

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

C.C.No. 1087 OF 2010

IN

W.P. No. 25775 OF 2009

Between :

Dr.K.Krishna Kumar, s/o. K.Nagi Reddy,
Hindu, aged 44 years, Occ: Veterinary Doctor,
Dept. of Animal Husbandry, A.P.,
Presently working at Animal Quarantine & Certification Services,
Rajiv Gandhi International Airport, Shamshabad, Hyderabad.

.... Petitione

A n d

1. Sri Rudra Gangadharan,
Secretary,
Department of Animal Husbandry Dairying & Fisheries,
Government of India, Room No. 231,
Krishi Bhavan, New Delhi.
2. Dr. Anup Bhaumik, s/o. late Dr.A.M.Bhaumik,
aged about 48 years, Secretary,
Veterinary Council of India,
A Wing, II Floor, August Kranti Bhavan,
Bhikajis Cama Place, New Delhi.
3. Sri G.Subramani, s/o. S.Gopalakrishnan,
Returning Officer, Veterinary Council of India Elections 2009,
R/o. H.No. YZ-31, Sarojini Nagar,
New Delhi - 110 023.

.... Respondents

**COMMON REPLY AFFIDAVIT TO THE COUNTER AFFIDAVITS FILED BY
THE 1st & 2nd RESPONDENTS**

I, Dr.K.Krishna Kumar, s/o. K.Nagi Reddy, Hindu, aged 44 years, Occ: Veterinary
Doctor, Dept. of Animal Husbandry, A.P., Presently working at Animal Quarantine &
Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad, do
hereby solemnly affirm and sincerely state on oath as follows :





1. I am the petitioner herein and also in the above Contempt Case as well as in the main Writ Petitioner and as such I am well acquainted with the facts of the case.
2. I humbly submit that I have read the counter affidavits filed in the above Contempt Case and it does not disclose any valid or substantial grounds for grant of any relief under the Act. All the averments therein are hereby denied except to the extent of that is specifically admitted hereunder and the respondents are put to strict proof of the same. There are no merits in the Counters filed by the 1st & 2nd respondents and the relief prayed for by them is not justified.
3. It is humbly submitted that the 1st respondent himself in his counter affidavit categorically admitted that the Government addressed a letter dated 12.1.2010 to the 2nd respondent informing that the term of office of the President and Vice President is expired by efflux of time and further informed that the President and Vice President ceased to hold office, in view of the provisions of Sec. 5(1) of the Indian Veterinary Council Act. In view of the admissions made by the 1st respondent, he cannot take aid under the very same provision to say that they gave direction to the 2nd respondent to conduct elections for the post of President and Vice President vide letter Dt. 26.4.2010. The letter itself is contemptuous. The 1st respondent has no justification or jurisdiction to circumvent or violate the order of this Hon'ble Court which was confirmed by the Division Bench of this Hon'ble Court and also ~~the~~ SLP of the Apex Court. The letter dated 26.4.2010 itself indicates the contemptuous attitude of the 1st respondent without taking a different opinion.
5. It is not out of place to submit here that Sec.4(1) of IVC Act, 1984, that pending the preparation of Indian Veterinary Practitioners register in accordance with the provisions of the Act, the members referred to in that clause[clause(g) of Section 3 of IVC Act 1984] may be nominated by the Central Government instead of being elected as

provided therein. It is not to say that unless elections are conducted to the post of President and Vice President, the activities of the Veterinary Council of India are jeopardized. The Sec. 4(1) of the Act is very clear enabling the Central Government to nominate any members instead of being elected as provided therein, as in the case of Indian Medical Assoc. The respondents cannot contend that they conducted the elections only to protect the interest of Veterinary Council of India which is an afterthought to get over the contempt proceedings of this Hon'ble Court. If really the respondents are bonafide enough to implement the orders of this Hon'ble Court, they could have taken steps immediately as per Section 4(1) of IVC Act 1984 and conducted elections by updating the Voter's List as per Compact Disk submitted by the A.P. Veterinary Council.

6. It is humbly submitted that the term of the office of the council was expired on 25.10.2009 and the term of office of President and Vice President expired on 11.11.2009 and accordingly, as per rule 5(1) of the Act, their term of office was already ceased vide letter dated 12.01.2010 as admitted by the 1st respondent in his counter.

