

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. Mr. Kumar Swamy, Secretary, GAD with Mr. Amitabh Kundu, Dy. Secretary, GAD .
2. Mr. Rajiv Makkar, Chief Engineer, DSIDC.
3. Mr. Ish Kumar, Chief Engineer, Irrigation and Flood Department, Govt. of NCT of Delhi
4. Mr. C. Uday Kuar, Secretary, Department of UD.
5. Mr. Manish Makhija, Counsel for UD, Govt. of NCT of Delhi.
6. Dharam Pal Sharma, Dy. Secretary, Department of UD (UC Cell)
7. Sh. Nagesh kumar, OS, Department of UD, (UC Cell)
8. Sh. Manoj Gautam, Assistant, Department of UD (UC Cell)

Mr. Kumar Swamy, Secretary, GAD with Mr. Amitabh Kundu, Dy. Secretary, GAD are present. They have brought the Cabinet Decision File bearing No. F.3/3/2004/GAD CN- Part-I, Vol. Part-I.

My attention has been drawn to the minutes of the meeting on the Cabinet decision dated 20.11.2007, as recorded along with letter dated 26.11.2007, which was circulated. Photocopies of the above have been made available.

Mr. Kumar Swamy states that there is no further note on cabinet decision on the subject. It is further stated the communication dated 25.4.2008 from the Joint Secretary, UC Cell, which is not even endorsed to GAD was not received in their department. It is further stated that once the minutes of the meeting on Cabinet Decision are conveyed to respective departments by GAD, their role ends. A joint statement without oath, of Secretary GAD Mr. Kumar Swamy and Mr. Amitabh Kundu, Dy. Secretary, GAD have been recorded separately.

Statement of Mr. Ish Kumar, Chief Engineer, Irrigation and Flood Department, GNCT of Delhi on oath has also been recorded separately.

Statement of Mr. Rajiv Makkar, Chief Engineer, DSIDC on oath has been recorded.

DSIDC would furnish the details of name of parties to whom works were awarded and whether the awardees were the lowest bidder or not. The total amount spent on storm water drains as also cement concreting of roads be separately given.

Notice be also issued to Chief Engineer, Delhi Jal Board to disclose whether sewage facilities or water facilities have also been provided in

MS

the 11 colonies in question or not? if so when provided and the amount spent thereon.

I am informed that Mr. Chander Mohan, Pr. Secretary, Urban Development Department, Govt. of NCT of Delhi could not attend the court on account of his meeting with the Lt. Governor and later on in the day at 4.00 PM he has a cabinet meeting. It would be appropriate to hear Pr. Secretary, Urban Development before directions are given with regard to missing file which can have serious implications. It would be just and proper that the Pr. Secretary or Head of Department is heard before passing those directions.

Mr. Manksh Makhija, Counsel for UD submits that Pr. Secretary has no time during the day. It was mentioned to him that Pr. Secretary may attend the court at any time and mention even if other proceedings are going on. Otherwise matter will be taken up at 4.00 PM today itself.

Secretary GAD, who is present is also directed to give copy of deliberations of the Cabinet meeting of 20th August, 2007, reference to which is made in the order dated 6.9.2007 of Project Director UC Cell, UD.

The matter was again taken up at 4.00 PM. Mr. Manish Makhija submits once again that during the afternoon earnest effort were made by the concerned Secretary Mr. R. Chandermohan to be present but due to earlier pre-occupation in LG's office and thereafter being involved in the Cabinet meeting, it was not possible for him to attend.

As has been pointed out that this forum is only interested in the compliance with the directions issued and not the personal presence of the executives, who ought to be in their offices discharging their normal functions. However, it is only when despite repeated directions compliance is missing, the forum is compelled to issue directions for personal presence.

Mr. Makhija submits that it has not been possible to submit original letter bearing no. 103(31)/UC/UD/MLA/2004/Pt.-1/ 7631-7635 dated 25.4.2008, as the said original file is not available in the UD Department as of now. He submits that the Pr. Secretary, UD had vide directions given on 13th July, 2012 directed that the entire record be made available by 20th July, 2012.

It would be noticed that the above direction was given on 16th July, 2012 and we are already on 16th August. A month has elapsed without the said original file containing the said letter being traced. Moreover as was pointed out earlier the said letter in question has been

copied to Sh. Vijay Singh Lochav, MLA, PS to Minister of UD, PS to Pr. Secretary, UD and PA to Spl. Secretary, UD. Hence original of this letter sent to 4 persons ought to be available in their respective sections. | This forum had in particular desired to receive the notings if any on the above by the Minister of UD, Pr. Secretary or PS to Pr. Secretary. The noting could be possibly available on the respective copies of this letter endorsed to the above mentioned addresses. Moreover the notation by which administrative approval is said have been granted and conveyed vide letter dated 25.4.2008 would be on a separate noting, which should have normal approval of the Secretary or Pr. Secretary and Minister of UD. The said note is also not available which would include of necessity a reference to the Cabinet decision of 26.11.2007. The non availability of these documents and not being traceable is a matter of deep concern. It is also not without significance that copy of the said letter which has been tendered today by the DSIDC is stated not be from their record but received from the custody of one of the AEs. |

These are circumstances which justify and call for a thorough investigation into the matter. I was inclined to pass appropriate directions in accordance with law in respect of the file which is not traceable. However, at the request of Mr. Manish Makhija, who fervently urged that it was on account of a genuine difficulty of Pr. Secretary, UD that he could not be present and he undertakes that he would be personally present on the next date. They would make all earnest efforts by the next date to have the file and above notings traced. He prays that the matter may be fixed in the next week. Accordingly at his request and undertaking as noted above, the matter is fixed for **23rd August, 2012 at 2.30 PM.**


Justice Manmohan Sarin
Lokayukta

Dated : 16.08.2012

rk