

From: Nand Pratap Ojha
Special Judge (S.C/S.T. Act)
Pratapgarh.
ID No. UP-2167

To, The Hon'ble Administrative Committee,
Hon'ble High Court of Judicature At Allahabad.

REPRESENTATION AGAINST ORDER PASSED BY HON'BLE
ADMINISTRATIVE JUDGE Mr. JUSTICE ANJANI KUMAR MISHRA
'J'AFFIRMING REMARK-MADE BY THE DISTRICT JUDGE IN
ANNUAL ENTRY 2020-2021(From 01.04.2020 -31.03.2021).

Lordship,

It is most humbly submitted that:-

1. That the instant representation preferred challenging against the order passed by means of Case ID No. A00008262021, Old Case .ID 3705 passed by the Hon'ble Administrative Judge Hon'ble Mr. Justice Anjani Kumar Mishra 'J' affirming the remark 'not with congeniality' at item No. 01(m)(whether amenable to the advice of the District Judge) of the annual entry made by the then District Judge Sri Vivek Kumar Sangal in annual entry of the year 2020-2021 (From 01.04.2020 -31.03.2021).
2. That the applicant moved representation before Hon'ble Administrative Judge Hon'ble Mr. Justice Anjani Kumar Mishra 'J' against remarks made by the then District Judge Sri Vivek Kumar Sangal in annual entry of the year 2020-2021 (From 01.04.2020 - 31.03.2021).
3. That the District judge assessing officer over all Good put remark i.e. 'not with congeniality' at item No. 01(m). (whether amenable to the advice of the District Judge) of the annual entry. It is note worthy to mention here that the Hon'ble District Judge has not stated specifically that officer is not amenable to the advice of the District Judge.

4. That feeling aggrieved against such remark 'not with congeniality' which was adverse and which may affect my carrier in future a detailed representation was moved before Hon'ble Administrative Judge.
5. That Hon'ble Administrative Judge failed to consider the representation and without making any whisper regarding the grievance the annual entry has been confirmed.
6. That it is noteworthy to mention here that Hon'ble District Judge had not issued any D.O. letter.
7. That it is pertinent to mention here that P.E-36/19 against Sri Anil Mishra the delinquent employee was pending before me as enquiry officer, and such PE. No. 36/19 serious matter relating to lost consigned record of S.T. No. 1517/1996 State Vs Saudan Singh & others which has been summoned by Hon'ble High in Crl. Appeal No. 4438/2002 Saudan Singh & others Vs State of U.P.
8. That Hon'ble High Court vide order dated 23.02.21 passed in Crl. Appeal No. 4438/2002 Saudan Singh & others Vs State of U.P. had directed to expedite the inquiry and if the record was traced out immediately be sent to Hon'ble High court.
9. That in my annual assessment 2020-2021 it was mentioned by me that P.E-36/19 received on 10.07.2020 and was pending and had not been decided as the the Administrative Office Aligarh failed to serve the notices issued against Sri Anil Mishra.
10. That while submitting the annual assesment I, myself deducted 16 units out of 1496.87 total Achieved units as per the directions of the Hon'ble High Court.
11. That it is also noteworthy to mention here that no quota or unit has been claimed by me regarding PE – 36/19 or any other inquiry rather 16 units have been deducted out of my achieved units and after deducting 16 units I achieved 1480.87 units. In my self assessment form in Part II at item no. 2 it has been specifically mentioned that

total achieved units are i.e.1496.87, and after deduction of 16 units, remainder out of total achieved units are 1480.87 and details were mentioned in the annexure to the assessment.

12. That details of achieved units for quota were provided which itself reflects that no claim of units have been made regarding aforesaid said inquiry by me in annual assessment.
13. That at item no. 14 in remark column of my annual assessment it was mentioned that due to not serving process upon Sri Anil Mishra by administrative office inquiry was not concluded within time. It is true that due to the lethargic action and attitude of the administrative office Aligarh the notice issued against Sri Anil Mishra was not properly served.
14. That it is relevant to mention here that Sri Anil Mishra was posted at Aligarh and was transferred from Aligarh to District civil court Sidharth Nagar and the Administrative Office Aligarh was well aware about the expected date of retirement of Sri Anil Mishra and to in collusion with Sri Anil Mishra and to provide him the undue advantage the Administrative office was prolonging the service of notice upon Sri Anil Mishra. It has come to know that Sri Anil Mishra got retired in June 2021.
15. That Hon'ble High Court vide its letter number 815/Infra Cell: Allahabad, dated 16.10.2020 made provision to install some protective transparent plexi sheet dividing the dias and rest of the court room. I sent a letter dated 29.06.21 to Hon'ble District Judge requesting for installation of such plexi sheet in my court room.
16. That Administrative Office of Aligarh judgeship had not produced the proper service report in against notices issued against Sri Anil Mishra and was lethargic in serving notice so, such fact was written in the remark column of assessment by me by which the Hon'ble District Judge Aligarh become biased and on account of such bias awarded entry to the effect that officer is 'not with congeniality'.
17. That in the facts and circumstances of the case the impugned remark 'not with congeniality' in annual entry of the year 2020-2021 (From

01.04.2020 -31.03.2021) made by the the District Judge may kindly be expunged in the interest of justice.

PRAYER

It is therefore most humbly prayed that your 'Lordship' may graciously be pleased to expunge the remark at item No. 01(m) - 'not with congeniality, from the annual entry of year 2020-2021 (01.04.20 to 31.03.21) made by the District Judge Aligarh Sri Vivek Sangal.

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