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From

Dr. Ajay Kumar-II
District and Sessions Judge,
Moradabad.

To,

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

Letter No. 250/22 (Admin.) Moradabad, Dated 18th February, 2022

Subject: Submission of representation against adverse remarks recorded by the then Hon'ble Administrative Judge of the Shamli Judgeship against the applicant for the Assessment Year 2020-21, on the basis of a complaint dated 7th March, 2021, which complaint had already been consigned much prior to recording of the said ACR, without there being any further action thereon, with the prayer for up-gradation of overall assessment and certification of the integrity.

Sir,

The humble applicant, on the subject cited above, most respectfully begs to submit as under:

I. That the applicant had received the annual confidential report dated 31st March, 2022 for the year 2020-2021 on e-service portal for judicial officers. The said report contains the 'Remarks' for the two different periods of service discharged by the applicant in the year 2020-2021. The applicant served as Presiding Officer of the Motor Accident Claims Tribunal, Muzaffarnagar in the 1st part of this period i.e. from 01-04-2020 to 04-7-2020. The 2nd part of the year 2020-2021 pertains to the service rendered by the applicant as District Judge, Shamli from 04-07-2020 to 31-03-2021. During applicant's posting in the Motor Accident Claims Tribunal, Muzaffarnagar and Shamli Judgeship in the Assessment Year 2020-21, Hon'ble Justice Suneet Kumar was the Administrative Judge of Muzaffarnagar and Shamli Judgeship. The annual remarks received for the said period are as under :-

*"Self-assessment of Dr. Ajay Kumar-II, District and Sessions Judge, Shamli, for the year 2020-2021, has been placed before me. As per self-assessment, the officer has remained posted as Presiding Officer, Motor Accident Claim Tribunal, Muzaffarnagar from 1 April 2020 to 4 July 2020, thereafter, taken charge of District & Sessions Judge, Shamli w.e.f. 4 July 2020 to 31 March 2021. **The Officer having cordial relation with the members of the bar. The judgments on facts and law are sound, well considered and based on precedents. He has disposed of good number cases both civil and criminal on merit. That apart, he has performed duties on both***

administrative and judicial side viz. 1. Chairman, District Sub Committee regarding compliance of directions of SCMS Committee; 2. Chairman, District Level Action Plan Committee. The Officer has sincerely managed the administration of the District Court in Covid-19 pandemic critical situation without there being any causality of staff or officers; 1142 Crl. Misc. Bail Applications was decided maximum by virtual mode; charge framed in 177 Cases after physical mode started from 02-01-2021 to 31-03-2021; estimate for construction of 'Integrated Court Complex' was sent to the High Court; got installed 'CCTV Cameras' in Court Campus; got constructed 'Two New Ladies Toilets' for female staff members and female APOs; got maintenance of Four Courts and a new attached toilet was also constructed for an officer; public toilets were made functional and a new male urinal was also got constructed for the litigants; Rain Water Harvesting plant was made functional; brick work was done on raw parking area of Court Campus."

(This part is referred hereinafter in the representation as Part -1)

"There are serious complaints against the Officer submitted and conveyed to me in writing by several judicial officers. The Officer having regard to the allegations against him, is not fit to continue as District Judge. A written complaint submitted by a lady judicial officer dated 7 March 2021, reflects that the subordinate officers were coerced to pass judicial orders as per the dictates conveyed by the Officer through the Chief Judicial Magistrate. The officers declined to pass such orders which, inter alia, include to release seized vehicles etc. To harass the officers, which include a lady officer, given first posting upon recruitment, Demi Official letters were issued calling for explanation and rebuked them in open meetings. The District Judge along with C.J.M. would inspect judicial orders of such officers and find faults with them, followed by D.O.. Such a course was adopted to coerce the officers to pass favorable orders in judicial matters duly conveyed to them. A junior officer (C.J.M.), his blue eyed boy, who was working in tandem with District Judge, made him the incharge of Nazarat superseding all other senior officers. The plausible reason is writ large, CJM was the emissary of the Officer. The CJM has been assessed 'Outstanding' by the Officer despite serious complaints reflecting on his integrity. The Officer rebuked and showed his displeasure against the complainant officers for approaching the Administrative Judge with their complaint.

The District Judge being the head and guardian of the judicial officers has instead used his office to humiliate and coerce them for not passing orders of his choice in judicial matters. The lady officers and a newly appointed officer were humiliated and D.O. letters issued to all of them on several occasions. The complaint was referred to Registrar (Confidential).

The conduct of the District Judge is unbecoming of a judicial officer and administrative/head. The Officer lacks leadership quality not fit to head judgeship."

(This part is referred hereinafter in the representation as Part -2)

*“Overall assessment - **Average***

*Integrity - **Not Certified**”*

(This part is referred hereinafter in the representation as Part -3)

The applicant humbly prays for expunction of general remarks recorded in Part-2 and the up-gradation of his Annual Confidential Remarks in Part-3 interalia on the following grounds being taken in this representation:

1. **That the applicant is aggrieved qua the Remarks recorded in Part -2 on the basis of a complaint dated 7th March, 2021 as well as overall assessment of the applicant as average and integrity being not certified in Part-3 that too only on the basis of said complaint dated 7th March, 2021, which was not supported with any affidavit and has already been consigned to record after submission of report dated 21st May, 2021 of the applicant, with no further action thereon by next Hon’ble Administrative Judge of Shamli judgeship.**
2. It has been mentioned in the adverse remarks recorded in Part -2 that the said complaint was referred to Registrar (Confidential), but the outcome of said complaint do not find any mention in the said remarks. It is humbly submitted that the applicant received D.O. No. C.V./610/2021, Dated 8th March 2021 from Hon’ble High Court regarding the said complaint on the subject matter “Regarding the problems which are faced by some judicial officers in the Judgeship Shamli” and was asked to submit report, whereas complete documents accompanying the said complaint were provided to the applicant on applicant’s request by D.O. No. C.V./743/2021, Dated 20th March 2021.
3. The applicant submitted his detailed report vide Letter number 271/A.O./DJ Shamli 2021, dated 21st May, 2021 containing about 40 illegalities / irregularities, violations of C.Ls and violations of binding and circulated judgements of Hon’ble Supreme Court and Hon’ble High Court etc. by an informal group of judicial officers (which was being headed by Sh. Rajat Verma ADJ) with detailed reasons behind issuance of D.O. letters issued to them along-with enquiry report of senior most ADJ i.e. ADJ 1st on the allegations made against C.J.M as well as separate enquiry conducted by the applicant against C.J.M with report of C.J.M. Shamli and the sincere efforts of the applicant in compliance of ‘**General Instructions**’ issued by the Hon’ble High Court vide C.L. No. 105 dated 20th September, 1972, which casts several duties on the District Judges including to keep a watch on the judicial and administrative conduct of other judicial officers in the district and to advise the officers under him to go through the earlier Circulars issued by the High Court and to act in accordance with them. **That the said report of the applicant was put up before the next**

Hon'ble Administrative Judge of Shamli judgship Hon'ble Justice Manish Kumar and after submission of the said report dated 21st May, 2022, the said false complaint has been consigned to record and no further action was taken on the said complaint.

4. That the copy of said report was again sent to Hon'ble High Court as ANNEXURE- 8 vide Letter No. 401 /A.O. -2021, Dated 9th November, 2021 for placing the same with the representation of a judicial officer of Shami Judgship before the then Hon'ble Administrative Judge.
5. That there is no discussion or mention regarding perusal of said report of the applicant consisting of a total of 77 Annexures and running into 348 pages. It has been mentioned in Part - 2 of the above remarks that there are serious complaints against the Officer submitted and conveyed to me in writing by several judicial officers, although no such complaint has been mentioned except the complaint dated 7th March, 2021. There was no other complaint against the applicant other than the said complaint dated 7th March, 2021. There was no complaint either from Bar or any litigant regarding either judicial functioning and/or integrity of the applicant either of the period, the applicant has served as Presiding Officer of the Motor Accident Claims Tribunal, Muzaffarnagar or as District Judge, Shamli. The basis of adverse remark is only and only the said complaint dated 7th March, 2021 and the report of the applicant and consignment of the said false and mischievous complaint has probably escaped from the eyes of His Lordship, while recording the said adverse remarks, which report was sent twice by the applicant before Hon'ble High Court.
6. That the said report was put up before the next Hon'ble Administrative Judge of Shamli judgship Hon'ble Justice Manish Kumar and the applicant was called personally on 11th July, 2021 in Hon'ble Lordship's chamber at Lucknow and was orally asked on every allegation levelled in the complaint as well regarding detailed contents of applicant's report. The applicant was also asked that whether allegations against CJM have been enquired into or not and the applicant drew the kind attention of the Hon'ble Lordship on the enquiry report of Sh. Mumtaz Ali senior most ADJ i.e. ADJ 1st of the judgship, who has enquired against the allegations levelled against CJM, which was annexed as Annexure A- 9 in the report along-with the report of the CJM annexed as Annexure A- 68 therein. The applicant also drew the kind attention of the Hon'ble Lordship on the enquiry made by the applicant by recording statements of concerned APO and Court Mohirors of the concerned Court as well as by collecting certified copies of document in this mater which were annexed as Annexure 69 to 77 along-with specific findings recorded therein on pages 49 to 53 of the report. The illegalities committed by Sh. Rajat Verma Ld. ADJ, who was heading this informal group and had on several occasions helped the lady members of this group in complete disregard to binding Circular Letters of Hon'ble High Court either in the matter of allotment of government accommodation being officer in-charge Nazarat or disposal of

complaints received from Hon'ble High Court against two lady members of this informal group in his mere capacity as In-charge District Judge when regular District Judge posted in the judgeship was merely on an official visit to Hon'ble High Court by taking advantage of official visit of the regular District Judge, were also brought to the kind notice of Hon'ble Lordship. **The applicant was asked to take some lenient view against the lady officers barring Sh. Rajat Verma Ld. ADJ and was informed that the said complaint is being consigned to record and the same was accordingly consigned without any further action thereon.**

7. The applicant humbly submits that after submission of the report of the applicant, the said false and mischievous complaint dated 7th March, 2021 was consigned to record, without there being any further action thereon and therefore the same was duly consigned at the time of recording of annual remarks, but has been made the basis of adverse remarks recorded under Part- 2 and Part-3. The said fact has probably escaped from the eyes of the then Hon'ble Administrative Judge / Hon'ble Reviewing Authority and Accepting Authority. The report of the applicant which was duly submitted twice before Hon'ble High Court and on second occasion with the request to kindly place the same before the then Hon'ble Administrative Judge i.e. Hon'ble Reviewing Authority and Accepting Authority has also probably escaped from His Lordship's eyes as there is no mention of the same in the said adverse comments. **The said report is again annexed as Annexure-1 of this representation being forming and integral part, which is self speaking with the humble request that the same may kindly be gone through, while deciding the representation of the applicant, after submission of which, the said complaint dated 7th March, 2021 has already been consigned.**
8. The applicant most humbly submits that the rules of natural justice are rooted in all legal systems. The aim of natural justice is to secure justice, or, to put it negatively to prevent miscarriage of justice. **In the case of Mohinder Singh Gill vs. Chief Election Commissioner AIR 1978 SC 851, the Hon'ble Supreme Court has held that the concept of fairness should be in every action whether it is judicial, quasi-judicial, administrative and or quasi-administrative work.** The principles of natural justice should be free from bias and parties should be given fair opportunity to be heard. The main purpose of natural justice is to prevent the act of miscarriage of justice. **No one can be condemned unheard i.e. audi alteram partem.** Normally, natural justice involves the irritating inconvenience for men in authority, of having to hear both sides since notice and opportunity are its very marrow. And if the invisible audience sees a man's case disposed of unheard, a chorus of 'no-confidence' will be heard to say, 'that man had no chance to defend his stance'."This maxim means "hear the other side" or no man should be

unheard, both the parties have an opportunity of being heard. Justice will be given to both parties. "Audi alteram partem" is from a latin phrase "*audiatur et altera pars*". Its meaning is also the same as hear the other side. This is a very strong rule which means no one will be judged without fair hearing. The motive of this maxim is to provide an opportunity to other party to respond to the evidence against him. A person will not suffer unless and until he had an opportunity of being heard. This is the primary rule of humanized statute and is acknowledged by the laws of men and God. Before any order is passed against any individual person, sensible chance of being heard must be given to him. This rule of natural justice is applied as the sine qua non of civilized society. In this maxim two principles are considered that is fundamental justice and equity.

