

AGENDA FOR THE ORDINARY MEETING OF THE CANTONMENT BOARD JUTOGH TO BE HELD ON 29.04.2023 AT 1100 HRS. AT ARTRAC, SHIMLA IN THE OFFICE OF PRESIDENT, CANTT. BOARD JUTOGH.

1. Brig. K. S. Jawanda,.....President
 2. R. P. Singh,.....Member
Secretary
Chief Executive Officer
 3. Sh. Rajeev Kumar.....Nominated
Member
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53. SANITARY DIARY.

Reference Section 131 of Cantonment Act, 2006.

To consider the sanitary report for the month of March and April 2023.

53. RESOLUTION.

Considered, discussed and approved.

54. CIRCULAR AGENDA.

To note the following circular agenda.

SR. No.	CIRCULAR AGENDA	ITEM NO.	DESCRIPTION OF AGENDA.
01	No.CBJ/54/246 dt. 03.03.2023	01	APPROVAL OF THE BIDS RECEIVED ON GeM PORTAL FOR OUTSOURCING OF MANPOWER SERVICES.
02	No.CBJ/54/321 dt. 17.03.2023	02	CANCELLATION OF ORDINARY ELECTION OF JUTOGH CANTT.
03	No.CBJ/54/321 dt. 17.03.2023	03	ITEM RATE TENDER FOR CONSTRUCTION OF WATER STORAGE TANK AT SY. NO. 15 NALTU SPRING JUTOGH CANTT.
04	No.CBJ/54/321 dt. 17.03.2023	04	ITEM RATE TENDER FOR CONSTRUCTION OF PUMP ROOM AND FENCING OF SITE AT SY. NO. 15 NALTU SPRING JUTOGH CANTT.
05	No.CBJ/54/321 dt. 17.03.2023	05	PROCUREMENT OF AYURVEDA MEDICINES.
06	No.CBJ/54/449 dt. 26.04.2023	06	STANDARDIZATION OF RATES/PERIODICITY OF BILLING IN SEWERAGE MODULE IN E-CHHAWANI PORTAL

54. RESOLUTION

Noted and approved.

55. REVISION OF VARIABLE DEARNESS ALLOWANCE ON MONTHLY WAGES TO OUTSOURCED EMPLOYEES W.E.F 01.04.2023.

Reference CBR No.25 dated 31.08.2022 and email dated 20.04.2023 received from M/s. Shail Security and Allied Services.

To consider and approve the revision of Variable Dearness Allowance on monthly wages of outsourcing employees as per the email received from the outsourcing firm named M/s Shail Security and Allied Services and as revised by the Ministry of Labour and Employment w.e.f. 01.04.2023 vide their file No.1/5(3)/2023-LS-II dated 03.04.2023 for S.O. 188(E) and notification No.1/5(5)/2023-LS-II dated 03.04.2023 for S.O. 190(E).

The Minimum Rates of Basic wages per day for different categories as per the Ministry of Labour and Employment Gazette notification and revised Variable Dearness Allowance w.e.f. 01.04.2023 to 30.09.2023 as under:-

Category of Worker	S.O. No. of Gazette Notification	Manpower required in the office	Number of staff.	Minimum Rates of Basic wages per day (in Rupees)	Existing VDA	Rate of Revised VDA	Existing Total	Revised Total	Difference (9-8)	Financial implication per month
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Unskilled	188 (E)	Aya, Chowkidar, Peon	03	350/-	127/-	144/-	477/-	494/-	17/-	1326/-
Semi-skilled/ Unskilled Supervisory	188 (E)	Cook, NTT	02	410/-	147/-	167/-	557/-	577/-	20/-	1040/-
Skilled	188 (E)	Plumber, JBT, Shastri, Computer teacher	04	494/-	177/-	201/-	671/-	695/-	24/-	2496/-
Clerical	188 (E)	Clerk, Data Entry operator	03	494/-	177/-	201/-	671/-	695/-	24/-	1872/-

Highly Skilled	188 (E)	Compounder, Laboratory Technician, Trained graduate Teacher	02	579/-	209/-	237/-	788/-	816/-	28/-	1456/-
Sweeping and Cleaning	190 (E)	Safaikarmch ari	07	350/-	127/-	144/-	477/-	494/-	17/-	3094/-
Financial implication per month										11284/-
Financial implication w.e.f. 01.04.2023 to 30.09.2023.										67704/-

This will involve an expenditure of Rs. 67,704/-.

