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DELHI DEVELOPMENT AUTHORITY

Draft minutes of the meeting of the Delhi Development Authority held on 5th July, 2004 at 11.00 A.M. at Raj Niwas.

Following were present:

CHAIRMAN

1. *Shri B.L. Joshi
Lieutenant Governor, Delhi*

VICE-CHAIRMAN

2. *Shri Madhukar Gupta*

MEMBERS

3. *Shri A.K. Patnaik
Finance Member*
4. *Shri Prabhash Singh
Engineer Member, DDA*
5. *Shri Virender Kasana
Councillor, MCD*
6. *Shri B.K. Sunder Ray
Member Secretary (NCR) Planning Board*
7. *Shri K.T. Gurumukhi
Chief Planner, TCPO*

SECRETARY

*Shri V.M. Bansal
Principal Commissioner-Cum-Secretary*

SPECIAL INVITEES & SENIOR OFFICERS

1. *Sh. Pradeep Singh
Principal Secretary to LG*
2. *Sh. D.B. Gupta
Principal Commissioner, DDA*
3. *Smt. Ameeta Saini
Chief Vigilance Officer*
4. *Shri O.P. Kelkar
Principal Secretary (UD)*
5. *Shri Parkash Kumar
Secretary (L&B)*
6. *Shri R.K. Singh
Commissioner (LD), DDA*

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7. *Shri Dharmendra
Commissioner (LM)*
8. *Shri Sunil Sharma
Commissioner (Personnel), DDA*
9. *Shri A.K. Jain
Commissioner (Planning)*
10. *Mrs. Asma Manzar
Commissioner (Housing), DDA*
11. *Shri J P S Chawla
Chief Accounts Officer, DDA*
12. *Shri S.K. Tandon
Chief Legal Adviser, DDA*
13. *Shri S.K. Goyal
Financial Adviser (Housing), DDA*
14. *Shri B.K. Bugga
Chief Planner, MCD*
15. *Shri Alok Swaroop
OSD to LG*
16. *Shri R.N. Patniak
Director (Finance), DDA*
17. *Shri Anil Barai
Director (Rohini), DDA*
18. *Shri I. Mohan
Director (AP)-II, DDA.*

The Vice-Chairman welcomed the Lt. Governor and introduced the members of the Authority and the senior officers. He assured the Lt. Governor that DDA shall make all efforts to discharge its functions and responsibilities in a meaningful manner under his stewardship.

The Lt. Governor pointed out that decisions of the DDA affected the life of almost everyone in the City; the DDA should, therefore, take people-friendly decisions after due deliberation.

The Lt. Governor appreciated the contribution made by his predecessor, Shri Vijai Kapoor, in overall development of the City and its infrastructure and desired that the Authority's appreciation and gratitude for his contribution should be placed on record.

ITEM NO. 22/2004

*Sub: Confirmation of the minutes of the Meeting of the Delhi Development Authority held on 11th March, 2004.
F.2(2)2004/MC/DDA.*

Minutes of the Authority meeting held on 11th March, 2003 were confirmed, as circulated.

ITEM NO. 23/2004

*Sub: Interest on excess payment of short refund.
F.21(Misc.-9)INT/HAC.2002.*

The Lt. Governor was informed that the rate of interest of 5% per annum had been proposed keeping in view the market trends and the interest paid by the DDA on the registration deposit.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 24/2004

*Sub: Amendment/modification in the Recruitment Regulations for the posts of Junior Data Assistant, Senior Data Assistant, Programmer-cum-Console Operator, Assistant Director (System), Deputy Director (System) and Director (System) in DDA.
F.No.7(105)96/PB-I.*

Proposed changes in the recruitment regulations were explained in detail to the Authority. The LG advised that names and designations of posts in the Systems department should keep pace with the changing market scenario. He advised that since technology

innovations were continuously changing, the existing knowledge, and manpower could become obsolete unless constantly upgraded by compulsory training and all other possible means. The LG advised that wherever possible DDA should consider out-sourcing its requirements by engaging the best and updating skills rather than inducting personnel on permanent basis where such flexibility would not be possible.

The suggestion given by the Secretary (Land & Bldg.), G.N.C.T.D. that designation of the post of Programmer-cum-Console Operator should be kept only as Programmer was appreciated and accepted by the Authority.

Proposals contained in the agenda item were approved by the Authority with the above observations.

ITEM NO. 25/2004

*Sub: Policy on providing essential community facilities in the villages surrounded by DDA's planned development.
F.1(8)Misc./2003/DDA/CH/UV.*

Shri Virender Kasana, member of the Authority appreciated the proposals and requested that these facilities should be provided in all parts of the City and preference should be given to those villages the lands of which had been acquired in the 60s and 70s.

He suggested that since the MCD had already provided Primary schools in the villages,

DDA should give emphasis on developing Barat Ghars/Community Halls and Dispensaries. It was informed that DDA had already started such developmental works in a number of villages, and the suggestions of Shri Kasana would be given due consideration.

Secretary (L&B), GNCTD mentioned that there were a number of villages which had not been declared as urban, and the gaon sabha lands had not yet been vested in the Authority. Vice-Chairman said that the matter would be pursued with the Ministry of Urban Development with a view to expedite physical transfer of gaon sabha lands in the villages yet to be declared urbanized so that the same could also be put to effective use.

With these observations, the proposals contained in the agenda item were approved by the Authority.

ITEM NO. 26/2004

Sub: *Departmental proceedings against Shri N.K. Goel, Suptdg. Engineer (C) Retd. Under Rule-9 of CCS (Pension) Rule 1972 (date of retirement 28.2.2001). F.1(15)2002/Vig./DC.*

Agenda item was dropped in view of the death of Shri N.K. Goel, Suptdg. Engineer (Civil).

ITEM NO. 27/2004

Sub: *Change of land use of 2700 sq. mtr. of land from "Public & Semi Public facilities" to "Govt. use" (Courts). F.No.20(4)2004(MP).*

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 28/2004

Sub: *Relaxation in the length of service for promotion to the post of Chief Engineer in DDA. F.7(76)/94/PB-I/Pl.*

It was informed by the Chief Planner, MCD that the U.P.S.C. had recently suggested increase in the qualifying service from 7 to 8 years for promotion to the post of Chief Engineer in the MCD and the CPWD. It was explained to the Authority that the proposals under consideration were in the nature of ex-post facto approval and for one-time relaxation and that the recommendations of the U.P.S.C. shall be separately examined in the DDA.

Proposals contained in the agenda item were thus approved by the Authority.

ITEM NO. 29/2004

Sub: *Change of land use approximately 31,707 Sq. M. (3.1 Ha.) land from 'Transportation and Recreational' to 'Public, Semi-Public Facilities' (Motor Driving Training Centre). F.5(3)97/MP.*

Proposals contained in the agenda item were approved by the Authority. It was also decided that pending formal confirmation of minutes of this meeting, the Transport Department, GNCTD could be given a 'go ahead' for planning their activities, without carrying out any construction activity on the ground till final approval of the proposals by the competent authority.

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ITEM NO. 30/2004

*Sub: Change of landuse of 252.4 acres of land at Savda-Ghevra for relocation of Slum/JJ Squatters.
F.20(1)2004/MP.*

Proposals contained in the agenda item were approved by the Authority. The Vice-Chairman assured the Member Secretary of the NCR Planning Board that the proposals shall be sent to the Board in addition to the Ministry of Urban Development for their consideration.

ITEM NO. 31/2004

*Sub: Change of landuse for an area of 3.36 Ha. from 'Recreational' to 'Commercial' in Tri Nagar for DMRC Project.
F.20(2)2000/MP/Pt.II.*

The Lt. Governor mentioned that the lands to be used for commercial purposes by DMRC should be based on their specific requirement at each location rather than uniform requirements being followed for every station. It was pointed out that the DMRC proposals were in pursuance of the approved pattern of financing where-under revenues have also to be raised from property development, and the area involved in respect of different stations was different. However, the observations of Lt. Governor would be duly kept in view when fresh proposals are received.

The Chief Planner (TCPO) was of the view that a detailed study should be conducted to assess the quantum of additional traffic likely to be generated in the area as well as the impact of reduction in the green cover in the area after permitting the change of land use. The Vice Chairman mentioned that these issues are discussed in detail in the Technical Committee meeting, where representatives of all the concerned agencies are invited.

After detailed deliberations, it was decided to leave out the un-acquired land portion measuring 3585 sq.mtr. from the process of change of land use and to recommend the change of land use from 'recreational' to 'commercial' for the remaining area, which had already been acquired.

The Lt. Governor further advised that the DMRC should be asked to keep the ecological aspects in mind while developing their commercial areas/stations and the DMRC must provide adequate green cover at all locations.

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ITEM NO. 32/2004

*Sub: Change of land use from 'Public and Semi Public' (FC-53) to 'Commercial' area measuring 2.84 Hac. at Wazirpur DMRC Project.
F.3(81)2001/MP/Pl.II.*

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 33/2004

Sub: Change of land use for the DMRC Project in Vishwavidyalaya area from 'Public and Semi Public' facility to 'Residential' (3.05 Hac.) and 'Residential' to 'Commercial' (0.77 Hac.).

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 34/2004

*Sub: Policy for dealing the cases of double allotment in Land Disposal Wing.
F.1(37)/2003/LSB(R).*

Proposals contained in the agenda item were approved by the Authority with the observations of the LG that sufficient precaution and vigilance should be exercised so that only those properties which are free from all encumbrances are taken up for disposal.

ITEM NO. 35

*Sub: Pre-occupancy charges, Simplification of procedure of obtaining Completion-cum-Occupancy Certificate (CC) in respect of Cooperative Group Housing Societies (CGHS), Government Buildings by doing-away-with Provisional Occupancy Certificate (POC) and Instant Building Sanction for Residential plots (up to 500 sqm.)
F.7(4)2003/Bldg.*

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virender Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

ITEM NO. 36

*Sub: Assured Career Progress Scheme for Work Charge (Regular) staff.
F.7(12)99/P&CP(P).*

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virender Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

ITEM NO. 37

*Sub: Cadre Review of Horticulture Department.
F.No.7(128)94/PB-I/Pt.*

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virender Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

The meeting ended with a vote of thanks to the chair.

DELHI DEVELOPMENT AUTHORITY
(Office of the Pr. Commr.-cum-Secretary)

List of the agenda items to be discussed in the meeting of the Delhi Development Authority fixed for 5.7.2004 at 11.00 AM at Raj Niwas, Delhi.

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ITEM NO.
22/2004

Sub: Confirmation of the minutes of the meeting of the Delhi Development Authority held on 11th March, 2004.
E.2(2)2004/MC/DDA

Minutes of the meeting of the Delhi Development Authority held on 11th March, 2004 are submitted for confirmation of the Authority (Appendix 'A' page 2 to 10). No amendments have been proposed to these minutes.

RESOLUTION

Minutes of the Authority meeting held on 11th March, 2004 were confirmed, as circulated.

DELHI DEVELOPMENT AUTHORITY

Draft minutes of the meeting of the Delhi Development Authority held on 11th March, 2004 at 3:00 PM at Raj Niwas.

Following were present:

CHAIRMAN

1. *Shri Vijai Kapoor*
Lieutenant Governor, Delhi

VICE-CHAIRMAN

2. *Shri Madhukar Gupta*

MEMBERS

3. *Shri Virender Kasana*
Councillor, MCD
4. *Shri A.K. Patnaik*
Finance Member
5. *Shri Prabhash Singh*
Engineer Member
6. *Shri P.K. Pradhan*
Jt. Secretary, MOUD&PA
7. *Shri K.T. Gurumukhi*
Chief Planner, TCPO

SECRETARY

Shri V.M. Bansal
Principal Commissioner-Cum-Secretary

SPECIAL INVITEES & SENIOR OFFICERS

1. *Smt. B. Prasad*
Secretary to LG
2. *Shri O.P. Kelkar*
Pr. Secy. (UD)
Govt. of Delhi
3. *Shri Prakash Kumar*
Secretary (L&B)
Government of Delhi
4. *Shri D.B. Gupta*
Principal Commissioner, DDA
5. *Shri Dharmendra*
Commissioner (LD), DDA

6. *Shri R K Singh*
Commissioner (LM), DDA
7. *Shri Sunil Sharma*
Commissioner (Personnel), DDA
8. *Shri J.P.S. Chawla*
Chief Accounts Officer, DDA
9. *Shri R.C. Kinger,*
Chief Engineer (HQ), DDA
10. *Shri S.K. Tandon*
Chief Legal Adviser
11. *Sh. A.K. Jain*
Commr. (Plg.), DDA
12. *Smt. Asma Manzar*
Commr. (Housing)
13. *Shri V.D. Dewan,*
Addl. Chief Architect
14. *Shri Alok Swaroop*
OSD to LG
15. *Shri S.K. Goyal*
Financial Adviser (Housing)/Director(LC), DDA
16. *Shri D. Sarkar*
Director (Sports), DDA
17. *Shri Rakesh Bhatnagar*
Director (CL)
18. *Shri J.N. Burman*
Jt. Director (NCR Planning Board)

ITEM NO. 10/2004

Sub: Revised budget estimates for the year 2003-04 and budget estimates for the year 2004-05.
F.4(3) Budget 03-04/RE/DDA.

Finance Member presented the Budget Estimates of the Authority for the year 2004-05 and Revised Estimates for the current year 2003-04. He informed that the Budget Estimates of the Authority in respect of all receipts and payments were compiled in accordance with the provisions contained in Section 24 of D.D. Act 1957 and Chapter 3 of DDA Budget and Accounts Rules 1982. He explained that Section 6 of D.D. Act was the mandate for DDA and that DDA prepares its Budget under three broad heads viz. Nazul-I, Nazul-II and BGDA under which all receipts and payments were reflected.

FM mentioned that there had been significant achievements during the current year in respect of disposal of commercial and residential land. He explained the consolidated receipts and payment position of all the three accounts of the Authority. He said that in comparison to last year, the deficit in the budget for the year 2004-05 had been reduced to 173.17 cr. from Rs.214.54 cr. projected in B.E. 2003-04. FM explained that the deficit will be made up on realization from sale of houses which were in the pipeline and other properties.

He explained that on the land disposal side, against projected receipt of Rs.350.20 cr. in B.E. 2003-04 from disposal of residential, commercial, industrial and institutional land, higher receipts in R.E. 2003-04 were anticipated as Rs.2720.49 cr. and for next year in B.E. 2004-05 the receipts were projected as Rs.882.50 cr.

With regard to recovery of outstanding dues on account of ground rent, he mentioned that banks will be selected to realise and monitor the recovery so that further accumulation of arrears was avoided and past arrears can be recovered more speedily. As regards decrease in interest on investment it was informed that the same was due to decline in interest rates on deposits offered by the Banks.

FM informed that in B.E. 2004-05, the estimated expenditure was projected as Rs.1887.86 cr. This included expenditure of Rs.721.72 cr. on Development of land and Rs.648.74 cr. on construction of houses and shops. Higher provision of funds had been kept as compared to the current year's R.E. anticipating that a higher level of physical work on development as well as on construction of houses would be achieved and land as well as houses will also be made available for disposal.

FM informed that for acquisition of land in Rohini, Dwarka and Narela a provision of Rs.500.00 cr. was made in R.E. 2003-04 and for acquisition of land during the next year a provision of Rs.100.00 cr. had been kept in the B.E. of 2004-05 on a thumb rule basis. The allotment will be revised upwards in RE in keeping with the pace of acquisition.

FM presented the details of some of the major on-going schemes and new schemes projected to be taken up in 2004-05. He also presented details of infrastructural development plans in respect of Master Plan Roads, Flyovers Lot-I and Lot-II, horticulture development of city forests, green belts, district parks, beautification works etc. He further informed that for beautification/upgradation works, funds to the extent of Rs.173.69 cr. had been provided in the B.E. of 2004-05.

FM informed that for upgradation of commercial complexes, a provision of Rs.27.55 cr. had been made in the B.E. of 2004-05. The Establishment Expenditure for the year 2004-05 had been kept at Rs.204.68 cr. which was at the level of Establishment Expenditure projected in RBE 2003-2004.

FM informed that DDA had 13 Sports Complexes, one mini sports complex, 36 Multigyms, 2 Golf Courses and 10 Swimming Pools. Besides, 5 more sports complexes, 2 mini sports complexes were either under development or planned. In BE 2004-05, a provision of Rs.29.29 cr. had been made for the purpose.

Engineer Member briefed the Authority about the progress in respect of construction of houses, Flyovers and upgradation of shopping complexes and assured that necessary steps were being taken for timely completion of the projects/schemes.

FM informed that upto 10.3.2004 total accumulation in the U.D.F. Account was Rs.474.93 cr. Metro Rail Project in Dwarka was proposed to be financed partly out of this Account and partly by DDA.

FM explained that DDA was an assessee under Income Tax Act as per Finance Bill 2002-03 and an application for exemption under section 12 of the Income Tax Act had been moved to obtain exemption from payment of Income Tax.

