

-7A-

**DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
I.P. ESTATE: NEW DELHI.**

No. 31/M (Misc.)/2013/ 5-70

Dated: 17/12/13

It is in continuation to CMD's letter No. CMD/TC/2013/1665-1671 dated 05.12.2013 (copy enclosed) directing therein that all the CGMs/CVOs to review and compile the Executive Instructions/Circulars pertaining to their area of operation and put up proposal for revision wherever required. They may also be directed to send a final consolidated set (both soft & hard copy) to the undersigned by 06.01.2014.

CMD has further directed the undersigned to devise a mechanism to make it available on the website and also update it as and when required.

All the CGMs/CVO are requested to review and compile the Executive Instructions/Circulars pertaining to their areas of operation and send a final consolidated set (both soft and hard copy) to the undersigned at the earliest.

Encl. As above.

**(ZOTHANKHUMA)**  
Chief General Manager(A)

All CGMs/CVO

*[Handwritten signature]*  
Date: \_\_\_\_\_  
Place: \_\_\_\_\_

By: \_\_\_\_\_  
D. G. M. (A)  
Secy. Transport Dept.

Pl. to be submitted to the undersigned

~~Legal/ Law~~  
As discussed  
for both used for  
purpose.

*[Handwritten signature]*  
18.12.2013

~~Secy. GDS~~  
*[Handwritten signature]*  
28/12/13

*[Handwritten notes]*  
18.12.13  
As discussed  
for both used for  
purpose.

30

**DELHI TRANSPORT CORPORATION**  
**CMD SECRETARIAT**

DLT/HR/13/16654671

Dated: 05-12-2013

With reference to the instructions pertaining to Time Keepers, it has come to my notice that the instructions under which they are operating were issued on 17 December 1952 i.e. before the entire staff of this Corporation were recruited. Similar situation seems to prevail in many other areas. Further, most of the officers in charge appear to be unaware of the basic instructions and guidelines under which various divisions are supposed to operate. This is a serious issue and also shows lack of initiative on the part of officers concerned to operate, revise and consolidate the guidelines and instructions.

All the CGMs/CMD are directed to review and compile the executive instructions/circulars pertaining to their areas of operations and put up a proposal for revision wherever required. They may send a final consolidated set (both soft and hard copy) to CGM(Adm.) by 06.01.2014. CGM(Adm.) may compile the same within 15 days and bring it out in the form of a consolidated booklet. CGM(Adm.) may also devise a mechanism to make it available on the website and also update it as and when required.

CGM(Adm.) 13/12/13

(Vijay Kumar)  
Chairman-cum-MD

DLT/HR/13/16654671  
A/CGM/CMD

*[Handwritten signatures and dates]*  
10/12/13

~~68~~

**DELHI TRANSPORT CORPORATION**  
**CMD SECRETARIAT**

No.CMDDTC/2013/ 1665-1671

Dated: 05-12-2013

On a file pertaining to Time Keepers, it has come to my notice that the executive instructions under which they are operating were issued on 12<sup>th</sup> December 1952 i.e. before the entire staff of this Corporation were born. Similar situation seems to prevail in many other areas. Further, most of the officers incharge appear to be unaware of the basic instructions and guidelines under which various divisions are supposed to operate. This raises serious issues and also shows lack of initiative on the part of officers concerned to update, revise and consolidate the guidelines and instructions.

All the CGMs/CVO are directed to review and compile the executive instructions/circulars pertaining to their areas of operations and put up proposal for revision wherever required. They may send a final consolidated set (both soft and hard copy) to CGM(Admn.) by 06.01.2014. CGM (Admn.) may compile the same within 15 days and bring it out in the form of a consolidated booklet. CGM(Admn.) may also devise a mechanism to make it available on the website and also update it as and when required.

Vijay K  
(Vijay Kumar)  
Chairman-cum-MD

CLM (IR)  
All CGMs/CVO  
at 11 am  
12/12/2013  
AGM (IR)  
DY CGM (Law)  
Mr. Manoj (Pub.)  
Mr. (M) Law  
K. S. S. S. S.  
9/12/2013

Not to be issued by other units  
Mr. compile all  
Circulars issue  
by CGM  
Mr. O.P. Sharma  
A.P.  
10/12/13

68

Delhi Transport Corporation  
Legal Section: I.P. Estate;  
New Delhi-110 002

No. Leg. Sec./CIRCULAR/13/ 4597

Dated: 23/12/13

It has been noticed that some Unit Officers are sending files for legal opinion directly to the Standing Counsel in stead of routing the same through Legal Department after having endorsed by their respective HODs.

It has further been noticed that some Unit Officers have adopted practice to send files to Legal Department for opinion even in those routine office matters where no law point is involved and the matter needs to be dealt with administratively by them as per existing Rules/Office Orders/Guidelines etc. already issued on the subject. This delays disposal of case unnecessarily as all such files are ultimately returned to them for taking action administratively as per rules.

All Unit Officers are, therefore, requested to route their files (only those files which involve any law point) for legal opinion from Standing Counsel through their respective HODs and Legal Department only.

(A.K. Srivastava)  
Dy. Chief General Manager (Law)

All Unit Officers

All HODs / RMs

cc to all

Unit and HOD's & RMs

By: [Handwritten signature]

-67

Most Urgent

DELHI TRANSPORT CORPORATION  
LEGAL SECTION : I.P. ESTATE Hqr.  
NEW DELHI

No. LA/Claim/MACT/Misc/ 2794

Dated 16/9/13

CIRCULAR

It has been observed that despite of the Insurance of Vehicles by DTC, the recovery right is being granted by Courts in favour of Insurance Company and against the DTC on account of violation of terms of the Insurance Policy either in form of plying vehicle without valid permit or fitness or fake /none valid driving license of driver concerned. It is also reiterated that several circulars dated 01.07.2008, 21.10.2009, 28.03.2012, 21.11.2012, 19.07.2012 and 22.07.2013 have been issued earlier on the issue to ensure the genuineness & validity of driving license before allowing duty to drivers and to ensure not allow to ply the DTC vehicle without valid permit and fitness.

During the process of a MACT case regarding interim order of Hon'ble High Court, Delhi title as DTC Vs. Ruby & Ors., before the CMD it has directed "to get the driving license verified in each & every case within a time frame of 2 months" from the receipt of this circular. The complete record of such verification may also be maintained properly so that in case of need same may be produced before the court to prove the genuineness and validity of the driving license of the concerned driver.

In view of the above, all concerned are requested to ensure strictly adherence/compliance of the order of CMD.

  
CGM(Law)

- All Unit's Officers.
- All R M's
- Copy to:-
- All Dy. C.G.M's
- All C.G.M's

राम को सख्त कर दिया है मजदूरों को  
  
12/10/13

-86-

DELHI TRANSPORT CORPORATION  
OFFICE OF THE CHIEF GENERAL MANAGER (TRAFFIC)  
SCINDIA HOUSE, NEW DELHI

NO. CGM (Traffic) / Sc. House / 2013 / 2353

Dated: 22.7.2013

Several cases have come into notice where the bus was found operating on line without having valid route permit. DTC also had to pay a heavy amount against the award of NACT due to non-possession of valid permit by the bus.

CGM (Traffic) / Sc. House / 2013 / 2353

All DMs are, therefore, directed to ensure that a bus which is operating on a route shall possess a valid route permit. In case of any problem, the issue be taken up with Traffic Department for obtaining a valid route permit.

All DMs must ensure the compliance of these instructions.

24/7/13  
25/7/13

(A.K. Gosain)  
CGM (Traffic)

All Depot Managers

To: Sr. Mgr. CMD Sc. House / 2013 / 2353

To: Sr. Mgr. (Law) / 2013 / 2353

Sr. Mgr. (Law)  
24/7/13

Sr. Mgr. (F) / 2013 / 2353

Sr. Mgr. (Law) / 2013 / 2353  
25/7/13

Sr. Mgr. (Law) / 2013 / 2353  
24/7/13

Dy. CGM (Law)

Sr. Mgr. (Law)

Sr. Mgr. (Law)

-65-  
g

No. S/SC-391-17/B/13/ (13)

Dt: 09 Sept., 2013

Sub: Payment of wages u/s 17-B of the I.D. Act, 1947  
SLP© No. 31157/2012 in LPA No. 191/2012  
DTC Vs Ramesh Chander, Ex-Cond. B. No. 14675, KJD.

In the above matter, legal opinion was sought from Smt. Avnish Ahlawat, Standing Counsel of the Corporation who has opined as under :

"As per the law laid down by the D.B. of Delhi High Court as well as the Supreme Court of India, wages under Section 17-B of the ID Act are payable up to the date of superannuation. The date of the superannuation is 60 years. However, in the case of drivers, on attaining age of 55 years they can go up to 58 yrs. subject to having been found medically fit. They can also go up to 60 years if the medical board finds them fit, 17-B wages are payable to the drivers upto the age of 55 years and at best 58 years if they are found medically fit.

The crux of all the decisions is that a driver retires at the age of 55, he will take 17-B wages upto that date and at best up to 58 years of age if found medically fit. A case which is based on a fact that a driver services are terminated because of his medical unfitness, in that case under no circumstances he can go beyond 55 years of age under Section 17-B or superannuation because a driver who is medically unfit is in service only because of the protection granted under Persons with Disabilities Act, 1995.

The above legal opinion tendered by the Standing Counsel of the Corporation is brought to the notice of all Unit Officers/panel advocates for information and necessary action.

( S.R. Kataria )

Chief General Manager(Law)

All Unit Officers.

All Panel Advocates of High Court/Supreme Court

64  
3/12/12

**DELHI TRANSPORT CORPORATION**  
**OFFICE OF THE C.G.M. (LAW)**  
**IP ESTATE: NEW DELHI**

No. CGM(Law)/O.O./12/ 3816

Dated: 03-12-12

It is hereby ordered that henceforth the Depot Manager concerned will personally attend the court proceedings in the contempt cases. He/she will also submit the report of the court proceedings on the same day to Dy.CGM (Law).

Non compliance of these instructions will be viewed seriously.

20/12/12  
11/12/12

hmo

(A.K. Goyal)  
Chief General Manager(Law)

All Depot Managers

Cc to:

1. All CGMs
2. All R.Ms
3. Dy.CGM(Law)
- ✓ 4. Sr. Manager (Law)
5. Sr.Mgr.(Tr)/Incharge CMD Sectt. for kind information of CMD.

my (A) Law

3/12/12 ✓

Dy. Asst

4/12/12

to be sent

To provide copy to all clerical hands of legal section

04/12/12



63-187

No.LA/Claim/Legal/Misc./2012/3693

Dated: 9-11-12

**CIRCULAR**

It has been observed that in a number of accident claim cases, the Hon'ble MACTs have passed orders in favour of the Insurance Company with the right to recover from DTC the amount of compensation to paid the petitioners notwithstanding the fact that the DTC buses involved in the accidents are insured and insurance premium have been paid by DTC. The reasons behind such judgments inter-alia include question on genuineness of the driving license possessed by the DTC driver, validity of the driving license, validity of permit, fitness of the bus etc. On account of such lapse, a substantial amount is being paid by DTC to the petitioners although a large sum of money has already been paid by DTC in favour of the insurance company towards premium. This has been viewed seriously by the Competent Authority in view of the fact that circulars containing instructions have issued on the subject in the past vide No.LA/Misc./08/2372 dated 01.07.2008, LA/Misc./circular/09/3889 dated 21.10.2009, TR/HQ/137/2012/56 dated 28.03.2012 and LS/2012/2313 dated 19.07.2012.

In order to prevent the occurrence of such lapse in future, the following instructions are issued/reiterated:

1. Dy.CGM(MS-I) shall ensure that the insurance premium of vehicles be paid timely.
2. The Depot Managers/Unit Officers shall ensure that the drivers driving the vehicle possess a genuine and valid driving license.
3. Requisite record containing such details like drivers name, badge number, driving license number, date of issuance, date of expiry, license issuing authority, license renewal authority, PSV badge number etc. be maintained and regularly monitored. The authenticity of the driving license be verified from the concerned license issuing authority/license renewal authority.
4. In appropriate cases where the driving license are found to be fake, steps be taken to lodge FIR against the concerned driver.
5. The Depot Manager/Unit Officer shall ensure that the vehicle in operation have valid permit and fitness certificate.

Failure to comply the above instructions will liable for disciplinary action against the concerned official/officer. Further, in the event of recovery of amount given to the insurance company against DTC by the Hon'ble MACT on account of the aforesaid lapse, the amount involved therein towards compensation shall be recovered from the defaulter official/officer.

This issue with the approval of the competent authority.

*(Signature)*  
(A.K. Goyal)  
Chief General Manager (Law)

All Dy.CGMs/Addl.CAOs  
Incharge, MS-I & MS-II  
All Regional Managers  
All Depot Managers/Unit Officers

Copy to : All HODs.  
Sr.Manager-CMD's Sectt.

