

DMC, CONTROL AND APPEAL REGULATIONS, 1959

MUNICIPAL CORPORATION OF DELHI Control and Appeal Regulations, 1959 Framed by the Govt. of India under clauses (d) and (e) of sub-section (1) of section 98 read with sub-section (1) of section 480 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), and published with Ministry of Home Affairs Notification No. 40/17/58-Delhi dated the 3rd April, 1959 in Part-IV, Delhi Gazette (Extra-ordinary) dated 4th April, 1959. 1. (1) These regulations may be called the Delhi Short title and Municipal Corporation Service (Control and Appeal) commencement. Regulations, 1959. (2) They shall come into force at once

2. In these regulations, unless the context otherwise Definitions.requires :— (a) 'Act' means the Delhi Municipal Corporation Act, 1957 (66 of 1957); (b) 'Appointing Authority' in relation to a municipal officer or other municipal employee means the authority empowered by or under the Act to make appointments to the post which such officer or employee for the time being holds; (c) 'Disciplinary Authority' in relation to the imposition of a penalty on a municipal officer or other municipal employee means the authority competent under these regulations to impose on him *any of the penalties specified in regulation 6*. (d) 'Municipal officer' or 'other municipal employee' means a municipal officer or other municipal employee to whom these regulations apply; (e) 'Schedule' means the schedule to these regulations; (f) 'Section' means a section of the Act. (1) These regulations apply to all municipal officers Application. 3. and other municipal employees whose pay is chargeable to the General Account of the Municipal Fund except :— (a) persons in casual employment; (b) persons subject to discharge from service on less than one month's notice; and (c) persons for whom in respect of matters covered by these regulations, special provision is made by or under any law for the time being in force, and only in regard to the matters covered by such law. (2) Notwithstanding anything contained in sub. regulation (1), these regulations shall apply to every municipal officer and other municipal employee temporarily transferred to a post coming within clause (c) of sub. regulation (1) to whom, but for such transfer, these regulations would apply. (3) Notwithstanding anything contained in sub. regulation (1), the Corporation may by order exclude from the operation of all or any of these regulations any municipal officer or other municipal employee or class of such officers or employees. special provision 4. Where it is considered necessary to make special provisions in respect of a municipal officer or other by agreement. Suspension. municipal employee inconsistent with any of these regulations, the appointing authority may, by agreement with such officer or employee, make such special provisions and thereupon these regulations shall not apply to such officer or employee to the extent to which the special provision so made are inconsistent therewith : Provided that if the appointing authority is other than the Central Government or the Corporation, the previous approval of the Corporation shall be obtained by such authority. 5. (1) In this 'appropriate authority' means • (i) in relation to municipal officers or other municipal employees specified or referred to in sub-section (1) of section 89 or immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is more than two hundred and fifty rupees, the Standing Committee; (2) (ii) in relation to municipal officers or other municipal employees immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is not more than two hundred and fifty rupees, the Municipal Secretary or the Municipal Chief Auditor; as the case may be; and ** (iii) in relation to all other municipal officers and employees, the Commissioner or to whom such power is delegated by a general or special order of the Commissioner. (2) The appropriate authority may place any municipal officer or other municipal employee 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 an order of suspension is made by the Standing Committee in regard to any of the municipal officers specified or referred to in sub-section (1) of section 89, the order of suspension shall be subject to confirmation by the Corporation. (3) Any municipal officer or other municipal employee 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 in accordance with this regulation and shall remain under suspension until further orders. (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a municipal officer or other municipal employee under suspension is set aside in appeal under these regulations and the case is remitted for further inquiry or action or with any other direction. the order of his

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. vide Notification No. dated 17-12-1974. (3) Nature of penalties. (5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a municipal officer or other municipal employee 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, such officer or employee shall be deemed to have been placed under suspension in accordance with this regulation from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. (6) An order of suspension made or deemed to have been made at any time be revoked by the authority which made or is deemed to have made the order. (7) The appropriate authority, if it is not the disciplinary authority, shall send a copy of the order of suspension to the disciplinary authority along with a report stating the grounds for the order of suspension.

