

MINUTES OF PROCEEDING OF THE ORDINARY BOARD MEETING OF THE CANTONMENT BOARD JUTOGH HELD ON 04.10.2019 AT 1230 HRS.. IN THE OFFICE OF THE CANTONMENT BOARD JUTOGH.

MEMBER PRESENT

1. Brig. R. Sundaram ,President
 2. Sh. Karunjeet Singh,Vice President
 2. Sh. Devanshu Chaudhary,Member Secretary
Chief Executive Officer
 3. Smt. Sarika Mittal,Elected Member
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92. REVIEW OF PROCEEDING OF BOARD MEETING HELD ON 30.08.2019 AT 1200 HRS.

To consider and review the proceedings of the Board meeting held on 30.08.2019 at 1200 hrs. A brief statement showing the action taken on the resolution is placed on the table.

92. RESOLUTION.

Noted.

93. ACCOUNTS.

To consider monthly accounts for August 2019 and September 2019 which are as under:-

		Aug, 2019	Sept, 2019
OPENING BALANCE	:	3,64,938.37	288339.37
RECEIPT (Including Service Charges Fund Transfer)	:	1845807.00	11915.00
TOTAL	:	2210745.37	300254.37
EXPENDITURE	:	1922406.00	94552.00
CLOSING BALANCE	:	288339.37	205702.37

93. RESOLUTION.

Considered. Perused the receipt/expenditure in detail. Discussed and approved.

94. SANITARY DIARY.

Reference Section 131 of the Cantonment Act, 2006.

To consider the sanitary report for August and September 2019.

94. RESOLUTION

Considered discussed and approved.

95. CIRCULAR AGENDA POINTS:

To consider circular agenda bearing No. CBJ/54/667 dated 03.08.2019

- I) To note Circular Agenda Point No.1 regarding Calling of Expression of Interest of Defence Land for Static Mobile Tower and/or License for use of defence land for placing a cell tower on wheels(CoW).

95. RESOLUTION.

Noted. PCB apprised that, in this regard Board of Officer will be nominated shortly for finalization of tender for the mobile tower as the note sheet has been submitted by the CEO, Jutogh and PCB also suggested the Board that Cantt. Board Jutogh has to approach for nearby BSNL Exchange for laying of OFC cable to the office for avoiding of net/broadband problems.

96. ROAD SIDE PAID PARKING.

To consider and approve the identified parking spots/places along with the rate of parking fee of the vehicle.

In this connection, an extensive field survey was carried out by the staff and vice president of the Board and identified the parking slots/locations of commercial/non-commercial roadside parking.

As per the survey, the number of the vehicle parked ideally roadside are as under:

No. cars parked in the commercial area: 69,

No. of cars parked in a residential area: 165

No. of Heavy Motor Vehicles parked in the commercial area: 15 Nos.

As per the proposed rates, the estimated receipt per annum will be Rs. 29,35,764/-. Further, some civil work is also required to be done to make the spots appropriate for parking.

In this connection, the report of the Staff, roadside parking rates of MC Shimla and all other relevant documents are placed on the table.

96. RESOLUTION.

The Board noted and unanimously agreed that tendering should be done to raise revenue and the following procedure to be adopted:-

- 1). Clarify and assert the land ownership with the State Authority.
- 2). The phase of marking and preparing of parking places.
- 3). The proper tendering process should be followed.

Board approved to undertake expenditure thereon.

97. REVISION OF FEE FOR TRANSFER OF PROPERTY AND FIXING OF FEE FOR SANCTION OF BUILDING PLAN.

Reference CBR No. 16 dated 27.05.2009.

