

DELHI GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DIRECTORATE OF TRAINING & TECHNICAL EDUCATION MUNI MAYA
RAM MARG, PITAMPURA, DELHI-110034.
(CO-ORDINATION BRANCH)

No.F.5(23)/2016/CDN/TTE/ 322-328

Dated : 09/04/2019

To,

1. All Principals ITs/ITIs/Degree Colleges/Universities under DTTE.
2. All branches of TTE/Controller (BTE) TTE (HQ), Pitampura.

Sub: Processing of Files referred to Services Department for advice/clarifications-Procedure to be followed.

Sir/Madam,

I am directed to forward herewith the letter/circular No.F.10(56)/S-IV/Adv./Misc./Circular/2019/803 dt. 27/03/2019 along-with its enclosure dated 24/01/2000 received from Spl. Secretary (Service), Delhi Sectt., New Delhi on the subject cited above. The same is being uploaded on the department website www.tte.delhigov.nic.in for information and necessary action in this regard.

Encl: As above.

Yours faithfully,


(RAJEEV KUMAR)
SECTION OFFICER(CDN)

No.F.5(23)/2016/CDN/TTE/ 322-328
Copy for information :-

Dated : 09/04/2019

1. P.S. to Secretary, TTE.
2. P.S. to Director, TTE.
3. P.A to Joint Director, TTE.
4. The system analyst, TTE (HQ) requested to upload the informations referred to above on the Deptt. website www.tte.delhigov.nic.in
5. Guard file.


SECTION OFFICER (CDN)

27/c
29/c
L.P. TE / 2919
dt 29/03/19

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

SERVICES-IV DEPARTMENT, 7TH LEVEL B-WING

DELHI SECRETARIAT NEW DELHI-110002

DIRECTOR (ITE)
Diary No. 1117
Dated 04-04-19

NO.F.10(56)/S-IV/Adv./Misc./Circular/2019/803

Dated: 27/03/19

CIRCULAR

**Subject: Processing of Files referred to Services Department for advice/clarifications-
Procedure to be followed.**

As per Allocation of Business Rules, 1993, the Services Department inter-alia has been assigned the task "Advise to other departments in Service matters". The departments, wherever any clarification is required, are accordingly sending references to the Services Department for soliciting advice.

1. While examining the references received from the various departments, it has often been observed that in many cases, the departments do not clearly indicate the issue on which the advice/clarification from the Services Department is required. Further, copies of OMs/Instructions of DOPT/MHA/Services Department referred to in their notes are also not placed on file. The paragraphing, paging etc. in the department's file have also been observed to be not done properly or missing at times. This unnecessarily leads to delay in processing of such cases, which is avoidable.

2. It has also been observed that departments, in many cases, are seeking advice/opinion on routine administrative matters, requesting vetting of proposed action, vetting of draft orders, affidavits, etc., which do not come under the mandate of the Services Department in accordance with the Allocation of Business Rule referred to herein.

4. Further, it has been observed that some departments are constituting committees, wherein a representative of Services Department have been co-opted as a member, for resolution of service matter of an employee/employees of their own department.. This co-optation of any representative from Services Department should be avoided and shall be done with the prior approval of Chief Secretary and such proposal with adequate justification be routed through the Services Department. All Departments may please note that the views expressed by the representative of Services Department in such Committees shall under no circumstances be construed as advice of the Services Department.

Office of the Director (ITE)
878
Date 02/4/19

N.B.
3/4/19
PA to Dir-IV(S)
A.O. (Admin)

Ser. 4
8/9/19

S/PA/A
4/19/19

220/E-IV
04/04/19

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5. In order to streamline things in this regard, all Departments are hereby advised to observe the following guidelines before referring any matter to the Services Department for seeking advice/opinion.

- i. All references to the Services Department for advice shall be sent with the approval of the concerned Administrative Secretary.
- ii. The issue on which the advice/opinion of the Services Department is solicited shall be clearly indicated /mentioned while referring the matter to Services Department. The note seeking advice shall invariably give a detailed background with full-facts and circumstances of the case.
- iii. Proposals seeking vetting of proposed action, draft order, affidavit, etc. shall be avoided.
- iv. Legible copies of OMs/instructions/guidelines referred to by the department shall be invariably placed in the file, appropriately paged and flagged.
- v. In case the matter involves financial implications, the views/opinion of the Finance Department may also be obtained in the first place and included in the reference made to Services Department for advice/opinion.

6. In this regard, the circular issued by Services Department vide No. F2(23)/99-S-III/322 dated 24.01.2000 is reiterated for strict compliance copy of the circular is enclosed for ready reference.

7. This issues with the approval of the Competent Authority.



(S.N. Misra)

Spl. Secretary(Services)

Encl: As above

To

All Heads of Departments/Autonomous Bodies/Local Bodies/Boards.

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**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES-III DEPARTMENT
5-SHAM NATH MARG, DELHI-54**

No.F2(23)/99-S.III/302

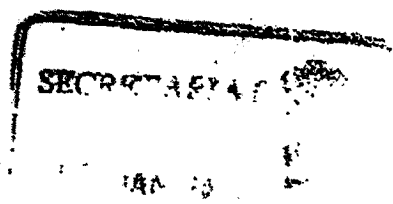
Dated: 24/11/2000

CIRCULAR

It has come to the notice of Services Department that some departments are quoting advice of Service Department in their decision/orders by stating that action in the matter has been taken as per directions/advice of Services Department. The fact of the matter is that the concerned administrative department, in the capacity of 'competent authority', has to take such decisions (and pass orders accordingly) in such matters keeping in view the rule position and other relevant aspects as well. It is only after a comprehensive examination of the above, that the Services Department tenders advice on various matters as solicited by the departments.

Such advices are given to facilitate the competent authority to take a decision in a matter. Decision have finally to be conveyed by the competent authority in their own competence. Advice tendered should not be quoted in the name of the Services Department. The aforementioned action on the part of the departments can render their orders infirm from both the rule position as well as from legal angle. Further, such actions also lead to the Services Department becoming an unnecessary party to litigations against departments, which is not appropriate.

To ensure that orders being issued are correct from the angle of rule position and 'competence', the view point of Services/Law/Finance Department etc. need not be quoted by the respective departments. It is relevant to mention that the advices of Services Department are tendered on the merits of individual cases and such references should not be generalised in the orders issued by departments.



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24/11/2000
(NAVIN CHAWLA)
PR. SECRETARY (SERVICES)

To

All Heads of Departments/Autonomous Bodies/Local Bodies.