(1) PrCE(M)

GOVERNMENT OF NCT OF DELHI
PUBLIC WORKS DEPARTMENT
5TH LEVEL "B" WING
DELHI SECRETARIAT: NEW DELHI

No.F.10(6)/PWD-I/Misc./2016/Vol-IV/8003 Dated: 04/07/19

प्रमुख अभियंता
आवती सं. 6897
दिनांक 5/7/2019
प्रमुख अभियंता
निदेशक (कार्मिक)
निदेशक (अनु.)
निदेशक (कार्य)
उप सतर्कता अधिकारी
अधीक्षक (कार्य./कार्मिक/अनु./जन सू. अधि.)

To,

The Engineer-in-Chief,
Public Works Department
Govt. of NCT of Delhi
MSO Building, IP Estate
New Delhi-110002

Sub: Forwarding of various letters/orders/circulars etc.

Sir,

Please find enclosed herewith the copy of the following letters/orders/circulars etc. received from various departments/agencies with necessary action as mentioned against them.

S.N	PUC No. and Date	Subject	Remarks
1.	U.O. No. SO/CS/2018/14771 dated 26.06.2019 received from Staff Officer to C.S., Office of the Chief Secretary, GNCTD, Delhi Secretariat	Standing Order regarding meetings/Field visits of Hon'ble LG	For information and strict compliance.
2.	U.O. NO. minhealth/2019/3092-3101 dated 04.06.2019 received from Hon'ble Minister of PWD, Government of Delhi, Delhi Secretariat.	Regarding judgement dated 04.07.2019 by the Constitution Bench of Hon'ble Supreme Court in Civil Appeal No. 2357 of 2017 and connected matters.	For information and strict compliance.
3.	Letter No. F.55/43//2018/S.I/2265 dated 19.06.2019 received from Deputy Secretary-I (Services), Services Department (Services-I Branch), GNCTD	Regarding sending proposals for grant of Ex-India leave in respect of various categories of officers to Services Department	For information and strict compliance.
4.	Letter No. F 19(10)/2018/S-IV/1595 dated 28.05.2019 received from Deputy Secretary (Services), Services Department (Branch-IV), GNCTD	Regarding reservation for economically weaker sections (EWSs) in direct recruitment in civil posts and services in the Government of National Capital Territory of Delhi.	For information and compliance.
5.	Letter No. F 19(11)/2015/S-IV/1818 dated 19.06.2019 received from Special Secretary (Services), Services Department (Branch-IV), GNCTD	Regarding relaxation in upper age limit to the contractual employees working under Government of NCT of Delhi at the time of regular appointment on direct recruitment basis.	For information and onward circulation.
6.	Letter No. F 17/24/RS/Tpt./2018/2782-87 dated 20.06.2019 received from Dy. Commissioner (Road Safety), Transport Department (Lead agency of Road Safety), GNCTD	Constitution of District Road Accidents Investigation Teams	For information.
7.	Letter No. F. 11(97)/2015/Power/1608 dated 19.06.2019 received from Deputy Secretary (Power), Department of Power, GNCTD	Regarding selection to the post of two(2) member of Delhi Electricity Regulatory Commission	For information and necessary action.
8.	Letter No. F. 194/Addl.LC/Wages/May/2019/1705 dated 25.06.2019 received from Secretary-cum-Commissioner (Labour), Office of the Secretary-cum-Labour Commissioner, Govt. of NCT of Delhi	Non-furnishing of information regarding disbursement of wages/ delayed disbursement of wages on revised rates for the month of May, 2019 in respect of contractual workers/employees, in compliance to cabinet decision No. 2323 dated 22.03.2016	For information and necessary action as per the letter.
9.	Letter No. F.10(330)/Legal/2018/3260 dated 14.06.2019 received from Deputy Secretary-III (Services), GNCTD	Regarding Web-based E-Litigation Module for Service Matters.	For information and requisite action.

Encl: As above.

Upload on PWD Web site

कार्यालय प्रमुख अभियंता
लो.नि.वि., दिल्ली सरकार
पृष्ठांकन सं.प्र.अभि./निदे.अनु./ MISE / 3414 / 9/7/19
प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित
मु.अभियंता-1, मु.अ. 2, मु.अ. 3, मु.अ. 4, मु.अ. 1, मु.अ. 2
अधीक्षण अभियंता 1. PR. CE(M)
निदेशक / उप निदेशक / सहायक निदेशक (अनु.)

Yours Sincerely

(L.R. MEENA)
Deputy Secretary (PWD/ADMN)

OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
5Th LEVEL, A-WING, DELHI SECRETARIAT, NEW DELHI-110002

I am directed to refer to U.O. No. RN/2019/A-2633 dated 24.06.2019 from the Office of Hon'ble Lt. Governor wherein it has been communicated that during the meetings / field visits of Hon'ble Lt. Governor, only those officers should attend who have been requested and if absolutely necessary, the officers may be accompanied by only one more officer of appropriate rank. Further, the officers attending should be well conversant with the subject (copy enclosed as Annexure-I).

2. Similar instructions were communicated vide U.O. No. RN/2018/A-2651 dated 30.05.2018 (copy enclosed as Annexure-II) and were further conveyed by this office vide letter No. SO/CS/2018/3053 dated 01.06.2018 (copy enclosed as Annexure-III).

3. I am directed to request that all officers should scrupulously follow the standing instructions in the matter as mentioned above.

Encls.: As above.

26/6/19
(Ajay Chagti)
Staff Officer to C.S.

Pr. Secy PWD

All Pr. Secretaries/Secretaries/HODs

No. SO/CS/2018/ 14771

Dated: 26/6/19

PWD SECRETARIAT
Govt. of NCT of Delhi
Sub Divisional Office
Dy. No. PWD/2019/13469
Date 27/06/2019

27/6

SS(PWD)
SS(works)
EIC

27/6

DS(W)

28/6/19
SO(Admn)

1/7/19

ANNEXURE - I

राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

सत्यमेव जयते

OFFICE OF THE ... GOVT OF NCT OF DELHI
25 JUN 2019
DY No. CS/2019/19802

This is with reference to UO letter No.: RN/2018/A-2651 dated: 30.05.2018 regarding various meetings/ field visits of Hon'ble Lt. Governor (copy enclosed). It has been observed that the advisory issued in the above referred UO letter is not being followed by many officers. Hon'ble Lt. Governor has taken an adverse view of this.

