

I/c Joint Registrar (Judicial) Budget

May kindly see the online application of Smt. Namrata Agrawal, Additional District & Sessions Judge, Gorakhpur regarding grant of permission to visit Kathmandu (Nepal) to pay religious pilgrimage to Lord Pashupati Nath there from 02.10.2022 to 05.10.2022 along with her family.

In her application, Smt. Namrata Agrawal has stated that she alongwith her family wishes to pay religious pilgrimage to Lord Pashupati Nath, Kathmandu, Nepal during vacation from 02.10.2022 to 05.10.2022. She has also stated that her duration of visit is from 02.10.2022 to 05.10.2022 and there is no working day of the Hon'ble Court in this duration. She has also added that 2nd October is Sunday and 3rd and 4th October have been declared local holidays by Hon'ble District Judge Gorakhpur by Administrative Order and 5th October happens to be Public Holiday. She has further stated that no VISA is required for visiting Nepal and the sole purpose of her visit is religious pilgrimage to Lord Pashupati Nath. The source of expenditure for the same would be borne from her salary account State Bank of India, Account No.- 33605568712 Pandey Bazar Branch Basti. She has also submitted following declarations:-

1. That by her visit to abroad no dilemma is likely to be created before the Government of India or Government of Uttar Pradesh.
2. That no request for abroad visit was refused to her earlier.
3. That she has not visited any Foreign Country earlier.

She has, therefore requested for grant of permission to visit Kathmandu (Nepal) alongwith her family to pay religious pilgrimage to Lord Pashupati Nath there from 02.10.2022 to 05.10.2022.

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. Namrata Agrawal. 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 Kathmandu (Nepal) alongwith her family from 02.10.2022 to 05.10.2022 and she has also stated that 2nd October is Sunday and 3rd and 4th October have been declared local

holidays by Hon'ble District Judge Gorakhpur by Administrative Order as well as 5th October happens to be Public Holiday, thus as stated by the officer all the days of her visit appears to be non working days of the Hon'ble Court and this trip/tour also appears to be a pilgrimage trip. Now, It is on the discretion of the Hon'ble High Court either to grant her permission to visit Nepal for the aforesaid period 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 Siddhartha Varma, Administrative Judge, Gorakhpur for kind perusal and if His Lordship approves, Smt. Namrata Agrawal, Additional District & Sessions Judge, Gorakhpur may be granted permission to visit Kathmandu (Nepal) alongwith her family to pay religious pilgrimage to Lord Pashupati Nath there from 02.10.2022 to 05.10.2022, 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 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 Siddhartha Varma,

Administrative Judge, Gorakhpur

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)