

From,
Vijay Shankar Gautam
Civil Judge (Junior Division)
Outlined Court Charkhari District Mahoba.

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

Through,
Respected District Judge
District Mahoba

Subject: Submission of representation against certain adverse remarks recorded by the respected District Judge, Bareilly against the applicant for the Assessment Year 2023-24.

Respected Sir,

I most respectfully beg to submit my representation on the subject noted above as under;

1. That during the Assessment Year 2023-24, I was posted as Civil Judge (Junior Division) in the Outlined Court Baheri, District Bareilly and now I am posted as Civil Judge (Junior Division) in the Outlined Court , Charkhari, District Mahoba .

2. The main Annual Confidential Remarks of mine recorded by the respected District Judge, Bareilly, for the Assessment Year 2023-24 are ;

“01(a). Integrity of the Officer- whether beyond doubt, doubtful or positively lacking- Beyond Doubt.

01(b). If she/he is fair and impartial in dealing with the public and Bar- Yes.

01(c). If she/he is cool minded and does not lose temper in court-Yes.

01(d). Her/His private character is such as to lower her/him in the estimation of the public and adversely affects the discharge of her/his official duties- No Complaint.

01(e)(i)(a). Proper fixation of cause list- Cause list Properly Fixed.

01(e)(i)(b). Whether sufficient number of cases are fixed by her/him to keep her/him engaged during full court full court hours- Yes.

01(e)(ii). Avoidance of unnecessary adjournments-Yes, Avoids Unnecessary Adjournments.

01(e)(iii). Disposal of old cases(Give number and year of old cases decided)- Total Number Of Cases Disposed Of More Than 5 Years Old:173, Total Number Of Cases Disposed Of More Than 10 Years Old: 36,

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, Orders made according to law on sufficient grounds.

01(e)(vi). Are cases remanded on substantial grounds- Nil,

- 01(e)(vii). Performance with regard to decision of Motor Accident Claims related to death / injury-NA,
- 01(f). Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language-Yes, In the judgments, marshalling of facts & appreciation of evidence are made properly with proper application of law.
- 01 (f)(i). Marshaling of facts-Yes,
- 01 (f)(ii). Appreciation of evidences- Yes,
- 01(f)(iii). Application of law-Yes,
- 01(f)(iv). Judgment/order writing capability: (Please comment on the quality of the passing writing Judgment/Order) (Category in which the Judgments are to be placed, viz. A - Outstanding, A - Very Good, B - Good, B - Average / satisfactory, C Below Average) – B-Average,
- 01(g). Whether disposal of work is adequate.(Give percentage and reasons for short disposal, if any)- Yes, Actual Units Required : 760.48 Units. Actual Units Achieved : 1573.40 Units.(Stenographer Provided).
- 01(g)(i). Number of cases decided after actual full contest- 37.
- 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-Good,
- 01(i). Relations with members of the Bar(mention incidents, if any)-Good,
- 01(j). Behavior in relation to sister/brother Officers (mention incidents, if any)- Good,
- 01(k). Whether the officer has made regular inspections of her/his court and offices in her/his charge and whether such inspections were full and effective- yes,
- 01(l). Her/His punctuality and regularity in sitting on the dais in court during court hours- Punctual & Regular,
- 01(m). Whether amenable to the advice of the District Judge and other superior officers-No,
- 01(n). Behavior towards women(respect and sensitivity exhibited towards them)- Cordial,
2. Over all assessment of the merit of the officer (Outstanding, Very Good, Good, Average, Poor) – Average,
3. State of Health, with remarks, if any-Good,
4. Other remarks, if any-Good.”

The respected District Judge has given overall assessment as “average” and adverse remarks recorded by the respected District Judge against me are on the point of (i) quality of judgments; and (ii) amenability to the advice of the District Judge &

other superior officers during the Assessment Year 2023-2024. Which I beg to explain in the following paragraphs.

3. I had submitted, alongwith my Self Assessment Form, copies of five judgments details given as below;

(i) Delivered on 19.03.2024 in Original Suit No. 11/2009 Balak Ram etc. vs Mahendra Pal etc. wherein the suit is dismissed against Defendants on merits.

(ii) Delivered on 14.03.2024 in criminal case no.1446/2008, case crime no. 312/2008, State vs Sundar Lal etc. u/s 323, 324, 504 I.P.C. wherein the two accused persons namely Sunder Lal and Rajeev were convicted for the offence u/s 323, 324,504 I.P.C.

