

347

127/RCB
12.4.05

Request-98

Hon'ble Mr. Justice V.M. Sahai

May kindly peruse Office note dated 21-3-05. Sri Chatradhari Singh Yadav, Civil Judge (Jr. Div.), Muzaffar Nagar having put in about 06 years of service with a present take home salary of Rs. 15,663/= per month has sent an information under Rule 24 (2) of U. P. Govt. Servants Conduct Rule 1956 in respect of purchase of New Car as under:

- 1- Item Purchase : New Maruti Wagon-R LXI Car
(No. UP-73/B-4577)
- 2- Date of Purchase : 25-11-2004 (Copy of Invoice at Flag 'C')
- 3- Purchased from : Tanya Automobiles Ltd, Muzaffar Nagar.
(Authorized Dealer)
- 4- Cost : Rs. 3,52,865/=
- 5- Mode of Payment : (1) Rs. 3,00,000/= taken as bank loan.
(2) Rs. 52,865/= paid from S.B. A/c No.
56,317 SBI Main Branch, Muzaffar Nagar.

Copies of bank's paper about loan and pass-book of SB Account are at Flags 'B' and 'D' respectively.

6- Earlier purchases : NIL

7- Repayment of Loan : Loan taken from SBI, Muzaffar Nagar
84 equal installment of Rs. 4,752/= for Rs. 3,00,000/= (copy of Bank's paper is at Flag 'B')

Other particulars required by C.L. dated 13-7-98 have been furnished by the Officer.

Submitted for kind perusal and information.

G. K. Chaturvedi

(G. K. Chaturvedi)
Registrar (B)
23-03-05

Keep the information on record.

V.M. Sahai
(V.M. Sahai)
12.4.05

DRCM
[Signature]

Reg (S)
13-4-05

S.O. Admin A-4

[Signature]
D. R. (M)
13-4-05

Receipt-98

57
10-2-11

Hon'ble Mr. Justice M.I. Murtaza

(33)

May Kindly peruse the office note dated 1.2.2011. Sri Chhatradhari Singh Yadav, C.J.M., Hamirpur having put in about eleven years of service with a present take home salary Rs. 56,562/- has sent an information under Rule 24 (2) of UP Government Servants Conduct Rules, 1956 in respect of purchase of a **Rifle** (i.e. after issuance of Court's C.L. No.11 dtd. 12.4.2010 at flag 'X') intimated, through letter dated 8.12.2010, is as under:-

- 1- **Item purchased** : N.P.B. Rifle No. 10AB04232, 315 bore,
(Copy of receipt is at flag 'C')
- 2- **Date of purchase** : 16.11.2010
- 3- **Purchased from** : Khanna Armoury, Meston Road, Kanpur
(Regular & reputed)
- 4- **Cost** : Rs. 60,500/-
- 5- **Mode of payment** : Cost price paid from withdrawal of Rs. 70,000/- through cheque No. 216764 dtd. 15.11.2010 from his S.B.A/c No.11103553403, S.B.I. Hamirpur (Copy of pass book is at flag 'D').

Note: The officer has purchased the Rifle without obtaining prior permission of the Court.

- 6- **Detail of loan taken** : Nil
- 7- **Earlier purchase** : Maruti Wagon-R. Car for Rs.3,52,865/- in the year 2004.

Note: Information about purchase of car is at flag 'B', which has been seen by Hon'ble Judge (Order is at flag 'XX').

Other particulars required by C.L. dated 13-07-1998 has been furnished by the Officer.

Submitted for kind perusal and information.

J.R (M)

Seen.
Keep the copy in record.

