

**Model Representations Against Adverse Entries in ACRs &
Written Statements/Replies to Charge-Sheets**

(1)

From,

AB
Civil Judge (Senior Division)
----- /Presently Under Suspension.

To,

The Enquiry Officer/
The District Judge

Subject : Submission of written statement/reply against the charge-sheet supplied to the undersigned on 12.11.2013 by the learned Enquiry Officer/District Judge, ----- in Departmental Enquiry No. 23/2013 instituted by the Hon'ble Allahabad High Court against the undersigned on the basis of the report dated 14.04.2011 of the then learned District Judge, ----- at ----- prepared on the basis of the allegations contained in Transfer Application moved u/s 24 of the CPC by the complainant -----.

Sir,

I most respectfully beg to submit my written statement/reply as under against the charge-sheet mentioned above:

1. That during the period from 08.06.2009 to 07.04.2012, I was posted as Civil Judge (Senior Division) in the ----- judgeship and thereafter was transferred to the ----- judgeship as Civil Judge (Senior Division) and am still posted over there as such and placed under suspension by the Hon'ble Court with my attachment with the ----- Judgeship.
2. That during my tenure at -----, a Civil Suit No. 306/2010 titled Rakesh Kumar & Others Vs DAV College Committee, ----- & Others involving injunction matter was instituted on 01.11.2010 in my Court of Civil Judge (Senior Division) ----- wherein the complainant ----- was arrayed as defendant No. 3.
3. That the single charge leveled against me in the said departmental enquiry is emphatically denied by me and not admitted. The complainant ----- was/is a private medical practitioner in the ----- township and also runs a Pathology & Nursing Home known as ----- . In the small township of -----, the said Pathology & Nursing Home run by the complainant ----- was known to be a good pathology centre and like the officers and employees of other departments, the judicial officers and the employees of the ----- judgeship also used to take the services of the said Pathology & the Nursing Home whenever required. It is humbly submitted that ----- was known to and in contact with ----- , the then learned District Judge, ----- and other judicial officers posted there as the said ----- used to come to play Badminton in the Badminton Lawns at the residence of the District Judge, ----- where, like other judicial officers then posted over there, I also used to go to play Badminton and ----- had thus come to be known to me and other judicial officers posted there.
4. That being a diabetic and because of suffering from a chronic sore/wound in my right leg, I had contacted the said Pathology on 11.07.2010 & 08.08.2010 i.e. much before the date of institution of the said Civil Suit in my Court on 01.11.2010, for my blood test and after taking and testing my blood sample, ----- had, under his seal and signatures, issued two Blood Chemistry Reports dated 11.07.2010 & 08.08.2010 (**Annexures No. 1 & 2**) and as per his instructions, I was taking necessary medicines for controlling my sugar level in my blood.
5. That on 04.04.2011, the Doctor of the Government Hospital, ---- vide his prescription dated 04.04.2011 (**Annexure No. 3**), had also advised me for getting the level of my

blood sugar tested and then I had contacted another ---- based Pathology known as ---
 ----- , where after taking my blood sample, the Blood Examination Report dated
 04.04.2011 (**Annexure No. 4**) was prepared by the Pathologist/Technician -----
 under his signatures and the said Pathologist/Technician ----- had come to my
 residence at ----- on 04.04.2011 at about 9.00 p.m. i.e. before the complainant/--
 ----- arrived at my residence at 9.00 p.m.. ----- had gone back from my
 residence after about half an hour i.e. at about 9.30 p.m. whereas the complainant ---
 ----- had returned after staying at my residence for about 10 minutes i.e. from 9.00
 p.m. to 9.10 p.m.. During those 10 minutes stay of ----- at my residence i.e. from
 9.00 p.m. to 9.10 p.m., Shri ----- , a milkman, who used to give me milk, was
 also present at my residence alongwith his companion/partner Shri ----- , another
 milkman, who used to supply milk to some other judicial officers of my colony and --
 ----- had come and returned from my residence in the presence of the said
 Pathologist/Technician Shri ----- , and the milkmen Shri ----- and Shri -----
 ----- and they had heard all the conversation between me and ----- . It is humbly
 submitted that I had not made any demand of any money or any other thing or favour
 from ----- throughout and the allegations leveled by ----- that I had made a
 demand of Rs. 1,50,000/- as bribe for a favourable interim order to be passed in his
 favour on the interim injunction application is absolutely concocted, malafide and
 white lie. It is humbly submitted that I had made a call on the said Mobile No.
 9651224XXX of ----- on 04.04.2011 at about 7.52 p.m. from my official
 landline phone No. ----- to consult him as a Doctor for the treatment of my
 sore/wound and not for any ulterior motives as falsely stated by ----- . It is
 submitted that ----- , during his 10 minutes stay at my residence on 04.04.2011
 at 9.00 p.m. to 9.10 p.m., repeatedly pressurized me to pass an order favourable to
 him upon the interim injunction application in the said Civil Suit but I had bluntly
 refused to oblige him or make any commitment for passing any particular order as
 desired, requested and pressurized by him. It is most conscientiously stated here that
 the complainant/----- had got much irked, angered and annoyed on my refusal to
 make any commitments to pass an order on the interim injunction application as
 desired and pressurized by him. The aforesaid facts may be ascertained by calling
 and examining the said Technician Shri ----- and the milkmen Shri -----
 and Shri ----- . I humbly request your goodself to summon 1. Shri ----- 2.
 Shri ----- and 3. Shri ----- as witnesses to the said event/conversation
 between me and the complainant ----- so that the truth may come out.

