

DELHI TRANSPORT CORPORATION

Minutes of the 5th Meeting of 2012 of the DTC Board held on 16.10.2012
at 11.00 a.m. in the Conference Room, DTC H.Qrs.

PRESENT:

- | | | |
|----|---|----------|
| 1. | Shri Rajeev Verma, IAS
Chairman-cum-MD, DTC | Chairman |
| 2. | Shri D.M. Spolia, IAS
Pr.Secretary (Finance), Govt. of NCT of Delhi | Director |
| 3. | Shri R.Chandramohan, IAS
Pr.Secretary (Transport), Govt. of NCT of Delhi | Director |
| 4. | Shri Ashok Kumar,
Commissioner (Planning), D.D.A. | Director |
| 5. | Shri Tarsem Kumar
FA-cum-CAO, DTC | Director |

Pr. Secretary (Land & Building), GNCTD and
Joint Commissioner of Police (Traffic), Delhi
could not attend the meeting.

ALSO PRESENT:

1. Shri R.K.Kasana, C.G.M.(Op.)/Secretary DTC Board
2. Shri A.K.Goyal, C.G.M. (P)

Confirmation of minutes of 3rd meeting of 2012 of
the DTC Board held on 20.06.2012.

Confirmed subject to the following change & approval
with regard to BR No.32/2012:

“The date mentioned in 4th line of the Resolution may be read as 1-2-
2010 instead of 1-12-2010 as the actual date of assuming charge of
CVO by Shri P.C. Jain was 1-2-2010.”

Confirmation of minutes of 4th meeting of 2012 of
the DTC Board held on 28.06.2012.

Confirmed.

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Resolution No. 47/2012: Item 34/2012: Appointment of Public Information Officer and First Appellate Authority under RTI Act, 2005-information thereof.

The Board considered the agenda item and noted the same.

Resolution No. 48/2012: Item 35 /2012: 1. Corpus Fund Contribution for study visit to foreign Countries.

2. Renewal of membership of UITP – Payment thereof.

The Board, in view of the position explained in the Agenda item, sanctioned:-

1. A sum of Rs.5 lakhs to deposit with the ASRTU in addition to Rs.15 Lakhs already deposited with the ASRTU towards Corpus Funds contribution of DTC to utilize two slots every year.
2. A sum of Rs.2.45 lakhs (3500 Euro @ Rs.70 per Euro) towards Membership fee of UITP to be deposited with the ASRTU for the year 2012.

Resolution No. 49/2012: Item 36/2012: Filling up the 09 posts of Manager (Mech.) meant for direct recruitment in DTC through DSSSB.

The DTC Board, after considering the agenda item and taking into consideration the approval of Govt. of NCT of Delhi for filling of these 09 posts, accorded approval for filling-up posts of Manager (Mech.) meant for direct recruitment through DSSSB.

Resolution No. 50/2012: Item 37/2012: Regularization of promotion of 46 Assistant Incharges to the post of Office Supdt. and Accountant who were promoted during the years 2004-2006.

The Board considered the item and desired to place the matter again with the details of minutes of the DPC, documents showing their eligibility for considering them for promotion to the post of O.S./Accountant along with the relevant performance reports, ACRs, pending disciplinary cases, if any, and Vigilance Clearances for consideration by the DTC Board in its next meeting.

Resolution No. 51/2012: Item 38/2012: Extension of period of deputation for an another period of one year i.e. 4.8.2012 to 3.8.2013 in respect of

Resolution No. 52/2012: Item 39/2012: Deployment of DTC staff (including drivers and conductors) with various departments of Govt. of NCT of Delhi in diverted capacity – To get re-imburement of salaries for past period & request for repatriation.

The Board, in view of the position explained in the agenda item and as an economy measure, resolved that Transport Deptt./STA, GAD and other offices of the Govt. of NCT of Delhi be asked to reimburse salary/wages & other perks to DTC for the entire period these employees are working with them in the diverted capacity and to relieve these employees expeditiously in view of shortage of staff in DTC.

Resolution No. 53/2012: Item 40/2012: To accord ex-post-facto approval for Appointment and fixation of pay of Smt. Gitanjali Gupta Kundra, IAS (UT:96) Director, Ministry of Defence to the post of Chief Vigilance Officer in DTC on deputation.

The Board in view of the position explained in the agenda item accorded ex-post-facto approval for appointment and fixation of pay of Smt. Gitanjali Gupta Kundra, IAS (UT:96) Director, Ministry of Defence to the post of Chief Vigilance Officer in DTC on deputation w.e.f. 26.4.2012(AN).

Resolution No.54/2012: Item 41/2012: Ex-Post-facto approval of Scrapping/deletion and disposal of 78 Nos. (58 Nos. of Leyland & 20 Nos. of Tata) CNG buses, which have already scrapped-deleted from the DTC fleet of the Corporation on 'As is where is condition'.

(Shri V.K.Gupta, Sr.Manager (MS-II) was called in)

The Board after detail discussion on the agenda item, accorded ex-post-facto approval for scrapping/deletion and disposal of 78 Nos. (58 Nos. of Leyland & 20 Nos. of Tata) CNG buses, which have already been scrapped/deleted from the DTC fleet of the Corporation on 'As is where is condition'.

Resolution No. 55/2012: Item 42 /2012: Appeal against the orders of the CMD imposing upon Shri Balraj Singh, Sr.Manager (Tr.) the penalty of 'Reprimand' – Consideration thereof.

The Board deliberated upon the Appeal of Shri Balraj Singh, Sr. Manager (Traffic) and after considering all aspects resolved to reject the appeal.

Resolution No. 56/2012: Item 43/2012: Construction of 60 Modern Information Kiosks of Stainless Steel design for Delhi Transport Corporation for Commonwealth Games-2010.

(Shri A.K. Chawla, Dy.CGM (C) was called in)

The Board, in view of the position explained in the agenda item decided that this matter may be brought in its next meeting.

