

Registrar (J) (Budget)

May kindly see the online application of Sri Ashish Jain, Principal Judge, Family Court, Mathura by which he has submitted supplementary details/ papers in connection with grant of permission to use staff car for undertaking journey from Mathura to Meerut on 31.05.2023 for some urgent work in compliance of Court's order.

In this connection, it is submitted that the officer through his earlier application has requested for grant of permission to use staff car bearing registration no. UP 70 AG 2010 from Mathura to Meerut on 31.05.2023. The distance travelled by him for the same journey was 255 kms. & has paid Rs. 465/- through Challan Receipt No. FF00006 which has been deposited in SBI, Mathura. The matter was submitted before Hon'ble Mr. Justice Rajnish Kumar, Administrative Judge, Mathura for disposal of the matters. Upon consideration of the matter, His Lordship had been pleased to order:

“There is another request for permission to travel by official car from Mathura to Meerut for 09.08.2023. In the said request total distance travelled is 464 Km., out of which 264 Km. is additional over and above 200 Km. and for the said distance an amount of Rs. 792/- has been deposited through challan on 16.08.2023. But in the present matter of travel from Mathura to Meerut, 255 Km. has been shown over and above 200 Km. and for the said distance an amount of Rs. 465/- has been deposited through challan on 15.06.2023. Therefore it is to be clarified by the Officer as well as Office within two weeks, as to how there is so much difference in amount paid for 264 Km. and 255 Km.”

The order was communicated online to the officer.

In reply of the online Court's order, the officer has submitted its reply on 13.09.2023 & a supplementary note dated 16.09.2023 was put up before Hon'ble Mr. Justice Rajnish Kumar, Administrative Judge, Mathura, upon which His Lordship has been pleased to order:-

“Put up with relevent orders and circulars.”

In compliance of His Lordship's order a copy of relevant G.O.s and circulars have been sent to His Lordship through offline mode. His Lordship has been again pleased to order:-

1. The officer has sought permission to use the official Car bearing Registration No.UP-70-AG-2010 for journey from Meerut to Mathura performed by him on 31.05.2023. As intimated by him he has deposited the cost of Rs.465/- for 155 km. being additional over and above 100 km. for the said month through Challan Receipt No. FF00006 in S.B.I., Mathura.

2. The following order was passed on 08.09.2023:

“There is another request for permission to travel by official car from Mathura to Meerut for 09.08.2023. In the said request total distance travelled is 464 Km., out of which 264 Km. is additional over and above 200 Km. and for the said distance an amount of Rs. 792/- has been deposited through challan on 16.08.2023. But in the present matter of travel from Mathura to Meerut, 255 Km. has been shown over and above 200 Km. and for the said distance an amount of Rs. 465/- has been deposited through challan on 15.06.2023. Therefore it is to be clarified by the Officer as well as Office within two weeks, as to how there is so much difference in amount paid for 264 Km. and 255 Km.”

3. In response to the aforesaid order, the Officer submitted the following reply dated 13.09.2023:-

“On 31.05.2023 I had submitted an application UP70AG-2010 for permission to use official car for journey from Meerut to Mathura on 31.05.2023. The distance travelled was 255 kms. & I had deposited Rs. 465/- through Challan Receipt No. FF00006 in S.B.I., Mathura on 15.06.2023. In the said request total distance travelled is 464 Km., out of which 264 Km. is additional over and above 200 Km. and for the said distance an amount of Rs. 792/- has been deposited through challan on 16.08.2023. But in the present matter of travel from Mathura to Meerut, 255 Km. has been shown over and above 200 Km. and for the said distance an amount of Rs. 465/- has been deposited through challan on 15.06.2023. Therefore it is to be clarified by the Officer as well as Office within two weeks, as to how there is so much difference in amount paid for 264 Km. and 255 Km.”

On 01.06.2023 I had submitted a supplementary note dated 10.06.2023 in response to the said order. In the said note I had submitted that the distance travelled for the said journey was 251 kms. & I had deposited Rs. 465/- through Challan Receipt No. FF00006 in S.B.I., Mathura on 15.06.2023. In the said request total distance travelled is 464 Km., out of which 264 Km. is additional over and above 200 Km. and for the said distance an amount of Rs. 792/- has been deposited through challan on 16.08.2023. But in the present matter of travel from Mathura to Meerut, 255 Km. has been shown over and above 200 Km. and for the said distance an amount of Rs. 465/- has been deposited through challan on 15.06.2023. Therefore it is to be clarified by the Officer as well as Office within two weeks, as to how there is so much difference in amount paid for 264 Km. and 255 Km.”

51. 03 153/- 15.06.2023;() FF00007

4. The office also submitted a report dated 16.09.2023 justifying the deposit made by the Officer.

5. By means of order dated 07.11.2023, a direction was issued to put up with relevant orders and circulars.

6. In pursuance of the aforesaid order hard copy of the Government Order No.315/das-san. vi.-mit.- 2-97 dated 19 March, 1997 and Government Order No.1169/Das-San. Vi.-97-2/97 dated 31 July, 1997 have been provided.

7. By means of the Government Order dated 19th March 1997 the policy has been framed for permissibility of the Government Vehicles for private use and their maintenance. Paragraph (Aa) of the said Government Order provides the use of the Government Vehicles. Sub Paragraph (1) of paragraph (Aa) provides that every officer, to whom the Government Vehicle is allotted, can use the same after deposit of Rs.250/- per month per vehicle in case of Car and Rs.200/- per month per vehicle in case of Jeep. The said amount shall be deducted from the salary of the concerned officer. After deduction of the said amount, the use of the Government Vehicle up to 200 kms. in a month would be admissible to the concerned officer. In case it is used more than 200 km. for personal work in a month, Rs.3 per km. per vehicle would be payable by the concerned officer.