*(Signature)* / *(Signature)* / *(Signature)*

30/11/12  
9/11/12

2/8/12  
2/12/12

for copy to Now

SMS  
12/12/12

for information please

- 62

Delhi Transport Corporation  
Office of the Chief General Manager (Law)  
IP Estate: New Delhi

No. CGM(Law)/2012/ 54

Dated: 15-11-2012

It has been observed that despite several instructions, the contempt cases are not being dealt properly and the same is causing a lot of embarrassment to the Corporation. Following instructions are issued on the subject:-

1. Law Department will examine each contempt case to ensure complete compliance and to find out the reasons of non compliance of the orders of the Hon'ble Court and delay. The officers/officials responsible for default of non-compliance shall be dealt with strict disciplinary action.
2. Law Department will also keep a proper record of all contempt cases with a view to monitor and ensure proper and timely follow up action. Dy.CGM(Law) will devise its own system for this purpose.
3. The cases where the Hon'ble Court has ordered for personal appearance of CMD will also be monitored by Law Department. Dy.CGM(Law) will ensure that the concerned file with follow up action is put up to CMD between 10 to 15 days prior to the date of appearance.
4. The concerned Depot Manager will ensure that the directions issued by the Hon'ble Court are complied with as per directions issued by the Law Department and in time. It is reiterated that any order for which decision is taken through Law Department by competent authority for not going in appeal, must be complied within time. For example DM must ensure that the wages u/s 17(b) of Industrial Dispute Act, 1947 wherever agreed to be paid by DTC are paid timely.
5. Regional Manager will review the follow up action on court cases and specifically on contempt cases once in a month preferably in the last week of the month. A report in this regard will be sent by him to Dy.CGM(Law).
6. Dy.CGM(Law) will review the progress of the action taken on contempt cases including disciplinary action on officers responsible for delay and non compliance in the first week of every month and a report in this regard will be put up to CMD through CGM(Law).

(A.K. Goyal) s/11/12  
Chief General Manager(Law)

All CGMs  
Dy.CGM(Law) ✓  
All regional Managers  
All Depot Managers

Cc to: CMD for favour of information please.

May foll. note above directions for further

15/11/12  
16/11/12  
15/11/12

A  
- 2  
- 4-9

DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
LEGAL DEPARTMENT  
I.P.ESTATE ; NEW DELHI

No.Leg.Adv/Circular/2012 | 2553


Dt: 14/08/12

CIRCULAR

Attention of all Panel Counsels and Unit Officers/Pairvi Officers is invited to the Circular No.Leg.Adv./Circular/2012/2491 dt.7-8-2012.

Hon'ble Ms. Justice Mukta Gupta, Delhi High Court during personal appearance of CMD on 8-8-2012, expressed her serious concern about the delay in cases for filing reply/rejoinder etc. on behalf of DTC. She also expressed her annoyance over repeatedly seeking adjournments by the counsels and stated that it not only delays the decision in the case but has also financial implication for DTC. The Hon. Judge also desired that in case the counsel is not present, the Pairvi Officer of DTC should be able to inform about the same to the court. Further, it was desired that all the cases of DTC before High Court may be categorized subject-wise so that the same may be listed for early disposal.

All Panel advocates are, therefore, requested to take note of the above observations of Hon.High Court and act accordingly to avoid delays and ensure effective follow up of the cases assigned to them in the interest of the Corporation.

  
(RAKESH BHATNAGAR)  
CHIEF GENERAL MANAGER(L&A)

All Panel Counsels  
All Unit Officers  
Dy.CGM(Law)

Copy to : CMD for kind information pl.

37-60  
-25

DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
LEGAL DEPARTMENT  
I.P. ESTATE: NEW DELHI.

No. Legal Adv./Circular/2012 /2491

Dated: 07/8/12


CIRCULAR

Recently the Hon'ble High Court of Delhi directed personal appearance of C.M.D. due to non-appearance of panel Advocates in their respective cases on 25.07.2012. In order to avoid recurrence of such lapse in future, a meeting of CMD with Panel Counsels and officers was held at DTC Head Quarter on 07.08.2012 at 3.30 P.M.

It has been emphasized on all Counsels as well as Officers of Legal Cell that timely preparation of cases as well as punctual attendance before various courts on each date of hearing is of utmost importance in the interest of the Corporation.

It was further emphasized by CMD that on their assignments to particular cases, the panel Counsels should also follow up the daily cause list issued by various courts. The concerned officials of Legal Cell as well as Pariv Officers of concerned unit shall also ensure presence of Counsels with all relevant brief before the Court.

As regards the action to be taken by the officers as well as Counsels subsequent to announcement of order/judgment in a case for compliance, the instructions already issued by the High Court vide order dated 02.08.2006 in Writ Petition No.5463 of 1999 in the case of 'Deep Jot Singh Vs. U.O.I. & Ors' are to be strictly followed.

  
(RAKESH BHATNAGAR)  
CHIEF GENERAL MANAGER(L&A)

Dy. CGM(Law)  
All Unit Officers  
All Panel Counsels

Delhi Transport Corporation  
(A Government of N.C.T. of Delhi)  
Legal Department, I.P.Estate,  
New Delhi-110 002

\*No. Leg.Deptt./Circular/2422

Dated: 30-07-2012

1-8-2012

It has been observed by the undersigned that after issuance of entrustment letter (BTF) to the panel advocate for defending and watching the interest of the corporation in any case, the dealing assistants do not take necessary follow up action with the advocate/unit to ensure as to whether or not the advocate has timely filed appeal with stay application/counter reply in the court. Further, after receipt of court's order they do not take prompt action for processing the case through Legal Finance Committee. Further also, after conveying approval of the competent authority to the Units for compliance of court's order in any case, they do not take follow up action with the respective Unit Officer to ensure timely compliance of the order. This clearly reflects laxity and negligence on the part of dealing assistants in handling court cases by them.

It is needless to mention that the above said negligence on the part of dealing assistants is not only harmful to the Corporation in terms of losing the case(s) in the court but it also gives an open invitation to the hon'ble Court for passing stricture/ attachment order and even initiating contempt proceedings/prosecution proceedings u/s 29 of the I.D.Act against the higher authorities for delay/non-compliance of the orders.

All dealing assistants are, therefore, directed to take necessary follow up action with the advocate/unit till complete action in any case is taken. Any laxity/negligence on this account on their part will make them liable for departmental action as per rules of the Corporation.

  
(R.S.KADIAN)  
Senior Manager (Law)

All Dealing Assistants in  
Legal Department.

Cc to:-

Dy.CGM (P) Law,  
Sr. Manager (Tr.) Law  
Manager (Admn.) Law  
Dy.Manager (A/cs) Law

CC to Dy.CGM (Law)

No. LS/2012/ 2313

Dated 19/7/12

Further to Circular Nos. LA/Misc/circular/09/38/33E3 dated 21.10.2009, LA/Misc/08/2372 dated 1.7.2008 and TR/HQ/127/756 dated 28.3.2012 it is reiterated that in order to check and control the heavy expenditure being incurred on account of directives of the court granting recovery rights to the Insurance Company in such cases where the DTC buses are involved in accident and the drivers are not found possessing the valid, effective and genuine driving licence and that the bus is running without valid permit and fitness certificate, all concerned are directed once again to ensure that no bus is outshedded/ put on road without valid permit and fitness certificate and no driver is allowed to drive the bus without valid, effective and genuine driving licence.

Proper record of HMV driving licence of every driver (both regular and contractual) be maintained in every depot / unit along with the date of validity of the HMV driving licence. On the last date in every month, the list of drivers whose HMV driving licence are to expire in the ensuing month, be displayed on Notice Board at prominent places like Depot Control Room, Schedule Section etc. with such details like name of the driver, father's name, HMV Driving Licence No., Date of Expiry etc. The Unit Officers / Depot Managers shall ensure that no such driver is allowed duty without production of the renewed HMV driving licence after the date of expiry of his HMV driving licence.

The legal consequence of such lapses is also punishable under the M.V. Act. 1988 and the relevant Section of the same are appended as below for information of all concerned-

**Section 3 - Necessity for driving licence** (1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle....

**Section 4 - Age limit** - As per section 4(2), no person under the age of twenty shall drive a transport vehicle in any public place.

**Section 180 - Allowing Unauthorised persons to drive vehicles** - Whoever, being the owner or person in charge of a Motor vehicle, causes or permits, any other person who does not satisfy the provisions of Section 3 or Section 4 to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

**Section 181 - Driving vehicles in contravention of Section 3 or Section 4.** - Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**Section - 192-A. Using Vehicle without permit** - (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 56 (Necessity of permit) or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both.

Any discrepancy / default in this regard will invite strict disciplinary action not only on the part of driver but the administrative authority as well.

  
CGM (Law)

All Unit Officers  
DTC

54

11111111

**DELHI TRANSPORT CORPORATION**  
(GOVT. OF N.C.T. OF DELHI)  
I.P. ESTATE: NEW DELHI-110002.

No. Leg. Adv./HC-6879/Misc/12/ 2032

Dated: 03/7/12


**CIRCULAR**

It has come to the notice that the D.T.C. Management lost one of its cases before Labour Court merely because of non-production of attendance registers/leave record to prove misconduct against the workman. Further, in the appeal filed against the Labour Court's award, the Hon'ble High Court not only dismissed the appeal but also burdened the Corporation with a cost of Rs. 15,000/-.

The C.M.D. has viewed the above lapse on the part of defaulting officer very seriously and has ordered that the instructions already issued in the past for ensuring proper and effective P.A.H. of the court cases by producing witnesses/evidences before the court be reiterated so as to avoid recurrence of such kind of default in future.

Further also, the Unit Officers shall ensure that the documents, records, registers etc. which are relevant and connected with pending disciplinary/court case are preserved by the particular section/branch of the Unit dealing with such disciplinary/court matters. These records shall not be disposed off/destroyed as old records until the final disposal of the court matter in the Courts of Law.

All Unit Officers are, therefore, again advised to take due care while dealing with the court cases pertaining to their respective unit and ensure that witnesses/evidence are invariably produced before the court whenever required so that cases are not lost on this account only.

  
(RAKESH BHATNAGAR)  
Chief General Manager (Law)

All Unit/Section Officers  
All Regional Managers  
Sr. Manager (Law)  
Sr. Manager (Tr.) Law  
Manager(A) Law.

Copy to:

1. Sr. Manager (Tr.) & I/c CMD's Sect. - for favour of information of CMD please.
2. Manager(Admn.) HQ - alongwith five spare copies for placing in the relevant circular file(s) for record.

-55-  
-25  
-2013-

DELHI TRANSPORT CORPORATION  
OFFICE OF THE C.G.M.(LAW)  
I.P. ESTATE : NEW DELHI

No. CGM(LAW)/O.O./12/1288

Dated: 9-11-12

It is observed that after receiving copy of Court's Orders along with approval of competent authority from Legal Department, the Unit Officers do not take prompt action for its compliance. Instances have been noted where necessary action in terms of court's order has been taken only after filing contempt petition which has been viewed very seriously by the CMD.

All Unit Officers are, therefore, requested to ensure immediate compliance of the instructions received from Law Department in court matters so as to avoid passing any adverse orders from the Hon'ble Courts.

h v  
(A. K. Goel)  
Chief General Manager (Law)

All Depot Managers/Unit Officers.



26/2  
AC  
JB

32

Delhi Transport Corporation  
(Government of N.C. of Delhi)  
Traffic Deptt.: Scindia House, New Delhi.

No. TR/HQ/127/2012/ 756

Dated: 24.03.2012


CIRCULAR

Kind attention is invited to Circular No. TR/HQ/127/09/2633 dated 16.07.2009 in which it was made clear not to allow duty to the drivers whose validity has already been expired. However, in spite of the above instructions, the drivers who do not possess valid license are still being given duty and as a result instances have come in notice where Corporation has been directed by the Hon'ble Court to pay compensation to the victim of the accident. This has been viewed very seriously.

All the Depot Managers are, therefore, requested to ensure that driver possess a valid driving license before allowing him duty. For effective control of such type of cases, the following measures may be taken:-

1. A proper record of validity of driving license may be maintained and only allow to those drivers for driving DTC buses who has in possess of valid driving license.
2. The driving license of the driver may be scrutinized and also verify/certified from the concerned license issuing authority for their validity as well as genuineness to curb the chances of fake driving license holder driver.

All concerned may please ensure compliance of the above instructions.

  
(Y.P. Khurana)  
Sr. Manager (Traffic)

AI R.Ms  
AI D.Ms

CC to:- Sr. Manager (Tr.) CMD Section  
✓ Sr. Manager (Tr.) Law-I... w.r.t. letter No. LA/Claim/IS/12/873 dated 16.03.2012.  
:- Sr. Manager (IT)  
:- UC CCR

h.s-246/  
29/3/12  
SKM  
29/3

DELHI TRANSPORT CORPORATION  
OFFICE OF THE C.G.M (LAW)  
I.P.ESTATE: NEW DELHI

No. CGM (LAW)/O.O./12

DATED: 13 FEB, 2012

Prompt and effective pursuance of court matters by all concerned has been emphasized through various Circulars in the past. But it is observed that monitoring at appropriate level and promptness in attending the court cases is still lacking on the part of Unit Officers resulting in delay in processing of file(s) leaving extremely limited choice and time to take a decision by the competent authority. Even it is noticed that after conveying the decision/approval of the CMD by Legal Department, there have been instances of belated action by the Unit Officers in compliance of the Court's orders resulting in inviting contempt/execution notice(s). Such kind of slackness in dealing the court matters not only leads to facing embarrassing situation by the Chief Executive but also results in financial burden on the Corporation towards litigation expenses and interest on delayed payment to the aggrieved party.

All Unit Officers are, therefore, again requested to monitor court cases pertaining to their Unit/Section vigorously and take prompt follow up action till such time the action required on their part in compliance of the orders of Hon'ble Court is finally completed. In the event of any laxity in this regard, the Officers/Officials shall be held responsible for the lapses on their part making them liable for disciplinary action.

