

From,

Bans Bahadur Yadav,  
Additional District and Session Judge, I<sup>st</sup>.  
Mainpuri.

To,

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

**Subject-**Representation against adverse remarks recorded by the  
then District Judge in my annual confidential report for the  
assessment year 2019-2020.

Sir,

On the above captioned subject this is most humbly submitted that the remarks given by the then District Judge, Mainpuri in my Annual confidential report for the year 2019-2020 were communicated to me vide letter no. 109(16)/ MACT/ 2021/ Bijnor on 25.01.2021. In this regard my humble submission is :

(1) In **Column no. 01(a)** it has been mentioned that my Integrity is doubtful as ST No. 466,469,470 of 2016 State Versus Diwakar and

others was decided by me against fact and law. As far as the above remark is concerned, it is most humbly submitted that all the above mentioned cases were transferred to my court by order of the then District Judge , at the stage of final arguments. Since all these three cases were connected and consolidated, they were heard and decided jointly on merits on 18.12.2019. No reason, ground or supporting material has been given by the then District Judge on the basis of which the conclusion has been derived that my judgment are contrary to facts & law. My judgment in the aforesaid cases have been given after perusal of evidence, points of law involved, legal precedents and judicial pronouncements given by the Hon'ble Apex Court and Hon'ble High Court.

Furthermore, the then Respected District Judge has himself mentioned in column no. 1(f) that my judgments on facts & law are sound, well- reasoned and expressed in good language. In column 1(f)(i) he found my work to be satisfactory with respect to marshalling of facts while deciding the matter on merits. In column 1(f)(ii) he found my work to be satisfactory with respect to appreciation of evidences while deciding the matter on merits. In column 1(f)(iii) he found my work to be satisfactory with respect to application of law. Therefore in light of the above observations of the then Respected District Judge, the remark recorded in column 01(a) is self contradictory and is without any reasoning. It is worth mentioning that in the entire assessment year 2019-2020 neither any oral nor any

written complaint or any D.O. letter was communicated to me by the then District Judge.

(2) In **Column no. 01(e)(iv)** it has been mentioned that only 03 execution cases were pending but no execution case was decided. As far as the above remark is concerned, it is most humbly submitted that in the year 2019-2020, from the period 01.04.2019 to 15.04.2019, I was posted as Additional District & Session Judge, Chandausi, Dist. Sambhal at Chandausi. From 16.04.2019 to 03.10.2019, I was posted as Special Judge (SC/ST, Pre. Of Atrocity Act), Mainpuri. In all the above courts no execution case was pending. Subsequently I was posted as Additional District & Session Judge, I<sup>st</sup>, Mainpuri on 03.10.2019 and thus got a short span in this Court in the assessment year 2019-20. Only 03 execution cases were pending in this court. The Judgment debtor in most of these pending execution cases were residing in other districts. Some of the Judgment debtor were even residing in distant states such as Himachal Pradesh, Rajasthan and Maharashtra, so it was a herculean task to ensure service of processes on them. And before these cases could be brought to their logical conclusion the substantial part of March,2020 was affected by the pandemic of Covid-19. Therefore inspite of the best of efforts the pending 03 execution cases could not be disposed.

(3) The then District Judge Sir has mentioned in **Column no.1(e)(vii)** in Annual Confidential Remarks for 2019-2020 that I have not

decided any case of Motor Accident Claim. In this regard it is most humbly submitted that when I took over charge on 16.04.2019 in Mainpuri Judgeship as Special Judge (SC/ST, Pre. Of Atrocity Act), Mainpuri, 174 Motor Accident Claim cases were pending in this court. In a short span of about a month one case relating to Motor accident claim was decided by me. Subsequently on 17.5.2019 the then District Judge transferred all the remaining 173 Motor Accident Claim cases, including the ripe cases to other courts. After the transfer of these cases no Motor accident claim case remained pending in any of the Courts which I presided over in the assessment year 2019-2020.

(4) The then District Judge Sir has made my over all assessment of the merit of the officer in **Column no.2** as Poor. As far as the above remark is concerned it is most humbly submitted that my judicial work has been found to be adequate by the then District Judge and I have achieved 1578.72 units against the target units 1200. Respected District Judge himself has observed that I am fair and impartial in dealing with the public and Bar. I have been found to be cool minded and does not lose temper in court. Nothing has been found against my private character so as to lower myself in the estimation of the public and which would adversely affect the discharge of my official duty. My control over the files have been found proper. My Judgments on facts and Law have been recorded by the then District Judge as sound, well reasoned and expressed in good language. I have been rated as a punctual officer and have disposed adequate number of old

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cases. It has also been mentioned by the then District Judge that my control over the office and administrative capacity is good and have cordial relations with members of bar and brother Officers. Apart from this, during the assessment year 2019-2020, I have also contributed in all the administrative work which was entrusted to me including the duties of Officer-in-charge administration, Chairman Infra-Sub Committee, Grievance Redressal Committee, Purchase Committee and Court Security Committee. Thus, in light of all the above facts there is no reasoning for over all assessment of mine as Poor, and deserves to be upgraded in light of several observations made by the then District Judge itself.

Therefore it is most humbly requested that my representation may kindly be placed before the Hon'ble Court for kind and sympathetic consideration with a request to expunge the adverse remarks given by the then District Judge in my A.C.R. and for upgradation of my over all assessment remark.

With Regards,

Date: 01.02.2021,

Yours sincerely

(Bans Bahadur Yadav)

Additional District and Session Judge, I<sup>st</sup>.

Mainpuri.