9. It is humbly submitted that the timing and manner of sending the said false and mischievous complaint is very important. The said false complaint was sent without proper channel directly to Hon'ble Administrative Judge in clear violation of C.L. No. 105 dated 20th September, 1972, C.L. No. C-2/DR(S) 95 dated 2nd January, 1995 and C.L. No. 40/J.R. (S)/2007: dated Alld. 17th September, 2007, whereby, it is mandatory for every judicial officer including District Judge that every representation or complaint or request moved in writing to Hon'ble Court or Hon'ble Administrative Judge must be sent through proper channel and must be addressed to Registrar General of the Hon'ble High Court. It has been specifically directed that no correspondence shall be made directly to Hon'ble Administrative Judge, but the said false complaint was directly sent and addressed to Hon'ble Administrative Judge and the same was sent only at the fag end of assessment year so that the District Judge may not be able to send his comments timely as Hon'ble Administrative Judges are usually changed from 1st April every year and the said patently false and mischievous complaint will have an everlasting impression in the mind of the then Hon'ble Administrative Judge while recording annual remarks. Had it been sent through proper channel (to Registrar General through District Judge), then while forwarding the aforesaid complaint, the applicant must have appended/annexed his comments/report, and a true picture could have been fairly presented before the then Hon'ble Administrative Judge, while complying the rules of natural justice.
10. Adverse remarks recorded in Part -2, Overall Assessment recorded as Average and Integrity not certified in Part - 3 are recorded only on the basis of unfounded allegations levelled through a false, mischievous and calculated complaint moved intentionally to hamper and ruin the career prospects of the applicant, without either considering detailed report dated 21st May, 2021 Annexure-1 of the applicant as well as without considering the very fact of consignment of the said complaint without there being any further action whatsoever on the said complaint, has actually violated the fundamental principle of natural justice enshrined in "audi alteram partem" i.e. no one should be condemned unheard. The

applicant has been nearly held guilty on all the false allegations levelled in the said complaint dated 7th March, 2021 by recording said adverse remarks and therefore the applicant humbly craves the indulgence of this Hon'ble Court that by recording above adverse remarks even without considering the report of the applicant as well as very fact of consignment of the said complaint without any further action thereon has violated the fundamental principle of Administrative Jurisprudence i.e. no one should be condemned unheard. It is most humbly prayed that facts and circumstances narrated in the report dated 21st May, 2021 of the applicant and annexed herewith as Annexure - 1 along-with the fact of consignment of said complaint to records may kindly be considered while deciding applicant's representation

11. That when the applicant joined as District Judge Shamli at Kairana, a delegation of officers of Bar Association Kairana met the applicant and made complaint of corruption as well qua working of some officers in a particular manners as per their own whims. There were very serious allegations of corruption on some Court Moharirs that they are influencing the judicial officers for extraneous considerations, which were ultimately got transferred and those officers including few members of the said informal group got annoyed, where they were posted.
12. It is most humbly submitted that the applicant being District Judge was duty bound vide '**General Instructions**' issued by the Hon'ble High Court vide C.L. No. 105 dated 20th September, 1972 (**Annexure A-1 of ANNEXURE - 1, Page 71 of report**), to keep a watch on the judicial and administrative conduct of other judicial officers in the district and to advise the officers under him to go through the earlier Circulars issued by the High Court and to act in accordance with them. A number of illegalities were observed by the applicant and most of the times oral instructions were issued to the officers to strictly work as per statutory provisions, binding judgements of Hon'ble Supreme Court and Hon'ble High Court as well as various C.Ls of Hon'ble High Court. Certainly oral advises were not liked by the members of said informal group, therefore, D.O. Letters were also issued to them.
13. That the applicant found certain illegalities like
 - (i) Sh. Rajat Verma Ld. ADJ entertained and allowed 2nd bail application of an accused of gang rape, when his first bail application was already rejected by the Hon'ble High Court on merit, in clear violation of CL No. 23/ALLD. Dated 17.09.1999 and in clear violation of the judgement of Hon'ble High Court in the matter of **Ram Chander Shukla Vs. State of UP 1999 (11), AWC, 2998**, therefore D.O. Letter was issued to him.
 - (ii) Violation of CL No. 39/2002 dated 26.11.2002, whereby, all judicial officers are directed to ensure strict compliance of the directions of the Hon'ble Supreme Court passed in **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003, SC 639, regarding release of seized vehicles in criminal cases**, therefore D.O. Letter was issued to

concerned officer and impugned order was also set aside in revision by Sessions Court.

(iii) Violation of binding dictum of Hon'ble Division Bench of Hon'ble High Court in Criminal Revision No. 2177/2018 titled Virender Gupta vs. State of U.P. Dated 26th April, 2019, whereby it has been held that sub-section (1) to (4) of section 72 of Excise Act clearly denudes the Magistrate of his power to pass any order u/s 457 Cr.P.C. for anything seized in connection with an offence purported to have been committed under U.P. Excise Act,

(iv) After rejection of first release application on the ground that confiscation proceedings are pending, entertaining 2nd release application without there being any change of circumstances and still confiscation proceedings under s. 72 of the U.P. Excise Act being pending, released the vehicle as well as the liquor by exercising power of review without there being any power of review under Cr.P.C. with the judicial magistrate that too in violation of dictum of Virender Gupta (supra),

(v) Accused legally taken into custody in a crime and without any judicial order released them without following any due procedure,

(vi) Magistrates without jurisdiction taking cognizance under S.C. & S.T. Prevention of Atrocities Act,

(vii) Magistrates causing great delay in recording statements of victims of rape,

(viii) The J.J. Board proceedings being conducted illegally in violation of statutory provisions of the Act and Rules framed thereunder from raised platforms of regular Court rooms instead of designated place and **harassment of a scheduled caste lady member on caste line by forcing her to sit on a stool at their back while illegally holding Juvenile Justice Board proceedings from their regular Court room and not allowing her to share dais by two lady judicial officers,**

(ix) Favoring employee responsible for loss of record by intentionally delaying disposal of preliminary enquiries etc.

(x) Failure to take timely cognizance on several charge-sheets filed well within time in Court and there by cognizance becoming time barred.

(xi) Financial irregularities in maintaining fine registers.

14. **That as the applicant was duty bound to issue D.O. Letters to judicial officers for drawing their kind attention towards various binding judgements of Hon'ble Supreme Court, Hon'ble High Court and various Circular Letters in compliance of C.L. No. 105, therefore D.O. Letters were accordingly issued in bona-fide discharge of administrative duties, which has resulted into the filing of said false and mischievous complaint under the guidance of Sh. Rajat Verma Ld. ADJ. Judicial Officers can not be discriminated on the basis of gender or caste or religion or length of service while ensuring compliance of various C.Ls.** The sincere and vigilant efforts of the applicant were not liked by the officers of said informal group and had resulted into the filing of said calculated ,false and

mischievous complaint dated 7th March, 2021.

15. The applicant humbly draws the kind attention of Hon'ble Court regarding the deep concern expressed by the then Hon'ble Chief Justice of India on the growing number of complaints against the members of subordinate judiciary with the ulterior motive. It was expressed that as though some complaints may be genuine but a majority of such complaints are made at the behest of those who have vested interest with a personal agenda, within and outside institution and therefore certain guidelines were laid down for dealing with such complaints and the said guidelines were circulated vide C.L. No. 1416 dated 11th June, 2015 and requirement of duly sworn affidavit accompanying such complaint was made mandatory. It is humbly submitted that there was no affidavit accompanying the said complaint dated 7th March, 2021 and guidelines issued thereby have also not been followed and therefore, the said complaint dated 7th March, 2021 was liable to be rejected outrightly for want of affidavit in the light of above guidelines.
16. That the applicant joined as a direct recruit of Uttar Pradesh Higher Judicial Service in December, 2008 as Additional District Judge and in his service career has got 2 Outstanding, 8 Very Good and 3 Good annual entries prior to present adverse entry. The applicant has not received any adverse remark or even any advisory qua his judicial and administrative work in his whole career, prior to present adverse remarks. Even in the adverse remarks recorded by Hon'ble Administrative Judge, there is no mention that any instruction of Hon'ble Lordship was ever violated by the applicant in the relevant year while administering the Shamli judgeship. Judicial work of the applicant has been appreciated and administrative work in Covid-19 pandemic times has also been appreciated by Hon'ble Administrative Judge in Part-1 of above remarks.
17. **'General Instructions'** issued by the Hon'ble High Court vide C.L. No. 105 dated 20th September, 1972, casts several duties on the District Judges including to keep a watch on the judicial and administrative conduct of other judicial officers in the district and to advise the officers under him to go through the earlier Circulars issued by the High Court and to act in accordance with them. The applicant in performance of administrative duties assigned by Hon'ble High Court advised them to go through the earlier C.Ls of Hon'ble High Court and to act in accordance with law in compliance to C.L. No. 105 dated 20th September, 1972 by issuing D.O. Letters in cases where there were gross illegalities and violations of C.Ls of Hon'ble High Court.
18. The applicant, with great honour and respect, submits that a District Judge has two fold duties i.e. 'judicial duties' and 'administrative duties'. While discharging duties on administrative side, being the head of the Office, the District Judge has to maintain general conduct, discipline and has to ensure the compliance of the law laid down by the Hon'ble Supreme Court and the Hon'ble High Court as well as various Circular Letters (C.Ls) of the

Hon'ble High Court received from time to time, among all Judicial Officers. While discharging administrative duties, it is one of the important functions that the judicial discipline and propriety are not only maintained, but also appear to be followed by all the Judicial Officers of the District. The principle of fairness and transparency are akin to have trust and confidence in judicial system, if it is shaken, then it will result in deterioration of quality of work, which should not happen and appropriate guidance is required to judicial officers either they be lady officers or new recruits or senior officers. As a District Judge, the applicant tried and made serious efforts to bring to the notice of judicial officers the legal position and various C.Ls of the Hon'ble High Court. The applicant also tried to ensure that these C.Ls are followed in the letter and spirit. The applicant also conducted surprise inspections, in compliance of the C.Ls of the Hon'ble High Court. The guidance and the instructions given by the applicant were somehow not liked by only a few officers, who were in the habit of working in a particular manner, as per their own whims, by ignoring the mandate of law and the C.Ls of the Hon'ble High Court. Sincere efforts were made by the applicant to guide those judicial officers to work strictly as per law.

19. It is most humbly submitted that prior to the complaint dated 6th February, 2021 of Smt. Lalita Ld. Member Juvenile Justice Board, Shamli against Ms Mukta Tyagi Principal Magistrate, J. J. Board (complainant officer), there was no complaint or grievance from any corner of the Judgeship including from the said illegal informal group. But soon thereafter, an attempt was made to force and/or terrorise the applicant not to investigate the said complaint by making false allegations / accusations using uncalled / improper language in reply to said complaint showing great disrespect and discourtesy to the superior officers with the false narration of concocted facts, in violation of relevant C.Ls. It is important to mention here that annual inspection of various Courts of Shamli judgeship were conducted in the months of January/February, 2021 and a number of illegalities and irregularities were recorded in annual inspection notes of the Courts of three members of said informal group. Facts of violating C.L. No. 39 dated 26.11.2002 and taking cognizance under SC&ST (PA) Act without jurisdiction were also found in the month of February, 2021. Thereafter, the members of the said illegal informal group were also found not sitting on dais in surprise inspections conducted by the applicant on 24th & 25th February, 2021. When the senior most member of this illegal informal group Sh. Rajat Verma Ld. ASJ was informed through D.O. Letter dated 23rd February, 2021 that he has allowed a 2nd bail application of an accused whose first bail application was already rejected by Hon'ble High Court in violation of C.L. as well as binding judgment of Hon'ble High Court, by the applicant in performance of administrative duties assigned by the Hon'ble High Court vide C.L. No. 105 dated 20th September, 1972 & C.L. No. 23/ALLD. Dated 17th September, 1999, a deep conspiracy under

his guidance was hatched and the said complaint dated 7th March, 2021 was drafted by all the members of the said informal group under leading consultation with their said senior most member Sh. Rajat Verma Ld. ADJ to ruin the bright career of the applicant.