Resolution No. 57/2012: Item 44/2012: Direction of PGC vide its order dated 12.07.2012 to implement the Government's order and extend student concessional bus pass facility to the students of all institutions.

The Board in view of the position explained in the Agenda item and detailed discussion thereon, accorded ex-post-facto approval for allowing Student Concessional Bus Pass Facility to the students of DIET (District Institute of Education and Training), Dilshad Garden, Delhi being a Govt. Institution.

The Board further directed that the issue relating to releasing of 100% subsidy on student concessional passes be taken up with the Govt. of NCT of Delhi (Transport Deptt.) and till that time decision of DTC Board vide BR No.65/2010 be continued.

Resolution No. 58/2012: Item 45/2012: Profit & Loss Account and Balance Sheet for the year ending 31st March, 2012.

The Board after detailed discussion, resolved as under:

- i) The Annual Statement and Balance Sheet for the year ending 31st March, 2012 are approved and adopted. The C.M.D. and the F.A.-cum-CAO are authorized to sign the Annual Statement and Balance Sheet on behalf of the Corporation and send the same to the Comptroller & Auditor General of India.
- ii) Further, CMD and FA-cum-CAO are authorized for correction of the arithmetical/typographical mistakes as may be noticed during audit without reference to the Board.

Resolution No. 59/2012: Item 46 /2012: Posting of Sh. Tarsem Kumar, DANICS as Chief General Manager in DTC in the Pay Band of Rs.37400-67000+ Grade Pay of Rs.8700/- on deputation.

The Board in view of the position explained in the agenda item accorded ex-post-facto approval for posting of Sh. Tarsem Kumar, DANICS as Chief General Manager in DTC in the Pay Band of Rs.37400-67000+ Grade Pay of Rs.8700/- on deputation w.e.f. 6.8.2012..

Resolution No. 60/2012: Item 47/2012: Procurement of Automotive Batteries 12 Volt 21 Plate 150 AH (PP) Light Weight for Tata / Leyland Buses for the period 1.4.2012 to 31.3.2013.

(Shri Prem Chand, Sr.Mgr.(MS-I) was called in)

The Board, in view of the position explained in the agenda item, accorded –

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iii) The Board authorized CMD, DTC for the following:

(a) To sanction extra quantity, if so required, during the year in case requirement increases due to increase in operated KMs. or for any other reason.

(b) To accept quarterly price revision in rates as may be announced by the ASRTU along with statutory levies as applicable at the time of supply and sanction the entailed expenditure, if any, with the financial concurrence of FA subject to the condition that the firm remains L-1 OEM to VM(s).

(c) To cancel/divert the order quantity in part or full to other firm(s) in case the firm on whom order may be pending fails to supply as per our requirement or for any reason, if so warranted.

Resolution No. 61/2012: Item 48/2012: Amendment in the Recruitment Rules for the posts of Vigilance Officer and Deputy Vigilance Officer in DTC.

The Board considered the agenda item and after detailed discussion and in view of the position given in the agenda item, approved proposed/amended Recruitment Rules as per Annexures 'E' & 'F' to the agenda item, for the post of Vigilance Officer and Dy. Vigilance Officer in DTC.

Resolution No. 62/2012: Item 49/2012: Completion of period of officiating promotion of Sh. A.K. Srivastava , Dy.CGM (P) w.e.f. 29.8.2012(AN) and also confirmation on the said post from the same date subject to out come of TA No.898/2009 in WPC No.9530/2006.

The Board considered the agenda item and after detailed discussion, accorded approval for completion of period of officiating promotion of Sh. A.K. Srivastava , Dy.CGM (P) w.e.f. 29.8.2012(AN) and also for confirmation on the said post from the same date subject to out-come of TA No.898/2009 in WPC No.9530/2006.

The Board observed that DTC is following old procedures in case of promotion by keeping the employee on officiating period and then considering for confirmation after every promotion during the service period of an employee. The Board desired that these provisions may be examined with a view to bring them in accordance with the latest procedures being followed in the Government.

to the condition that the supply will be obtained from the supplier on staggered basis to avoid blockage of funds and Tech. Wing, DTC will take remedial measures to improve tyre life. -3

The Board authorized CMD, DTC for the following:

- (a) To sanction extra quantity, if so required, during the year in case requirement increases due to increase in operated KMs. or for any other reason.
- (b) To cancel/divert the pending orders to other firm(s) in case the firms on whom orders may be pending fail to supply as per our requirement or for any other reasons, if so warranted.
- (c) To accept change in Govt. levies/taxes, etc. as may be applicable at the time of supply and sanction entailed extra expenditure thereof, if any.

Resolution No. 64/2012: Item 51/2012: To seek administrative approval for filling up the vacant post of Deputy Chief General Manager (Industrial Relations) by way of promotion meant for promotion quota and constitution of Selection Committee thereof.

The Board in view of the position explained in the agenda item, accorded administrative approval for filling up the post of Dy.CGM (Industrial Relations) by way of promotion and also constituted the following Selection Committee to interview the eligible candidate for promotion to the post of Dy.CGM (IR):

1. Chairman-cum-M.D. DTC
2. Chief Vigilance Officer, DTC
3. Chief General Manager (Finance), DTC
4. Chief General Manager (PLD), DTC

The Govt. of NCT of Delhi may be requested to nominate SC/ST representative in the DPC as at present DTC does not have any SC/ST Officer of appropriate level to be a member of this DPC.

The Board also desired that a permanent constitution of DPCs to consider the promotion of the employees/Officers at various levels be brought before the Board for its consideration.

Resolution No. 65/2012: Item 52 /2012: Supply & maintenance of first lot of 650 Low Floor (625 Non-AC & 25 AC) CNG buses and second lot of 2032 Low Floor (1219 Non-AC & 813 AC) CNG buses by M/s. Tata Motors Ltd. – Status Note on Service Tax, VAT on AMC and Arbitration.

