

Proceedings of Ordinary Meeting of the Cantonment Board, Ranikhet held on 22<sup>nd</sup> Jan, 2020 at 12:00 Noon in the Conference Room of the Cantonment Board Ranikhet.

**PRESENT**

- |                       |                     |
|-----------------------|---------------------|
| 1. Brig. G.S. Rathore | - President         |
| 2. Shri Mohan Negi    | - Vice President    |
| 3. Shri Abhishek Azad | - Member Secretary  |
| 4. Shri Sanjay Pant   | - Elected Member    |
| 5. Smt. Bindu Rautela | - Elected Member    |
| 6. Shri Vinod Chandra | - Elected Member    |
| 7. Shri Sukrit Sah    | - Elected Member    |
| 8. Col. V.P Mathur    | - Ex-Officio Member |

**ABSENT**

- |                             |                     |
|-----------------------------|---------------------|
| 1. Shri Bhuwan Chandra Arya | - Elected Member    |
| 2. Smt. Archana Pathak      | - Elected Member    |
| 3. Col. S.S. Karhade        | - Nominated Member  |
| 4. Col. S. Shorot           | - Nominated Member  |
| 5. Maj. Shyam Nayar         | - Ex-Officio Member |

---

## **PROCEEDINGS**

The oath of allegiance was taken by Col. V.P. Mathur, as Ex-Officio Member of Cantonment Board, Ranikhet.

**01. IMPLEMENTATION OF PREVIOUS BOARD RESOLUTIONS DATED 23-12-2019**

The implementation of the Board resolution passed by the Board on 23-12-2019 is under progress.

**RESOLUTION**

01. Considered and noted.

**02. MONTHLY ACCOUNT.**

To consider the matter regarding monthly account for the month of November, 2019.

**OFFICE REPORT.**

The statement of account for the month of November 2019 is placed on the table. The details of receipt and expenditure are appended below:-

**INCOME AND EXPENDITURE FOR THE MONTH OF NOVEMBER, 2019**

**INCOME**

**EXPENDITURE**

Rates and taxes	₹ 3145622.00	A	General Administration (Pay & allowances)	₹ 770642.00
Realization under special acts	₹ 1177930.00	B	Revenue/toll establishment (Pay & allowances and contingencies)	₹ 1087526.00
Revenue derived from property and power apart from taxation, Rent from land and property of Govt., Buildings, Conservancy receipt, Sale of water & Fair	₹ 1298338.00	C	Refunds	₹ 0.00
Miscellaneous (Recoveries on account of service Charges i.e. Guest Room, Rendered to private individuals and other items)	₹ 95673.00	D	Public works (pay & allowances and maintenance)	₹ 598928.00
<b>Total receipt from local sources</b>	₹ 5717563.00	E	Public safety and convenience (Pay & allowances and electricity contingencies)	₹ 900741.00
Grants and contribution from general & special Sources	₹ 0.00	F	Medical services and sanitation (pay and allowances and contingencies)	₹ 5388943.00
<b>Total income from all sources (5+6)</b>	₹ 5717563.00	G	Public Instructions (Pay & allowances and contingencies of schools)	₹ 2237786.00
Extraordinary and debits	₹ 162278.50	H	Contribution for general purposes (Pension & gratuity)	₹ 685993.00
Opening Balance	₹ 12919215.38	I	Pension gratuities and annuities	₹ 4400000.00
<b>Grant Total (i.e. Total income from all sources + 7 + 8)</b>	₹ 18799056.88	J	Survey of land	₹ 0.00
		K	Military engineering services on account of proceeds from water tax and or rate and cost of water supplies under agreement	₹ 0.00
		L	Miscellaneous	₹ 43000.00
			<b>Total Expenditure</b>	₹ 16113559.00
		M	Extraordinary and debits	₹ 158789.00
			Closing balance	₹ 2526708.88
			<b>Grand Total (i.e. Total expenditure + M + closing balance)</b>	₹ 18799056.88

**SUMMARY****INCOME**

Opening balance as per cash book as on 01-11-2019	₹	12919215.38
Total receipt from all sources during the month	₹	5717563.00
Cash balance in the shape of FDRs	₹	0.00

**EXPENDITURE**

Expenditure on pay and allowances, pension and contingencies	₹	16113559.00
Expenditure on D(2) head	₹	0.00

Relevant file is placed on the table.

**RESOLUTION**

02. Considered noted and approved.

**03. DEMAND AND COLLECTION**

To consider the statement of demand and collection of recovery of Nov, 2019.

The details of demand and recovery are appended below:

**Demand and Collection upto the month of Nov, 2019****Demand**

1. Arrear as on 01-04-2019	97361511.16
2. Current Demand	96638511.75
<b>Total</b>	<b>194000022.91</b>

**Recovery**

1. Recovery out of Arrear	1763192.49
2. Recovery out of Current demand	63222177.95
3. Balance	129014652.47
<b>Total</b>	<b>194000022.91</b>

The matter is placed before the board for noting and approval

Relevant file is placed on the table.

**RESOLUTION**

03. Considered noted and approved.

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

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

- |    |  |                                  |
|----|--|----------------------------------|
| 1. | Cantonment Inter College, Sadar Bazar, Ranikhet  | -Aug, Sept, Oct, Nov & Dec, 2019 |
| 2. | Cantonment Junior High School, Chaubattia        | -Oct, Nov & Dec, 2019            |
| 3. | Cantonment Primary School, Sadar Bazar, Ranikhet | -Oct, Nov & Dec, 2019            |
| 4. | Cantonment Primary School, Chaubattia            | -Oct, Nov & Dec, 2019            |
| 5- | Cantonment Primary School, Mall Road             | -Oct, Nov & Dec, 2019            |
| 6. | Cantonment Primary School, Kumpur                | -Sept, Oct, Nov & Dec, 2019      |

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

#### **CANTONMENT PRIMARY SCHOOL, SADAR BAZAR, RANIKHET**

1. To construct a room/shed for MDM.
- 2- To repair roof of kitchen of School.

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

1. To provide new computer in place of defective computer.
2. To repair roof water drain pipe.
3. To repair and whitewash of kitchen of M.D.M.
4. To provide one teacher for full time.

#### **CANTONMENT PRIMARY SCHOOL, MALL ROAD**

1. To provide one computer for computer education.
2. To repair and white-wash of school.

#### **CANTONMENT PRIMARY SCHOOL, KUMPUR**

1. To repair school building as mentioned previously in proceedings of SMCs.
2. To lop the tree.
3. To repair prarthana sthal.
4. To repair of wooden floor of class rooms.
5. To repair doors and windows of class rooms.

The matter is placed before the Board for consideration.

The relevant file is placed on the table.

#### **RESOLUTION**

03. Considered and board resolved that the feasibility be checked by all the concerned sections against the recommendation of SMC. Further board resolved that essential repair work be executed in the next financial year as per availability of fund. The board also resolved that a interim arrangement be made from available teachers of Junior Highschool for Cantt Primary School Chaubattia and when funds are made available then a teacher may be hired through outsourcing agency.

#### **05. LIST OF HOLIDAYS**

To consider the list of Gazetted holiday/National holidays to be availed during the year 2020 by the office staff and essential staff.

