

From: Akansha Bansal  
Civil Judge (Jr. Div.),  
Khurja - Bulandshahr, U.P.

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

Through: The District Judge,  
Bulandshahr, UP

**Subject :- Representation against the adverse remarks in “Annual Confidential Remarks, for the period from 01.04.2020 to 31.03.2021” bearing Case ID No. 3078.**

Respected Sir,

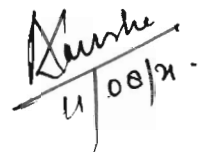
With due respect, on the subject mentioned above, I most humbly submit my explanation that I joined as Addl. Civil Judge (Jr. Div.) at Etah on 14-06-2018 and was transferred to the court of Judicial Magistrate on 25.03.2019 and held that court for 15 months. I took charge as Civil Judge (Jr. Div.), Etah on 30.07.2020 where I worked as Civil Judge till 12.04.2021.

Sir, this representation is in response to Annual Confidential Remarks (ACR) issued for my tenure as Judicial Magistrate, Etah from 01.04.2020 till 30.07.2020 and Civil Judge (Jr. Div.), Etah from 30.07.2021 to 31.03.2021.

Sir, it is most respectfully submitted that various remarks made by the Learned District Judge in the ACR are in the nature of adverse remarks which are sketchy, vague and devoid of any factual basis and I respectfully disagree with those remarks and seek to make my representation against the same. So, I am giving my para-wise representation for the expunction of the remarks from the ACR, 2020-2021.

A) 01(c). If he is cool minded and does not lose temper in court.

Remark given by the District judge -“Everytime not cool minded in court and loose temper.”

  
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It is humbly submitted that the remarks made by the Learned District Judge are vague, subjective and do not mention any actual incident. In this regard, I would like to state that I have never been informed either orally or in writing of the need to control my temper by the Learned District Judge. Neither any such incident has ever occurred in my court, nor to the best of my knowledge, has any complaint been made by anyone to the Learned District Judge during the period.

Further, in Column 1 (m) of the ACR, It is stated by the learned District Judge that “Yes, she is amenable to the advice of the District Judge and other superior officers” and if such is the case the Learned District judge should have advised me about my behaviour. So, on perusal of different sections of ACR in question would reveal that the remarks are contradicted, and entries have been made wrongly. It is humbly prayed that the adverse remarks for the period in question may kindly be expunged.

B) 01(f). Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language? :

Remark given by the District Judge - “Judgments are not sound on the whole.”

I would like to submit that I have tried to dispose of cases and write judgments/orders to the best of my abilities. That my judgments were not sound on the whole was never brought to my notice either orally or in writing. Nothing has ever been stated regarding my orders/judgments in appeals or revisions of any of the superior courts. Further, I was given the charge of various courts which shows the confidence of the Learned District Judge in my abilities which contradict the assessment made by the Learned District Judge in my ACR. I would also like to add here that in the ACR of the last two years, the Respected District Judges gave favourable remarks in the same column -“Yes, Judgments sound, well reasoned and expressed in good language”. Hence the remark is liable to be expunged in the circumstances described above.

C) 01(h). Control over the Office and Administrative capacity and tact:

Remark given by the District Judge - “The officer has not good control over the office”.

The remark made by the Learned District Judge is neither supported by the record and nor based on any objective material. On perusal of “Section 01(e). Control over the files in the matter of

*Kanhu*  
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ACR” would reveal that the remarks made here contradict the remark made in column 01(h). It is humbly submitted that I was made in charge of various committees and Learned District Judge expressed satisfaction with the reports submitted by me in monthly meetings. Further the Learned District Judge has mentioned in column 01(k) “The officer has made regular inspections and inspection notes are full and effective” which again contradicts the assessment regarding the administrative capacity of the officer. I would like to state here that 1775.93 units of work were done against the standard of 1200 units which has been possible only because of good control over the office. In the circumstances described above, it is humbly prayed that the adverse remark in question may kindly be expunged.

