

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Mohd. Suhail, Additional Civil Judge (Junior Division), Pilibhit regarding grant of permission to visit Saudi Arabia for a pilgrimage trip i.e. for Umrah from 25th October 2022 to 11th November 2022.

In his application, Sri Mohd. Suhail has stated that he and his spouse Smt. Sumbul Irshad, wants to go on pilgrimage trip i.e for Umrah to Saudi Arabia from 22nd October 2022 to 15th November 2022 (tentative subject to availability of package) and the approximate estimate of the expenditure would be of Rs. 70,000/- each. He has also stated that all the expenses would be borne out from his own and his wife's salary (salary statement can be seen as attachment) and the place of stay would be the hotels provided in the package. He has also stated that he along with his wife would be availing their earned leave for the purpose and tickets would be booked by them after the grant of permission from Hon'ble High Court. He has also submitted the following declarations:-

1. That by his abroad visit no dilemma is likely to create before Government of India or Government of U.P..
2. That such type of request for abroad visit has not been refused to him earlier.
3. That since joining of the judicial service, he has not visited any foreign country.

Thereafter, through online objection, the officer was asked to clarify his position as per point no. 2 of Hon'ble Court's Circular letter no. 16/ IVf-101/ Admin (A) dated 27.05.2017, as his proposed abroad visit does not fall during vacation/ holidays as well as he has been asked to intimate the exact duration of his visit, expenditure and it's source with supporting papers. In reply, the officer has stated that the total expenditure along with GST as generated by the travel agency "elite travels" would be Rs. 85,000/- per person including flights, hotel, meals, local travel, laundry etc (copy of quotation can be seen as attachment) and the same would be borne by his own and his wife's salary saving account, having approx. balance of Rs. 2,84,461/- in total in their bank accounts (copy of bank statement of both the officers can be seen as attachment). The officer has also enclosed copy of his passport which also can be seen as attachment. He has further stated that with respect to point no. 2 of Hon'ble Court's Circular letter no. 16/ IV f-101/ Admin (A) dated 27.05.2017, his tour is a pilgrimage trip and not a pleasure trip which requires at least 15 days for proper rituals and no recess is of 15 days and as per service rules, he cannot affix or prefix casual leaves with recess and be on leave at a stretch of more than 14 days without taking earned leave, therefore, he would not be able to go for pilgrimage without taking earned leave. Moreover, the prices are lowest in the moth of July-October and highest in the month of June and December owing to the vacations of large number of people across globe and he cannot afford to go in the months of June and December, as the prices are escalated by at least 60,000/-. Almost fixed dates for the pilgrimage are now from 25.10.2022 to 11.11.2022. Thus, he and his wife most earnestly request that their permission be allowed for the period specified in the application. He has, therefore requested for grant of permission to visit Saudi Arabia for a pilgrimage trip i.e. Umrah from 25th October 2022 to 11th November 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. As per reports, no vigilance/ departmental enquiry is pending against Sri Mohd. Suhail. It is also pertinent to mention here that in this instant application the officer has enclosed all the details of his wife's (Smt. Sumbul Irsahd, who is also a Judicial Officer) visit alongwith supporting papers from her side, whereas Smt. Sumbul Irshad has submitted her online application vide case id. S00014322021 separately and the separate detailed office note has been prepared and also submitted. As per the point no. (1) of Hon'ble High Court's Circular Letter No. 16/ IV-f-101/ Admin (A)/ dated 27.05.2017, abroad tour by any officer shall not be availed of during working days of the Hon'ble 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. Now, in the instant case the officer alongwith his wife, who is also a judicial officer, are going to visit Saudi Arabia on a pilgrimage trip i.e. Umrah from 25nd October 2022 to 11th November 2022, which includes Deepawali vacation and approximately 09 working days but the officer has stated that his tour is a pilgrimage trip which requires at least 15 days for proper rituals and no recess is of 15 days and as per service rules, he cannot affix or prefix casual leaves with recess and also fare prices are lowest in July-October, thus they are keen to perform the Umrah in the aforesaid period. Now, it is on the discretion of the Hon'ble High Court either to grant him permission or to pass any such order which deems to be proper. 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 and thereafter vide order dated 29.03.2022 relating to constitution of Committees of Hon'ble Judges, Hon'ble The Chief Justice has been pleased to nominate Hon'ble Mr. Justice Pritinker Diwaker, Senior Judge (J-1) to consider matters relating to grant of permission to Judicial Officers to visit abroad.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Shekhar Kumar Yadav, Administrative Judge, Pilibhit for kind perusal and if His Lordship approves, Sri Mohd. Suhail, Additional Civil Judge (Junior Division), Pilibhit may be granted permission to visit Saudi Arabia for a pilgrimage trip i.e. for Umrah from 25th October 2022 to 11th November 2022, as requested, subject to approval by Hon'ble Mr. Justice Pritinker Diwaker, Senior Judge (J-1), as per Hon'ble High Court's Circular Letter No. 16/ IV-f-101/ Admin (A)/ dated 27.05.2017, order dated 19.10.2020 and, order dated 29.03.2022 of Hon'ble The Chief Justice relating to the constitution of Committees of Hon'ble Judges, 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, Admin (A-4)
31.05.2022

Hon'ble Mr. Justice Shekhar Kumar Yadav,

Administrative Judge, Pilibhit

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)