

From,

Shashi Gautam,
Civil Judge (J.D.)/ F.T.C (Crime against Women),
Meerut

To,

The Registrar General,
Hon'ble High Court of Judicature at
Allahabad5tgn

Through

The District Judge,
Meerut

SUBJECT- Representation against the adverse remarks recorded by the then District Judge Balrampur in ACR of the applicant for the Assessment Year 2022-23

Respected Sir,

I most respectfully beg to submit my humble representation on the subject noted above as under:

1. During the Assessment Year 2022-23 I was posted in District Court Balrampur as Judicial Magistrate II from 01.04.2022 to 04.07.2022 and as Addl. Civil Judge-I(Jr.Div)/J.M From 05.07.2022 to 31.03.2023 Balrampur.
2. The then District Judge Balrampur has mentioned the following adverse remarks in the "remarks given by the District Judge" columns and my representation against those remarks given respectively as under.
3. I would like to submit humbly before the Hon'ble Court that the then Respected District Judge in ACR of mine in column 01 (e)(iii) pertaining to disposal of old cases has recorded **Criminal cases** "-1 of 1983, 5 of 1984, 3 of 1986, 1 of 1987, 1 of 1988, 1 of 1991, 2

of 1992, 1 of 1997, 1 of 1998, 2 of 2000, 1 of 2001, 1 of 2006, 2 of 2007, 2 of 2008, 2 of 2009, 4 of 2010, 3 of 2013, 1 of 2014, 5 of 2015, 6 of 2016, 6 of 2017.” and civil case 01 of 2003.

Number of total cases decided/disposed by me according to figure given by then Respected District Judge are 51 criminal cases and only 01 civil case which is not correct.

On above remark, it is humbly submitted before the Hon'ble Court that the then Respected District Judge perhaps due to bonafide mistake did not mention the correct figure of old decided/disposed of cases by me. It is humbly submitted that during said Assessment Year 2022-23, I was assigned both criminal and civil work and total number of old criminal cases decided/disposed of by me which were pending since 1983 to 2017 are -299 and civil cases 239, details regarding yearwise disposal of old cases are given as under:

Sl No.	Year in which case was instituted	Number of Criminal Cases Decided/ disposed during 2022-2023.
01	1983	02
02	1984	06
03	1985	03
04	1986	04
05	1987	06
06	1988	05
07	1989	03
08	1990	02
09	1991	06
10	1992	05
11	1993	03
12	1994	01
13	1995	03
14	1996	03
15	1997	03
16	1998	03
17	1999	04
18	2000	05
19	2001	08

20	2002	03
21	2003	01
22	2004	04
23	2005	01
24	2006	07
25	2007	05
26	2008	16
27	2009	14
28	2010	18
29	2011	08
30	2012	04
31	2013	15
32	2014	18
33	2015	37
34	2016	28
35	2017	42
Total		= 299 (After excluding cases disposed of year 2018 to 2023)

Sl No.	Year in which case was instituted	Number of Civil old Cases disposed/ Decided during 2022-2023.
01	1988	01
02	1989	01
03	1990	01
04	1991	05
05	1992	01
06	1993	02
07	1994	03
08	1996	03
09	1997	02
10	1998	04
11	1999	03
12	2000	06
13	2001	02
14	2002	03
15	2003	07
16	2004	10
17	2005	04
18	2006	01

19	2007	05
20	2008	04
21	2009	05
22	2010	08
23	2011	08
24	2012	06
25	2013	30
26	2014	34
27	2015	09
28	2016	36
29	2017	35
	Total	= 239 (After excluding cases disposed of year 2018 to 2023)

In ACR of mine in column 01 (e)(iii) the then Respected District Judge mentioned that I have disposed total 52 cases whereas actually I have disposed total 538 old cases as shown in the table. Thus, the remark recorded by the then Respected District Judge in my ACR in column no.01 (e)(iii) is not correct. While Copy of Year Wise Breakup had already attached with my self assessment. Again, I am attaching here, the Copy of Year Wise Breakup of all cases as **Annexer No -1** for the kind perusal of Hon'ble Court.

