

**MINUTES FOR THE ORDINARY MEETING OF THE CANTONMENT BOARD JUTOGH
TO BE HELD ON 14.05.2019 AT 1230 HRS. IN THE CANTONMENT BOARD.**

1. Brig. R. Sundaram ,President
 2. Sh. Karunjeet Singh,.....Vice President
 3. Ms Tanu Jain,Member Secretary
Chief Executive Officer
 4. Smt. Sarika Mittal,.....Elected Member
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70. REVIEW OF PROCEEDING OF BOARD MEETING HELD ON 01.05.2019 AT 1230 HRS.

To consider and review the proceedings of the Board meeting held on 01.05.2019 at 1230 hrs. A brief statement showing the action taken on resolution is placed on the table.

70. RESOLUTION.

Noted.

71. ACCOUNTS.

To consider monthly accounts for the months of April 2019 which are as under:-

| | | April, 2019 |
|------------------------|----------|--------------------|
| OPENING BALANCE | : | 1290088.37 |
| RECEIPT | : | 14050.00 |
| TOTAL | : | 1304138.37 |
| EXPENDITURE | : | 1286867.00 |
| CLOSING BALANCE | : | 17271.37 |

71. RESOLUTION.

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

72. SANITARY DIARY.

Reference Section 131 of Cantonment Act, 2006.

72. RESOLUTION

Considered discussed and approved.

To consider sanitary report for the month of March & April, 2019.

73. BUDGET ESTIMATE FOR THE YEAR 2019-2020 (REVISED) 2020-2021 (ORIGINAL)

To consider and approve the Budget Estimates for the year 2019-2020 (Revised) 2020-2021 (Original) as required under Rule 16 (1) of the Cantonment Account Code, 1924 alongwith estimates of stores under Rule 68 (1) *ibid*.

In this connection all relevant papers are placed on the table.

73. RESOLUTION

Considered and resolved that Budget Estimates for the year 2019-2020 (Revised) and 2020-2021 (Original) under Rule 16 (1) of Cantt Account Code 1924, alongwith estimates of stores under Rule 68 (1) *ibid* are approved and the same be submitted to the GOC-in-Chief, HQ, Western Command for sanction.

74. ENHANCEMENT & FIXATION OF MONTHLY WAGES OF OUTSOURCING EMPLOYEES.

Reference CBR No. 59 dated 30.01.2018 and DGDE letter No.105/17/MISC/ADM/DE dated 07.04.2017.

To consider the question of revision of monthly wages of outsourcing employees, it is for the appraisal of the Board that, the Board vide its CBR under reference have discussed the matter in detail and the same was deferred.

The outsourcing tender for the year 2018 has been executed after considering the guidelines issued by Govt. of Himachal Pradesh Govt. vide Notification No. FIN-(PR)B(7)-33/2010 dated 07/04/2017, No. Fin(PR-B(7)-64/2010 dated 20/07/2013, No. Fin(PR-B(7)-64/2010 dated 27/09/2012 and No. Fin(PR-B(7)-64/2010 dated 28/09/2012 and also considering the guidelines issued by the Hon'ble Supreme Court of India vide Civil appeal No.213/2013 dated 26th October 2016 vide which the Hon'ble Supreme Court of India has ordered to follow the "Principal of Equal Pay for Equal Work".

At present the wages of outsourcing employees are equated with the initial pay drawn by the State Govt. employees as per the R&P rules for various posts which are very less as compared to the minimum wages rate issued by the Ministry of Labor and Employment in Gazette Notification of India REGD NO. D.L-33004/99 dated 19/01/2017. As the wages are low, the outsourcing firm is not able to send the required employees to this office and the many outsourced employees have left the department.

Further, as per the letter received from Principal Director, Defence Estates, Min. of Defence, Western Command, Kendriya Sadan, Block-IV, 5th Floor, Sector 9-A, Chandigarh letter No.15/999 ADM/WC/DE dated 13/09/2017, the higher authorities i.e., DGDE in their letter No. 105/17/MISC/ADM/DE dated 07.04.2017 have ordered to follow the guidelines

issued by the Ministry of Labor and Employment in Gazette Notification of India REGD NO. D.L-33004/99 dated 19/01/2017. They have specifically mentioned to consider the S.O. 190(E) & S.O. 191 (E) of the said notification. But in these two S.O.'s only Chowkidar and Safaikarmchari are covered and all the remaining category of posts required in this office are mentioned in S.O. 186(E) of the said gazette notification.