20. The applicant vide his report dated 21st May, 2021 submitted number of illegalities committed by those officers and the said report is self speaking one and is annexed as Annexure -1 of this representation being integral part. A few of such illegalities are mentioned below in brief for, kind perusal of Hon'ble Court (details have already been narrated in the report dated 21st May, 2021 Annexure A- 1) :-

1) Sh. Rajat Verma Ld. ADJ after rejection of 1st bail application by Hon'ble High Court on merit in a gang rape matter, entertained and allowed 2nd bail application of an accused of gang rape in violation of CL No. 23/ALLD. Dated 17.09.1999, whereby, all Sessions Judges/Additional Sessions Judges have been directed that once the Hon'ble High Court has rejected the bail, the subordinate judiciary cannot grant bail. In case, any judicial officer still grants bail, it shall be treated as serious misconduct.

Similar observations have been made by Hon'ble High Court in the matter of **Ram Chander Shukla Vs. State of UP 1999 (11), AWC, 2998.**

During the annual inspection of the Court of Ld. Special Judge (POCSO), it surfaced on record that Sh. Rajat Verma, the earlier Ld. Special Judge (POCSO) had entertained the second bail application no. 499 of 2020 of accused Shadab, as per the records of P.S.T. No. 20/2019 titled as State Vs. Shadab and Another, case crime no. 201/2018 under sections 363, 366, 376-D of IPC and section 5/6 POCSO Act, police station Kairana and allowed the same on 10.06.2020. The accused/applicant in his bail application no. 499/2020 had clearly mentioned in para no. 1 and 2 of the bail application that his first bail application was already rejected by the Hon'ble High Court. Even the website of the Hon'ble High Court clearly reveals that first bail application of accused Mohd. Shadab bearing CRM-M No. 25509 of 2018 in the same crime was already rejected by the Hon'ble High Court on merit on 23.08.2018, which is duly recorded in the annual inspection note of the said Court. The matter required kind notice of the then Presiding Officer that is why D.O. letter dated 23rd February, 2021 was sent to him, wherein it is clearly mentioned in the last line as "The above legal position and C.L. No. 23 are brought to your kind notice, please note" It was a serious judicial misconduct and gross violation of CL and the law laid down by this Hon'ble Court. **It is after issuance of this D.O. letter that the said illegal informal group under active guidance of Sh. Rajat Verma Ld. ADJ, conspired to move the said motivated false complaint. The said serious misconduct and judicial impropriety committed by Sh. Rajat Verma ADJ has already been submitted before Hon'ble Court vide report dated 21st May, 2021 and also orally narrated to next Hon'ble**

Administrative Judge in the meeting held on 11th July, 2021.

(Annexure A- 36 to A - 40, Pages 27 to 29 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(2.) Sh. Rajat Verma, Ld. ADJ, by misusing his powers as In-charge District Judge illegally and in an unauthorised manner disposed off two complaints, which were against two lady officers of his own informal group i.e. Ms Mukta Tyagi and Ms Ruchi Tiwari both Ld. Civil Judges, by taking advantage of an official visit of the then District Judge to Hon'ble High Court and thereby illegally favored those two lady judicial officers. Two complaints D.O. no. C.V. 528/2019 dated 25.04.2019 and D.O. no. C.V. 291/2019 dated 23.02.2019 were received in the Shamli judgeship along with complaints of one Sh. Mehboob against both Ms Mukta Tyagi, Ld. Civil Judge-cum-Judicial Magistrate, Shamli as well as Ms Ruchi Tiwari, the then Ld. Civil Judge (Jr. Divn.) and one complaint of Asma against Ms Ruchi Tiwari, the then Ld. Civil Judge (Jr. Divn.) cum Judicial Magistrate. Sh. Anoop Kumar Goel was the regular District Judge at the relevant time on 10.05.2019 and he was on official visit to Hon'ble High Court on 10.05.2019, who has just joined on 07.05.2019. Surprisingly, Sh. Rajat Verma, Ld. Additional District Judge took illegal benefit of the official visit of regular District Judge to Hon'ble High Court and in his capacity as merely Incharge, District Judge on 10.05.2019 illegally and in an unauthorised manner disposed off the said complaints on 10.05.2019 in a undue haste, so that the then Ld. District Judge may not come to know about these complaints and two lady judicial officers of his illegal informal group be favored by him. Even the complainants were not called at the time of the disposal of the said complaints on 10.05.2019 and the comments of the second judicial officer i.e. Ms Ruchi Tiwari, Ld. Civil Judge were not even called for on first complaint of Sh. Mehboob and it was done in a undue haste, so that the then Ld. District Judge may not come to know about it, who has just recently joined. (Annexure A- 12 to A - 14 & A- 55 to A - 57, Pages 36 - 37 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(3.) Sh. Rajat Verma Ld. ADJ grossly violated C.L. No. 2602/ Admin. (B-1), dated 30th May, 1994 regarding allotment of official accommodation for Ms Sudha Sharma (lady officer and member of said informal group) and thereby unduly favored her for securing government accommodation to the detriment of much-much two senior ADJs on station. That even Sh. Rajat Verma, being officer incharge of Nazarat gave undue benefit to Ms Sudha Sharma, Ld. Civil Judge. Sh. Raj Mohan Verma, the then Ld. Civil Judge (Sr. Divn.), Shamli was transferred to JTRI Lucknow and the official accommodation i.e. house no. J-2 was to be vacated by him. At that time, two senior Additional District Judges namely Sh. Gyanender Singh Yadav and Sh. Subodh Singh were on the stations along-with their families, they were not having any official accommodation and were staying in rented accommodations. They

were not only higher in rank to Ms Sudha Sharma but were also having longer stay at the station. But Sh. Rajat Verma, Ld. ADJ, being O/c Nazarat moved a proposal to allot house no. J-2 in Court campus, Kairana to Sushri Sudha Sharma in complete disregard to the above C.L. No. 2602. It is important to mention here that a formal order dated 03.01.20219, was also issued by Sh. Rajat Verma Ld. ADJ as officer in-charge Nazarat in this regard, which was not required at all, just to show that he at his own has allotted the house in question to Ms Sudha Sharma, so that she may feel greatly favored by him alone. (Annexure A- 52 to A - 54, Pages 35 - 36 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(4.) Sh. Rajat Verma Ld. ADJ grossly misused his position so that District Judge may not reside in Court Campus and unduly benefitted Ms Mukta Tyagi (lady officer and member of said informal group) in house allotment in a planned manner.

(Annexure A- 47 to A - 51, Pages 33 - 35 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(5.) Gross misuse of power by Sh. Rajat Verma Ld. ADJ while illegally and unauthorisedly calling for the comments on the complaint of the Ms Mukta Tyagi (lady officer and member of said informal group) even when he was on summer recess.

On 30.06.2020, Sh. Subodh Singh was the In-charge District Judge. On the said day, Sh. Rajat Verma was on summer recess. On 30.06.2020 itself, Ms Mukta Tyagi was working as Incharge, CJM, Shamli. It appears that on 01.07.2020, Ms Mukta Tyagi made a complaint against Dinesh Kumar stenographer to the Ld. District Judge, Shamli, however, on 01.07.2020, Sh. Raj Mangal Yadav had joined as CJM, Shamli. Ms Mukta Tyagi had made alterations in the date of the complaint and it was changed into a complaint dated 30.06.2020, inspite of it being dated 01.07.2020. The said complaint was allegedly entertained by Sh. Rajat Verma, Ld. ADJ, as Incharge District Judge and made his observations dated 30.06.2010, whereas, Sh. Rajat Verma, Ld. ADJ, had joined as Incharge District Judge on 01.07.2020. Consequently, he illegally has shown the receipt of the complaint as Incharge District Judge on 30.06.2020, whereas, he assumed the charge of Incharge District Judge on 01.07.2020 and Sh. Subodh Singh was Incharge District Judge on 30.06.2020. Apparently, the dates were manipulated and tempering of official record is a serious matter that too by two judicial officers. Ultimately, the enquiry was disposed off on 21.07.2020 by the applicant while acting as District Judge. Since there was gross misuse of powers by Sh.Rajat Verma, the applicant issued a DO letter dated 24.08.2020 to Sh. Rajat Verma. It is apparent that the entire exercise was aimed at harassing a class-III employee by Ms Mukta Tyagi Ld. Civil Judge and Sh. Rajat Verma Ld. ADJ. (Annexure A- 33 to A - 35, Pages 26 - 27 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(6.) Sh. Rajat Verma, Ld. Additional District Judge, has scant

regard for the directions passed by this Hon'ble High Court on judicial side. In two petitions under section 482 Cr.PC bearing no. 4733/2018 & 5003/2018 titled as "Dilshad and Others Vs. State of UP and Others" & "Inam etc. vs. State of U.P.", the Hon'ble High Court passed the orders dated 20.02.2018 and 16.02.2018 for verification of compromises filed before the Trial Court and to submit it's report within 6 weeks. The report were to be submitted before the Hon'ble High Court within 6 weeks, however, Sh. Rajat Verma, Ld. ADJ, did not comply with the directions passed by the Hon'ble High Court on judicial side, inspite of verification of the compromises by him on 16.03.2018 and being posted in the said Court up to February, 2020. His successor Sh. Surender Kumar, Ld. Additional Sessions Judge, had submitted the compliance report to the Hon'ble High Court on 16.03.2021. (Annexure A - 41 to A - 44 , Pages 30 - 32 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(7.) Sh. Rajat Verma, Ld. Additional District Judge has illegally supported his own ex-staff, who was responsible for the loss of judicial records. Sh. Rajat Verma, Ld. ADJ, intentionally delayed the disposal of two preliminary enquiries against a class-III employee Sh. Kailash Chand, who was due to retire on 31.01.2021. Vide his letter dated 01.01.2021, Sh. Rajat Verma, Ld. ADJ, sought extension of one month time more to conclude those pending preliminary enquiries. It requires mention that Sh. Kailash Chand prior to his transfer to Muzafarnagar judgeship, was working with Sh. Rajat Verma, Ld. Additional District Judge, Kairana. Consequently, Sh. Rajat Verma was well aware of the date of retirement of Sh. Kailash Chand. It was written by Sh. Rajat Verma to get one month extension for completion of pending preliminary enquiries, so that Sh. Kailash Chand may retire without service of charge-sheet on him till 31.01.2021. In fact, by granting one month extension for completion of preliminary enquiries, it would have been very difficult for conducting the regular departmental inquiry, in the light of Article 351A of Civil Services Regulation. The applicant was vigilant and the preliminary inquiries pertaining to loss of judicial records, therefore, were transferred to some other judicial officer, who completed the inquiries well within time and submitted the preliminary inquiry reports in both the matters of loss of record against Sh. Kailash Chand. Aforesaid Sh. Kailash Chand is now facing regular departmental inquiries for the loss of judicial record, as the charge-sheet could be served by the timely action against him. (Annexure A- 43 to A - 44, Pages 31 - 32 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(8.) Sh. Rajat Verma, Ld. Additional District Judge, made all efforts to influence the applicant to shelter the accused / employee charged with the offences under POCSO Act. Sh. Rajat Verma personally visited the applicant in the matter of a class IV employee Sh. Vishal Kesarvani, who was arrested in crime no. 02/2020

