

SELF ASSESSMENT APPLICATION

Case ID : 143

Employee No.:5743

3 MONTHS COMPLETION

Whether 3 Months are complete for remarks of DISTRICT JUDGE? Yes

SELF ASSESSMENT FORM PART I

1. Self Assessment Period	01/04/2019 - 31/03/2020	
2. Name of the Officer	SHIVA KUMAR SINGH	
3. Designation	A.D.J. (POCSO)	
4. Date of Joining Service / Length of Service	19/03/1996 (24 Years 1 Months and 24 Days)	
5. Place of Posting	Shravasti Posting Details During Self Assessment Period 1. Shravasti at Bhinga-A.D.J. (FTC) 2. Shravasti at Bhinga-Spl. J. (SC/ST, Pev. of Atroci Act) 3. Shravasti at Bhinga-Addl. District & Sessions Judge 4. Shravasti at Bhinga-A.D.J. (POCSO)	
6. Any other charge held during the financial year	1. Officer In-charge, Nazarat 2. Officer In-charge, R.T.I. 3. Officer In-charge Administration 4. D.D.O.	
7. Year wise break up of cases	Proforma No. 1 attached	Attachment Available
8. Courts held during the financial year	As per Attachment	Attachment Available
9. In how many cases have you framed the issues	09 Cases	
10. In how many cases have you framed the charge	82 Cases	
11. Number of cases in which Judgment not delivered within 15 days of conclusions of argument	Nil	
12. Percentage of appeals remanded by the officer	Nil	
13. Inspections	Proforma No. 2 attached	Attachment Available
14. Remarks if any	Nil	
15. Details of the works by the officer	Proforma No. 3 attached	Attachment Available
16. Performance in Lok Adalat	Total : 70 Cases Disposed of	

SELF ASSESSMENT FORM PART II

1. Brief description of duties	1-A.D.J./F.T.C.-I,Shravasti 01.04.2019 to 15.04.2019 2-A.D.J./F.T.C.-II, Shravasti 16.04.2019 to 27.08.2019 3-Spl.Judge SC/ST Act ,Shravasti 28.08.2019 to 13.09.2019 4-A.D.J.,Shravasti 14.09.2019 to 25.02.2020 5- Spl.Juge (Exclusive POCSO Act),Shravasti 26.02.2020 to 31.03.2020 6. Officer In-charge, Nazarat 7. Officer In-charge, R.T.I. 8. Officer In-charge Administration 9. D.D.O.
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2. Norms set and achieved in respect of disposal of cases.

Target

Achievements

	1200 units	2196.39 units	
2A.	Steps taken to dispose of old matters which are more than 5 years old.		Attachment Available
	Target	Achievements	
	24 cases (6 old cases more than five year old was given per quarter therefore in the year 6x4=24 cases)	38 cases disposed of more than 5 Years old.	
2A(i).	Pendency of such matters at the commencement of the year.		Attachment Available
	Target	Achievements	
	Nil	38 cases five or more than five year old has been disposed of against the target of 24 cases.	
2A(i).	Number of such matters disposed of during the year.		Attachment Available
	Target	Achievements	
	24 cases (6 old cases more than five year old was given per quarter therefore in the year 6x4=24 cases)	38 Cases	
2B.	Steps taken to dispose of old matters which are more than 10 years old.		
	Target	Achievements	
	Nil	08 cases disposed of ten or more than 10 years old.	
2B(i).	Pendency of such matters at the commencement of the year.		Attachment Available
	Target	Achievements	
	Nil	Nil	
2B(i).	Number of such matters disposed of during the year.		Attachment Available
	Target	Achievements	
	Nil	08 cases has been disposed often or more than ten years old.	
2C.	Steps taken to dispose of cases of persons with more than 65 years of age.		
	Target	Achievements	
	Nil	02 cases disposed.	
2C(i).	Pendency of such matters at the commencement of the year.		Attachment Available
	Target	Achievements	
	Nil	Nil	
2C(i).	Number of such matters disposed of during the year.		
	Target	Achievements	
	Nil	02 Cases Disposed of.	
3.	Please state briefly the shortfalls with reference to the targets / objectives referred to at S. No. 02 above. Please specify constraints, if any, in achieving the targets.		
	Target	Achievements	
	N/A	N/A	

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4. Academic and professional achievements during the year, including degree(s) obtained and/or books/articles published.

Target	Achievements
Nil	Nil

5. Whether attended any workshop, course, programme, etc., organized by Judicial Academy and/or any other organization during the period in question? If so, give details.

Target	Achievements
Nil	1- 2 Workshops conducted by JTRI in Bahraich. 2- Training at IIPA New Delhi.