10.2.2011

(R.K. Tiwari)
Registrar (Budget)

Regr. (B)
17.2.11

15.2.11

A.R (Adm. A/c)

A.K.S.
17.2.11

J.R (M)
17.2.11

May kindly see the letter at flag A, received from Sri. Chhatradhari Singh Yadav C.J.M. Hamirpur regarding information about purchase of a Rifle on 16.11.2010 (i.e. after issuance of Court's C.L. no. 11 dtd. 12.04.2010 (at flag 'x') intimated through letter dated 08.12.2010. As such he has purchased the Rifle without permission. The detail regarding the transaction as required under the Court's Circular Letter no. 25/ Admin (A) dated 13.07.1998 and furnished by the officer are given below: -

- 1. Date of joining the service : 29.07.1999
- 2. Present gross salary : Rs. 66,962/-
- Take home salary : Rs. 56,562/-
- 3. Details of purchases (Movable property exceeding to value Rs. 10,000/- and immovable Property) made by the officer earlier. Nothing mentioned by the officer. However, as per record, he has purchased: -
 - 1. Maruti Wagon-R Car for Rs. 3,52,065/- in the year 2004.

Note :- Information about purchase of car is at flag 'B', which has been seen by Hon'ble Judge (Order is at flag 'xx').

- 4. (a). Detail of advances or loan taken from the High Court. Nil
- (b). Amount of the loan -
- (c). Number of the instalment -
- (d). Amount of the instalment -

- 5. Detail of loan taken from Bank etc.
- (a) Name of the Bank Nil
- (b) Amount of the loan -
- (c) Number of instalment -
- (d) Amount of instalment -

- 6. Details regarding purchase of second hand car
- (a). Name of the vehicle -
- (b). Registration No. & model -
- (c). Cost price -
- (d). Date of the first purchase N/A

Request-98

(c). The amount for which the vehicle was insured prior to its purchase

NA -

7. (a) Detail of the property purchased presently

N.P.B. Rifle no. 10AB04232, 315 bore, purchased on 16.11.2010 (Copy of receipt is at flag 'C').

(b) Cost price -

Rs. 60,500/-

8. Name and address of the seller/ dealer

Khanna Armoury, Weston Road, Kaupur.

9. Status of the seller/dealer

Regular & reputed

10. Whether the seller is related to the officer in any manner and whether any case against him is pending in or decided by the officer

No.

11. Detail of source of the amount

Cost price paid from withdrawal of Rs. 70,000/- through cheque no. 216764 dtd. 15.11.2010 from his S.B. A/c no. 11103553403, SBI, Hamirpur.

(Copy of pass book is at flag 'D').

Note :- The officer has purchased the Rifle without obtaining prior permission of the Court.

If approved, the file may be laid before Hon'ble Mr. Justice M.I. Murtaza for his Lordship's kind perusal and information under Rule 24 (2) of U.P. Government Servant's Conduct Rules, 1956 ?

A.K. Jaiswal
01.02.2011
(A.K. Jaiswal)
R.O.

Prakash
01-02-2011
(Vishendra Kumar-I)
A.R.

Registrar (B)

May kindly peruse the office note and may like to lay the file before Hon'ble Mr. Justice M.I. Murtaza for his Lordship's kind perusal and information?

Sudh Kumar
J.R. (Misc.) 4.2.2011

(614)

118
15.3.11

Request-98

Hon'ble Mr. Justice M.I. Murtaza

May Kindly peruse the office note dated 4.3.2011. Sri Chhatradhari Singh Yadav, C.J.M., Hamirpur having put in more than eleven years of service with a present take home salary Rs.56,562/-has sent an information under Rule 24 (2) of UP Government Servants Conduct Rules, 1956 in respect of purchase of a **Revolver** intimated through letter dated 11.2.2011 is as under:-

- 1- **Item purchased** : 32 bore Revolver, Regd. No. P-5363
(Copy of receipt is at flag 'C').
- 2- **Date of purchase** : 31.1.2011
- 3- **Purchased from** : Small Arms Factory, Kanpur
(Regular and reputed)
- 4- **Cost** : 84,082/-
- 5- **Mode of payment** : Cost price paid by withdrawal of amount from his S.B. A/c No. 11103553403, S.B.I., Hamirpur.
(Copy of pass book is at flag 'D').

A-1

Note: Copy of licence, issued on 10.11.2009 is at flag 'E'. The officer has purchased the Revolver without obtaining prior permission of the Court.

