

**GOVERNMENT OF NCT OF DELHI
PRINCIPAL ACCOUNTS OFFICE
A-BLOCK, VIKAS BHAWAN, NEW DELHI-02.**

F.68(01)/2013/T-1/Pr.AO/ 933

Dated: 21/05/2018

CIRCULAR

Sub: Regarding payment against the bills of Sr. Advocate conducting cases on behalf of the Govt. of NCT of Delhi before High Court of Delhi for giving legal opinion.

The Chief Secretary Delhi vide instruction No.OSD/CS/2018/11819-11828 dated 17.05.2018 (copy with enclosures enclosed) has advised all Pr. Secretaries/Secretaries/HODs and Pay & Accounts Officers that the Orders No. Secy. to Min./2017/5036 dated 29.11.2017 and No. Secy. to Min./2018/452-459 dated 18.01.2018 have been issued in material departure from the Transaction of Business of GNCTD Rules, 1993 (TBR). Therefore, payments of charges in such cases cannot be released by the Pay & Accounts Officers unless sanction of the competent authority has been obtained by the concerned Administrative Department.

In view of above, Pay & Accounts Officers are advised to follow the above said instructions dated 17.05.2018 and payments in such cases may be released where expenditure sanction of the competent authority has been submitted with the bills. Any lapse on this account would be viewed seriously and appropriate action be taken against the defaulting official/officer.

If in any case expenditure sanction of the competent authority is not submitted with the payment bill by the DDO of the Department, the same may be brought to the notice of the undersigned immediately for appropriate action.


(Parkash Chand)
21.5.2018
Controller of Accounts
Tel No. 011-23370762

To,

✓ All Pay & Accounts Officers,
Pay & Accounts Offices,
GNCT of Delhi, Delhi/New Delhi

F.68 (01)/2013/T-1/Pr.AO/

Dated:

Copy to:-

1. Pr. Secretary to the Lt. Governor, Delhi Raj Niwas, Delhi for kind information.
2. P.S. to the Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi-110002.
3. P.S. to the Principal Secretary (Finance), Govt. of NCT of Delhi, Delhi Secretariat, New Delhi-110002.

Controller of Accounts

Govt. of NCT of Delhi
OFFICE OF THE CHIEF SECRETARY
Delhi Secretariat, I.P. Estate, New Delhi.

CS/18/16029
No.OSD/CS/2018/11819 - 11828

Dated: 17.05.2018

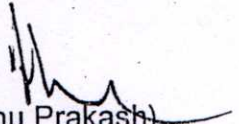
Attention of all concerned is drawn to the U.O. note No. 38(1)/2017-RN/201/A-2412 dated 16.05.2018 received from Pr. Secretary to LG (copy enclosed) and earlier communications regarding the provision of Sections 44(2) & 44(3) of the GNCTD Act, 1991 read with Authentication of Orders and Other Instruments (Amendment) Rules, 1992 and the circular dated 06.02.2018 issued by the Chief Secretary in this regard.

It has been observed by the LG Secretariat that vide orders No.Secy.to Min./2017/5036 dated 29.11.2017 and No.Secy.to Min./2018/452-459 dated 18.01.2018, a Panel of Senior Advocates has been constituted for conducting cases on behalf of the Government of NCT of Delhi before the High Court of Delhi and for giving legal opinion.

As per the report submitted by the Pr. Secretary (LJ&LA), GNCTD through the Chief Secretary under rule 57 of the Transaction of Business of GNCTD Rules, 1993 (TBR), the above orders dated 29.11.2017 & 18.01.2018 have been issued in material departure from the TBR without obtaining the approval of Hon'ble Lt. Governor. These have also not been issued in the manner specified under Section 44(2) GNCTD Act and have not been authenticated in the manner provided under Section 44(3) of the said Act read with Authentication of Orders and Other Instruments (Amendment) Rules, 1992, as amended up-to-date.

Therefore, all concerned may kindly note that the said orders of 29.11.2017 & 18.01.2018 have not been validly issued in view of the material infirmities noted above. A copy of this note is also endorsed to Pay & Accounts Officers through Pr. Secretary (Finance) for further appropriate action as per rules.

Encl.: As above.

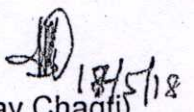

(Anshu Prakash)
Chief Secretary

All Pr. Secretaries / Secretaries / HoDs

Pay & Accounts Officers through Pr. Secretary (Finance).


Copy to:-

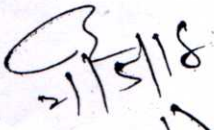
1. Pr. Secretary to LG
2. Spl. Secretary to CM
3. Secretaries to All Ministers


(Ajay Chagti)
Staff Officer to Chief Secretary

LS 18/5
SF (DS)

SF (NB)
Contol/PAO


18/5/18
277/7-1
21/05/2018


21/5/18
21/5/18
S.K.S.