(Shri S.P. Sethi, Sr. M. (CNG))

quoting the Service Tax/ Taxes, if applicable and those asked by the Bidders would also be taken into account and any other charges quoted by the Bidder and acceptable to the Purchaser as per the Bid Document for evaluating the Bids. TML ought to have known that the Works Contracts within the scope of Delhi VAT Act'2004 are prima facie also exigible to Service Tax on the service element in the Works Contract. It was incumbent upon TML to have clarified the position from DTC or disclosed the service tax element or even reserved its right to claim this portion. Deliberate or unintentional in action on the part of TML should be construed against it. The terms of the Bid did require the Bidders to claim the amount of Service Tax in their bids at the time of bidding, which TML did not claim. Consequent to the renegotiation, TML in their letter dated 28-08-2008, inter-alia stated that the statutory levies, taxes and other Government levies would be extra in the revised basic price of bus but no such provision for statutory levies, taxes and other Government levies indicated by TML for the revised rates quoted for AMC charges. Accordingly, TML bids in respect of AMC charges were evaluated & the orders were placed on TML as inclusive of Service Tax, as such, TML is not entitled to reimbursement of Service Tax being paid by them.

2. ASG has further opined that it was always intended by the parties that in case of any amount are claimed towards VAT, the same should be disclosed at the time of bidding. Otherwise no such claim would be allowed in future. Therefore, the terms of the bid did require the bidders to claim any amount towards VAT, which TML did not claim. Further, there is no dispute that VAT is being levied on AMC and was payable as on the date of entering into the agreements. Omission on the part of TML to claim taxes separately would be construed against it and therefore DTC is not liable to bear the burden of VAT and is further not liable to reimburse TML for VAT already deposited with the Government. The claim of TML is further weakened in view of the fact that the claim of TML for reimbursement is highly belated. TML has been paying VAT on AMC for the last about five years but raised the issue with DTC for reimbursement of VAT only in 2012. Therefore, TML is not entitled to get the VAT component reimbursed from DTC.

3. The Board was also apprised of the arbitration matter between M/s Tata Motors Limited and Delhi Transport Corporation referred to the Arbitral Tribunal comprising of Mr Justice (Retd.) AP Shah (former Chief Justice High Court Delhi), as Presiding Arbitrator, Mr Justice (retd) RC Chopra as Arbitrator for TML and Ms Justice (Retd) Rekha Sharma as Arbitrator on behalf of DTC consequent to the orders dated 03-05-2012 of Single Bench of Mr Justice S Muralidhar of Hon'ble High Court of Delhi.

4. To a query, the board was informed that the Corporation was examining the claim of TML against liquidated damages deducted from their bills under the Contract provision of Amicable Resolution of the Arbitration Clause. Meanwhile, TML approached Hon'ble High Court of Delhi with urgent application for appointment of arbitrators under section 11 (6) of the Arbitration and Reconciliation Act'1996. Hon'ble High Court directed DTC Standing Counsel to submit list of Panel Arbitrators and the same was submitted before the Hon'ble Court.

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6. Hon'ble Court in its orders dated 03-05-2012, inter-alia noted in reference to the panel of Arbitrators submitted by DTC Counsel Ms Avneesh Ahlawat, Advocate, that the petitioner- TML is nominating Mr Justice RC Chopra, a retired Judge of this Court as its Arbitrator and DTC Counsel stated that Ms Justice Rekha Sharma, retired Judge of this Court as its Arbitrator. The learned two Arbitrators will decide the name of the third Arbitrator within two weeks. The third Arbitrator will not be from DTC panel.

7. Accordingly, both the nominated Arbitrators agreed to request Mr Justice (Retd.) AP Shah, a former Chief Justice High Court Delhi as presiding Arbitrator.

3. The first meeting of the Arbitral Tribunal was held on 05-07-2012 and the Tribunal decided Schedule of steps to be taken detailed as under:

On or Before	Steps to be taken
28-08-2012	Statement of Claim(s) to be filed by the Claimant
23-10-2012	Statement of Defence and Counter claim, if any, to be filed by the Respondent
20-11-2012	Reply to Counter Claim and Rejoinder to the Statement of Defence to be filed by the Claimant

9. TML has already submitted its Statement of Claim dated 11-09-2012 and a copy of the same was received in DTC on 12-09-2102. The Corporation was represented by DTC Standing Counsel Ms Avneesh Ahlawat, Advocate before the Hon'ble High Court of Delhi and before the Arbitral Tribunal.

10. The Board was also apprised that in view of the huge amount of claim of about Rs.323 crore made by TML in its Statement of Claim and the reputed Law firm- Karanjawala & Company engaged by TML, the Corporation may also engage the services of Additional Solicitor General of India (ASG) Shri Rajeeve Mehra, Senior Advocate alongwith assisting Counsel Shri Sumeet Pushkarna, Advocate to safe guard the interest of the Corporation before the Arbitral Tribunal in addition to Ms Avneesh Ahlawat, DTC Standing Counsel & Advocate.

11. ASG Shri Rajeeve Mehra, Senior Advocate along with Shri Sumeet Pushkarna, Advocate & Assisting Counsel were earlier engaged by DTC for obtaining legal opinion on applicability of Service Tax & VAT on AMC in response to the claims raised by TML and also claimed by TML in its Statement of Claim filed before the Arbitral Tribunal in the instant arbitration matter. A copy of the Memo of Fee/ Fee Schedule dated 15-10-2012 submitted by ASG Shri Rajeeve Mehra, Senior Advocate in the matter of Arbitration between Tata Motors & DTC was also placed on table before the Board of Directors.

4. After detailed discussions on the Agenda Item, the Board resolved/ approved the following:

(i) Action taken in respect of TML claim on Service Tax & VAT.