- 6- **Detail of loan taken** : Nil
- 7- **Earlier purchase** : 1. Maruti Wagon R Car for Rs. 3,52,865/- in 2004.
2. Rifle for Rs. 60,500/- in 2010.

Note: Information about purchase of Car and Rifle are at flags 'B' & 'B-1', which has been seen by Hon'ble Judge (Orders are at flag 'XX' & 'X-1').

Other particulars required by C.L. dated 13-07-1998 has been furnished by the Officer.

Submitted for kind perusal and information.

R.K. Tiwari
14.3.2011

(R.K. Tiwari)
Registrar (Budget)

R

ISSUE show cause to him

J.R.
15.3.11

J.R.(CM)

J.R.

Regtr. (13)
16.3.11

A.R. (Admin AY)

A.R.

17-3-11

J.R.(CM)
16-03-11

A.R.

17-3-11

865

Request-98

J.R.(M)

May kindly see the letter at flag 'A', received from Sri.

Chhetradhari Singh Yadav, C.J.M., Hamirpur regarding information about purchase of a Revolver on 31.1.2011 (i.e. after issuance of Court's C.L. no. 11 dated 12.04.2010 (at flag 'X'), intimated through letter dtd. 11.02.2011. As such, he has purchased the Revolver without obtaining prior permission).

The detail regarding the transaction as required under the Court's Circular Letter no. 25/ Admin (A) dated 13.07.1998 and furnished by the officer are given below: -

- 1. Date of joining the service : 29.07.1999
- 2. Present gross salary : Rs. 66962/-
Take home salary Rs. 56,562/-
- 3. Details of purchases (Movable property exceeding to value Rs. 10,000/- and immovable Property) made by the officer earlier. Nothing mentioned as earlier purchase. However, as per records, he had earlier purchased :-
 - ① Mazati Wagon R car for Rs. 3,52,065/- in 2004.
 - ② Rifle for Rs. 60,500/- in 2010.

Note :- Information about purchase of car and Rifle are at flags 'B' & 'B-1', which has been seen by Hon'ble Judge (Orders are at flag 'X' & 'X-1').

- 4. (a). Detail of advances or loan taken from the High Court. Nil
- (b). Amount of the loan -
- (c). Number of the instalment -
- (d). Amount of the instalment -
- 5. Detail of loan taken from Bank etc.
 - (a) Name of the Bank Nil
 - (b) Amount of the loan -
 - (c) Number of instalment -
 - (d) Amount of instalment -
- 6. Details regarding purchase of second hand car
 - (a). Name of the vehicle N/A
 - (b). Registration No. & model N/A
 - (c). Cost price N/A
 - (d). Date of the first purchase N/A

Request-98

(c). The amount for which the vehicle was insured prior to its purchase

N.A.

7. (a) Detail of the property purchased presently

32 bore Revolver, Regd. no. P-5363, purchased on 31.01.2011 (copy of receipt is at flag 'C')

(b) Cost price -

Rs. 84,082/-

8. Name and address of the seller/ dealer

Small Arms Factory, Kanpur

9. Status of the seller/dealer

Regular & reputed

10. Whether the seller is related to the officer in any manner and whether any case against him is pending in or decided by the officer

No.

11. Detail of source of the amount

Cost price paid by withdrawal of amount from his S.B. A/c no. 11103553403, SBI, Kanpur. (copy of pass book is at flag 'D').

Note :- Copy of license, issued on 10.11.09, is at flag 'E'. The officer has purchased the Revolver without obtaining prior permission of the Court.

If approved, the file may be laid before **Hon'ble Mr. Justice M.I. Murtaza** for his Lordship's kind perusal and information under Rule 24 (2) of U.P. Government Servant's Conduct Rules, 1956 ?

Dr. Jaiswal
04.03.11

(Vijendra Kumar I)
04-3-11

A.R.

Registrar (B)

May kindly peruse the office note and may like to lay the file before Hon'ble Mr. Justice M.I. Murtaza for his Lordship's kind perusal and information?

