

APPLICATION FOR SELF ASSESSMENT

Case Id : A00005752021 | Old Case Id : 3453

Employee Id : 5734

3 MONTHS COMPLETION

Whether 3 Months are complete for remarks of DISTRICT JUDGE?

Yes

SELF ASSESSMENT FORM PART I

1.	Self Assessment Period	01/04/2020 - 31/03/2021	
2.	Name of the Officer	PRAKASH NATH SRIVASTAVA	
3.	Designation	Addl. District & Sessions Judge	
4.	Date of Joining Service / Length of Service	16/03/1996 (25 Years 0 Months and 22 Days)	
5.	Place of Posting	Bhadohi Posting Details During Self Assessment Period Not Available	
6.	Any other charge held during the financial year	1- Officer In-charge General Administration 2- Chaiman Infra Structure Sub-Committee 3- Chaiman Administrative and Greivance Committee 4- Chairman District Court, Computer, Committee 5- Central Public Infromation Officer 6- Members Select Committee 7- Member SCMS Committee	
7.	Year wise break up of cases	Year wise break year 2020-21	Attachment Available
8.	Courts held during the financial year	ADJ, Court Number 1, Bhadohi	
9.	In how many cases have you framed the issues	08	
10.	In how many cases have you framed the charge	06	
11.	Number of cases in which Judgment not delivered within 15 days of conclusions of argument	Nil	
12.	Percentage of appeals remanded by the officer	Nil	
13.	Inspections	Inspection	Attachment Available
14.	Remarks if any		
15.	Details of the works by the officer	Work Done	Attachment Available
16.	Performance in Lok Adalat	Two Lok Adalat held during Financial Year 2020-2021 but due to spread of covid -19, only 24 Cases in Lok Adalat decided.	

SELF ASSESSMENT FORM PART II

Validity unknown

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1.	Brief description of duties	<p>1- Officer In-charge General Administration</p> <p>2- Chaiman Infra Structure Sub-Committee</p> <p>3- Chaiman Administrative and Greivance Committee</p> <p>4- Chairman District Court, Computer, Committee</p> <p>5- Central Public Infromation Officer</p> <p>6- Members Select Committee</p> <p>7- Member SCMS Committee</p>	
2.	Norms set and achieved in respect of disposal of cases.		
	Target	Achievements	
	100 Unit per Month and thus 1200 Unit target to Achieve in Financial Year 2020-21	1145.76 Units, Due to spread of Covid, Normal functioning of court was stand still. Since 5 June 2020, Only Five courts were allowed to function for urgent matters only. Several time Ho'nble high court issue direction that only cases as the stage of argument be taken up. Production of Under trial accused was held up. Recording of evidence was not possible and in rarest cases permission of District Judge required.	
2A.	Steps taken to dispose of old matters which are more than 5 years old.		Attachment Available
	Target	Achievements	
	Each type of five cases which are five years old have been listed for preferntial disposal. Normal functioning of court started on 05.01.2021 and in quarter ending march trargeted five case per month have been tried to dispose off.	5 Cases which are five year old have been disposed off.	
2A(i).	Pendency of such matters at the commencement of the year.		Attachment Available
	Target	Achievements	
	List Enclosed.	6 Cases.	
2A(ii).	Number of such matters disposed of during the year.		Attachment Available
	Target	Achievements	
	List Enclosed.	6 Cases.	
2B.	Steps taken to dispose of old matters which are more than 10 years old.		
	Target	Achievements	
	In in span of three month of normal functioning targeted to disposed of Five case per month.	12 Cases.	
2B(i).	Pendency of such matters at the commencement of the year.		Attachment Available
	Target	Achievements	

