

D.R.(M)

May kindly see the letter, placed below at flag '2A', received from Sri Abhay Prakash Narain, Judicial Magistrate, Faizabad by which he has submitted supplementary details/papers in connection with information about purchase of a new Nissan Sunny XL car in compliance of Court's order.

In this connection, it is submitted that earlier the officer had informed about purchase of a new Nissan Sunny XL car for Rs. 6,91,866/- through his letter dated 13.12.2011 (flag 'A'). The matter was submitted before Hon'ble Mr. Justice Sanjay Misra, vide office note dated 11.01.2012 (flagged '2') stating in the same that as submitted by the officer, Rs. 2,00,000/- has been taken as interest free loan from his brother. On the forwarding note dated 08.02.2012 (flag '3') of Ld. Registrar (B), His Lordship had been pleased to order on 14.02.2012 that **Whether permission was taken for taking loan from brother & source of the loan amount. Obtain reply of the officer.**

The order was communicated vide Court's letter dated 02.03.2012 (flag '4'). The officer has been asked to comply with the Court's order, vide letter dated 02.03.2012.

In reply of the Court's letter dated 02.03.2012, Sri Abhay Prakash Narain, vide his letter dated 19.07.2012 at flag '2A', has submitted that he was under impression that, for acceptance of loan from his real elder brother no previous permission is required. As far as the source of income of his elder brother Sri Vinay Prakash Narain is in question, his elder brother Sri Vinay Prakash Narain is in ~~judicial~~ service since 1986 and has been deputed in the office of District Deveipment Officer, Balia as Senior Assistant. This is his first bona fide mistake and so he hereby tender an unconditional apology for the mistake committed by him in this regard. He also pray for the kind consideration of Hon'ble High Court for acceptance of his apology and forgiving him in this regard.

In this connection, the relevant extract of rule relating to Lending and Borrowing(Rule 22 of the U.P. Government Servant's Conduct Rules, 1956) is as under :-

22. Lending and Borrowing:- A government servant may accept a purely temporary loan amount exceeding in value the amount of his two months' basic pay free of interest, from a personal friend or relative or operate a credit account with a bona fide tradesman.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal & further order in the matter of information about purchase of a new Nissan Sunny XL car by the officer now?

Registrar (Budget)

The report asked under Court's letter dtd 2.3.12 in regard to purchase of new Nissan Sunny xL car & submitted by Sri Abhay Prakash Narain, J M, Faizabad have been enumerated above in

HM
04/08/12
D. S. Prasad
09.8.12
D. S. Prasad
9.8.12
AR

detail.

Request-98

Submitted for kind perusal & onward submission before Hon'ble Mr. Justice Sanjay Misra for his Lordship's kind perusal & orders.

13.8.12
DR(M)

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal and orders.

[Signature]
Registrar (Budget) 14.8.12

Registrar (Budget):

The officer has stated to have taken an amount of Rs. 2,00,000/- as interest free loan from his brother, whose basic pay is Rs. 17,450/- per month and is also a Government servant.

He may be asked to give proof of loan transaction with his brother, with a further clarification as to whether his brother has taken permission from his employer for lending the amount to him, as required by Rule 22 of the U.P. Government Servants Conduct Rules 1956.

[Signature]
11/09/12

(Justice Sanjay Misra)
JUDGE NOMINATED BY HON.C.J.

DR (M)

[Signature]

Reqs-(B)
12-9-12

S.O. (Admin. AU)

[Signature]

D.R.(M)
12-09-12

Soot Dhenmur
[Signature]
15.09.12

Request-118 ³⁸⁷
8-11/12

D.R.(M)

May kindly see the letter, placed below at flag 'A' & 'A-1', received from Sri Abhay Prakash Narain, Judicial Magistrate, Faizabad regarding permission to sell a parental immovable property i.e. his 1/3rd share measuring 1.9466 Hectare, out of land Gata no.- 420, measuring 5.8400 Hectare, situated at Village- Fulsungi, Tehsil- Kichcha, District- Udham Singh Nagar, Rudrapur (Uttarakhand).

In his letters, Sri Abhay Prakash Narain has stated that he wants to sell his 1/3rd share in his parental immovable property measuring 1.9466 Hectare, out of land Gata no.- 420, measuring 5.8400 Hectare, situated at Village- Fulsungi, Tehsil- Kichcha, District- Udham Singh Nagar, Rudrapur (Uttarakhand), due to his personal financial needs. The property is to be sold to one Sri Jagdish Singh, S/o Sri Ram Singh Bisht, R/o House no. 28, Model Colony, Rudrapur, District- Udham Singh Nagar (Uttarakhand) @ Rs. 35,00,000/- per Hectare i.e. for a total sum of about Rs. 68,13,100/-. He has also submitted that the proposed purchaser is not related to him in any way and no case of the purchaser is ever pending in or decided in his court. He has, therefore, requested for grant of permission to sell the property.

In this connection, it is submitted that the said property has been shown by the officer in his Property statements, which he got in inheritance before joining the service (Property statement 2009-10 is at flag 'B'). The relevant Rule- 24 (1) of U.P. Government Servant's conduct Rule-1956 speaks as follows: -

"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 a regular & reputed dealer shall require the previous sanction of the appropriate authority."