2. It is, therefore, once again requested to advise all concerned that during the meetings/ field visits of Hon'ble Lt. Governor, only those officers should attend who have been requested and if absolutely necessary, the officers may be accompanied by only one more officer of appropriate rank. The officers attending should be well conversant with the subject.

3. This may kindly be brought to the notice of all concerned.

Vijay
(VIJAY KUMAR)
Principal Secretary to Lt. Governor

1) Chief Secretary, Delhi
2) Commissioner of Police, Delhi.
3) Vice Chairman, Delhi Development Authority.
4) Chairman, New Delhi Municipal Council.
5) Commissioner, South Delhi Municipal Corporation.
6) Commissioner, North Delhi Municipal Corporation.
7) Commissioner, East Delhi Municipal Corporation.
8) All Staff Officers of Raj Niwas.

U.O. No.: RN/2019/ A-2633 **Dated: 24.06.2019**

ANNEXURE-II 1/c

राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

सत्यमेव जयते

It has been noted that some of the Secretaries/ Heads of Department/ senior officers are accompanied by a number of officers while attending meetings in Lt. Governor's Secretariat or field visits of Hon'ble Lt. Governor. This is not a desirable practice as it adversely affects the work of the departments concerned.

2. Therefore, Hon'ble Lt. Governor has desired that henceforth only those officers who have been requested to attend meetings/ field visits, should attend and in case it is absolutely necessary, they may be accompanied by only one more officer. The officers attending meetings/ field visits should be well conversant with the subject matter.

3. It is requested that all concerned may kindly be suitably advised.

Vijay
(Vijay Kumar)
Principal Secretary to Lt. Governor

Chief Secretary, Delhi

U.O. No. RN/2018/A-2651

Dated: ~~29~~ 30.05.2018

ANNEXURE - III

OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
5TH LEVEL, A-WING, DELHI SECRETARIAT, NEW DELHI-110002

I am directed to enclose herewith a copy of UO No. RN/2018/A-2651 dated 30.5.2018 issued by Pr. Secretary to Hon'ble Lt. Governor on the issue of attending meetings by Secretaries /HoDs/senior officers in Lt. Governor's Secretariat or field visits of Hon'ble Lt. Governor.

It has desired by the Hon'ble LG that only those officers who have been requested to attend meetings /field visits, should attend and in case it is absolutely necessary, they may be accompanied by only one more officer. The officers attending meetings /field visits should be well conversant with the subject matter.

Encl:-As above.

(Ajay Chagti)
Staff Officer to C.S.

All Pr. Secretaries/Secretaries/HoDs

No.SO/CS/2018/130 53

Dated:31.5.2018
01.06.18

Office of Chief Secretary, Delhi
Diary No. 1500/TS
C. D. No.
Date 30/5/18

राज निवास
दिल्ली-110054
RAJ NIWAS
DELHI-110054

It has been noted that some of the Secretaries/ Heads of Department/ senior officers are accompanied by a number of officers while attending meetings in Lt. Governor's Secretariat or field visits of Hon'ble Lt. Governor. This is not a desirable practice as it adversely affects the work of the departments concerned.

2. Therefore, Hon'ble Lt. Governor has desired that henceforth only those officers who have been requested to attend meetings/ field visits, should attend and in case it is absolutely necessary, they may be accompanied by only one more officer. The officers attending meetings/ field visits should be well conversant with the subject matter.

3. It is requested that all concerned may kindly be suitably advised.

(Vijay Kumar)
Principal Secretary to Lt. Governor

Chief Secretary, Delhi

U.O. No. RN/2018/A-2651

Dated: 29.05.2018
30.05.2018

SO to CS

1. For SOM on 1/5/18

2. Also circulate to all Addl Secys/Secys/HODs

30/5

GOVT. OF DELHI: DELHI SECRETARIAT
ROOM NO.704: 7TH LEVEL : 'A' WING
I.P. ESTATE: NEW DELHI

PWD/2019/11672
Date 04/06/2019

It has been reiterated by the Hon'ble Minister of Law, Justice & Legislative Affairs vide U.O.No.2580-85 dated 31/05/2019 (copy enclosed) that prior approval/concurrence of Hon'ble Lieutenant Governor is not required in all matters except the three reserved subjects i.e. Public Order, Police and Land and that the said position has been clarified vide judgment dated 04/07/2018 by the Constitution Bench of Hon'ble Supreme Court in Civil Appeal No.2357 of 2017 and connected matters.

Accordingly, it is hereby directed that the concerned Pr. Secretaries/HoDs is to implement the decisions of the undersigned in all matters except Public Order, Police and Land without any further delay. However, copies of such orders, notifications etc. only need to be communicated to the Office of Hon'ble Lieutenant Governor for information.

Encl: As above.

4.6.19.

(SATYENDAR JAIN)
MINISTER OF HEALTH, HOME, POWER,
PWD, UD, I&FC & INDUSTRIES

ADDL. CHIEF SECRETARY, HOME

PR. SECRETARY (UD).

PR. SECRETARY (PWD).

PR. SECRETARY (INDUSTRIES)/
MD, DSIIDC.

PR. SECRETARY (HEALTH).

SECRETARY (POWER).

SECRETARY (I&FC).

U.O.No.minhealth/2019/3092-3101 dated the 04 June, 2019.

Copy for information to:-

1. Hon'ble Minister of Law, Justice & Legislative Affairs, Govt. of NCT of Delhi, Delhi Sectt., I.P. Estate, New Delhi.
2. All OSDs

6/6

SS(PWD)
on leave
DS (Admn)

7.6.19
SO(Admn)

ADMINISTRATIVE REFORMS, INFORMATION & TECHNOLOGY AND
REVENUE
GOVERNMENT OF NCT OF DELHI
8TH LEVEL, 'A' WING DELHI SECRETARIAT,
NEW DELHI – 110001.

