

From,

Kurnika Awadh
Additional Chief Judicial Magistrate
Lakhimpur Kheri.

To,

The Registrar General,
High Court of Judicature at
Allahabad.

Through,

The District & Sessions Judge,
Lakhimpur Kheri.

Subject: Representation against the adverse remarks in the Annual Confidential Remarks for the year 2022-2023

Respected Sir,

I have the honour to submit that the remarks recorded by the learned District & Sessions Judge, Lakhimpur Kheri for the year 2022-2023 articulate that some adverse remarks in various columns of the ACR have been recorded, which remarks are extracted below for convenience:

01(e)(iii)	Disposal of old cases (Give number and year of old cases decided)	64 civil cases and 103 criminal cases old more than five years decided by the officer. The officer has disposed 05 civil suits out of 30 civil suits, 01 execution out of 10 executions, 07 criminal trials out of 35 trials from action plan 2022-2023, which is 35% of target. The disposal of action plan cases is not satisfactory. (emphasis supplied)
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01(e)(iv)	Progress and disposal of execution cases:	01 Execution case disposed off by the officer leaving 07 Execution cases undisposed. The performance in disposal of execution cases is poor.
2.	Over all assessment of the merit of the officer (Outstanding, Very Good, Good, Average, Poor)	Good

Being aggrieved and dissatisfied, I crave leave to submit my representation for expunction of the adverse remarks & up-gradation of the overall assessment of the merit *interalia* on following grounds:

- (1) That, the applicant was transferred to Lakhimpur Kheri and was posted as Full Time Secretary, District Legal Services Authority, Lakhimpur Kheri. The applicant, during the period under report, had worked as the Secretary, District Legal Services Authority, Lakhimpur Kheri from 01.04.2022 to 03.07.2022.
- (2) That, during the above period from 01.04.2022 to 03.07.2022 no judicial work was assigned to the applicant herein and she had dedicatedly discharged duties as full time Secretary, District Legal Services Authority, Lakhimpur Kheri.
- (3) That, the applicant had joined as Additional Chief Judicial Magistrate Court no.4, in compliance with Hon'ble Court's Notification dated 03.07.2022 and

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sincerely & devotedly discharged her duties from 04.07.2022 to 31.03.2023.

- (4) That, it shall not be off the cuff to place on record that the applicant, during the period under report had for gripping therapeutic reasons, to remain on medical leave for 76 days during the period from 04.10.2022 to 18.12.2022.
- (5) That, the facts herein above would express that the applicant had worked on judicial side slightly over than six months.
- (6) That, there were only **119 actual working days** during the said actual working period from 04.07.2022 to 31.03.2023.
- (7) That, Applicant, **in regard to the remarks in Column no. 1(e)(iii)**, humbly submit that the action plan required an officer to decide, in one year, from 30 Criminal Cases, and 35 Civil Cases the list of oldest cases, which list was prepared and provided by the then presiding officer of the Court i.e. my predecessor-in -office. It is placed on record that the Court presided over by me had a huge pendency of 11333 Criminal Cases and 573 Civil Cases i.e. 11906 cases in all. The applicant, during the actual working period of 119 days, had decided 05 critically oldest

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Civil Suits of the years 2002 (1 Civil Suit), 2004 (1 Civil Suit), 2005 (1 Civil Suit) and 2007 (2 Civil Suits). Further, 07 critically old Criminal Cases of the years 1980 (one Criminal Case), 1981 (one Criminal Case), 03 critically old Criminal Cases of the years 1990 (Three Criminal Case), 1999 (one Criminal Case), and 2000 (one Criminal Case) were also decided. Still further, one critically old execution case of the year 2009 was also decided. The facts herein would articulate that 13 critically old cases (action plan cases) were decided.

- (8) That, under the year under report, applicant had decided/disposed in all 912 Criminal Cases in various categories from out of total 11333 during the period under report.
- (9) That, under the year under report, applicant had decided/disposed in all 130 Civil Cases of different nature from out of total 573 cases that remained on board during the period under report.
- (10) That, I crave leave to submit hereat also that during the period under report applicant had **decided 38 critically old cases** as depicted below:
 - a) 01 case of the year 1986,
 - b) 01 case of the year 1988,
 - c) 03 cases of the year 1989,
 - d) 02 cases of the year 1990,

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- e) 03 cases of the year 1991,
- f) 01 case of the year 1992,
- g) 01 case of the year 1993,
- h) 01 case of the year 1995
- i) 02 cases of the year 1996
- j) 03 cases of the year 1997,
- k) 02 case of the year 1998,
- l) 06 cases of the year 1999
- m) 01 case of the year 2000,
- n) 01 case of the year 2001,
- o) 02 cases of the year 2002,
- p) 04 cases of the year 2003,
- q) 03 cases of the year 2004,
- r) 01 case of the year 2005,

(11) That, as stated herein before, applicant had to proceed on and avail leave on medical ground during the period for 76 days from 04.10.2022 to 18.12.2022. The long absence due to the lumbar spondylosis (spinal inflammation), which compelled the representationist to complete bed-rest under medical advice, caused total disruption of the diary and general dates, in my absence, were fixed by the reader of the Court seemingly under the instructions of the learned In-charge officer of the Court.