6. That after my blunt refusal to pass any orders as per the wishes and dictum of the complainant ----- , he left my residence angrily and after concocting a false story of alleged demand of bribe, moved an application on 06.04.2011 u/s 24 of the CPC before the learned District Judge, ----- for transfer of the said Civil Suit from my Court to some other Court. In compliance with the order of the learned District Judge, I submitted my comments dated 08.04.2011 to the learned District Judge on the said transfer application of the complainant ----- and waited for the orders of the learned District Judge on the said transfer application and, due to the moving of the said transfer application before the learned District Judge, I did not pass any orders on 08.04.2011 or thereafter on the interim injunction application moved in the said Civil Suit.
7. That there is absolutely no evidence in support of the allegations leveled by the complainant ----- that I had asked for Rs. 1,50,000/- from him as bribe for passing an order favourable to him. Had I any ill-will etc against -----, I would/could have passed an adverse order to him but no order adverse to the complainant ----- was ever passed by me nor I am beneficiary of any such order in any manner. I had acted judicially, in good faith and with absolute honesty &

impartiality to all the parties without any fear or favour to any of them. It is humbly submitted that I am entitled to protection of the provisions of the **Judicial Officers Protection Act, 1850** and the **Judges Protection Act, 1985**. The true facts are that the complainant ----- had leveled the aforesaid allegations against me in his transfer application moved u/s 24 of the CPC due to his grave ill-will and undue expectation from me which he had developed in him due to his acquaintance with me under the circumstances stated in the preceding paragraphs.

8. That I have so far served for nearly 12 years in subordinate judiciary and have got appreciated service record and have never earned any displeasure from any of my District Judges or from the Hon'ble Court and have always discharged my duties honestly with absolute devotion and dedication.
9. That the complainant -----, because of his connections with high-ups in public life, exercises much clout in the local population and has tendency of audacity and showing disrespect for judges and the judiciary as can be seen from the copy of the order dated 28.04.2011 (**Annexure No. 5**) passed by the Hon'ble Allahabad High Court on Contempt Application (Civil) No. ---- /----- titled ----- whereby a Show Cause Notice has been issued to him for disobeying and disrespecting the order dated 31.01.2011 passed by a Division Bench of the Hon'ble Allahabad High Court in Writ Petition No. -----.
10. That the allegations contained in the aforesaid transfer application of the complainant ----- made to the learned District Judge, ----- for transfer of the above mentioned Civil Suit and also the said charge are absolutely baseless and unfounded and I am entitled to be discharged and exonerated of the said charge. Submitting the aforesaid reply for kind consideration of your goodself, I request to be given personal hearing as well.

With profound regards,

Yours sincerely,

Dated : December 26 , 2013

Annexures : As above

(AB)
Civil Judge (Senior Division
-----/Presently
Under Suspension.

XXX XXX

(2)

From,

AB
 Judicial Magistrate,
 Ex Civil Judge (Junior Division)
 -----.

To,

The District Judge, -----/
 Enquiry Officer

Through

The District Judge,

Subject : Submission of written statement/reply against the charge-sheet dated ----- supplied to the undersigned on 23.04.2014 by the learned Enquiry Officer/District Judge, ----- in Departmental Enquiry No. ----- instituted by the Hon'ble Allahabad High Court.

