

Proceedings of Special Meeting of the Cantonment Board, Ranikhet held on 19<sup>th</sup> Feb, 2021 at 11:30 A.M. in the Conference Room of the Cantonment Board Ranikhet.

**PRESENT**

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|-----------------------|--------------------|
| 1. Brig. I.S. Samyal  | - President        |
| 2. Shri Abhishek Azad | - Member Secretary |

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**PROCEEDINGS**

**01. DEVOLUTION OF POWERS TO VICE PRESIDENT OF CANTONMENT BOARDS & CONSTITUTION OF THREE COMMITTEES- REGARDING.**

Reference CBR No. 13, dated 26<sup>th</sup> May, 2020 and PDDE, CC, Lucknow letter No. 32670/Gen/BR/74, dated 03<sup>rd</sup> February, 2021.

**OFFICE REPORT**

It is brought to the notice of the Board that DGDE, New Delhi vide letter No. 76/67/Expert Committee/C/DE/2018/ dated 24.12.2019 and MoD letter No. 14(12)/2018-D(Q&C) dated 23.12.2019 had issued instructions for implementation to all Cantonment boards to frame business regulation of their Cantonment Board regarding devolution of powers to Vice President of Cantonment Boards & Constitution of three Committees.

Accordingly, the Cantonment Board, Ranikhet vide CBR No. 13 dated 26<sup>th</sup> May, 2020 had considered and approved the business regulations for the conduct of business of the Board. Thereafter, the proposal was forwarded vide this office letter No. 115/Business Regulations/20, dated 27.05.2020 to the PDDE, CC, Lucknow for necessary action.

Now, after examining the draft Business Regulations received from Cantonment Boards it is observed that the Boards have resolved that the decisions of committees will be recommendatory nature and will require confirmation by the Boards. Thus, the proposed amendments of Business Regulation are not in consonance with the MoD letter *ibid*.

Hence, the Cantonment Boards have been advised to revisit / reconsider the matter in the light of guidelines issued by the MoD vide letter dated 23.12.2019. Accordingly, the draft amended business regulations is

brought before the Board for consideration and noting the same and thereafter to forward the PDDE, CC, Lucknow for necessary action. Following amendments are proposed in Business Regulations:-

<b>S.No.</b>	<b>REGULATIONS</b>	<b>FOR</b>	<b>READ</b>
1	Regulation No. 20(xi)	The minutes of the Finance Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.	<p>The minutes of the Finance Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.</p> <p>Provided that the decisions of the Finance Committee on Regulation 20(iii)(b) are deemed to be the decisions of the Board.</p>
2	Regulation No. 21(xi)	The minutes of the Health and Environment Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.	<p>The minutes of the Health and Environment Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.</p> <p>Provided that the decisions of the Health and Environment Committee on Regulation 21(iii)(a), (c), (e), (g) (h) &amp; (j) are deemed to be the decisions of the Board.</p>
3	Regulation No. 22(xi)	The minutes of the Education Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.	<p>The minutes of the Education Committee shall be recorded in a separate book and shall be placed before the Board at its next meeting.</p> <p>Provided that the decisions of the Education Committee on Regulation 22(iii) (a) are deemed to be the decisions of the Board.</p>

Also, it has been noticed by the higher authorities that in draft Business Regulations of Class I, II & III Cantonment Boards, the following provisions has not been incorporated by any Cantt. Board and directions has been issued vide PDDE, CC, Lucknow letter No. 32670/Gen/BR/ dated 01.02.2021 to add the following provisions in new Para No. 23.

***“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”.***

In this connection Point no. 23 is added in Business Regulations which states that “Except the Vice President, no other elected member should be nominated to more than two of the committees”.

Additional responsibilities/powers may be delegated as per decision of the board.

The above referred letters alongwith amended business regulations and relevant files are placed on the table for consideration of the board.

## **RESOLUTION**

01. Considered. Board agreed with the proposed amendments as on agenda side and approved the Business Regulations prepared by Cantonment Board, Ranikhet in accordance with the guidelines issued by the MoD and also resolved that amended Business Regulations be forwarded to higher authorities.

## **02. DELEGATION OF POWERS TO THE VICE PRESIDENT**

Reference DGDE New Delhi letter No. 29/Business Regulation/C/DE/2021, dated 3<sup>rd</sup> Feb, 2021.

## **OFFICE REPORT**

It is submitted that the DGDE New Delhi vide their letter No. 29/Business Regulation/C/DE/2021, dated 3<sup>rd</sup> Feb, 2021 has directed to Cantonment Board 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.

Hence as per provisions of Section 353 of Cantonments Act 2006, the powers conferred under Section 290(5)(b) and Section 167 of Cantonment Act 2006 may be delegated to the Vice President and additional responsibilities/powers may be delegated as per decision of the board.

