

To,

The Registrar General,

High Court of Judicature at

Allahabad

(With a request to kindly place it before the Hon'ble Administrative Judge,  
Kaushambi)

Through,

District Judge

Kaushambi

Sub: Representation against the remarks made by the then District Judge  
Kaushambi in my Self-Assessment for the period 1/04/2020-31/03/2021.

Hon'ble Administrative Judge, Kaushambi

My Lord,

I most respectfully beg to state as under:

I have joined in this judgeship on 15.11.2019 and after that I remained on training till 05.08.2020, in the meantime the Covid-19 pandemic was also announced. I was authorized to do judicial work with effect from 06.08.2020, since then I have been doing different judicial work with utmost sincerity and dedication. As directed by the Hon'ble Court from time to time only most urgent work was to be carried out by Parent Courts only, and since I was the presiding officer of an Additional Court, Civil Judge (JD), there was very little work which was to be done by me in such capacity.



In my attempt to dispose off the cases, I've fixed short dates in cases, urged the parties to enter into a compromise where the law permits so, motivated parties and prosecution to ensure production of witness, avoided giving unnecessary adjournments etc.

Following are the para-wise reply/representation against the remarks of the then District Judge, Kaushambi for the period 01/04/2020-31/03/2021.

1(a). The remarks given by the then District Judge, Kaushambi in column **01(a)** to the question "**Integrity of the officer- whether beyond doubt, doubtful or positively lacking**" is **beyond doubt** and requires no comment.

1(b). The remarks given by the then District Judge, Kaushambi in column **01(b)** to the question "**If he is fair and impartial in dealing with the public and Bar?**" is **NO**

My Lord, the then District Judge has not indicated or referred to any such incident where I have been found impartial with the public and bar. As a matter of fact there has not been any complaint or incidents from the members of the bar or from the public about such impartiality on my part. I've always tried to practice utmost impartiality and fairness in dealing with the public affairs and members of the bar as is expected from each and every judicial officer. Such remark is unfounded and unreasonable.

1(c). The remark in column **01(c)** "**If he is cool minded and does not lose temper in court?**" is **NO**.

My Lord, there has not been a single incident while I was on dais or in chamber where I have lost temper, as a matter of fact again, there is not a single incident reported from the members of the bar where it has been reported that I have lost temper in court proceedings. Such a remark is purely unsolicited and without any basis to support the same. Not even a single Demi-official letter was served upon me, nor any explanation was called from me, whether oral or written, in this respect. As a matter of fact I've always tried to maintain good relationship with the members of the bar and have tried to learn from them and their experience.



1(d). The remarks given by the then District Judge, Kaushambi in column 01(d) "His private character is such as to lower him in the estimation of the public and adversely affects the discharge of his official duties" is NO, and requires no comment.

1(e)(i)(a). The remarks given by the then District Judge, Kaushambi in column 01.(e)(i)(a) "Proper fixation of cause list" is YES, and requires no comment.

1(e)(i)(b). The remarks given by the then District Judge, Kaushambi in column 1(e)(i)(b) "Whether sufficient number of cases are fixed by him to keep him engaged during full court hours" is YES, and requires no comment.

1(e)(ii). The remarks given by the then District Judge, Kaushambi in column 1(e)(ii) "Avoidance of unnecessary adjournments" is YES and requires no comment.

1.(e)(iii). The remarks given by the then District Judge, Kaushambi in column 1(e)(iii) "Disposal of old cases(give number and year of old cases decided)" is NIL, as the officer is newly appointed and most of the time he remained on training, and requires no comment.

1(e)(iv). The remarks given by the then District Judge, Kaushambi in column 1(e)(iv) "Progress and disposal of execution cases" is No execution case was pending in his court, and requires no comment.

1(e)(v). The remarks given by the then District Judge, Kaushambi in column 1(e)(v) "Whether interim order, injunction being granted, refused or retained for sufficient reasons?" is The officer is newly appointed and most of the time he remained on training, so he could not pass such orders, and requires no comment.



1(e)(vi). The remarks given by the then District Judge, Kaushambi in column 1(e)(vi) "Are cases remanded on substantial grounds?" is **Not Applicable**, and requires no comment.

1(e)(vii). The remarks given by the then District Judge, Kaushambi in column 1(e)(vii) "Performance with regard to Motor Accident Claims related to death/injury" is **Not Applicable**, and requires no comment.

1(f). The remarks given by the then District Judge, Kaushambi in column 1(f) "Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language?" is **No Judgment has been delivered**, as the officer is newly appointed and most of the time he remained on Training, and requires no comment.

