

I/13850/2016

**DELHI JAL BOARD : GOVT. OF NCT OF DELHI  
OFFICE OF THE ASSISTANT COMMISSIONER(WATER)  
VARUNALAYA PHASE-II: KAROL BAGH : NEW DELHI-110005  
PHONE NO: 011-23544796**

F.No.438(16)/e-file-35986/AC(W)/GAD/2016/ Dated : 15.09.2016

**Subject : Review of orders relating to issue Statutory Notifications.**

Please find enclosed herewith a letter dated 29.08.2016 bearing No. 1B/6565/GAD/Admn./2016/3674 issued by Dy. Secretary(GAD), Govt. of NCT of Delhi along with letter dated 23.08.2016 bearing No. U.O. No. 17(1)/16-RN/134/A-6481 & Memorandum/Letter dated 08.08.2016 bearing F.No. 17(1)/16-RN/135/A-6048 issued by Secretary to Lt. Governor, Delhi on the above noted subject matter **for your kind information & compliance.**

It is, therefore, requested that complete list of all such files requiring approval of Hon'ble L.G. which have already been sent or yet to be sent to L.G. office, may be submitted along with the compliance report directly to L.G. Office, under intimation to this Dy.Secy,(GAD) as well as to this office.

This may be treat as '**MOST URGENT**'

**Encl : As above**

  
**( SHEKHAR KUMAR )  
ASSTT. COMMISSIONER(W)**

Member(WS)/(DR.)  
All Directors/C.Es./S.A.(IT)  
Addl. C.E.O. / Secretary, D.J.B.  
All ACs/DD(LW)/L.O.(W)

**Copy for information to :**

1. Chairman, DJB/ Vice Chairman, DJB
2. Chief Executive Officer, D.J.B.
3. Member(Admn)(Fin.)/Secretary to C.E.O.
4. E.E.(EDP)- with the request to upload the same on the website of DJB under intimation this office.

  
**ASSTT. COMMISSIONER(W)ASSTT.**

I/13850/2016

Signature Not Verified

Digitally signed by SHEKHAR  
KUMAR  
Date: 2016.09.16 16:58:09 IST  
Reason: Approved



**MOST URGENT / TIME BOUND**

GOVERNMENT OF NCT OF DELHI  
GENERAL ADMINISTRATION DEPARTMENT  
(ADMINISTRATION BRANCH)  
2<sup>nd</sup> LEVEL, 'A' WING: DELHI SECRETARIAT  
I.P. ESTATE: NEW DELHI-110002

F. No. 1B/6565/GAD/Admn./2016/ 3674

Date: 29/08/2016

To,

All Principal Secretaries/Secretaries,  
HoDs/Heads of Autonomous Bodies,  
Corporations/Boards/Institutions,  
Under Govt. of NCT of Delhi.

**Subject: Review of orders relating to issue of Statutory Notifications.**


Sir,

In continuation of this office letters of even numbers 3209-10 and 2553 dated 08.08.2016 and 23.08.2016, vide which memorandums dated 08.08.2016 and 23.08.2016, from Secretary to Hon'ble Lt. Governor, was forwarded for compliance and needful action urgently (copies enclosed), it is once again reiterated that the complete list of all such files requiring approval of Hon'ble L.G. which have already been sent or are yet to be sent to L.G. office, may be submitted along with the compliance report directly to L.G. office, under intimation to this Department.

**This may be treated as 'MOST URGENT'**

Encl: A/a.

Yours faithfully

  
(Propila Mitra)  
Deputy Secretary (GAD)  
Ph: 23392168

23 AUG 2016  
Dy. No. G/2016/7825

G/2016/38728  
24/8/16

M 24/8/16  
SSGAD

Most  
Immediate  
✓ Secy (GAD)  
S.O. to C.S

Jhu  
24/8/16  
for info on  
your part of  
work  
DS (GAD) [Signature]  
24/8  
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24/8/16  
S. Sahas



Please refer to this Secretariat's Memorandum No.F.17(1)/16-RN/134-138/6047-51 dated 08.08.2016, inter-alia conveying to all concerned to submit those cases for the consideration of the Lt. Governor, where prior approval of the Lt. Governor of Delhi, though required, was not obtained. A preliminary scrutiny of the files received so far in this Secretariat reveals that some departments are yet to comply fully.

2. The Lt. Governor has, therefore, directed to convey to all concerned that any default in compliance of the above mentioned circular will be viewed adversely. Responsibility of the Secretary/ HoD concerned will be fixed jointly and severally, in case any such matter later comes to notice of this Secretariat which should have been submitted earlier in terms of the above referred memorandum.