	In in span of three month of normal functioning targeted to disposed of Five case per month.	12 Cases.	
2B(ii).	Number of such matters disposed of during the year.		Attachment Available
	Target	Achievements	
	In in span of three month of normal functioning targeted to disposed of Five case per month.	12 Cases.	
2C.	Steps taken to dispose of cases of persons with more than 65 years of age.		
	Target	Achievements	
	No such Pendecy found.	Nil	
2C(i).	Pendency of such matters at the commencement of the year.		
	Target	Achievements	
	Nil	Nil	
2C(ii).	Number of such matters disposed of during the year.		
	Target	Achievements	
	Nil	Nil	
3.	Please state briefly the shortfalls with reference to the targets / objectives referred to at S. No. 02 above. Please specify constraints, if any, in achieving the targets.		
	Target	Achievements	
	100 Unit per Month and thus 1200 Unit target to Acheive in Financial Year 2020-21.	1145.76 Units, Due to spread of Covid, Normal functioning of court was stand still. Since 5 June 2020, Only Five courts were allowed to function for urgent matters only. Several time Ho'nble high court issue direction that only cases at the stage of argument be taken up. Production of Under trial accused was held up. Recording of evidence was not possible and in rarest cases permission of District Judge required.	
4.	Academic and professional achievements during the year, including degree(s) obtained and/or books/articles published.		
	Target	Achievements	
	Nil	Nil	
5.	Whether attended any workshop, course, programme, etc., organized by Judicial Academy and/or any other organization during the period in question? If so, give details.		
	Target	Achievements	
	One Cluster Training Program by way of Workshop and orientation Course.	One Cluster Training Program by way of Workshop and orientation Course.	
6.	Whether visited Judicial Academy as Faculty Member. If so, give details about the nature of lecture(s) given/topic(s) discussed.		
	Target	Achievements	

No

No

Applying Date

Date

07/04/2021

01-Remarks given by the District Judge regarding:

01 (a).	Integrity of the Officer- whether beyond doubt, doubtful or positively lacking	"Integrity certified" <i>Ashwin 02/01/2021</i>
	Note- If the officer's integrity is doubtful or positively lacking, it may be so stated with all relevant fact, reason(s) & supporting material. <i>Ashwin 02/01/2021</i>	
01 (b).	If he is fair and impartial in dealing with the public and Bar?	No. Details are given in remarks.
01 (c).	If he is cool minded and does not lose temper in court.	Yes
01 (d).	His private character is such as to lower him in the estimation of the public and adversely affects the discharge of his official duties?	No
1 (e).	CONTROL OVER THE FILES IN THE MATTER OF:	
01 (e)(i)(a).	Proper fixation of cause list:	Yes
01 (e)(i)(b).	Whether sufficient number of cases are fixed by him to keep him engaged during full court full court hours?	Yes
01 (e)(ii).	Avoidance of unnecessary adjournments:	Yes
01 (e)(iii).	Disposal of old cases(Give number and year of old cases decided):	Total 18 old cases have been disposed off by the Officer.
01 (e)(iv).	Progress and disposal of execution cases:	01
01 (e)(v).	Whether interim order, injunction being granted, refused or retained for sufficient reasons?	Yes
01 (e)(vi).	Are cases remanded on substantial grounds?	Yes
01 (e)(vii).	Performance with regard to decision of Motor Accident Claims related to death / injury	N.A.
01 (f).	Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language?:	Yes
	Note:- The following factors should also be indicated in filling up this column:	
01 (f)(i).	Marshalling of facts;	Good
01 (f)(ii).	Appreciation of evidences;	Good
01 (f)(iii).	Application of law.	Good
01 (g).	Whether disposal of work is adequate.(Give percentage and reasons for short disposal, if any)	Total 1145.76 units have been achieved by the Officer.
	Note:- The following factors should also be indicated in filling up this column:	
01 (g)(i).	Number of cases decided after actual full contest;	15
01 (g)(ii).	Number of cases decided wherein all witnesses of fact turned hostile and the case ended in acquittal.	NIL
01 (g)(iii).	Number of civil cases decided on compromises / alternate dispute resolution.	NIL

