

From,
Sumit Gupta-II
Additional Civil Judge (JD)-Fifth
Saharanpur.

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

Through,
The Learned District Judge,
Saharanpur.

Subject: Submission of representation against certain adverse remark regarding disposal of execution cases and Over all assessment of the merit (entry) recorded by the Learned District Judge, Saharanpur against the undersigned applicant for the Assessment Year 2023-2024 as communicated vide JO Portal.

Sir,

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

1. That I am an officer of 2018 batch of Civil Judge (JD) who joined the judicial Services on 16.12.2019 .
2. That during the assessment year 2023-24. I had been posted at the district Saharanpur as Additional Civil Judge (JD)-Fifth.from 01.05.2023 to 31.03.2024 .
3. That the Summary of Annual Confidential Remarks of mine recorded by Smt. Babita Rani, The Learned District Judge, Saharanpur for the Assessment Year 2023-24 are :
 - (a) Integrity—beyond doubt, fair & impartial in dealing with the public & bar, cool minded and does not lose temper in the Court,nothing adverse to him has come to knowledge, fixing of cause list-proper, sufficient number of cases fixed to keep engaged during full court hours, unnecessary adjournments avoided.
 - (b) Control over office & administrative capacity & tact-satisfactory, relations with members of Bar-cordial, behaviour and relation with brother officers-good, inspections of court & office-full & effective, punctual and regular in sitting on dais during court hours, amenable to the advice of the District Judge & other superior officers, state of health-good.
 - (c) Overall assessment of the officer is- “Good”.

The undersigned begs to explain in the following paragraphs the fact that despite having done requisite work, the overall assessment and the remarks assigned to the undersigned are not commensurate to the performance and are discouraging:

4. The Files enlisted in Action Plan 2023-24 as approved by the Hon'ble Allahabad High court have been disposed off in its entirety i.e. 17 Criminal Cases (Criminal

work during 01.04.23 to 27.11.23) & 25 Civil Cases & 8 Execution Cases (from 01.05.23 to 31.03.24) .

Summary of the targets achieved are as follows :

(a) Successfully achieved target by disposing total = 3594 cases (Civil & Criminal).

(b) Successfully disposed more than 5 years old Civil Cases- 96 cases

(c) Successfully disposed more than 5 years old Criminal Cases- 65 cases

(d) Successfully disposed more than 10 years old Criminal Cases- 19.

(e) Successfully disposed more than 10 years old Civil Cases- 53.

(f) Successfully disposed off Criminal cases (01.04. 23 to 28 .11. 23) -

- 1 case of 1991, 1 case of 1999, 4 cases of 2000, 2 cases of 2001, 2 cases of 2002, 2 cases of 2003, 1 case of 2005

(g) Successfully disposed off Civil cases (01.05.23 to 31.03.24) -

- 1 case of 1992, 2 cases of 1994, 1 case of 1995, 1 case of 1996, 3 cases of 1999, 2 cases of 2000, 4 cases of 2002, 1 case of 2003, 4 cases of 2004, 2 cases of 2005

(j) Successfully disposed Cases in 4 Lok Adalt in the assessment year 2023-24 – 2750 cases.

5. In my ACR the Learned District Judge in serial No. 1(f) opined that ‘Judgment based on fact and law is on the whole sound, well reasoned and expressed in good language’. Further, ***During the whole assessment year 2023-24 Learned District Judge in serial No.1(g) opined that i have done 1958.28 Units (163.19 %) work against prescribed 1200 units*** . Annexures of the work done is attached with this application. Hence the above- mentioned figures/description shows my commitment & devotion towards my work.

6. It is humbly stated here that the learned District Judge herself has recorded at serial No. 1(e) (i)(a), (b), 1(e)(ii), 1(l) & 1(m) of my ACR that : “I used to fix cause list properly, used to fix sufficient number of cases to keep engaged during full court hours, used to avoid granting unnecessary adjournments, was punctual and regular in sitting on dais during court hours and was amenable to the advice of the District Judge and other superior officers.”

7. Further, That the adverse remark recorded by the learned District Judge, saharanpur against me in the Assessment Year 2023-24 is that ***“8 Execution Cases have been shown in the List of Action Plan-2023-24, but no Execution has been decided”***. However it is worth mentioning that in annexure- A attached with the ACR on Page (2) /1 provides the wide information about execution disposed off during the assessment year 2023 – 2024 . The oldest execution file shown in the above mentioned annexure is of 1999, which is stayed by Hon’ble High Court. One execution of the year 2010 (second oldest execution in court) which was contested in nature and the part of Action Plan of this Court disposed off on full satisfaction, remaining 7 oldest execution in Action Plan is under process. Despite of that I have decided 7 more execution files which are uncontested. I have been committed towards the remaining executions to be disposed off in a limited time frame in the coming assessment year. List of the execution files disposed is annexed with this application. (Annexure – f)

8. I have served a short tenure in subordinate judiciary and have got appreciated service record and have never earned any displeasure from any of my Learned District Judges or from the Hon'ble Court and have always given more than required quantum of work done. I always tried my level best with full devotion to duties as assigned to me as judicial officer and I most solemnly assure the Hon'ble Court that I shall be extremely careful to ensure that not only the minimum required quota but also beyond that is achieved by me in future. The Over all assessment of the merit of the officer (entry) in my ACR at serial No. 2 for year 2023-24 discourages me besides of doing a lot of work and I have no other remedy other than to represent my grievance before Hon'ble Court .

9. It is, therefore, most humbly prayed that your goodself may kindly place this representation of mine before the then Hon'ble Administrative Judge of Saharanpur Judgeship for his lordship's kind consideration. It is further prayed that the Hon'ble Court may be pleased to kindly consider this representation of mine and make my proper assessment by expunging the aforesaid adverse remark on the point of disposal of execution cases and kindly upgrade my assessment recorded by the learned District Judge, Saharanpur, in my ACR for the Assessment Year 2023-24. I shall remain grateful to the Hon'ble Court for this grace throughout my life.

With profound regards,

Yours Sincerely,

Dated:

22.08.2024

Annexures : As above

Sumit Gupta-II
Additional Civil Judge (JD)-Fifth
Saharanpur