It has been noted that the files of different departments are shuttling between the department concerned, Law Department, Finance Department etc. on account of different interpretations being placed upon the requirement of prior approval/concurrence of Hon'ble Lt. Governor in various matters. The matter was earlier clarified by the undersigned vide my Note No.4334-36 dated July 20, 2018 (Copy enclosed).

Vide Judgement dated 04.07.2018 by the Constitution Bench of Hon'ble Supreme Court in Civil Appeal No.2357 of 2017 and connected matters, it has been clearly laid down that the Lt. Governor is bound by the aid and advice of the Council of Ministers in all matters except three reserved subjects i.e. Public Order, Police and Land. However, all such decisions need to be communicated to the Hon'ble Lt. Governor.

In the light of the above, there should not normally be any scope for mis-interpretation as the judgement of Hon'ble Supreme Court is very clear. However, I find that many departments continue to interpret the same differently. In this context, observations of Pr. Secretary (Law) in file bearing C.D. No.064541141 may be relevant (copy enclosed). Though the matter relates to appointment of Counsels in District Courts, observations in para 88 are of general relevance.

All the Hon'ble Ministers are requested to go through the above observations and bring the same to the knowledge of the departments under their control.

31/5/19
(KAILASH GAHLOT)
MINISTER (LAW)

1. Hon'ble Deputy C.M. / Minister (Finance)
2. Minister (Health, Inds, PWD, UD, Power, Home & I&FC).
3. Minister (Labour, Employment, Development & GAD)
4. Minister (Food & Supply, Environment, Forest, & Election)
5. Minister (Gurdwara Elections, SC&ST, Social Welfare & Cooperative Societies).

U.O.No. 2580-85 **Dated:** 31/05/19

Copy to:-

To Addl. Secretary to Hon'ble CM for kind information of the Hon'ble C.M.

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS,
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI – 110 002

Please find enclosed copy of observations dated 10.05.2019 of undersigned in file bearing CD No.064541141 relating to appointment of Counsels in District Courts Delhi, which is self explanatory. The same may kindly be brought to the notice of Hon'ble Minister (Law) for his kind perusal.

(Sanjay Garg)
Principal Secretary (Law, Justice and L.A.) 10/5/19

Secretary to Hon`ble Minister (Law)

U.O. No.Secylaw/1629 Dated : 10.05.2019

A. Appointment of Counsels in District Courts:

77. WPC No. 3223/19 titled Bharat S. Kumar Vs. Hon'ble Lt. Governor and Anr. is coming up for hearing before Hon'ble High Court on 14.05.2019.

78. This issue is pending since long due to difference in opinion of Principal Secretary (Law) and of Hon'ble Minister (Law) of Govt. of NCT of Delhi. The view taken earlier by this office was that in view of the Constitution Bench judgment dated 04.07.2018 and judgment of Hon'ble Supreme Court dated 14.02.2019 (Govt. of NCT of Delhi Vs. Union of India) file should go for approval to Hon'ble Lt. Governor before issuance of notification. On the other hand, Hon'ble Minister (Law) has taken a view that in view of the Constitution Bench judgment dated 04.07.2018, file is not required to be sent to Hon'ble Lt. Governor and Govt. of NCT of Delhi is competent to issue notification.

79. Perused the judgment of Hon'ble High Court dated 04.08.2016 in WPC No. 588/15 & Ors. titled Govt. of NCT of Delhi Vs. Union of India & Ors., judgment of Constitution Bench of Hon'ble Supreme Court dated 04.07.2018 and judgment of Hon'ble Supreme Court dated 14.02.2019 in Civil Appeal No. 2357 of 2017 titled Govt. of NCT of Delhi Vs. Union of India. Also perused 69th amendment of the Constitution i.e. Article 239AA, GNCTD Act 1991 and TBR, 1993.

80. The Constitution Bench of Hon'ble Supreme Court in Appeal No. 2357 of 2017 in its judgment dated 04.07.2018 has decided the issue which essentially pertains to the powers conferred on the Legislative Assembly of the National Capital Territory of Delhi and the executive power exercised by the elected Government of NCT of Delhi.

81. The various important observations made by the Constitution Bench of Hon'ble Supreme Court in Para-263 to 268 are as follows:-

263. We have referred to the relevant rules of TBR, 1993 which require that the Lieutenant Governor has to be apprised and kept in the loop of the

various proposals, agendas and decisions taken by the Council of Ministers. However, a careful perusal of these rules nowhere suggests that the communication to the Lieutenant Governor is to obtain his concurrence or permission. The TBR, 1993 simply reflect the scheme envisaged for the governance of NCT of Delhi wherein just as an administrator in other UTs has to be apprised, likewise the Lieutenant Governor in Delhi is also to be informed and notified about the business being conducted.

264. The idea behind the aforesaid rules is just to keep the Lieutenant Governor notified of the proposals, agendas and decisions so that he is acquainted with the business carried out by the Council of Ministers. The said view is evident from the various rules which employ the words 'send a copy thereof to the Lieutenant Governor', 'forwarded to the Lieutenant Governor', 'submitted to the Lieutenant Governor and 'cause to be furnished to the Lieutenant Governor'.

265. Thus, the irresistible conclusion is that the Council is only required to communicate and inform its various proposals, agendas and decisions to the Lieutenant Governor so as to keep him apprised and to enable him to scrutinize the said proposals, agendas and decisions in order to exercise his powers as bestowed upon him under clause (4) of Article 239AA of the 1991 Act read with Rule 50 of the TBR, 1993.

266. It has to be clearly stated that requiring prior concurrence of the Lieutenant Governor would absolutely negate the ideals of representative governance and democracy conceived for the NCT of Delhi by Article 239AA of the Constitution. Any view to the contrary would not be in consonance with the intention of the Parliament to treat Delhi Government as a representative form of government.