01 (g)(iv).	Number of cases wherein after conclusion of arguments and reserving them for judgment, rehearing was ordered.	NIL
01 (h).	Control over the Office and Administrative capacity and tact:	Though his administrative capacity is excellent, Ashu 02/01/2022 'EXPUNGED'
01 (i).	Relations with members of the Bar(mention incidents, if any):	Cordial relations, Ashu 02/01/2022 'EXPUNGED'
01 (j).	Behavior in relation to brother Officers(mention incidents, if any):	Due to his cliquish activities, a sense of fear prevailed among most of the judicial officers with respect to him.
01 (k).	Whether the officer has made regular inspections of his court and offices in his charge and whether such inspections were full and effective?	Yes
01 (l).	His punctuality and regularity in sitting on the dais in court during court hours?	He is Punctual
01 (m).	Whether amenable to the advice of the District Judge and other superior officers?	He is not amenable to the advice of the District Judge and also factionalized against District Judge along with few members of the Bar as well as officials of the court.
01 (n).	Behaviour towards women(respect and sensitivity exhibited towards them)	Good
2.	Over all assessment of the merit of the officer(Outstanding, Very Good, Good, Average, Poor)	Ashu 02/01/2022 'Good' Ashu 02/01/2022
3.	State of Health, with remarks, if any?	Good
4.	Other remarks, if any:	<p>A complaint case No. 3/2021 under Human Rights Act was filed by Sri Anwar Ahmad & Sri Abdul Kalam, Class IV employee (Sweepers) in the Human Rights Court (Court of A.D.J.-1st, Bhadohi), against Sri Abhinav Yadav, Civil Judge (Sr.Div.), Bhadohi, Sushri Neha Rani, Stenographer, Bhadohi and Sri Sunil Yadav, S.I./Chauki Incharge PS Gyanpur Bhadohi on account of being aggrieved by the mistreatment meted out against them in an enquiry. Since the aforesaid incident was related to a Judicial Officer, Court Staff and a Police Official, it was continuously being monitored by me. Being a Judicial officer & head of the institution, I was trying to resolve the dispute in an impartial and peaceful manner, in collaboration with other Judicial Officers of Bhadohi Judgeship. But Sri P.N. Srivastava, who from the very beginning was trying to establish his dominance over the whole Judgeship, over blew the whole incident. Though, he lacked the jurisdiction to take direct cognizance of complaints filed under Human Rights Act, he instigated the Sweepers and persuaded them to file a complaint under Human Rights Act in his own Court as the jurisdiction of Human Rights Act vested in his own court.</p> <p>On being aware of this fact, I summoned the copy of record pertaining to the aforesaid complaint case No. 03/2021 from Sri P.N. Srivastava, A.D.J. Court No. 1, Bhadohi. In the meantime, it came to my notice that Sri P.N. Srivastava, A.D.J. Court No. 1, Bhadohi was exacerbating the matter for the reasons best known to him. Thereafter, I came to know that Sri P.N. Srivastava was expeditiously proceeding in the aforesaid complaint case.</p> <p>During the proceedings of complaint case, a notice was sent to SHO, Kotwali, Gyanpur by Sri P.N. Srivastava. In this notice he has asked for the PNO No. of Sri Suneel Yadav, who is also accused in the aforementioned complaint. In this notice, he has specifically mentioned that the incident was witnessed by the Reader and Peon of the court. The statements were recorded by Sri P.N. Srivastava in the</p>

aforementioned complaint, but none of the witnesses have testified to witness the incident. Copy of the aforesaid notice was sent by him to I.G. Vindayachal Range; Superintendent of Police, Bhadohi; Chairman, Saphai Karamchari Commission Chairman and a copy was also sent to Human Rights Commission with request to get the matter investigated by Special Investigation Team. A notice was also sent to the A.D.G. Police for transfer of Sri Suneel Yadav to another district. This notice itself indicates his intentions as he has falsely narrated the facts by mentioning that the incident was witnessed by Reader and Peon of the Court. Moreover, there was no occasion for a Presiding Officer who is exercising judicial function, to refer the matter to be investigated by SIT or asking A.D.G. of Police to transfer a Police Officer during a pendency of judicial proceedings.