In this connection, Gazette Notifications of the Ministry of Labour and Employment of the Variable dearness allowance and all other relevant documents are placed on the table.

The Board may approve the dearness allowance on minimum wage rates of the outsourcing employees w.e.f. 01.04.2023 vide their file No.1/5(3)/2023-LS-II dated 03.04.2023 for S.O.188(E) and notification No.1/5(5)/2023-LS-II dated 03.04.2023 for S.O.190(E).

55. RESOLUTION.

Considered and approved the variable dearness allowance on minimum wage rates of the outsourcing employees w.e.f. 01.04.2023 in terms of the Ministry of Labour and Employment notification No.1/5(3)/2023-LS-II dated 03.04.2023 for S.O.188(E) and notification No.1/5(5)/2023-LS-II dated 03.04.2023 for S.O.190(E) as shown at agenda side.

CEO is authorized for further course of action and to incur expenditure in this regard.

56. TRADE LICENCE.

Reference CBR No.03 dated 29.04.2022.

To consider the question of renewal of trade licenses to the hawkers in the Cantonment for the year 2023-24.

The board may renew the following trade license as the following hawkers have submitted their documents and as per the report of the Tax Clerk & Sanitary Inspector they fulfil all the terms and conditions decided vide CBR under reference:-

Sr. No.	Name & Father Name	Apply date.	Name of Trade	Nature of trade
1.	Sh. Sohan Lal S/o Sh. Dhani Ram	01.03.2023	Milk Seller	Hawker
2.	Sh. Inder Pal S/o Sh. Mathu Ram	04.04.2023	Milk Seller	Hawker
3.	Sh. Rajesh Kumar S/o Sh. Ramesh Kumar	01.04.2023	Milk Seller	Hawker
4.	Sh. Roop Lal S/o Sh. Asha Ram	31.03.2023	Milk Seller	Hawker
5.	Sh. Rajesh Kumar S/o Sh. Geeta Ram	30.03.2023	Milk Seller	Hawker

In this regard, all individual's applications and reports thereof by the Tax Clerk and Sanitary Inspector are placed on the table.

The board may renew the trade licence of above said hawkers for Financial Year -2023-24.

56. RESOLUTION.

Considered and resolved that the trade licenses be renewed as per rules & regulations and on payment of License fee for the year 2023-24.

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

57. PAYMENT TO HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED FOR PROVIDING AND INSTALLATION OF ELECTRIC CONNECTION NEAR BOUNDARY PILLAR NO. 9 & 10 OF JUTOGH CANTT FOR WATER LIFTING SCHEME FOR JUTOGH CANTONMENT.

To consider and approved the payment to Himachal Pradesh State Electricity Board for providing and installing electric connection near boundary pillar No.9 & 10 of Jutogh Cantt.

Under phase 2 of the "Azadi Ka Amrit Mahotsav" one more natural source near boundary pillar No.9 & 10 of Jutogh Cantt. has been identified by this office as per instructions received from MoD and the work for the water lifting scheme has been started by the office. In this connection, the Himachal Pradesh State Electricity Board has been contacted by this office vide this office letter No.CBJ/96/999 dated 24.11.2022 and No.CBJ/96/398 dated 12.04.2023 to supply the estimate for providing and installing three phase connection at the site.