To consider the revision of fee for the transfer of properties in Jutogh Cantt. The mutation fee mentioned below was fixed by the Board vide its CBR under reference:-

(a)	Transfer of inheritance gift	- Rs. 1000/-
(b)	SALE:	
	i). Sale up to Rs. 50,000/-	- Rs. 4% subject to a minimum of Rs. 1500/-
	ii). Sale Exceeding Rs. 50,000/- onwards	- @4-1/2% subject to maximum of Rs. 4000/-

Further, to consider and fix the rates for sanction of Building plan, it is for the appraisal of the Board that the rate as per the Gazette Notification No. 9219 dated 27.03.1933 of Building Bye-Laws erection or re-erection of buildings, the Cantonment Board may provide plans and specifications of the type of building which may be erected in the Cantonment or any part thereof and may charge fee at the following rates:

(a)	1 st class house (Bungalow)	Rs. 5 to Rs.10.
(b)	2 nd class house (Containing three or more rooms)	Rs. 3 to 6
(c)	3 rd class house (containing one or two rooms)	Rs. 2 to 3
(d)	Amendment of plan	Rs. 1 to Rs 2

This office has submitted the draft building Bye-laws to higher authorities vide this office letter No. CBJ/54/7-BBL/456 dated 27.06.2019 and Dte DE, WC. Chd. vide their letter No. 2/Building Bye-Laws /Gen/WC/DE/2017 dated 05.08.2019 has forwarded the instructions of DGDE, that the further processing and examination of Draft Building Bye-Laws is not feasible until the decision of MoD is received and also asked not to forward the draft Building Bye-Laws to Dte. General till further instructions received in this matter.

The rates as approved vide Gazette Notification No. 9219 dated 27.03.1933 of Building Bye-Laws are outdated and revision of rates for sanction of Building plans are necessary.

All relevant documents along with Junior Engineer report are placed on the table

The Board may decide further course of actions.

97. RESOLUTION.

Noted. Resolved and unanimously agreed that the fees are required to be revised to raise the revenue. However, the adjoining Municipal Corporation Shimla's approved per sq.ft. rates to be used for guidance and the report thereon to be submitted to the next Board meeting.

98. PROMOTION OF SMT. KAVITA FOR THE POST OF HEADMASTER/HEADMISTRESS.

To consider the two applications dated 26.07.2019 and 11.06.2019 received from Smt. Kavita, TGT and Smt. Chanchala Devi, JBT respectively for the promotion as Headmaster/Headmistress and legal opinion received from Assistant Solicitor General, HP High Court Shimla vide No.RS/1072/19 dated 14.08.2019 in response to this office letter No.CBJ/81-E/613 dated 14.08.2019.

Consequent upon the retirement of Sh. Bharat Ram Sharma, the post of Headmaster has fallen vacant in the Cantt. Board Middle School Jutogh since 01.07.2019. the said post of headmaster/headmistress is a promotional post under rule 5(B)(5) of Cantt. Fund Servants Rule 1937, which is to be filled up amongst the teacher. As per National Industrial Tribunal of India at Bombay award "the teaching staff, Doctors, and Engineers (above the Overseer's grade), they will be entitled to pay and allowances at the same rates as are applicable from time to time to the corresponding categories of employees of similar status serving under the Government of the State in which the Cantonment is situated, provided that they hold the requisite qualifications laid down by the State government." The State Government of HP has prescribed R&P rules for the post of TGT.

At present Smt. Kavita is holding the post of TGT in Cantt. Board Middle School Jutogh and accordingly she is eligible for the promotion to the post of Headmaster/Headmistress. In the meantime Smt. Chanchala who is presently JBT has also applied for the post of Headmaster/Headmistress vide her application as mentioned under reference. Accordingly, a legal opinion from Assistant Solicitor General, HP High Court Shimla was obtained and the Assistant Solicitor General, HP High Court Shimla vide his opinion dated 14.08.2019 has opined that Smt. Kavita is eligible for the post of Headmaster/Headmistress.

All the relevant papers/documents/files and rules placed on the table for the perusal of the Board. The Board may consider the promotion to the post of Headmaster/Headmistress in the Cantt. Board Middle School Jutogh.

98. RESOLUTION.

The Board considered the application for promotion of Smt. Kavita, TGT in Cantt. Board Middle School Jutogh as Headmistress and agreed to promote her to the said post. Accountant Cantt. Board Jutogh apprised the Board that no additional financial implication occurred on Cantt. Fund due to this promotion.

99. AUCTION OF GYM BUILDING FOR COMMERCIAL PURPOSE.

To consider and approve the Gym Building to be auctioned for revenue generation purpose.

The Gym Building has been constructed by the Board in the FY but as there is the deficiency of fund, new Gym equipment cannot be purchased to run the Gym by the Board. Therefore, the Gym Building can be auctioned to be used for commercial purpose and it will help in the generation of revenue.

