

From:

Mukta Tyagi (2274)  
Secretary  
District Legal Service Authority,  
Agra.

To,

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

Through,

The District Judge  
Agra.

**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 2020-21.**

Respected Sir,

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

1. That I belong to 2015 batch of the Civil Judge (Junior Division) and had joined the Judicial services on 11.01.2017 in the District Court Muzaffar Nagar and then on creation of Session division Shamli in August 2018 I was transferred to Shamli as Judicial Magistrate Shamli and since then till 31.03.2021 I was working in cadre of Civil Judge (Junior Division) in Shamli judgeship i.e. technically it is my first posting in the Judicial Service, in which, despite of hardships created due to pandemic COVID-19 I tried my level best to render my services up to the mark as Judicial Officer.
2. That during the assessment year 2020-2021 Shri Ajay Kumar II was learned District Judge at Shamli at Kairana and he continues to be District Judge till today of Shamli at Kairana.
3. That the learned District Judge Shamli at Kairana Shri Ajay Kumar II has certified my integrity but has recorded certain self contradictory remarks in my ACR which are being explained by me in upcoming paragraphs :-

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- (A) That the learned District judge has stated in para 01(e) (iii) that there were certain cases which have been dismissed in default by me during COVID-19 pandemic times. It is important to mentioned here that the cases which are being said to be dismissed in default by me during COVID times, this fact is totally misinterpreted by learned District judge, as the true fact is that these cases were decided by me after January, 5 when the restrictions imposed by the Hon'able Court were lifted and these cases were correctly dismissed by me according to the law.
- (B) That in para 01(e) (iii) it has also been stated by learned D.J. that the statement provided by me were incorrect, wrong date was mentioned in the statement and the statement pertaining to disposal of cases does not mention that whether the case was decided contested or otherwise. Here it is very important to mention that the statement of pendency and disposal of cases were sent to learned D.J. Shri Ajay Kumar II on monthly, quarterly and yearly basis and also there was a committee to monitor the disposal of old cases, but neither learned D.J. nor that committee has ever stated the disposal shown by me of old cases is wrong and the statements submitted by me is wrong. Moreover the statements send by me on regular basis to learned D.J. clearly states that how many and which cases were decided by as contested cases and which are decided as otherwise. It is very well known that the terminology used as "निर्णीत" for contested case and "निस्तारित" for cases disposed otherwise.
- (C) That the learned D.J. shri Ajay Kumar II has stated in point 01(e) (iv) that the execution no. 4/2010 which was decided by me was contemptuous and it was clear violation of judicial directions of Hon'ble High Court, but the facts of this point pertaining to the said execution presented in the wrong manner by learned DJ. The correct facts are that the order for amin in the said execution case was issued on 14.02.2020 i.e. When COVID -19 guidelines and restrictions were not in existence and the final disposal of said execution case was done by me on 12.02.2021 i.e. When there was no COVID restrictions imposed by Hon'ble High Court. Moreover, there was no complaint done by either parties of the said case pertaining to the forceful possession / eviction. Even if it is contemptuous in the eyes of learned D.J. then also it couldn't be pointed out on administrative side.
- (D) That the learned D.J. has stated in point 01(f) (iii) that the argument of both sides are missing in all the three judgements announced by

the officer but it is evident from the judgement announced that the oral arguments presented by the learned counsels of the parties were sincerely heard by me and that is mentioned in the judgements annexed. Moreover, it is quite settled that the learned counsel present their oral arguments on the basis of the pleadings and documentary evidences supported to the pleadings presented by them and I have mention the entire pleading and complete evidences presented by the parties in my judgements. It is very surprising that in point 01(f), the learned DJ has stated that my judgements on fact and law are satisfactory but the arguments on both the Sides are missing. However in the very next point in 01 (f) (I) and (II) he has stated that marshalling of fact is satisfactory and appreciation of evidence as good, which is self-contradictory. Further, it has been stated by many times by the Hon'ble apex court and Hon'ble High court that the judgement must be clear and crisp.

- (e) That the learned District judge has stated in point 01 (f) (iii) That I have not discussed any case laws and relevant provisions in my judgement. In this regard the views of the Hon'ble Supreme court as expressed in the following cases are worth noticing:

"Brevity in judgement writing has not lost it's virtue. All long judgements 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).

"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 stage, 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).

" writing unnecessarily lengthy judgements than required should be avoided. It is not the number of pages in a judgement but sufficiency of reasons in support of the conclusions arrived at by the judge that is relevant. Judgements 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.

- (F) That the learning D.J. has stated in point 1(g) (i) that the cases disposed on merit shown by me are 19, which isn't correct as per learned DJ. It is very important to mention here that as I stated earlier, the statements of pendency and disposal of cases were submitted in the office of learned D.J. on regular monthly ,quarterly and yearly basis but no such discrepancy was pointed out. Moreover learned D.J. has done yearly inspection of my court in the month of February but no such discrepancy was even noticed and pointed out by learned D.J.
- (G) That the Learned D.J. has stated in point 1(l) that it I was punctual and regular in court except one surprise inspection conducted on 24.02.21. Here it is important to mention that I had gone for few minutes to my chamber to take medicine for stomach ache and it appears that learned D.J. took round of the district court campus during that time and noted my absence.
- (H) That it has been stated by learned D.J. in point 01(m) that I was normally amenable to the advice of learned D.J., but the learned DJ hasn't mention a single incident as when I wasn't amenable to the advice of learned D.J..
- (I) That it has been stated by learned D.J. in point 4 that I have not annexed statement of year wise pendency, institution and disposal of cases of JJ board, however it is very important to mention that regular quarterly reports were submitted by me and the copy of the report was submitted in the office of learned D.J. Moreover, there was a quarterly meeting held in the month of December 2020 and March 2021 in the chamber of learned D.J., and on the basis of the report submitted by me as Principal Magistrate JJ board the proceedings of the meeting were being conducted and in that meeting learned C.J.M., member of JJ board and other relevant officers of the district used to participate and the work of JJ board

was discussed and evaluated at length and the minutes of those meetings were prepared by learned D.J. and directions were also given to JJ board by learned D.J. and compliance report of those directions issued by learning D.J. was submitted by me accordingly.

- (J). That as it has been stated by me in above mentioned paragraph that the adverse remarks made by DJ a in my ACR are absolutely false and self-contradictory and liable to be washed away.
- (K) That the above mentioned baseless remark were made by learned D.J. due to the grudge, which the learned D.J. carries with me because I along with other officers of judgeship Shamli have drawn the attention of Hon'ble High court towards the problems which are being faced by some of the officers of judgeship Shamli due to the discriminating nature of learned D.J. The copy of the said issues is annexed here with which is self explanatory as to why the learned D.J. have given adverse remarks against me in my ACR. I therefore requested your good self 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 the learned District Judge, Shamli at Kairana recorded against me in my ACR for the assessment year 2020-21. I shall remain grateful to his Lordship for this grace forever.

With profound regards,

*Mukta Tyagi*  
11/11/21

**(Mukta Tyagi)**

Secretary

District Legal Service Authority,  
Agra.

Annexure: As above