267. The said interpretation is also in tune with our constitutional spirit which ensures that the voice of the citizens does not go unrecognized while making laws and this is only possible if the agency enacting and enforcing the laws comprises of the elected representatives chosen by the free will of the citizens. It is a well recognized principle of a true democracy that the power shall not remain vested in a single person and it is absolutely essential that the ultimate say in all matters shall vest with the representative Government who are responsible to give effect to the wishes of the citizens and effectively address their concerns.

268. A conjoint reading of the 1991 Act and the TBR, 1993 formulated in pursuance of Section 44 of the 1991 Act divulges that the Lieutenant Governor of Delhi is not a titular head, rather he enjoys the power of that of an administrator appointed by the President under Article 239AA. At the cost of repetition, we may reiterate that the constitutional scheme adopted for the NCT of Delhi conceives of the Council of Ministers as the representatives of the people on the one hand and the Lieutenant Governor as the nominee and appointee of the President on the other, who are required to function in harmony within the constitutional parameters. In the said scheme of things, the Lieutenant Governor should

not emerge as an adversary having a hostile attitude towards the Council of Ministers of Delhi, rather he should act as a facilitator.

82. The Constitution Bench of Hon'ble Supreme Court and Hon'ble Supreme Court in Civil Appeal No. 2357 of 2017 decided on 14.02.2019 has observed that the provisions of GNCTD Act as well as Transaction of Business Rules are to be kept in mind being of seminal importance.

83. The position of law has to be understood before and after the 69th amendment of the Constitution, when Article 239AA was introduced giving special status to Delhi and GNCT of Delhi Act, 1991 was enacted. In Constitution Bench judgment dated 04.07.2018, the Hon'ble Supreme Court has specifically observed interpreting clause (4) of Article 239AA of the Constitution that relevant Rules of TBR 1993 requires that Hon'ble Lt. Governor has to be apprised and kept in loop of various proposals, agendas and decision taken by Council of Ministers. The idea behind these rules is just to keep Hon'ble Lt. Governor notified with the proposals, agendas and decisions so that he is acquainted with the business carried out by the Council of Ministers and requiring prior concurrence of Hon'ble Lt. Governor would absolutely negate the ideals of representative governance and democracy conceived for the NCT of Delhi by Article 239AA of the Constitution.

84. The Transaction of Business Rules have been made by the President u/s 44 of the GNCT of Delhi Act. The executive powers though vests in the Central Government through the Hon'ble Lt. Governor but the allocation of business to a Minister is the decision of the Hon'ble Lt. Governor on the aid and advice of the Council of Ministers. Hence, it is the decision of the Central Government i.e. Hon'ble Lt. Governor itself. Once a decision is taken by the Minister, it is deemed to be taken by the Hon'ble Lt. Governor and has to be implemented. It is also for this reason that after amendment of the Constitution by inserting Article 239AA and enactment of GNCT of Delhi Act the situation has changed. The executive power, prior to this constitutional development, which was exercisable by the Central

Government / Hon'ble Lt. Governor is now exercisable by the Council of Ministers / Minister.

85. In Shamsher Singh Vs. State of Punjab (1974 2 SCC 831) it was observed by the Hon'ble Supreme Court that decision of any Minister or officer under the Rule of Business made under any of the two Articles i.e. Article 77(3) and 166(3) is the decision of the President or Governor respectively. Further in Gullapali Nageshwra Vs. Andhra Pradesh State Road Transport Corporation (1959 AIR 308), the Hon'ble Supreme Court has observed that a State Government means the Governor; the executive power of the State vests in the Governor; it is exercised by him directly or by officers subordinate to him in accordance with the provisions of the Constitution; the Ministers headed by the Chief Minister advise him in the exercise of his functions; the Governor made rules enabling the Minister in charge of particular department to dispose of cases before him and also authorizing him, by means of standing orders, to give such directions as he thinks fit for the disposal of the cases in the department.

86. The essence of the Constitution Bench judgment dated 04.07.2018 of the Hon'ble Supreme Court and the judgment dated 14.02.2019 in Civil Appeal No. 2357 of 2017 is that except the matters excluded in Article 239AA, regarding remaining matters the GNCT of Delhi will have legislative and executive powers which are conjoint to each other. In view of the aforesaid, primacy needs to be given to the 69th amendment of the Constitution in place of the notification dated 04.08.1953. Moreover, the provision of Rule 23(v)(a) of the TBR does not apply to this case, as there is no limitation on the power of the Minister to take decision on the subject matter of the instant case under CPC or any other law or any other instrument.

87. As discussed by Hon'ble Supreme Court in Constitution Bench judgment the meaning of "aid and advice" employed in Article 239AA(4) has to be construed to mean that Hon'ble Lt. Governor is bound by

the aid and advice of Council of Ministers and this position holds true so long as the Hon'ble Lt. Governor does not exercise his power under the proviso to clause (4) of Article 239AA.

88. In view of the aforesaid observations made by Hon'ble Supreme Court, the prior concurrence of Hon'ble Lt. Governor is not required in notifying various proposals. However, as per the law settled by Hon'ble Supreme Court, Hon'ble Lt. Governor is required to be kept informed with respect to all the decisions taken by Council of Ministers. The Hon'ble Lt. Governor can exercise the powers provided under Article 239AA(4) proviso thereafter. Therefore, notification of panel Advocates can be issued but till Model Code of Conduct is in operation, same be kept pending.

89. Copy of this note is being sent to Hon'ble Minister (Law) and Hon'ble Lt. Governor for information. Copy of the same may also be placed in file CD No. 064547098 for apprising the same to Sh. Rahul Mehra, Standing Counsel and Sh. Gautam Narayan, Addl. Standing Counsel.

Sanjay Garg
Pr. Secretary (LJ&LA)

AS(L)

PH. 011-23392126. 23392127

No. 4334-36.

July 20, 2018

Judgment of the Constitution Bench of Hon'ble Supreme Court of India in Civil Appeal No. 2357 of 2017 and connected matters - Reg.