- (iv) Engaging the services of Additional Solicitor General of India Shri Rajeev Mehra, Senior Advocate alongwith assisting Counsel Shri Sumeet Pushkarna, Advocate on Memo of Fee/ Fee Schedule dated 15-10-2012 in addition to DTC Standing Counsel Ms Avnish Ahlawat, Advocate to represent the Corporation before the Arbitral Tribunal and to safe guard the interest of the Corporation.

Resolution No. 66/2012: Item 53/2012: Supply & maintenance of 1093 Low Floor CNG buses by M/s. Ashok Leyland Ltd. – Status note on payment and re-testing of additional samples of Inflammable/Safety related items.

(Shri S.P.Sethi, Sr.Mgr.(SBU) was called in)

The Board was apprised that the Corporation has already released 80% payment amounting to Rs.399,86,57,143/- in favour of M/s Ashok Leyland Limited (ALL) after making known recoveries amounting to about Rs.77,22,65,542/- towards liquidated damages etc as per the Contract terms. The Corporation is to release remaining 20% payment amounting to about Rs.117,62,11,013/- in favour of ALL subject to compliance of the contractual requirements.

2. ALL is yet to comply with the contract requirements of rectification of defects/ deficiencies, pending LTRs, fitment of Fire Detection System & Shield Guard under CNG receptacle & Automatic Shut off valve to stop supply of CNG, pending LTRs of LED Destination Board & PU Paint keeping properties etc. As per the provisional costing of above defects/ deficiencies etc recoveries amounting to about Rs.52,33,46,863/- shall be recoverable from the balance 20% payment of ALL towards supply of 1093 buses. Further, ALL is also required to complete documentation as per the Contract provisions such as break-up of the price of the bus giving cost of all the components/ assemblies of the bus, complete details of vendors, bus body accreditation certificate etc which are not quantifiable to assess the cost implication.

3. The Board was also apprised of the decisions taken in the meeting held 13-09-2012 under the Hon'ble Minister of Transport, Government of NCT of Delhi as brought out under Para III of the Agenda Note.

4. In the light of the above decisions, it was proposed that ALL may be given one day for taking samples from the bus, one & a half day for replacement of LT Wire, one day for replacement of other items and half day for any exigency. Similar type of arrangement is being followed in allowing shift loss to Service Providers of VMs by DTC in accidental situations.

to release of 80% payment of the outstanding payment only after commencement of the process of taking additional samples of flammable & safety related items taken from remaining 828 buses for Lab Test to authorized Testing Agencies or decision of the Court. Meanwhile, Hon'ble High Court of Delhi in its orders dated 13-05-2012, inter-alia ordered that 80% payment of the invoice amount be released to M/s Ashok Leyland immediately. Accordingly, the Corporation had released an amount of Rs.299,86,57,143/- in favour of ALL in compliance of the orders of the Hon'ble Court & the approval of the Government. The Board noted the release of Rs.299,86,57,143/- in favour of ALL by the Corporation.

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6. After detailed discussions, the Board resolved/ approved the following:

- i) Record of Discussions under Para III and action taken so far.
- ii) Release of Rs.65,28,64,150/- in favour of M/s. ALL subject to final vetting by Accounts Department towards balance 20% payment amounting to Rs.117,62,11,013/- subject to approval of Government of NCT, Delhi after deductions/ withholding of amount towards non-rectification of defects/ deficiencies, failed/ pending LTRs, non-fitment of Fire Detection System, pending re-testing of samples of 28 inflammable/ safety related items, non-compliance of other requirements of the Contract and change in Payment Terms.
- iii) To allow maximum four days time to ALL without levy of pre-estimated damages for taking additional samples from bus i.e. one day for taking samples from the bus, one & a half day for replacement of LT Wire, one day for replacement of other items and half day for any exigency.

Resolution No. 67/2012: Item 54/2012: Procurement of 1,10,192 kgs Precured Tread Rubber (PTR) for the period from 1.4.2012 to 31.3.2013 plus buffer.

(Shri V.K.Gupta, Sr.Manager (MS-II) was called in)

The Board, in view of the position explained in the agenda item, accorded sanction for Rs.1,86,03,180.80 for procurement of 1,10,192 Kgs. of Precured Tread Rubber from M/s. LMS Tyre Company, as per details mentioned in Annexure-E to the agenda Item.

5. The Board authorized CMD, DTC for the following:

- i) To accept change in rates as may be approved by ASRTU on quarterly basis, along with change in statutory levies, if any, as may be applicable at the time of supply and to sanction entailed expenditure on these counts, if any, provided the firm remains L-1 acceptable.

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Resolution No. 68/2012: Item 55/2012: Scrapping/deletion and disposal of 77 Nos. (57 Nos. of Leyland, 1 Leyland Training. Bus-Aux. & 19 Nos. of Tata) CNG buses from the fleet of the Corporation on 'As is where is condition'.

(Shri V.K.Gupta, Sr.Manager (MS-II) was called in)

The Board after detail discussion on the agenda item, accorded approval for scrapping/deletion and disposal of 77 Nos. (57 Nos. of Leyland, 1 Leyland Training. Bus-Aux. & 19 Nos. of Tata) CNG buses from the fleet of the Corporation on 'As is where is condition'.

Resolution No. 69/2012: Item 56/2012: A report containing plan to convert DTC Depot into a Profit Earning Unit.

The Board considered the agenda item and desired that the feasibility and modalities of having decentralised accounts at depot level be examined and brought before the Board. In the meanwhile, the Board approved that the various sources of non- ticketed revenue as mentioned in the agenda item to be explored.

Resolution No. 70/2012: Item 57/2012: Completion of the Project "Construction of 157 Stainless Steel BQSS with Government Budgetary Support.

