

From,
Mrinalini Srivastava
Additional Civil Judge (Jr. Div.)/Judicial Magistrate,
Court No. 2,
Sitapur.

To,
The Registrar (J) Confidential,
Hon'ble High Court, Allahabad

Through- Hon'ble District Judge, Sitapur

Subject- Representation against certain remarks and overall assessment of the Officer as Good by the District Judge /Hon'ble Administrative Judge for the assessment Year 2021-2022

Respected Sir,

With due respect the applicant begs to submit as under:-

1- That the applicant is presently posted as Additional Civil Judge Junior Division/ Judicial Magistrate, Sitapur.

2-That the applicant has been appointed in the Uttar Pradesh Judicial Services in the year 2020. For the assessment year 2021-2022, the applicant has held the court of Judicial Magistrate with a pendency of approximately 21000 cases and earned 159% of annual target.

3-That the applicant has always performed her duties with devotion and utmost dedication and her work and conduct has always been appreciated by the respecting Reporting Officer from time to time. For the last year, the applicant has been appraised as very good. Unfortunately for the applicant, despite being adjudged as very good in the assessment year 2020-21, Hon'ble Assessing Authority has down graded the grading from very good to good in the Assessment Year 2021-22.

4-That in the group A of the above recorded by the Reporting Officer, general behaviour, which includes punctuality and attending and leaving court, control over court proceedings,

relationship with other officers, relationship with the Bar, capacity to motivate, to obtain willing support by own conduct and inspire confidence in the subordinate staff and administration control, the applicant has been objectively adjudged by the Reporting Officer. There is ostensibly no disagreement by Hon'ble the Assessing Authority on this court.

In group B, which includes details regarding quality of delivery of judgment, which consist of regularity and promptness in delivering judgments, brevity/quality of reasoning with respect to factual and legal aspect, the Reporting Officer has again objectively appraised the officer on the basis of material before him, and quality of the judgment has rated as good. Again, Hon'ble the Assessing Authority does not appear to have expressed any dissatisfaction over the assessment. In Group C, which includes details regarding disposal of cases, the Reporting Authority has also recorded his opinion which is not at all adverse to the applicant. In Group D, after overall assessment, the Reporting Authority has graded the applicant as good. Here, Hon'ble Assessing Authority has down graded the appraisal from very good to good and recorded the reason as being not amenable to the advice of the District Judge and other superior officers.

5- That it may be worthwhile to state that in the last year the grading of officer was very good, looking to her striking qualities and sense of responsibilities in discharging her duties by the respective Reporting Officers which have been accepted by the Reviewing / Accepting Authorities without any demur.

6- That it cannot be gain said that the annual assessment is initiated by the Reporting officer who is in a position to monitor / observe the day to day activities of an officer on the basis of various material before him. There is no denying of the fact that grading is of immense importance in the carrier of an officer, efficiency of service for the work, conduct, character and capabilities of an officer reported upon.

7-It has been held in various decisions of the Apex Court that the Reporting Authority is the authority to supervise the performance of the officer reported upon. Reviewing / Accepting Authority, has further been held, is the authority who supervises the performance of Reporting Authority. In dubitably, the Reporting Officers are to require to state the justification of their report itself.

8-That in the case of U.P. Jal Nigam and others Vs. Prabhat Chandra Jain and others the Apex Court held that if the graded entry is of going a step down like falling from very good

to good that may not ordinarily be an adverse entry since both are a positive grading. All that is required by the authority recording confidential in the situation is to record reasons for such down grading on the personal file of the officer concerned and inform him of the change in the form of an advice. It is further observed that if the variation warranted to be not permissible then the very purpose of writing annual confidential reports would be frustrated.

9-That in the instant case, the Reporting Authority upon overall assessment has graded the officer as good, without articulating any justification of the assessment.

10-That in various decisions of the Apex Court, it has been observed that Reviewing Authority or Accepting Authority as the case may be, may record details regarding their satisfaction with respect to the report presented by the reporting authority and their surety that if that process was done with due care and attention and after taking into account all the relevant materials whether they agree with the assessment of the officer as given by the Reporting Authority and in cases of disagreement they have to prove them with reasons regarding the same and they also have to submit their remarks with specific comments about the general assessment grading given by the Reporting Authority.

11-That in the case of the applicant, the Assessing Authority has merely downgraded the assessment of the applicant as assessed in the last year as Very Good to Good as assessed in the present year.

12-That it is worthwhile to mention that Assessing Authority for both the assessing year 2020-2021 and 2021-2022 still remain the same i.e. the same Hon'ble District Judge assessed the applicant in the both the assessing year.

13-That it is also noteworthy that the Assessing Authority has narrated that the applicant is not amenable to the advice of the District Judge and other superior officers. However, It is important to mention here that not a single duty assigned to the applicant by any superior officer or Assessing Authority was reported to be unfinished or wrongly/carelessly done. The applicant has been in-charge of various courts which included courts of CJM,ACJM and JM while the presiding officers were on leave of such courts ,for the period of assessment in question, and that not a single incident has been reported by any of the superior officers which supports the remark given by the Assessing authority to the applicant. Moreover, the Assessing Authority has also not cited or narrated any single incident to support the same.

14-That in the above backdrop no D.O. or any such letter has either been addressed to the applicant by Hon'ble District Judge or any of the superior officers in the whole tenure of service of the applicant, howsoever small it is.

PRAYER

It is therefore, most humbly prayed that the Hon'ble Court may very kindly be pleased to re-appraise the matter and,

A- Score off the remarks made by the Assessing Authority that the officer is "Not amenable to the advice of the District Judge and other superior officers." in para 01(m) of remarks given by the District Judge as being devoid of any reason.

B- Correct the assessment given by Hon'ble District Judge as Good and upgrade the same.

Date- 12-01-2023

Yours faithfully,

(Mrinalini Srivastava)
Additional Civil Judge (Jr. Div.)/Judicial
Magistrate
Court No. 2, Sitapur