

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

May kindly see the online application of Sri Deepak Kumar Jaiswal, Addl. Chief Judicial Magistrate, Sitapur regarding grant of permission to visit Shri Pashupatinath temple, Lumbini and other places of Nepal along with his family for any five days between 25.12.2022 to 31.12.2022 during winter holidays.

In his application, Sri Deepak Kumar Jaiswal has stated that he is a resident of village Purandarpur, District- Maharajganj, situated within 40 km. from Nepal border. He has also stated that he wants to visit Shri Pashupatinath temple, Lumbini and other places of visit in Nepal during winter holidays along with his family. He has also submitted following declaration/ information relating to his visit, which are as follows:-

1. There will be no possibility of arising any such dilemma due to his proposed visit to Nepal.
2. No such request was ever applied by him.
3. He has not visited any foreign country earlier.
4. His duration of visit in Nepal is for five days between 25.12.2022 to 31.12.2022 during winter holidays.
5. Expenditure of the visit would be about Rs. 20,000/- to Rs. 30,000/- and the same would be borne from his savings of salary.

He has, therefore requested for grant of permission to visit Nepal alongwith his family for any five days between 25.12.2022 to 31.12.2022 during winter holidays.

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 Sri Deepak Kumar Jaiswal. 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 Nepal alongwith his family to visit Shri Pashupatinath temple, Lumbini and other places there for any five days between 25.12.2022 to 31.12.2022 during winter holidays, thus this trip appears to be a religious/ pleasure trip which includes all non working days of Hon'ble Court. 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, 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 Saral

Srivastava, Administrative Judge, Sitapur for kind perusal and if His Lordship approves, Sri Deepak Kumar Jaiswal, Addl. Chief Judicial Magistrate, Sitapur may be granted permission to to visit Shri Pashupatinath temple, Lumbini and other places of Nepal for any five days between 25.12.2022 to 31.12.2022 during winter holidays; alongwith his family, 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 he will enter Nepal territory through some custom check-post and get his luggage cleared by Custom Authorities and 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 Saral Srivastava,**

**Administrative Judge, Sitapur**

Submitted for kind perusal & orders?

I/C Joint Registrar(Judicial)(Budget)

**21.12.22**

