

From :

Amit Kumar Prajapati

Additional District Judge/
Spl. Judge (E.C. Act)
Ghaziabad
JOCode-UP6330

Through,

The District Judge
Ghaziabad.

To,

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

Subject:- Submission of Representation against the only adverse remarks by the Ld. District Judge Sultanpur on the ACR of the undersigned applicant regarding Serial No. 01(a), 01(b), 01(d), 01(e)(i)(a), 01(e)(i)(b), 01(e)(ii), 01(e)(v), 01(f), 01(f)(ii), 01(f)(iii), 01(h), 01(l), 01(m) and 2 during the assessment year 2020-2021 as communicated through e-services online portal on 17.08.2021.

Sir,

I most respectfully beg to submit my Representation on the subject noted above, as under :

1- During the assessment year 2020-2021, I worked as A.D.J, Court no. 3, Sultanpur from 01.04.2020 to 17.10.2020 and Additional District & Sessions Judge/Special Judge E.C. Act, Court no.4, Sultanpur from 18.10.2020 to 31.03.2021.

2- That during the Assessment period from 01.04.2020 to 31.03.2021 the Learned District Judge Sultanpur recorded some assessment Remarks which are not correct and adverse to applicant. Regarding those remarks, applicant most respectfully submits following facts and prayer:-

(A) Learned District Judge recorded remark in Serial No.1 (a) that "integrity of the officer highly doubtful". It is humbly submitted that Ld. District Judge is posted in Sultanpur from 17-11-2020 to till now. The mentioned case in remark "**State vs. Sanjay Agrahari**" was decided by me on 14.05.2019, and at that time, no complaint was made to then Learned District Judge and in the assessment year 2019-2020 (i.e. from 01.04.2019 to 31.03.2020), **integrity of the applicant has been certified by the then Learned District Judge** and which is **confirmed by Hon'ble High Court**. From the date of Judgement and to the end of assessment year (i.e. from 14.05.2019 to 31.03.2020), no such complain made to then Learned District Judge, and it shows that alleged complaint has been made with the mala-fide intention. Applicant has been sent his explanation to the Learned District Judge regarding that complaint (explanation Attached). On the basis of a single false complaint, which is directly sent to the Hon'ble Chief Justice, Allahabad High Court, without making any complaint to the Learned District Judge, recording the remark "highly doubtful integrity", is not correct and is without any supporting material, therefore liable to be quashed.

(B) Regarding remark Serial No.01(b), it is humbly submitted that neither District Bar Association, Sultanpur, nor any Advocate has made any written complaint to the Learned district Judge, neither any such complaint came to my knowledge through



Learned District Judge. Therefore, remark recorded in Serial No. 01(b), is not correct and liable to be quashed.

(C) Regarding remark Serial No. 01(d), it is humbly submitted that neither District Bar Association Sultanpur, neither any Advocate, neither any person has made any written complain to the Learned District Judge, nor any such complaint came to my knowledge through Learned District Judge. Therefore, remark recorded in Serial No. 01(d) is not correct and liable to be quashed.

(D) Regarding remarks Serial No. 01(e) (i) (a) and 01(e) (i) (b), it is humbly submitted that from the date 22.03.2020, due to covid-19 pandemic, Court's work has been affected adversely. During pandemic, Hon'ble High Court has directed, time and again that only urgent matters will be heard and evidence will be recorded only with the prior permission of the Learned District Judge. If any officer, employee or advocate found corona positive, courts premises was closed for one or two days as per order of Learned district Judge and the cases fixed on that day were fixed for another day. Due to covid 19 pandemic, only those case were fixed, which was disposable or urgent in nature. It was the guideline of the Hon'ble High Court that after completion of the work, officer may leave the court campus. It was not necessary to fix the case which was not urgent. Therefore, the remarks recorded in Serial No. 01(e) (i) (a) and 01(e) (i) (b), is not correct and liable to be quashed in view of covid 19 pandemic and guidelines of the Hon'ble High Court.

(E) Regarding remark Serial No. 01 (e)(ii), it is humbly submitted that Applicant has always avoided unnecessary adjournment. Learned District Judge has not mentioned any case in his remark, in which unnecessary adjournment was granted. Therefore, the remark recorded by Learned District Judge in Serial no 1(e) (ii) is not correct and liable to be quashed.

(F) Regarding remark Serial No. 01(e) (v), it is humbly submitted that applicant's court was not a court of original jurisdiction for civil suits and no injunction application was pending, therefore, no interim injunction order has been passed. Therefore, remark recorded in Serial No. 1(e) (v) is not correct and liable to be quashed.

