

AGENDA FOR THE ORDINARY MEETING OF THE CANTONMENT BOARD JUTOGH TO BE HELD ON 31.08.2022 AT 1230 HRS. AT ARTRAC SHIMLA IN THE OFFICE OF PRESIDENT CANTT. BOARD JUTOGH.

1. Brig. Rajesh Sihag,.....President
 2. R P Singh,.....Member Secretary
Chief Executive Officer
 3. Sh. Rajeev Kumar.....Nominated Member
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20. EXTENSION OF TERMS OF NOMINATED MEMBER OF CANTONMENT BOARDS - REGARDING.

Reference CBR No.216 dated 26.02.2022.

To note the Govt. of India, Ministry of Defence, Gazette Notification No. 14(8)/2019-D(Q&C)/Vol-I dated 05.08.2022 received through DG DE, Delhi Cantt. and the Dte. DE, WC, Chandigarh email dated 08.08.2022 regarding extension of terms of Nominated Member of Cantonment Boards for a period of six w.e.f. 11.02.2022 or till such time the said Boards are constituted under Section 12 of the Cantonment Act, 2006, whichever is earlier.

The relevant letters are placed on the table.

20. RESOLUTION.

Noted.

21. SANITARY DIARY

Reference Section 131 of Cantonment Act, 2006.

To consider the sanitary report for the month of August 2022.

21. RESOLUTION.

Considered, discussed, and approved.

22. ITEM RATE TENDER FOR REPAIR AND RENOVATION OF RAIN SHELTER AT BUS STAND JUTOGH.

Ref.:- CBR No. 16 dated 30.07.2022 and Re-tender Notice No.CBJ/110/2022-23/rain shelter/713 dated 11.08.2022 published online through Defence Public Procurement portal <https://defproc.gov.in/nicgep/app>, Cantt. Board website www.jutogh.cantt.gov.in and in Notice Boards.

To consider bid received from two contractors online (i.e. through <https://defproc.gov.in/nicgep/app>) upto 18.08.2022, 1700 hours in response to this office re-tender Notice under reference for the repair and renovation of Rain Shelter at Bus Stand Jutogh.

As per the CBR No.16 dated 30.07.2022, the bids has been re-invited by this office and the bids received in the third call of the tender opened by the tender opening committee on 24.08.2022 in the office of Cantonment Board Jutogh. Total two bids received and both the bidders qualified in technical Bid evaluation process. The finance bids opened by the tender opening committee and the rates quoted by the contractors as per tender term & conditions are mentioned below:-

Particulars	Estimated cost	Name of Contractor and quoted rates	
		Nand Kishore Parsad	Rajender Kumar
Item rates	273000	<u>304777</u>	354278
% age rates above/below MES, SSR 2020	17000	<u>7% above 18190</u>	15% above 19550
	290000	322967	373828
		<i>11.36% above the estimated cost</i>	<i>28.90% above the estimated cost</i>

The rates quoted by the bidder Sh. Nand Kishore Prasad is 11.36% above the estimated cost.

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

The Board may approve the lowest bid received from contractor Sh. Nand Kishore Prasad

22. RESOLUTION

Considered and approved the lowest rates quoted by the Sh. Nand Kishore Prasad for repair and renovation of Rain Shelter at Bus Stand Jutogh.

Further, Board resolved that the necessary agreement with the contractor be executed.

23. IMPOSING PENALTY AND RELEASE OF BALANCE PAYMENT TO THE OUTSOURCING FIRM NAMED RAPID SERVICES AGENCY.

Reference agreement dated 01.08.2021 and this office letter No.CBJ/81-E/skilled-unskilled/125 dated 26.02.2022 for correction/updation in employees record, show cause Notice No.CBJ/81-E/294 dated 13.04.2022 and again show cause notice No.CBJ/81-E/Skilled-unskilled/298 dated 16.04.2022.

To impose penalty and release of balance payment to the outsourcing agency named Rapid Services Agency hired for the eight months w.e.f. 01.08.2021 to 31.03.2022 to provide manpower services to this office.