(iii) Delivered on 29.02.2024 in criminal case no. 1329/2022, case crime no.536/2020, State Vs. Kuldeep etc. u/s 452, 323, 504, 506 I.P.C. wherein the four accused persons namely Kuldeep, Nain Singh, Mangal and Bhageerath were acquitted of the said offences

(iv) Delivered on 28.03.2024 in criminal case no. 1750/2017, case crime no. 93/2017, State Vs. Pratap Singh etc. u/s 498A, 323, 504, 494 I.P.C. and u/s. 3/4 D.P. Act wherein the two accused persons namely Pratap Singh, and Deena Nath were acquitted of the said offences.

(v) Delivered on 06.02.2024 in complaint case no. 1295/2018, Yogendra Kumar Vs. Hori Lal etc. u/s 323,506,452,379 I.P.C. wherein the six accused persons namely Hori Lal, Tularam, Naresh, Suresh, Narendra and Munendra were acquitted of the said offences after proper marshalling of facts, appreciation of evidence led and the law attracted thereto.

Without pointing out any specific shortcoming and lapse in the judgments mentioned above, the respected District Judge has, in column no. 01(f)(iv) of my ACR, opined that *Judgment/Order Writing capability is "B-Average"*. the respected District Judge, himself has opined in column no.1(f) that *"whether Judgement on facts and on law are on the whole sound, well reasoned and expressed in good language- yes,in the judgments, marshalling of facts & appreciation of evidence are made properly with proper application of law."*As is clearly visible from the above observation of the respected District Judge that the said judgments delivered by me were whole sound, well reasoned and expressed in good language and marshalling of facts & appreciation of evidence were made properly with proper application of law as acknowledged by the respected District Judge himself. It is most humbly submitted that the said judgments are not only well reasoned and expressed in good language but have been passed after proper marshalling of material facts, appreciation of evidence on record and the law attracted thereto. There has never been any complaint by any of the parties or their counsel or by anybody else against the said judgments till date.

I am annexing herewith the copies of the five judgments mentioned above as Annexure No. A,B,C,D & E for kind perusal and assessment by the Hon'ble Court.

4. The second adverse remark by the respected District Judge in my ACR relates to the Amenability to the advice of the District Judge & other superior officers. Without pointing out any specific reason, the respected District Judge has, in column no.1(m) of my ACR, opined that "Amenable to the advice of the District Judge & other superior officers- No."

It is humbly stated here that the respected District Judge himself has recorded in the column No. 1(i), 1(j),1(n) of my ACR that "my relations with members of the Bar is Good, Behaviour in relation to Sister/brother officers is Good and Behaviour towards women is Cordial" and in the column no.1(h) & 1(k) of my ACR the respected District Judge has also recorded that "my control over the office and administrative capacity and tact is Good, I did regular inspection of the court and offices and such inspections were full and effective and the respected District Judge himself has also opined in the column no. 1(l) of my ACR that "I was Punctual & regular in sitting on dias in court during court hours". In the column no.1(g) of my ACR the respected District Judge himself has recorded that "my disposal of work is adequate-yes, actual units required:760.48 units and actual units achieve by me is 1573.40 units." My workdone is 206.89% of actual required units.

5. It is also submitted that I had neither got any Notice nor any D.O. from the learned District Judge for the non compliance of any legal, judicial or any administrative order during the whole assessment year 2023-2024. I had neither got any notice or D.O. nor face any complaint for non compliance of any legal or judicial order from the any of the learned superior officer also. I had always follow all the legal, judicial and administrative orders of the respected District Judge and respected superior officers and had always been amenable & eager to follow all the legal orders in letter and sprite without any delay.

6. That I have so far served for nearly 4 & ½ years in district judiciary and have got appreciated service record and have never earned any displeasure from any of my respected District Judges or from the Hon'ble Court.

7. It is, therefore, most humbly prayed that your goodself may kindly place this representation before the Hon'ble Administrative Judge of district Bareilly Judgeship for his lordship's kind consideration. It is further respectfully prayed that the Hon'ble Court may be pleased to kindly consider this representation and make my proper assessment by expunging the said adverse remarks recorded by the respected District Judge, Bareilly, in my ACR for the Assessment Year 2023-24. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Dated: June 29, 2024
Annexures : As above

Yours faithfully
Vijay Shankar Gautam
29.06.2024
(Vijay Shankar Gautam)
Civil Judge (Junior Division)
Outlined Court Charkhari District Mahoba