4. In the column 1 (f) regarding "Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language?" The then District Judge has mentioned that the Judgments are sound, average reasoned and expressed in general language.

On the above remark, I would like to submit that judgments passed by me are well sound, well reasoned and expressed in good language. For this purposes my judgments are attached in the judgment columns for kind consideration of the Hon'ble Court.

5. In the column 01 (f) (i) regarding "Marshalling of facts" the then District Judge has mentioned that Marshalling of facts is "Chronological."

On the above remark, I would like to submit that I passed judgments as per the provisions of law and the marshaling of facts is up-to the mark in given facts and circumstances of the case.

6. In the column 01 (f)(ii) regarding "Appreciation of evidences" the then District Judge has mentioned that "Efforts have been made to appreciate the evidence but requires improvement."

On the above remark, it is humbly submitted that appreciation of evidence in each and every case was done applying the law of evidence and law declared by Hon'ble Apex Court and Hon'ble Allahabad High Court on appreciation of evidence. The Judgments are attached with the Self Assessment in Judgment column.

7. In the column 01 (f)(iii) regarding Application of law the then District Judge has mentioned "Efforts have been made to apply the law properly but requires improvement."

On the above remark, I would like to submit that I have applied law according to demand of the peculiar facts of each and every case . While passing Judgments I applied law both substantive and procedural law as per requisition of case. And also applied/cited law declared on specific points by Hon'ble Apex court of India and Hon'ble Allahabad High Court and other Hon'ble High Courts of India when required for arriving at proper conclusion. For this purpose my Judgments are before the Hon'ble Court for kind consideration.

8. In column of other remarks, if any the then Respected District Judge has mentioned six points.

(I) The first remark recorded by then Respected District Judge as under:

“(i). In respect of an incident wherein a NBW had been issued from the Court presided over by the Officer Preliminary Departmental Inquiry No. 01/2023 was instituted and the Officer was appointed as Inquiry Officer. However, the Preliminary Inquiry Report submitted by the Officer was faulty and misleading and was trying to protect the concerned Clerk posted in her Court. Hence, vide Administrative Order No. 124/2023 the preliminary inquiry was reassigned to other Judicial Officer in which the concerned clerk was found prima facie responsible for the misconduct in respect of which Final Departmental Inquiry No. 10/2023 was instituted against the concerned clerk.”

On the above remark, I would like to submit before the Hon'ble Court that the Preliminary Departmental Inquiry No. 01/2023 was instituted by then Respected District Judge against Ms. Purima Pandey Foujdari Ahalmad in Additional civil Judge-I (Ur div)/J.M Court on 22.02.2023 and assigned to me on 22.02.2023 order passed by then Respected District Judge is attached here as **Annexure no-2**. I had inquired the matter thoroughly and submitted the clear report within time as prescribed by then respected District Judge. I had not submitted any misleading and faulty report and never protected concerned clerk Miss Purima Pandey in any way as remarked by then respected District Judge.

I would like to submit further most humbly before the Hon'ble Court that I am a newly appointed judicial officer. I had joined judicial service on 16.12.2019. In this matter, it is pertinent to mention before the Hon'ble Court that when such enquiry was in process, the then Respected District Judge had called me in his

chamber and asked me to hold the clerk Ms. Purima Pandey guilty. I very humbly replied that I will submit the enquiry report as per rules. When, I had conducted and submitted the enquiry report as per my due diligence and in compliance of rules and law on the point and did not hold guilty to concerned clerk by overlooking the available records/ evidences as per the oral direction of the then Respected District Judge. Then, Respected District Judge feeling dissatisfied therewith had written adverse remark only to create additional ground and justify the overall assessment of mine.

(II) The second remark recorded by the then Respected District Judge mentioned as under;

“(ii). After the aforesaid fact came to light, the Officer has with malafide intention not only encouraged but also directed the concerned Clerk posted in her Court vide judicial order dated 13.02.2023 passed in Criminal Case No. 1415/2021/2019, State Vs. Hamid Ali, Case Crime No. 71/2019 PS Pachpedwa District Balrampur to take suitable legal action against Pairokar of concerned police station in compliance of which the concerned Clerk filed Application U/s 156(3) CrPC in the Court to get FIR lodged against the concerned police personal who executed the NBW so issued. This incident resulted in destabilization of cordial relationship between police and judiciary.”