May, therefore, if approved by Hon'ble Mr. Justice Sanjay Misra, Sri Abhay Prakash Narain, Judicial Magistrate, Faizabad be granted permission to sell his parental immovable property i.e. his 1/3rd share measuring 1.9466 Hectare, out of land Gata no.- 420, measuring 5.8400 Hectare, situated at Village- Fulsungi, Tehsil- Kichcha, District- Udham Singh Nagar, Rudrapur (Uttarakhand), to Sri Jagdish Singh, S/o Sri Ram Singh Bisht, R/o House no. 28, Model Colony, Rudrapur, District- Udham Singh Nagar (Uttarakhand) @ Rs. 35,00,000/- per Hectare i.e. for a total sum of about Rs. 68,13,100/-, as requested, subject to the condition that the relevant papers of the transaction alongwith copy of the sale deed be furnished by him immediately on completion of the transaction?

Registrar (Budget)

Submitted for kind perusal and onward submission before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and orders as proposed at 'A' above.

g/c D.R. Misc.
5-11-12

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal & orders

The officer has shown the property statements in his property statements

Registrar (Budget)

17/12

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D.R.(M)
09-11-12

Dr. Jainwal
03-11-12
Dr. Saini
03-11-12
Dr. Arora
03-11-12
AR

As proposed at 'A' above.
08/11/12
Sri Arora
17/11/12

DR(M)
[Signature]
Rejo (B)

[Signature]
08/11/12

1920
D.R.(M)

Request-98 935
17/12/12

May kindly see the letter, placed below at flag '3A', received from Sri Abhay Prakash Narain, Judicial Magistrate, Faizabad by which he has submitted supplementary details/ papers in connection with information about purchase of a new Nissan Sunny car in compliance of Court's order.

In this connection, it is submitted that earlier the officer had informed about purchase of a new Nissan Sunny car for Rs. 6,91,866/- through his letter dated 13.12.2011 (flag 'A'). The matter was submitted before Hon'ble Mr. Justice Sanjay Misra, vide office note dated 11.01.2012 (flagged '2') stating in the same that as submitted by the officer, Rs. 2,00,000/- has been taken as interest free loan from his brother. On the forwarding note dated 08.02.2012 (flag '3') of Ld. Registrar (B), His Lordship had been pleased to order on 14.02.2012 that **Whether permission was taken for taking loan from brother & source of the loan amount. Obtain reply of the officer.** The order was communicated vide Court's letter dated 02.03.2012 (flag '4'). The officer had been asked to comply with the Court's order, vide letter dated 02.03.2012. In reply of the Court's letter dtd. 02.03.2012 in the matter, Sri Abhay Prakash Narain, vide his letter dated 19.07.2012 at flag '2A', had submitted that he was under the impression that, for acceptance of loan from his real elder brother no previous permission is required. His elder brother is in service since 1986 and has been deputed in the office of District Development Officer, Balia as Senior Assistant. This is the first bona fide mistake and so he hereby tender an unconditional apology for the mistake committed by him & has requested the Hon'ble Court to pardon him & accept his apology. The matter was then again submitted before Hon'ble Mr. Justice Sanjay Misra through supplementary office note dated 04.08.2012 (flag '3B'), whereupon His Lordship has again been pleased to pass an order dated 11.09.2012 that :

The officer has stated to have taken an amount of Rs. 2,00,000/- as interest free loan from his brother, whose basic pay is Rs. 17,450/- per month and is also a Government servant. He may be asked to give proof of loan transaction with his brother, with a further clarification as to whether his brother has taken permission from his employer for lending the amount to him, as required by Rule 22 of the U.P. Government Servants Conduct Rules 1956.

The order was communicated vide Court's letter dated 25.09.2012 (flag '3C').

In reply of the Court's letter dated 25.09.2012, Sri Abhay Prakash Narain through his letter dated 26.10.2012 at flag '3A', has submitted proof of loan transaction of Rs. 2,00,000/- with his brother i.e. copies of, pass books of bank accounts of his brother Sri Vinay Prakash Narain and himself showing RTGS transaction entry of debit from his brother's account on 02.11.2011 and credit entry of the same into his

account on the same date (highlighted in both the copies of bank account pass books, flagged '3D' & '3E' respectively). He has also submitted that his brother Sri Vinay Prakash Narain had taken prior permission of his employer District Development Officer, Ballia before lending the same amount, on 18.10.2011, as per Rule 22 of the U.P. Govt. Servants Conduct Rules-1956. He has submitted a copy of application/ permission taken by his brother in this regard, which may kindly be seen at flag '3F'.

Under the facts & circumstances, may, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal & further order in the matter of acceptance of information about purchase of a new Nissan Sunny car by the officer ?

Registrar (Budget)

St. Tainaf
10.12.12

Reports asked under court's letter dtd 25.9.12 & submitted by Sri Abhai Prakash Narain, J.M, Faizabad in regard to information about purchase of new Nissan Sunny car have been enumerated above in detail.

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18.12.12
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Submitted for kind perusal & onward submission before Hon'ble Mr. Justice Sanjay Misra for his Lordship's kind perusal & orders.

DR(M)
11.12.12

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal and orders. Permission of lordship (by brother) & SBAK of brother as well as officer is attached herewith.

DR(M)

DR(M)

Repr
21/12/12

Keep on record
DR(M)
21/12/12

Registrar (Budget)
17.12.12

Sri Arvind

22/12/12

S.O (Adm. AU)

DR(M)
22-12-12