Board may consider the matter accordingly.

Relevant file along with list of holidays for the office and essential staff are placed before the Board.

### **RESOLUTION**

05. Considered and approved.

### **06. AMENDMENT IN BUSINESS REGULATIONS, DEVOLUTION OF POWERS OF VICE PRESIDENT OF CANTONMENT BOARDS & CONSTITUTION OF THREE COMMITTEES**

Reference PDDE, CC, Lucknow letter No. 32670/VNS/BR/15, dated 30<sup>th</sup> Dec, 2019

### **OFFICE REPORT**

It is submitted that the PDDE, CC, Lucknow vide their letter No. 32670/VNS/BR/15, dated 30<sup>th</sup> Dec, 2019 has directed this office to forward the amended Business Regulations proposals in accordance with MoD instructions issued by MoD ID No 14(12)/2018-d (Q&c), dated 23-12-2019, consistent with the composition and delegate roles and responsibilities and functions suggested by the Govt.

It is also submitted that the Ministry of Defence Govt. of India vide ID No. 14(12)/2018-D(Q&C), dated 23<sup>rd</sup> Dec, 2019 has issued directions to constitute three more committees viz, the Finance Committee, the Education Committee and the Health & Environment Committee under section 48(e) of the Cantonments Act, 2006 and also advised all the Cantonment Boards to suitably amend their business regulations for constitution of said committees consisting with the composition and delegate roles & responsibilities and functions suggested by the Government.

Civil Area Committee may be empowered to exercise the powers, duties and functions of the Board as required under section 137(2) (the Board to take such measures as are necessary in its opinion for prevention of breeding of mosquitoes, insects or any bacterial or viral carriers of disease in public places under the control or management of the Board), section 151 (permission for use of new burial or burning ground), Section 168 (Disinfection of building or articles therein), Section 169 (Destruction of infectious hut or shed) & Section 170 (Temporary shelter or inmates of disinfected or destroyed building or shed).

The MoD has also directed that Cantonment Boards may through a resolution, delegate the functions provided under section 353 of the Cantonments Act 2006 to the Vice President of the respective Boards, as deemed appropriate.

In Class I, II & III Cantonment Boards, except the Vice President, no other Elected Member should be nominated to more than two of the committees.

Hence the amended business regulation is placed before the board for consideration.

### **RESOLUTION**

06. Considered. The CEO read out the provision of devolution of powers of Vice President of Cantonment board, functions and powers of Civil Area Committee and powers of other three

committees. Board unanimously approved the amended business regulations and resolved that a proposal be forwarded to higher authorities for approval of amended business regulation alongwith draft gazette notification in Hindi & English.

The PCB suggested that a meeting of all committees made under business regulations be conducted once in a month before the board meeting and their minutes be putup before the board for consideration and noting.

#### **07. PAYMENT OF DEARNESS RELIEF TO CANTT. BOARD PENSIONERS.**

Reference :- Uttarakhand G.O. No. 354/XXVII(7)/02/2016, dated 21-10-2019 and Dte, Central Command, Lucknow letter No. 9334/DR/Uttarakhand/LCP, dated 5<sup>th</sup> Dec, 2019.

#### **OFFICE REPORT**

It is submitted that the sanction under FR 44 read with para 14 of the Memorandum of Settlement has been accorded from the PDDE, CC, Lucknow for the grant of dearness relief @ 17% of their Basic pension w.e.f. 01-07-2019 to the pensioners of the Cantonment Board, Ranikhet as per the terms and conditions in Uttarakhand G.O. No. 354/XXVII(7)/02/2016, dated 21-10-2019.

Hence the matter is placed before the Board for the approval of dearness relief.

Relevant file is placed on the table.

#### **RESOLUTION**

07. Considered and approved as per agenda.

#### **08. GRANT OF SELECTION GRADE PAY SCALE TO ELIGIBLE ASSISTANT TEACHERS, PRIMARY SCHOOL, CANTT. BOARD, RANIKHET**

To consider the matter regarding grant of Selection grade pay scale to eligible Assistant Teachers Primary.

Ref:- Cantt Board resolution no. 07 dated 23-02-2018.

#### **OFFICE REPORT**

It is submitted that as per CBR No 07 dated 23-02-2018 a proposal was placed before the board for grant of Selection Grade Pay Scale to the following Assistant Teachers, Primary School and it was resolved by the board for sending a self contained proposal to the PDDE, Central Command, Lucknow. In compliance a proposal was forwarded to the higher authorities for grant of Selection Grade Pay Scale, but in reply vide PDDE, CC, Lucknow office letter No 34238/RKT/Teachers (AT)/17 (C-561) dated 03 October 2019 it was advised to revise the CBR and submit a fresh proposal accordingly duly mention the correct amount of financial implication in CBR.

In this connection, It is further submitted that the following Assistant Teachers, Primary School, Cantt. Board, Ranikhet have completed 10 years satisfactory service and they are entitled for grant of Selection Grade Pay Scale according to Uttarakhand GO No 150/xxiv-नवसृजित/2019-09(04)/2017 dated 06 September 2019 and Uttarakhand GO No 74/XXVII/(7)/2009 dated 01-03-2009.

It is observed that the under mentioned Assistant Teachers, Primary School are entitled for the following financial benefits:-

Sl No.	Name of Teacher	Date of appointment	Grant of Financial benefit	Existing pay scale and Level (7 <sup>th</sup> CPC)	Proposed pay scale and Level (7 <sup>th</sup> CPC)	Effective date	Relevant G date
1.	Smt. Sonali Raturi, Assistant Teacher, Primary School	13-01-2006	Selection Grade Pay Scale on completion of 10 years satisfactory service.	35400-112400 (level-6)	44900-142400 (level-7)	13-01-2016	(1) Uttarakhand G.O. No. 150/xxiv-नवसृजित/2019-09(04)/2017 dated 06 September 2019. (2) Uttarakhand GO No 74/XXVII/ (7)/2009 dated 01-03-2009.
2.	Shri Arvind Kumar, Assistant Teacher, Primary School	13-01-2006		35400-112400 (level-6)	44900-142400 (level-7)	13-01-2016	
3.	Shri Vikash Gupta, Assistant Teacher, Primary School	19-01-2006		35400-112400 (level-6)	44900-142400 (level-7)	19-01-2016	
4.	Km. Renu Rana, Assistant Teacher, Primary School	19-01-2006		35400-112400 (level-6)	44900-142400 (level-7)	19-01-2016	
5.	Shri Krishan Kumar, Assistant Teacher, Primary School	20-01-2006		35400-112400 (level-6)	44900-142400 (level-7)	20-01-2016	

Total Financial implication will be Rs. 4, 16,898/- (approx). Necessary budget provision has been made in the budget estimate for 2019-20 (R) and 2020-21 (O).

Hence matter is placed before the board for appropriate direction.

### **RESOLUTION**

08. Considered and board resolved to forward a proposal to higher authorities for grant of Selection grade pay scale to eligible Assistant Primary Teachers.

### **09. GRANT OF 1<sup>ST</sup> MACPS TO SHRI AJAY PRATAP SINGH, SANITARY INSPECTOR, CANTT. BOARD, RANIKHET.**

To consider the matter regarding grant of 1<sup>st</sup> MACPs to Shri Ajay Pratap Singh, Sanitary Inspector after completion of 10 Years of satisfactory service.

