

## **Registrar (Judicial) (Budget)**

May Kindly see the online application of Sushri Hershika Rastogi, Addl. Civil Judge (Junior Division), Hathras by which she has requested for grant of permission to visit Arizona in United States of America (U.S.A.) from 05.11.2023 till 18.11.2023 i.e during Diwali Festival to meet her brother there.

In this connection, it is submitted that through her online application dated 14.09.2023, the officer has stated that she wishes to visit United States of America along with her mother to meet her real brother Aakash Rastogi who works as Software Engineer in McDonald's Corporation and resides in State Arizona, from 01.11.2023 till 18.11.2023 (04/11/2023 is Saturday, 05/11/2023 is Sunday, 11/11/2023 - 15/11/2023 have been declared as official holidays on account of Diwali and 18/11/2023 is again Saturday) i.e. is total duration of her visit is of 18 days but only 10 are officially working days. She has also added that the aerial distance between India and USA is around 13,600 km and one way travel ranges from 40-45 hours and maximum numbers of vacations that judicial officers are entitled to are 10 days only and even the round trip to and from USA itself takes around 4 days and her real brother is not keeping well these days and hasn't been in India for the last few years because his H1B Visa couldn't be approved by the Department of States in USA. Now, the officer intends to stay at her brother's rented accommodation 1509 East Southern Avenue, Tempe, Arizona 85282, who has been diagnosed with medical condition related to inflammation and skin infection along with subcutaneous tissue which causes abscess in different parts of body (copy of relating papers can be seen as attachment) and due to above reasons he cannot travel to India and her mother feels the need to meet him desperately. The officer has further added that there are total five members in her family and her father has been suffering from diabetes since year 2000 and has been advised not to travel much; her elder sister who is married has two small kids and marital obligations to perform; her mother due to old age and health related issues cannot travel to USA alone, hence there is no member of her family except her who can go with her mother. The round trip travel expenses per person would be around Rs. 1,15,000/-. She has also added that she would bear her own expenses from her salary and her mother will bear her own expenditure from her savings and is not dependent on her but round trip tickets would be purchased by her real brother (copy of his passbook can also be seen as attachment). Thereafter, through online objection dated 23.09.2023, the officer has been asked about the following points:-

1. Attention of the officer is invited 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 her position and her submission relating to this, as such there appears no such long vacations/ official holidays in the stated duration.
2. It is also required to clear that as to why the officer has not submitted declaration about point 4 (b) of the aforesaid C.L. dated 27.05.2017, when her previous application has been rejected by this Hon'ble Court.
3. Moreover, in her previous similar application (Application Id. S00032872023), she has requested for grant of permission to visit U.S.A. from 22.10.2023 to 15.11.2023, which contains 18 working days and 07 holidays and the same was rejected by the Hon'ble Court. In her instant application to visit U.S.A. From 01.11.2023 to 18.11.2023; 14 working days and only 04 holidays are seen. As such, there seems to be not very much difference on this particular scenario and when on the same grounds, her previous application has been rejected, as to why she has made another request by not mentioning earlier facts and seems disregarding the Hon'ble Court's order.

In reply of the same the officer has also submitted her reply dated 27.09.2023, which are as follows:-

- 1. That her previous abroad visit application was not approved by Hon'ble Court.**

2. That keeping in mind the Circular letter no. 16/ IV f-101/ Admin (A) dated 27.05.2017, she has duly re-scheduled her trip to USA from 05/11/2023 till 18/11/2023. It is also submitted that 05/11/2023 is Sunday and 11/11/2023 - 15/11/2023 have been declared as official holidays on account of Diwali (14/11/2023 - 15/11/2023 are local holidays). Hence, only 8 are working days within the above said duration.

The officer has also stated that it is very important for her to meet her brother who needs both mental and physical support at this point of time. She has, therefore, requested to kindly place her application before the Hon'ble Court for grant of permission to visit Arizona in U.S.A. to meet her brother there for the aforesaid period.

In this connection, it is submitted that grant of 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 reports, provided by concerned sections no vigilance/ departmental enquiry is pending against Sushri Hershika Rastogi. 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 pertinent to mention here that earlier, the officer has applied for the same permission from 22.10.2023 to 15.11.2023 and the Hon'ble Court has been pleased to reject her request. Now, again in the instant case the officer is seeking permission for going to visit Arizona, U.S.A. to meet her brother there from 05.11.2023 till 18.11.2023 i.e. for the shorter span but this trip of the officer also include 8 working days of the Hon'ble Court alongwith Deepawali vacations, Local holidays on 14.11.2023 & 15.11.2023 and Sunday.** Now, it is on the discretion of the Hon'ble High Court either to grant her permission or to pass any other 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 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 Anish Kumar Gupta, Administrative Judge, Hathras for kind perusal and if His Lordship approves:-

(a) Sushri Hershika Rastogi, Addl. Civil Judge (Junior Division), Hathras may be granted permission, as a special case, to visit state Arizona, United States of America (U.S.A.) alongwith her mother from 05.11.2023 till 18.11.2023 to meet her brother there, 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 condition that 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

(b) 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 Anish Kumar Gupta,**

**Administrative Judge, Hathras**

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)