After presentation as summarised above, the Revised Estimates for 2003-04 and Budget Estimates for 2004-05 were finally presented by the FM. The L.G. advised that the gap between receipts and payments projected in the estimates had to be bridged. He

also mentioned that the actual expenditure projected in the R.E. for 2003-2004 could be lower and we should take measures to step it up to the extent possible. He said that the receipts projected in BE 2004-05 at Rs.1714.69 cr. were very much on the lower side as compared to receipts projected in RE 2003-04 at Rs.3570.61 cr. and advised that action should be taken in such a manner that the actual receipts can match the projected receipts in RE 2003-04.

After detailed discussions, the Authority approved the receipts of Rs.3570.61 cr. and payments of Rs.1818.46 cr. for the R.B.E. 2003-04 and the B.E. of receipts of Rs.1714.69 cr. and payments of Rs.1887.86 cr., with a total deficit of Rs.173.17 cr. for the year 2004-05. The Authority also approved the proposals for utilisation of the RBE 2003-04 and B.E. 2004-05 pending formal confirmation of the minutes of this meeting.

2. During detailed discussions, the Lt. Governor advised that in addition to the proposals listed in the Budget, we must lay greater emphasis on the overall development of the city by meaningfully utilizing the cash surpluses. In this context, he laid particular emphasis on the following:

- I. Systems should be evolved for speedier payment of compensation to the land owners and clearance of their backlog;
- II. Integrated work orders should be given for coordinated development of new areas rather than different agencies carrying out separate activities within the same project;
- III. DDA must improve the architectural drawings of its flats and should start this work with the LIG flats. Separate group may be constituted for working out better designs and for improved planning;
- IV. Cash surpluses could be utilized for acquiring lands solely for the purpose of creation of new green buffers/new forest covers for improving ecology of the City and for better city living, particularly in peripheral areas which are threatened with unauthorized and unplanned colonization;
- V. Projects like integrated freight complexes should be given due attention and warehousing zones created for taking care of the warehousing requirements of the City.
- VI. Besides the above, we should identify other innovative projects with a view to usefully utilizing the surpluses that have been garnered.

The LG suggested that we should work speedily towards working out the plans and requirements in the light of the above.

3. The Vice-Chairman assured the LG that all these issues shall be attended to. He informed that new schemes for improving the general quality of life in the city were in the pipeline. The VC pointed out that monthly review of the actual payments made against land acquisition was now proposed to be conducted and inter-linkages with the Land & Building Department of the GNCTD soon established. If necessary, the land acquisition Collectors will be provided necessary support and infrastructure by the DDA for speedier disposal of the pending cases. The Vice-Chairman also informed that the Works Advisory Board shall also be working as a monitoring body for reviewing the performance of the awarded works and that action was being initiated by the Engineer Member for computerizing details of all the awarded projects for better monitoring. The Vice-Chairman indicated that integrated review meetings were proposed to be conducted with all the departments associated with every major project to ensure speedier implementation. Action was also being taken to develop a plan of action for disposal of properties during 2004-2005, so that receipts could be increased. He assured that financial proposals will be formulated in accordance with the priorities laid down by the Lt. Governor within the next three months.

4. The Joint Secretary, Ministry of Urban Development & Poverty Alleviation suggested that more emphasis should be given to the development of land for clearing the backlog of all the old schemes. He also sought detailed break-up of expenditure on the maintenance/development of the Greens/Sports areas & facilities. The Vice-Chairman assured that an analysis of the revenue/expenditure on these items shall be taken up.

5. Secretary (Land & Bldg.), GNCTD, who is also the Secretary (I.T.) for the Delhi Government, proposed setting up of an I.T. park in Delhi. The Lt. Governor mentioned the practical difficulties in the matter and sought a working paper on the subject. The Vice-Chairman assured that the matter shall be examined in consultation with the Secretary (I.T.) GNCTD and a workable proposal evolved.

ITEM NO. 11/2004

Sub: Interest on registration money.
F.21(Misc.-9)HAC/02

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 12/2004

Sub: *Interest rates on belated payments of land premium, unearned increase and other charges.*
F.4(2)2003/Coordn./LC/Pt.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 13/2004

Sub: *Recruitment Regulations for the post of Deputy Director (Ministerial).*
F.7(83)95/PB-1/Pt.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 14/2004

Sub: *Confirmation of the draft minutes of the meeting of the Delhi Development Authority*
F.2(2)2004/MC/DDA.

Minutes of the Delhi Development Authority meeting held on 27th February, 2004 were confirmed, as circulated.

ITEM NO. 15/2004

Sub: *Revision of rates of damages for the assessment under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.*
F.1(Misc.)A/c./2000-01/77.

Proposals contained in the agenda item were approved by the Authority.

The LG, however, desired strict monitoring of the work of the Estate Officers and expressed dissatisfaction over the tardy disposal of the cases which were required to be settled through summary proceedings. The Vice Chairman assured that systemic improvements would be soon carried out and the work of Estate Officers monitored regularly.

ITEM NO. 16/2004

Sub: Fixation of pre-determined rates (PDRs) in Narela for the year 2003-04 and 2004-05.
F.4(10)2003/AO(P)/DDA.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 17/2004

Sub: Fixation of pre-determined rates (PDRs) for Dwarka for the year 2003-04 and 2004-05.
F.4(10)2003/AO(P)/DDA.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 18/2004

Sub: Fixation of pre-determined rates (PDRs) in Rohini Phase-III for the year 2003-04 and 2004-05.
F.4(11)2003/AO(P)/DDA.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 19/2004

Sub: Fixation of pre-determined rates (PDR) of land Premium for allotment in Plastic Bazar, Tikri Kalan for the year 2003-04 and 2004-05.
F.4(12)2003/AO(P)DDA.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 20/2004

Sub: Standard Costing for flats - Plinth Area Rate from 1st April, 2004 to 30th September, 2004.
F.21(1471)2001/HAC.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 21/2004

*Sub: Payment of cost of stalls in instalments by evictees of Nehru Place.
F.1(Misc.)21/03/CE/EV1*

Proposals contained in the agenda item were approved by the Authority.

The meeting ended with a vote of thanks to the chair.

ITEM NO.

23/2004

Sub: Interest on excess payment or short refund.

F. 21 (Misc-9) INT/HAC/2002.

1. PRECIS

- A. The allottees are required to make payment to DDA for the cost of flat/shop/land against the Demand-cum-allotment letters issued to them. Apart from this, demands are raised by DDA as and when the allottees opt to make payment of the balance cost in respect of hire purchase allotments, restoration of allotments, mode of change of payment, misuse charges, damages etc.
- B. Sometime demands are raised in excess due to some calculation error or oversight. Similarly there can be cases of short refunds. There is no existing policy to pay interest at present on the excess deposit made by the allottees on the directions of DDA or in cases of short refund.
- C. Ministry of Urban Development vide letter no. 47/DDR/VIP/2002/DDIIA dated 15.3.2004 has desired that a policy may be formulated for payment of interest in future where excess charges are demanded and paid by customers till such amounts are refunded to them.
- D. DDA is giving simple interest @5% on the registration money deposited by the registrants. Considering this, it is considered appropriate that interest at the rate of 5% (simple) per annum may be paid on the excess payment or amount less refunded as the case may be.

2. PROPOSAL:

- A. It is proposed that interest at the rate of 5% (simple) per annum be paid on the excess payment made by allottees/applicants on account of demand raised by the DDA from the date of deposit to date of its refund and/or on less amount refunded by DDA because of fault on the part of DDA.
- B. No interest will, however, be paid on the excess amount/less refund in the following cases:
 - i. If the excess amount is deposited by the allottee/applicant on his own.
 - ii. No interest will be paid on excess deposit in respect of cases where allotment is surrendered by the allottee on his own or

- cancelled by the department for fault on the part of the allottee.
- iii. No interest will be paid if the amount is not refunded because of lapse on the part of allottee/applicant.
 - iv. No interest will be paid if the excess payment occurred due to change in policy at a subsequent stage or where change is sought by the allottee or an alternative allotment is made due to mutation or where the allotment is made at old cost, Interest in these cases would, however, be payable, if while refunding the amount, less amount is refunded.
- C. This would apply to lands, flats, shops etc.
- D. The cases where interest is payable will be decided by the concerned Commissioner on the advice of Financial Adviser/ Dir(LC), and the matter would be referred to FMVC only if there is a difference of opinion.
3. Proposal in para 2 above is submitted before Authority for consideration and approval.

RESOLUTION

The Lt. Governor was informed that the rate of interest of 5% per annum had been proposed keeping in view the market trends and the interest paid by the DDA on the registration deposit.

Proposals contained in the agenda item were approved by the Authority.

Sub: Amendment/modification in the Recruitment Regulations for the posts of Junior Data Assistant, Senior Data Assistant, Programmer-cum-Console Operator, Assistant Director (System), Deputy Director (System) and Director (System) in DDA.

F. No. F.7(105)96/PB-I

P R E C I S

1. Proposal in brief

The Delhi Development Authority vide its Resolution No. 76/93 dated 8.6.1993 has approved the Recruitment Regulations in respect of various categories of posts in Computer Cell namely Jr. Data Assistant, Sr. Data Assistant, Programmer cum Console Operator, Assistant Director (System), Deputy Director (System) and Director (System). The Department of Electronics Accreditation of Computer Courses system provides for 'B' level and 'C' level qualifications that these should be equated with Graduation in Engineering and Post Graduation qualifications in Computers respectively. This aspect has not been appropriately reflected in the aforesaid RRs as the 'B' & 'C' level courses of DOEACC have been stipulated as qualifications over and above the Graduation/Post Graduation in Engineering / MCA though it should have been indicated as alternative qualification.

With a view to rectify the above anomaly, it is proposed to amend the RRs in regard to the education qualification as indicated in the enclosed statement as Appendix at P-15 to 17)

2. Background note

The Department of Electronics Accreditation of Computer Courses system provides for 'B' level and 'C' level qualifications that these should be equated with Graduation in Engineering and Post Graduation qualifications in Computers respectively. This aspect has not been appropriately reflected in the aforesaid RRs as the 'B' & 'C' level courses of DOEACC have been stipulated as qualifications over and above the Graduation/Post Graduation in Engineering / MCA though it should have been indicated as alternative qualification.

An agenda on this issue was placed before the Authority earlier vide Item no. 61/2001. The matter was considered by the Authority and it was viewed that the issue should be further examined also taking into consideration the educational qualifications as prescribed by NIC for similar posts. It was also advised that the proposal for creation of post should be de-linked from the proposal for amendment in RRs

The educational qualification requisites have been re-framed now keeping in view the qualifications stipulated by NIC. The existing provisions in this regard and the one's proposed have been indicated in the enclosed statement placed as Appendix for approval of the Authority. The proposal for creation of posts has also been de-linked from this agenda. At P-15 to 17.)

3. Implications, if any

NIL

4. Specific recommendation requiring Authority's approval

Authority is requested to approve the revision in the educational qualification specification for direct recruitment provided in the respective RRs in accordance with the ~~Appendix~~ at Page 15 to 17).

The above would be amendment to the RRs which would require approval of the Authority.

RESOLUTION

Proposed changes in the recruitment regulations were explained in details to the Authority. The LG advised that names and designations of posts in the Systems department should keep pace with the changing market scenario. He

Contd....

advised that since technology innovations were continuously changing the existing knowledge, and manpower could become obsolete unless constantly upgraded by compulsory training and all other possible means. The LG advised that wherever possible DDA should consider out-sourcing its requirements by engaging the best and updating skills rather than inducting personnel on permanent basis where such flexibility would not be possible.

The suggestion given by the Secretary (Land & Bldg.), G.N.C.T.D. that designation of the post of Programmer-cum-Console Operator should be kept only as Programmer was appreciated and accepted by the Authority.

Proposals contained in the agenda item were approved by the Authority with the above observations.

Modifications Proposed

Name of the post : Junior Data Assistant

SNO.	Description	Existing	Proposed	Remarks
7.	Educational and other qualifications required for direct recruits.	i) Graduate from recognised University. ii) Should have passed 'O' level or 'A' level examination from the Deptt. of Electronics Accreditation of Computer Course (DOEACC). iii) Data entry/Verification with a speed of 10,000 key depression per hour to be tested by D.P.C.	a) Graduate from recognised University ii) Should have passed 'O' level examination from the Deptt. of Electronics Accreditation of Computer Course DOEACC). iii) Data entry/Verification with a speed of 10,000 key depression per hour to be tested by D.P.C	

Name of the post : Senior Data Assistant

SNO.	Description	Existing	Proposed	Remarks
7.	Educational and other qualifications required for direct recruits	i) Graduates from a recognised University. ii) Should have passed 'O' level or 'A' level examination from the Deptt. of Electronics Accreditation of Computer Course (DOEACC). iii) Data entry/Verification with a speed of 10,000 key depression per hour to be tested by D.P.C. iv) Atleast 5 years experience in Data entry/Verification and validation of data.	i) Graduate from a recognised University. ii) Should have passed 'O' level examination from the Deptt. of Electronics Accreditation of Computer Course (DOEACC). iii) Data entry/Verification with a speed of 10,000 key depression per hour to be tested by D.P.C. iv) Atleast 5 years experience in Data entry/Verification and validation of data.	

Name of the post : Programmer-cum-Console Operator

SNO.	Description	Existing	Proposed	Remarks
7	Educational and other qualifications required for direct recruits.	i) Master degree in Statistics/Mathematics/Operational Research/Physics/Electronics/Computer Science/Computer Applications. OR Master's degree in Economics/Commerce with Statistics. OR Degree in Electronics/Computer Engineering. ii) One year Programming experience in a high level language.	i) Engineering Degree in Computer Science/Computer Engineering/Electronics from a recognised University or Engineering College/institute. OR Master Degree in Computer Science/Computer Application from a recognised University, Engineering College/institute. OR Should have passed 'B' level examination from the Deptt. of Electronics Accreditation of Computer Course (DOEACC). ii) One year experience in Software Development, ROBMS and Data Processing.	

		<p>Note: However, one year experience will not be compulsory for candidates possessing Master's degree in Computer Science or Computer Application or having Engineering Degree in Computer Science or Computer Engineering.</p> <p>iii) Should have passed 'B' level or 'C' level examination from the Deptt. of Electronics Accreditations of Computer Course (DOEACC).</p>		<p>B' level is equivalent to MCA/B.Tech. in Computer Science & hence these qualifications cannot be compulsorily expected in addition to other specified qualifications.</p>
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Name of the post : Assistant Director(Systems)

SNO.	Description	Existing	Proposed	Remarks
7.	Educational and other qualifications required for direct recruits.	<p>i) Master's degree in Computer Applications/ M.Tech. (with specialisation in Computer Application) from a recognised University or equivalent.</p> <p>OR</p> <p>Master's degree in Statistics/Mathematics/ Operational Research/ Physics/Economics/ Commerce (with statistics) or Degree in Engineering/ Computer Science from a recognised University or equivalent;</p> <p>ii) Should have passed 'B' level or 'C' level examinations from the Deptt. of Electronics Accreditations of Computer Course (DOEACC).</p> <p>iii) 4 years experience of Electronic Data Processing Work, out of which atleast one year experience should be in actual programming on an Electronic Computer.</p>	<p>i) Engineering Degree in Computer Science/ Computer Engineering/ Electronics from a recognised University or Engineering College/ Institute.</p> <p>OR</p> <p>Master Degree in Computer Science/Computer Application from a recognised University, Engineering College/ Institute.</p> <p>OR</p> <p>Should have passed 'B' level examination from the Deptt. of Electronics Accreditations of Computer Course (DOEACC).</p> <p>ii) 4 years experience in System Analysis, Design, Software Development & Implementation as well as Data Processing.</p>	
11.	In case of recruitment by promotion/ transfer/deputation grades from which promotion/transfer/ deputation is to be made.	<p>Promotion From Programmer-cum-Console Operator with atleast 8 years regular service in the grade.</p>	<p>Promotion From Programmer-cum-Console Operator with atleast 5 years regular service in the grade.</p>	5 years is enough for technical posts.

