

Proceedings of Special Meeting of the Cantonment Board, Ranikhet held on 4<sup>th</sup> Aug, 2020 at 11:30 a.m. in the Conference Room of the Cantonment Board Ranikhet.

**PRESENT**

- |                             |                     |
|-----------------------------|---------------------|
| 1. Brig. I.S. Samyal        | - President         |
| 2. Shri Sanjay Pant         | - Vice President    |
| 3. Shri Abhishek Azad       | - Member Secretary  |
| 4. Shri Mohan Negi          | - Elected Member    |
| 5. Smt. Bindu Rautela       | - Elected Member    |
| 6. Shri Bhuwan Chandra Arya | - Elected Member    |
| 7. Shri Vinod Chandra       | - Elected Member    |
| 8. Smt. Archana Pathak      | - Elected Member    |
| 9. Col. S.S. Karhade        | - Nominated Member  |
| 10. Col. S. Shorot          | - Nominated Member  |
| 11. Col. V.P. Mathur        | - Ex-Officio Member |
| 12. Maj. Neelakandan B.     | - Ex-Officio Member |

**ABSENT**

- |                    |                  |
|--------------------|------------------|
| 1. Shri Sukrit Sah | - Elected Member |
|--------------------|------------------|

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# **PROCEEDINGS**

**01. OATH OF ALLEGIANCE**

To administer oath under section 17 of Cantonments Act, 2006 to the President and Ex-Officio Member of the Board as given below:-

- |                     |   |                   |
|---------------------|---|-------------------|
| Brig. I.S. Samyal   | - | President.        |
| Maj. Neelakandan B. | - | Ex-Officio Member |

The oath paper is placed on the table.

**RESOLUTION**

01. The oath of allegiance is taken by Brig. I.S. Samyal as President of Cantonment Board, Ranikhet.

The oath of allegiance is also taken by Maj. Neelakandan B. as Ex-Officio Member of Cantonment Board, Ranikhet.

**02. CONFIRMATION OF RESOLUTION PASSED BY CIRCULATION ON DATED 18-06-2020 AND 21-07-2020.**

Dated 18-06-2020 : 1. Regarding disposal of 16 dangerous green and dry standing/fallen trees.

Dated 18-06-2020 : 2. Extension of term of Adventure Park at Rani Jheel

Dated 18-06-2020 : 3. Disposal of mutton/chicken stalls for the year 2020-21.

Dated 18-06-2020 : 4. Tender for repair and maintenance work for FY 2020-21.

Dated 18-06-2020 : 5. Engagement of Architect/Tech Consultant for the preparation of multilevel parking / building works.

Dated 18-06-2020 : 6. E-tender for printing and supply of registers, forms, tickets etc. for the financial year 2020-21.

Dated 18-06-2020 : 7. Tender for security, maintenance and cleaning of Himshilla Guest House the financial year 2020-21.

Dated 21-07-2020 : 1. Regarding provision of funds for Cantt Board employees as welfare measures – Group Insurance.

**RESOLUTION**

02. Considered and approved.

**03. CIVIL AREA COMMITTEE**

To consider the minutes of Civil Area Committee meeting held on 24<sup>th</sup> July, 2020 and the resolution passed by the Civil Area Committee are placed before the board for approval.

**RESOLUTION**

**Point No. 1: Oath of Allegiance (Chairman, Civil Area Committee):** Considered and noted.

**Point No. 2: Notice under section 248 of Cantt Actt 2006 for unauthorized construction in Sy. No. 186:** Considered and discussed in resolution No. 12 of the board.

**Point No. 3: Request letter of Shri Mohan Negi dated 06-07-2020 :** Considerd and noted.

**Point No. 4: Shifting of Post Office Building Sadar Bazar Ranikhet:** The PCB pointed out that matter of shifting of post office building has been referred to board several times. The CEO informed the board that the notice for shifting of post office has already been issued. The CEO also informed to the board that Post Master, Sadar Bazar Post visited the Cantt Board office and inspected the site and he agreed to shift the Sadar Bazer Post Office in Old Sitapur Eye Hospital. The PCB further pointed out that it is well known that Post Office building is in a very dilapidated condition, so why the notice of shifting is being issued to

Post Office instead of serving the notice for vacating the building. The board agreed to issue notice to Post Office for vacating the building immediately. In case, the post office authorities does not vacate the building the legal action be initiated against the post office.

**Point No. 5: Composition of unauthorized construction in respect of Sy.No. 99/93 (Kumhar Mohalla):** Considered noted and approved.

#### **04. FINANCE COMMITTEE**

To consider the minutes of Finance Committee meeting held on 24<sup>th</sup> July, 2020 and the resolution passed by the Finance Committee are placed before the board for approval.

#### **RESOLUTION**

**Point No. 1: Grant of 03<sup>rd</sup> MACPs to eligible group 'D' employees, Cantt. Board, Ranikhet:** Considered, noted and approved.

**Point No. 2: Regarding revision of rates for prescription slip, path lab and x-ray:** Considered, noted and approved.

**Point No. 3: Regarding approval of development works from fund allotted by the State Govt. under Fifteenth Finance Commission (FC-XV) :** Col. S.S. Karhade, Adm Comandant raised a point that whether the technical estimate have been prepared for development works and the rates have been vetted on not?. The CEO informed that the technical estimates have already been prepared and rates have been vetted by the third party evaluator from Kumaon Engineering College, Dwarahat as per Rule 116(2) of CBAR 2020 "The technical estimates prepared by an engineer or expert agency for all works shall have to be vetted by an engineer of the Board, Military Engineer Services, Central Public Works Department, any other agency of the Central Government or the State Government, any other body substantially financed by the Central Government or the State Government or having an expertise in civil or electrical works and the competent authority for vetting of technical estimates of works". The work orders have also been issued. The Elected Members informed the board that development works mentioned in agenda have been proposed by them and they are also included in this years budget estimates. The board noted and approved. Further PCB directed that the letter regarding vetting of estimates received from KEC, Dwarahat be shown to GE MES.

**Point No. 4: Extension of term contract of architect for construction & development projects:** The PCB received the detailed information regarding agenda. The CEO read out the agenda and informed the PCB that site inspection has been done by the architect and pre-feasibility report is being submitted. The board considered, noted and approved the matter.

**Point No. 5: Enhancement of demarcation process/ preparation of glr plan / building solvency report charges:** Considered, noted and approved.

**Point No. 6: Fixation of charges for allotment of NCC ground for various tournament/ activities:** Shri Mohan Negi, Elected Member suggested that the charges for NCC ground for various activities should be taken in advance instead of daily basis. Shri Bhuwan Chandra Arya, Elected Member also suggested that relaxation in charges of NCC ground be granted for organization of welfare and non profitable activities. The PCB said that the CEO is

authorized for relaxation of charges in exceptional cases where general welfare is involved. The board agreed and approved.

**Point No. 7: Regarding allotment of vacant land in Chaubattia Ranikhet for marriage function and various public functions:** The PCB raised a point that whether there is any provision for utilization of govt. vacant land for commercial purpose. If, there is any provision or guidelines, the same be put up before the board meeting with rules and regulations. The matter is deferred for approval in next board meeting.