1(f)(i). The remarks given by the then District Judge, Kaushambi in column 1(f)(i) "Marshalling of facts" is **Not available**(since no judgment has been delivered yet), and requires no comment.

1(f)(ii). The remarks given by the then District Judge, Kaushambi in column 1(f)(ii) "Appreciation of evidence" is **Not available**(since no judgment has been delivered yet), and requires no comment.

1(f)(iii). The remarks given by the then District Judge, Kaushambi in column 1(f)(iii) "Application of law" is **Not available**(since no judgment has been delivered yet), and requires no comment.

1(g). The remarks given by the then District Judge, Kaushambi in column 1(g) "Whether disposal of work is adequate. (Give percentage and reasons for short



disposal, of any)" is YES, As against the Target Unit of 282.01 Unit the officer has done 293.47 units of work i.e. output is 104.06% without stenographer, and requires no comment.

1(g)(i). The remarks given by the then District Judge, Kaushambi in column 1(g)(i) "Number of cases decided after actual full contest" is NIL, as the officer is newly appointed and most of the time he remained on training, and requires no comment.

1(g)(ii). The remarks given by the then District Judge, Kaushambi in column 1(g)(ii) "Number of cases decided wherein all witnesses of fact turned hostile and the case ended in acquittal." Is NIL, and requires no comment.

1(g)(iii). The remarks given by the then District Judge, Kaushambi in column 1(g)(iii) " Number of civil cases decided on compromises/ alternate dispute resolution" is 01 Original Suit, and requires no comment.

1(g)(iv). The remarks given by the then District Judge, Kaushambi in column 1(g)(iv) " Number of cases wherein after conclusion of arguments and reserving them for judgment rehearing was ordered" is NIL, and requires no comment.

1(h). The remarks given by the then District Judge, Kaushambi in column 1(h) "Control over the office and administrative capacity and tact" is Not Proper.

My Lord, such a remark is unwarranted and uncalled for. Since I've assumed charge of the court and the office I've been working with sincerity and dedication for expeditious disposal from my end without causing unnecessary hassles to the litigants, members of the bar or the staff concerned. Neither I nor my staff has made any representation/complaint before the then District Judge or his administrative office regarding any mismanagement in the administration of court proceedings, office or otherwise.



I would request My Lord's kind attention to page 10, para 35.(a)(t)(d) of the Annual inspection of my court and office, dated 10.03.2021 done by the then District Judge, Kaushambi (herein annexed as Annexure-1) wherein the then District Judge has himself remarked, and to quote him "The Presiding Officer has effective supervision and control over the court and staff working in the office"

My Lord, the then District Judge has by making such remark in column 1(h) has self-contradicted himself by remarks made in the Annual Inspection.

1(i). The remarks given by the then District Judge, Kaushambi in column 1(i) "Relations with members of the Bar" is Not Proper.

My Lord, such a remark made by the then District Judge is without any substantial material to support itself, no incident has been mentioned by the then District Judge because there aren't any. As a matter of fact, I've always tried to maintain cordial relations with the members of the bar. I have been humble, courteous and understanding towards them and have tried to entertain all of their problems on merit and provide quick disposal to the same. Another fact to be mentioned here is that there has been no complaints against me from the members of the bar, regarding any sort of misbehavior or mismanagement in work or otherwise nor any Demi-official letter/notice was served upon me in this respect nor any explanation was called from me whether oral or written.

Such a remark is unwarranted any without any basis.

1(j). The remarks given by the then District Judge, Kaushambi in column 1(j) "Behavior in relation to brother officers (mention incidents, if any)" is Not proper.

My Lord, Such a remark is baseless and uncalled for. There is no substantial material that supports the said remark made by the then District Judge Kaushambi. It is to be noted that the then District Judge has not mentioned any incidents to support his remarks because there aren't any. There has not been even a single incident where my behavior with my brother officers was found to be derogatory or disrespectful. There has been no complaints made from any of my brother



officers with respect to any sort of derogatory behavior from my end. Infact I have done remand duty in place of my fellow senior magistrates. No Demi-official letter/notice, was ever served upon me in this respect nor any explanation whether oral or written was called from me. Such a remark being made is totally unjustified and baseless.

1(k). The remarks given by the then District Judge, Kaushambi in column 1(k) **"Whether the officer has made regular inspections of his court and offices in his charge and whether such inspections were full and effective?"** is YES, and requires no comment.

