

From – **Reema Malhotra,**  
Additional District and Sessions Judge,  
Fast Track Court- 2<sup>nd</sup>, Etah.

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

**Subject- Representation against adverse remarks recorded for the year 2020-2021 by the then District Judge, Etah, on some scores and against overall assessment as " Good Officer "**

Respected Sir,

With utmost respect, I, very humbly wish to submit that in my annual assessment for the year 2020-2021, the then District Judge, Etah has remarked adversely in some of the columns against which I am inclined to make following submissions -

It shall not be out of the place to mention that in his annual remark, the then **District Judge, Etah has not mentioned the entire contested work done by me during the assessment year 2020-2021.** He has shown only 15 Session Trials, 01 Gangster Special Trial, 47 Criminal Revisions and 06 Civil Misc. cases disposed by me (**Relevant Column Number 1(g)(i)**) whereas I have decided 02 Gangster Special Trials and 10 Civil Misc. Cases . In addition to the above work I have done the following contested work which has not been shown-

- **05 Civil Appeals**
- **06 Civil Revisions**
- **03 Miscellaneous Civil Appeals**
- **14 Miscellaneous MACP**
- **06 Criminal Miscellaneous Cases**

It is also imperative for me to submit that the then District Judge, Etah has though overall **assessed my judgments as 'Good' and 'Sound' but their marshalling of facts and appreciation of evidence as 'Average'.** (Relevant Column Numbers **1(f)(i) to 1 (f)(iii)**).

*Reema Malhotra*  
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In this regard, I wish to submit that **rating the judgments comprising of average marshalling of facts and appreciation of evidence as 'Good' and 'Sound', is in itself a paradoxical remark.**

The then District Judge, Etah has also not specifically mentioned any case in which average marshalling of facts and appreciation was observed particularly, he has made a general remark instead. In this regard it is my kind submission that I have passed my judgments to the best of my ability and in adherence to law throughout the assessment year.

Further in **Column 1(h)** a remark has been made against me *that I have average control over the staff.* In this regard, I wish to state that **the then District Judge, Etah has made no specific remark regarding lack of my control over my staff in the quarterly inspections made by me or in his annual inspection of my court nor I have been communicated any official letter throughout the assessment year carrying any remark, instruction or direction regarding my lack of control over my court's staff.** Rather in **Column 1(k)** of his annual remark the District Judge has specifically mentioned that inspections made by me were regular and effective Thus remarks given in both the columns are contradictory.

In **(Column 1(l))** District Judge has made a remark *that I have not been punctual in sitting on dias.* In this regard I wish to submit that in accordance with the guidelines of Hon'ble Allahabad High Court issued due to COVID-19 till December 2020 and afterwards I have been very punctual in sitting on dias which is also fairly evident from the number of cases disposed by me throughout the assessment year. Moreover **the then District Judge has never made a remark in my daily sitting register in this regard.**

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I also wish to submit that District Judge has made a remark that during his surprise inspections 'many times' I was not found on dias and showed myself on dias at the same time, in this regard, I wish to submit that he has **never made a remark in my daily sitting register that I had wrongly shown myself on dias.**

So far as D.O. and its explanation is concerned, the then District Judge has never served any **D.O. letter during the assessment year 2020-2021 regarding my irregular sitting on dias.** In fact, the then District Judge had served a D.O. letter dated 03.04.2021, carrying a remark that " while the round taken by the then District Judge at 02.35 PM, I was not found on dias but had shown myself on dias from 02.00 to 04.30 PM in my daily sitting register ". Further, I was directed to mention correct time in my daily sitting register regarding sitting on dias. **This D.O. letter was a mere advisory letter.**

Regarding the above mentioned D.O. letter, in my explanation dated 05.04.2021, I explained that after hearing all the files, I came in my chamber from dias at 02.30 PM and was giving dictation to my stenographer in the files, reserved for order. I also stated that inadvertently, not intentionally 02.00 to 04.30 PM was mentioned as the time of presiding over the dias. Following that explanation, I received no further direction or instruction. **Copy of the above mentioned D.O. letter and my explanation are being annexed herewith.**

Regarding the remark of the then District Judge, Etah that I don't know how to conduct Final Enquiry and in Final Enquiry number 07/2020 I had issued show cause notice to the officer on whose complaint the enquiry was initiated, it is being submitted humbly that the enquiry officer who is entrusted with the Final Disciplinary Enquiry prepares a PROPOSED CHARGE to be framed upon the delinquent official against whom the enquiry is initiated. Hereafter the proposed charge is sent to the the District Judge, being appointing authority, for the kind perusal and approval. Similarly, in the disciplinary enquiry number

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07/2020, I prepared a proposed charge and sent it to the District Judge and after going through the entire record, the District Judge was kind enough to approve the charge. In furtherance of the approval, I sent an information to the judicial officer assuming that the then District Judge, Etah was in agreement with the proposed charge that the evidence of the judicial officer was required to be recorded.

**While approving the charge, being supervisory authority, the then District Judge had proper occasion to guide/suggest me to delete the name of the concerned officer from the list of witnesses, if the evidence of the officer who has made the complaint, was not required to be recorded in the Final Disciplinary Enquiry. The then District Judge, Etah could have amended the charge to this extent, exonerating the complaining officer as witness.** As per the approved charge and list of witnesses the concerned officer was given notice to put up his version regarding his complaint.

I also wish to submit that **I had not issued 'Show Cause' notice to the officer/complainant instead I issued the notice to him just to inform him that the above enquiry is being conducted by me and to make him appear for knowing his version regarding his complaint.** My act was absolutely in good faith.

I, further wish to submit that in **Column number 1(e)(iv) of the annual confidential remark my disposal of execution cases has been shown as 'Nil'.** In this respect I wish to submit that **there was no execution case pending in my court during the assessment year, hence disposal of any execution case was not possible.**

In **Column number 1(e)(vii) my performance in disposing of MACP cases has been shown as 'Nil',** whereas **I have decided following MACP cases -**

- 05 MACP Cases
- 14 MACP Miscellaneous Cases

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The remark given in this column is **self contradictory to column 1(g)(iii)** where disposal of 05 MACP cases is shown.

It is, therefore, humbly requested to place my representation before The Hon'ble Court for it's kind consideration and it may **be pleased to expunge the adverse remarks** recorded in my annual confidential remarks relating to the year 2020-2021. Further the Hon'ble Court may **be pleased to upgrade my overall assessment from "Good" to higher grade**, as it deemed fit. I shall remain grateful for the kindness of the court.

with regards,

Yours sincerely

  
(**Reema Malhotra**)

Additional District and Sessions  
Judge, Fast Track Court- 2<sup>nd</sup>, Etah.

Dated- 19.8.21

**Enclosures-**

1. Copy of D.O. letter dated 03.04.2021
2. Copy of my explanation dated 05.04.2021 regarding the above D.O. letter.