

प्रेषक,

अपर जिला एवं सत्र न्यायाधीश /
विशेष न्यायाधीश(आ0व0अधि0),हमीरपुर।

सेवा में,

माननीय जनपद न्यायाधीश,
हमीरपुर।

महोदय,

माननीय उच्च न्यायालय के पत्रांक 553/एडमिन
(सर्विसेस)/2022 दिनांक 18.10.2022 के क्रम में न्यायिक प्रशिक्षण एवं अनुसंधान
संस्थान, लखनऊ के पत्र दिनांक 21.10.2022 के अनुपालन में मुझे 05 दिवसीय
प्रशिक्षण कार्यक्रम (01.11.2022 से 05.11.2022 तक) में सम्मिलित होने हेतु
दिनांक 31.10.2022 की सायंकाल तक उपस्थित होने का निर्देश प्राप्त हुआ है।

अतः अनुरोध है कि मुझे दिनांक 31.10.2022 से 06.11.2022 तक
मुख्यालय छोड़ने की अनुमति प्रदान करने की कृपा करें।

सादर।

दिनांक: 29.10.2022

भवदीय,

29/10/2022

(पी0के0/जयन्त)

अपर जिला एवं सत्र न्यायाधीश /
विशेष न्यायाधीश(आ0व0अधि0),हमीरपुर।

0
Permitted
29/10/22

THE FINANCIAL HAND BOOK

Volume II (Parts 2 to 4)

Containing :

- U. P. FUNDAMENTAL RULES
- SUBSIDIARY RULES
- DELEGATIONS AND FORMS

H. S. NIGAM
Advocate
Allahabad High Court

1999

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- (a) the power to make Rules;
- (b) powers under Rules 6, 9 (6) (b), 44, 45-A, 45-C, 83, 108-A, 119, 121 and 127 (c), and by the first proviso to clause (1) of Rule 30.

(For delegations of powers made by the Governor under this Rule and Rule 7, see Part IV of this volume).

7. No powers may be exercised or delegated under these Rules except after consultation with the Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

NOTE.—For powers delegated under these Rules, see Part IV of this volume.

8. [* * *]

CHAPTER II—DEFINITIONS

9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the sense here explained :

- (1) The *Act* means the Government of India Act, 1935.
- (2) Except as provided otherwise in this sub-rule, *average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that—

In respect of any period spent on deputation out of India which has been declared by the Government to be under *quasi-European* conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn.

Exceptions.—1. For the purpose of calculating the leave salary admissible to Government servant recruited on or after 1st January, 1931, and before 1st January, 1936, the term "*average pay*" means either the average of the monthly pay earned during the three complete years immediately preceding the month in which the leave is taken or the average substantive pay of the Government servant during the 12 complete months immediately preceding the month in which the leave is taken, whichever is greater.

2. For the purpose of calculating the *leave salary* admissible to Government servant recruited on or after 1st January, 1936, the term "*average pay*" is defined in the explanation given under the Rule 87-A.

Audit instruction regarding Rule 9 (2)

1. According to the definition of "*average pay*" in this Rule the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus, a Government servant who has been on leave from 23rd March, 1922 to 22nd July, 1922, inclusive, is granted leave from 4th February, 1923. His average pay should be calculated on the pay earned for the periods 1st February, 1922 to 22nd March, 1922, and 23rd July, 1922 to 31st January, 1923. If, however, a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced.

1-A. A civil Government servant belonging to the India Army Reserve of Officers when called to Army service, or such a Government servant belonging

to the Indian Territorial Force while undergoing training with the force, is not a 'military officer' as defined in Fundamental Rule 9 (16) (b)¹ and in his case 'pay' as defined in Fundamental Rule 9 (21) [* * *] does not include 'rank pay' received during the period of his Army service or training. In such cases the pay which the Government servant would have received if he had not been called to Army service or training, and not the 'rank pay' actually drawn during the period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

2. In the case of a Government servant on foreign service out of India lasting for more than 12 months who on reversion to Government service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service.