under section 354B IPC and section 7/8 POCSO Act and requested to take a lenient view in the matter, by stating that the accused Vishal Kesarvani and other employee Sh. Ashwani Kumar were very cooperative to him and also tried to put pressure in the name of higher authorities. The applicant politely informed him that action will be taken in accordance with law against accused persons. S/Shri Vishal Kesarvani and Ashwani Kumar were discharged from service vide administrative order 327/AO-2020 dated 11.12.2020 and order no. 328/AO-2021 dated 11.12.2020. Sh. Rajat Verma, Additional District Judge was annoyed due to this and later-on he also could not help Sh. Kailash Chand in the pending preliminary inquiries. **Ultimately, at his instigation, Ms Mukta Tyagi (lady officer and member of said informal group) moved the said false complaint dated 7th March, 2021.** (Annexure A- 45 & A - 46, Page 33 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(9.) Serious judicial misconduct by Ms Mukta Tyagi Ld. Civil Judge and Ms Ruchi Tiwari Ld. Civil Judge Sr. Division (lady officers and members of said informal group)by illegal conduct of proceedings of J.J. Board from their regular Court Rooms and simultaneous conduct of J.J. Board proceedings with regular Court proceedings in clear violations of mandatory statutory provisions and Rules as well as harrassment of a sheduled caste lady member of J. J. Board in an inhuman way. Smt. Lalita, member J.J. Board moved a formal complaint dated 06.02.2021 and made specific allegations that Ms Mukta Tyagi, Ld. Principal Magistrate was working from her regular Court room, rather than the designated place for J.J. Board under the law and when she orally informed the applicant in the quarterly meeting dated 21.12.2020 in this regard, Ms Mukta Tyagi got angry with her and started harassing her, even she was humiliated by using caste related derogatory words and was also threatened. The delegation of the office bearers of Bar Association, Kairana personally met the applicant and submitted a representation dated 03.03.2021 and requested the applicant to take action on the complaint submitted by Smt. Lalita. Section 7 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 6 of the Juvenile Justice (Care and Projection of Children) Model Rules, 2016 are mandatory in nature and are to be strictly complied with. Any deviation from the aforesaid provisions not only vitiates the entire proceedings against the juvenile, but also defeats the object, for which the enactment was made. As per section 7 of the above Act and Rule 6 of above Model Rules, the J.J. Board was to conduct proceedings from a designated place for the said purpose and not to use regular Court rooms or raised platforms. Apart from that it was also laid by the statute that Board was to sit on all working days for a minimum of six hours commensurate with the working hours of the Magistrate Court from such special place, which can never be a regular Court in any eventuality. It is humbly submitted that several proceedings relating to several juvenile were conducted from

regular Court room by Ms Mukta Tyagi and Ms. Ruchi Tiwari Ld. Principal Magistrate(s), J.J. Board during their respective periods till 23.12.2020 and this raised a serious concern and question mark with regard to the judicial proceedings conducted by them in their capacity as Principal Magistrate(s), Juvenile Justice Board, in complete disregard to the mandate of law. **Ms Mukta Tyagi and Ms Ruchi Tiwari were holding their regular Court from their regular Court room(s) and they performed judicial duties from the dais of the regular Court room and even simultaneously conducted the proceedings of J.J. Board from their regular Court's dais i.e. raised platform and this illegal function of J. J. Board has vitiated the proceedings held against juvenile offenders on those days.** Sh. Mumtaz Ali the senior-most Additional District Judge has enquired in depth the complaint of Smt. Lalita by recording the statement on oath of several Ld. Advocates and submitted his report, copy of which was annexed as ANNEXURE A-9 of the Report of the applicant dated 21st May, 2021 i.e. Annexure -1 of this representation. Sh. Mumtaz Ali Additional Sessions Judge/ Special Judge (POCSO) has found that the proceedings of J.J. Board have been illegally conducted upto December, 2020 from the regular Court rooms of Civil Judge Sr. Div. Kairana and Civil Judge Jr. Div. Shamli and both these officers have also forced the other lady member (who was a member of Scheduled Caste) of J. J. Board to sit on a stool at their back and not allowed her to share dais while conducting J.J. Board proceeding from their respective Court rooms and thereby harassed her in an inhuman way which can not be appreciated in any civilized society. **That it was clearly established on record that Ms Mukta Tyagi, Ld. Principal Magistrate, J.J. Board not only violated the mandatory provisions of the Juvenile Act and Rules, but also flouted the directions of the applicant, which were conveyed to her in the quarterly meeting dated 21.12.2020.** The applicant also sought report of the Administrative Officer of the Shamli judgship, which revealed that she conducted simultaneous proceedings of her own Court and J. J. Board against the directions of the applicant even up to 5th March, 2021. **This highlights the gross judicial misconduct on the part of Ms Mukta Tyagi, Ld. Principal Magistrate, J.J. Board-cum-Ld. Civil Judge, as she failed to comply with the law, inspite of bringing the same to her notice specifically. The said complaint dated 7th March, 2021 was also a well calculated attempt to prevent the applicant to investigate and report the complaint of Smt. Lalita in discharge of administrative duties as District Judge.** (Annexure A- 4 to A - 11, Pages 6 - 13 & 38 - 39 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(10.) Ms Mukta Tyagi complainant officer has made completely false submission in the said complaint dated 7th March, 2021, before Hon'ble High Court that no written complaint has been

received against her in three years of her posting at Shamli. A complaint D.O. no. C.V. 528/2019 was received in the Shamli judgeship on 25th April, 2019 along-with complaint of one Sh. Mehboob against Ms Mukta Tyagi, Ld. Civil Judge-cum-Judicial Magistrate, Shamli and Ms Ruchi Tiwari, the then Ld. Civil Judge (Jr. Divn.) cum Judicial Magistrate. It also requires mention that Sh. Anoop Kumar Goel was the regular District Judge at the relevant time on 10.05.2019 and he was on official visit to Hon'ble High Court on 10.05.2019, who has just joined on 07.05.2019. Surprisingly, Sh. Rajat Verma, Ld. Additional District Judge in his capacity of merely as Incharge, District Judge illegally and in an unauthorised manner disposed off the said complaint on 10.05.2019. Even the complainant of said complaint was not called at the time of the disposal of the said complaint on 10.05.2019 and the comments of the second judicial officer i.e. Ms Ruchi Tiwari, Ld. Civil Judge were not even called and it was done in a undue haste, so that the then newly arrived Ld. District Judge may not come to know about it and both the officers be favored by him. Making false averments contrary to record even before Hon'ble High Court reveals the deep rooted conspiracy behind the said motivated false complaint dated 7th March, 2021. (Annexure A- 12 to A - 14, Pages 13 - 14 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(11.) Gross Illegalities committed by Ms Mukta Tyagi Ld. Civil Judge / Judicial Magistrate, the complainant officer while recording the statements under Section 164 Cr.PC. Ms Mukta Tyagi, Ld. Judicial Magistrate, overlooked the mandatory provisions of section 164 Cr.PC and the law laid down by this Hon'ble Court and the Hon'ble Supreme Court for prompt recording of the statements under s. 164 Cr.P.C. so that the sanctity and purity of the statement may be maintained. In case crime no. 338/2020 under s. 376 I.P.C. P.S. Kandhla and case crime no. 172/2020 under s. 363, 366, 506 I.P.C. P.S. Thana Bhawan, statements of victim girls were not recorded under section 164 Cr.PC at the earliest possible opportunity in violation of section 164 Cr.PC. The late recording of 164 Cr.PC statements of victims rather pollute the process of law and raises serious question marks with regard to functioning of a judicial officer. The applicant issued directions in this regard in the monthly meetings of the officers, which were not liked by the officers of said informal group. (Annexure A- 15 to A - 17, Pages 14 & 15 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(12.) Ms Mukta Tyagi, Ld. Judicial Magistrate without having jurisdiction has taken cognizance of the charge-sheet filed under the provisions of the Scheduled Caste and Schedules Tribes (Prevention of Atrocities) Act, 1989 (as amended up to date) in case Crime No. 151/2019, P.S. Kandhla on 10.07.2019. The applicant had issued a DO dated 06.02.2021 to Ms Mukta Tyagi, Ld. Judicial Magistrate in this regard and Ms Mukta Tyagi submitted a reply

herself admitting the irregularity (in fact it was illegality) and tendered an apology for the same. (Annexure A- 24 to A - 25, Pages 15 & 16 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(13.) Ms Mukta Tyagi, Ld. Judicial Magistrate committed gross financial irregularity by moving illegally the entries of fine register as well as 'Repayment Applications' entries of the Court of Munsif Kairana to the Court of Civil Judge Jr. Division Shamli, which was recorded in annual inspection notes of the Court of Civil Judge Jr. Division Shamli cum Judicial Magistrate and Munsif Kairana / Civil Judge Jr. Div. Kairana, which were corrected on the directions given by the applicant in annual inspection notes of those Courts. (Annexure A- 24 to A - 25, Page 16 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(14.) Ms Mukta Tyagi, Ld. Judicial Magistrate, failed to comply C.L. No. 39/2002 dated 26.11.2002. In fact, she had overlooked the law laid down by the Hon'ble Supreme Court in the matter of Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003, SC 639, while disposing of an application of release of vehicle in case crime no. 146/2020 under sections 307, 323, 504, 506 and 34 IPC, P.S. Garhi Pukhta. Criminal Revision No. 10/2021 was filed in the Sessions Court against the rejection of the vehicle release order in case crime no. 146/2020 P.S. Garipukhta under section 307, 323, 504, 506, 34 I.P.C., whereby the fact of not following C.L. No. 39/2002 Dated: 26th November 2002 came to the knowledge of the applicant, whereby all the judicial officers are directed to ensure strict compliance of the directions of Hon'ble Supreme Court passed in **Sunder Bhai Ambalal Desai Vs. State of Gujrat A.I.R. 2003 S.C. 638 regarding release of seized vehicles in criminal cases.** It is the administrative duty of the District Judge to ensure the compliance of the Circular Letters of the Hon'ble High Court and directions of the Hon'ble Supreme Court. 'General Instructions' issued by the Hon'ble High Court vide C.L. No. 105 dated 20th September, 1972 casts specific duty on the District Judge to keep a watch on the judicial conduct of other judicial officers in the district and to advise the officers under him to go through the earlier Circulars issued by the High Court and to act in accordance with them and therefore a D.O. Letter dated 23rd February, 2021 was issued to the complainant officer for drawing her attention towards above binding and circulated direction of Hon'ble Supreme Court. The performance of administrative duty of the District Judge of bringing to the knowledge of Judicial Officers the C.Ls of Hon'ble High Court has been misleadingly termed as interference in judicial work by the said motivated complaint. The complainant officer was fully aware that a criminal revision was pending against the said impugned order on the date of moving the said complaint and the said complaint was in-fact moved to terrorize the administrative head and Sessions Judge so that the said Criminal Revision No. 10/2021 be dismissed and impugned illegal order be upheld. Actually

the present complaint was a calculated attempt in consultation with Sh. Rajat Verma Ld. ADJ to interfere in the judicial work of Sessions Judge in pending Criminal Revision No. 10/2021. The said Criminal Revision No. 10/2021 has been allowed vide order dated 17.03.2021 by setting aside the impugned order. The said order of Revisional Court was not challenged and in compliance to the said order fresh order was passed by the complainant officer. (Annexure A- 27 to A - 28, Pages 17 - 19 & 53 - 55 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation). If the said portion of the report of the applicant would have been perused by the Hon'ble Administrative Judge prior to recording of ACR, it might have cleared that the applicant acted sincerely and bonafidely and there was nothing like coercing the judicial officers to pass favorable orders.

