

From,

Suvrat Pathak  
Addl. Chief Judicial Magistrate,  
Shikohabad, Firozabad

To,

The Registrar General  
High Court of Judicature at Allahabad

Through,

The District Judge  
Firozabad

**Subject- Representation against the adverse remark by the district judge firozabad against the applicant for the assessment year 2021-22.**

Respected Sir,

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

1. That during the assessment year 2021-22, I was posted as Special Judicial Magistrate CBI in Lucknow judgeship and Civil Judge (Senior Devison) FTC Firozabad, Full Time Secretary DLSA Firozabad and Additional Chief Judicial Magistrate, Shikohabad, Firozabad in Firozabad Judgeship and still posted as Additional Chief Judicial Magistrate, Shikohabad, Firozabad. As in the assessment year the target for me to achieve 1200 units but I submitted my work done 1829.44 units, which shows that i made my full efforts to complete my target.
2. It is to be worth mentioned here that in assessment year 2021-22 net working days were 192 days in the assessment year and approximately five months, the court ran to only urgent work due to covid p endemic.
3. (i) The main annual confidential remark of mine recorded by Shri Sanjeev Fauzdar the then Learned District Judge Firozabad for the assessment year 2021-22 are Integrity beyond doubt, the officer is fair in dealing public and bar, the officer is cool minded and does not lose tempere in court, private character of the officer is not such as to lower in estimation in public and adversely affect the discharge of his official duty, the officers has good control over the office and owns good administrative

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capacity, relation with the members of bar cordial, the officer is punctual and regular in sitting on the dias in court during court hours.

(ii) The only adverse remark recored by the learned District Judge on the point of 1 (f) Wheather Judgement on fact and on law are on the whole sound, well reasond and express is good languae:- average, Marchling of facts average, Appreciation of evidences average, Application of law average and on the point number 4 other remarks if any:- some improvement is required in Judgement writing.

4. That the learned Distict Judge Firozabad has certified my integrity as "Beyond Doubt" and has recorded quite appreciative entries on all points in my ACR for the assessment year 2021-22, except his adverse comment on the quality of my Judgements.

5. (i) That I have attached with my self assessment form the copies of following three Judgements details whereof are as under:-

(a) **Eleven pages** judgement dated 27-01-2022 delivered in criminal case No. 317/2013, Crime No. 397/2009, State Vs Asha Devi and Others, u/s. 380, 411, 454 IPC.

(b) **Seven pages** judgement dated 18-12-2021 delivered in Complaint case No. 1803/2015, Somendra Vs Thakur Bhoori Singh, u/s. 138 NI Act.

(c) **Eleven pages** judgement dated 27-01-2022 delivered in criminal case No. 3108/2010, Crime No. 399/1999, State Vs Navi Chand and Others, u/s. 323,324,325,504 IPC.

5 (ii) That as is evedent form the adverse comments of the Learned District Judge Firozabad on my above Judgements in my ACR as reproduced by me, the learned District Judge has not pointed out as to which material fact, material evidence or the relement law was not taking by me into consideration and not discussed in the above Judgement nor the Learned District Judge has questioned or adversely commented upon the conclusion reached by me in the said Judgements. In the absence of any clear deficiency being mentioned by the Learned District Judge on the point of Marshalling of fact, appreciation of any meterial evidence or non-noticing of any relevent law attractive to the meterial facts and evidence, it in not clear from his said adverse remarks on the quality of the above Judgements of mine has to

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what specific mistake was committed by me in passing the above Judgements.

5 (iii) That it is pertinent to mention here that, during the assessment year, I have passed many orders and judgements in the course of judicial work. But during the assessment year the then Learned District Judge have never gave any suggestion or pointed out shortness in my orders or judgements while these were heard in appeal or revision. During the assessment year, Learned District Judge had never gave any suggestion about marshelling of facts or appreciation of evidences or language of order or judgements.

5 (iv) That I most humbly state here that I had considered every piece of material facts, material evidence and relevant law attractive to the case while passing the said Judgements of mine in the cases metioned above. The said Judgement run into eleven, seven and eleven pages respectively, and are well discussed, speaking Judgements passed after application of Judicial mind to the material facts, material evidence and the relevant law.

6 (i) That as regards the bravity or length and quality of Judgements, the views of the Hon'ble Supreme Court as expressed in the cases reported in **Union of India vs. Essel Mining & Industries Ltd., 2005 (6) SCC 67 and Board of Trustees of Martyrs Memorial Trust and Another Vs. Union of India and Others, (2012) 10 SCC 734** , has observed thus : "writing unnecessarily lengthy judgments than required should be avoided. It is not the number of pages in a judgment but sufficiency of reasons in support of the conclusions arrived at by the judge that is relevant, brevity in judgment writing has not lost its virtue. All long judgments are not great nor are brief judgments always bad. What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration." The three judgments of mine recorded in 11, 7 and 11 pages respectively withstand the above parameters.

(ii) In the case of **Alka Pandey Vs State of U.P. and Others, AIROnline 2020 All 2684** it has been held by Hon'ble High Court of Allahabad that "14. Considering the dictum of the Hon'ble Supreme Court and applying it to the facts of the present case it is apparent that even though in his decision, the Sessions Judge has given adequate reasons for coming to a different conclusion in the criminal appeal, and setting aside the judgment

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of the trial Court, there was no occasion for him to observe that it was not expected of the judicial magistrate to write such a judgment and further that there is further scope of improvement. Though these comments on the face of it do not seem to be adverse but they clearly convey the dissatisfaction and displeasure of the District and Sessions Judge towards the applicant. It has repeatedly been observed by the Supreme Court as well as by this Court that criticism and observations touching upon the judicial officer incorporated in judicial pronouncements have their own infirmities for not only the judicial officers are condemned unheard of the harm caused by such criticism or observations also incapable of being undone. Sobriety, moderation and reserve are the greatest qualities of a judicial officer and he/she should never be divorced from them.”

7. That in view of the facts stated by me in the preceding paragraphs only adverse remarks recorded by the District Judge Ferozabad the quality of my Judgements being contrary to record to not stand and liable to be expunged.

8. It is also most respectfully that, I had decided 136 five year old cases and 50 ten year old cases avoiding unneccary giving shorts dates. Apart from this i disposed 41 contested cases. It become possible even when the maximum period in the assessment year was confined for urgent work only due to covid pendmic.

9. The learned District Judge Ferozabad has certified my integrity beyond doubt and treated me fare in dealing public and bar, and also mention me as the officer owns good administrative quality along with cordal and good relation to the with officers, and also mentioned as officer punctual and estimated me as decent officer towards women.

10. On the ground shown above I most humble submit that the learned District Judge has nowhere estimated me that my work, conduct and behaviour ever remaind unbecoming in all the columns. He has appreciated my honest working as well as admistrative quality. Hence I most humbly pray that Hon'ble court may graciously be pleased to upgrade my overall assessment.

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11. It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the then Hon'ble Administrative Judge of Firozabad Judgeship for his Lordship's kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of mine and make my proper assessment by expunging the said adverse remarks and upgrade my overall assessment recorded by the learned District Judge, Firozabad, in my ACR for the Assessment Year 2021-22. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Yours Sincerely,

25/02/2022  
17/6/2022  
(Suvrat Pathak)

Addl. Chief Judicial Magistrate  
Shikohabad, Firozabad  
ID No.- UP02281