The Minimum Rates of Basic wages per day for different categories as per the Ministry of Labor and Employment Gazette notification is as under:

| Category of Worker | S.O. No. of Gazette Notification | Manpower required in office | Minimum Rates of Basic wages per day (in Rupees) | Rate of VDA area C as per the Ministry of Labor and Employment File No. 1/38(1)/2018-LS-II dated 28.09.2018 | Total | Total per month |
|-------------------------------------|----------------------------------|---|--|---|--------|-----------------|
| Unskilled | 180 (E) | Aya, Chowkidar, Peon, Mazdoor | 350.00 | 21 | 371 | 11278.4 |
| Semi-skilled/ Unskilled Supervisory | 180 (E) | Cook, NTT, Mali | 410.00 | 21 | 431.00 | 13102.4 |
| Skilled | 180 (E) | Instructor, Plumber, Draftsman, JBT, Shastry, Drawing teacher, Computer teacher | 494 | 22 | 516 | 15686.4 |
| Clerical | 180 (E) | Clerk, Data Entry operator | 494 | 22 | 516 | 15686.4 |
| Highly Skilled | 180 (E) | Compounder, Laboratory Technician, Trained graduate Teacher | 579 | 25 | 604 | 18361.6 |
| Sweeping and Cleaning | 190(E) | Safaikarmchari | 350 | 23 | 373 | 11339.2 |

In this connection, the Judgment issued by Hon'ble Supreme Court of India, Gazette Notification of Ministry of Labor and Employment and all other relevant documents are placed on the table.

The Budget provisions have already been made in Budget Estimate for the Year 2018-19(R) under relevant budget head.

The Board may decide further course of action in this regard.

74. RESOLUTION.

Considered. The board resolved to revise the minimum wage rates of the employees as per the instructions issued by “The Ministry of Labor and Employment” in Gazette Notification of India REGD NO. D.L-33004/99 dated 19/01/2017 received through Director General Defence Estate from higher authorities.

75. MUTATION OF PROPERTY NO. 74/9 HOUSE NO.14.

To consider the application Nil dated 13.10.2017 received from Sh. Sanjeev Kumar S/o Late Sh. Banarsi Dass and Late Smt. Sheela Devi for mutation of subject property.

Area measuring 478 Sft comprising Sy.No.74/9, House No.14 is held on old grant term in the name of Late Sh. Banarsi Dass S/o Late Sh. Salig Ram. The property is situated in notified bazaar area under the management of Cantt. Board Jutogh. Sh. Banarsi Dass has expired on 24.01.1973 and his wife Smt. Sheela Devi expired on 29.04.2012 (death certificate attached).

Sh. Sanjeev Kumar S/o Late Sh. Banarsi Dass and Late Smt. Sheela Devi has applied for mutation of above mentioned property in the capacity of sole legal heir of his deceased father and mother on the basis of legal heir certificate (attached). He has submitted all the necessary documents for the purpose of mutation of property. There is no change of purpose and no sub-division of site and encroachment involve in Sy. No.74/9 House No.14.

Sh. Sanjeev Kumar S/o Late Sh. Banarsi Dass and Late Smt. Sheela Devi has filed a court case title Sanjeev Kumar s/o Banarsi Dass v/s Sh. Devi Ram, Smt Meena Kumari and Sh. Babu Ram suit no. 173/1 of 1974 for partition of property in the court of Sh. D.D. Sharma, Sub-Judge (1) Shimla District. The court has passed order dated 11.01.1979 that Sh. Sanjeev Kumar is the exclusive owner of ground floor Sy. No.74/9, House No. 14 and Late Smt. Sheela Devi will be exclusive owner of top floor of Sy. No. 74/9, House No.14 (True copy of judgment dated 11.01.1979 placed on the table). But Smt. Sheela Devi has expired on 29.04.2012 (death certificate attached). And after the death of Smt. Sheela Devi, Sh. Sanjeev kumar is the exclusive owner of Sy. No.74/9, House No.14 ground floor and top floor (legal heir's certificate placed on the table).

The legal opinion from Board counsel was also obtained vide this office letter No. CBJ/88-74-9/684 Dated 20.11.2018 and Board Counsel Sh. Surender Steta advocate has given his consent to considered the mutation case after obtaining necessary **NO DUE CLEARANCE** from Cantt. Board and there are no dues are pending against Sh. Sanjeev Kumar.

