

From,

Smt. Madhu Gupta,
Additional Principal Judge, Court No 3,
Sultanpur.

To,

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

Through,

The Principal Judge,
Sultanpur.

Subject : Representation against Annual Confidential Remarks for the year 2021-22.

Respected Sir,

With utmost respect I have the honour to submit before the Hon'ble Court in regard to the Annual Confidential Remarks 2021-22 in which the then Respected District Judge has assessed me as "Good" and made the following remarks in my ACR that-

- (i) In column 01(a) - No written information received against integrity, hence certified.
- (ii) In column 01(c) – The officer is cool minded and does not lose temper in court but sometimes she loses her temper in monthly meetings and otherwise.
- (iii) In column 01(e)(i)(b) - Sufficient number of cases are not fixed by him to keep him engaged during full court hours.
- (iv) In column 01(e)(iii) - The officer has not tried sincerely to dispose more old cases pending before the court.
- (v) In column 01(l) - The officer has not regular and punctual in sitting on the dais in court during courts hours. We are informed that generally the officer is not punctual and regular in sitting on the dais after lunch hours.

Therefore in respect of Annual Confidential Remarks 2021-22, most humbly I submit that :-

1- In the relevant year 2021-22, I held the following courts-

(a) Additional District & Session's Judge / F.T.C Court No 2 , Muzaffarnagar(From 01-04-2021 to 12-04-2021)

(b) Additional District & Session's Judge Court No 14, Sultanpur(From 13-04-2021 to 31-03-2022)

2- The Annual Confidential Remarks for the year 2021-22 had been filed by the then Respected District Judge, which was intimated to me on 22-08-2022 through "E-Services Portal for Judicial Officers". I am representing against the same within one month of filling of ACR by the then Respected District Judge.

3- The then Respected District Judge has been pleased to assess me as "Good" on the basis of the Self Assessment submitted by me.

4- The then Respected District Judge, in respect of integrity has written- "***No written information received against integrity, hence certified.***" In regard to this I wish to submit that ***in my 13 years long span of career, I have never ever indulged in any corrupt practices.*** I have never been informed of any oral complaint made against my integrity nor the then Respected District Judge has mentioned of any oral complaint made in regard to my integrity. It is also to be noted that the then Respected District Judge has himself recorded in ACR that the private character of the officer is not such as to lower her in the estimation of the public and adversely affects the discharge of her official duties.

5- The then Respected District Judge has written that the officer is cool minded and does not lose temper in the court but "***sometimes she loses her temper in monthly meetings and otherwise.***" In this regard, it is worth to be noted that the then District Judge has himself recorded in the ACR that the officer is fair and impartial in dealing with the public and the Bar. The relations with the members of the Bar and behaviour with brother officers and women is "Good". He has also recorded that the officer is amenable to the advice of the District Judge and other superior officers. Therefore the remarks of the then Respected District Judge that "sometimes the officer loses her temper in monthly meetings and otherwise" is ***self contradictory*** in the light of other remarks recorded by him only . It is also to be noted that ***no adverse remarks regarding my temper or otherwise have been recorded in any monthly meetings minutes neither he has given details of any such incident in my ACR nor he has given me any oral or written warning.***

6- With regard to my punctuality and regularity in sitting on the dais in court during court hours ,the then Respected District Judge has observed- "***the officer has not regular and punctual in sitting on the dais in court during courts hours. We are informed that generally the officer is***

not punctual and regular in sitting on the dais after lunch hours” and with regard to fixation of cases, he has also observed that *“sufficient number of cases are not fixed by him to keep him engaged during full court hours.”* In regard to it , most humbly I submit that the then Respected District Judge had done the ANNUAL INSPECTION 2022 of my court and office on 25.02.2022 and on page 4 of the same annual inspection remarks , he had observed that - *“11- जी-पीठासीन अधिकारी द्वारा प्रत्येक कार्यदिवस को पर्याप्त संख्या में वाद नियत किये गये हैं”*. Similarly on page 6 , the then Respected District Judge had observed that- *“11ई पीठासीन अधिकारी द्वारा प्रत्येक कार्यदिवस पर पर्याप्त कार्य किया गया है। कोई भी मुकदमा बिना पर्याप्त आधार के स्थगित नहीं किया गया है।”* So as per the observation of the then Respected District Judge during the annual inspection of my office and court , I had fixed sufficient numbers of cases to keep myself engaged during full court hours and have worked adequately on each working day. It is also worth to be noted that in my ACR also , the then Respected District Judge has observed that *“ there is proper fixation of cause list.”*

