

Approved		
		Employee No.:-2480
APPLICATION FOR REPRESENTATION AGAINST REMARK		
1.	Representation Case ID	611
2.	JO Code	2480
3.	Officer Name	KHAN ZISHAN MASOOD
4.	Designation	Nyayadhikari, Gram Nyayalaya
5.	Self Assessment	Case Id : A00061772023
6.	Representation Type	Representation against remarks of District Judge
7.	Representation	<p>HOn'ble sir,</p> <p>Attached herein in PDF format is my representation against the remarks and entry awarded by The Respected District Judge, barabanki in ACR 2022-23. Also attached are relevant annexures.</p> <p>I beg Your Kindness to consider the same,expunge all adverse remarks and award me an overall entry commensurate to my work and disposal.</p> <p>I shall be obliged for life.</p> <p>Thanks</p>

ATTACHMENT	
Attachment	Uploading Date
Complaint against District Judge	18/07/2023
Action Plan Directions to consider in ACR	19/07/2023
Daily Sitting register countersigned By District judge proving punctuality	19/07/2023
explanation to Flrst notice of surprise inspection	19/07/2023
Second explanation to second notice of surprise inspection	19/07/2023
Approved CL	19/07/2023
order refusing to provide copies	19/07/2023
first and last page (Voluminous) of annual inspection made by ADJ 2nd on behalf of District Judge	19/07/2023
Medical papers dated 02.09.22	19/07/2023
Representation	19/07/2023
other circulars that require consideration	19/07/2023
*Red background attachments are uploaded in return of objection.	

Final status of the application

Approved

Perused the adverse remarks given by the District Judge, Barabanki and the representation dated 18.07.2023 of Sri Khan Zishan Masood, Nyayadhikari, Sirauli Gauspur, Barabanki against the said remarks.

The adverse remarks occurring in Column Nos. 1(a), 1(b), 1(d), 1(e)(i)(a), 1(e)(i)(b), 1(g), 1(h), 1(j), 1(l), 1(m), 2 and 4 read as under:

01(a). Integrity of the Officer—whether beyond doubt, doubtful or positively lacking Note—If the officer’s integrity is doubtful or positively lacking, it may be so stated with all relevant fact, reasons(s) & supporting material.	Doubtful
01(b) If he is fair and impartial in dealing with the public and Bar?	He is not fair and impartial.
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?	There are some oral complaints that the Officer has local interest to the local persons.
01(e)(i)(a). Proper fixation of cause list:	Cases were not properly fixed in the Court. Copy of Surprise Inspection made on dated 03.09.2022 is attached.
01(e)(i)(b). Whether sufficient number of cases are fixed by him to keep him engaged during full court full court hours?	No

01(g) Whether disposal of work is adequate. (Give percentage and reasons for short disposal, if any)

No short fall of unit.

As per list of Action Plan Cases, Officer has not achieved required target.

As per the year wise break-up to the Court of Civil Judge (Jr. Div.), Court No. 13, Barabanki for the period 01.04.2022 to 04.07.2022 furnished by the P.O., only 03 Regular Suit Decided by the Officer concerned after full trial against 5230 pending Cases. P.O. has decided 03 Execution Cases after full trial against 89 pending Execution Cases. No S.C.C. Suit or S.C.C. Execution Case was decided by the P.O. during the said period.

As per the year wise break-up to the Court of Gram Nyayalaya, Sirauli Gauspur Barabanki for the period 05.07.2022 to 31.03.2023 furnished by the P.O., he has decided 15 Regular Suit after full trial against 385 pending cases and only 01 Regular Execution decided against 03 pending Execution Cases.

As per the year wise break-up to the Court of Gram Nyayalaya, Sirauli Gauspur Barabanki for the period 05.07.2022 to 31.03.2023 furnished by the P.O., only 04 Criminal Cases decided after full trial against the 1041 pending cases.