## **OFFICE REPORT**

It is submitted that as per CBR No 11 dated 03-06-2017 matter regarding grant of 1<sup>st</sup> ACP to Shri Ajay Pratap Singh, Sanitary Inspector in terms of Uttarakhand GO No 589/xxvii (7)40(ix)/2011, dated 01-07-2013 was placed before the board and it was resolved by the board that a self contained proposal be forwarded to the PDDE, Central Command, Lucknow. In compliance of the resolution a proposal was forwarded to the higher authorities vide this office letter No 121/ACP/SI/2017 dated 28-09-2017 for grant of 1<sup>st</sup> ACP to Shri Ajay Pratap Singh, Sanitary Inspector but PDDE, CC, Lucknow has returned the proposal un-actioned vide their office letter No 34238/RKT/SI/17 (C-706) dated 28 October 2019 stating that individual is covered under MACP scheme in terms of Uttarakhand GO No 11/XXVII (7)30(14)/2017, dated 17-02-2017 instead of ACP scheme.

In this connection it is submitted that as per Uttarakhand G.O. No 11/XXVII (7)30(14)/2017, dated 17-02-2017 MACPS is applicable on completion of 10, 20 & 30yrs of satisfactory service w.e.f. 01-01-2017. As per the above G.O. dated 17-02-2017 Shri Ajay Pratap Singh, Sanitary Inspector, Cantt. Board, Ranikhet has completed more than 10 years of satisfactory service and he is entitled for the grant of 1<sup>st</sup> MACPS.

It is observed that Shri Ajay Pratap Singh, Sanitary Inspector is entitled for the following financial benefits:-

<b>Name of employee and designation</b>	<b>Date of Appointment</b>	<b>Date of Completion of 10 years service</b>	<b>Grant of Financial benefits</b>	<b>Existing pay scale and Level (7<sup>th</sup> CPC)</b>	<b>Proposed pay scale and Level (7<sup>th</sup> CPC)</b>	<b>Effective date</b>
Shri Ajay Pratap Singh, Sanitary Inspector	23-03-2007	23-03-2017	1 <sup>st</sup> MACPS on completion of 10 years of satisfactory service.	35400-112400 (Level-6)	44900-142400 (Level-7)	23-03-2017

Total financial implication will be Rs 61,100/- (approx). Necessary budget provision has been made in the budget estimate for 2019-20 (R) and 2020-21 (O).

Hence the matter is placed before the board for consideration and further necessary orders..

## **RESOLUTION**

09. Considered and board resolved to forward a proposal to higher authorities for grant of 1<sup>st</sup> MACP to Shri Ajay Pratap Singh, Sanitary Inspector.

## **10. REGARDING REIMBURSEMENT OF MEDICAL BILLS TO SHRI VINOD KUMAR, SAFAIWALA CANTT BOARD RANIKHET**

Reference:- CBR No. 03, dated 10-10-2018.

To consider the matter regarding reimbursement of medical bills to Shri Vinod Kumar, Safaiwala, Cantt Board Ranikhet undergone liver transplantation.



## **OFFICE REPORT**

In reference to Cantt Board, Resolution No. 03, dated 10-10-2018 it is submitted that Shri Vinod Kumar had a surgery of liver transplantation at Institute of Liver & Biliary Sciences, An autonomous society under Government of NCT of Delhi.

In this regard it is further submitted the matter for the medical reimbursement was put up before the Board and the Board vide Resolution No. 03 dated 10-10-2018 had resolved that “*Considered and discussed at length and the committee recommended that seeing the position of employee and the expenditure in liver transplantation the reimbursement of medical bills be paid to the employee according to the rules and regulation.*”

In this regard Rs.13,40,046/- (Thirteen lakh forty thousand fort six only) in respect of liver transplantation which was paid to Shri Vinod Ramesh in compliance to the CBR No. 03 dated 10-10-2018 vide cheque no. 474901, dated 29-10-2018.

It is further submitted that Shri Vinod Ramesh has again submitted the medical bills incurred in liver transplantation amounting to Rs. 4,43,279/- (Four lakh forty three thousand two hundred seventy nine only). As per the report of RMO “*the reimbursement claim by the applicant can be considered according to the Govt. of India letter no. F.No.5-14025/3/2010-MS/CGHS(P), Ministry of Health and Family Planning, Nirman Bhawan, New Delhi dated 16<sup>th</sup> January 2013*”.

It is pertinent to mention here that as per the rules and regulations there is no any restriction for the payment of medical reimbursement to Cantt Board Employees gone through liver transplantation as the Board is the competent Authority for making payment of reimbursement bills to Shri Vinod s/o Ramesh safaiwala Cantonment Board, Ranikhet.

Hence, the matter is placed before the Board for consideration and appropriate decision for the reimbursement of Medical Bills submitted by Shri Vinod Kumar, Safaiwala, Cantt Board Ranikhet incurred in the Liver transplantation surgery amounting to Rs. 4,43,279/-

The relevant documents along with the report of accountant is placed on the table.

## **RESOLUTION**

10. Considered and board resolved that the medical bills be reimbursed according to the medical attendant rules. Further board resolved that an undertaking be obtained from Shri Vinod Kumar, Safaiwala stating that he has not claimed any reimbursement from any other department/health policy and medical reimbursement amount be recovered from his salary/pension in case of any objection from audit or directions from the higher authorities in future. The payment of medical reimbursement will be made only after the sufficient funds are available with Cantt Board.

## **11. REGARDING REIMBURESEMENT OF MEDICAL BILLS TO SHRI SAWAN KUMAR, SAFAIWALA, CANTT BOARD RANIKHET**

To consider the matter regarding reimbursement of medical bills to Shri Sawan Kumar, Safaiwala, Cantt Board Ranikhet for his wife undergone Hysteroscopy with D&C with Mirena insertion with Excision of Scar endometriosis with Mesh placement extra peritoneal.

## **OFFICE REPORT**

It is submitted that the wife of Shri Sawan Kumar, Safaiwala, Cantt Board Ranikhet was

referred to Civil Hospital Ranikhet on 01-5-2019 by RMO, of Cantt Dispensary Ranikhet, wherein due to unavailability of necessary treatment she was further referred to higher hospital by Civil Hospital Ranikhet. Further Smt Renu wife of Shri Sawan Kumar had undergone a surgery of Hysteroscopy with D&C with Mirena insertion with Excision of Scar endometriosis with Mesh placement extra peritoneal in Sir Ganga Ram Hospital, An autonomous society under Government of NCT of Delhi.

The bills submitted by Shri Sawan Kumar, Safaiwala Cantt Board Ranikhet in respect of Hysteroscopy with D&C with Mirena insertion with Excision of Scar endometriosis with Mesh placement extra peritoneal amounting to Rs. 1,69,733/- (One lakh Sixty nine thousand seven hundred thirty three only).

It is further submitted that as per the report of RMO, Cantt Dispensary Ranikhet dated 23-09-2017 the reimbursement claim by Shri Sawan Kumar can be considered according to the Govt. of India office memorandum no. F.No.S-14025/3/2010-MS/CGHS(P), dated 16<sup>th</sup> January, 2013.