On the above remark, I would like to submit that the facts about the said incident mentioned by then Respected District Judge is not true. Therefore, first of all, I would like to state actual facts of the incident before the Hon'ble Court that, which are as follows;

On 06.02.2023, I joined the court (Additional civil Judge (J.D.))I/J.M after completion of my 5 days Management Training Programme at

IIPA Delhi (30.1.2023 to 03.02.2023 and journey leave of 04.02.2023 and Sunday on 05.2.2023). While hearing of the cases on the same day, an application had been moved by accused Hamid alongwith his Ld. Counsel in case of **State vs Hamid, Case Crime No. 71/2019** and in Complaint case **Abdul kayiyum vs Hamid Ali relating to sec-138 N.I Act** contending therein that N.B.W were issued against him without signature of presiding officer and he had got arrested by executing officer (Mr. NEERAJ SINGH, S.I, P.S Pachpedwa) but released by the remand magistrate on P.B of rupees/20,000 alongwith condition to present before the concerned court on 06.02.2023. First time, this incident came into my knowlegde on 06.02.2023 when I had come back after training from IIPA, Delhi as stated above. Therefore, being the presiding officer of the court I had passed an order as per law and had given notice to concerned clerk and pairokar for calling their explanation. The photo copy of the order dated 06.02.2023 passed by me is attached herewith as **Annexure-3** for the kind perusal of Hon'ble Court. Pertinent to mention on 09.02.2023, **Case Crime No. 71/2019, Criminal Case No. 1415/2021/2019, State Vs. Hamid Ali's** file was called by Session Court entry of which recorded in Register No-5. Here, I am attaching record of such entry as **Annexure-4** for the kind perusal of Hon'ble Court. It is humbly further submitted that since the records of **Case Crime No. 71/2019, Criminal Case No. 1415/2021/2019, State Vs. Hamid Ali's** file 's was not available in my court, therefore I was having no opportunity to pass any order in **Criminal Case No. 1415/2021/2019, State Vs. Hamid Ali's** file on 13.02.2023. Such file sent back in my court on 07.04.2023 after 09.02.2023. It is evident that I had not passed any order on 13.02.2023 in **Crime no-71/2019 , Case No. 1415/2021/2019, State Vs. Hamid Ali, P.S Pachpedwa District Balrampur** therefore facts narrated by the then Respected District Judge in point no-2 of other remarks column are itself misleading. Records of relevent

ordersheets of Crime no-71/2019, Case No. 1415/2021/2019, State Vs. Hamid Ali, are attached herewith as Annexure-6 for the kind perusal of Hon'ble Court.

Contrary to the above fact , In complaint case Abdul kiyum vs Hamid Ali (N.I Act) an appropriate order after seeking explanation from concerned clerk and pairokar and perusing the relevant records, considering the existing facts and circumstances passed my me on 13.02.2023 without having any malafide intention. It is further submitted, I had neither encouraged concerned clerk Ms. Purnima Pandey nor given any direction to her to do any act which was against law, forsoever in complaint case Abdul kiyum vs Hamid Ali order was passed on judicial side.

Moreover, as regards the adverse remark of then Respected District Judge against me in my ACR regarding destabilization of cordial relationship between police and judiciary, it is most humbly submitted that, then Respected District Judge specifically has not mention how that resultened in destabilization of cordial relationship between police and judiciary due to consequence of said incident.

Therefore, above remark recorded by then Respected District Judge in para no 2. in column no 4 is not sustainable and had written only to create additional ground and justify the overall assessment of mine.

(III). The third remark recorded by then Respected District Judge in para no 3. in column no 4 that "While working as Additional Civil Judge (Junior Division), Court No. 1 from 05.07.2022 to 31.03.2023, the Officer has disposed only one Contested Civil Case and no Execution Case during the period of 8 months as a Ist Additional Civil Judge (Junior Division), which is highly objectionable. The Officer is advised to dispose sufficient number of Civil Cases and Execution Cases." Remark recorded in column 01

(e)(iv) regarding Progress and disposal of execution cases the then Respected District Judge recorded Nil.

