

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL. BENCH:  
HYDERABAD.

O.A. NO. 67 of 1992

Between :

R. Krishna Reddy

..Applicant

And

The Under Secretary to Govt.  
of India, Ministry of Information  
and Broadcasting, Shastry Bhavan,  
New Delhi and 2 others

..Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF ALL THE  
RESPONDENTS

I S.D.Kumar son of Shri Gair Chand aged 52  
under Secretary to the Govt. of India, Ministry of  
Information and Broadcasting do hereby solemnly affirm and  
state as under:

1. I am working in the office of the respondent and as  
such I am well acquainted with the facts of case deposited  
hereunder. I am filing this reply affidavit on behalf of  
all the respondents as I have been authorised to do so.  
I have read the original application under reply and deny  
all the material averments made therein except those which  
are specifically admitted hereunder and in respect of other  
averments, the applicant may be put to strict proof of.

2. At the outset, it is submitted that the original  
application is barred by delay, laches and limitation.  
The impugned remarks were communicated to the applicant  
as far back as 5.3.88. The applicant instead of availing of

(Attested),  
V.S.Kumar  
Administrative Office  
Directorate of Field Public  
Relations

representation against the adverse remarks, sought 6 weeks time to represent contrary to the one month time as per the rules. Even the representation seeking 6 weeks time was made on 3.8.1988 i.e. more than four months later with the intention to drag on the matter on vague grounds. On being informed vide letter dated 28.9.1988 of the timelimit of one month, the applicant represented again only on 9.4.1990 i.e. more than one year after the earlier communication. So the applicant has not represented against adverse entries in his ACR for 1986 which were communicated to him on 5th March 1988 within the stipulated period of one month but he used to represent raising vague grounds for extension of time. So the application is barred by delay, laches and limitation. The repeated representations do save limitation like-wise repeated rejection of such representation also does not extend limitation. The Hon'ble Supreme Court also held that repeated representation could not be held to be satisfactory explanation of delay. (AIR 1976, SC 2617) Hence, the original application is liable to be dismissed on these grounds alone.

3. Without prejudice to the above submission, it is submitted that the applicant's representation lacked substance and that instead of giving clause by clause replies to the adverse remarks, the applicant merely levelled allegations against the reporting officer which were baseless and uncalled for. In the subsequent representations of the

(Attested)  
V.S.Krishna  
Administrative Officer,  
Directorate of Field Publicity,  
Govt. of India, Hyderabad.

applicant, the same thing was repeated. The applicant also appealed against the rejection order dt. 6.5.1991 on 30.7.91. The applicant's appeal against the rejection of time-barred representation was also rejected by the competent authority.

4. It is further submitted that there was no malafide intention to withhold communication of adverse remarks to the applicant as alleged by the applicant. In fact, the self assessment in the ACR was written by the applicant on 1st June 1987 and the reporting and reviewing of ACR could be completed by December, 1987. Thereafter the adverse remarks were communicated to the applicant on 5th March, 1988.

5. It is further submitted that the averments of the applicant in para 6(a) of the application are wrong and hence denied. The ACR of the applicant was not reviewed by Shri D.N.Verma, Dy. Director, as averred by the applicant. The ACR was reviewed by the then Joint Director, Directorate of Field Publicity who holds a higher post than the reporting officer. The applicant has made vague allegation without any substance in them.

In view of the above of the above submission, there are no merits in the original application and it is liable to be dismissed. Hence, the Hon'ble Tribunal is prayed to dismiss the original application with costs.

(Attested)

V. S. Krishnam  
Administrative Officer,  
Directorate of Field Publicity,  
Govt. of India, Hyderabad

S. A. S.  
Deponent

for the ~~Cost~~  
Mysore Bank

OA 67/92

Counter affidavit



Filed by: —  
N. V. Ramamurthy  
Addl. CSSL