**Point No. 8: Tender for repair and maintenance work for Fy 2020-21:** Considered, noted and approved.

**Point No. 9: Engagement of architect/tech. consultant for the preparation of Sewage Treatment Plant:** The PCB suggested that first there should be joint efforts from army and cantt board side to explore various technologies and locations related to STP. Before inviting re-tenders for engagement of architect/ tech. consultation, a meeting should be conducted with the Local Military Authorities and should thoroughly go with the terms and conditions of the tender document and the matter be placed before the board for consideration.

**Point No. 10: Fixing of rent of vacant government quarters:** The PCB raised a point that whether there is any provision where part of unserviceable govt. quarter can be allotted to a Govt. employee on rental basis? If, there is any provision or rule in this regard, then the matter be put up before the board meeting alongwith rules and regulations. The matter is deferred for approval in next board meeting

**Point No. 11: Maintenance and management of parking place near Ranikhet Inter College, Ranikhet:** Considered noted, and approved.

**Point No. 12: Refund of money deposited by various persons on account of reservation of Multipurpose Hall, Rangoli Hall etc.:** Considered noted, and approved

**Point No. 13: Relaxation in parking fee payment due to lack of proper operation of taxi etc. due to COVID-19:** The CEO informed to the board that as per Finance Committee recommendation a letter was sent to contractor regarding details of revenue collection. Revenue Supdt. Informed to the board the details have been received from the contractor and detailed report will be put up before the board in next board meeting for taking appropriate decision in the matter.

**Point No. 14: Disposal of mutton/chicken stall no 01 and 07 for the year 2020-21:** Considered and approved. The PCB clarified that the rates being at a lower side, the stalls have been allotted for 3 months to the bidders. The PCB directed that there should be provision for extending the agreement for financial year if situation does not improve due to pandemic COVID-19.

**Point No. 15: Management of sauchalaya, near Roadways Station:** Considered, noted and approved.

**Point No. 16: Permission of food truck at below Ashiyana Park and near Rani Jheel:** Considered, noted and approved.

**Point No. 17: Occupancy right of Cantonment Board shops/stalls/ kiosks on class ‘C’ and ‘B-4’ land:** Ageneda point discussed the Board resolution No. 11.

**Point No. 18: Fixing of hoarding charges in Cantonment area:** Considered, noted and approved.

**Point No. 19: Revision of Minimum Wages of Outsourcing Staff:** Considered, noted and approved.

**Point No. 20: Enhancement of mutation fee:** Considered, noted and approved.

**Point No. 21: Tender for the writing and painting work tender for the FY 2020-21:** Considered, noted and approved.

**Point No. 22: Tender for providing of conservancy services for cleaning of big drains:** Considered and approved. Further Shri Mohan Negi, Elected Member pointed out that the drains are in very bad condition which immediately required to be repaired. The CEO informed that sufficient fund is not available with the board, as and when the fund is received in concerned budget head, the drains will be repaired.

**Point No. 23: Tender for providing of conservancy services for cleaning of group laterines and public urinals:** As the rates quoted by the L1 bidder were not reasonable and due to error in financial bid the tender was cancelled by finance committee. Board considered the matter and recommended to cancel the tender and re-invite the same after modification of terms and condition and financial bid. Board resolved that it should be mentioned in the terms and condition of the tender that minimum wages as prescribed by central govt. should be paid to the employees and it will be responsibility of contractor to ensure the same and in bid if any bidder quotes any wrong information then his bid is liable to be cancelled.

**Point No. 24: Noting of order of Court dated 07-07-2020 in Writ Petition No. 1028 of 2020:** Considered, noted and approved.

**Point No. 25: Tender for providing of conservancy services for cleaning, sweeping of roads, streets and door to door collection, segregation, transportation, processing, composting and disposal of garbage:** Considered. The CEO informed the board that as per report of Sanitary Inspector the minimum wages quoted by the L1 bidder is very low in comparison with minimum wages approved by the Govt. and overall rates were not reasonable, the finance committee cancelled the tender and re-invite the same. The PCB suggested that when re-tender will be invited the point of minimum wages should be mentioned in terms and conditions. Board resolved that it should be mentioned in the terms and condition of the tender that minimum wages as prescribed by central govt. should be paid to the employees and it will be responsibility of contractor to ensure the same and in bid if any bidder quotes any wrong information then his bid is liable to be cancelled.

#### **05. ANNUAL ADMINISTRATION REPORT AND ANNUAL CONSOLIDATED ACCOUNT FOR THE YEAR 2019-20.**

To consider the Annual Administration Report and Annual Consolidated Account duly audited by the LAO, Ranikhet for the year 2019-20 in respect of Ranikhet Cantonment for submission to the Central Government through the GOC-in-C, Central Command, Lucknow

through the Principal Director Defence Estates, Central Command Lucknow Under Section 50(1) of Cantonment Act, 2006 and under the Cantonment Account Code 1924.

The matter is being put up before the board for consideration.

Relevant file is placed on the table.

### **RESOLUTION**

05. Considered and approved. Further board resolved that Annual Consolidated Account and Annual Administration Report be sent to the higher authorities.

### **06. MINUTES OF SCHOOL MANAGEMENT COMMITTEE**

To consider the following minutes of School Management committee meeting:-

- |    |  |                    |
|----|--|--------------------|
| 1. | Cantonment Inter College, Sadar Bazar, Ranikhet  | -Feb & March, 2020 |
| 2. | Cantonment Junior High School, Chaubattia        | - Feb, 2020        |
| 3. | Cantonment Primary School, Sadar Bazar, Ranikhet | - Feb, 2020        |
| 4. | Cantonment Primary School, Chaubattia            | - Feb, 2020        |
| 5- | Cantonment Primary School, Mall Road             | - Feb, 2020        |
| 6. | Cantonment Primary School, Kumpur                | - Feb, 2020        |

The SMCs of Cantonment Schools have recommended and suggested as follows :

### **CANTONMENT PRIMARY SCHOOL, CHAUBATTIA**

1. To provide new computer in place of defective computer.
2. To repair roof water drain pipe.
3. To provide one teacher for full time.

The matter is placed before the Board for consideration.

The relevant file is placed on the table.

### **RESOLUTION**

06. Considered and resolved that the feasibility be checked by the all concerned sections against the recommendation of SMC. Shri Mohan Negi, Elected Member suggested that topper students in 10<sup>th</sup> and 12<sup>th</sup> Board examination should be awarded. The board agreed with this.

### **07. RE-EQUATION OF THE POST OF JUNIOR CLERK, CANTT BOARD, RANIKHET WITH EQUIVALENT POST IN STATE GOVT UTTARAKHAND.**

### **OFFICE REPORT**

It is submitted that the designation has been changed of Junior Clerk as Junior Assistant vide Uttarakhand G.O. No 1536/xxx (2)/2004, dated 27-10-2004 and initial Pay Scale of Junior Assistant has been revised from Grade Pay 1900 to 2000 in the pay scale 5200-20200 (6<sup>th</sup>

CPC) and 21700-69100, Level-3 (as per 7<sup>th</sup> CPC) vide Uttarakhand G.O. No 373/xxvii (7)27(2)/2013, dated 16-01-2013 and G.O. No 406/xxvii (7)27(2)/2011, dated 08 February 2013.

In this connection this office has approached to District Office Almora vide letter No. 121/Padnam/Vetan/15, dated 09 July 2015. In response, the District Office Almora has provided the revised designation and pay scale of Junior Clerk in their office vide their letter No 7873/NO-G.C./2014-15, dated 10<sup>th</sup> July, 2015.

