

MINUTES OF CANTONMENT BOARD ORDINARY MEETING HELD ON 24 FEBRUARY, 2018 IN THE OFFICE OF CANTONMENT BOARD, DEHRADUN CANTT

190-1 PROMOTION TO THE POST OF SANITARY SUPDT.

To consider the Office report which states that due to retirement of Shri Narender Singh, Sanitary Supdt on 28.02.2017, the post of Sanitary Superintendent is lying vacant and Shri Narendra Kumar, Sanitary Inspector is looking after the duties of Sanitary Supdt. in addition to his own. Office report further states that Shri Narendra Kumar, Sanitary Inspector is working in the substantive post since 10 May, 2012 and he is eligible for promotion to the post of Sanitary Superintendent being his line/cadre of promotion. The resultant vacancy of Sanitary Inspector may be filled up by direct recruitment process, The Office report also states that the need for promoting the present Sanitary Inspector to the post of Sanitary Supdt. and to fill up resultant vacancy of Sanitary Inspector is most urgent and essential for imparting conservancy services at two wings of Cantonment Board, Dehradun viz. i) Garhi/Dakra area and ii) Premnagar area 8 Kms. Apart from each other.

The Office report along with personal file of Shri Narender Kumar and relevant documents are placed on the table.

190-1 RESOLUTION: Board considered the matter in detail and resolved to promote Shri Narendra Kumar, Sanitary Inspector to the post of Sanitary Superintendent w..e.f. 01.03.2018 in the pay scale of Rs. 9300-34800 + G.P. 4200/-(Pre-revised 7th Pay Commission) which is Rs. 35400/- (Entry level Pay) as per Index 1 and level 6 of the 7th Pay Matrix Table.

191-2 NOTIFYING/FILLING UP OF THE POST OF SANITARY INSPECTOR- CHANGE IN QUALIFICATIONS BY THE STATE GOVERNMENT

To consider the Office report this states that due to promotion of present incumbent who is working in the substantive post of Sanitary Inspector; to the post of Sanitary Superintendent, the resultant vacancy of Sanitary Inspector being a direct recruitment post, will be filled by notifying the vacancy in "Employment News". However, the State Govt. has changed/amended the prescribed qualifications for the recruitment of Sanitary Inspector as prescribed in Uttarakhand G.O. No. 797/IV(1)/01(4)/2012 dated 04 October, 2012 as under:

Designation/Name of post	Existing qualifications	Amended/changed qualifications	Remarks
Sanitary & Food Inspector*	(a) B.Sc in (Chemistry), (Agriculture), (Animal Husbandry) etc. (b) One year Diploma in Hygiene and Sanitation from U.P. Govt Institute or from any other institute recognized by the Govt.	B.Sc. and One year Diploma in Hygiene and Sanitation from U.P. Govt Institute or from any other institute recognized by the Govt	*re-designated as Sanitary Inspector vide Uttarakhand G.O. No. 797/IV(1)/01(4)/2012 dated 04 October, 2012

191-2 RESOLUTION: Board considered the matter by perusing the Uttarakhand G.O. No. 797/IV (1)/01(4)/2012 dated 04 October 2012 in which the educational qualifications have been prescribed B.Sc. and One year Diploma in Hygiene and Sanitation from U.P. Govt Institute or from any other institute recognized by the Govt and CEO & Member Secretary apprised the Board that the post of Sanitary Inspector in Cantonment Board, Dehradun is equated to the post of Sanitary Inspector with the State of Uttarakhand Govt. departments and placed in the pay scale of Rs. 5200-20200 + G.P. Rs. 2800/- as per (Pre-Revised 7th Pay Commission which is Rs. 29200/- (Entry Level) as per level 1 and Index 5 of the 7th Pay Commission Pay Matrix Table. Board resolved that necessary proposal be initiated to GOC-in-C, CC/PD DE CC for obtaining sanction for change in educational qualifications for the post of Sanitary Inspector in the pay scale of Seventh Pay Commission Pay Matrix

192-3 FAMILY PENSION TO SMT REKHA KUNJWAL BISHT DAUGHTER OF LATE SMT PARWATI DEVI, EX-PEON

To consider the question of granting family pension to Smt Rekha Kunjwal Bisht, daughter and dependent of late Smt Parwati Devi, who was working as Peon and died on 07 Aug 2017 while in service.

