

**CIVIL APPEAL NO.3802 OF 2019  
(ARISING OUT OF SLP (CIVIL) NO.1655 OF 2019)**

**SATISH CHANDRA VERMA .. Appellant(s)**

**Versus**

**UNION OF INDIA AND OTHERS .. Respondent(s)**

**O R D E R**

**Leave granted.**

The appellant filed O.A. No.1662 of 2018 before the Central Administrative Tribunal, Chennai Bench challenging the denial of permission to him for a private foreign visit from 23.12.2018 to 19.01.2019. The appellant is an IPS Officer and is working as Inspector General of Police/Principal, Central Training College, Central Reserve Police Force, Coimbatore, Tamil Nadu. The appellant averred in the O.A. that he is not involved in any criminal case. He further stated the departmental enquiries are pending against him, the initiation of which was challenged by him in the Tribunal and those cases are pending. He referred to the permission granted to him by this Court earlier on 8<sup>th</sup> May, 2017 to travel abroad pursuant to which he went abroad and came back as per schedule. The Tribunal refused to grant the interim

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relief as prayed for which order was affirmed by the High Court.

The High Court was of the opinion that there was nothing wrong in

the denial of permission due to lack of vigilance clearance. The appellant is before us assailing the order of the Tribunal and the High Court in not granting appropriate relief to him.

When the matter was listed for admission, we were of the opinion that the appellant has a fundamental right to travel and that right cannot be infringed on the ground that vigilance clearance has not been given. We requested Mr. Vikramjit Banerjee, learned Additional Solicitor General to get instructions from the Government of India as to whether the appellant was involved in any criminal case and as to whether there is any serious objection from the Government of India to refuse permission to the appellant to travel abroad. The matter was adjourned on a few occasions for obtaining instructions from the Government of India.

We have heard Ms. Indira Jai Singh learned Senior Counsel appearing on behalf of the appellant and learned Additional Solicitor General.

The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. (See: Mrs. Maneka Gandhi v. Union of India and Another (1978) 1 SCC 248). In the said judgment, there is a reference to the words of Justice Douglas in

Kent v. Dulles 357 US 116 which are as follows:

“Freedom to go abroad has much social value and represents the basic human right of great significance.”

In the instant case, the appellant who is a member of the All India Services has paid leave to his credit and has applied to go to U.S.A. and France to visit members of his family who are residing there. On an earlier occasion this Court permitted him to travel to U.S.A. in the year 2017 and he promptly came back.

We are of the opinion that pendency of departmental proceedings cannot be a ground to prevent the appellant from travelling abroad.

In view of the above, we are of the opinion that there is no reason for the Government of India to refuse permission to the appellant to travel abroad. It is submitted by Ms. Indira Jai Singh that the appellant intends to go to U.S.A. and France between the period 28.04.2019 and 01.06.2019. The respondents are directed to permit the appellant to travel during the said period. The appellant shall furnish an undertaking to the Registry of this Court that he will come back on 01.06.2019.

The above order is passed in the peculiar facts of this case.

The Civil Appeal is allowed.

.....J.  
( L. NAGESWARA RAO )

.....J.  
( M.R. SHAH )

New Delhi,  
Dated: April 09, 2019.

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 1655/2019

(Arising out of impugned final judgment and order dated 21-12-2018 in WP No. 34245/2018 passed by the High Court Of Judicature At Madras)

SATISH CHANDRA VERMA IPS Petitioner(s)

**VERSUS**

UNION OF INDIA THROUGH ITS SECRETARY & ORS. Respondent(s)

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Date : 09-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Smt. Indira Jai Singh, Sr. Adv.  
Mr. Parasnath Singh, Adv.  
Mr. Divyesh Pratap Singh, AOR  
Ms. Deeksha Gaur, Adv.  
Ms. Shivangi Singh, Adv.  
Mr. Shantanu Sharma, Adv.

For Respondent(s) Mr. Vikramjit Banerjee, ASG  
Mr. Mukul Singh, Adv.  
Mr. Rajat Nair, Adv.  
Mr. B. V. Balaram Das, AOR

UPON hearing the counsel the Court made the following  
**O R D E R**

Leave granted.

The appeal is allowed in terms of the Signed Order.

Pending application(s), if any, stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(KAILASH CHANDER)  
ASSISTANT REGISTRAR

( The Signed Order is placed on the file)