

From: Hitendra Hari,
Additional District Judge (POCSO Act)
Court No.16,
Sitapur.

To,
The Registrar General,
High Court of Judicature at Allahabad,
Allahabad.

Subject: Representation against remarks of Ld. District Judge in annual confidential report
for the assessment year 2020-2021.

Sir,

With utmost respect at my command, I present my representation before the Hon'ble court against remarks given to me by Ld. District Judge, Sitapur in annual confidential report for the assessment year 2020-2021, which is as under:-

1. That the remark No.4 under heading "Other remarks, if any" is self contradictory against remark No. 01(l) and 01(m).

While on one hand, at remark No.4, Ld. District Judge, Sitapur has been pleased to state that the officer is not amenable to the orders of the District Judge, on the other hand at remark No.01(m), against the question whether officer is amenable to the advice of District Judge and other superior officers? Ld. District Judge has been pleased to answer in affirmative by mentioning "YES". Thus apparently remark No.4 and 01(m) in regard to amenability of the officer to the advice of District judge is self contradictory.

2. That I was never served with any notice, D.O letter, or any official communication, written or oral, by Ld. District Judge, warning or seeking explanation for not being amenable to the advice of Ld. District Judge or other superior officers.

I have always complied with orders of Ld. District Judge, with utmost sincerity and have followed his advice as religious preaching's and command of law, which has always served as guiding force in effective discharge of my duties.

I have been amenable to the advice and orders of Ld. District Judge as mentioned by him at remark 01(m).

3. That since joining U.P.Judicial Service on 16.06.2006, I have always been obedient to the orders, directions and advice of all the respected District Judges and have most

sincerely and to the best of my ability, discharged judicial and administrative duties assigned by Ld. District Judges. None of my previous District Judges ever found me lacking on amenability to their orders and advice.

4. That the remark No. 4 under the heading "Other remarks, if any" is self contradictory against remark No.01 (l).

At remark No.4 Ld. District Judge has been pleased to record that "He is not punctual in time to attend the court moreover he leaves the court prior to the court hours despite instructions given by me time to time to him regarding sitting in court in time and also to leave the court after court hours as per the directions of the Hon'ble Administrative Judge"

Contradicting the said remark Ld. District Judge has been pleased to record at remark 01(l) that "His punctuality and regularity in sitting on the dais in court during court hours is "GOOD".

5. That I have always been punctual in reaching the court and have always observed punctuality and regularity in sitting on the dais in court during court hours, as has been endorsed by remark of the Ld. District Judge at remark 01(l).
6. That no complaint has ever been raised by the Bar Association of Sitapur or by any single Advocate or litigant against me regarding my punctuality or regarding honest and prompt discharge of my judicial duties.
7. That not a single notice, D.O letter, or official instruction, written or oral was communicated to me by Ld. District Judge for reaching late to the court or for not observing punctuality in sitting on dais or for leaving the court early.

I have never been found absent or late in court or on dais during surprise inspections of courts by Ld. District Judge.

My daily sitting register maintained by the office of the District Judge has been countersigned everyday by the Ld. District Judge, who has endorsed my sitting in the court on time and in the chamber and reaching and leaving the court on time as prescribed by Hon'ble High Court and directed by Ld. District Judge. My daily sitting register, kept in custody of office of the District Judge has no remark of Ld. District judge regarding lack of punctuality or regarding leaving the court early.

8. That as regards the remark that I left the court early, it is most humbly stated that since beginning of the year 2020, the entire nation and entire human race has been effected from COVID-19 pandemic. Hon'ble High Court has been kind to lay down several guidelines for functioning of subordinate courts, from time to time , depending upon the severity of corona virus infection.

9. That Hon'ble High Court was pleased to direct partial opening of courts with limited and specific nature of work to be taken up during low severity of corona virus infection.

Considering the severity of corona virus infection, from time to time vide various orders and directions, the Hon'ble High Court was also pleased to relax the timing of court hours and restricted the strength/ presence of staffs and officers in the court.

In compliance of orders and directions of Hon'ble High Court and Ld. District Judge, I never left the court before court hours during normal functioning of courts on ordinary days.

The courts started functioning to its full strength only after January 2021, after all restrictions were lifted vide order/letter no 1687/LXXXVII-CPC/e-courts/Allahabad/Dated 18.12.2020 In the month of February 2021, 56 witnesses were examined and their evidence recorded before me, while in march 2021, 140 witnesses were examined and their evidence recorded before me. On most of the days deposition of witnesses were recorded even after court hours. Recording of evidence of witnesses in such large number is not possible if I had left the court early as witnesses are examined in presence of officer in court.

10. That I was never apprised by the office of Ld. District Judge, Sitapur or by Ld. District Judge in writing or orally of any written or oral direction of Hon'ble Administrative Judge, Sitapur regarding time of leaving the court during COVID-19.

All other orders and directions of Hon'ble Administrative Judge, Sitapur has been always complied with strictly in letter and spirit by me.

11. That no instruction, written or oral was ever communicated to me by the Ld. District Judge regarding non observance of punctuality in court or regarding the time of leaving the court during the last assessment year or prior to it.