The firm was asked to correct/updated the ESIC record and contribution of EPF on the PF portal of the outsourcing employees working in this office vide this office letter No. CBJ/81-E/skilled-unskilled/125 dated 26.02.2022 and whatsapp message dated 28.03.2022 but failed to do so. Also, the outsourcing agency failed to comply with the term and conditions of the agreement and provisions made under section 5(1)(b) of the “ Payment of wages Act, 1936 i.e. payment of the wages to outsourcing employees before the expiry of the 7th day of the completion of wages period. Consequently, this office issued show causes to the firm vide letter No.CBJ/81-E/294 dated 13.04.2022 and again show cause vide No.CBJ/81-E/Skilled-unskilled/298 dated 16.04.2022 and asked the firm to pay wages to the outsourcing employees for the month of march by 7th April 2022 and to correct/updated the ESIC record and contribution of EPF on the PF portal of the outsourcing employees.

As per Clause 2 of the Agreement dated 01.08.2021 and provisions made under Section 5(l)(b) of the "Payment of Wages Act, 1936", the firm was duty bound to make payment of wages to the outsourced employees before the expiry of the 07th day from the day of completion of wage period but it is observed that the firm did not follow the ibid provisions of the Agreement/Law and failed to make payment before the expiry of the stipulated period and owing to which, Cantonment Board being Principal employer asked the firm vide this office letter cited above to make payment to those outsourced employees by 13th April 2022 and also make a mandatory contribution towards EPF & ESIC but despite thereof the firm failed to do so and accordingly willfully violated not only the terms & condition of the Agreement dated 01.08.2021 with Cantt. Board Jutogh but also the statutory provision of law i.e. " Payment of Wages Act 1936".

However, keeping in view the provisions made under Clause 2 of the Agreement dated 01.08.2022 salaries amounting to Rs.2,96,149/- of the outsourced employees were paid by the Cantonment Board Jutogh for the month of March 2022 in the month of April 2022 on 16/04/2022 vide voucher No.16 dated 16/04/2022 subject to the recovery thereof from the amount payable to the firm under this contract because the said low paid outsourced employees were facing financial hardship and requesting repeatedly this office for early payment of their salaries. In this context, the firm was again asked to make a statutory contribution towards EPF & ESIC in respect of those employees and submit challans along with Bill for further necessary action by this office.

Moreover, as regards willful breach of the terms & conditions of the Agreement dated 01.08.2021, as well as statutory provisions of law i.e. The Payment of Wages Act 1936" as mentioned above, the firm, was provided with an opportunity to furnish their explanation as to why it should not be presumed that they have deliberately violated the terms & conditions of the Contract Agreement dated 01.08.2021 and statutory provisions of Law i.e. The Payment of Wages Act 1936 and why this office should not initiate the further course of action to black list the firm apart from referring the matter to concerned E.P.F. Commissioner and Labour Commissioner for initiation of necessary punitive action against the firm.

The firm has to reply/respond to this office positively by 25th April 2022 but the firm has failed to reply to the show cause notices referred above and therefore the payment of the EPF for March 2022 was made through the new outsourcing agency named MS Services Private limited at the risk and cost of Rapid Service Agency as per this office notice No.CBJ/81-E/294 dated 13.04.2022 under para 5.

The particulars of the payment pending release, security deposit held in this office and the recovery from the firm due to late payment of EPF is hereunder:-

Sr No.	Details	Amount	Remarks
I.	Bill pending for the payment of Feb, 2022 submitted to this office on 08/03/2022.	Rs.3,29,563/-	Needs to be paid to the contractor.
II.	A security deposit of the firm held in this office in the Shape of FDR	Rs. 1,53,235/-	Needs to be paid to the contractor.
III.	Total payment made for EPF contribution of March 2022 through the new firm by this office (EPF: Rs.79,756/-, damage charges/late fee : Rs. 1418/-, Interest: Rs.1702/-, Service charges @5%: Rs.4,144/-, GST @18%: Rs.15,664/-).	Rs.1,02,684/-	Being a Principal employer it is our duty to pay EPF through the contractor/firm. As of now, the same has been paid by our new contractor.
IV.	Recovery from the firm (Agency charges : Damage charges/late fee : Rs.1418/- Service charges : Rs 4,144/- Interest : <u>Rs.1,702/-</u> Total : <u>Rs.7,264/-</u> Extra GST @18% paid on above Rs.1308/- Grant Total : <u>Rs.8572/-</u>	Rs. 8,572/-	This amount shall have to recover from the Firm as these are the penalties which we have paid to the EPFO through our new outsourced firm.

