

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

No. Admn-I-3(18)/2020/ **167**

dated:- **18.02.2020**

CIRCULAR

Instances have come to the notice that the disciplinary cases of the employees involved in criminal cases are reported pending since long for one or another reason or being referred to Corporate Office for seeking advice in the matter. In order to avoid undue delay in deciding the disciplinary cases and suspension cases arising on account of criminal cases, it has been decided by the competent authority that such cases be decided expeditiously with existing guide lines of DRTA and Executive Instructions of DTC issued earlier in dealing with Disciplinary cases vide Nos.CVO/PA/ 98/susp./143/17.04.1998, Adm-I(Misc)/98 dated 24.12.1998 and AdmI(Misc)/08/383 dated 23.05.2008 (copy attached).

It is further decided that the committee constituted earlier vide circular No.AdmI(Misc)/2016/850 dated 11.08.2016 on the particular issue is hereby dissolved.

This has the approval of the competent authority

Encl : As above



(B.S.Chauhan)
Sr. Manager(Admn.)Hqtr

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

Copy to : OSD to MD – for kind information to MD please.
: CGM(M) - for kind information pl.

Dy CGM (IT-IST)

mgsf (177) B.S. Chauhan
Coord. (IT)
Amif

ITD HO/2020/323
18-2-2020

DELHI TRANSPORT CORPORATION
GOVERNMENT OF INDIA (DELHI)
I.P. STATION NEW DELHI

Adm. (Misc)/2016/ 250

Dated: 11/8/16

In pursuance of previous orders on the subject, it is notified for information and
compliance by all concerned that henceforth the cases of those employees who are
involved in criminal cases and placed under suspension facing trial in criminal court will be
periodically reviewed by the following fresh committee:

27/11/16
16/11/16

- ✓ 1. CGM (Tr.) Chairman
- 2. Dy. CGM (Admin) Member
- 3. Dy. CGM (Law) Sr. Manager (Law) Member
- 4. Sr. Manager (P. O.) Member
- 5. Manager, Sec. House Member/Convener

The above Committee will review the suspension cases periodically as per rules.

It is directed to send the case files of concerned such employees for
review following to Manager (Tr.) Sec. House for placing the same before the
committee.

This issue has the approval of competent Authority

[Signature]
11/8/16
(ANKUR GARGI)
Manager (Admin) HQ.

Manager (Admin) HQ.

CGM (Tr.)
Dary No. 13-B-2014

① DYC SM (Tr.) JSH
② P.A.

St. Surinder
Criminal File

[Signature]
08/10

[Signature]
17/8

h.m.
17/8
Please discuss
discussed

✓

DELHI TRANSPORT CORPORATION
(Government of N.C.T. of Delhi)
I.P. Estate : New Delhi - 11 00 02.

No. Adm I (Mure) 08/383

Dated: 23 5.2008

23

REVOCATION OF SUSPENSION IN CRIMINAL CASES

I have been hearing a number of suspended employees of the Corporation in public grievances appearance who are under suspension due to their involvement in criminal cases other than those involved in fatal accidents for which separate guidelines are there.

It has been observed that even though there is a Review Committee to process such cases for reinstatement, but there are neither guidelines nor any judicial precedence. As such it is imperative to take a view so that the Committee can process the cases expeditiously. Accordingly, it is, therefore, decided that in all cases except the cases of murder, rape and dowry deaths which amount to heinous crimes, suspension period shall not exceed 180 days. In the above-mentioned heinous crimes, the matter would be reviewed again every six months and if the charges are not framed by the Court in a total period of one year from the suspension, the matter may be put up to C.M.D. along with complete history of the case and progress of the investigation for review.

The above instructions will also hold good in respect of cases of fraud and cheating. However, in such cases, the employee shall be put at non-sensitive duty where he has no financial dealings.

The above guidelines are being issued on the basis of Cr.P.C. provisions which generally prohibit judicial custody beyond 180 days for under trials.


(Ramesh Negi)

Chairman-cum-Managing Director.

All HODs/RMs

cc:
CGM (P)

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

No: Adml(Misc)/99

Dated: 24.12.08

C I R C U L A R

In partial modification of this office order No.1 dated 4.1.94, it is notified for information and necessary action by all concerned that aforesaid office order will henceforth be implemented only in the cases where the employee concerned has been under Police custody for 48 hours or more and where the employee has been in Police custody for less than 48 hours, the employee need not be suspended.

Further the cases where the employee had been suspended under said office order, will be reviewed by the Chief General Managers/Head of Departments quarterly and decision will be taken on merits regarding suspension in Criminal Cases.