1. The Constitution Bench of Hon'ble Supreme Court of India pronounced its judgment in Civil Appeal No. 2357 of 2017 and connected matters on 04/07/2018. It has been clearly laid down in the said judgment that the Lt Governor is bound by the aid and advice of the Council of Ministers/ democratically elected Govt of NCT of Delhi in all matters except the three reserve subjects i.e. Public Order, Police and Land. The democratically elected Govt of NCT of Delhi is duty bound to keep the Lt Governor informed about the decisions taken.

2. It is expected that all senior and responsible officers of Govt of NCT of Delhi would have perused and assimilated this landmark judgment by now.

3. There is a difference in the interpretation of the democratically elected Govt of NCT of Delhi and the Lt Governor/ Ministry of Home Affairs, Govt of India in so far as the control of 'Services' is concerned. This matter is now before the regular bench of Hon'ble Supreme Court of India, and is likely to be decided shortly.

4. However, there is no difference in interpretation regarding the matters within the legislative competence of the Legislative Assembly of Delhi. Hon'ble Lt Governor has himself agreed that concurrence of Lt Governor is not required in such matters. Copy of letter dated 06/07/2018 received from Hon'ble Lt Governor is enclosed. Para 4 may be referred in the above context.

5. In light of the above facts, it is reiterated that concurrence of Lt Governor is not required for matters within the legislative competence of the legislative assembly of Delhi. Such decisions only need to be communicated to the Lt Governor.

6. Any suggestion / insistence on part of any officer of Government of NCT of Delhi to obtain prior approval of the Hon'ble Lt Governor or to send the file to his

Contd....2/-

office before the decision is taken shall not only [illegible] the Hon'ble Supreme Court of India but shall also be devoid of any support from the interpretation of the judgment by the Lt Governor / MHA. All officers are directed to follow the law laid down by the Constitution Bench of the Hon'ble Supreme Court of India without fail.

20/7/18

(KAILASH GAHLOT)
MINISTER (LAW)

To

Secretaries to all Ministers with request to bring it to the notice of their Hon'ble Minister and endorse copy of this communication to all Pr. Secretaries / Secretaries / HODs under the charge of their Minister.

Copy to :-

1. Pr. Secretary to LG, Raj Niwas, Delhi-110054.
2. Additional Secretary to CM, Delhi Sectt., I.P. Estate, New Delhi.
3. So to CS for kind information of CS.

PWD/2019/12861
21/06/2019

DELHI SECRETARIAT, 7TH LEVEL, 'B' WING,
I.P. ESTATE, NEW DELHI – 110002.
(http://services.delhigovt.nic.in : 011-23392038)

No. F.55/43/2018/S.I/2265 Dated: 19/06/2019

CIRCULAR

It has been observed that various Departments / Agencies of Government of NCT of Delhi are sending proposals for grant of Ex-India leave in respect of various categories of officers to Services Department for consideration of the Competent Authority i.e. Chief Secretary, Delhi, without the approval of the their own Head of Departments concerned.

It has also been observed that many of the Departments/Agencies of Govt. of NCT of Delhi are sending such proposals to Services Department very late, and at times, on the date on which the officer has to begin his/her journey. As a result, it has been very difficult to examine/scrutinize such applications in this Department and placing it before the Competent Authority for decision, due to paucity of time.

This has been viewed seriously. It is now directed that all such proposals should be forwarded to Services Department with due approval and clear cut recommendations of the Head of the Department concerned, for further consideration of the Competent Authority. It may also be ensured that the recommended application, alongwith all the requisite supportive documents, should reach at least 15 days before the commencement of Ex-India leave of the officer concerned, so that the matter may be scrutinized properly and placed before the Competent Authority for a decision and, further, approval/denial of the request by Competent Authority may be communicated to the officer in time.

This issues with the prior approval of the Competent Authority.

(ASHWANI KUMAR MEHTA)
DEPUTY SECRETARY-I (SERVICES)

To,

All the Head of Department, Govt. of NCT of Delhi, Delhi.

No. F.55/43/2018/S.I/ Dated: /06/2019

Copy for information & necessary action to the:-

1. S.O. to Chief Secretary, Govt. of NCT of Delhi, Delhi.
2. PA to Secretary/Special Secretary/Deputy Secretary (Services), Govt. of NCT of Delhi, Delhi.
3. Section Officer (Co-ordination), Services Department, Govt. of NCT of Delhi, Delhi, with the request to upload this order on the website of Services Department.
4. All Section Officer, Services Department, Govt. of NCT of Delhi, Delhi.
5. Guard file.

(ASHWANI KUMAR MEHTA)
DEPUTY SECRETARY-I (SERVICES)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT – (BRANCH-IV)
7TH LEVEL, B-WING, DELHI SECRETARIAT,
I.P.ESTATE, NEW DELHI-110002

No.F.19(10)/2018/S-IV/1595 Dated: 28/05/19

CIRCULAR

Sub: Reservation for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services in the Government of National Capital Territory Delhi.

Attention is invited towards DoP&T OM No.36039/1/2019-Estt (Res) dated 31.01.2019 on the subject note above, which has been forwarded to Govt. of N.C.T. of Delhi vide D.O. No.36039/1/2019-Estt.(Res.) dated 20.02.2019 from Additional Secretary, DoP&T, Govt. of India and further endorsed by Govt. of India, Ministry of Home Affairs vide letter No.14012/06/2019-Delhi-I dated 14.05.2019.

2. The referred OM is available in the website of DoPT at **dopt.gov.in>>Notifications>>OMs & Orders>> Estt. (Reservation)>>others**. The same along with referred letters from DoPT and MHA is also available at **services.delhi.gov.in/circular-order-of-tetra-project/Services-Department**.

3. The said OM stipulates in detail the modalities for implementation of reservation for EWSs in direct recruitment vis-à-vis Quantum of Reservation, Exemption from Reservation for certain posts, Criteria of Income and Assets, Income and Asset Certificate Issuing Authority and Verification of Certificate, Effecting Reservation – Maintenance of Rosters, Adjustments against unreserved vacancies, Fortnight / Annual Reports regarding representation of EWS, Maintenance of Register of complaints by the Government Establishment and for Appointment of Liaison Officer by various departments / attached offices etc. to monitor the implementation of reservation for EWSs.