(G) Regarding remark Serial No. 01(f), it is humbly submitted that judgments passed by the applicant are sound, well reasoned and passed after proper marshalling of facts and proper application of law, and written in good language. Learned District Judge has not mentioned any case, in which he found that facts, law and reasoning of judgment, was not proper. Hence, the remark recorded in Serial No. 01 (f) is not correct and liable to be quashed.

(H) Regarding remarks Serial No. 01(f) (ii) & (iii), it is humbly submitted that, judgment passed by the applicant are sound, well reasoned and after proper marshalling of facts and proper application of law and written in good language. Learned District Judge has not mentioned any case in which he found that facts, law, reason was not proper. Ld. District Judge has also recorded Marshalling of fact is "good," . Therefore, the remark recorded in Serial No. 01(f) (ii) & (iii) is not correct and liable to be quashed.

(I) Regarding remark Serial No. 01(h), it is humbly submitted that, Learned District Judge has given remark that the officer has proper control over his office but he does not have administrative capacity. In this regard, I have to humbly submit that only one administrative work allotted to me, i.e. in-charge Oath Commissioner and there is no instance, in which any complaint has been made regarding my administrative work by any oath commissioner. Learned District Judge has not withdrawn that administrative

20

work from applicant. Therefore only adverse remark recorded in Serial No. 01 (h) is not correct and liable to be quashed.

(J) Regarding remark in Serial No. 01(l) , it is humbly submitted that, Learned District Judge recorded the remark that "P.O. was not punctual in the sitting on dais". In this regard, I have to humbly say that from 03.01.2021 normal functioning of the court was started. Prior to that date, due to covid-19 pandemic, the normal functioning of the courts were badly affected. Advocates and witnesses were coming in the court in a very limited number and they are doing only urgent works. Applicant was punctual on the sitting on the dais, but due to unavoidable reason, I was not found on the dais, in surprise inspection of Learned District Judge dated 01.02.2021 and 23.02.2021, for which applicant has given explanation to the Learned District judge. It is also humbly submitted that applicant seeks **unconditional apology** from **Hon'ble High Court** for non-sitting on the dais dated 01.02.2021 and 23.02.2021 at the time of surprise inspection. It is also humbly requested that keeping the covid 19 pandemic, kindly forgive and be merciful for that.

(K) Regarding the remark recorded in Serial No. 01(m) by Learned District Judge Sultanpur, I have to humbly say that applicant's behaviour is always polite and good with others and he is always amenable to the advice of the Learned District Judge. There is no incident throughout the assessment year 2020-2021, in which the applicant behaviour was found not amenable to the advice to the District Judge or found behaviour to adamant and stubborn. Hence remark recorded in Serial No. 01 (m) is not correct and liable to be quashed.

(L) Regarding the remark recorded in Serial No.2, I have to humbly say that the maximum part of the assessment year 2020-2021 was badly affected due to covid 19 pandemic. In spite of that, applicant achieved 680.22 unit out of 540.40 of actual target and unit percentage of work was 125.87% , which was more than standard prescribed by Hon'ble High Court. Applicant has also disposed old cases and execution cases. Therefore remark recorded in Serial No. 2 "Poor" is not correct and liable to be quashed.

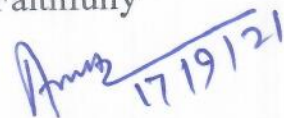
It is therefore humbly requested that your good self may kindly place the representation of mine before the Hon'ble court.

It is most earnestly prayed by me that the Hon'ble court may be pleased to kindly consider my this representation and **expunge** the adverse remarks recorded in Serial No.01(a), 01(b), 01(d), 01(e)(i)(a), 01(e)(i)(b), 01(e)(ii), 01(e)(v), 01(f), 01(f)(ii), 01(f)(iii), 01(h), 01(l), 01(m) and 2 by the Ld. District Judge, Sultanpur for Assessment Year 2020-2021 and the overall assessment may kindly be **upgraded** to any other higher suitable entry which the Hon'ble court deems fit.

I shall remain grateful to the Hon'ble court for this grace from my whole life.