The office report states that both the dependents as nominated by Smt Parwati Devi, ex-Peon viz., Smt Rekha Kunjwal Bisht (daughter) and Shri Kamal Singh Bisht (son) has crossed the maximum age of 25 years for receiving the pension of their mother, but as per family pension sub rule 54(6) of the CSS (Pension), Rule 1972, the widowed/divorced daughter of the deceased beyond the age of 25 years and or till remarriage can be given family pension. As per the record of this office Smt Rekha Kunjwal Bisht is a widow daughter of late Smt Parwati Devi, ex-Peon and is therefore eligible for getting family pension of her mother.

In this connection all the relevant papers are placed on the table. The Board may decide.

192-3 RESOLUTION: Matter was considered by the Board and after deliberation, Board resolved to appoint and constitute a Committee of Board Members comprising Col 'Q' and Shri Jitender Taneja, Elected Member to enquire into the genuineness and to ascertain that Smt. Rekha Kunjwal Bisht is a widow and she has not remarried and findings/report of the above Committee be placed before the next Board. Board further resolved that CEO shall obtain application from above widow applicant with her age proof and also an affidavit of the effect that she is a widow and has not remarried duly countersigned by the Class I Magistrate and the whole matter with documents be placed before the next Board

193-4 UTILIZATION OF UNUSED CANTONMENT BOARD SCHOOL FUNDS ON DEVELOPMENT OF SCHOOLS

A detailed report from Cantonment Board schools has been received regarding the funds lying unused in different heads. It will be appropriate if these unused funds are utilized in the development/uplifting the condition of Cantonment Board schools.

Keeping in view the above, the CEO Cantonment Board Dehradun may be authorized for the utilization of unused funds of Cantonment Board schools in different heads on the development of respective schools. In this connection the details of funds lying unused in respective accounts as provided by respective Cantonment Board schools are mentioned below –

Sl.No.	Name of School	Funds lying unused
1.	S.M.B.G.Cantt. Girls Inter College, Garhi, Dehradun Cantt	Rs. 3,60,558.81
2.	Cantt. Junior High School, Garhi, Dehradun Cantt	Rs. 7,40,832.93
3.	Cantt. Junior High School, Premnagar, Dehradun Cantt	Rs. 2,16,837.39

In this connection all the relevant papers are placed on the table. The Board may decide.

193-4 RESOLUTION: Board considered the matter in detail and resolved that the Principal and Head Master/Head Mistress In-charge of respective Schools headed by School Committee Members bring out the best use of available funds with each School as shown on the agenda side for the betterment of School and students. Their report/recommendations be placed before the next meeting of the Board.

194-5 COMPASSIONATE APPOINTMENT

To consider the office report which states that the following cases of ex-Cantt. Fund employees who died in service and the dependents of the same are pressing hard for compassionate appointment.

Sl. No	Name of Employee died in service	Date of Death	Name and relation of dependent seeking compassionate apptt	Date of Birth of dependent	Case pending period
1.	Late Smt Mithilesh Sharma, Ex-Asstt. Teacher	04 Aug 1999	Ms Parul Sharma (daughter)	10 Mar 1981	18 years
2.	Late Smt Sulochna Joshi, ex-Asstt. Teacher	13 Aug 2003	Smt Diksha Joshi (daughter)	21 Oct 1986	14 years
3.	Late Shri Ravinder Tyagi, ex-Pound Keeper	26 Feb 2012	Km Nidhi Tyagi (daughter)	20 Feb 1995	05 years

