From:

Nand Pratap Ojha
Additional District Session 1st
Pratapgarh.
J. O. Code :- UP-2167

To,

The Hon'ble Administrative Committe,
Hon'ble High Court of Judicature At Allahabad.

Through :- Hon'ble District Judge Pratapgarh

REPRESENTATION AGAINST HON'BLE ADMININSTATIVE JUDGE AFFIRMING REMARK-'not with congeniality'at item No. 01(m)(whether amenable to the advice of the District Judge) MADE BY THE DISTIRCT JUDGE IN ANNUAL ENTRY 2020-2021(From 01.04.2020 -31.03.2021).

Lordship,

It is most humbly submitted that:-

1. That the instant representation IS BEING preferred against the order passed by the Hon'ble Administative Judge Aligarh affirming the remark 'not with congeniality'at item No. 01(m) (whether amenable to the advice of the District Judge) of the annual entry made by the then District Judge Sri Vivek Kumar Sangal in annual entry of the year 2020-2021 (From 01.04.2020 -31.03.2021).

2. That the applicant moved representation before Hon'ble Administrative Judge Aligarh against the remarks made by the then District Judge Sri Vivek Kumar Sangal in annual entry of the year 2020-2021 (From 01.04.2020 - 31.03.2021).

3. That the respected District judge assessed me as over all Good but put remark i.e. 'not with congeniality'at item No. 01(m). (whether amenable to the advice of the District Judge) of the annual entry. It is note worthy to mention here that the Hon'ble District Judge has not stated specifically that officer is not amenable to the advice of the District Judge.

4. while it is a legal obligation to state as per the proforma of entry. That feeling aggrieved against such remark 'not with congeniality'
which was adverse and which may affect my carrier in future, I a representation before Hon'ble Administrative Judge Aligarh.

5. That it seems in facts and the circumstances of the matter that my representation was not produced before Hon'ble Administrative Judge Aligarh for consideration and the impugned remark were confirmed.

6. That it is noteworthy to mention here that Hon'ble District Judge had
not mentioned any incident or event and also no D.O. letter was issued in this regard to me.

7. That it is pertinent to mention here that P.E-36/19 against Sri Anil Mishra (the delinquent employee) was pending before me as enquiry officer, and such PE. No. 36/19 relates to a serious matter relating to lost consigned record of S.T. No. 1517/1996 State Vs Saudan Singh &
others which has been summoned by Hon'ble High in Crl. Appeal No. 4438/2002 Saudan Singh & others Vs State of U.P.

8. That Hon'ble High Court vide order dated 23.02.21 passed in Crl. Appeal No. 4438/2002 Saudan Singh & others Vs State of U.P. had directed to expedite the inquiry and if the record was traced out immediately be sent to Hon'ble High court.

9. That in my annual assessment 2020-2021 it was mentioned by me that P.E-36/19 received on 10.07.2020 and was pending and had not been decided as the the Administrative Office Aligarh failed to serve the notices issued against Sri Anil Mishra.

10. That while submitting the annual assesment I, myself deducted 16 units out of 1496.87 total Achieved units as per the directions of the Hon'ble High Court.

11. That it is also noteworthy to mention here that no quota or unit has been claimed by me regarding PE – 36/19 or any other inquiry rather 16 units have been deducted out of my achieved units and after deducting 16 units I achieved 1480.87 units. In my self assessment form in Part II at item no. 2 it has been specifically mentioned that total achieved units are i.e.1496.87, and after deduction of 16 units, remainder out of total acheved units are 1480.87 and detailed was mentioned in the annexure to the assesment.

12. That details of achieved units for quota was provided which itself reflects that no claim of units have been made regarding aforesaid said inquiry by me in annual assessment.

13. That at item no. 14 in remark column of my annual assessment it was mentioned that due to not serving process upon Sri Anil Mishra by administrative office inquiry was not concluded within time. It is true that due to the lethargic action and attitude of the administrative office Aligarh the notice issued against Sri Anil Mishra was not properly served and also office had not submitted any proper sufficient service report.

14. That it is relevant to mention here that Sri Anil Mishra was posted at Aligarh and was transferred from Aligarh to District civil court Sidharth Nagar and the Administrative Office Aligarh was well aware about the expected date of retirement of Sri Anil Mishra and in collusion with Sri Anil Mishra and to provide him the undue advantage the Administrative office was prolonging the service of notice upon Sri Anil Mishra. It has come to know that Sri Anil Mishra got retired in June 2021.

15. That Administrative Office of Aligarh judgeship had not produced the proper service report in respect of notices issued against Sri Anil Mishra and was lethargic in serving notice so, such fact was written in the remark column of assessment by me by which the Hon'ble District Judge Aligarh become biased and on account of such biasness had awarded entry to the effect that officer is 'not with congeniality' at item No. 01(m)(whether amenable to the advice of the District Judge) of the said annual entry.

16. That I submitted my representation online on e- service portal against which the Hon'ble District Judge made objection to revisite the representation on the portal but due heavily burdened of judicial as well as the administrative work I couldn't adhere to that objection. Today I serched and found the objection so I submit my representation. Yourlordshipp, may graciously be leased to condone the delay as the circumstances were beyond my control which Cused such delay.

17. That I have annexed the requisite documents alongwith the reperesntation made before Hon'ble Administrative Judge Aligarh and lordshipp may graciouly be pleased to consider those documents if it be deemed fit just and proper for sympathetic consideration of this reperesentation.

PRAYER

It is most prayed that your 'Lordship' may graciously be pleased to expunge the remark at item No. 01(m) - 'not with congeniality, from the annual entry of year 2020-2021 (01.04.20 to 31.03.21) made by the District Judge Aligarh Sri Vivek Sangal.

With regard.

Dated 06/09/2023

(Nand Pratap Ojha)
Additional District Session 1st
Pratapgarh.
J. O. Code :- UP-2167

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