The technical team of the Himachal Pradesh State Electricity Board has visited the site and after the site visit, HPSEB Ltd. has provided a demand notice amounting to Rs.9,65,680/- vide their letter No.JES/W-1/2022-23/122-24 dated 20.04.2023 against the estimate for supply of power to the water lifting scheme of this office. Further, they have requested to deposit the full estimated cost with HPSEB Ltd. as per the account details provided in the letter. Further, they have given the following term and conditions in the demand notice:

1. The estimated cost is tentative and the final amount will be arrived at as per actual expenditure and the balance amount if any shall be raised after actual completion of work.
2. The right of ways and all the requisite clearance under the lines will be obtained by us and no provision on this account been kept in the estimate.

In addition of above conditions, the following conditions are recommended for incorporation in the said affidavit:-

4. The applicant shall continue to pay the requisite charges for electricity and water supply and in the event of any default the authority shall be at liberty to disconnect the supply.
5. In case, in future, any litigation with regard to electric connection has arisen then Cantonment Board Jutogh will not be responsible.
6. That in case in future, if the recorded HOR raises any objections to the said temporary said electric connection or any things adverse or illegal with regard to possession came to the notice of the Board then the Himachal Pradesh State Electricity Board shall have all right to disconnect this Electric connection and user tenant will not office any objection thereafter.

The Board may approve the payment to be made to HPSEB Ltd. as per their demand notice and term & conditions.

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

57. RESOLUTION

Considered and approved the payment of Rs.9,65,680/- to be made to the Himachal Pradesh State Electricity Board as per the estimate provided by them. Further, as the estimated cost is tentative and the final amount will be arrived at as per actual expenditure and the balance amount if any raised after actual completion of work by HPSEB Ltd., the same shall be placed before the Board for approval.

Further, CEO is authorized to incur expenditure in this regard.

58. PAYMENT TO ADVOCATE SH. CHANDER MOHAN CHANDEL.

Reference General Point No.1 of the ordinary meeting of the Board dated 11.01.2023.

As resolved by the Board, this office has asked Advocate Sh. Chander Mohan Chandel vides this office letter No.CBJ/88/74-35/61 dated 19.01.2023 to give reasons for non-submission of bills in the office after scheduled effective or non-effective hearing in the particular year since his engagement in said court case and to submit an offer/appointment letter issued by this office to defend the court case.

In reply, this office has received a letter from the advocate Sh. Chander MohanChandel on 15.03.2022, in which he has failed to submit the details as asked by this office.

The reply received from the advocate is placed on the table for consideration by the Board.

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

58. RESOLUTION

Considered and discussed the matter in detail. Sh. Sushil Kumar, Office Superintendent Cantt. Board Jutogh, apprised the Board that in this regard, Sh. Vikas Rajput, counsel of the Cantt. Board Jutogh, has been asked to submit list of effective and non-effective hearings in the subject case and in response thereof, Sh. Vikas Rajput, Standing counsel of Cantt. Board Jutogh has applied to the court requesting for full order sheet, which is still awaited.

The Board resolved that matter with full details and calculation of effective and non-effective hearings as per the then applied guidelines/fixed rates for effective and non-effective hearing framed by the Gol, Min. of Law & Justice, Department of Legal Affairs, Judicial Section, may be placed before the Board in its next meeting.

59. GRANT OF NOC TO THE HORs/TENANTS OF JUTOGH CANTT. FOR OBTAINING AN ELECTRIC CONNECTION FROM HPSEBL.

To note and approve the term and conditions to be incorporated in the undertaking/affidavit to be submitted by the tenants/HORs of Jutogh Cantt. while applying for a No Objection Certificate of this office for obtaining an electric connection from HPSEBL.

It is for appraisal of the Board that Shri Vipul Gupta vides his application dated 20.08.2022 has sought NOC of this office for obtaining an electric connection from HPSEBL Sy. No.74/50 (part), Jutogh Cantt.