Hence, the matter is placed before the board for consideration and appropriate decision for the reimbursement of Medical Bills submitted by Shri Sawan Kumar, Safaiwala, Cantt Board Ranikhet amounting to Rs. 1,69,733/- (One lakh Sixty nine thousand seven hundred thirty three only).

The relevant documents along with the report of accountant is placed on the table.

### **RESOLUTION**

11. Considered and board resolved that the medical bills be reimbursed according to the medical attendant rules. Further board resolved that an undertaking be obtained from Shri Sawan Kumar, Safaiwala stating that he has not claimed any reimbursement from any other department/health policy and medical reimbursement amount be recovered from his salary/pension in case of any objection from audit or directions from the higher authorities in future. The payment of medical reimbursement will be made only after the sufficient funds are available with Cantt Board .

### **12. CHANGE OF COMMITTEE REGARDING KAMALUDDIN CASE.**

Reference of CBR No. 13, dated 30<sup>th</sup> Sept, 2019.

### **OFFICE REPORT**

It is submitted that the matter regarding appeal under rule 13(i) of CFSR 1937 of Shri Kamaluddin was placed before the board and the board vide CBR No. 13, dated 30<sup>th</sup> Sept, 2019 resolved that two member committee be constituted to look into the matter of Shri Kamaluddin and the report of the committee be put up before the board. Col. S.S. Karhade, Adm Commandant and Shri Sukrit Sah, Elected Member will be member of the Committee.

Now Shri Sukrit Sah has informed this office that due to his busy schedule, he would not be available to look into the matter of Shri Kamaluddin.

Hence the matter is placed before the board for consideration.

Relevant file is placed on the table.

## **RESOLUTION**

12. Considered and the board resolved that Col. S.S. Karhade, Adm Commandant and Shri Sanjay Pant, Elected Member will look into the matter of Shri Kamaluddin in place of Shri Sukrit Sah and final recommendation will be putup before the board for approval.

## **13. NOTICE UNDER SECTION 248 OF CANTT ACT, 2006 FOR UNAUTHORISED CONSTRUCTION.**

To consider the matter regarding unauthorized construction made by occupier /HOR on lease / old grant properties.

## **OFFICE REPORT**

On the above subject matter it is submitted that HOR/Occupier of lease old grant properties mentioned below started the construction work without having the prior permission from the competent authority for which notice under section 247 of Cantt act 2006 was issued to the offender but no satisfactory reply or action has been taken. Further the notice under section 248 be given to the under mentioned HOR/ Occupier after the approval of the Board.

- |  |   |               |
|--|---|---------------|
| 1. Smt Imraana Parveen, Sabir Building, Ranikhet | - | Sy.No.99/174  |
| 2. Shri Nadir Hussain                            | - | Sy.No.99/174  |
| 3. Shri Zakeer Hussain                           | - | Sy.No.99/174  |
| 4. Shri Shakir Hussain                           | - | Sy.No.99/174  |
| 5. Sonu Qureshi, Sudamapuri, Ranikhet            | - | Sy.No. 99/59  |
| 6. Ashok Kumar Pandey, Sridharganj, Ranikhet     | - | Sy.No. 99/176 |
| 7. Shri Ratan Singh Mehra, Lalkurti Raiestate    | - | Sy.No. 29     |
| 8. Shri Girish Bhatt, Lalkurti Raiestate         | - | Sy.No. 29     |
| 9. Smt Pushpa Tiwari, Badri view                 | - | Sy.No. 89     |

The above is submitted for your kind perusal and necessary action in the matter.

In this connection relevant file along with report of JE/D'man is placed on the table.

The board may consider the matter accordingly.

Relevant file is placed on the table.

## **RESOLUTION**

13. Considered and approved to issue notice under section 248 for removal of unauthorized construction as per agenda side since no satisfactory replies have been received from any of the defaulters for the notices issued under section 247 earlier.

## **14. TENDER FOR MAINTENANCE WORK UNDER D-2 HEAD FOR FY 2019-20.**

To consider the matter regarding approval of contractor's quoted lowest rates for the execution of maintenance work under D-2 head during the year 2019-20.

## **OFFICE REPORT**

Tender were invited for the execution of maintenance work under D-2 head for the year 2019-20 vide this office notice No. 116/निविदा सूचना/षीर्ष डी-2/19, dated 01<sup>st</sup> June 2019 but valid tenders are not received on the due date as per TWO BID SYSTEM Criteria . Further Re-

Tender has been called vide this office notice No. 116/Re-Tender/19-20, dated 29<sup>th</sup> June 2019 but no tenders has been received to this office. After that third time again re-tenders were called vide this office letter no. 116/re-tender/2019-20 dated 29<sup>th</sup> July 2019 & same has been placed before the board and board vide its resolution no. 12 dated 30-09-2019 resolved that **“Considered and board resolved that as per comparison report prepared by the Engineering Section it is seen that rates quoted are on higher side in head D2(d) and D2(f) in comparison to previous three years rates. Only in head D2(b) rates are reasonable. The board resolved that the D2 (development head) under sub-head i.e. D2(a), D2(aa), D2(ab) and D2(ac) the works of the said heads are same in nature, so only one tender be invited for the same. The board approved the rates under head D2(b) and resolved that re-render be invited for development and maintenance work under head D2(a), D2(aa), D2(ab), D2(ac), D2(d) and D2(f).”**

Further as per direction of board fourth time again Re-tenders were called vide this office notice No. 116/re-tendering/D2/2019, dated 05<sup>th</sup> Oct 2019 and tender was received for the maintenance work under head D-2(f) only. The detail of Re-tender as received to this office is as under.

1. **Head D-2(f)-** Repair and Maintenance Work of Misc. Public Improvement Work.

Only one valid technical bid received in 4<sup>th</sup> time and In 4<sup>th</sup> time single bid may be accepted Shri Deepak Binwal i.e. 64% above the MES,SSR, 2010

Summary of lowest rate & previous approved rates are detailed as under.

S.NO.	HEAD	PRESENT QUOTED LOWEST RATES
1.	D-2(f)	64% above MES, SSR, 2010

Hence the matter is being put up before the Board for consideration & approval of rates.

Relevant file is placed on the table.

**RESOLUTION**

14. Considered and board resolved to cancel the tender due to financial crisis. Hence board further resolved that earnest/security money deposited by the bidder be refunded to him by the office. The board further resolved that tenders should be invited afresh for the next financial year.

**15. APPROVAL OF PROPOSED RATES RELATED TO WATER SUPPLY**

To consider the matter regarding approval of proposed rates related to water supply for general public of both drinking & non drinking water.

**OFFICE REPORT**

In reference to above matter it is submitted that as per report of work supervisor dated 18-11-2019 the rates of drinking & non drinking water are not reasonable. As the water is provided to the contractors and general public on demand & plenty of manpower/man works is invested in the distribution of water supply. The rates received are much lower in this regard.