1(l). The remarks given by the then District Judge, Kaushambi in column 1(l) **"His punctuality and regularity in sitting on the dais in court during court hours?"** is The officer is punctual and regular in sitting on dais in court during court hours, and requires no comment.

1(m). The remarks given by the then District Judge, Kaushambi in column 1(m) **"Whether amenable to the advice of the District Judge and Superior officers?"** is NO.

My Lord, there was hardly any advice rendered by the then District Judge or my superior officers to me which was not adhered by me. There has not been any occasion where any advice was rendered to me by any superior officer whether on judicial side or on administrative side which was not accepted and acted upon by me, rather I've always seeked their wise counsel whenever I have found myself in difficulty in understanding legal principles or doing any administrative work allotted to me. I am a new entrant in the service and in the process of learning which can't be done without the wise counsel of superior officers holding great experience and knowledge in service. There has never been any incident where any advice was given to me and was not accepted and acted upon by me. Neither any Demi-official letter/notice was served upon me, nor was any explanation called from me in this respect whether oral or written. Such a remark is baseless and without any basis.



1(n). The remarks given by the then District Judge, Kaushambi in column 1(n) "Behavior towards women (respect and sensitivity exhibited towards them)" is His behavior towards women is courteous and requires no comment.

2. The remarks given by the then District Judge, Kaushambi in column 2 "Overall assessment of the merit of the officer (Outstanding, Very Good, Good, Average, Poor)" is POOR.

My Lord, I am a new entrant in this pious service and in the assessment year have been mostly on training, as assessed by the then District Judge himself in the above mentioned columns that my integrity is beyond doubt; I have fixed proper cause list for daily proceedings; sufficient number of cases are fixed by me for hearing every day to keep myself occupied throughout the court hours, I have avoided unnecessary adjournments, I have been regular and punctual in sitting on dais and in chamber and as against the required target unit of 282.01 I have done 293.47 units of work i.e. 104% without stenographer, and after hearing, the order is to be typed and printed by me personally. Due to the amount of work, the lunch hour is often exhausted in typing orders and completing the work. I have achieved the target unit with a 104% output, irrespective of that I was levelled as poor without any substantial reason and basis to support the same. I have not been served with any Demi-Official letter/Notice nor any explanation was called from me on any of the grounds mentioned above by the then District Judge whether oral or written.

All the allegations/ adverse remarks levelled against me by the then District Judge is unfounded, without any incidents being quoted, and without any substantial basis.

The remarks given by the then District Judge is unfounded, unreasonable, uncalled for and arbitrarily marked.

Such a remark has not been made on merit. I have given 104% output towards the required target unit without stenographer. Additionally, I am also looking after the work of the Judicial Magistrate Shri.Abhishek Gupta on Tuesdays and Fridays as the officer concerned looks after the work of Juvenile Justice Board on the above mentioned days.





Such a remark has been made arbitrarily and without any fair justification.

3. The remarks given by the then District Judge, Kaushambi in column 3 "State of health, if any?" is **Good Health**, and requires no comment.

4. The remarks given by the then District Judge, Kaushambi in column 4 "Other remarks, if any:" is **He is not courtenous with senior officers and he has no interest to learn judicial and administrative work. If the officer does not correct/improve/change himself, then it may not be possible for him to continue in great and pious judicial service.**

My Lord, Such a remark is unwarranted, unreasoned and uncalled for. As a matter of fact, I have always been polite, respectful and courteous towards each and every senior officer. There has not been a single incident where I have been disrespectful or discourteous towards any senior officer. Whenever I was called on by any senior officer I have always attended and answered their calls at once and have acted promptly. None of the senior officers have made a complaint against me with respect to my discourteous behavior towards them. No Demi-official letter/notice was served upon me, nor was any explanation called from me whether oral or written in this respect. Such a remark made by the then District Judge is unreasonable, uncalled for, arbitrary and without any substantial grounds to support itself.

I have attended every training session organized by the IJTR and different workshops as directed to be attended by the Hon'ble Court. Infact I represented the Judgeship during the course of training when one of the trainee officers was required to make a presentation on "how equitable distribution of work in office helps in effective disposal". No administrative work as such has been given to me, I have made the 3<sup>rd</sup> assistant in-charge of the record room and nothing more.

I have been as much involved in learning judicial and administrative work as my fellow colleagues if not more. I am a new entrant in the service and I am in the continuous process of learning judicial and administrative work. Learning judicial and administrative work is a continuous process which goes on even till the last day of the service and I have just joined in this service and rest assured My Lord,



that I am very much keen and interested in learning judicial and administrative work and if given chance I shall prove my worth in the same.

