

I/c Joint Registrar (Judicial) Budget

May kindly see the online application of Sri Rakesh Vashisht, Addl. District & Sessions Judge, Pilibhit regarding grant of permission to visit Shri Pashupatinath temple, Kathmandu Nepal.

In his application, Sri Rakesh Vashisht has stated that he has to go on pilgrimage trip i.e. Pashupati Nath temple at Kathmandu Nepal from 05 April, 2023 to 09 April, 2023 along with his elder brother shri Jairam Sharma who is govt employee in Uttrakhand state and has also taken permission to visit for ritual purpose. He has also stated estimated expenditure would be Rs. 20,000/- and that would be borne by the officer from his salary account (copy of bank statement can be seen as attachment). He has also submitted the following declaration:-

1. That there will not be any possibility of arising any dilemma before the Government of India or U.P. due to visit Nepal
2. Such request never refused to him.
3. He has not visited any foreign country earlier.
4. He should bear all the expenses of his abroad visit from his salary account.
5. He should not indulge in any activity which is against the integrity or conduct required to be exhibited by Judicial Officers.

Thereafter, the officer through online objection, was asked to intimate towards Hon'ble Court's Circular letter no. 16/ IV f-101/ Admin (A) dated 27.05.2017, point no. 2 of which prescribes that "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". As such, to ask the officer to clarify his position and his submission relating to this, as he includes working days of the Hon'ble Court. In reply, the officer has stated that his elder brother is Govt. employee who is going to Pashupati Nath Temple for religious purpose and has already taken permission from the concerned authority and he have to go along with him for religious purpose and to fulfil his ritual duties. He has also mention that he is applying only three casual leave and two gazetted holidays which are lying within the aforesaid period (from 05 April 2023 to 09 April 2023)

He has, therefore requested for grant of permission to visit Nepal from 05 April 2023 to 09 April 2023.

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 and the visit of Nepal by the Government servant is necessary and unavoidable. It is also submitted that as per the reports, provided by concerned sections, no departmental/ vigilance enquiry is pending against Sri Rakesh Vashisht. 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 elder brother to visit Shri Pashupatinath temple, Kathmandu from 05 April 2023 to 09 April 2023 (three casual leave & two gazetted holidays)., 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 fit & 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 in 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 Shekhar Kumar Yadav, Administrative Judge, Pilibhit for kind perusal and if His Lordship approves, Shri Rakesh Vashisht, Addl. District & Sessions Judge, Pilibhit may be granted permission to visit Shri Pashupatinath temple, Kathmandu from 05 April 2023 to 09 April 2023 (three casual leave & two gazetted holidays); alongwith his elder brother, as requested, subject to approval by Hon'ble Mr. Justice Pritinker Diwaker, Hon'ble The Acting Chief Justice, 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.

Ramdatt Yadav, A.R.O.
Munmun Narang, Section Officer
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Shekhar Kumar Yadav,

Administrative Judge, Pilibhit

Submitted for kind perusal & orders? सत्यमेव जयते

I/C Joint Registrar(Judicial)(Budget)

21.03.23