Unit Officers are also requested to invariably send the progress report/status report of each case to the Legal Department fortnightly in the format already circulated/instructed vide circular no. Lg.Adv/HC/Misc.Cir/2007/5258 dated 27-12-2007 (depicted overleaf).

(R.K.M. SANA)  
CHIEF GENERAL MANAGER (LAW)

**ALL UNIT OFFICERS**

**COPY TO:**

1. All HODs: for information.
2. Dy.CGM(P) Law.
3. Sr.Manager (Tr)/Incharge CMD Sectt.: for kind information of CMD.

P.T.O.

*S/ SGT K. A.*

**DELHI TRANSPORT CORPORATION  
GOVERNMENT OF N.C.T. OF DELHI  
I.P. ESTATE: NEW DELHI**

Gen. Adv./H. Misc. Cir./2007/ 5055

Dated: 24/11/2007

It has been observed that in some court cases the schedule for filing the necessary appeal / replies / re-joinder is not adhered to which results into avoidable delays and in some cases contempt proceedings. The relevant papers / records / documents / para-wise comments are sent to the Counsel at the eleventh hour or necessary follow up action is lacking after receiving such documents for doing the needful in the matter.

The individual Unit Officers / Incharges are therefore, advised to monitor court cases relating to their Unit / Section periodically at their level and send a progress report / status report of each such case to the Sr. Manager (Tr.) / Law, Legal Section at HQ. at the earliest.

Case No.	Title of the case	Designation & B. No.	Subject matter of the case	Name of the Advocate	Present Status / Next date of hearing

The necessary follow up action may also be taken by the concerned Unit Officer / Incharge from time to time in consultation with the Counsel till such time the case is finally disposed of by the Hon'ble Court.

Needless to say that laxity in any case would be viewed seriously.

This issues with the approval of the C. M. D.

(Suresh Gupta)  
Chief General Manager (Law)

**ALL UNIT OFFICERS**

**COPY TO:**

1. All HODs - for information
2. Sr. Manager (A)/Law - for necessary follow up action
3. Manager (Tr)/Incharge, CMD Sectt. - for kind information of CMD

58  
H

DELHI TRANSPORT CORPORATION  
( A Govt. of N.C.T. of Delhi )  
Legal Section; I.P.Estate  
New Delhi-110 002

NO. LA/FEE REVISION/2011/3000

DATED: 21-07-2011

**Sub: Revision of professional fee payable to panel advocates.**

The DTC Board vide Resolution No.74/2011 (Item No.72/2011)dt.30-06-2011 has accorded its approval for revision of professional fee payable to panel advocates of the DTC. Accordingly, the panel advocates will be paid following revised fee in respect of the cases entrusted to them on 1-7-2011 or thereafter, as approved by the DTC Board.

	Courts	Revised Fee
1.	Before District Courts and other subordinate Courts: a) Money suits b) Other civil suits including petition under the Arbitration Act.	As per High Court Rules and order subject to maximum of Rs. 5000/- (No change)  Rs.3000/-
2.	a) Labour cases/I.D. Reference b) LCA and petition under Payment of Wages Act. c) Workmen Compensation/Gratuity cases. d) Misc. application in addition to one Stay Petition along with Suit.	Rs.3000/- Rs.3000/-  Rs.3000/- Rs.500/-
3.	<b>Cases under P.P. Act</b> a) Eviction cases b) Recovery of damages & petition etc. c) Other misc. cases for removal of Unauthorized Occupants.	Rs.3000/- Rs.3000/- Rs.3000/-
4.	<b>Criminal Cases</b> i) U/s 304A/279 IPC ii) U/s 337/338/279 IPC iii) In Traffic offences under M.V. Act. iv) Bail matters before the M.M. for the offences U/s 304A,337,338 and 330 IPC v) Bail matter before the Session Court in above cases mentioned in para (iv) vi) Bail matter under M.V. Act vii) Matters before the Consumer Dispute Redressal Forum.  <b>M.A.C.T.</b> a) If claimed amount is less than Rs.5 lacs. b) If claimed amount is more than Rs.5 lacs.	Rs.3000/- Rs.3000/- Rs.1500/- Rs.900/-  Rs.900/-  Rs.900/- Rs.3000/-  Rs.2000/- Rs.3000/-

<b>FOR HIGH COURT MATTERS</b>	
a) Writ petition including Stay Petition	Rs.5000/-
b) Misc. petition during pendency of the Writ Petition in addition to one misc. petition as stated above.	Rs.500/-
c) LfA against the judgment/order of Single Judge	Rs.5000/-
d) <b>Objections under section 30 &amp; 33 of Arbitration Act</b>	
i) If the awarded amount is less than Rs.1 lac	Rs.3000/-
ii) If the awarded amount is more than Rs.1 lac but less than Rs.3 lac.	Rs.4500/-
iii) If the awarded amount is more than Rs.3 lac	Rs.5000/-
e) Application for extension of time and other civil misc. petition/suit under Arbitration Act.	50% fee mentioned in Clause (d) above, No change
f) Money suit or appeals for money suits.	As per High Court Schedule of fee subject to maximum of Rs.10000/- (No change)
g) MACT appeal if the awarded amount is up to Rs.1 lac.	Rs.2500/-
If the awarded amount exceeds Rs.1 lac.	Rs.4000/-
h) Other Civil & Criminal Writs/Suits not otherwise specifically provided in these terms.	Rs.4000/-
i) Civil & Criminal Revision Petitions	Rs.3000/-
j) Contempt petition	Rs.3000/-
<b>Arbitration cases before the Arbitrator</b>	
6. i) If the amount of claim is upto Rs. 2.5 lacs.	Rs.2000/-
ii) If the amount of claim exceeds Rs.2.5 lacs but less than Rs. 6 lacs.	Rs.4000/-
iii) If the amount of claim exceeds Rs. 6 lacs but is less than Rs. 10 lacs.	Rs.4500/-
iv) If the amount of claim exceeds Rs. 10 lacs	Rs.7500/-
7 <b>SUPREME COURT OF INDIA</b>	
a) Appearance in SLP/ Writ petition	Rs.2000/- per appearance
b) Stay Application	Rs.1500/-
c) Filing and Drafting	Rs.2000/-
<b>OPINION</b>	Rs.750/-
Engagement of ASG/Sr.Advocate on important issues/cases	Fee will be paid with the approval of CMD

~~He~~ ~~is~~ ~~for~~  
for

Courts	Revised Fee
	<ul style="list-style-type: none"><li>i) In addition to the above fee, an advocate will also be entitled for clerkage @ 10%.</li><li>ii) The fee indicated above will be for entire case and no separate Fee will be paid for conference, opinion in the court case after decision and other allied services during the pendency of the case.</li><li>iii) An advocate can charge 50% fee after some substantial work in the case has been done and remaining 50% after conclusion of the case. Along with the final bill, the Advocate shall be required to give his opinion for further course of action after examination of the order/ judgment passed by the court.</li><li>iv) If any advocate returns the brief without reasonable grounds, he will not be entitled for any professional fee.</li><li>v) If the matter is disposed of at the show cause stage or is dismissed as Withdrawn at the initial stage 50% of the fee will be admissible.</li><li>vi) In case of negligence on the part of the advocate the cost imposed by the court will be recovered from the advocate concerned.</li><li>vii) If there is any dispute or difference of opinion regarding fee etc. The decision of the Legal/CGM/CMD will be final and binding on Advocate.</li></ul>

Courts	Revised Fee
	<p><b>Not included in our previous fee structure</b></p> <ul style="list-style-type: none"> <li>i) Traffic/Superdari cases = Rs.2000/- (inclusive of every thing i.e. court fee, clerkage, typing charges etc.</li> <li>ii) Reply to legal notice = Rs.1100/-</li> <li>iii) Execution/Conciliation matter and implementation of award U/s 29 I.D.Act = Rs. 2000/-</li> <li>iv) State &amp; National Commission Tribunal = Rs.4500/-</li> <li>v) Matter to be settled in Lok Adalat if the contested advocate is not available = Rs.1100/-per hearing per case</li> <li>vi) Speaking order/ vetting = Rs.1500/-</li> <li>vii) Vetting of tender documents = Rs. 1000/-</li> <li>viii) Other misc. cases Labour/ Civil/Cr etc. arising out from any other act otherwise not specifically provided in the above fee terms = Rs.2000/-</li> </ul> <p>(ix) Where two or more cases (but not more than 10 cases) involving substantially identical question of law or facts, any one of such cases will be treated as a main case and the others as connected cases and the fee in such cases will be regulated as under irrespective of the fact whether all the cases are heard together or not :-</p> <ul style="list-style-type: none"> <li>a) When the Counsel files separate and materially different affidavits, applications or grounds of appeal etc. in more than one case but the arguments is heard in the main case and the other cases are decided accordingly, the Counsel shall be paid the full fee in the main case and Rs.1000/- in each of the connected case.</li> <li>b) When the main case has been contested as in (a) above, but in the connected cases, either affidavit or ground of an appeal or petition similar to the one in the main case or nothing at all has been drafted by the counsel, he shall be paid the full fee in the main case and Rs.500/- only in each of the connected cases.</li> <li>c) When substantially different affidavits are drafted in each connected cases but all the cases are disposed off without contest, the Counsel shall get 1/3<sup>rd</sup> fees in the main case and Rs.500/- in each of the connected cases.</li> <li>d) When the counsel has drafted the affidavit petition or grounds of appeal in the main case and has not drafted them in the connected cases or the drafts in the connected cases are substantially similar to the one in the main case and the cases are disposed of without contest, the Counsel shall get 1/3<sup>rd</sup> fee in the main case and Rs.500/- in each of the connected cases.</li> </ul> <p><b><u>PHOTOSTATE/CERTIFIED COPIES EXPENSES ETC.</u></b></p> <ul style="list-style-type: none"> <li>&gt; Photocopy charges Rs.1.00 per copy</li> <li>&gt; Computer typing Rs.20/-per page</li> <li>&gt; Manual Typing Typing Rs.10/-p.page</li> <li>&gt; Translation(Hindi to Eng.) Rs.15/-p.p.</li> <li>&gt; Oath Commissioner fee Rs.10/-p.Affi.</li> <li>&gt; Court fee/process fee/postage/</li> <li>&gt; Vakaltname fee (Delhi &amp; outside Delhi) : Actual</li> <li>&gt; Application for certified copies Urgent Rs.25/- &amp; Ordinary Rs.10/- plus actual per page charges</li> <li>&gt; Other misc. expenses Rs.200/-</li> </ul>

  
 (R.S.KADIAN)  
 Sr.Manager (Law)

All Panel Advocates  
All Officers in Legal Section  
Addl.CAO-I

-20  
2010

18

DELHI TRANSPORT CORPORATION  
I.P. ESTATE, NEW DELHI

No. PLD-1 (Court Case)/2010/ 1108

Dated: 21/11/10

It has been observed that the Court's directions/ orders received from Legal Section are neither put up nor brought to the knowledge of Officers concerned in time, which results in unnecessary legal complications.

All concerned are, therefore, instructed to take urgent and immediate action on the court's order as and when received and make all possible efforts as well as ensure that any such directions/ orders are brought to the notice of Officers concerned enabling them to take action accordingly.

Any kind of reluctance in adhering to these instructions will attract disciplinary action against the defaulters.

This issues with the approval of the CMD.

*[Signature]*  
Sr. Manager (PLD-I)

29/508-3  
51-7/10  
52-7/10

All Unit Officers:

CC to:

1. All HODs.
  2. All R.Ms.
  3. Sr. Mgr.(Tr.) I/C CMD Sectt.
  4. Dy. CGM (Law)
  5. Sr. Manager (Law)
  6. Manager (Admn.) Law
  7. All Groups of PLD.
  8. M.File.
- [Signature]* 17  
21/11/10



-24-

**DELHI TRANSPORT CORPORATION  
LEGAL SECTION: LP ESTATE  
NEW DELHI**

No. Leg. Sec./Circular/2010/Hc-6606/4095

Dated: 13 Oct. 2010

**CIRCULAR**

The manner in which orders are being passed by the Disciplinary and Appellate Authorities, without dealing with the contentions and submissions of the delinquent employees has been viewed by the Hon'ble Courts as being contrary to the law as being non-speaking orders. Recently, in one of the cases titled Lok Pal V/s DTC, TA No. 1421/09, the Ld. CAT vide order dated 8.4.2010, while setting aside such type of non-speaking order of the Disc. Authority, was pleased to observe as under:-

" It is trite that when a quasi judicial authority exercises such a jurisdiction, the reasons are to be passed in support of their reasoning and the order is to be a speaking one, as ruled by the Apex Court recently in G Vallikumari v. Andhra Education Society & others, (2010) 1 SCC (L&S) 406.

Moreover, the directions to pass a speaking order after dealing with the contentions of the applicant are mandatory as per the impact of the directions of High Court. As such, the impugned order cannot be sustained in law".

It is, therefore, imperative that keeping the above law position in view, each and every contention raised by the delinquent employee is considered, discussed and decided by the Disciplinary and Appellate Authorities while passing final order in such cases, in future, invariably, to avoid any legal infirmity.