During the dais training with the then District Judge for 3 days, we were only required to sit in a room. He did not even call us into his chamber for imparting any training or knowledge whether judicial, administrative or otherwise.

My Lord, If any inconvenience has occurred due to my honest mistake/ignorance in any judicial or administrative work, I am extremely apologetic for the same and assure you to improve myself and not to repeat the same in future. My Lord, I am a new entrant in the service and I am in the continuous process of learning judicial and administrative work.

I would request My Lord's kind attention the the **C.L.No.07/2014/Cf.(C)** Allahabad 04.03.2014 of the Hon'ble High Court where in it has been clearly directed "in case the annual remarks of any officer is adverse/critical, wholly or in part, the whole of the remarks should necessarily be communicated to the officer concerned and a note to that effect should be incorporated at the end of the annual remarks before dispatching the same to the Court" but contrary to the directions of the Hon'ble Court no such communication was made to me and it was directly sent to Hon'ble Court without any communication.

My Lord,

On the basis of all the facts stated above, it can be said that the then District Judge has not marked my evaluation on merit and the same has been arbitrarily given without any just and proper justification for the same. The remarks given by him are unfounded and without any substantial material to support it. The the then District Judge in above mentioned columns, **1(a),1(g),1(l)**, has himself admitted that I have integrity beyond doubt and that I have achieved more my target unit with a 104% output(without stenographer), and I have been punctual in sitting on dais in Court during Court hours. The the then district Judge has made analysis which is in Self Contradiction, and without any substantial material or basis.



My Lord, recently my father left for his heavenly abode on 1.6.2021 and the entire responsibility of the household has come upon my shoulders.

In the light of the facts stated above, My Lord may kindly be pleased to quash such remarks given by the then District Judge in the larger interest of justice, and give me another chance to prove my capability.

If unknowingly and by honest mistake/ignorance any inconvenience has occurred in the administration of judicial work, I most humbly apologize for the same and assure you My Lord to improve myself and not to repeat it in future. My intentions were never malafied.

Date: 20.07.2021

Yours Sincerely,

*Sumit Kumar*

Sumit Kumar 20.07.2021

Addl. Civil Judge(JD)/JM

Kaushambi

क्रमांक 713/I दिनांक 20.07.2021  
अग्रसारित  
जिला न्यायाधीश  
कौशांबी  
20.07.2021

(1)

न्यायालय अपर सिविल जज कनिष्ठ श्रेणी द्वितीय / न्यायिक मजिस्ट्रेट  
कौशाम्बी ।

वार्षिक निरीक्षण- वर्ष 2020

निरीक्षणकर्ता-श्री वी.के. दुबे (जिला एवं सत्र न्यायाधीश कौशाम्बी)

निरीक्षण का दिनांक- 10.03.2021

Annexure-1  
2

दीवानी वादों से सम्बन्धित निरीक्षण आख्या

01. मेरे द्वारा इस न्यायालय व कार्यालय का वार्षिक निरीक्षण दिनांक 10.03.2021 को किया गया। निरीक्षण के समय बताया गया कि यह नवसृजित न्यायालय है। इस न्यायालय में माननीय उच्च न्यायालय की अधिसूचना से निरीक्षण वर्ष में दिनांक 07.08.2020 से अब तक श्री सुमित कुमार, बतौर पीठासीन अधिकारी कार्यरत हैं।

02. इस न्यायालय में निरीक्षण वर्ष में सम्बन्धित पीठासीन अधिकारी द्वारा किये गये त्रैमासिक निरीक्षण का विवरण निम्न प्रकार है:-

क्रम सं.	त्रैमास	पीठासीन अधिकारी का नाम	निरीक्षण तिथि	जिला जज के कार्यालय में भेजे जाने की तिथि
01	सितम्बर 2020	श्री सुमित कुमार		
02	दिसम्बर 2020	श्री सुमित कुमार	04.12.2020	28.01.2021

इस प्रकार पीठासीन अधिकारी द्वारा त्रैमास सितम्बर 2020 में किये गये त्रैमासिक निरीक्षण की तिथि एवं उसे प्रशासकीय कार्यालय में प्राप्त कराने की तिथि उल्लिखित नहीं की गयी है, जिससे परिलक्षित होता है सम्बन्धित लिपिकगण द्वारा उक्त त्रैमासिक निरीक्षण प्रशासकीय कार्यालय में प्राप्त नहीं कराया गया है, जो अनुचित है। इस सम्बन्ध में सम्बन्धित लिपिक को निर्देशित किया जाता है कि वह उपरोक्त निरीक्षण आख्या को अनुपालन के पश्चात् प्रशासकीय कार्यालय अविलम्ब प्रेषित करना सुनिश्चित करें।