(Shri A.K.Chawla, Dy.CGM (C) was called in)

The Board considered the agenda item and after detailed discussion and in view of the position explained in the item, desired to place the agenda item again with relevant contractual provisions under which the liquidity damages and other recovery has been proposed and the details of the calculation of the same.

Resolution No. 71/2012: Item 58 /2012: Procurement of Cylinder Head Assy. with valve for Tata CNG vehicles to Part No. 3922739/409383100/278601000301 for the period from 01.04.2012 to 31.03.2013 plus buffer.

(Shri V.K.Gupta, Sr.Manager (MS-II) was called in)

In view of the observations of the Accounts Deptt. asking data supporting that there was no pre-mature failure of Cylinder Head Assemblies against the previous Purchase Order, a copy of performance of Cylinder Head Assemblies was placed before the Board and as per the report, there was no case of pre-mature failure of Cylinder Head Assemblies against the previous order.

The Board after detailed discussion, accorded ex-post-facto approval of 100 nos. Cylinder Head Assy. procured from M/s. Tata Motors Ltd., New Delhi for an expenditure of Rs.38,08,350/- to meet the urgent requirement & targeted programme for overhauling of Engine Assy. The Board further accorded approval

- ii) To divert/cancel the ordered quantity in part or full to other acceptable L-1 source if changes (because of quarterly amendment of rates) taking into consideration the availability, quality, etc. and in case the firms on whom orders may be pending, fail to execute the supplies as per our requirement/stipulated delivery schedules or for any other reason.

Resolution No. 72/2012: Item 59/2012: Enhancement of Washing Allowance.

The Board, in view of the position given in the item, accorded approval for enhancement of Washing Allowance from Rs.60/- to Rs.75/- per month w.e.f. 1st October, 2012 to all eligible employees of the Corporation.

The Board also accorded ex-post-facto approval for enhancement of washing allowance from Rs.30/- to Rs.60/- per month w.e.f. September, 2008.

Resolution No. 73/2012: Item 60/2012: Creation of one additional post of Vigilance Officer in the pay band of Rs.15600-39100 + GP Rs.6600/- by surrendering/abolishing the one post of Sr. Manager (Printing Press) meant for direct recruitment.

The Board discussed the agenda item in detail and decided to create an additional post of Vigilance Officer in DTC, subject to approval from the Govt. of NCT of Delhi, in the pay band of Rs.15600-39100 + GP Rs.6600/- by surrendering/abolishing one post of Sr. Manager (Printing Press) meant for direct recruitment.

Resolution No. 74/2012: Item 61/2012: Sanctioning of the charge allowance of Rs.10,000/- per month to Sh. P.C. Jain, former Chief Vigilance Officer, DTC.

The Board considered the agenda item and after discussion, did not agree to the proposal of sanctioning of the charge allowance of Rs.10,000/- per month to Shri P.C.Jain, former, C.V.O., DTC.

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Resolution No. 76/2012: Item 63/2012: Re-engagement of 04 Data Entry Operators on short-term contract who were earlier engaged by the Account Department to attend the data entry work related to the payroll.

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The Board discussed the agenda item and accorded ex-post-facto approval for engagement of the Five Data Entry Operators for previous period from 2.3.2010. It was informed that one Data Entry Operator has resigned w.e.f. 20-07-2012.

The Board further approved that four Data Entry Operators who are already working with DTC may be engaged for a further period of six months (extendable from time to time subject to requirement) on Minimum Wages of Rs.8528/- per month as per latest Notification No.F.No.12(142)/11/MW/Lab/279 dt. 20-4-2012 and further subject to revision from time to time by the Labour Deptt. of GNCTD.

Resolution No. 77/2012: Item 64/2012: Engagement of Sh.S.P. Sethi, Sr. Manager (Mechanical) as Consultant on contract basis after retirement i.e. 31-10-2012 for a period of six months.

The Board considered the agenda item. After detailed discussion and in view of the position explained in the agenda, approved that Shri S.P.Sethi, Sr. Manager (Mech.) be engaged as 'Consultant' in DTC after his retirement, from 1.11.2012 initially for a period of six months. Further, the Board authorized CMD, DTC to extend this period depending upon the requirement of the Corporation under the intimation to the Board.

The Board further deliberated and decided that Shri S.P.Sethi may be given monthly emoluments of his last total salary drawn **minus** Pension Amount which will be drawn by Shri S.P.Sethi after his retirement besides other facilities like staff car, mobile phone as per the principle/provisions being followed for appointment of Consultant in Govt. of NCT of Delhi.

As this meeting happened to be the last meeting before the retirement of Shri R.Chandramohan, IAS, Principal Secretary (Transport), Govt. of NCT of Delhi, the Chairman and all the Directors of the DTC Board appreciated with gratitude to him for his valuable contributions and guiding with his valued and vast administrative experience of Civil Service for the benefit of the DTC in deciding various matters related to the DTC as a Director of DTC Board and Head of the Administrative Deptt. of the DTC. All the Directors expressed their best wishes for his good health and future endeavors.

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CONFIDENTIAL

**DELHI TRANSPORT CORPORATION
(GOVT. OF NCT OF DELHI)
INDRAPRASTHA ESTATE: NEW DELHI**

No.SB/Bd. Minutes/October/2012

Dated: 18.10.2012
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I am sending herewith a copy of "Draft Resolution No.78/2012 on Item 65/2012 regarding "To seek ex-post-facto approval for extension of officiating promotion period and also for decision for confirmation or otherwise to the said post of CGM in respect of Sh.R.K.Kasana, C.G.M.(P&O) and Shri A.K.Goyal, C.G.M.(SBU)" as adopted in the 5th meeting of 2012 of the DTC Board held on 16.10.2012, in the Corporation's Hqrs. Office, as approved by the Chairman. The Directors are requested to communicate corrections/modifications, if any, in the aforesaid minutes within seven days as stipulated in Para-9 of the DTC (Meetings) Regulations, 1991.

