

APPLICATION FOR REPRESENTATION AGAINST REMARK

1.	Representation Case ID	227
2.	JO Code	6330
3.	Officer Name	AMIT KUMAR PRAJAPATI
4.	Designation	Spl. Judge (E.C. Act)
5.	Self Assessment Case ID	4167
6.	Representation Type	Representation against remarks of District Judge
7.	Representation	<p>From :</p> <p style="padding-left: 40px;">Amit Kumar Prajapati Additional District Judge/ Spl. Judge (E.C. Act) Ghaziabad JOCode-UP6330</p> <p>Through,</p> <p style="padding-left: 40px;">The District Judge Ghaziabad.</p> <p>To,</p> <p style="padding-left: 40px;">The Registrar General Hon'ble High Court of Judicature at Allahabad</p> <p>Subject:- Submission of Representation against the only adverse remarks by the Ld. District Judge Sultanpur on the ACR of the undersigned applicant regarding Serial No. 01(a), 01(b), 01(d), 01(e)(i) (a), 01(e)(i)(b), 01(e)(ii), 01(e)(v), 01(f), 01(f)(ii),01(f)(iii), 01(h), 01(l), 01(m) and 2 during the assessment year 2020-2021 as communicated through e-services online portal on 17.08.2021.</p> <p>Sir,</p> <p style="padding-left: 40px;">I most respectfully beg to submit my Representation on the subject noted above, as under :</p> <p>1- During the assessment year 2020-2021, I worked as A.D.J, Court no. 3, Sultanpur from 01.04.2020 to 17.10.2020 and Additional District & Sessions Judge/Special Judge E.C. Act, Court no.4, Sultanpur from 18.10.2020 to 31.03.2021.</p>

2- That during the Assessment period from 01.04.2020 to 31.03.2021 the Learned District Judge Sultanpur recorded some assessment Remarks which are not correct and adverse to applicant. Regarding those remarks, applicant most respectfully submits following facts and prayer:-

(A) Learned District Judge recorded remark in Serial No.1 (a) that "integrity of the officer highly doubtful". It is humbly submitted that Ld. District Judge is posted in Sultanpur from 17-11-2020 to till now. The mentioned case in remark "State vs. Sanjay Agrahari" was decided by me on 14.05.2019, and at that time, no complaint was made to then Learned District Judge and in the assessment year 2019-2020 (i.e. from 01.04.2019 to 31.03.2020), integrity of the applicant has been certified by the then Learned District Judge and which is confirmed by Hon'ble High Court. From the date of Judgement and to the end of assessment year (i.e. from 14.05.2019 to 31.03.2020), no such complain made to then Learned District Judge, and it shows that alleged complaint has been made with the mala-fide intention. Applicant has been sent his explanation to the Learned District Judge regarding that complaint (explanation Attached). On the basis of a single false complaint, which is directly sent to the Hon'ble Chief Justice, Allahabad High Court, without making any complaint to the Learned District Judge, recording the remark "highly doubtful integrity", is not correct and is without any supporting material, therefore liable to be quashed.

(B) Regarding remark Serial No.01(b), it is humbly submitted that neither District Bar Association, Sultanpur, nor any Advocate has made any written complaint to the Learned district Judge, neither any such complaint came to my knowledge through Learned District Judge. Therefore, remark recorded in Serial No. 01(b), is not correct and liable to be quashed.

(C) Regarding remark Serial No. 01(d), it is humbly submitted that neither District Bar Association Sultanpur, neither any Advocate, neither any person has made any written complain to the Learned District Judge, nor any such complaint came to my knowledge through Learned District Judge. Therefore, remark recorded in Serial No. 01(d) is not correct and liable to be quashed.

(D) Regarding remarks Serial No. 01(e) (i) (a) and 01(e) (i) (b), it is humbly submitted that from the date 22.03.2020, due to covid-19 pandemic, Court's work has been affected adversely. During pandemic, Hon'ble High Court has directed, time and again that only urgent matters will be heard and evidence will be recorded only with the prior permission of the Learned District Judge. If any officer, employee or advocate found corona positive, courts premises was closed for one or two days as per order of Learned district Judge and the cases fixed on that day were fixed for another day. Due to covid 19 pandemic, only those case were fixed, which was disposable or urgent in nature. It was the guideline of the Hon'ble High Court that after completion of the work, officer may leave the court campus. It was not necessary to fix the case which was not urgent. Therefore, the remarks recorded in Serial No. 01(e) (i) (a) and 01(e) (i) (b), is not correct and liable to be quashed in view of covid 19 pandemic and guidelines of the Hon'ble High Court.