The Gym building is having 1486 sqft carpet area and can be auctioned by dividing it into two equal parts so that space could be utilized well and more revenue could be generated.

In this connection the report of Jr. Engineer, OS-cum-Acctt. and all other relevant documents are placed on the table.

Board may consider the further course of action in this regard.

99. RESOLUTION.

Considered and after detailed discussion Board resolved that the Gym Building is to be auctioned into two parts through public auction and the highest bids received to be placed in the next Board meeting.

CEO is authorized for further course of action in this regard.

100. REVISION OF RATES OF SEWERAGE CONNECTION

Reference CBR No.15 dated 27.05.2009.

To consider the revision of sewerage connection charges including security, monthly charges and fine for unauthorized connections. The existing rates approved vide CBR under reference and proposed rates are as under:.

Sr. No.	Particulars	Existing rates (in Rs.)	Proposed rates (in Rs.)
1.	Security	250/-	2500
2.	Connection Charges	150/-	1500/-
3.	Monthly Charges	20/-	50/-
4	unauthorized connection fine	2000/- to 5000/-	2000 to 5000
5.	Road cutting charges for connection	As per MES, SSR	As per MES SSR

In this connection the official report is placed on the table.

The Board may consider further action on the matter.

100. RESOLUTION

The Board noted, considered & resolved that stronger sewerage connection rates and monthly fixed rates need to be increased. However nearby Municipal Corporation rates and the yardstick for installation of sewerage connection are to be taken into account to decide the new rates and reports thereon be placed in the next Board meeting.

Sewerage study reports should be based on rates adopted by the adjoining Municipal Corporation Shimla.

101. REVISION OF RATES OF WATER CHARGES

Reference CBR No. 31 dated 24.11.2010.

To consider and approve the water charges for private water consumer.

The water charges for private water consumer was revised by the Board vide CBR 22 dated 24.08.2010 from flat rate of Rs.50/-PM to Rs.60/-PM and Board vide CBR under reference resolved that hike/revision already carried out to the tune of 20% is adequate at this stage. The further revision will be carried out periodically.

Till then water charges for private water consumer has not been revised. The proposed and existing water charges for private water consumer are as under:

Sr. No.	Existing rates (in Rs.)	Proposed rates (in Rs.)
1.	60/- PM	100/- PM

In this connection, all relevant papers along with office report are placed on the table.

Board may revise the rates.

101. RESOLUTION

The Board noted. Considered & resolved that stronger water rates need to be increased. However nearby Municipal Corporation rates and yardstick for water consumption to be taken into account to decide the new rates and reports thereon be placed in the next Board meeting.

The Board further resolved that water connection should be metered and then the water bill should be reflective of the usage.

The Board further resolved that a study should be done on installation and financing of the water supply system/meter based on rates adopted by the adjoining Municipal Corporation.

102. TERM CONTRACT FOR MISCELLANEOUS PUBLIC IMPROVEMENT

Reference CBR No. 88 dated 30.08.2019 and documents received from Sh. Manish Sharma vide application No. NIL dated 30.08.2019.

To consider the documents submitted by Sh. Manish Sharma as asked by the Board vide CBR No. 88 dated 30.08.2019 and to finalize the negotiated rates for the award of the tender.

As desired by the Board, Sh. Manish Sharma has submitted last six months GST returns, EPF challans and Labour rates along with the negotiation of rates from the quoted rates i.e. 68.46 % above MES, SSR to the reduced rates i.e, 60 % above MES, SSR 2010 for Miscellaneous Public Improvement work in Jutogh Cantt.

In this connection report of Jr. Engineer and all relevant documents are enclosed herewith.

The Board may approve the negotiated rates @60%, above MES, SSR 2010 for Miscellaneous Public Improvement works in Jutogh Cantt. as per the justification submitted by the Contractor.

102. RESOLUTION.

Considered and approved the negotiated rates @60%, above MES,SSR 2010 for Miscellaneous Public Improvement works in Jutogh Cantt. Necessary agreement be executed with the contractor and works orders be issued to execute the priority works as per the availability of the Budget.

