

**Representation against remark recorded by Learned District Judge,  
Bhadohi, for Year-2020-21 (Year Under Report)**

1. That I was communicated annual confidential report which was uploaded on portal of E-Services of Hon'ble High Court on 28.12.2021. It was mandated by Hon'ble High Court to submit ACR till 20 July - 2021 but Learned District Judge with held it for more than 250 days for reason best known to him. Learned District Judge left the charge of his office on 30.08.2021 and after assuming charge in District-Mainpuri he uploaded this ACR which itself appears to be vindictive.
2. That I have been working as senior most Additional District and Session Judge for last 3 years commanding highest respect from my brother and sister judges, entire bar, all officials of Class-III and Class-IV.
3. That I was nominated by learned District Judge as O/C general administration, Chairman Administrative and Grievance Committee, Chairman infrastructure Committee of District Court, Chairman District Court Computer Committee, Central Public Information Officer, Member Select Committee, Member SCMS Committee. During my tenure more than 100 reports have been submitted to Learned District Judge, I succeeded in shifting the Civil Court from Old Premises to new premises, grievances of employees brought at zero level however, learned District Judge being unfair, unjust and vindictive recorded these remarks out of his anguish and wrath for the reasons

are given below:-

4. That the belongings of Civil Court from old building to new building was shifted on 20.09.2020 with the assistance of working agency UPRNN. Few big Iron Racks left at old premises and learned District Judge in the month of December 2020 casted burden on Chief Record Keeper to bear the expenses of shifting. Chief Record Keeper Civil Sri Rajesh Mishra denied to bear the expenses then learned District Judge arbitrarily placed him under suspension vide order no.462/2020 falsely showing a surprise inspection order of suspension is ***Attachment No.-1*** for kind perusal of Hon'ble Court.
5. That victim employee Rajesh Mishra submitted an application on 07.01.2021, before me being in-charge of Administration and infrastructure to preserve the CCTV Footage of Record Room Civil dated 23.12.2020 from 04:00 PM to 05:00 PM, because entire premises is under surveillance of CCTV Cameras and a dome Camera was functional since control Room of CCTV was managed by manpower of godrej company I ordered preservation of CCTV Footage on 07.01.2021. Copy of application and order passed thereon is ***Attachment No.-2*** for kind perusal of Hon'ble High Court.
6. That suspended employee moved an application on 11.01.2021 to provide footage in pen-drive to prove his innocence which is ***Attachment No.-3***.
7. That as Learned District Judge came to know that CCTV footage has been preserved and provided in pen-drive he

revoked the suspension order vide order no.22/21 which is ***Attachment No.4***

8. That my order of preserving CCTV Footage has caused a lot of anguish against me and learned District Judge unleashed all his wrath in recording this ACR without any evidence basis rather acting to take venedetta. Since CCTV Footage has falsified the entire coercive action against employees.
9. That now adverting to column No.1-A, it is mandated by Hon'ble Court to record integrity in 3 forms only (I) Beyond Out (II) Doubtful (III) Positively Lacking , but learned District Judge created a forth category which is not known to any circular letter. If District Judge has created fourth category he should have given detail, facts, incident but he was showing his wrath hence he did not mention anything.
10. That regarding column **No.1-B** which has been detailed at the foot of ACR in remark column to which I am replying with all relevant documents. Though the detail given in remark column has no relation with fairness of Officer with bar and public, however I am explaining with all documents evidence.
11. That Sri Abhinav Kumar Yadav Civil Judge Senior Division had developed deep intimacy with his steno Sushri Neha Rani recruited on contract basis. There relation of intimacy became talk of town and smoke was coming out among the members of bar, officials and officers.