Further, in terms of above mentioned Uttarakhand G.O. a proposal regarding revision of pay scale and change of designation of Junior Clerk, Cantt Board, Ranikhet was forwarded by this office to PDDE, CC, Lucknow vide this office letter No 121/ Rev of GP/JC/2019, dated 02-01-2019 but PDDE, CC, Lucknow has returned the proposal un-actioned vide their letter No 34238/RKT/Rev. Pay Scale(JC)/19(C-887), dated 09 Dec 2019 advising that, submit a fresh proposal for re-equation of the post of Junior Clerk of Cantt Board with equivalent post in state Govt.

In compliance to PDDE, CC, Lucknow letter dated 09 Dec 2019 a letter was forwarded to District Office Almora vide letter No. 121/पदनाम/वेतनमान/2020, dated 31 January 2020 regarding re-equation of the post of Junior Clerk of Cantt Board with equivalent post in state Govt. In response, the District Office Almora vide their letter No 7873/NO-G.C./2014-15, dated 10<sup>th</sup> July, 2015 has provided the revised designation and pay scale of Junior Clerk in their office.

As per establishment folder the post of Junior Clerk (Cantonment Board, Ranikhet) is equated with the post of Routine Clerk of Distt Office. The post of routine clerk in Distt Office was re-designated as Junior Clerk and at present the Junior Clerk has again re-designated as Junior Assistant with the pay scale 5200-20200.GP-2000.

The post of Junior Clerk in Cantt. Board, Ranikhet is required to re- designated as Junior Assistant with the pay scale of Rs 5200-20200 GP -2000.

Hence, the following Junior Clerks are entitled for the following financial benefits:-

Sl No	Name of employees and designation	Date of appointment	Existing Designation and pay scale/Grade Pay	Revised Designation and Pay scale/Grade Pay	Effective date	Relevant G.O. with date
1	2	3	4	5	6	7
01	Smt Rekha Bisht, Junior Clerk	23-03-2007	Junior Clerk 5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	Junior Assistant 5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)	23-03-2007 01-01-2013	Uttarakhand G.O. No 1536/xxx (2)/2004, dated 27-10-2004, Uttarakhand G.O.
02	Shri Deepak	24-03-2007	Junior Clerk	Junior Assistant	24-03-2007	

	Singh Bisht, Junior Clerk		5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)	01-01-2013	Uttarakhand G.O. No 1536/xxx (2)/2004, dated 27-10-2004, Uttarakhand G.O. No 373/xxvii (7)27(2)/2013, dated 16-01-2013 & G.O. No 406/xxvii (7)27(2)/2011, dated 08 February 2013.
03	Shri Aditya Kumar Saxena, Junior Clerk	30-03-2007	Junior Clerk	Junior Assistant	30-03-2007	
			5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)	01-01-2013	
04	Shri Chandra Bhanu Singh, Junior Clerk	18-05-2015	Junior Clerk	Junior Assistant	18-05-2015	
			5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)		
05	Smt Reena Chandra, Junior Clerk	20-05-2015	Junior Clerk	Junior Assistant	20-05-2015	
			5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)		
06	Shri Ajay Kumar, Junior Clerk	18-05-2016	Junior Clerk	Junior Assistant	18-05-2016	
			5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)		
07	Shri Dhan Singh, Junior Clerk	21-02-2018	Junior Clerk	Junior Assistant	21-02-2018	
			5200-20200,GP-1900 (6 <sup>th</sup> CPC) 19900-63200,Level-2 (7 <sup>th</sup> CPC)	5200-20200,GP-2000 (6 <sup>th</sup> CPC) 21700-69100,Level-3 (7 <sup>th</sup> CPC)		

Total financial implication will be Rs 13, 82,803- (approx). Necessary budget provision has been made in budget estimate 2020-21(R) and 2021-22(O).

Hence the matter is placed before the board for consideration.

### **RESOLUTION**

07. Considered. The PCB raised a point that whether all the proposal regarding re-designation or revision in pay scale are being forwarded to higher authorities as per rules. The CEO informed the board that as per Rule 87 of CBAR 2020 “When any change, permanent or temporary, is proposed in the number, or pay, of appointments in the establishment of the Board, a letter fully explaining the proposal and the conditions which have given rise to such proposal shall, save in the case of the appointment of temporary employees, be submitted to the Principal Director, the Command who will forward it to General Officer Commanding-in-Chief, the Command with his recommendations” and also informed that such proposals have already been sent in past also vide letter No. 121/Rev of D&GP/Min/14, dated 15-04-2014 (grant of revised designation & grade pay of ministerial staff) letter No. 121/Rev of GP/JC/2019, dated 02-01-2019 (revision of pay scale and change of designation of Jr. Clerk) letter No. 121/Compounder/2019, dated 18<sup>th</sup> Nov. 2019 (re-designation of the post of



compounder to pharmacist and revision of initial entry pay scale), and it is the duty of the board laid down in various rules. Already a proposal has been forwarded to higher authorities for re-designation from the post of Compounder to Pharmacist in Cantt Dispensary.

Further board resolved that a proposal be forwarded to higher authorities for re-equation of the post of junior clerk, Cantt Board, Ranikhet with equivalent post in state govt uttarakhand and revision initial Pay Scale from Grade Pay 1900 to 2000 in the pay scale 5200-20200 (6<sup>th</sup> CPC) and 21700-69100, Level-3 (as per 7<sup>th</sup> CPC).

#### **08. SANCTION OF BUILDING PLAN ON GLR SURVEY NO. 107, 108 RANIKHET**

To consider the matter regarding sanction of building plan in respect of Survey No. 107pt, 108pt, 142, 143.

Ref:- DEO Bareilly letter no. DEO/BLY/RKT/316 dated 11<sup>th</sup> May 2020

#### **OFFICE REPORT**

It is submitted that the land measuring 2.025 acres of different survey nos. was granted vide Govt of India, Min. of Defence, New Delhi vide their letter no. 735/15/L/L&C/89 dated 06-03-1995 and even no. Dated 07-01-2016 in favour of State of Government of U.K. (Police Deptt) for settingup full fledged fire station alongwith the required man power, machinery, office and residential quarters for staff. The subject sites have been given on lease under Sch VIII of CLAR 1937 to Fire station Ranikhet and lease has been executed and registered on 10-07-2018. The site comprising GLR Survey No. 107pt, 108pt, 142, 143 situated outside civil area under the management of Defence Estate Officer, Bareilly Circle, Bareilly.

In this connection a letter has been received by this office from DEO Bareilly along with building plan of Police Authority, Fire Station Ranikhet dated 14-01-2019 vide their letter no. DEO/BLY/RKT/316 dated 11<sup>th</sup> May 2020 to place the matter before the board under section 238(3) of Cantonment act 2006 on building application/ plan submitted by Police Authorities.

As per technical report dated 03-07-2020 there is no unauthorized construction, no sub division of site no change of purpose and no encroachment on Govt Land involved in this case. As per building bye laws building plan can be sanctioned after getting NOC from DEO Bareilly as per land point of view.

The board may consider the matter accordingly.

#### **RESOLUTION**

08. Considered and building plan approved by the board. The board further decided that as the site is held under the management of DEO, Bareilly the application of Fire Station Ranikhet for bulding plan sanction be refer to DEO, Bareilly for their no objection as per section 238(3) of Cantt Act 2006.

