

Registrar (Judicial) (Budget)

May kindly see the online application of Sri Manish Kumar-I, Additional District & Sessions Judge, Moradabad, regarding grant of permission to visit Canada to visit his family there from 23.12.2023 to 21.01.2024.

In his application dated 07.10.2023, Sri Manish Kumar-I has stated that his son Harshdeep Singh has completed his graduation from a Canadian college and now he is working in Canada on a work permit (work permit can be seen as attachment) and staying in a rented house at 9138 138B St. Surrey, BC, V3V 5T7 Canada, his wife Charanjeet Kaur is also working in Kelowna BC on work permit (work permit can be seen as attachment) and residing at 1775, Swainson Road, Kelowna, BC V1P 1C5 BC, Canada. His daughter Simone Singh is studying in Queen Elizabeth Sec School Surrey, BC Canada in grade 11 (copy of relating paper can be seen as attachment) and residing with her brother Harshdeep Singh, thus, his family is living in Canada. He has also stated that his visit to Canada would not affect any judicial work because a link officer is appointed for every Court for such exigencies and he has strategically planned his trip so that the minimum working days of his court would get affected. He has also added that the Court would be closed from 23 December 2023 to 31 December 2023 due to 4th Saturday, Sunday, Christmas Day and winter holiday, and from 1st January 2024 to 21st January 2024, the court would also be closed for a significant amount of that time period and he has added that he would take earned leave from 01.01.2024 to 20.01.2024. He has further added that 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 and he has not met his family since July 2023. Being a father and husband, he has to fulfill his responsibility toward his family. Moreover, coming back to India to meet the officer is not a viable option for his family as it would jeopardize his son and wife's career & job and study of his daughter as well as there would be three times the financial burden on his family to come India and going back to Canada, thus, it is necessary for him to visit Canada and spend some valuable days with his family for fulfill his responsibility toward his family in any way he can. He has also submitted that his family is staying in a rented house and he would be staying with his son and daughter at 9138 134B St Surrey and his wife would come to his son's residence and would be staying with them for the duration of his stay, so, there would be no expenditure for accommodation and his visit to Canada entails only fare expenditure which is approximately about Two lac only. He has also enclosed the copy of his bank passbook, passport, visa of Canada.

He has also submitted following declaration in the light of Hon'ble High Court Circular dated 27.05.2017:-

1. That by his visit to Canada, no dilemma is likely to create before the Government of India or before the Government of UP.
2. That any request to visit abroad was not refused to him earlier.
3. That he has also applied for permission before Hon'ble Court to visit Canada from 08.06.2019 to 19.06.2019 and 21.06.2023 to 23.07.2023 and the same was granted and he came back to India within stipulated time.
4. That his previous request to travel to Canada from 02.05.2020 to 31.05.2020 was also approved but his flights were cancelled due to Covid-19 pandemic and he could not go.

He has, therefore, humbly requested to place his application before Hon'ble Court for kind consideration of his application and to grant him permission to visit Canada to meet his family 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, no vigilance/ departmental enquiry is pending against Sri Manish Kumar-I. It is pertinent to mention here that the duration of his visit is from 23.12.2023 to 21.01.2024, which includes fourth Saturday, Sunday, Christmas, winter holidays, Sunday, second saturday alongwith 17 working days of the Hon'ble Court. 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 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. In the instant case the officer has stated that his wife, son and daughter all are residing in Canada and he has not met his family since July 2023 and if his family comes to meet him to India, it would jeopardize his son and wife's career, job and study of his daughter as well as there would be three times the financial burden on his family. Now its upto the discretion of Hon'ble The Chief Justice and Hon'ble Administrative Judge, Moradabad, to grant him permission to visit Canada to meet his family there from 23.12.2023 to 21.01.2024 or to pass any other order. 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 Rajeev Misra, Administrative Judge, Moradabad for kind perusal and if His Lordship approves, Sri Manish Kumar-I, Additional District & Sessions Judge, Moradabad may be granted permission, to visit Canada to meet his family there from 23.12.2023 to 21.01.2024, 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 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
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Rajeev Misra,

Administrative Judge, Moradabad

Submitted for kind perusal & orders?

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