

To,

Hon'ble Administrative Judge,
Judgeship Pratapgarh.

Subject : Representation against Annual Remarks for assessment year
2021-2022 given by District Judge, Pratapgarh.

Hon'ble Lordship,

It is most humbly submitted that applicant is an officer of UPHJS Direct Recruitment 2014 batch. Applicant joined his service on 03.07.2015 as Additional District & Sessions Judge, Azamgarh. Since joining of his service applicant is discharging his judicial duty with full devotion, integrity, honesty & impartiality. Before this assessment year 2021-2022 all Annual Remarks as approved by Hon'ble High Court was Very Good. Annual Remark of assessment year 2020-2021 given by the then District Judge, Pratapgarh was Outstanding which was approved by Hon'ble High Court. Before assessment year 2021-2022 applicant worked with several District Judges but non has impeached the honesty & impartiality of the applicant. In this assessment year of 2021-2022 despite of Covid closure applicant has disposed 474 Criminal Cases & 30 Civil Cases after actual full contest resulting **1616.55 units (220%)** against required unit 734.24. Despite of these judicial work applicant has performed administrative duties as Officer in charge, Administration, Chairman, Infrastructure, Subcommittee, Central Information Officer, Chairman, Grievance Committee, Chairman, Grievance Redressal Committee as well as Chairman, Security Committee. In addition to these administrative duties applicant has successfully discharged other works assigned by District Judge, Pratapgarh being Senior Most Additional District & Sessions Judge at Pratapgarh Judgeship. Despite of these Judicial & Administrative works, in column no. 2 "Over all Assessment of the merit of the officer for assessment year 2021-2022" District Judge, Pratapgarh has given entry as Average. In column no. 01(b) & 4 District Judge has given remarks as "The officer has taken different views in identical cases, which itself reflects that he is not fair & impartial" & "The officer lacks basic quality of judicial officer ie; Honesty & Impartiality" respectively. The above remarks given by District Judge, Pratapgarh are totally baseless, incorrect & hypothetical. Against which applicant is presenting his representation as follows :-

1. In column 01(a) of remarks District Judge has **certified the Integrity** of applicant. In column no. 01(c) District Judge has stated that applicant is cool minded officer & does not loose tamper in Court. In column no. 01(d) **District Judge has stated that nothing adverse has come to his knowledge** regarding “applicant’s private character is such as to lower him in the estimation of the public and adversely affects the discharge of his official duties.” Despite of these remarks, in column no. 04 District Judge has impeached the honesty & impartiality of the applicant without any supporting material which is self-contradictory in nature.

2. In column 01(b) of remarks District Judge has stated that “The officer has taken different views in identical cases, which itself reflects that he is not fair & impartial.” This remark given by District Judge, Pratapgarh is totally baseless, incorrect & hypothetical without any supporting material. While in column 01(f) **District Judge has remarked that “Judgment based on facts and law are on the whole sound, well reasoned and expressed in good language.”** These remarks shows that remarks given by District Judge are Self-contradictory in nature. Applicant has not taken different views in identical cases during discharge of his duties. Each & every case has been decided by applicant on its own merit and as per law.

3. At present applicant has been transferred from Pratapgarh to Kanpur Nagar Judgeship. Applicant handed-over his Charge at Pratapgarh Judgeship on 04.07.2022. Before handing-over charge District Judge, Pratapgarh has not given Annual remarks to the applicant. District Judge, Pratapgarh has given Annual remarks to the applicant on 05.07.2022. Untill handing-over charge by applicant on 04.07.2022 District Judge, Pratapgarh has neither given any D.O. nor called any explanation nor discussed with applicant regarding applicant’s Honesty & Impartiality. Without calling any explanation or discussion with applicant District Judge, Pratapgarh has impeached his Honesty & Impartiality in Annual remarks which is totally baseless, incorrect, hypothetical & without any supporting material which is against the principles of Natural Justice. District Judge, Pratapgarh has not discussed any supporting material in Annual remarks impeaching honesty & impartiality of the applicant.

4. On one hand District Judge, Pratapgarh has certified the Integrity of the applicant and about applicant’s private character in the estimation of the public & it’s adverse affects in the discharge of his official duty has stated that nothing adverse has come to his knowledge, while on other hand has

impeached honesty & impartiality of the applicant. When integrity was certified and nothing adverse came to his knowledge, then without any evidence & explanation from applicant District Judge, Pratapgarh can not impeach the honesty & impartiality of the applicant.

Therefore it is most humbly prayed to His Lordship to kindly consider the representation of applicant and expunge the adverse remarks given by District Judge, Pratapgarh in column no. 01(b), 2 & 4 of Annual Remarks for assessment year 2021-2022.

With profound regards.

Your's Faithfully,

Date : 12.07.2022

(Santosh Kumar Tiwari)
Spl. Judge (SC/ST Act)
Kanpur Nagar.
J.O.Code - UP02171