8. Sub Clause (2) of Clause (Aa) of the aforesaid Government Order provides the condition regarding the admissibility of the Government Vehicle for travel to the Divisional Office.

9. Sub paragraph (3) of Paragraph (Aa) of the said Government Order provides the conditions for taking the admissible government vehicle out of their work area/jurisdiction by the officer posted in Division and District. Sub paragraph (ka) of sub paragraph (3) of paragraph (Aa) provides the essentiality of permission of the Commissioner. Sub paragraph (Kha) of sub paragraph (3) of paragraph (Aa) provides that an officer who would take the Government vehicle with the permission of the Commissioner out of his work area/jurisdiction, he would have to deposit the amount of the said distance at the rate of Rs.3/- per km. This amount is payable even where the government vehicle is used for government duty and the concerned officer would be entitled for the same to charge his TA/DA as per sub-paragraph (Ga).

10. In view of the aforesaid sub-clause (kha) of sub clause (3) of paragraph (Aa), applicable in the present case, a Government Officer who uses the Government vehicle admissible to him for personal use for going out of his work area/jurisdiction, he has to deposit the total amount of the said distance at the rate of Rs.3/- per km., which is separate and it has no concern with paragraph (1) and (2) of the govt. Order.

11. The government Order dated 31st July 1997 has been issued as a clarification of the aforesaid Government Order dated 19th March 1997 providing in the 1st paragraph of the said Government Order that the Government Order dated 19th March 1997 was issued with the expectation that it would be implemented strictly. In paragraph 2 of the said Government Order it has been stated that it has come to the knowledge of the government that all the concerned officers are not depositing Rs.250/- per month per vehicle in case of Car and Rs.200/- per month per vehicle in case of Jeep and a direction has been issued for its strict compliance. Paragraph 3 of the said Government Order provides that after deposit of the aforesaid amount the concerned officer would be entitled for use of the Government vehicle for personal use up to 200 km. in a month. However in case the limit exceeds 200 km. the concerned officer would have to pay Rs.3/- per km. The further direction has been issued in paragraph 4 to the Head of the Departments and Head of the offices, U.P. to ensure the strict compliance of the aforesaid Government Order referred above i.e. Government Order dated 19th March, 1997.

12. In view of above, it is apparent that by means of the subsequent Government Order dated

31st July 1997, only a direction has been issued for strict compliance of the Government Order dated 19th of March 1997 and in view of the non compliance of the sub-paragraph (1) of paragraph (Aa) of the Government Order dated 19th March 1997, as came to knowledge of the Government, for its strict compliance. But it does not modify or clarify in any manner the sub paragraph (3) or it's sub paragraph (kha) of paragraph (Aa) of the Government Order dated 19th March 1997, according to which the cost of total distance run by the officer out of his work area/jurisdiction is to be deposited at the rate of Rs.3/- per km., which is applicable in the present case. Accordingly the report submitted by the office of this court is also not correct and is hereby rejected.

13. It is also noticed that the aforesaid Government Orders were issued in the year 1997 and since then the price of petrol/diesel has increased manifold, therefore it requires revision by the appropriate authority, for which it may be considered to be brought to knowledge of the Government.

14. In view of above, the officer shall deposit the total amount of the total distance travelled by him on 31.05.2023 and on subsequent dates out of his work area/jurisdiction i.e. for going from Mathura to Meerut, at the rate of Rs.3/- per km. within two weeks and then submit for permission.

Let a copy of it be placed before Hon'ble the Chief Justice/ Acting Chief Justice for consideration and action required, if any.

The order was communicated online to the officer.

In reply of the Court's order, the officer has submitted that-

31.05.2023 255 11.06.2023 251 506 UP70AG-2010 506 03 1518 /-

15.06.2023 465/- FF00006 153/- FF00007 465 153=618/- 1518 618/- 900/- 08.02.2024 B801959

In this connection, it is submitted that the officer has travelled on 31.05.2023 from Mathura to Meerut a distance of Rs. 255 kms. for his personal journey & on 11.06.2023 from Meerut to Mathura for a distance of 251 kms. Thus, a total distance travelled from Mathura to Meerut to and fro is 506 kms. by his private car bearing reg. no. UP 70 AG 2010. In this way, the journey from Mathura to Meerut @ 3 Rs. per kms. of used fuel is Rs. 1518/-. It is pertinent to mention here that Rs. 465/- through challan no. FF00006 & Rs. 153/- through challan no. FF00007 is stated to have been deposited in SBI Mathura on 15.06.2023 thus, a sum of Rs. 618/- has been deposited till then. But 1518/- is stated to have been calculated for the total distance travelled him out of which Rs. 618/- has been deposited. Therefore, the officer has stated that 1518-618= Rs. 900/- have been paid through challan no. B801959 in SBI, Mathura on 08.02.2024. Copy of Challan can be seen as attachment.

In compliance of His Lordship's order an offline note has also been put up before Hon'ble The Chief Justice in the matter for inviting government's attention to the old G.O.s, old limit of private use of govt. vehicle per month and old rate of extra charges beyond private use of 200 kms. per month for reconsideration, amendment and for issuing revised G.O. taking into consideration the price of petrol/diesel at present.

Under the facts & circumstances, may, therefore, if approved, the matter be laid before Hon'ble Mr. Justice Rajnish Kumar, Administrative Judge Mathura Judgeship for His Lordship's kind perusal & further orders in the matter.

Munmun Narang S.O.

Meetu Verma A.R.

Hon'ble Mr. Justice Rajnish Kumar,

Administrative Judge, Mathura

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)

