

01.11.2021

From,

Sudha Sharma (3263)
Civil Judge (Junior Division)
Shamli at Kairana.

To,

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

Through,

The District Judge
Shamli at Kairana.

Subject: Representation to the Hon'ble Administrative Judge of the District Court: Shamli at Kairana against the adverse remarks recorded by the District Judge, Shamli at Kairana against the applicant for the Assessment Year 2020-2021.

Respected Sir,

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

1. That I belong to the 2018 batch of the Civil Judges (Junior Division) and had joined the judicial service on 16.12.2019 in the District Court Shamli at Kairana and since then I was earlier posted as the Civil Judge (Junior Division), Fast Track Court and thereafter as Civil Judge (Junior Division), Shamli at Kairana.
2. That from the date of joining the judicial service on 16.12.2019 upto 31.03.2021 the total length of my service has been 01 year, 03 months and 15 days. During this small span of my judicial service, I remained on foundation level training of the Institute of Judicial Training and Research, UP, Lucknow and as such I got only total 59 days upto 31.03.2021 to conduct the judicial proceedings in my court at Shamli at Kairana and during that period too, the normal functioning of the court was seriously disturbed due to the pandemic COVID-19. During the said assessment period, Shri Ajay Kumar-II was the learned District Judge, Shamli at Kairana and he continues as such till date in Shamli at Kairana.
3. That the learned District Judge, Shamli at Kairana Shri Ajay Kumar-II has certified my integrity as "beyond doubt" but has recorded certain self-contradictory and unfounded remarks in my ACR as being stated and explained by me in the paragraphs below.
 - 4.1. That I had attached with my self-assessment form the copies of three out of four judgments delivered by me in the criminal cases during the said period. Copies of the said three judgments delivered by me in the criminal cases mentioned above are annexed herewith for kind perusal of the Hon'ble Court.
 - 4.2. That as is evident from the comments of the learned District Judge, Shamli at Kairana on my judgments at the points number 01(f)(i) & 01(f)(ii) of my ACR, marshalling of facts and appreciation of evidence was satisfactory. The learned District Judge has not pointed out as to which material facts, material evidence or the relevant law was not taken by me into consideration and not discussed in the above judgments nor has the learned District Judge questioned or adversely commented upon the conclusion reached by me in the said judgments. In the absence of any clear deficiency being mentioned by the learned District Judge on the points of marshalling of facts, appreciation of any material evidence or non-noticing of any relevant law attracted to the material facts and evidence, it is not clear from his said adverse remarks on the quality of the above judgments of mine as to what specific mistake was committed by me in passing the above judgments.
 - 4.3. That I most humbly state here that I had considered every piece of material facts, material evidence keeping in view the relevant provisions of law attracted to the cases while passing the said judgments of mine in the cases mentioned above. The said judgments are well

discussed and speaking ones passed after application of judicial mind to the material facts, material evidence and the relevant law.

4.4. That as regards the brevity or length and quality of judgments, the views of the Hon'ble Supreme Court as expressed in the following cases are worth noticing: "Brevity in judgment writing has not lost its virtue. All long judgments or orders are not great nor are brief orders always bad. What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration. A slipshod consideration or cryptic order or decision without due reflection on the issues raised in a matter may render such decision unsustainable. Hasty adjudication must be avoided. Each and every matter that comes to the court must be examined with the seriousness it deserves". Kindly see: Board of Trustees of Martyrs Memorial Trust and Another vs. Union of India and Others, (2012) 10 SCC 734 (Para 22).

4.5. "The time has reached to adopt all possible measures to expedite the court procedures and to chalk out measures to avert all roadblocks causing avoidable delays. If a Magistrate is to write detailed orders at different stages merely because the counsel would address arguments at all stages, the snail paced progress of proceedings in trial courts would further be slowed down. It can be appreciated if such a detailed order has been passed for culminating the proceedings before them. But it is quite unnecessary to write detailed orders at other stages, such as issuing process, remanding the accused to custody, framing of charges, passing over to next stages in the trial. If there is no legal requirement that the trial court should write an order showing the reasons for framing a charge, why should the already burdened trial courts be further burdened with such an extra work". Kindly see: Kanti Bhadra Shah vs. State of West Bengal, 2000 CrLJ 746 (SC).