  
(M.R. Arora)  
Chief General Manager (Law)

All HODS  
All R.Ms.  
All Unit Officers

-45-  
-#0-

110  
-193-

DELHI TRANSPORT CORPORATION  
(GOVT OF N.C.T. OF DELHI)  
VIGILANCE DEPARTMENT  
I.P. ESTATE: NEW DELHI

11/11/89/ V B

Dated: 5/11/89

It has been observed that Speaking Orders are not issued to the delinquent employee while inflicting the penalty by the Disciplinary Authority.

It has, therefore, been decided that henceforth all Disciplinary Authorities have to incorporate all details and relevant facts/reasons in their orders to be issued to the delinquent employees. All Disciplinary Authorities are requested to comply with the above instructions.

This issues with the approval of the competent authority.

*(Signature)*  
(J.D. Misra)  
Vigilance Officer

- All R.O.D.s
- All R.M.s
- All Unit Officers

*(Signature)*  
*(Signature)*  
137

*(Signature)*  
14/11/89

-125-

Delhi Transport Corporation  
(A Govt. of N.C.T. of Delhi.)  
Legal Section : IP Estate Hqrs  
New-Delhi.

LA/Misc/circular/09/3889

Dated 21/10/09

Circular

Sub:- Certain steps to be taken by concern unit to reduce the ratio of accident and recovery of compensation amount (MACT Award) in a particular conditions of driving the vehicles as given below:

The competent authority has decided to take following step positively on priority basis by all concerned units to reduce the ratio of accident and recovery of MACT compensation award amount in the driving of the vehicle in the following conditions:-

1. The recovery of awarded amount of compensation may be made from the driver wherein DTC is held liable to pay compensation if driver act beyond the permitted scope of his duties such as:-
  - (a) An accident is caused by driving a DTC vehicle, under influence of alcohol/Liquor with sufficient proof to establish this fact like Medical examination of driver in such a state.
  - (b) DTC vehicle is driven by an unauthorized person of DTC and causes an accident.
  - (c) DTC driver willfully jumps the red traffic light and causes an accident.
  - (d) In case, Hon'ble Court categorically direct the driver to pay the compensation and if same is recovered from DTC by the MACT through an execution proceedings filed by petitioner against DTC.
  - (e) In case the driver does not possess a valid, effective, genuine licence at the time of accident, the concerned R.M. will get the matter investigated and accordingly fix up the responsibility of concerned who allowed duty to a driver without having a valid, effective and genuine driving licence at the time of accident and also against the driver who did not renew his driving licence timely within the due date for renewal of his driving licence. The R.M. concerned will also take necessary steps for effecting/getting the recovery of amount of compensation paid by DTC in such a cases from defaulting officials & driver.
2. Although presently all the DTC vehicles are being insured by CWS-I (Planning Deptt), but it has been observed that Liability is fastened on DTC giving the recovery right to Insurance Company against DTC by MACT, for an amount of compensation paid by insurance company, on account of not possessing a valid, effective and genuine driving licence at the time of accident in some of MACT cases, despite having insurance of DTC vehicles. Therefore to avoid any such type of financial loss to the Corporation, all the concern unit officers will strictly ensure that no DTC driver be allowed to drive the vehicles until & unless he possesses valid, effective and genuine driving licence (However a Circular dated 1.7.2008 to this effect has already been issued to all concern unit by Legal Section).

Contd.at page 2.....

From pre-page:-

3. It has also been decided by the competent authority that following steps strictly be ensured to avoid accident due to brake failure, front tyre burst, steering fail & the rod came out, rash and negligent driving like overtaking, over speed driving & mental agony/depression of the driver:-
  - (i) Speed governor to control the speed, Speedometers to know the speed of the running bus and proper horn may be installed in each & every bus. The DTC may take necessary steps under MVI Act.
  - (ii) The services of the buses/vehicles be carried out periodically after completing 8000 & 16000 kilometers and so on as per procedure of MVI Act.
4. The refresher course for the drivers may be arranged so that the driver could be given proper training to reduce the number of accidents.
5. All the routes may be surveyed in the peak hours and proper schedule time should be given to each route as drivers generally drive the vehicle beyond the limited prescribed speed for completing all the schedule trips in the driver memo. If the proper time is given to a route, certainly the driver would not drive the vehicle beyond the prescribed limit speed and avoid the overtaking of the vehicle/Bus.
6. The grievance of the driver may be dealt promptly (in case it is related with his official duty) to redress driver's mental agony & grievance so that he may be in right frame of mind while driving the vehicles.

This circular is being issued with the approval of competent authority for compliance in letter & spirit.

\_\_\_\_\_  
Dy.C.G.M.(Legal)

To all concern Units/Officers:-

-15-  
-425

DELHI TRANSPORT CORPORATION  
OFFICE OF THE DY.CHIEF GENL. MGR.(Tr.)LAW  
LEGAL SECTION : I.P.ESTATE : NEW DELHI

Reference: Circular 2009/2252

Dated: 25th June, 2009

**CIRCULAR**

**Monitoring of litigation before Central Administrative Tribunal (CAT).**

In pursuance of Govt. of India's notification dt.1-12-2008, large number of service matters pertaining to DTC, have been transferred by the Hon.High Court to the Ld.Central Administrative Tribunal (CAT), at New Delhi. It has been reported to the undersigned that Unit Officers/Incharges are not attending pending cases before the CAT pertaining to their Units. In this context, attention of all Unit Officers is invited to the instructions already issued by the G.M (Law) vide circular No.Leg.Adv. No.2007/5258 dt.27-12-2007 reproduced below.

*It has been observed that in some court cases the schedule for filing the necessary appeal/objection/replies/re-joinder is not adhered to which results into avoidable delays and at time even urgent proceedings. The relevant papers/records/documents/para-wise comments are supplied to the court at the eleventh hour or necessary follow up action is lacking after supplying such documents for being helpful in the matter.*

*All the individual Unit officers / Incharges are therefore, advised to monitor court cases pertaining to their Unit/Section periodically at their level and send a progress report/status report fortnightly of each such case to the Legal Section at HQ, in the following format.*

Sl. No.	Case No.	Title of the case	Designation & B.No	Subject matter of the case	Name of the advocate	Present Status/ Next date of hearing

*The necessary follow up and timely action may also be taken by the concerned Unit Officer/Incharge periodically, in consultation with the Counsel till such time the case is finally disposed of by the court.*

All Unit Officers/Incharges are again requested to follow the aforesaid instructions in letter and spirit so as to protect the interest of the Corporation in litigation and to avoid any adverse order/cost from the Hon. Courts. The fortnightly progress report/status report of CAT cases as per above format may be provided to the undersigned separately. Needless to say that laxity in any case would be viewed seriously.

(H.C.Gupta)  
Dy.Chief Genl.Mgr.(Tr.)Law

- To  
G.M(Law) for information pl.  
• All B.Ms  
Sr.Manager(Law)-II  
Sr.Manager(Tr.)Law I& II  
Dy.Manager(P)Law  
Sr.Manager,CMD Sectt.

12-14

**DELHI TRANSPORT CORPORATION**  
**(A GOVERNMENT OF NCT OF DELHI)**  
**I.P.ESTATE: NEW DELHI**

No. Legal Section//2009/ 358

Dated: 30/1/09

**CIRCULAR**

It is notified for information that Hon'ble Supreme Court in the judgement namely Salem Advocate Bar Association Vs. Union of India has directed to give the reply of the legal notices in stipulated time and to appoint a Nodal Officer. In compliance of the Supreme Court Order it is decided that all the Depot Managers/Unit Officers will act as a Nodal Officer and shall be personally responsible to ensure that the reply of the legal notices be replied within a stipulated time. The legal assistance or services of the advocates may be obtained whenever required through legal section for sending a suitable reply. (Copy of the letter of Dy. Secretary (Law, Justice & L.A.) Government of NCT of Delhi No. F.4/9/Lit/2008/Dy. Secy. Law/3981 dated 24.12.08 in this regard is enclosed for ready reference).

Encl: As Above.

S. N.  
29.01.09  
(SURESH GUPTA)  
CHIEF GENERAL MANAGER (LAW)

ALL HODs,  
DY.CGM(MS-I)  
DY.CGM(MS-II)  
All DY.CGM(Regions)  
ALL REGIONAL MANAGERS  
ALL DEPOT MANAGERS  
SR.MANAGER(TR.)CMD's SECTT.

DELHI TRANSPORT COEPORATION  
(A GOVERNMENT OF NCT OF DELHI)  
I.P.ESTATE: NEW DELHI

No. /Legal Sec/Misc./2008/ 4373

Dated: 26/12/08

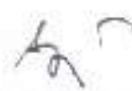
Sub: Disposal of Scrap DTC Buses involved in police cases and released on Superdari by the Court.

ORDER

In partial modification of this office Circular No.HQ/Superdari /07/1867 dated 25.5.07/ 1.06.07, it is notified for information and necessary action by all the concerned that Para-4 of the Circular noted above be read over as under:-

"Dy.CGM(MS-I) while disposing of the bus as scrap must take a 'No objection Certificate' from the Depots to ensure that no bus released on Superdari is sold without the permission of the Hon'ble Court. However, DM/Unit concerned may take legal assistance from the legal section for getting the bus released, in case of any legal complication."

This issue with the approval of C.M.D.

  
24.12.08

(SURESH GUPTA)  
CHIEF GENERAL MANAGER (LAW)

- ALL HODs.
- DY.CGM(MS-I)
- DY.CGM(MS-II)
- All DY.CGM(Regions)
- All REGIONAL MANAGERS
- ALL DEPOT MANAGERS
- SR.MANAGER(CTR.) CMD'S SECTT.

-39-  
19

**DELHI TRANSPORT CORPORATION**  
**(OFFICE OF THE CHIEF GENERAL MANAGER)**

No. CGM/08/46

Date: the 29<sup>th</sup> October, 2008

Subject: Entrustment of court cases.

Presently the entrustment of court cases to panel advocates of lower court is being done at the level of Manager (Law). The entrustment of cases of High Court and advise matters to the panel advocates and standing counsels are being done at the level of Chief General Manager (Law).

In order to expedite the work of entrustment of cases of High Court and advise matters, it is proposed that the entrustment of cases of High Court and advise matter of routine nature to panel advocates and standing counsels may be done at the level of Sr. Manager (Law). However, the entrustment of contempt cases/Supreme Court cases and other cases of High Court which involves policy decision may continue to be put up to CGM(Law)/CMD for necessary approval. The engagement of counsel other than panel advocates and engagement of counsels on special fee will also continue to be done after necessary approval of CMD.

Submitted for consideration and approval, please.

Chairman-cum-Mg. Director

(Suresh Gupta)  
Chief G.M. (P)/Law

Sd/-  
Mg. Dir. Law  
10/30/08

Sr. Mg. (Law)

30/10/08



*[Handwritten marks]*  
Most Urgent

Delhi Transport Corporation  
(Government of N.C.T. of Delhi)  
Legal Section : I.P.Estate

No. Leg. Adv./HC/2008/ 1828

Dated: 6/8/08

C I R C U L A R

It has been observed that some of panel advocates are not appearing in the Court on stipulated time for watching and defending the cases entrusted to them which results into avoidable adjournments and at time imposition of heavy cost by the Hon'ble courts for non prosecution of the case(s). This has been viewed seriously by the higher authority.

All panel advocates are, therefore, requested to take proper care of the cases, attend the court on each hearing invariably and contest the cases effectively to protect the interest of the Corporation. The panel advocates are also requested to supply the copy of the interim order/certified copy of orders, if any, well in time alongwith opinion for further course of action within time limit prescribed by the Hon'ble Courts.

All N.C.T. panel advocate  
on High Court.

*[Handwritten signature]*  
(H.C. Gupta)  
Sr. Manager (Law)

32

- 2193

Delhi Transport Corporation  
' Legal Section, I.P. Estate )  
New Delhi

No. Leg. Adv/ HC/MACT/08/2683

Dated 25.7.08

It has come to the notice of Legal Deptt. that MACT Cases pending in Delhi as well as outside Delhi are not being attended by concerned officials/ unit concerned due to which some urgent information required by court/Adv. contesting the case are not being provided on the spot, due to which there is every likelihood that court may pass adverse order against the Corporation.

In order to avoid adverse situation, unit officers are requested to kindly deputize responsible official/officer to attend the court on each and every hearing alongwith, evidence concerned file and staff, failing which responsibility will lie upon with the concerned unit.

H. C. Gupta

(Sr. Manager (Tr) Law )

All D.M's

CC to All R.M's  
C.G.M.

} for kind information pl.

31 - 31 - 31  
2372  
DELHI TRANSPORT CORPORATION  
(A GOVT. OF NCT OF DELHI)  
I.P. ESTATE : NEW DELHI

MOST URGENT

No LA Misc./08/ 2372

Dated: 1/7/08

It has been brought to knowledge by DTC Panel Advocates that in several claim cases subjudice in the court of law, although the DTC buses are insured, our drivers involved in the cases did not possess valid driving licence at the time of accidents. In such cases the Hon'ble Court grants recovery right to the Insurance Company against the DTC. This results in an additional financial burden upon DTC notwithstanding of insurance of the DTC bus at the time of accident. The panel advocate has suggested as under:

"That in order to avoid to pay any unnecessary compensation where DTC bus is insured by the Corporation I suggest that the records of the driving licence of all DTC drivers be maintained carefully and upto date and in the circumstances where the driving licence of any driver of DTC expired, such a driver should not be allowed to drive the DTC bus till he renewed his driving licence."