Name of the post : Deputy Director(Systems)

SNO.	Description	Existing	Proposed	Remarks
7.	Educational and other qualifications required for direct recruits.	<p>A) Master's degree in Computer Application / M.Tech. (with specialisation in Computer Application) / Master's degree in Computer Engineering from a recognised University or equivalent.</p>	<p>i) Engineering Degree in Computer Science/ Computer Engineering/ Electronics from a recognised University or Engineering College/ Institute.</p> <p>OR</p> <p>Master Degree in Computer Science/ Computer Application from a recognised University, Engineering College/ Institute.</p>	

	<p>(ii) 5 years experience of Electronics Processing Work, out of which atleast two years experience should be in actual programming on an electronic computer.</p> <p>OR</p> <p>B i) Master's degree in Statistics/ Mathematics/ Operations Research/ Physics/ Economics/ Commerce (with statistics) or degree in Engg./ Computer Science from a recognised University or equivalent.</p> <p>(ii) Seven year experience of Electronic Data Processing Work, out of which atleast 3 years experience should be in actual programming on an Electronic Computer.</p> <p>C) Should have passed 'B' level or 'C' level examination from Deptt. of Electronics, Accreditation of Computer Course.</p>	<p>OR</p> <p>Should have passed 'B' level examination from the Deptt. of Electronics Accreditations of Computer Course (DOEACC).</p> <p>(ii) Seven years experience in System Analysis, Design, Software Development & Implementation, System & Network Administration out of which atleast 3 years experience should be in actual System Administration.</p>
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Name of the post : Director(Systems)

SNO.	Description	Existing	Proposed	Remarks
7.	Educational and other qualifications required for direct recruits.	Not applicable	<p>i) Engineering Degree in Computer Science/ Computer Engineering/ Electronics from a recognised University or Engineering College/Institute</p> <p>OR</p> <p>Master Degree in Computer Science/Computer Application from a recognised University, Engineering College/Institute</p> <p>OR</p> <p>Should have passed 'B' level examination from the Deptt. of Electronics Accreditations of Computer Course (DOEACC).</p> <p>ii) Ten years experience in System Analysis, Design, Software Development & Implementation, System & Network Administration with atleast 2 years in Managing Information Systems.</p>	

ITEM NO. SUB.: Policy on providing essential community facilities in the Villages surrounded by DDA,s planned development.
25/2004

F.1(B)M-8/2003/DDA/CH/UV/

Over last more than 4 decades, DDA has been acquiring rural/agricultural land for planned development as per the provisions of Master Plan to meet the growing needs of the city. In the process, while the surrounding planned development gets wide roads, commercial areas, educational and health facilities, recreational areas etc. the village abadies/ village population often remains devoid of such facilities due to land constraints. It, thus, results into distinct socio-economic disparities within the same vicinity.

In order to address this problem, a policy has been evolved to provide certain essential community level facilities within the villages surrounded by the planned development.

2. **Proposal:**

The facilities identified for provision in the villages may include community room, park, play field, dispensary, primary schools etc. depending upon the availability of land and its accessibility to the village population. Such an exercise is proposed to be taken up, to begin with, in the DDA sub-city projects namely Dwarka, Rohini and Narela. The same exercise could be extended to the remaining DDA schemes as well. Eventually these provisions can be implemented by DDA, even in the areas, where these villages may not be forming part of DDA Development Area but are surrounded by the planned development scheme. It is proposed to identify the Gaon Sabha lands falling in the villages of the above sub-city projects for provision of community room, park and play fields, in the first instance. The community rooms could be planned and constructed by DDA out of its own resources and can then be transferred to the village body /MCD for its care, maintenance and management.

3. The proposal is put up for consideration of the Authority.

RESOLUTION

Shri Virinder Masana, member of the Authority appreciated the proposals and requested that these facilities should be provided in all parts of the City and preference should be given to those villages the lands of which had been acquired in the

60s and 70s. He suggested that since the MCD had already provided Primary schools in the villages,

DDA should give emphasis on developing Barats, Community Halls and Dispensaries. It was informed that DDA had already started such developmental works in a number of villages, and the suggestions of Shri Kasana would be given due consideration.

Secretary (L&B), GNCTD mentioned that there were a number of villages which had not been declared as urban, and the gaon sabha lands had not yet been vested in the Authority. Vice-Chairman said that the matter would be pursued with the Ministry of Urban Development with a view to expedite physical transfer of gaon Sabha lands in the villages yet to be declared urbanized so that the same could also be put to effective use.

With these observations, the proposals contained in the agenda item were approved by the Authority.

Item No.
26/2004

Sub: Departmental proceedings against Shri N.K. Goel, S.E.(C) Retd. under Rule-9 of CCS (Pension) Rule-1972 (date of retirement 28.2.2001).
F.1(15)2002/Via/DC.

Disciplinary proceedings were initiated against Shri N.K. Goel, S.E.(Retd.) vide Memorandum No. F.26(60)93/R-6/10/5975 dt. 15.6.98 under Regulation 16 of the DDA (Salaries, Allowances & Conditions of Service) Regulation-1961 (Now substituted with Regulation-25 of DDA Conduct, Disciplinary & Appeal Regulations 1999). Shri N.K. Goel while working as Ex. Engineer in RPD-1 during the period 1991-93 was in charge of the work of "D/o land at Rohini Ph.III SH: Resettlement of Jhuggie Dwellers at Village Poothkalan. Sh. N.K. Goel was held responsible for the following article of charges:

<u>Article</u>	<u>Charges</u>
I	Responsible for execution of works & Payment of bills for Rs.14,00,000/- without AA & ES
II	Unauthorisedly awarded the work of D/o 34.64 Hact. of land at Rohini for re-settlement of Jhuggie dwellers without approval of the SE (Competent Authority).
III(i)	While signing the agreement for the work of D/o Land at Rohini Extn. for jhuggie dwellers P/L brick On Edge flooring on road berms, Clause 36 of the Agreement was deleted. Thus given undue financial benefit to the contractor.
III(ii)	No certificate regarding employment of Technical Staff by the contractor as per clause 36, was recorded and also no recovery was made from the bill, thereby giving undue financial benefit to the contractor.
IV	No labour reports for the works were obtained and no money was recovered/with hold on this account from the contractor, thereby giving financial benefit to the contractor.
V	The following procedural irregularities was Committed by Sh. Goel in connection with the Execution of works.
(1)	For not issuing proper Technical Sanction
(2)	He neither opened the tenders himself for the work of "D/o land 129.88 Hact. at Rohini nor he delegated his authority properly to anyone.
(3)	He took much more time for scrutiny and Processing the tender in violation of the Provisions of CPWD Manual Vol.II.

- (4)a Irregularities in issue of completion certificate and passing the R/A Bill.
- (4)b Completion certificate even though recorded in MB by AE/JE on 24.4.93 and was not signed by ~~me~~. He handed over the charge of the Divn. In August, 1993.
- (5) No MCD receipts for disposal of malba were obtained in respect of the work of "Resettlement of Jhuggie dwellers at Poothkalan (Plastering of SW Drains).
- (6) Cement Register was not checked by the EE at all in respect of the works executed.
- (7) Site Order Book for the works were not reviewed By the EE at all.
- (8) Review notes in the MB were not filled up.
- (9)a Mandatory Test Check of Bricks for compressive strength in case of the work of "Plastering of SW drain" was got only after the work had been completed.
- (9)b Only five mandatory tests for compressive strength in case of the work of "P/L bricks on edge flooring on road berms" were got done as against the total of eight tests required.
- (10) Extension of time for works were not submitted to the Circle office in time.

Shri Prakash Singh, IPS (Retired) was appointed as Inquiry Officer vide order No. 163/Vig./99 dt. 11.8.99 to enquire into the charges against Shri N.K. Goel, E.E.(Retd.).

Shri Prakash Singh submitted his inquiry report vide his No. F.PS/IO/DDA/99/54)70/12 dt. 29.1.01 in which he held the following charges as proved/partly proved.

<u>Article-I</u>	Proved
<u>Article-III (ii)</u>	Proved
<u>Article-IV</u>	Proved
<u>Article-V (2)</u>	Proved
<u>Article-V (3)</u>	Partly Proved
<u>Article-V (4)</u>	Proved
<u>Article-V (6)</u>	Partly Proved

Article-V (9) Proved

After acceptance of the report by the Disciplinary Authority the case was sent to CVC for their second stage advice. The CVC in their second stage advice vide their No. 97-W&H-54 dt. 11.10.02 (CP-820) advised cut in pension in case of Shri N.K. Goel, S.E. (Retd.).

The show-cause notice altogether with IO's report and extract of CVC second stage advice was sent to Shri N.K. Goel vide this office letter dt. 18.2.03.

Shri Goel submitted his representation vide his letter dt. 6.3.03 (CP-96) which was examined in detail and it was found that no new facts had been brought out by Shri N.K. Goel.

Sh. N.K. Goel was found responsible for the above lapses which are more or less of procedural nature. However, most of the charges as can be seen are of procedural nature. Accordingly, the quantum of cut in pension may be decided so that the penalty is now imposed on Shri N.K. Goel, S.E. (Retd.).

RESOLUTION

Agenda item was dropped in view of the death of
Sh. N.K. Goel, Suptdg. Engineer (Civil).

Item No. Change of land use of 2700 sq. mt. of land from "Public & semi
27/2004 public facilities" to "Govt. use" (Courts).
File No. F.20(4)2004(MP)

The District Courts had been handed over 3 hac. of land along outer ring road near Madhuban Chowk for Construction of District Court building which is almost at completion stage. Asstt. Registrar (Gen.) High Court of Delhi requested for allotment of additional land for Construction of Lawyer's Chambers at Rohini.

On the recommendation of the then Director (Plg.) Rohini and further processing in the case by Institutional Branch, the then VC, DDA dt. 25.10.02 approved land allotment of about 2700 sqm. land in favour of Law & Judicial Deptt. Delhi Govt. for setting up of Lawyer's Chamber of Dist. Court at Rohini subject to amalgamation of one plot measuring 1350 sqm. and 2 plots each measuring 660 sqm.

The 2670 sqm. of land is a part of PSP facilities area use and as per MPD-2001, the Dist. Court comes under Govt. land use. As Lawyer's chamber is a part of Dist. Court, therefore, it comes under Govt. land use.

The case was discussed in the Technical Committee Meeting held on 29.1.04 vide item No. 8/2004. The Technical Committee recommended the approval of proposed change of land use of 2670 sqm. of land from "public & semi public facilities" to "Govt. use" (Courts) and its further processing under Section 11A of DD Act, 1957.

The matter is placed before the Authority for its consideration so that MOUD&PA may be requested to permit DDA to invite objections and suggestions from the public for the said change of land use.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

Item No.
28/2004

Sub: **Relaxation in the length of service for promotion to the post of Chief Engineer in DDA.**

1. **Proposal in brief.**

This proposal is for relaxation in the length of service criteria by 2 years (from 7 years to 5 years) for promotion to the post of Chief Engineer (Civil) / (Electrical). The need for relaxation has arisen due to non availability of sufficient number of officers having required length of service of 7 years in the feeder cadre of SE for promotion to the post of Chief Engineer. This has resulted in a situation where several vacancies in the grade of Chief Engineer cannot be filled up leading to administrative problems of management and supervision.

In view of the desirability of filling up of the post of Chief Engineer expeditiously in the administrative exigencies, relaxation as per above was made with the approval of L.G. and promotions given effect to by holding DPC as per relaxed criteria.

The matter is placed before the Authority for its ex post facto approval for the relaxation in the length of service criteria as above.

2. **Why the approval of Authority is sought**

The RRs of Chief Engineer were approved by the Authority vide Agenda no. 35 dated 5.3.91. The Authority is competent to relax any provisions in the RRs in regard to a category or group of persons. Approval of the authority is sought for the relaxation as per above.

3. **Financial implication, if any.**

The issue involved here is relaxation in provision of RRs. There is no financial implication.

RESOLUTION

It was informed by the Chief Planner, MCD that the UPSC had recently suggested increase in the qualifying service from 7 to 8 years for promotion to the post of Chief Engineer in the MCD and the CPWD. It was explained to the Authority that the proposals under consideration were in the nature of ex-post facto approval and for one-time relaxation and that the recommendations of the U.F.S.C. shall be separately examined in the DDA.

Proposals contained in the agenda item were thus approved by the Authority.

Item
28/2004

Item No. Sub: Relaxation in the length of service for promotion to the post of Chief
28/2004 Engineer in DDA.

1. Proposal in brief.

This proposal is for relaxation in the length of service criteria by 2 years (from 7 years to 5 years) for promotion to the post of Chief Engineer (Civil) / (Electrical). The need for relaxation has arisen due to non availability of sufficient number of officers having required length of service of 7 years in the feeder cadre of SE for promotion to the post of Chief Engineer. This has resulted in a situation where several vacancies in the grade of Chief Engineer cannot be filled up leading to administrative problems of management and supervision.

In view of the desirability of filling up of the post of Chief Engineer expeditiously in the administrative exigencies, relaxation as per above was made with the approval of L.G. and promotions given effect to by holding DPC as per relaxed criteria.

The matter is placed before the Authority for its ex post facto approval for the relaxation in the length of service criteria as above.

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The RRs of Chief Engineer were approved by the Authority vide Agenda no. 35 dated 5.3.91. The Authority is competent to relax any provisions in the RRs in regard to a category or group of persons. Approval of the authority is sought for the relaxation as per above.

3. Financial implication, if any.

The issue involved here is relaxation in provision of RRs. There is no financial implication.

RESOLUTION

It was informed by the Chief Planner, MCD that the UPSC had recently suggested increase in the qualifying service from 7 to 8 years for promotion to the post of Chief Engineer in the MCD and the CPWD. It was explained to the Authority that the proposals under consideration were in the nature of ex-post facto approval and for one-time relaxation and that the recommendations of the U.P.S.C. shall be separately examined in the DDA.

Proposals contained in the agenda item were approved by the Authority.

Item No.
29/2004

Sub:- Change of landuse of approximately 31.707 sq.m. (3.1 ha.) land from 'Transportation and Recreational' to 'Public, Semi-Public Facilities' (Motor Driving Training centre). F.5(3)97/MP

1. Proposal in brief

The Transport Department GNCTD has referred to the DDA a proposal to develop a Motor Driving Training Centre in the land allotted by DDA to Transport Department for ISBT at Sarai Kale Khan. This involves change of Landuse for an area of 3.1 hect (approximately) from 'Transportation & Recreational' to 'Public, Semi-public Facilities' (Motor Driving Training Centre).

2. MPD-2001 Provisions

As per MPD-2001 the Landuse of the area at Sarai Kale Khan between Ring Road and Railway line upto Barapullah Nalla is shown as 'Transportation & Recreational'. Accordingly DDA has allotted about 32 acres land to the GNCTD for the development of an ISBT at Sarai Kale Khan.

3. Examination

Out of this land GNCTD has proposed to develop Motor Driving Training Centre covering an area of about 3.1 ha which is bounded by the following:

In the East	-	Ring Road
In the South	-	Proposed 24m RW Road along Barapullah Nalla
In the West	-	Proposed 24m RW road and Sarai Kale Khan
In the North	-	ISBT Sarai Kale Khan

This involves change of landuse as Motor Driving Training Centre is permissible in Public- Semi Public landuse. According to GNCTD the proposed Motor Driving Centre will not have heavily built up construction and would be consistent with the adjacent ISBT. They have also agreed to provide a mandatory Green belt (15 mtr wide) along the Ring Road and a peripheral road to reduce ingress/ egress directly from the Ring Road.

4. Decision of Technical Committee

The proposal was considered by T.C. in its meeting held on 12.5.04 where following decision was taken:

"The Technical Committee recommended for approval the proposed change of Landuse for proposed Motor Driving School (3.1 ha.). It also agreed in principle with the proposed circulation plan. Some suggestions for modification were made keeping the use of adjacent land in view. It was decided that this may be further worked out keeping in view the GNCTD, Department of Transport proposal and site/land status and may be put up on file for any change in the circulation plan if considered necessary and feasible/desirable."

5. Recommendation

The proposal to change the landuse of the area measuring 3.1 ha (approx.) from 'Transportation & Recreational' to 'Public & Semi Public' facilities (Motor Driving Training Centre) as recommended by Technical Committee is put up for consideration and approval of the Authority.

RESOLUTION

Proposals contained in the agenda item were approved.

by the Authority. It was also decided that pending formal confirmation of minutes of this meeting, the Transport Department GNCID could be given a 'go ahead' for planning their activities, without carrying out any construction activity on the ground till final approval of the proposals by the Competent Authority.

Item No.
30/2004

**Sub : Change of landuse of 252.4 acres of land at Savda-Ghevra for relocation of Slum/JJ Squatters.
(File No.F20(1)2004/MP)**

1.0 Background

In pursuance of the orders of Hon. High Court for the purpose of relocation of existing Slum/Squatters, the MCD had identified some lands at Savda-Ghevra and requested the DDA for issuance of NOC for acquisition of land measuring 252.4 acres (approx.) accordingly.

Upon examination, JD(MP), DDA vide his letter dated 16.7.2001 conveyed the NOC for acquisition under the following conditions:-

- i) The site at Savda/Ghevra is to be integrated with the urban extension plan where a 80 mts. Wide road linking NH-10 (Rohtak Road) and NH-1 (GT Karnal Road) is proposed.
- ii) The area under road may be reserved as open/green. The proposals for change of landuse may be referred on the basis of actual acquisition of land by Slum & JJ Wing.