On the above mentioned adverse remarks , I would like to submit before the Hon'ble Court that I had taken the charge of Ist Additional Civil Judge (Junior Division) Court on 05.07.2022. It is humbly submitted that I was having both civil and criminal work in my court. Total working days were 175, out of which 56 working days I had been the in-charge of the courts i.e. Civil judge (Jr.Div) Balrampur, Gram Nyalaya Balrampur, Civil judge (Jr.Div)/FTC Balrampur, I was overburdened with the work as being in-charge of Civil judge (Jr.Div) Balrampur, Gram Nyalaya Balrampur, Civil judge (Jr.Div)/FTC Balrampur, court without stenographer.

Further, I would like to state before the Hon'ble Court that the total pendency of civil cases from **05.07.2022** to **31.03.2023** in Ist **Additional Civil Judge (Junior Division)/ J.M** court were 768 and disposal were 320 which is almost 50% of total pendency of civil cases pending in such court alongwith 1562 criminal cases disposal without stenographer. Naturewise pendency and disposal of civil cases and disposal of criminal cases in Ist **Additional Civil Judge (Junior Division)/ J.M** court are mentioned as under:

Pendency-

ORIGINAL SUTTS FROM 05-07-2022 TO 31-03-2023	Misc Cases (Connected) FROM 05-07-2022 TO 31-03-2023	Misc Cases (Non - Connected) FROM 05-07-2022 TO 31-03-2023	Execution Cases FROM 05-07-2022 TO 31-03-2023	S.C.C. FROM 05-07-2022 TO 31-03-2023
608	131	21	07	01

Disposal-

ORIGINAL SUTTS FROM	Misc Cases (Connected)	Misc Cases (Non -	Execution Cases FROM	S.C.C. FROM 05-07-2022

05-07-2022 TO 31-03- 2023	FROM 05- 07-2022 TO 31-03-2023	Connected) FROM 05- 07-2022 TO 31-03-2023	05-07-2022 TO 31-03- 2023	TO 31-03- 2023
250	54	13	02	01

List of of Criminal Cases Disposed from 05.07.2022 to 31.03.2023.

Sr. No.	Year in which case was instituted	Number of cases Decided/disposedd
01	1983	01
02	1984	06
03	1985	03
04	1986	04
05	1987	04
06	1988	05
07	1989	03
07	1990	02
08	1991	06
09	1992	05
10	1993	03
11	1994	01
12	1995	03
13	1996	03
14	1997	01
15	1998	03
16	1999	04
17	2000	05
18	2001	06
19	2002	02
20	2003	01
21	2004	03
22	2005	01
23	2006	05
24	2007	03
25	2008	11
26	2009	13
27	2010	15
28	2011	08
29	2012	03
30	2013	12
31	2014	16

32	2015	31
33	2016	21
34	2017	34
35	2018	42
36	2019	105
37	2020	32
38	2021	132
39	2022	757
40	2023	247
Total		1562

In para no 3. in column no 4 and in column 01 (e)(iv) the then Respected District Judge has mentioned that I had not disposed any execution case during the period of 8 months which is highly objectionable and Nil. I would like to vehemently submit before the Hon'ble Court that I had disposed total 2 Execution Cases out of 7 cases (total pendency) . Therefore, the said remarks are not sustainable in any way, because it was crystal clear from the yearwise breakup or list of disposal cases which I had already attached with my Self Assessment that I had disposed 02 execution cases. I am not aware with the facts why then Respected District Judge had not disclosed the correct figure of cases disposed by me during the said assessment year . Here , again I am attaching yearwise breakup of execution cases as **Annexure-6** for the kind perusal of Hon'ble Court.

(IV). The Fourth adverse remark recorded by the then Respected District Judge mentioned as under;

“The Officer has not disposed any matter in Mini Lok Adalat organized on 08.02.2023 neither made any effort to do so (DO No. 146/2023 Dated 09.02.2023 issued in this regard”.