Para 2 of the Office Order No.1 dated 4.1.94 will remain the same:

This has the approval of Competent Authority.

M. Kumar
(MAYA KUNWAR) 24/12/08
Sr. Manager (PR) Admn.

All Officers & Sections

CONFIDENTIAL

DELHI TRANSPORT CORPORATION
I.P. ESTATE: NEW DELHI-110002

NO/PA/98/Susp./143

Dated: 17.04.1998

DEEMED SUSPENSION

There are circumstances when an employee is deemed under suspension for his involvement in criminal case/grave misconduct. Relevant legal provisions/Government instructions are given as follows :-

Para 19(L) of the Standing Orders governing Conduct of employees of DRTA - Issued under Para 15(1) of DRTA (Conditions of Appointment & Service) Regulations, 1952

All the employees who may be arrested for any reason, shall intimate the facts of their arrest to their official superior immediately, even though, they might have subsequently been released on bail. Failure on the part of any employee to so inform his official superior will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the Police case against him.

Para 10(b) of the Executive Instructions on procedure regarding disciplinary action - Issued vide Circular No. AdmNI-3(18)/53 dated 5th August, 1955.

If an employee is arrested for debt or on a criminal charge, he should be treated as under suspension for any charge during which he is detained in custody or Jail.

Vigilance Manual Chapter - V :

Para 4.1 under Rule 10(2)(3)&(4) of the CCS(CC&A) Rule 1965, a Government servant is deemed to have been placed under suspension in the following circumstances :-

If a Govt. servant is detained in custody whether on a criminal charge or otherwise, for a period exceeding 48 hours, he shall be deemed to have been placed under suspension by an order of the appointing authority with effect from the date of detention.

1) Para 4.4 - A duty has also been cast on the Govt. servant, who may be arrested or convicted for any reason to intimate promptly the fact of his arrest/conviction and the circumstances connected therewith to his official superior, even though he might have been released on bail subsequently. Failure on the part of Govt. servant to do so, will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of Police case against him.

2) Para 5.2 - In the case of deemed suspension under Rule 10(2)(3)&(4) of CCS(CC&A) Rule 1965, suspension will take effect automatically even without a formal order of suspension.

Para 7.6 - No order of suspension shall be made with retrospective effect except in the case of deemed suspension.

contd...2.

These are mandatory provisions of DRTA, Vigilance Manual and CCS(CCA) Rules, 1965 and have to be complied with by the concerned disciplinary authority of the employees of D.T.C. There is no discretion left with the disciplinary authority, in such deemed suspension cases and if the conduct of the employee is covered under above mentioned legal provisions, then he has to be placed under suspension and should be deemed under suspension from the date of his arrest. However, reinstatement of employees is within the discretion of the disciplinary authority, which has to be exercised judiciously, keeping in view the gravity of the criminal offence, corruption and his moral turpitude.

Some queries have been received from different disciplinary authorities in which criminal cases were registered against the employees, they were arrested in criminal cases and were kept in custody/Jail for more than 48 hours, but they were either not suspended or were suspended very late which were contrary to the mandatory provisions of the Govt. Rules and instructions. Either the concerned employee failed/concealed/supressed the material information of his involvement in the criminal case etc. or the concerned disciplinary authority did not comply with the above mentioned mandatory provisions of law, which may be due to ignorance or due to some other considerations. In the first case of concealment of fact, the said Govt. employee is required to be dealt with by a separate departmental enquiry and suitable punitive action to be taken on this ground alone. In the second case where the disciplinary authority failed to comply with the mandatory provisions of law, a departmental action against such disc. authority, is also required which may either be due to ignorance of law which is not excusable or to favour such delinquent employee, where, sometimes, malafide intention may not be ruled out.

Therefore, the cases of deemed suspension may be dealt with by the concerned disciplinary authority as per the provisions explained above and should be monitored by their superior/Appellate authority for taking suitable action at their end. The legal provisions should not be violated.

This is being issued with the approval of C.M.D.

MS/OW/256
28-4-98

(Signature)
(Puran Singh)
Chief Vigilance Officer

- All HODs
- All R.Ms/Sr.Mgrs.
- All D.Ms/Unit I/charge.

(Handwritten initials)

(Handwritten initials)
28/4
CWO/143

Copy to: C.M.D. for kind information.

(Handwritten initials and dates)
28/4
29/4

Sr. Manager, ITC Traffic,

(Handwritten signature)
S. Hous

246
21-4-98