CEO is authorized for further necessary actions in this regard.

THE FOLLOWING SUPPLEMENTARY AGENDA WAS TAKEN UP WITH THE PERMISSION OF THE CHAIR.

103. APPOINTMENT OF CHARTERED ACCOUNTANT.

Reference CBR No. 84 dated 30.08.2019.

To consider the appointment of Chartered Accountant for implementation of Accrual Based Accounting System in Cantonment Board Jutogh.

As the revised Expression of interest was called vide this office letter No. For this revised expression of interest was called vide this office letter No. CBJ/2/2019-20/674 dated 05.09.2019 displayed in notice Boards and on the official website. The sealed expression of interest received from the Chartered accountant firms up to last date and time was opened in the office by tender opening committee.

The rates quoted by the qualified firms in finance bid are as under:-

Sr. No.	Name of the firm/Chartered Accountant	Per visit charges The rate in Rs. (including GST, travelling, stay and any other charges per visit)
1.	SHAMMI GARG & CO. C/o Durga Bhai & Co, SCO 15, Sector 26, Madhya Marg. Chandigarh-160019	Rs.6,800/-
3.	RRSD & CO C/O Parvesh Schdeva, Amrit Electric Press, Outside Delhi Gate, Ferozepur City -152002	Rs. 8,500/-

In this connection technical bid, financial bids, comparative statement, technical & financial bid opening summary and all the relevant documents are placed on the table for the approval of the board.

The Board may consider the further course of action.

103. RESOLUTION.

Considered & approved. The Board approved the lowest rates as shown in agenda side for appointment of Chartered Accountant for implementation of Accrual Based Accounting System in Cantonment Board Jutogh. Accordingly appointment letter be issued to SHAMMI GARG & CO.,C/o Durga Bhai & Co, SCO 15, Sector 26, Madhya Marg. Chandigarh-160019 and an agreement be executed with the firm initially for a period of one year which may be further extended for another one year.

The CEO is authorized to incur the expenditure in this regard.

104. RE-TENDER FOR DESIGN, SUPPLY, INSTALLATION, COMMISSIONING, OPERATION AND MAINTENANCE OF 'MICROORGANISM BASED 24 HRS FULLY AUTOMATIC COMPOSTING MACHINE FOR A PERIOD OF 5 YEARS TO PROCESS ORGANIC BIODEGRADABLE SOLID WASTE.

Reference CBR 23 dated 29.05.2018.

To note the show-cause notice issued to the firm Bhor Engineering Pvt. Ltd vide this office letter NO. CBJ/110/Composting Shed/716 dated 27.09.2019 and reply received in this office for the firm vide their letter No. Nil dated 01.10.2019.

As resolved by the Board vide its CBR No. 23 dated 29.05.2018 a formal letter was written to the firm and the firm was asked to show cause the reasons for non-compliance the terms and conditions of the tender.

The e-tender was approved vide CBR No. 33 dated 23.10.2017 and as per the resolution the order was issued to the firm vide this office letter No. CBJ/110/Composting machine/424

dated 06.11.2017. Bidder failed to fulfill the term and conditions mentioned in supply order and as accepted by the firm while submitting the e-tender.

The firm has delivered the machine on 20.01.2018 and has installed the same on 14.06.2019. Further, except the installation of the machine the firm has failed to fulfill the remaining term and conditions and has refused to operate and maintain the machine for 05 years as approved by the Board and accepted by the firm. The firm has request Cantonment Board Jutogh to run the machine on our own.

In this connection, all the relevant documents are placed on the table for the consideration of the Board.

The Board may consider the further course of action.

104. RESOLUTION.

Considered. After detailed discussion, looking at the tender conditions, and the reason given by the firm for non operation of the machine for a period of 05 years, Board resolved that as machine is automatic and after installation of the machine necessary training has been given to the employees of the Board, the machine shall be operated by the employees of the Cantonment Board Jutogh.

However, since the contractor also included maintenance of the machine. The same needs to be confirmed and negotiated with the firm.

In this connection, the CEO is authorized for the above negotiation and also apprised to the Board in the upcoming Board Meeting.