Director(Town Planning), Slum & JJ Deptt., MCD vide his letter dated 7.8.2003 confirmed that 252.4 acres of land has been made available by Lands and Building Deptt. of GNCTD at Savda/Ghevra after acquiring the same for slum/JJ relocation under Section 4,6 and 17(I) of Land Acquisition Act, 1894. It has been requested to expedite the proposal for change of landuse of the said site so that implementation of the scheme can be undertaken in a time bound manner.

2.0 The Site and Present Status

The site covering an area of 252.4 acres is located between the Rohini Project Scheme and NCT Boundary. It forms part of Planning Zone 'N' for which no Zonal Development Plan has yet been prepared. As identified by the Slum & JJ Deptt., MCD, the site has been marked on the Structure Plan (of rural area) alongwith physical references (laid on table).

The location of site partly overlaps the proposed alignment of 80 mts. Road (i.e. UER-I) which connects NH-1 (i.e. G.T. Karnal Road) and NH-10 (i.e. Rohtak Road). The alignment plan is yet to be finalised.

3.0 Planning Observations & Technical Committee Recommendation

As per MPD-2001, the site is part of rural area and needs integration with the urban extension plan as per condition attached with NOC. In the absence of the Zonal Development Plan of the area, however, it is not possible to firm up the same presently.

The proposed alignment of 80 mts road (i.e. UER-I) is passing through the middle of the site, thus bisecting it in two equal parts. Based on the tentative alignment of the road, the area to be covered by it, and infrastructure within the site are required to be maintained as green, so that the same can be developed/accommodated later. The Technical Committee also considered the proposal in its meeting on 12.5.2004 vide item No.17/2004 and recommended approval subject to the above condition.

4.0 Recommendation

Being a priority matter, also being monitored by the Court, the proposal for change of landuse of the site measuring 252.4 acres from "Rural" to "Residential" is recommended for the approval of the Authority with the condition that the layout plan be prepared for the site in a manner that the area under proposed for the 80 mts. Road is to be kept as green till finalisation of its alignment.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority. The Vice-Chairman assured the Member Secretary of the NCR Planning Board that the proposals shall be sent to the Board in addition to the Ministry of Urban Development for their consideration.

Item No.
31/2004

Sub: Change of landuse for an area of 3.36 Ha. From 'Recreational' to 'Commercial' in Tri Nagar for DMRC Project.

File No. F.20(2)2000/MP/Pt.II

1. **PROPOSAL:**

The proposal is regarding change of land use of 3.36 ha. From 'Recreational' to 'Commercial' in Tri Nagar for DMRC Project.

2. **BACKGROUND:**

DMRC has taken up the MRTS Project from Tri Nagar to Barwala. Tri Nagar is one of the major station on this route, occupying an area of 3.36 Ha.

3. **MASTER PLAN FOR DELHI 2001 AND ZONAL PLAN PROVISIONS:**

As per the Master Plan for Delhi-2001, the area under reference where DMRC has constructed station in Tri Nagar falls under 'Recreational' landuse as per the Special Area plan. In the Zonal Development Plan of zone H (yet to be finally notified by the Government), the area has been indicated as Recreational.

4. **DETAIL EXAMINATION:**

(i) DMRC vide their letter dated 12.1.2004 and brief report indicating therein the Tri Nagar Station is located 6.82 Km. away from ISBT (Kashmere Gate).

(ii) The site, where station building has been constructed, is surrounded by residential area. The Road No. 40 which provide access to this site, has markets including hardware wholesale market, retail shops, tin wholesale market etc. This is the fourth station on the MRTS corridor that has been commissioned.

(iii) According to the DMRC, out of the 3.36 hac. part of land (measuring 3585 sqm.) is yet to be acquired for which acquisition proceedings have been initiated.

(iv) The Government of India, has allowed property development to meet part of financial overheads in implementation of the Metro Projects. On this station site DMRC has proposed to develop commercial facilities like ATMs, Beverage Marts, Newspaper stalls etc. and also small offices like travel agents, lawyers, Chartered Accountant's Offices etc.

5 **DECISION OF THE TECHNICAL COMMITTEE**

The Technical Committee vide item no. 12/2004 of 29.1.2004 recommended the proposed change of land use of 3.36 hac. from Recreational to Commercial for processing under Section 11 A of DD Act, 1957- (App. 'A' Page-29-30).

6 **RECOMMENDATIONS:-**

It is proposed to consider the change of land use of an area measuring 3.36 hac. as indicated on the Plan (laid on table) from 'recreational' to 'commercial' (non-hierarchy commercial) with the development control norms of 25% ground coverage and 100 FAR.

∟ further

After the approval of the Authority, it shall be processed under section 11(A) of Delhi Development Act.

RESOLUTION

The Lt. Governor mentioned that the lands to be used for commercial purposes by DMRC should be based on their specific requirement at each location rather than uniform requirements being followed for every station. It was pointed out that the DMRC proposals were in pursuance of the approved pattern of financing where under revenues have also to be raised from property development, and the area involved in respect of different stations was different. However, the observations of the Lt. Governor would be duly kept in view when fresh proposals are received.

Contd.....29A

The Chief Planner (ICPO) was of the view that a detailed study should be conducted to assess the quantum of additional traffic likely to be generated in the area as well as the impact of reduction in the green cover in the area after permitting the change of land use. The Vice Chairman mentioned that these issues are discussed in detail in the Technical Committee meeting, where representatives of all the concerned agencies are invited.

After detailed deliberations, it was decided to leave out the un-acquired land portion measuring 3585 sq.mtr. from the process of change of land use and to recommend the change of land use from 'recreational' to 'commercial' for the remaining area, which had already been acquired.

The Lt. Governor further advised that the DMRC should be asked to keep the ecological aspects in mind while developing their commercial areas/stations and the DMRC must provide adequate green cover at all locations.

[con std. p/7]

SUB: CHANGE OF LANDUSE FOR AN AREA OF 3.36 HA. IN TRI NAGAR FOR DMRC PROJECT.
F.20(2)2000/MP/Pl.I

1.0 BACKGROUND

DMRC has taken up the MRTS project from Tri Nagar to Barwala route. Tri Nagar is one of the major stations on this route, occupying an area of 3.36 ha. The route corridor stands approved by the Technical Committee. As per the Cabinet approval 6% of the cost of the project is to be realised through property development by DMRC.

2.0 MASTER PLAN FOR DELHI 2001 AND ZONAL PLAN PROVISIONS

- (i) As per the Master Plan for Delhi 2001, the area under reference where DMRC has constructed station in Tri Nagar falls in recreational as per the Special Area Plan. In the Zonal Development Plan of Zone 'H', yet to be finally notified by Government, the area has also been indicated as green.
- (ii) Master Plan for Delhi 2001 permits permissibility of parks, parking and circulation in all use zones.

3.0 EXAMINATION

- (i) DMRC vide their letter dated 12.01.2004, a brief report indicating therein the brief write up about the Tri Nagar station is located at 6.82 kilometer away from ISB Terminus. The northern railway line passes to the south west of the site at a distance of 1.5 kms and presently acts as alternate public transport system in the area. This Railway line provides a link to the New Delhi area.
- (ii) At this site station building has been constructed. The site under reference is surrounded by residential areas. The Road 40 has a variety of markets including hardware wholesale market, retail shops, tin wholesale market etc. This is the fourth station in the MRTS has been commissioned. The access to the site is through Road No. 40.

Surround area details are as below:

Directions	Commercial/Retail	Residential
East	Shastri Nagar Market	Shastri Nagar
West	Indralok Gupta Market	Indralok, Dekhu Nagar
North	Hosiery Market	Shanti Nagar, Kundaiya Nagar
South	Daya Basti	Daya Basti

- (iii) Shri Ajit Singh, Architect from DMRC visited the office of Additional Commissioner (Planning)-II on 20.01.2004 and intimated that out of the 3.36 ha., part of land measuring 3585 sqm is yet to be acquired for which separately acquisition proceedings have already been initiated.

4.0 PROPOSALS

(i) The Metro corridors and station facilities are one of the important projects wherein Government of India, has also allowed for property development to meet out financial implications in implementation of the projects. On this station site DMRC has proposed to develop commercial facilities like ATMs, Beverage Marts, News paper stalls etc. and also small offices like travel agents, lawyer, Chartered Accountant Offices, etc. FAR for this project has been 125.

(ii) Authority vide resolution no. 18/2003 has resolved the following:

"Keeping in view the above, it is proposed that DMRC be allowed to develop the properties allotted on permanent basis in areas upto 3 ha. other than recreational use on the basis of norms of 25% ground coverage and 100 FAR which will take care of the operational requirement as well as property development on a particular site without processing the change of landuse".

The proposal under reference is not covered by above resolution.

5.0 RECOMMENDATIONS

(i) It is proposed to take up the change of land use for an area measuring 3.36 ha. as indicated on the plan (laid on table) from 'recreational' to 'commercial'. (Non-hierarchy centre) where development control norms as given in para 4 (ii) above shall be applicable.

(ii) Once the proposal given in para above is approved, it shall be processed under section 11(a) of Delhi Development Act for change of landuse.

DECISION

The Technical Committee agreed with the proposal contained at para 5(i) of the agenda and recommended that the matter be processed under section 11-A of DD Act, 1957.

Item No.
32/2004

SUB: CHANGE OF LANDUSE FROM PUBLIC AND SEMI PUBLIC (FC-53) TO 'COMMERCIAL' AREA MEASURING 2.84 HAC. AT WAZIRPUR DMRC PROJECT.

FILE NO : F.3(81)2001/MP/Pt.II

1. PROPOSAL

The proposal is regarding change of landuse of 2.84 hac. in Wazirpur for DMRC project from Public and Semi Public facilities to Commercial (Non-hierarchy Commercial).

2. BACKGROUND

DMRC has submitted proposal for change of landuse of an area measuring 2.84 hac. from Public and Semi Public (FC-53) to 'Commercial' including the operational use and for the property development to meet the financial implications of the project cost. Government of India has already allowed property development along MRTS route at appropriate locations.

3. MASTER PLAN FOR DELHI-2001/ZONAL PLAN

In the Master Plan for Delhi, the landuse of land under reference is indicated as 'Public and Semi Public' facilities. In the Zonal plan of Zone 'H', yet to be finally notified by Government of India, the land use is shown as 'Recreational' based on the approved layout plan of Facility Centre-53. It requires change of landuse from 'Public and Semi-Public' facilities to 'Commercial' (Non - hierarchy Commercial).

4. EXAMINATION :

- (i) The land under reference is located in triangular portion on the junction of Road No. 41 and Ring Road. This land is on the northern side of the Subhash Place District Centre which is being developed by DDA.
- (ii) Authority vide resolution no. 19/2003 dated 28.3.03 resolved the following :

"Keeping in view the above, it is proposed that DMRC be allowed to develop the properties allotted on permanent basis in areas upto 3 hac. other than Recreational Use on the basis of norms of 25% ground coverage and 100 FAR which will take care of the operational requirement as well as property development on a particular site without processing the change of landuse."

The proposal is not covered by above resolution.

However this is under the process as amendment in MPD-2001 under Sec. 11-A of DD Act.

(iii) The area measuring 2.84 hac. has been indicated on the copy of the Plan (laid on table) which has the following surroundings:-

North :	District Park (Part of FC-53)
South :	District Centre (Road No. 41)
East :	Wazirpur District Centre/Ring Road
West :	District Park (part of FC-53)

5. **DECISION OF THE TECHNICAL COMMITTEE**

The Technical Committee agreed with the above proposal and recommended for its further processing under Section 11 A of DD Act, 1957.

6. **RECOMMENDATION**

The above proposal given in para 4 & 5 above for change of landuse is put up for the consideration and approval of the Authority for further processing of change of landuse.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

Item No
33/2004

SUB: CHANGE OF LANDUSE FOR THE DMRC PROJECT IN VISHWAVIDYALAYA AREA FROM 'PUBLIC AND SEMI PUBLIC' FACILITY TO 'RESIDENTIAL' (3.05 Hac.) AND 'RESIDENTIAL' TO 'COMMERCIAL' (0.77 Hac.)

FILE NO : F.20(2)2000/MP/Pt.

1. PROPOSAL

The proposal is regarding the change of land use for an area 0.77 Hac. from 'Residential' to 'Commercial' and 3.05 hac. from 'Public and Semi Public' to 'Residential' under section 11(a) of DD Act 1957.

2. BACKGROUND

The DMRC vide its letter dated 12.1.2004 has requested the DDA for processing the change of landuse from the 'Public and Semi Public' to 'Residential' for an area measuring 3.05 ha. and from 'Residential' to 'Commercial' for an area measuring 0.77 ha.

3. MPD-2001 AND ZONAL PLAN PROVISIONS

- (i) Landuse: The landuse of the land measuring 3.05 hac. is 'Public and Semi Public' as per the Zonal Development Plan of Zone 'C' whereas the landuse of 0.77 hac. land is 'Residential'.
- (ii) Development Controls as per Zonal Plan: Development control norms of Zone 'C' as approved are as under :-

Bungalow Plot : (4000 sqm. and above for group housing) Development Control norms shall be as per DDA resolution no. 184 dated 24.12.80 and 38/93 dated 22.3.1993 i.e.

a)	Ground Coverage	25%
b)	FAR	75
c)	Height	11 m
d)	Density	62 - 75 ppa or 15 Dus per acre (38 Dus/hect.)

PLOTS OTHER THAN RESIDENTIAL

Development Control norms for such plots shall be worked out keeping in view the urban form studies within the prescribed code of MPD-2001 so as to maintain the existing character of the area.

4. EXAMINATION

- (i) The land under reference is part of the MRTS corridor from Vishwa Vidyalayas to Central Secretariat. The land under reference is located on both sides of the Mall Road. The land where DMRC has proposed construction of the residential accommodation is having an area of 3.05 hac., the location of this land has been indicated on the plan (laid on table). The land under reference is falling in the Bungalow Area of the Civil Lines Zone.
- (ii) The land of area 0.77 hac. is also falling in the Bungalow Zone of the Civil Lines of Zone-C.

5. DECISION OF THE TECHNICAL COMMITTEE

The proposal was discussed in the Technical Committee meeting held on 29.1.2004 vide item no. 11/2004 and the Technical Committee recommended that the proposed change of landuse of above pockets be processed under section 11 A of DD Act, 1957 subject to the development control norms for residential use as given in para 3 above and commercial development @ 25% ground coverage and 100 FAR.

6. RECOMMENDATION

The proposal as given in the para 5 is put up for the consideration and approval of the Authority.

RESOLUTION

Proposal contained in the agenda item were approved by the Authority.



DELHI DEVELOPMENT AUTHORITY

Item No. 34/2004

F.1(03)2003/L.S.M.K.

Sub: Policy for dealing the cases of double allotment in Land Disposal Wing.

The term double allotment signifies a situation where one plot is allotted to two different individuals/registrants either inadvertently or due to inefficiency in the allotment process. It takes place because of incomplete property records and lack of coordination among System Wing, Planning Wing, Engineering Wing and Management Wing. The process of allotment of specific plot involves conduct of draw through computer on the basis of information about vacant plots made available by Management Wing. The Management Wing gets this information from the respective project planners and Chief Engineer of the area. Plots are also disposed of by way of auction and there could be occasional cases of double allotment. The information received from the Planners, Engineers is prepared in inventory registers of the Management Wing and the said information is fed in to the computer after verifying the same from the property registers which contains information about all the plots made available to Management Wing by the Engineering Wing / Project planners. In case the property register / inventory register is not up dated there is a possibility that the plot which is already allotted and where possession has been handed over or lease deed is executed; could be shown as vacant and the said information is fed into the computer at the time of draw / auction and the plot could be again allotted / auctioned to another registrants / individual causing double allotment. Thus in such cases the registrant / auction purchaser is not at fault and responsibility of double allotment solely lies with DDA.

The allottee / auction purchaser comes to know about double allotment when he approaches DDA for taking over the possession of the plot / execution of lease deed / approaching for sanction of building plans / starts construction on the

Contd. / page 2

plot. In such a situation since the plot in question already stands allotted / auctioned to some other person, the second allottee / purchaser has to wait for fresh allotment / auction which takes time. In some cases it may take even more than a year. It may be seen that in case the formalities of subsequent allotment of plot in lieu of the earlier plot allotted / auctioned is completed within one year, though the allottee had to wait, there is no adverse financial implications for him as the plot allotted afresh is at the same price. However, in case fresh allotment is not within a period of one year, allottee, has to pay revised cost of land which is higher than the original cost at which he was allotted initial plot. The cost difference may be much higher if this process takes more time. In other words the victim of double allotment not only has to wait for allotment of fresh allotment but has to pay higher cost without getting any interest on the amount already deposited in DDA towards the first allotment.

It seems that cases of double allotment / auction have not been placed before the authority so far in Lands Disposal Wing. However, in Housing Wing the case of double allotment of flats has been considered earlier by the Authority vide Resolutions No. 103, dated 13/09/1991, No. 144/93 dated 16/11/1993 and 10/2002, placed at annexures- 'A', 'B' and 'C', (P-38-47).