12. That untoward incident happened on 29.01.2021 when Sri Abhinav Kumar Yadav Civil Judge Senior Division in order to execute his conspiracy and to impress his steno called a Local S.I. by the name of Sunil Yadav in his chamber at 11:00 AM in morning after the arrival of S.I. Sunil Yadav, Sri Abhinav Kumar Yadav Civil Judge Senior Division summoned the poor sweepers namely Anwar Ahmad and Abdul Kalam in his chamber through his daftari Ramesh.
13. That Anwar Ahmad and Abdul Kalam have been rendering their services for last 20 years in this judgeship and they were assaulted by S.I. Sunil Yadav on exhortation of Sri Abhinav Kumar Yadav and Shushri Neha Rani on the pretext that a pin was planted on the cuscion of Sushri Neha Rani.
14. That it was murmuring in the all corridor of campus that poor sweepers happens to see Sri Abhinav Kumar Yadav and Sushri Neha Rani in compromising position on 27.01.2021 and in order to suppress the fact and to shut the mouth of sweepers Sri Abhinav Kumar Yadav resorted police and very ugly scenario was created in the chamber of Civil Judge Senior Division when two sweepers were assaulted on exhortation of Sri Abhinav Kumar Yadav and Sushri Neha Rani.
15. That after sustaining several slaps and fists both sweeper came out of chamber and narrated the incident to daftari Ramesh and Central Najir Rajesh Bahadur Singh, Anwar Ahmad had bleeding from his right ear.

16. That both the poor sweepers appeared before District Judge on 29.01.2021 at 01:30 PM and narrated the entire untoward incident but learned District Judge kept an ostrich eye in order to save the skin of offender judge Sri Abhinav Kumar Yadav.
17. That on 01.02.2021 learned District Judge called me, Ashutosh-II, Chief Judicial Magistrate, the then O/C Najarat Alok Yadav and Najir Rajesh Bahadur and both sweepers at a 10:00 AM in his chamber and started threatening both poor sweepers to send them behind bar so as to desist them not to take any legal or administrative action.
18. That after receiving such unwarranted threat by the head of the department both poor sweepers filed a complaint before the court of Special Judge, Human Right Act-1993/ADJ Court No.1, Bhadohi. The copy of the complaint is ***Attachment No.-5***.
19. That learned Session Judge called the record from central computer section and perused it and thereafter it was returned to the court for registration.
20. That since applicant was presiding officer of designated court of Human Right Act under section 30 of Human Right Act 1993, notified by Hon'ble High Court. Hence since 1993 designated court used to take cognizance of offenses arising out of Human Right Act, therefore case was registered.
21. That on 02.01.2021 learned District Judge Sent a Letter No.140/XV to the designated Court of Human Right Act,

again on 03.03.2021 a letter No.249/XV was sent to designated Court for sending record, Thus it is very much evident that learned District Judge had come across all the fact and tried his best to exert pressure on presiding of the designated court to mitigate the circumstances. Letters of District Judge are **Attachment No.-6 & 7.**

22. That learned District Judge himself was not aware of the functioning of Human Right Court till 02.03.2021 and even I was not aware of circular letter no.18/2006/Admin(A-3) dated 10.05.2006, which provides that Human Right Court cannot take cognizance directly and it can take cognizance only after the case has been committed. It is evident from D.O. Letter of District Judge No.7/2021, which is **Attachment No.8.** Learned District Judge concealed this fact while recording ACR in any other remark column. Attachment No.8 speaks that learned District Judge informed me on 01.03.2021 and in compliance of this D.O. letter I returned the complaint to complainant for filing before competent court of jurisdiction. Following the procedure provided under Section 201 Cr. P. C.
23. That when learned District Judge failed to attain his oblique motive he issued a notice to sweepers Anwar Ahmad and Abdul Kalam on 12.02.2021 vide his order no.93/21, 94/2021. By this notice learned District Judge again tried to agonized poor sweepers to terminate their services which was replied by sweepers Anwar Ahmad and Abdul Kalam. Bare perusal of notice and reply of

sweepers will unfold all unpleasant conduct of learned District Judge. Which are **Attachment No.9, 10, 11 & 12.**

