

From:

Nand Pratap Ojha
Additional District and Sessions Judge 1st
Pratapgarh.
J.O. Code:- UP-2167

To,

The Hon'ble Administrative Judge
District Pratapgarh,
Hon'ble High Court of Judicature At Allahabad.

Through Hon'ble District Judge,
Pratapgarh

Sub:- REPRESENTATION AGAINST ANNUAL ENTRY AWARDED BY HON'BLE DISTRICT JUDGE (Mr. PRADEEP KUMAR SINGH 2ND) YEAR 2022-2023 (From 01.04.2022 - 31.03.2023).

Lordship,

It is most humbly submitted that:-

1. That the instant representation is being preferred challenging adverse remarks and observations made by the respected District Judge Pratapgarh (Mr. Pradeep Kumar Singh -II UP 1905) in annual confidential entry for year 2022-2023 (from 2022 to 2023) Case ID No. A00052532023 without any substance.
2. That Mr. Pradeep Kumar Singh -II (The District Judge) was Additional Director in JTRI Lucknow in year 2015 -16.
3. That the I was admitted in JTRI for Induction Training in 2015-16 where Mr. Pradeep Kumar Singh -II (the District Judge) was 'Mess Incharge. There in mess at JTRI Lucknow, the food quality was poor so, I made complaint regarding food quality on which Mr. Pradeep Kumar Singh -II the District Judge became annoyed and started keeping personal grudge with me since very that time.
4. That it is pertinent to mention here that this Hon'ble had issued a circular **letter no. G.L. No. 31/Ivf -72 Admn. G. Dated. 10th February, 1981** regarding casual leave which is quoted as under:-

“No Judicial officer under the administrative control of the District Judge, including the Additional District and Sessions Judge, shall leave the district to which he is attached either during holidays or at any other time, without previously having obtained permission from the District Judge, with whom he shall leave his address to enable the District Judge to communicate with him at once in his absence, should this be necessary.”
5. That due to aforesaid personal grudge learned District Judge raised objection vide leave Id. No. L01048172022 against my C.L. in violation of circular **letter no. G.L. No. 31/Ivf -72 Admn. G. Dated. 10th February, 1981**. A copy of objection leave Id. No. L01048172022 for kind perusal of your lordship as **Annexure no. 1** to this representation.
6. That in regard of the objection I resumed my duties and applied for cancellation for casual leave dated 22/12/22 and signed my daily sitting which the learned District Judge perused and signed the daily sitting but called explanation dated 22/12/2022 and simultaneously in the same letter gave an advice also to remain cautious in future without waiting for explanation. I submitted my explanation

on 22/12/2022. It is relevant to state here that the advice in notice itself reflects that the learned District Judge had some prejudiceness otherwise such advice would have been passed after obtaining the explanation if the final order is passed in notice itself there was no occasion to call an explanation.

7. It is pertinent to mention here that learned District Judge was fully aware about the circular **letter no. G.L. No. 31/Ivf -72 Admn. G. Dated. 10th February, 1981** so my C.L. were approved otherwise he would have passed some adverse orders against me. A copy of letter dated 22/12/2022 and explanation dated 22/12/2022 is being annexed herewith for kind perusal of your lordship as **Annexure nos. 2 and 3** along with this representation.

8. That learned District Judge during his assessment found my integrity beyond doubt in column 01(a).

9. That in column 01(b) regarding if he is fair and impartial in dealing with the public and Bar the learned District Judge has remarked that seems fair and impartial but simultaneously in column 4 the learned District Judge has made following contradictory comments to column no.01(b) which is as under:-

“The newly inducted Judicial Officers always learn and gather experiences from senior officers regarding way judicial work and discipline along with officer like quality to be a perfect judicial officer. They adopt best practices of behaviour appearance, attitude towards society.

The officer is holding post of a senior officer. It is expected from him to demonstrate maturity and best practices in social exposures and he must avoid childish attitude atleast in presence of junior officers, specially who has just joined the service.

The officer lacks on aforesaid front.”

10. That the learned District Judge in column 4 has made above remarks without mentioning any substance or evidence which is derogatory and has insulting nature. The Officer has to invest much time in drafting the representation etc. against such baseless and derogatory remarks and such precious time of judicial officers be utilized for reading law books and to decide old cases. It is humbly requested that your lordship may kindly please to pass appropriate order or direction for stopping such practise of making derogatory remarks against Judicial Officers and so that it may not be repeated in future and such tendency must come at halt.

11. That in column 01(c) it has been mentioned that he seems to be cool-minded officer and needs to control his temper, remark is itself contradictory and no incident had been reported and mentioned in such column in support of the remark. Neither any advocate nor any party or any employee has made any complaint or allegation against me regarding loss of temper in court.

12. That regarding progress and disposal of execution cases in 01(e)(iv), it is humbly submitted that I was posted in first quarter of year 2022-23 (1st April 2022 to 4th July 2023) in Aligarh on the post of Additional Session Judge/ Special Judge POCSO Act and **there was no execution case pending in my court at Aligarh** and further after transfer from Aligarh to Pratapgarh I got posted on the post of Additional Sessions Judge/Special Judge SC/ST Act Pratapgarh and **there was no execution case pending in my court at Pratapgarh** of year year 2022-23 (6th July 2022 to 31st March 2023) but the learned District Judge has shown disposal of execution cases as nil.

13. That in column 01(f) it has been remarked that judgment consists facts and law but require some practise reasoning and expression and further in column 01 (f)(i) marshalling of facts not systematized in column 01 (f)(ii) appreciation of evidence is not precised and in column 01 (f)(iii) application of law is not communicable. Such remarks had been made without pointing out the case

and the facts. It is humbly requested that your lordship may kindly be pleased to look have a glance on the judgments attached by me along with my assessment online and also the other officers and the remark/entry made by the learned District Judge to such officers.

14. That It is also relevant to mention here that in column 01 (g) the learned District Judge found that I achieved 2378.18 units while the target was 1200 units and also I achieved 1187.67 units from actual disposal of cases on merits which learned District Judge has said that was more than 50 % of the target, but rather appraising the achievement and disposal of old cases the learned District Judge has took it adversely.

15. That in column 01 (j) regarding behaviour in relation to brother officers it has been remarked that officer needs to be careful while the profarma itself puts legal obligation on the learned District Judge to mention incident if any but no such incident or substance has been mentioned in this column. It is also submitted that no brother or sister officer had levelled any allegation or made any complaint against me in this regard.

16. That in column 01 (n) regarding behaviour towards women it has been remarked that respectfully but he has to be careful while the profarma of this column itself puts an obligation on the assessing authority to mention respect and sensivity exhibited towards them. Learned District Judge has not mention any evidence or any incident while making such remark. The remark is without any evidence.

17. That in the above noted facts and circumstances the adverse remarks and observations made by the respected District Judge Pratapgarh (Mr. Pradeep Kumar Singh -II UP 1905) in annual confidential entry for year 2022-2023 (from 2022 to 2023) Case ID No. A00052532023 is liable to be expunged and entry is liable to be upgraded in the interest of justice.

PRAYER

It is therefore most humbly prayed that your 'Lordship' may graciously be pleased to expunge the adverse remarks and observations made by the respected District Judge Pratapgarh (Mr. Pradeep Kumar Singh -II UP 1905) in annual confidential entry for year 2022-2023 (from 2022 to 2023) Case ID No. A00052532023 and upgrade the entry.

With regards

Date:02.09.2023

Applicant
(Nand Pratap Ojha)
Additional District and Sessions Judge 1st
Pratapgarh.
J.O. Code:- UP-2167