctioning of plan with Architect Department of NDMC, for regularization of wooden lofts in the premises of Shops/Stalls.

*(Signature)*  
9/7/2022  
Joint Director (Estate-II)

To:

- 1. All the Stake holders.
- 2. Chief Architect, NDMC. *10/7/20*
- 3. Director (EBR), NDMC. *10/7/20*
- 4. J.D. (IT) for uploading on website of NDMC.

*Note Put in Delhi. m.c.*  
*B/C*

Copy for information to:

- 1. PS to Chairman, NDMC. *10/7/20*
- 2. PA to Secretary, NDMC. *10/10/20*

**Brief Summary regarding Ayushman Bharat  
PRADHAN MANTRI JAN AROGYA YOJNA (AB-PMJAY)**

Ayushman Bharat - Pradhan Mantri Jan Arogya Yojna is the flagship Scheme of Government of India that provides a cover of upto Rs. 5 Lakhs per family per year, for secondary and tertiary care hospitalizations to over 10.74 crore vulnerable entitled citizen families. The scheme provides cashless and paperless access to services for the beneficiaries at the point of service.

Accordingly, New Delhi Municipal Council (NDMC) through the Medical Services Department is bounded and committed to implement this important flagship health programme of the Government of India. The Scheme has been implemented at Charak Palika Hospital at Moti Bagh, New Delhi since the year 2020 till date. It is our duty and commitment to continue and further implement this important flagship scheme at Charak Palika Hospital and pass on the benefits to the entitled Citizens which the Scheme envisage to benefit.

Currently the above said scheme has been empanelled for the following 07 Specialties namely: -

- i) General Surgery.
- ii) ENT.
- iii) Ophthalmology.
- iv) Orthopaedics.
- v) General Medicines.
- vi) Paediatric.
- vii) Chest & Respiratory Medicine.

All patients admitted in Charak Palika Hospital are mandatorily verified in Beneficiary Identification System, if found beneficiary, are given cashless treatment.

**In the case of Delhi residents, we are not able to generate AB-PMJAY cards since, the details and Aadhaar card are not shown/accepted in the Beneficiary Identification System (BIS). Therefore, benefits under AB-PMJAY are not passed on to Delhi residents till today.**

After the implementation of the above said scheme at Charak Palika Hospital of New Delhi Municipal Council the year-wise details of the number of patients are as under:-


- **Year 2020 - 04 patients\*** have been given benefits of the above said scheme (due to spreading of COVID 2019).
- **Year 2021 - 24 patients** have been given benefits of the above said scheme.
- **Year 2022 till date - 25 patients** have been given benefits of the above said scheme.

**COUNCIL'S DECISION**

It was resolved by the Council to accord in principle approval to the proposal of the department.

Further the Council directed that the Medical Services department examine the matter along with others concerned to find a way on how to implement the Ayushman Bharat Pradhan Mantri Jan Arogya Yojna (AB-PMJAY) in NDMC area.

It is further resolved by the Council that the concerned departments may initiate further necessary action on the decisions taken by the Council as above, in anticipation of confirmation of the Minutes.

  
(VIKRAM SINGH MALIK) (BHUPINDER SINGH BHALLA)  
SECRETARY CHAIRPERSON

  
(ARVIND KEJRIWAL)  
PRESIDING OFFICER