Noted  
Chauhan

कि वह इस पंजिका के आवरण पृष्ठ पर लेबिल चस्पा कर, इसके स्तम्भों के शीर्ष पर हेडिंग लगाकर उनमें प्रविष्टियों स्तम्भों के शीर्ष पर लगी हेडिंग के अनुसार करना सुनिश्चित करें।

## Annexure - 1

2

निरीक्षण के समय बताया गया कि पंजिका प्रारूप संख्या-106 जिसमें न्यायालयों द्वारा अमीन को जारी की जाने वाली रिट का विवरण अंकित किया जाता है, अनुरक्षित नहीं की गयी है, जो अनुचित है। सम्बन्धित लिपिक को निर्देश दिया जाता है कि वे उक्त पंजिका अविलम्ब तैयार कर अनुरक्षित करना सुनिश्चित करें।

35ए ता डी. पीठासीन अधिकारी द्वारा अपने को पूरे दिन व्यस्त रखने हेतु पर्याप्त कार्य प्रतिदिन नियत किया गया है और प्रतिदिन पर्याप्त कार्य किये जाने का प्रयास किया गया है। पीठासीन अधिकारी द्वारा पत्रावलियों में विधिपूर्वक सुनवाई कर के सम्यक कार्यवाही की गयी है। पीठासीन अधिकारी का प्रभावी पर्यवेक्षण एवं नियन्त्रण न्यायालय एवं कार्यालय में कार्यरत कर्मचारियों पर है।

### फौजदारी वादों से सम्बन्धित निरीक्षण आख्या

01 ता 05. इन बिन्दुओं से सम्बन्धित विवरण दीवानी वादों से सम्बन्धित निरीक्षण आख्या के बिन्दु संख्या 01 ता 06 में दिया गया है।

06. इस न्यायालय को थाना कड़ाधाम के जघन्य अपराधों जैसे- अंतर्गत धारा 302, 304बी, 304 आई.पी.सी. आदि को छोड़कर अन्य अपराधों से सम्बन्धित वादों को संस्थित कर सुनवाई करने का क्षेत्राधिकार प्राप्त है।

07. इस न्यायालय में कार्यरत पीठासीन अधिकारी द्वारा समरी पॉवर का प्रयोग नहीं किया जाता है।

8ए. इस न्यायालय में दिसम्बर, 2020 के अंत में कुल 2973 फौजदारी वाद लम्बित हैं। जिनसे सम्बन्धित विवरण प्रोफार्मा संख्या 8ए (फौजदारी) के रूप में संलग्न है।

32. इस न्यायालय द्वारा निर्णीत पत्रावलियों को अभिलेखागार संचित करने की तिथि प्रत्येक माह की 25 तारीख है। निरीक्षण वर्ष के अन्तिम तीन महीनों अक्टूबर, नवम्बर तथा दिसम्बर, 2020 में निर्णीत दाण्डिक पत्रावलियों को अभिलेखागार संचित किये जाने से सम्बन्धित विवरण प्रारूप संख्या 32 के रूप में संलग्न किया गया है किन्तु इसमें उक्त निर्णीत पत्रावलियों को किस तिथि को अभिलेखागार संचित किया गया है, अंकित नहीं किया गया है। इस सम्बन्ध में निरीक्षण के समय रीडर द्वारा बताया गया कि उपरोक्त माह की निर्णीत पत्रावलियाँ अभी अभिलेखागार संचित नहीं किया गया है, जो अनुचित है। इस सम्बन्ध में सम्बन्धित लिपिक को निर्देशित किया जाता है कि माह दिसम्बर, 2020 तक निर्णीत पत्रावलियों को तत्काल अभिलेखागार संचित करना सुनिश्चित करें तथा भविष्य में समय से पत्रावलियों को अभिलेखागार संचित करें।

निरीक्षण आख्या एक माह में अनुपालन के पश्चात प्रशासकीय कार्यालय में प्रेषित की जायें।

(वी.के. दुबे)  
जिला एवं सत्र न्यायाधीश  
कौशांबी  
दि. 10.03.2021

सुनील  
चौधरी  
Charu

Annexure 1

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