

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Sudeep Kumar Jaiswal, H.J.S., posted on deputation as Secretary, Uttar Pradesh State Legal Services Authority, Lucknow regarding grant of permission to visit Dubai and Maldives alongwith his family from 27.12.2021 to 05.01.2022.

In his application, Sri Sudeep Kumar Jaiswal has stated that his brother-in-law, Sri Sandeep Jaiswal has been living in Dubai (UAE) since long and he is Director of a Dubai based company named Global Alliance Group DMCC. His brother-in-law has invited him to visit Dubai and also planned for a family trip to Maldives. He has also stated that he is planning to visit Dubai & Maldives from 27.12.2021 to 05.01.2022. The expenses of to and fro Air ticket, lodging and fooding etc. of visit, approximately Rs.2,00,000/- will be borne by his brother-in-law (copy of passport and sponsorship letter in this connection can be seen in attachment). He has also stated that he has sufficient amount in his saving bank account and copy of his passbook and passport of all of his family members submitted as attachments. However, Passport of his younger daughter was expired in July 2021 but he has applied for re-issuance of the same, which is likely to be issued soon.

He has further stated that according to Rule/ Guidelines of Hon'ble High Court (C.L. No. 16/ IV f-101/ Admin A/ dated 21-05-2017), abroad tour shall not be availed by any Judicial Officer during working days of the Hon'ble Court and be permitted to go abroad only during vacations/ official holidays but since he is on deputation post and there is no provision of long vacation there, he has only got the choice to visit abroad by applying Earned Leave. Also, as the expenses of the visit are very high, it is not viable for him to plan a short trip and he would apply for earned leave, separately for the visit.

He has also submitted that by his abroad visit, no dilemma is likely to create before the Government of India or before Government of Uttar Pradesh. Furthermore, such type of request for abroad visit was not refused to him earlier and he had earlier visited Dubai with the permission of Hon'ble Court from 26 December 2014 to 09th January 2015 and lastly visited Dubai with the permission of Hon'ble High Court from 23rd December, 2019 to 12th January 2020.

He has, therefore, requested to Hon'ble High Court to grant him permission to visit Dubai and Maldives from 27.12.2021 to 05.01.2022.

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. As per reports, no vigilance / departmental enquiry is pending against Sri Sudeep Kumar Jaiswal. Lastly, he has been granted permission to visit Dubai to meet his brother-in-law, between second week of December 2019 & January 2020 for the duration of about 20 days alongwith his family, vide order of Hon'ble Administrative Judge, Lucknow and Hon'ble The Chief Justice. The officer have visited Dubai then, by availing Earned leave from 23.12.2019 to 12.01.2020, as per Hon'ble Court's permission.

At present, in the instant case, the officer has stated that as he is on deputation and there is no long vacation there, as well as the cost of visit is high, thus as stated by him, it is not viable for him to shorten this visit and he has applied Earned leave for the visit, which is scheduled from 27.12.2021 to 05.01.2022, i.e. his abroad visit includes official/working days except the Sunday and some other holidays of deputation department, it is now upto the discretion of Hon'ble The Chief Justice and Hon'ble Administrative Judge, Lucknow to grant him permission to visit Dubai and Maldives from 27.12.2021 to 05.01.2022, seeing the Court's C.L. dated 27.05.2017, approving guidelines that:

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 vacation. In these eventualities the Judicial officers shall seek permission before applying for VISA.*

2. *For other reasons and for pleasure trips, the officers 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.*

3. *For the purpose of grant of such permission, Hon'ble The Chief Justice will be the competent authority for the Judicial Officers, posted in the High Court, Allahabad, its bench at Lucknow and those who are on deputation outside the State, and Hon'ble the Administrative Judge of the district*

concerned, for the Judicial officers posted in Judgeship or in the District on any deputation post, subject to approval by Hon'ble the Chief Justice or any other member of the Administrative Committee authorised by the Hon'ble 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 His Lordship's place.

It is also to submit here that previously the detailed online office note has been placed before Hon'ble Mr. Justice Surya Prakash Kesarwani, the then Administrative Judge, Lucknow but the same got reverted back without order, as His Lordship becomes Hon'ble Member of the Administrative Committee and Hon'ble Mr. Justice Manoj Kumar Gupta has been designated as Administrative Judge, Lucknow, thus the matter is being placed again for His Lordship's kind perusal and orders. Here, it is also to mention that although the officer is not posted in a Court of regular line, and on deputation post at Lucknow, his matter is likely to be placed before Hon'ble the Administrative Judge, Lucknow as per Resolution of Hon'ble Administrative Committee dated 07.08.1995, by which it was resolved "*that the respective Inspecting Judges will be the Inspecting Judges in respect of all Judicial Officers posted in whatsoever post with regard to respective districts.*"

Additionally, it is also submitted that the officer in his earlier application had stated that he will be visiting Abroad by taking Earned leave and now, after asking him to clearly specify the dates and scheduled of proposed visit to Dubai and the nature of leave to be availed by him for visit abroad, he has stated that he has applied Earned leave from 27-12-2021 to 05-01-2022 to visit Dubai, which has been received as leave ID no. 122996 on E-service JO Portal of leave separately.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Manoj Kumar Gupta, Administrative Judge, Lucknow for kind perusal and if His Lordship approves, as a special case, Sri Sudeep Kumar Jaiswal, H.J.S., Secretary, Uttar Pradesh State Legal Services Authority, Lucknow may be granted permission to visit Dubai to meet his brother-in-law there and also to visit Maldives further, alongwith his family from 27.12.2021 to 05.01.2022, 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, R.O.,

Mohd. Arshad, A.R., Admin (A-4),

24.12.2021

Hon'ble Mr. Justice Manoj Kumar Gupta,

Administrative Judge, Lucknow

Submitted for kind perusal and orders?

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