

**DELHI DEVELOPMENT AUTHORITY (SALARIES,
ALLOWANCES AND CONDITIONS OF SERVICES)
REGULATIONS, 1961**

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DELHI DEVELOPMENT AUTHORITY (SALARIES, ALLOWANCES AND CONDITIONS OF SERVICES) REGULATIONS, 1961

In exercise of the powers conferred by section 57 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority hereby makes, with the previous approval of the Central Government, the following regulations, namely: Regulations Relating to Salaries, Allowances and Conditions of Service

PART 1

General

1. Short title and commencement :-

(1) These Regulations may be called the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961.

(2) These shall come into force at once.

2. Definitions :-

In these regulations, unless the context otherwise requires:

(1) "Act" means the Delhi Development Act, 1957.

(2) "Authority" means Delhi Development Authority constituted under Section 3.

(3) "Chairman" means the Administrator of Union Territory of Delhi ex officio appointed under clause (a) of sub-section (3) of section 3.

(4) "Disciplinary Authority" in relation to the imposition of a penalty on a member of the service, means the authority competent under these regulations to impose on him that penalty.

[(4-A) "Engineer Member" means the Engineer member of the Authority.

(4-B) "Finance and Accounts member" means the Finance and Accounts member of the Authority.]

(5) "Schedule" means the Schedule to these Regulations.

(6) "Section" means a Section of the Act.

(7) "Service" means Delhi Development Service.

(8) "Vice-Chairman" means the Vice-Chairman of the Authority.

3. Power to relax :-

The Authority may relax the provisions of any of these regulations in any case in which, but for such relaxation, the regulations would operate harshly: Provided that no such relaxation as aforesaid shall be made by the Authority in respect of any officer appointed by the Central Government.

4. Interpretation :-

If any doubt arises as to the meaning or application of these regulations or any of them to any person, the matter shall be referred to the Authority whose decision shall be final.

PART 2

Salaries, Allowances and Conditions of Service

5. Appointments :-

Appointments to any posts in the service other than the posts of the Secretary and the Chief Accounts Officer shall be made by the authority specified in this behalf in the Schedule;

Provided that the Vice-Chairman may by an order direct that appointments to class III and class IV posts may also be made by such officer and subject to such conditions as may be specified in the order.

6. Conditions of service :-

Unless expressly provided for in these regulations to the contrary, the general terms and conditions of service of officers and employees of the Authority shall be governed mutatis mutandis by the Fundamental and Supplementary Rules applicable to the Central Government officers and employees and by the Central Civil Service (Temporary Service) Rules, 1949, and by orders and decisions issued by the Central Government under these rules from time to time.

7. Grant of leave :-

The authority competent to make appointments to posts in the service shall be competent to grant leave to the members of the service;

Provided that such authority may by an order direct that any power exercisable by it under this regulation may also be exercised,

subject to such conditions as may be specified, by such officer of the Authority as may be mentioned in the said order.

8. Salaries and allowances of Chief Accounts Officer etc :-

The salaries, allowances and other conditions of service of the Chief Accounts officer and the Secretary of the Authority shall be such as may be determined by the Central Government at the time of their appointment:

Provided that as respects any matter which is not specifically so determined by the Central Government, the regulations applicable to other officers and employees of the Authority shall also apply to the Chief Accounts Officer and the Secretary.

9. Conditions of services of Government servants on deputation :-

Government servants, whether of the Union or of the State Governments, whose services are placed at the disposal of the Authority or foreign service, shall be governed by the terms and conditions which may be laid down at the time of their deputation to the Authority.

10. Allotment of residential accommodation :-

Subject to such exceptions as may be made by the Authority with the approval of the Central Government wherever necessary in the case of Government servants on foreign service with the Authority, all officers and employees of the Authority shall, in the matter of allotment of residential accommodation, be governed by the regulations in the annexure to these regulations, and such of them as are allotted residential accommodation by the Authority shall pay such rent and other charges for that accommodation as are laid down in the Fundamental and Supplementary Rules as are applicable to the Central Government officers and employees of similar status in regard to allotment of Government accommodation to Government servants.

