

Request 29

O/C
Fax/Registered

IV/3508

From,

Sudhir Kumar-III H.J.S.,
Registrar (Judicial)(Budget),
High Court of Judicature,
at Allahabad.

To,

The District Judge,
Kushinagar.

162

Letter No. - 11514 /AHC

Date:- 10.08.2018

Subject:- Payment of bills against Travelings T. A. incurred by Sri Anupam Goyal, Additional District Judge, Kushinagar.

Sir,

With reference to your letter no. 329/XV dated 23.04.2018, I am directed to say that kindly take necessary action at your end on the application of Sri Anupam Goyal, Additional District Judge, Kushinagar regarding Travelings T. A. as per the rules no. 59, 59(A) and 59 (B) of the Financial Hand Book Volume No.-III.

with regards.

Yours faithfully


(Sudhir Kumar)

Registration

May like to
issue


10/08/18
RO

District Judge
Kushinagar at Padrauna (U.P.)

केशीनगर।
जिला न्यायाधीश,
(संयुक्त वादों में)

भवदीय,
29-5-2018

सादर। जाय।

अतः आख्या सादर सूचनाएं एवं अनिम दिशा-निर्देश हेतु प्रेषित कर प्रेषित की जा रही है।
आख्या दिनांकित 20.04.2018 की छाया प्रति सूत्रम संदर्भ हेतु पत्र के साथ संलग्न गायल द्वारा प्रस्तुत प्रार्थना-पत्र एवं विलत समिति, जजहिण केशीनगर द्वारा प्रस्तुत में माननीय उच्च न्यायालय से दिशा-निर्देश प्राप्त किया जाना आवश्यक है। श्री समिति, जजहिण केशीनगर द्वारा प्रस्तुत आख्या दिनांकित 20.04.2018 के आलोच्य संबंध में मुख्यालय छोड़ने की अनुमति प्राप्त न किये जाने के कारण एवं विलत लिये जाने, श्री गायल द्वारा प्रस्तुत यात्रा दायक बिलों में उल्लिखित यात्राओं के दिनांकित 19.07.2016 द्वारा श्री गायल की संदर्भ Abandoned (परित्यक्त) मान नहीं होता है। माननीय उच्च न्यायालय की प्रशासनिक समिति के Resolution प्रस्तुत यात्रा भत्ता दायक बिलों का नियमानुसार भुगतान किया जाना उचित प्रतीत 2018 को इस आशय की आख्या प्रस्तुत की गयी है कि श्री अनुपम गायल द्वारा से आख्या आहत की गयी। विलत समिति, जजहिण केशीनगर द्वारा दिनांक 20.04. के भुगतान के संबंध में प्रेषित प्रार्थना-पत्र पर विलत समिति, जजहिण केशीनगर अनुपम गायल, अपर जिला जज, केशीनगर द्वारा प्रस्तुत यात्रा दायक बिलों उपरोक्त विषयक के संदर्भ में सादर अवगत कराना है कि श्री महादेव,

पत्रांक 329 / पन्डह / दिनांकित / केशीनगर स्थान पडरौना / अप्रैल 23, 2018
विषय: श्री अनुपम गायल, अपर जिला जज, केशीनगर द्वारा प्रस्तुत यात्रा भत्ता दायक बिलों के भुगतान के संबंध में।

इलाहाबाद।

निबन्धक (बत),
माननीय उच्च न्यायालय,

संयुक्त वादों में, एच.जे.एस.
जनपद न्यायाधीश,
केशीनगर।

Regd. No. 3568
File No. 157
Serial No. 9518
10-5-18

29-5-18
29-5-18

Regd. No. 3568

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Regd. No. 3568

DRUM

D.R.C (R.R) Admin
S.O. Admin H/R
Rd
16/2/18
Bor.

दिनांक / केशीनगर।
अप्रैल, 2018

D.R.C (R.R) Admin
S.O. Admin, A1
Rd
15/2/18
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Regd (J) Budge
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D. R. (M)

Instant letter
was submitted in
Admin A section but
he has returned the
letter stating verbally
that matter relates
to Budget Sec

Hence the letter
is returned again
for taking further
steps in this regard.

plp
2.6.18.

प्रेषक,

साकेत बिहारी "दीपक"
अध्यक्ष, वित्त समिति/
प्रधान न्यायाधीश, परिवार न्यायालय,
कुशीनगर स्थान पडरौना।

सेवा में,

माननीय जनपद न्यायाधीश,
कुशीनगर स्थान पडरौना।

विषय:- श्री अनुपम गोयल, अपर जिला जज, कुशीनगर द्वारा प्रस्तुत यात्रा भत्ता देयक बिल के संदर्भ में आख्या।

महोदय,

ससम्मान अवगत कराना है कि आज दिनांक 20-04-2018 को सायंकाल 04.00 बजे वित्त समिति की बैठक मेरे विश्राम कक्ष में आयोजित की गयी जिसमें समिति के सम्मानित सदस्यगण श्री सत्यवीर सिंह यादव, अपर जिला एवं सत्र न्यायाधीश, कोर्ट नं०-4, कुशीनगर एवं श्री कृष्ण प्रताप सिंह, सिविल जज (जू०डि०), कुशीनगर स्थान पडरौना उपस्थित आये।