Sir,

I most respectfully beg to submit my written statement/reply as under against the charge-sheet mentioned above :

1. That the allegations leveled against me in the charge contained in the above mentioned charge-sheet dated ----- are not admitted by me and are emphatically denied.
2. That during the period from 20.08.2011 to 15.04.2013, I was posted as Civil Judge (Junior Division), ----- , and thereafter on being transferred from there, I am presently posted as Judicial Magistrate, ----- since 22.04.2013.
3. That during my tenure as Civil Judge (Junior Division), ----- , two complaints with Munsarim's reports were presented before me on 19.09.2012 and on the same very day i.e. on 19.09.2012 itself, the same were ordered by me to be registered as Original Suit No. ----- titled ----- and Original Suit No. ----- titled -----.
4. That as is evident from the copy of the order-sheets dated 18.09.2012 & 19.09.2012 (**Annexure No. 1**) recorded in O.S. No. ----- , notices were directed to be issued to the defendants fixing 26.10.2012 for filing written statement and framing of issues and on that date i.e. on 18.09.2012 no next date for hearing on ad interim injunction application was fixed nor any such interim injunction application was placed before me not taken up for hearing by me on that date. The true facts are that neither the suits clerk, nor the Munsarim nor any other official had placed the complaints filed in the two original suits mentioned above before me on 18.09.2012 and the same were in fact placed before me for the first time only on 19.09.2012 when the same were ordered by me to be registered as the O.S. No. ----- & ----- . It however appears that the complaint in the O.S. No. ----- was, perhaps, presented by the plaintiff and/or his counsel in the office of the court to the suits clerk or the Munsarim on 18.09.2012 but the said two officials had neither produced the said complaint before me on 18.09.2012 nor the plaintiff or his counsel or the said officials had brought it to the notice of mine on 18.09.2012 that any such complaint was presented to the said officials in office on 18.09.2012.
5. That as regards the date : "18-9-12" written in the beginning on the left side of the first order-sheet recorded in O.S. No. ----- , it is submitted that the same is in the hand writing of Shri ----- , the then suits clerk in the office of my court at ----- . It is again submitted that the complaint in O.S. No. ----- was not presented

before me on "18-9-12" and was in fact presented before me for the first time on 19.09.2012 as is clearly visible from the Munsarim's report dated 19.09.2012 (**Annexure No. 2**) and also from the report dated 19.09.2012 (**Annexure No. 3**) of Shri ----- Deputy Nazir, recorded on the plaint filed in O.S. No. ----- by stating therein that no caveat was filed in the office in relation to the said O.S. No. ----- . The said report dated 19.09.2012 of the Munsarim recorded by him under Rule 35 of the G.R. (Civil) and also the caveat report dated 19.09.2012 of the Deputy Nazir clearly falsify the date "18-9-12" recorded by Shri ----- , suits clerk, at the left side and in the beginning of the first order-sheet in O.S. No. ----- . The only innocent and bona fide lapse on my part appears to have occurred in not mentioning the correct date "19.09.2012" below my initials put on the first order-sheet which the said suits clerk Shri ----- has wrongly shown as recorded on "18-9-12" and that lapse took place on my part under rush of work as my attention could not go to the said wrongly written date "18-9-12" by Shri ----- . As regards the question of making of entry of the said O.S. No. ----- in the register of institution of suits first and then that of the O.S. No. ----- , it is humbly submitted that the Presiding Officers of the courts do not make such entries in the registers maintained in the office of the courts and in fact such entries etc. are made in the registers by the officials of the courts and it is, therefore, for the officials concerned to explain as to how and why such entries were made in the relevant register breaching the preferential order of the two suits mentioned above and I as the Presiding Officer of the court cannot be held responsible for the said mistake committed by the officials of the court.

