

From:

Vishnu Prasad Agrawal
Additional Principle Judge
Family Court, Lucknow.

To,

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

Subject:- Representation regarding Remarks recorded by Chairman Commercial Tax Tribunal, Lucknow in Annual Confidential Remarks for year 2021-22.

Hon'ble Sir,

It is most respectfully submitted that the undersigned was transferred as Judicial Member, Commercial Tax Tribunal Aligarh vide notification of Hon'ble Court dated 24-08-2021 and he took charge of the same on 31-08-2021. Ld Chairman Commercial Tax Tribunal on completion of assessment year 2021-2022 recorded the Annual Confidential Remarks of the applicant/undersigned. He overall assessed the undersigned as a good officer (Although the applicant ought to have been assessed as an outstanding officer). In the column of Other Remarks if any Respected Chairman remarked :

“The shortfall in required quota of work even after taking into consideration of longer holidays of Covid outbreak witnessed.”

It is respectfully prayed that only 43 appeals of single bench were pending in Aligarh Bench at the time of joining of applicant and in the assessment year only 18 new appeals of single bench were instituted. Moreover due to the sincere efforts of the undersigned 47 appeals were added from the list of defective appeals pending at Aligarh Bench. These 47 appeals were added after the application for condonation of delay etc presented by appellants were allowed on merit by the applicant after hearing both the parties. During the relevant time hearing both the parties was a herculean task. Out of total 108 single bench appeals 74 appeals of single bench were disposed off contested after hard struggle as normally neither the Id Counsels nor the parties were attending the Bench due to outbreak of Covid-19 pandemic. During that time many of officers of UP Judiciary, staff and Id advocates lost their life due to Covid-19 due to which there was an atmosphere of extreme fear. Then also due to sincere

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efforts of the applicant, his persuasion some of Id Counsels came forward due to which the applicant could decide 70 percent of pending single bench appeals. It is worth to mention that throughout the relevant period there was a request from bar- association not to pass adverse order on account of absence of parties or Id counsels which in those given circumstances could be termed as genuine.

Further it is also submitted that minimum numbers of Appeals were pending in the Aligarh Bench throughout the State as per the undersigned personal knowledge. The foremost reason of shortfall in required quantum of work was the lowest and least pendency of appeals at Aligarh Bench. Even if all the pending appeals were disposed then also the required quantum of work could not be achieved. It is further submitted that due to outbreak of Covid-19 and reasons mentioned supra the normal functioning of single bench was hampered. Hence all the pending single bench appeals could not be disposed off.

It is worth to mention that in almost all the Commercial Tax Tribunals throughout the state of UP the prescribed/Required quota is achieved from disposal of appeals of Double bench which are much more in number as compared to single bench appeals. This fact can be ascertained from the records of various tribunals of UP. It is also worth to mention that in normal circumstances in every month atleast one double bench (for a week) is constituted by the Ld Chairman for disposal of Double Bench Appeals. In double bench one member is judicial and another is administrative. It is worth to mention that from 31.08.2021 to 31.03.2022 Double Bench was not constituted by Ld Chairman for Aligarh Bench due to which not even a single Double Bench Appeal could be taken up for disposal and it remained pending in the list. From the fact mentioned supra it is clear that the applicant was having no role whatsoever in not taking up of Double Bench Appeals for disposal. The another important reason for shortfall in required quantum of work was non- constitution of Double Bench by the Ld Chairman during the relevant period .

Hon'ble Sir during my tenure as Judicial Member Commercial Tax Tribunal Aligarh I tried my level best to dispose off maximum numbers of appeals pending in the Single Bench and with my all efforts, hard work and complete devotion with sincerity 70 percent of single bench appeals in the Aligarh bench were disposed off despite covid 19 pandemic. It is apparant that shortfall of work was not due to applicants fault but besides other due to lower and least number of appeals pending at Aligarh Bench, Covid-19 pandemic, non constituent of Double Bench at Aligarh and the facts mentioned supra.

Further it is also pertinent to mention here that throughout applicants

judicial career of 16 years the required quantum of work was never short. Even in the assessment year 2020-2021 when the covid-19 pandemic was noticed, it spreaded at a fast speed, for much time there was complete lockdown during which the courts were also closed the required quantum of work of applicant was complete as per norms because of complete dedication of undersigned and as there were sufficient number of files/ cases.

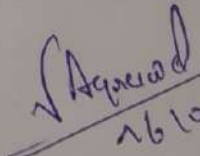
In the light of reasons stated above and taking into consideration the applicants past record the above mentioned remarks recorded by the Ld Chairman ought to be ordered to be removed and applicant be assessed as Outstanding officer by the grace of Hon'ble Court.

Therefore it is most respectfully requested to place undersigned representation before the Hon'ble Court for kind and sympathetic consideration for ordering for removal of above mentioned remarks recorded by the Respected Chairman Commercial Tax Tribunal for assessment year 2021-2022 and for upgradation of applicant from good to outstanding officer .

With Profound Regards.

Date: 16-2-23

Yours Sincerely


16/02/23

Vishnu Prasad Agrawal
Additional Principle Judge
Family Court, Lucknow.