

## **Written Representation Against Adverse Remark in Annual Confidential Report of Applicant**

**From,  
Peeyush Bhartiya  
Civil Judge (Junior Division)  
Lucknow  
ID no. 2434**

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

**Through,  
The District Judge,  
Lucknow**

**Subject: Submission of representation against an adverse remark recorded by Shri Anil Kumar Jha then Id. District Judge, Pratapgarh (prestenly Ld. District Judge, Kanpur Dehat) against the applicant for the Assessment Year 2020-21 as communicated vide through online e service for judicial officers.**

**Venerable Sir,**

**I most respectfully beg to submit my representation on the subject noted above as under:**

1. That I belong to the 2016 batch of Civil Judge (Junior Division). I joined the service on 09/07/2018 in the District Court Pratapgarh as Additional Civil Judge (Junior Division) and thereafter since 28/02/2020 (till transfer to Lucknow Judgeship on 9/04/2021) have posted and worked as the Civil Judge (Junior Division)/Judicial Majistrate at Kunda, an outlying Court of District Court, Pratapgarh. I have thus so far completed barely 03 years in Judicial Service.
2. That during the Assessment Year 2020-21, Shri Anil Kumar Jha (now District Judge Kanpur Dehat) was the District Judge, Pratapgarh. Abovenamed Ld. The District Judge has recorded mine Annual Confidential Remark for the Assessment Year 2020-21.
3. That the main Annual Confidential Remarks of mine recorded by Shri Anil Kumar Jha, the learned District Judge, Kanpur Dehat, for the Assessment Year 2020-21 are : "Integrity— beyond doubt, fair & impartial in dealing with the public & bar, cool minded and does not loose temper in court, no complaint made against his private character, fixing of cause list-proper, sufficient number of cases fixed to keep engaged during full court hours, unnecessary adjournments avoided, interim order/injunction being granted/refused/retained for sufficient reasons, nil case has remanded on substantial grounds, Marshalling of facts-Good (based on perusal of judgement attached), Appreciation of evidences-Good (based on perusal of judgement attached), Application of law-Good (based on perusal of judgement attached), 710.7 units achieved against target units of 574, three cases decided after actual full contest, two cases wherein all the witnesses turned hostile and the cases ended in acquittal, 03 cases decided on compromises, satisfactory control over the office and Administrative capacity and tact, cordial relations with the members of Bar and brother officers, made regular inspections of his court and office, punctual, amenable to advice of District judge and

other superior officers, Behavior towards women- Good and respectful, **overall assessment of the merit of the officer-Good, and other remarks-nil.**

4. That the only **one adverse remark** recorded by the Ld. District Judge in Column no. 1(e)(iv) is quoted here thus: “only 01 execution case is disposed (uncontested). No interest shown in disposal of execution cases on full satisfaction basis. Although the year wise breakup shows pendency of 37 execution cases”.

5. That the assessment year 2020-21 was not the normal year. In that year the whole country had been suffering from the Covid-19 pandemic which continued even today and from 25/03/2020 national lockdown had been imposed, due to this, the court has stopped normal functioning. After considering the national lockdown and in view of Coronavirus, the hon'ble Chief Justice of Allahabad High Court in PIL no. 564/2020 passed an order dated 26/03/2020 with certain directions from his residence. One of the direction issued in aforesaid PIL by the Hon'ble Chief Justice is “(iii) If any orders of eviction, dispossession or demolition are already passed by the High Court, District or Civil Courts, the same shall remain in abeyance for a period of one month from today;”. Directions issued by Hon'ble High court in PIL no. 564/2020 has been extended many times which include aforesaid direction and finally on 5/1/2021, the Hon'ble High court after considering the situation of coronavirus stopped the further extension of the directions issued in aforesaid PIL. From 05/01/2021 onwards, the courts are starting normal functioning and before 05/01/2021 I am following the aforesaid directions of Hon'ble high court.

6. That during the assessment year 2020-21, the normal functioning of the court started from 5/1/2021 and it took some time to bring the records of the court on track as the courts virtually stopped the normal functioning before 5/1/2021 and took only urgent matters. It is humbly submitted that even in this span of time (5/1/2021 to 31/03/2021) I tried my best to start to take execution cases and decide as early as possible. As per the record relating to disposal of execution cases, out of 37 execution cases pending, one case has been disposed of uncontested by me. It is humbly submitted that the proceedings in some of the execution cases were almost completed during the assessment year 2020-21 but the credit for the same could not be taken by me upto 31/03/201 as some proceedings to get these cases ripen still remained. I had made all possible efforts to decide as many execution cases as possible during the relevant assessment year. It is also brought to the notice and humbly requested to the Hon'ble court to consider the Letter no. C-671/CF(B)/2021 dated : Allahabad: 17/7/2021 under the subject: Exemption/relaxation in the QUOTA/UNIT prescribed for the judicial officers for the assessment year 2020-21 keeping in view the pandemic of COVID-19.

7. It is also humbly brought to the notice of the Hon'ble court that during the relevant Assessment year, along with doing civil work as Civil Judge (Junior Division) at Kunda Pratapgarh, I was also doing criminal work as Judicial Magistrate and as such had on everyday huge rush of work with my court being overcrowded. Since, the court has started normal functioning from 1/5/2021 and therefore, hugely overworked and engaged in doing urgent Civil and criminal works like interim injunctions, miscellaneous works, remands and bail etc, it used to be often difficult to attend any other business but even then I always tried to spare time for hearing and disposal of execution cases. It is also brought to the notice of the Hon'ble court that even in this corona period, I achieved 710.7 units as against required 576.8 units. Thus during the relevant assessment year my total percentage of work done in terms of units is 123.2%.

8. I most conscientiously assure the Hon'ble court that I will leave no stones unturned in ensuring that the maximum number of execution cases are decided as early as possible.

9. It is most humbly requested to your goodself to kindly place this representation of mine before Hon'ble Administrative Judge of the District Pratapgarh during the relevant assessment year for His Lordship's kind consideration.

My Lord! It is humbly requested to kindly expunge aforesaid adverse remark recorded by the said Ld. District Judge, Pratapgarh from my ACR for the Assessment Year 2020-21. For this great grace, in the beginning of my Judicial career, I shall remain grateful to My Lord throughout my life.

With profound regards,

Your Faithfully

Peeyush Bhartiya  
Civil Judge (Junior Division) South  
Lucknow