6. The following penalties may, for good and sufficient reason' and as hereinafter provided, be imposed on a municipal officer or other employee, namely -Minor penalties:- Censure. (ii) (i) Withholding of increments or promotion. *Provided where it is proposed after considering the representations, if any, made by the municipal employee to withhold increments and such withholding of increments is likely to withhold increments for a period exceeding 3 years or to withhold increments with cumulative effect for any period, an enquiry shall be held in accordance with regulation 8 of these regulations before making any order imposing on the municipal employee any such penalty* *Amended vide notification NO.F.II (1) 92-LSG/3446 dated 16.4.92 (4) (iii) Recovery of the whole Or part of any pecuniary loss caused to the Corporation by negligence or misconduct. Major penalties : (iv) Reduction in rank including reduction to a lower post, or to a lower time scale or to a lower stage in a time-scale. (v) Compulsory retirement. (vi) Removal from service which shall not be a disqualification for future employment. (vii) Dismissal from service which shall ordinarily be a disqualification for future employment. Explanation The following shall not amount to a penalty within the meaning of this regulation :— (a) reversion to his permanent post of a municipal officer or other municipal employee appointed on probation to another 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; (b) replacement of the services of a municipal officer or other municipal employee whose services have been borrowed from the Central Govt. or a State Government or any local or statutory authority, at the disposal of the authority which had lent his services; (c) compulsory retirement of a municipal officer or other municipal employee in accordance with the provisions relating to his superannuation or retirement; and (d) termination of the services :— (i) of a municipal officer or other municipal employee appointed on probation, 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; or (5) Disciplinary Authorities and Appellate Authorities. Procedure for imposing penalties. (ii) of a temporary municipal officer or other municipal employee in accordance with *provisions or rule 5 of the Central Civil Services (Temporary Services) Rules, *1965 as amended from time to time and* as applied to such officers or employees; or (iii) of a municipal officer or other municipal employee employed under an agreement, in accordance with the terms of such agreement

7. The authority specified in column 1 of the schedule may impose on any of the municipal officers or other municipal employees specified there against in column 2 thereof any of the penalties specified there against in column 3 thereof. Any such officer or employee may appeal against the order imposing upon him any of these penalties *or any of the following orders* to the authority specified in column 4 of the said schedule. (i) *Reducing or with-holding of pension in full or any part thereof of a retired municipal officer/ employee as a result of disciplinary proceedings under Rule 9 of the Central Civil Services (Pension) Rules, 1972 (ii) Determining the pay and allowances for the period of suspension or for the period from the date of his dismissal, removal or compulsory retirement from Service, or from the date of his reduction to a lower service grade, post, time scale of stage in a time scale of pay to the date of his reinstatement or restoration to his service grade or post under *

***8. (1) Subject to the provisions of sub-section (2) of section 95, no order imposing on a municipal officer or other municipal employee, any of the penalties specified in clauses (iv) to (vii) of regulation 6 shall be passed, except after an enquiry is held, as far as may be, in the manner hereinafter provided. vide Notification No. dated 17-12-1974.**

***Amended vide notification No.F.11 (1)92-LSG/3446 dated 16.4.92 (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 municipal officer or other municipal 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. (3) The municipal officer or other municipal employee 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 public interest to allow him access thereto. (4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority may charge as are not admitted or, if it considers it necessary so to do, appoint a Board of Inquiry or an Inquiry Officer (hereafter in this regulation referred to as the Inquiring Authority) for the purpose. (5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the Inquiry Authority. *The officer* or other employee may present his case with the assistance of any other municipal officer or any other employee approved by the Disciplinary Authority/ *Inquiry Officer* , but shall 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. *Amended vide notification No.F.11 (1)92-LSG/3446 dated -16.4.92 (7) (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 municipal officer or other municipal employee 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 municipal officer or other municipal employee and the witnesses 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 finding on each of charges together with reason therefore. If in the opinion of such authority, the proceedings of inquiry establish charges different from those originally framed, it may record findings on such charges. Provided that findings in such charges shall not be recorded unless the municipal officer or other municipal employee 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 municipal officer or other municipal employee and the statement of allegations furnished to him under clause (2); (ii) • his written statement of defence, if any; (iii) (iv) (v) (vi) • the oral evidence taken in the course of the inquiry; the documentary evidence considered in the course of the inquiry; the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and a report setting out the findings on each charge and the reasons therefor. (9) The Disciplinary Authority, shall, if it is not the Inquiring Authority, consider the record of inquiry and record its findings on each charge. (10) If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in regulation 6 should be imposed, it shall • (a) furnish to the municipal officer or other municipal employee a copy of the report**