In this background, the following proposal is submitted for consideration of the Authority regarding disposal of cases of double allotment in the Land Disposal Wing:

- a) In case a plot is disposed off by auction, the auction money should be refunded to the auction purchasers. In case double allotment is noticed within 3 months and refund is made within 3 months of the date of auction, no interest shall be paid. In case it is noticed beyond three months, the amount may be refunded with 5% interest on it for the period beyond three months. This aspect should also be appropriately incorporated in the auction notice.

Contd. / page 3

- b) In cases of double allotment in Rohini residential scheme, alternative allotments etc., further allotment should be made as early as possible through the main draw only. The alternative plot should be of the same size and be given in the same locality, as far as possible. The plot will be allotted on the old cost without charging any interest from the allottee, in case he had already made 100% payment towards the cost of plot. However, where allottee has not made payment in full, he shall be required to pay the balance amount with 7% interest. However, no restoration and other charges will be levied in this case.
- c) Responsibility shall also be fixed against delinquent officials.

RESOLUTION

Proposal contained in the agenda item were approved by the Authority with observations of the LG that sufficient precaution and vigilance should be exercised so that only those properties which are free from all encumbrances are taken up for disposal.

App. to Item No. 34/04.

Item No.

10/2002

21-1-2002

Subject:

Double allotment.

-38-

F.177(333)/91/SFS/DW-II.

PRECIS

At present there are two resolutions on the above issue i.e. 103/91 (App. A.P-79-82) and 144/93 (App. B.L). The later resolution has modified the former upto certain extent and all other basic issue remain unchanged. For deciding the double allotment cases, resolution No. 103/91 provides "As per present practice where one flat is consecutively allotted to two persons and both have deposited the demanded amount, one of the allottee is offered another flat and the updated cost for the subsequent flat is worked taking into account the current cost of construction and revised land rates."

Thus it is clear from the above, that only those cases are covered in double allotment where "both have deposited the demanded amount". It has been noticed that it is not so in many cases. It has not covered the possibility where the allottee as soon as he comes to know about the allotment of a specific flat, goes to the site without making payment of 5th and final demand letter (in cases of SFS) cash down payment (in cases of cash down allotments other than SFS) and monthly instalments (in cases of hire purchase allotments) and finds that somebody else is living in the house. After finding that the flat was already allotted to somebody else sometimes back, he does not deposit the money and contacts DDA about this aspect and for alternative allotment. There might be cases where DDA on its own, finds out that mistake has occurred and the flat allotted now stands already allotted to someone. In both these cases it is difficult to contend that the allottee should pay the money in time without even getting a proper alternative allotment and then only benefits of Authority Resolution No. 144/93 would be given to them. Once the process is ab initio wrong leading to no title of the allotted flat resulting into another allotment later on, it would be proper and fair to give him another allotment first and charge the same price which prevailed at the time of original allotment.

Therefore, it is felt that the benefit of double allotment cases should be given to such type of allottees also and cost of alternative flat should be based on the same land rate and cost of construction which existed during the time of previous allotment based on which earlier demand letter was issued. However, on the unpaid amount 12% simple interest would be charged for the intervening period. However, time for 90 days are given to the allottee to pay the demanded amount after which the clause of automatic cancellation lies. Therefore, in cases of double allotment, the allottee

must inform the DDA about this fact of double allotment before the date of automatic cancellation. The responsibility of the erring official should also be fixed in this case.

It is, therefore, proposed that the words "and both have deposited the demanded amount" may be deleted from the resolution NO. 103/91. Other terms and conditions of the original resolution remained unchanged.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority. Commissioner (Housing) assured that responsibility against the delinquent officials was being fixed.

Item No. 103

1-13.2.91

Subject: Price of flats in cases where change is allowed on the request of the allottee and in cases of subsequent allotment to victims of double allotment.
F.No. 22(6)/71/HAC/Pt file.

P R E C I S

The Authority vide its Resolution No.51 dated 9.7.1990 decided that the cost of left out flats on their re-allotment should be worked out taking into account the current cost of construction. The land rates being charged for the flats were revised as per LG's orders of November, 1990. The revised land rates came into effect from 6.12.90. Thereafter while working out the revised cost of flats the revised land rates have also been given effect to. There are two types of cases where the costing of left out flats requires further consideration these are:

- 1) Where a ready built flat is provided by way of change on the request of an allottee.
- 2) In case of double allotment i.e. one flat being allotted to two persons consecutively where an alternative flat has to be provided by way of change but for no fault of the second allottee. The present practice in respect of charging of revised cost in these cases is as under:

1. Cases where change is at the request of the allottee.
In such cases the allottee is liable to pay the following charges:

- (i) The updated cost of the subsequent flat based on revised land charges and current building costs.
- (ii) Normal interest, i.e. @ 12.6 per annum on the total cost of the earlier flat upto the date of

change by the competent authority in case the cost of the earlier flat was not paid in accordance with the demand letter of the DDA. In respect of allotment on hire purchase basis, the allottee is required to pay interest on the differential amount (Total cost - initial deposit), provided he has paid the amount of initial deposit in time, as per the demand letter issued by DDA. Otherwise in case of hire purchase, also the allottee is required to pay interest on total cost of the flat.

(iii) Change charges at the following rates :-

SFS	Rs. 10,000/-
MIG	Rs. 7,500/-
LIG	Rs. 5,000/-
Janta	Rs. 2,000/-

In case change is allowed in the same pocket, change charges are recovered as Rs. 1,000/- only uniformly for all categories of flats.

(iv) As the change is allowed to the benefit/advantage of the allottee no interest on his deposits against earlier flat is allowed.

In cases of this type since the change of floor/area is made exclusively on the basis of a request received from the allottee, the existing policy is fully justified and need not be modified.

Double allotment cases (where one flat is allotted to two persons) :

As per present practice where one flat is consecutively allotted to two persons and both have deposited the demand amount, one of the allottees is offered another flat and the updated cost for the subsequent flat is worked

taking into account the current cost of construction + revised land rates. No interest on the deposits made by the allottee against the earlier flat is allowed. It has been observed that there is substantial increase in the disposal cost of the left out flats worked out on current cost of construction and current land rates as compared to the original disposal cost worked out during the past years. The case of double allotment occur due to inefficiency or corruption in the allotment process. In other words such cases occur due to fault and not that of the allottee, of the D.D.A. / As much, it is felt that the allottee should not be made to suffer unduly. On the other hand it has to be kept in mind that any adjustment or a liberal scale might also serve to encourage such inefficient or corrupt practices, to the detriment of DDA's interests unless recovery of the whole or part of the loss sustained thereby by DDA is effected from those responsible for the said lapse. In view of the above and in the interest of equity and justice, it is proposed that in such cases the cost of the alternative flat should be worked out on the basis of current cost of construction + original land premium as charged while working out the initial disposal cost. In addition interest on the payment already made at the disposal cost of the original flat may be paid @ 7½% p.a. subject to recovery of a part or whole thereof from the pockets of those responsible for the double allotment. These initial payments will be calculated from the date of payment for the original

flat allotted till the date of the fresh allotment and adjusted against the disposal cost of the new flat allotted.

R E S O L U T I O N

The Authority resolved that the proposals be approved subject to the following :-

- i) Interest @7-1/2% p.a. will be payable to the victim of double allotment on the amount paid by him towards the price of the original flat allotted to him, in case the alternative allotment is not made within six months from the date of payment;
- ii) Major penalty proceedings should be initiated against the defaulting official(s) in each case involving double allotment.

flat allotted till the date of the fresh allotment and adjusted against the disposal cost of the new flat allotted.

R E S O L U T I O N

The Authority resolved that the proposals be approved subject to the following :-

- i) Interest @7-1/2% p.a. will be payable to the victim of double allotment on the amount paid by him towards the price of the original flat allotted to him, in case the alternative allotment is not made within six months from the date of payment;
- ii) Major penalty proceedings should be initiated against the defaulting official(s) in each case involving double allotment.

ITEM SUB : Implications of recent High Court Judgement -
regarding pricing of DDA flats.

NO.
144/93

(F.1(1)93/MIG/NP).

P R E C I S

A-16.11.93

The term double allotment signifies a situation where one flat is allotted to two different registrants either inadvertently or due to inefficiency or corruption in the allotment process. It takes place because of incomplete property records and lack of coordination between various branches of the management wing. The process of allotment of a specific flat involves conduct of a draw by computer on the basis of information about vacant flats made available to it by the management wing. This information is fed into the computer by verifying the property registers which contains information about all the flats made available to management wing by the engineering wing after their completion. The management wing is supposed to keep it updated by filling details of allotment and possession. If property register is not updated there is every probability that a flat which is already allotted and where possession has also been taken over, would be shown as vacant and this is fed into the computer at the time of draw. It would be again allotted to another registrant causing double allotment. The cases of double allotment take place only because a flat which is allotted is shown as vacant and fit for allotment by the management wing of the Housing Department. Such wrong information can be fed to the computer either inadvertently or deliberately by a corrupt official for harassing registrants. Whatever may be the case the registrant is not at fault and responsibility of double allotment solely lies with the DDA.

2. The allottee comes to know about double allotment when he approaches DDA for taking over possession of the flat. Since the flat in question already stands allotted to some other person, the other allottee has to wait for a fresh allotment which takes time. It has been seen that in many cases of double allotment, subsequent fresh allotment was made after lapse of more than a year. In case the formalities of subsequent allotment are completed within six months from the date of 1st allotment, though the allottee had to wait, there was no adverse financial implication for him. He was allotted another flat at the same price provided he was allotted a flat in the same locality and on the same floor. However, if fresh allotment was not made within six months, the allottee had to pay revised cost of the flat which was higher than the original cost at which he was allotted flat. The cost varied depending upon when he was allotted the other flat. In other

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words, a victim of double allotment not only had to wait for fresh allotment but used to pay higher cost without getting any interest on the amount he had deposited towards the cost of first allotment.

3. In as much as double allotments occurred due to the fault of the DDA, it was felt that allottee should not be made to suffer. Thus in the interest of equity and justice the Resolution No.103 was passed by the Authority on 13.9.1991 (App. 'J' P.No. 52-55) to deal with the cases of double allotment. It was resolved that while working out the cost of subsequent flat in double allotment cases, current cost of construction should be taken into account alongwith land premium at the rate at which it was included in the cost of the earlier flat. It was also resolved that 7.5% per annum interest will be payable to the victim of double allotment on the amount paid by them towards the price of the original flat allotted to the registrants in case the alternative allotment is not made within six months from the date of payment.

4. While resolving about the relief package for victims of the double allotment, it was also resolved that since any liberal approach might encourage inefficiency and corrupt practices, the whole or the part of the loss sustained by the DDA shall be recovered from those responsible for such lapses.

5. Though, Resolution No.103 provided significant and substantial relief to the victims of double allotment, the victims were not satisfied with the quantum of relief and many of them agitated the matter in High Court and Consumer Forum, seeking further relief. Hon'ble High Court in Smt. Krishan Sharda Vs. DDA, CWP No.736 of 92* which was a case of double allotment, set aside the provisions contained in Resolution No.103 of 1991 and directed DDA to charge the rate as on the date on which draw for original allotment was held and allot a flat on the terms and conditions applicable on that date. The judgement held that because mistake of double allotment was committed by the DDA it can not charge anything more than the price of the flat prevalent on the date the draw was held to allot the original flat. Similarly, in Suraj Bhan Chaudhary Vs. DDA, CWP No.3827 & C.M. 7070/92, the Hon'ble High Court again quashed the provisions of resolution No.103 directing DDA to charge the price as on the date when original allotment was made and pay interest @ 10% per annum on the amount deposited towards the cost of the flat from the date it was deposited because despite having paid towards the cost of the flat the petitioner did not get the possession of the flat and the money remained with the respondent which must have been utilised

* (App. 'K')
P.No. 56-59

* (App. 'L')
P.No. 60
64

6. In CW No.2844/92 CM No.5330/92* N.D. Gupta Vs. DDA High Court in an order passed on August 18, 1993 ordered DDA to apply the principle decided in CWP No.736/92 uniformly to all cases of double allotment. The Court directed DDA to make a statement in this regard i.e. as to whether DDA is going to apply the principle decided by High Court in CW No.736/92 in all cases of double allotment. With the approval of VC, the Court was apprized on 27.9.1993* that a decision has been taken to approach authority for review of Resolution No.103 of 1991. (Appendix 'N' P.No. 72-73).

(App. 'M' P.No. 65-71).

7. Besides High Court, the State Commission (Consumer Disputes Redressal Commission, Delhi) also in case No. C423/92. Nitya Prakash Jain Vs. DDA in an order passed on 17.5.1993 quashed the provision of Resolution No.103 of 1991 and directed DDA to allot a flat at the price at which original flat was allotted and also pay interest @ 18% p.a. to the consumer on the amount deposited for purchase of the flat from the date it was deposited, the State Commission held that since the double allotment is a mistake of DDA, the consumer should not suffer.

(App. 'O' P.No. 74-80).

8. The adverse order passed against the DDA in cases of double allotment were referred to the legal department for their opinion as to whether an appeal be filed or not. The opinion given by Chief Legal Adviser advising against filing the SLP, as no useful purpose would be served, are at (App. 'P', 'Q' & 'R' P.No. 81-85, 86-89, 90-93). Moreover, in case of Hem Chand Jain which was also a case of double allotment, Finance Department, keeping in view the order passed by various courts endorsed amending Resolution No.103 of 1991 which was also approved by VC, DDA. (Appendix 'S' P.No. 94-95).

9. It is in the above background that it is proposed to amend the provisions regarding double allotment contained in Resolution No.103. In various judgements, announced by the High Court and also by State Commission (Consumer Disputes Redressal Commission, Delhi) directions have been issued to charge price as on original/first allotment and also pay interest on the deposit made by the allottee against the original allotment. The rate of interest varied from 10% awarded by High Court to 18% awarded by State Commission.

10. It is, therefore, proposed that in cases of double allotment, cost of alternative flat should be the same as on the date of original allotment provided the allotment is made in the same locality and on the same floor. In case, there is any upward/downward variation due to change of locality or

floor, the same would be chargeable as it is inevitable cost. In addition, interest on the payment already made at the disposal cost of the original flat may be paid interest at prevailing bank deposit rate till the date of fresh allotment. Though in one case, State Commission has ordered payment of interest @ 18%, the Commission can be informed that even the market rate of interest for long term deposit does not exceed 10% p.a. This being a reasonable explanation, it is presumed that we can satisfy the commission in this regard. Besides aforesaid amendments, other provisions regarding double allotment cases contained in Resolution No: 103 would remain unchanged.

RESOLUTION

The Authority resolved that :-

1. Interest @ 10% be paid on the amount received by DDA towards the price of the original flat allotted to the victims of double allotments, in case the alternative allotment is not made within six months from the date of payment; and ^{1/30}
2. In case there is any change of facility or floor arising from double allotment, allottees be charged comparable cost at the old rates prevalent at the time of original allotment worked out on per sq.mtr. basis.
3. Disciplinary action be taken against the erring staff as per the earlier Authority Resolution.

LAI D ON THE TABLE

AGENDA FOR AUTHORITY DELHI DEVELOPMENT AUTHORITY BUILDING SECTION (L&COORDN.)

Item No.
35/2004

Subject: Pre-occupancy charges, Simplification of procedure of obtaining Completion-cum-Occupancy Certificate (CC) in respect of Cooperative Group Housing Societies (CGHS), Government Buildings by doing-away-with Provisional Occupancy Certificate (POC) and Instant Building Sanction for Residential plots (up to 500 sqm.) F.7 (4) 2003/Bldg

1.0 PROPOSAL IN BRIEF

1.1 REVISED RATES OF PRE-OCCUPANCY CHARGES

Preoccupancy charges for occupation of premises without obtaining Completion Certificate was discussed in the Authority Meeting vide Item No.3/2004 in its meeting held on 27.2.04. The minutes of the Authority Meeting is re-produced in para 2.1. The rates of pre-occupancy charges, prior to Completion-cum-Occupancy Certificate are being re-submitted to the Authority for post facto approval.

1.2 TO DO AWAY WITH THE PROVISIONAL OCCUPANCY CERTIFICATE (POC) AND BUILDING BYE LAWS CLAUSE 7.6.2 (DUAC Approval at Completion Stage)

To simplify the procedure of issuance of Completion-cum-Occupancy Certificate (CC), for all categories of plots including Co-operative Group Housing Societies, Government Housing Schemes, Government aided Institutes, Charitable Trusts and Wakf Board, it is proposed to do away with the need of issuing Provisional Occupancy Certificate (POC). For this it is proposed that the building schemes should not require clearance of Delhi Urban Arts Commission (DUAC) at the stage of Completion (Clause 7.6.2 of BBL).