The matter is placed before the board for consideration

Relevant file is placed on the table.

## **RESOLUTION**

02. Considered Board agreed with the proposed amendments as on agenda side and approved to delegate the powers conferred under Section 290(5)(b) and Section 167 of Cantonment Act 2006 to the Vice President as per provisions of Section 353 of Cantonments Act 2006.

### **03. VARY OF CONSTITUTION OF 56 CANTONMENT BOARDS.**

Reference DGDE, New Delhi letter No. 76/38/Ordinary, dated 1<sup>st</sup> Feb, 2021, MoD ID No. 14(8)2019-D(Q&C), dated 12-01-2021 and PDDE, CC, Lucknow letter No. 11034/Election/Cantt/IV/60, dated 10<sup>th</sup> Feb, 2021.

#### **OFFICE REPORT**

It is submitted that a copy of MoD ID No. 14(8)2019-D(Q&C), dated 12-01-2021 is received in this office. Wherein it is mentioned that the competent authority has approved the proposal to vary the constitution of 56 Cantonment Boards for a period of one year w.e.f. 11-02-2021, or till such time the boards are constituted, whichever is earlier. In this connection the MoD vide Gazette Notification No. S.R.O. 3(E), dated 08.02.2021 has notified the constitution of 56 Cantonment Boards with effect from 11-02-2021.

Hence the matter is placed before the board for noting.

Relevant file alongwith S.R.O. No. 3(E), dated 08-02-2021 is placed on the table.

#### **RESOLUTION**

03. Considered and noted. Further necessary action be taken as per directions.

### **04. 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/Bly/Vol.II/LC-3, dated 05<sup>th</sup> February, 2021.

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

#### **OFFICE REPORT**

It is submitted that the matter regarding issuance of notice under section 244(2) of Cantonment Act, 2006 due to change of purpose was placed before the Board on its meeting on 22<sup>nd</sup> January, 2020. The Board vide its resolution No 17, dated 22<sup>nd</sup> January, 2020 resolved that *“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”.*

As per the Board decision the matter has been referred to the Principal Director, DE, Central Command, Lucknow vide this office letter No. 237/Holm Farm/130, dated 05<sup>th</sup> February, 2020. In pursuance of this office letter a show cause notice, dated 06<sup>th</sup> July, 2020, has served by Headquarters, Central Command

Lucknow vide their letter No. 57391/FSC/Audit/ Bly/LC-3, dated 08<sup>th</sup> July, 2020. As per the point No. 8(b) of the Show Cause Notice, the Headquarter, Central Command, Lucknow asked to this office that- *“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”*. Reply of the above show cause notice has been submitted to the General Officer Commanding-in-Chief, Hqrs, Central Command Lucknow vide this office letter No. 237/Holm Farm/130, dated 17<sup>th</sup> August, 2020. In this regard it is also submitted that a clarifications regarding show cause notice has also been sent to General Officer Commanding-in-Chief, Hqrs, Central Command Lucknow vide this office letter No. 237/Holm Farm/130, dated 08<sup>th</sup> September, 2020.

It is pertinent to mention here that the Principal Director, DE, Central Command, Lucknow Cantt. vide their letter No. 57391/FSC/Audit/Bly/Vol.II/LC-3, dated 05<sup>th</sup> February, 2021 informed to this office that the CBR No. 17, dated 22<sup>nd</sup> January, 2020 has been suspended by HQ,CC Lucknow vide their order dated 30<sup>th</sup> January, 2021. As per the order of the General Officer Commanding-in-Chief, Central Command, Lucknow (point No. 10) passed that- *“10. Now therefore, I, General Officer Commanding-in-Chief, Central Command, in exercise of powers conferred on me under Clause (c) of Section 58 of the Act, direct the following:-*

- (a) That, the operation of CBR No 17 dated 22 January 2020, shall not be carried out into effect.*
- (b) That, the Cantonment Board, Ranikhet should reconsider the matter of issuance of Notice to the present occupant, Shri Himanshu Upadhyaya, son of Shri Madan Mohan Upadhyaya (deceased) of OGB No 30, Holm Farm, Svy No. 186, Ranikhet, under Section 244 of the Cantonment Act, 2006, keeping in view the statutory provisions of ibid Act read alongwith the Old Grant Terms, under which the said property is registered in GLR as well as the Government Orders/Instructions existing on the subject”.*

As per the order passed by the General Officer Commanding-in-Chief, Central Command, Lucknow dated 30 January, 2021 and letter of Principal Director, Defence Estate, Central Command, Lucknow the matter is placed before the Board for consideration .

The Board may consider the matter accordingly.

Relevant file is placed before the Board.