4. As per the said OM, the above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019

5. This is for compliance by all the Departments, Corporations, Boards, PSUs and Autonomous Bodies of Govt. of N.C.T. of Delhi.

6. This issues with the approval of competent authority.

28/5/19
(BIJU RAJ E.)
DEPUTY SECRETARY (SERVICES)

No.F.19(10)/2018/S-IV/1595 Dated: 28/05/19

Copy for compliance to: -

1. All Pr. Secretaries / Secretaries / Head of Departments, Corporations, Boards, PSUs and Autonomous Bodies of Govt. of NCT of Delhi.

2. The Secretary (Revenue) / Divisional Commissioner in continuation of earlier letter of even no. dated 22.03.2019 for appropriate action also in respect of issuance of Income and Asset Certificate and verification process.
3. The Dy. Secretary-I / II / III (Services), Delhi Secretariat, New Delhi.
4. Section Officer (Services-Coord) with the request to upload this circular to the website of Services Department.

Copy for kind information to: -

1. The Pr. Secretary to Hon'ble Lt. Governor, Delhi, Raj Niwas, Delhi.
2. The Secretary to Hon'ble Chief Minister, Delhi, 3rd Level, A-Wing, Delhi Secretariat, New Delhi.
3. The Secretary to Hon'ble Dy. Chief Minister / Ministers, Govt. of N.C.T. of Delhi, Delhi Secretariat, New Delhi.
4. The Chairperson, DSSSB, Govt. of N.C.T. of Delhi,
5. The Special Secretary-I / II (Services), 7th Level, B-Wing, Delhi Secretariat, New Delhi.
6. The Staff Officer to Chief Secretary, 5th Level, A-Wing, Delhi Secretariat, New Delhi.
7. The P.A. to Secretary (Services), 7th Level, B-Wing, Delhi Secretariat, New Delhi.
8. Guard File.

28/5/19

(BIJU RAJ E.)
DEPUTY SECRETARY (SERVICES)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT – (BRANCH-IV)
7TH LEVEL, B-WING, DELHI SECRETARIAT,
I.P.ESTATE, NEW DELHI-110002

No.F.19(11)/2015/S-IV/1818 Dated: 19/06/19

ORDER

Consequent to the Office Memorandum No.F.19(11)/2015/S-IV/1751-1756 Dated 11.06.2019 on the subject - "Relaxation in upper age limit to the contractual employees working under Government of NCT of Delhi at the time of regular appointment on direct recruitment basis", the Competent Authority is pleased to order that the following circular/order issued from Services Department shall not be relied upon:

I. Circular No. F.19(01)/2014/S-IV/223-224 dated 16.02.2015
II. Order No.F.19(11)/2015/S.IV/1890-96 dated 19.10.2015

PWD SECRETARIAT
Dy. No. PWD/2019/12855
Date 21/06/2019

21/6
SS (PWD)

(S. N. MISRA)
SPECIAL SECRETARY (SERVICES)

No.F.19(11)/2015/S-IV/ Dated:

Copy to :

1. All Pr. Secretaries / Secretaries / Head of Departments, Corporations, Boards, PSUs and Autonomous Bodies of Govt. of NCT of Delhi.
2. The Pr. Secretary to Hon'ble Lt. Governor, Delhi, Raj Niwas, Delhi.
3. The Staff Officer to Chief Secretary, 5th Level, A-Wing, Delhi Secretariat, New Delhi.
4. The Chairperson, DSSSB, Govt. of N.C.T. of Delhi,
5. Section Officer (Services-Coord) with the request to upload this circular to the website of Services Department.
6. Guard File.

26/6/19

(S. N. MISRA)
SPECIAL SECRETARY (SERVICES)

(Lead Agency for Road Safety)
5/9 UNDER HILL ROAD, DELHI-110054

F.17/24/RS/Tpt./2018/2782-87 Dated: 20/6/19

TPT/2019/26559

ORDER

'District Road Accidents Investigation Teams" are hereby constituted for each district of National Capital Territory of Delhi consisting of the following officers:

1.	Officer of PWD/Road owning agencies	-Member
2.	MVI, O/o MLO concerned, Transport Department	-Member
3.	Officer of Delhi Traffic Police	-Member
4.	An expert in the field to be nominated by CRRI/SPA.	-Member

This issues in accordance with minutes of meeting held in the chamber of Pr. Secretary-cum-Commissioner (Transport) issued on 09th May, 2019.

Dy. Commissioner (Road Safety)

TPT/2019/
F.17/24/RS/Tpt./2018/2782-87 Dated: 20/6/19

Copy for information & necessary action to:

1. Pr. Secretary (PWD), Govt. of NCT of Delhi, 5th Level, A-Wing, Delhi Secretariat, I.P Estate, New Delhi-02 with the request to nominate officers for each District Road Accident Investigation Teams.
2. Commissioner, North/South/East Delhi Municipal Corporations with the request to nominate officers for the above said teams.
3. Dy. Commissioner (Traffic), Delhi Traffic Police (HQ), Dev Praksh Shastri Marg, Todapur, New Delhi-110012 with request to nominate officers for each District Road Accident Investigation Teams.
4. Dr. Sewa Ram, Professor, Department of Transport Planning, School of Planning and Architecture, 4 Block-B, I.P Estate, New Delhi-02 & Dr. S. Velmurugan, Central Road Research Institute (CRRI), Delhi Mathura Road, P.O- CRRI, New Delhi-110025 with the request to nominate experts as member of the above said team in each district with mutual consultation.
5. Officers concerned.

Copy for information to:

Secretary to Minister of Transport, Govt. of NCT of Delhi, 8th Level, A-Level, Delhi Secretariat, I.P Estate, New Delhi-110002.

