

To,

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

Through

The District Judge,  
Gonda.

Subject: Representation against adverse remarks recorded by the then District & Sessions Judge, Gonda and request for up-gradation of overall assessment for the year 2020-2021.

Sir,

With all deference I crave leave to submit my representation as below:

1. That, the then District and Sessions Judge, Gonda (Shri Sanjay Shankar Pandey, HJS) in column no. 01(k) of the Annual Confidential Remarks for the year 2020-2021, has been pleased to record remarks as extracted below:

01 (k) **Whether the officer has made regular inspections of his court and offices in his charge and whether such inspections were full and effective:**

The officer has made quarterly inspections regularly court and office in his charge but the inspection is not effective. This fact has already been mentioned in the inspection of the court of Additional Sessions Judge EC Act/Court no. 4 which was presided work by the officer from 07.08.2020 till 31.03.2021.

2. That, the then District and Sessions Judge, Gonda (Shri Sanjay Shankar Pandey, HJS) in column no. 02 of the Annual Confidential Remarks for the year 2020-2021, has also been pleased to record remarks as extracted below:

2. **Overall assessment of the merit of the officer  
(Outstanding, Very Good, Good Average, Poor)  
Good.**

3. That, at the outset, I, with all respect at command submit that during the period from 01.04.2020 to 31.03.2021 I, had remained posted as detailed herein below:

Sl.	Post	Period	
		From	To
A	Principal Judge, Family Court, Gonda	01.04.2020	06.08.2020
B	Special Judge (EC Act)/Court No. 04, Gonda	07.08.2020	03.02.2021
C	Additional District & Sessions Judge, Gonda	04.02.2021	31.03.2021

4. That, the above facts depicting the details of the Courts and Offices that had remained in my charge during the period from 01.04.2020 to 31.03.2021 would *ex facie* demonstrate that the reporting officer i.e. learned the District Judge and Sessions Judge, Gonda (Shri Sanjay

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Shankar Pandey) has speciously recorded that from 07.08.2020 to 31.03.2021, I had held the Charge of the Court of the Special Judge (EC Act)/Court No. 04, Gonda. In fact, the Court and office of the Special Judge (EC Act)/Court No. 04, Gonda had remained in my charge during the period from 07.08.2020 to 03.02.2021 only.

5. That, in prescription with the mandate in Rule 611 of the General Rules, Civil, I had made quarterly inspections of my Courts and offices as below:

Sl.	Quarter ending	Date(s) of quarterly Inspection
A	June, 2020	25.06.2020
B	September, 2020	28.09.2020/29.09.2020
C	December, 2020	21.12.2020/22.12.2020
D	March, 2021	25.03.2021/26.03.2021

6. That, the questionnaire prescribed by Hon'ble High Court by Circular Letter No 102/H dated 19 September, 1978 was, on the whole, used for the purpose of recording the inspection notes.
7. That, at the cost of reverberation, I submit that inspection of the office and Court of the Special Judge (EC Act)/Court No.04, Gonda was done by me on 28.09.2020 and 29.09.2020 and the inspection note for the quarter ending September, 2020 was duly recorded and the inspection note so recorded together with reports signifying compliance of the directions for elimination of deficiencies recorded in the inspection note, was submitted on 08.10.2020 for kind perusal and Orders of the learned District and Sessions Judge, Gonda.
8. That, the said inspection note was perused by the learned District and Sessions Judge, Gonda and he was pleased to record his remarks as below:

#### आदेश

पीठासीन अधिकारी, न्यायालय चतुर्थ अपर जिला जज/विशेष न्यायाधीश ई0सी0एक्ट द्वारा कृत त्रैमासिक निरीक्षण आख्या दिनांकित 29.09.2020 के अवलोकन से प्रकट होता है कि निरीक्षण टिप्पणी के साथ निर्धारित प्रारूप में प्रोफार्मा-2ए एवं 2सी तैयार नहीं किया गया है। भविष्य में निरीक्षण टिप्पणी, माननीय उच्च न्यायालय द्वारा निर्धारित प्रश्नावली के अनुसार, तैयार विवरण के क्रम में, सुनिश्चित किया जाये। पीठासीन अधिकारी से यह भी अपेक्षा की जाती है कि उक्त निरीक्षण टिप्पणी में जिस अर्थदण्ड को माननीय उच्च न्यायालय द्वारा स्थगित होना तथा जिस अर्थदण्ड के सम्बन्ध में (Sentenced in Jail) दर्शित किया गया है, इसकी वास्तविक पुष्टि भी सुनिश्चित करें। तदैव निरीक्षण आख्या अवलोकित।

9. That, as stated herein before, I had taken over the Charge in the month of August, 2020 and had made quarterly inspection in the month of September, 2020. The above extracted remarks recorded by the learned District Judge call attention to certain directions for future. However, the remarks did no-where weigh down the effectiveness of the inspection. I may be permitted to submit that the learned District Judge, Gonda (Shri Sanjay Shankar Pandey) had never ever informed me, not even verbally, that the inspection notes recorded by me were not effective.