As opined above, a message in this regard has already been conveyed to all units on 03.06.2008 through CCR.

All the unit officers are requested to take necessary action as advised by the Advocate and ensure that the drivers must possess a genuine and valid licence before allowing them for duty.

(H.C.Gupta)  
Sr. Manager(Law)

H.C.

All Dy. CGMs/RMs

All DMs

All Unit Officers

CC TO CGM (LAW) - for favour of information please.  
c.c. to CGM(Tech) - for favour of information, please.  
c.c. to CGM(SBU) - for favour of information, please.  
c.c. to USD(H.Ots.) - for favour of information, please.

35

-16-  
2007

**DELHI TRANSPORT CORPORATION  
GOVERNMENT OF N.C.T. OF DELHI  
I.P. ESTATE: NEW DELHI**

No. Leg. Adv./HC/Misc. Cir./2007/ 5258

Dated 27/12/2007

It has been observed that in some court cases the schedule for filing the necessary appeal petitions / counter relies / re-joinder is not adhered to which results into avoidable delays and at times even contempt proceedings. The relevant papers / records / documents / para-wise comments are supplied to the Counsel at the eleventh hour or necessary follow up action is lacking after supplying such documents for doing the needful in the matter.

All the individual Unit Officers / Incharges are therefore, advised to monitor court cases pertaining to their Unit / Section periodically at their level and send a progress report / status report fortnightly of each such case to the Sr. Manager (Tr.) / Law, Legal Section at HQ, in the following format:

S. No.	Case No.	Title of the case	Designation & B. No.	Subject matter of the case	Name of the Advocate	Present Status / Next date of hearing

The necessary follow up action may also be taken by the concerned Unit Officer / Incharge from time to time in consultation with the Counsel till such time the case is finally disposed of by the Hon'ble Court.

Needless to say that laxity in any case would be viewed seriously.

This issues with the approval of the C. M. D.

  
(Suresh Gupta)  
Chief General Manager (Law)

ALL UNIT OFFICERS

COPIES TO:

- 1. All HODs - for information
- 2. Sr. Manager (A)/Law - for necessary follow up action
- 3. Manager (Tr)/Incharge, CMD Sectt. - for record and information of CMD

32

44

DELHI TRANSPORT CORPORATION  
(GOVT. OF NCT OF DELHI)  
I.P ESTATE NEW DELHI-110002

No. Leg. Adv./HC/-4713/07/ 4626

Dated:- 15/11/07

CIRCULAR

Legal opinion was sought in the matter of DTC vs. Satbir Singh in CWP-3384/01 from the standing Govt. Counsel of DTC. Mrs. Avnish Ahlawat on the issue whether when the court orders consequential benefits of back wages that includes leave encashment, bonus, washing allowance etc.

The extract of legal opinion tendered by Mrs. Avnish Ahlawat, Ld. Standing counsel dated 19.9.2007 on the consequential benefits is reproduced below for dealing such matters by all concerned.

"That a person is entitled to leave encashment when he works and earns leave. Here, when without any work the person has already been paid full back wages, the question of any leave encashment on that basis does not arise.

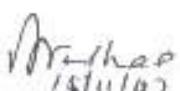
Similar is the position with respect to washing allowance. When a person performs duty he wears uniform and then for that uniform the washing allowance is paid. In a case where the person has not performed any duty but he has been given pay and allowance, he will not be entitled to any washing allowance which is an allowance attached to uniform worn during performance of actual duty. The Supreme Court has held that allowances which are earnable only by active service will not form part of wages.

So far as bonus is concerned, Section 2 (ff) of the Industrial Disputes Act, 1947 defines the word 'wages' as remuneration capable of being expressed in terms of money which shall be paid to workman in respect of his employment or of work done in such employment. The section has given certain allowances which are payable but does not include any bonus or any contribution paid or payable by the employer of any pension fund or provident fund for benefit of a workman under any law for the time being in force, any gratuity payable on termination of his service. Bonus as such is not payable. The issue is decided in 1990(2)SCC 314.

So far as ACP is concerned, an individual is entitled to in case he has not got any promotion in the normal course. For that purpose the matter will have to be considered by the concerned DPC whether he is entitled to the same or not. DPC has to consider his case as per ACP Scheme".

This issues with the approval of competent authority.

All DMs/ Unit Officers  
All Regional Managers  
Manager ( CMD Sectt.)

  
15/11/07  
(Dr. Aradhana)

Sr. Manager (Admn.) Law

33-  
-2194-  
Most Urgent

Delhi Transport Corporation  
( A Govt. of NCT of Delhi )  
I.P.Estate, New Delhi

No.LA/Claim/IS/07/ 4218

Dated: 16/4/77

It has been brought to my notice that the units concerned have not been pursuing their MACT (IS) cases in lower court and MACT (I S) in High Court in various States of India. In the absence of proper persuasion/liaisoning with the Advocates concerned, the compliance of the judgements had been delayed many a time due to which the Management had to face the embarrassing situation. To avoid such situation in future, I would like the depot Managers/Unit officers to remain in touch with the Advocates concerned at least once a fort-night and provide necessary assistance/documents, under intimation to this office.

*J.H.Kapoor*  
( J.H.Kapoor )  
Manager (T) Law

All Depot Managers  
All unit Officer

DELHI TRANSPORT CORPORATION  
( A GOVERNMENT OF NCT OF DELHI )  
I.P. ESTATE : NEW DELHI

No. Leg. Adv./Circular/07/ 3008 Dated the 20th July 2007

CIRCULAR

1. Recently, Hon'ble High Court of Delhi has made certain observations in the order dated 2<sup>nd</sup> August, 2006 in Writ Petition No. 5463 of 1999 in the "Deep Jai Singh Vs. UOI & Ors", and enunciated detailed procedure to be followed to avoid any delay in taking action in compliance of the court orders. The observations of the Hon'ble Judges are reproduced hereunder for information and necessary action by all officers, Standing Counsels and Panel lawyers of the Corporation:

1. There should be prompt communication, and in any case not later than a week of all the orders or judgments of the court by the government counsel. The government counsel should send an ordinary copy of judgment to the concerned department of the government with his/her covering letter, without waiting for the certified copy to be made available.
2. Since the copy of the judgment would be sent by the government counsel with a covering letter, the government need not wait for the certified copy to begin processing the file for implementation of the order of the Court or for taking a decision to pursue the matter further by way of an appeal, if any.
3. In the meanwhile the government counsel should apply for the certified copy of the order or judgement within a period not later than a week from the date of such order of judgement and upon receipt of the same promptly transmit it to the concerned department without any delay.
4. The implementation of the judgement or order of the Court should not be permitted to get delayed for any reason like the payment of the bills of the government counsel etc.
5. If there is any direction in the judgment or order regarding payment of costs, the same should be complied with forthwith and here again the processing of the file need not await the receipt of the certified copy of the order. The ultimate payment may be made once the certified copy is available and efforts should be made to have the certified copy obtained expeditiously.
6. If for any reason, the judgment or order of the Court is unable to be complied with within the time stipulated in the order, the government counsel should be informed and he/she should, even before expiry of the stipulated time, apply to the Court for extension of time for compliance with the order of the Court. This application should contain cogent and valid reasons why such extension is being sought.

*[Signature]*

11. Apart from above, all Depot Managers/Unit Officers who are custodians of the record of the employees and are also Administrative/User authorities are directed to keep a regular liaison with the contesting advocates, and forward the court's order along with all relevant information/documents viz. facts of the case, financial implication involved, bank attachment etc. to the Legal Department immediately for processing the file for further action on the Court's order.

It shall be the personal responsibility of Depot Managers/Unit Officers to ensure that copy of the court's order or other relevant information is sent by them to Legal Department at the earliest. If directions/orders of the court remain unattended for want of documents/information from Depot/Unit concerned, any cost is imposed by the court for such reasons which are attributable to the accountability of the concerned depot/Unit, then such cost may be recovered from the Unit Incharge only and it will not be borne by the Management. Every such case where cost is imposed by the Court for failure to produce record or failure to attend the court may be subjected to investigation by the Vigilance Department to fix responsibility.

  
(V.K.S. CHAUHAN)  
Chief General Manager

All Standing Counsels & Panel  
Advocates of the Corporation.

All Depot Managers/Unit Officers  
All Dy. CGMs/RMs



Handwritten scribbles at the top of the page.

**DELHI TRANSPORT CORPORATION  
I.P.ESTATE: NEW DELHI**

No. O.S.D.(Legal)/2007/974

Dated : 12.03.2007

It has been brought to my notice by Contesting Advocates & Standing Counsels that the Depot Manager/depot staff are not attending Courts in punctually. It is impressed upon that the D.Ms /Unit Officers are taking the legal matters lightly, therefore, the negligence & lethargy is percolating down to such a level of officials and attitudes that interest of the Corporation can not be defended successfully. In the last few weeks, instances of absentism from Court have been reported.

Delay and incomplete supply of records to the Contesting Counsels is also reported. Such a delay in "parokari" of legal matters can not be but due to lack of supervision on the part of the D.M. Unit Officers.

Defeat in the legal matters put the prestige of the Corporation to a very low ebb and results in financial losses obviously. Such lapses on the part of the D.Ms can not be ignored. Responsibility will be fixed and disciplinary action will be taken in each cases of lapse in attending to the legal matters right from the notice level to the proceedings in the Court. Therefore, all the D.Ms/Unit Officers are requested to pay adequate attention to the legal matters to avoid delay.

Handwritten notes and signatures on the left side of the page, including the word "Law" and some illegible scribbles.

*(V.K.S. Chauhan)*  
**(V.K.S. Chauhan)**  
Officer on Spl. Duty  
12.3.2007

to Depot Managers/Unit Officers

- 1. Chairman-cum-M.D. - for information pl.
- 2. Chief D.M. - do-
- 3. Standing Counsels, D.T.C.

Handwritten scribbles at the bottom right of the page.

29  
Post Urgent  
- 2196

Delhi Transport Corporation  
(A Govt. of N.C.T. of Delhi)  
I.P. Estate, New Delhi

No. DA/Misc. 03/3869

Dated: - 23/8/05

It has been observed that unit concerned are not taking proper care in the attachment cases i.e. U/s 29(b) cases, Labour cases, civil cases & ACF cases. The workmen/petitioners are getting attachment from the A.U.O. office even in the stay cases also. It is also observed that the copy of the judgement/award, financial implication, any other cases pending/decided/settled are not being provided to the Legal Section in time as a result of which the workmen approached to the A.U.O. office for the execution against the orders/awards.

In view of the position explained above, all unit officers are being directed to pursue the matter by providing copy of the judgement/award/notice of <sup>execution</sup> attachment etc. immediately to the Legal section as well as to the concerned Advocate so that stay may be obtained and attachment proceedings may be stopped.

All the unit officers are once again requested to pay personal attention in all such type of cases and violation of these instructions will be viewed seriously and responsibility is to lie with the concerned Unit officer.

MMS  
(A. K. SHARMA)  
BY, CHIEF GENERAL MANAGER (L)

All Unit Officers

Office of the Dy. C.G.M. (P/L)&(Law)  
DTC, I.P. Estate, New Delhi.

No. DyCGM (P/L)/05/1395

Dated: - 07.04.05

It has been observed that in the matter of appeals/LPAs being filed before the Hon'ble High Court against the orders/judgement of Ld. Single Judge, there is a considerable delay. This leads to adverse observations/orders from the Presiding Hon'ble Judges. The following procedure will be strictly followed henceforth to ensure that appeals/LPAs are filed within the stipulated as per High Court rules.

1. As soon as an order/judgment is passed by the Hon'ble High court, the concerned Depot Manager/Unit officer, attending the case will inform along with covering letter to the Legal Deptt. on immediate basis.
2. Simultaneously all steps will be taken to obtain a certified copy of the order/judgment urgently.
3. The Depot Manager will be required to submit a detailed note highlighting the effect of the order including financial implications to be incurred by the Corporation in the event of compliance of the order/judgement.
4. As soon as a certified copy of the order/judgment including the opinion of the contesting advocate is received, the matter will be placed before the Legal

Finance Committee of the Corporation for its consideration, which after deliberating over the matter and carefully considering the same will record its recommendations. This entire exercise is to be completed within a period of 10 days from date of receiving of the order/judgement. Thereafter, the file will be submitted for consideration and orders of the competent authority.

In the event of a decision being taken by the competent authority for filing appeal/LPA, against the said impugned order and judgment of High Court, the case will be entrusted to a penal advocate for doing the needful. The entire exercise mentioned above will be completed within the period of 15 days.

6. The effective communication will be maintained with the contesting advocate to ensure that the appeal/LPA is filed within the stipulated time as mentioned under the High court rules.

(A.K.Sharma)

Dy. Chief General Manager

All DMs/Unit Officers

Ccto: All R.M.s

All HODs

PS to CMD; for kind information of the CMD.