105. SPECIAL LEAVS PETITION (CIVIL) NO. 9739 OF 2016 BEFORE THE HON'BLE SUPREME COURT OF INDIA IN RELATION TO THE PROPERTY SITUATED CANTONMENT BOARD JUTOGH.

Reference Special Leave Petition (Civil) No.9739 of 2016 received in this office on dated 02.05.2016.

In response to the above SLP this office has asked legal opinion from the standing council of the Cantonment Board Jutogh, Advocate Sh. Surinder Steta and he opined that "No adverse effect will be caused to the Cantonment Board if they will not contest this SLP in Supreme Court."

On 03.07.2019 this office has again received a letter of Sh. Khushpal Singh, through DG DE, New Delhi Cantt. letter NO.76/40/Court case/WC/Jutogh/C/DE/2018 dated 26.06.2019 under which Sh. Khushpal Singh has requested to DG DE, New Delhi to direct to Cantt. Board Jutogh to appear and contest the case in Hon'ble Supreme Court of India.

In this regards this office has asked legal opinion from the Assistant Solicitor General of India, Hon'ble High Court of HP Shimla on the subject SLP (Civil) No.9739 of 2016 and ASG,

HP High Court vide his letter/legal opinion dated 17.07.2019 opined that "when we are arrayed as party respondent NO.12 in the aforesaid Special Leave Petition, in which, the above-said Judgment is under challenge, it is necessary to us to participate in the proceedings and bring all these facts before the knowledge of the Court for imparting justice as per the law.

This office has again received a letter from Dte. DE, WC, Chandigarh regarding the above SLP wherein Dte. DE, WC asked to the intimate present status of SLP Civil No.9739 of 2016 pending the Hon'ble Supreme Court New Delhi after consulting Advocate defending the SLP for which we have replied that the matter is being placed in the upcoming meeting of Cantt. Board Jutogh and after approval of the Board we will defend the subject SLP NO.9739 of 2016 in the Hon'ble Supreme Court of India.

In this connection, all relevant documents are placed on the Board.

The Board may consider the further course of action in this regard.

105. RESOLUTION.

Considered. Board discussed the matter in details and resolved that the SLP Civil No.9739 of 2016 pending the Hon'ble Supreme Court New Delhi should be defended by the court as opined by ASG, HP High Court vide his letter/legal opinion dated 17.07.2019.

CEO is authorized for further necessary actions in this regards.

GENERAL POINTS.

1. PCB further instructed the CEO to get liaison with nearby BSNL exchange for lying of OFC line to Cantt. Board Office to avoiding unwanted Broadband problems being faced by Cantt. Board Jutogh.
2. Midday meal regular inspection is to be done by the Cantt. Board Jutogh Staff and to check sanitation and hygienic condition of the school kitchen and food storage.
3. The Board noted that no funds have been provided by State Government to run the School and efforts should be made with the State Government Administration and Education Department to release such assistant as is done in Cantonment situated in other States.
4. Fixing of rates for the setting of already prepared compost using a realistic yardstick.
5. Sh. Karunjeet Singh, Vice President, Cantt. Board Jutogh, apprised the Board that there is a very urgent need of Sanskrit teacher in School as the existing Sanskrit teacher has retired from Cantt. Board Middle School Jutogh on 30.06.2019. Board considered and approved that immediately the Sanskrit teacher/Shastri should be hired through the existing outsourcing agencies on the same rates as approved vide Cantt. Board resolution NO.74 dated 14th May., 2019.

6. CEO is apprised the Board that possible sources of revenue can be imposition of vehicle entry fee as per section 67(e) of Cantts Act, 2006 and recent Hon'ble Supreme Court order NO.2541/2006 dated 31.01.2019 circulated vide Dte. DE, WC, Chandigarh letter No.4/Misc/Court case/Cantt./DE/Vol-4/RMS:30119 dated 03.07.2019.. The Board unanimously agreed above the needs to start the vehicle entry fee and Sh. Sushil Kumar, Office Superintendent-cum-Accountant, Cantt. Board Jutogh to submit his brief report above the earlier attempt to impose the said fee and problems/issues faced in its implementation.

Sd/xxx
CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.

Sd/xxx
PRESIDENT,
CANTT. BOARD JUTOGH

- True Copy -

**CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.**