

From,

Parmeshwar Prasad,
Additional District & Sessions Judge
(Rape Alongwith Pocso Act)
Shravasti.

To,

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

Through- The District Judge,
Shravasti.

No. /2021

Dated: 27.08.2021

Subject:- Representation against remark of Respected District Judge in Annual Confidential Report for the assessment Year 2020-2021.

Respected Sir,

I, Most humbly submit my representation before the Hon'ble Court against remarks given to me by the Respected District Judge, Shravasti in Annual Confidential Report for the assessment year 2020-2021.

With due respect, I submit that my Annual Confidential Remark of the year 2020-2021 uploaded on the website of Hon'ble High Court by District Court Shravasti shows that Respected District Judge remarks my integrity beyond doubt, fair and impartial in dealing with public and bar, cool minded and does not loose temper in court, officer possesses good character nothing adverse came to his knowledge which could adversely affect in the discharge of duties, cause list is properly fixed, unnecessary adjournments avoided, adequate number of old Cases decided, judgments are well reasoned based on facts and law and expressed in good language, marshalling of facts proper, appreciation of evidences and application of law is good, disposal of work is adequate and work done is 956.35 units against the required 645.68 units and percentage of work is 148.49%.

The Respected District Judge also remarks the percentage of work is 148.49% and disposal of work is adequate during the assessment year. The Respected District Judge again remarks my administrative capacity and tact with effective control over the office.

The Respected District Judge also mention my relations and behaviour with members of bar and brother officers is cordial and behaviour with womens is good.

To this end, I want to bring this fact into the kind notice of the Hon'ble Court the letter no. C-671/CF(8) /2021 dated July 17, 2021 of Hon'ble High Court regarding exemption/ relaxation in the QUATA/UNITS for the judicial officers for the assessment year 2020-2021 keeping in the view the pandemic of Covid-19. The Hon'ble Court also mentioned in the above said letter that the sympathetic view be taken by the assessing authorities and they may ignore the shortfall treating the same as no adverse.

The Respected District Judge assessed me in the Annual Confidential Report for the assessment year 2020-2021 as 'Very Good' in the point of overall assessment of the merit of the officer.

✓

I decided all kinds of cases pending in the court. All efforts were made to dispose cases finally on merits of the case. But the Respected District Judge remark me in the Column No. 01(e)(iv) of the Annual Confidential Remark of the year 2020-2021 that 07 Execution Cases are pending but no case has been decided during the Assessment Year.

I most humbly submit that all the 07 Execution Cases shown to have been pending in my court were related to execution of Arbitration Award under Arbitration and Conciliation Act, 1996. The disposal of such execution were beyond my jurisdiction. I have made repeated request to Respected District Judge in oral and on 16.02.2021 in writing (Annexure No. 1) to transfer such execution cases to competent court, but no order was passed by the Respected District Judge till 31, March 2021.

Hon'ble High Court of Allahabad observed in Northern Coal Fields Ltd. Vs Aluminium Industries Ltd, S.A.F.O. No. 1334/2011 Order date -13.05.2013 that Additional District Judge have no power of hearing execution cases relating to Arbitration and Conciliation Act 1996. The same also has been held by the Hon'ble High Court in Ms. ITI Ltd Naini Allahabad Vs District Judge Allahabad, 1998 (3) AWC 2244.

In view of the above pronouncements of the Hon'ble Court I could not decide any execution case because of lack of jurisdiction. Except these cases no other execution case was pending in my court. So I did not make any default in not deciding the execution cases.

It is further, most humbly, submitted that I have secured all above things together with achievement of more than target units (Quota) during the Pandemic of Covid – 19 for the assessment year 2020-2021. But the Respected District Judge without considering all above facts and circumstances remarked in Column No. 01(e)(iv) of Annual Confidential Remarks for the year 2020-2021 that 07 Execution Cases were pending but no execution case disposed during the assessment year which is beyond any reason, arbitrary, against the records and deserves to be struck down.

