

From,

Mohd. Sapheek,
Additional District & Session Judge Court No. 4/
Special Court (E.C. Act),
Kanpur Nagar.

To,

The Registrar General
Hon'ble High Court Judicature at Allahabad
Allahabad.

Through,

The District Judge
Kanpur Nagar.

Subject: Representation to expung remarks in column no. 01(f)[iii]
and 01 (k) and up-gradation of of remarks in column no.2
annual confidential remarks recorded by respected District
Judge Kanpur Nagar for the year 2019-2020.

Respected Sir,

Most humbly, I beg to state that I am posted as Additional District & Session Judge in Kanpur Nagar and during the assessment period I hold Newly created court vide G.O.No. 10/2016/870/Saat-Nyay-2-2016-85/2012 Dated 06, July 2016 and Special Judge Narcotic Drugs and Psychotropic Substances Act in the judgeship.

This is with reference to the annual remarks recorded 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 **111 cases on actual contest** which is shown by the respected District Judge in my ACR Column No. 01(G)(ii).
2. That I have decided 53 cases which were more than 10 years and 107 cases which weremore than five years old including the Session Trial of the year 1981 and 1982. Besides this I have also decided almost all types of cases pending in the court particularly the cases related to the under trial prisoners, Senior Citizens and women. My work has been appreciated by respected District Judge in the monthly review meetings for the month July, August, October, November and December 2019 and February 2020.
3. That I have decided 09 execution cases during the year under assessment with 6 execution cases in full satisfaction and 3 otherwise. The respected District Judge has already mentioned in my ACR Column No. 01(e)(iv) that the P.O. has taken pain to decide the

execution cases.

4. That I have been awarded positive remarks on all parameters in the assessment by the 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**".

5.1. However following remarks are recorded in para:

- 1(f)[i]— Marshalling of facts-- Good
- 1(f)[ii]— Appreciation of evidence- Good
- 1(f)[iii]— Application of law - **Satisfactory**

That it has come to my knowledge that the remark "**satisfactory**" in para 01(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 remark of "**satisfactory**" in para 1(f)[iii] itself becomes contradictory as if the judgment and orders are 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 honesty with care and commitment 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 the Hon'ble Apex Court and the Hon'ble High Court's. The Hon'ble High Court has many times upheld the judgments and orders passed by me.

Hence it is very humbly prayed that this anomaly may 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.

6. That in column no. **01 (k)** the respected District Judge has remarked that "He has not made any surprise inspection of his court and office during assessment year". In this regard it is very humbly prayed that respected District Judge has assessed the quarterly inspections made by me as full and effective. I have carried out surprise inspections of my office and court on 28.09.2019 and 10.01.2020 which were received in District Judge Office on 05.11.2019 and 14.01.2020 respectively but the same could not be mentioned in

the self assessment application Inadvertently for which I seek apology. Hence it is very humbly prayed that the remarks "He has not made any surprise inspection of his court and office during the assessment year" may kindly be expunged.

9. That my overall performance has been assessed by the respected District Judge as "**Good**". As per the remarks awarded by respected District Judge in the self assessment application, it is clear that I fulfill the criterion fixed by the Hon'ble High Court. I have disposed off sufficient numbers of old cases and execution petitions. I have achieved work quota **1736.94** units as against the required **1200.00** units (as per circular of the Hon'ble High Court). It is pertinent that the respected District Judge himself has found the work done by me to be adequate and my work is appreciated in monthly review meetings. Hence my overall assessment also may kindly be suitably upgraded.

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

Thanking You.

With profound regards

Yours Faithfully



(Mohd. Sapheek) 04.11.2020

Additional District & Session Judge
Court No. 4/Special Court (E.C. Act)
Kanpur Nagar.
I.D. U.P.6141

Date: 04.11.2020

KANPUR NAGAR JUDGEHSIP

No. 1882/T

Dated: Kanpur Nagar: November 04, 2020

Forwarded to the Registrar General, Hon'ble High Court of Judicature at Allahabad.

DISTRICT JUDGE
KANPUR NAGAR.
04 NOV 2020
DISTRICT JUDGE
KANPUR NAGAR