*Handwritten notes and signatures:*  
21/11/05  
DS  
R  
21/11/05  
[Signature]  
[Signature]  
[Signature]  
[Signature]

DELHI TRANSPORT CORPORATION  
(A GOVT. OF N.C.T. OF DELHI)  
I.P. ESTATE : NEW DELHI

28-26

No. Adm-8(55)/2005

Dated:- 10.2.2005

OFFICE ORDER NO. 1

In exercise of the powers under sub-section (2) of the section 12 of the Road Transport Corporation Act, 1950 (as amended upto date) and in partial modification to Office Order No.7 issued vide No. Adm-8(55)/2003 dated 11.11.2003, CMD, DTC has authorised CGM(P) to exercise the powers vested in him to the extent given below:-

**DELEGATION OF POWERS TO CGM(P)**

<u>Item</u>	<u>CGM</u>
Court cases in which Legal Financial Committee and Sr. Manager (Law)/Dy. CGM(Law) recommend for compliance of the orders of the Court and awarded amount is less than 5 lakhs.	Full Power, subject to agreement in view between Legal Financial Committee and Sr. Mgr.(Law)/Dy. CGM (Law).
Court cases in which Legal Financial Committee and Sr. Manager (Law)/ Dy. CGM (Law) recommend for filing appeal.	Full powers.
Court cases in which Legal Financial Committee and Sr. Manager (Law)/Dy. CGM(Law) recommend for compliance of the orders of the Court and awarded amount is more than 5 lakhs.	File to be put up by CGM(P) to CMD for approval.
Cases in which there is difference of opinion between Legal Financial Committee and Sr. Mgr. (Law)/Dy. CGM (Law).	File to be put up to CMD for final decision.

Legal Cases pertaining to interim award/interim direction of the Courts, Litigation Expenses, Cost passed by Courts of Law are to be put up to competent authority without subject to scrutiny by the Legal Financial Committee.

*[Signature]*

C. Goyal  
Dy. Chief General Manager(A&C)

All HODs.  
Addl. CAO/Sr. Manager(A/C)  
All Officers (Legal Section)  
C.C to- P.S. to CMD for kind information.

M 80 (Law)

- H. - H. Court  
28-1-2005

DELHI TRANSPORT CORPORATION  
( GOVT. OF N.C.T. OF DELHI )  
SCINDIA HOUSE ; NEW DELHI

Dy. CGM(Law)/05/263

Dated: 28-1-2005

Attention of all Unit Officers are invited to circular/letter Nos. Enquiry/04/346 dated 2-12-2004, Dy. CGM(Law)/04/352 dated 14-12-2004, Dy. CGM(Law)/05 dated 5-1-2005 & Dy. CGM(Law)/05/3 dated 07-1-2005 regarding defending the interests of the Corporation in the various Lower Courts. It is decided that instructions contained in those letters under reference will apply mutatis-mutandis to all High Court and Supreme Court cases also. All Regional Managers are entrusted with the responsibility to take personal interest in the High Court/Supreme Court cases pertaining to Units under their supervision.

Henceforth, whenever a case is likely to come up for hearing the concerned D.M. alongwith his R.M. will meet the undersigned atleast three clear days in advance to discuss the steps required to be taken to defend the best interests of the Corporation.

Any violation of these orders/instructions will be viewed very seriously.

Dy. CGM(Law) H.O.

*(A.K. Sharma)*  
Dy. Chief General Manager(Law)

- All Depot Managers.
- All Unit Officers.
- All Regional Managers.
- All Dy. C.G.Ms.

cc. to: P.S. to C.M.D for information of Chairman.  
cc. to: P.S. to M.D for information of M.D.  
cc. to: P.S. to C.G.M(P.) for information of CGM(P).

24

219

DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
SCINDIA HOUSE ; NEW DELHI.

No. Dy. CGM(Law)/03/247

Dated: 27-1-2005.

C I R C U L A R

It is seen that comments prepared on various writ petitions, Industrial Dispute, Civil suits, M.A.C.T claim cases etc. by the Unit Officers are almost sketchy and do not provide workable knowledge about the cases. Henceforth, all the Unit Officers are required to prepare a <sup>list of</sup> chronological events in the particular case alongwith a brief synopsis detailing the history of the cases in addition to comments on the writ petitions or I.D. cases etc.

*Mgr(Law)*

*MS*  
( A.K. Sharma )  
Dy. Chief General Manager(Law)

All Depot Managers.  
All Unit Officers.  
All Dy. C.G.Ms.  
All Reg. Managers.

c. b. to; P.S to Chairman for kind information of Chairman.  
c. c. to; Manager, M.D office for kind information of M.D.  
c. c. to; P.S to C.G.M.(O) for kind information of CGM(O).

93-10-30  
DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
SCINDIA HOUSE; NEW DELHI

No. Dy. CGM(Law)/05/248

Dated: 27-1-2005

C I R C U L A R

Various advocates have informed that they are not sure about the identity of the dealing assistant who report to them for discussion/preparing the court cases to defend the interest of the Corporation. All Unit Officers are required to instruct the dealing assistants in writing on the file about the name, designation of the concerned dealing assistant responsible for meeting with the advocate. They will also show their Identity Cards to the concerned advocates and establish their bonafides.

*Mr (Law) H.A.*

*Post*  
Dy. Chief General Manager(Law)  
(A.K.Sharma)

- 1. Unit Officers.
- 2. Depot Managers.

c.to: All Panel advocates to first satisfy themselves about the identity of the concerned dealing assistant and ensure that no unauthorised person discusses the case with him and allowed to be present during discussions.



792  
38

DELHI TRANSPORT CORPORATION,  
OFFICE OF DY.COM(LAW): SCINDIA HOUSE  
NEW DELHI.

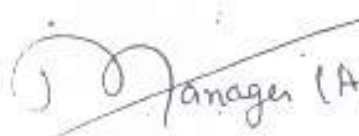
W.COM(LAW)/05/3

DATED: 07-01-2005

Attention of all Unit Officers is invited to Circular W.COM(LAW)/2001/1598 dated 21.3.2001 issued by the erstwhile Chairman-cum-Managing Director, the same is reproduced in the annexure for ready reference:-

"It has been observed that the cases pending in the Courts are not being dealt with properly by the Units. The dealing officials either do not attend the court in time and regularly and with the required documents/evidences or do not contact the advocates well in advance which results in submitting the documents late/not submitting the documents to the Courts on the date fixed for hearing. This results into adverse decisions including imposing of heavy costs mainly due to the above faults. It is, therefore, hereby ordered that:

1. The dealing assistants of the court cases of each unit will contact the concerned advocates 10 to 15 days in advance for getting the affidavits/documents prepared for filing before the court.
2. All the Unit Officers will ensure that a Clerk is deputed exclusively on court case duty permanently who should be well-versed with the facts of the cases. There should be no frequent change of the officials dealing with the Court Cases and only the official deputed should attend Court.
3. A movement register may be maintained in which the court case clerk will endorse his movement i.e. to whom (Name of the advocate), he met on which date and at what time. He will also record the brief of the job done by him including the next date of the case and the action to be taken in that case. Special emphasis be given by the Unit Officer to ensure the presence of witnesses/evidences in the courts on the date fixed.

22/1/05  
3.105  
  
Manager (A/c) Law.

without fail. The information to the witnesses/ evidences  
should be sent in black and white well in time.

Any lapse on the part of Units will be viewed  
seriously.

Sd/-  
(Rakesh Mehta)  
Chairman-cum-Managing Director

All Unit Officers

CC to: Advocates on panel of DTC  
For information.

It must be ensured that the instructions contained in the said  
letter be followed scrupulously.

(A.K.Sharma)  
Dy. Chief General Manager (Law)

All Officers

cc to:

Manager, MD Office for kind information of M.D.  
Advocates on panel of DTC for information.

DELHI TRANSPORT CORPORATION  
(A GOVT. OF N.C.T. OF DELHI)  
PUBLICITY DEPARTMENT  
SCINDIA HOUSE, NEW DELHI.  
\*\*\*\*\*

No. DCGM(LAW)/04/ 356

Dt.: 21/12/04

This is in continuation of Circular No. Enquiry/04/146, dt. 2.12.04. All Depot Managers/Unit Officers are required to submit the following certificate on 1st of every month.

**CERTIFICATE**

This is to certify that all the Court cases of this unit pending before Lower Courts have been effectively contested during the month----- All the management witnesses and records required by the Courts was produced on the fixed date. The contesting Advocate were brief on the cases listed during the month and no costs were imposed in any of the cases during the month under report.

Deviations, if any will be reported in the proforma attached.

(A.K. SHARMA)  
DY.C.G.M.(ENQUIRY/PUBLICITYLAW)

ALL UNIT OFFICERS

CC TO: All R.Ms. with the request to monitor the court work.

2. All HOD's.
3. CGM(O) for kind information pl.
4. Mgr., M.D. Sectt. for kind information pl.
5. Manager (Law)

su  
A

21/12/04

23/12/04

DELHI TRANSPORT CORPORATION  
( GOVT. OF N.C.T. OF DELHI )  
PUBLICITY DEPARTMENT  
SCINDIA HOUSE, NEW DELHI.

- 2203

Ms. Enquiry/04/346

Dt: 2/12/04

Reference is invited to Order No. P.D.-I (378)/04/1189, dt. 30.11.04 regarding placing the Lower Court Cases under the administrative control of the undersigned. It is hereby informed that the Depot Managers/Unit Officers will be personally responsible for contesting the cases before the Hon'ble Court effectively and to ensure that the witnesses and documents/records required to be produced before the Hon'ble Court are arranged to appear and the orders passed by the Hon'ble Court are complied with within the stipulated time and in the required manner. The Depot Managers/Unit Officers will ensure effective liaison with the Advocates entrusted with the cases to defend the interest of the Corporation. All efforts will be made to ensure that no cost is imposed for non-appearance/failure to comply with any interim orders of the Hon'ble Court unless the same has been stayed by a superior court. Depot Managers/Unit Officers will also maintain a register wherein all the relevant details of the cases should be entered and this register will be kept by the D.Ms. in their own custody. The said register can be checked by the undersigned at any time during visit of the unit.

The Depot Managers are also requested to monitor the court cases effectively and ensure that no lapse/leniency is allowed in handling the court cases. If any case is found to be decided against the management on account of lapse of the unit the responsibility will be fixed accordingly. If any guidance or advice is needed Sh. R.S. Kadian, Mgr. (Law) or the undersigned can be contacted at any time.

( A. K. SHARMA )  
DY. CH. M. ( P.S. / ENQUIRY )

- ALL DEPOT MANAGERS
- ALL UNIT OFFICERS
- ALL REGIONAL MANAGER

- with the request to effectively monitor the court work.

- CC to:-
- 1. CCM(O) for kind information pl.
  - 2. Manager, M.D. Section for kind information of M.D. pl.
  - 3. Secy. to Chairman for kind information of Chairman pl.
  - 4. L.A. for information pl.


MOST URGENT

DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
LEGAL DEPARTMENT  
I.P. ESTATE; NEW DELHI

No.LA/04/2340

Dated:- 2.09.2004.

in reference to Circular No. SM(L)/98/1874 dated 26.5.1998 and further Circular No. LA/04/1477 dated 17.5.2004, it has been observed that the action on the judgments of various courts have been delayed many a times due to which Management has to face embarrassing situations and also Attachments are being made of the moveable / immoveable property of the Corporation. To avoid such situations in future, the Depot Managers / Unit Officers are once again directed to remain in touch with the advocates concerned and to provide necessary information / assistance / documents timely to avoid Attachments under intimation to the Manager (Law) who is the nodal Officer for Attachment cases of the Corporation. In case of any delay, responsibility will lie upon the Depot Manager / Unit Officers / officials and action will be taken against them accordingly along with due intimation to the concerned counsel regarding the dereliction of duty by the officer concerned.



(RAJEEV TALWAR)  
CHAIRMAN-CUM-M.D.

ALL HQDS.

ALL UNIT OFFICERS.

All Panel Advocates:- With the request that the certified copies of the orders judgments of the Hon'ble Courts be applied for at the earliest and made available to the Corporation without any delay.

33-17-

**MOST URGENT**

**DELHI TRANSPORT CORPORATION  
(GOVT. OF N.C.T. OF DELHI)  
1F, ESTATE, NEW DELHI.**

**CIRCULAR**


No. LAHC/2004/4730

Dated: 18.06.2004  
27

It has been observed that processing of cases consequent upon the receipt of judgments of Hon'ble Courts are delayed for want of certified copies of the judgments from the concerned advocates on DTC panel and lack of proper liaison with the concerned advocates by the Units concerned as well as non-supplying of requisite documents to the concerned advocates, resulting in embarrassment in the appellate courts.

In order to avoid any such embarrassing situation, all the advocates on DTC panel are requested to supply immediately the certified copies of the judgments well in time along with their legal opinion for further course of action by the DTC Management. All Unit Officers are also directed to be in constant touch with the Advocates and as soon as an award, decree, order of Lower Court, High Court or any other Court is pronounced, a copy of the same will immediately be sent to the Legal Department along with brief facts of the case, financial implications, advice of the contesting advocate, etc., for further course of action. Any infraction of these instructions will be viewed seriously.

This issues with the approval of the competent authority.

  
(M.K. AGGARWAL)  
CHIEF GENERAL MANAGER

**ALL ADVOCATES ON DTC PANEL.**

**ALL UNIT OFFICERS AND SECTIONAL HEADS.**

DELHI TRANSPORT CORPORATION  
GOVERNMENT OF NCT OF DELHI  
I.P. ESTATE : NEW DELHI

No. A/04/ 1477

Dated: 17/5/04

ORDER

Several instances have come to the notice of the authorities that in a number of cases the Hon'ble Tribunal/Forums have decided the cases ex-parte due to non-appearance of the management's witness and management's counsel. In some cases, the management's representatives attending the courts have not supplied requisite documentary evidence/record to the management's counsels. As a result of which the counsels of the management fail to file the petition/application/written statement etc. in time and contest the case properly. Invariable in all such events, the cases have been decided against the management in the court of law. In the event of non-appearance of the management's witness/counsel, the courts too have imposed costs upon the management. In some cases, the courts have even closed the cases in default just due to non-payment of cost. Losing the cases by the management in the court of law results in payment of huge amount towards back wages/compensation to the workmen/aggrieved parties which has undesirably contributed to the loss and financial liability of the Corporation.