1.3 SIMPLIFICATION OF BUILDING PERMITS FOR RESIDENTIAL PLOTS UPTO 500 sqmts. - INTRODUCING THE PROCESS OF INSTANT BUILDING PLAN SANCTION

2.0 BACKGROUND

2.1 The Authority vide Item No.3/2004 in its meeting held on 27.2.04 resolved as under:-

The Vice Chairman emphasized the need to simplify the existing systems and procedure regarding issue of Completion Certificates. He, however, cautioned that distinction needs to be drawn between the properties meant for self-occupation and the properties like Group Housing Societies and Commercial properties where sub-allottees were the end users. Issue of pre-occupancy certificates on the latter properties could help the developers pass of these properties to the sub-allottees without complying with the requirements of life safety measures and other essential pre-requisites and the end users would not be able to provide these essential features at a later date. The VC pointed out that provision like DUAC clearance at the time of issue of completion certificates also required to be re-looked into, specially because the DUAC clearance is obtained at the time of sanction of the building plans. Self-certification for self-occupied building was also suggested by the VC. He agreed with the Jt. Secretary, MOUD&PA that introduction of pre-occupancy certificates would, in any case, require amendment to the building bye-laws.

Contd.....2/

The Lt. Governor expressed his concern over harassment at the time of sanction of building plans and issue of Completion Certificates. The Authority agreed with the Vice Chairman and the Principal Secretary (UD), GNCTD that the entire matter be reviewed with the next two months and till then the existing procedures be allowed to continue.

The Principal Secretary (UD) suggested that this policy should be made applicable to the MCD also and the MCD representatives should be associated while finalizing simplified policy and procedures by the DDA.

2.2 PREOCCUPANCY CHARGES:

Charges as given below are being levied by the DDA in case the Building is occupied prior to issue of Completion Certificate (CC):

- a) Residential plot and Group Housing - Rs. 2500/- per Flat/Dwelling unit
- b) Institutional / Government /others - Rs. 25/- per sq.mt.
- c) Commercial / Industrial - Rs. 100/- per sq.mt.

As discussed in the Authority meeting held on 27.2.04, since these rates are already being charged the matter is re-submitted for consideration of the Authority for ex-post-facto approval.

2.3 STREAMLINING OF PROCEDURE FOR ISSUE OF COMPLETION CERTIFICATE (CC).

In Building Byelaws 1983 (Clause 6.7.3), the following is stated:-

"In cases where the building scheme requires the clearance of Delhi Urban Art Commission, then the Authority shall issue the building permit only after getting the clearance from the Delhi Urban Art Commission."

As per Building Byelaws 1983 (Clause 7.6.2), the following is stated:

"In cases, where the building scheme requires the clearance of Delhi Urban Art Commission, then the Authority shall issue the occupancy certificate after getting the clearance from Delhi Urban Art Commission."

As per DUAC guidelines 1999 all building proposals regarding non-residential plots and group housing schemes need clearance from DUAC. Accordingly, such proposals are forwarded to the DUAC. After clearance by DUAC, the proposal is examined further as necessary and sanction is accorded by DDA.

2.4 In view of provisions under Clause 7.6.2, all schemes where clearance has been obtained from DUAC at the time of sanction of building plans are again referred to DUAC for its clearance at the stage of completion.

2.5 In order to avoid delays in cases of Cooperative Group Housing Society, Institutional and Government buildings for obtaining permanent power connection, vide Resolution No.72 dated 18.6.91, the Authority decided that Provisional Occupancy Certificates may be issued in such cases. Accordingly, POC is released for Co-operative Group Housing Societies & others without prior clearance from DUAC, whereas Completion -cum- Occupancy Certificate (CC) are issued after clearance of the DUAC.

3.0 EXAMINATION

3.1 In the meanwhile, MOUD&PA vide Gazette Notification dated 22.11.2001 abolished Form 'C' (BBL7.2.2) & Form 'D' (BBL7.2.3). Accordingly now after the Sanction of the Building Plans, the next stages of permission would be Completion of work upto Plinth level i.e., 'B-1' & then Completion-cum-Occupancy certificate (CC).

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- 3.2 A note for simplification of procedure for obtaining power connection and provisional occupancy certificate in respect of CGHS schemes and Government buildings was put up for approval of LG, Delhi, on which he made the following observations on 2.4.2002.

'We should seek the deletion of building bye-law 7.6.2. The Delhi Urban Art Commission has been established "with a view to preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi." It is expected to focus on the aesthetic quality of urban design. It should not engage itself in dimensional details and issues of buildings adhering to the authorized building plan. To enable the Commission to discharge its functions the provisions of building bye-law 6.7.3 are adequate whereby it is consulted before the building permit is issued. Thereafter it is for DDA/MCD to ensure that the construction is in accordance with the permit and that the completion certificate/occupancy certificate is given only if the deviations are within permissible limits.'

After we succeed in getting bye-law 7.6.2 deleted, the provision of POC will be dropped and only the single step of issuing occupancy certificate/completion certificate will remain'.

- 3.3 Accordingly, a letter was sent by Commissioner (Plg.) DDA to the Jt. Secretary (D&L) MOUD & PA on 17.5.2003 proposing deletion of Clause 7.6.2 of Building Byelaws 1983.

In the meanwhile as per the approval of L.G., Delhi, the practice of Provisional-Occupancy-Certificate (POC) as already approved by the Authority continues.

- 3.4 MOUD&PA, vide office memorandum dated 9.7.2002, requested DDA to immediately stop issue of "Provisional Occupancy Certificate" and give a report in the matter to the Government.

- 3.5 In a meeting held in the chamber of Jt. Secretary (D&L), MOUD&PA on 11.11.2002 on the subject the following was decided: -

"While considering the justification put forward by officials of MCD and DDA, it was pointed out that the Building Bye-Laws 1983 did not have any provision of a Provisional-Occupancy-Certificate (POC). Where building does not deviate beyond compoundable limit from the sanctioned building plan, the Commission could exempt the same for coming to it at time of issue of completion certificate inter-alia meaning that local bodies / authority could do it at its own level. Whenever Commission feels at the time of sanctioning of building plan that same should come to it at the time of completion also, it may specify at time of issue of NOC/sanction. It was decided that a reference be made to DUAC for considering the proposal of DDA".

- 3.6 In a further meeting held in the Ministry on 26.9.2003, following was decided:

"Considering various issues mentioned above, it was decided that this is the case of different opinion between the DUAC and the local bodies and the matter is to be resolved by the Ministry in exercise of powers under the DUAC Act."

Contd.....4/-

- 3.7 In one case of C.G.H. Society, DUAC vide letter dated 2.6.2003 had informed that issuing of POC be stopped by DDA with immediate effect. It was also suggested that in future the occupancy of a building / complex should not be permitted without the Architect / Promoters obtaining regular completion certificate as per Building Bye-Laws.
- 4.0 It would be seen from the above background that a stalemate continues in the matter. The observations of the then LG reproduced earlier are self-explanatory and there appears to be no justification for plans being sent to DUAC at the completion stage. The provision for POC has been necessitated because of the delays inherent in the present procedure, but this also leads to a situation where the building agency does not consider if necessary to come up for a regular Completion Certificate. In view of the position as brought out above, the following proposal is placed before the Authority for its consideration and approval:
- 4.1 Amendment of BBL-1983 by deleting the clause 7.6.2 of Building Byelaws 1983.
- 4.2 To **discontinue** with the practice/ provision of **Provisional Occupancy Certificate (POC)**, which was earlier approved by the Authority, vide Resolution No.72 dated 18.6.1991. However, till a notification is issued, the existing procedure/ processing of POC may continue, wherever applicable.
- 5.0 **SIMPLIFICATION OF BUILDING PERMITS FOR RESIDENTIAL PLOTS UPTO 500 SQMTS.**

Simplification of building permits for residential (plots up to 500 sqmts.) is one of the recommendations of ICRA a study on process improvement in the DDA. Earlier also, DDA had initiated '*Instant Building Permits*' for residential plots measuring upto 500 sqmt. which was discontinued later.

Examination

A simplified system is proposed to be evolved and put in place along the following lines:

- 5.1 The Architect shall prepare building plan/s within the framework of Master Plan, Zonal Plan, Layout Plan and Building Bye-Laws. This shall be applicable only wherever an approved layout plan exists.
- 5.2 The Architect shall support the building plan/s with (i) Structural Safety Certificate from qualified/licensed Structural Engineer. (ii) Valid ownership document, lease agreement, NOC from land owning Agency etc., (iii) Indicating/certifying water harvesting provisions as per Govt. Notification (iv) Clearance from concerned Power Company incase lift is to be provided, (v) clearance from Archaeological Survey of India, National Airport Authority, any other statutory Agency if the clearance is warranted in view of the various Notifications issued from time to time and (vi) A certificate regarding total time required for completion of the building.
- 5.3 The Architect shall bring two sets of the building plans and supporting documents to the Building Section counter of the DDA in Vikas Sadan. The In-charge at the DDA counter shall accord seal of approval on the building plans and retain one set of the building plans and documents for record.
- 5.4 The Architect shall intimate and certify in writing that the coming of building up to the plinth level is as per the sanctioned plan. On the basis of the certification of the Architect the seal of approval across the counter for giving permit would be issued. In case of buildings with basement and also in case of variation / departure from the sanctioned plan, on the basis of the self-certification of the Architect, seal of approval of revised plan and B-1 permit of the same would be given after a joint site inspection by the Architect and the Building Department.

- 5.5 On Completion of the building the Architect should inform about the same in writing and have a date fixed for joint inspection of the building. The Architect and the concerned Building Department Unit shall make a joint inspection and certify that the building is in accordance with the plans submitted as per the para (5.3) above.
- 5.6 The Architect, Structural Engineer and any other professional engaged in submission/certification of plans/documents, etc. if found guilty of concealment of facts, or of giving false / wrong information, certificate, undertaking, affidavit, bond, documents etc. shall be liable to be de-barred / disqualification and or action as may be invoked by the statutory body regulating the profession.
- 5.7. If the Architect of a Project, during process of construction withdraws himself and discontinues his services, and informs the DDA giving reasons for such an action, then the sanction of the building plans can be suspended on the application of the Architect. Fresh building plan will need to be submitted in such cases. In case, the building plan is not in accordance with the Byelaws, necessary rectification would be the responsibility of the Architect and the owner at their expense and risk. Further, in case the building that may have been constructed as per the initial approval is not in accordance with the approved plans, and / or the Byelaws necessary rectification would be the responsibility of the Architect and the owner at their own expense and risk.
- 5.8 The above actions and liability would be in addition to any other action and liabilities under the terms & conditions of allotment / auction of the lands, wherever applicable.
- 5.9 In accordance with the Authority's decision, the proposal contained in this agenda have been discussed with Chief Town Planner, MCD and Superintending Engineer (Bldg.) HQ, MCD and the MCD officers agreed with the proposal.
- 5.10 Detailed procedure with prescribed forms and fees for issuing instant building permits for Residential plots upto 500 Sq.m. i.e. sanction of building plans, B-1 permit (Plinth level plan) and Completion-cum-Occupancy Certificate as well as procedure of suspension / revocation due to violations of approved Building Plan / Master Plan / Zonal Plan etc. provisions shall be prepared after approval of the Policy by Authority as contained in paras 5.1 to 5.8, which would be approved by the VC, DDA
- 6.0 The proposal as contained in paras 2.2, 4 and 5 of the Agenda are placed before the Authority for its consideration and approval.

RESOLUTION

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virinder Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

LAI D ON THE TABLE

-6-

Item No.
36/2004

Sub: Assured Career Progress Scheme for Work Charge (Regular) staff.

Ref: F.7(12)99/P&CP(P).

Proposal in brief:

This agenda seeks to place before the Authority the issue of counting of work charge period of service also for the purpose of extending ACP benefits to DDA employees, for its consideration. The occasion to consider the matter arises in the wake of demands being made by several of employee associations for allowing benefit of work charge service also following the orders regarding the implementation of the ACP scheme in DDA recently.

2. Earlier, the Authority had approved a proposal for extending ACP scheme in favour of work charged employees vide Agenda no. 50/2003, (copy at App. ^o A. L In the said agenda note while proposing extending of ACP L at P-14 to 15) scheme to work charged (Regular) employees, it was also stipulated that only work charged (Regular) service would be counted excluding work charge service.

The proposal duly approved by the Authority as per above was referred to the Ministry which communicated its approval for extension of ACP scheme to work charged (Regular) employees vide their letter no. K-11011/8/2002-DDIA dated 31.10.2003.

On receiving the approval of the Ministry for implementation of ACP Scheme in favour of Work-charge (R) employees, notification for carrying out the implementation was also issued.

3. However, several of the employees associations have made representations demanding that the entire Work-charge service should also be counted along with Work-charge (Regular) period for determining the qualifying service for grant of ACP promotion. It has been brought out by the associations that a substantial number of work-charge (Regular) employees are such as have spent considerable length of service as work-charge. Therefore, exclusion of work-charge service for the purpose of ACP would put them at a great loss. It has also been said that, from time to time some work charged employees had been made regular while others appointed around the same time had not, which creates a situation of discrimination vis-a-vis such persons. Further, it has been mentioned that many of the employees are on the verge of retirement and would not be in a position to avail second ACP benefit if the work-charge portion of service is excluded from consideration.

4. On the issue of counting of work-charge service for the purpose of grant of ACP benefit, following are the relevant considerations :

- (i) Most of the recruitment in work charge took place during the period from 1976 to 1986. Major chunk of work charged employees appointed in or after 1979 have finally been regularized as work charged (Regular) in 1991. Thus, they have put in 5 to 12 years of service as work charge before being made work charge (Regular). There is, therefore, merit in the contention made by the associations that a large number of work-charge (Regular) employees would be deprived of the second

ACP promotion as their length of service will fall short of 24 years if work-charge service is excluded from the consideration

- (ii) The DOPT guidelines in regard to entitlement of ACP benefit to work-charge staff indicate the following -

"If, in the matter of service conditions, work-charged staff is comparable with the staff of regular establishment, there is no objection in extending the ACP scheme to the work-charged staff."

- (iii) So far as DDA is concerned, the work-charge (R) staff and work-charge staff are placed on more or less comparable footing in regard to their terms & conditions of service in the following respects :-

a) Work-charge staff are entitled for regular scales of pay, annual increment and all allowances such as D.A., HRA, Transport Allowance etc. as are admissible to work-charge (R)/Regular employees

b) Before the introduction of the Pension Scheme, the work-charge employees were also covered under Contributory Provident Fund Scheme

- (iv) There is, however, a dis-similarity between Work-charge and Work-charge (R) staff in regard to entitlement of pension. While the full service rendered as work-charged (R) staff is to be counted as qualifying service for pension, only 50% of the service rendered by them as work-charge before that is being counted for pension. This stipulation was made vide Authority's Resolution Item No.16/95 under the competency of the Authority. However, various employees associations have been representing against this decision also since the time the above decision was taken.

- (v) It would also be pertinent to mention here that DDA has, in the past, broadly followed the CPWD systems in respect to the corresponding cadres in DDA

In the CPWD, the work charge service rendered by the employee has been counted in full towards pensionary benefits. Thus, in CPWD, the work charge service has been treated at par with regular service and the ACP benefit has accordingly been extended in full to the CPWD employees counting 100% of work charge service also.

- (vi) The Ministry's approval for implementation of ACP scheme in favour of work charged (Regular) employees of DDA is silent about exclusion/inclusion of the work-charge service for counting the qualifying service for ACP purpose.

5. In the above circumstances, the following issues arise for consideration:-

- (i) Whether the work charge service rendered by the staff be allowed to be counted for the purpose of grant of ACP scheme benefits to work charge (Regular) employees.

This has to be considered in the context of the criteria indicated by the Govt. as mentioned under para 4(ii) above.

- (ii) Related issue to the above would be the date of entitlement of the ACP benefit to the work charged (Regular) employees. The original scheme of Govt. of India was notified vide OM No. 35034/1/97-Estt.(D) dated 9.8.1999. The scheme has an inbuilt clause that irrespective of the date of DPC if an employee is found fit for ACP, the benefit of ACP promotion would be admissible w.e.f. 9.8.1999

The MOUD while communicating approval of extending of ACP scheme to work charged employees of DDA has advised that the same may be extended subject to fulfillment of conditions laid down in the aforesaid DOPF OM dated 9.8.1999. MOUD's approval has been communicated vide their no. K-11011/8/2002/DDIA dated 31.10.2003

- (iii) The allied issue which will arise if we consider the aspect of inclusion of the service rendered in work charge for purposes of ACP, relates to the issue of counting of 100% of work charge service for the purpose of pensionary benefits also, about which the position has been indicated in Para 4(iv) above.

A detailed background note in the matter is also enclosed as App.'B' at P-10 to 12).