Therefore, it is most respectfully requested that the Hon'ble Court may graciously be pleased to accept my humble representation and remove the above remark of my Annual Confidential Remark of the year 2020-2021, for which I shall ever be grateful to the Hon'ble Court.

With profound regards.

Date: 27.08.2021

Encl:- As above.

Sincerely

U272021
27/8/2021

(Prameshwar Prasad)

Additional District & Sessions Judge
(Rape alongwith POCSO Act)
Shravasti.

प्रेषक,

परमेश्वर प्रसाद
अपर जनपद एवं सत्र न्यायाधीश
(रिप एलांगविद् पाक्सो एक्ट)
श्रावस्ती।

सेवा में,

माननीय जनपद न्यायाधीश
श्रावस्ती।

विषय—

माध्यस्थम और सुलह अधिनियम 1996 के इजराय वादों के
स्थानान्तरण के सम्बन्ध में।

महोदय,

ससम्मान निवेदन है कि इस न्यायालय में माध्यस्थम एवं सुलह अधिनियम 1996 के 06 इजराय वाद तथा इजराय वादों से सम्बन्धित 02 प्रकीर्ण सिविल वाद सुनवायी हेतु लम्बित है। माननीय इलाहाबाद उच्च न्यायालय द्वारा एस0ए0एफ0ओ0 संख्या 1334 / 2011 नार्दन कोल फील्ड लिमिटेड बनाम एल्मूनियम इन्डस्ट्रीज लिमिटेड के मामले में पारित आदेश दिनांकित 13.05.2013 के अनुसार माध्यस्थम और सुलह अधिनियम 1996 के अन्तर्गत दाखर इजराय वादों की सुनवायी का क्षेत्राधिकार अपर जनपद न्यायाधीश को नहीं है।

इसी प्रकार का मत माननीय उच्च न्यायालय द्वारा मे0 आई0टी0आई0 लिमिटेड नैनी, इलाहाबाद बनाम जिला जज इलाहाबाद 1998 (3) ए0डब्लू0सी0 2244 के मामले में भी व्यक्त किया गया है।

अतः माननीय महोदय से विनम्रतापूर्वक अनुरोध है कि मेरे न्यायालय में लम्बित माध्यस्थम व सुलह अधिनियम 1996 के इजराय वादों की सुनवायी के सम्बन्ध में उचित दिशा निर्देश देने की कृपा करें।

सादर।

दिनांक — 16.02.2021
इजराय व प्रकीर्ण वादों की सूची।
संलग्न है।

भवदीय
परमेश्वर प्रसाद
अपर जनपद एवं सत्र न्यायाधीश
(रिप एलांगविद् पाक्सो एक्ट)
श्रावस्ती।

Sir-
Recd copy
19/2/21


Photo copy Attested.
27/8/2021

इजराय वादो से सम्बन्धित सूची

क्र०सं०	इजराय वाद संख्या	नाम बनाम
1	10/2015	मैग्मा फिनकार्प लिमि० बनाम रज्जब अली
2	01/2016	महेन्द्रा एण्ड महेन्द्रा लिमि० बनाम राम तेज आदि
3	02/2016	महेन्द्रा एण्ड महेन्द्रा लिमि० बनाम संजय आदि
4	04/2016	महेन्द्रा एण्ड महेन्द्रा लिमि० बनाम चन्द्र प्रकाश आदि
5	05/2016	महेन्द्रा एण्ड महेन्द्रा लिमि० बनाम सुभाष पाठक आदि
6	10/2017	मैग्मा फिनकार्प लिमि० बनाम दिनेश कुमार

इजराय वाद से सम्बन्धित प्रकीर्ण वादों की सूची

1	31/74/2016	मैग्मा फिनकार्प लिमि० बनाम कर्ताराम आदि
2	33/74/2016	मैग्मा फिनकार्प लिमि० बनाम आशिक अली आदि


सत्र / अपील लिपिक
न्याया० अपर जनपद न्यायाधीश
कोर्ट न० 4 श्रावस्ती

Photocopy Attested.
25/8/2021