(12) That, applicant had remained posted as full time Secretary, District Legal Services Authority, Lakhimpur Kheri from 01st April, 2022 to 3rd July, 2022, during which period, applicant was assigned the

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work pertaining to Legal Aid and Services to all in the target groups. No judicial work had remained with me during the period of posting as Secretary, District Legal Services Authority, Lakhimpur Kheri.

(13) That, the facts as recorded in 2nd paragraph of the remarks recorded by the learned District Judge in **column no. 01(e)(iv) of the ACR** would show that applicant had decided only 01 out of 10 Execution Cases. The statement showing pendency of 10 execution cases is mistaken. In fact only 07 Execution Cases as indicated in the next Column being column no. 01(e)(iv) of the ACR is correct. It appears that this wide of the mark figure might have prompted the learned District Judge to record the impugned remarks.

(14) That, the details showing disposal of critically old cases during the 119 days' working cycle during the period under report, would articulate that though applicant worked for just half the time of which applicant would have normally worked, all out and dedicated efforts were made by me to dispose of critically old cases on priority. Therefore, the disposal in the light of the dedicated efforts would express that the disposal may possibly not be termed as 'not satisfactory'.

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- (15) That, in if the performance as regards disposal of action cases, is weighed up in the light of the factors that applicant had taken over the charge of office on 04.07.2022, worked till 03-10-2022, proceeded on leave for 76 days due to compelling medical reasons, general dates were fixed in the files on board during the above period of leave from 04-10-2022 to 18.12.2022, would support my request that the disposal of action plan cases was not inadequate.
- (16) That, the **remarks recorded in Column no. 01(e)(iv) of the ACR** would that 'the performance in disposal of execution cases' was 'poor'
- (17) That, during the period under report only 08 Execution cases had remained pending from those 08 cases applicant had disposed of 01 case. Sincere attempt was made to dispose of the rest 07 execution cases. I crave leave to put on record that -
- 17.1- In Execution Case no. 01 of 2018- Rakesh vs Babu Ram, application for attachment was moved against which objections were invited and the matter was pending for disposal of the said application.
- 17.2- In Execution Case no. 02 of 2019- Darshan Singh vs Kedari, objections under Section 47 CPC were filed and also an order was also

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challenged in appeal and the appeal remained pending.

17.3- In Execution Case no 03-Pratima Devi vs Santosh, report of the Sub-registrar for the purpose of stamp duty was required but the report could not be received during the period under report from the authorities due to the election phase.

17.4- The decree holder in Execution Case no. 04 of 2018-Sukhwinder Singh vs Sanjay, both the parties remained absent and failed to take steps as a result process could not be issued. The Court thought it proper to allow time to the decree holder for substantial justice.

17.5- In Execution Case No. 05 of 2019- Shailendra Kumar vs Manmohan an order of the lower Court was called in question in appeal and the appeal had remained pending.

17.6- In Execution Case No. 06 of 2018-Vidhyawati and Manmohan an order of the Court was called in question before Hon'ble High Court and the matter remained pending before Hon'ble High Court for higher consideration.

17.7- The Judgment debtor in Execution Case No. 07 of 2012- Sarla Devi and Lalpati, failed to

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appear for hearing of the objections filed. The Court thought it proper to allow time to the decree holder in the interest of substantial justice between the parties.

- (18) That, the facts in the preceding paragraph would show that the progress and disposal of execution cases was satisfactory and the cases left undisposed could not be decided for sufficient reasons.
- (19) That, the representationist was required to achieve the **target of 391.15 Units**. Nevertheless, the representationist **achieved 1146.72 Units (without Stenographer)**, which is 293% of the total work done during the period under report.
- (20) That, the **applicant herein achieved 166% outturn** in terms of the Circular No. 11/IV-h-14/2022.
- (21) That, the facts hereinabove would express that applicant have decided more than what was expected of me during the year/period under report. This aspect of the matter was duly considered by the learned District Judge and duly reflected in various columns of the ACR,
- (22) That, unnecessary adjournments were avoided by me as has been reported by the learned District Judge in Column No. 01(e)(ii) of the ACR. Further, interim

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orders were passed by me for sufficient reasons as reported by the learned District Judge in Column No. 01(e)(v) of the ACR.

(23) That, 'Very Good' remarks recorded by the learned District Judge in various Columns of the ACR would show that the overall assessment should have been atleast 'Very Good' and not just 'Good'.

Your Honour is being requested to graciously place my representation before the Hon'ble Court for kind and sympathetic consideration, with request to :

- (1) Expunge all the adverse remarks (Particularly in column no-01(e)(iii) and 01(e)(iv) in the ACR for the year 2022-2023, and
- (2) Upgrade the overall assessment from 'Good' to at least 'Very Good' or Upper degree as the Honble Court may think fit so, for this I shall be indebted forever.

Submitted with deep regards.

Yours faithfully,

K Awadh

Kurnika Awadh,

Additional Chief Judicial

Magistrate, Lakhimpur Kheri.

I.D No-UP2300