01(h). Control over the Office and Administrative capacity and tact:	Officer has no effective control over his office. During the Surprise Inspection dated 03.09.2022, the records of pending cases were found undated in the chamber of Presiding Officer. In several cases date was not properly fixed. Although Presiding Officer was not present at the time of Surprise Inspection on dated 03.09.2022, when he came to know about Surprise Inspection, he moved application for Casual Leave at 01.00 P.M. on the ground of illness.
01(j). Behavior in relation to brother Officers (mention incidents, if any):	Not Good.
01(l). His punctuality and regularity in sitting on the dais in court during court hours?	He is not punctual and regular in sitting on dais in the court.
01(m). Whether amenable to the advice of the District Judge and other superior officers?	Officer is not amenable to the advise of District Judge and working arbitrarily and insubordination.
2. Overall assessment of the merit of the officer. (Outstanding, Very Good, Good, Average, Poor)	Poor
4. Other Remarks, if any:	The Conduct of Judicial Officer namely Sri Khan Zisan Masood is not up to the mark. He is working arbitrarily and insubordination. The Officer concerned along with other Judicial Officer namely Ms. Arpita Sahu formed Group and try to vitiate the condusive atmosphere of the Court. Officer has no effective control over his office. There are some oral complaints that officer has local interest and deeply associated with some local persons.

Against the aforesaid remarks a representation has been made by the officer concerned to expunge the said remarks. In the representation the officer concerned has given para-wise explanation of the remarks given to him.

Against the remark in Column- 01(a), the officer concerned submitted that no material whatsoever has been provided in support of the same nor any reason or fact has been stated therein. The entry is unsupported by facts or reasons and is tainted with malafide.

Against the remark in Column- 01(b), the officer concerned submitted that the aforesaid remark is made without any basis as the District Judge has not communicated to him any complaint whether 'oral' or 'written' in respect of the entry and in the ACR he has not disclosed the cases in which he was partial or unfair. The entry is not supported by facts or reasons and is due to malafide. He always acted with utmost impartiality and fairness.

Insofar as remarks given in Column- 01(d), the officer concerned submitted that the District Judge has not communicated to him any complaint whether 'oral' or 'written' in respect of this entry, nor he has disclosed in the A.C.R. as to what those 'oral complaint' are, who made them and what it relates to; who are the 'local persons' referred to and what are his local interests. He further submitted that he has no relative, business, property or anything remotely connected at district Barabanki. The entry is unsupported by facts or reasons and is tainted with malafide.

With regard to entry in Column- 1(e)(i)(a), the officer concerned submitted that all the cases were properly fixed; he had explained to the District Judge that there was pendency of about 250 civil files only, as it was a newly created court, and had requested for transfer of more files from time to time. He further submitted that in his court allotment of Assistant Prosecution Officer (APO) was only for Tuesday, due to this the criminal cases were fixed for Tuesdays only; he had written to the authorities for appointment of regular A.P.O.. The said application remained pending. He submitted that since it was a newly established outline court, most of the counsel practiced at Headquarters and they came only on Wednesday and Friday and therefore, cause lists of the two days contained more cases as compared to other dates. Proper dates were fixed in the cases

considering the nature, distance and place of Gram Nyayalaya. There had been no complaint from the Bar or litigants that the cases were not being fixed in a proper manner. In the annual inspection made by the District Judge on 24.02.2022 there was no mention of improper fixation of dates in cases; and after that no notice was communicated that District Judge was not satisfied with the reply.

With respect to entry in Column- 1(e)(i)(b), though the officer has not given any explanation, but this entry is covered by the explanation given in respect of entry in Column- 1(e)(i)(a).

As regards entry in Column- 1(g), the officer has not submitted any explanation but it is covered in the explanation given in respect of entry in Column- 01(e) (iii). He submitted that the District Judge deliberately made misleading calculations in showing the computation of work. There was no pro rata disposal targets under action plan as per the directions of the High Court. The District Judge deliberately made misleading entries.

Against the remark in Column -1(h), the officer concerned submitted that aforesaid remark has been made without any basis. In the annual inspection made by the District Judge on 24.02.2022, he had mentioned that all the works were carried out and the office was running smoothly. As regards remark in the surprise inspection note dated 03.09.2022, the officer submitted that no case was placed undated. This remark was made malafidely. The order-sheets were maintained, they were duly forwarded in the register and the fixed dates were properly noted on the order sheets by the parties.

As regards his absence on 03.09.2022, the officer submitted that surprise inspection began at 02.00 p.m. and he applied for casual leave (CL) before that, which according to District Judge was at 01.00 p.m. The suit clerk had informed the office about his C.L. in the morning itself. All works were transferred to Link Officer and no work suffered. The absence was not without leave or information. He had duly applied for C.L., which was duly approved.