## **09. APPEAL UNDER RULE 13(I) OF CFSR 1937 IN RESPECT OF SHRI KAMALUDDIN.**

Reference Station Headquarter, Ranikhet letter No. 313/Cantt Bd Complaint/Q, dated 10<sup>th</sup> Jun, 2020, CBR No. 13, dated 30<sup>th</sup> Sept 2019 and CBR No. 12, dated 22<sup>nd</sup> Jan, 2020.

### **OFFICE REPORT**

It is submitted that the suspension order No. 4327, dated 11-15-2017 was issued to Shri Kamaluddin. A chargesheet was also issued to Shri Kamaluddin with 06 charges imposed on him vide letter No. 121/Aarop Patra/18, dated 15<sup>th</sup> Jan, 2018.

In this connection Shri Ajay Pratap Singh, Sanitary Inspector appointed as Inquiry Officer to inquire the charges leveled upon Shri Kamaluddin. The inquiry officer has submitted the inquiry report alongwith findings and recommendation vide letter dated 25-03-2019. The Inquiry Officer found that Shri Kamaluddin is guilty in 2 charges out of 06 charges imposed upon him. The Charges wherein Shri Kamaluddin found guilty are as under:-

1. आदेशों की अवहेलना
2. बिना सूचना अनुपस्थिति

Keeping in view the inquiry report, the appointing authority has imposed minor penalty of “Censure” upon Shri Kamaluddin under rule 11(1)(i) of CFSR 1937 and a warning also issued to Shri Kamaluddin not to repeat the above misconduct in future vide Office Order No. 121/ADM/2019, dated 19<sup>th</sup> June, 2019 and Shri Kamaluddin re-instated in service vide letter No. 121/ADM/2019, dated 19<sup>th</sup> June, 2019.

In this connection, Shri Kamaluddin has filed an appeal before President, Cantonment Board, Ranikhet against the decision of appointing authority and payment of backwages.

The matter was placed before the board for acceptance or rejection by the board under rule 13 of CFSR 1937. The board vide CBR No. CBR No. 13, dated 30<sup>th</sup> Sept 2019 and CBR No. 12, dated 22<sup>nd</sup> Jan, 2020 has constituted a committee to look into the matter of Shri Kamaluddin.

In this regard, meeting of the committee held on 26<sup>th</sup> May, 2020 and the committee recommended to obtain legal advice. Wherein Shri Sanjay Bhatt, Advocate, High Court Nainital vide his letter dated 01-06-2020 opined that “so far as benefit of Annual Increment due on 01-01-2018 is considered, the same is subject to the satisfactory performance of duty by Govt. employees. Since Mr. Kamaluddin was placed under suspension on 11-12-2017 and remained under suspension till 14-04-2019, the annual increment which fell due on 01-01-2018 could not have been given to a suspended employee who was subsequently punished with minor penalty. If the disciplinary authority is satisfied that the delinquent employee is not entitled for benefit of increment the same can be withheld/forfeited.”

Therefore, on the basis of what has been stated above, it is opined that Mr. kamaluddin cannot be given pay and allowance for the period he was placed under suspension and at the same time increment due on 01-01-2018 can also be withheld/forfeited subject to the satisfaction of disciplinary authority”.

Further the committee meeting was held on 04-06-2020 and the committee on humanitarian ground recommended that one increment of the year 2018 be released and the payment of arrears of withheld increment will be released only from the date of re-instate in service i.e. 15-04-2019. It was further decided that as per the rules, the increment of 2019 and the payment of backwages will not be made to Shri Kamaluddin. The committee also recommended that as per CBR No. 12, dated 22-01-2020 the report of the committee be placed before the board.

Hence the matter is placed before the board for appropriate decision.

Relevant file is placed on the table.

### **RESOLUTION**

09. Considered and board resolved to accept the recommendation of committee and directed to take further necessary action in the matter. Further the board resolved that a copy of recommendation of committee dated 04-06-2020 alongwith board resolution be provided to Shri Kamaluddin.

### **10. SHOW CAUSE NOTICE : CANTONMENT BOARD RESOLUTION NO. 17 DATED 22 JAN, 2020 OF CANTONMENT BOARD, RANIKHET.**

Reference CBR No. 17, dated 22<sup>nd</sup> Jan, 2020 and PDDE, CC, Lucknow letter No. PC-57391/FSC/Audit/Bly/LC-3, dated 8<sup>th</sup> July, 2020.

### **OFFICE REPORT**

It is submitted that matter regarding issuance of notice under section 244(2) of Cantt Act 2006 regarding change of purpose in Sy. No. 186 was placed before the board wherein All the elected members straightway opposed the proposal for issuance of notice under section 244(2) of Cantt Act 2006 and the board vide CBR No. 17, dated 22<sup>nd</sup> Jan 2020 resolved that “So, the board by majority resolved to reject the agenda for issuance of notice under section 244(2) of Cantt Act 2006”.

In this regard the PDDE, CC, Lucknow vide their letter No. 57391/FSC/Audit/Bly/LC-3, dated 8<sup>th</sup> July, 2020 has issued show cause notice and directed to forward a reasoned reply to this show cause to the HQ, CC, Lucknow within one month from the date of receipt of the show cause notice. The PDDE has also directed that if no reply is received within the above stipulated one month period, it will be assumed that the Cantonment Board, Ranikhet has nothing to put forth in reply and decision as considered appropriate will be taken in the matter by the Competent Authority.

This office recommends that notice should be issued to offender under section 244(2) of Cantt Act 2006.

Hence the matter is placed before the board for consideration.

Relevant file is placed on the table.

## **RESOLUTION**

10. Considered and discussed at length. The CEO briefed the case in detail and informed the board that GOC-in-C, CC, Lucknow has issued show cause notice to the board regarding reason behind non issuance of notice under section 244(2) of Cantt Act 2006 to Shri Himanshu Upadhyaya vide CBR No. 17, dated 22<sup>nd</sup> Jan, 2020. The CEO informed the board that the meeting was held on 22<sup>nd</sup> Jan, 2020, thereafter in the discussion all the elected members opposed to issue notice under section 244(2) of Cantt Act 2006. Thereafter the matter was referred by the CEO to higher authorities under section 56(4) of Cantt Act 2006. The GOC-in-C has directed in show cause notice that:

(a) That the operation of CBR No. 17 dated 22 January, be held in abeyance until further orders.

(b) That the Cantonment Board, Ranikhet will show cause within one month of receipt of this Notice, as to why a direction should not be issued to the effect that the Resolution of Cantonment Board, Ranikhet i.e. CBR No. 17, dated 22 January, 2020 to reject the Agenda of issuance of Notice under Sub-Section (2) of Section 244 of the Act, to the present Occupant of the OGB No. 30, Ranikhet Cantonment, be not revoked in conformity with the approved Grant Terms/Government Sanctions, GLR Records and records available/held with the Cantonment Board, Ranikhet and Defence Estates Officer, Bareilly Circle.

In this regard the PCB questioned each elected member about the reason for opposing the notice under section 244(2) to Shri Himanshu Upadhyaya.

Shri Mohan Negi replied that the hotel is running in Sy. No. 186 since long back the licence for the same was issued by higher authorities many years ago. Then, why the matter regarding issuance of notice under section 244(2) is being raised regularly at present. As the licence has already been issued for running a hotel, then why the notice under section 244(2) is to be issued. As the said site is under the management of DEO, Bareilly the notice shall be issued by the DEO, then why Cantonment Board, Ranikhet shall issue notice under section 244(2).

