

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, Shastri Bhavan,
New Delhi and 2 others

..Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF ALL THE
RESPONDENTS

I S.D.Kumar son of Shi Gan Chaud 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 deposed
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 5.3.68. The applicant instead of availing of

(Attested)
V-S Kumar
Administrative Officer
Directorate of Field Pub
Gat. No. 11, 12, 13

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 Rao
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 assesment 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(d) 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. Krishna Rao
Administrative Officer,
Directorate of Field Publicity,
Govt. of India, Hyderabad

[Signature]
Deponent

In the case
Ayed Bench

OA 67/92

Counter Affidavit



Filed by: —
N.V. Ramana
Addl. CSSL