The inaction on the part of the concerned unit officer/official in not pursuing the court case effectively has been viewed seriously. It has been decided that such laxity on the part of the Unit Officer/official in dealing with court cases is to be dealt with strictly. The following instructions are issued which are to be followed in letter and spirit so as to prevent any lapses in future.

1. The Nodal Officer/Official of the depot/unit attending the courts shall be for all purpose responsible for dealing with court cases of that unit, attending the courts, maintaining liaisoning work with advocates and Legal Section and apprising the Unit Officer regularly the day-to-day progress of the case.
2. A register/diary shall be maintained in all the units by the Unit Officer on a day-to-day basis mentioning therein the name of the case, details of the workman, name of the Court, the stage of the proceedings, name of the Nodal Officer/Official attending the court, the action taken, the next date of hearing and the action required for the next date of hearing etc. The same shall be monitored by the Unit Officers on a daily basis and inspected by the concerned RMs/Sr. Managers and HODs on their visit to the Unit.
3. The Nodal Officer/Official attending the court shall submit a report to the Unit Officer on his return from the court on same day. The Unit Officer must take immediate steps so as to prepare in advance for the next date of hearing which must be entered in the register/diary itself. The Unit Officer must also inform to the Legal Section/Higher authority immediately, in case of any problem faced from the side of the counsel/any officer/official connected with the case. Only experienced staff well versed with the facts of the case shall be sent to the

15  
advocates to apprised of the case in case need arises, the Unit Officer may personally meet and discuss the matter with the advocate.

4. The Unit Officer shall inform in writing to the concerned officer/official in advance with all details like title/No. of the case, name of the court, date of hearing etc. in case the presence of the officer/official is required in connection with a case.

5. The Officer/Official attending the court for leading evidence shall go through the case file in advance and discuss the matter with the advocates and call for requisite documentary evidences to be produced before the court of law from the concerned Unit Officer.

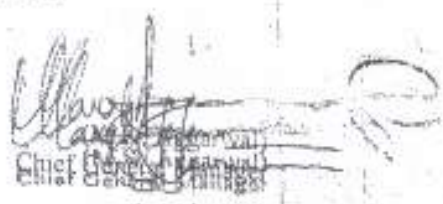
6. The Unit Officer as well as Sr. Manager (Law), Manager (Tr.) Law/Manager (Law) shall attend the appropriate courts in all dates in the contempt proceedings (CCP), and prosecution cases under section 29 of Industrial Dispute Act, 1947, if any and inform higher authority and CMD regarding the proceeding of that day in writing on the same day.

7. The Unit Officer shall ensure that the necessary documents/records related to the case are preserved in proper condition and shall under no circumstances be destroyed till the disposal of the court case.

8. The Unit Officers shall provide to the Legal Section copy of the judgement alongwith such details like brief facts of the case, Financial Implication involved in the case as per the award/order/judgement of the court, any other amount already paid/deposited/attached to the workmen/court in the same matter, any other court case of the same workman pending in any court, whether the workman has opted for pension, the legal opinion of the contesting advocate - within 10 days from the date of pronouncement of the award/order/judgement by the court so that timely action may be taken.

It is the overall responsibility of the Unit Officer to ensure that the court cases are properly dealt with. Therefore, the above instructions shall be adhered to by all concerned officers/officials in letter and spirit. In case any instance of laxity on the part of the officer/official in pursuing the court matters is noticed, stern action will be taken against the defaulter.

This issue with the approval of the competent authority.

  
Chief General Manager

- All D Ms/Unit Officers
- All R Ms/Sr. Manager (Traffic)
- Sr. Manager (Law)/Manager (Tr.) Law/Mgr (Law)
- All HODs
- c.c to CMD for kind information



-14-  
15-7-2003

**DELHI TRANSPORT CORPORATION  
(GOVERNMENT OF N.C.T. OF DELHI)  
I.P. ESTATE : NEW DELHI**

No LA/Circular/03/ 3386

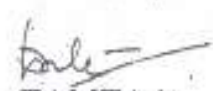
Dated : 15-7-2003

**CIRCULAR**

It has come to notice that the DTC/Management has lost many cases in the Courts on account of not leading of evidence, non-payment of cost, non-appearance of advocates, non-examination of the passenger witnesses in cheating cases, non-submission of Written Statement documents, non-appearance of Enquiry Officers in the Court, summoning witnesses on wrong addresses, issuing of charge sheet against Office Orders i.e. Leave Without Pay cases, etc., and other such related reasons coming up in the cases/ This position has been viewed very seriously since the Management has continuously been losing crores of rupees on this account as cases generally fail in the Court of Law.

All the Unit Officers are, therefore, directed to ensure to take necessary action/steps in regard to the above noted issues while processing and pursuing the cases at different stages. It may be ensured that defaulter(s) is/are dealt with sternly and not spared in any way. Any laxity in this regard would be viewed very seriously.

This issues with the approval of Competent Authority.

  
( D.R. TAMTA )  
CHIEF GENERAL MANAGER (P)

All Unit Officers  
All Regional Managers  
All Dy:CGMs/Addl.CAO  
c.c. to CMD for information pl.  
F.A. for information pl.

7/6      12

DELHI TRANSPORT CORPORATION  
(GOVERNMENT OF N.C.T. OF DELHI)  
LEGAL DEPARTMENT  
I.P. ESTATE - NEW DELHI - 110 002

PLEASE IMMEDIATE  
OUT AT ONCE

Legal Dept. No. 2006/07/621

Dated: 30-1-03

In this case recall the Wireless message conveyed to all Depot Managers through Control Rooms for sending the revised statement of Court cases in the first week of February through their respective Regional Managers. The Performa on the subject has been circulated to all Depot Managers. In this connection, it was conveyed that before the statements, following issues are to be kept in mind and dealt with properly:-

1. This case should be reviewed by the respective Depot Manager personally and any case lodged against DTC on account of laxity on the part of Depot Authorities, the Depot Manager will be responsible for the same.

2. A daily and day-to-day recording of proceedings of the court by the dealing hand countersigned by the Depot Manager, should be ensured and any court case file placed in Legal Department for scrutiny / checking.

3. Any judgement delivered by any of the Courts be immediately intimated by the Depot Manager concerned to the Legal Department so that it may be brought to the notice of the higher authorities for further course of action and to avoid any embarrassing situation at a later stage.

4. In case of Contempt of the Hon'ble Court in any case, the concerned Depot Manager will appear in the court personally as already circulated and submit his report about the proceedings of the Court on the same day to Legal Department. Regional Managers of the Region will also monitor the contempt case as well as potential contempt cases.

5. In case of any legal problem / difficulty, the matter may immediately be brought to the attention of the officers of Legal Department.


In addition to above, two enclosed performae are also being sent for doing the needful

1. The first performa is to be pasted on the back of the cover of each Court Case file i.e. intended for noting the time to time proceedings of the case.

2. The second performa is meant for sending the information with regard to the dismissed/removed drivers to this office latest by 3<sup>rd</sup> Feb, 2003.

It is once again reiterated that failure of any of the above, shall be viewed seriously and brought to the notice of the higher authorities.

Yours faithfully,

  
(Dr. A. Gautam)

Senior Manager (Law)-cum-Vigilance Officer

Regional Managers

Depot Managers

Officers

cc: HODs

cc: to CMD for kind information of worthy CMD.

cc: to CGM(P) for favour of information of CGM(P).

-12-  
9

**DELHI TRANSPORT CORPORATION**  
(GOVT. OF N.C.T. OF DELHI)  
1P ESTATE : NEW DELHI

12062 1330

dated:- 13-5-02

It has been noted that many Officers/Unit Heads of the Corporation { who are to report to the C.G.M(P&O) } have cultivated a practice of sending the files directly for legal/financial advice/opinion without routing it through their HOD concerned as well as from the office of the CGM(P&O).

In many cases of significant importance, this routing of the file directly for advice/opinion without the knowledge of the CGM(P&O), creates a situation where the opinion/advice rendered is sought and used by the department concerned without the knowledge of the CGM(P), who ultimately is the approving authority in all such cases/decisions.


In view of above, henceforth all files being sought to be sent for legal or financial advice are to be sent through the office of the CGM(P&O).

Further, the Officers/Unit Head sending the files for advice/opinion must clearly indicate/formulate clear question of law/issue involved on which the advice/opinion is sought. A self-contained note in this regard briefly setting out all the relevant and important facts of the case is also to be prepared by the Unit Head concerned. In absence of such information, the files are liable to be returned back to the unit concerned and any delay on account thereof shall be the responsibility of the Unit concerned.

However, in cases of seeking of routine information with respect to the court cases or otherwise, the files may be sent directly to the Senior Manager(Tr.)Law / Manager(Tr.)Law / Manager(Law). Agency (if any) is also to be indicated in such files.

The above is to be strictly followed.

This issues with the approval of C.G.M. (P&O).

  
(R.K. Dasana)  
Sr. Manager(Tr.)Law

Copy's Circulated

-11- 38

**DELHI TRANSPORT CORPORATION**  
(A Govt. of N.C.T. of Delhi)  
**LEGAL SECTION: I.P. Depot NE 77 DELHI**

No. 1, A Revision of Sch. fee/2002/ 6418

Dated 26/12/2002

The matter in regard to revision of schedule of fee of penal Advocates dealing with DTC's cases in various courts was placed before the DTC Board and the Board after detailed discussion has accorded its approval for the proposed enhancement of professional fees of the advocates in its meeting held on 13.11.02 vide resolution No. 119/02, item No. 101/02. Accordingly the revised schedule of fee of the penal Advocates of DTC will come into effect from 13.11.02 as hereunder:-

<u>Courts</u>	<u>Rate of Fee</u>
1. Before District Courts and other subordinate Courts	As per High Court Rules and orders subject to minimum of Rs. 200/- and maximum of Rs 5000/- (No Change)
a) Money Suits	Rs. 1200/-
b) Other Civil Suits including Petition under the Arbitration Act.	Rs. 1200/-
a) Labour (Cases/LI) Reference	Rs. 000/-
b) L.C.A. and petition under payment of Wages Act.	Rs. 1000/-
c) Workmen Compensation/Gratuity cases.	Rs. 300/-
d) Misc. application in addition to one Stay Petition alongwith Suit.	
3. <u>Cases under P.P. Act</u>	
a) Eviction Cases	Rs. 000/-
b) Recovery of damages & petition etc.	Rs. 1000/-
c) Other Misc. cases for removal of Unauthorized	Rs. 1000/-
<u>Occupants</u>	
4. <u>Criminal Cases</u>	
i) U/s 304A/279 IPC	Rs. 1000/-
ii) U/s 337/338/279 IPC	Rs. 1000/-
iii) In Traffic offences under M.V. Act	Rs. 500/-
iv) Bail matter before the Metropolitan Magistrate for the offences u/s 304 A 337, 338 and 430 IPC	Rs. 300/-
v) Bail Matters before the Session Court	Rs. 300/-
vi) Above cases, mentioned in para (iv)	
vii) Bail matter under M.V Act	Rs. 300/-
viii) Matters before the Consumer Dispute Redressal Forum	Rs. 1000/-

2. If the awarded amount is less than Rs. 5 lakhs  
3. If the awarded amount more than Rs. 5 lakhs

Rs. 1000/-  
Rs. 2000/-

For High Court Matters  
For Senior Panel

- a) Writ Petition including Stay Petition
- b) Misc. Petition during pendency of the Writ Petition in addition to one misc petition as stated above
- c) LFA against the Judgement/order of Single Judge

Rs. 3000/-  
Rs. 3000/- (No Change)

Rs. 3000/- (No Change)

(The fee of Rs. 1500/- in Each case as mentioned In para(a) &(c) above (No Change)

For Junior Panel

d) Objections under Section 30 and 33 of Arbitration Act

- i) If the awarded amount is less than Rs. 1 lakh.
- ii) If the awarded amount is more than 1 lakh but less than Rs. 3 lakhs.
- iii) If the awarded amount is more than Rs. 3 lakhs

Rs. 1200/-

Rs. 2500/-

Rs. 3000/- (No Change)

e) Application for extension of time and Other Civil Misc. Petitions/Suits under Arbitration Act.

f) Money suit or appeals for money Suits

50 % fee mentioned in Clause(d) above (No Change)  
As per High Court Schedule of fee subject to Maximum of Rs. 10,000/- (No Change)  
Rs. 1000/-

g) MACT appeal if the awarded amount is upto Rs. 1 lakh

if the awarded amount exceeds Rs. 1 lakhs

h) Other Civil & Criminal Writs/Suits not otherwise specifically provided in these terms

Rs. 2000/- (no Change)

Rs. 2000/-

(No Change)

i) Civil & Criminal Revision Petitions

ii) Contempt Petition

Rs. 1200/-

Rs. 1200/-

3. Arbitration cases before the Arbitrator

- i) If the amount of claim is upto Rs. 2.5 lakhs
- ii) If the amount of claim exceeds Rs. 2.5 lakh but less than Rs. 6 lakhs.
- iii) If the amount of claim exceeds Rs. 6 lakhs but is less than Rs. 10 lakhs.
- iv) If the amount of Claim Exceeds Rs. 10 lacs

