

From, Kurnika Awadh  
Addi.Civil Judge(S.D)/ACJM  
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 2023-2024.

Respected Sir,

I have the honor to submit that the remarks recorded by the learned District & Sessions Judge, Lakhimpur Kheri for the year 2023-2024 articulate that some adverse remarks in various columns of the Annual Confidential Report have been recorded, which remarks are extracted below for convenience:

<b>Column no-01(f)</b>	Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language?:	Yes, the Judgments of officer on facts and on law are on whole sound, well reasoned but the expression in judgement must be in indirect speech while the officer has used direct speech so the language of judgment is not too good.
<b>Column no-01(j)</b>	Behavior in relation to sister/brother Officers(mention incidents, if any):	There is lack of co-operation to brother/sister officers in the officer.
<b>Column no-01(l)</b>	Her /His punctuality and regularity in sitting on the dias in court during cours?	Yes, the officer is <b>almost</b> punctual in sitting on dais in court during court hours

*K Awadh*

Column no- 04	Other remarks, if any:	The officer has not fully co-operated in disposal off criminal cases of prior than 2000( <b>emphasis supplied</b> )
Coulmn no- 02	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, I, in regard to the **remarks given in Column no. 1(f) that is related to** “the Judgments of officer on facts and law are whole sound, well reasoned but the expression in judgment is not too good”-For this, I humbly submit to the Court, that I have used direct speech rather indirect speech while appreciating the chief and cross evidence in my judgment. For writing a good judgment, I have read several article/Reading material on judgment writing wherein it has been expressly said that judgment should be written in easy and simple language, which can communicate immediately and faster. Also Its always been said to not to use terminology which is unfamiliar and irritated while writing the judgment. Use of simple verbs and keeping them as close to the subject which they refer is always been suggested. For this, there are several **rulings of Hon’ble High Court wherein it was held that the judgment must be expressed in simple language so that the common man can understand the same in easy way. It should not be Hyper Technical.** Further to submit that,during the training period at J.T.R.I,Lucknow the Senior Judicial officer trained the trainee officer that Judgment should be in Simple Language and I have read the material which is also available in Brocher of JTRI I.e “Skill of Judgement writing” written by Hon’ble Justice Devendra Kumar Upadhyay at J.T.R.I website dated 14.05.2003.Therefore considering the ruling, article and



material supplied from JTRI I have tried and opt to keep the language of the judgment in most easy, direct and simple language. As it is also said by many eminent Jurists and Honorable Justices that Plainly spoken judgment quickly reveals the mind of the judge and the exposition of the legal reasoning he/she propounds in rather convincing manner and that's why proper care has been taken by me to correctly spell proper nouns, names of the persons and places in the same manner throughout the judgment. Therefore the **remarks given by Ld. District Judge in column 01(f) required consideration and should be expunged to the extent of "language used is not too good"** as the overall judgment was found by Ld D) to be well sound and well reasoned .

(2) That, I, in regard to the remarks given in **Column no.01(j) which related to lack of co-operation to brother/sister officers** - For this, it is to submit that by reading the Annual confidential report's **Column no.01(n)** wherein remarks given by Ld. District Judge has himself clearly mentioned that the **"officer being lady herself is sensitive and also her behavior with officer was said to be respectful"**, therefore the remarks given in column no.01(j) i.e lack of co-operation to brother/sister officers required the Hon'ble court consideration and attention also as no Brother or Sister officer in work station have made any complaint against me nor any such incident have been reported by any officer for my non-cooperative behavior. In fact I was always ready and proper in time to co-operate with fellow officers whenever Judicial work were in questions. Hence **this remarks should be expunged.**

(3) That, in regard to the **remarks in Column no.01(l) remarks that related to the officer is Almost Punctual** in sitting on dais during court hours is also not correct. For this, it is to submit, that During the assessment year 2023-2024 I have been regularly found on dais doing my court work during court hours. Even on any Surprise Inspection/ Round that was taken by the Ld. District Judge, I was found to be working on Dias (Annexed inspection order dated 03.01.2024). It is to further further submit that there were no adverse remarks that have been mentioned in any ways against me during the assessment year that could brought me under the



category of 'almost punctual' in holding dais during the Court hours. For the reference daily sitting of representationist with self-attested copy is also being annexed. Therefore Ld. District Judge which remarks as applicant to the extent of Almost Punctual is required Consideration and Hence **this remarks should be expunged..**

(4) That, I, in regard to the remarks given in **Column no.04 remarks** that the officer has not fully co-operated in disposal off criminal cases prior to 2000 **(emphasis supplied) required consideration** -For this, it is to be placed on record that the Court presided over by me had a huge pendency of 16,774 Criminal Cases, including 388 Civil Cases i.e. Overall total pendency in ACJM-4 court was 17,162 cases and out of this , it is pertinent to note that there were approx 660 criminal files pending prior to year 2000 in this court and there was also unequal distribution of old criminal cases at the Magistrate level, due to which this court was remain overburdened. Despite this, there were huge disposal of around 3398 criminal cases (include both contested and uncontested cases) done by me in the whole assessment year, thereby making the closing balance of criminal cases number that is reduced to 12381 (after including contested, uncontested, transfer cri.cases and Institution of criminal cases as well). Apart from this all, I have decided 207 Old criminal cases prior to year 2000 of various categories during the actual working period of 244 days in assessment year 2023-24.