24. That feeling aggrieved by atrocities of learned District judge both sweepers submitted a complaint to their union Anjuman Himayatyan Chaprasiyan which is **Attachment No.13** and District Judge assured to probe the alleged incident, hence complainant withdrawn their complaint reserving their right. But Learned District Judge rather probing the allegation against Civil Judge passed order no.87/21 which is **Attachment No.14** which would show that learned District Judge ordered inquiry against 8 Class-IV Employee who presented the representation on behalf of sweepers. Feeling cheated by Learned District Judge they again filed this complaint in the Court of Chief Judicial Magistrate. Now it was turn of Chief Judicial Magistrate Ashutosh-II who was badly misbehaved, rebuked, humiliated by the District Judge to such an extent that he proceeded on leave and came back to hand over his charge on his transfer. **Order No. 87/21** which is **Attachment No.14** has been challenged before Hon'ble High Court in **WRIA 148/2022.**
25. That the complainant were so victimized that they made a complaint to Hon'ble the Chief Justice against Civil Judge Division Sri. Abhinav Yadav and District Judge copy of this complaint is **Attachment No. 15** Hon'ble the Administrative Judge has ordered an inquiry on 27-07-2021.
26. That it is the act of Learned District Judge which

compelled the complainant to file this complaint in the court of Chief Judicial Magistrate. Thus observation of learned District Judge that I induced complainant and over blue the case is wholly irrelevant, irrational and against the documents submitted by me.

27. That learned District Judge and Civil Judge made S.I. Sunil Yadav instrumental to threat the poor sweepers to desist from taking action hence I informed the misconduct of this S.I. to high officials of police after recording the evidence of the complainant.
28. That Superintendent of Police of the District informed me through his letter no.2/21 which is **Attachment No.15** that S.I. Sunil Yadav was called in the chamber of Civil Judge Senior Division when this untoward incident happened, it was my duty to inform Senior Police Officers for such police officer who committed violence in the chamber of Civil Judge Senior Division, Bhadohi.
29. That in column No.1(h) learned district judge observed that officer has excellent administrative capacity but he utilizes for own vested interest. **Applicant was nominated chairman administrative committee, Chairman Infrastructure Committee, Chairman District Court Computer Committee, Central Public Information Officer, Select Committee, SCMSS Committee** and I performed all duties with my excellence. More than 100 reports were submitted to learned District Judge but he never pointed out or raised finger as to how in what manner I was



exercising by administrative excellence for my interest, even a lay man cannot observe such thing without evidence, if single instance that any administrative order or report was made for me then such remarks is possible. But in the absence of any detail this remark is again unleashing of wrath and preconceived notion.

30. That in column no.1(i) regarding relation with bar learned District Judge has not mentioned any incident any detailed any fact which solicit my comment however I am submitting that in last 3 years of tenure in Bhadohi, I never came across any complaint oral or written or any advice by the District Judge and no detail has been given as to relation with bar. It is mandatory in this column to narrate the incident if any. I was casted burden by learned District Judge for infrastructural project and shifting of court and entire bar co-operated in achieving our object but learned District Judge remained in hibernation. Far want of any detail this remark is not tenable.
31. That in column No.1(j) learned District Judge observed cliquish activities but no incident no detail has been given nor cited how fear prevailed. It is his personnel thought and anguish either due to his complex or personnel notion again I am reiterating that I was commanding highest respect from my all brother and sister judges and no one made any complaint in last 3 years. Thus remark of learned Learned District Judge is highly hypothetical which is not tenable. Even in remark column Learned District Judge had admitted that he has

no proof.

32. That regarding column No.1(m) and remark column only one advise learned District Judge had given through his D.O. letter No.7/21 on 01.03.2021 which was complied with by me promptly on 02.03.2021 it is evident from **Attachment No.8** and order passed by me which has been Attached by the District Judge himself. During my whole tenure.
33. If learned District Judge perceived it he should have narrated it with any fact and figure, hypothetical remark is not tenable. Attachment No.A 13 and A 14 itself shows how Class-IV employees were victimized when they moved an application before District Judge demanding the probe in alleged incident happened in the chamber of Civil Judge. But learned District Judge played a clever trick and instituted inquiry against applicants and he himself invited worries.
34. That when civil court was shifted to new premises often officer bearers and members of bar tried to approach for their problems and basic amenities to the district judge they were badly misbehaved by the District Judge, so himself is responsible for any resentment if he perceived so.
35. Column No. 4 bearing detail of case no. 3/21. I have narrated the entire facts in foregoing paragraph with all documents. When learned District Judge rather handling the situation started threat to the employees on 01.02.2021. They filed a complaint in computer section

