

From,
Yogesh Kumar
Additional District & Sessions Judge/
Special Judge P.O.C.S.O. Act,
Court No. 22, Kanpur Nagar.

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—

1. In Annual Confidential Remark 2022–2023, Respected District Judge, Kanpur Nagar has observed my control over the files, disposal of execution cases, quality of judgements, marshalling of facts, appreciation of evidences, application of law, control over the office and administrative capacity, relationship with Bar, behaviour in relation to brother officers, behaviour towards women, punctuality and regularity in sitting in court as "**Good and satisfactory**". Over all assessment of the merit of the Officer is rated as '**Good**'.
2. It has been remarked by the Respected District Judge, Kanpur Nagar in **Column No. 4 i.e. "Other remarks, if any"** that "As per the Action Plan the officer was expected to decide 38 Oldest cases under POCSO Act, 6 oldest Session Trial cases, 7 oldest Criminal Appeals, 10 oldest Civil Appeals and 10 oldest Execution cases, but the officer has decided— 2/6 oldest Session Trial cases, 4/7 oldest Criminal Appeals, 5/10 oldest Civil Appeals, 10/10 oldest Execution cases and 19/38 Oldest cases under POCSO Act. As per the Action Plan, the officer has decided less number of oldest Session Trial cases, oldest Criminal Appeals, oldest cases under POCSO act and oldest Civil Appeals but has decided desired oldest Execution Cases. The officer is experienced having service of about 14 years and with more effort, could have decided more cases."
3. With regard to shortfall in Action plan 2022–23, this is to mention that during the Assessment Period I held the Court of A.D.J./F.T.C. Court No. 1, Bijnor From 01.04.2022 to 04.07.2022. Thereafter on Annual Transfer from 06.07.2022, I held the Court of Additional District & Sessions Judge, Court No. 22/Addl. Special Judge POCSO

Act, Kanpur Nagar. Despite the fact that in the Assessment year 2022-23 my place of posting and Court has been changed, I has tried my best for lawful disposal of targeted Action plan files. I decided a Session Trial of more than 30 years old i.e. S.T. No. 69/1987, State Vs. Ram Bharose and Others u/s. 376, 120B I.P.C., P.S. Chakeri, Kanpur Nagar, in which 2 accused were held guilty and convicted and I also disposed an execution case of year 2003, which is nearly twenty years old case.

4. My disposal of old cases was given in Column No. 1 (e) (iii)- "No of 5 year old cases disposed-24, No of 10 year old cases disposed-09, Session Trial- 1/1987, 2/2009, 1/2010, 2/2011, 2/2012, 1/2013, 1/2015, Special Session Trial- 1/2013, 3/2014, 2/2015, 3/2016, S.C.C. Suit- 1/2014, Civil Misc.- 1/2013, 7/2015, 1/2016 & Civil Revision- 1/2016." As per unit system, my achievement was 1333.3 units as against 632.56 units required, it was nearly double of the prescribed standard. It is also pertinent to mention that in light of General letter No. 11/IV-h-14/2022 dated 18.08.2022 with regard to final disposal of cases, which actually goes into pendency reduction, I achieved 363.50 units against 192.56 units required. The remark does not make an assessment of actual effort and positive disposal by me, which has been overlooked by the respected District Judge.
5. 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. were main causes for short fall in disposal of action plan cases.
6. Hon'ble Court is being prayed for expunge the remark in Column No. 4. Hon'ble Court is further being requested to upgrade my overall assessment, which is mentioned as Good. I shall be highly obliged.

It is being requested to place my representation before Hon'ble Court for kind and sympathetic consideration.

With utmost regards.

Yours sincerely,

Date-05.06.2023


Yogesh Kumar

Additional District & Sessions Judge/
Special Judge P.O.C.S.O. Act,
Court No. 22, Kanpur Nagar.
Code- UP 1599