The Board may consider the matter and for releasing, the contractor's payment of Feb. 2022 i.e. Rs.3,29,563/- and security amount after deduction of penalty amount of Rs.8572/- and balance is Rs.1,44,663/-.

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

23. RESOLUTION

Considered and discussed the matter in detail and after prolonged discussion, it is found that there is no clause in the agreement by which per day penalty may be imposed on the contractor. Penalty, as mentioned under condition No.2 of the agreement dated 01/08/2021 i.e. Rs.8572/- shall be recovered from the security amount and the rest of the amount, will be released.

The CEO is authorised for realizing the balance payments. Further, in future, in any agreement in this regard with any firm, per day penalty should be included so that in the event of any irregularity with regard to the agreement should be fined.

24. DRAFT SOLID WASTE MANAGEMENT BY-LAWS OF CANTONMENT BOARDS.

Reference Dte. DE, Western Command Chandigarh letter No.2/बायलॉस/एसडब्लूएम/रस/पक/आरएमएस-30450/32 dated 03.08.2022.

It has been directed by Dte. DE, WC, Chandigarh that Solid Waste Management Bye-Laws of Delhi Cantt. Board after making suitable amendments in the Solid Waste Management Bye-Laws of Jutogh Cantt. be placed before the Board for approval and thereafter be put in the public domain inviting objections and suggestions. After considering and disposing off the objections/suggestions, the draft bye-laws (in English and Hindi), duly approved by the Board be forwarded to the Directorate for onward transmission to DGDE for vetting by MoL & J and approval by MoD. The Solid Waste Management Bye-Laws of Jutogh Cantt. has been drafted based on the Solid Waste Management Bye-Laws of Delhi Cantonment.

The copy of Solid Waste Management Bye-Laws Delhi Cantt. and Draft of Cantt. Board Jutogh is placed on the table for consideration of the Board.

24. RESOLUTION

Considered, the Board approved that the public notice be issued in pursuance to section 319 of Cantt. Act, 2006 for inviting objections/suggestions within a period of 30 days. The Draft Solid Waste Management Bye-Laws of Cantonment Board Jutogh made based on the Bye-laws of Delhi Cantonment Board. Further, Board resolved that the Draft Solid waste bye-laws should also be displayed on the public domain.

The objections and suggestions if any be placed before the next Board meeting.

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

25. REVISION OF VARIABLE DEARNESS ALLOWANCE ON MONTHLY WAGES TO OUTSOURCED EMPLOYEES W.E.F 01.04.2022.

Reference CBR No.222 dated 26.02.2022 and email dated 28.06.2022 received from M.S. Services Pvt. Ltd.

To consider and approve the revision of Dearness Allowance on monthly wages of outsourcing employees as per the email received from the outsourcing firm named M.S. Services Pvt. Ltd. and as revised by the Ministry of Labour and Employment w.e.f. 01.04.2022 vide their file No.1/4(3)/2022-LS-II dated 29.07.2022 for S.O.188(E) and notification No.1/4(5)/2022-LS-II dated 29.07.2022 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 Dearness Allowance w.e.f. 01.04.2022 to 30.09.2022 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, Mazdoor	05	350/-	93/-	116/-	443/-	466/-	23/-	2990/-
Semi-skilled/ Unskilled Supervisory	188 (E)	Cook, NTT	02	410/-	109/-	134/-	519/-	544/-	25/-	1300/-
Skilled	188 (E)	Plumber, JBT, Shastry, Computer teacher	04	494/-	131/-	164/-	625/-	656/-	31/-	3224/-
Clerical	188 (E)	Clerk, Data Entry operator	03	494/-	131/-	164	625/-	656/-	31/-	2418/-
Highly Skilled	188 (E)	Compounder, Laboratory Technician, Trained graduate Teacher	02	579/-	155/-	191	734/-	770/-	36/-	1872/-
Sweeping and Cleaning	190(E)	Safaikar mchari	12	350/-	93/-	116/-	443/-	466/-	23/-	7176/-
Financial implication per month										18980/-
Financial implication w.e.f. 01.04.2022 to 30.09.2022										113880/-

This will involve an expenditure of Rs.113880/- out of which Rs.21528/- is recoverable from the Military authorities in respect of 06 employees employed under Military Conservancy.