श्री अनुपम गोयल, अपर जिला जज द्वारा माननीय उच्च न्यायालय इलाहाबाद में विचाराधीन विभागीय जाँच संख्या 01/2015 के सम्बन्ध में जाँच अधिकारी माननीय न्यायमूर्ति श्री मनोज मिश्रा के समक्ष दिनांक 25-03-2017, 05-05-2017, 16-06-2017, 26-08-2017, 16-09-2017, 18-11-2017 एवं 25-11-2017 को माननीय उच्च न्यायालय में उपस्थित होने एवं जे०टी० आर०आई० लखनऊ द्वारा दिनांक 03 व 04 जनवरी 2018 को आयोजित UBUNIT प्रशिक्षण प्रोग्राम में उपस्थित होकर प्रशिक्षण प्राप्त करने तथा दिनांक 09 व 10 सितम्बर 2017 को उच्च न्यायालय की लखनऊ पीठ में आयोजित राज्य स्तरीय उच्च न्यायिक सेवा के अधिकारियों के सम्मेलन में भाग लेने सम्बन्धी यात्रा भत्ता देयक बिल के भुगतान के सम्बन्ध में विचार किया गया।

प्रशासनिक कार्यालय की आख्या के अनुसार श्री अनुपम गोयल की सेवायें माननीय उच्च न्यायालय की प्रशासनिक समिति के Resolution दिनांक 19-07-2016 के द्वारा Abandoned (परित्यक्त) मान ली गयी है, जैसा कि माननीय उच्च न्यायालय, इलाहाबाद के अर्द्धशासकीय पत्र संख्या C-1557/Cf(A) 2016 इलाहाबाद दिनांकित 28-07-2016 से स्पष्ट है। उल्लेखनीय है कि श्री गोयल के द्वारा दिनांक 12-09-2017 को इस जजशिप में कार्यभार ग्रहण करने की अनुमति प्रार्थना पत्र प्रस्तुत किया गया था, जिसे तत्कालीन जनपद न्यायाधीश महोदय द्वारा दिनांक 12-09-2017 को माननीय उच्च न्यायालय, इलाहाबाद अग्रसारित किया गया है, लेकिन इस जजशिप में श्री गोयल को कार्यभार ग्रहण करने की अनुमति अभी तक माननीय उच्च न्यायालय से प्राप्त नहीं हुई है।

ES

श्री अनुपम गोयल के द्वारा प्रस्तुत L.W.P. प्रार्थना पत्र पर भी अभी तक माननीय उच्च न्यायालय से कोई आदेश प्राप्त होना नहीं बताया गया है।

उल्लेखनीय है कि श्री अनुपम गोयल द्वारा यात्रा भत्ता देयक बिलों में उल्लिखित यात्राओं के सम्बन्ध में मुख्यालय छोड़ने की अनुमति माननीय जज न्यायाधीश से प्राप्त नहीं की गयी है। श्री अनुपम गोयल के द्वारा उपरोक्त समस्त यात्राएं जज न्यायाधीश मुख्यालय कुशीनगर से नहीं की गयी हैं बल्कि अपने निवास स्थान मेरठ से की गयी हैं।

श्री अनुपम गोयल के द्वारा अपने यात्रा भत्ता देयक बिल अपने निवास स्थान मेरठ से इलाहाबाद/लखनऊ तक की यात्राओं के सम्बन्ध में प्रस्तुत किये गये हैं परन्तु श्री गोयल को मेरठ में निवास करने के सम्बन्ध में माननीय जज न्यायाधीश कुशीनगर द्वारा अथवा माननीय उच्च न्यायालय द्वारा अनुमति प्रदान नहीं की गयी है। उपरोक्त परिस्थितियों में श्री अनुपम गोयल के द्वारा मेरठ से इलाहाबाद एवं मेरठ से लखनऊ तक की यात्राओं से सम्बन्धित यात्रा भत्ता देयक बिलों का नियमानुसार भुगतान दिया जाना उचित प्रतीत नहीं होता है।

अतः आख्या श्रीमान् जी की सेवा में सादर प्रेषित है।

Handwritten signature
20.04.18
(कृष्ण प्रताप सिंह)
सदस्य, वित्त समिति/
सि०जज(जू०डि०),
कुशीनगर स्थान पडरौना।

Handwritten signature
20.04.18
(सत्यवीर सिंह यादव)
सदस्य, वित्त समिति/
ए०डी०जे०, कोर्ट नं०-4,
कुशीनगर स्थान पडरौना।

Handwritten signature
20.04.18
(अध्यक्ष, वित्त समिति/
माननीय न्यायाधीश,
कुशीनगर स्थान पडरौना।

Handwritten signature
20.04.18

Request 79

certifies that the journey was performed with his approval.