3. In the case of a Government servant of a vacation department, the vacation falling in the period of 12 complete months immediately preceding the months in which leave is taken should be treated as duty under Fundamental Rule 82 (b) and the emoluments drawn by the Government servant during the vacation should be treated as pay drawn on duty, and should therefore be taken into account in determining his leave salary during the succeeding leave.

3-A. In the case of a Government servant of a vacation department both prefixing and suffixing leave to a vacation, the leave-salary for the leave affixed should be calculated on the emolument drawn by the Government servant during the twelve complete months preceding the commencement of his leave prefixed to the vacation.

3-B. In order to determine the pay which a Government servant would have drawn, if on duty in India for the purpose of the proviso to Fundamental Rule 9 (2), vacation should be treated as equivalent of leave on average pay for the purposes of this proviso.

3-C. For an interpretation of the expression "pay which the Government servant would have drawn if on duty in India" in the proviso to Fundamental Rule 9 (2), see paragraph 2 of the Audit Instructions regarding Fundamental Rules 50 and 51.

4. The term "month" in this Rule means "calendar month" as in Rule 9 (18).

5. Any period of joining time taken either under clause (b) or under clause (c) of Rule 105 during the preceding 12 months should be ignored in calculating average pay, as no "pay" is drawn in respect of such joining time.

- (3) *Barrister* means a practising barrister of England or Northern Ireland or a practising member of the Faculty of Advocates in Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.
- (4) *Cadre* means the strength of a service or a part of a service sanctioned as a separate unit.
- (5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

Audit instruction regarding Rule 9 (5)

The allowance granted to professors of medical colleges who are denied the privilege of private practice should be treated as compensatory allowance.

1. In Part 1 of this Volume

- (6) *Duty*—(a) *Duty includes*—
- (i) Service as a probationer or apprentice, provided that, except as otherwise provided in the special Rules applicable to an appointment or service, such service is followed by confirmation.
 - (ii) Joining time.
 - (iii) Extra leave on average pay granted to a Government servant undergoing treatment at an anti-rabic treatment centre.
- ¹(b) The Governor may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :
- (i) During a course of instruction or training in or outside India.

Order of the Governor regarding Rule 9 (6) (b) (i).

Whenever Government servants who are members of the Territorial army are called up for military duty in aid of civil power or for supplementing or supporting the regular armed forces during actual war, or are permitted to attend a course of instruction, their absence from their offices should be treated as duty for the purpose of civil leave and pension. If a Government servant is on an incremental scale of pay, he will count his military service for increments in the time scale of pay applicable to him in his civil post and also towards civil pension, in the same way as if he had put in that period of service in his appointment.

- (ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of the Government on passing through a course of training at a university, college or school in or outside India, during the interval between the satisfactory completion of the course and his assumption of duties.
- (iii) When a Government servant after reporting for duty has compulsorily to wait for taking charge of a post for which he is in no way responsible, during the interval between the date of such report and the date on which he takes charge of his duties.
- (iv) In the circumstances and subject to conditions stipulated in Fundamental Rules 83 and 83-A for the first six months of disability and thereafter provisions of aforementioned Rules shall apply.]

(For Rules made by the Governor under this Rule, see Part III of this Volume, Chapter II.)

Orders of the Governor under Rule 9 (6)

Mr. N, an executive engineer, while officiating as superintending engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on 25th August, 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, 1924, and it having been finally decided to post him as officiating superintending engineer, orders for his posting were issued on the 26th September, 1924. Mr. N joined duty on the forenoon of the 4th October, 1924. The question arose how the period 26th August, 1924 to 3rd October, 1924, should be treated.