Rs. 1000/- (No Change)

Rs. 2000/- (No Change)

Rs. 3000/- (No Change)

Rs. 5000/- (No Change)

36 → 9 → 10

State Court of India  
a) Appearance in SLP/Writ Petition  
b) Stay application  
c) filing and Drafting

Rs. 1000 per appearance  
Rs. 1000/-  
Rs. 1500/-

Opinion  
Engagement of A.S.G/Sr. Advocate  
On important issues/Cases

Rs. 550/-  
Fees will paid with the  
Approval of CMD

- i) In addition to the above fee, an advocate will also entitled for clerkage @ 10 %
- ii) Misc. Expenses will be in addition to the above professional Fees
- iii) Senior Advocate who have got more than 25 yrs. standing may also be provided assistance of a junior advocate on a fees of Rs. 550/- in each case as the case may be.
- iv) The fee indicated above will be for entire case and no separate Fee will be paid for conferences, opinion in the court case after Decision and other allied services during the pendency of the case.
- v) An advocate can charge 50% fee after some substantial work in the Case has been done and remaining 50 % after conclusion of the case. Alongwith the final bill, the Advocate shall be required to give his opinion for further course of action after examination of the orders/judgement Passed by the court.
- vi) If any advocate return the brief without reasonable grounds, he will Not be entitled for any professional fee.
- vii) If the matter is disposed of at the show cause stage or is dismissed as Withdrawn at the initial stage 50% of fee will be admissible
- viii) In case of negligence on the part of the panel advocate, the cost imposed by the court will be recovered from the advocate concerned
- ix) If there is any dispute or difference of opinion regarding fee etc, The decision of the Legal/CGM/CMD will be final and binding on Advocate

(R. K. Dasgupta) 14/02  
Sr. Manager (Tr.) Law

All Concerned Officer

No. ILA/2001/2.

Dated: 18-2-01

CIRCULAR

A. . . It has been observed by this office that a lot of case files pertaining to the Legal Department are being sent without the complete papers for opinion (especially as to whether the award/order should be accepted or not). This invariably results in the Legal Department not being able to render complete/specific opinions. In view of this instruction are hereby issued to all units Heads to send their files to the Legal Department complete in all respects. These files most necessarily and in er-alia contain:-

- i) Copy of claim/statement/complaint/petition of all petitioner/claimants.
- ii) Response of all parties to point (i).
- iii) Rejoinder/Replication to point (ii) by all parties.
- iv) Documents filed by any of the parties in the case.
- v) Evidence, Affidavits of the parties.
- vi) Statement and deposition of parties before the Hon'ble Court/Tribunal including cross-examination.
- vii) All other relevant papers and departmental papers and rules in this regard.

All the papers/documents as stated above, must be duly arranged in the said order and also must be indexed and paginated properly.

Failure to do so, may be treated as a deliberate act to conceal material.

If, however for any reason, any such papers is not available on record then written reasons must be provided by the Unit Head/Depot Manager at the first page.

Officials are hereby advised to the Communications/Letters of the Legal Department with utmost efficiency and promptness.

Also it has been noticed that in a large number of instances, ~~the cases are not being disposed of within the prescribed time limit and the response either from the concerned Heads/Officials of the DTC or its~~

In view of this fact and with a view to streamline the litigation, all Units Heads/Depot Managers etc. are, hereby, instructed to prepare a list of pending/decided cases at least bi-annually (January and June). This list also to indicate the number of fresh cases instituted in the Unit/Department/Depot as well as those which have been decided in that last six month period.

A separate note pertaining to problems being experienced by all such Units Heads/Officials in contesting their cases is also to be attached with the aforesaid list.

In case such a note giving reasons is not attached it shall be presumed that the Units Heads/Officials concerned have no such problems and are deliberately delaying/not acting in the Court case. ~~Such a note shall be submitted to the Legal Department for their perusal and they shall advise the concerned Units/Depots accordingly.~~

The names of the Officers of the Legal Department to whom the above information/list of problems may be sent is as follows:-

- Head of Department
- Legal Department
1. Sh. Sumet Pushkarna,  
Dy. Legal Advisor, Room No.10,  
D. J. C. Headquarter  
Ph. No.3370236/253 (Extn)
  2. Ms. Swatantra Dua,  
Sr. Manager (A) Law  
Ph. No.3379324 & 3370236/283
  3. Sh. S. Dhigan,  
Manager (A) Law,  
Ph. No.3379324/3370236/283
  4. Sh. Gajinder Singh, Manager (Law  
Leg. Section, Ph. No.3370236/23

Issued with the approval of the Ld. C.M. D.

Unit Head/  
Depot Manager

Chief General Manager (O&A)



17272-41  
PS 88938126

-6-  
-8-  
-221-

MOST URGENT

DELHI TRANSPORT CORPORATION  
LEGAL SECTION I. P. ESTATE  
NEW DELHI

ICR/2001/1598

Dated 21-3-2001

CIRCULAR

It has been observed that the cases pending in the Courts are not being dealt with properly by the Units. The dealing officials either do not attend the court in time regularly and with the required documents/evidences or do not contact the advocates well in advance which results in submitting the documents late/not submitting the documents to the Courts on the date fixed for hearing. This results into adverse decisions including imposing of heavy costs mainly due to the above faults. It is, therefore, hereby ordered that:

1. The dealing assistants of the court cases of each unit will contact the concerned advocates 10 to 15 days in advance for getting the affidavits/documents prepared for filing before the court.
2. All the Unit Officers will ensure that a clerk is deputed Exclusively on court case duty permanently who should be well-conversant with the facts of cases. There should be no frequent change of the officials dealing with the Court cases and only the official deputed should attend Court.
3. A movement register may be maintained in which the court case clerk will endorse his movement i.e. to whom (Name of the advocate) he met on which date and at what time. He will also record the brief of the job done by him including the next date of the case and the action to be taken in that case. Special emphasis be given by the Unit Officer to ensure the presence of witnesses/evidences in the courts on the date fixed without fail. The information to the witnesses/evidences would be sent in black and white well in time.

Any lapse on the part of Units will be viewed seriously.

  
(Rakesh Mehta)

Chairman-cum-Managing Director

All Unit Officers  
CC to Advocates on penal of DTC  
for information.

-5-  
7. P  
-2245-

**DELHI TRANSPORT CORPORATION**  
**( A GOVT. OF N.C.T. OF DELHI )**  
**LEGAL SECTION; I.P. ESTATE**  
**NEW DELHI**

No. Leg. Adv./2003/ 8035

Dated :- 11-12-2003

From the perusal of a number of judgements of the Courts cases in D.T.C. matters, in which the employees having being charged for having consumed liquor on duty etc., no M.L.C. reports have been placed by the management before the court to substantiate the charges. In most of these cases it is also observed that the reporting officer/official have even failed to get the delinquent employees medically examined. Merely on the basis of the report without having any documentary evidence, the disciplinary authority has gone to the extent of taking stern action including removal against the delinquent employees. The judiciary however, does not give cognizance to offence in the absence of the concrete documentary evidence. All such cases are failing in the court of law as a result of which the management is constrained to re-instate the workman alongwith back wages etc.

The competent authority has viewed the matter seriously and has ordered that in such cases where the employee is found to have been intoxicated while on duty, the reporting officer/official shall take immediate necessary step to get the employee medically examined and obtain the copy of M.L.C. The MLC report should be submitted alongwith the report/callan etc. by the reporting officer/official. If the same could not be immediately obtained, the Disciplinary Authority should procure the same from the appropriate authority before the proceeding further. A copy of the M.L.C. shall also be enclosed in the case file and Enquiry Officer while conducting the departmental enquiry shall also give due weightage to documentary evidence. The Disciplinary Authority may take a ction on the basis of enquiry report and medical examination report so as to avoid any complication at the later stage.

It will be the responsibility of the Unit Officer/Official attending the court for placing all such documentary evidence before the Court of law so that the case may not fail for want of evidence.

This issues with the approval of Competent Authority.

  
( Dr. N. GAUTAM )  
Senior Manager (Law )

ALL UNIT OFFICER/ALL D.M'S

C C to : P.S. to C.M.D. for kind information of C.M.D. please.

-4-  
~~37~~

Delhi Transport Corporation  
(Govt. of N.C.T. of Delhi)  
I.P. Estate : New Delhi

NO. 1/99/3708

Dated:- 2-9-99

It has been brought to my notice that the Unit Officers have not been attending to the counsels and when they are required in connection with the necessary information in respect of the cases pertaining to their units. This causes unnecessary delay in filing the reply/writes in the court due to which the Management has to face embarrassing situations. Likewise the unit officers do not attend to the courts as and when they are called for. This is viewed seriously. I would, therefore, like the Depot Managers/ Unit Officers to personally ensure that the cases as well as Courts are attended to by them without any delay, failing which the responsibility will lie upon them.

G. S. Ching  
( G.S. Ching )

Chairman-cum-Managing Director

Head of the Departments,

Unit Officers.

DM(L)/98/1874

Dated: 26-5-98

It has been brought to my notice that the units concerned have not been pursuing their cases being contested in different courts as per Circular dated 11.3.97. In the absence of proper persuasion/liaisoning with the Advocates concerned, the compliance of the judgements had been delayed many a times due to which the management had to face an embarrassing situation. To avoid such a situation in future, I would like the Depot Managers/Unit Officers to remain in touch with the Advocates concerned at least once a fortnight and provide necessary assistance/requirements, under intimation to the Law Deptt., failing which the responsibility for any delay shall lie upon the Depot Managers/Unit Officers concerned and strict action would be taken accordingly.

G.S. Chima  
( G.S. CHIMA )  
CHAIRMAN-CUM-M.D.

ALL UNITS.

ALL UNITS OFFICERS.

122  
 3/19

No. 28/1A/97/09

Dated: 11-3-1997

In exercise of the powers vested in the D.T.C. by virtue of Section No.12 of the Road Transport Corporations Act, 1950 read with Delhi Road Transport Laws (Amendment) Act, 1971, the D.T.C. Board vide its Resolution No.34/97 dated 7.3.1997 has authorised the following officials to sign the legal documents, Affidavits, Agreements etc :

S.No	Designation	Scope of Power
1.	Secretary, DTC Board	Litigation and/or cases arising out of decisions taken by the Board.
2.	Dy.C.G.M. (Mech.)	Arbitration cases pertaining to Technical Department (including Civil Engg. Department).
3.	Dy.C.G.M. (P&A)	Matters pertaining to Estate Functions, Medical cases etc.
4.	Addl. C.A.O.	Matters pertaining to Accounts Department/ Finance Department.
5.	Sr. Manager (P)/ Sr. Manager (A).	Corporate Office (Hqrs.) - Service matters and other issues etc.
6.	Sr. Manager (I/C) CWS-I	CWS-I - Matters pertaining to.
7.	Sr. Manager (I/C) CWS-II	CWS-II - - do -
8.	Sr. Manager (Purchase)	Stores & Purchase Deptt. - do -
9.	Sr. Manager (I/C) Tr.	Traffic Deptt. Sc. House. - do -
10.	R.M. (East)	East Region - do -
11.	R.M. (West)	West Region - do -
12.	R.M. (North)	North Region - do -
13.	R.M. (South)	South Region - do -
14.	R.M. (I/State)	Interstate Region (Exclusive Operation) - do -
15.	Sr. Manager (I/C) Printing Press.	Printing Press - Matters pertaining to.
16.	Sr. Manager (I/C)	Training School - - do -
17.	Sr. Manager (I/C)	Civil Engg. Deptt. - do -
18.	Sr. Manager (I/C) Publicity.	Public Relations and Publicity Department - Matters pertaining to.

In case of emergent situations like the concerned officers being on leave etc., the requisite legal documents shall be signed by Dy.C.G.M. (P&A).

It is noted that the work in regard to engagement of Advocates/ Counsel etc. will be done by the Legal Department as was being done. In the event of subcontracting of the case to an Advocate, the concerned Unit shall prepare comments and provide the same to contesting Counsel for the purpose of preparation of W.S./Affidavits/Rejoinder etc. The Units will collect the W.S./Affidavit/Rejoinder etc. from the Counsel, verify the contents and get it signed from the respective Counsel, before returning to the Advocate. The Units will also collect the following data i.e. Name, Father's Name, Age, Designation and address of the Counsel, authority of legal documents in order to prepare the same by the Counsel.

In case legal opinion at any stage is required, the same shall be obtained from the Legal Department as per practice in vogue.

The signing authority shall keep a sharp eye in order that the necessary legal documents are filed in time and they should also exercise control over minimisation of costs imposed by the Courts on account of non-appearance of Enquiry Officers, non-submission/filing of legal documents, non-appearance of Advocates and other such related issues. Providing information and help to the Advocates to contest the cases effectively, attending the Courts on date fixed by the concerned Unit to watch the day-to-day proceedings, etc. should also be ensured and necessary corrective action if required shall also be undertaken.

*gaining*

( G.S. CHIMA )  
Chairman-cum-Mg. Director

DISTRIBUTION

- 1. All WOs.
- 2. All Unit Officers.
- 3. Manager(1/E), CMO Sectt. - for information of Chairman-cum-Mg. Director.