

From,

Shiv Kumar Tiwari  
ADJ FTC(II)  
Kannauj

To,

The Registrar(J)(Confidential)  
High Court of Judicature at Allahabad  
Allahabad.

Through,

The District Judge,  
Kannauj

**Subj. Representation regarding remarks recorded by the then District and Sessions Judge, Kannauj currently posted as Presiding Officer LARA at District Basti in column no.1(e)(iii), column no 02(g),and in column no 4.The applicant most humbly begs to submit,**

Respected Sir,

1. That Applicant has decided 1 special ST(DDA)which was 25year old of the year 1995 and due to clerical error that was not shown in year wise breakup that has been corrected now.
2. That Applicant has decided 2 special ST(DDA)which was 20 year old of the year 2001 and due to clerical error that were not shown in year wise breakup that has been corrected now.
3. That Applicant has decided 1special ST(DDA)which was 10 year old of the year and due to clerical error that not shown in year wise breakup that has been corrected now.
4. That Applicant has decided 1 ST of the year 1988 and 1 ST of the 2012 that were not properly shown now statement has been corrected in that respect.
5. That ,As regarding adequacy of work done is concerned applicant has claimed total work done 1757.26 Units against target 1200 Units. If leave and other non working exempted 180 days would be subtracted from total working days of

365 then working days would be 185 days. After that I have to deduct  $180 \times 3.28$  Units from target which would be 590.4. After subtraction of exempted units 590.4 applicant had to achieve 609.4 Units against days in actual against which I have achieved 1244.06 Units so there is no confusion and repetition of claim in work done.

6. That As mentioned in remark Administrative work and exemption were not correctly matched applicant hereby explains it as total leave and exemption days were 180, So exempted Units were  $180 \times 3.28 = 590.4$

7. That Due to clerical error 39 cases mentioned in disposal column which were to be mentioned in institution column. I am supporting it with annexure No.2

8. That In MACP 19 Cases disposed of on compromise basis in Lok Adalats while 1 case disposed as Contested. The out turn of these cases were claimed as per prescribed units of disposal of MACP cases on Compromise basis or on contested but due to clerical error both were mentioned as disposal on compromise Annexure No.2

9. That applicant has claimed disposal of 13 five year old case in his self assessment column no. 2A(i) which includes 6 Criminal cases of different category which were 5 year old. That 1 civil Misc Appeal which was five year old was decided. It is further very respectfully submitted that 6 other criminal cases which were shown as more than five year old they were actually more than ten years old as they were ten years old they would have been added in five years old also which was clerical mistake under wrongful impression and it has now been corrected. In this regard I am hereby annexing statement Annexure No.3 and Annexure No.4

10. That, applicant has shown 6 cases disposed in the Year which were 10 year old. I had attached the statement in support but that was not correct due to clerical error now it has been corrected so I am attaching statement regarding it Annexure No.4

11. That applicant is attaching with this representation statement reflecting statement of 5 Years and 10 years old cases which reflects disposal also, as annexure

No.3 & 4

12. That, applicant hereby humbly submit that he has not claimed false credit on the above basis by showing high out turn .

13. That, applicant had worked in Additional District and Session Court related to cases Rape and POCSO Act from 01.04.2021 to 10.04.2021. Total no. of Days were 12 against which his out turn was 54.50 units. Three days of leave were exempted so I had to give out turn against 9 days which was  $9 \times 3.28 = 29.52$ . In this Court after including Administrative work credit. I had achieved total 54.50 units . In this respect I had attached statement which I am attaching again with my this request .

14. That As per column no. 4 is concerned Applicant has claimed 1757.26 units against total working days 365(1200units).I have achieved the same as after inclusion of Administrative work done +Judicial work done +Units prescribed for exempted days. If exempted days are being excluded from total days of 365.Then the actual working days remains 185 against which  $185 \times 3.28 = 609.4$  Units desired.

15. That applicant has achieved 1244.06 Units against desired units 609.4 now his total actual judicial work done becomes 437.56 and Administrative work done becomes 719.5 of which detailed statement is here by attached with this representation for kind perusal of the Hon'ble Court Annexure No. 1

16. That applicant has claimed incentives for disposal of old cases but due to clerical error and uploading problem the old cases statement attached were incorrect for which I am seeking unconditional apology and attaching correct statement which clearly show the disposed old cases in year wise break up.

17. Applicant most humbly submits that he had no need at all to show excess work done as he has achieved desired work done but due to clerical error that were not shown properly for which he is regretting . It would not be repeated in future. He is seeking apology for clerical mistakes with folded hands from the Hon'ble Court.

18. That applicant wants to bring in kind notice of the Hon'ble Court that he

joined the judicial in year 2009 and in his entire length of almost 13 years of judicial service, the applicant was neither given any adverse remark by any Respected District Judge nor the applicant had any occasion to represent against any adverse remark earlier. Thus, the service of applicant till date has been unerring and unblemished.

19. Considering my performance during Covid-19 pandemic, it is most humbly submitted that rating of 'Good' is also unfair which may be compared with officers awarded with higher rating.

It is, therefore, most humbly requested to the Hon'ble Court to kindly upgrade over all rating and expunge the remarks given in column no1(e) (iii), column no1(g) and in column no.4 of Assessment year 2021-2022 for which the applicant shall remain highly obliged.

With utmost regards.

Your Faithfully

*Shiv Kumar Tiwari* 13.07.2022  
Shiv Kumar Tiwari

ADJ/ FTC COURT No-II

Kannauj

ID NO. 1646

Annexures:-

Annexures 1- Statement regarding Work done.

Annexures 2- year wise break-up of all type cases pending and decided during assessment year 2021-2022

Annexures 3- year wise break-up of 5 year old cases pending and decided during year 2021-2022

Annexures 4- year wise break-up of 10 year old cases pending and decided during year 2021-2022.