The property having an area measuring 1610 sq.ft., comprising GLR Sy. No.74/50, described as "House No.52-A, classified as B-3 is held on Old Grant

Terms by Shri Thakur Das (Mortgagee). As per entries made in General Land Register, earlier recorded HORs namely Shri Devi Ram, Shri Babu Lal and Shri Banarsi Dass mortgaged their rights in favour of Shri Thakur Dass. Presently, the said premises is in occupation of Shri Vipul Gupta S/o late Sh. Jaswant Gupta who is claiming himself grandson of one of the recorded HOR- Shri Devi Ram. Shri Jaswant Gupta has erected huge unauthorized construction therein in contravention of mandatory provisions of the Cantonment Act 2006. As stated above, the occupancy rights are still recorded in the name of mortgagee Shri Thakur Dass. Although the claimant Shri Vipul Gupta has submitted that the said property has now become mortgage free but could not be succeeded to get mutated the occupancy rights in his favour so far.

In view of the above-said facts and circumstances, this office has sought legal opinion from the Standing Council of the Board vide letter No.CBJ/88/74-50/90 dated 27.01.2023 to give considered legal opinion as to whether this office can give NOC in favour of Shri Vipul Gupta for obtaining electric connection because of an important basic need and he was also asked to draft proper undertaking/affidavit to enable this office to get the same duly executed by Shri Vipul Gupta for the purpose.

Further, this office has received a legal option from the standing council in this office dated 21.03.2023.

As per the legal opinion received in this office, he has opined that as held in CWP titles as Madan Lal versus State of H.P. CWP2454/2018, it is held that water and electricity are integral parts of the right to life within the meaning of Article 21 of the Constitution. These can be termed as essential human rights, even there is dispute pertains to title one cannot be deprived from these basic rights. However, the same cannot be absolute, the same is only as interim measure or ad hoc basis. That is also subject to surety/guarantee and also with certain conditions as also mention in judgment like:

1. That he furnishing requisite surety/guarantee.
2. The release of water and electricity connections will be purely an interim and ad hoc measure till the title dispute is decided.
3. The applicant or his family or his successor shall not be entitled to claim benefit of electricity and water connections, as a proof of their possession over the property.
4. The applicant shall continue to pay the requisite charges for electricity and water supply and in the event of any default the authority shall be at liberty to disconnect the supply.

In addition to this, the following conditions may also be incorporated in the term and conditions of the affidavit/undertaking to be submitted by the HORs/tenants for grant of NOC of this office:

1. In case, in future, any litigation with regard to electric connection has arisen then Cantonment Board Jutogh will not be responsible
2. That in case in future, if the recorded HOR raises any objections to the said temporary said electric connection or any things adverse or illegal with regard to possession came to the notice of the Board then the Himachal Pradesh State Electricity Board Limited shall have all right to disconnect this Electric connection and user tenant will not office any objection thereafter.

Further, it is recommended that the HORs/tenants to whom this type of NOC will be granted by the office, the affidavit/undertaking may be brought into the notice of the HPSEB Ltd. by them and the office while granting NOC to the HORs/tenants may also send a copy of the NOC to HPSEB Ltd.

Therefore, the Board may consider the above opinion, recommendation for the finalization of the term & conditions to be incorporated in the undertaking/affidavit to be submitted by the tenants/HORs of Jutogh Cantt. while applying for a No Objection Certificate of this office for obtaining an electric connection from HPSEB Ltd.