The circumstances of the case are similar to those referred to in Fundamental Rule 9 (6) (b) (iv) inasmuch as in both cases the essential point is the compulsory waiting by the Government servant concerned for orders of Government posting him to a particular post. Accordingly, the Central Government with the

1. Subs. by Noti. No. G-1-914-I/X-201-80, dated 15th April, 1982.

CHAPTER XVIII—JOINING TIMES*Rules made by the Governor under Fundamental Rule 106*

173. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

NOTE—No joining time is admissible in the case of a Government servant transferred from one department to another under the control of the same officer and in the same station.

174. In cases involving necessary change of station, the joining time-allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows :

- (a) A Government servant is allowed—for that portion of the journey which he travels or might travel—

One day for each—

By railway	...	500 Kilometers	} Or any longer time actually occupied in time actually.
By ocean steamer	...	350 "	
By river steamer	...	150 "	
By motor car or horse-drawn conveyance plying for public hire	...	150 "	
In any other way	...	25 "	

- (b) For any fractional portion of any distance prescribed in clause (a) an extra day is allowed.
- (c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.
- (d) Travel by road not exceeding eight Kilometers to or from a railway station at the beginning or end of a journey does to count for joining time.
- (e) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire and his joining time is calculated accordingly.
- (f) A Sunday will count as a day for the purpose of the calculations in this rule.
- ¹(g) When a Government Servant on transfer joins the new post at the new station without availing of the full joining time of 6 days admissible to him under clause (a) he may be allowed to avail the unavailed period of joining time as special Casual leave within six months from the date of his transfer.

NOTE—The presiding officers and the establishment of the peripatetic court of the second Civil Judge, Meerut, Additional Civil Judge, Moradabad Additional Munsif, Moradabad, and the Additional Munsif of Kaimganj, Farrukhabad, will on the occasion of their transfer from one place to another within their jurisdiction, be entitled to the full joining time admissible under the above rule; provided that

1. This insertion shall be deemed to have come into force w.e.f. 14-7-1988 vide Noti. No. G-1-1038/X-204/81, dated 4-9-1989.

डा० अनुपम गोयल,
जनपद न्यायाधीश,
हमीरपुर।

विश्राम कक्ष,
डी०ओ० नं०३७/२०२२
दिनांकित अक्टूबर ३१, २०२२

श्री प्रदीप कुमार जयंत,


जे०टी०आर०आई० लखनऊ द्वारा प्रेषित पत्रांक Trg./JTRI 22-1635
Dated 21 Oct. 2022 के माध्यम से आपको रिफ्रेशर ट्रेनिंग प्रोग्राम हेतु बुलाया गया था।

आपके द्वारा उक्त ट्रेनिंग प्रोग्राम में भाग लेने हेतु मुख्यालय छोड़ने की अनुमति प्रभारी जनपद न्यायाधीश के समक्ष इस आशय की रखी गयी कि ५ दिवसीय प्रशिक्षण कार्यक्रम (दिनांक ०१.०५.२०२२ से ०५.११.२०२२) में आपको दिनांक ३१.१०.२०२२ की सायंकाल तक उपस्थित होने का निर्देश प्राप्त हुआ था, और आपके द्वारा दिनांक ३१.१०.२०२२ से ०६.११.२०२२ तक मुख्यालय से बाहर रहने की अनुमति का प्रार्थना पत्र प्रस्तुत किया गया।

जे०टी०आर०आई० लखनऊ द्वारा प्रेषित उक्त पत्रांक में यह उल्लिखित किया गया है कि दिनांक ३१.१०.२०२२ की सायंकाल या दिनांक ०१.११.२०२२ की प्रातः तक उपस्थित हों, जिसका अर्थ है कि आप दिनांक ३१.१०.२०२२ की सायंकाल से दिनांक ०१.११.२०२२ की प्रातः तक किसी भी समय ट्रेनिंग हेतु जे०टी०आर०आई० लखनऊ में उपस्थित हो सकते थे, जिसके लिये न्यायालय समय में जाने का कतई आवश्यकता नहीं थी। इसके अतिरिक्त आपके द्वारा उक्त प्रार्थना पत्र दिनांक २९.१०.२०२२ को प्रस्तुत किया गया था, जिसके अगले दिन दिनांक ३०.१०.२०२२ को रविवार था।

