

From:

Vikas Gupta

Additional District & Session Judge Court No. 22/

Special Court (N.D.P.S. Act)

Kanpur Nagar.

To,

The Registrar General

Hon'ble High Court Judicature at Allahabad

Allahabad.

Through,

The District Judge

Kanpur Nagar.

Subject- Representation to expunge remarks awarded by the Id. District Judge in column no. 1 (f) [iii] and 01 (k) and up-gradation of annual confidential remarks for the year 2019-2020.

Respected Sir,

Most respectfully, I beg to state that I am posted as Additional District & Session Judge in Kanpur Nagar and during the assessment period I hold courts of Fast Track Court (Crime against women) and Addl. District & Session Judge, Court No. 09 in the judgeship.

This is with reference to the annual remarks given by respected District Judge Kanpur Nagar, on my self assessment for the year 2019-2020 which I came to know through E-Services portal. In this regard, it is very humbly submitted as follows:

1. That during the assessment period under assessment, I have decided **121 cases on actual contest.**

2. That I have decided **one case pertaining to 1989** and total **36 cases of more than 10 years old.** I also decided **85 cases** which were more than **5 years old.** Besides this I have also decided almost all types of cases pending in the court particularly the cases related to the under trial prisoners and women.

3. That I have decided 11 execution cases during the year under assessment with 5 execution cases in full satisfaction and 6 otherwise.

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4. That I have been awarded positive remarks on all parameters in the assessment by respected District Judge.

5. That in para 1[f] of the remarks of respected District Judge, the judgments of the undersigned were found "**on facts and on law are on the whole sound, well reasoned and expressed in good language**". The respected District Judge has himself remarked to this as "**Yes**".

6. However following remarks are given in para:

1(f)[i]— Marshalling of facts-- Good

1(f)[ii]— Appreciation of evidence- Good

1(f)[iii]— Application of law - **Satisfactory**

7. That it has come to my knowledge that the remark "**satisfactory**" in col.no. 1(f)[iii] may have repercussions in my future promotions / endeavours. Since the respected District Judge has himself remarked that my judgments on facts & law are as a whole sound, well reasoned and expressed in good language, the writing of "**satisfactory**" in para 1(f) [iii] itself becomes contradictory as if the judgment is well reasoned and sound on facts & law and expressed in good language, it can't be merely "satisfactory" whereas the application of law is concerned.

The undersigned has always performed his judicial functions with utmost care and the judgments and orders are passed on the basis of facts of the case, proper appreciation of evidence, the provisions of law and the laws laid down by Hon'ble Superior Courts. The Hon'ble High Court has many times upheld the judgments and orders passed by me. This may be appreciated on perusal of the judgments attached with the self assessment application. It will also not be out of place to mention that my work has been appreciated by respected District Judge in the minutes of monthly review meetings.

Hence it is very humbly requested that this anomaly may be kindly be removed and the word "Satisfactory" appeared in col. no. 1(f)[iii] of the remarks of respected District Judge may kindly be expunged.

8. That in col. no. **01 (k)** the respected District Judge has remarked that "no surprise inspection has been made by him during assessment year". In this regard it is submitted that respected District



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Judge has assessed the quarterly inspections made by me as full and effective. I have carried out surprise inspections on 26.04.2019 and 09.01.2020 but the same could not be mentioned in the self assessment application Inadvertently for which I seek apology. Hence it is very humbly requested that the remarks " no surprise inspection has been made by him during the assessment year" may kindly be expunged.

9. That my overall performance has been assessed by respected District Judge as "Good". As per the remarks given by respected District Judge in the self assessment application, it is clear that I fulfill the criterion fixed by Hon'ble High Court. I have disposed off sufficient numbers of old cases and execution petitions. I have achieved work equal to **1220.08** units as against the required **774.28** units (as per circular of Hon'ble High Court). The percentage of my out turn comes to **157%**. It is pertinent to note that the respected District Judge himself has found the work done by me to be adequate. Hence my overall assessment also may kindly be suitably upgraded.

It is very humbly submitted that my representation be moved before the Hon'ble Court for kind consideration.

Thanking You.

With profound regards

Yours Faithfully

Date 18.09.2020



(Vikas Gupta)

OFFICE OF THE DISTRICT JUDGE, KANPUR NAGAR

Letter No. 1520/I Kanpur Nagar

Dated $\frac{10}{21}$ - 09 - 2020

The Registrar (J) Confidential, Hon'ble High Court, Allahabad


District Judge

Kanpur Nagar

18 SEP 2020

DISTRICT JUDGE

KANPUR NAGAR