6. That as per the usual and prevalent practice in all the civil courts in the State of Uttar Pradesh, the ex-parte ad interim injunction applications are placed before and taken up for hearing by the Presiding Officers of the courts the same very day they are filed alongwith the plaints together with accompanying papers and this O.S. i.e. the O.S. No. ----- was not an exception to the said prevalent practice and soon after ordering registration of the plaint as O.S. on 19.09.2012, I proceeded to hear the counsel for the plaintiffs on the ad interim injunction application and passed the ex-parte ad interim injunction order on the plaintiffs' application the same day i.e. on 19.09.2012 itself. The two order-sheets thus came to be passed in O.S. No. 167/2012 on 19.09.2012 itself. It is humbly submitted that "18-9-12" was in fact wrongly shown and written by the said suits clerk namely Shri ----- as the plaint was, perhaps, presented to him on 18.09.2012 as has already been explained by me in the preceding paragraphs. It is emphatically stated here that on 18.09.2012, no plaint in O.S. No. 167/2012 was presented before me nor the said date "18-9-12" written in the beginning of the first order-sheet is in my hand writing as stated above nor any next date vide order-sheet dated "18-9-12" was fixed for hearing on ad interim injunction application nor any such date was pre-poned on 19.09.2012 nor any notice to defendants for objections and hearing on plaintiffs' ad interim injunction application was issued on "18-9-12" and, therefore, no question arose regarding taking up the plaintiffs' ad interim injunction application for hearing and orders prior to 26.10.2012 i.e. the date fixed for written statement and framing of issues. The true facts are that the plaintiffs' ad interim injunction application was for the first time taken up for hearing on 19.09.2012 when the plaint was for the first time presented by the officials before the court.
7. That it is most humbly submitted that I belong to 2003 batch of Civil Judges, Junior Division, and was appointed as such on 19.12.2007 and thereafter had undergone trainings for one year at the IJTR, UP, Lucknow and field training in various courts at ----- and by 19.09.2012 i.e. when the aforesaid ad interim injunction order in the said O.S. No. 167/2012 was passed by me, I was having nearly only two years

experience of regular judicial work and despite being a novice with very little experience in judicial work, I had passed the aforesaid ad interim injunction order dated 19.09.2012 with absolutely clean conscience and to the best of my understanding of the law of injunctions and also of the case of the plaintiffs in the said O.S. No. 167/2012.

8. That to the best of my knowledge, there has been no complaint etc. till date against me by any of the parties or their counsel in the said civil suit No. 167/2012 in respect of the said ex-parte ad interim injunction order dated 19.09.2012 passed by me and nobody has leveled any allegations against me to the effect that the said order was passed by me for any extraneous motives etc. as the said order was passed by me with absolutely clean conscience and in discharge of my judicial functions as the Presiding Officer of the said court. It is, therefore, most humbly stated that for the reasons aforesaid, I am fully entitled to the protection of the provisions of the Judicial Officers' Protection Act, 1850 and the Judges Protection Act, 1985.
9. That till date not even an iota of evidence, oral or documentary, has been brought to my notice nor any such evidence has been annexed with the said charge framed against me reflecting negatively upon my impartiality, objectivity and honesty in passing the aforesaid ad interim injunction order dated 19.09.2012 and for that reason the said charge, being based on mere suspicions and assumptions, does not stand for want of any proof.
10. That on 19.09.2012, the ex-parte ad interim injunction order was passed by me in O.S. No. 167/2012 to the best of my understanding of the case of the plaintiff by keeping in view the pleadings contained in the plaint and the affidavit filed in support thereof together with the documents annexed therewith and as is clearly evident from the said order dated 19.09.2012, sufficient reasons have also been assigned by me behind issuing ex-parte ad interim injunction order.
11. That during the course of said departmental enquiry, I request your goodself to permit Shri -----, my father and an Addl. District & Sessions Judge presently posted at ----- to present my case and cross-examine the witnesses of the department, if any. I reserve my right to examine myself and my witnesses in support of my defence and to produce my documents during the enquiry if any otherwise evidence is brought against me on record. I also seek personal hearing during the course of the said enquiry.
12. That there is absolutely no evidence in support of any mala fide or otherwise motive etc. of mine in passing the aforesaid ex-parte ad interim injunction order dated 19.09.2012 in O.S. No. ----- as the same was passed by me with absolutely clean conscience and in good faith in discharge of my judicial duty as the Presiding Officer of the said court and the aforesaid charge being baseless and unfounded is liable to be dropped and I deserve to be exonerated of the same. The aforesaid reply to the said charge-sheet is hereby being submitted to your goodself for your kind consideration.
With profound regards,

Yours sincerely,

Dated : May 08 , 2014

Annexures : As above

(AB)
Judicial Magistrate, -----
Ex Civil Judge (Junior Division)
-----.

XXX XXX

(3)

From:

AB,
Addl. District & Sessions Judge
-----.

To:

The Registrar General,
Hon'ble High Court of Judicature
at Allahabad.

Through:

The District Judge,

Subject: Submission of representation against certain adverse remarks recorded by the then Hon'ble Administrative Judge of the ----- Judgeship against the undersigned applicant for the Assessment Year 2011-12 as communicated vide Hon'ble High Court's D.O. No. ----- Dated: Allahabad, 22.09.2012.