## **RESOLUTION**

04. Considered and discussed at length. The Board resolved to issue notice under section 244(2) of Cantonments Act 2006 to Shri Himanshu Upadhyaya.

## **05. REGARDING IIND INSTALLEMNT OF GRANT ALLOTED BY THE STATE GOVERNMENT UNDER 15<sup>TH</sup> CFC.**

Reference:- Department of Expenditure, Finance Commission Division letter no. F.15(3)FC-XV/FCD/2020-25, dated 05-11-2020 and Secretary Finance Department, Uttarakhand letter No.961/03 (वि.आ. निदे)/xxvii(1)/2020 dated 11<sup>th</sup> Nov 2020.

### **OFFICE REPORT**

It is submitted that as per the Government of India, Ministry of Finance, Department of Expenditure, Finance Commission Division letter no. F.15(3)FC-XV/FCD/2020-25, dated 19-05-2020 , the Government of India has released Rs. 69,50,00,000/- (Rupees Sixty Nine Crore Fifty lakh only) as Tied Grant including Cantonment Boards. In this connection as per Secretary Finance Department, Uttarakhand letter 961/03 (वि.आ. निदे)/xxvii(1)/2020 dated 11<sup>th</sup> Nov 2020, Cantonment Board, Ranikhet has been allotted Rs 36,73,000/- (Thirty Six lakh seventy three thousand only) which has been realized by this office .

Further it is pertinent to mention here that as per the terms and condition mentioned in letter from Secretary Finance Department, Uttarakhand letter 961/03 (वि.आ.निदे) / xxvii(1) / 2020 dated 11<sup>th</sup> Nov 2020 the allotted fund i.e. Rs. 36,73,000/- can be utilized as *“निर्दिष्ट अनुदान के अन्तर्गत निकायों को आवंटित अनुदान की धनराशि 50 प्रतिशत (क) पेयजल (वर्षा जल संचयन एवं पुनर्चक्रण सहित) तथा 50 प्रतिशत (ख) ठोस अपशिष्ट प्रबंधन के लिये निर्धारित किया जायेगा। यदि किसी एक श्रेणी की आवश्यकताओं को पूरा कर लिया गया हो, तो इन निधियों का उपयोग अन्य श्रेणी के लिये किया जा सकता है।”*

In this connection, further various development works need to be executed through above fund. The list of the development works proposed to be executed through the above fund is placed on the table.

It is also submitted that a sum of Rs. 36,73,000/- of grants-in-aid was sanctioned during the year 2020-21 in favour of Cantonment Board, Ranikhet under the 15<sup>th</sup> Finance Commission (FC-XV) and Rs. 36,73,000/- has been utilized for the purpose of various development works. The utilization certificate has already been forwarded to Director, Urban Development Department, Dehradun.

Hence the matter is placed before the Board for noting and consideration.

Relevant file is placed on the table.

### **RESOLUTION**

05. Considered and approved as per agenda. The board resolved that proposed works should be executed and utilization certificate should be sent after completion of the works.

## **06. PERMISSION FOR EXECUTING THE DEVELOPMENT WORKS IN CANTONMENT AREA FROM MLA FUND**

To consider the matter regarding the letter received from Shri Karan Mahara, Hon'ble MLA of Ranikhet vide letter no. 698/वि0रा0, दिनांक 16-09-2020 and Additional Chief Officer Almora letter no. 62/वि0नि0-रानीखेत यो0 स्वी0-19-20/2020, dated 06-05-2020 & even letter No. 1740/वि0नि0-रानीखेत यो0 स्वी0-20-21/2020, dated 22-09-2020 regarding allotment of fund for certain development works in Cantonment area through MLA Fund.

## **OFFICE REPORT**

It is submitted that Shri Karan Mahara, Hon'ble MLA of Ranikhet vide letter no. 698 / वि०रा०, दिनांक 16-09-2020 and Additional Chief Officer Almora letter no. 62 / वि०नि०-रानीखेत यो० स्वी०-19-20 / 2020, dated 06-05-2020 & even letter No. 1740 / वि०नि०-रानीखेत यो० स्वी०-20-21 / 2020, dated 22-09-2020 has allotted funds for under mentioned development works:-

1. Construction of Multipurpose room near Gulzar Manzil Ranikhet = Rs. 3,00,000/-
2. Construction of CC path beside Multipurpose hall towards Main market = Rs. 1,50,000/-
3. Placing of tiles at parking near army school Ranikhet = Rs. 4,50,000/-
4. Repair of road from thana Ranikhet towards Ranijheel in Ranikhet = Rs. 4,00,000/-
5. Repair of path/road under army butchery Ranikhet = Rs. 3,00,000/-

The works mentioned in point No. 3, 4 and 5 have been executed and completed after getting prior NOC from Station Headquarter, Ranikhet vide their office letter No. 322/1/Rkt/Q, dated 18<sup>th</sup> Feb, 2020.

