

From,

Pratham Kant,
Additional District & Sessions Judge,
Kanpur Nagar

To

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

Through: The District Judge,
Kanpur Nagar

Subject: **Representation with regard to Annual Confidential Remarks for the year 2022-23 recorded by learned District Judge, Kanpur Nagar.**

Respected Sir,

I have the honour to submit that the Annual Confidential Remarks for the year 2022-23 which was forwarded on 03.05.2023 by the then learned District Judge, Kanpur Nagar. I have gone through the whole Remarks. The remark in Column No. 2 and 4 of my Annual Confidential Remarks for the year 2022-23 appears to be adverse. The remark recorded by the learned District Judge, Kanpur Nagar is as under:-

Column	Remark recorded by Ld. DJ, Kanpur Nagar
2. Overall assessment of the merit of the officer (outstanding, very good, good, average, Poor)	"Good".

Sir, I wish to submit my representation qua the aforesaid remarks as under:

Sir, I had entered into Higher Judicial Service on 19.2.2018 and had been awarded Outstanding in overall assessment for the 2 previous assessment years. During the year under assessment every other aspect of my annual confidential remarks had been found adequate and praise worthy by learned District Judge, Kanpur Nagar except making overall assessment of the merit of the officer as 'Good' mentioned in Column No.2 of the Remarks while in my own estimation I was entitled for award of atleast 'Very Good' entry for the said year for the reasons mentioned below:-

1. That for the year under assessment the required units from judicial and administrative work came to 776.88 units while during the same period I had been able to secure 1734.40 units as mentioned in the self-assessment application. The learned District Judge has reduced about 201 units claimed towards link officer of different Courts. The said 201 units were claimed in accordance with Hon'ble High Court's GL No. 16 /IV-h-14/2018 dated May 31, 2018, G.L No. 11/IV-h-14/2019 dated March 05, 2019, G.L. No. 06/IV-h-14/2021 dated April 06, 2021, G.L. No. 08/IV-h-14/2022 dated May 18, 2022 and G.L. No. 11/IV-h-14/2022 dated August 18, 2022.
2. That from 01.07.2022 to 31.3.2023 I had been assigned job of Officer-in-Charge of Litigation but no units were claimed though 10 units per month is prescribed by aforesaid G.L. No. 11/IV-h-14/2022 dated August 18, 2022 and had also worked Nodal officer, Lok Adalat as well as member of various committees throughout the year. These facts had been overlooked by the learned District Judge while making overall assessment of my performance.

Another remark recorded by learned District Judge, Kanpur Nagar which appears to be adverse is as under:-

Column	Remark recorded by Ld. DJ, Kanpur Nagar
4. Other remarks, if any:	As per the Action Plan the officer was expected to decide 25 oldest Session Trial, 10 oldest Criminal Appeal, 10 oldest Civil Appeal, 10 oldest

Execution Cases, but the officer has decided- 13/25 oldest Session Trial, 5/10 oldest Criminal Appeal, 10/10 oldest Civil Appeal, 14/10 oldest Execution Cases.

As per the Action Plan, the officer has decided less number of Session Trial cases and Criminal Appeal but has decided desired number of Civil Appeal and more Execution Cases. The officer is having experience of only 5 years service and with more effort, could have decided more number of cases.

Sir, the learned District Judge, Kanpur Nagar had in my Annual Confidential Remarks also made remark about disposal of less number of action plan cases. The said entry made in the ACR for the said year is liable to be expunged for the reasons mentioned below:-

1. Sir, in accordance with aforesaid General Letters issued by Hon'ble High Court my performance for the year under assessment was to be evaluated and the performance in Action Plan cases was also to be taken into consideration in terms of DO. No. C-148/CF(B)/2022 dated 26.03.2022 of Hon'ble Court. In respectful submission the performance in action plan cases was one of the criteria and not sole criteria for evaluation of my overall performance. As such the learned District Judge should not have given undue preference only to action plan cases in assessment of my overall performance for the year.
2. Sir, it is further submitted that in my Court out of total 198 cases pending at commencement of the year under assessment while a total of 109 cases were less than 5 years old cases. Even prior to end of the year on 31.03.2023 a total of 96 cases were transferred from my Court. Moreover, in old cases it is difficult to secure presence of the prosecution witnesses on account of transfer and superannuation of formal witnesses. Due to these reasons there was shortfall in disposal of action plan Sessions Trial though a total of 21 Sessions Trial cases were disposed of during the year. These facts were explained in the remarks column of Action plan data uploaded. In addition thereto for brief period of about a month when I was having jurisdiction of offences under UP Gangsters Act, 3 Special Sessions Trials of action plan were also disposed of. This was also brought to the notice of learned District Judge in my Self-Assessment but was overlooked.
3. Similarly, with regard to the Criminal Appeals a total of 13 such appeals were pending at commencement of the year and a total of 11 appeals were less than 5 years old cases. Still, a total of 16 criminal appeals were disposed of during the year inclusive of criminal appeals received during the year and only 2 such appeals more than 5 years old remains pending.
4. Sir, it is further submitted that learned District Judge had also overlooked the fact that the performance for the month of March 2023 was also hampered due to the strike of advocates when old Session Trial cases were kept for disposal and that during the year under assessment a total of 74 contested criminal cases were disposed of exclusive of bail applications while a total of 110 contested civil cases were disposed of by me. Total criminal cases disposal exclusive of bail application was 106 cases while in civil cases it was 188 cases. Thus there is no shortfall from target assigned to me during the year.

Thus in this manner without taking into consideration the units for performance of duties of Officer-in-Charge of Litigation, against the benchmark of 100% my performance for the year under assessment was 223% and therefore in my own assessment, I was entitled for award of atleast entry of 'VERY GOOD' instead of entry of 'GOOD' awarded by learned District Judge in my Annual Confidential Remarks for the year under assessment.

Sir, learned District Judge has found regarding all other aspects found praise worthy. No written or oral complaint had been made, either by the both Bar Associations of Kanpur Nagar, or by any litigant during the year under assessment i.e. 2022-23, even then the learned District Judge, Kanpur Nagar has rated me 'GOOD'.

Due to the above mentioned facts and reasons, the overall assessment recorded by the learned District Judge, Kanpur Nagar in Column No. 2 of my Annual Confidential Remarks for the year 2022-2023 deserves to be upgraded as the Hon'ble Court may think fit and proper.

I, therefore humbly request you to kindly place my representation before the Hon'ble Court/Committee to consider my representation sympathetically and upgrade the remarks recorded in Column No. 2 of my Annual Confidential Remarks as well as expunge the remarks made in the Column No. 4 of my ACR for the year 2022-2023 as the Hon'ble Court may deem fit and proper. I shall be grateful to the Hon'ble Court for its kindness in this regard.

With due respect.

Yours faithfully

Dated: 30.05.2023

(PRATHAM KANT)