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

59. RESOLUTION

Considered. After detailed discussion Board resolved that as the water and electricity are integral part of right to life within meaning of Article 21 of the Constitution, therefore the NoC to the tenants/HORs of Jutogh Cantt. be granted by the office for obtaining electric connection from HPSEBL subject to obtaining of proper undertaking/affidavit as to sought before Executive Magistrate with following conditions:-

1. That the release of water and electricity connections will be purely as an interim ad hoc measure till the title dispute is decided, if any.
2. The applicant or his family or his successor shall not be entitled to claim the benefit of electricity connections, as proof of their possession over the property.
7. That the applicant shall continue to pay the requisite charges for electricity and water supply and in the event of any default the authority shall be at liberty to disconnect the supply.
8. That in case, in future, any litigation with regard to electric connection has arisen then Cantonment Board Jutogh will not be responsible.
9. That in case in future, if the recorded HOR raises any objections to the said temporary said electric connection or any things adverse or illegal with regard to possession came to the notice ,then the Himachal Pradesh State Electricity

Board shall have all right to disconnect this Electric connection and user tenant will not office any objection thereafter.

Further, the HORs/tenants to whom this type of NoC is to be granted by Cantonment Board Jutogh, the affidavit/undertaking shall be brought into the notice of the HPSEB Ltd. by them and the office while granting NoC to the HORs/tenants shall send a copy of the NOC to HPSEB Ltd.

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

60. ESTIMATE FOR SUPPLY AND INSTALLATION OF 15 HP CAPACITY SUBMERSIBLE PUMP FOR WATER LIFTING SCHEME.

To note and approve the estimate for the supply and installation of a 15HP capacity submersible pump for the water lifting scheme.

It is for the appraisal of the Board that as per the instructions received from MoD for the rejuvenation of the water body under phase 2 of the "Azadi Ka Amrit Mahotsav", one more natural source near boundary pillar No.9 & 10 of Jutogh Cantt. has been identified by this office and the work for laying of water pipelines and other civil works has been started for the water lifting scheme by the office. In this connection, one 15 HP capacity submersible pump is required to be installed at the site to lift the water from the natural water source upto Jutogh Cantonment.

As per the market survey done by the Jr. Engineer, Cantt. Board Jutogh, the estimated cost for the supply and installation of the required capacity submersible pump with all accessories will be Rs.2,50,000/-

The Board may approve the estimate for the supply and installation of the 15 HP capacity submersible pump with all accessories for the water lifting scheme.

In this connection report of the Jr. Engineer is placed on the table.

60. RESOLUTION.

Considered and approved the estimated expenditure of Rs.2,50,000/- plus 10% for supply and installation of the 15 HP capacity submersible pump with all accessories for water lifting scheme as shown in agenda side.

Further, the Board resolved the due procedure be followed as per the provisions contained in GFR,2017.

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

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

61. GRANT OF DEARNESS ALLOWANCE TO THE EMPLOYEES OF THE CANTONMENT BOARD JUTOGH CANTT. W.E.F.01.01.2022.

To consider the question of grant of Dearness Allowance w.e.f. 01.01.2022 at the enhanced rate from the existing rate of 31% to 34% of Basic Pay to the employees of the Cantonment Board Jutogh on the same terms and conditions as mentioned in the Government of Himachal Pradesh Finance (Regulation) Department letter No. Fin-C-B(7)-1/2021 dated 27.04.2023, as the employees of the Cantonment Board are entitled to the Dearness Allowance at par with the State Govt. Employees.

This will involve an extra expenditure of Rs.8,06,265/- w.e.f. 01.01.2022 to 31.03.2023 out of which a sum of Rs.2,84,265/- is recoverable from the Military Authorities in respect of employees employed under Budget Head FMS&S(9), other items-Military Conservancy. Necessary budget provision has already been made in the revised budget estimate for the year 2023-24.

The Board may approve that the additional instalment of Dearness Allowance at enhanced rates from existing rates at 31% to 34% w.e.f. 01.01.2022 under rule 5(1) of the Cantonment Board Employees Service Rule 2021 to the employees of Cantt. Board, prior sanction of the GOC-in-Chief, Headquarter, Western Command shall be obtained.

In this connection, all relevant papers are enclosed.