4.	Late Shri Mahender Dutt, Ex-Toll Peon	13 June 2012	Shri Niraj Sharma (son)	20 July 1983	05 years
5.	Late Shri Bhagwan Singh, ex-Safaiwala	10 Nov 2012	Shri Ajit Kumar (son)	03 Aug 1987	05 years
6.	Late Shri Rajoo, s/o Ramcharan, ex-Safaiwala	10 Jan 2013	Shri Aman (son)	11 Nov 1993	04 years
7.	Shri Rakesh/Kalwa, Ex-Safaiwala	04.07.2013	Smt Asha Devi (Wife)	02.06.1980	04 years
8.	Shri Rakesh Pharsa, Ex-Safaiwala	07.07.2013	Shri Sandeep Kumar (Son)	08.08.1987	04 years
9.	Ramesh/Pheroo Safaiwala	07.05.2014	Shri Anand Kumar (son)	27.12.1982	03 years

The office report further states that the cases from Sl.No. 1,2,3,4 & 5 have become older than 05 years and the cases at Sl.No. 1,2,4 & 5 have also crossed the upper age limit for appointment. As regards cases appearing at Sl. No. 7,8 & 9 the upper age limit has been crossed. They all require permission of the higher authorities on older cases of over 5 years and for age relaxation accordingly; for awarding them compassionate appointments

In this connection all the relevant documents are placed on the table. The Board may decide.

194-5 RESOLUTION: Matter of compassionate appointment was considered by the Board in details and resolved that proposal be initiated to GOC-in C, CC/PD DE, CC, Lucknow Cantt thereby seeking permission/ approval for granting compassionate appointment to the dependents of the deceased employees which, which have become older than 5 years or more appearing from Sl. No. 1 to 5 on the agenda side and also age relaxation to the dependents appearing at Sl. No. 1, 2, 4, 5, 7, 8 and 9 who have crossed the upper age limit.

195-6 MONTHLY ACCOUNTS

To consider the monthly accounts of Cantonment Board Dehradun for the month of January 2018 :

JANUARY 2018

<u>Income</u>	
Opening balance	Rs. 2,52,78,781.45
Income during the month	Rs. 41,53,324.00
Total	Rs. 2,94,32,105.00
<u>Expenditure</u>	
Closing balance	Rs. 1,57,88,803.45
Expenditure during the month	Rs. 1,36,43,302.00
Total	Rs. 2,94,32,105.00

In this connection the monthly accounts are placed on the table.

195-6 RESOLUTION : Considered and resolved to approve the monthly accounts of Cantonment Board, Dehradun for the month of JANUARY, 2018.

196-7 RESUMPTION OF TOLL TAX

Reference CBR No. 80-1 dated 05 August, 2017.

The Board imposed Entry Fee in place of Toll Tax vide Circular Agenda Resolution No. 174-30(i) dated 30 June, 2017; as noted and confirmed vide above referred CBR in the light of PD DE, Min of Defence, CC letter No. 33884/B/TA/Cantt/94 dated 05 April, 2017 in which it was informed on presumption that due to introduction of GST w.e.f. 01 July, 2017 the Toll Tax may be subsumed in GST. However, the Toll Tax is still prevalent in country and it was not subsumed in GST.

In this connection the Office report states that Board may again switch over to Toll Tax prevalent in Cantonment Board Dehradun since 1963 and lastly its rates were revised vide SRO No. IX/60/Toll Tax dated 22 January, 2001 published in the Gazette of India, Part III, Sec 4 dated 03 March, 2001. There will be no major changes from switching over from Entry Fee to Toll Tax as the rates of Toll Tax and Entry Fee and List of Exemptions are same.

In this connection relevant documents are placed on the table. Board may decide.