सत्यमेव जयते

राज निवास
दिल्ली-११००५
RAJ NIWAS
DELHI-11005

CS/2018/15784

URGENT

Please refer to this Secretariat's communication dated 30.01.2018 requesting the Chief Secretary, Delhi to draw the attention of all concerned to the provisions of Sections 44(2) & 44(3) of the GNCTD Act, 1991 read with Authentication of Orders and Other Instruments (Amendment) Rules, 1992 and the circular dated 06.02.2018 issued by the Chief Secretary in this regard.

It has been brought to the notice of this Secretariat that Vide orders No. Secy. to Min./2017/5036 dated 29.11.2017 and No. Secy. to Min./2018/452-459 dated 18.01.2018, a Panel of Senior Advocates has been constituted for conducting cases on behalf of the Government of NCT of Delhi before the High Court of Delhi and for giving legal opinion.

As per the report submitted by the Principal Secretary (Law, Justice & Legislative Affairs), GNCTD through the Chief Secretary under rule 57 of the Transaction of Business of GNCTD Rules, 1993 (TBR), the above orders dated 29.11.2017 & 18.01.2018 have been issued in material departure from the TBR without obtaining the approval of Hon'ble Lt. Governor. These have also not been issued in the manner specified under Section 44(2) GNCTD Act and have not been authenticated in the manner provided under Section 44(3) of the said Act read with Authentication of Orders and Other Instruments (Amendment) Rules, 1992, as amended up-to-date.

Therefore, Hon'ble Lt. Governor has desired that Chief Secretary may kindly draw attention of all concerned including Pay & Accounts officers towards the fact that the aforesaid orders dated 29.11.2017 and 18.01.2018 have not been validly issued in view of the material infirmities noted above.

Encl.: As above

U11a-6
(Vijay Kumar)

Principal Secretary to Lt. Governor

✓ Chief Secretary, Delhi

U.O. No. 38(1)/2017-RN/2018/A-2412

Date- 16/05/2018



सत्यमेव जयते

राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

Section 44 (2) and 44(3) of the Government of NCT of Delhi Act, 1991 are as follows:

"44. Conduct of business:

...
(2) Save as otherwise provided in this Act, all executive action of Lieutenant Governor whether taken on the advice of his Ministers or otherwise shall be expressed to be taken in the name of the Lieutenant Governor.

(3) Orders and other instruments made and executed in the name of the Lieutenant Governor shall be authenticated in such manner as may be specified in rules to be made by the Lieutenant Governor and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Lieutenant Governor."

2. To have legal validity, all executive decisions have to be taken by the authority competent to take such decisions, and orders issued in pursuance thereof have to be authenticated by an officer authorised to do so under the Government of NCT of Delhi (Authentication of Orders and other Instruments) (Amendment) Rules, 1992 as amended in the year 2000 (copy enclosed).

3. Recently, some instances have come to notice, where orders have been issued under the signature of officers/ authorities, other than the authorised officers, in violation of the provisions of section 44(3) of the Government of NCT of Delhi Act, 1991 read with the aforesaid rules.

4. Hon'ble Lt. Governor has therefore desired that the Chief Secretary may kindly draw attention of all Secretaries to Ministers / Principal Secretaries / Secretaries / Head of Departments of GNCTD to the aforesaid provisions of the Government of NCT of Delhi Act, 1991 and the Rules made thereunder for strict compliance.

5. Any officer, who disregards the above provisions of law / rules shall do so at his own risk and will be liable for appropriate action by the competent authority, including disciplinary proceedings and recovery of financial loss to the Government exchequer, as a result of his/her actions.

6. This issues with the approval of Hon'ble Lt. Governor.

Chief Secretary, Delhi

U.O.No. 38(1)/2017-RN/491/A- 584

v6
(Vijay Kumar)
Principal Secretary to Lt. Governor
o/c

Dated: 30th January 2018

OFFICE OF MINISTER OF LAW, JUSTICE & LEGISLATIVE AFFAIRS,
TRANSPORT, ADMINISTRATIVE REFORMS
AND INFORMATION & TECHNOLOGY
GOVERNMENT OF NCT OF DELHI

8TH LEVEL, 'A' WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI-110002.

Tel. No. 23392126, 23392127

Office No. 3337
Date 19/01/18

No. Secy. to Min./2018/452-459

Dated: 18/01/18

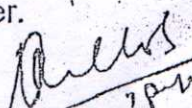
ORDER

In continuation of the order No. Secy. to Min./2017/5036 dated 29.11.2017, Govt. of NCT of Delhi is pleased to empanel Shri Sudhir Nandrajog, Sr. Advocate for conducting cases on behalf of the Govt. of NCT of Delhi before High Court of Delhi and for giving legal opinion at fee mentioned in the above said order with immediate effect.