In the meanwhile, the Complainants moved an application before the concerned Trial/Special Court, Presided by Sri P.N. Srivastava, mentioning therein that Judicial proceeding are complicated and lengthy, in which getting instant justice is not possible. They also mentioned that due to institution of administrative enquiry, they do not want any further action on their complaint and with reserving the right of further action in future, they withdraw their complaint. The Trial Judge i.e. Sri P.N. Srivastava in place of simply allowing the withdrawal application returned the same to the complainant u/s 201 Cr.P.C. with an endorsement to the effect that "....This complaint is returned to complainant to present before the proper court." In this regard it is pertinent to mention here that as per Hon'ble Court's C.L. No. 18/2006/Admin.(A-3) Dated 10.05.2006 regarding functioning of Human Rights Courts "....the special court/designated court cannot take cognizance directly and it can take cognizance only after the cases has been committed to the court of sessions.....". It is relevant to mention here that provisions of section 201 Cr.P.C. applies to the complaint cases lodged before the Magistrate Courts. This section is not applicable if, any such complaint case is lodged before Sessions Court. Yet Sri P.N. Srivastava deliberately exercised the provisions of section 201 Cr.P.C. with an intention to provoke/guide the complainant to file the complaint case in a Magisterial Court, though the complainants have referred in their application that due to institution of administrative enquiry, they do not want any further action on their complaint.

It is very much apparent that the Special Court/Designated Court under Human Rights Act i.e. A.D.J. Court No. 1, Bhadohi lacks the jurisdiction to take cognizance of complaint case under Human Rights act unless it is committed by the Magistrate Court. Besides this Sri P.N. Srivastava, Special Judge/A.D.J. Court No. 1, Bhadohi being well aware of legal process, has deliberately registered the said complaint case under Human Rights Act, has intentionally forwarded the matter to the Human Rights Commission for being investigated the same from SIT, asked the A.D.G. Police for transfer of Police Official and lastly guided the complainant to file the complaint case in the magisterial court and the complainant had done the same by filing a complaint case before the Court of C.J.M. Bhadohi.

On the basis of above mentioned facts, I came to the conclusion that he is not amenable to the advice of the District Judge and also factionalized against District Judge along with few members of the Bar as well as officials of the court. Though, it is difficult to furnish formal proof of his cliquish activities, but during my tenure, I felt that a sense of fear prevailed among most of the judicial officers and officials with respect to him. Copy of the relevant documents pertaining to this matter are annexed herewith for kind perusal of the Hon'ble Court.

5.

Name of the District Judge:

Anil Kumar-X (UP6522)

28.12.2021

Annual remarks recorded by the Administrative Judge/Reviewing and Accepting Authority

Rajan Roy(HON'BLE JUDGE)

I have already decided the officer's representation against the adverse remarks by the district judge. The said order shall form part of me remarks in this ACR.

Overall assessment	Good
Integrity	Certified

Vide order dated 15-07-2022 of Hon'ble Mr. Justice Rajan Roy, the then Administrative Judge, Bhadohi, the remarks in col. no.1(a) "Integrity certified" and col. no.1(h) that **"the Officer utilized his administrative excellence for his own vested interest"** & **"in the absence of any specific details"** in col. no. 1(i) expunged and the observations/adverse remarks of the District Judge in col. nos.1(j),1(m) & 4 are advisory in nature, the same shall not be treated adverse against the officer and grading of the officer as 'Poor' by the District Judge is substituted by the grading 'Good'.

Asmi
22/12/2022
Registrar General