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; 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. (11) The Disciplinary Authority shall consider the representation, if any made by the municipal officer or other municipal employee in response to the notice under sub-regulation (10) and determine what penalty, if any, should be imposed on the municipal officer or other municipal employee and pass appropriate orders on the case. (12) Orders passed by the Disciplinary Authority shall be communicated to the municipal officer or other municipal employee who shall also be supplied with a copy of the report 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. * * 8-A (I) No order imposing on a municipal officer or other municipal employee any of the penalties specified in clauses (i) to (iii) of regulation 6 shall be made except after :— vide Notification No. F-2(25Y74-LSG dated (9) Special procedure in certain cases. (a) informing the municipal officer or the municipal employee in writing of the action proposed to be taken and of the imputations



forming the basis, thereof and giving him a reasonable opportunity of showing cause against the proposed action; (b) taking the representation, if any submitted by the municipal officer or the municipal employee under clause (a) and after holding such enquiry as may be considered necessary in the presence of that municipal officer or employee after notice to him or in his absence if he fails to attend; (c) recording a finding on each imputation or negligence, misconduct or misbehaviour



2. The record of proceedings in such cases shall include :—(i) copy of the intimation of the municipal officer or municipal employee of the proposed action. (ii) copy of the statement of imputations negligence, misconduct or misbehaviour



forming basis of the proposed action; (iii) representation, if any; (iv) the notice issued and evidence, if any produced during the enquiry; (v) the findings on each imputation of negligence, misconduct or misbehaviour; and (vi) the orders on the case together with the reasons therefore

9. Notwithstanding anything contained in regulation 8 - (i) where any penalty is imposed on a municipal officer or other municipal employee on the ground of misconduct which has led to his conviction charge; or Amended vide notification dated 16.4.92 (ii) where the authority empowered to remove or dismiss an officer or other employee is satisfied for reasons to be recorded that it is not reasonably practicable to follow the procedure prescribed in these regulations; - the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit. 10. No appeal shall be entertained unless it is submitted within a period of three months from the date on which the limitation for appeals. appellant received a copy of the order appealed against :— Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time. (1) Every person submitting an appeal shall do so in Form and 11. separately and in his own name. contents of appeals. (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

12. Every appeal shall be submitted 'to the' authority Submission of appeals. which made the order appealed against. Provided that a copy of the appeal may be submitted direct to the appellate authority. (1) The authority which made the order appealed against may withhold the appeal if :— appeals. (i) it is an appeal against an order from which no appeal lies; or (ii) it does not comply with any of the provision of regulation 11; or (iii) it is not submitted within the period specified in regulation 10 and no cause is shown for the delay; or (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced. (11) Provided that an appeal withheld on the ground only that it does not comply with the provisions of regulation 11 shall be returned to the appellant and, if re-submitted within fifteen days thereafter 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 therefore. (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 that authority to the appellate authority. Transmission of 14. (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 13 together with its comments thereon and the relevant record. (2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under regulation 13 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records. Consideration of 15. In case of an appeal against an order imposing any of the penalties specified in regulation 6, the appellate authority shall consider. (a) Whether the procedure prescribed in these regulations has been complied with, and if not, whether such non-compliance has resulted in violation of any provisions of the Act or in failure of justice; (b) Whether the findings are justified; and (c) Whether the penalty imposed is excessive, adequate or inadequate; and after consultation with the Commission if such consultation is necessary in the case, pass orders (12) (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. **16.(1) Notwithstanding anything contained in these regulations :— (i) the Commissioner, in case the order proposed to be reviewed has been made by the Dy. Commissioner or other officer subordinate to him; (ii) the Corporation in case the order proposed to be reviewed has been made by the Standing Committee; (iii) the Central Govt. in case order proposed to be reviewed has been made by the Corporation; "may either on his or its own motion or otherwise call for the record of proceedings/enquiry and review any order made under these regulations from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed and may :— (a) confirm, modify or set-aside the order, or (b) confirm,

