GAHC010069152026

2026:GAU-AS:16496-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2582/2026

SRI UTTAM BHATTACHARJEE
S/O. LT. SANTOSH KUMAR BHATTACHARJEE, R/O. BBC COLONY, PANDU, P/O. PANDU, P/S. JALUKBARI, GUWAHATI-12, DIST. KAMRUP (M), ASSAM.

VERSUS

THE UNION OF INDIA
THROUGH THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON, GUWAHATI-11, (MANAGEMENT OF N.F. RAILWAYS, MALIGAON, GUWAHATI-11)

Advocate for the Petitioner : MS D CHAUDHURY, MR A K PAUL

Advocate for the Respondent : DY.S.G.I., MR. K GOGOI(C.G.C.)

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

11.11.2026
(K. Goswami, J)

We have heard Mrs. D. Choudhury, learned Advocate for the applicant and Mr. K. Gogoi, learned Central Government Counsel for the sole respondent.

2. By way of this interlocutory application filed under Section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 535 days in preferring the connected appeal against the judgment and order dated 11.09.2024, passed by a learned Single Judge of this Court in WP(C) No.8/2015.

3. It is contended that upon being informed by the Railway Mazdoor Union about the common judgment and order dated 11.09.2024 passed by the learned Single Judge in the connected writ petition, the applicant was advised by the Union to prefer a review petition. Acting upon such advice, the applicant duly signed the *vakalatnama* and handed it over along with the relevant case records to the Secretary of the Union for taking necessary steps towards filing the review petition.

However, when the applicant approached the Union office in September/October, 2025 to enquire about the status of the review petition, he was informed that no such petition had been filed, as the matter had been considered to be devoid of merit. Thereafter, the applicant retrieved his case records, consulted two other similarly aggrieved workmen and upon obtaining appropriate legal advice, decided to prefer the present writ appeal.

It is further contended that, owing to the applicant's financial constraints and the time taken by the engaged counsel to examine the case records and obtain certified copies of the relevant documents, the present writ appeal along with the accompanying application for condonation of delay could be filed only on 31.03.2026, resulting in a delay of 535 days.

It is, therefore, submitted that the delay in preferring the present writ appeal was neither deliberate nor intentional, nor was it attributable to any willful negligence or laches on the part of the applicant. The applicant has, accordingly, demonstrated sufficient cause warranting condonation of the delay in the interest of justice.

4. The learned Advocate appearing for the respondent has fairly submitted that he has received no instructions to oppose the prayer for condonation of delay.

5. Having considered the explanation furnished by the applicant and the submissions advanced by the learned counsel for the parties, we are satisfied that sufficient cause has been shown for condoning the delay of 535 days in preferring the connected writ appeal. The applicant's explanation that he had entrusted the matter to the Railway Mazdoor Union for filing a review petition, but was subsequently informed that no such petition had been filed, appears plausible. The time thereafter taken to retrieve the records, obtain legal advice and institute the appeal cannot, in the facts and circumstances of the case, be construed as willful negligence or deliberate inaction. Moreover, the prayer for condonation of delay has not been opposed by the respondent. We are, therefore, inclined to condone the delay in the interest of justice.

6. Accordingly, in the interest of justice, the delay of 535 days in filing the connected appeal is hereby condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected appeal and list the same on **28.01.2027** under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant