

From:

Pawan Kumar Srivastava,
ADJ-I, Maharajganj.
Id no. UP6222.

To:

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

Through: The District Judge, Maharajganj.

Subject: Representation against Annual Remarks 2024.

Respected Sir,

It is most humbly submitted that, Hon'ble Administrative Judge, Maharajganj Sessions Division, Hon'ble Justice Sadhna Rani Thakur (Retd.) has pleased to record following remarks for the Assessment Period 2023-2024 in relation to the applicant:-

The officer working as Addl. District and Sessions Judge Maharajganj has framed charges in 51 cases, decided 132 five year cold (old) cases, 57 ten year old cases, 20 cases of ederly (elderly) people, 08 execution cases. He has recorded evidence of total 2003 pages and has decided total 61 civil and 1439 criminal cases. In 04 National Lok Adalats he has decided 816 cases. In comparision (comparison) to the required (required) 698.16 units he has achieved 1627.65 units. He is having effective control over his staff and the court. In his Judgements marshaling (marshalling) of facts, apreiation (appreciation) of evidence and application of law is found good. He is found puntual (punctual), submissive and amenable to the advice of District Judge. District Judge has rated him as an "Outstanding" officer. Looking into the overall working and conduct of the officer I rank him as "Very Good" officer.

(The correct words have been mentioned by me in () next to typographical errors contained in the remark of Hon'ble Administrative Judge.)

1. In this regard it is most humbly submitted that the remark noted by Hon'ble Administrative Judge differs with that of Respected District Judge not only on the point of over all assessment but also on factual aspects. Hon'ble Administrative Judge has noted that in comparison to the required 698.16 units the officer has achieved 1627.65 units, while as per annexed records and the remarks of the District Judge, **the officer has achieved 2521.09 units against required 698.16 units, thus work done by the officer is more than adequate i.e. 361.10%.**

2. Respected District and Sessions Judge Maharajganj has made



following observations in relevant columns of ACR:-

01 (e) (iii).	Disposal of old cases(Give number and year of old cases decided):	During the year the officer have disposed off 189 cases out of which 132 cases are 05 years old while 57 cases are 10 years old.
01 (e) (iv).	Progress and disposal of execution cases:	08 Cases while 02 Cases are pending.
01(f).	Whether Judgment on facts and on law are on the whole sound, well-reasoned and expressed in good language?:	Yes
Note:- The following factors should also be indicated in filling up this column:		
01 (f) (i).	Marshaling of facts;	Very Good
01 (f) (ii).	Appreciation of evidences;	Very Good
01 (f) (iii).	Application of law.	Very Good
01 (f) (iv).	Judgment/order writing capability: (Please comment on the quality of the passing writing Judgment/Order) (Category in which the Judgments are to be placed, viz. A+ - Outstanding , A - Very Good, B+ - Good, B - Average/satisfactory, C - Below Average)	A+
01 (g).	Whether disposal of work is adequate. (Give percentage and reasons for short disposal, if any)	The officer have achieved 2521.09 units against required 698.16 units, thus work done by the officer is more than adequate i.e. 361.10%.
Note:- The following factors should also be indicated in filling up this column:		
01	Number of cases decided after	199 Cases



(g)(i).	actual full contest;	
01	Control over the Office and	Officer have effective Control
(h).	Administrative capacity and tact:	over the office and
		administrative capacity and tact.
2.	Over all assessment of the merit of the officer.(Outstanding, Very Good, Good, Average, Poor)	Outstanding
3.	State of Health, with remarks, if any?	Good.
4.	Other remarks, if any:	The Officer is punctual, submmisive, hard working and amenable to advice of superior officers. Inspite of Judicial work, being the chairman administrative/screening committee, officer incharge administration, Nodal Officer National lok adalat, the officer have performed his duties diligently.

3. It is submitted that **the officer has decided 01 case, more than 30 year old; 29 cases, more than 20 years old; 35 cases, more than 10 years old and 135 cases more than 05 years old.** A tabular chart is being annexed to show nature of cases disposed showing above-mentioned break-up. In addition to above-mentioned old cases, **the officer has disposed 1300 other cases and the total number of disposed cases is 1500 cases (61 civil and 1439 criminal cases) out of which 228 cases (47 civil and 181 criminal cases) have been decided after contest,** charts showing year-wise and nature-wise break-up of the disposed cases have already been submitted.

4. **The officer has decided 79 sessions trial, 08 NDPS cases, 14 criminal appeals, 46 criminal revisions, 34 criminal misc. cases, 389 bail applications, 13 regular civil appeals, 06 misc. civil appeals, 19 civil revisions & 07 misc. civil cases after full contest. The Officer has disposed 13 Sessions Trial of Hon'ble High Court direction in time bound manner. The officer has disposed 43 cases of under trial prisoners. The officer has disposed 20 Sessions Trial, 08 Criminal Appeal, 08 Civil Appeal and 08 Arbitration Execution Cases as provided for Action Plan 2023-24. The officer has disposed 20 cases of**



persons more than 65 years old.