reduce, enhance or set-aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or. (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or (d) pass such orders as it may deem fit. *Added vide Notification No. dated 17-12-1974. (13) Reasonable opportunity of making a representation against the proposed penalty and if it be proposed to impose any specified in clauses (iv) to (vii) of regulation 6 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in regulation 8 and after giving a reasonable opportunity to the municipal officer or municipal employee concerned of showing cause against the penalty proposed on the evidence adduced during the enquiry. (2) No proceedings for review shall be commenced until after (i) the expiry of the period of limitation for an appeal, or (ii) the disposal of the appeal where such appeal has been preferred. (3) An application for review shall be dealt within the same manner as if it were on appeal under these regulations." * (4) Review shall be entertained unless it is submitted within a period of six months from the date on which the applicant received a copy of the order which is sought to be reviewed. Provided that the Reviewing Authority may entertain the review after expiry of the said period if it is satisfied that the applicant had sufficient cause for not submitting the review petition in time. * (TO BE PUBLISHED IN PART-III OF DELHI GAZETTE) DELHI ADMINISTRATION, DELHI (LOCAL SELF GOVT. DEPARTMENT) Dated the 15-12-1976 NOTIFICATION No. F. 2/25/74-LSG (Vol. 11)—The following regulations made by the Municipal Corporation of Delhi under section 98 of the Delhi Municipal Corporation Act, 1957 vide Commissioner's decision No. 607 dated 20-5-75 in connection with amendments to the Delhi Municipal Corporation Service (Control & Appeal) Regulations, 1959 issued by the Govt. of India, Ministry of Home Affairs vide their Notification No. 40/17/58-Delhi dated the 3rd April, 1959 and published in the Govt. of India Gazette dated 3-4-1959, Part-III having been approved by the Lt. Governor in pursuance of the provisions of section 480 (2) of the Delhi Municipal Corporation Act, 1957 read with the Govt. of India, Ministry of Home Affairs, Notification No. 3/6/66-Delhi dated 19-10-66 are hereby published as below : 1. Short Title & Commencement These regulations may be called the Delhi Municipal Corporation Service (Control & Appeal) (Amendment) Regulations, 1976

3. Amendment of Regulations :—In the Delhi Municipal Corporation Service (Control & Appeal) Regulations, 1959 for the existing schedule appended to regulation 7 the schedule hereto annexed shall be substituted :— Description of posts 1 All Municipal officers and employees. All Municipal officers and employees. SCHEDULE* (See Regulation 7) Authority competent to impose Penalty 2 PART 'A' Penalties 3 In cases where appointments are made under section 509. other Corporation other Central Government (i), (ii) & (iii) Appellate Authority 4 Central Government. President of India. Description of posts Posts under the Corporation (Other than those under the Municipal Chief Auditor or the Municipal Secretary) 1. Category 'A' posts -do- 2. Category 'B' & 'C' posts : (i) Where appointment the officer or employee was made by the erstwhile local bodies of authorities specified in the second schedule of Act (ii) Where the appointment was made by the Commissioner (iii) Where the appointment was made by Deputy Commissioner PART 'B' Authority competent to impose Penalty 2 Corporation Deputy Commissioner Commissioner Deputy Commissioner Any Municipal officer or employees to whom powers to impose penalty is delegated under section 491 of the Act. Deputy Commissioner Any Municipal officer or employees to whom powers to impose penalty is delegated under section 491 of the Act. Deputy Commissioner Any Municipal officer or employees to whom powers to impose penalty is delegated under section 491 of the Act. Penalties impose Penalty 3 All (i), (ii) & (iii) All (i), (ii) & (iii) (i), (ii) & (iii) All (i), (ii) & (iii) (i), (ii) & (iii) All (i), (ii) & (iii) Appellate Authority 4 Central Government. Commissioner. Standing Committee. Commissioner. Deputy Commissioner. Standing Committee. Commissioner. Deputy Commissioner. Commissioner. Deputy Commissioner. Description of posts 1 Posts under the Municipal Chief Auditor . 1. Category 'A' posts 2. Category 'B' posts -do- 3. Category 'C' posts Posts under the Municipal Secretary : 1

3. Category 'A' posts Category 'B' posts Category 'C' posts Authority competent to impose Penalty 2 Corporation Municipal Chief Auditor Standing Committee Municipal Chief Auditor Municipal Chief Auditor Corporation Municipal Secretary Standing Committee Municipal Secretary Municipal Penalties 3 All (i), (ii) & (iii) All (i), (ii) & (iii) All (i), (ii) & (iii) All (i), (ii) & (iii) All (i), (ii) & (iii) All *Amended vide notification No.F.2 (Volume-11) dated 15-12-76 Appellate Authority 4 Central Government.

Standing Committee. Corporation. Standing Committee. Standing Committee. Central Government.
Standing Committee. Corporation. Standing Committee. Standing Committee. By Order : (R.P.Mathur)
Under Secretary (LSG) Adminisuation, Iklhi