6. Whether visited Judicial Academy as Faculty Member. If so, give details about the nature of lecture(s) given/topic(s) discussed.

Target	Achievements
Nil	Nil

Attachments

Attachment	Uploading Date
self Assessment	13/05/2020
Modified workdone	14/07/2020
updated inchargeship	22/07/2020

*Red background attachments are uploaded in return of objection.

Judgment Attachments

Judgment Attachment	Uploading Date
Judgement 1	13/05/2020
Judgemnet 2	13/05/2020
Judgement 3	13/05/2020
Judgement 4	13/05/2020
Judgemnt 5	13/05/2020

Applying Date

Date 13/05/2020

01-Remarks given by the District Judge regarding:

01 (a). Integrity of the Officer- whether beyond doubt, doubtful or positively lacking	Doubtful. Details are given in other remarks column in Point No.1, 2, and 3.
<i>Note- If the officer's integrity is doubtful or positively lacking, it may be so stated with all relevant fact, reason(s) & supporting material.</i>	
01 (b). If he is fair and impartial in dealing with the public and Bar?	No.
01 (c). If he is cool minded and does not lose temper in court.	Yes.
01 (d). His private character is such as to lower him in the estimation of the public and adversely affects the discharge of his official duties?	Nothing adverse came to my knowledge regarding his private character.
1 (e). CONTROL OVER THE FILES IN THE MATTER OF:	
01 (e)(i)(a). Proper fixation of cause list:	Good.
01 (e)(i)(b). Whether sufficient number of cases are fixed by him to keep him engaged during full court full court hours?	Yes.
01 (e)(ii). Avoidance of unnecessary adjournments:	No. Details are given in other Remarks column in Point No. 4.

01 (e)(iii). Disposal of old cases(Give number and year of old cases decided):

From 01.04.2019 to 15.04.2019 as ADJ/FTC-I, Shrivasti -
Civil Case Criminal Case
01 of 2014 Nil
01 of 2015

From 15.04.2019 to 27.08.2019 as ADJ/FTC-II Shrivasti -
Civil Cases Criminal Cases
01 of 2013 01 of 2006
03 of 2014 01 of 2009
06 of 2015 04 of 2010
01 of 2013
05 of 2015

From 28.08.2019 to 13.09.2019 as Spl. Judge SC/ST Act,
Shrivasti-
Criminal Cases
01 of 2010
01 of 2011
01 of 2012

From 14.09.2019 to 25.02.2020 as Addl. District Judge
Shrivasti-
Civil Cases Criminal Cases
02 of 2005 01 of 2003
01 of 2011 01 of 2006
01 of 2012 01 of 2007
05 of 2014 02 of 2009
05 of 2015 03 of 2010
01 of 2011
01 of 2012
01 of 2013
02 of 2014
07 of 2015

From 26.02.2020 to 31.03.2020 as Spl. Judge Exclusive
POCSO Act Shrivasti-
Criminal Cases
02 of 2015

Note :- Out turn Statement of the Court ADJ/FTC-I shows disposal of 01 Criminal Revision (Contested). But in corresponding Year-Wise disposal statement, this figure not finds place. Out turn statement of the Court ADJ/FTC-II shows disposal of 01 Cri. Appeal (Contested) but corresponding statement of year-wise disposal, shows disposal of 3 Cri Appeals. Out turn statement shows disposal of 3 Cri. Misc. Cases but corresponding year-wise disposal statement shows only disposal of 02 Cri. Misc. Cases. Similarly, in the out turn statement 12 Bail Applications are shown disposed off but the corresponding year-wise disposal statement showing disposal of 01 Bail Application. Out turn statement of the Court Spl. Judge SC/ST Act shows disposal of 01 Bail Application but corresponding year-wise disposal statement 04 Bail Applications shown disposed off. Out turn statement of the ADJ shows disposal of 01 Sessions Trial (Otherwise) but corresponding year-wise disposal statement shows 02 Sessions Trial disposed off. Similarly in the out turn statement 17 Final Report are shown disposed off but the corresponding year-wise disposal statement No FR shown disposed off. Similarly out turn statement shows 20 Cri. Misc. Cases disposed off but the corresponding year-wise disposal statement shows 23 Cri. Misc. Cases disposed off. Similarly in the statement of Out turn 02 Misc. Civil Appeal shown disposed off but the corresponding statement of year-wise disposal shows 03 Misc. Civil Appeal disposed off.

It appear that statements are prepared with incorrect data.

06 Execution Cases Decided by the Officer during the period 14.09.2019 to 25.02.2020 which were filed for execution of arbitration awards. Such cases are to be decided only by District Judge. Officer has disposed off these execution cases without jurisdiction and 5 out of 6 cases in absence of decree holders.