The draft Resolution circulated herewith will be taken as correct and final in case nothing is heard within the stipulated period.

Encl: As above.


(Tarsem Kumar)
Chief General Manager(F)

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Resolution No78/2012: Item 65/2012 :To seek ex-post- facto approval for extension of officiating promotion period and also for decision for confirmation or otherwise to the said post of CGM in respect of Sh. R.K. Kasana, CGM(P&O) and Sh.A.K.Goyal, CGM (SBU).

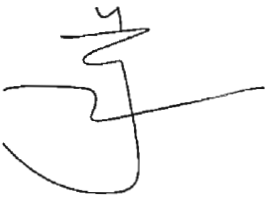
The Board was informed of the following:

The Vigilance Department vide its note dated 15.10.2012 has forwarded copies of the Vigilance Manual (Vol.-I fifth addition) & (Vol.-I Sixth addition) issued by CVC wherein paras 12/12.1 & 6.15.1 respectively provided as under:-

Vigilance Manual (Vol.-I fifth addition)

12. Promotion/confirmation of Government servants who are under suspension or against whom disciplinary/court proceedings are pending or whose Conduct is under investigation.

12.1 At the time of considerations of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

- 
- (i) Government servants under suspension,
 - (ii) Government servants in respect of whom disciplinary proceedings are pending or a decision has been taken to initiate disciplinary proceedings;
 - (iii) Government servants in respect of whom prosecution for a criminal charge is pending or sanction for prosecution has been issued or a decision has been taken to accord sanction for prosecution;
 - (iv) Government servants against whom an investigation on serious allegations of corruption, bribery or similar grave misconduct is in progress either by CBI or any other agency, departmental or otherwise.

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- (i) Government Servants under suspension.
 - (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
 - (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

Perusal of both the above mentioned CVC Guidelines revealed that provisions as contained in Clause 12.1(iv) of previous Vigilance Manual(fifth addition) has been deleted by the CVC in para 6.15.1 of its next latest Vigilance Manual(sixth addition):-

Further perusal of the above provisions revealed that the case of Shri R.K. Kasana, CGM(P&O) is not covered under any of the above mentioned categories as per latest Vigilance Manual(Sixth addition).

The Board after considering the latest CVC guide lines as above and agenda item resolved that Sh. R.K. Kasana, CGM (P&O) may be allowed to complete the officiating period of promotion w.e.f. 31.5.2012(AN) and he be also confirmed on the said post from the same date i.e. 31.5.2012(AN).

The Board further resolved that Sh. A.K. Goyal, CGM(SBU) may be allowed to complete the period of officiating promotion w.e.f. 31.5.2012(AN) and he be also confirmed on the said post from the same date i.e. 31.5.2012(AN) subject to outcome of WP No.5199/2010.

The Board also accorded ex-post-facto approval for the action taken by the CMD vide which officiating period of promotion in respect of Sh. R.K. Kasana, CGM(P&O) and Sh. A.K. Goyal, CGM (SBU) was extended till further orders pending decision by the Board for confirmation as per guidelines.

As already observed in the case of officiating promotion of Sh. A.K. Srivastava, Dy. CGM (Personnel), the Board desired that the procedure being followed in DTC in regard to officiating promotion be examined with a view to bring it in accordance with latest procedure being followed in the Government

(TO BE PUBLISHED IN THE DELHI GAZETTE PART-IV EXTRAORDINARY)

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
(TRANSPORT DEPARTMENT)
5/9 Under Hill Road, Delhi-54

No.F.21/Seoy(STA)/97/262

Dated the, 16th July, 1997

NOTIFICATION

No.F.21/Seoy(STA)/96..... In exercise of the powers conferred by clause(a) of sub-section(2) of Section 44 of the Road Transport Corporation Act, 1950(65 of 1950) read with Government of India, Ministry of Surface Transport(Transport Wing), New Delhi's Notification No.RT-20011(1)/93-TAG dated the 5th August, 1996, the Lieutenant Governor of the National Capital Territory of Delhi hereby makes the following rules further to amend the Delhi Transport Corporation (Board of Directors) Rules, 1984, namely-

Rules

Short title and
Commencement

1. (1) These rules may be called the Delhi Transport Corporation (Board of Directors) (Second Amendment) Rules, 1997.
- (2) They shall come into force from the date of their publication in the Delhi Gazette.

substitution of rule 3
by a new rule.

For rule 3 of the Delhi Transport Corporation (Board of Directors) Rules, 1984, the following shall be substituted, namely -

"Composition of the Board.

The Board shall consist of a Chairman who shall also be the Managing Director and the following Directors to be appointed by the Lieutenant Governor, namely -

- (a) Seven officials of whom -
- (i) one shall be from the Central Government;
 - (ii) five shall be from the Government of National Capital Territory of Delhi; and
 - (iii) one shall be the Chief Accounts Officer and Financial Adviser, appointed to the Delhi Transport Corporation by the State Government.
- (b) Ten non-officials of whom -
- (i) four shall be representatives of the Legislative Assembly of the National Capital Territory of Delhi;
 - (ii) four shall be persons with expertise in the field of transportation;
 - (iii) two shall be persons to represent the commuters in Delhi."

