

From,

Husain Ahmad Ansari,
SPL. Judge SC/ST (PA) Act,
Etawah.

To,

The Registrar General,
Hon'ble High Court Of Judicature,
At Allahabad.

Through,

The District Judge,
Etawah.

Subject: Representation against certain remarks in the ACR recorded by the then District Judge, Etawah against the undersigned applicant for the Assessment Year 2019- 2020 which was posted online on 28.09.2020.

Sir,

I most respectfully beg to submit my following representation on the captioned subject :-
That during the Assessment Year 2019-20, I was posted as Spl. Judge U.P. (DAA) Act w.e.f 1.4.19 to 15.4.19 and as Spl. Judge SC/ST (PA) Act w.e.f. 16.4.19 to 31.3.20 in Etawah Judgeship and still posted therein as Spl. Judge SC/ST (PA) Act.

The details of certain adverse remarks recorded in my ACR by Sri Dileep Singh Yadav, the then District Judge Etawah on the online submission of my Self-Assessment for the Assessment year 2019-2020, are as under;

S. No.	Details of point	Contents of the point	My Answer	Column No. of ACR	Question	Details of Remarks recorded by Ld. District Judge.
1	Point No. 2(A) of Annexure-(a) (required vide order No. 23 dated 07.03.20 of Ld. D.J.)	Number of cases decided after actual full contest	302	01(g)(i)	Number of cases decided after actual full contest.	302 cases reported by the officer, But actual full contested cases disposed are = 180 cases and Rest 244 cases are bail applications disposed and shown as contested cases by the officer in the chart Annexed in the annual Statement
2	-	-	-	01(m)	whether amenable to the advice of the District Judge and other superior officers ?	Generally
3	Point No. 3 of Annexure-I, Part-II (To be filled in by the officer reported upon)	"Please state briefly the shortfalls with reference to the targets/objectives referred to at S.No. 02 above. Please specify constraints, if any in achieving the targets"	"At all levels, shortfalls were noticed. There were constraints in case flow management. Bar and Govt. agencies including Police did not extend desired co-operations. Even shortage of the staff also came on the way. Deficiency of proper infrastructure also added a lot to augment the shortfalls and affected the smooth working."	4	Other remarks, if any;	"The reasons given by the officer regarding the shortfall at column no.-3 are not satisfactory. Nothing was reported with regard to the non-cooperation of Bar and Govt. agencies including Police. That sufficient staff was also provided to him and further there was no deficiency of proper infrastructure because other judicial officers were also working in the same building, compound and circumstances."

In regards to the aforementioned remarks, I beg to submit my explanation as under :-


14/10/20

As regard to Point No.1, it is submitted that the total number of cases/matters including bail applications (for which quota has now been provided), decided by me during the Assessment Year are 594 out of which the figure of contested cases is 421 (copy of chart-G as annexed with the self assessment is annexed as **Annexure-1 to 1b**). Out of these 421 contested cases, I have excluded Criminal Misc. Cases (for which no quota is provided) and shown only 302 contested cases. Thus the figure of 302 was correctly shown by me.

As regard to Point No.2, It is submitted that I had always been amenable to the advice of learned District Judge and other superior officers. Learned District Judge never pointed orally or by way D.O. to suggest that at any point of time, I defied or disobeyed his order/ direction(s) or shown unwillingness in complying the same or in following his advice. Moreover, there is no complaint of any superior officer showing that I was not amenable to the advice if any of the superior officers. It would not be out of place to mention here that learned District Judge himself has also not remarked explicitly that I was not amenable to his advice or to the advice of superior officers rather admitted that I was amenable to his advice and the advice of the superior officers but for this learned District Judge has chosen to use the word "generally" instead of "always" or "yes". Thus the remarks given by the Ld. District Judge is not well founded and liable to be expunged to be substituted with the word "always" or "Yes".

As regard to Point No.3, it is to state that the above Questionnaire No.-3 was apparently suggestive to ensure better atmosphere for working in the system. The reasons accordingly given by me were not to find fault in the system but to point out the factual shortfalls and constraints noticed by me, so that they can be remedied in order to ensure better functioning. To substantiate my claim regarding shortfalls noticed, it is to point out that on 15 different dates (details of which is annexed as **Annexure-2**) during the Assessment Year, the advocates in Etawah were either on strike or observing condolence on the demise of some of the members of the Bar and this strike was duly informed to me and the other judicial officers from the office of the learned District Judge. This itself establishes the fact that the Bar did not extend desired co-operation.

As regard to the non cooperation of Govt. agencies and including the Police, I have to state that in many cases, I had passed detailed orders directing the Police and the Govt. agencies to procure the appearance of witnesses on finding that the police witnesses willfully avoid to turn up for giving evidence in court. (copy of orders are annexed as **Annexure-3** in 30 pages). This fact indicates that Govt. agencies including the Police did not extend the desired co-operation.

As regard to shortage of staff and deficiency of proper infrastructure, I have to respectfully submit that, in my court, only one clerical staff had been provided since 24.08.2019 during the assessment year whereas, about 900 cases remained pending in this court and to handle those case files and to ensure compliance of the orders in those cases, at least 03 clerical staff was required.

Moreover, there had been problem of connectivity of internet, intermittent electric supply, non-connectivity of the electricity supply from the generator in New Ten Court Building and in Fast Track Court Building in Etawah Judgeship, the computer and printers are very old and they sometime create problem in smooth working of the court. These facts indicate that there was shortage of staff and deficiency of proper infrastructure.

Thus the reasons given by me regarding shortfalls and constraints are well founded but learned District Judge has shown his dissatisfaction apparently in order to cover up his own shortcomings in providing the proper infrastructure and sufficient staff. Therefore, the remarks given by learned District Judge are liable to be expunged.

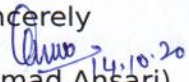
It is further to submit that I have so far served for nearly sixteen years in subordinate judiciary and have got appreciated service record. In the present Assessment Year, I achieved 2186.70 units as against desired units of 1200 (As detailed in chart-E annexed as **Annexure-4**) i.e. almost double of the desired units of quantum of work. I had also disposed of many administrative works as assigned to me but Ld. District Judge has graded my over all merit as "**Good**" which is prayed to be upgraded to "**Outstanding**".

Therefore, it is most humbly prayed that your goodself may kindly place this representation of mine before the then Hon'ble Administrative Judge of Etawah Judgeship for his lordship's kind consideration with a prayer that the Hon'ble Court may be pleased to make my proper assessment by expunging the said adverse remarks in column no. 01(g)(i) and Column no. 4 recorded by the then learned District Judge Sri Dileep Singh Yadav in my ACR for the Assessment Year 2019-20 and the word 'generally' occurred in column no. 01 (m) may be substituted with the word 'always' or 'yes' and in my over all assessment column no.2, the word 'good' may be expunged and substituted with the word "outstanding" or as they Hon'ble Court may deem fit, to upgrade the same. I shall remain grateful for this kind favour.

With utmost regards.

Dated-14.10.2020

Enclosures- As above.

Yours sincerely

(Husain Ahmad Ahsari)
Spl. Judge S.C./S.T. (P.A. Act)
Etawah
I.D. No.- U.P. 6158