This office has issued a public notice in Hindi and English vide this office letter No.CBJ/1/719 dated 08.01.2019 and letter No.छा०प०ज०/17/752 दिनांक 09 जनवरी 2019 and has been paste in public places, notice board and also published in the news paper i.e. The Tribune Chandigarh dated 05.02.2019 page No.4 and “Divya Himachal” on 05.02.2019 page No.7 for inviting objections, if any. But no objection in this regard has been received in this office till date 25.03.2019.

Under the above circumstances regarding mutation of said property by legal inheritance. The approval of mutation of recorded area may be solicited by the Board.

75. RESOLUTION

Considered discussed and approved.

76. CONFIRMATION OF SH. MANJEET KUMAR, SANITARY INSPECTOR.

To consider the application dated 14.02.2019 received from Sh. Manjeet Kumar, Sanitary Inspector for his confirmation. It is for the appraisal of the Board that the post of Sanitary Inspector is a supervisory post as define under rule 2(ff) of Cantt. Fund Servant Rules 1937 and the appointing authority of the said post is Cantonment Board Jutogh.

It is further appraisal of the Board that the said Sanitary Inspector appointed in this Board on 14.02.2017 and has completed two years of regular service on 13.02.2019. He is a very honest and hard worker.

Report of Office Superintendent dated 20.02.2019 alongwith other related document placed on the table. Board may consider the confirmation of the said Sanitary Inspector, Cantt. Board Jutogh.

76. RESOLUTION

Considered discussed and approved the confirmation of Sh. Manjeet Kumar, Sanitary Inspector.

77. REVISION OF PAY SCALE OF PET TEACHER.

To consider the Applications dated 23.04.2019 received from Sh. Sumit Thakur, PET Cantt. Board Middle School Jutogh respectively.

It is for the appraisal of the Board that the proposals regarding revision of Pay scale and grade pay to the existing post of PET was submitted to Dte. DE, WC Chandigarh and the same has been returned by them to this office with some observations. Thereafter separate proposals of remaining case of Grade pay have been submitted and the same has been sanctioned by the Dte. DE, WC, Chandigarh but the case for the revision of pay band & Grade pay for the post of PET could not be get sanctioned by this office from Dte. DE, WC, Chandigarh due to the lack of documentary evidence as asked vide their letter under reference. Now after due efforts documentary evidence/notification has been collected by this office and detailed clarification/statement of case is furnished hereunder for your further necessary action:-

It is submitted that an observations raised vide Dte. letter under reference are consist of 03 points out of which 02 points has been settled, but point No.3 required to be approved from the board, as per the State Govt. Himachal Pradesh Education Deptt. has revised the pay scale of PET time to time, but the same could not get sanctioned/implemented by this office from the competent authority i.e. Dte. DE, WC, Chandigarh.

The revision of PET scale as revised by the State Govt. is as under:-

Notification No. Government of Himachal Pradesh Finance (Pay Revision) Department

| Sr. No. | Notification of HP Govt. | Existing Scale. | Scale Revised by the HP Govt. | | Scale sanctioned by the GOC-in Chief |
|---------|---|--|-------------------------------|---|---|
| 1. | | 570-1080 with three advance increment. | i | 1410-2460 | Sanction had been taken vide Dte. DE, WC letter No.15/90/A/Jutogh/DES/2 dated 21.09.1989. (w.e.f. 01.01.1986.) |
| | | | ii | 1500-2640 Sr. Scale after 8 years of service. | |
| | | | iii | 1650-2925 Selection scale after 18 years of service. | |
| 2. | | 570-1080 with three advance increment | i | 1410-2480 | Sanction had been taken vide Dte. DE, WC letter No.15/90/A/HP/Jutogh/Cantt/DES dated 07.04.1995. |
| | | | ii | 1500-2700 Sr. Scale after 8 years of service. | |
| | | | iii | 1650-2925 Selection scale after 18 years of service. | |
| 3. | Notification No.Fin(c)B(7)-6/88-II Dated 10 th April 1992. (Copy enclosed) | 570-1080 with three advance increment | i | 1500-2640 | Sanction for this scale has not been get sanctioned from Dte. DE, WC, Chandigarh. |
| | | | ii | 1640-2925 Sr. Scale after 8 years of service. | |
| | | | iii | 1800-3200 Selection scale after 18 years of service. | |
| 4. | Notification No.Fin(C)B(7)-6/88-V dated 17.04.1993. | 1500-30-1560-40-2000-50-2400-60-2640 (1500-2640) | I | 1500-50-2000-60-2060-70-2550-75-2700 (1500-2700) | Sanction for this scale has not been get sanctioned from Dte. DE, WC, Chandigarh. |
| 5. | No. Fin-(PR)B(7)-1/98 dated 20 th January, 1998. | 1500-2700 | | 5000-8100 | Sanction for this scale has not been get sanctioned from Dte. DE, WC, Chandigarh. |
| 6. | No. Fin-(PR)B(7)-1/2009 dated 26 th August, 2009. | 5000-160-5800-200-7000-220-8100 | | 10300-34800, GP-3200 initial start of Rs.13500/- | Sanction for this scale has not been get sanctioned from Dte. DE, WC, Chandigarh. |
| 7. | No. Fin-(PR)B(7)64/2010 dated 27 th September, 2012. | 10300-34800, GP-3200 initial start of Rs.13500/- already existing. | | 10300-34800, GP-4400 This PB & GP will be given after 02 years of regular services. | For this proposals had been submitted by this office but the same has been returned by the Dte. DE letter under reference for clarifications. |