Furthermore, most humbly I wish to submit that *in any of the Surprise Inspection done by the then Respected District Judge , I was never found absent from the dais. The then District Judge had never ever given me any oral and written warning in regard to same.* It is also worth to be noted that the *then District Judge has not given the details of who informed him of my absence and on which date I was absent from the dais.*

7- With regard to disposal of old cases, the then Respected District Judge has observed that *“ the officer has not tried sincerely to dispose more old cases pending before the court”* and has stated that the officer has decided 7 criminal cases & 7 civil cases which are more than five years old . Most humbly I wish to submit that I had decided total number of 96 criminal and civil cases collectively at Muzaffarnagar and Sultanpur and with regard to old cases, I had decided a total of 22 criminal and civil case (1-1993, 1-2006, 3-2010, 1-2011, 2-2012, 4-2013, 3-2014, 2- 2015 & 5-2016). The statements regarding Year wise pendency & disposal of cases are annexed with my self assessment.

With respect to my efforts in disposing off the old cases, the then Respected District Judge has observed on page 7 in his ANNUAL INSPECTION 2022 of my court and office that *“11-जे-पीठासीन अधिकारी द्वारा पुराने वादों में स्थगन प्रार्थनापत्र के आधार पर पर्याप्त कारण दर्शाते हुए मामले को स्थगित करके नजदीक की तिथि नियत की गयी है।”* and again on page 17 - *“विभिन्न पत्रावलियों के अवलोकन से स्पष्ट है कि पीठासीन अधिकारी द्वारा पुरातन वादों के निस्तारण में रूचि ली जा रही है। पीठासीन अधिकारी प्रत्येक कार्य दिवस में न्यायिक कार्य में व्यस्त रही है।”* It is also to be worth mentioning that in the relevant year 2021-22 , I have achieved 636.05 units against the actual target of 524.32 units i.e- 121.30%. The then Respected District Judge has himself observed in ACR that the disposal of work done is adequate. I had tried my best in disposing off maximum old cases despite of hinderences of

Pandemic Covid 19. It is also to be noted that the whole year files were transferred from one court to another. Despite of all this, I made sincere efforts in disposing off maximum cases. The then Respected District Judge has recorded that “the officer is avoided unnecessary adjournments”. Out of total of 96 criminal and civil cases disposed off by me during the year, 70 cases were contested including 5 executions on full satisfaction.

8- The then Respected District Judge has observed that I have granted, refused or retained interim orders and injunctions for sufficient reasons.

9- The then Respected District Judge has also observed that my judgement on facts and on law are on the whole sound, well reasoned and expressed in good language. My marshalling of facts , appreciation of evidences and application of law is “Good.”

10- The then Respected District Judge is of opinion that my control over the office, my administrative capacity and tact is good and I have made regular inspection of my office and the court.

11- I had joined the U.P. Judicial Services on 18-04-2009 and ***in span of 13 years of my career, NO adverse remark or entry nor any oral or written warning has ever been given by my any District Judge or Superior Officers.***

12- It is most humbly submitted that if the above Annual Confidential Remarks as “Good” and “Other remarks” made by the then Respected District Judge in column 01(a), 01(c), 01(e)(i)(b), 01(e)(iii), and 01(l) are allowed to remain , the same shall have a stigmatic bearing upon the career of the applicant and shall also affect the morale in discharge of the official duties.

It is therefore most humbly requested that you goodself may kindly place my representation before the Hon’ble Court to expunge the aforesaid adverse portion of the Annual Confidential Remark 2021-22 recorded against me. It is also most humbly requested that the overall assessment of the applicant may kindly be upgraded from “Good” to any other higher suitable entry which the Hon’ble Court deems fit. I shall always remain grateful for your this act of kindness.

With regards.

Dated: 14-09-2022

Your’s sincerely
Smt. Madhu Gupta
Additional Principal Judge, Court no 3, Sultanpur.
JO Code: UP 1579