

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

May kindly see the online application of Smt. Prachi Agarwal, Additional Civil Judge (Senior Division)/ACJM, Meerut regarding grant of permission to visit Italy, Switzerland, France and Germany in Europe from 23.09.2024 to 03.10.2024 alongwith her husband Sri Saksham Dwivedi, who is also a Judicial officer (officer id UP 2453) to accompany her parents.

In her application, Sri Smt. Prachi Agarwal has stated that she intends to visit Europe with her parents for 11 days, who have expressed their desire to accompany them during their trip, and as her parents are of old age, she, along with her spouse Sri Saksham Dwivedi wants to visit the same. She has also stated that she apologizes for the delayed request within two months as due to the expiry of her passport whose renewal required certain time, she could not apply for the request earlier. By enclosing copy of her Passport, she has also furnished certain following declarations as per Hon'ble Court's C.L. dated 27.05.2017:-

1. There is no possibility of arising any dilemma before the Government of India or U.P. due to her foreign trip.
2. Such request has not been made by her prior to this and consequently was not refused.
3. She has not visited any foreign country prior to this.
4. Actual date of departure is 23/09/2024 and actual date of return is 03/10/2024. She intends to take 11 days of earned leave for the duration.
5. The estimated expenditure of the visit is Rs 3.5 Lakhs/-. The same would be fully borne by her and copy of the salary savings account having amount of Rs. 24,52,530/- (as on 05.08.2024) is attached herein.

She has, therefore, humbly requested that her application may kindly be placed before the Hon'ble Court for its kind consideration.

On receipt of her application, through online communication dated 14.08.2024, the officer was asked to furnish the following information/ details/ papers/declarations to the Court, as prescribed in Court's C.L. no. 16/IV f-101/Admin (A)/Dated 27.05.2017, for taking necessary action in the matter:-

1. Country/ Countries of Europe, where she is going to visit?
2. Purpose of her visit? Whether it will be a pleasure trip or otherwise?
3. If the same is a pleasure trip, attention of the officer may also kindly be 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, ask the officer to clarify his position and submission relating to this, as his proposed visit is not falling within any such vacations/ official holidays.
4. During his said proposed foreign visit, on 2nd October, how and where she will be able to attend the Gandhi Jayanti function and how she will submit any such certificate about attending Gandhi Jayanti function there?

In reply, the officer has stated that she wishes to submit the following:

1. The countries proposed to be visited in Europe are Italy, Switzerland, France and Germany.
2. Purpose of the visit is to accompany her parents who are 68 and 62 years respectively in their proposed trip so as to ensure comfort and convenience to them. As to the non application prior to two months, it is to submit that due to delay in renewal of her passport, she could not apply earlier as has been submitted in the application.
3. As regards the attendance in the Gandhi Jayanti Celebrations, it is submitted that she shall partake in the celebrations at the District Headquarters via Video Conferencing.

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 Smt. Prachi Agarwal. 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. Hon'ble Court's Circular letter no. 16/ IV f-101/ Admin (A) dated 27.05.2017. Point no. 2 of the said Circular letter 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". Now, in the instant case the officer has apologized for the delayed request as due to the expiry of her passport, she has applied for the renewal of the same, which required certain time and also regarding the duration of her visit, which is falling in the working days of the Hon'ble Court, she has not clearly replied about objections/ queries no. 2 & 3 of this office communication dated 14.08.2024. However, she has stated that her parents want to visit Italy, Switzerland, France and Germany in Europe from 23.09.2024 to 03.10.2024 and due to their old age, she wants to accompany them during their trip alongwith her husband, who is also a Judicial Officer. Her visit includes 11 days, out of which there are 09 working days of the Hon'ble Court except one Sunday and Gandhi Jayanti. For the attendance in the Gandhi Jayanti function there at foreign country and submission related certificate, the officer has submitted that she shall partake in the celebrations at the District Headquarters via Video Conferencing from abroad. In this regard, the office humbly submits that in such a situation, there is a practice that one can attend the celebration at any of Government office and submit a certificate to the effect, but in the instant case as the officer is visiting abroad and there appears no availability of any such institution/ Indian Government office there at foreign country and the officer has submitted that she shall partake in the celebrations at the District Headquarters via Video Conferencing from abroad. Now, it is at the discretion of the Hon'ble High Court to accept her request about attendance at Gandhi Jayanti celebrations through her opted line of procedure. Also, it is at the discretion of the Hon'ble High Court either to grant her permission or to pass any order which deems to be proper. Here, it is also to point out that her husband Sri Saksham Dwivedi has also separately applied for the same permission, which is also being processed through a separate e-service Id S00050572024. 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 authorized by Hon'ble The Chief Justice. Recently, vide order dated 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to constitute a single Judge Committee appearing at sl. no. 65 of the list of Committees dated 01.07.2024, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to the grant of permission to Judicial Officers to visit abroad.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Salil Kumar Rai, Administrative Judge, Meerut for kind perusal and if His Lordship approves, Smt. Prachi Agarwal, Additional Civil Judge (Senior Division)/ACJM, Meerut be granted permission to visit Italy, Switzerland, France and Germany in Europe along with her husband Sri Saksham Dwivedi, who is also a Judicial Officer, from 23.09.2024 to 03.10.2024, to accompany her old aged parents, as requested, subject to approval by Hon'ble 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 01.07.2024 of Hon'ble The 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 her, may be handed over by her before proceeding abroad and also, that she shall partake in the Gandhi Jayanti

celebrations on 2nd October at the District Headquarters Meerut through Video Conferencing during her foreign visit, as requested and will submit certificate relating to the same?

Or

To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi, Review Officer

Pooja Agrawal, Section Officer

Meetu Verma, Assistant Registrar (Admin A-IV)

Hon'ble Mr. Justice Salil Kumar Rai,

Administrative Judge, Meerut

Submitted for kind perusal and orders?

Registrar(Judicial)(Budget)