J.R. (Misc.)
7-3-2011

July

①
2016

H.D.R.(M)

Request-98

257
30-6-11

May kindly see the reply dated 06.04.2011 of 'Show Cause Notice' dated 01.04.2011, submitted by Sri Chatradhari Singh Yadav, Chief Judicial Magistrate, Hamirpur, placed at flag '1', in the matter of purchase of a Revolver without obtaining prior permission of the Court.

In this connection it is submitted that earlier, when Sri Yadav has furnished information dated 11.02.2011 (flag 'A') about purchase of a Revolver by him on 31.01.2011, an office note dated 04.03.2011 (flag '2') was submitted before Hon'ble Mr. Justice Imtiyaz Murtaza, which had been forwarded by Ld. Registrar (B) through note dated 14.03.2011 (flag '3'). It was remarked that the officer has purchased the Revolver without obtaining prior permission of the Court. His Lordship Hon'ble Mr. Justice Imtiyaz Murtaza, then ordered on 15.03.2011 to issue 'Show Cause' to him.

Accordingly, a 'Show Cause Notice' dated 01.04.2011 (flag '4') has been issued to the officer. The officer Sri Yadav has now been submitted his explanation/ reply of Show Cause notice, through his letter dated 06.04.2011 (flag '1') alongwith supporting papers i.e. copy of firearm licence (flag '5'), duly forwarded by the District Judge, Hamirpur, through endt. no. 510/I-9-2009 dated 06.04.2011, which is reproduced herein as under, in verbatim:

महोदय,

उपरोक्त सम्बन्ध में आपके पत्रांक 5741/IV-2798/ Admin(A) दिनांकित 1-4-2011 के द्वारा मुझे इस सम्बन्ध में कारण बताने हेतु निर्देशित किया गया है कि मैंने माननीय उच्च न्यायालय इलाहाबाद की अनुमति के बिना रिवाल्वर खरीदा है, जबकि माननीय उच्च न्यायालय के सरकुलर लेटर नम्बर 11/IV h-16/Admin (A) दिनांकित 12-4-2010 के द्वारा रिवाल्वर कय की पूर्व अनुमति लेनी चाहिए थी।

उक्त सम्बन्ध में मुझे यह बिनम्र निवेदन करना है कि मुझे रिवाल्वर का लाइसेंस 10-11-09 को जिला मजिस्ट्रेट, हमीरपुर द्वारा जारी किया गया था। इस तथ्य को वर्णित करने की आवश्यकता नहीं है कि लाइसेंस प्राप्त हेतु जिला मजिस्ट्रेट महोदय को 10-11-09 के पूर्व प्रार्थना पत्र दिया गया होगा और जिस पर औपचारिकतायें पूर्ण होने के उपरान्त ही मुझे रिवाल्वर का उक्त लाइसेंस जारी किया गया है।

यहाँ पर मैं श्रीमान् जी का ध्यान श्रीमान् जी के पत्र में अंकित सरकुलर लेटर नम्बर 11/IV h-16/Admin (A) दिनांकित 12-4-2010 की ओर आकृष्ट करना चाहता हूँ। श्रीमान् जी उक्त सरकुलर लेटर मेरे रिवाल्वर के लाइसेंस प्राप्त करने हेतु दिये गये प्रार्थना पत्र व लाइसेंस जारी करने की तिथि के समय अस्तित्व में नहीं था। इस कारण मेरे द्वारा उक्त सरकुलर लेटर में वर्णित शर्तों का अनुपालन आवश्यक नहीं था और इस कारण इस विषय में मेरी चूक नहीं है।

अतः श्रीमान् जी से प्रार्थना है कि उक्त कारणों से जारी किया गया कारण बताओ नोटिस निरस्त किये जाने योग्य है।

मेरे द्वारा प्रेषित की गयी सूचनाओं में सम्भवतः लाइसेंस की छाया प्रति संलग्न होने से रह गयी है, जिसके कारण भ्रान्ती उत्पन्न हुई है।

अतः श्रीमान् जी से प्रार्थना है कि कारण बताओ नोटिस को निरस्त करने की महती कृपा की जाये।

In this connection, it is further submitted that the officer has purchased the revolver on 31.01.2011 and has informed about its purchase through letter dated 11.02.2011 (flag 'A'). He is saying that as he had obtained licence on 10.11.2009 i.e. before issuance of this Court's C.L. Dated 12.04.2010 (copy of C.L. is at flag 'X'), he is not required to obtain prior permission of the

...contd..2...