Hence, detailed report has been prepared related the old rates as approved-

<u>S.NO.</u>	<u>DESCRIPTION</u>	<u>CURRENT RATES</u>	<u>PROPOSED RATES</u>
1.	Water Connection shifting charges	Rs 500/-	Rs 2000/-
2.	Shifted water line laying charges.	Rs. 10 / mtrs	Rs. 25 / mtrs
3.	Drinking water without Vehicle	Rs. 100 per thousand ltrs.	Rs. 300 per thousand ltrs.
4.	Non- Drinking water without vehicle	Rs. 60 per thousand ltrs.	Rs. 150 per thousand ltrs.

Hence the matter is being placed before the Board for consideration & approval of rates.  
Relevant file is placed on the table.

### **RESOLUTION**

15. Considered and board resolved to fix the water supply charges in following manner.

<u>S.NO.</u>	<u>DESCRIPTION</u>	<u>RATES</u>
1.	Water Connection shifting charges	Rs 700/-
2.	Shifted water line laying charges.	Rs. 15 / mtrs
3.	Drinking water without Vehicle	Rs. 200 per thousand ltrs.
4.	Non- Drinking water without vehicle	Rs. 100 per thousand ltrs.

### **16. 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.

### **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.

Futher 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 Upadhyaya 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 Upadhyaya 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 Upadhyaya 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 Upadhyaya 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 Upadhyaya 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 परमीषन, 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, Lucnow 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 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.

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 Upadhyaya 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 Upadhyaya 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 Upadhyaya.

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 टेनिस 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 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 संरचनाएँ स्थित हैं जो कि पूर्ण रूप से नवनिर्मित हैं।

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

In this connection relevant file along with the report is placed on the table.



## RESOLUTION

16. 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 Upadhyaya. 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 Upadhyaya. The reply of Shri Himanshu Upadhyaya 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 Upadhyaya 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 Upadhyaya 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 Upadhyaya.

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 put up before the Civil Area Committee where Rep of DEO Bareilly, Rep of Cantt Board and Shri Himanshu Upadhyaya be called up personally along with their documents to examine the facts & figures of the case and then the matter be put up before the board along with all facts and figures for taking appropriate decision regarding issuance of notice under section 248 of Cantts Act 2006.

#### **17. NOTICE UNDER SECTION 244(2) OF CANTONMENT ACT, 2006 REGARDING CHANGE OF PURPOSE IN SY. NO. 186.**

Reference Principal Director, Defence Estate, Central Command, Lucknow Cantt letter No. 57391/FSC/Audit/Bareilly, dated 20<sup>th</sup> December, 2018 and No. 57391/FSC/Audit/Bly/LC-3 dated 18-11-2019.

To consider the matter regarding issuing notice for under section 244(2) of Cantonment Act, 2006 regarding change of purpose.

#### **OFFICE REPORT**

As per the letters of Principal Director, Defence Estate, Central Command, Lucknow cited above, the matter regarding issuing of notice u/s 244(2) of Cantt Act, 2006 is being again placed before the Board for taking decision under the provisions of Cantt Act, 2006 .

It is submitted that the Bungalow No. 30 known as Holm Farm, Ranikhet is situated outside civil area under the management of Defence Estate Officer, Bareilly entered in the name of Shri Madan Mohan Upadhyaya under the terms of old grant contained in GGO 179, dated 12<sup>th</sup> September, 1836 according to which it can be used only for residential purpose, the property is entered in the GLR as Holm Farm (No. 30). It is submitted that the higher authorities vide DGDE, New Delhi letter No. 738/99/L/DE/CC/2018 dated 23<sup>rd</sup> Aug, 2018 intimated to this office that the audit para/repost submitted by the Audit Team during the audit for the period ending 31-03-2016 & 31-03-2017 observing that Rs. 7.48 crore has been pending since 1995 for realization by the DEO on account of Old Grant Bungalow known as Holm Farm (30) Ranikhet being unauthorisedly used as Hotel vide their letter No. 573912FSC/Audit/Bareilly, dated 16<sup>th</sup> October, 2018. MoD has asked DGDE to furnish draft ATN on the subject draft para.

It is pertinent to mention here that presently this office had raised the bills against the said property as per domestic rates. The trade licence was issued to Holm Farm way back for running Hotel & Restaurant for the years 1996-97 and 1999-2000 only. As per section 277 of Cantt Act, 2006 the trade licence is valid only for 364 days, currently the licence has expired and has no validity. No licence has been issued to Holm Farm for running a hotel after the year 2000. Presently this office is charging property taxes on domestic rates. If this office had charged taxes as per commercial rates then the occupant could become liable to claim the commercial activities as legal in Holm Farm, due to which commercial rates were not charged by this office.

The occupier has been running a hotel since 1995 in this premises, without obtaining permission from this office, hence this activity qualifies as change of purpose.

The unauthorized construction is also involved in Sy. No. 186, for which the DEO Bareilly has issued notices vide their letter Nos. DEO/Bly/106/Ty, dated 2<sup>nd</sup> Aug, 2016, and letter No. DEO/Bly/106/Ty, dated 22<sup>nd</sup> June, 2018.

The proceedings under PPE Act has also been initiated by DEO Bareilly vide their letter No. Estates/Bly/Holm Farm No. 30/1/16, dated 6<sup>th</sup> Dec, 2016.

This issue was raised by the CAG team during the audit and the matter is also being scrutinized by Parliamentary Accounts Committee.

The legal opinion was obtained by this office vide letter No. 116/Vidhi Salah/2018, dated 30<sup>th</sup> Nov. 018 wherein the CBLA has opined that "a notice may be issued to the concerned occupier to stop the hotel

activities/commercial use of the property in question within seven days from receipt of this notice, otherwise prosecution under section 244 of the Cantt Act, 2006 shall be initiated against him. Thereafter, the matter be placed before the Hon'ble Board for appropriate decision".

As per legal opinion of CBLA the matter was placed before the board on its meeting dated 31-12-2018 and the board vide it CBR No. 15, dated 31-12-2018 resolved that "All the elected members opposed to issue notice under section 244(2) of Cantt Act 2006". Accordingly this office has referred the matter under section 56(4) of Cantt Act 2006 vide this office letter No. 237/Holm Farm/130, dated 7<sup>th</sup> Jan, 2019 to the higher authorities.

In this connection the PDDE, CC, Lucknow vide their letter No. 57391/FSC/Audit/Bly/LC-3 dated 18-11-2019 has directed 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***"

As per technical report of JE section dated 22-08-2016, there is unauthorized construction involved in the property and a hotel & restaurant is running on the said site.

In this connection relevant file along with the report of technical section is placed on the table.

Hence the matter is again placed before the Board for taking appropriate decision.

Relevant file is placed on the table.

## **RESOLUTION**

17. Considered and discussed at length. The CEO informed to the board that there is change of purpose involved in the property i.e. Sy. No. 186 so the notice under section 244(2) should be issued to Shri Himanshu Upadhyaya and higher authorities has also directed to issue the notice under section 244(2) of Cantt Act 2006.

All the elected members pointed out that regularly they are straightway opposing the proposal for issuance of notice under section 244(2) of Cantt Act 2006. All the elected members straightway opposed the proposal for issuance of notice under section 244(2) of Cantt Act 2006. So, the board by majority resolved to reject the agenda for issuance of notice under section 244(2) of Cantt Act 2006.