Sir,

I most respectfully beg to submit my representation on the subject noted above as under:

1. That during the Assessment Year 2011-12, I was posted as Addl. District & Sessions Judge, ----- and thereafter on being transferred from there, I am presently posted in the ----- Judgeship as the Addl. District & Sessions Judge, ----- . During my posting in the ----- Judgeship in the Assessment Year 2011-12, Shri ----- was the learned District Judge, ----- and Hon'ble Justice ----- was the Administrative Judge of the ----- Judgeship.
2. That the then District Judge, -----, who had throughout seen the work, conduct, integrity and performance etc. of mine at ----- during the relevant Assessment Year 2011-12, had recorded quite appreciative entries in my ACR for the said Assessment Year 2011-12 with the overall assessment of mine as "**Outstanding**".
3. That during my posting at ----- in the Assessment Year 2011-12, I had recorded convictions in fairly good number of Sessions Trials involving hardened criminals, muscles men and mafias and in two such highly sensitive Sessions Trials No. 281 of 1981 titled ----- u/s 302/149 of the IPC and Sessions Trial No. ----- u/s 302/149 of the IPC, all the seven accused persons in the said S.T. No. ----- were awarded life imprisonment and fine whereas in the other S.T. No. -----, one was acquitted of the charges and the remaining 10 accused persons were convicted for having committed triple murder and awarded death penalty by me. All the life imprisonment awardees and the condemned convicts of the two Sessions Trials mentioned above were men belonging to one Shri -----, who belongs to district ----- and was a Minister in the ----- Government of UP during the period from 2007-12. One Shri -----, the father of the Minister named above i.e. Shri -----, was a co-accused in the above Sessions Trial No. ----- and when he had gone to the Hon'ble Allahabad High Court in relation to pairvi of his case, his adversaries had made an attempt on his life in the corridor of ----- by firing gun shots at him and he was critically injured in that incident and had survived the said attempt but died a few years later. A section of the Bar at ----- belonged to the then Minister Shri ----- . Foiling all efforts of creating all sorts of obstacles and delays by the above named Minister's men as members of the Bar at ----- in the hearing and disposal of the above mentioned Sessions Trials, I speeded up the process of hearing and disposal of the above Sessions Trials which ultimately resulted into conviction and sentencing of the kith and kin of the Minister named above. The said Minister and his men, both in and outside the Bar at -----, therefore, developed grave ill-will and anger against me and with a view to harass me and malign my image started sending false and fabricated complaints against me to the Hon'ble Administrative Judge and to the District Judge, ----- . Since

the District Judge, ----- knew it well that the complaints made against me were absolutely false, fabricated and mala fide and had originated from the men and members of the Bar belonging to the Minister named above, therefore, the learned District Judge found no substance in the said complaints and that was the reason that being highly impressed with my judicial performance and integrity etc, he recorded highly commendable entries in my ACR for the relevant Assessment Year 2011-12 with my overall assessment as an **"Outstanding"** Officer.

4. That it appears that as the high handedness of the Minister named above and his men as the members of the Bar at ----- as stated in the preceding paragraph, could not be brought by me to the notice of the then Hon'ble Administrative Judge of ----- and, perhaps, for that reason on receipt of certain false and unfounded complaints made against me by the men of the above Minister, some adverse opinion about me was formed by His lordship which led him in recording his adverse remarks on my integrity which, in fact, is absolutely baseless and unfounded.
5. That there has been no mention of any specific orders or judgments passed by me in any particular cases in the observations dated ----- recorded by the then Hon'ble Administrative Judge of ----- which led His lordship in declaring my integrity as 'doubtful'. In the cases of **(i) Shaileswar Nath Singh Vs. Hon'ble High Court, Allahabad & Others, (2000) 1 UPLBEC (Summary) 8**, **(ii) High Court of Judicature at Allahabad through Registrar Vs. Sarnam Singh Sengar & Another, (2000) 1 UPLBEC 242 (SC)** and **(iii) Jasbir Singh Vs. State of Punjab, 2006 (7) Supreme 646**, it has been ruled by the Hon'ble Allahabad High Court and the Hon'ble Supreme Court that the matter of assessment of a Judicial Officer should be considered objectively and no adverse entry should be made against the Judicial Officer merely on the basis of some unfounded allegations leveled by the members of Bar in the form of complaints.
6. That I have got much appreciated service record in my 22 years of judicial service and have never earned any displeasure from any of my District Judges or from the Hon'ble Court.