Court for purchasing the revolver. It appears that the officer has interpreted the Court's Circular letter dated 12.04.2010 in such a way that as he gets a licence earlier before issuance of the Court's C.L. dated 12.04.2010, he is not required to obtain permission to purchase the revolver. But, the contents of Court's Circular letter dated 12.04.2010 should not be taken with such interpretation. However, the officer by submitting his explanation with his point of view, has requested for cancellation of 'Show Cause Notice', issued in this regard.

Under the facts and circumstances, mentioned above, if approved, the explanation/ file of the officer may kindly be laid before Hon'ble Mr. Justice Imtiyaz Murtaza for His Lordship's kind perusal and orders?

Dr. Jaiswal
22.06.11

Registrar Budget
Submitted for kind perusal and order as proposed above.
Y. S. Yadav
24/6/11
D.R. (Admin)

Hon'ble Mr. Justice Imtiyaz Murtaza

Submitted for kind perusal and orders.

RL
30.6.2011
(R.K. Tiwari)
Registrar (Budget)

Correct interpretation be conveyed to the officer asking him to explain his conduct accordingly.
Jm
4.7.11

DR (M)

m
Repro (B)
5.7.11

A.RCA (Admin A-4)

Wb
5-7-11
D.R. (m)
05-7-11

A.R.S
CP
2-7-11

2264

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423
30-9-11

D.R.(M)

May kindly see the explanation dated 18.07.2011, submitted by Sri Chattradhari Singh Yadav, Chief Judicial Magistrate, Hamirpur, placed at flag '2A', in the matter of purchase of a Revolver without obtaining prior permission of the Court.

In this connection it is submitted that earlier, when Sri Yadav had furnished information dated 11.02.2011 (flag 'A') about purchase of a Revolver by him on 31.01.2011, an office note dated 04.03.2011 (flag '2') was submitted before Hon'ble Mr. Justice Imtiyaz Murtaza, which had been forwarded by Ld. Registrar (E) through note dated 14.03.2011 (flag '3'). It was remarked that the officer has purchased the Revolver without obtaining prior permission of the Court. His Lordship Hon'ble Mr. Justice Imtiyaz Murtaza, then ordered on 15.03.2011 to issue 'Show Cause' to him.

Accordingly, a 'Show Cause Notice' dated 01.04.2011 (flag '4') had been issued to the officer. The officer Sri Yadav had then submitted his explanation/ reply of Show Cause notice, through his letter dated 06.04.2011 (flag '1') alongwith supporting papers i.e. copy of firearm licence (flag '5'), duly forwarded by the District Judge, Hamirpur, through endt. no. 510/ I-9-2009 dated 06.04.2011, and the same explanation/ reply was submitted before Hon'ble Mr. Justice Imtiyaz Murtaza, through an office note dated 22.06.2011 (flag '2B'), whereupon His Lordship had been pleased to order on 04.07.2011 that "**Correct interpretation be conveyed to the officer asking him to explain his conduct accordingly.**"

As per the order of His Lordship, Court's letter dated 13.07.2011 (flag '2C') had been sent stating therein that Sri Chattradhari Singh Yadav may kindly be informed that although he had obtained firearm licence on 10.11.2009, before issuance of this Court's C.L. 11/ IVh-16/ Admin (A) dated 12.04.2010, but according to intention and spirit of the said C.L., he should had to obtain prior permission of this Court for purchase of the revolver and, that the Court ordered that Sri Yadav may explain his conduct accordingly.