अतः आप दिनांक ०८.११.२०२२ को समय ०५.०० PM तक अपना स्पष्टीकरण प्रस्तुत करें कि आप दिनांक ३१.१०.२०२२ को न्यायालय कार्य दिवस में पूरे दिन क्यों अनुपस्थित रहे तथा यह भी स्पष्ट करें कि दिनांक ३०.१०.२०२२ को आप कहाँ थे।

श्री प्रदीप कुमार जयंत,
अपर जिला जज/विशेष न्यायाधीश,
(आ०व०अधि०), हमीरपुर।


(डा० अनुपम गोयल)
जनपद न्यायाधीश,
हमीरपुर।

31/10/22
No. 01/08.11.22

प्रेषक, पुडीप कुमार जयन्त,
अपर जिला एवं सत्र न्यायाधीश/
विशेष न्यायाधीश(आ0व0अधि0),हमीरपुर।

सेवा में,

माननीय जनपद न्यायाधीश,
हमीरपुर।

विषय— अर्धशासकीय पत्रांक 38/2022 दिनांकित 31.10.2022 द्वारा वॉछित
स्पष्टीकरण।

आदरणीय महोदय,

सादर अवगत कराना है कि आपके द्वारा निर्गत अर्धशासकीय पत्रांक 38/2022 दिनांकित 31.10.2022 मुझे कार्यालय द्वारा दिनांक 07.11.2022 को प्रशिक्षण से वापस आने के पश्चात प्राप्त कराया गया है जिसके सम्बन्ध में मेरा स्पष्टीकरण निम्नवत है—

माननीय उच्च न्यायालय के पत्रांक 553/एडमिन(सर्विसेस)/2022 दिनांक 18.10.2022 के क्रम में न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान लखनऊ के पत्र दिनांक 21.10.2022 के अनुपालन में मुझे 05 दिवसीय प्रशिक्षण कार्यक्रम (01.11.2022 से 05.11.2022 तक) में सम्मिलित होने हेतु निर्देशित किया गया था, जिसके अनुपालन में मेरे द्वारा दिनांक 29.10.2022 को (दिनांक 30.10.2022 को रविवार होने के कारण) दिनांक 31.10.2022 से 06.11.2022 तक यात्रा अवकाश सहित मुख्यालय छोड़ने की अनुमति प्रदान किये जाने हेतु प्रार्थनापत्र प्रस्तुत किया गया था जो कि प्रभारी जिला जज द्वारा स्वीकृत किया गया, परन्तु दिनांक 30.10.2022 (रविवार) को मेरा पुत्र जो कि पूर्व से ही अस्वस्थ चल रहा था को चिकित्सक की सलाह के अनुसार तत्काल उपचार की आवश्यकता को दृष्टिगत रखते हुए अपराह्न 4:00 बजे मुख्यालय छोड़ा गया तथा कानपुर में रक्त परीक्षण कराने के पश्चात उपचार प्रारम्भ किया गया जिसकी सूचना मुख्यालय पर उपस्थित वरिष्ठतम अपर जिला जज को दी गयी थी जिस कारण पूर्व निर्धारित कार्यक्रम के अनुसार मैं दिनांक 31.10.2022 के स्थान पर दिनांक 30.10.2022 को ही मुख्यालय से बाहर चला गया और निर्धारित कार्यक्रम के अनुसार दिनांक 31.10.2022 को न्यायिक प्रशिक्षण एवं अनुसंधान संस्थान लखनऊ में सायं 7:00 बजे प्रशिक्षण हेतु उपस्थित हुआ। उपरोक्त विषम परिस्थितियों के कारण मेरे द्वारा पूर्व निर्धारित कार्यक्रम में परिवर्तन किया गया जिस कारण दिनांक 31.10.2022 को मैं मुख्यालय छोड़ने से पूर्व महोदय से अनुमति प्राप्त नहीं कर सका था। उपरोक्त विषम परिस्थितियों में दिनांक 31.10.2022 को प्रस्थान से पूर्व अनुमति प्राप्त नहीं करने के लिए क्षमा प्रार्थी हूँ।

