From,

**Ravi Kant Yadav,**
Chief Judicial Magistrate,
Kushi Nagar.

To,

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

Through,

**The District Judge,**
Kushi Nagar.

**Subject: Representation** against the Remarks recorded by Hon'ble Sri Justice Pankaj Bhatia, Hon'ble The Administrative Judge, in Annual Confidential Report (ACR), for the Period from 15.04.2021 to 31.03.2022.

**Hon'ble Sir,**

**It** is most humbly submitted that my Annual Confidential Remark for the Year 2021-22, recorded by Hon'ble The Administrative Judge, Kushi Nagar, came to my knowledge through *eServices for Judicial Officers*, portal of Hon'ble High Court, on 09.10.2022 Copy of the Self Assessment along with the Remarks of Hon'ble The Administrative Judge, Kushinagar, downloaded and printed from the portal is attached herewith as **Annexure -1**. It is further submitted that the aforesaid remark has not been communicated to me by the Reporting Officer i.e. The District Judge, Kushi Nagar or by The Hon'ble Court.

Following remarks in the Annual Confidential Report appears to be adverse in nature:

"As per the self assessment, the officer was posted as Chief Judicial Magistrate, Kushi Nagar w.e.f. 15.04.2021 to 31.03.2022. Perused the remark given to the officer by the District Judge. The officer has annexed year wise break up of Institution and Disposal of cases during the assessment year which shows that the cases of the year 1991 to 2000 are still pending and no plausible reason has been shown for its non-disposal of cases having age of more than 20 years. The officer should have made earnest endevour to dispose of the very old cases. On overall assessment, I do not agree with the remarks given by the District Judge in putting him in the category of 'Very Good' and accordingly, he is downgraded and put in the category of 'Good' Officer."

**Your Honour,**

From the face apparent, it reflects that the remarks recorded by Hon'ble the Administrative Judge are missing the true factual assessment of the work and capabilities of mine, with regards to disposal of cases,

I may kindly be permitted to make head wise submissions as follows:

That, I have joined in District Kushi Nagar as Chief Judicial Magistrate on 15.04.2021. It was a time when Covid 19 pandemic was at its top and normal life as well working at workplace was adversely hampered. Just after my joining in Kushi Nagar, either the regular court work was suspended or the Courts remained closed from 15.04.2021 to 17.08.2021. Again from 10.01.2022 to 14.02.2022 courts remain closed/work was suspended due to Covid 19 pandemic. From 24.05.2021 to 02.06.2021 I availed the recess. The orders of closure are annexed herewith as **Annexure-2.** Accordingly in the year under assessment for 161 days, regular court work was not possible to be done due to Covid-19 Pandemic. This has also hampered in

appearance of the witnesses and accused persons which resulted in delayed maturity of the cases.

I have made all the efforts to dispose the maximum number of cases duly giving priority to the cases which fall under preferred categories. During my posting as Chief Judicial Magistrate, Kushinagar, in the assessment year from 15.04.2021 to 31.03.2022 I had only 172 actual working days against which I have disposed the **work done to the tune of 3694.11 Units**. The statement of actual working days and work done is attached herewith as **Annexure-3.**

That giving the preference to the cases of persons of more then **65 years of age 5 such cases out of 6** were decided by me, the cases having directions of Hon'ble High Court and other superior courts were also decided on preferential basis.

That during the year under assessment disposal of oldest cases by me which is evident from my self assessment form are as follows:

a) Cases more than **five years old- 574 cases.**

b) Cases more than **ten years old- 83 cases**.

c) Cases more than **twenty years old- 13 cases ( note:** Since there was no column in Self Assessment Form to depict disposal of twenty years old case, thus a separate annexure is attatched as **annexure-4**).

The cases of **40 years of age,** bearing crime number 302/1980 State versus Israfil was **decided during the year on 05.10.2021**, similarly 46/1980 State Versus Dinesh was decided on 27.09.2021, Case Number 717/1984 State Versus Sukhdev decided during the year was 38 years old. Out of the cases which were more than 25 years of age case crime no 200/1996 State Versus Suresh Kurmi, 207/1996 State Versus Mukh Lal, 193/1996 State versus Indrajeet find a place in the oldest cases decided during the year under assessment. The copy of List of oldest cases decided in the Year is **Annexure-4.**

With all honesty, I have made all the efforts to ensure the presence of absenting accused before the court, the evidence was

recorded in numerous old cases to bring them towards the maturity, the adjournments were not granted frequently and easily, cases were listed with short dates the cases listed in prosecution evidence in extreme conditions only were adjourned with short dates. I have tried my best to dispose all the old cases but as a bad luck of mine Covid19 pandemic has hampered my efforts.

Therefore, it is most respectfully prayed that Your honour may be kind enough in placing my humble submission for kind perusal by the Hon'ble Court for expunging the adverse remarks recorded by Hon'ble Administrative Judge in my Annual Confidential Remarks for the year 2021-22 and suitably rephrasing them. It is further requested that Hon'ble Court may very kindly be pleased to upgrade the overall rating on the basis of actual records, work and conduct of the applicant.

With regards.

Dated: November 09, 2022

Yours sincerely,

Ravi Kant Yadav 09.11.2022

**(Ravi Kant Yadav)**

Chief Judicial Magistrate,

Kushi Nagar.

Enclosure: As Above

न्यायालय अपर मुख्य न्यायाधीश कुशीनगर
पत्रांक 370/I दिनांक 09/11/2022 कुशीनगर
प्राप्तांक

अपर मुख्य न्यायाधीश
कुशीनगर उत्तर प्रदेश
09.11.2022