

Joint Registrar (Judicial) (Budget)

May kindly see the application of Sri Virek Aggarwal, Additional Chief Judicial Magistrate, Chandausi- Sambhal at Chandausi regarding grant of permission to visit United States of America (USA) to accompany his parents for visiting his twin brother from 20.12.2021 to 07.01.2022.

In his application, Sri Virek Aggarwal has stated that he wants to visit USA in winter vacation to visit his twin brother Mr. Viren Aggarwal, residing in USA at 163 N Marengo Ave, Apt 213, Pasadena, CA 91101, from 20 December 2021 to 7 January 2022. He has also stated that his brother is residing there alone and is working from home for last several months, therefore, his parents wish to visit him. However, his parents are senior citizens and both are suffering from knee problem, he needs to accompany them. Furthermore, during his visit, he would stay with his brother and the expenses of his Air Ticket shall be borne by him. He already has Visa for USA till 14.04.2023, Visa Number (20131054940001) and would take appropriate travel insurance as well for his travel during the above said period. He has further stated that he would not do any act which brings disrepute to Uttar Pradesh State Government or India, or which is against the ethics and dignity of a Judicial Officer. He has previously travelled to USA before joining the services and during service for 9 days during summer vacations in June 2018, and for 21 days from 18 December 2019 to 7 January 2020, and for 22 days from 20 December 2020 to 9 January 2021. This visit is completely familial and personal. During the aforesaid period he would take earned Leave of 19 days from December 20, 2021 to January 7, 2022. He has added that during winters the Hon'ble Courts are closed from December 25 to December 31, as such the Hon'ble Court's work would not suffer adversely. The officer has also enclosed copy of his SBI S.B. A/c statement as attachment, having balance amount of Rs. 4,82,125/-, which appears to be sufficient for his expenses and also enclosed the copy of VISA and passport. The decalarations submitted by the officer in his attachement are as follows:-

1. That by his visit to abroad no dilemma is likely to create before the Government of India or Government of Uttar Pradesh.
2. That such type of request for abroad visit has not been refused earlier.
3. He has previously travelled to USA for 9 days during summer vacations in June 2018, and for 21 days from 18 December 2019 to 7 January 2020, and for 22 days from 18 December 2020 to 09 January 2021.

He has, therefore, requested the Hon'ble High Court to grant him permission to visit USA to accompany his parents for visiting his brother in USA during winter vacations from 20.12.2021 to 07.01.2022.

In this connection, it is submitted that grant of permission to visit abroad is considered in accordance to the G.O.1/3/98-Ka-Prasko/1999 dated 14 June 1999 and in accordance with Hon'ble High Court's Circular Letter No. 16/ IV-f-101/ Admin (A)/ dated 27.05.2017. Prior to this, he has been granted permission to visit USA to meet his twin brother there from 20 December 2020 to 9 January 2021 vide order of Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge, dated 10.12.2020 on case ID no. 1126. As per reports, no vigilance / departmental enquiry is pending against Sri Virek Aggarwal. As per point no (1) and (2) of the Court's C.L. dated 27.05.2107, which are as follows:-

1. "Abroad tour by any officer shall not be availed of during working days of the Court or during the period of suspension/ departmental proceedings, except in case of medical treatment of himself / herself, spouse or dependent, or in special circumstances, and tours which are sponsored and/ or approved by the state / central Government during certain fixed span of time and does not fall during vacations. In these eventualities the Judicial Officers shall seek permission before applying for VISA."

2. "For other reasons and for pleasure trips, the officer will be permitted to go abroad only

during vacations/ official holidays, for which even before applying for VISA, prior permission should be applied at least two months prior to the proposed visit."

In the instant case, It is also pertinent to mention here that the officer wants to visit USA from 20.12.2021 to 07.01.2022 (including winter vacation) to accompany his parents who have knee problem, to meet his twin brother there, upto some extended period of winter holidays and as per provision of Hon'ble Court's C.L. no. 16/ IV f-101/ Admin (A) dated 27.05.2017, it has some restrictions. Now, its upto the discretion of Hon'ble The Nominated Judge and Hon'ble Administrative Judge, Sambhal to grant him permission to visit USA for applied period seeing the compulsion to accompany his parents from 20.12.2021 to 07.01.2022 during that visit as a special case. In this connection it is also submitted that in the Hon'ble High Court's Circular Letter dated 27.05.2017, it has been settled that for the purpose of grant of such permission the competent authority for the judicial officers is Hon'ble the Administrative Judge of the District concerned, for the Judicial officers posted in judgeship or on the District of any deputation post, subject to approval by Hon'ble the Chief Justice or any member of the Administrative Committee authorised by the Hon'ble the Chief Justice. Vide subsequent order dated 19.10.2020, Hon'ble the Chief Justice has been pleased to nominate Hon'ble Mr. Justice Pritinker Diwaker, to consider request of permission of the Judicial Officers to visit abroad in place of His Lordship.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Sanjay Kumar Pachori, Administrative Judge, Sambhal for kind perusal and if His Lordship approves, as a special case, Sri Virek Aggarwal, Additional Chief Judicial Magistrate, Chandausi- Sambhal at Chandausi may be granted permission to visit United States of America (USA) to accompany his parents for visiting his twin brother there from 20.12.2021 to 07.01.2022, as requested, subject to approval by Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge, as per Hon'ble High Court's Circular Letter No. 16/ IV-f-101/ Admin (A)/ dated 27.05.2017 and order dated 19.10.2020 of Hon'ble the Chief Justice, as mentioned above with the condition that proper charge of Government records or cash, if any, or any government property with him, may be handed over by him before proceeding abroad?

Or

To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar

Hon'ble Mr. Justice Sanjay Kumar Pachori,

Administrative Judge, Sambhal

Submitted for kind perusal & order

Joint Registrar (J) (Budget)