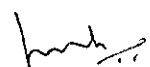
7. It is not true to allege as per the para 6 of the counter of 1st Respondent that the Veterinary Council of India expressed its difficulties in meeting out day to day administration, entire financial transactions came to a standstill, conducting of examinations for B.V.Sc. courses were being adversely affected in the absence of President and Vice-President. It is relevant to mention in this connection that the IVC Act 1984 does not confer exercise of financial powers to the President or Vice President of the VCI. The President is alone competent to sanction the advance medical reimbursement, LTC and retirement benefit of the Secretary VCI as per the 68(4) of VCI general regulations amendment 2005 except this it is nowhere conferred any financial power to the President either under the IVC Act or under the Regulations. In fact, 68(1) of VCI general regulations amendment 2005, empowers Secretary, VCI to meet day to day expenses on account of running of office of the council. Since the post of President is

honorary and the need of President is only to Chair the Council and Executive Committee meetings.

8. It is not true to allege that under Sec.5(2) of the Act empower to take steps to elect President and Vice President of the Council and accordingly, the 1st respondent informed the 2nd respondent to conduct elections for the post of President and Vice President as a manner provided under the Regulations. In fact, Sec. 5(2) does not speak anything about the election of President and Vice President. Sec. 5(2) speaks about "subject to the provisions of this section, a member, other than ex officio member, shall hold office for a term of three years from the date of his election or nomination to the Council or until his successor shall have been duly elected or nominated, whichever is longer." Hence, the respondents cannot take aid of Sec.5(2) of the Act as contended since it is not applicable to the instant case. If at all the 2nd respondent is sincere in implementing the orders of this Hon'ble Court, he should have sought clarification from the 1st respondent on receipt of the letter Dt.26.4.2010 from the 1st respondent where under the 2nd respondent is informed to take steps to conduct elections for the post of President and Vice President as per regulations. There are no such regulations to conduct elections for the posts of President and Vice President either in IVC Act 1984 or in IVC Rules 1985 once the term of the Council members exceeds three years.

9. It is humbly submitted that on seeing the chronological dates on which the 2nd respondent sought information repeatedly from the A.P.State Veterinary Council regarding incorporation of remarks in the C.D. and also to produce the documentary evidence seeking information as mentioned in the para 15 of the Counter of 2nd respondent ,from the A.P. State Veterinary Council ,even though such information is not required/relevant as per the IVC Act or IVC Rules. The conduct in seeking such irrelevant information irrespective of IVC Act 1984 and IVC Rules 1985 from the A.P.

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State Veterinary Council is only to dodge the issue and to circumvent the orders of this Hon'ble Court.

10. It is not out of place to submit here that the President elect is one of the contestants in the present election with Serial No. 7 in the notification Dt.27.10.2009 of the Returning Officer. The 2nd respondent deliberately got elected the out-going President as President contrary to the provisions of the IVC Act by violating the orders of this Hon'ble Court which speaks volumes against him.

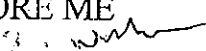
11. It is humbly submitted that admittedly the respondents herein have committed the Contempt of Court and wantonly and willfully disobeyed the orders of this Hon'ble Court even after having failed in all their attempts in approaching the various courts. The order of this Hon'ble Court is very innocuous and it does not cause prejudice to either of the parties. By the time, they conducted elections, if the respondents are really sincere in their efforts they could have completed the exercise by implementing the orders of this Hon'ble Court.

Hence, this Reply Affidavit.

Solemnly and sincerely affirm this
the day of 28th day of October, 2010
and signed his name in my presence.


DEPONENT

BEFORE ME

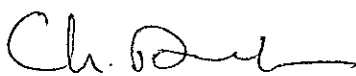

ADVOCATE :: HYDERABAD

(I.N. AGEST#)

VERIFICATION STATEMENT

I, Dr.K.Krishna Kumar, s/o. K.Nagi Reddy, Hindu, aged 44 years, Occ: Veterinary Doctor, Dept. of Animal Husbandry, A.P., Presently working at Animal Quarantine & Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad, being the petitioner/ person acquainted with the facts do hereby verify and state that the contents of paras 1 to ^{1*}10 etc., of the Affidavit filed in support of the Contempt Petition are true to my personal knowledge and are based on legal advice believed to be correct.

Verified at Hyderabad on this the 28th day of October, 2010


Advocate


Deponent

o/L

HYDERABAD DIST.

HIGH COURT OF A.P. HYDERABAD

C.C.No. 1087 OF 2010

IN

W.P. No. 25775 OF 2009

REPLY AFFIDAVIT TO THE
COUNTER AFFIDAVIT FILED
BY 1st & 2nd RESPONDENTS

Mr. Ch. Dhanamjaya (1649)
Counsel for the Petitioner.