

To,
The Registrar General
Hon'ble High Court of Judicature at Allahabad
Prayagraj (Allahabad)

Through,
Respected The District Judge,
Kanpur Nagar.

Subject–Representation against Annual Confidential Remark Year 2022–23
and upgradation of Overall Assessment.

Sir,

Most humbly this is to submit that, I have been appointed as Additional District and Sessions Judge, Court No. 14, Kanpur Nagar and have worked in the assessment period in the same capacity. The Annual assessment pertaining to the work done in the assessment year, I have been rates as "**GOOD**" and it has been remarked by respected District Judge that "*The officer is experienced having service of about 16 years and with more effort, could have decided more cases.*" as also in the Annual Confidential Remark in column 1 F with regard to judgement delivered by the undersigned, while appreciating the judgement, it has been observed that, *marshalling the fact is satisfactory, appreciation of evidence is satisfactory and application of law is also satisfactory.* With regard to these observation and remarks, I am submitting my representation for expunging the remark in column 4 and upgradation in appraisal pertaining to my judgement as follows:–

1. I was performing not only the Judicial work but also responsible for various and multifarious administrative and financial works of judgeship in the assessment period. During the assessment period, I had following administrative and other charges:–
 - (i) Officer incharge of Amins
 - (ii) Officer Incharge Bill Section (DDO)
 - (iii) Nodal Officer of Arbitration Matters.
 - (iv) Nodal Officer of Action Plan.
 - (v) Member of Finance Committee.
 - (vi) Member of A.C.P. Committee.
 - (vii) Member of Gradation Committee for Class III & Stenographer and Class IV.
 - (viii) Member of Audit objection Removal Committee.
 - (ix) Member of Committee for Screening of Employees of 50 years old or have completed 25 years of Service.
 - (x) Member of Committee for Compliance of direction in Civil Appeal no. 156/2022 by Hon'ble Supreme Court.
 - (xi) Chair person of Vulnerable Witness deposition centre Committee.

2. Alongwith my Judicial work, I did my best possible effort with all due diligence to perform these administrative and financial works without any flaw and failure, which not only reflects in the performance of the judgeship as a whole but also in my own work. This administrative, financial work has not been assessed by the respected District Judge. In overall assessment, he overlooked the heavy and cumbersome work of administrative nature, which was not only delicate but also required an unflinching approach and performance, which I did with all my possible efforts.
3. In the assessment period, I was also the Incharge of Additional District and Sessions Judge, Court No. 12, Kanpur Nagar and was responsible for the judicial work and administrative control during his absence. No units have been claimed against any work done as incharge of this court. This fact has been overlooked by the respected District Judge.
4. Despite all the constraints and serious burden of administrative and financial work my total output of judicial work has been 1589.45 against target 786.72 units, which is 202.03%, which is much more than the prescribed and desired target by Hon'ble High Court Vide Circular No. 1418/Main-B/Admin.(A-3), Allahabad, dated 09.02.2022. This performance against Judicial work culminating into more than 200% of units has been overlooked and it has not been appreciated while appraising my overall work.
5. This is also pertinent to mention that the disposal of 82 Oldest cases, 38 Execution cases and 53 Senior Citizen's cases has been overlooked. This is also to mention that, total 197 cases has been disposed off as actual contested during the assessment period against total pendency 425 as on 01.04.2022, which has also been overlooked. Therefore overall appreciation needs review and upgradation.
6. As regards to appraisal of my judgement, it has been observed by respected District Judge in column 1 F that marshalling of facts, appreciation of evidence and application of law is satisfactory only. This is to submit that none of my judgements have ever been criticised by Hon'ble High Court. The judgements delivered by me have been at par and have been above board in all three spheres, whether it be marshalling of facts, appreciation of evidence and application of law. All the judgements have, not only been done in precise manner, but also with all possible brevity and conciseness. No argument pressed into service at Bar or prosecution has ever been overlooked. For appreciation of law not only statutory law but law of precedents has been appropriately mentioned and applied in the judgement to come to the conclusion and making the judgement more elaborate, exhaustive and self explaining pertaining to law. These aspects and facts have not been appreciated by the respected District Judge.

7. This is also noteworthy and worth-mentioning that in column 1 F, it has been observed by respected District Judge himself that judgement on facts and law are on the whole sound, well-reasoned and expressed in good language, but in appreciation of evidence and application of law, he left himself to satisfactory only, which contradicts his own remark in column 1 F. **Therefore remark in column 1 F (i), 1F (ii), 1F (iii) needs upgradation.**
8. In the Remark Column 4 respected District Judge has observed that officer is experienced having service of about 16 years and with **more effort, could have decided more cases.** This is not based on objective observation. It has been observed without taking into consideration of Minimum prescribed standard by Hon'ble High Court. There is no provision to assess the possibility of any officer, which can not be assessed, nor is there any prescribed standard to evaluate and assess the possible capacity of an officer. This remark makes the assessment beyond the assessment period i.e. one year.
9. Against disposal of Action plan, constraints Viz. Non appearance of formal witnesses, non service of summons on out station witnesses, most of the times police witnesses excuse themselves on the ground of other official duties and lawyers on strike, miscellaneous applications by the parties U/s 311 Cr.P.C, 319 Cr.P.C., 227 Cr.P.C. etc., death of parties and substitution etc. were main causes for small short fall in disposal of action plan cases, which is only 3 cases in number. I have disposed 52 cases against target 55 cases and only 3 were left undecided due to uncontrollable circumstances and specially strike of lawyers in the month of march. There was total dead-lock in judicial work and had, it not been so, certainly, I would have disposed left out 3 undecided cases also. This part has not been appraised in the remark column by Respected District Judge. Therefore this remark needs expunction.
10. The target under action plan against Sessions Trials case was of 25 cases and in civil appeal it was 10 cases. Initially there was only 6 civil appeals pending in this court as on 01.04.2022, later 9 civil appeals were received by transfer through order of respected District Judge on different dates. Thus, I had no ample time to decide more civil appeals, yet under the assessment period I have disposed off 10 civil appeals and 49 sessions trials, which has been overlooked. This is also to mention that, total 197 cases has been disposed off as actual contested during the assessment period against total pendency 425 as on 01.04.2022, which has also been overlooked.
11. Despite all odds and constraints, I have disposed 52 action plan cases, which is 94.55 % (almost 95 %) of target action plan cases, which has been taken oversight of while making the remark and thus the remark

does not make an assessment of actual effort and positive disposal by me, which has also been overlooked.

Sir, You, are most humbly requested to place my representation with the prayer before Hon'ble Court that, Hon'ble Court May kindly please to upgrade my overall assessment, which is mentioned as "GOOD" and also upgrade the remark in column 1 F (i), 1F (ii), 1F (iii) against appreciation of judgements.

This is also prayed to Hon'ble Court to expunge the remark in column 4 para 2 with regard to small shortfall in disposal of action plan cases.

I shall be highly obliged.

With profound regards.

Yours sincerely,

Date-26.05.2023

Akhileswar Prasad Mishra
Addl. District & Sessions Judge,
Court No- 14 Kanpur Nagar.
Code- UP 6287

office of the District Judge, Kanpur Nagar.

Letter No: _____ Date: _____ May, 2023

Registrar General, High Court of Judicature at Allahabad.

District Judge,
Kanpur Nagar.