

Registrar (Judicial) Budget

May kindly see the online application of Sri Akhilesh Dubey, Presiding Officer, Motor Accident Claims Tribunal, Basti regarding grant of permission to visit Kathmandu (Nepal) for darshan of Lord Pashupati Nath temple there along with his wife from 23.12.2023 to 25.12.2023.

In his application, Sri Akhilesh Dubey has stated that alongwith his wife Smt. Gayatri he wants to visit, one part of the dwadash Jyotirlinga, Bhagwan Pashupati Nath temple at Kathmandu, Nepal. He has also stated that distance from Basti to Kathmandu Nepal is less than or about 500 Km, therefore only 4-5 days may be required for visit and in the weekend or alongwith other leaves this visit may be completed and only 2 or 3 casual leave or even no leave may be required and the judicial work may not adversely suffer. He has also added that for the aforesaid visit there is sufficient balance in his bank account and he has got the leave encashment after tax deduction Rs. 1,65,392/- in May 2023 which is available in his bank account (copy of passbook can also be seen as attachment). Thereafter through online objection dated 13.09.2023, the officer has been asked to submit declaration/ information as per Hon'ble Court' s letter dated 27.05.2017. In reply dated 13.09.2023, the officer has submitted his declararions, which are as follows:-

1. There is no likelihood of any dilemma to be created before the Government of India or U.P. due to his aforesaid visit to Nepal.
2. No such request was ever refused to him.
3. He has not visited any foreign country earlier during the whole service period.
4. The date of departure from Basti for aforesaid visit is 23.11.2023 and return date is 27.11.2023, subject to the permission of the Hon'ble Court.

Thereafter, again through online objection dated 20.09.2023, the officer has been asked to clarify his position and his submission relating to the point no. (2) of Hon'ble Court's C.L dated 27.05.2017, as such there appears no vacations/ official holidays in the stated duration of his Nepal visit. In his reply dated 21.09.2023, the officer has stated that he wants to change the date of departure and return and now the date of departure would be 23.12.2023 and date of return is 25.12.2023. He has, therefore requested to kindly place his application before Hon'ble Court for grant of permission to visit Kathmandu (Nepal) along with his wife for the aforesaid period.

In this connection, it is submitted that 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. It is also submitted that as per the reports, placed below, no departmental/ vigilance enquiry is pending against Sri Akhilesh Dubey.

Now, as in the instant case the officer wants to go on a religious tour to Kathmandu (Nepal) for darshan of Lord Pasupati Nath there alongwith his wife from 23.12.2023 to 25.12.2023, which includes fourth Saturday, Sunday and Christmas holiday respectively i.e. non working days of the Hon'ble Court, thus his request appears to be considerable. However, 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. Recently, vide order dated 23.04.2023 regarding reconstitution of different Committees, Hon'ble The Chief Justice has been pleased to form a single Hon'ble Judge Committee i.e. Hon'ble Senior Judge (J-1) to deal with the matter of grant of permission to Judicial Officers to visit abroad.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Piyush Agrawal, Administrative Judge, Basti for kind perusal and if His Lordship approves, Sri Akhilesh Dubey, Presiding Officer, Motor Accident Claims Tribunal, Basti may be granted permission, to visit Kathmandu for darshan of Lord Pashupati Nath temple there along with his wife from 23.12.2023 to 25.12.2023, as requested, subject to approval by Hon'ble Mr. Justice Surya Prakash Kesarwani, 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 23.04.2023 of Hon'ble the Chief Justice, as mentioned above with the conditions 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
Munmun Narang, Section Officer
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Piyush Agrawal,
Administrative Judge, Basti

Submitted for kind perusal & orders?
Registrar(Judicial)(Budget)