11. Conduct of staff :-

The provisions of the Central Civil Services (Conduct) Rules, 1955, as amended by the Central Government from time to time, shall apply mutatis mutandis to the services and posts under the Authority; and unless the context otherwise requires, all references to Central Government shall be construed as references to the Authority and all references to head of office shall be construed as references to the Vice-Chairman.

12. Classification of posts :-

The services and posts under the Authority shall, for purposes of appointment, control and discipline, be classified as follows:

13. Discipline and penalties :-

(1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Authority in that behalf may place an officer or employee of the Authority under suspension:

(a) Where a disciplinary proceeding against him is contemplated or is pending; or

(b) Where a case against him in respect of any criminal offence is under investigation or trial;

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) An officer or employee of the Authority who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an officer or employee of the Authority under suspension is set aside in appeal or on review under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an officer or employee of the Authority is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty

of dismissal, removal or compulsory retirement was originally imposed, the officer or employee of the Authority shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal for compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this regulation may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate. Nature of penalties

14. Discipline :-

The following penalties may, for good and sufficient reason to be recorded in writing and as hereinafter provided, be imposed upon officers and employees of the Authority, namely:

- (a) Censure;
- (b) withholding of increments or promotions;
- (c) recovery from pay of the whole or part of any preliminary loss caused to the Authority by negligence or breach of orders;
- (d) reduction to a lower service, grade or to a lower time scale of pay, or to a lower stage in a time scale;
- (e) compulsory retirement;
- (f) removal from the service of the Authority which shall not be a disqualification for future employment;
- (g) dismissal from the service of the Authority which shall ordinarily be a disqualification for future employment.

Explanation. The following shall not amount to penalty within the meaning of this regulation:

- (1) withholding of increments of an officer or employee of the Authority for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment;
- (2) stoppage of increments of an officer or employee at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;
- (3) non-promotion, whether in a substantive or officiating capacity,

of an officer or employee, after consideration of his case to a service, grade or post for promotion to which he is eligible;

(4) reversion to a lower service, grade or post of an officer or employee officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with his conduct:

(5) reversion to his permanent service, grade or post of an officer or employee appointed on probation to another service grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;

(6) compulsory retirement of an officer or employee in accordance with the provisions relating to his superannuation or retirement:

(7) termination of the services;

(a) of an officer or employee appointed on probation, during or at the period of probation, in accordance with the terms of his appointment or the rules and orders governing probation; or

(b) of a temporary officer or employee in accordance with rule 5 of the Central Civil Services (Temporary Services) Rules, 1949, as adopted by the Authority; or

(c) of an officer or employee employed under an agreement in accordance with the terms of such agreement.

15. Disciplinary authorities :-

(1) Subject to the provisions of Sub-regulation (2) and of regulation 16, and to the condition that no officer or employee may be removed or dismissed or reduced in rank by an authority subordinate to that by which he was appointed, the authorities specified in the Schedule may impose the penalties specified in that Schedule upon officers and employees of the Authority included in that Schedule.

(2) Where an officer or employee is temporarily appointed to any other service or post, and the authority which would have been competent under sub-regulation (1) to impose upon him any of the penalties specified in clauses (d) to (g) of regulation 14, had he not been so appointed to such other service or post, is not subordinate

to the authority competent to impose any of the said penalties after such appointment, the latter authority shall not impose any such penalty except after consultation with the former authority.

16. Procedure for imposing Major penalties :-

(1) No order imposing on an officer or employee of the authority and of the penalties specified in clauses (d) to (g) of regulation 14 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the officer or employee and he shall be required to submit, within such time as may be specified by the disciplinary authority, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation. In this sub-regulation and in sub-regulation (3), the expression "the disciplinary authority" shall include the authority competent under these regulations to impose any of the penalties in clauses (a) to (c) of regulation 14.

(3) The officer or employee of the Authority shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against the public interest to allow him access hereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the disciplinary authority may itself inquire into such of the charges as are not admitted, or, if it considers it necessary so to do appoint a Board of Inquiry or an Inquiring Officer for the purpose.

