



**SOUTH DELHI MUNICIPAL CORPORATION**  
CENTRAL ESTABLISHMENT DEPARTMENT, 22<sup>ND</sup> FLOOR  
DR. S.P. MUKHERJEE CIVIC CENTRE  
NEW DELHI- 110002

No. Director (P.)/CED/SDMC/2021/1733

Dated- 02.03.2021

**ORDER**

Whereas erstwhile Municipal Corporation of Delhi was trifurcated into three separate entities viz North Delhi Municipal Corporation (NDMC), South Delhi Municipal Corporation (SDMC) and East Delhi Municipal Corporation (EDMC) as per the provisions of the DMC (Amendment) Act, 2011.

Whereas the South Delhi Municipal Corporation (SDMC) became a separate body charged with the municipal government of Delhi (within their own jurisdictions) as per the provisions of Section 3 of the DMC Act, 1957 post trifurcation.

Whereas as a stop gap arrangement, North Delhi Municipal Corporation carried out the promotion in respect of the employees of all three corporations.

Whereas as per Section 98 of the DMC Act, SDMC has the power to make regulations for tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave absence and other conditions of services of officers and other employees of South Delhi Municipal Corporation.

Whereas, South Delhi Municipal Corporation vide Resolution No. 221 dated 12.02.2019 has resolved that all cadre controlling authority of SDMC to finalize, RRs;, Seniority of various posts to each cadre controlling authorities and conduct their promotions as per provisions of the DMC Act, 1957.

Whereas as per the provision of the Section 92 of the DMC Act, 1957, the power of the appointing municipal officers and other municipal employees of SDMC whether temporary or permanent shall vest in the Commissioner, SDMC, therefore, the officers/officials appointed through promotion whether on ad-hoc basis or regular basis also requires the approval of Commissioner of concerned corporation except in respect of the provisos of Section 92.

Whereas in an specific proposal that DLB would be the Joint Cadre Controlling Authority for Group A Officers of all three Corporations, The Law Department, GNCTD vide CD: 021175719 dated 09.10.2012 has specifically opined that *"....administrative instructions and guidelines cannot bypass the statutory rules and regulations made under the authority of law.....there is no provision in the Act which these guidelines may be issued to make them enforceable."* And, accordingly, the cadre Controlling power remained with respective Corporations.

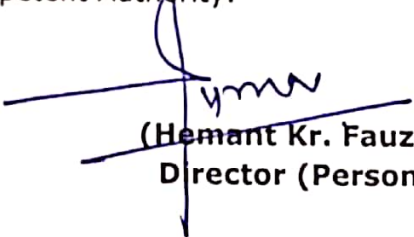
Whereas in an specific issue of promotion to the post of CSI to SS by SDMC, the Deputy Director (Local Bodies), GNCTD vide letter No F.2(61)/AD/LB/2020/part file/2221-23 Dated 26.10.2020 has clarified that *"the matter of promotion from the post of CSI to SS, does not obstruct and no legal hitch and ULB's are independently allowed to be processed as per recruitment*

rule through its own DEMS Headquarter established just after trifurcation of erstwhile corporation, for all purpose, such as recruitment, regularization, promotion, transfer and posting of all the categories of employees working in (DEMS), so that the affected deserving candidates can get the justice with effect from 2015 as per rule and existing RRs and concerned DMCs may not get themselves involved in unnecessary litigation which the affected eligible candidates might file if they do not get promotion in due course administratively".

Whereas, Commissioners of North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation have, in principle, approved the proposal mentioned in Recruitment Rules of Group-B & C posts (Ministerial/administrative) that Chairman and Members of the Departmental Promotion Committee (DPC) will be of respective Corporations.

Therefore, in view of the above facts and the statutory provisions under the DMC Act, 1957 henceforth, South Delhi Municipal Corporation will conduct promotion of its Group-B & C posts of all cadres. Central Establishment Department, South DMC will act as nodal department and shall conduct promotions of all Category 'B' and 'C' posts of all cadres in consultation with cadre controlling Departments.

This issues with the approval of the Competent Authority.

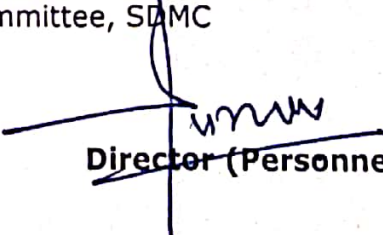
  
(Hemant Kr. Fauzdar)  
Director (Personnel)

Copy to:

1. Commissioner, SDMC
2. Commissioner, NDMC
3. Commissioner, EDMC
4. All Adl. Commissioners, SDMC
5. Director (Personnel), NDMC & EDMC.
6. Dy. Director (Local Bodies), GNCTD
7. All Deputy Commissioners/HoDs of SDMC-through email.
8. Director (IT)-with the request to get it uploaded on SDMC's website
9. Guard File/Office Copy.

Copy forwarded for favour of information to:

1. Hon'ble Mayor, SDMC.
2. Hon'ble Deputy Mayor, SDMC.
3. Hon'ble Chairperson, Standing Committee, SDMC.
4. Hon'ble Deputy Chairman, Standing Committee, SDMC.
5. Hon'ble Leader of the House, SDMC.
6. Hon'ble Chairperson, APD & Allied Matters Committee, SDMC
7. Hon'ble Leader of the opposition, SDMC.
8. Hon'ble Leader, Congress Party.

  
Director (Personnel)