

From,

Vipin Kumar II,
Additional District & Sessions Judge/
Additional Special Judge (POCSO),
Mathura.

To,

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

Through,

The District Judge,
Mathura.

Subject: -Representation against the adverse remarks as proposed by the learned District Judge, Mathura under the heading of 'other remarks' and under the heading of 'application of law'.

Sir,

I have the honour to submit that the learned District Judge, Mathura has awarded me annual confidential remarks for the year 2020-21, the copy of which has been uploaded on the e-portal on 26.7.2021 and has not yet been communicated to me personally, as required.

The learned District Judge, Mathura has certified my integrity as, "beyond doubt", and he has rated me as a good officer in almost all the columns excepting two.

Under the column of application of law, he has rated me as, "poor", but has not mentioned a single instance upon which he has observed my application of law as poor. Hence this remark cannot sustain, nor can be replied by me either on point of fact or point of law.

Similarly, under the last column (other remarks) the learned District Judge, Mathura has mentioned, "he has a very poor reputation so far as judicial work is concerned". This observation is cryptic and obscure, used as a camouflage in order to besmirch my dignity and image. To my utter surprise, no instance has been quoted by the Learned District Judge, Mathura to support the said observation against me by the learned District Judge, Mathura.

I, very humbly and hesitantly supplicate that both these remarks mentioned above are not supported by any exhibit and have no legs to stand.

My little knowledge compels me to infer that somehow or the other the learned District Judge, Mathura is displeased with me for the reasons best known to him. This inference gets corroborated from the fact that I joined the Judgeship of Mathura in January 2020 and moved an application for allotment of government accommodation to the then District Judge, since it was not available, alternative accommodation on rent was managed.

The learned District Judge, Sri. Y. K. Mishra joined as District Judge, Mathura in December 2020 and after the general annual transfer chain of April 2021, I was the senior most HJS Officer at the station without government accommodation, but no house was allotted to me, though around 17 government accommodations felt vacant. Under the guidelines of the Hon'ble Court I should have been preferred first by the learned District Judge. Instead vacant government accommodations were allotted to the newly joined judicial officers, junior to me at the station. When I verbally requested the learned District Judge repeatedly, the cause for which I was bypassed for allotting government accommodation, he allotted me a dilapidated house vide his order dated 07/06/21, and I have been directed to take the possession immediately, It is worthwhile to mention that the house allotted to me is still not in a position to be occupied by a human being as major repairing work is underway which will take months.

This is also worthwhile to mention that in accordance with the directions of Hon'ble High Court's letter no. 31/Admin (Services) 2019 dated 19/11/2019, regarding seniority of Officers Of HJS cadre for assigning special powers to try cases under the Special Acts, only the Special Judge (POCSO) would be excluded from the list of seniority of officers of the HJS cadre.

Furthermore, as per the directions of the Hon'ble High Court's letter no. 30/Admin (Services) 2019 Dated 19/11/19, the 7th seniormost HJS officer is to be assigned with special power to try cases under the NDPS Act.

Therefore, I would humbly like to mention that after the annual transfer chain of the year 2021 in Mathura Judgeship, I was at serial no. 7.

On the contrary, the Learned District Judge Mathura Shri Y.K Mishra, vide his order dated 12/04/21, instead of complying with the directions of the Hon'ble High Court in above-mentioned circular and assigning me the power to decide cases of NDPS Act, made me the additional POCSO Judge.

It shall not be out of place to mention here that in my entire career as judicial officer of 18 years, I have never been adjudged either by any of the learned District Judges or the Hon'ble Court, in this fashion. It is worthy to note here that in the last 5 years I have been rated by the Hon'ble Court (on the recommendations of the learned District Judges concerned) as an officer of

1. 2015-16 - OUTSTANDING merits
2. 2016-17 - VERY GOOD merits
3. 2017-18 - VERY GOOD merits
4. 2018-19 - OUTSTANDING merits
5. 2019-20 - The Learned District Judge of Siddharth Nagar has recommended me as an officer of OUTSTANDING merits which has not yet been communicated by the Hon'ble Court.

At the last, I may mention here that there are no complaints against me by litigants, public or by bar members for my judicial work from any corner. I am annexing herewith the copies of some of my judgments to prove that I have vigilantly applied and interpreted correct law on the subject before me.

It is therefore requested that this representation may kindly be laid before the Hon'ble Court with a request to expunge the adverse remarks under the scores of "application of law" and "other remarks" and may be rated to be an officer of outstanding merits.

Dated: 03/08/2021

Your's Faithfully

(Vipin Kumar II)

I.D. No. UP 6070

Additional District & Sessions Judge/

Additional Special Judge (POCSO),

Mathura.

Annexures:

Copy of 3 judgements