अतः सादर अनुरोध है कि मुझे दिनांक 31.10.2022 का आकस्मिक अवकाश स्वीकृत करने की कृपा करें। तदनुसार अनुमति के पश्चात आन-लाइन प्रार्थना-पत्र वापस लेकर पुनः अपलोड किया जायेगा। सुलभ सन्दर्भ हेतु दिनांक 30.10.2022 को पुत्र के उपचार से सम्बन्धित अभिलेख अवलोकनार्थ संलग्न किये जा रहे हैं।

संलग्नक—उपरोक्तानुसार।

दिनांक: 07.11.2022

भवदीय,
31/11/2022
(पी0के0 जयन्त)

अपर जिला एवं सत्र न्यायाधीश/
विशेष न्यायाधीश(आ0व0अधि0),हमीरपुर।

Name : Mr. Nitin
Date : 30-Oct-2022
Ref.By : Dr.

Age :
Sex : Male
Ref.No : 55/30/10/22

Test	Value	Units	Reference Range
Salmonella IgM			
(Normal Values)			
Typhi Dot <i>ELISA</i> TYPHI (IgM)	POSITIVE		
MALARIA ANTIGEN CARD TEST			
MALARIAL ANTIGEN CARD TEST	NEGATIVE		
DENGUE ANTIGEN ANTIBODY COMBO			
IgM ANTIBODY	NEGATIVE		NEGATIVE
IgG ANTIBODY	NEGATIVE		NEGATIVE
NS1 ANTIGEN	NEGATIVE		NEGATIVE
ADV:	THIS TEST IS SCREENING ADVICE ELISA / PCR TO CONCLUDE		

Name : Mr. Nitin
Date : 30-Oct-2022
Ref.By : Dr.

Age :
Sex : Male
Ref.No : 55/30/10/22

COMPLETE BLOOD COUNT

Haemoglobin	16.1	gm%	11 - 16 gm%
Total Leukocyte Count	8100	Cells/cumm	4000-11000 Cells/cumm
<u>DLC</u>			
Polymorphs	74	%	45 - 70 %
Lymphocytes	21	%	20 - 45 %
Eosinophils	04	%	1 - 6 %
Monocytes	01	%	0 - 8 %
Basophils	00	%	0 - 1 %
Platelet Count	1.52	lacs/cumm.	1.5 - 4.0 lacs/cumm.
Red Cells Count	4.67	mill/cumm	3.80-5.80
Packed Cell Volume	42.5	%	38-48
M.C.V.	91.0	fL	80-97
M.C.H.	34.5	pg	26.5-33.5 pg
M.C.H.C.	37.9	g/dl	31.5-35.0 g/dl
RDW	11.8	%	11.6-14.6 %

Name : Mr. Nitin
Date : 30-Oct-2022
Ref.By : Dr.

Age :
Sex : Male
Ref.No : 55/30/10/22

Liver Function Test

Total Bilirubin	2.3	mg/dl	0.1 -1.2
Direct Bilirubin	1.0	mg/dl	0.0 -0.4
Indirect Bilirubin	1.3	mg/dl	0.1 -0.9
SGPT (ALT)	212	IU/L	5 -40
SGOT (AST)	320	IU/L	5 -50
Alkaline Phosphatase	124	IU/L	50 - 126 IU/L
Total Protein	7.8	gm/dl	6.0 - 8.5
Albumin	4.5	gm/dl	3.5 -5.0 (50 - 60 %)
Globulin	3.3	gm/dl	2.0 -3.5 (40 - 50 %)
A/G Ratio	1.3:1.00	-	1.5 - 3:1