

21.06.2022

From:  
Priti Srivastava-III (6135)  
Addl. District & Sessions Judge  
Mirzapur.

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

Through,  
The District Judge  
Mirzapur.

**Subject: Representation against the adverse remark by the District Judge, Mirzapur against the applicant for the assessment year 2021-22.**

Respected Sir,

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

1. That during the period from 01.04.2021 – 31.03.2022, I was posted in the District Court, Mirzapur as the Addl. District & Sessions Judge, Mirzapur and am still posted over there as such. During the period from 01.04.2021 to 16.08.2021, Shri Lal Chandra Gupta was the Learned District Judge, Mirzapur and after his transfer from Mirzapur, Shri Shiv Kumar-I took over as the Learned District Judge, Mirzapur w.e.f. 17.08.2021 and continued to remain as such at Mirzapur till 23.05.2022 and was due for his retirement on 31.05.2022 but on being transferred from Mirzapur in the last week of May, 2022 took over as the Presiding Officer of the Land Acquisition and Regulatory Authority, Allahabad and retired there on 31.05.2022 on superannuation.
2. That during the assessment period for 01.04.2021–31.03.2022, besides the responsibility of my court at Mirzapur, I was assigned the following administrative responsibilities by the Learned District Judge, Mirzapur Shri Shiv Kumar-I:

- (1) Chairman, Infrastructure Sub-Committee.
- (2) Officer In-charge Administration.
- (3) Chairman, Grievance Committee.
- (4) Member, Selecting Authority Committee.
- (5) Central Information Officer.
- (6) Chairman, Sexual Harassment Committee.

3. That for the relevant assessment period from 01.04.2021 to 31.03.2022, the main entries made in my Annual Character Roll by the Learned District Judge, Mirzapur Shri Shiv Kumar-I are thus: "Total work done 874 Units (162.87%) which is adequate, overall quality of Judgments Satisfactory, control over office and Administrative capacity- Satisfactory, No untoward behaviour of the officer has been noticed, Integrity- Satisfactory, occasionally aggressive in behaviour and attitude, nothing noticed against her private character, fixation of cause list- proper, matters are not disposed of well in time and lingered, punctuality-not found on dais on some dates during surprise inspections, not amenable to the advice of District Judge, there have been oral and written complaints against the officer regarding her rigid and aggressive behaviour towards her employees, overall assessment of the officer- Average"
4. That as is evident from the aforesaid entries made in my ACR by the Learned District Judge, there was nothing against my honesty and integrity and when he could not find any reason to question my integrity, he recorded my integrity as 'satisfactory' despite the fact that such a word like 'satisfactory' could not have been chosen by him for his remarks on my integrity in as much as the appropriate words prescribed by the Hon'ble Court for the District Judges in Uttar Pradesh to make their entries on the integrity of the Judicial Officers are "beyond doubt, doubtful or positively lacking". But the Learned District Judge picked up an un-prescribed word like 'satisfactory' in recording his remark in the column of my integrity. I most humbly submit here that the Learned District Judge, Shri Shiv Kumar-I had developed certain grave ill-will and prejudices against me during his tenure at Mirzapur for certain reasons which I am not stating here by keeping in the glorious traditions of the august institution of judiciary unless so permitted by the Hon'ble Court and if the Hon'ble Court requires me to submit it in writing to it, I shall submit it in detail in writing to the Hon'ble Court for its perusal.
5. That making self-contradictory entry in column no. 01(c) of my ACR, the Learned District Judge named above has stated that sometimes, I used to be aggressive and rigid in my behaviour and attitude but not even a single instance has been quoted by him in this

column or elsewhere showing my aggressive or improper behaviour and attitude. It is humbly submitted that the Learned District Judge had with a view to malign my image in eyes of the Hon'ble Court has made this remark completely out of his imagination and without any foundation. In my 18 years of service so far, I have never been given any such remark by any of my dozens Learned District Judges and the Hon'ble Court, instead I have always earned quite high appreciation for my conduct, behaviour and attitude. It is pointed out here that in column no. 01 (d) of my ACR, the Learned District Judge himself has recorded that "No instance had ever come to his knowledge regarding my character which might lower me in the estimation of the public or adversely affect the discharge of my official duties". Similarly, in column no. 01(j) of my ACR, the Learned District Judge has again recorded that no incident of any untoward behaviour of mine with the brother officers had ever come to his knowledge. The said remarks against me by the Learned District Judge named above are totally false, imaginary and aimed at maligning my image.