which was called by learned district judge and at 2 PM he send the record to my court for registration. Because learned district judge himself was not aware of circular letter no. 18/2006/Admin. (A-3) dated 10 May 2006, which is **Attachment no. 8** again it is evident from Attachment No. A-6 that learned district judge called the entire record through his letter no. 140/2015 dated 03.02.2021 and after perusing it he returned back to my court. Thus, case remained pending for a month in my court. Learned District Judge came to know about C.L. No. 18 on 01.03.2021 for the first time and learned district judge sent a D.O., which is Attachment No. A-8 to comply. I complied it fourth with and returned the complainant for filing before appropriate court of jurisdiction. Thus, I have complied the direction of learned district judge in its letter and spirits. Again learned district judge called the record to verify the compliance vide his letter no. 249/15 dated 03.03.2021 which is Attachment No. A-7 thus, there is no occasion no reason to remark that I was not amenable to the advise of district judge. This is incorrect to say that I instigated the complainant because complaint were supported by their union and their advocate. Regarding Para 2 it is true that after which incident Civil Judge became instrumental to terrorize the poor sweepers through S.I. Suneel Yadav who visited the residence of complainant and threatened a lot to desist from taking any legal and administrative action. After being convince by four witnesses I informed the senior police officer to transfer this S.I. from local police chauki.

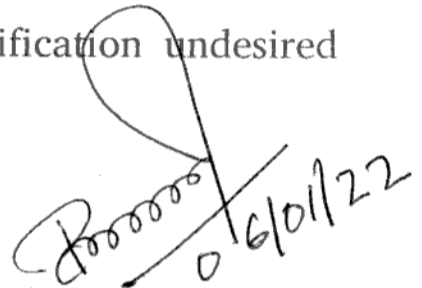
36. Regarding Para-3 learned district judge observed that complainant Anwar Ahmad, and Abdul Kalam got back there complaint on the ground that learned district judge has ordered an inquiry in the said incident but they had kept their right reserved. Learned District Judge passed an order on 06.02.2021, which is **Attachment No. A-14**. Upon coming to know that learned district judge had cheated by instituting an inquiry against the office bearer of Union of class-IV employee again they filed complaint in the court of chief judicial magistrate which is sub-judice till today.
37. It is the mandate of Section 201 Cr. P. C. to guide the complainant to file their complaint before proper forum. Even if in withdrawal application there is no averment even though, court is bound to abide by law as contained in Section 201. For ready reference I am reproducing the provision as under. **201 Procedure by Magistrate not competent to take cognizance of the case-** If the complaint is made to a Magistrate who is not competent to take cognizance of the offence, he shall, (a) if the complaint is in writing, return it for presentation to the proper Court with an endorsement to that effect; (b) if the complaint is not in writing, direct the complainant to the proper court. Designated court is treated to be Magisterial Court and complaint was returned under Section 201 Cr. P. C. it is wrong observation that I guided the complainant.
38. Learned District Judge observed that I was keeping dominance over whole courts. This is personal perception

of learned district judge either due to his lack of confidence or administrative capabilities or his own complexes. No comment is solicited on this point.

39. In last 25 years of my services in this system for the first time I came across such remark which is unwarranted unjust, unfair and result of vindictive action on the ground mentioned in para 3 to para 9.

It is therefore humbly prayed to hon'ble court to kindly consider the facts and circumstances given with documentary evidence and remark recorded by learned district judge be expunged an over all rating of my performance be upgraded commensurate to my work. My four judgments are attached with self assessment and hon'ble court may itself conclude the justification undesired remark of district judge.

with deep regards

  
( P.N. Srivastava)

Addl. District & Sessions Judge-I,  
Bhadohi.