

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Smt. Heena Kauser, Additional Civil Judge (Junior Division), Allahabad regarding grant of permission to visit the different places in the country of Nepal with her husband in winter holidays i.e. from 25.12.2022 to 31.12.2022.

In her application, Smt. Heena Kauser has stated that she wants to visit different places in the country of Nepal with her family member i.e. Md. Shahbaz Khan (Husband, age 32 years) from 22.10.2022 to 30.10.2022. Thereafter through online objection, the officer was asked to clarify her position regarding the stated visit in the light of Hon'ble Court's C.L. 27.05.2017 as her visit does not fall during vacations. In reply, the officer has stated that she wants to visit in the different places including (Bharatpur, Kathmandu, Pokhara and Butwal) of the Nepal country during winter vacations i.e. (from 25.12.2022 to 31.12.2022 and would return to her place of posting i.e. District Allahabad on 01.01.2023) with her husband Md. Shahbaz Khan. The officer has also assured to this Hon'ble Court that she or any of her family members would not put the Government of India or Government of U.P. in any embarrassing position during their visit to Nepal. She has also declared that earlier neither any request in this regard has been refused by this Hon'ble Court, nor has she ever visited any foreign country. There is no requirement of visa during her visit in Nepal. Furthermore, she has added that expected expenditure during her visit in Nepal is about fifty thousand (Rs.50,000) which she would spend from her salary which is more than Rs. 79,000/- per month. She has, therefore requested for grant of permission to visit different places in the country of Nepal with her family members during winter holidays i.e. from 25.12.2022 to 31.12.2022.

In this connection, it is submitted that in terms of G.O. No.8/12/11/ CX dated 16.3.1971, all Government servants visiting Nepal must take prior permission of the Head of the Department before visiting Nepal and they should enter Nepal territory through some custom check-post and get their luggage cleared by the custom authorities. It is also mentioned in the G.O. that permission to go to Nepal will be given only when Head of the Department is satisfied that the visit of Nepal by the Government servant is necessary and unavoidable. It is also submitted that as per the reports, placed below, no departmental/ vigilance enquiry is pending against Smt. Heena Kauser. 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 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 wants to visit different places in Nepal alongwith her family i.e. husband in winter holidays from 25.12.2022 to 31.12.2022, thus this trip appears to be a pleasure trip which includes all the days of winter holidays. Now, It is on the discretion of the Hon'ble High Court either to grant her 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, 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 place.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Vivek Kumar Birla, Administrative Judge, Allahabad for kind perusal and if His Lordship approves, Smt. Heena Kauser, Additional Civil Judge (Junior Division), Allahabad may be granted permission to visit in the different places including (Bharatpur, Kathmandu, Pokhara and Butwal) of the Nepal country during winter vacations from 25th December 2022 to 31st December 2022 alongwith her husband, 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 and order dated 19.10.2020 of Hon'ble the Chief Justice, as mentioned above with the conditions and that she will enter Nepal territory through some custom check-post and get her luggage cleared by Custom Authorities and proper charge of Government records or cash, if any, or any government property with her, may be handed over by her 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 Vivek Kumar Birla,

Administrative Judge, Allahabad

Submitted for kind perusal & order

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