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10. That, the above directions were taken immediately noted and action in rectification and compliance was ensured. Proforma 2A and 2C were rectified; letter was issued for verification of entries in the 'Fine Register' and status of fine recovery of which was stated to be stayed under Hon'ble Court's orders was also verified from the information as available on Hon'ble Court's website. Further, I undertake that in future also I will take care to comply with the directions accordingly.
11. That, the adverse remarks recorded in Column No. 01 (k) of Annual Confidential Report for the year 2020-2021 are not reasonable and should be ignored and expunged by the Hon'ble Court.
12. That, the remarks recorded by the then learned District and Sessions Judge, Gonda in various columns especially in Column nos.:
  - (a) 01 (a) wherein my integrity has been certified to be beyond doubt,
  - (b) 01 (b) wherein my fairness and impartiality in dealings with the public and Bar, has been certified,
  - (c) 01 (c) wherein it has been reported that I am cool minded and do not lose temper in Court,
  - (d) 01(d) wherein my private character has been certified,
  - (e) 01(e) (i) (a) which provides that the cause list is properly fixed by me,
  - (f) 01(e) (i) (b) which provides that sufficient number of cases are fixed by me to keep myself engaged during full court hours,
  - (g) 01(e)(ii) which provides that I avoid unnecessary adjournments,
  - (h) 01(e)(iii) which provides that during the year 2020-2021 I had decided many (16 to be precise) old cases (more than seven years old), the oldest two were of the year 1985,
  - (i) 01(e)(iv) which provides that during the year 2020-2021 I had decided 03 execution cases from out of 14 pending execution cases,
  - (j) 01(e)(v) which provides that interim orders and injunction orders were granted/refused/retained for sufficient reasons,
  - (k) 01(f) which provides that the judgments passed by me were based on facts and law. Further, the judgments were sound, well reasoned and expressed in good language,
  - (l) 01(f)(i) which provides that marshalling of facts was good,
  - (m) 01(f)(ii) which provides that appreciation of evidences was good,
  - (n) 01(f)(iii) which provides that application of law was good,
  - (o) 01(g) which certifies outturn of 1252.53 units as against 665.36 units during the year under report,
  - (p) 01(l) which certifies my punctuality and regularity in sitting on the dais in Court during Court hours,
  - (q) 01(m) which certifies my amenability to the advice of the District Judge and other superior officers,
  - (r) 01(n) which certifies my behavior being respectful and sensitive towards women,



(r) 01(n) which certifies my behavior being respectful and sensitive towards women, would show that the overall assessment is indecorous, if I may say so, and it should have been *no less than* 'very good' if not 'outstanding'.

13. That, the remarks recorded by the learned District and Sessions Judge, Gonda for the year 2020-2021 would also signify that I did use Alternative Dispute Resolution Mechanism and had decided 06 cases during the period under report.
14. That, the year under report i.e. year 2020-2021 was severely affected by pandemic and normal functioning of the Courts was adversely affected. The Country faced the wrath of COVID-19. With an unprecedented number of infections and mortality, all sectors including legal system were adversely affected. The Courts, with concern for human life, had to remain closed due to lockdown all over the country since 25<sup>th</sup> March, 2020. The Courts' normal functioning in the State of Uttar Pradesh had resumed in January, 2021 yet I achieved 188.25% of the outturn target units. The hard work that I had put in with all respectability and politesse would require that the overall assessment recorded by the learned District & Sessions Judge, Gonda in Column no 2 of the Annual Confidential Remarks for the year 2020-2021 might need upgrading from 'Good'.

It is, therefore, humbly requested to place my representation against the adverse remark recorded by Shri Shanjay Shanker Pandey, the then District Judge, Gonda, for the assessment year 2020-2021 before Hon'ble Court for sympathetic consideration and for expunction of the said adverse remark. I shall ever remain grateful to Hon'ble Court for the kindness.

With respect and regards,

Date: 24/11/21

Your's Sincerely

*Mitrawingh*  
24.11.21  
**Mita Kumari, H.J.S.**

Special Judge (SC/ST Prevention of Atrocity Act)  
Gonda (ID No.UP6148)

No. 835/1-26/2020 Date 24-11-2021

**FORWARDED**

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District Judge, Gonda  
24.11.2021