It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the Hon'ble Administrative Committee for it's kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of mine and make my proper assessment by expunging the adverse remarks recorded by the then Hon'ble Administrative Judge of the ----- Judgeship in my ACR for the Assessment Year 2011-12. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Yours sincerely,

Dated: February 10.2012

(-----)
Addl. District & Sessions Judge

XXX XXX

(4)

From,

AB
Addl. Chief Judicial Magistrate

To,

The Registrar General,
Hon'ble High Court of Judicature
at Allahabad.

Through,

The District Judge,

Subject: Submission of representation against certain adverse remarks recorded by Shri -----
-----District Judge, ----- against the undersigned applicant for the Assessment
Year 2012-13 as communicated vide District Judge, ----- D.O. No. ----- dated
20.07.2013.

Sir,

I most respectfully beg to submit my representation on the subject noted above as under:

1. That during the Assessment Year 2012-13, I was posted as Addl. Chief Judicial Magistrate in the ----- Judgeship and am still posted there in the said capacity.
2. The main Annual Confidential Remarks of mine recorded by Shri -----, the learned District Judge, -----, for the Assessment Year 2012-13 are : *"Integrity—beyond doubt, fair & impartial in dealing with the public & bar, cool minded, nothing adverse to him has come to knowledge, fixing of cause list-proper, sufficient number of cases fixed to keep engaged during full court hours, unnecessary adjournments avoided, 137 contested cases older than 7 years decided, control over office & administrative capacity & tact-satisfactory, relations with members of Bar-cordial, behaviour and relation with brother officers-good, inspections of court & office-full & effective, punctual and regular in sitting on dias during court hours, amenable to the advice of the District Judge & other superior officers, state of health-good, overall assessment of the officer-average."* The only adverse remarks recorded by the learned District Judge against me are on the point of (i) quality of judgments and (ii) quantum of work done by me during the relevant Assessment Year. Which I beg to explain in the following paragraphs.
3. The learned District Judge, -----, vide his order dated 15.03.2013, had required from all the Presiding Officers of the judgeship to submit copies of two judgments, one having ended into conviction and the other into acquittal of the accused persons. In compliance with the said order dated 15.03.2013 of the learned District Judge, I had submitted, alongwith my Self Assessment Form, copies of two judgments (i) delivered on 31.07.2012 in criminal case No. ----- State Vs. ----- u/s 409 IPC wherein the said accused was convicted for the offence of Section 409 IPC and sentenced to imprisonment for 07 years and fine to the tune of Rs. 10,000/-and (ii) delivered on 21.02.2013 in criminal case No. -----, State Vs. ----- u/s 323, 504 IPC wherein the two accused persons namely ----- & ----- were acquitted of the said offences after proper marshalling of facts, appreciation of evidence led and the law attracted thereto. Without pointing out any specific shortcoming and lapse in the two judgments mentioned above, the learned District Judge has, in column 1(f) of my ACR, opined that : *"the judgments on facts and law on the whole*

are average, **reasoned** & expressed in average language, marshalling of facts, appreciation of evidence & application of law are average.” As is clearly visible from the said observation of the learned District Judge, he himself has opined that the said judgments were “**reasoned**” which clearly reflects that the said judgments delivered by me were well reasoned as acknowledged by the learned District Judge himself. It is most humbly submitted that the said judgments are not only well reasoned and expressed in good language but have been passed after proper marshalling of material facts, appreciation of evidence on record and the law attracted thereto. There has never been any complaint by any of the parties or their counsel or by anybody else against the said judgments till date. As regards the manner of recording a qualitative judgment, the Hon’ble Supreme Court, in the cases reported in **Union of India vs. Essel Mining & Industries Ltd., 2005 (6) SCC 67** and **Board of Trustees of Martyrs Memorial Trust and Another Vs. Union of India and Others, (2012) 10 SCC 734**, has observed thus : “*writing unnecessarily lengthy judgments than required should be avoided. It is not the number of pages in a judgment but sufficiency of reasons in support of the conclusions arrived at by the judge that is relevant ...brevity in judgment writing has not lost its virtue. All long judgments are not great nor are brief judgments always bad. What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration.*” The two judgments of mine recorded in 13 and 5 pages respectively withstand the above parameters. I am annexing herewith the copies of the two judgments mentioned above as **Annexure No. A-1 to A-13** and **B-1 to B-5** for kind perusal and assessment by the Hon’ble Court.