All other elected members presented in the meeting gave the same reason for no issuance of notice under section 244(2) accordingly as per the opinion of Shri Mohan Negi.

The CEO informed to the board that the notice under section 244(2) is issued to the offender if he violates the conditions mentioned therein under section 244. In the present case, residential purpose is changed to commercial which is a clear violation of section 244, so therefore the notice should be issued.

After listening to the replies of all elected members, the PCB pointed out that as per the records, the licence was issued only for one year. As the licence was not renewed further, it is clear that Shri Himanshu Upadhyaya is running the hotel illegally. So why the elected members are opposing to issue the notice under section 244(2), all the board members are accountable to reply the show cause notice issued by higher authorities.

All elected member gave the above mentioned reasons for opposing the issuance of notice, while the PCB, Member Secretary, Nominated and Ex-Officio members are in favour of issuance of notice under section 244(2) to Shri Himanshu Upadhyaya.

The PCB directed the CEO that reply of the show cause notice be sent to the higher authorities according to the reasons given by the elected members.

### **11. OCCUPANCY RIGHT OF CANTONMENT BOARD SHOPS/STALLS/ KIOSKS ON CLASS 'C' AND 'B-4' LAND**

Reference :- Finance Committee resolution No. 17, dated 24<sup>th</sup> July, 2020.

To consider the matter regarding auction/renewal of shops/stalls/kiosks for a period of 364 days w.e.f. 01<sup>st</sup> April, 2020 on payment of Stallage/ Damages fee/licence fee.

#### **OFFICE REPORT**

It is submitted that the Cantonment Board is running 138 Nos of shops/stalls/kiosks on class 'C' land. The practice is to give occupancy rights of shops/stalls/kiosks under rule 8 of the Cantonment Property Rules, 1925 for 364 days renewed each year on payment of stallage fee as fixed by the Board from time to time. The process was in practice for a long time. As per the provision of section 267 (2) of Cantt Act, 2006 the Board is required to obtain the sanction of the Goc-in-chief of the command or the Principal Director before allotting occupancy rights without public auction. In this regard it is also submitted that besides that 114 shops are situated in 'B-4' land under the management of Cantonment Board and Defence Estates Officer, Bareilly Circle. The Cantt Board has realized damage charges from those shops situated in 'B-4' land as per Cantt Board resolution No.18 dated 30-03-2016.

It is pertinent to mention here that after issuing of various notices and proclamation through beat of drum, various shopkeepers have not paid their due amount till end of financial year 2019-20 due to lockdown at the end of March because of Covid-19. Therefore recovery could not be done properly. Hence a large amount is due for payment.

It is pertinent to mention here that the board vide CBR No. 28, dated 18-06-2019 has resolved to renew the occupancy rights of shops for 364 days w.e.f. 01-04-2019 to 30<sup>th</sup> March, 2020 on payment of enhanced licence fee which as under:-

- |       |                     |   |                   |
|-------|---------------------|---|-------------------|
| (i)   | Upto 5,000/-        | - | by increasing 10% |
| (ii)  | 5,000/- to 10,000/- | - | by increasing 8%  |
| (iii) | Above 10,000/-      | - | by increasing 6%  |

As per section 267 of Cantt Act 2006, "the board may transfer by public auction for any period not exceeding five years at a time".

In this regard the matter was placed before the Finance Committee and the Finance Committee vide its resolution No. 17, dated 24<sup>th</sup> July, 2020 recommended by majority that the occupancy rights of shops/kiosks/stalls be renewed for 364 days. The Finance Committee also recommended that the licence fee would be revised by the board, therefore, the matter defer to the board meeting for appropriate decision.

Hence the matter is placed before the board for auction of shops/stalls/kiosks for a period of 364 days w.e.f. 01<sup>st</sup> April, 2020 on payment of Stallage/ Damages fee/licence fee.

The Board may consider the matter accordingly.

Relevant file along with list of all shops including arrears etc. is placed on the table.

### **RESOLUTION**

11. Considered. The CEO informed to the board that the matter is placed before the board for auction of shops/stalls/kiosks for a period of 364 days w.e.f. 01<sup>st</sup> April, 2020 on payment of Stallage/ Damages fee/licence fee

Shri Mohan Negi, Elected Member pointed out that due to pandemic situation of COVID-19, the general public and shopkeepers are facing financial crisis therefore the rent of shops/kiosks/stalls should be waived off. The PCB suggested that a consolidated report be prepared in all such matters and placed before the board for consideration in the next board meeting. Board agreed with this. Further all elected members proposed that shops/kiosks/stalls should be renewed for further period of 364 days because of current pandemic situation and proposed increased in licence fee should be waived off.

The board resolved that the proposal for renewal of occupancy rights be forwarded to PDDE, CC, Lucknow for obtaining ex-post-facto sanction for the year 2020-21.

Further board resolved by majority that the shops in question be allotted for 364 days w.e.f. 1<sup>st</sup> April 2020 to 30<sup>th</sup> March, 2021 on payment of Stallage/ Damages fee/licence fee by enhancing the fee mentioned as under:-

- |       |                     |   |                  |
|-------|---------------------|---|------------------|
| (i)   | Upto 5,000/-        | - | by increasing 5% |
| (ii)  | 5,000/- to 10,000/- | - | by increasing 4% |
| (iii) | Above 10,000/-      | - | by increasing 3% |

Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.

Board cleared that presently the percentage increase in the fee has been revised @ 50% of the proposed rates till Dec. 2020 due to pandemic situation of COVID-19. Further the board resolved that if the situation of covid-19 improves and gets in control the percentage increase in licence fee will be reviewed.

### **12. NOTICE UNDER SECTION 248 OF CANTT 2006 FOR UNAUTHORIZED CONSTRUCTION IN SY. NO. 186**

Ref:- PDDE Central Command Lucknow vide their letter no. 57391/FSC/Audit/Bly/LC-3 dated 18-11-2019 to consider the matter regarding unauthorized construction made by occupier/HOR of property in respect of Sy No. 186.

Civil Area Committee Resolution No. 02, dated 24<sup>th</sup> July, 2020.

## **OFFICE REPORT**

The site comprising GLR Sy. No. 186 measuring 13.250 acres classified as B-3 land held on old grant term situated outside civil area under the management of DEO Bareilly. The said property is entered in the names of Shri Madan Mohan Upadhaya.

Shri Himanshu Upadhaya s/o Shri Madan Mohan Upadhaya has done some unauthorized construction without obtaining permission from competent authority for which notice under section 247 of Cantt Act 2006 was issued to Shri Himanshu Upadhaya vide this office letter no. 165/ADM/Sy No 186 dated 01<sup>st</sup> Aug 2018.

The details of unauthorized construction are as under –

<b>Type of Unauthorized Construction</b>	<b>Area of Unauthorized Construction</b>
Tennis Court	18Mx10M= 180 Sqmt.
Pakka Pond	8.60Mx6.30M= 54.18 Sqmt.
05 Nos Cottage	4.10Mx6.80Mx5 Nos.= 139.4 Sqmt.
Hut	3Mx3M= 9.0 Sqmt.
Old Hut	3Mx2.80M=8.4 Sqmt.
Store Tin Shed	3.20Mx7.70M= 24.64 Sqmt.
Garage and Driver Hut	10.50Mx5.30M= 55.65 Sqmt.
Tin Shed Room	3.5Mx3M= 10.5 Sqmt.
<b>Total</b>	<b>481.77 Sqmt.</b>

But the offender Shri Himanshu Upadhaya has not complied notice under section 247 of Cantt act 2006 issued to him.