2. **Financial implications, if any.**

Extension of ACP scheme to work charged employees would lead to additional recurring expenditure of Rs.4 Crores per annum approximately. In case, it is considered to extend the scheme w.e.f. 9.8.1999 and it is also considered to count the work charge service also for grant of ACP scheme, likely amount of arrears of wages that would become additionally payable for the period from August, 1999 till March, 2004, would be of the tune of Rs. 18.7 Crores approximately as one time expenditure (@ approximately Rs.4 crores per annum for 4 years and 8 months).

So far as the issue of counting 100% of work charge service for the purpose of pensionary benefits is concerned, it is not feasible to work out financial implications. In case, it is decided to count 100% of the work charge service, old pension cases finalized since 1995 may also need to be re-determined.

3. Why the Authority's approval is required:

Earlier, while placing the matter before the Authority vide agenda no. 50/2003 it was recommended that the work Charge (Regular) employees may be covered under the ACP scheme for which the service rendered by them as work charge (Regular) only be considered. The present proposal now being considered, would be a deviation from the earlier proposal as it is now proposed to count work charge service also as per para 5 above approve of the and therefore, would approval of the Authority

The issue regarding counting of 50% of work charge service for the purpose of pension was earlier decided by Authority vide Agenda no 16/95. Any deviation from the same would also require approval of Authority

RESOLUTION

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virender Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

Background Note

1. The Delhi Development Authority vide its Resolution No 166/97 dt. 23.12.1997 resolved that all the recommendations of the 5th Pay Commission and decisions taken by the Government from time to time shall be implemented in DDA mutatis-mutandis.

The instructions of Govt. of India regarding Assured Career Progression Scheme as recommended by 5th Pay Commission were issued vide Govt. of India's office memorandum No. 35034/1/97-Estt.(D) dated 9.8.1999. It involves grant of financial upgradation after 12 and 24 years of regular service without creating new posts for the purpose. It is mainly applicable to Group 'B', 'C' & 'D' employees and to isolated categories in Group 'A' subject to conditions laid down in Govt. of India's Office Memo dt. 9.8.1999

These orders of A.C.P. were enforced in DDA in regard to regular employees vide E.O. No. 1331 dated 14.10.1999 for the regular employees

2. The benefit of ACP Scheme was, however, not extended to the Work-charge (R) employees of DDA at that point of time. However, on the demand made by various associations, a proposal was placed before the Authority vide item No. 50/2003 for extending ACP scheme in favour of Work-charge (Regular) employees also (Annexure II). After obtaining the approval of Authority, the matter was referred to the Ministry for necessary approval

The approval for extending the ACP scheme to work charge (Regular) employees of DDA was given by the Ministry vide its letter No. K-11011/8/2002-DDIA dated 31.10.2003. Vide aforesaid letter approval of Ministry has been communicated as follows:-

"Concurrence of the Ministry to the grant of financial up gradation under ACP Scheme to work charged employees of DDA whose services has been regularized w.e.f. 10.1.91, subject to fulfillment of conditions laid down in Department of Personnel Public Grievances and Pensions (DOPT OM No. 35034/1/97-Estt.(D) dated 9.8.99."

The above advice of the Ministry is silent about exclusion/inclusion of the Work charge service towards counting the qualifying service for the ACP purpose. However, in the DDA's proposal that was sent to the Ministry it was indicated that for grant of ACP to work charged (Regular) employees, only work charged (regular) service was proposed to be counted excluding work charge service. Further the proposal that was placed earlier before the Authority in this regard vide agenda No. 50/2003 also had same appreciation that only work charged (Regular) service would be counted as qualifying service for the proposed ACP benefit.

3. On receiving the approval of the Ministry for implementation of ACP Scheme in favour of Work-charge (R) employees, notification for carrying out the implementation was issued

However, several of the employee associations made representation demanding that the Work-charge period should also be counted along with Work-charge (Regular) period for determining the qualifying service for grant of ACP promotion. It has been brought out by the associations that a substantial number of work-charge (Regular) employees are such as have spent considerable length of service as work-charge. Therefore, exclusion of work-charge service for the purpose of ACP would put them at a great loss. It has also been mentioned that many of the employees are on the verge of retirement and would not be in a position to avail second ACP benefit if the work-charge portion of service from excluded in the consideration

4. On the issue of counting of work-charge service for the purpose of grant of ACP benefit, following are the relevant considerations

i) There is merit in the contention made by the associations that a large number of work-charge (Regular) employees would be deprived of the second ACP promotion as their length of service will fall short of 24 years if work-charge service is excluded from the consideration. Most of the recruitment in work charge took place during the period from 1976 to 1986. Major chunk of work charged employees appointed in or after 1979 have finally been regularized as work charged (Regular) in 1991. Thus, they have put in 5 to 12 years of service as work charge before being made work charge (Regular).

ii) DOPT has given following clarification in regard to entitlement of ACP benefit to work-charge staff:

"If, in the matter of service conditions, work-charged staff is comparable with the staff of regular establishment, there is no objection in extending the ACP scheme to the work-charged staff."

iii) So far as DDA is concerned, the work-charge (R) staff and work-charge staff are placed on more or less comparable footing in regard to their terms & conditions of service in many respect as follows:

a) Work-charge staff are entitled for regular scales of pay, annual increment and all allowances such as D.A., HRA, Transport Allowance etc. as are admissible to work-charge (R)/Regular employees

- b) The work-charge employees were also covered under Contributory Provident Fund Scheme
- c) There has been a dis-similarity between Work-charge and Work-charge (R) staff in regard to entitlement of pension. The work-charged (R) staff are entitled for full pension and for this purpose service rendered by them from the date of their becoming work-charged (R) is to be counted in full qualifying service for pension. However, only 50% of the service rendered by them as work-charge was to be counted for pension. This stipulation was made vide Authority's Resolution Item No.16/95 under the competency of the Authority

Thus, the service conditions of Work-charge staff have been broadly comparable with the service conditions of Work-charge (R) and Regular staff.

The only differentiation that exists between work charge and work charge (Regular) staff in DDA is on account of aforesaid decision of the Authority taken in 1995 vide Resolution no. 16/95. However, various employees associations have been representing against this decision since the time it was taken.

- iv) It would also be pertinent to mention here that before introduction of pension scheme in Govt. of India, Govt. employees were also covered by CPF scheme which was substituted by pension scheme wherein total service rendered under CPF scheme was counted as qualifying service for the purpose of pension.
- v) It would also be pertinent to mention here that DDA has, in the past, adopted CPWD systems in respect to the corresponding cadres in DDA.

In CPWD, the work charge service rendered by the employee has been counted in full towards pensionary benefits. Thus, in CPWD, the work charge service has been treated at par with regular service and the ACP benefit has accordingly been extended in full to the CPWD employees counting 100% of work charge service also.

- vi) The Ministry's approval for implementation of ACP scheme in favour of work charged (Regular) employees of DDA is silent about exclusion/inclusion of the work-charge service for counting the qualifying service for ACP purpose.

5. In the above circumstances, there would primarily be following issues for consideration:-

- i) Whether the work charge service rendered by the staff be allowed to be counted for the purpose of grant of ACP scheme benefits to work charge (Regular) employees

This has to be considered in the context of the criteria indicated by the Govt. as mentioned under para 4(ii) above.

- ii) Related issue to the above would be the date of entitlement of the ACP benefit to the work charged (Regular) employees. The original scheme of Govt. of India was notified vide OM No. 35034/1/97-Estt.(D) dated 9.8.1999. The scheme has an inbuilt clause that irrespective of the date of DPC if an employee is found fit for ACP, the benefit of ACP promotion would be admissible w.e.f. 9.8.1999

The MOUD while communicating approval of extending of ACP scheme to work charged employees of DDA has advised that the same may be extended subject to fulfillment of conditions laid down in the aforesaid DOPT OM dated 9.8.1999. MOUD's approval has been communicated vide their no. K-11011/8/2002/DD1A dated 31.10.2003

- iii) The allied issue will be the issue of counting of 100% of work charge service for the purpose of pensionery benefits which has also been demanded by various employees' associations regarding which representations from time to time have been received since 1995 when the decision to count only 50% of the work charge service for the pensionery benefit purpose was taken by the Authority as indicated above under Para 4(iii)(c).

DELHI DEVELOPMENT AUTHORITY
Policy & Coordination (Personnel)

Item No.
50/2003

29.9.2003

Sub: Assured Career Progress Scheme for work charge (R) Staff.

Ref: F.7(12)99/P&C (P)

1. Proposal in brief.

The Assured Career Progression Scheme of Govt. Of India on the recommendations of 5th. Pay Commission, which was notified by Govt. of India vide their letter No.35034/1/97-Estt (D) dated 9.8.1999 was adopted in DDA for its regular cadres by virtue of Authority's Resolution No. 166/97 dated 23.12.1997 (App. 'A' at Page 71 to 72).

It is now proposed to extend the above ACP scheme to the work charged (Regular) staff of DDA also. There are approximately 11000 work charged staff in DDA who are proposed to be covered under this scheme.

2. Background note

The Delhi Development Authority vide Resolution No.166/97 dated 23.12.1997 resolved that all the recommendations of the 5th. Pay Commission and decisions taken by the Government from time to time shall be implemented in DDA mutatis-mutandis

The instructions of Govt. of India regarding Assured Career Progression Scheme as recommended by 5th. Pay Commission have been received vide Govt. of India's office memorandum No.35034/1/97-Estt (D) dated 9.8.1999. It involves grant of financial up gradation after 12 and 24 years of regular service without creating new posts for the purpose. It is mainly applicable to Group "B", "C" & "D" employees and to isolated categories in Group "A" subject to conditions laid down in Govt. of India's Office Memo dated 9.8.1999. The orders of A.C.P. were enforced in DDA vide E.O. No.1331 dated 14.10.1999 for the regular staff (App. 'B' at page 73 to 76).

The above directions regarding ACP scheme were not made applicable to the work charge (Regular) staff in DDA. On representation made from various Associations, the matter was examined and it emerged that the above directions about granting of the ACP scheme have also been implemented in favour of work charge (Regular) Estt. in CPWD vide their letter No.8/1/99 EC.X dated 8.1.2001 & 21.5.2001 (App. 'C' at page 77).

In view of the above position that the ACP scheme has been extended to work charge (Regular) staff in CPWD, a proposal was sent to Ministry for consideration for extending the ACP scheme in favour of the work charge (Regular) employees in DDA. It has been advised by the Ministry that before referring the matter to Ministry, DDA should also place the matter before the Authority for its recommendations. (Ministry's letter No. K-11011/8/2002/DDIA dated 19.5.2003 (App. 'D' at page 78 to 80).

Accordingly, the matter is being placed before the Authority for consideration.

3. Financial implications, if any.

There are approximately 11000 work charge (Regular) employees in DDA in over 50 categories. All the work charge employees of DDA have been given the status of work charge (Regular) w.e.f. 10.1.1991 and they are being treated as Regular staff for all practical purposes including grant of Pension etc.

Thus broadly, the work charge employees are treated as W/C (Regular) w.e.f. 10.1.1991.

For the grant of ACP benefit, it is accordingly proposed to count their service only after grant of work charge (Regular) status to them i.e. w.e.f. 10.1.1991. Thus, the work charge (Regular) employees would become eligible for their first up gradation only on completion of 12 years from 10.1.1991, the day when they were granted W/C (Regular) status as under:

The Accounts Wing has tentatively determined financial implication of first ACP which comes to Rs.9.25 crores per annum (approximately) including usual allowances applicable from time to time.

4. Why the Authority's approval is required.

As advised by Ministry, the proposal is required to be sent to Ministry with due recommendations of the Authority. The approval of the Authority is accordingly sought.

RESOLUTION

Proposals contained in the agenda item were approved by the Authority.

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Item No. **SUBJECT :** CADRE REVIEW OF HORTICULTURE DEPARTMENT
37/2004 File No. F. 7(128)94/PB-1/Pt

Item No.:

1. Proposal in brief.

This is a proposal for Cadre Review of Horticulture Department.

The green cover being maintained by Horticulture Department of DDA has under gone substantial increase over the years. However, in the past, there has not been any cadre review for Horticulture Department except for some piecemeal actions. Presently, there are only two posts of Directors in Horticulture Deptt. The second post of Director was created way back in 1984.

The position of increase in the Horticulture area under DDA as has come about only in last 4 years is furnished below -

<u>Year</u>	<u>Area taken over (in acres)</u>	<u>Area handed over to MCD (in acres)</u>
2000-2001	123.00	07.22
2001-2002	146.92	00.00
2002-2003	017.10	59.40
2003-2004	656.73	01.17
Total =	942.75	67.79

Expected area to be
taken over in 2004-05= 960 acres

The above amply brings out that the green cover to be maintained by Horticulture Deptt. has been increasing over the years and, further, would continue to increase.

Further, DDA would be soon venturing into new areas of activities in a big way such as creation and management of bio-diversity park which would inter-alia also require new technical competencies which are not available in DDA at present. Besides, DDA is also expected to play greater role towards development of Heritage parks. One such scheme namely the Mehrauli Archeological park is already on cards.

In the above background, the existing strength and structure of the Horticulture Department has been prima facie viewed to be inadequate to carry out the required development, supervisory and control functions effectively.

A Cadre Review Committee was constituted by Vice-Chairman, DDA in the year 1997. It submitted its report in December, 2000 (Report at App. 'B' at P. 21 to 25).

The report was deliberated upon at the level of V.C. and it was considered that the report needed further examination in the present day context. A sub-committee was constituted by VC which submitted its report in the first week of June, 2004 (Report at (App. 'C' at P-26 to 31).

In the report of the sub-committee following cadre structure of Horticulture Department has been proposed (column 5 of the table refers) :

S.No.	Category	Existing sanctioned strength	As assessed by cadre review Committee.	As proposed by the sub-committee.
(1)	(2)	(3)	(4)	(5)
1.	Addl. Commr. (Hort & Forestry)	Nil.	01	01
2.	Director (Hort)	02	04	03
3.	Dy. Director (Hort)	10	27	15
4.	Asstt. Director (Hort)	44	100	61
5.	S.O. (Hort)	165	168	187
6.	Garden Supervisor	168	280	216
7.	Technical Supervisor	54 (W/C(R) -	-	-
8.	Sr. Mali	Nil	1077	973
9.	Mali Regular W/C (R)	366] 3892 3526]	3231	2919
Total:		4035	4888	4375

A background note bringing out detailed analysis and justification for the cadre review is enclosed as (App. 'A' at P-19 to 20).

The matter is placed before the Authority for acceptance of the recommendations of the sub-committee placed at (App. 'C' at P-26 to 31). Proposed cadre size as recommended by the sub-committee is summarized in the column 5 of the table above.

2. **Financial implication :**

The Accounts Wing of DDA has made an assessment of the financial implications of the aforesaid cadre review proposal.

The creation of additional posts under the cadre review as indicated above, would lead to additional expenditure to the tune of Rs. 80 lakhs per annum only.

3. Why approval of Authority is required.

Above cadre review proposal entails creation of posts at various levels and would also require approval of the Ministry. Administrative approval of the Authority is sought before the proposal is referred to the Ministry for approval.

RESOLUTION

This agenda item was laid on the table of the Authority. The LG, however, agreed with the suggestion of Shri Virender Kasana that sufficient time should be given for studying the item and that it would be more useful if the item was deliberated upon in the next meeting of the Authority.

Background Note

1. A Cadre Review Committee consisting of following officers was nominated by V.C., DDA vide E.O. no. 1696 dated 28.11.1997:-

- i) Engineer Member
- ii) Chief Accounts Officer
- iii) Commissioner (Personnel)
- iv) Director (Hort)
- v) Director (W/C) Estt.

2. The above Committee deliberated on the issue and submitted its report in the month of December, 2000. A copy of the report is placed as Annexure-II.

Salient observations made by the above Committee in the cadre review are summarized below:-

- (i) The Committee made a note of the fact that over the years, there has been substantial increase in the green cover maintained by Horticulture Department of DDA. It also noted that there has not been any systematic cadre review of Hort. Deptt. since the inception of DDA. It also observed that existing set up was inadequate to do justice to the supervision and control functions of the department.
- (ii) The Committee viewed that in the light of increase in the green cover, there was need to create additional posts at the level of Director besides one post of Chief Horticulturist in the grade Rs.14300-18300/- who would act as Nodal Officer and overall in charge of the activities of Horticulture Department.
- (iii) The Committee made an assessment of the requirement of the number of Divisions and associated supervisory and other manpower requirement on the basis of the expenditure incurred in previous years using a yardstick of one Division for every Rs. 4.38 crores of expenditure. In this assessment, the Committee was broadly guided by the yardstick adopted by CPWD.
- (iv) On the pattern of CPWD, the Committee also proposed creation of posts of Sr. Mali and Garden Supervisor using similar criteria as adopted in CPWD.
- (v) The Committee also took note of the fact that there existed a large work-force consisting of Malies etc. (in work-charge cadre) which needed to be gainfully utilized.
- (vi) The Committee also proposed creation of separate horticulture set up in Training, Vigilance and Quality Control Departments to handle horticulture related activities of the respective department.