With Kind Regards

Yours Faithfully

 17/9/21

Date:17-09-2021

(Amit Kumar Prajapati)
Additional District Judge/
Spl. Judge (E.C. Act)
Ghaziabad
JOCODE-UP6330

प्रेषक: अमित कुमार प्रजापति,
विशेष न्यायाधीश (आवश्यक वस्तु अधि०)/
अपर जिला एवं सत्र न्यायाधीश,
गाजियाबाद।

सेवा में,

माननीय जनपद न्यायाधीश,
गाजियाबाद।

विषय: माननीय उच्च न्यायालय इलाहाबाद के अर्द्धशासकीय पत्र सं०-A- 842/2021'Cor:f'
Dated June 23, 2021 एवं श्रीमान जनपद न्यायाधीश सुलतानपुर के पत्रांक सं०-
1780/XV दिनांक 01-07-2021 के द्वारा मांगे गए स्पष्टीकरण/आख्या के सम्बन्ध में
महोदय,

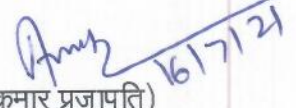
ससम्मान निवेदन है कि उक्त पत्रांकों के द्वारा श्री संतोष कुमार अग्रहरि के शिकायती प्रार्थना-
पत्र दिनांकित 28-05-2019 पर अधोहस्ताक्षरी से स्पष्टीकरण/आख्या आहूत की गयी है, जिसके सम्बन्ध
में अधोहस्ताक्षरी का स्पष्टीकरण/आख्या निम्नवत् है:-

1- यह कि अधोहस्ताक्षरी ने जनपद न्यायालय सुलतानपुर में माननीय उच्च न्यायालय इलाहाबाद के
आदेशानुसार जनपद न्यायालय कन्नौज से स्थानान्तरित होकर दिनांक 25-04-2018 को त्वरित न्यायालय
द्वितीय का कार्यभार ग्रहण किया तथा जनपद न्यायालय सुलतानपुर में न्याय के प्रति सत्यनिष्ठा बनाये रखते
हुए, निर्धारित कार्यकाल तीन वर्ष का पूरा किया। माननीय उच्च न्यायालय इलाहाबाद के आदेशानुसार
अधोहस्ताक्षरी का स्थानान्तरण जनपद न्यायालय सुलतानपुर से जनपद न्यायालय गाजियाबाद हो गया है,
जहां पर अधोहस्ताक्षरी कार्यभार ग्रहण कर कार्य कर रहा है।

2- यह कि शिकायतकर्ता श्री संतोष कुमार अग्रहरि द्वारा अधोहस्ताक्षरी पर लगाया गया आरोप कि
अधोहस्ताक्षरी ने संजय अग्रहरि आदि के अनुचित प्रभाव में आकर अपराध सं०-903/2011 थाना
कोतवाली अमेठी जनपद अमेठी फौजदारी विचारण सं०-138/2012 राज्य बनाम संजय अग्रहरि आदि के
अभियुक्तगण को दोष मुक्त कर दिया, बिलकुल असत्य है। अधोहस्ताक्षरी का संजय अग्रहरि आदि से कोई
सम्बन्ध नहीं है, न ही व्यक्तिगत रूप से जानता-पहचानता है। सत्र परीक्षण 138/2012 का निर्णय,
अधोहस्ताक्षरी ने पत्रावली पर उपलब्ध समस्त साक्ष्यों का गहनता पूर्वक परिशीलन करने तथा माननीय उच्च
न्यायालय तथा उच्चतम न्यायालय द्वारा पारित सुसंगत विधि व्यवस्थाओं का परिशीलन करने के पश्चात
पारित किया है, किसी भी साक्ष्य अथवा तथ्य को नजरअंदाज नहीं किया गया है। संजय अग्रहरि अथवा किसी
भी व्यक्ति के अनुचित प्रभाव में आकर निर्णय पारित नहीं किया गया है। इस प्रकार शिकायती प्रार्थना-पत्र में
अधोहस्ताक्षरी की सत्यनिष्ठा के विरुद्ध वर्णित समस्त कथन, शिकायतकर्ता की कल्पना पर आधारित है,
जिनमें सत्यता का कोई अंश नहीं है।

आख्या माननीय महोदय के आदेश के अनुक्रम में सादर प्रेषित।

भवदीय,

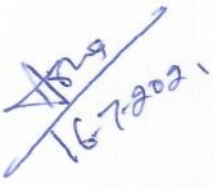

(अमित कुमार प्रजापति) 16/7/21

दिनांक:- 16-07-2021

विशेष न्यायाधीश (आ० वस्तु अधिनियम)/

अपर जिला एवं सत्र न्यायाधीश,

गाजियाबाद।


16-7-2021