Dy. Commissioner (Road Safety)

PWD/2019/2921
21/06/2019

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SO(Admn)
26/6/19
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PWD AS(D)/437

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF POWER)
DELHI SECRETARIAT, 8TH LEVEL, B-WING
NEW DELHI – 110002

F.11(97)/2015/Power/1608 Dated : 19-6-2019

1. All the Secretaries, Govt. of India.
2. All the Chief Secretaries of States/Union Territories.
3. All the Autonomous Bodies of Govt. of India/Union Territories.
4. All Directors, IITs.
5. All Directors, IIMs.
6. Chairman, Central Electricity Authority.
7. All Central Power Sector Utilities.
8. Union Ministries of Laws and Parliamentary Affairs.
9. Department of Personnel Training, Govt. of India/Ministry of Power, Govt. of India / Ministry of Finance, Govt. of India.
10. CAG.
11. All the HODs, GNCTD.
12. Chairman & Managing Director, DTL/IPGCL/PPCL/DPCL.

PWD SECRETARIAT Govt. of NCT of Delhi Sch Level Officer Dy. No. PWD/191/13145 Date 25/06/19

Sub.: Selection to the Post of Two (2) Member of Delhi Electricity Regulatory Commission.

Sir,

A selection Committee has been constituted under the Chairmanship of Hon'ble (Retd.) Justice of Hon'ble Allahabad High Court Lucknow Bench and presently posted as Chairperson DERC, under section 85 of the Electricity Act, 2003 with the approval of Hon'ble Minister of Power, Govt. of NCT of Delhi, and it has been decided to invite applications from interested eligible persons for appointment to the post of (02) two Members, Delhi Electricity Regulatory Commission.

In terms of the provisions of Section 84(1) of the Electricity Act, 2003, the Members of the Commission shall be a person of ability, integrity and standing who has adequate knowledge of, and has shown capacity in dealing with problems relating to engineering, finance, commerce, economics, law or management. Persons having any financial or other interest which is likely to affect prejudicially his functions as a Member of the Commission are not eligible.

In terms of provisions of Section 89(1) of the Electricity Act, 2003, the Member shall hold office for a term of 5 years from the date he join the office, provided that he shall not hold office as such after he has attained the age of 65 years or whichever is earlier.

Continue.....2

The salary, allowances and other terms and conditions of service shall be governed by Delhi Electricity Regulatory Commission (Salary, Allowances & Other Conditions of Service of the Chairperson & Members) Rules, 2001 (copy enclosed).

I would request you to kindly circulate this notice amongst eligible persons of your organization.

Application of eligible officials alongwith detailed bio-data accompanied by copies of Performance Appraisal Reports may kindly be sent to the Secretary (Power), Government of NCT of Delhi, Delhi Secretariat, 8th Level, B-Wing, I.P. Estate, New Delhi – 110002, **within 21 days from the date of publishing of advertisement please**.

Yours faithfully,

Encl. : As above.

(J.S. Rana)
Dy. Secretary (Power)

20

DELHI ELECTRICITY REGULATORY COMMISSION (Salary, Allowances and Other Conditions of Service of the Chairperson and Members) RULES, 2001[1]

In exercise of the powers conferred by Section 60 of the Delhi Electricity Reform Act, 2000 (Delhi Act 2 of 2001), the Lt. Governor of the National Capital Territory of Delhi, hereby makes the following rules governing the salary, allowances and other conditions of service of the Chairperson and Members of the Delhi Electricity Regulatory Commission, namely:

1. **Short Title and Commencement**—(1) These rules may be called the *Delhi Electricity Regulatory Commission (Salary, Allowances and Other Conditions of Service of the Chairperson and Members) Rules, 2001.*

(2) They shall come into force on the [2][date] of their publication in the Official Gazette.

2. **Definitions**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Delhi Electricity Reform Act, 2000 (Act 2 of 2001);

(b) words and expressions used herein and not defined but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. **Oath of Office and Secrecy**—The Chairperson and Members shall, before entering upon their office, subscribe an oath of office and secrecy before the Minister of Power of the government. The oath of office and secrecy shall be administered in the following forms:

Form of Oath of Secrecy

I ....., do swear in the name of God/Solemnly affirm that I shall not directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become

1. Notification No. F.11(90)/2000-EB/2147, dated 16.08.2001.
2. 16.08.2001.

known to me as Chairperson/Member of the Delhi Electricity Regulatory Commission except as may be required for the due discharge of my duties as such Chairperson/Member.

Form of Oath or Affirmation of Allegiance to the Constitution

I ....., having been appointed Chairperson/Member of the Delhi Electricity Regulatory Commission, do swear in the name of God/Solemnly affirm that I shall bear true faith and allegiance to the Constitution of India as by law established, that I shall uphold the sovereignty and integrity of India, that I shall duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the law of the land.

4. **Pay**—The Chairperson and Members shall each receive a pay of rupees twenty six thousand per month:

Provided that in case a person appointed as the Chairperson or a Member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him:

Provided further that the Chairperson or a Member shall be entitled to draw allowances on the original basic pay before such fixation of pay.

5. **Dearness Allowance and City Compensatory Allowance**—The Chairperson and a Member shall receive dearness allowance, city compensatory allowance and other allowances at the rate admissible to a Group 'A' Officer of the government drawing an equivalent pay.

6. **Leave**—The Chairperson or a Member shall be entitled to thirty days earned leave for every year of service. The payment of leave salary during leave shall be governed under the provisions of Rule 40 of the Central Civil Services (Leave) Rules, 1972. A person may be entitled to encashment of fifty per cent of earned leave to his credit at any time.

7. **Leave Sanctioning Authority**—In the case of the Chairperson, the Minister of Power of the government and in the case of a Member, the Chairperson, shall be the leave sanctioning authority.

8. **Provident Fund**—The Chairperson and a Member shall be governed by the provisions of the Contributory Provident Fund Rules, 1962 and no option to subscribe under the provisions of the General Provident Fund (Central Services) Rules, 1960 shall be available. Additional pension and gratuity shall not be admissible for service rendered in the Commission.