(5) That, I crave leave to submit here at also that during the period under report I had decided **169 critically old cases** as depicted below:

- a) **02 case of the year 1977,**
- b) **01 case of the year 1978,**
- c) **01 case of the year 1979**
- d) **01 case of the year 1980**
- e) **02 case of the year 1985**
- f) **02 case of the year 1987**
- g) **06 case of the year 1988**
- h) **01 case of the year 1990,**



- i) 01 cases of the year 1991,
- j) 10 cases of the year 1992,
- k) **13 cases of the year 1993,**
- l) 07 cases of the year 1994,
- m) 08 cases of the year 1995
- n) **24 cases of the year 1996**
- o) **13 cases of the year 1997,**
- p) **31 cases of the year 1998,**
- q) **22 cases of the year 1999**
- r) **24 case of the year 2000,**

That, the above details showing the disposal of total **169 critically old cases (fully contested 107 and otherwise disposed were 62 that is annexed with this) have actually helps in actual reduction** of criminal cases that were pending since 30 to 40 years in this court. Further to submit that the entire disposal of 207 oldest criminal cases were belongs to those cases that were pending prior to year 2000 and were disposed off by me during the actual working days(244 days) of assessment year 2023-24. In addition to this, the overall disposal data and rate of opening and closing balance of cases during the period under report, would itself articulate that I have worked most of the time, by prioritizing to all oldest criminal files, which were pending prior to 2000 years by giving short dates, keeping close eye to each files so that their earliest disposal could be done, all these constant efforts of me on regular basis have consequentially reduced the huge pendency of oldest criminal cases files from 660 to 491. Its is also pertinent to note here that, I have disposed off 169 critically old cases mainly of Year 1977,1978,1979,1980 which were extensively monitored by Hon'ble High Court through Video Conferencing meeting held in this regards (Disposal data annexed with ACR). Therefore, the details showing the above were of disposal of critically old cases pending Prior to year 2000 and the overall reduction of pendency of both civil and criminal cases during the 244 days' working cycle during the period under report was done in the light of the dedicated efforts would express that the disposal may possibly not be termed as 'not co-operated in



disposal of cases prior to year 2000' as the Ld. District Judge has not taken into consideration and efforts taken by me to those all total 169 Criminal cases which were pending in court prior to year 2000 which were disposed by me. Hence the remarks recorded by Ld. District Judge in **Column no.04 as other remarks requires consideration of This Hon'ble court to expunge it.**

(1) That, I, in regard to remarks recorded in column no 02 which relates to the Overall assessment to "Good" -for this, it is to submit that, the Representationist was required to achieve the target of 799.84 Units in the assessment year 2023-24. **Nevertheless, the representationist was successful in achieving 1882.71 Units, which is upto 235.38% of the total work done during the period** under report as duly recorded by Ld. District Judge in column no 01(g).

(2) That, the Representationist in terms of the **General/Circular No. 11/IV-h-14/2022, dated August 18,2022** was required to achieve 399.97 units only in the assessment year 2023-24. Nevertheless, **the representationist have achieved 885.31 Units from Final Disposal of cases that resulted in actual pendency reduction of cases pending before this court, which is about 221.37% of the quantum of work/out turn achieved during the period** under report as duly recorded by Ld. District Judge in column no 01(g).

(3) That, the facts herein above would express that I 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 Annual Confidential Report as mentioned above.

(4) That, the unnecessary adjournments were avoided by me as has been duly reported by the learned District Judge in Column No. 01(e)(ii) of the ACR. Further, interim orders were passed by me for sufficient reasons as reported by the Ld. District Judge in Column No. 01(e)(v) of the ACR.

(5) That, the above mentioned quantum of works and the units achieved by Representationist were duly considered, remarked and recorded by the learned District Judge in various Columns of the Annual

*K. S. S. S.*

Confidential Report would show that the overall assessment should have been at least 'Very Good' or 'to upper grade' 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(f) and column no 04) in the Annual Confidential Report for the year 2023-2024, and
- (2) To **Upgrade** the overall assessment from 'Good' to at least 'Very Good' or to upper grade as the Hon'ble Court may think fit so, for this I shall be indebted forever.

Date-07.06.2024

Enclsd: as above

Yours faithfully,



Kurnika Awadh

Addi.Civil Judge(S.D)/ACJM-4

UP-2300