With regard to entry in Column- 1(j), the officer submitted that he has extremely cordial relations with all the officers at station. The District Judge had not

communicated to him any complaint whether 'oral' or 'written' in respect of the aforesaid entry. The said entry is without any basis.

As against entry in Column- 1(l), the officer concerned submitted that the District Judge has countersigned his 'daily sitting register' regularly, he had not made a single 'red remark' on the register to indicate that he was ever late. He was not communicated any complaint either written or oral nor was informed the date on which he was found late. The copies of the surprise inspection notes of the year 2022 were not provided to him and were refused by the District Judge.

Insofar as entry in Column- 1(m), the officer submitted that the District Judge has not mentioned as to what advice he had not abided by; as to in which case or matter he had acted arbitrarily; and, as to which of his actions had constituted insubordination in his opinion. The District Judge had not revealed any fact or incident related to this entry.

As against entry in Column- 2, the officer has submitted that in the previous years he was rated 'Very Good' or 'Good' and was never assessed 'Poor'. The overall assessment has been made without any objective consideration of his work. He had completed Two Action Plans simultaneously well within time. He had disposed of 63 action plan files which is the highest in the district. The High Court had mandated to consider the completion of action plans in ACR but the District Judge failed to do so. During the tenure as Civil Judge (J.D.), Court No. 13, Barabanki for the period from 01.04.2022 to 04.07.2022, the civil work remained suspended for the entire month of June. He remained on earned leave for 12 days, even then he decided 3 executions, 3 regular suits and disposed of 248 other files. In his representation the Officer has tried to emphasize that he has decided sufficient and adequate number of cases in the Gram Nyayalaya and in Lok Adalat that too when he was not provided with a Stenographer.

Against the entry in Column- 4, the officer submitted that most of the remarks under this column have been explained in reply to the other entries mentioned above. It has not been disclosed by the District Judge the desired parameters. The District Judge has not communicated him any shortcoming or advice or censure or dissatisfaction in the assessment year nor had given him audience. He further submitted that the

reference of name of Ms. Arpita Sahu, a judicial officer, in his A.C.R. is with deep malice. He had helped the said judicial officer in drafting her complaint against the District Judge. It is not a result of any conspiracy. He had advised her to raise the matter before the High Court also.

Along with the annual remarks given by the District Judge, self-assessment form of the Representing Officer has also been appended.

Considering the explanation offered by the officer and the fact that no reason and supporting material was furnished by the District Judge, the adverse remarks contained in Column Nos. 1(a), 1(b), 1(d), 1(g) and 1(j) are expunged. However, insofar as entries in Column Nos. 1(e)(i)(a), 1(e)(i)(b), 1(h), 1(l), 1(m) and 4 are concerned, it needs to be mentioned that the District Judge conducted a surprise inspection of the Gram Nyayalaya at Sirauli Gauspur, Barabanki on 03.09.2022 at 02.00 p.m.. The Presiding Officer was not present at that time. The casual leave of the officer was admittedly sent at 01.00 p.m.. No information with regard to absence of the Presiding Officer was sent to the office of the District Judge before 01.00 p.m. The District Judge, when left the headquarters, was not aware about the leave of the officer. The concerned court was about 30-35 kms. from the headquarters. Only after his arrival at the concerned station, the District Judge came to know about the leave and thereafter the work was transferred to the Link Court. In my opinion, an officer is expected to inform the District Judge or the office headquarters about his absence before the court starts to function, so that the work may be transferred to the Link Court. The record does not reflect that the District Judge or the office of the District Judge was informed before 10.00 a.m.. No material is available on the record to show that the litigants or the advocates were informed at 10.00 a.m. that the work of the court has been transferred to link court. Non-observance of discipline in such matters tends to lower the image of the judiciary. The said action of the officer cannot be appreciated.

It also needs to be mentioned here that the officer has admitted the fact that he helped an officer in drafting her complaints against the District Judge.

The inspection note of the District Judge contains specific details of the files inspected by him. It is self-explanatory. It also needs to be noticed that the officer has alleged malafides against the District Judge in his representation. In that regard the officer has not cited any material or information or basis to justify such allegation. As such, there is no reason to take a different view with regard to such remarks of the District Judge. Therefore, such entries are maintained.

Though the Integrity of the officer is 'certified', on overall assessment, he is rated as 'poor' officer.

Accordingly, the representation stands disposed of.

HON'BLE JUDGE VIVEK VARMA (18/09/2023 17:28)