

No.COL/DMN/EST/2013-14/ 4098
Administration of Daman & Diu
Office of the Collector
Collectorate, Daman.

Dated: 06/01/2014

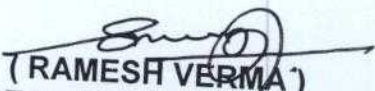
O R D E R

In exercise of the powers conferred under sub section-(4) of Section 293 of Daman & Diu Municipalities (Amended) Regulation, 1994, I, the Director (Municipal Administration), Daman & Diu do hereby clarify the legal position of the provisions of clause (d) of sub-section (1) of section 59 read with clause (a) of sub- section (1) of Section 74 of Municipal Regulation ibid as under:

According to Section 74, the power of Control, direction and supervision of the President on the Chief Officer is only of administrative nature which is justified. Such powers of the President can not be exercised over the Chief Officer which are statutory functions entrusted to the Chief Officer under different sections of Municipal Regulation ibid.

Clause (a) of sub section (1) of Section 74 of the Municipal Regulation ibid is therefore to be considered only of an administrative nature and cannot be interpreted in any way for supervision, control and direction over the Chief Officer for its statutory functions and therefore any directions issued in the name of control, direction and supervision on the Chief Officer cannot be binding and prohibited his statutory function to be performed in the public interest.

As regards to the power of the President prescribed under clause (d) of sub-section (1) of section 59 of the Municipal Regulation ibid is also of administrative nature. It does not authorize the President to control the movement of the staff required to work for the public interests. Movement of the staff outside office may be controlled by maintaining the movement register of the staff which will clearly state the reasons for going outside the Municipal premises for performing the public works.


(RAMESH VERMA)
COLLECTOR/DIRECTOR (MUNICIPAL
ADMINISTRATION)
DAMAN.

To
The President
Daman Municipal Council
Daman

Copy to:

1. The Hon'ble Administrator, DD & DNH, Daman for kind information.
2. The Secretary (Urban Development)/Development Commissioner, DD & DNH, Daman.
3. The Finance Secretary, DD & DNH, Daman.
4. The Chief Officer, Daman Municipal Council, Daman.
5. The Directorate of Accounts, Daman.
6. The SIO, NIC, Daman to upload on district website.