On the above remark, I would like to submit before the Hon'ble Court that the Mini Lok Adalt was held on 08.02.2023, 09.02.2023 and 10.02.2023 and I had issued notice to parties in all cases timely. I had directed the concerned clerks to prepare list of cases

that may be disposed of in Mini Lok Adalat. But parties had not turned up on 08.02.2023 therefore no case could be disposed of despite my sincere effort. On 09.2.2023 and 10.02.2023 when parties turned up in the court I had disposed of 69 cases . Apart from this, it also very humbly submitted that during the Assessment Year 2022-2023 I had disposed total 473 cases. List of cases disposed in mini lok Adalat and in lok adalat held during the Assessment Year 2022-2023 is attached herewith as **Annexure-no-7** for the kind perusal of Hon'ble Court. Therefore, this remark has been mentioned only to create additional ground and justify the overall assessment of mine.

(V). The Fifth adverse remark recorded by the then Respected District Judge mentioned as under:

“The Officer has not followed proper format/decorum in passing orders/judgments. For example, in Criminal Case No. 214/21/2015, State Vs. Hasnu, (CC No. 60/2015, u/s 279, 304A IPC PS Maharajganj Tarai District Balrampur) the Officer has used faulty language and format. The Officer has pronounced this judgment at two times completely disregarding the required decorum. The Officer is well advised to use proper language, format and avoid common mistakes in her orders/judgments.”

As regards the adverse remark by then Respected District Judge that Officer has not followed proper format/decorum in passing orders/judgments. In this regard, I would like to submit before the Hon'ble Court that there is no specific provision in Code of Crinminal Procedure, Code of Civil Procedure or any other pocedural law time being in force regarging passing of orders and jugements in particular format. I would like to submit before the Hon'ble Court that I had passed all orders and judgement in simple, lucid and easy language and sequencely numbered paragraphs with proper reasoning. Further, then Respected District Judge remarked that in Case No. 214/21/2015, State Vs. Hasnu, (CC

No. 60/2015, u/s 279, 304A IPC PS Maharajganj Tarai District Balrampur) I had used faulty language and and pronounced that judgment at two times which is completely disregarding the required decorum. It is most respectfully submitted that then Respected District Judge had not specified which faulty language I had used in such judgement. I would like to submit before the Hon'ble Court that I had passed above mentioned judgement in simple and good language pronounced at once in open court but due to clerical mistake one sentence in that judgement was typed twice. That was only clerical mistake and has nothing to do with merit of the judgement. The copy of such judgement is attached herewith as **Annexer No-8** for kind perusal of Hon'ble Court. In addition to this , I had already attached my judgements in Self Assessment for the perusal of Hon'ble Court. Further, I would like to submit before the Hon'ble Court that this remark has been added just to make additional ground to justify the overall assessment of mine for the year 2022-23.

(VI).The Sixth adverse remark recorded by the then Respected District Judge mentioned as under:

“6.The Officer has not achieved the required target of Civil cases under Action Plan 2022-2023.”

On the above remark, I would like to submit before the Hon'ble Court that During the assessment year 2022-23 I have worked as Judicial Magistrate II Balrampur from 01.04.2022 to 04.07.2022 and From 05.07.2022 to 31.03.2023 as I Addl. Civil Judge (Jr.Div)/ J.M Balrampur . I was having both civil and criminal work in my court. In the first quarter I had decided 3 cases and in II,III and IV quarter I had decided/disposed 32 criminal cases and 7 civil cases out of which 1 execution case specified in action plan . Therefore during the assessment year 2022-23, number of total cases specified in action plan disposed by me are 42.

It is pertinent to mention here, that the target for civil judge (Jr. Div) of action plan cases were 30 original suit and 10 execution cases. For Judicial Magistrate were 35 cases. In this regard, I would like to submit before the Hon'ble Court that I was having the civil cases for the period of 8 months and criminal cases for the whole assessment year . I had disposed total 42 cases which is actually more than of required target. Therefore, the above noted adverse remark by then Respected District Judge is not sustainable at any rate. List of action plan cases with all details disposed /decided by me during the assessment year 2022-23 is attached herewith as **Annexer No-9** for kind perusal of Hon'ble Court.