As per letter of Additional Chief Officer Almora letter no. 62 / वि०नि०-रानीखेत यो० स्वी०-19-20 / 2020, dated 06-05-2020 & even letter No. 1740 / वि०नि०-रानीखेत यो० स्वी०-20-21 / 2020, dated 22-09-2020 the execution of above mentioned development works will be done by Cantonment Board, Ranikhet.

- a) The site is under jurisdiction of Defence Estates Officer/Cantonment Board and after completion of work it will remain the property of Defence Estates Officer/Cantonment Board under possession of Cantonment Board.
- b) The whole property will be handed over to the Defence Estates Officer/Cantonment Board, after execution of work & the said structure will be remain the property of Board.

Hence same is placed before the board for noting and approval.

Relevant file is placed on the table.

## **RESOLUTION**

06. Considered and approved as per agenda. The board resolved that the proposed works should be executed as mentioned in agenda side.

## **07. REGARDING INVESTED FUND.**

To consider the matter regarding invested fund in Cantt Fund Account.

REF:- Govt. Of India, Min. of Def, DGDE, New Delhi letter no. 9/63/C/DE/2020-21/FMS-67326, dated 03-07-2020 and CBR No. 04, dated 28<sup>th</sup> Sept, 2020.

## **OFFICE REPORT**

It is submitted that an amount of Rs. 9,35,38,535/- (Nine crore thirty five lakh thirty eight thousand five hundred thirty five) was allotted to Cantonment Board, Ranikhet vide above referred letter as General Grant-in-aid for the year 2020-21 for carrying out the expenditure incurring in the pay, pension and other allowances. In this connection it is further submitted that in compliance with CBR No. 04, dated 28<sup>th</sup> Sept, 2020, an amount of Rs. 6,70,00,000/- (Six crore seventy lakh) was invested in IDBI bank as in the shape of FDR for disbursement of Salary and Pension under rule 120(2) of Cantt Act 2006 for a period of 29, 59, 89, and 119 Days.

It is pertinent to mention here that all the FDR has been released by Cantt Board, Ranikhet for disbursement of Salary and Pension and presently invested Fund amount is NIL.

Further it is submitted that an amount of Rs. 1,00,00,000/- (Rupees One Crore Only) was also allotted to Cantt Board, Ranikhet vide HQCC, Lucknow letter No. 82877/BE/Gen/LC8/2020-21, dated 8<sup>th</sup> Sept, 2020 under Swachhata Action Plan (SAP) which has been invested in Nainital Bank, As and when fund is required, same will be utilized accordingly in SAP related works already passed in Budget 2020-21(R).

Hence the matter is placed before the Board for noting.

Relevant file placed on the table.

## **RESOLUTION**

07. Considered and noted. Further board resolved that Chief Executive Officer is authorized to release and invest funds as per requirement.

## **08. 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 2021.

## **OFFICE REPORT**

It is stated that 25 temporary fire watchers and 10 mazdoor for plantation work are needed to be appointed in the year 2021 for the prevention of forest fire and plantation during the summer & monsoon season from 01<sup>st</sup> April 2021 to 30<sup>th</sup> June 2021 for 89 days and 01<sup>st</sup> July 2021 to 30<sup>th</sup> September 2021 for 89 days respectively. Necessary budget provision has already been made for the same in Financial Years 2021-22.

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.

It is also submitted that total income of Forest Section is Rs. 20,76,285/- during the financial year 2019-20.

The approximate expenditure incurred in the appointment of Fire Watchers and Plantation Mazdoor for above mentioned period is Rs. 16,05,345/- approx.

Hence the matter is placed before the board for consideration.

The report of Forest Ranger, Cantonment Board Ranikhet dated 02-01-2021 is placed on the table. `

The Board may consider the matter accordingly.



## **RESOLUTION**

08. Considered and resolved to forward a proposal to higher authorities for engagement of 25 fire watchers for 89 days w.e.f. 1<sup>st</sup> April 2021 and for engagement of 10 forest mazdoor for 89 days w.e.f. 1<sup>st</sup> July, 2021.

## **09. ALLOTMENT OF WATER CONNECTIONS**

Reference : Shri Sanjay Pant, Vice President letter dated 04-11-2021.

## **OFFICE REPORT**

It is submitted that Shri Sanjay Pant, Former Vice President had requested for allotment of water connection to the applicants pending in the year 2020. As per report of Incharge, water supply dated 05-01-2021, total 36 have been received in this office during February 2020 to December 2020 and there is no water problem in seen during the year and new water connections may be allotted to the applicants.

Hence the matter is placed before the board for consideration

Relevant file is placed on the table.

## **RESOLUTION**

09. Considered and approved.

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