Vide earlier order dated 29.11.2017 referred above, thirteen Senior Advocates were empanelled. With the empanelment of Shri Sudhir Nandrajog, Senior Advocate the Senior Advocates empanelled by Govt. of NCT of Delhi are as under :-

Sl. No.	Name of the Senior Advocates
1	Ms. Indira Jaising
2	Mr. Colin Gonsalves
3	Mr. June Chaudhary
4	Ms. Rebecca Mammen John
5	Mr. Anoop George Chaudhary
6	Mr. Anand Grover
7	Mr. Sanjay R. Hegde
8	Mr. Meet Malhotra
9	Mr. Sudhanshu Batra
10	Mr. Ashwini Mata
11	Mr. Anil Sapra
12	Mr. Rajiv Bansal
13	Mr. Rajiv Dutta
14	Mr. Sudhir Nandrajog

This issues with the prior approval of the Hon'ble Chief Minister.


(KAILASH GAHLOT)
MINISTER (LAW)

Contd....

*in process on your order
A copy of the order is
sent to the concerned
officer.*

Pr. Secy (Law)

D.S (452) / 18/01/18

No.Secy.toMin/2018/ 452-459.

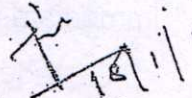
Dated: 18/11/18

Copy to:-

1. All the concerned Senior Advocates.

Copy for information to:-

1. Secretary to Hon'ble LG, Govt. of NCT of Delhi, Raj Niwas, Delhi-110054.
2. Advisor to Hon'ble Chief Minister, Govt. of NCT of Delhi, 3rd Level, Delhi Secretariat, New Delhi.
3. Pr. Secretary (Law), Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi.
4. Secretaries to all Ministers, Govt. of NCT of Delhi with the request to inform all the Departments under the charge of the Hon'ble Ministers.
5. Standing Counsel (Criminal), Govt. of NCT of Delhi.
6. Standing Counsel (Civil), Govt. of NCT of Delhi.
7. PS to Minister (Law).


(G P SINGH)

SECRETARY TO MINISTER (LAW)

OFFICE OF MINISTER OF LAW, JUSTICE & LEGISLATIVE AFFAIRS,
TRANSPORT, ADMINISTRATIVE REFORMS
AND INFORMATION & TECHNOLOGY
GOVERNMENT OF NCT OF DELHI
8TH LEVEL, 'A' WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI-110002
Tel. No. 23392126, 23392127

No. Secy. to Min./2017/

Dated:

ORDER

The Government of NCT of Delhi is pleased to empanel the following Senior Advocates for conducting cases on behalf of the Government of NCT of Delhi before High Court of Delhi and for giving legal opinion, with immediate effect.

Sl. No.	Name of the Senior Advocates
1	Ms. Indira Jaising
2	Mr. Colin Gonsalves
3	Mr. June Chaudhary
4	Ms. Rebecca Mammen John
5	Mr. Anoop George Chaudhary
6	Mr. Anand Grover
7	Mr. Sanjay R. Hegde
8	Mr. Meet Malhotra
9	Mr. Sudhanshu Batra
10	Mr. Ashwini Mata
11	Mr. Anil Sapra
12	Mr. Rajiv Bansal
13	Mr. Rajiv Dutta

The professional fee for appearance in the High Court of Delhi and for giving legal opinion shall be as under:-

I.	Professional fee for appearance	Rs. 1,10,000/-
	Clerkage @ 10%	Rs. 11,000/-
		Rs. 1,21,000/-
II.	Professional fee for legal opinion.	Rs. 55,000/-

Contd....

Hon'ble Deputy Chief Minister/Minister (Finance) has approved the proposal in File No. F5 (397)/lit/LJ & LA/17(C.D No.064454602).

This issues with the prior approval of the Hon'ble Chief Minister.

(KAILASH GAHLOT)
MINISTER (LAW)

Dated: 29/11/17.

No.Secy.toMin/2017/5037-43.

Copy to:-

1. All the concerned Senior Advocates.

Copy for information to:-

1. Secretary to Hon'ble LG, Govt. of NCT of Delhi, Raj Niwas, Delhi-110054.
2. Advisor to Hon'ble Chief Minister, Govt. of NCT of Delhi, 3rd Level, Delhi Secretariat, New Delhi.
3. Pr. Secretary (Law), Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi.
4. Secretaries to all Ministers, Govt. of NCT of Delhi with the request to inform all the Departments under the charge of the Hon'ble Ministers. Department may engage any Senior Advocate to represent the Department in the High Court of Delhi at the fee structure given above, or to seek a legal opinion.
5. Standing Counsel (Criminal), Govt. of NCT of Delhi.
6. Standing Counsel (Civil), Govt. of NCT of Delhi.
7. PS to Minister (Law).

(G P SINGH)

SECRETARY TO MINISTER (LAW)

Pr. Secy (Law)
29/11/17

D.S (Lit)