D) 01(i). Relations with members of the Bar (mention incidents, if any):

Remark given by the District Judge - “Not Satisfactory”

It is specifically stated in the column that “ mention incidents, if any” but no incident has been mentioned by the Learned District Judge nor I was ever warned, either orally or in writing regarding any incident with the members of the bar. The officer had a very satisfactory relation with the bar which made it possible for the officer to complete 1775.93 units against the standard 1200 units as mentioned in earlier para as well. Also the officer could dispose of 48 cases under the ten years old category and 64 cases under the five years old category only because of cordial relations with the members of the bar. It clearly establishes that remark made by the Learned District Judge are totally subjective, devoid of any factual basis and therefore, liable to be expunged by your Lordship.

E) 01(l). His punctuality and regularity in sitting on the dais in court during court hours?

Remark given by the District Judge - “Not punctual in sitting on dias.”

F) 4. Other Remarks, if any:

Remark given by the District Judge - “Many times on surprise inspections she was not found on dias during court hours but she has shown herself on dais at the relevant time. On asking the reason no satisfactory reply given, for that DO letter was served on her.”

*Kausik*  
11/08/21.

With utmost respect and humility, it is submitted that the officer always remains present on time in the court during the entire assessment period of 2020-2021. She also properly sat on dais as per the guidelines prescribed by the Hon'ble High Court from time to time during Covid period. Daily sitting register is also been maintained and duly signed by the Learned District Judge. The DO letter in question was served to the officer when the Learned District Judge made an inspection of the civil court building from 10:01 AM to 10:04 AM and the officer was not found to be present in her chamber. No explanation was sought from the officer as the officer had already explained to the Learned District Judge orally that although she was not present in her chamber she had already filled her daily sitting and was in the court of ADJ, Chairman of Infrastructure Committee for discussion regarding ongoing renovation of Civil Court building as the officer also happened to be the member of the said committee. At no other time was the officer found absent during court hours nor was any other DO or show cause notice served on the officer during the assessment period of 2020-2021. Even after the direction of the Hon'ble High Court of leaving the court premises after completion of work during Covid - 19 the officer never disobeyed the direction of Learned District Judge and remains present in the court chamber after completing the court work and left the court premises at 5 PM only as per oral instruction of Learned District Judge. In light of the mentioned above, it is humbly prayed that the remarks be expunged.

Column No. 2. "Overall assessment of the merit of the officer".

The remark by the District Judge - "Average".

Objective parameter for the assessment of the work done by the Judicial Officer is disposal of an adequate number of cases. In this regard, the officer has given 1775.93 units of work against the standard of 1200 units (147.99%) even during the Covid period when the court work was limited to urgent and essential work. The officer disposed of a total of 152 Civil Cases and 154 Criminal Cases out of which 48 cases were under the ten-year-old category and 64 cases under the five-year-old category during this assessment year. The Hon'ble High Court regularly circulated appreciation letter for disposal of old cases and the officer name was mentioned in every such letter.

*Kaushik*  
11/08/21

The officer worked with full dedication and integrity and tried her level best to decrease pendency by timely adjudication and would like to thank the Hon'ble High Court for motivating the officer in said task by regulating regular appreciation letters. The officer regularly participated in various legal programmes and represented the District in every cluster meeting organised by the Judicial Training and Research Institute, Lucknow.

The principle of natural justice requires that an officer be given prior oral/written advice/warnings so as to enable her to improve her conduct. However the officer has been condemned for no reason at the end of the year without any warning. It is therefore, humbly prayed that the remarks be expunged and grade be upgraded.

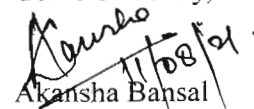
I respectfully beg to state that in view of above stated circumstances and explanations the remarks made by the District judge in Column 01(c), 01(f), 01(h), 01(i), 01(l) and Column 4 may kindly be expunged by the Hon'ble Court from ACR, 2020-2021, as do not appear to be a factual assessment of the intelligence, appearance and bearing of the officer, further it is stigma to the officer career.

It is humbly prayed that Hon'ble Court may kindly be pleased to upgrade Column 2 of the ACR "the overall assessment of the officer from the Average" in the interest of justice and to further boost young officers like me to work on excellency.

With utmost regards,

Date: 11/08/2021

Yours Sincerely,

  
Akansha Bansal

Civil Judge (Jr. Div.)

Khurja- Bulandshahr (U.P.)

ID No. – UP 2483