

## **I/c Joint Registrar (Judicial) (Budget)**

May kindly see the application of Sri Virek Aggarwal, Additional Civil Judge (Senior Division)/ACJM, Mathura regarding grant of permission to visit United States of America (USA) to accompany his parents for visiting his twin brother from 19.12.2022 to 13.01.2023.

In his letter, Sri Virek Aggarwal has stated that he wants to visit foreign travel in winter vacation to visit his twin brother Mr. Viren Aggarwal, residing in USA at 163 N Marengo Ave, Apt 213, Pasadena, CA 91101, alongwith his parents from 19th December 2022 to 13 January 2023. 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 and however, his parents are senior citizens and both are suffering from knee problem as well as his mother is also suffering from Interstitial Lung Disease (ILD), for which his parents requires him to accompany her. 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 and for 21 days from 18 December 2021 to 7th January 2022. This visit is completely familial and personal. He has also added that during the aforesaid period he would take earned leave of 26 days from December 19, 2022 to January 13, 2023 and during winters the Courts are closed from December 25 to 31, as such the Court work would not suffer adversely. Thereafter, through online objection, the officer was asked to intimate his submission regarding the point no. (2) of Hon'ble Court's C.L. wherein it is stated that pleasure trips can only be performed during vacations/ official holidays. In reply, the officer has submitted his clarification/ submission through following points:-

1. That the Tourist VISA to visit USA, was issued on 16.4.2013 to him by the United States Embassy, for a period of 10 years which was prior to the Joining of the Judicial Services , and is scheduled to expire on 14.4.2023. Following the guidelines, of the circular, above stated, he would apply separately for permission for the Hon'ble Court, before applying for renewal of expiring VISA. He has further stated / declared that except, aforesaid VISA of USA, he has never applied for VISA of any country, after joining judicial services, though his real elder sister is resident of United Kindgom (UK) .
2. He has also stated that his twin brother is residing in USA and real elder sister is residing in London, U.K, as such, he is unable to meet his siblings, even on festivals or, in case, of any other occasion. Therefore, he only visits once in a year to USA, that too to accompany his parents, who are senior citizens and wish to meet their son, once in a year. That due to old / ailing age and long flight of about 20 hours, his parents are unable to travel alone. He has further submitted, that he has not sought permission for leisure trip, inasmuch as,, while accompanying parents to USA, he would also meet his brother for few days.
3. Moreover, his mother, last month, has been diagnosed with chronic Interstitial lung disease (ILD), and she is unable to travel alone, because of frequent breathlessness, common in said disease.
4. During the period of travel, the Hon'ble Courts are closed for period of 7 days for all officers. The Applicant further respectfully submits that the Winter Vacations are waived by the Applicant and covered under the Earned Leave, so that the court work does not suffer, in any manner, due to Applicant's travel.
5. That travelling to USA and reaching to the destination in USA normally takes minimum 24 hours, as such, 2 days are required for travelling to USA and reaching back to India. The prices of the flight tickets are usually higher than normal time, during year end, hence he has requested for Earned leave one week prior to winter vacations due to high costs of flight tickets.

He has, therefore, requested to Hon'ble High Court to grant him permission to accompany his parents for visiting his brother in USA during winter vacations from 19.12.2022 to 13.01.2023.

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. lastly, he has been granted permission to visit USA to meet his twin brother there, as a special case from 20 December 2021 to 07 January 2021 vide order of Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge dated 17.11.2021. As per reports,

no vigilance / departmental enquiry is pending against Sri Virek Aggarwal. As per point (2) of the Court's C.L. dated 27.05.2107, which is as follows:-

“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 19.12.2022 to 13.01.2023 (including winter vacation) to meet his twin brother there and in order to accompany his parents who are of old age and have health issues and also can not travel alone for such a long route. The officer has also stated that he only get chance to meet his twin brother once in year, thus it appears to be a family trip in order to make a healthy relation within siblings. Now, its upto the discretion of Hon'ble The Chief Justice and Hon'ble Administrative Judge, Mathura to grant him permission to visit USA to accompany his parents from 19.12.2022 to 13.01.2023, seeing the C.L. no. 16/ IV f-101/ Admin (A) dated 27.05.2017 as a special case. In this connection it is also submitted that in the Hon'ble 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 Piyush Agrawal, Administrative Judge, Mathura for kind perusal and if His Lordship approves, as a special case, Sri Virek Aggarwal, Additional Civil Judge (Senior Division)/ACJM, Mathura may be granted permission to visit United States of America (USA) to accompany his parents for visiting his twin brother there from 19.12.2022 to 13.01.2023, 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 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 Piyush Agrawal,**

**Administrative Judge, Mathura**

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)