PDDE Central Command Lucknow vide their letter no. 57391/FSC/Audit/Bareilly dated 20-12-2018 advised this office to place the matter before the cantt board meeting for taking action under section 248 of Cantonment Act 2006 for removal of unauthorized construction.

Further the matter was placed before the board for issuance of notice under section 248 of cantt act 2006 giving 30 days time to the offender for demolition of unauthorized construction made by him on Survey no. 186, Ranikhet Cantt and board vide its CBR No. 16 dated 31-12-2018 resolved that resolved that “Considered *and discussed at length. The CEO informed the board that the higher authorities have directed that the action should be taken by the board for unauthorized construction in Sy No. 186. The CEO also informed to the board that a notice under section 247 of Cantt Act 2006 has already been issued by this office vide letter no. 165/ADM/Sy No. 186 dated 01<sup>st</sup> Aug 2018. But the offender Shri Himanshu Upadhaya has not complied/replied to the notice under section 247 of Cantt act 2006 issued to him. Therefore notice under section 248 of Cantt Act 2006 need to be issued to Shri Himanshu Upadhaya. All the elected members straightway opposed the proposal for issuance of notice under section 248 of Cantt Act 2006 and suggested that 15 days time be given to Shri Himanshu Upadhaya for giving reply of notice under section 247 of Cantt act 2006 issued on 01<sup>st</sup> Aug, 2018. Board unanimously agreed to issue 15 days time for submission of reply of notice under section 247 of Cantt Act 2006”.*

In this connection a letter has been sent to Shri Himanshu Upadhaya vide this office letter No.165/ADM/Sy No 186/19, dated 03<sup>rd</sup> Jan 2019. In reply of the notice given to Shri Himanshu Upadhaya, a letter has been received to this office on dated 08<sup>th</sup> Jan 2019 which is not found satisfactory.

Further the matter regarding issuance of notice under section 248 was again placed before the board and the board vide its CBR No 08 dated 27-02-2019 resolved that *“Considered and discussed at length. All elected members opposed to issue notice under section 248 of Cantt act 2006 in Sy. No. 186. The elected members informed the board, that as per the PDDE, CC, Lucknow letter no. DDE(Lands)Misc, dated 09<sup>th</sup> Oct 1996 permission has already been given to the occupant of Sy No. 186 for minor repairing to the holm farm hotel by the higher authorities. After long discussion the board resolved that the matter of unauthorized construction of Sy. No.186 be re-verified and also consult with DEO, Bareilly, after that the matter regarding issuance of notice under section 248 of cantt act 2006 be again put up before the board”*.

As per the PDDE, CC, Lucknow letter no. DDE(Lands)Misc, dated 09<sup>th</sup> Oct 1996 only permission for minor repair has been given to Shri Himanshu Upadhayaya Holm Farm Ranikhet.

In this connection a joint survey has been carried out with rep of DEO Bareilly on dated 09-09-2019 in which it is clarified that unauthorized construction is involved in the said survey no. for which notice has already been issued to the offender under cantt act 2006.

Further the matter regarding issuance of notice under section 248 was again placed before the board and the board vide its CBR No 11 dated 30-09-2019 resolved that *“Considered and discussed at length. The CEO informed the board that as per joint inspection of rep of CEO and rep of DEO it was found that unauthorized construction has been done by Shri Himanshu Upadhyaya and notice under section 248 should be given as per Cantt Act 2006. All elected members unanimously disagreed for issuance of notice under section 248 of Cantt Act 2006 to Shri Himanshu Upadhyaya. The Vice President raised a point that when the said property falls under the management of DEO Bareilly and all the previous notices have been served by DEO Bareilly then why the notice under section 247 and 248 are being served by the Cantonment Board? it also has to be issued by the DEO Bareilly itself.*

*The PCB pointed out that permission for minor repair was granted to Shri Himanshu Upadhyaa by the higher authorities long back, but this board is not having the site plan of the building before and after repair work, due to which the quantum of unauthorized construction cannot be cleared. Col. S. Shorot, Nominated Member suggested that available photographs of old and new structure can be compared to find out the unauthorized construction. The CEO also informed the board that old photographs of previous structure in Sy. No. 186 are not available in office record. As the property falls under the management of DEO Bareilly, so concerned document may be available with them.*

*The board unanimously resolved that documents, Site/building plan, photograph etc. regarding permission of minor repair of building situated on Sy. No. 186 be obtained from*



*DEO Bareilly as well as clarification regarding unauthorized construction and minor repair carried out by Shri Himanshu Upadhaya be obtained from him to process further in the matter, then final reports be put up before the board in ensuing board meeting for considering issuance of notice under section 248 of Cantt Act 2006.”*

In this connection a letter has been forwarded to DEO Bareilly vide this office letter no. 165/ADM/Holm farm/2019 dated 16<sup>th</sup> Oct 2019 requesting them to provide relevant documents, Site Building plan photographs etc regarding permission of minor repair of building situated on Sy. No. 186 and a letter has also been forwarded to Shri Himanshu Upadhaya on dated 16-10-2019 giving him 07 days time to furnish the required documents. Further a letter has been received to this office from Shri Himanshu Upadhaya on dated 24-10-2019 requesting this office for providing 30 days time to submit the relevant documents. After that a reminder also forwarded to Shri Himanshu Upadhaya vide letter No. 165/ADM/Sy. No. 186, dated 6<sup>th</sup> Dec, 2019 to furnish the required documents within 7 days.

In reply of this office letter dated 16<sup>th</sup> Oct, 2019 the DEO Bareilly has informed this office that “सर्वे संख्या 186 रानीखेत में कोई रिपेयरिंग की परमीशन, इस कार्यालय द्वारा नहीं दी गयी एवं इस बावत इस कार्यालय में कोई भी नक्शा आदि वर्तमान में रेकॉर्ड में उपलब्ध नहीं पाया गया।” The Dte CC, Lucknow has also intimated to this office vide their letter No. 57391/FSC/Audit/Bareilly, dated 26<sup>th</sup> Aug, 2019 that “In view of request made by CEO Ranikhet vide letter No. 165/ADM/Sy. No. 186/19 dated 08-05-2019 in respect of this Dte. Letter No. DDE(Lands)/Misc dated 09-10-1996, the record of this Dte has been checked. Accordingly, it is observed as under:-

- (a) Neither any file bearing No. DDE(Lands)/Misc, nor the ink signed copy (office copy) of the Dte letter dated 09-10-1996 could be traced in the record.
- (b) Application dated 19-07-1996 of Shri Himanshu Upadhaya as referred to in the Dte letter No. DDE(Lands)/Misc dated 09-10-1996 is also not traceable in the record.
- (c) Even the copy of letter No. DDE(Lands)/Misc dated 09-10-1996 is received in this Dte from DEO Bareilly vide letter No. DEO/BLY/106/Ty dated 24-08-2018.
- (d) It is evident from the contents of letter No. DDE(Lands)/Misc dated 09-10-1996 that it was clarified that Shri Himanshu Upadhaya was free to carry out the minor repairs only. No permission as been given for any erection or re-erection of any structure.