6. That recording self-contradictory entries in columns no. 1 (e), 01 (e) (i) (a), 01 (e) (i) (b) and 01 (e) (ii), the Learned District Judge on one hand has recorded that the fixation of cause list of my court was Proper and sufficient number of cases were fixed by me every day to keep myself engaged during the full court hours but in the next column no. 01 (e)(ii), the Learned District Judge has recorded that "matters were not disposed of well in time and were lingered at my own end". The Learned District judge has not pointed out in his said remark as to which particular case or cases were not disposed of by me in time or were lingered by me and for that reasons his said remarks are completely unfounded, imaginary and malafide for the reasons stated in the preceding paragraphs. It is humbly submitted here that the Learned District Judge himself has in column no. 01(g) has recorded that I had done adequate work during the relevant assessment year and had achieved 874.00 units i.e. 162.87% as required against 534.16 units. From the aforesaid contrary remarks recorded by the Learned District Judge, his above adverse remarks against me on the point of none disposal of cases in time or lingering thereof stand falsified and proved to be beyond fact and record.
7. That in column no. 01 (f) (iii) of my ACR, the Learned District Judge has made an entry in relation to my judgments by stating that the application of law by me in the judgments was 'Good' but marshalling of facts, appreciation of evidence and overall quality of my judgments was only 'Satisfactory'. I feel disappointed that the high quality judgments of mine have not been properly assessed by the

Learned District Judge for his personal prejudices and ill-will against me as already stated by me in the preceding paragraphs. The Photostate copies of the three judgments submitted by me to the Learned District Judge along with my self-assessment form are again being annexed here with by me as Annexures No. 1, 2 & 3 for kind perusal and assessment of the Hon'ble Court.

8. That the Learned District Judge has in column no. 01 (m) of my ACR recorded that I was never amenable to the advice of the District Judge and the other superior officers. It is pointed out that after the District Judge, I myself was the senior most officer of the District Court, Mirzapur and allother Judicial Officers were juniors to me. It is strange that when no other Judicial Officer was senior to me in the District Court, Mirzapur, then who was that senior Judicial Officer whose advice I had not heeded. The Learned District Judge has not recorded any instance as to when and what advice was given by him to me which was not heeded by me. So, the observation of the learned District Judge on the issue of non observance of his advice is also highly prejudicial and malafide on his part for the reasons stated in the previous paragraphs.
9. In column no. 4 of my ACR, the Learned District Judge has quoted certain dates when he took surprise inspection of the District Court Premises and found me not sitting in the court. I most humbly submit that the Learned District Judge had circulated his only two surprise inspection notes for the dates 09.11.2021 and 22.03.2022 (Annexure Nos. 4 & 5) showing me not present in the court. I had sent my comments dated 10.11.2021 and 07.05.2022 (Annexure Nos. 6 & 7) to the Learned District Judge apprising him that on 09.11.2021 I had got busy with the Court Manager of the District Court who had come to me in relation to certain urgent orders of mine regarding requirement of some courts and offices as I was the Chairman of the Infrastructure Committee of the District Court, Mirzapur and concerned clerk of RTI whose produced some application before me. It had hardly taken 10-15 minutes of mine to give him necessary instructions to provide to the concerned courts /offices the necessary items for the day. On 22.03.2022, there was a condolence resolution by the Bar Association, Mirzapur as a lawyer had passed away and as per practice, after the condolence resolution of the Bar, no ex parte hearings in the absence of advocates used to take place and for the reason after fixing dates in the cases, I was present in my court giving dictations to my stenographer in my chamber in the reserved judgements. There have been no other instances of my absence in my court during court hours. I have always been regular in sitting my court and the contrary remarks by the Learned District Judge are not true and

recorded for his personal prejudices against me as stated by me earlier.

