

Registrar (J) (Budget)

May kindly see the online application of Sushri Akanksha Garg, the then Civil Judge (Senior Division), Amroha presently posted as Additional Chief Judicial Magistrate, Muzaffarnagar regarding grant of permission to accept gift/transfer of a NPB 0.32 bore Revolver from her father.

In her application, Sushri Akanksha Garg has stated that her father is a retired officer, Sri Devendra Kumar Garg S/o Late Sri K.S. Garg (aged 65 yrs) R/o L-41, Shastri Nagar, Meerut is permanently residing with him at J-5, Judges' colony, Civil Court Compound, Amroha. Her father had purchased a N.P. 0.32 Bore revolver No. A-2758 made by Indian Ordinance Factory (Small Arms Factory), Kanpur on 30.12.1997 for Rs. 60,387/- (copy of receipt can be seen as attachment and this revolver is endorsed to his License No. 1523/GS Kotwali Budaun. (copy annexed). Thus, he is the owner of the above mentioned revolver and has all the rights to sell/transfer of his revolver. It is further submitted that she is also a license holder of a N.P. 0.32 Bore revolver bearing License No. 313/P-I GS Amroha, Amroha (copy of licence can be seen as attachment) and she is in need of a revolver for her personal defence. Now, since her father has three weapons in his name, therefore, he has decided to give above mentioned revolver to her by way of gift, out of love and affection and without consideration as she is his only daughter and in order to proceed with transfer of his revolver to her, his father has made a gift in favour of her which is final as well as irrevocable (copy can be seen as attachment) in which he has declared that he would have no objection if he would apply to seek permission from Hon'ble High Court, Allahabad prior accepting this gift and later apply to concerned District Magistrate for endorsement of his name in her license, as owner of revolver No. A-2758. The officer has also submitted copy of her license in original which can be seen as attachment. Now, since it is necessary for her to obtain prior permission from the Hon'ble High Court before accepting this gift, therefore, it is requested that kindly place her application before the Hon'ble Court for granting her prior permission to accept the gift of revolver from her father.

In this connection, the relevant extract of rule relating to gift (Rule 11 of the U.P. Government Servant's Conduct Rules, 1956) is as under:-

11. Gifts:- A government servant shall not without previous approval of Government :-

(a) Accept directly or indirectly on his own behalf or on behalf of any other persons, or

(b) Permit any member of his family who is dependent on him, to accept any gift, gratuity or reward from any person other than a close relative.

In this connection, it is submitted that as the revolver is to be gifted to the officer by her father out of natural love and affection, it amounts to be a gift from close blood relative, which is permissible under Rule 11. It is pertinent to mention here that as asked by learned Joint Registrar (J) (Budget), the officer was asked to upload legible copy of valid Arm's License of her father highlighting the period of renewal. In reply, the officer has uploaded the copy of his father and his own license, which can be seen as attachment. The officer was further asked to intimate as to how her father can transfer his revolver to the officer whereas his license has been expired from 01.09.2020. Thus, the officer has stated that his father is compelled to transfer his questioned revolver to him by way of gift and it is also to be informed that she is having valid Arms license. Therefore, the permission of obtaining the gift of revolver is required. Furthermore, the request of the officer appears to be considerable, as she has requested for prior permission for the transaction.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Salil Kumar Rai, Administrative Judge, Muzaffarnagar, also nominated for "Disposal of the matters of Judicial Officers wherein permission/information for sale or purchase of movable/ immovable property and permission/ information to accept gift under U.P. Government Servants' Conduct Rules 1956", for the district Muzaffarnagar, for Her Lordship's kind perusal and if Her Lordship approves, Sushri Akanksha Garg, Additional Chief Judicial Magistrate, Muzaffarnagar be granted permission to accept gift/transfer of a N.P. 0.32 bore Revolver from her father, as requested, subject to the condition that relevant papers of the transaction be submitted by her

on completion of the transaction?

Or

Any other order which His Lordship may like to pass.

Munmun Narang S.O.

Meetu Verma A.R.

16.05.2023

Hon'ble Mr. Justice Salil Kumar Rai,

Administrative Judge, Muzaffar Nagar

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)