01 (e)(iv). Progress and disposal of execution cases:

01 (e)(v). Whether interim order, injunction being granted, refused or retained for sufficient reasons? Not Applicable.

01 (e)(vi). Are cases remanded on substantial grounds? No case remanded.

01 (e)(vii). Performance with regard to decision of Motor Accident Claims related to death / injury Proper

01 (f). Whether judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language? Judgments are not sound and without good reasoning.

Note:- The following factors should also be indicated in filling up this column:

01 (f)(i). Marshalling of facts; Not Appropriate.

01 (f)(ii). Appreciation of evidences; Not Good.

01 (f)(iii). Application of law. Required improvement.

01 (g). Whether disposal of work is adequate.(Give percentage and reasons for short disposal, if any)

Target	Achievements Percentage
1200 Units	2190.49 Units 182.54 (717.95 Units for Actual Work) (1472.54 for other Administrative/Misc. Work)

Note :- This is subject to verification of statements.

Note:- The following factors should also be indicated in filling up this column:

01 (g)(i). Number of cases decided after actual full contest; 101 Cases as per statements submitted.

01 (g)(ii). Number of cases decided wherein all witnesses of fact turned hostile and the case ended in acquittal. No such statement is submitted by the Officer.

01 (g)(iii). Number of civil cases decided on compromises / alternate dispute resolution. No such statement is submitted by the Officer.

01 (g)(iv). Number of cases wherein after conclusion of arguments and reserving them for judgment, rehearing was ordered. Nil

01 (h).	Control over the Office and Administrative capacity and tact:	Not effective control over the officials. Officer is lacking Administrative Capacity. Officer has submitted always wrong and incomplete statements during his tenure. Registers maintained in his office are not in proper format and entries not complete. P.O. dairy is not in his own handwriting. Munsrim has not made bi-annual inspection.
01 (i).	Relations with members of the Bar(mention incidents, if any):	Cordial with some members of the Bar who used to sit regularly in his chamber.
01 (j).	Behavior in relation to brother Officers(mention incidents, if any):	Good.
01 (k).	Whether the officer has made regular inspections of his court and offices in his charge and whether such inspections were full and effective?	Inspections made regularly but in-formality and are not full and effective.
01 (l).	His punctuality and regularity in sitting on the dais in court during court hours?	Not punctual and regular in sitting on dias. Several times he was found absent on dias during surprise inspections.
01 (m).	Whether amenable to the advice of the District Judge and other superior officers?	Not amenable to the advice of the District Judge.
01 (n).	Behaviour towards women(respect and sensitivity exhibited towards them)	Good.
2.	Over all assessment of the merit of the officer(Outstanding, Very Good, Good, Average, Poor)	Poor
3.	State of Health, with remarks, if any?	Good.



✓ S.P. Shrivasthi has made compliant of Officer to then District Judge which is paper No. 32/1 on his personal file alongwith a slip which is paper No.32/2 (Both Attached) in the hand writing of officer regarding illegal demand of Android Phone Nokia 8 from Sub-inspector Ram Praveesh Yadav P.S. Sonwa, District Shrivasthi. In the compliant it was stated that Sri Shiv Kumar Singh has demanded mobile Nokia 8 from Investigating Officer. Sri SI Ram Praveesh Yadav also made compliant before me that Sri Shiv Kumar Singh is harrasing him and punished him u/s 350 CrPC and imposed fine despite of all report submitted in time only due to complaint earlier made of demanding Nokia 8 mobile. I have asked the officer regarding hand writing on slip and he has not denied for his hand writing on the slip. Officer has not denied this slip in the reply of the above complaint given to the then District Judge.

2. Special Session Trial (POCSO Act) No. 60/2019 Crime Number 230/2019 State Vs. Kamal Kumar Arya u/s 363, 366 IPC and Section 7/8 POCSO Act Shrivasthi, In this case charge sheet was received in the Court Presided by Sri Shiv Kumar Singh on 10.10.2019. Officer has taken cognizance u/s 363, 366 IPC and 7/8 POCSO Act on the same day. There after on the next very day on 11.10.2019 Bail Application of Accused Kamal Kumar Arya was allowed by the Officer with the observation that offence u/s 7/8 POCSO not made out in the case. Surprisingly on 13.12.2019 Officer has framed charges against the accused u/s 363, 366 IPC and 7/8 POCSO Act. It appears that Officer wants to allow Bail Application with ulterior motive. D.O. Letter No. 7/2020 dated 20.02.2020 was served to the Officer in this regard.