5. The officer has decided old and complicated cases. The officer has annexed copy of five judgements- one civil appeal involving large number of parties, one criminal appeal in which appellants were convicted under Wild Life Protection Act, three sessions trial- one of which involves capital punishment. In addition, the officer is submitting copy of judgements passed in civil revisions against election petitions, criminal revisions and in NDPS cases. **Respected District Judge has rated the judgements of the officer as 'Outstanding'. Hon'ble Administrative Judge has not commented on the judgement/order writing capability or quality of the passing/writing judgement/order of the officer.**

6. Apart from judicial work of own Court, the Officer has performed judicial work of the Court of District & Sessions Judge, whenever the respected District Judge was on leave or busy in administrative & other duties. The officer has been In-charge District Judge for 32 days and on additional 27 days the officer has performed admission, bail & other work of District Judge Court. Similarly, the officer has performed judicial work of the Court of Principal Judge, Family Court, Maharajganj, for 29 days when the Presiding Officer was on leave. The officer has performed judicial work of other ADJ Courts also. **In all the officer has performed judicial work of other Courts as Link Officer on 151 days. Hence, for most of the time, the officer was handling judicial work of two or more Courts.**

7. It is most humbly submitted that the officer has to undergo two major surgeries for Cholelithiasis with Cholecystitis and Umbilical Hernia at Dr Nawal Kishor Hospital at Agra on 16.08.2023. Before that the officer was suffering from severe pain and has to rush hospital many times but the officer continued working till the date for surgeries was fixed. The officer has to remain on medical leave for 34 days pre & post surgery. Yet the officer did not allow this periodic interruption to hamper overall disposal of cases and achieved 361% of required quota. **The officer has achieved 2521.09 units, of which 1627.65 units are from final disposal. The required units are 698.16 after allowing deductions for holidays etc, half of it- around 350 units were required to be achieved from final disposal. The officer has achieved more than 450% of required unit from final disposal.**

8. **In the assessment year 2023-2024 the Civil Court Bar Association has remained on strike for 52 days.** The Bar has observed complete boycott of judicial work in Civil Court Maharajganj continuously in the month of July & September 2023. Though the officer has not claimed any relaxation in quantum of work on that ground and has tried to perform judicial work on strike days also but **the actual number of days on which the officer was able to discharge judicial duties are only 161 days and**



actual number of cases decided after contest is 228, meaning thereby on each working day at least one contested judgement was delivered by the officer.

9. In addition to above judicial work the officer has performed following administrative duties:-

A- Chairman, Administrative Committee / Screening Committee. The officer has completed promotion exercises of Class IV to Class III and at various levels of Class III posts in District Court. The officer has prepared ACP reports of district court employees and performed other duties entrusted to him in this capacity.

B- Officer - in - Charge Administration. The officer has prepared & submitted reports in various matters entrusted by the respected District Judge. In one particular instance, the officer has submitted a report involving 16 enquiries against then SAO, Maharajganj whose matter was pending before Hon'ble Administrative Judge. The said matter was concluded after submission of report by the officer.

C- Officer - in - Charge Litigation. The officer has prepared & submitted accurate and timely narratives in pending cases before Hon'ble Court related to District Court, Maharajganj.

D- Nodal Officer (National lok Adalat). The officer has actively participated in successful organisation of Four National Lok Adalats in District Court Maharajganj. In the NLA held on 21.05.2023 total 49,387 cases; on 09.09.2023 total 51,036 cases; on 09.12.2023 total 57,457 cases and on 09.03.2024 total 62,550 cases were disposed.

E- The officer has submitted Final Enquiry Reports in 05 cases against District Court employees of Maharajganj. The officer has conducted inspections of not only his Court but also that of the Court of ADJ-III and annual inspections of Gram Nyayalaya, Nautanwa & Copying section. The inspections have been found effective by respected District Judge, Maharajganj.

F- The officer has performed duties of Central Information Officer till 11th August, 2023 and disposed RTI applications filed during this period.

10. Further it is most humbly pleaded that there was not a single complaint about my judicial work, conduct, behaviour or overall working of the officer in which I was called to explain my work or conduct by the respected District Judge or Hon'ble Administrative Judge. The officer has remained amenable to advice of his superiors and not a single advice relating to my judicial work or conduct was received by me, either in administrative side or judicial side.

While submitting above-mentioned facts before Hon'ble Court, it is most humbly pleaded that over-all assessment of the officer be restored to 'Outstanding' as mentioned by respected District Judge in his remarks. It is



pleaded with folded hands that Hon'ble Administrative Judge has not assigned any reason for downward revision and the officer has performed more than three and half times of what was required judicial work; more than four and half times of what was required from final disposal while handling judicial work of more than two Courts every day and while performing administrative & other duties being senior most working ADJ in the District Court, Maharajganj.

The applicant, with folded hands, invokes your good offices to place this request before Hon'ble High Court for most sympathetic consideration.

For this act of utmost benevolence the officer shall remain forever grateful to Hon'ble Court.

With profound regards,

Date: nd22 May, 2024

Your humble servant,

Pawan K. Srivastava
(Pawan Kumar Srivastava)
ADJ-I, Maharajganj. 22/05/2024
Id no. UP6222.

Annexure:-

1. Tabular Chart showing Disposal of old cases.
2. 05 more judgements.