9. **Travelling Allowances**—(1) The Chairperson and a Member while on tour within India or on transfer (including the journey undertaken by self and family to join the Commission or on the expiry of term with the Commission to proceed to his home town with family) shall be entitled to the journey allowance, daily allowance and transportation of personal effects at the same scales and at the same rates as are applicable to Group 'A' Officer of the government drawing an equivalent pay.

(2) Foreign tours to be undertaken by the Chairperson or a Member shall require prior approval of the authority competent to approve the foreign tours for the Group 'A' Officer of the government drawing an equivalent pay, i.e. the Lieutenant Governor and clearance from the Ministry of External Affairs from political angle and from the Ministry of Home Affairs for acceptance of foreign hospitality, if any, under the provision of the Foreign Contribution (Regulation) Act, 1976:

> Provided that the daily allowance and provision for hotel accommodation during the period of tour abroad, shall be in accordance with such orders of the Central Government and the government as are applicable to a Group 'A' Officer of the government drawing an equivalent pay and as per the economy instruction or other instruction issued from time to time.

10. Leave Travel Concession—The Chairperson and a Member shall be entitled to leave travel concession as applicable to Group 'A' Officer of the government drawing an equivalent pay.

11. Accommodation—(1) The Chairperson and a Member shall have the option of claiming house rent allowance for residence located in the National Capital Territory of Delhi at the rate of thirty per cent of the basic pay drawn but no house will be allotted by the government.

(2) In the case of a leased accommodation, the entitlement shall be determined by the government, keeping in view the entitlement of the Chairman and Managing Director of a Schedule 'A' Public Sector Enterprise in terms of plinth area and rental ceiling specified by the Department of Public Sector Enterprises, Government of India from time to time and also taking into consideration the market rents and plinth area specified by the Ministry of Urban Development for Type VI accommodation:

> Provided that for such leased accommodation as is according to and within the entitlement of the Chairperson or the Member, the standard license fee shall be the same as in the case of Group 'A' Officer of the government drawing an equivalent pay:
>
> Provided further that for leased accommodation, which is higher than the entitlement, recovery at the rate of ten per cent of the basic pay, i.e. without deducting pension shall be made from the salary of the Chairperson or Member, as the case may be.

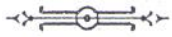
12. Transport—The Chairperson and a Member shall be allowed the option to make use of an official vehicle or reimbursement of such amount as may be fixed from time to time in respect of a Group 'A' Officer of the government drawing an equivalent pay for the use and maintenance of his personal car.

13. Medical Treatment—The Chairperson and a Member shall be entitled to medical reimbursement and facility as may be applicable to a Group 'A' Officer of the government drawing an equivalent pay.

14. Telephone Facility, Official Meetings and Entertainment Expenses—The Chairperson and a Member shall be eligible for telephone facility, official meetings and entertainment expenses as admissible to a Group 'A' Officer of the government drawing an equivalent pay.

15. Other Conditions of Service—Other conditions of service of the Chairperson and a Member, with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group 'A' Officer of the government drawing an equivalent pay.

16. Relaxation of Provision of Rules in Certain Cases—When the government is satisfied that operation of any of these rules causes undue hardship in any particular case, it may in the public interest and for reasons to be recorded in writing, relax the requirements of that rule.



OFFICE OF THE SECRETARY-CUM-LABOUR COMMISSIONER
GOVT. OF NCT OF DELHI
5 SHAM NATH MARG, DELHI-54

No. F.194/Addl.LC/Wages/May/2019 /1705 **Dated:** 25/06/2019

Sub: Non furnishing of information regarding disbursement of wages/ delayed disbursement of wages on revised rates for the month of May, 2019 in respect of contractual workers/employees, in compliance to cabinet decision No.2323 Dated 22.03.2016.

With reference to subject mentioned above, as per your certificate submitted to the office of the Chief Secretary, you have informed that the wages to the outsourced employees have been disbursed partly and the reason furnished is that wages to remaining 65 employees will be paid on Monday i.e. on 24/04/2019(after due date).

This is an administrative issue, which should have been settled/ sorted out well in advance to ensure timely disbursement of wages to outsourced employees/ workers.

You are requested to take remedial measures and also issue necessary directions to the concerned Officer/ DDO for timely disbursement of wages in future.

25/06/19

(Vivek Pandey)
Secretary-cum-Commissioner (Labour)

Principal Secretary,
PWD
5th Level, B wing, Delhi Secretariat,
New Delhi-110002

No. F.194/Addl.LC/Wages/May/2019 Dated:

Copy forwarded to Addl. Secy. to CM for information as desired.

7TH LEVEL, B WING, DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI-110 002.

No.F.10(330)/Legal/2018/ 3260 Dated: 14th June 2019

CIRCULAR

Subject: Web-based E-LITIGATION MODULE FOR SERVICE MATTERS.

Services Department, with the help of the NIC has developed a web-based "e-litigation module" and it has been hosted at **elitigation.delhigovt.nic.in**.

The BTF in respect of Court cases in the Hon'ble High Court, Delhi and Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi pertaining to "Service matters" will now be issued only through this online module, on the similar lines adopted by the Department of Law, Justice & Legislative Affairs, Govt. of NCT of Delhi.

All the departments are, therefore, requested to apply for BTF through the "e-litigation module" in favour of panel counsels of Hon'ble High Court, Delhi and Hon'ble CAT.

It is also informed that henceforth it is mandatory to provide the name of the counsel by the department for issuance of BTF in "Remarks" column of New BTF request form. The list of counsels is available on the website of Services Department in respect of Hon'ble High Court of Delhi and Hon'ble CAT.

The User ID & Password for login are being mailed to the nodal officer intimated to Services Department and HOD/Secretary concerned.

Deputy Secretary-III(Services)

No.F.10(330)/Legal/2018/ Dated:

All Principal Secretaries/Secretaries/HODs, Govt. of NCT of Delhi, Delhi.

Copy for information to:
1. Principal Secretary to Hon'ble LG, Delhi.
2. SO to Chief Secretary, Delhi.

Deputy Secretary-III(Services)