(5) The disciplinary authority may also nominate any person to present the case in support of the charges before the authority enquiring into the charges (hereinafter referred to as the inquiring authority). The officer or employee of the Authority may present his case with the assistance of any other officer or servant of the Authority¹ ***, but may not engage a legal practitioner for the

purpose unless the person nominated by the disciplinary authority as aforesaid is a legal practitioner or, unless the disciplinary authority, having regard to the circumstances of the case, so permits,

(6) The inquiring authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The officer or employee of the authority shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the officer or employee of the authority and the witness examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reason in writing.

(7) At the conclusion of the inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges provided that findings on such charges shall not be recorded unless the officer or employee of the Authority has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include.

(i) the charges framed against the officer or employee and the statement of allegations furnished to him under sub-section (2);

(ii) his written statement of defence, if any;

(iii) the oral evidence considered in the course of the inquiry;

(iv) the documentary evidence considered in the course of the inquiry,

(v) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry; and

(vi) a report setting out the findings on each charge and the reasons therefor.

(9) The disciplinary authority shall, if it is not the inquiry authority,

consider the record of the inquiry and record its findings on each charge.

(10)

(i) If the disciplinary authority having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (d) to (g) of regulation 14 should be imposed it shall:

(a) furnish to the officer or employee a copy of the report of the inquiry authority and, where the disciplinary authority is not inquiring authority, a statement of its findings together with brief reasons for disagreement, if any with the findings of the inquiry authority; and

(b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(ii) The disciplinary authority shall consider the representation if any, made by the officer or employee in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the officer or employee and pass appropriate orders on the case.

(11) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (a) to (c) of regulation 14 should be imposed, it shall pass appropriate orders in the case.

(12) Order passed by the disciplinary authority shall be communicated to the officer or employee who shall also be supplied with a copy of the record of the inquiring authority and, where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

1. Subs, vide S.O. No. 994 dated 25-3-63. See Gaz. of India, Part III Section 3(ii) dated the 6th April, 1960, p. 1081.

17. Procedure for imposing minor penalties :-

(1) No order imposing any of the penalties specified in clauses (a) to (c) of regulation 14 shall be passed except after

(a) the officer or employee of the Authority is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make within the specified time; and

(b) such representation, if any, is taken into consideration by the disciplinary authority.

(2) The record of proceedings in such cases shall include

(i) a copy of the intimation to the officer or employee of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any; and

(vi) the orders on the case together with the reasons therefor.

18. Joint Inquiry :-

(1) Where two or more officers or employees of the Authority are concerned in any case, the authority competent to impose the penalty of dismissal from service on all such officers and servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Any such order shall specify

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii) the penalties specified in regulation 14 which such disciplinary authority shall be competent to impose; and

(iii) whether the procedure prescribed in regulation 16 or regulation 17 may be followed in the proceeding.

19. Special procedure in certain cases :-

Notwithstanding anything contained in regulations 16, 17 and 18

(i) where a penalty is imposed on an officer or employee on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules, the disciplinary authority

may consider the circumstances of the case and pass such orders thereon as it deems fit.

20. Provision regarding borrowed officers and employees :-

(1) Where an order of suspension is made or a disciplinary proceeding is taken against an officer or employee whose services have been borrowed from the Central Government, or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this regulation referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the borrowed officer or employee,

(i) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (a) to (c) of regulation 14 should be imposed on him it may subject to the provisions of sub-regulation (11) of regulation 16 after consultation with the lending authority, pass such orders on the case as it deems necessary.

provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the officer or servant shall be replaced at the disposal of the lending authority:

(ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (d) to (g) of regulation 14 should be imposed on him it shall replace his services at the disposal of the lending authority and transmit the proceedings of the inquiry to it for such action as it deems necessary.

21. Appeal against orders of suspension :-

An officer or an employee may appeal against an order of suspension to the authority to which the authority which made the order is immediately subordinate.

22. Appeals against orders imposing penalties :-

(1) An officer or employee may appeal against an order imposing upon him any of the penalties specified in regulation 14 to the authority specified in this behalf in this Schedule.

(2) An appeal against an order in a common proceeding held under regulation 18 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.

23. Appeal against other orders :-

(1) An officer or employee may appeal against an order which

(a) denies or varies to his disadvantage, his pay allowances, gratuity or other conditions of service as regulated by any rules or regulations framed in this respect or by agreement; or

(b) interprets to his disadvantage the provisions of any such rules, regulations or agreement.