- 4(a). The second adverse remark by the learned District Judge in my ACR relates to the quantum of work done by me. As already shown in my Self Assessment Form for the relevant Assessment Year 2012-13, I had given 187.71 days (104.88%) as work done against 178.97 working days which is short by 12.60% as against the required 120%. It is most humbly submitted that, like two other ACJMs of the judgship, despite my best efforts, the target of achieving 120% or above quantum of work could not be materialized due to loss of 108 long working days due to strikes, boycotts and abstention from work etc by the Bar by passing resolutions which used to be circulated/conveyed to the Presiding Officers and to avoid violence and untoward incidents etc in the court, like other Presiding Officers, I also used to avoid confrontations with the members of the agitating and boycotting Bar and still used to sit in my court whenever the same used to become possible and despite strike etc used to conduct the proceedings of the cases to the maximum possible extent but unfortunately because of non-rendering of assistance by the Bar for 108 days by resorting to strikes etc, the said target of 120% could not be achieved.
- 4(b). It is humbly stated here that the learned District Judge himself has recorded at serial No. 1(e)(a), (b), 1(e)(ii) & (iii), 1(l) & 1(m) of my ACR that : “*I used to fix cause list properly, used to fix sufficient number of cases to keep engaged during full court hours, used to avoid granting unnecessary adjournments, decided 137 contested cases older than 7 years, was punctual and regular in sitting on dias during court hours and was amenable to the advice of the District Judge and other superior officers.*”
5. That I have so far served for nearly 8 & ½ years in subordinate judiciary and have got appreciated service record and have never earned any displeasure from any of my District Judges or from the Hon’ble Court and have always given more than required quantum of work done. I most conscientiously assure the Hon’ble Court that I shall be extremely careful to ensure that not only the minimum required quota but also beyond that is achieved by me in future.
6. It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the then Hon’ble Administrative Judge of ----- Judgship for his lordship’s kind consideration. It is further prayed that the Hon’ble

Court may be pleased to kindly consider this representation of mine and make my proper assessment by expunging the said adverse remarks recorded by the learned District Judge, ----- , in my ACR for the Assessment Year 2012-13. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Yours Sincerely,

Dated: July 20 , 2013
Annexures : As above

(-----)
Addl. Chief Judicial Magistrate

XXX XXX

(5)

From,

AB
Civil Judge (Junior Division)

To,

The Registrar General,
Hon'ble High Court of Judicature
at Allahabad.

Through,

The District Judge,

Subject: Submission of representation against a single adverse remark recorded by -----
-- the then District Judge, ----- as to non-disposal of execution cases in the
Assessment Year 2011-12 as communicated vide District Judge, ----- D.O. No. -----
-----/2013 dated 18.07.2013.

 Sir,

I most respectfully beg to submit my representation on the subject noted above as under:

1. That during the Assessment Year 2011-12, I was posted as Addl. Civil Judge (Junior Division), ----- and during that period, Shri ----- was the learned District Judge, ----- who had recorded entries in my ACR for the said Assessment Year 2011-12 thus : *"integrity-certified beyond all reasonable doubts, fair & impartial in dealing with the public & bar, cool minded, private character is good, fixing of cause list-proper, sufficient number of cases fixed to keep engaged during full court hours, unnecessary adjournments avoided, judgments on facts and law on the whole sound, well reasoned and expressed in good language, marshalling of facts-good, appreciation of evidence-good, application of law-good, total percentage of work done 136.42%, used to grant or refuse interim orders & injunctions for sufficient reasons, control over the office, administrative capacity & tact-good, relation with members of Bar-good, behaviour and relation with brother officers- good, inspections of court & office-full & effective, punctual and regular in sitting on dias during court hours, amenable to the advice of the District Judge & other superior officers, overall assessment of the officer-"Good".*
2. That the only adverse remark recorded by the said learned District Judge, ----- against me in the Assessment Year 2011-12 is that none of the 04 execution cases pending in my court was decided by me. It is most humbly submitted that after being recruited to the UP Judicial Services, said posting of mine at ----- was my first posting and the said court was lying vacant when I took over in that court.
3. That despite being a novice to judicial work and having no experience of how to fast track the disposal of execution cases, I had made every possible efforts to speed up the process of disposal of the execution cases and **one execution case bearing execution case no. 5/2010 titled ----- ----- was decided by me on 08.03.2012** and as such out of total 04 execution cases, only 03 remained pending in my court upto 31.03.2012. It is humbly submitted that the remaining 03 execution cases were also ripened by me and brought to the verge of final disposal but due to very little proceedings remaining to be completed in those 03 execution cases, the same could not be finally decided upto 31.03.2012 and credit for the same could not

be taken by me for ripening the remaining 03 execution cases during the said Assessment Year 2011-12.

