

BEFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1473/LOK/2012

Issues regarding large scale irregularities in issue of PRCs in
unauthorized colonies

Present:-

1. Shri Dharam Pal Sharma, Deputy Secretary, Department of UD.
2. Shri Nagesh Kumar, Office Superintendent, Department of UD.

A detailed Notice under Sec. 11 of the Delhi Lokayukta & Upalokayukta Act, 1995, bearing No.C-1473/Lok/2012/3500 dated 13th July, 2012, requiring the Pr. Secretary, Department of UD, to produce the following records in original and in particular the following:-

- i) Cabinet Decision No. 1311 dated 20-11-2007 notified vide F.No.3/3/2004-GAD/CN-4563-4574 dated 26-11-2007.
- ii) Letter in original bearing No. F. No. 103(31) UC/UD/MLA/2004/Pt. I/7631-7635 dated 25-04-2008, issued by the then Joint Secretary, Unauthorized Colonies Cell, Department of UD, Govt. of NCT of Delhi, quoting the tampered Cabinet Decision.
- iii) Details of quantum and value of works carried out in the aforesaid 11 Colonies of cement concreting of roads and the amounts spent thereon.
- iv) Any other relevant record or file concerning the implementation of the aforesaid Cabinet Decision.

At 12.00 Noon today, the Officer on Special Duty recorded that none appeared from UD Department till 2.00 PM and he has directed the matter to be put up before the Lokayukta at the end of the cases listed today for necessary directions.

When the case was taken up at 3.15 PM today, Mr. Dharam Pal Sharma, Deputy Secretary, Unauthorized Colony Cell, Department of UD, appeared and has tendered a letter dated 24th July, 2012, under his signature with photocopy of Cabinet Decision dated 20-11-2007. However, letter in original bearing No. F. No.103 (31) UC /UD/ MLA/ 2004/Pt. I/ 7631-7635 dated 25-04-2008, has not been produced, stating that the same is not traceable and efforts are on to trace the letter. Photocopy of another subsequent letter dated 16-09-2008 has been produced.

The notice in question was served personally through Special Messenger on the date of issuance itself, i.e. 13th July, 2012. It is regrettable that after 11 days, in a serious matter where tampering of the Cabinet Decision has been alleged, the original documents and record have not been made available. Further, as regards details sought regarding works undertaken in the 11 Unauthorized Colonies, the same excuse has been put forth that the files are not traceable and efforts are being made to trace the same.

The above conduct amounts to non-compliance of directions given, without any reasonable and tenable cause being shown for the same. There is no earthly reason why the Cabinet Decision, in original, in the matter should not be available. Further, the letter dated 25-04-2008, which gave permission for construction of roads and drains in unauthorized colonies in Assembly Constituency Mahipalpur, out of the list of 1409 Colonies, being the sanction letter placed, on the tampering of the cabinet note, being not traceable is not understandable. The said letter had been copied to the MLA, Minister for UD, Pr. Secretary (UD) as well as the Special Secretary (UD). The said letter should be produced forthwith. Also, the original records of the allotment of works in relation to these colonies be produced.

It should also be clarified whether the permission for construction of roads and drains in the unauthorized colonies, by letter dated 25-04-2008 had been duly approved by the concerned Minister or not and the notings in original with regard to the same be produced.

As a last opportunity, let the aforesaid records in original be produced including the notings for the said approvals, within ten days, failing which penal proceedings for non-compliance of directions given for production of documents in terms of Sec. 11 of the Delhi Lokayukta & Upalokayukta Act, 1995, and Sec. 175 I.P.C, r/w Sec. 195 Cr. P.C. shall be initiated.

Re-notify on **07-08-2012 at 12.30 P.M.**


(Justice Manmohan Sarin)
Lokayukta

Date: 24-07-2012