24. Period of limitation for appeals :-

No appeal shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

25. Form and contents of appeal :-

(1) Every person submitting an appeal shall do so separately and in his own name,

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself,

26. Submission of appeal :-

Every appeal shall be submitted to the authority which made the order appealed against.

27. Withholding of appeals :-

(1) The authority which made the order appealed against may withhold the appeal if

(i) it is an appeal against an order from which no appeal lies; or

(ii) it does not comply with any of the provisions of regulations 25; or

(iii) it is not submitted within the period specified in regulation 24 and no cause is shown for the delay; or

(iv) it is a repetition of an appeal withheld on the ground only that it does not comply with the provisions of regulation 25 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) At the commencement of each quarter, a list of the appeals* withheld by any authority during the previous quarter, together with the reasons for withholding them shall be furnished by the authority to the appellate authority.

28. Transmission of appeals :-

(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 27 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under regulation 27 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

29. Consideration of appeals :-

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 13 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 14, the appellate authority shall consider

(a) whether the procedure prescribed in these regulations has been complied with, if not, whether such non-compliance has resulted in failure of justice;

(b) whether the findings are justified; and

(c) whether the penalty imposed is excessive, adequate or inadequate; and pass orders

(i) setting aside, reducing, confirming or enhancing the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty within a specified period; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (d) to (g) of regulation 14 and inquiry under regulation 16 has not already been held in the case, the appellate authority shall subject to the provisions of regulation 19 itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such orders as it may deem fit.

(3) In the case of an appeal against any order specified in regulation 23, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

30. Implementation of orders in appeal :-

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

31. Review of orders in disciplinary cases :-

The authority to which an appeal against an order imposing any of the penalties specified in rule 14 lies may of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case, and, pass such orders as it deems fit, as if the officer or employee had preferred an appeal.

Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

SCHEDULE 1

SCHEDULE

SCHEDULE				
Title of Service or post	Authority empowered to appoint	Authority empowered to impose penalties which it may impose		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
Class I posts, (1) a. with a Maximum of over Government			All except (a) reduction Central to a lower service grade Governor post, lower time scale of pay, or to a lower stage;	
1	2	3	4	5
		(b) compulsory retirement; (c) removal; and (d) dismissal.		
		(2) Central All Government		No appeal lies.
(h)) with maximum of Rs. 850	Authority	Authority All		Central Government
Class 11 posts	Authority	(1) Vice Censure or withholding or Chair- increment or promotion man (2) Authority All rity		Authority Central Govt.
Class III posts	Vice Chairman (Engineer member or Finance & Accounts Member	Vice All Chairman (Engineer member or Finance & Accounts Member		Chairman
Class IV posts	Vice Chairman (Engineer member or Finance & Accounts Member	Vice All Chairman (Engineer member or Finance & Accounts Member		Chairman

SCHEDULE 2
SCHEDULE

DELHI DEVELOPMENT AUTHORITY

**Form of application for allotment of residences for the year
commencing 1st April**

19.....

1.	Name, Mr/Mrs./Miss (in block letters)	"	"	"	"	"
2.	Class to which entitled (Regulation 4)	"	"	"	"	"
3.	Priority date	"	"	"	"	"
4.	Qualifying appointment held	"	"	"	"	"
5.	Particulars of the permanent post, if any, held by the officer substan-tively.	"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
6.	Date of appointment in the Delhi Improvement Trust/Delhi Development Provisional Authority/ Delhi Development Authority	"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
7.	Emoluments on 1st April of year of application, or in the case of first application on the date of qualifying posting.	"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
8.	The date from which the emoluments at (7) above are being drawn.	"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
9.	Whether the officer is entitled to rent free accommodation.	"	"	"	"	"
		"	"	"	"	"
10.	Whether the officer is a family or single officer.	"	"	"	"	"
		"	"	"	"	"
11.	If family officer, details of the members of family should be given below	"	"	"	"	"
		"	"	"	"	"
		"	"	"	"	"
SI No.	Name	Age	Relationship	Profession if any	Whether entirely dependent on the officer	
1						

2					
3					
4					
5					
6					
7					