4.6. "Writing unnecessarily lengthy judgments than required should be avoided. It is not the number of pages in a judgment but sufficiency of reasons in support of the conclusions arrived at by the judge that is relevant. Judgments or orders must be reasoned and speaking to justify the conclusion". Kindly see: Union of India vs. Essel Mining & Industries Ltd., 2005 (6) SCC 675.

4.7. That as has already been stated by me, during the relevant assessment year i.e. from 01.04.2020 – 31.03.2021, I had worked in COVID-19 period in my court only for 59 days upto 31.03.2021, the total length of my service was only 01 year, 03 months and 15 days and as such I had very little experience of independent judicial working just for 59 days. I candidly admit that unlike the senior and experienced judicial officers with sufficient length of service, I was not an experienced judicial officer upto 31.03.2021 and had worked independently in my court just for 59 days after completion of my training at the JTRI and in the field and even then, I tried on my part best to pass qualitative judgments upto the best of my understanding and ability and that approach of mine can be seen by the Hon'ble Court in the copies of the three judgments attached by me with my self-assessment form and also annexed with this representation.

5. That in column no. 01(g) of my ACR, the learned District Judge himself has recorded that the "quantum of work done by me may be treated as adequate looking into the meager length of service of mine."

6. That at column no. 01(l) of my ACR, the learned District Judge has himself recorded that I was punctual and regular in sitting on dais in my court except on two occasions i.e. 24.02.2021 and 25.02.2021. I most humbly beg to state that as per the traditions, I was recording statement of a prosecutrix u/s 164 CrPC in my chamber on 24.02.2021 produced by the Investigating Officer of the case and on the other occasion, I had gone for few minutes to the bathroom attached to my chamber to answer the call of nature and it appears that the learned District Judge took round of the District Court Campus during that time and noted my absence. The true facts are that I always sat in my court in time and punctually. Had the learned District Judge asked for my explanation for my brief absence in my court on the said two occasions, I would have brought it to his notice but he never called for any explanation and as such he could not come to know the said reasons for my absence in court for few minutes for the reasons stated above.

7. That at column no. 01(m) of my ACR, the learned District Judge himself has recorded that I was amenable to the advice of the learned District Judge and other superior officers. The learned District Judge has not quoted a single instance of my non-amenability to his advice or of any other superior officer.

8. That at columns no. 01(b) & 01(i), the learned District Judge himself has recorded that I was fair and impartial in dealing with the public and the Bar and my relation with the members of the Bar was satisfactory. There has never been any instance of any misbehavior on my part with any of the members of the Bar nor there was any complaint against me by any member of the Bar regarding my misbehavior nor the learned District Judge ever pointed out to me about any such misbehavior on my part nor he has quoted any such instance in my ACR but has still recorded in column 01(c) & 4 in my ACR that I should remain cool minded in court.

9. That as has been stated in the preceding paragraphs, the contrary remarks of the learned District Judge made in my ACR are absolutely baseless, unfounded and self-contradictory and liable to be washed away.

10. That there have been certain personal reasons which led the learned District Judge Sri Ajay Kumar-II to record the said adverse remarks against me in my ACR but given my small span of service, my subordination to the learned District Judge and in view of the grand traditions of the august institution of Judiciary, I see it not proper to state or elaborate the said reasons here unless so directed by the Hon'ble Court.

I therefore request your goodself to place this representation of mine before the Hon'ble Administrative Judge of the District Court: Shamli at Kairana for his Lordship's kind consideration and expunging the adverse remarks of the learned District Judge, Shamli at Kairana recorded against me in my ACR for the assessment year 2020-2021. I shall remain grateful to his Lordship for this grace forever.

With profound regards,

Annexures: As above

Yours Sincerely,

Sudha Sharma
01/11/21
(Sudha Sharma)
Civil Judge (Junior Division)
Shamli at Kairana.