

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

MA No. 25 of 1998

in

OA No. 283 of 1993

Between:

B. Veeraswamy (dead) for / &  
Smt. B. Sitaramamma

...Applicant / &  
Petitioner

A N D

1. Union of India rep. by  
the Secretary Railway Board  
New Delhi, and 3 others.

..Respondents

A F F I D A V I T

I, Smt. B. Sitaramamma, w/o late Shri D. Veeraswamy,  
aged about 56 years, residing at  
Vijayawada-11, do hereby solemnly and sincerely affirm and  
state on oath as under:

1. That I am the deponent herein and wife of the deceased applicant in OA No. 283/93, who is now seeking to come on record as Legal Representative in the above case. Hence, I am well acquainted with the facts of the case.
2. I submit that my husband i.e., the applicant in the above OA, had filed the above OA seeking to set aside the impugned proceedings in which an order has been passed with-holding permanently the entire monthly pension admissible to him and to fix and release the monthly pension of the applicant in the above OA. While the OA is pending adjudication before the Hon'ble Tribunal, the applicant in the above OA 283/93 (my husband) expired on 14.5.96 due to heart attack. I immediately contacted my Advocate, who advised me that I should file a Legal Representative Petition to come on record in the place of the applicant in the above OA. I, being the legal representative of my husband, thought fit to continue the adjudication in the above OA No. 283/93 as I have no other sources

G. Bhama Murthy B. Seetaram  
Advocate (B. Seeta Ravammam)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD

M.A.No: 23 of 1997 W.M.A. 24/98  
IN

O.A. NO: 283 OF 1993

BETWEEN:

*B.Veeraswamy (deceased)*  
Smt. B. Sitaramamma, W/o. late B. Veeraswamy,  
aged about 56 years, R/o. 21-10-95,  
Srinagar, 4th Lane, Vijayawada.

APPLICANT /L2

*Petitioner*

AND

1. Union of India, rep. by Secretary, Railway Board, New Delhi.
2. The General Manager, SC Railway, Secunderabad.
3. The Financial Adviser & Chief, Accounts Officer, SCR, Sec'bad.
4. Sr. Divisional Accounts Officer, SC Railway, Vijayawada.

RESPONDENTS

*STW/MW*  
MISCELLANEOUS APPLICATION FILED UNDER RULE SECTION ~~2(2)~~ 16(2)

5 OF LIMITATION ACT of C.A.T (P.R.C.) Rules 1980

For the reasons stated in the accompanying affidavit, the applicant prays that this Hon'ble Tribunal may be pleased to condone the delay of *450* days, in filing the ~~REBELLATION~~ Petition for setting aside the abatement for reopening the OA No. 283/93, which is neither wilful nor wanton but for the reasons explained above, in the interest of justice and be pleased to pass such other and further orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Hyderabad.

10.8.1997

*[Signature]*  
COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD

M.A.No: 23 of 1998 in MA. 26/98  
IN  
O.A. NO: 283 OF 1993

BETWEEN:

B.Veeraswamy (died) for /  
B. Sitaramamma

A N D

Union of India, rep. by Secretary,  
Railway Board and others.

APPLICANT /  
Petitioner

RESPONDENTS

A F F I D A V I T

I, Smt.B. Sitaramamma, W/o.late B.Veeraswamy, aged about 56 years, R/o.21-10-95, Srinagar, 4th Lane, Vijayawada, do hereby solemnly and sincerely affirm and state on oath as follows:

1. I am deponent herein and the wife of the deceased applicant in OA No.283/93, who is now seeking to come on record as Legal Representative in the above case. Hence, I am well acquainted with the facts of the case.

2. I submit that my husband i.e., the applicant in the above OA has filed the above OA seeking to set aside the impugned proceedings in, which an order has been passed withholding permanently the entire monthly pension admissible to him and to fix and release the monthly pension of the applicant in the above OA. While the OA is pending adjudication before the Hon'ble Tribunal, the applicant in the above OA No.283/93 (my husband) expired on 14.5.1996 due to heart attack. I immediately contacted my advocate, who advised me that I should file a Legal Representative Petition in the above OA to come on record in the place of the applicant. I, being the legal representative of my husband, thought if fit to continue the adjudication in the above OA as I have no other source of income except my husband's family pension, which is now withheld and is a subject matter in the

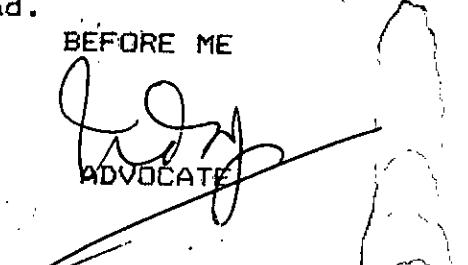
above OA. My existence depends upon the decision in the said OA, wherein the pension and other benefits were questioned. I am presently residing at Vijayawada, a way from my two sons, who are employed and staying in different places.

3. I further submit that though the LR petition was filed before disposal of the OA, it could not be clubbed with the OA and as a result, the OA was treated as abated. The fact that the OA was treated abated had come to notice of my present counsel after about 1 1/2 months through the earlier counsel, who had immediately contacted me for coming down to Hyderabad to file the MA for restoration petition OA No.283/93 along with the LR petition. I could receive the information very lately and by the time I had approached my counsel there was a delay of 450 days in filing the petition for setting aside the abatement and restore the OA NO.203/93 on the record of this Hon'ble Tribunal. The delay in filing set aside the abatement petition is neither wilful nor wanton but for the reasons explained above.

I, therefore, pray that this Hon'ble Tribunal may be pleased to condone the delay of 450 days in filing the Restoration Petition for setting aside the abatement for reopening the OA No.283/93, which is neither wilful nor wanton but for the reasons explained above, in the interest of justice and be pleased to pass such other and other orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this  
10th day of August, 1997  
at Hyderabad.

BEFORE ME

  
ADVOCATE

*B. Seetamm*

DE P O N E N T

PAGE: 4

①  
To condone the delay  
of 450 days in filing  
of statement of facts.

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD

M.A.No: of 1997  
IN  
D.A. NO: 283 OF 1993

BETWEEN:  
B. Veeraswamy (deceased) ~~late~~  
Smt. B. Sitaramamma APPLICANT

A N D

Union of India, rep. Secretary  
Railway Board, New Delhi.  
others RESPONDENTS

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MISC. APPLICATION FILED UNDER  
THE RULE ~~SECTION 13~~ OF  
LIMITATION ACT  
CAT (lore) Rule 19

FILED ON: 8.1997

FILED FOR: APPLICANT



FILED BY:

SANKA RAMA KRISHNA RAO,  
B.A., L.L.B., P.G.D.C.R.S.  
ADVOCATE, 1-8-549/C, 2nd Floor  
CHIKKADPALLY, HYDERABAD-20.

COUNSEL FOR THE APPLICANT.

14.5.97  
14.8.96  
14.8.96  
20.2.97

365  
60  
20  
443  
600

Recd  
by 7/11/98  
for P.R. as

Case filed  
on 20.2.98