3. Therefore, all Principal Secretaries / Secretaries / HODs & all Heads of Autonomous Bodies / Corporations / Boards / Institutions etc., concerned are requested to :

- i) Review and identify all such orders, if not already done, where approval of the Lt. Governor was required but not taken and submit the related files for the consideration of the Lt. Governor in terms of the Memorandum dated 08.08.2016.
  - ii) Furnish to this Secretariat a final list of all such files, which have been so identified and submitted by them at their end for the consideration of the Lt. Governor.
4. Both these actions should be completed by 31.08.2016 without fail.
5. This issues with the approval of the Hon'ble Lt. Governor, Delhi.

(Vijay Kumar)  
Secretary to Lt. Governor

- To,
- ✓ 1. Chief Secretary, Delhi.
  - 2. Secretary, GAD, GNCTD to ensure that the copy of this Memorandum is circulated to all Principal Secretaries / Secretaries / HODs & all Heads of Autonomous Bodies/ Corporations/ Boards/ Institutions under GNCTD.

U.O.No.17(1)/16-RN/134/ A-6481 Date: 23<sup>rd</sup> August 2016

- Copy to:
- 1. Secretary to Chief Minister, Delhi.
  - 2. Secretary to Deputy Chief Minister / Ministers, Delhi.

Copy for kind information to:  
Home Secretary, Govt. of India, North Block, New Delhi.

(Vijay Kumar)  
Secretary to Lt. Governor

010/16



MOST URGENT

 राजीव प्रकाश  
 दिल्ली-110003  
 राज भवन  
 दिल्ली-110002

F.No. 17(1)/16-RM/135/A-6048

सत्यमेव जयते

Date- 08 Aug 2016

**MEMORANDUM**

Whereas, over the last one and half year, orders relating to issue of statutory notification, conferment of statutory powers, amendments to Acts/Rules/Statutes, constitution/re-constitution of various Boards/Commissions/Corporations/Committees, including appointment of Chairman, Members thereof, etc. have been issued, which required prior approval of the competent authority, i.e. Lt. Governor of Delhi under extant Acts/Rules/Guidelines as per prevailing constitutional scheme.

2. Whereas, in some of the said orders prior approval of the Lt. Governor of Delhi, though required, was not obtained.

3. Whereas, Hon'ble High Court in its judgement dated 04.08.2016 in the matter of W.P.(C) No.5888/2015 and related matters, amongst other issues has affirmed that

(i) *On a reading of Article 239 and Article 239AA of the Constitution together with the provisions of the Government of National Capital Territory of Delhi Act, 1991 and the Transaction of Business of the Government of NCT of Delhi Rules, 1993, it becomes manifest that Delhi continues to be a Union Territory even after the Constitution (69th Amendment) Act, 1991 inserting Article 239AA making special provisions with respect to Delhi.*

(ii) *Article 239 of the Constitution continues to be applicable to NCT of Delhi and insertion of Article 239AA has not diluted the application of Article 239 in any manner.*

4. It is, therefore, obvious that all such orders as referred in paragraph two above suffer from legal infirmities and will have consequential repercussions.

5. I am, therefore, directed to convey that all Principal Secretaries/ Secretaries / HODs & all Heads of Autonomous Bodies/ Corporations/ Boards/ Institutions etc., concerned should immediately review all such orders issued and identify, by 17 Aug 2016, those cases where prior approval of Lt. Governor though required was not taken. All such cases may immediately be placed with appropriate proposal before the Lt. Governor, individually in the concerned file through proper channel and with the opinion/vetting of Law Department, wherever required.

6. It is also directed that no order in future be issued without approval of the competent authority as per the prevailing constitutional scheme.

7. This issues with the approval of the Hon'ble Lt. Governor, Delhi.

Order  
 (Vijay Kumar)  
 Secretary to Lt. Governor

To

1. Chief Secretary, Delhi.

2. Secretary, GAD, GNCTD to ensure that the copy of this Memorandum is circulated to all Principal Secretaries / Secretaries / HODs & all Heads of Autonomous Bodies / Corporations/ Boards/ Institutions under GNCTD.

In other office

Copy to:

1. Secretary to Chief Minister, Delhi.

2. Secretary to Deputy Chief Minister / Ministers, Delhi.

Copy for kind information to:

Home Secretary, Government of India, North Block, New Delhi.

(Vijay Kumar)  
 Secretary to Lt. Governor