

Ld. I/c Joint Registrar(J)(Budget)

May kindly see online request dated 27.02.2023 accompanied with revised application proforma dated 01.03.2023 (**attachment under heading- Application on prescribed proforma**) and other essential documents (**submitted as attachments**) of Sri Jamshed Ali, Presiding Officer, Motor Accident Claims Tribunal, Kushinagar at Padrauna regarding sanction of final withdrawal of Rs.20,00,000/- to good self out of the total amount standing to his credit in G.P.F Account No. LJU-24699, to mete out expenses relevant with acquiring ready-built house bearing H.No. A-278 situated at Akanksha-I, Block-A, Govindpuram, Tehsil & District-Ghaziabad as mentioned in sale agreement executed on 20.12.2022 (**attachment under heading- Copy of agreement to sell**) between Sri Devi Dayal Yadav & Kuldeep Yadav as First Party/Seller and Sri Jamshed Ali as Second Party/Purchaser.

Vide certificate dated 27.02.2023 (**attachment under heading - Certificate reg. justification of needed amount**), Sri Jamshed Ali has informed that he is a resident of District Ghaziabad and wishes to permanently settle there. Thus, he is willing to purchase a house and for that purpose he has entered into a sale agreement with Sri Devi Dayal Yadav & Sri Kuldeep Yadav, owners of H. No. A-278, Akanksha-I, Block-A, Govindpuram, Tehsil & District-Ghaziabad, for sale consideration of Rs.1,40,00,000/- (One Crore Forty Lacs). He has also attached copy of sale agreement dated 20.12.2022, as the evidence of purpose.

In this connection it is submitted that the aforesaid request of Sri Jamshed Ali 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 Jamshed Ali has also attached attested copy of last five F.Ys including current F.Y GPF pass-book statements (**attachment under heading- Copy of GPF pass-book**) and certificate dated 27.02.2023 (**attachment under heading- Certificate reg. amount in GPF pass-book and debiting of amount prohibited by Government**), issued by Sri Jamshed Ali in the capacity of D.D.O., M.A.C.T., Kushinagar at Padrauna as the evidence of total amount available to his credit till November, 2022 in GPF Account No. LJU-24699. As per GPF pass-book statements, total amount available to his credit is Rs.55,17,087/-, out of which final withdrawal of Rs.20,00,000/- can be sanctioned to him. He has also informed vide certificate dated 27.02.2023 (**attachment under heading- Certificate reg. previous withdrawals**) that he has not taken any temporary advance or final withdrawal in his entire service period till date. He had joined U.P. Judicial Services on 29.09.1999 and is due to retire on 31.01.2030. He has put in more

than fifteen years of his age in this service and currently his Basic Pay is Rs.64,450/-.

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 (i) the object for which the withdrawal is being made, and (ii) the amount to his credit in the Fund.

Thus, final withdrawal of Rs.20,00,000/- may be sanctioned to Sri Jamshed Ali, Presiding Officer, Motor Accident Claims Tribunal, Kushinagar at Padrauna from his GPF Account No. LJU-24699, to mete out the expenses relevant with acquiring ready-built 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/copy of sale deed shall be furnished to the Court within reasonable time.**
- 3. That the purchase of house should be done within a period of three months from the date of withdrawal.**
- 4. That the D.D.O, M.A.C.T., Kushinagar at Padrauna shall ensure to mention the amount of Final Withdrawal in the withdrawal column of GPF pass-book of Sri Jamshed Ali, without delay.**
- 5. That as per undertaking dated 27.02.2023 (attachment under heading- Undertaking), issued by Sri Jamshed Ali under his own signature and seal, 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 by Learned I/c Joint Registrar(Judicial)(Budget), instant request of Sri Jamshed Ali, Presiding Officer, Motor Accident Claims Tribunal, Kushinagar at Padrauna may kindly be placed before Hon'ble Dr. Justice Kaushal Jayendra Thaker (**Nominated Judge for Sanction of Temporary Advance/Final Withdrawal to the Judicial Officers from their GPF Account, of Kushinagar District**), for His Lordship's kind perusal and order to the effect that an amount of Rs.20,00,000/-(Twenty Lacs) only as final withdrawal may be sanctioned to Sri Jamshed Ali, Presiding Officer, Motor Accident Claims Tribunal, Kushinagar at Padrauna against his GPF Account No. LJU-24699, to mete out the expenses relevant with acquiring ready-built 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

Arvind Kr. Srivastava
Asst. Registrar
Admin-A1
02.03.2023

Hon'ble Dr. Justice Kaushal Jayendra Thaker

Nominated Judge

Submitted for kind perusal and orders?

I/C Joint Registrar(Judicial)(Budget)

03.03.2023