196-7 RESOLUTION: Board perused the Office report and after deliberation resolved that "Entry Fee" be discontinued with effect from 28 February, 2018 and "Toll Tax" be resumed w.e.f. 01.03.2018 as per rates and exemption list as published in the Gazette of India, Part III, Sec 4 dated 03 March, 2001. CEO & Member Secretary of the Board apprised the Board that the Contract Agreement for auctioning the rights of collection of Toll Tax shall expire on 30.04.2018. Board resolved that beside e-tendering; all Cantonment Boards, where the Toll Tax is prevalent, be informed that Rights of Collection of Toll Tax in Dehradun Cantt would be auctioned shortly, so that a large number of bidder may participate in e-tendering for fetching hire rates for "Rights for Collection of Toll Tax". PCB further desired that i) Every Toll Barrier should have provision of Sign Board/Display Board, at the entry point, showing the rates of Toll Tax on each category of vehicle ii) The buildings of Toll Tax are in bad shape and gives a ugly look at the entry points of Dehradun Cantonment, therefore, CEO in consultation with GE (MES), Dehradun and Junior Engineer (Civil) of the Board may workout the feasibility of making modern Kiosk/Collection Points and their report together with tentative/estimated amount be placed before the next meeting of the Board.

197-8 EXTENSION OF CONTRACT PERIOD FOR CLEANING OF BIG DRAINS /NALLAHAS BY LABOURS AND TWO MALIES IN THE CIVIL AREA OF DEHRADUN CANTT FOR 12 MONTHS

Reference CBR No. 1136-35 dated 27.03.2017 vide which the subject contract period was extended up to 30.11.2017.

The Office report states that the contract period of contractual service provider viz., M/s Aakansha Enterprises has expired on 31.01.2018 and in BOQ for fresh tenders rates were not received for the subject contractual work. In order to continuation of most essential conservancy services; the Firm People association for Total Help & Youth Applause, New Delhi, the contract may be given to above Firm for cleaning of big drains/nallahas by engaging 40 labours (20 each for Garhi Cantt and Premnagar area) and engaging five (5) Malies at Govt approved nerrick rates for a period of 12 months w.e.f. 01 February, 2018.

Board may decide.

197-8 RESOLUTION: Considered by the Board and resolved that contract for “Cleaning of big drains/Nallahas by engaging 40 Nos. of labours and 8 Malies in civil areas of Dehradun Cantonment for the maintenance and beautification of Public Parks” be given to M/s Total Help & Youth Applause, New Delhi at the Government approved nerrick rates w.e.f. 1 February, 2018 for a period of one year. CEO is authorized for signing the necessary Contract Agreement on behalf of the Board with the aforesaid Firm. Board further authorizes the CEO to engage labours/malies in requisite number and to make payments of their monthly bills on approved nerrick rates at the revised rates as and when revised by the concerned Ministry of Central Government.

198-9 EXTENSION OF CONTRACT FOR ENGAGING SAFAI KARAMACHARI, SAFAI SUPERVISORS & TRACTORS WITH TROLLEYS FOR RENDERING CONSERVANCY SERVICES DURING NIGHT HOURS IN PREMNAGAR AND GARHI CANTT CIVIL AREAS

To consider the Office report that the subject contract was approved by the Board being lowest rates in respect of M/s Aakansha Enterprises, New Delhi; this has expired on 31.01.2018. and in BOQ for fresh tenders rates were not received for the subject contractual work. In order to continuation of most essential conservancy services the Firm People Association for Total Help & Youth Applause, New Delhi may be awarded the contract of the subject work at 10% extra and above the last approved rates w.e.f. 01.02.2018 for a period of one year; with following machine/equipments and manpower:

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|-----|------------------|--|
| i) | Garhi/Dakra area | ... 8 Safai Karamchari
1 Supervisor
One tractor with trolley & with Driver |
| ii) | Premnagar area | ... 8 Safai Karamchari
1 Supervisor
One tractor with trolley & with Driver |

Board may decide

198-9 RESOLUTION: Considered by the Board and resolved that contract for engaging Safai Karamchari, Safai Supervisors, Tractor Trolleys with drivers for rendering conservancy services during night shifts be awarded to the Firm People Association for Total Help & Youth Applause, New Delhi at @10% extra and above the last approved rates for the subject work. CEO is authorized to enter into necessary Contract Agreement on behalf of the Board with the aforesaid Firm. Board further authorizes the CEO to engage requisite number of Safai Karamchari, Supervisors, Drivers and Tractors with trolleys and to make payments of their monthly bills on approved rates under this resolution.

