

## **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 from 04.08.2024 to 01.09.2024 to take care of his wife during her treatment there and to fulfil his responsibility toward his family.

In his application (attachment namely- "Digitally Signed Application"), Sri Manish Kumar has submitted that his son Mr. Harshdeep Singh is working in Canada on a work permit and staying in a rented house at 9138 134B St. Surrey, BC, V3V 5T7 Canada. His wife Mrs. Charanjeet Kaur is also working in Kelowna BC on a work permit and residing at 1775, Swainson Road, Kelowna, BC V1P 1C5, BC, Canada. His daughter Ms. Simone Singh is also studying in Queen Elizabeth Sec. School Surrey, BC Canada in grade 11 and residing with her brother Mr. Harshdeep Singh. Thus, his family is living in Canada. There is a free education till class 12th in Canada. Sri Manish Kumar has further submitted that he wants to go to Canada to visit his family in August 2024. His visit to Canada will 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 will be affected. The court will be closed on 04/08/2024 (Sunday), 10.08.2024 (Second Saturday), 11.08.2024 (Sunday), 15.08.2024 (Independence Day), 18.08.2024 (Sunday), 19.08.2024 (Local Holiday), 24.08.2024 (fourth Saturday), 25.08.2024 (Sunday,) 26.08.2024 (Janmashtami). 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. His wife was suffering from Cardiac Arrhythmia when she was in India but at present, she is facing the same problem of Cardiac Arrhythmia and she needs treatment. She has an appointment in August 2024 for check-up and treatment. During her treatment, his presence will help and support her. His wife will get treatment in Surrey and she will stay at his son's residence for the duration of her treatment. His wife needs him a lot in this emergency. Being a father and husband, he also must fulfil his responsibility toward his family. Coming back to India for treatment will be not a viable option for his family as it will jeopardize his son's and wife's careers and jobs, and study of his daughter also and there will be three times the financial burden on his family to come to India and going back to Canada. So, it is necessary for him to visit Canada and spend some valuable days with his family and care of his wife's treatment for fulfil his responsibility toward his family in any way he can. His son is staying in a rented house, and he will be staying with his son's residence at 9138 134B St Surrey, BC and his wife will get treatment in Surrey and she will also stay at his son's residence for the duration of her treatment. So, there will be no expenditure for accommodation. His visit to Canada entails only fare expenditure which is approximately Rs. Two lac only. He has enclosed his bank statement for kind perusal. He has also humbly submitted that in view of above-mentioned emergency and special circumstances, he wants to go to Canada from 04.08.2024 to 01.09.2024 after availing earned leave from 05.08.2024 to 31.08.2024 (with prefix 04.08.2024 (Sunday) and suffix with 01.09.2024 (Sunday)). His proposed visit to Canada will be commenced on 04.08.2024. It is also submitted that; the last time he visited Canada was from 23.12.2023 to 21.01.2024 with due the permission of Hon'ble High Court and

came back within the stipulated time. He already applied for visa to visit Canada and the same was granted to him with validity till 01.10.2026. As such, he has a valid visa to visit Canada. He is applying before time because the air ticket may be available at a cheaper rate. Further, 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 last time, he applied for permission before Hon'ble Court to visit Canada from 23.12.2023 to 21.01.2024, the same was granted and he came back to India within stipulated time.

He has submitted supporting papers of his application i.e. attachment of Bank Account Statement, Passport and Visa Manish Kumar, Work Permit, I card, SiN number & Passport of his wife Mrs Charanjeet Kaur, Work Permit, I card, SiN number Passport of son Harshdeep Singh, Permit, Identity Card and Passport of daughter Ms Simone Singh, Old treatment Card of his wife Mrs Charanjeet Kaur and T 4 Form Of his wife Mrs Charanjeet Kaur related to Income Tax. In view of the above-mentioned emergency and special circumstances, he humbly requests to place his application before Hon'ble Court to kindly consider his application to allow him to visit Canada to care for his wife during her treatment and meet his family, for which he shall be highly obliged.

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 04.08.2024 to 01.09.2024, which includes 04.08.2024 (Sunday), 10.08.2024 (Second Saturday), 11.08.2024 (Sunday), 15.08.2024 (Independence Day), 18.08.2024 (Sunday), 19.08.2024 (Local Holiday), 24.08.2024 (fourth Saturday), 25.08.2024 (Sunday,) 26.08.2024 (Janmashtami) and 01.09.2024 (Sunday) alongwith 19 working days of the Court. As per 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 was suffering from Cardiac Arrhythmia when she was in India but at present, she is facing the same problem of Cardiac Arrhythmia and she needs treatment in Canada. Being a father and husband, he likes to fulfil his responsibility toward his family. Coming back to India for treatment will be not a viable option for his family as it will jeopardize his son's and wife's careers and jobs, and study of his daughter also and there will be three times the financial burden on his family to come to India and going back to Canada. Now it's up to the discretion of Hon'ble

The Chief Justice and Hon'ble Administrative Judge, Moradabad, to grant him permission to visit Canada for the purpose from 04.08.2024 to 01.09.2024 or to pass any other order. The purpose of the visit as stated by the officer is to take care of his wife during her treatment, which appears to be allowed as per Hon'ble Court's circular letter, referred to above. 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 granting 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 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to visit abroad.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Ajay Bhanot, Administrative Judge, Moradabad for kind perusal and if His Lordship approves, Sri Manish Kumar-I, Additional District & Sessions Judge, Moradabad be granted permission, to visit Canada from 04.08.2024 to 01.09.2024 to take care of his wife during her treatment there and to fulfil his responsibility toward his family, as requested, subject to approval by single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per Hon'ble High Court's Circular Letter No. 16/ IV-f-101/ Admin (A)/ dated 27.05.2017 and order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, 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, R.O.

Meetu Verma, A.R.

**Hon'ble Mr. Justice Ajay Bhanot,**

**Administrative Judge, Moradabad**

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)