61. RESOLUTION

Considered and approved. CEO is authorized to submit proposals to the GOC-in-Chief, Headquarter, Western Command, Chandimandir through Dte. DE, WC, Chandigarh for necessary sanctioned as required under rule 5(1) of Cantt Fund Servants Rules, 2021.

62. ESTIMATES OF WORKS.

To consider & approve the following estimates prepared by Jr. Engineer, Cantt. Board Jutogh for following repair & maintenance works at Jutogh Cantt. :

Sr. No.	Name of Work.	Estimated cost.
1.	Provision of disinfection waste water chamber for Cantonment Board Dispensary Jutogh and cement concrete work at premises of Ayurveda Dispensary.	Rs.15,000/-
2.	Repair of the damaged path in various places in the Bazaar area due to digging for lying of water connection pipes.	Rs.22,700/-
3.	Provision of trenches at various places near Natural Spring at Sy. No.77 for rejuvenation of the water body.	Rs.30,675/-
4.	Various Miscellaneous repair work near dispensary, school and near Sy. No.74/31 Jutogh Cantt.	Rs.25,000/-

The works be executed under the term contract for miscellaneous improvement works at Jutogh Cantt. for the financial year 2023-24.

The Board may approve the estimates prepared by Jr. Engineer for the above-said works.

In this connection estimates prepared by Jr. Engineer and all the relevant documents are placed on the table.

62. RESOLUTION

Considered, the Board approved the estimates for the works mentioned on the Agenda side. Further, the CEO is authorized for the execution of works as proposed on the agenda side. The works shall be executed as per the procedure laid down.

Further, the CEO is authorized to incur the expenditure in this regard.

63. AUTHORIZATION UNDER SECTION 331 OF THE CANTONMENTS ACT, 2006.

Reference CBR No.26 dated 11.10.2007.

To consider authorizing, Chief Executive Officer, Jutogh Cantt. and some of the Cantonment Fund employees under Section 331 of the Cantonments Act, 2006 as detailed below:-

- | | |
|--|---|
| 1. Chief Executive Officer,
Cantt Board Jutogh. | i. To order prosecutions under the provisions of Cantts Act, 2006, rules and bye-laws framed there-under.
ii. To sign complaints to be filed in the Courts under the provisions of the aforesaid Act, Bye- laws and Rules, etc.
iii. To appear in the Court where the Cantt Board is a party and to do all that which is necessary in the court cases including compounding under Section 332 ibid. |
| 2. OS-cum-Accountant,
Cantt Board Jutogh. | } i. To file complaints and other papers in the Courts.
ii. To appear in the Court for and on behalf of the Cantonment Board Jutogh.
iii. To do all that is expected from them in the Court cases. |
| 3. Jr. Assistant,
Cantt Board Jutogh. | |
| 4. Tax Clerk
Cantt. Board Jutogh | |

63. RESOLUTION

Considered and resolved that Chief Executive Officer, Cantt Board Jutogh and designated employees as mentioned in the agenda side are authorized to take action as proposed therein.

64. PROCUREMENT OF AYURVEDA MEDICINES.

To consider and approve the purchase of Ayurveda Medicines for Ayurveda Centre Jutogh.

This office has received demand from Ayurveda Doctor, Sh. Sharvan Kumar (GDMO) Jutogh for purchase of Ayurveda Medicine for Ayurveda Centre Jutogh. As per the list attached with the demand, the Ayurveda medicines will cost approx. Rs. 88321.60.

The Board may approve the purchase of same from IMPCL.

In this connection, all relevant documents are enclosed herewith.

64. RESOLUTION.

Considered and approved the purchase of Ayurveda medicines for the Ayurveda Center as per the list given by the GDMO, Ayurveda Centre Jutogh.

CEO is authorized for further course of action and to incur expenditure in this regard.

Sd/xxx
**CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.
JUTOGH**

Sd/xxx
**PRESIDENT,
CANTT. BOARD**

- True Copy -

**CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.**