

मुल्ला मोहमदइद्रीस गुलामरसुल
प्रमुख
MULLA MOHAMEDIDRIS GULAMRASSUL
President



Daman Municipal Council
FORT AREA, MOTI DAMAN,
DAMAN - 396 220.
PH. : 0260 - 2230666, 2230879
FAX : 0260 - 2230333
E-mail: dmc_daman@yahoo.com

No. 3/1-27/DMC/2013-14/2827

Dated : 17th December, 2013.

To,
The Hon'ble Collector &
Director of Municipal Administration,
Collectorate,
Daman.

Ref : (i) This office order No.3/1-27/DMC/2013-14/2696 dated 04.12.2013.
(ii) Your office order No.COL/DMN/EST/2013-14/3803 dated 17.12.2013.

Sub : In reference to Office Order No.COL/DMN/EST/2013-14 dated 17.12.2013.

Respected Sir,

With due respect I would like to state as under;

That with reference to above it is highly regretted to bring to your kind notice that your order No.COL/DMN/EST/2013-14/3803 dated 17.12.2013 is totally against the provision of the Daman & Diu Municipalities (Amended) Regulation, 1994 laid down under section 59, 71 and 74(1) of the said regulation.

As per section 59; "Functions of President - (1) (d) exercise supervision and control over the acts and proceedings of all officers and servants of the Council in matter of executive administration and in matters concerning the accounts and records of the council,"

As per section 71; "Appointment of Director of Municipal Administration and his powers and the powers of the Collector. (1) The Government shall, by notification in the official Gazette, appoint a Director of Municipal Administration. His jurisdiction shall extend to the entire Union territory.

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-: 2 :-

(2) The Director, and the Collector of each district, shall exercise such powers and perform such duties as are conferred and imposed upon them by this Regulation or any rule made thereunder. The Government may, by notification in the official Gazette, direct that any power (except the power to make rules) or duty which by this Regulation or by any rule made thereunder is conferred or imposed upon it shall, in such circumstances and under such conditions, if any as may be specified, be exercised or performed also by the Director or the Collector.....”

And as per Section 74(1); “ Powers and duties of Chief Officer..... (1) The Chief Officer shall (a) subject to the control, direction and supervision of the President, supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this Regulation;” which clearly empowers the President, Daman Municipal Council to look into all the affairs such as executive, administrative and financial. It also states that, al the servants and officers have to function under the direction, supervision and control of the President.

I have received many complaints from the public that, the Technical Staff and officers are visiting the sites for their vested interest and ulterior motive. It has been also noticed that, the servants, officers are moving around in the town for their personal work due to which, the municipal administrative and developmental work, are being hampered. In order to have a smooth functioning the controlling person i.e. the President have all right to issue such order as mentioned above in public interest at large. The order of your goodself is arbitrary without any inquiry and non application of mind.

I appreciated your goodself order for your own office for having a vigilance and good working of the staff and officers pertaining to your office. Accordingly, I learnt from you to control over our DMC office. If, my order dated 04.12.2013 is against the bye laws of Municipality and is treated to be cancelled then obviously your order pertaining to your office should have also been cancelled.

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It seems that the Administration is trying to encroach upon the powers vested in the Municipal Regulation of the Local Self Government elected body, paralyzing the working of Daman Municipal Council.

I therefore, most humbly and respectfully request your goodself to revoke, within 3 days from today, your order dated 17.12.2013 in large public interest failing which the staff and officers will enjoy all liberties which will be detrimental to the public interest and for which your kindself alone would be responsible for it.

Finally, it is submitted that the order passed by the President in the present case is not causing or is not likely to cause any injury or annoyance to the public or is not against the public interest or does not lead to a breach or the peace and is not unlawful. The said order has been passed in exercise of the powers vested in the President by law.

This petition may be considered as a statement / appeal of the Council to the Director of Municipal Administration under the provisions of sub section (3) and (4) of section 293 of the Daman & Diu Municipalities (Amended) Regulation, 1994.

Thanking you.

Yours faithfully,

(Mulla Mohamedidris Gulamrassul)
President

Copy to :

- 1) The Joint Secretary (Home), Ministry of Home Affairs, New Delhi.
- 2) The Joint Secretary / IAS Controlling Authority, Department of Personnel and Training, North Block, New Delhi - 110001.
- 3) The Hon'ble Administrator, Daman.
- 4) The Development Commissioner, Daman.
- 5) The Chief Officer, DMC, Daman.
- ✓ 6) The SIO, NIC, Daman for updating on district website.