9. I would like to submit before the Hon'ble Court that if, the Hon'ble court peruses all the remarks of the then Respected District Judge then the Hon'ble Court would find that the remarks have been recorded just to create additional ground to justify the overall assessment of mine during the year 2022-23. The then Respected District Judge in the column Integrity of the Officer- whether beyond doubt, doubtful or positively lacking, has written Beyond doubt. In the column If he is fair and impartial in dealing with the public and Bar? has written Yes. In the column If he is cool minded and does not lose temper in court he has written Yes. In the column His private character is such as to lower him in the estimation of the public and adversely affects the discharge of his official duties? He has written No. In the column Proper fixation of cause list he has written Cases have been fixed properly. In the column Whether sufficient number of cases are fixed by him to keep him engaged during full court hours? He has written Yes. In the column Avoidance of unnecessary adjournments, he has written Avoided unnecessary Adjournments. In the column Control over the Office and Administrative capacity and tact, he has written The Officer has good control over the office and administrative capacity and tact. In the column Relations with members of the

Bar(mention incidents, if any)he has written Cordial. In the column Whether the officer has made regular inspections of his court and offices in his charge and whether such inspections were full and effective? He has written The Officer has made regular inspections and inspection notes are full and effective. In the column His punctuality and regularity in sitting on the dais in court during court hours? He has written Punctual. In the column Whether amenable to the advice of the District Judge and other superior officers? He has written Yes. In the column Behaviour towards women (respect and sensitivity exhibited towards them) he has written Respectful and sensitive towards women. In the column State of Health, with remarks, if any? He has written Good & Sound.

10. I would like to submit most humbly before the Hon'ble Court that if, the Hon'ble court peruses all the remarks of the then Respected District Judge then the Hon'ble Court would find that the remarks have been mentioned just to affect my fair career and to create additional ground to justify the overall assessment of mine during the year 2022-23.

11. It is for the very first time in my entire career as judicial officer that adverse remarks have been recorded in the ACR.

12. The facts elucidated hereinabove would articulate that during the year under report, I had always remained vigilant and took wholehearted interest and made vigorous efforts to quickly and substantially dispose of old cases in maximum possible number.

13. As stated by me in the preceding paragraphs, the adverse remarks recorded against me in my ACR by the then Respected District Judge Balrampur are not sustainable and liable to be expunged.

I therefore request your good self to place this representation of mine before the Hon'ble Court for kind consideration. I humbly request the Hon'ble court to kindly expunge the adverse remarks

recorded in my ACR by the then District Judge, Balrampur for the assessment year 2022-23 and upgrade my Overall assessment in my ACR for the year 2022-23 considering my hard and honest judicial and administrative performance as the then Judicial Magistrate, Balrampur and Civil Judge (Jr.Div.) I /J.M Balrampur. I shall be grateful to the Hon'ble court for its grace all through my life.

With profound regards.

Your Sincerely


(Shashi Gautam)

Civil Judge (Jr.Div.) /F.T.C
(Crime against Women Court)

(ID No. UP 3642)

Meerut.

Annexures as above.

- 1-Year Wise Breakup (Civil and Criminal Cases) 2022-2023 (8-Pages)
- 2- Photo copy of Order dated 22.02.2023 regarding institution of enquiry by then respected District Judge .(1-Page)
- 3- Photo copy of Order dated 06.02.2023 passed in crime no 71/2019, State Vs. Hamid Ali (1-Page)
- 4-Photo copy of entry recorded in Register No-5. (1-Page)
- 5-Photo copy of relevent Ordersheets of Crime no-71/2019,Case No. 1415/2021/2019, State Vs. Hamid Ali (8-Pages)
- 6-Yearwise breakup of execution cases (P.g-1)
- 7- List of cases disposed in mini lok Adalat (09.02.2023,10.02.2023) (P.g-3)
- 8- Judgement passed in State Vs. Hasnu, (CC No. 60/2015, u/s 279, 304A IPC PS Maharajganj Tarai District Balrampur.(9-Pages)

9- List of Action Plan cases with all details disposed /decided by me during the assessment year 2022-23.(4-Pages).