(15.) Ms Mukta Tyagi Ld. Judicial Magistrate released 850 boxes of illicit liquor, whereas only 700 boxes were recovered by the police. Still further, one FIR No. 733 dated 12.10.2018 under sections 60, 63, 72 of the UP Excise Act was registered in Police Station Jinjhana (Shamli) against certain persons and a truck along with 700 boxes of illicit liquor were taken into possession by the police. On a superdari application by the accused in the said case for the release of 850 boxes of liquor, the Court of Ms Mukta Tyagi, Ld. Judicial Magistrate, vide order dated 31.10.2018 released 850 boxes of illicit liquor. It also requires mention that later-on some additions were made in this order. The truck was also released later-on vide another separate order. The aforesaid two instances came to the notice of the applicant, while hearing two separate criminal revision petitions filed against those orders passed by Ms Mukta Tyagi, the then Ld. Judicial Magistrate. **Releasing vehicle and liquor even when confiscation proceedings were pending in a criminal case and not releasing vehicle in another criminal case, where even there was no pending confiscation proceeding, clearly shows the contradictory approach of the complainant officer, which is against all established judicial norms.** (Annexure A - 29 & A - 30, Pages 19 & 20 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(16.) Ms Mukta Tyagi, Ld. Civil Judge was in the habit of illegally using unauthorized copies of Court record, which is a serious misconduct. Ms Mukta Tyagi, Ld. Civil Judge, is a judicial officer with fairly long experience of four years. Along with the said complaint dated 7th March, 2021, Ms Mukta Tyagi had submitted unauthorized copies of Court record in the shape of annexures to the said complaint dated 7th March, 2021. It is humbly submitted that no judicial officer is empowered to use unauthorised copies anywhere and there is a due procedure established by law for obtaining the certified copies which can never be bypassed. It is also humbly submitted that Ms Mukta Tyagi, Ld. Civil Judge is in the habit of getting unauthorized copies of Court record and illegally uses the same in official communications, which can be verified from records and this

fact is also evident from the said complaint also, wherein several illegal and unauthorized copies of Court record were being used by the complainant officer. It shows that the complainant officer was having least respect for due procedure. (Pages 21 & 22 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(17.) Ms Mukta Tyagi has levelled serious, baseless and unfounded allegations against the applicant without mentioning any specific instances . The complainant officer has not mentioned any specific instance in the said false and motivated complaint dated 7th March, 2021 that in which case she or any other judicial officer was ever coerced to pass which order and thereby, she has levelled baseless and unfounded allegations against the applicant. She went on saying that the C.J.M. was seeking favours from her illegally in judicial orders even without referring to any specific case or instance. In case crime no. 146/2020, police station Garhi Puktha, the illegalities committed by her in the said matter came to the notice of the applicant, while hearing 'Criminal Revision No. 10/2021' in the said case and the applicant had set aside the order passed by Ms Mukta Tyagi by passing a detailed and reasoned judgment as a Revisional Court. Setting aside of an order of rejection of release of a vehicle seized by police in some crime passed by a Civil Judge cum Judicial Magistrate by the Court of Sessions Judge as Revisional Court, in compliance of binding and circulated judgement of Hon'ble Supreme Court can never be termed as interference in judicial work or coercing the officers to pass favorable orders. Still further, when the applicant came to know about the illegality committed by Ms Mukta Tyagi while hearing criminal revision, the D.O. letter was issued to her, as she had overlooked Circular Letter No. 39 of Hon'ble High Court as well as binding and circulated judgment of the Hon'ble Supreme Court. (Annexure A- 27, Pages 22 - 23 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(18.) Ms Mukta Tyagi in her complaint has levelled a false and baseless allegation that Sh. Raj Mangal Singh Yadav, Ld. CJM persuades the applicant to give demi official letters to four judicial officer and also to insult them publicly. The applicant has issued various DO letters to Ms Mukta Tyagi and almost every judicial officer in Sessions Division, Shamli. A brief account of DO letters issued to Ms Mukta Tyagi has already been given in the report Annexure -1, which clearly shows that the same were issued while discharging the administrative duties of District Judge as assigned by Hon'ble High Court, as per law. The complainant officer levelled false and baseless allegation in this respect, which prima facie reflected that the complainant officer had some type of personnel grudge against the then C.J.M. Sh. Raj Mangal Yadav, who was her senior officer. (Page 24 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(19.) Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.)/ A.C.J.M.

miserably failed to take timely cognizance on 17 charge-sheets pending in her Court and thereby cognizance was time barred.

Consequently, 17 charge sheets in petty offences became time barred. During the annual inspection, 17 time barred charge sheets have been found in the office of Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.), which has been duly recorded in annual inspection note of the said Court. (Annexure A- 59, Page 39 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(20.) Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.)/ A.C.J.M. granted bail without following s. 437 (3) Cr.P.C. in the cases triable by the Court of Sessions Judge. (Annexure A- 60, Page 41 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(21.) Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.)/A.C.J.M committed Serious Judicial Misconduct. It require mention here that the Court of Ld. ACJM being Court of Criminal jurisdiction, has no powers of review. In FIR No. 210/2019 under section 60/63/72 of UP Excise Act, P.S. Jinjhana, case titled as State Vs. Jai Bhagwan etc., the Court of Ms Ruchi Tiwari, Ld. ACJM, Kairana dismissed the superdari application vide order dated 5th July, 2019 on the ground of pending confiscation proceedings under s. 72 of U. P. Excise Act. Thereafter, there was no powers of review and the applicant should have preferred a petition before the Higher Courts. However, vide order dated 27.02.2020, the Ld. Court of Ms Ruchi Tiwari, Ld. ACJM, allowed the 2nd superdari application and thus virtually reviewed her own earlier judicial order. It is important to mention here that confiscation proceedings were pending at the time of disposal of both the applications and there was no change of circumstance and jurisdiction of the Court was also barred in the said matter and therefore, Ms Ruchi Tiwari Ld. ACJM has committed serious judicial misconduct while entertaining and allowing 2nd Superdari application without change of any circumstances. **There were serious complaints against Sh. Sonu Chaudhary Court Moharir of the Court of Sushri Ruchi Tiwari Ld. ACJM and there were repeated requests by the members of the BAR for transfer of said Court Moharir on the grounds of corruption. On the complaints of members of BAR Sh. Sonu Chaudhary was got transferred as prima facie enquiries reveled the involvement of said Court Moharir Sh. Sonu Chaudhary in this matter of release also.** (Annexure A- 61 & A - 62, Pages 41 & 42 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(22.) Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.)/ Principal Magistrate J. J. Board suo moto entertained the application for declaring juvenile when nothing was pending before J. J. Board. A D.O. letter no. 20/P.A. (S) District Judge/2020 dated 22.09.2020 was issued to Ms Ruchi Tiwari, when it came to knowledge while hearing a bail application that one Rachit was declared juvenile by J.J. Board in case

crime No. M850/2019 inspite of the said case being actually pending for trial in Sessions Court and there being no proceeding of whatsoever nature pending before J.J. Board regarding Rachit and after receipt of reply of Ms Ruchi Tiwari, the officer was advised vide another D.O. letter no. 24/P.A. (S) District Judge/2020 dated 03.11.2020 to ensure the jurisdiction of J.J. Board while entertaining application for declaring juvenile under the provisions of J.J. Act. (Annexure A- 63 & A - 64, Page 42 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(23.) Ms Sudha Sharma Ld. Civil Judge committed judicial misconduct by illegally releasing three accused persons duly taken in to judicial custody without any order and due procedure.

Three accused namely Vakil, Shakil and Vazid surrendered in the Court of Ms Sudha Sharma, Ld. Civil Judge-cum- Judicial Magistrate, Kairana in case FIR No. 344/2019 under sections 498A, 323, 504, 506 IPC, Police Station Kandhala. Accused requested that they may be taken in judicial custody by moving an application dated 25.11.2020 and the Court of Ms Sudha Sharma, Ld. Judicial Magistrate ordered that the accused Vakil, Shakil and Vazid be taken into custody and they were accordingly taken into custody. Even there is a report by the APO that accused Vakil, Vazid and Shakil are charge sheeted under sections 498A, 323, 504, 506 IPC. Even the three accused moved bail application in the same Court on 25.11.2020 which was strongly opposed by the Ld. APO. Surprisingly, on 25.11.2020 itself, when the accused had already been formally taken into custody, the Ld. Counsel for the accused made a statement in writing that he did not press the surrender application, which had already become infructuous after taking accused in custody. The Court of Ms Sudha Sharma, Ld. Judicial Magistrate allowed the said prayer and released the accused illegally. The Ld. Judicial Magistrate, completely overlooked the fact that the accused had already surrendered and had been taken into custody. The applicant issued a DO Letter to Ms Sudha Sharma, Ld. Judicial Magistrate in this regard. Ms Sudha Sharma submitted a reply and assured that she will not commit such mistake in future. The officer was given full opportunity to explain why this happen by issuing a D.O. Letter and the explanation of the officer was sympathetically considered and tentatively accepted and she was orally advised to be careful in future. If there was any ill-will or malice then there was enough time and occasion to put up the matter in front of higher officers. The officer being a lady officer and a new entrant in the service, therefore, although her reply was not justifiable but the same was tentatively accepted with the hope that such mistake will not be repeated in future. (Annexure A- 65 to A - 67, Pages 43 - 45 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(24.) Sh. Rajat Verma Ld. ADJ, Ms Ruchi Tiwari, Ld. Civil Judge (Sr. Divn.), Ms Mukta Tyagi, Ld. Civil Judge and Ms Sudha Sharma Ld. Civil Judge were not punctual of timely sitting on dais. (Annexure A- 30 & A - 58, Pages 31, 37, 41 & 43 of Report dated 21st May, 2021 i.e.

Annexure -1 of this representation)

(25.) It is humbly submitted that the Annexure-1 of the said complaint dated 7th March, 2021 pertained to 06.07.2019, whereas the applicant joined as District Judge only on 04.07.2020. The Annexure-1 of the said complaint was an illegal and unauthorized copy of Court record. The application is addressed to Civil Judge Senior Division Kairana and an order has been passed thereon by Sh. Rajat Verma Ld. ADJ instead of by Civil Judge Senior Division Kairana. Applications for recording statement under s. 164 Cr.P.C. are kept in sealed envelope along-with statement so recorded and an illegal copy of same has been obtained and filed before Hon'ble High Court by the complainant officer herself. It goes on to show that the complainant officer has no respect for the due procedure. The records of judgship reveals that the said matter was also not brought in to the knowledge of the then District Judge. **A separate report of Sh. Rajmangal Yadav the then C.J.M. dated 12.04.2021 was annexed therewith as ANNEXURE A-68 being forming and integral part of the report of the applicant.** Sh. Rajmangal Yadav has filed the copy of minutes of monthly meeting dated 11.07.2019 along-with his reply/report and no such issue was discussed in the said meeting held just after 5 days of said application dated 06.07.2019 and only the issue regarding recording of statement under section 164 Cr.P.C. of deaf and dumb victim was discussed in the said meeting. Making complaint after a delay of about 20 months that too after change of District Judge goes on to show a well hatched conspiracy by the said illegal informal group. **Sh. Rajmangal Yadav the then C.J.M has alleged his harassment by the complainant officer as well by Sh. Rajat Verma Ld. ADJ, by quoting a number of instances supported with documents in his reply / report dated 12.04.2021 i.e. ANNEXURE A-68, which also need a separate in-depth look.** (Pages 46 to 48 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(26.) Almost all allegations levelled against C.J.M were pertaining to periods prior to joining of applicant as District Judge Shamli, were thoroughly enquired and found false. It is humbly submitted that allegations mostly pertaining to the period prio to joining of the applicant as District Judge, Shamli were levelled against Sh. Raj Mangal Singh Yadav, Ld. CJM by the complainant officer firstly vide her reply dated 19th February, 2021 to the complaint of Smt. Lalita, which was received on 20th February, 2021 and on the very same day, the said reply was received, the D.O. Letter was issued to the C.J.M. and his reply was also received. Sh. Mumtaz Ali senior most Additional District Judge was asked to conduct an enquiry into it and undersigned also separately conducted an enquiry in this matter. The applicant and ADJ 1st have found the allegations to be false. (Annexure A -9, A- 69 to A - 77, Pages 48 to 53 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(27.) Baseless and false allegations levelled against the applicant by stating that the applicant had vested interest in C.J.M. that is why he was made O/C Nazarat by intentionally concealing complete and material facts to give a wrong impression that he was O/C Nazarat for whole period of applicant as District Judge, whereas C.J.M. remained O/C Nazarat only for about a month only in February, 2021, that too because of retirement of ADJ 1st ON 31st January, 2021. It is humbly submitted that in the said complaint dated 7th March, 2021 it was wrongly alleged that the applicant has vested interests in Sh. Raj Mangal Singh Yadav, Ld. CJM, and that is why, he was appointed as O/C Nazarat, inspite of other senior Additional District Judges available in the district. It is humbly submitted that the said allegation is highly objectionable, baseless, false and equally painful. Sh. Samar Pal Balyan Additional District retired on 31st January, 2021 and up-to this date Sh. Mumtaz Ali Ld. ADJ was O/C Nazarat and who became O/C Administration and Chairman Administrative Committee of the Judgeship now being senior most ADJ after the said retirement. The applicant has treated all judicial officers equally and respectfully. Still further, appointment of O/C Nazarat is simply an Administrative act / power of District Judge. It is submitted that two other ADJs were already having different types of heavy charges with them and next senior officer was CJM. Consequently, he was appointed as O/C Nazarat as he was having experience of looking after Nazarat prior to creation of Shamli Sessions Division. Sh. Mumtaz Ali, Ld. Special Judge, was Incharge O/C Administration, Chairman, Infrastructure Committee & DDO. Sh. Rajat Verma Ld. ADJ 2nd i.e. 2nd senior most ADJ was already O/C Copying, Photostat, O/C telephone, O/C Court Campus Security, Nodal Officer of Lok Adalat and Nodal Officer of Child Care Institutions. Sh. Rajat Verma, Ld. ADJ, was also chairman of about five committees of the judgeship. Similarly, 3rd senior judicial officer i.e. Sh. Subodh Singh Ld. ADJ was also overloaded with lot of administrative duties at that time, consequently, the charge of O/C Nazarat was given to 4th senior judicial officer i.e. Sh. Raj Mangal Singh Yadav, CJM that too only on 1st February, 2021. On the date of moving the said complaint dated 7th March, 2021, Sh. Surender Kumar Ld. ADJ Kairana was O/C Nazarat and this fact has been intentionally concealed by the complainant officer. Sh. Surender Kumar Ld. ADJ joined in the judgeship on 2nd March, 2021 and he was appointed as O/C Nazarat on the same day itself. Sh. Rajmangal Yadav C.J.M. remained O/C Nazarat only for about a month and was replaced prior to moving the said complaint dated 7th March, 2021 and these facts were intentionally concealed in the said false and mischievous complaint. The complainant officer along-with the said illegal and informal group wanted that Shri Rajat Verma Ld. A.D.J. who was in the habit of misusing his position of being O/C Nazarat and/or Incharge District Judge should have been made the O/C Nazarat for the obvious reasons. As per records Sh. Rajat Verma

ADJ remained O/C Nazarat from 1st April, 2020 to 9th August, 2020, thereafter Sh. Mumtaz Ali ADJ remained O/C Nazarat from 10th August, 2020 to 31st January, 2021, thereafter Sh. Rajmangal Yadav CJM remained O/C Nazarat from 1st February, 2021 to 1st March, 2021 and finally Sh. Surender Kumar ADJ remained O/C Nazarat from 2nd March, 2021 to 31st March, 2021 during the relevant period for assessment. There was intentional concealment of complete and material facts just to ruin the career of the applicant by the said informal group of officers. (Pages 55 to 56 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(28.) It is humbly submitted that false allegation of humiliating the aforesaid members of informal group was levelled in the said complaint dated 7th March, 2021. The applicant always talked to every judicial officer respectfully and wherever necessary they were advised to act as per law and the C.Ls issued by this Hon'ble Court. In monthly meetings discussions were made by not referring the name of any particular judicial officer. No discussion with respect to any particular officer ever took place in said meetings. Since all officers were present in monthly meetings or other meetings, therefore, complete discipline was maintained and none of the other officers other than these four officers laughed or interrupted or acted in any unto-word manner. It is important to mention here that in one of the meeting one officer out of these four officers took straight name of one of previous District Judge, while narrating a particular incident. The said officer repeatedly referred Anoop Goel without using Shri or Sir and all other three officers of this group starting laughing. On this other officers present in the meeting got stunned that how a judicial officer is addressing their Ex District Judge in a derogatory manner and only at the intervention of the applicant proper address was made thereafter. The said motivated complaint was filed with all false and baseless allegations in connivance with other members of illegal informal group at the instigation and guidance of Sh. Rajat Verma Ld. ADJ. (Pages 56 & 57 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(29.) It is humbly submitted that from 2nd January, 2021 regular working of the Courts started and there had been increase in judicial work. There were two stenographers in the office of District Judge and both of them were working first time in Sessions Court. One stenographer Sh. Kaushal Kumar was a new entrant in the service and was probationer. None of the stenographers was an experienced one in Sessions Court matters. The applicant had to check every line of the orders dictated by him and there were lots of mistakes by the stenographers. Still further, the applicant was residing in a village in a rented accommodation which had only three rooms, consisting of two bedrooms and one drawing room only, there was no formal camp office in the rented accommodation for the applicant and prior to this, the applicant was residing at PWD guest house which was 17 KMs away from the Court campus. Consequently, the applicant was

constrained to complete all his judicial and administrative work from the Court campus by sitting late in the evening, however, the applicant was sitting late not to find faults in the judicial work of any judicial officer, but to complete his own judicial and administrative work. Moreover '**General Instructions**' issued by the Hon'ble High Court vide C.L. No. 105 dated 20th September, 1972 casts duties on the District Judges to keep a watch on the judicial and administrative conduct of other judicial officers in the district. There was no occasion to inspect the faults of officers as the staffs of officers generally left at about 05:30 PM and all offices were locked thereafter. When offices of mostly all officers are locked, then there was no occasion to call for the records of these Courts. However, it is submitted that the District Judge can call for the records of any Courts at any time, as per the C.L. No. 55/VIIIh-37/Admn.(G), dated 2nd November, 1988.(Pages 61 & 62 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation)

(30.) It is humbly submitted that on 5th March 2021 the said complainant officer sought permission to meet the applicant in the lunch time of 5th March of 2021 , but she was permitted to visit after completing the Court work as the applicant had received direction in the morning to seek telephonic instructions from the then Hon'ble Administrative Judge in lunch time. The applicant had telephonic conversation with the then Hon'ble Administrative Judge in the lunch time on 5th March, 2021 and had submitted detailed facts to the Hon'ble Lordship and also received a number of instructions from the Hon'ble Lordship regarding the Judgeship. In the evening, when the complainant officer met the applicant that too on her own request, she narrated the incident of man-handling of A.P.O. in the J.J .Board by a practicing Advocate of Bar Association, Kairana. A written information in this regard was also provided by her to the applicant. During the conversation, the applicant had simply and politely conveyed her the instructions received from the Hon'ble Administrative Judge that too only in compliance to the direction received from the Hon'ble Administrative Judge. It was falsely alleged in the said complaint dated 7th March, 2021 that the applicant had put pressure on the complainant officer. The complainant officer admitted that the J. J. Board proceedings were actually done from the Court Rooms of the Principal Magistrates up-to December 2020, but now the proceeding are being conducted from the accommodation made available by the District Magistrate. The complainant officer stated that Smt. Lalita also used to participate in the J. J. Board proceedings from the Court Rooms and why Smt. Lalita is making it a issue now. The complainant officer claimed that no one can prove that the J.J. Board proceedings were ever conducted from the regular Court rooms and asked to dismiss the complaint. It was advised that the proceeding of J. J. Board are already being vitiated because of non compliance of the mandatory provision of J. J. Act. On this the complainant officer threatened to see the applicant and stated that

she does not need any advise. Thereafter the said mischievous, motivated and false complaint was drafted and moved so that either the applicant be prevented from conducting the investigation in to the complaint of Smt. Lalita as it touched the judicial functioning of two lady judicial officers of said informal group or the applicant be pressurized in the garb of said false complaint to submit a favorable report in the complaint of Smt. Lalita or in case of failure of applicant to submit to their whims, career of the applicant be ruined. The instructions with respect to her as received from the then Hon'ble Administrative Judge were simply and politely conveyed to her without any addition and or subtraction. The instructions, which the applicant received from the Hon'ble Administrative Judge were politely communicated to her as instructed by the then Hon'ble Administrative Judge, conveying of oral instructions of the then Hon'ble Administrative Judge was wrongly referred as putting pressure on the complainant officer and which has been referred as rebuking and showing displeasure against the complainant officer for approaching the Hon'ble Administrative Judge with their complaint in the adverse remarks recorded (Pages 62 to 65 of Report dated 21st May, 2021 i.e. Annexure -1 of this representation). There was no occasion for the applicant to have any knowledge regarding direct communication between the complainant officer and His Lordship, unless something is communicated to applicant from either of those persons. If the report of the applicant would have been perused before making adverse remarks in Part-2 , certainly the administrative work done must have found appreciation instead of recording of adverse remarks.

21. It is humbly submitted that if at any point of time the Hon'ble High court would have come to know that an informal group of judicial officers was repeatedly committing above mentioned gross illegalities / irregularities and also was violating various binding Circular Letters of Hon'ble High Court including violations of binding and circulated judgements of Hon'ble Supreme Court and Hon'ble High Court and the District Judge was aware of all those illegalities / irregularities and violations etc., but has not performed his desired administrative duties of advising and / or cautioning such judicial officers for such irregularities and violations in compliance of C.L. No. 105, then failure of the applicant to perform desired administrative duties in such circumstances must have been drawn very adverse against the applicant and the applicant might also have been found to be hands in gloves with those judicial officers. Performance of administrative duties of bringing into knowledge of those two judicial officers the Circular Letters of Hon'ble High Court as well as binding and circulated judgements of Hon'ble Supreme Court and Hon'ble High Court as well as mandatory statutory provisions by issuance of D.O. Letters in some appropriate cases have been termed as harassment by the complainant officer and referred as interference in judicial functions, which has been referred as rebuking in the above adverse remarks. Had the report being put up before the then Hon'ble Administrative Judge,

instead of awarding the adverse remarks the sincere and bonafide performance of administrative duties in issuing D.O. Letters to such officers must have found appreciation from His Lordship.

22. The applicant has actually become a victim of a deep rooted conspiracy of the aforesaid judicial officers of Shamli judgship, only for the reasons that the applicant was performing his administrative duties of keeping a strict vigil on judicial and administrative functioning of all the judicial officers as per Circular Letter No. 105, which was not liked by a specific informal group of officers headed by Shri Rajat Verma Ld. Additional District Judge.
23. The applicant is aware of only one complaint dated 7th March 2021 as he was asked to submit his report on the said complaint only. There was no other complaint either of any officer or any Advocate or any litigant as no other complaint is either referred in the said adverse remarks or ever referred to the applicant. It is humbly submitted that even the said complaint was sent to Hon'ble High Court in violation of various Circular Letters of Hon'ble High Court directly to Hon'ble Administrative Judge that through without proper channel and the timing and manner of sending the said complaint itself reveals the well hatched conspiracy behind it. Issuance of D.O. Letters to judicial officers for drawing their attention towards various binding C.Ls of Hon'ble High Court and/or towards binding and circulated judgements of Hon'ble Supreme Court and Hon'ble High Court and / or mandatory statutory provisions have been wrongly termed as coercing officers to pass favorable orders in the adverse remarks. Orally advising the officers in meetings for prompt recording of the statements of victims of rape under section 164 CrPC or not to release vehicles where confiscation proceedings were pending under section 72 of Uttar Pradesh Excise Act, in the light of judgement of Hon'ble Divison Bench of Hon'ble High Court in Virendra Gupta case or to conduct proceedings of Juvenile Justice Board from designated place not from regular Court room and advising them to follow mandatory statutory requirements have been termed as harassment in the said complaint which has been wrongly termed as rebuking in the annual remarks in Part-2. If the report dated 21st May, 2021 of the applicant had been placed before the then Hon'ble Administrative Judge prior to recording of adverse remarks, then true picture and bonafide administrative efforts of the applicant might have found appreciation from His Lordship.
24. That the complainant officer while submitting her reply to the complaint of one Lalita a scheduled caste lady member of the Juvenile Justice Board levelled certain allegations against the CJM that too only on 19th February 2021 which reply was received in the office of applicant on 20th February 2021 and immediately a D.O. Letter was issued to the CJM and his reply was sought. The allegations levelled against CJM were also got independently inquired from the senior most Additional District Judge i.e. ADJ 1st of the Shamli judgship. While submitting report, the applicant also

independently inquired into the allegations levelled against the CJM and the report of the applicant was submitted in detail regarding said allegations along-with the report of the senior most Additional District Judge. The enquiry conducted by the applicant as well as independent enquiry report of ADJ 1st on the allegations levelled against the CJM revealed that the allegations against CJM were false. The CJM also levelled allegations against the complainant officer and Sh. Rajat Verma ADJ for his harassment at their hands.