12. That Vide letter No.1097/IV CPC/e-courts/Allahabad/ dated 09.05.2020, And letter no. 1969/LXXXVII/CPC/e-courts/Allahabad dated 21.06.2020, and letter no. 1983/LXXXVII/CPC/e-courts/Allahabad dated 20.07.2020, and letter no. 1945/LXXXVII/CPC/e-courts/Allahabad dated 22.04.2021 and various other orders, Hon'ble High Court was pleased to lay down guidelines for functioning of subordinate courts during COVID-19, wherein inter-alia, it was directed as under

"Judicial officers and staff who are directed to attend the courts shall not be retained in District courts for the entire period of working hours. Further, as soon as the work is completed, the judicial officers and court staff may kindly be directed to leave the court premises".

In furtherance of guidelines and directions of Hon'ble High Court, Ld. District Judge was pleased to pass administrative order dated 09.05.2020, Administrative order

dated 14.05.2020, Admin order No. 234/2021 dated 22.06.2020, Admin. order no.260 dated 21.07.2020, Admin order no.166/2021 dated 26.04.2021 and various other administrative order wherein inter-alia other orders, Ld. District Judge was pleased to order as under:-

"Sanchalit hone wale nyayalayo ke pithasin adhikarigan evam karamcharigan ko sampoorna karya awadhi mein nyayalaya karyalaya mein upasthit rehna awashyak nahin hai aur jaise hi unke nyalaya ka karya poorna ho jaye wah nyayalaya parisar chhod kar ja sakte hain"

and,

"All the judicial officers and court staffs are directed to leave the court premises as soon as their work is completed."

13. That in strict compliance of orders and directions of Hon'ble High Court and administrative orders of Ld. District judge, during COVID-19, I left the court before court hours occasionally only after completing all judicial work listed or placed for urgent hearing on the day. No judicial, administrative or miscellaneous work was ever left unattended or undisposed before leaving the court. No judicial work was adjourned on any working day due to my leaving the court early or due to hurry of leaving the court early.
14. That during COVID-19 pandemic, due to widespread corona virus infection and due to national and local lockdown and partial opening of courts, the courts could not function smoothly and during most part of the year courts were functioning partially and only limited work was being done. In spite of all efforts, it was difficult to secure presence of accused and witnesses and appearance of Ld. counsels which resulted in achieving work unit of 565.90 unit against targeted 596.50 unit, which resulted in shortfall of 30.58 units (5.4%) of disposal of work (quantum of work).
15. That all efforts were made to dispose cases finally on merits of the case and not to gain work units from disposal of miscellaneous work.
16. That Vide letter no. C-671/CF(B)/2021 dated July17, 2021, Hon'ble High Court has been pleased to relax/ exempt quota/units prescribed for the judicial year 2020-2021 keeping in view the pandemic of COVID-19 and Hon'ble Court has been pleased to lay down that " in case officers find shortfall in their out-turn because of the irregular working of courts during the pandemic period in assessment year 2020-2021, sympathetic view be taken by the assessing authorities and they may ignore the shortfall treating the same as not adverse".
17. That since joining the U.P.Judicial services in 2006, I have never fallen short of targeted quantum of work for any of the assessment year. The shortfall of 30.58 units (5.4%) has been caused due to extraordinary circumstances existing due to COVID-19 pandemic. COVID related impact on adequacy of disposal of work has

been viewed sympathetically by the Hon'ble Court and quota/out-turn relaxation was expected by assessing authority, while assessing out-turns of work.

18. That since the beginning of my career as judicial officer, I have always been assessed by all my respected District Judges as good, very good or as an outstanding officer. In the last five years, in the assessment year 2015-16, I was assessed as an outstanding officer by the then Ld. District Judge, Shri Anil Kr. Shrivastava. In 2016-17, I was again assessed as an outstanding officer by the Hon'ble Administrative Judge, Justice Anil Kr. Shrivastava. In 2017-18 I was rated as a good officer by the Ld. District Judge, Shri B.L.Kesharwani. In 2018-19, I was declared very good officer by the then Sr. Registrar, Lucknow Bench, Shri Vikash Kunwar Shrivastava. In 2019-20 I was assessed as a good officer. This is the first time in my career that I have been assessed as an average officer by the Ld. District judge, which is whimsical, capricious and beyond records and reasons. I have been rated as an average officer for the reasons best known to the assessing officer.
19. That I have served this pious institution with utmost honesty and sincerity and to the best of my capabilities. I have dedicated myself to the service of the institution and my nation and to uphold the honor and dignity of the constitution of India.
20. That the remark No. 4 is self contradictory, against records, vague and misconceived, while remark no.2, rating me as an average officer is whimsical, against reasons and records, biased and prejudiced and therefore deserves to be struck down and upgraded to outstanding on the merits of service rendered by me to the institution and to the nation.
21. That I have given my best to the institution and have religiously followed judicial values and ethics as my faith and guiding force and have rendered my service with utmost honesty and sincerity and therefore I deserve the best.

Representation is submitted for your kind perusal, necessary action and for placing before the Hon'ble Court for generous consideration.

With Regards,

Sincerely

Hitendra Hari
Additional District Judge (POCSOAct)
Court No.16
Sitapur.

Dated: 25.07.2021