3. A very serious compliant dated 07.01.2020 was made by Smt. Savitri Devi complainant of S.T. No. 43/2016 Crime Number 1234/2016 u/s 376, 302, 201 IPC and 4 POCSO Act P.S. Sirsiya District Shrivasthi, addressed to Hon'ble Chief Justice of India, Hon'ble Supreme Court and copies to Hon'ble Chief Justice Hon'ble Allahabad High Court and Hon'ble Administrative Judge Lucknow and District Judge Shrivasthi. After that complainant presented another application regarding above complaint before me on 31.07.2020. I have recorded her statement on oath and forwarded the complaint alongwith all papers to Registrar General Hon'ble High Court Allahabad vide letter Number 741/2020 dated 31.07.2020.

4. S.T. No. 124 of 2014 State Vs. Agya Ram And Others Under Section 302/34 IPC, P.S. Malhipur, District Shrivasthi, in which accused was in custody and Hon'ble High Court has directed to decide the case in fixed time, but officer has given long dates either on his own or on the request of any party. In the cases SST (NDPS) No. 15 of 2016 Crime Number 2127/2016 State Vs. Santosh Kumar Sec. 8/20 NDPS Act P.S. Malhipur District Shrivasthi and Sessions Case (POCSO) Number 27/2015 Crime Number 909/2015 State Vs. Pawan Kumar u/s 363, 366 376 IPC and 4 POCSO Act P.S. Bhinga District Shrivasthi and in several other cases despite of presence of witness, Officer has adjourned the cases and thus not complied the circular letter of Hon'ble High Court issued regarding compliance of section 309 CrPC strictly.

5. For the period from 28.08.2019 to 13.09.2019, Officer has claimed 10 Units for the Bail/Remand but he was entitled only for 05 units. Thus 05 Units claimed extra and not corrected despite of objections.

6. For the period from 14.09.2019 to 25.02.2020, Officer has claimed 2 units 2 times for disposal of Application u/s 311 CrPC and Claimed 50 units 2 times for O/c Administration. Thus 52 units claimed extra and not corrected despite of objections.

7. ✓ Officer has presented T.A. Bill to Director JTRI, Lucknow regarding training at JTRI for the period 20.01.2018 to 23.01.2018. In this T.A. Bill distance of Bhinga to Lucknow shown 178 Km. This is paper Number 20/1 to 20/3 on personal file of the officer. Next time officer has presented T.A. Bill to Director JTRI Lucknow regarding training at IIPA New Delhi from 08.07.2019 to 12.07.2019 but in this T.A. Bill distance of Bhinga to Lucknow shown 162 KM. This is paper number 49/1 and 49/2 on the personal file of the officer. Thus officer has claimed 32 Km extra journey in the T.A. Bill for the period 20.01.2018 to 23.01.2018 just for claiming excess T.A.

8. General reputation of the officer is very low in public.

9. Departmental enquiry No. 15/2015 was instituted against the Officer and Enquiry report dated 16.01.2020 accepted by the Hon'ble Court and the matter is dropped.

10. Officer has decided 49 cases of electricity Act 2003 as shown in his statement. Almost in all cases he has imposed fine to the tune of Rs. 500 - 600. In Special Cse Number 19/2019 State Vs. Rameswar decided on 14.09.2019, Special Case Number 14/2019 State Vs. Manish decided on 14.12.2020 and Special Case Number 30/2020 State Vs. Radhey Shyam Chauhan decided on 08.02.2020 Officer has imposed fine of Rs. 500, 500 and 600 respectively and many other such cases disposed off which where u/s 135 Electricity Act. Sec. 135 of Electricity Act 2003 provides punishment of imprisonment or fine or both, provided that fine imposed shall not be less than 3 times the financial gain on account of theft of electricity. In the Cases Officer has not obtained any report regarding financial gain by the accused with false facts on account of theft. This shows that either officer is lacking of legal knowledge or officer has disposed of the cases of electricity theft with the ill intention to give undue benefit to the accused persons.

11. ✓ Officer has left Head Quarters Bhinga Shrivasthi on 21.03.2020 though his application for permission to leave Head Quarters was rejected by me in light of Hon'ble High Court's Order. The matter was reported by me to Hon'ble Administrative Judge on mobile phone. D.O. No. 11/2020 dated 03.06.2020 was served to the Officer. But reply given by the officer with false facts and was not found satisfactory. Even after that officer has frequently left head Quarters during lock down period without any permission to leave Head Quarters, in utter violation of the directions of Hon'ble High Court and directions issued by the Central Government as well as State Government for the National Lock Down Period.

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3. Name of the District Judge

Mrs. Bala K. Singh (IP5453)
31.12.2020

Attachments By District Judge

Attachments

Uploading Date

Slip in handwriting of Shri. Shiv Kumar Singh attached with complaint of SP Shrivasti

31/12/2020

Complaint of SP

31/12/2020