By order and in the name of the
Lieutenant Governor of the
National Capital Territory of
Delhi,

ART 3

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TO BE PUBLISHED IN THE DELHI GAZETTE, PART-IV, EXTRA, ORDINARY
 GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
 (TRANSPORT DEPARTMENT)
 S/O, UNDER HILL ROAD, DELHI - 54

No. F321/Secy. (STA)/97/263

Dated: 16/7/1997

NOTIFICATION

In exercise of the power conferred by Sub-section (1) of Section 5 of the Road Transport Corporation Act, 1950 (1950), road with rules 3 and 4 of the Delhi Transport Corporation (Board of Directors) Rules, 1964, the Lieutenant Governor of National Capital Territory of Delhi appoints the following as directors on the Board of Directors of the Delhi Transport Corporation established under section 3 of the said Act, viz:

1. Chairman and Managing Director, Delhi Transport Corporation Under clause (a) of rule 3
2. Joint Secretary, Ministry of Surface Transport Under clause (a) of rule 3
3. Commissioner (Transport), GNCTD Under clause (b) of rule 3
4. Secretary (Finance), GNCTD Under clause (b) of rule 3
5. Secretary (Land & Building), GNCTD Under clause (b) of rule 3
6. Additional Commissioner (Traffic), Delhi Police Under clause (b) of rule 3
7. Commissioner (Planning), DDA Under clause (b) of rule 3
8. P.A. & C.A.O., DTC Under clause (b) of rule 3
9. Shri Gian Chand, M.L.A. Under clause (b) of rule 3
10. Shri Ram Pal, M.L.A. Under clause (b) of rule 3
11. Shri Jai Parkash Vedar, M.L.A. Under clause (b) of rule 3
12. Shri P.K. Choudhary, M.L.A. Under clause (b) of rule 3

16/7/97

CMD, DTC

No. SB/272

17/7/97

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|-----|------------------------|--------------------------------|
| 13. | Shri Ajay Singh | Under clause (b-ii) of Rule 3 |
| 14. | Shri Madan Mohan Abrol | - do - |
| 15. | Professor Ranganathan | - do - |
| 16. | Shri A.K. Gupta | - do - |
| 17. | Shri Suresh Gupta | Under clause (b-iii) of Rule 3 |
| 18. | Shri Balwan Singh | - do - |

By order and in the name of the
 Lieutenant Governor of the National
 Capital Territory of Delhi

Kiran Dhinora
 (KIRAN DHINORA)
 COMMISSIONER-CUM-SECRETARY (TRANSPORT)
[Signature]

COPY OF THE DELHI TRANSPORT CORPORATION (BOARD OF DIRECTORS) RULES, 1984 AMENDED UPDATE. (AS ON 12.4.1994).

P2 of 11

1. Short title and commencement - (1) These rules may be called the Delhi Transport Corporation (Board of Directors) Rules, 1984

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

2. Definition - In these rules, unless the context otherwise requires :-

- (a) "Act" means the Road Transport Corporations Act, 1950 (64 of 1950);
- (b) "Board" means the Board of Directors of the Delhi Transport Corporation;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Corporation" means the Delhi Transport Corporation;
- (e) "Director" means a member of the Board;
- (f) "Vice-Chairman" means the Vice-Chairman of the Board; &
- (g) "Managing Director" means the Managing Director of the Corporation.

3. Composition of Board - The Board shall consist of a Chairman and the following Directors to be appointed by the Central Government, namely :-

- (a) The Managing Director of the Corporation.
- (b) five officials of whom -
 - (i) Three shall be from the Central Government. Amended vide Notification No. RT-12011/12/87-TA Dated 22.4.88.
 - (ii) two shall be from the Delhi Administration; and
- (c) five persons of whom -
 - (i) one shall be a representative of the New Delhi Municipal Committee nominated by that Committee from among the members of that Committee;
 - (ii) One shall be a representative of the Legislative Assembly of the National Capital Territory of Delhi, elected from among themselves by the members of that Assembly. Amended vide Notification No. RT-12013/4/93-TA Dated 22.2.94/12.4.94.
 - (iii) One shall be a representative of the Municipal Corporation of Delhi elected from among themselves by the members of that Corporation;
 - (iv) two shall be persons nominated by the Central Government.

Page 3 of 11

4. Term of office - The term of office of a Director, other than the Managing Director or the Chairman as the case may be shall be for a period of three years from the date of his appointment and he shall be eligible for reappointment:

Provided that a person appointed undersub-clause(i) or sub-clause(ii) or sub-clause(iii) of clause(c) of rule 3 shall cease to be Director of the Board of the Corporation if he ceases to be a member of the New Delhi Municipal Committee or the Metropolitan Council of Delhi or the Municipal Corporation of Delhi, as the case may be.

La

Added vide
Notifi-
cation
No.RT-
12013/1/
91-TAG
dt.2.8.91.

"Provided further that the official members appointed under clause (b) of rule 3 shall continue to be Directors until further orders."

5. Filling of casual vacancies - Where a casual vacancy occurs in the Board of the Corporation, the Central Government may appoint a person to fill the casual vacancy.

6. Quorum - The number of Directors necessary to constitute a quorum at a meeting of the Board of the Corporation shall be four including the Chairman.

7. Allowance to Directors:(1) A director appointed under clause (b) of rule 3 shall hold office in an honorary capacity and shall be governed by the rules applicable to Central Government officials for the purposes of entitlement of T.A. and D.A. for any journey performed by him outside the Union Territory of Delhi for attending any meetings of the Board or of the Committees of the Board, appointed under section 12 of the Act(hereinafter referred to as the committee in this rule).

Amended
vide
Notifi-
cation
No.RT-
12013/3/33
TAG dated
26.7.1991.

(2) The Director appointed under clause(c) of rule 3 shall be entitled to a fee of 150 rupees for attending meetings of the Board per day and to a fee of 75 rupees for attending the meetings of the Committee/Sub-committee of the Board per day;

Provided that where any such Director attends on the same day a meeting of the Board and a meeting of the Committee/Sub-committee, he shall be entitled only to a fee of 150 rupees for attending such meetings;

Provided further that the aggregate amount of fee payable to such Director during any month shall not exceed Rs.750/- ;

Provided also that where such Director is so appointed by virtue of the office he is holding, he shall not be entitled to any fees under this sub-rule.

(3) If a Director appointed under clause(c) of rule 3 performs any journey to a place outside the Union Territory of Delhi for attending any of the meetings of the Board or of the committees, he shall be entitled to draw travelling and daily allowances at the scale and on the conditions admissible to a Central Government officer of the higher rank in Group A.