Now, in reply of Court's letter dated 13.07.2011, Sri Yadav has submitted his explanation dated 18.07.2011 (flag '2A'), which is reproduced herein as under, in verbatim:

माननीय महोदय,

उपरोक्त सम्बन्ध में ससम्मान निवेदन है कि प्रार्थी को सरकुलर लेटर संख्या 11/IV h-16 /Admin(A) दिनांकित 12-4-2010 के निर्गत होने के पूर्व प्रार्थी को रिवाल्वर का लाइसेंस दिनांक 10-11-09 को जिला मजिस्ट्रेट, हमीरपुर द्वारा जारी किया गया था और लाइसेंस जारी होने के उपरान्त प्रार्थी ने दिनांक 31-1-11 को एन0पी0बी0 रिवाल्वर स्माल आर्म्स फैक्ट्री कानपुर से क्रय किया था, जिसकी सूचना प्रार्थी द्वारा माननीय महोदय को दिनांक 11-2-2011 को प्रेषित की गयी, जिस पर माननीय महोदय द्वारा दिनांक 1-4-11 को कारण बताओ नोटिस जारी किया गया, जिसके सम्बन्ध में प्रार्थी ने अपना स्पष्टीकरण दिनांक 6-4-11 को प्रेषित किया और तदुपरान्त माननीय महोदय द्वारा उपरोक्त पत्रांक 11321/IV-2798 /Admin(A) दिनांकित 13-7-11 में यह उल्लिखित करते हुये कि उपरोक्त सरकुलर लेटर का उद्देश्य यह है कि शस्त्र खरीदने से पहले भी अनुमति ली जानी चाहिए थी। उपरोक्त सरकुलर में शस्त्र खरीदने के बावत पूर्व अनुमति लेने का स्पष्ट उल्लेख न होने के कारण प्रार्थी पूर्व अनुमति प्राप्त नहीं कर सका है। प्रार्थी द्वारा किसी प्रकार से उपरोक्त सरकुलर अथवा उसकी मंशा का जान बूझ कर उल्लंघन नहीं किया गया है। यदि सरकुल में शस्त्र खरीदने से

Request - 98

पहले अनुमति लिये जाने का उल्लेख होता तो प्रार्थी निश्चित रूप से माननीय महोदय से पूर्व अनुमति लेकर ही शस्त्र क्रय करता और यदि किसी प्रकार की कोई त्रुटि हुई है तो वह भूलवश अनजाने में हुई है।

अतः श्रीमान् जी से प्रार्थना है कि प्रार्थी को उपरोक्त रिवाज्वर क्रय करने के सम्बन्ध में कार्योत्तर अनुमति प्रदान करने की कृपा की जाये। प्रार्थी द्वारा यदि किसी प्रकार की त्रुटि की गयी है तो प्रार्थी उसके लिए क्षमा प्रार्थी है।

In this connection, it is further submitted that the officer has stated that in the same matter, as his licence was obtained prior to issuance of the relevant Court's C.L. no. 11/ IVh-16/ Admin (A) dated 12.04.2010, such misinterpretation was done only in inadvertence. He has regretted for any mistake done in this regard and has also requested now for grant of ex-post facto permission to purchase the said Revolver.

Under the facts and circumstances, mentioned above, if approved, the explanation/ file of the officer may kindly be laid before Hon'ble Mr. Justice Imtiyaz Murtaza for His Lordship's kind perusal and orders?

Registrar (Budget)

R.K. Tiwari
21.09.11

Sharma
21-9-11
A.R.

Submitted for kind perusal & onward submission before Hon'ble Mr. Justice Imtiyaz Murtaza for his Lordship's kind perusal & orders because the report asked under Court's letter dtd 13.7.11, from Sri Chhatradhari Singh Yadav, C.S.M., Hamirpur in regard to purchase of Revolver have been enumerated above in detail.

M
28.9.11
DR(M)

Hon'ble Mr. Justice Imtiyaz Murtaza

Submitted for kind perusal and order.

DR(M)

M

Repr(B)
1-10-11

Perused the explanation.

The explanation appears to be convincing.

Ex post facto permission is accorded.

Officer be advised to be careful in future.

Ju
30.9.11

R.K. Tiwari
30.9.2011
(R.K. Tiwari)
Registrar (Budget)

A.R. (Admin AU)

A-128
10-10-11

B
1-x-11
D.R(M)
01-10-11