

## **Registrar (J) (Budget)**

May kindly see the online application of Sri Tripurari Mishra, Special Judge (SC/ST, Pev. of Atroci Act), Rai Bareli regarding grant of permission to accept gift of an immovable property i.e. house no. 4/1171, Lucknow Development Authority, measuring 200 sq. m. from his father as well as two sisters.

In his application, Sri Tripurari Mishra has stated that his father (Sri Vinay Kumar Mishra) who has been retired as ADJ, Fatehpur on 30.04.2017. His father during his service period has purchased plot no. 4/1171 measuring 200 sq. m. jointly in the name of himself as well as his mother in 26.03.2010 from Lucknow Development Authority. Due intimation regarding the purchase of the said property has been submitted to this Hon'ble Court. (copy of intimation letter & sale deed can be seen as attachment). Moreover, a house has been constructed on the said plot in which his father is residing & this house has been registered in the records of Nagar Nigam also. Thus, in the aforementioned house, his parents had a joint ownership but unfortunately, his mother (Smt. Vidyawati Mishra) had expired on 20.12.2018. In the said house of his mother's half-share, his father's, himself as well as his two married sisters (Smt. Ragini Mishra & Smt. Upma Mishra) all had 1/8 share. At present, his father is an old person & thus intends to gift his 5/8th share of the said house out of natural love and affection to the officer. As far as his two married sisters are concerned, they too intend to gift the said property (1/8 share of each) in the name of the officer out of natural love and affection through gift deed to the officer (copy of 'Gift Deed' of his father & sisters can be seen as attachment). Now, since it is necessary for him to obtain prior permission from the Hon'ble High Court before accepting this gift, he has humbly requested to place his application before the Hon'ble Court for granting him prior permission to accept the gift of plot from his father and sisters.

In this connection, it is submitted that as per other supporting papers, the location of house no. 4/1171 is at Sector-4, Gomti Nagar Extension, Lucknow. The relevant extract of the rule relating to gift (Rule 11 of the U.P. Government Servant's Conduct Rules, 1956) is as under:-

*12. 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 house is to be gifted to the officer by his father & two sisters out of natural love and affection, it amounts to a gift from close blood relatives, which is permissible under Rule 11. Furthermore, the request of the officer appears to be considerable, as he has requested prior permission for the transaction.

May, therefore, if approved, the matter be laid before Hon'ble Mr. Justice Samit Gopal, Administrative Judge, Rai Bareli, also nominated for "Disposal of the matters of the 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 Rai Bareli, for His Lordship's kind perusal and if His Lordship approves, Sri Tripurari Mishra, Special Judge (SC/ST, Pev. of Atroci Act), Rai Bareli be granted permission to accept gift of a house no. 4/1171, Sector-4, Gomti Nagar Extension, Lucknow measuring 200 sq. m. from his father & two sisters, as requested, subject to the condition that relevant papers of the transaction be submitted by him on completion of the transaction?

Munmun Narang S.O.

Meetu Verma A.R.

07.10.2023

**Hon'ble Mr. Justice Samit Gopal,**

**Administrative Judge, Raebareli**

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)