Further it is submitted that a letter has been received from PDDE Central Command Lucknow vide their letter no. 57391/FSC/Audit/Bly/LC-3 dated 18-11-2019 for issuance of notice under section 248 of cantt act 2006 to Shri Himanshu Upadhaya stating that ***“The Bungalow has been using for “ Holm Farm Hotel “ instead of residential which amounts breach of old grant terms. Now, matter is to be submitted before the Cantt Board for taking decision on removal of unauthorized constructions and change of purpose under section 248 & 244(2) of Cantonment Act, 2006”***

A letter has been received to this office from Shri Himanshu Upadhayay on dated 18-12-2019 and he has submitted some documents and old photographs in respect of Sy No. 186. The technical section has put up its report on the letter of Shri Himanshu Upadhaya.

As per report of technical section “महोदय उक्त पत्र में संलग्न अनुलग्नक -2 के क्रम में अवगत कराना है कि श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय को सर्वे संख्या 186 में केवल आंशिक भवन मरम्मत की स्वीकृति प्रदान की गयी है।

महोदय श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय द्वारा अनुलग्नक 5 एवं 6 में जो चित्र (फोटोग्राफ) संलग्न किये गये हैं, उक्त क्रम में अवगत कराना है कि उक्त स्थल में जो टैनिंस कोर्ट बनाया गया था वह पूर्व में मिट्टी से निर्मित था, जिसका वर्तमान में सी०सी० द्वारा निर्माण किया गया है।

महोदय अनुलग्नक 7 के क्रम में अवगत कराना है कि श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय द्वारा पूर्व में बने जल संग्रहण टैंक को तोड़कर वर्तमान में बड़ा बनाते हुए मछली का तालाब के रूप में परिवर्तित किया गया है।

अनुलग्नक 8 के क्रम में अवगत कराना है कि उक्त आउट हाउस में श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय द्वारा किसी प्रकार का निर्माण कार्य नहीं किया गया है जो कि पूर्ववत् स्थिति में पाया गया, जिसमें किसी प्रकार का नोटिस निर्गत नहीं किया गया है।

अनुलग्नक 9 के क्रम में अवगत कराना है कि श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय द्वारा पूर्व में बने टिन शेड को तोड़कर नव निर्माण किया गया है।

अनुलग्नक 10 के क्रम में श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय के द्वारा जो चित्र संलग्न किया गया है। उक्त क्रम में अवगत कराना है कि श्री हिमांशु उपाध्याय, पुत्र स्व० श्री मदन मोहन उपाध्याय को उक्त स्थल पर किये गये अतिरिक्त निर्माण के सम्बन्ध में छावनी अधिनियम 2006 की धाराओं के तहत नोटिस निर्गत किया गया है।

इसी क्रम में महोदय को अवगत कराना है कि सर्वे सर्वे संख्या 186 में रक्षा सम्पदा अधिकारी, बरेली मण्डल, बरेली के प्रतिनिधि एवं इस कार्यालय के तकनीकी कर्मचारियों के साथ संयुक्त निरीक्षण किया गया तथा पाया गया कि सर्वे संख्या 186 में नव निर्मित भवन संरचनाएं स्थित हैं जो कि पूर्ण रूप से नवनिर्मित हैं।

Further the matter regarding issuance of notice under section 248 was again placed before the board and the board vide its CBR No 16 dated 22-01-2020 resolved that “*Considered and discussed at length. CEO read the matter thoroughly and informed the board about instructions issued by the higher authorities for issuing of notice under 248 and 244(2) under Cantt Act 2006 to Shri Himanshu Upadhayaya. The CEO also informed the board that a joint inspection of the site was carried out by the rep of DEO Bareilly and Cantt Board Ranikhet and as per the report of joint inspection team unauthorized construction has been carried out in Sy. No. 186 by Shri Himanshu Upadhayaya. The reply of Shri Himanshu Upadhayaya dated 18-12-2019 is also read by the CEO before the board. The technical section also explained before the board regarding unauthorized construction done by Shri Himanshu Upadhayaya in Sy. No. 186 and his reply was not found satisfactory, so section 248 notice should be issued as per Cantts Act 2006.*

*All the elected members straightway opposed the proposal for issuance of notice under section 248 of Cantt Act 2006 and raised a point that which part of the construction has been reported unauthorized construction as the permission for minor repair has already been granted to Shri Himanshu Upadhayaya earlier by higher authorities in the year 1996 and the copy of the same is available with Shri Himanshu Upadhaya but is not traceable in the record of Dte. DE. which is not the fault of Shri Himanshu Upadhayaya.*

*In replying to the above, the CEO informed to the board as already mentioned in the agenda side that as per letter of Dte. DE, CC, Lucknow letter No. 57391/FSC/Audit/Bareilly, dated 26<sup>th</sup> Aug, 2019 :-*

- (a) Neither any file bearing No. DDE(Lands)/Misc, nor the ink signed copy (office copy) of the Dte letter dated 09-10-1996 could be traced in the record.*
- (b) Application dated 19-07-1996 of Shri Himanshu Upadhyaya as referred to in the Dte letter No. DDE(Lands)/Misc dated 09-10-1996 is also not traceable in the record.*
- (c) Even the copy of letter No. DDE(Lands)/Misc dated 09-10-1996 is received in this Dte from DEO Bareilly vide letter No. DEO/BLY/106/Ty dated 24-08-2018.*
- (d) It is evident from the contents of letter No. DDE(Lands)/Misc dated 09-10-1996 that it was clarified that Shri Himanshu Upadhyaya was free to carry out the minor repairs only. No permission as been given for any erection or re-erection of any structure.*

*The PCB said that as per the report of joint inspection by rep of CEO and DEO there is unauthorized construction, whereas Shri Himanshu Upadhyaya is having the proof of permission for minor repair granted by the higher authorities, but the Dte. explains that no such letter is traceable in their record. So, the majority of the board is not convinced that notice under section 248 should be issued to Shri Himanshu Upadhyaya in these circumstances.*

*The PCB also informed that since action for resumption is under process, then what is the legal basis of issuance of notice under section 248 of Cantt Act 2006.*

*In reply to the above, the CEO informed to the board that the process of issuance of notice under section 248 is as per provisions of Cantt Act 2006 and if the board opposes to issue notice under section 248 then the matter will be forwarded to higher authorities under section 56(4) of Cantt Act 2006.*

*All the elected members pointed out that regularly they are straightway opposing the proposal for issuance of notice under section 248 and 244(2) of Cantt Act 2006.*

*After detailed discussion, the board decided by the majority that this case need to be re-examined as the case of Audit Para by CAG, PPE Act by DEO Bareilly, resumption by higher authorities, action against change of purpose and notice for unauthorized construction by Cantt Board is being initiated simultaneously due to which this case has become complex due to involvement of many legal issues. Hence clarification/directions be obtained from higher authorities/CBLA.*

*Further it is also decided that the matter be putup before the Civil Area Committee where Rep of DEO Bareilly, Rep of Cantt Board and Shri Himanshu Upadhyaya be called up personally alongwith their documents to examine the facts & figures of the case and then the matter be putup before the board alongwith all facts and figures for taking appropriate decision regarding issuance of notice under section 248 of Cantts Act 2006”.*

In this connection a letter has been forwarded to DEO Bareilly and Shri Himanshu Upadhyaya as CAC meeting was scheduled on dated 20-02-2020 but on dated 20-02-20 meeting was postponed due to the fact that quorum for concluding CAC was not fulfilled.