## **18. RECLASSIFICATION OF LAND FROM B-4 TO C LAND**

To consider the matter regarding reclassification of land B-4 to C land.

Ref to: - Uttarakhand Jal Sansthan letter no. 126/handpump/05 dated 20-01-2018.

## **OFFICE REPORT**

In reference to above quoted matter it is submitted that a letter has been received to this office from Uttarakhand Jal Sansthan vide office letter no. 126/handpump/05 dated 20-01-2018 regarding installation of two mini tube well through MLA fund. In this connection the location for the installation of one of the tube well has been selected by Uttarakhand Jal Sansthan located near officer mess below Nehru road. In this connection an inspection has been carried out by the technical staff of this office on dated 06-02-2018 and clarifies that the concern location held under the management of DEO Bareilly (B-4 Forest). Further a letter has been forwarded to DEO Bareilly for NOC regarding tube well boring test vide this office letter no. 246/Mini Tube well/18 dated 06<sup>th</sup> Feb 2018 & reply is still awaited.

The detail of land is as under:-

S. No.	Name of Location	Classifications	Survey No	Area (in acres)	Subsidiary Sy No.	Proposed land for (TUBE WELL BORING TEST)
1	Near officer mess below Nehru road	B-4	179	139.003	179-C	25 Sq. mtrs

Hence the matter is being placed before the Board for consideration.

Relevant file is placed on the table.

### **RESOLUTION**

18. Considered and board resolved that a proposal be forwarded to higher authorities through DEO, Bareilly regarding reclassification of land from B-4 to C.

### **19. REPAIR OF BUILDINGS IN CANTONMENT AREAS**

To consider the matter regarding repair of buildings in Cantonment Areas.

Ref to: - DGDE, New Delhi letter no. 76/67/Expert Committee/C/DE/2018 Vol IV dated 11<sup>th</sup> Dec 2019 and Ministry of Defence Government of India letter no. 2(2)/2018-D(Q&C) dated 10<sup>th</sup> Dec 2019 .

### **OFFICE REPORT**

It is submitted that the as per DGDE, New Delhi letter no. 76/67/Expert Committee/C/DE/2018 Vol IV dated 11<sup>th</sup> Dec 2019 the expert committee on working of Cantonment Board, In its report submitted to the Government , has observed that the term ‘repairs’ appearing in the land policy 1995 has not been defined, leading to ambiguity. The Committee, while opining that the matter need to be clarified has suggested a list of activities which may constitute “repairs” for which notice to Cantonment Board u/s 235 of the Cantonments Act, 2006 may not be required.

The MoD, vide their ID no. 2(2)/2018-D (Q&C) dated 10<sup>th</sup> Dec 2019 has accordingly decided that in the context of Cantonment areas, in furtherance of provisions contained in section 235(2) of the Cantonment act, 2006 and structural stability of the building, repair works to the authorized buildings shall include the following for which notice for sanction of erection or re-erection u/s 235 of the Cantonment act 2006 may not be required:-

- a) Erection, re-erection, addition to, or alternation of –
  - i. An internal partition wall does not involve sub-division of property, or
  - ii. A parapet wall or a cornice or chajja within the boundaries of the permissible setbacks and ground coverage area of the site. Provided that the total height of the parapet wall shall not be more than 1.20 m and width of the cornice or chajja shall not be more than 50 cm.
- b) Repairing of a staircase.
- c) White washing or painting.
- d) Re-flooring of the surface of an existing floor.
- e) Minor repairs and recasting of an existing damaged roof without changing the character and dimension of such roof.
- f) Erection of a false ceiling in any floor for air-conditioning, lighting or decorative purposes.
- g) Plastering and patch work

- h) Providing or closing an internal door or window or a ventilator not opening directly opposite a door or a window of another building.
- i) Replacing of fallen bricks or stones.
- j) Repairing or renewing existing plumbing, sanitary and other utility services.
- k) Repairing of boundary wall
- l) Installation of air-conditioner/ water tank/solar panels/solar water heaters/etc.

The DGDE vide their above quoted letter has also directed that the above instruction of MoD may be placed before the board for information and adequate publicity may be given to these instruction for benefit of all concerned.

In compliance with the order of DGDE a public notice has been published in daily new papers on 17<sup>th</sup> Dec, 2019.

Hence the matter is placed before the board for noting.

Relevant file is placed on table.

### **RESOLUTION**

19. Considered and noted.

### **20. NOC FOR TRANSFER OF LAND FOR CONSTRUCTION OF BY PASS ROAD FROM JALLI MOTOR ROAD TO RANIKHET.**

Reference Executive Engineer, PWD, Ranikhet letter No 2602/ 36 C1 Bhoomi, dated 25 Sept, 2019.

### **OFFICE REPORT**

It is submitted a proposal was received from Executive Engineer, PWD, Ranikhet for transfer of land measuring 7200 sqm land to PWD Ranikhet for making by-pass road of Jalli to Ranikhet Road.

The land in question held under the management of DEO, Bareilly, accordingly the matter was forwarded to DEO Bareilly for their necessary action. In this connection the DEO Bareilly vide their letter No. DEO/BLY/TFR/Sy. No. 03/ RKT/4, dated 19<sup>th</sup> Oct, 2016 asked to forward the comments of Ranikhet Cantt in this regard.

At present the Executive Engineer, PWD, Ranikhet vide their letter No. 2602/ 36 C1 Bhoomi, dated 25 Sept, 2019 has again requested for issuance of NOC for transfer land for making of By Pass road from Jalli road to Ranikhet.

Hence the matter is placed before the board for consideration.

Relevant file is placed on the table.

### **RESOLUTION**

20. Considered and board resolved that keeping in view the welfare and necessity of general public a proposal be forwarded to DEO Bareilly for issuance of NOC for construction of by-pass road of Jalli road to Ranikhet. As the issue involves transfer of defence land so proposal should be forwarded keeping in view the existing land policies and guidelines issued by higher authorities.

### **21. ALLOTMENT OF PRIVATE WATER CONNECTION**

Reference Shri Mohan Negi, Vice President, Cantonment Board, Ranikhet letter dated 31-12-2019.

#### **OFFICE REPORT**

It is submitted that Shri Mohan Negi, Vice President, Cantonment Board, Ranikhet letter dated 31-12-2019 has requested for allotment of water connection to all the applicants who have applied in the year 2019.

At present allotment of water connection to the applicants pending since 2018 is under process. In the year 2019 total 51 new applications are also received from Jan 2019 to Dec, 2019 for allotment for private water connection.

Hence the matter is placed before the board for consideration.

Relevant file along with list of applications is placed on the table.

#### **RESOLUTION**

21. Considered and approved.

### **22. APPOINTMENT OF TEMPORARY FIRE WATCHERS AND FOREST MAZDOORS**

To consider the matter regarding the appointment of 25 temporary fire watchers and 10 mazdoor on purely temporary basis for the year 2020.

#### **OFFICE REPORT**

It is stated that 25 temporary fire watchers and 10 mazdoor for plantation work are needed to be appointed in the year 2020 for the prevention of forest fire and plantation during the summer season i.e. 01<sup>st</sup> April 2020 to 30<sup>th</sup> June 2020 and 01<sup>st</sup> July 2020 to 30<sup>th</sup> September 2020 respectively. Necessary budget provision has already been made for the same in Financial Years 2020-21.