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. 01.04.2022 as per the Gazette Notification of Ministry of Labour and Employment file No.1/4(3)/2022-LS-II dated 29.07.2022 for S.O.188(E) and notification No.1/4(5)/2022-LS-II dated 29.07.2022 for S.O.190(E).

25. RESOLUTION.

Considered and approved the variable dearness allowance (VDA) on minimum wage rates of the various outsourcing employees w.e.f. 01.04.2021 as per the Gazette Notification of Ministry of Labour and Employment file No.1/4(3)/2022-LS-II dated 29.07.2022 for S.O.188(E) and notification No.1/4(5)/2022-LS-II dated 29.07.2022 for S.O.190(E).

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

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

26. FIXING THE HORDING AND ADVERTISEMENT FEE U/S 67(g) OF THE CANTONMENT ACT, 2006 ON GOVERNMENT LAND/SITES.

Reference CBR No.11 dated 29.04.2022.

To fix the hording and advertisement fee under section 67(g) of the Cantonment Act, 2006 on Government Land/Sites.

As per the Board resolution No.11 dated 29.04.2022, the proposed rates for installation of hording and advertisement on Government Land/sites by any political party, any school or any type of vendors/person engaged in any type of business is as under:-

1.	Up to one month	:	Rs.2.00 per sq.ft. per day.
2.	Up to 03 months	:	Rs.1.25 per sq.ft. per day.
3.	Up to 06 Months	:	Rs.1.00 per sq.ft. per day.
4.	Up to 01 years and above	:	Rs.0.75 per sq.ft. per day.

The Board may fix the hording and advertisement fee.

In this connection office report is placed on the table.

26. RESOLUTION

Considered and discuss the matter in detail and after prolonged discussion, PCB apprised that rates as shown agenda side seems higher side. However, rates of some other Cantonment Boards and MCs should be taken, a minimum of 05 Cantonment Boards including MCs and placed before the next Board meeting for reconsideration.

27. RE-ASSESSMENT OF WATER RATES.

Reference CBR No. 19 dated 30.07.2022.

As per the Board resolution No. 19 dated 30.07.2022, a fresh calculation sheet of no profit no loss for the period 18.01.2022 to 31.07.2022 has been prepared and is placed on the table for the consideration of the Board.

Board may decide further course of action.

27. RESOLUTION

Considered and discussed the matter in detail and after prolonged discussion Board resolved that reading from the month of 09/2022 to 10/2022 should be recorded on fortnightly basis and the matter should be placed before the Board in the month of 10/2022. Till then rates of Rs.100/- per month should be charged.

Sh Rajeev Kumar, Nominated Member apprised the Board that water bills from the date of installation of water connection @ Rs.100/- per month as earlier approved by the Board have not been issued by the Cantonment Board Jutogh. In this regard Office Superintendent, Cantonment Board Jutogh apprised the Board that the water connections were allotted under SWAJAL module metered based on the e-chhawani portal and there is no provision of flat rates in the said portal to generate bills from the said portal. If we have to issue bills on flat rates then we have to generate separate e-challan to the individual through the said portal only as after the implementation of e-chhawani portal there is no provision of cash payment.

Further, Board resolved that separate e-challan as required by the said portal should be issued to all the individuals to whom water connections had been granted and a separate list/register of recovery should be maintained. After finalization, the issue of fixing rates of metered water. The water bills should be issued as per the e-chhawani portal.