10. That during the winter vacation in the last week of December 2021, I had gone to Ghaziabad and came back from there by train on 03.01.2022. I sent my Daily Seating to the office of the Learned District Judge at 10.55 AM as the train had arrived late at Mirzapur. I had worked full day in my court on 03.01.2022 but the learned District Judge Shiv Kumar-I, put on X in the column of daily seating, due to which I could not fill up the rest column of the daily seating. The District Judge ask me to seek casual leave for 03.01.2022 when Hon'ble High Court has issued Circular Letter that one casual leave may be deducted for 3 days delayed coming of the Officer. I told to the District Judge that I had arrived at 10.55 AM as the train had become late but because of his grave prejudices and ill-will against me, he gave me DO and several reminders asking for my explanation for not coming in the court on 03.01.2022. I submitted my explanation to him as stated above. I told him that I was present in my court from 10.55 AM onward for the full day on 03.01.2022 in my court and had worked and as such there was no reason for me to apply for casual leave for 03.01.2022. I also told and requested to the learned District Judge through explanation given in the light of DO issued by the learned District Judge that if you are not satisfied that I was present in the court on 03.01.2022 then you may deduct one day Casual Leave for 03.01.2022. According to my knowledge Just to keep me under constant pressure and harrass me, the District Judge went on keeping that matter alive and left it pending. In this regard, no any information was sent to me for my knowledge.
11. That the remark of the Learned District Judge in column no. 4.5 of the ACR that I interfered in the general administration of the District Judge when he was on leave is completely false and contrary to record. As is visible from the entries recorded at serial No. 6 of my ACR and also from what has already been stated by me in paragraph 2 of this representation, being the senior most Additional District Judge of the District Court, Mirzapur, I was nominated by the Learned District Judge as the Officer In-charge (Administration) of the District Court, Mirzapur and in that capacity of mine, I had to deal with many administrative functions of the District Court as per the instructions of the District Judge himself and also as required from me under the relevant Circular Orders of the Hon'ble Court issued from time to time regarding the functions and responsibilities of the senior most Additional District Judge towards running of the general administration of the District Court. The Learned District Judge in his said remark has deliberately overlooked the aforesaid responsibility of


general administration assigned to me by the Hon'ble Court as well as by the District Judge himself and has not quoted a single instance where I had taken any administrative decision or performed any administrative role that was not expected of me in my capacity of the Officer In-charge (Administration) of the District Court, Mirzapur. The adverse remarks on the above point by the Learned District Judge contradicts his own order nominating me as the Officer In-charge (Administration) and the relevant Circular Orders of the Hon'ble Court issued in that behalf from time to time.

12. The learned District Judge, Shiv Kumar-I has given an adverse remark that I was very much cordial with some of the members of the Bar Association more than a limit and on account of which I managed to help the then Chief Judicial Magistrate in creating hindrances and nuisance in the general administration of District Court but this adverse remark is totally false and baseless because learned District Judge has not mentioned specifically the name of the members of the Bar Association whom my cordial relationship was more than a limit. The dispute between District Judge and Chief Judicial Magistrate was going on but I was least concern with above mentioned dispute. The District Judge has given this remark to me only on the basis of doubt I never help the then Chief Judicial Magistrate in creating hindrances and nuisance in the general administration of District Court.
13. That an employee of the District Court named Sushri Shashikala had made a complaint against another employee named Ajay Dubey regarding her alleged sexual harassment by Dubey. I was chairperson of the Committee for Prevention of Sexual Harrassment Women at work place and was enquiring into the said complaint of Sushri Shashikala. She had also made her said complaint to the Hon'ble Court and a report in the matter was being called for by the Hon'ble Court at the earliest. I fixed short dates in the inquiry for recording statement of Sushri Shashikala and her other evidence to be led by her and also for cross-examination of Ajay Dubey and his witnesses if she so liked. Complainant Sushri Shashikala was not cooperating to conclude the inquiry at the earliest and it seems she wanted to linger the inquiry. When I asked Sushri Shashikala to cooperate in early conclusion of the inquiry and produce her evidence at the earliest, she took it otherwise and made an application to the District Judge against me and then the District Judge changed the Committee and appointed another Lady Judicial Officer as its Chairperson. I had never pressurized Sushri Shashikala to compromise with Ajay Dubey. Her said allegations are false, baseless and were made by her just to linger the inquiry.

14. That in view of the facts stated by me in the preceding paragraphs, the adverse remarks recorded by the learned District Judge, Mirzapur in my ACR for the assessment year 2021-22 are not sustainable and the same are liable to be expunged.

I therefore request your goodself to place this representation of mine before the Hon'ble Administrative Judge of the District Court, Mirzapur for His Lordship's kind consideration. I most respectfully pray to His Lordship to kindly expunge the aforesaid adverse remark of the learned District Judge, Mirzapur recorded in my ACR for the assessment year 2021-22. I shall remain grateful to His Lordship for this grace forever.

With profound regards,

  
(Priti Srivastava-III),  
Addl. District & Sessions Judge,  
Mirzapur.  
UP6135

Annexures: As above.