(4) A bill for travelling allowance or daily allowance or both shall be countersigned by the Director himself before such bill is submitted for audit and payment.

8. Travel by Air - The Chairman of the Managing Director, as the case may be, at his discretion and other Directors with the previous permission of the Chairman or the Managing Director, as the case may be, may travel by air in discharge of their duties under the Act.

9. Remuneration to persons associated with the Board:-

(1) A person associated with the Board under Section 10 of the Act (hereinafter in this rule referred to as "the associated person") may either work in an honorary capacity or be paid such remuneration, not exceeding one thousand rupees per mensem, or fifty rupees per diem, as the Board may, with the approval of the Central Govt., determine.

(2) The associated person -

(2) if he is in the service of the Central Govt. or of any Corporation established by law, shall be entitled to draw such travelling and daily allowances as may be admissible to him under the rules governing him as a servant of that Govt. or such Corporation subject to the conditions that he shall not draw such allowances from his principal employer.

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DELHI TRANSPORT CORPORATION (Meetings) REGULATIONS, 1991.

In exercise of the powers conferred by Section 45(1)(2)(c) of the Road Transport Corporations Act, 1950 (No. 64 of 1950) read with Delhi Road Transport Laws (Amendment) Act, 1971, the Delhi Transport Corporation with the previous sanction of the Central Government, hereby makes the following regulations; namely :- *Govt. of NCT of Delhi*

1. Short title and commencement:

- (i) These regulations may be called the Delhi Transport Corporation (Meetings) Regulations, 1991.
- (ii) They shall come into force on 12.12.91.

2. Definition:

In these regulations, unless the context otherwise requires :-

- (a) "Act" means the Road Transport Corporations Act, 1950 (64 of 1950).
- (b) "Corporation" means the Delhi Transport Corporation.
- (c) "Chairman" means the Chairman of the Corporation nominated by the Central Government under sub-section(1) of Section 5 of the Act, or in the absence of the Chairman at any meeting of the Corporation, the member presiding at that meeting under sub-section(2) of Section 11 of the Act.
- (d) "Secretary" means the Secretary appointed by the Corporation to perform the duties of the Secretary.

3. Time and place of meetings:

The Corporation shall meet at such time and place as the Chairman may from time to time appoint in this behalf. Provided that the Corporation shall meet at least once in a month.

4. Notice of Meetings:

A notice of meeting shall be sent or circulated by the Secretary to every member not less than three days before the date fixed for the meeting and it shall specify the place, the date and the hour of the meeting. Provided that the Chairman may convene a meeting at short notice for the purpose of disposing of any urgent business.

5. Agenda:

(i) A copy of the agenda with explanatory notes shall ordinarily be circulated by the Secy. to the members alongwith the notice of the meeting. No business not on the agenda shall ordinarily be transacted at any meeting.

(ii) Notwithstanding anything contained in sub-clause (i) ~~the~~ Chairman may place or permit any member to place for consideration of the Corporation any matter not included in the agenda of a meeting.

(iii) Any member who desires that a certain matter should be discussed by the Corporation shall communicate that matter in writing to the Secretary who shall include it in Agenda for the next meeting, unless the Chairman, for reasons to be communicated to the member, orders otherwise.

(iv) The next meeting for the purpose of sub-clause (iii) shall be any meeting held after 7 days from the date on which the matter is received by the Secretary.

the number of members including the Chairman whose presence shall constitute a quorum shall be four. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall be adjourned, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall proceed to transact the business before the Corporation notwithstanding the absence of a quorum and no action or proceeding of the Corporation in such adjourned meeting shall be invalid or called in question morally on the ground that there was no quorum in such meeting.

Adjournment:

- (a) The Chairman may adjourn any meeting until any date or time to be specified by him and at the adjourned meeting only the business left un-finished at the meeting on which the adjournment was made shall be transacted.
- (b) Notwithstanding anything contained in sub-clause (a) the Chairman may permit the transaction of any other business.

Other points of procedure:

Any other point of procedure to be followed at any meeting shall be decided by the Chairman.

Minutes:

The minutes of the proceedings of every meeting shall be prepared by the Secretary as soon as possible after the meeting and after getting Chairman's approval thereto, shall be circulated to the members. The minutes shall be taken as correct and shall be signed by the Chairman at the succeeding meeting unless any member who was present at the meeting to which the minutes relate, has objected to the minutes as having been incorrectly or incompletely recorded and communicated his objection in writing to the Secy. within 7 days of the receipt of the minutes by him. Any objection received by the Secretary shall be put up at the above mentioned succeeding meeting before the Chairman who after taking the sense of the meeting, may make such amendments in the minutes as he thinks proper, and the amended minutes shall then be confirmed and signed by the Chairman.

Appointment of sub-committee or sub-committees each consisting of not less than 3 members one of whom shall be a non-official, to consider and decide on its behalf such matters as the Corporation may specify. One of the members of a sub-committee shall be appointed by the Corporation to be the Chairman of that sub-committee. The decision of the sub-committee shall be reported to the Corporation for confirmation and shall be subject to such order as the Corporation may pass.

Procedure of Circulations:

(1) When it is necessary to refer some urgent matter to the Corpn. and it is not possible to convene a meeting of the Corpn., the Secy. may circulate to each member full particulars of the matter in order to enable the member to arrive at a decision. Where this procedure of circulation is adopted, the Secy. shall specify the date by which the views of the members are to be received in the office of the Corpn. Upon receipt of the views of the members as aforesaid, the Secy. shall lay the papers before the Chairman who shall record the decision according to the views of the majority of the members including himself and, if necessary using his casting vote under sub-section(3) of section 11 of the Act.

(2) The number of votes, excluding the Chairman's casting vote, necessary for a decision to be taken upon a matter by procedure of circulation shall not be less than the number necessary to consti-



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