59-D (1) A government servant removed or dismissed or compulsorily retired from service but under the orders of the appellate or reviewing authority it is decided to hold a further or fresh departmental enquiry in which the government servant is required to appear before such an enquiry, may be allowed travelling allowance at ordinary rates as for a journey on tour from the place where he receives the summons asking him to appear before the enquiry to the place where the departmental enquiry is held; provided the amount of travelling allowance will not exceed the amount which would have been admissible to him had he performed the onward and return journeys from his home town to the place of enquiry.

(2) Travelling allowance will be calculated according to the category to which the government servant concerned would belong on the basis of the pay of the post immediately held by him prior to his removal, dismissal or compulsory retirement from service.

(3) The appellate or reviewing authority will be the controlling officer for the purpose of travelling allowance bill of the government servant concerned.

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Journeys during suspension or to give evidence

59. (1) A government servant whether he is on duty or on leave, who is summoned to give evidence of facts that have come to his knowledge in his official capacity in any criminal case, or in any civil or revenue case to which the Government is a party or in a departmental inquiry, may draw travelling allowance at the ordinary rates, on a certificate of attendance in the prescribed form, if any, granted by the court or the authority conducting the inquiry, which he should attach to his bill.

(2) A government servant summoned to give evidence under any other circumstances is entitled to receive his actual travelling expenses from the court.

(3) Any fees or expenses deposited for the subsistence allowance of the witness in a civil, revenue or criminal court, and in the case described in clause (1), also any fees or expenses for travelling allowance so deposited must be credited by the court to the revenues of the State; provided that if the witness is an employee of the Central Government or Railway, the fees or expenses deposited for him should be credited to the department concerned of that Government.

(4) In the case of a witness who is subject to the Payment of Wages Act, 1936, the fees or expenses referred to in clause (3) should be credited to Government by the court itself; provided that if such a witness is an employee of the Central Government or Railway or any other commercial department under the Government of India, the fees or expenses deposited for him should be credited by the court direct to the department concerned of that Government.

(5) This rule does not apply to jamadars, village chaukidars, patwaris in the hill pattis of Kumaun Division and in the Tarai and Bhabar and Garhwal Bhabar Government Estates and government servants of the Category-IV (except naiks and police constables) who may receive their expenses from the court in the ordinary way.

59-A. A government servant under suspension who is required to perform a journey to attend the departmental enquiry (other than a police enquiry) may be allowed travelling allowance as for a journey on tour from his headquarters to the place where the departmental enquiry is held, or from the place at which he has been permitted to reside during suspension to the place of enquiry, whichever is less. No travelling allowance will, however, be admissible if the enquiry is held at the outstation at his own request.

NOTE—(1) Travelling allowance in such a case will be regulated by the category to which the government servant belonged immediately prior to his suspension.

NOTE—(2) If the government servant under suspension is, as a result of the departmental proceedings taken against him, removed or dismissed from service subsequently, and the removal or dismissal has effect from the date of his suspension, the amount paid to him as travelling allowance under this rule need not be recovered from him.

NOTE—(3) All-India Service Officers serving in connection with the affairs of the State and the State Government servants whether on duty or on leave or under suspension, who undertake journeys to out stations to peruse official records for the preparation of their defence in connection with the disciplinary proceedings instituted against them, will be allowed travelling allowance as for a journey on tour without any allowance for halts on journeys subject to the following conditions:

(i) The travelling allowance will be allowed from the headquarters of the government servant or from any other place where he may be spending his leave, or where the suspended government servant has been permitted on his own request to reside, but not exceeding what would be admissible had the journey been undertaken from the headquarters of the government servant.

(ii) The enquiring officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement.

(iii) The competent authority certifies that the official records could not be sent to the headquarters station of the government servant or the bulk of the documents ruled out the possibility of copies being made out.

(iv) The Head of Office under whose administrative control the government servant is,

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Registrar (D)
(Budget)

Excerpt from the minutes of the Hon'ble Court
Meeting held on 26.05.2018.

AGENDA *** RESOLUTION**

Request 79

1 Re: Consideration of Resolution dated 19.7.2016 of the Administrative Committee in the matter of Sri Anupam Goel having abandoned his services.

Considered the Resolution dated 19.7.2016 passed by the Administrative Committee at agenda item no. 4 in the matter of Sri Anupam Goel having abandoned his services.

Resolved not to approve the resolution of Administrative Committee dated 19.7.2016 passed at agenda item no. 4 with regard to the aforesaid officer.

Further Resolved that the delinquent officer be allowed to join and posted at District Lalitpur and be placed under suspension forthwith upon such joining with headquarters at Lalitpur. The officer will get usual subsistence allowance during the period of his suspension strictly as per Rule.

Further Resolved to initiate a departmental enquiry against the officer for his prolonged and unauthorized absence and Mr. Justice B. Amit Sthalekar be requested to hold an enquiry in the matter.

Registry to take follow up action.

Registrar (J) (CB) / J.R. (J) (S)

D.R. of (A)

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D.R. (R.D) Adm
S.O. Adm, A1
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J.R. (J) (cf.)
30/5/18

Ms Banti
19.02.18

DR (M)
31/05/18
Registrar (S)

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SR (1)

Serials numbered as 158 &
to are only for information.

Play file

Wadh. Gul.

19/07/18

Dr. Jain

20.07.18

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R.O.