This is brought to the notice of the Board that summer season in Ranikhet is fire prone for forests due to abundance of Pine trees which shed their needles (Dry leaves) in this season. The needles catch fire easily due to their high oil content.

Therefore sanction of Dte. DE. Central Command is required for seasonal appointment of these fire watchers through outsourcing agency on purely temporary basis to that the responsibility of Cantt Board of maintenance of 2543.60 acres of forest under its management can be carried out efficiently.

The Board may consider the matter accordingly.

The report of Forest Ranger, Cantonment Board Ranikhet dated 23-12-2019 is placed on the table.

### **RESOLUTION**

22. Considered and resolved to forward a proposal to higher authorities for engagement of 25 fire watchers and 10 forest mazdoor as mentioned in agenda side.

### **23. PERMISSION FOR “HAT BAZAR” TO RADS (Rural Area Development Samiti) (ग्रामीण क्षेत्र विकास समिति, ताडीखेत) TARIKHET.**

To consider the letter No. 61(वि०)/2019-20/हाट बाजार, dated 17<sup>th</sup> December, 2019, regarding permission for running HAT BAZAR within Ranikhet Cantt area.

### **OFFICE REPORT.**

The Joint Magistrate, Ranikhet vide their letter No. No. 61(वि०)/2019-20/हाट बाजार, dated 17<sup>th</sup> December, 2019 forwarded a letter of Coordinator Technical Committee, Rural Area Development Samiti (RADS) Tarikhet for providing a place for running HAT BAZAR within Ranikhet Cantt. mentioned as the following places :-

1. Behind Choti Sabji Mandi.
2. Near Dr. OPL Clinic.

In this regard it is submitted that presently the Board collected “*teh-bazari*” from those individuals whose are carried their business in open space in various places within the Cantt area. The same procedure may also be applicable in this regard.

It is pertinent to mention here that presently teh-bazari fee has been fixed @ 20/- per shop per day in open space. The Board may be revised @ 60/- per shop per day only for the shopkeeper of HAT BAZAR.

The Board may consider the matter accordingly.

Relevant file is placed before the Board.

### **RESOLUTION**

23. Considered and board resolved that an MoU be made with Coordinator Technical Committee, Rural Area Development Samiti (RADS) Tarikhet that priority be given for selling of local products and special measures be taken regarding cleanliness. Further board resolved that tehbazari fee of Rs. 60/- and Swachata Shulk of Rs. 20/- per day per stall be imposed. The Hat Bazaar should be operated preferably on Monday and the day and place should be decided in consultation with CEO.

### **24. REVISION OF TRIENNIAL ASSESSMENT OF THE CANTONMENT BOARD FOR THE YEAR 2018-21.**

To consider the matter regarding revision of triennial assessment of the Cantonment Board, Ranikhet w.e.f. 01-04-2018 to 31-03-2021.

### **OFFICE REPORT**

It is submitted that the term of present triennial assessment of the Cantonment Board, Ranikhet has already expired on 31<sup>st</sup> March, 2018. As per the section 76 of Cantonment Act, 2006 the revision of Triennial Assessment is a mandatory process and it should be done once in every three years. In this regard under section 76 of Cantt Act, 2006 (41 of 2006) form No. 2 issued to the all house owner/occupants within Cantonment for submission of their objection and attend the hearing fixed by Chief Executive Officer on the different dates i.e. 18<sup>th</sup> and 19<sup>th</sup> July, 2019, 15<sup>th</sup> and 18<sup>th</sup> October, 2019 and 03<sup>rd</sup> and 04<sup>th</sup> January 2020. A final hearing is also conducted by beat of drum vide this office letter No. 237@vke lwpuk@133] dated 04<sup>th</sup> January, 2020. on 06<sup>th</sup> January, 2020. After completion of hearing and scrutinizing the valid objection as per the section 77 of the Cantonment Act, 2006 the revision of valuation and assessment has been completed and fixed by the Chief Executive Officer. The assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President, Cantonment Board, Ranikhet, who shall certify that except in the case, if any, in which amendments have been made as shown therein no valid objection has been made to the annual ratable value or any other matters entered in the said list.

It is pertinent to mention here that In the past the assessment was revised for 2015-2018, as per percentage on the basis of last Triennial Assessment @ 15% for residential and @ 20% for commercial. Presently the rates are to be revised as the following manners:-

1. For domestic use - 30 %
2. For commercial use - 40%

In such cases where the building owners who have completed new construction or repaired their buildings, the assessment has been revised, as per hearing done by Chief Executive Officer and these cases where the building owners who were not present in the hearing, the assessment is to be revised as per the calculation of the technical section.

The Board may consider the matter accordingly.

Relevant file along with the all related documents are placed before the Board.

## **RESOLUTION**

24. Considered. The elected members informed the board that due to winter vacations several house owners of new constructed buildings/repared buildings were not in the station, due to which they were unable to attend the hearing regarding revision of rates in triennial assessment. Hence a new date be fixed for hearing regarding revision of rates. Further the board resolved to fix a final date between 10 to 15 Feb, 2020 for hearing. The decision of CEO will be final after the hearing.

The elected members raised a point that in the past the assessment was revised for 2015-2018 in Dec, 2017, The elected members informed to the board that last time assessment rates were revised 15% and 20% for domestic and commercial purpose, which were already very high. Whereas in the neighbouring municipality assessment rates are revised in every five years, but Cantonment Board Ranikhet is revising the rates within a short span of time. During the hearing of revision of rates with the general public objections were received complaining that the rates have already been revised at a higher percentage in the last assessment, therefore percentage increase in rates should be lower in this assessment. Thus, elected members requested that percentage increase proposed should be lower as rates are already high in comparison to neighboring municipality.



Finally the board resolved by majority to revise the percentage increase in rates as follows:-

1. For domestic use - 15 %
2. For commercial use - 25%

**25. REVISION OF RATES OF HOARDINGS CHARGES WITHIN CANTONMENT AREA.**

To consider the matter regarding fixing the charges for Hoardings.

**OFFICE REPORT.**

It is submitted that the Board vide its resolution No. 38, dated 12<sup>th</sup> December, 2013 the following rates had fixed for signboards and banner within the Cantonment area :-

Sl. No.	Land specification.	Type of Hoarding/Banner's			
		Permanent/Semi Permanent illuminated Board/Hording.	Permanent/Semi Permanent Non illuminated Board/Hording.	Temporary Cloth/Flex on Bamboo/steel frame Hoarding for advt/public message (size nil)	Cloth Banner's
1	Public/Govt.	₹ 150/- per Sqft Per year or Proportionate.	₹ 100/- per Sqft Per year or Proportionate.	₹ 500/- minimum of 15 days each or ₹ 1/- per sq.ft per day..	₹ 400/- minimum of 15 days each or ₹ 1/- per sq.ft per day.
2	Private	₹ 150/- per Sqft Per year or Proportionate.	₹ 100/- per Sqft Per year or Proportionate.	₹ 400/- minimum of 15 days each or ₹ 1/- per sq.ft per day.	₹ 200/- minimum of 15 days each or ₹ 1/- per sq.ft per day.
3	Govt.	Single Boards fixed and maintained by Cantonment Board of various firms at near Nainital Bank and Ashok Dwar.		₹ 1000/- per year.	

