

GAHC010018882026



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

Case No. : I.A.(Civil)/220/2026

THE STATE OF ASSAM AND 2 ORS.
CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DISPUR,
GUWAHATI-781006

2: THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-78100

VERSUS

PRABIR CHANDRA KAKATI AND 5 ORS
S/O LATE SIBA CH KAKATI, R/O SAGARIKA PATH, P.O- ZOO ROAD, P.S-
GITANAGAR, DIST- KAMRUP (M), ASSAM, PIN-781024

2: THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF PERSONNEL
PUBLIC GRIEVANCES AND PENSIONS
NEW DELHI-110011

3: UNION PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY
UPSC
DHOLPUR HOUSE
NEW DELHI-110069

4: J.B. EKKA
PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GUWAHATI-781006

5:TONMOY PRATIM BORGOHAIN
IAS
SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-781006

6:SMT. PANCHALI KAKATI
ACS
JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. D NATH (SR. GA, ASSAM),

Advocate for the Respondent : N K NEOG (FOR CAVEATOR), MR. H A LASKAR(R1),MR. S B LASKAR(R1),SC, UPSC,DY.S.G.I.

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

25-02-2026

(A.D. Choudhury, J.)

1. This Interlocutory Application is filed seeking condonation of the delay of 426 days in preferring the connected appeal against the judgment dated 25.06.2024, passed by a learned Single Judge of this court in WP(C) 367/2022.

2. We have heard Mr. D Nath, learned Senior Government Advocate for the applicants /appellants and Mr. A

Todi, learned counsel for the respondents.

3. Perused the averments made in the application.

4. The primary ground for seeking condonation of delay in preferring the Writ Appeal is that immediately after delivery of the judgment, the Personnel (A) Department processed the file and after careful consideration the applicant department furnished their view that there are questions of law that needs to be addressed as the same will have a cascading effect on how the Government deals with the ACR's of its officer. Accordingly, the applicants could not approach this court promptly.

5. The length of the delay is indeed a relevant factor to be considered while deciding an application for condonation of delay. However, when sufficient cause is shown, the discretion vested in the Courts to condone delay is to be exercised, though sufficient cause shall not mean a mere explanation given superficially.

6. In the case at hand, we have found that the applicants have sufficiently explained the reasons for the delay and has substantiated that, due to the reason beyond their control, they were prevented from approaching the Court promptly and within the prescribed period of limitation.

7. We do not see any negligence, lack of bona-fide or inaction on the part of the applicant.

8. Based on the materials available on record, it cannot be said that the applicants were not diligent or that the delay was intentional.

9. Thus, having considered the explanation tendered by the applicants, this Court is satisfied that the delay occasioned in

preferring the connected Writ Appeal was neither deliberate nor actuated by negligence but resulted from bona fide circumstances beyond the control of the applicants/appellants. In the absence of gross laches or mala fide intention attributable to the applicants, this Court would lean in favour of the adjudication on merits.

10. In the given facts of the present case, the explanation furnished inspires confidence, and no prejudice is demonstrated to have been caused to the respondents by such delay.

11. Accordingly, in the interest of justice and having satisfied that the causes shown are sufficient to condone the delay of 426 days, we deem it appropriate to condone the delay. Ordered accordingly.

12. The Interlocutory Application stands disposed of.

13. The Registry to process the connected appeal and, if the same is found defect free, shall list the same under the appropriate heading, preferably on **27.04.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant