

**Ld. Joint Registrar(J)(Budget)**

May kindly see online request dated 28.01.2022(**attachment under heading Application**) accompanied with revised application dated 28.01.2022 (**attachment under heading Enclosure no. 3**) and other essential documents (**submitted as attachments**) of Sri Shashi Bhushan Pandey, Presiding Officer, Motor Accident Claims Tribunal, Sitapur regarding sanction of final withdrawal of Rs.31,00,000/- to him out of the total amount standing to his credit in G.P.F Account No. LJU-21085, to meet out the expenses relevant with construction of house.

Sri Shashi Bhushan Pandey has informed vide aforesaid letter dated 28.01.2022 that he is due to retire on 31.10.2022, after attaining the age of superannuation thus he needs a house ready for himself and his family, to spend rest of his life in dignified manner. Keeping same in view, he has purchased a land bearing plot no. 1106 of area 167.445 sq. mtr. in Eldeco City, Village- Mubarakpur, Tehsil - Bakshi ka Talab, District- Lucknow. Now, he intends to get a residential building constructed on same. Thus, he has requested for sanction of Rs.31,00,000/- from his GPF account. In support of same, he has attached papers of sale deed executed in favour of himself and his wife i.e. Sri Sahshi Bhushan Pandey and Smt. Saroj Pandey on 11.06.2021 (**attachment under heading Enclosure no. 13**) and Expenses Estimate (**attachment under heading Expense estimate certificate with undertaking and certificate**) prepared by Government approved firm registered under name "Corners n Edges" and based in Lucknow.

It is pertinent to mention here that earlier Sri Shashi Bhushan Pandey, aforesaid had placed request for purchase of plot seeking sanction of Rs.30,00,000/- vide online service dated 01.10.2020. However, at that time Sri Shashi Bhushan Pandey had not finalized the property which he was planning to purchase thus an objection of same intent was imposed on 09.10.2020. Thereafter, Sri Shashi Bhushan Pandey preferred amended requisition dated 02.06.2021. However, since a long time interval of 8 months had elapsed since initial request was made and in the meantime financial year had changed thus vide objection dated 01.07.2021, Sri Pandey was requested to submit all relevant documents afresh. Thereafter, Sri Pandey preferred amended requisition vide instant request dated 28.01.2022, while changing the purpose of withdrawal from purchase of plot to construction of house. Since certain formalities were yet to be completed thus another objection dated 18.02.2022 was imposed. Finally, on completion of all formalities, Sri Pandey has resubmitted instant request on 28.02.2022 for necessary action and suitable orders.

In this connection it is submitted that the aforesaid request of Sri Shashi Bhushan Pandey may be considered under provision of Rule 16(1)(C)(a) of G.P.Fund(U.P) Rules, 1985, which is as follows :

**Rule 16(1)(C) : After the completion of fifteen years of service(including period of suspension followed by reinstatement and other broken periods of service, if any) of a subscriber or within 10 years before the date of his retirement on superannuation, whichever be earlier, from the amount standing to his credit in his GPF Account for one or more of the following purposes, namely:**

**(a) Building or acquiring a suitable house or ready-built flat for his residence including the cost of the site.**

**(b) .....**

**(c) .....**

Sri Shashi Bhushan Pandey has also attached attested copy of last four financial years including current financial year GPF pass-book statements (**attachment under heading- Regarding permanent loan from GPF and attachment under heading- Enclosure no. 4**) and certificate dated 28.02.2022 (**attachment under heading- Expense estimate certificate with undertaking and certificate**), issued by Sri Pandey himself in the capacity of the Drawing and Disbursing Officer, M.A.C.T., Sitapur as the evidence of total amount available to his credit till financial year 2020-21 in GPF Account No. LJU-21085. As per certificate dated 28.02.2022 and GPF pass-book statement for financial year 2021-22, total amount available to his credit is Rs.53,18,177/-, out of which final withdrawal of Rs.31,00,000/- can be sanctioned to him. He has also informed vide certificate dated 28.01.2022 (**attachment under heading- Enclosure no. 5,6,7,8**) that he had taken only one temporary advance which has already been debited from his GPF A/c and recovery corresponding to same has already been completed. Besides, he has not taken any final withdrawal in his entire service period till date. He had joined U.P. Judicial Services on 18.03.1996 and is due to retire on 31.10.2022. He has put in more than fifteen years of his age in this service and currently his pay is Rs.68,750/- plus admissible D.A and other allowances.

Further, he has annexed justification certificate dated 28.01.2022 (**attachment under heading- Enclosure no. 5,6,7,8**) vide which he has intimated that said request is being made under pecuniary interest and hereby requested amount, if sanctioned, shall be spent only on construction of house and nowhere else.

Further, since herein requested amount clearly exceeds six months pay of officer, the relevant rule 17(1)(a) of G.P.Fund(U.P) Rules, 1985 which allows instant request to be considered a special case, provides as quoted hereunder :

17. Conditions for withdrawal -(1)(a) Any sum withdrawn by a subscriber at any one time for one or more of the

purposes specified in clauses (a), (c), (d) or (e) of Sub-rule (1) of Rule 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six months' pay, whichever is less. In special cases the sanctioning authority may however, sanction the withdrawal of an amount in excess of this limit up to 3/4th of the balance at his credit in the fund having due regard to (1) the object for which the withdrawal is being made, and (ii) the amount to his credit in the Fund.

Thus, final withdrawal of Rs.31,00,000/- may be sanctioned to Sri Shashi Bhushan Pandey, Presiding Officer, Motor Accident Claims Tribunal, Sitapur from his GPF Account No. LJU-21085, to mete out the expenses relevant with construction of house, as a special case, in terms of sub rule 16(1)(C)(a) read with 17(1)(a), which allows sanction of withdrawal upto 3/4th of the balance at the credit of officer in the Fund, of G.P.Fund(U.P) Rules, 1985, subject to the following conditions :

- 1. That the amount shall not be withdrawn unless it is actually required for the purpose and it shall not be utilized for any other purpose.**
- 2. That a utilization certificate shall be furnished to the Court within the time allowed in rule.**
- 3. That the construction shall commence within 6 months from the date of withdrawal of money and should be completed within 1 year from the date of commencement of construction.**
- 4. That the D.D.O, M.A.C.T, Sitapur shall ensure to mention the amount of Final Withdrawal in the withdrawal column of GPF pass-book of Sri Shashi Bhushan Pandey, without delay.**
- 5. That as per undertaking dated 28.01.2022(attachment under heading- Expense estimate certificate with undertaking and certificate), issued by Sri Shashi Bhushan Pandey under his own signature, any excess payment made in his favour shall be returned by him immediately to the concerned authority/account.**

In the view of above submitted facts and information, if approved, instant request of Sri Shashi Bhushan Pandey, Presiding Officer, Motor Accident Claims Tribunal, Sitapur may kindly be placed before Hon'ble Dr. Justice Kaushal Jayendra Thaker (**Nominated Judge to pass orders in matters of G.P.F Advance of Sitapur District as per new nomination order dated 29.10.2021 of Hon'ble The Chief Justice**), for His Lordship's kind perusal and order to the effect that an amount of Rs.31,00,000/-(Thirty One Lacs) only as final withdrawal may be sanctioned to Sri Shashi Bhushan Pandey, Presiding Officer, Motor Accident Claims Tribunal, Sitapur against his GPF Account No. LJU-21085, to mete out the expenses relevant with construction of house, as a special case, in terms of sub rule 16(1)(C)(a) read with 17(1)(a) of G.P.Fund(U.P) Rules, 1985, subject to the conditions mentioned above ?

His Lordship may further be requested to digitally sign attached draft sanction order ?

Pranti Dixit  
Section Officer  
Admin A-1  
04.03.2022

**Hon'ble Dr. Justice Kaushal Jayendra Thaker,**

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)