3. The above cadre review report was deliberated upon by a group chaired by V.C. and it was considered that the recommendations made in the above cadre review report needed further examination in the present day context. Consequently, a Sub-Committee was constituted by V.C. consisting of following officers to re-examine the aforesaid cadre review proposal and submit its recommendations:

Principal Commissioner,
Commissioner(Personnel)
Chief Accounts Officer

The above sub-committee examined the proposal afresh and submitted its recommendations which are placed at Annexure-III, salient points of which are summarized below :

(i) The sub-committee viewed that there was need to make criteria for number of Divisions more stringent in view of the fact that the present structure of Horticulture Department is highly labour intensive which should progressively move to greater mechanization and larger input of contractual work, which in the long run would bring greater cost efficiencies.

(ii) The sub-committee has further recommended that there would be essentiality of bringing requisite competency at the highest level in Horticulture Department. Keeping in view the fact that the activities of Hort. Deptt. of DDA would be expected to become more diversified as DDA ventures into fields such as creation and management of bio-diversity parks and commercial forestry.

The sub-committee accordingly has recommended that the post of the rank of Addl. Commissioner, proposed to be created under the cadre review, should be manned by personnel belonging to Indian Forest Service etc. on deputation.

(iii) The sub-committee has considered that there is no need to create separate sub-division for Hort. related functions in Vigilance, Quality Control and Training Department of DDA. The Committee has viewed that the existing set up has been adequately taking care of the horticulture related functions in the above department. The sub-committee, therefore, is not in agreement with the recommendations of the main cadre review committee in this regard.

(iv) The sub-committee has further recommended that there is need to progressively move towards higher level of mechanization and larger input of contractual works in the running of Horticulture Department. This can be achieved over time as the attrition of man power takes place by superannuation, VRS etc. The sub-committee recommends that no additional man power should be inducted in Group 'D' till the work-force comes down to the desired level and an appropriate balancing of departmental and contractual structure is achieved.

4. The existing cadre size, the cadre size as was proposed by the cadre review committee and the cadre size as proposed by the sub-committee is detailed at annexure to the report of the sub-committee at Annexure-III. The details of the calculations have also been indicated in remarks column.

RECOMMENDATIONS OF CADRE REVIEW COMMITTEE FOR HORTICULTURE DEPARTMENT

With the approval of V.C., DDA, a Cadre Review Committee for Horticulture was set up vide E.O. No.1696 dated 28.11.97. Following were its members :

- | | | |
|-----------------------------|---|----------|
| 1. Engineer Member | : | Chairman |
| 2. Chief Accounts Officer | : | Member |
| 3. Commissioner (Personnel) | : | Member |
| 4. Director (Hort.) | : | Member |
| 5. Director (W/C Estt.) | : | Member |

The Committee held its various meetings during 1997-98 and 1999-2000 and its recommendations are as under :

1. The Committee felt that there is a clear lack of effective supervision on the activities of Hort. Deptt. This is basically because of the large areas under its control and lack of enough supervisory staff in the department. The Committee, therefore, is recommending re-organisation of the department on following lines :
 - (a) Splitting of Divisions to make them more manageable.
 - (b) Provision of extra supervisory staff.
- 1.2 The Committee also felt that there is lack of effective communication between main office and field units due to which the working of the department is severely hampered. It is difficult to get information from the field units or to contact the officers in the field. The Committee suggest that in addition to provision of more telephones in the Divisions and field units, each Hort. Divn. should be provided with Personal Computer which should be linked with the Engineering Network. One of the ministerial staff in the Division should be trained to operate the system.
- 1.3 The Committee also recommend that all Dy. Directors and Asstt. Directors should be provided with Pager so that they can be contacted whenever required. In addition, sufficient vehicles should be provided in each division to increase the efficiency of the supervisory staff.
2. During discussions the Committee felt that each Division of Hort. should try to take advantage of the growing demand of flowers and plants in Delhi. When private nurseries are flourishing in Delhi, the numerous nurseries of DDA should also try to tap the market. For this, each Division should fix targets for itself and nurseries. As a measure of incentive, a scheme can also be devised in consultation with Accounts for sharing a part of sale proceeds between the Group 'C' and 'D' staff of each Division, especially those in the field.

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2.1 In view of the recommendations of the All India Conference of Horticulturists held in June, 2000, the Committee also suggests that the Horticulture Deptt. should update their technology for transplantation of trees to ensure a success rate of 80%. They should also create a tree disease/surgery unit to cure the maladies affecting the trees. The Chief of the Horticulture Wing should get these activities started with the staff provided by the Cadre review. No separate staff for this work is being provided.

3. In view of the recommendations in Item No.1 of the report regarding enhancement of supervisory staff in the department, following recommendations are made for re-organisation of the Horticulture Cadre :

3.1 Initially there was one post of Director (Hort.) upto January, 1988 having six Horticulture Divisions and with the increased jurisdiction of Horticultural areas, one more post of Director (Hort.) and four posts of Dy. Directors (Hort.) were created in February, 1988.

As per the existing arrangement, there two the Directors of Horticulture, North and South, who are responsible for development and maintenance of Horticulture works of three Civil zones each i.e. Director (Hort.)South is responsible for horticulture works of South-East Zone, South-West Zone and Dwarka Project, whereas Director (Hort.)North is responsible for development and maintenance of horticulture works of East Zone, North Zone and Rohini Zone. There are 10 Hort. Divisions, in all at present. Present administrative structure and staff available is given in Annexure-I.

3.2 In CPWD, the yardsticks adopted for creation of continuation of the Horticulture Division is at par with the Electrical Construction Division Division i.e. if there is work-load of Rs.320 lacs per annum, one Hort. Divn. is justified for operation.

In physical terms, comparative status of green areas with other departments like CPWD, MCD & NDMC and number of Horticulture Divisions including average green areas maintained per Division is shown as under :

Deptt.	Total green areas in each Deptt. (in acres)	No. of existing Divisions in each Deptt.	Average green areas per Divn. being maintained in each deptt.
CPWD	2917	10	291.70
NDMC	1015	5	203.00
MCD	4000	8	500.00

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these aspects. Keeping this aspect in mind the requirement of these officers is 22 as indicated in Annexure-III.

3.6 The Committee recommend five Asstt. Directors including one for Planning with each Dy. Director in the field. However, there will be only one A.D. for the Deputy Directors working as D.D. (Coordination), D.D. (Training). However, D.D. (Vigilance) & D.D. (Q.C.) will have two ADs to support them. Keeping all these requirement in mind the total number of A.Ds will come to 100. In addition, there will be one A.D. from ministerial cadre in H.Q.'s staff for administrative functions.

3.7 The Committee recommends two Sectional Officer (Hort.) with each A.D. in the field except ADs in Planning, Training, Coordination & Vigilance who will only one with them. Keeping these aspects in mind, total number of S.O. (Hort.) will come to 168. Fifty percent of the posts of S.O. (Hort.) should be filled up through direct recruitment to provide induction of fresh blood and technical knowledge in the cadre.

3.8 The number of Garden Supervisors/Technical Supervisors will be of the ratio of 2 for each S.O.(Hort.). There will be no Garden Supervisor with S.O.(Hort.) in Planning, Training, Vigilance etc. Total number of Garden Supervisors/Technical Supervisors will therefore be 286. To improve the quality of staff in this category, the Committee recommends that 25% of the posts in this category should be filled by those who are Matriculate and above among Sr. Malies.

3.9 The Committee recommends provision of 16 Malies with each Garden Supervisor in the field. In addition, the Committee recommends creation of a new post of Sr. Mali to give some promotion avenues to the Malies who hardly have any promotion. The ratio of Mali to Sr. Mali will be 3 : 1. The strength of Malies and Sr. Malies will therefore be 3231 and 1077 respectively. However, the Malies and Sr. Malies will perform the same function and duties and work under the Garden Supervisor. At present the strength of regular Malies is only 366. The Committee recommends that Malies working as Work-charged be converted into regular Malies against these new posts. There will be no financial loss as the Work-charge (R) Malies are already getting all the benefits since 1991.

4. Extra supporting staff for these revised structure of Hort. Deptt. is indicated as Annexure-IV.


5. There is one isolated category of Bulluckman in the Deptt. With the advancing technology, this post is no longer required as there are enough varieties of lawn maintaining machines available. It is recommended that this category be declared a dying category and not be filled in future.


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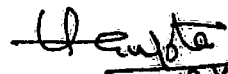
6.1 The existing pay scales and revised pay scales for different categories as recommended by the Committee are enclosed as Annexure-V.

6.2 The existing R.Rs of the categories in Horticulture are enclosed as Annexure-VI-A and revised R.Rs are enclosed as Annexure-VII-A

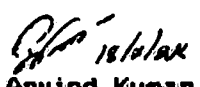
6.3 The financial implications for the cadre review is 81.29 lacs per annum, details of which are enclosed as Annexure-VIII. The financial implications have been calculated and vetted by the Accounts Department.

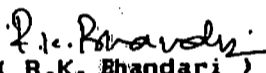

(B.D. Ram)
Director (Hort.)North


(Randhir Singh)
Director (Hort.)South


(M.P. Gupta)
Director (W/C Estt.)


(R. Chauhan)
Chief Accounts Officer


(Arvind Kumar)
Commissioner (Personnel)


(R.K. Bhandari) 6/11/2000
Engineer Member
Chairman

APPENDIX 'C' TO ITEM NO. 37/2004.

1. In the context of consideration of cadre review of Horticulture Department, the cadre review report submitted by the Cadre Review Committee, under the Chairmanship of E.M. has been further examined in detail.

Following relevant points have been noted which should be taken into consideration and the cadre size proposed in the cadre review report needs to be pruned down further :-

- a) The green area under Horticulture Department has been increasing over the years and would further increase only as more and more district forests, district parks, MP greens get created in future along with new development.
- b) Maintenance of greens is prestigious activity of DDA. Of late, it has also ventured into creation of bio-diversity parks where local flora and fauna is proposed to be recreated and preserved. Commercial forestry is another area where DDA proposes to venture into.

In order to effectively carry out the above task and also to have a greater supervision on existing activities, one would recommend creation of a senior level supervisory position of the level of Additional Commissioner which may be filled up by an officer of Indian Forest Services on deputation basis.

- c) Presently, there are two Directorates in the Horticulture Department under Director (Hort) North and Director (Hort)South, respectively which cater to six field zones of Engineering Department namely North Zone, East zone, South East Zone, South West Zone, Rohini Zone and Dwarka Zone. Thus, in effect, each Directorate caters to three Engineering Zones in regard to development and up keep of greens

It is viewed that the present spread of the two Directorates is rather large to be maintained effectively. It is proposed that one more Directorate should be created so that each Directorate has only two Engineering Zones to cater to.

- d) The present set up of Horticulture Department is labour intensive, there existing hardly any mechanization.

The labour intensive aspect is prominently reflected in the expenditure figures of salaries, wages, allowances paid to the staff as a component of total expenditure as follows:-

Year	Budget	Actual expenditure	Expenditure on wages, salaries allowances out of Column 3.	Expenditure on wages salaries, allowances as a percentage of total expenditure
(1)	(2)	(3)	(4)	(5)
1999-2000	7856.39	6548.53	4363.53	67%
2000-2001	9147.00	6927.02	456284	66%
2001-2002	8463.57	6854.70	4616.84	67%

The labour intensive structure has inbuilt cost inefficiencies.

- e) If one were to continue to retain the labour intensive orientation, the existing strength of Malis and Garden Supervisors would considerably fall short of the required manpower.

One would recommend a planned shift towards leaner and more efficient organization in the following manner:-

- (i) increased use of mechanized systems .
- (ii) dependence on work contracts rather than departmental labour.
- (iii) attracting Private Sector enterprises for sponsorship/maintenance of gardens.

- f) In the light of above appreciation, it is considered that a more stringent yardstick would need to be applied for determination, of required number of field divisions. In the cadre review report, a yardstick Rs.4.38 Crores per division was propagated. We may propose a yardstick of one division for Rs. 5 Crores of expenditure.

Extrapolation of the expenditure figures of 1999-2000, 2000-2001 and 2001-2002, would suggest an approximate expenditure figure of Rs.70 Crores which would justify formation of 14 field divisions as per above proposed yardstick.

- g) There is no denying the fact that the supervisory strength needs to be increased substantially, primarily because of geographically/widely spread out work places all over Delhi.

Following supervisory ratios for field set up are considered appropriate:-

Dy. Director to Asstt. Director - 1:4

Asstt. Director to S.O.(Hort) - 1:3

Separate post of A.D. with each Dy. Director in the field for carrying out the planning function as has been reconsidered by cadre review committee is not considered necessary.

- h) For non-field posts, one Sectional Officer (Hort) with each Assistant Director is considered adequate.
- i) The Office of Additional Commissioner may be provided with one Dy. Director level officer as Technical Officer who may be further supported by a team of two A.Ds and two S.O.(Hort).

Similarly, the Office of Director (Hort) may have one A.D. as Technical Officer who may be further supported by one Sectional Officer (Hort).

- j) The gang of 18 Malis/ Sr. Malis under supervision of a Garden Supervisor as per the yardstick of CPWD is considered to be appropriate structure at the grass root.
- k) The quality control, vigilance and training functions are adequately being taken care of under existing set up. It is viewed that there is no need to create a separate set up consisting of Horticulture Department personnels in Quality Control, Training and Vigilance Wings. It was also noted that the training set up already existing under Principal Commissioner cum Secretary is rather under utilized at present and it can adequately take care of training requirements of Horticulture Department also.
- l) The ratio 3:1 between Malis and Sr. Malis as existing in CPWD may be adopted in DDA also.
- m) In the present context, since we had have a strength of 3892 Malis (Regular - 366 & W/C(R) -3526), we may bring all of them on Regular establishment while there would be requirement of more Malis in the present labour intensive orientation, it is viewed that the work may be managed by a suitable mix of departmental and contractual arrangement.


However, there is need to progressively move towards greater contractual input as the number of Malis on roll reduces by way of attrition

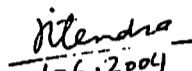
- n) In line with CPWD system, we may provide one Garden Supervisor for a gang of 18 Malis. The number of Garden Supervisors may also be progressively reduced as the strength of Malis depletes.

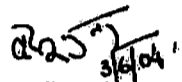
2. The cadre size for Horticulture Department has been worked out in the light of above consideration as annexed. Summarized position is brought out below:-

S.No.	Category	Existing Sanctioned strength	As assessed by cadre review committee	As proposed now
1.	Addl. Commr. (Hort & Forestry)	NII.	01	01
2.	Director (Hort)	02	04	03
3.	Dy. Director (Hort)	10	27	15
4.	Asstt. Director (Hort)	44	100	61
5.	S.O. (Hort)	165	168	187
6.	Garden Supervisor	168	280	216

7. Technical Supervisor	54 (W/C/R)	-	-
8. Sr. Mali	Nil	1077	973
9. Mali	Regular 366 3892	3231	2919
	W/C (R) 3526		
	Total:	4335	4888
			4375



(Sunil Sharma)
Commissioner (Personnel)



(J.P.S. Chawla)
Chief Accounts Officer


(D.B. Gupta)
Principal Commissioner

5	S O (Hon)	165	168	187	For 14 field Divisions 14x4x3- =168 Tech support staff to Addl. Commr. (one with each AD). = 02 Tech support staff in the 3 Directorates - 1 x 3 = 03 Tech support staff to field Dy. Directors - 1 x 14 = 14 ----- 187
=	Garden Supervisor	168	280	216	Total number of Malis =3892 Required no. of Garden Supervisor =3892 (@ one G S. for gang of 18 Malis) 18 = 216
-	Technical Supervisor	54(W/C(R) -			
5	Sr. Mali	NIL	1077	973	Ratio of Sr. Mali : Mali = 1 : 3 No. of Sr. Malis = $\frac{1}{4}$ of total no. of Mali = $\frac{1}{4} \times 3892$ = 973
9	Mali	Regular - 366}	3892	3231	2919
		Total:	4335	4888	4375

S.No	Category	Existing sanctioned Strength	As assessed by cadre review Committee	As proposed now	Remarks
1	Addl Commr (Hort. & Forestry)	NIL	1	1	
2	Director (Hort.)	2	4	3	
3	Dy. Director(Hort)	10	27	15	For 14 field Divisions Tech. Asstt. To Addl. Commr - 14 x 4 = 56 - 01 ----- 15
4	Asstt. Director(Hort)	44	100	61	For 14 field Divisions Tech. support staff to Addl. Commissioner - 14 x 4 = 56 - =02 - 1 x 3 = 03 ----- 61


सचिव
दिल्ली विकास प्राधिकरण
नई दिल्ली


24.8.54.
दिल्ली विकास प्राधिकरण
नई दिल्ली