It is also submitted that at Municipal Board, Almora, the charges of Signboard/Flexi/Banner etc. are fixed @ ₹ 30/- per month per sq.ft. (₹ 360/- per annum). For the augmentation of Board revenue the Board wants to fixing Hoarding charges through uni-pole in various places within the Cantonment minimum @ 500/- per sq.ft. per year. So that the tenders can be invited for the same.

The Board may consider the matter accordingly.

Relevant paper along with report of Revenue Superintendent is placed before the Board.

**RESOLUTION**

25. Considered and approved as per agenda accordingly e-auction/tenders process be initiated as early as possible.

**26. ENHANCEMENT OF PARKING FEE.**

To consider the matter regarding revision of parking fee within the Cantonment area.

**OFFICE REPORT.**

It is stated that presently 11 parking places has been identified in different locations within the Cantonment area. Presently the rate of parking fee has been fixed @ 10/- for all vehicles. For the augmentation of Board revenue the rates of parking fee have to be revised as the following manner:-

1. Light vehicle - Rs. 20/- per vehicle per day.
2. Heavy vehicle - Rs. 50/- per vehicle per day.

It is pertinent to mention here that presently the Board also fixed the rate of parking fee collection book @ 15/- each book, the same also be revised @ 25/- each book.

The Board may consider the matter accordingly.

Relevant file along with report of Revenue Superintendent is place on the table.

### **RESOLUTION**

26. Considered and board resolved to revise the parking fee in following manner :-

1. Light vehicle - Rs. 10/- per vehicle per day (Geep, Car, SUV, Bollero Pickup)
2. Heavy vehicle - Rs. 50/- per vehicle per day (Bus, Truck, Matador, Tampo Traveller etc.)

Further board resolved that e-tender/auction process should be initiated as early as possible for collection of parking fee.

### **27. ENHANCEMENT OF RATES OF DOG AND MAZDOOR BADGES.**

To consider the matter regarding enhancement of rates of Dogs and Mazdoor Badges (Token).

### **OFFICE REPORT.**

It is submitted that presently the rates of Dog and Mazdoor badges are as under:-

- Dog badge - Rs. 18/- p.a. per dog.  
Mazdoor Badge - Rs. 75/- p.a. per mazdoor.

Previously the above rates are revised on 1999-2000 (Dog badge) and 2016-17 (Mazdoor badge).

It is pertinent to mention here that presently the following rates are applicable in neighboring municipality (i.e. Almora) mentioned as under :-

- Dog tax - Rs. 200/- p.a. per dog.  
Mazdoor Badge - Rs. 150/- p.a. per mazdoor.

At present the rates have to be revised. The proposed rates are as under :-

- Dog badge - Rs. 200/- p.a. per dog.  
Mazdoor Badge - Rs. 150/- p.a. per mazdoor.

The Board consider the matter accordingly.

Relevant file along with the report of Revenue Superintendent is placed before the Board.

### **RESOLUTION**

27. Considered and approved as per agenda.

### **28. SOLID WASTE MANAGEMENT BYE LAWS.**

Reference DGDE New Delhi letter No. 76/38/Rules/MSW Rules/C/DE/17, dated 2<sup>nd</sup> Dec, 2019 and PDDE, CC, Lucknow letter No. 56653/SWMR-2000/Cantt/V/14, dated 3<sup>rd</sup> Dec, 2019.

### **OFFICE REPORT**

It is submitted that the higher authorities have forwarded the draft Solid Waste Management Bye-Laws in respect of Delhi Cantonment Board for taking further necessary similar action in Cantonment Board, Ranikhet.

Hence the matter is placed before the board for consideration.

Relevant file placed on the table.

### **RESOLUTION**

28. Considered and board resolved to constitute a committee to frame the solid waste management bye laws. The members of the committee are as under:-

Chief Executive Officer

Adm Commandant

CO, MH

Shri Sukrit Sah, Elected Member

Smt. Bindu Rautela, Elected Member

Shri Ajay Pratap Singh, Sanitary Inspector.

The committee will place their report before the board for approval of solid waste management bye laws.

### **29. DEFENCE ESTATE MAPPING (DEMAP), SECOND PHASE SURVEY WITH DGPS SYSTEM OF CANTT. BOUNDARIES.**

To consider the matter regarding second phase survey with DGPS system of Cantt. Boundaries (Defence Estate mapping (DEMAP)).

### **OFFICE REPORT**

Reference :- Reference: - DGDE, New Delhi letter No. 83/62/DGDE/E-Governance/2019/RBCS/DOC,

dated 24-12-2019 and PDDE, CC, Lucknow letter No. 57810/Geo-Ref  
(DEMAP)/IT, dated 31-12-2019.

It is submitted that as per report of JE & Draughtsman, Cantt. Board, Ranikhet DGDE, New Delhi and PDDE, Lucknow has instructed vide above reference letter that the second Phase land survey to be completed with DGPS system and report submitted (with soft copy of DEMAP with boundary pillar) to DGDE up to 13-01-2020. As DGPS System is not available in this office. This office has liaison with DEO Bareilly for arrangement of DGPS System. DEO Bareilly replied vide their office letter no. DEO/BLY/RDMAP dated 26-12-2019 that the DGPS System of their office is not fully functional.

Due to non availability of DGPS System in this office & DEO Bareilly, essentiality of work as per GFR 2017 rule no 155 the Local Purchase Committee of Cantt. Board, Ranikhet has been surveyed through telephonically and four valid firms have been found for the work of land survey with DGPS system. The lowest rate quoted by M/s JMR Position & Survey System, Haldwani. The comparative statement is as under:-

Description of work	Name of firms & Amount with GST.			
	M/s Global Land Surveying Almora	M/s M&T Surveycon, Bareilly	M/s JMR Position and Survey System, Haldwani	M/s S.R.A. Associates, Haldwani
Defence Estate Mapping (DEMAP) Second phase survey with DGPS system of Cantt. Boundaries.	Rs. 220000/- (including GST)	Rs. 240000/- (including GST)	Rs. 195000/- (including GST)	Rs. 235000/- (including GST)
<b>L-1 Vendor</b>	<b>M/s JMR Position and Survey System</b>			
<b>L-1 Amount</b>	<b>Rs. 1,95,000/- (with GST)</b>			

As per above comparative statement the lowest rate has been quoted by M/s JMR Position & Survey System, Haldwani @ Rs. 195000/- (Rupees one lakh ninety five thousand only) with GST.

As per the essential requirement of work the work order was given to M/s JMR Position & Survey System, Haldwani vide this office letter No. 121/land survey DGPS/2020, dated 01-01-2020 for second Phase land survey with DGPS system of Cantonment Board, Ranikhet.

The second Phase land survey with DGPS system has been satisfactory completed on dated 11-01-2020 and report already has been submitted (with soft copy of DEMAP with boundary pillar) to DGDE on dated 13-01-2020.

Relevant file along with the document is placed on the table.

Hence, the matter is put up before the board for noting.

### **RESOLUTION**

29. Considered, noted and approved.

\*\*\*\*\*