(E) Regarding remark Serial No. 01 (e)(ii), it is humbly submitted that Applicant has always avoided unnecessary adjournment. Learned District Judge has not mentioned any case in his remark, in which unnecessary adjournment was granted. Therefore, the remark recorded by Learned District Judge in Serial no 1(e) (ii) is not correct and liable to be quashed.

(F) Regarding remark Serial No. 01(e) (v), it is humbly submitted that applicant's court was not a court of original jurisdiction for civil suits and no injunction application was pending, therefore, no interim injunction order has been passed. Therefore, remark recorded in Serial No. 1(e) (v) is not correct and liable to be quashed.

(G) Regarding remark Serial No. 01(f), it is humbly submitted that judgments passed by the applicant are sound, well reasoned and passed after proper marshalling of facts and proper application of law, and written in good language. Learned District Judge has not mentioned any case, in which he found that facts, law and reasoning of judgment, was not proper. Hence, the remark recorded in Serial No. 01 (f) is not correct and liable to be quashed.

(H) Regarding remarks Serial No. 01(f) (ii) & (iii), it is humbly submitted that, judgment passed by the applicant are sound, well reasoned and after proper marshalling of facts and proper application of law and written in good language. Learned District Judge has not mentioned any case in which he found that facts, law, reason was not proper. Ld. District Judge has also recorded Marshalling of fact is "good," . Therefore, the remark recorded in Serial No. 01(f) (ii) & (iii) is not correct and liable to be quashed.

(I) Regarding remark Serial No. 01(h), it is humbly submitted that, Learned District Judge has given remark that the officer has proper control over his office but he does not have administrative capacity. In this regard, I have to humbly submit that only one administrative work allotted to me, i.e. in-charge Oath Commissioner and there is no instance, in which any complaint has been made regarding my administrative work by any oath commissioner. Learned District Judge has not withdrawn that administrative work from applicant. Therefore only adverse remark recorded in Serial No. 01 (h) is not correct and liable to be quashed.

(J) Regarding remark in Serial No. 01(I) , it is humbly submitted that, Learned District Judge recorded the remark that "P.O. was not punctual in the sitting on dais". In this regard, I have to humbly say that from 03.01.2021 normal functioning of the court was started. Prior to that date, due to covid-19 pandemic, the normal functioning of the courts were badly affected. Advocates and witnesses were coming in the court in a very limited number and they are doing only urgent works. Applicant was punctual on the sitting on the dais, but due to unavoidable reason, I was not found on the dais, in surprise inspection of Learned District Judge dated 01.02.2021 and 23.02.2021, for which applicant has given explanation to the Learned District judge. It is also humbly submitted that applicant seeks unconditional apology from Hon'ble High Court for non-sitting on the dais dated 01.02.2021 and 23.02.2021 at the time of surprise inspection. It is also humbly requested that keeping the covid 19 pandemic, kindly forgive and be merciful for that.

(K) Regarding the remark recorded in Serial No. 01(m) by Learned District Judge Sultanpur, I have to humbly say that applicant's behaviour is always polite and good with others and he is always amenable to the advice of the Learned District Judge. There is no incident throughout the assessment year 2020-2021, in which the applicant behaviour was found not amenable to the advice to the District Judge or found behaviour to adamant and stubborn. Hence remark recorded in Serial No. 01 (m) is not correct and liable to be quashed.

(L) Regarding the remark recorded in Serial No.2, I have to humbly say that the maximum part of the assessment year 2020-2021 was badly affected due to covid 19 pandemic. In spite of that, applicant achieved 680.22 unit out of 540.40 of actual target and unit percentage of work was 125.87% , which was more than standard prescribed by Hon'ble High Court. Applicant has also disposed old cases and execution cases. Therefore remark recorded in Serial No. 2 "Poor" is not correct and liable to be quashed.

It is therefore humbly requested that your good self may kindly place the representation of mine before the Hon'ble court.

It is most earnestly prayed by me that the Hon'ble court may be pleased to kindly consider my this representation and expunge the adverse remarks recorded in Serial No.01(a), 01(b), 01(d), 01(e)(i) (a), 01(e)(i)(b), 01(e)(ii), 01(e)(v), 01(f), 01(f)(ii), 01(f)(iii), 01(h), 01(I), 01(m) and 2 by the Ld. District Judge, Sultanpur for Assessment Year 2020-2021 and the overall assessment may kindly be upgraded to any other higher suitable entry which the Hon'ble court deems fit.

I shall remain grateful to the Hon'ble court for this grace from my whole life.

With Kind Regards

Yours Faithfully

Date:17-09-2021

(Amit Kumar Prajapati)
Additional District Judge/
Spl. Judge (E.C. Act)
Ghaziabad
JOCode-UP6330

ATTACHMENT	
Attachment	Uploading Date
Signed copy of representation and reply of compliant	17/09/2021
supporting judgement	17/09/2021
*Red background attachments are uploaded in return of objection.	