

I/C Joint Registrar (J) (Budget)

May kindly see the online application, received from Sri Manish Kumar-I, Addl. District & Sessions Judge, Moradabad, by which he has requested for grant of permission to visit Canada from 21.06.2023 to 23.07.2023 to see his son there.

In his application, Sri Manish has stated that his son Harshdeep Singh has completed his graduation from Canadian university and now he is doing job in Canada on work permit and staying in a rented house at 13875 Cowan Road, Surrey, BC, Canada. He wants to go to Canada to visit his son in June - July 2023. His visit to Canada will not affect any judicial work because a link officer is appointed for every Court for such exigencies. According to Hon'ble High Court Circular 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 Court except in special circumstances. But his tour is not for pleasure. He has not met his son since long time. He had planned to go to Canada in May 2020 and his request had been approved but that time he could not go due to Covid-19 pandemic because his flights were canceled. His son Harshdeep Singh is suffering from profoundly serious issues and has been staying very stressed lately. Coming back to India is not a viable option for his son as it will jeopardize his career and job, so it is necessary for him to visit Canada and spend some days with his son for his support and to help him in any way he can. His son is staying in a rented house, and he will be staying with his son, so there will be no expenditure for accommodation. His visit to Canada entails only fare expenditure which is approximately about two lac only. He is enclosing his bank statement for kind perusal. He, therefore, humbly submitted that in view of the abovementioned special circumstances, he want to go to Canada after availing recess from 21.06.2023 to 30.06.2023 and earned leave from 01.07.2023 to 21.07.2023 (with prefix recess 21.06.2023 to 30.06.2023 and suffix with 22.07.2023 fourth Saturday & 23.07.2023 Sunday). His proposed visit to Canada will be commenced on 21.06.2023.

He has also submitted that; He has visited Canada from 08.06.2019 to 19.06.2019 with the permission of Hon'ble High Court and came back within the stipulated time and his previous request to travel to Canada from 02.05.2020 to 31.05.2020 was also approved but his flights were canceled due COVID-19 pandemic and he could not go. He already applied for visa to visit Canada and the same was granted to him with validity till 01.10.2026. Therefore, he has valid Visa to visit Canada. He is submitting his application before time because the Air Tickets may be available at a cheaper rate.

In light of Hon'ble High Court Circular No.- 16/ IV f -101/ Admin(A) dated 27.05.2017, he also declares the following:

- (a) That by his visit to Canada, no dilemma is likely to create before the Government of India or before the Government of UP.
- (b) That his any request to visit abroad was not refused to him earlier.
- (c) That he also applied for permission before Hon'ble Court to visit Canada from 08.06.2019 to 19.06.2019 and the same was granted and he came back within the stipulated time.
- (d) That his previous request to travel to Canada from 02.05.2020 to 31.05.2020 was also approved but his flights were canceled due to Covid-19 pandemic and he could not go.

In view of the abovementioned consideration, he humbly request to place his application before Hon'ble Court to kindly consider his application to allow me to visit Canada. He shall be highly obliged.

In this connection, it is submitted that as per reports, no departmental/ vigilance enquiry is pending against Sri Manish Kumar-I. Permission to visit foreign country is considered vide G.O no. 1/3/98/-Ka Prasko./1999 dated 14.06.1999 and this Court's Circular letter no. 16/ IVf-101/Admin (A) dated 27.05.2017. As per the G.O. and relevant C.L. of the Court, the officer

has furnished details of his Canada visit and also his bank statement showing balance of Rs. 4,42,900/-, his Passport & Visa and also papers related to his son's work permit etc., which may kindly be seen in attachments. Lastly, he visited Canada from 08.06.2019 to 19.06.2019 with due permission of Hon'ble Court. Afterward, again he had been granted permission to visit Canada from 02.05.2020 to 30.05.2020 (sufficing Sunday i.e. 31.05.2020) vide this Court's order dated 26.02.2020 on case Id no. 276, but he had not visited Canada due to Covid-19 and cancellation of flights due to that. Now, after the year 2019, he is willing to visit Canada this year to see his son there and spend some days with his son for his support and to help him, who is suffering from profoundly serious issues and has been staying very stressed, as stated. His Canada visit includes some official/working days except recess period in June and 22.07.2023 (fourth Saturday) & 23.07.2023 (Sunday) and its upto the discretion of Hon'ble The Acting Chief Justice and Hon'ble Administrative Judge, Moradabad to grant him permission to visit Canada from 21.06.2023 to 23.07.2023 (including recess period from 21.06.2023 to 31.06.2023 and sufficing fourth Saturday on 22.07.2023 & Sunday on 23.07.2023) seeing the Court's C.L. dated 27.05.2017, approving guidelines that abroad tour by any officer shall not be availed of during working days of the 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 vacations. In these eventualities, the Judicial Officers shall seek permission before applying for VISA. But as the officer has stated that his tour is not for pleasure as his son Harshdeep Singh is suffering from profoundly serious issues and has been staying very stressed there and he (the officer), wants to spend some days with his son for his support and to help him in any way he can. The officer already possesses the VISA with validity till 01.10.2026 of Canada. Under these circumstances, if His Lordships deem fit and proper, his request may be considered. It is also submitted that vide the aforesaid 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 Dinesh Kumar Singh, Administrative Judge, Moradabad Judgeship for kind perusal and orders and if His Lordship approves, as a special case, Sri Manish Kumar-I, Addl. District & Sessions Judge, Moradabad may be granted permission to visit Canada from 21.06.2023 to 23.07.2023 to see his son there, as requested, subject to further 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 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.

Munmun Narang S.O.

Meetu Verma A.R.

18.03.2023

Hon'ble Mr. Justice Dinesh Kumar Singh,

Administrative Judge, Moradabad

Submitted for kind perusal & orders?

I/C Joint Registrar(Judicial)(Budget)

21.03.23