28. INQUIRY UNDER RULE 12 OF CANTONMENT FUND SERVANTS RULES 1937 (RULE 11 OF CBESR) AGAINST DR. SHAILENDRA AWASTHI, RESIDENT MEDICAL OFFICER (RMO) OF CANTONMENT BOARD DISPENSARY, JUTOGH.

Reference General Point No.1 of Cantt. Board meeting dated 22.01.2022, appointment of Inquiry Authority vide order No. CBJ/81-E/RMO-ENQ/68 dated 24.01.2022 and Inquiry Officer, Sh. Vijay Kumar Bhatia, Joint Director, Western Command Chandigarh letter No.15/1185/आई.क्यू/प्रशा./प.क./र.सं.131217 dated 14.07.2022.

To consider the Inquiry report received by this office on 18.07.2022 from Inquiry Authority, Sh. Vijay Kumar Bhatia, Joint Director, Western Command Chandigarh vide their letter No.15/1185/आई.क्यू/प्रशा./प.क./र.सं.131217 dated 14.07.2022 on the inquiry under rule 12 of Cantonment Fund Servants Rules 1937 (rule 11 of CBESR 2021) against Dr. Shailendra Awasthi, Resident Medical Officer (RMO) of Cantonment Board Dispensary, Jutogh.

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

28. RESOLUTION.

Considered and discussed the matter in detail and after prolonged discussion, the President, Cantonment Board Jutogh expressed his views that the **“Conclusion & Findings of the Inquiry Officer ”** are not satisfactory, reasoned and explanatory on certain vital issues raised in the Article of Charges I & II and connected documentary evidences on record i.e. documents listed as Annexure III to the Charge Sheet. In fact, there were ample documentary evidences on record, which itself establish “ Misconduct caused on the part of Charged Official Shri Shailendra Awasthi under Rule 3(1) & (2) of CCS (Conduct) Rules,1964. The Inquiry Officer while recording his findings, has simply stated that “the prosecution could not prove beyond reasonable doubt that CO has conducted misconduct as per Article of Charges- I & II. The Inquiry Officer failed to appreciate that as per the list of witnesses mentioned in Annexure IV of the Charge sheet, the prosecution witness was nominated as C.E.O. Shimla Urban Cooperative Bank Ltd.” but while conducting the inquiry proceedings, a Clerk of the said Bank namely Shri L.D.Verma was allowed as a prosecution witness, who has got recorded his statement in the first instance that he is not a dealing clerk in the recovery department and he was not involved in any case during the investigation or otherwise in this case. PW has specifically stated that the CEO of the Bank is the sanctioning authority to sanction the loan and he has no knowledge about the said case as he was not dealing with the sanctioning of loans.

Accordingly, the Board being disciplinary authority disagrees with the report submitted by the Inquiry Officer and approved that the same may be remitted to the Inquiry Officer under rule 12-A for further inquiry in the subject matter keeping in view the following observations and documentary evidences:-

- (i) The Inquiry Officer has to submit its specific/reasoned finding on each article of charges framed against the said CO i.e. Dr Shailendra Awasthi, Resident Medical Officer, Cantt. Board Jutogh Dispensary based on the admitted documentary evidences already on record before him as Annexure III to the said Charge sheet.
- (ii) The Inquiry Officer failed to appreciate that the Prosecution witness i.e. Chief Executive Officer, Shimla Urban Cooperative Bank Ltd. who was nominated in Annexure –IV was to be summoned.
- (iii) The Inquiry Officer did not consider the statement of PW- Shri L.D.Verma, Clerk of the said Bank while he got recorded his statement that he was not a dealing clerk in the recovery Department of the said Bank and he was not involved in any case during the investigation or otherwise in this case. PW has specifically stated that the CEO of the Bank is the sanctioning authority to sanction the loan and he has no knowledge about the said case as he was not dealing with the sanctioning of loans.
- (iv) The Inquiry Officer further failed to consider that the documents provided by the Bank vide their letter dated 24.09.2018 & 31.03.2022 were acknowledged by the said PW-Shri L.D. Verma during his examination before the Inquiry Officer and accordingly, the same become important documentary evidences being not disputed by any of the party concerned as listed in Annexure III of the said Charge Sheet but the same were not taken into consideration by the Inquiry Officer while recording his findings in the instant matter.
- (v) The Inquiry Officer has also failed to consider that one of such prominent documentary evidence is the **“Authorisation letter for Deduction of Loan Instalments out of Salary”**, which was addressed to the R.M.O. of the Cantonment Board Dispensary Jutogh i.e. Shri Shailendra Awasthi, which was