25. That the records of Shamli judgship revealed that the CJM was assessed outstanding by previous two District Judges also. Nearly all complaints levelled against the CJM pertained to the periods of previous District Judges and records revealed that there was no complaint earlier moved against CJM by any of the judicial officers before the previous District Judges and the independent enquiries made by the applicant as well as by ADJ 1st revealed that the allegations levelled against C.J.M. were false.
26. That there was a well calculated conspiracy behind drafting the said complaint, which is revealed from the fact that the CJM remained officer-in-charge Nazarat only from 1st February 2021 to 1st of March 2021 that too only because of retirement of the then senior most Additional District Judge namely Shri Samar Pal Balyan on 31st January 2021. When the applicant joined as a District Judge in the Shamli judgship Shri Rajat Verma was O/C Nazarat and he was officer incharge nazarat from 1st of April 2020 to 9th of August 2020, thereafter on 10th August, 2020 Shri Mumtaz Ali Additional District Judge was made O/C Nazarat and he remained O/C Nazarat from 10th of August, 2020 to 31st of January 2021, who eventually became senior most ADJ i.e. ADJ 1st with number of additional charges as officer in charge Administration, DDO, Chairman of the infrastructure sub-committee and Shri Surendra Kumar ADJ was given charge of O/C Nazarat, who remained officer in charge Nazarat from 2nd March 2021 to 31st of March 2021. The said false and mischievous complaint was filed on 7th March 2021 and on the said date Shri Surendra Kumar ADJ was O/C Nazarat, but all above detailed facts were intentionally concealed in the said complaint dated 7th March, 2021 just to give an impression that CJM was O/C Nazarat for whole of the period when applicant was posted as District Judge. Therefore, the remarks recorded as junior officer (C.J.M.) was made incharge superseding all other senior officers has been recorded merely on the basis of well drafted allegations, which were moved by intentionally concealing the material facts and if the report of the applicant would have been gone through, then certainly those adverse remarks would not have been recorded. Relevant copies of record annexed herewith as Annexure - 2.
27. That there was not a single grievance of either of four Bar Associations of Muzaffarnagar or Kairana regarding judicial and administrative working of applicant, rather the said associations were greatly appreciative of applicant's administrative capabilities while establishing new MACT and

running newly created Judgeship Shamli. District Judges have been assigned specific administrative duties to watch judicial as well as administrative work of judicial officers and if he comes to know that a few judicial officers are flouting C.Ls of Hon'ble High Court as well as binding judgements of Hon'ble Supreme Court and Hon'ble High Court, violating statutory provisions and are committing various illegalities in performance of their judicial and administrative work, such District Judge is duty bound to draw their kind attention to such illegalities/irregularities/violations and in case he fail to do so and it comes to knowledge of Hon'ble High Court certainly it will raise a serious question mark not only on his administrative capabilities, but, it will also raise serious questions on his integrity also and whereas performance of his administrative duties will certainly attract displeasure of such officers and there is every possibility that those officers may make false and motivated complaints to ruin his career.

28. As a District Judge, the applicant tried and made serious efforts to bring to the notice of judicial officers the legal position and various C.Ls of the Hon'ble High Court. The applicant also tried to ensure that these C.Ls are followed in the letter and spirit. The applicant also conducted surprise inspections, in compliance of the C.Ls of the Hon'ble High Court. The guidance and the instructions given by the applicant were somehow not liked by only a few officers, who were in the habit of working in a particular manner, as per their own whims and fancies, by ignoring the mandate of law and the C.Ls of the Hon'ble High Court. Sincere efforts were made by the applicant to guide those judicial officers to work strictly as per law and these officers had actually formed an informal and illegal group/coterie. The applicant is extremely pained to inform the Hon'ble Court that the above officers took undue liberty and had violated the settled cannons of law, ethics, discipline, propriety and various C.Ls of Hon'ble High Court. It is equally painful to note that the applicant desired to ensure the strict observance of the law by these judicial officers and even guided them with all humility and politeness at his command, but, the same has been taken adverse against the applicant. The applicant in performance of administrative duties assigned by Hon'ble High Court advised them to go through the earlier C.Ls of Hon'ble High Court and to act in accordance with law in compliance to C.L. No. 105 dated 20th September, 1972, which rather deserved appreciation instead of adverse remarks.
29. It is humbly submitted that issuance of Demi Official letters by the District Judge to the Judicial Officers for valid reasons, can never be termed as interference in judicial work. Secondly, demi official letters are issued to judicial officers to improve their conducts and it is a confidential communication between the District Judge and the concerned judicial officers. DO letters were issued by the applicant in discharge of administrative duties entrusted by CL. No. C.L. No. 105 dated 20th

September, 1972.

30. It is humbly submitted that the DO letters were issued in discharge of administrative duties in compliance of various C.Ls of Hon'ble High Court. The District Judges have been entrusted to ensure the strict compliance of C.Ls of Hon'ble High Court and how can the administrative duty of the District Judge of bringing in to the knowledge of Judicial Officers the C.Ls of Hon'ble High Court be termed as interference in judicial work is in-fact an act of clever drafting to save oneself from mischiefs committed while not following the C.Ls of Hon'ble High Court.
31. **That the applicant has always been a dutiful officer and has performed on various assignments with best of his abilities. Before joining the MACT, Shamli, the applicant was given assignment as Principal Judge, Family Court Muzaffarnagar. The work, conduct and interaction of the applicant with the members of the Bar has always been found excellent and no complaint regarding judicial work or conduct of the applicant has ever been noticed by the Hon'ble High Court making him vulnerable.**
32. In **S. Ramachandra Raju vs. State of Orissa [1994 Supp.(3) SCC 424]**, the Hon'ble Supreme Court underlined the need to write confidential reports objectively, fairly and dispassionately in a constructive manner either commenting/downgrading the conduct, character, efficiency or integrity of the officer in that behalf. It has been held that writing confidential reports bears onerous responsibility on the reporting officer to eschew his subjectivity and personal prejudices or proclivity or predilections and to make objective assessment. The latter should adopt fair, objective, dispassionate and constructive commends/comments in estimating or assessing the character, ability, integrity and responsibility displayed by the officer/employee concerned during the relevant period for the above objectives if not strictly adhered to in making an honest assessment, the prospect and career of the subordinate officer is bound to lose his credibility in the eyes of his subordinates and fail to command respect and work from them.
33. In **Delhi Transport Corporation vs. D.T.C. Mazdoor Congress & Ors. [1991 Supp.(1) SCC 600 at 739]**, the Hon'ble Constitution Bench of Hon'ble Supreme Court had held in paragraph 275, that the Court should take note of actualities of life that persons actuated to corrupt practices are capable to manoeuvre with higher echelons in diverse ways and also camouflage their activities by becoming sycophants or cronies to the superior officers. Sincere, honest and devoted subordinate officers are unlikely to lick the boots of the corrupt superior officer. **They develop a sense of self-pride for their honesty, integrity and apathy and inertia towards the corrupt and tend to undermine or show signs of disrespect or disregard towards the corrupt. Thereby, they not only become inconvenient to the corrupt officer but also stand as an impediment to the ongoing smooth symphony of corruption at**

a grave risk to their prospects in career or even to their tenure of office.

34. In **State Bank of India & Ors. vs. Kashinath Kher 7 Ors. [(1996) 8 SCC 762]**, the Hon'ble Supreme Court pointed out that the object of writing the confidential report is two- fold, i.e., to give an opportunity to the officer to remove deficiencies and to inculcate discipline, Secondly, it seeks to serve improvement of quality and excellence and efficiency of public service. The officer should show objectivity, impartiality and fair assessment without any prejudices whatsoever with the highest sense of responsibility alone to inculcate devotion to duty, honesty and integrity to improve excellence of the individual officer. Lest the officers get demoralised which would be deleterious to the efficacy and efficiency of public service.
35. The Hon'ble Supreme court while dealing with the case of ACR in the matter of **State of U.P. v. Yamuna Shankar Misra:(1997 (4) SCC 7)** has observed as under:-
 "It would, thus, be clear that the object of writing the confidential reports and making entries in the character rolls is to give an opportunity to a public servant to improve excellence. Article 51A enjoins upon every citizen the primary duty to constantly endeavour to prove excellence, individually and collectively, as a member of the group. Given an opportunity, the individual strives to improve excellence and thereby efficiency of administration would be augmented. The officer entrusted with the duty to write confidential reports, has a public responsibility and trust to write the confidential reports objectively, fairly and dispassionately while giving, as accurately as possible, the statement of facts on an overall assessment of the performance of the subordinate officer. It should be founded upon the facts or circumstances. Though sometimes, it may not be part of record, but the conduct, reputation and character acquire public knowledge or notoriety and may be within his knowledge. Before forming an opinion to be adverse, **the reporting/officers writing confidentials should share the information which is not a part of the record with the officer concerned, have the information confronted by the officer and then make it part of the record. This amounts to an opportunity given to the erring/corrupt officer to correct the errors of the judgment, conduct, behaviour, integrity or conduct/corrupt proclivity. If, despite given giving such an opportunity, the officer fails to perform the duty, correct his conduct or improve himself necessarily, the same may be recorded in the confidential reports.**"
36. 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.

37. The applicant has actually become a poor victim of a well hatched conspiracy by the said informal group of officers. The said complaint was drafted in such a manner to give an impression that all lady officers were harassed, whereas, there was another lady officer posted there as Civil Judge Sr. Division Shamli namely Smt. Pratibha and there is no complaint from said lady officer till date. After the transfer of two lady officers of said informal group in April, 2021, two more lady officers joined Shamli Judgeship as C.J.M. and ADJ and the applicant remained posted at Shamli till 26th November, but there is no complaint whatsoever from these three lady officers till date. It is humbly submitted that one CCTV Camera was also installed in the chamber of applicant at Shamli with the help of District Administration, where meetings of all the officers were conducted, but backup of that camera was only for 7 days, and the said informal group was aware of this fact and that is why complaint was made belatedly so that no CCTV footage will be available for the meetings conducted in the prior months. If CCTV footage of all such meetings or any meeting conducted up-to February, 2021 was preserved, the same could have easily belied all the allegations levelled as harassment in the said complaint and recorded in adverse remarks as rebuking.
38. It is most humbly submitted that restoring status and dignity of a Scheduled Caste lady member of Juvenile Justice Board, ensuring conduct of J. J. Board proceedings from designated place as well as conduct of Juvenile Justice Board proceedings strictly as per section 7 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 6 of the Juvenile Justice (Care and Protection of Children) Rules, 2016 framed there under can not and should not be construed as harassment of lady judicial officers, who were Principal Magistrate of the J. J. Board at different relevant times. Asking Judicial officers to dispose of maximum injunction applications or to comply directions of Hon'ble Supreme Court issued in *Asian Resurfacing of Road Agency (P) Ltd. vs. C.B.I.* (2018) 16 SCC 299 or for prompt recording of statements of victims of rape under s. 164 or discussion of various C.Ls of Hon'ble High Court or conducting proper surprise inspections and proper annual inspections can not and shouldn't be termed as harassment of lady judicial officers. If performance of administrative duties assigned through C.L. No. 105 can invite such adverse remarks then the said C.L. shall become completely redundant. If performance of administrative duties without discriminating on the basis of gender qua lady officers can also invite such adverse remarks recorded in Part-2, said C.L. shall become redundant qua lady officers. Formation and promotion of informal groups to achieve their ulterior motives, in one

of most disciplined service can not be promoted that too especially if such informal groups are headed by officers lacking judicial and administrative integrity, as such groups will certainly be used for hidden agendas to harass honest and sincere officers. Applicant has been victimised for performance of fair, sincere and genuine administrative duties while ensuring compliance of various C.L. of Hon'ble High Court.

