

2.  
D.R.(M)

May kindly see the letter, placed below at flag '1', received from Sri Intakhab Alam, Additional District & Sessions Judge, Moradabad by which he has submitted supplementary details/ papers in connection with information about purchase of plot no. 171 situated in Kasimpur, Biruhapar, Tehsil Mohanlalganj, Lucknow in compliance of Court's order.

(131)  
17-7-19  
Request 198

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In this connection, it is submitted that earlier the officer had informed about purchase of above mentioned plot for Rs. 18,51,000/- through his letters dated 03.02.2017 & 03.05.2017 (flag 'A' & flag 'A-1'). The matter was submitted before Hon'ble Mr. Justice Manoj Misra, vide office note dated 30.05.2017 (flagged '2'). His Lordship had been pleased to order on 01.08.2017 (flag '2'), reproduced as below:-

**"Rule 24 (1) of the U.P. Government Servants Conduct Rule, 1956 provides that there has to be prior information to the appropriate authority in respect of acquisition or disposal of any immovable property by lease, mortgage, purchase, sale, gift or otherwise made by the government servant in his own name or in the name of any member of his family; where the transaction is through a regular & reputed dealer then previous sanction is not required but nevertheless prior intimation has to be made."**

**Whether the concerned officer has given prior intimation of such proposed acquisition is therefore required to be ascertained and if he has not given any intimation then his explanation may be called for.**

**Let the office submit a fresh report accordingly dealing with the above aspect."**

The order was communicated vide Court's letter dated 31.08.2017 (flag '4').

In reply of the Court's letter dated 31.08.2017 & reminder letter dtd. 08.02.2019, Sri Intakhab Alam, vide his letter dated 28.02.2019 at flag '1', has stated that on perusal of the rules, regulation and circular of the Hon'ble Court, he was of the impression that if an immovable property is being purchased through regular & reputed dealers, prior permission or intimation is not required. Therefore, he had not intimated to the Hon'ble Court prior to the purchase of said plot. It was an unintentional mistake and he is highly regretted for that. He will ensure that the same will not be repeated in future.

It is further submitted that to deal with the case, copy of Rule 24 (1) of U.P. Government Servant's Conduct Rule 1956 may kindly be seen at flag '1', which says that no Government servant shall except with the previous knowledge of the appropriate authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family:

Provided that any such transaction conducted otherwise than through regular and reputed dealer shall require the previous sanction of the appropriate authority.

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Illustration of Rule 24 (1) shows that "A, a Government servant proposes to purchase a house. He must inform the appropriate authority of the proposal. If the transaction is to be made otherwise than through a regular & reputed dealer. A must also obtain the previous sanction of the appropriate authority. The same procedure will be applicable if A proposes to sell his house." The Rule 24 (1) and its illustration gives an impression that a Government servant may purchase/sell etc. an immovable property by previous knowledge or previous sanction, but nothing to furnish thereafter. There is also Court C.L. no. 25/Admin (A) dated 13.07.1998 (flagged 'XX'), which has been issued for submission of such information in detail and in such a manner that each & every details of proposed or finalized purchase transaction is received on completion of purchase transaction (in the case of purchase from a regular & reputed dealer). In the instant case, the officer has submitted complete and detailed information as per directions contained in the Hon'ble Court's C.L. no. 25/Admin (A) dated 13.07.1998 with all details and papers.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Pradeep Kumar Srivastava, Nominated Judge for disposal of the matters of Judicial Officers, of information/ permission of sale/ purchase of movable/ immovable property or gift etc., for His Lordship's kind perusal & order in the matter of information about purchase of the plot by the officer?

Jt. Registrar (J) (B)

May like to place the file before Hon'ble Mr Justice Pradeep Kumar Srivastava for his lordship's kind perusal and order?

R/g  
6/7/2019  
Ja

M/P  
12/07/19  
(Munim Nagesh)  
R.O.  
15.7.19  
AR.

Hon'ble Mr. Justice Pradeep Kumar Srivastava  
Nominated Judge

Submitted for kind perusal  
and orders

DR(M)

JR (J) (B) 7/07/2019

JR (B)  
24/7/19

Approved 'A'  
23/7

to Admn A IV

R/g  
24/7/2019  
Ja

Mr. Meenakshi  
25.7.19