meant for “Salary earners”, under which it was stated that the concerned applicants-loanees authorized his employer “ **R.M.O. Cantonment Board Dispensary Jutogh**” with whom they were working as Messenger, peon, chowkidar, health worker, pharmacist, Mazdoor and MPHW to deduct and continue to deduct from their salary, respective monthly instalment towards repayment of respective loan to be taken by them from the Bank i.e. Shimla Urban Co-operative Bank Limited Shimla and continue to remit to the said Bank on requisition being received from the said Bank regularly month by month till the entire loan amount together with interest is fully paid to the said Bank. Few other such assertions had also been made therein by the said applicants-loanee as were addressed to the Charged Officer in question. Strangely, the Charged Officer recommended the same saying himself “Employer” of respective persons recording that he had no objection in raising said loan by the respective applicant-loanee duly certifying his/her date of birth recorded in his/her service Book, designation in his Department i.e. Cantonment Board Dispensary, Jutogh, his/her gross salary per month, his/her net salary and declaring himself as his/her “**Drawing and Disbursing Officer**”. The Charged Officer while recommending the said application, duly certified that the authority had been noted in the Service Book of the employee and as stipulated in the authority the deduction would be made regularly and sent to the Bank for credit to the loan account of the respective persons till not received the No Objection Certificates from the Bank. It had also been certified by the Charged Officer that a copy of the undertaking had been kept in personal file to the concerned employee. Monthly income statement and detail of deduction in respect of concerned applicant-loanee had also been prescribed by the Charged Officer. Letters certifying the wrong assertion in respect of said applicants-loanee had also been addressed by the Charged Officer claiming himself “Salary Drawing & Disbursing Authority”.

- (vi) The Inquiry Officer did not consider that the Charged Officer had not only furnished the above said false certificates in respect of 07 nos. of employees of the Cantonment Board Jutogh including himself by recording false information including the respective post of concerned employees but also done in respect of 12 other persons not employed in the Cantonment Board Jutogh/Cantonment Board Dispensary Jutogh deliberately mentioning their false designation, service particulars and salary descriptions. Significantly, complete forms in respect of above said “Authorisation letter” and “recommendation” were filled by Charged Officer himself. The Charged Officer completed the entire certification process in respect of himself also while getting sanctioned load of Rs.4,00,000/- and Rs.3,00,000/-.

The Charged Officer signed the above said 07 nos. loan papers stating himself “Drawing and Disbursing Officer” of the concerned employees deliberately certifying their wrong designation with the Cantonment Board Dispensary Jutogh while they were safaiwalas with the Cantonment Board Jutogh and not under direct control of R.M.O.

Not only this, the Charged Officer had also made false certification in respect of 12 other persons, not employed in Cantonment Board Jutogh/Cantonment Board Dispensary Jutogh. Document mentioned at Sr.No.2 of Annexure III of the Charge Sheet is an important documentary evidence in this context, which is sufficient to prove that the Charged Officer had deliberately furnished the wrong certificate showing said 12 persons employed in the

Cantonment Board Dispensary, holding respective wrong designation with the Dispensary, their false gross salary, noting of authority in their service book and claiming himself as DDO, ensured the Bank for deduction of monthly instalments from the monthly salary of said non-employees. The Charged Officer was very well aware that he was not the D.D.O. of the 07 nos. of employees of the Cantonment Board Jutogh including himself. It was also a matter of consideration that the Charge Official has also committed grave misconduct, while made such false certification in respect of 12 other non-employees of the Cantonment Board.