39. Adverse remarks recorded in part II are solely based on complaint dated 7th March 2021, which has been duly consigned after submission of the detailed report of the applicant (Annexure - 1) and no action whatsoever was taken on the said complaint. While recording the said adverse remarks neither the final outcome of the said complaint i.e. "consignment to record" was taken into consideration nor report of applicant was gone through, which report was sent twice to Hon'ble High court.
40. It is most humbly submitted that the applicant submitted about 40 illegalities/irregularities, violations of binding Circular Letters of Hon'ble High Court, non-compliance of binding and circulated judgements of Hon'ble Supreme Court & Hon'ble High Court, violations of mandatory statutory provisions etc. by the members of said informal group, which consisted of three lady officers, vide his report dated 21st May, 2021 (**ANNEXURE -1 of this representation**) on the said false, motivated and mischievous complaint dated 7th March, 2021. It was brought in to the knowledge of Hon'ble Court that in compliance to administrative duties specifically assigned to the District Judges by the Hon'ble High Court vide C.L. No. 105 confidential D.O. Letters were issued to almost all judicial officers of Shamli judgship. D.O. Letters were also issued to the members of said informl group for drawing their kind attention to following C.Ls :-
- a) C. L. No. 23/ALLD. Dated 17.03.1999, whereby Sessions Judges / Additional Sessions Judges were directed not to grant bail if the same has already been rejected by Hon'ble High Court while drawing attention towards Ram Chander Shukla Vs. State of UP 1999 (11) AWC 2998.
 - b) C. L. No. 39/2002 dated 26.11.2002, whereby the directions of Hon'ble Supreme Court issued in Sunder Bhai Ambalal Desai Vs. State of Gujrat A.I.R. 2003 S.C. 638 were circulated in the matter of release of vehicles and other properties seized in criminal cases.
 - c) Statutory provisions barring jurisdiction of Magistrate to take cognizance in S.C. & S.T. (Prevention of Attrocities) Act.
 - d) Statutory provisions of Juvenile Justice Act.
 - e) Releasing accused without any due procedure or lawful order after taking them in judicial custody.
 - f) Seeking comments on complaint of lady member of J.J Board.
 - g) Misuse and illegal exercise of administrative powers.

Advising officers orally in meetings for prompt recording of the statements of victims of rape under section 164 CrPC or not to release vehicles where confiscation proceedings were pending under section 72 of

Uttar Pradesh Excise Act, in the light of judgement of Hon'ble Divison Bench of Hon'ble High Court in Virendra Gupta case or to conduct proceedings of Juvenile Justice Board from designated place not from regular Court room or to dispose of maximum injunction applications or to comply directions of Hon'ble Supreme Court issued in Asian Resurfacing of Road Agency (P) Ltd. vs. C.B.I. (2018) 16 SCC 299 or discussion of various C.Ls of Hon'ble High Court and advising them to follow mandatory statutory requirements was termed as harassment with malafide intentions, in the said complaint which has been wrongly referred as rebuking in the adverse remarks in Part-2. Issuance of Demi Official letters in compliance to administrative duties entrusted by CL. No. C.L. No. 105 dated 20th September, 1972 by the District Judge to the Judicial Officers for valid reasons, can never be termed as interference in judicial work, which is in-fact a confidential communication between the District Judge and the concerned judicial officer. **It is most humbly submitted that the D.O. letter issued in discharge of administrative duties with regard to release of siezed vehicle for ensuring compliance of C. L. No. 39/2002 dated 26.11.2002, whereby the directions of Hon'ble Supreme Court issued in Sunder Bhai Ambalal Desai Vs. State of Gujrat A.I.R. 2003 S.C. 638 were circulated in the matter of release of vehicles and other properties seized in criminal cases can not and should not have been treated adverse.** The District Judges have been entrusted to ensure the strict compliance of C.Ls of Hon'ble High Court and how can the administrative duty of the District Judge of bringing in to the knowledge of Judicial Officers the C.Ls of Hon'ble High Court be termed as interference in judicial work. It was in-fact an act of clever drafting to save oneself from mischiefs already committed while not following the C.Ls of Hon'ble High Court. The said order of rejection of release application was also set aside in the Criminal Revision No.10/2021, by the applicant as Sessions Judge, Shamli.

41. That the adverse remarks recorded on the basis of unfounded allegations levelled through a false, mischievous and calculated complaint to hamper and ruin the career prospects of the applicant amounts to penalising the applicant without due procedure. The applicant craves the kind indulgence of this Hon'ble Court that by recording above adverse remarks even without considering the report of the applicant as well fact of consignment of the said complaint without there being any further action thereon, has violated the fundamental principle of Administrative Jurisprudence that no one should be condemned unheard.
42. That the applicant by performing his administrative duties sincerely and honestly was successful in becoming an impediment to the ongoing smooth symphony of corruption and thereby risked his bright future prospects in career with the hope for appreciation from Hon'ble Court with parent like care and affection. The activities of said informal group were checked, causing great inconvenience to them and resulting in to filing of

said false, motivated and mischievous complaint dated 7th March, 2021, which after submission of report of applicant dated 21st May, 2021 has already been consigned to records with no further action thereon.

Therefore, in the light of totality of the circumstances and the humble submissions made above, it is most humbly prayed that the adverse remarks recorded in Part -2 may kindly be expunged.

Grounds for Up-gradation of Remarks Recorded in PART -3

43. That the applicant is submitting some additional points before the Hon'ble Court. The applicant took charge as District Judge during Covid-19 pandemic times on 4th July, 2020 and ensured smooth functioning of the Shamli judgeship during this period. All the grievance of the BAR were resolved at the applicant level except the complaint of Smt. Lalita. The applicant with the help of District Administration got installed CCTV Cameras in the judgeship, got constructed two new toilets for women along-with one new male urinals for litigants and also got brick work done on whole parking area along-with some other infrastructure works in the judgeship. Regular testing for Covid-19 was ensured on the Court premises resulting in to no causality among officers and employees of the judgeship. Nearly all the infrastructural work was got done from District Administration that too in Covid-19 pandemic times and the said work has also been appreciated by the then Hon'ble Administrative Judge in Part - 1 of annual remarks.
44. That the applicant has got much appreciated service record in his 13 years of judicial service in Uttar Pradesh Higher Judicial Service and have never earned any displeasure from any of applicant's District Judges or from the Hon'ble Court. The applicant's last 5 annual remarks recorded by his respective District Judges and Hon'ble Court are mentioned as under :-

Assessment Year	Annual Remarks with name of District Judge	Annual Remarks with name of Hon'ble Administrative Judge
2015-2016	Overall Assessment- Outstanding Integrity- Beyond Doubt Sh. Aniruddha Singh (Hon'ble Justice Aniruddha Singh as he then was)	Overall Assessment- Outstanding Integrity- Beyond Doubt Hon'ble Justice Rajan Roy
2016-2017	Not Communicated either by District Judge or Hon'ble Court till date	Overall Assessment- Outstanding Integrity- Certified Hon'ble Justice A. R. Masoodi
2017-2018	Not Communicated either by District Judge or Hon'ble Court till date	Overall Assessment- Good Integrity- Certified Hon'ble Justice Ashok Kumar
2018-2019	Overall Assessment- Outstanding Integrity- Beyond Doubt Sh. Sanjay Kumar Pachori (Hon'ble Justice S. K. Pachori as he then was)	Overall Assessment- Very Good Integrity- Beyond Doubt Hon'ble Justice Pritinker Diwaker
2019-2020	In District Judge Cadre	Overall Assessment- Very Good Integrity- Certified

45. That the then Hon'ble Administrative Judge / Hon'ble Reviewing Authority and Accepting Authority has recorded highly appreciative remarks in Part - 1 of the annual remarks, the relation with the members of the bar have been recorded as cordial, the judgments on facts and law have been recorded as sound, well considered and based on precedents, disposal of good number of cases both civil and criminal on merit have been recorded, it has been specifically recorded that the Officer has sincerely managed the administration of the District Court in Covid-19 pandemic critical situation without there being any causality of staff or officers; 1142 Crl. Misc. Bail Applications was decided maximum by virtual mode; charge framed in 177 Cases after physical mode started from 02-01-2021 to 31-03-2021; estimate for construction of 'Integrated Court Complex' was sent to the High Court; got installed 'CCTV Cameras' in Court Campus; got constructed 'Two New Ladies Toilets' for female staff members and female APOs; got maintenance of Four Courts and a new attached toilet was also constructed for an officer; public toilets were made functional and a new male urinal was also got constructed for the litigants; Rain Water Harvesting plant was made functional; brick work was done on raw parking area of Court Campus. It is humbly submitted that all the infrastructural work was got done from District Administration that too in Covid-19 pandemic times. It is also submitted that the applicant gave an out-turn of 159.95%, that too when Court work was greatly hampered due to Covid-19 and regular work started only from 2nd January, 2021. All the grievance of Bar Associations of Shamli were resolved at the level of applicant and no grievance was left unheard or unresolved. The newly created MACT, Muzaffarnagar was made fully functional and all the work of new judgship Shamli was streamlined. The applicant himself being a patient of Stage - 4 of Chronic Kidney Disease (CKD) and having responsibility of his family consisting of wife and two young daughters aged about 16 ½ years and 13 years was residing in a rented accommodation in a village, had successfully managed the administration of Shamli judgship without there being any causality of staff and officers. It is humbly submitted that if the report dated 21st May, 2021 of the applicant along-with final outcome of said false, motivate and mischievous complaint i.e. consignment to record without there being any further action would have been brought to the knowledge of the the Hon'ble Administrative Judge/ Hon'ble Reviewing Authority and Accepting Authority, then the applicants administrative work, whereby members of said informal group were advised regarding various C.Ls of Hon'ble High Court must have found great appreciation and in the light of remarks recorded in Part-1 clubbed with 159.95% out-turn in covid-19 pandemic period must have attracted the kind attention of His Lordship for awarding outstanding remarks for overall assessment as well as certification of integrity being beyond doubt.

It is therefore most humbly prayed that the overall assessment of the applicant may kindly be upgraded as an Outstanding Officer.

46. It is humbly submitted that the integrity of the applicant has not been certified because of said false, motivated and mischievous complaint dated 7th March, 2021, which has already been consigned to record without there being any further action after submission of applicant's report dated 21st May, 2021 by the next Hon'ble Administrative Judge and there is no other complaint from any of four Bar Associations of Muzaffarnagar and Shamli or any member of any Bar(s) or any litigant qua judicial work, judicial orders / judgements, impartiality, honesty and integrity of the applicant, **therefore, it is most humbly requested that the integrity of the applicant may kindly be certified.**

That as humbly submitted herein before in this representation, the applicant craves for the kind indulgence of the Hon'ble Court to kindly appreciate the aforesaid facts and circumstances while keeping in view the unblemished and dedicated services rendered by the applicant for this illustrious institution.

It is, therefore, most humbly prayed that applicant's representation may kindly be put up before Hon'ble Court for it's kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of applicant and make applicant's proper assessment :-

(i) by expunging all the adverse remarks recorded by the then Hon'ble Administrative Judge of the Shamli Judgeship in applicant's ACR (Part -2) for the Assessment Year 2020-2021, merely on the basis of an already duly consigned false, baseless, motivated and mischievous complaint dated 7th March, 2021, without there being any further action thereon and

(ii) overall assessment of the applicant may kindly be upgraded to Outstanding and integrity of the applicant may kindly be certified.

The applicant shall remain grateful to the Hon'ble Court for this grace forever.

With profound regards.

Dated : 18th February, 2022

Enclosures : As Above

Yours sincerely,

(Dr. Ajay Kumar - II)
District and Sessions Judge,
Moradabad