- 4. That the observation of the learned District Judge, ----- in my ACR for the Assessment Year 2011-12 that I had decided no execution case out of the total 04 execution cases then pending in my court is factually not correct in as much as out of those 04 cases, I had decided one execution case during the said Assessment Year as stated in the preceding paragraph. I am annexing herewith the statement/certificate as **Annexure No. 1** prepared and issued by the officials of my said court at ----- showing disposal of the said one execution case by me during the said Assessment Year 2011-12.
- 5. That I have so far served for less than 04 years in subordinate judiciary and have got appreciated service record so far and have never earned any displeasure from any of my District Judges or from the Hon'ble Court and have always tried to discharge my duties with utmost devotion and dedication. I most conscientiously assure the Hon'ble Court that henceforth I shall be extremely careful in ensuring disposal of maximum number of execution cases in future.
- 6. It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the then Hon'ble Administrative Judge of ----- judgeship for his lordship's kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of mine and make my proper assessment by expunging the aforesaid only adverse remark on non-disposal of execution cases as recorded by the then learned District Judge in my ACR for the Assessment Year 2011-12. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Your's sincerely,

Dated: August 18, 2013

Annexure : As above

(AB)
Civil Judge (Junior Division)

XXX XXX

(6)

From,

AB
Addl. District & Sessions Judge,

To,

The Registrar General,
Hon'ble High Court of Judicature
at Allahabad.

Through,

The District Judge,

Subject: Submission of representation against the only adverse remark on the point of quota recorded by Hon'ble Justice -----, Administrative Judge, -----, against the undersigned applicant for the Assessment Year 2012-13 as communicated vide Hon'ble Court's D.O. No. ----- dated 12.09.2014.

Sir,

I most respectfully beg to submit my representation on the subject noted above as under:

1. That during the Assessment Year 2012-13, I was posted as Addl. District & Sessions Judge, ----- and am still posted over there in that capacity.
2. That as has already been shown in my Self Assessment Form for the relevant Assessment Year 2012-13(**Annexure No. 1**), I had given 112.90 days as work done against the total working days 171.30 and as such the percentage of work done by me during the said Assessment Year was 65.90%. But the learned District Judge, ----- had, in my ACR (**Annexure No. 2**) for the said Assessment Year wrongly mentioned 88.40 days as work done as against 142.30 days as working days with the percentage of total work done by me as 62.12%.
3. That during the said Assessment Year 2012-13, the lawyers of the District Court, -----, due to formation of new outlying Court of Civil Judge (Junior Division) -----, had gone on continuous strike from 06.07.2012 to 22.08.2012 and thereafter there was total lock out of the courts from 01.02.2013 to 18.03.2013 and as a result thereof there was loss of 59 working days during the relevant Assessment Year and judicial work had completely paralyzed and suffered for that reason.
4. That while showing my quantum of work done during the relevant Assessment Year 2012-13 as 62.12%, the Hon'ble Administrative Judge of the ----- Judgeship has himself recorded in his order dated 20.08.2014 (**Annexure No. 3**) that : *"as reported by the District Judge, sufficient number of cases have been fixed and decided by the officer. He also avoided unnecessary adjournments. He has been reported to be punctual and regular. The integrity of the officer is certified. Overall assessment of the merit is 'good'."*
5. That as is evident from the said remarks of the Hon'ble Administrative Judge himself, I used to fix sufficient number of cases and had also decided sufficient number of cases during the period when the courts were functional and were not paralyzed due to lawyers' strikes, boycotts and lock-out of courts during the period aforesaid. The target of required quota i.e. 100% could not be achieved during the relevant Assessment Year for the aforesaid compelling and unavoidable reasons and the same was beyond the control of mine.
6. That I most conscientiously assure the Hon'ble Court that in future I shall ensure that not only the minimum required quota i.e. 100% but also beyond that is achieved by me in future.
7. It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the Hon'ble Administrative Committee for its kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of mine and expunge the only adverse remark on the point of quota recorded by the Hon'ble Administrative Judge of the ----- Judgeship in my ACR for the Assessment Year 2012-13. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Yours Sincerely,

Dated: September 24, 2014

Annexures : As above

(AB)
Addl. District & Sessions Judge,