In this regard the matter was placed before the Civil Area Committee in its meeting on 24<sup>th</sup> July, 2020, the CAC vide its resolution No 02 dated 24<sup>th</sup> July, 2020 recommended by majority not to issue notice to Shri Himanshu Upadhyaya under section 248 of Cantt Act, 2006. The committee also recommended that matter be placed before the ensuing board meeting along with recommendation of Civil Area Committee. If the Rep of DEO does not attend the meeting, then the decision of the board will be final.

Hence the matter is placed before the board for consideration

Relevant file is placed on the table.

### **RESOLUTION**

12. Considered and discussed at length. The CEO briefed the case in detail. The PCB questioned to the elected members that why they are opposing for issuance of notice under section 248 of Cantt Act 2006 to Shri Himanshu Upadhyaya?

Shri Mohan Negi, Elected Member replied that he is against the issuance of notice under section 248 as the pond and garage which has been mentioned as unauthorized is in existence at the site since long.

Shri Sanjay Pant, Vice President, Shri Vinod Chandra and Shri Bhuwan Chandra Arya, Elected Members also added to the fact of Shri Mohan Negi that pond and garage which has been mentioned as unauthorized is in existence at the site since long. They also opposed to issue notice under section 248.

Smt. Archana Pathak and Smt. Bindu Rautela, Elected Members informed the board that they are already aware regarding the matter of issuance of notice under section 248 because the matter has been put up before the board regularly. They are not aware about existence of pond and garage at the site but they oppose to issue notice under section 248 and agree with other elected members.

Shri Mohan Negi, Elected Member also replied to the board that why the notice under section 248 was not issued to Shri Himanshu Upadhyaya when the unauthorized construction in Sy. No. 186 was carried out long back as the case is very old, why the matter of issuance of notice under section 248 is raised after so many years. He further added that site is under the management of DEO Bareilly, then why they are not issuing notice for unauthorized construction, therefore we are not in favour of issuance of notice under section 248 to Shri Himanshu Upadhyaya. Shri Sanjay Pant, Vice President, Shri B.C. Arya, Shri Vinod Chandra,, Smt. Archana Patha and Smt. Bindu Rautela Elected Members also opposed to issue notice under section 248.

The CEO informed to the board that as per joint inspection report of CEO rep and DEO rep, there is clear evidence of unauthorized construction, so the notice should be issued under section 248.

The PCB asked for the voting in support and oppose of notice for unauthorized construction by raising their hands under section 45(1) of Cantt Act 2006. In this connection 06 elected members were in opposition for issuance of notice under section 248, while PCB, Member Secretary, 02 nominated members and 02 ex-officio members supported to issue the notice under section 248 to Shri Himanshu Upadhyaya. As per section 45(2) of Cantt Act 2006 PCB using his power as the president of the board he casted second and deciding vote. Therefore the board by majority (7 votes in favour of issuance of notice and 6 against issuance of notice) resolved to issue the notice under section 248 of Cantt Act 2006 to Shri Himanshu Upadhyaya. Accordingly reply be forwarded to higher authorities.

### **13. REPORT ON COVID-19 : RANIKHET CANTT.**

#### **OFFICE REPORT**

It is submitted that total 32 corona positive cases found in Ranikht Cantt area till date. Keeping in view the pandemic situations various office orders were issued during the lockdown period for prevention of spread of COVID-19. In this regard, many public notices were also published in daily news papers and general instruction were issued through announcement in the city as per guidelines time to time issued by Ministry of Health and Family Welfare, Govt. of India and State Govt.

**SANITIZATION:-** Sanitization of city is also being done regularly specially in Bank, Govt. buildings, quarantine centre etc. When, there was 1<sup>st</sup> case of covid-19 positive found in cantt area, huge sanitization was done by this office in affected area.

**AWARENESS:-** Pamphlets, posters, general instruction in the news papers, website, social media, announcement etc. is regularly being done in order to aware general public regarding spread of COVID-19.

**CONTAINMENT ZONE:-** One containment zone was declared in cantt area i.e. Zaruri Bazaar, where 28 case of corona positive found. Huge sanitization drive is being done regularly by Cantt Board staff by using preventive gears.

Collection and disposal of waste from the containment zone is being done separately as per guidelines issued by the NGT and BMW Rules 2016.

**PROTECTION OF STAFF:-** All protective gears (PPE) are being provided to all essential staff. Sanitizers, masks, gloves are being provided to all staff of Cantt Board. Process of group insurance upto Rs. 5 Lakh of 173 essential staff is under progress.

Two auto hand sanitizer machine has been installed in office premises and dispensary for visitors. 5 Thermal scanning machines have also been procured for Cantt Board office and dispensary.

**PLANNING: -** If the cases of Corona Positive cases increases in future in this condition the Cantt Inter College, Multipurpose Hall and Rangoli Community Hall has been identified for quarantine facility.

Correspondence is being done with District Administration regarding certain schemes implemented by the Govt. persons will be identified with help of district administration as per guidelines.

The matter is placed before the board for consideration.

Relevant file is placed on the table.

### **RESOLUTION**

13. Considered and noted. The PCB said that as the situation of pandemic COVID-19 is getting worse in the city and is spreading rapidly. He also added that guidelines have been issued by Central and State govt. time to time about the controlling the spread of COVID-19 which is strictly to be followed as they have imposed the strict compliance of the order in military area, the same should be done in civil area in order to control the spread. Further he said that if the elected member do have any suggestions for controlling the spread of COVID-19 in the city same may be intimated to the board. Shri Mohan Negi, Elected Member suggested that awareness should be spread in the city by publishing advertisement, hoardings, pamphlets etc. and the general public should be aware about the use of masks, hand sanitizers and should make them follow social distancing.

The GE, MES said that he has also seen the youngsters who do not follow the guidelines issued for controlling the spread of covid-19. He has seen them not using masks at public places, which can be dangerous for the city and family members too as they may get infected. The SEMO, MH also added that posters can be pasted at various public places for use of face masks, hand sanitizers and social distancing for awareness.

The CEO suggested that with the help of local police penalty can be imposed on people who do not follow the instructions and not use the masks at public places.

The board resolved that the strict compliance of guidelines issued by Central Govt. and State Govt. for prevention of spread of COVID-19 be strictly followed in the city and penalty of Rs. 50/- be imposed on the offenders for not wearing masks in public places.

### **OTHER DISCUSSION POINTS**

Shri Mohan Negi raised a point that promotion of teachers, clerks and other staff has been done in Cantt Schools since decades and posts vacated due to promotion have already been recruited. But their sanction was not obtained from Distt. Education Dpartment, Almora due to which this board is not getting any grant from State Govt. Education Department and this board is bearing extra financial burdon for disbursement of their salary and allowances. Therefore, efforts should be made for obtaining ex-post facto sanction from Eduction Department for all posts in cantonment board schools. So that, grant be allotted to Cantonment Board Ranikhet for schools. The CEO informed the board that letters have been forwarded to education department several time in this regard, but no response is received from their side and sanction is awaited till date. The PCB directed to CEO for issuance of a reminder to education department in this regard.

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