- (vii) It was also to be considered by the Inquiry Officer that the guarantors of the said loanees were also shown as employees of the Cantonment Board Dispensary and their employer was shown as Charged Officer i.e. R.M.O. in the capacity of D.D.O. and Undertakings to the said effect were signed by the Charged Officer. The Charged Officer acted deliberately beyond his jurisdiction while made false certification having false information not only in respect of 07 nos. of employees but also 12 nos. of other non-employees. Having malafied intention, the Charged Officer certified that the said 19 employees and non-employees were working under his administrative control and he was the salary drawing & disbursing Authority of the said applicants-loanees and further ensured the Bank for deduction of monthly instalments against the respective loans. The Charged Officer was very well aware that he was not D.D.O. of the concerned loanees and no such entries had been made in their service books and he was not empowered to deduct the monthly instalment from the concerned loanees' monthly salary.

Besides, it was also to be considered that the Charged Officer in his reply dated 11.07.2019 to the Memorandum of Charges dated 26.06.2019 had accepted himself that he stamped and signed the loan documents listed in Annexure III of the said Memo dated 26.06.2019. The Charged Officer in his statement in present disciplinary proceedings, stated himself that 12 nos. of applicants-loanees mentioned in Article II of Annexure-1 of the Memorandum dated 26.06.2019 were introduced as employees of the Cantonment Board by persons no.1 to 5 mentioned in Article I of Annexure 1 and accordingly, he signed the loan documents. In fact, the Charged Officer acted beyond his empowerment/ jurisdiction and signed deliberately the said loan documents without proper verification of the identities of such persons.

The Charged Officer completed about 16 years of service at the time of making the above-said certification and therefore, it is not justified to say that he was innocent. In fact, he was very well aware about the 03 sanctioned strength of the staff of Cantonment Board Dispensary Jutogh of which details are given below:-

01.	Doctor/Resident Medical Officer.	:01	Dr Shailendra Awasthi
02.	Compounder.	:01	
03.	Nurse/Dai.	:01	Smt. Veena Chandel

Whereas Charged Official issued fake certificates to 19 persons out of which 12 were local people and 07 were Cantonment Board's employees. Out of those 07 employees, 05 were Safaiwalas of Cantonment Board Jutogh while in 02 loan cases, certificates had been issued by Charged Officer for his own. It was very well known to the Charged Officer that above said 12 persons were not working in the Cantonment Board Jutogh Dispensary but despite thereof, he issued

the fake certificates to those people who were neither working in Cantonment Board Jutogh nor Cantonment Board Jutogh Dispensary which is shown his doubtful integrity and misconduct. How Charged Official could say that he had signed the said letters/certificates in a good faith and he didn't know any things and was not aware of these things, although he has also issued the same fake certificate to himself, whereas he knows very well, who is his DDO, but the said fake letters/certificates had been issued by him deliberately and with malafide intention not only in favour of 05nos. of employees of the Cantonment Board, 12 nos. local persons but also in favour of himself.

- (viii) Moreover, the contents of the letter dated 11.07.2019 duly signed by the Charged Officer are itself confession on the part of the Charged Officer and the same can not be overlooked by the Inquiry Officer while recording his findings in said context. The CO has issued fake certificates to the employees of Cantt. Board Jutogh although they were not working in the Cantonment Board Jutogh Dispensary which self-explanatory evidential proof against him which is a clear-cut violation of Central Civil Service (Conduct) Rule 1964, but Inquiring Authority has nothing pointed out in its finding.
- (ix) The Inquiry Officer, while recording his findings in the instant matter, remained silent on the issues and documentary evidences referred by Presenting Officer vide his Written brief dated 29.06.2022.

Ultimately, keeping in view the above observations, the Board has resolved that it is a fit case to remand the matter to the Inquiry Officer under Rule 12-A of the C.F.S.R. 1937 to hold further inquiry and to furnish his detailed/reasoned report according to the provisions of Rule 12 of the C.F.S.R. 1937 endorsing copy thereof to the Directorate, Defence Estates, Chandigarh for their information and issuance of necessary instructions for proper consideration of the issues by the Inquiry Authority based on admitted documentary evidences/facts already on record.

Sd/xxx
CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.

Sd/xxx
PRESIDENT,
CANTT. BOARD JUTOGH

- True Copy -

CHIEF EXECUTIVE OFFICER,
JUTOGH CANTT.