Dated 10th April 1992. Art & Craft Teacher (D.M) S.V. Teacher/P.T.I.

Scale Sanction against SI No.2 i.e. Rs.1410-2480 to 4550-7220 and corresponding scale of 4550-7220 is 5910-20200 + 3000(GP) as mentioned in Dte. DE, WC Chandigarh letter under reference.

Sanction had not been taken against SI No.4 to 6 as mentioned above notification. That is why scale of PET is not tallied with the present scale of PET i.e. 10300-34800+3200 (i.e. in Sr. No.6 & 7).

It is further appraisal of the Board that the emoluments of the teaching staff, doctors and engineers (above the overseer's grade) will be regulated in accordance with the award of the National Industrial Tribunal, Bombal, and the terms of this Memorandum of Settlement will not apply to these categories.

The previous nomenclature of (PTI) Physical Trained Instructor was under "The Himachal Pradesh, Education Department Class_III (School and Inspection Cadre) Services Rules 1973, issued vide Notification No17-4/69-Edu-II dated 28.12.1973 (copy placed on the table) which was repealed vide HP Govt. Notification vide No.EDN-C-A(3)2/2009-I, dated 10.01.2011 (copy placed on the table) under which the nomenclature to the post of (PTI) Physical Trained Instructor has been changed to (PET) Physical Education Teacher.

In this connection all State Govt. of HP Notifications along with other relevant papers and report of Office Superintendent are placed on the table.

77. RESOLUTION

Considered. Board resolved that the post of (PTI) Physical Training Instructors and now (PET) Physical Education Teacher are the same post in HP Govt. Education Department, Hence the pay scale and grade pay to PET Physical Education Teacher appointed in Cantt Board Middle School be revised w.e.f. 10.04.1992 strictly in accordance with the H.P. State Notification as mentioned in agenda side Sr. No.3 to 7 with prior sanction of the GOC-in-Chief, western Command as required under rule 19 (b) read with Rule 47 of the Cantt. Account Code, 1924.

78. MOTION.

Reference Board Meeting General point No.1 dated 01.05.2019, President Cantonment Board Jutogh has apprised the Board that he had directed his legal cell to act as Inquiry authority and Presenting Officer which has been detailed to take over the case of Resident Medical Officer as per rules and regulations and their names shall be communicated to this office shortly.

After detailed discussions in the meeting, Board was of a considered opinion that disciplinary proceeding shall start against the Resident Medical Officer. This was viewed in the light of documents available from the Bank, legal opinion obtained from the Cantonment Board Legal Advisor and Assistant Solicitor General, Hon'ble High Court of Himachal Pradesh Shimla.

In sync with it, Board resolved that Resident Medical Officer be suspended from today and in lieu of him a doctor must be hired with basic qualification and on basic salary as being given to doctors of Primary Health Centre in H.P state Government. In case of non-availability

of doctor on monthly basis, services of doctor be taken on daily Basis i.e., twice in a week on fixed honorarium per day out of monthly basic salary.

Before leaving the Dispensary, Resident Medical Officer shall handover his charge to compounder. Further, Board directed Chief Executive Officer, Cantt. Board Jutogh to issue suspension order to Resident Medical Officer, Cantt. Board Dispensary Jutogh.

Sd/xxx
CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.

Sd/xxx
PRESIDENT,
CANTT. BOARD JUTOGH

- True Copy -

**CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.**