WITH THE PERMISSION OF THE CHAIR

199-10 LEGAL OPINION- APPOINTMENT OF DR. KALPANA CHAUDHARY

Reference CBR No. 142-3 dated 20.01.2018.

The Board while considering the anomaly in the pay scale (pay band) of Medical Officer under Heads (F1)-Hospital & Dispensaries, resolved as under:

“142-3 RESOLUTION.....i) necessary proposal for sanctioning the correct pay scale of Rs. 15600-39100 + G.P. Rs. 5400/- (as per Sixth Pay Commission) to Medical Officer of Cantonment Board for Cantonment.....ii) CEO is authorized to write Dr. Kalpana Chaudhary to join duties of Medical Officeron or before 10 February, 2018.....failing compliance the offer of appointment will stand cancelled.....”

In compliance, the CEO has taken action i) by sending necessary proposal to GOC-in-C, CC/PD DE, CC seeking sanction for grant of correct pay scale ii) giving another opportunity to Dr. Kalpana Chaudhary to join the duties of Medical Officer by 10th February, 2018 vide letter of instant 29th January, 2018. Since Dr. Kalpana Chaudhary failed to comply; the CEO asked the Cantt Legal Advisor at High Court at Nainital. Shri Bhagwat Mehra, Advocate and Cantt Legal Advisor has submitted his advise vide his letter dated 22.02.2018. The gist of the legal advice furnished is reproduced below:

“3. That admittedly she had not joined till date. In this regard, ‘it would be appropriate that a formal letter of cancellation of offer of appointment be issued to her forthwith and the selection process for the said post be initiated afresh after getting necessary approval from the competent authority for correction/up gradation of the Pay Scale of the said post”

4. That giving any further opportunity to Dr. Chaudhary to join on the post or accepting/acceding to her demand for pay correction/up-gradation, would create more legal impediment in future, i.e.

- (a) As per the settled law, every select list remains valid only for a period of one year from the date of its preparation / declaration. In the present case, the said select list was declared on 24.06.2016 and one year period expired on 23.06.2017.
- (b) Similarly, as per the settled position in law, the selected candidate has no indefeasible right of appointment on being mere his/her selection. Till joining of a selected candidate, the employer has every right to cancel the entire selection process as well as the offer of appointment, if any and no selected candidate can claim any damage / compensation / right against the said cancellation. As has been held by Hon’ble Supreme Court in different judicial pronouncement from time to time, the selection for a post is merely a short listing of most suitable candidate between the Applicants and nothing more.”

Board may decide.

199-10 RESOLUTION : Considered and Board was apprised by the CEO & Member Secretary of the Board that in compliance to earlier resolution of the Board on the above subject, referred on the agenda side; action has been taken by him i) Necessary proposal initiated to higher authorities for correction in the pay scale of Medical Officers under Head F(1) Hospital & Dispensary ii) Served letter of giving Dr. Kalpana Chaudhary another opportunity to join duties by 10th Feb., 2018, which she did not comply. The Board also perused the Legal Opinion of the CLA at High Court of Uttarakhand at Nainital and in the light of legal advice, resolved that CEO is authorized to issue “cancellation of offer” letter to Dr. Kalpana Chaudhary and to initiate action to fill up the two vacant post of Medical Officer in Cantonment Hospital, in due course. Meanwhile, to maintain the Medical & Health services at Cantonment Hospital, Dehradun one Physician Doctor be engaged on honorarium/contract by the CEO for a period of 11 months and Board be informed in due course for noting.