

From,

Sudhir Kumar-IV
Addtl. District & Sessions Judge (Court No.1)
Agra
ID No.- UP 5885

To,

The Registrar General
Hon'ble High Court
Judicature at Allahabad

Through,

The District & Sessions Judge
Agra

Subject- **Representation regarding remarks recorded by the Learned District & Sessions Judge, Agra in Column No. 01(e)(iv) and 02 of the yearly assessment form (2020-2021).**

Sir,

I have the honour to submit that I have been posted as Addtl. District & Sessions Judge, Agra since 31 July, 2020. During the assessment period (31 July to 31 March, 2021), I had been assigned Court No. 6 in Agra. For the period from 1 April, 2020 to 29 July, 2020, I was posted as Addtl District & Sessions Judge (Special Judge D.A.A.) in Ramabai Nagar (Kanpur Dehat). I write to bring your kind attention to a remark posted by the Learned District Judge, Agra in the annual assessment for the year 2020-21. Under column 1(e)(iv) regarding 'Progress and Disposal of Execution Cases', the remark states - "*No execution case decided on merit*". Attached below is the relevant portion of the form.

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|--------------------|---|------------------------------------|
| 01 (e)(iv). | Progress and disposal of execution cases: | No execution case decided on merit |
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This letter is to serve as a clarification for the remark.

I would like to bring to your kind notice the circumstances that led to the unavoidable situation, and the recorded status of disposal of execution cases during the assessment year.

1. By the order of the Hon'ble Court, district courts were not fully/normally functional owing to the total lockdown because of the COVID-19 pandemic from 1 April, 2020 to 30 June, 2020.
2. From 1 July, 2020 to 5 January, 2021 normal functioning of the courts was hampered due to scant presence of advocates by virtue of the order of the Hon'ble High Court.

3. From 6 January, 2021 to 31 March, 2021 normal functioning of district courts was resumed by the Hon'ble Court's order dated 5-01-2021, passed in **Writ PIL No. 564/2020 In Re v/s State of UP**.
4. 40 execution cases (arbitration awards) were transferred to my court by the Learned District Judge only in the month of **February 2021**, and had already been dated for later **(transfer order attached herewith)**.
5. According to **Rule 89A(4) of General Rules (Civil), 1957**, "*The court to which cases are transferred shall not proceed without satisfying itself that the parties or their counsel, as the case may be, have been informed of the transfer*". The requisites of this section were not fulfilled for all the parties, thus resulting in no cases being decided on merit.

Since the column 1(e)(iv) does not specifically refer to execution cases decided on merit but to **'Progress and Disposal of Execution Cases'**, I believe it is my responsibility to humbly present the actual figure of execution cases disposed of by me. In spite of the reasons discussed above, I disposed of a sum total of **17 execution cases** during the relevant period **(year-wise performance sheet attached herewith)**. The same form had been attached with the self assessment declaration.

Although the Respected District Judge has certified my integrity as *'beyond doubt'* and my overall assessment as *'very good'*, the remark in column 1(e)(iv) in its current state has the potential to adversely affect my career prospects. I thereby request you to kindly update the remark in light of the above mentioned clarifications as my future lies in the kind hands of the Hon'ble court.

Therefore I humbly request you to place my representation before the Hon'ble Court for their sympathetic consideration of my performance with respect to disposal of execution cases and to **expunge the remarks in Column No. 1(e)(iv)**. I would also request the Hon'ble Court to upgrade the remarks under Column No. 02 ('Overall Assessment of the Merit of the Officer'), as they deem fit.

I shall be highly grateful to the Hon'ble Court for their kind consideration.

With Regards.

Enclosures : as above

Yours Faithfully

Sudhir Kumar-IV
Addtl. District & Sessions Judge
Court No.1, Agra
(ID No. UP 5885)