

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Misc. Application No. 040/00162/2018  
in  
Original Application No. 040/00280/2018

Date of Order: This, the 6<sup>th</sup> day of September 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

1. Bharati Rajbangshi  
W/O – Lt Ratan Rajbongshi
2. Nilima Rajbangshi  
W/O – Lt Ratan Rajbongshi
3. Diplekha Rajbongshi @ Anima Rajbangshi  
W/O – Lt Ratan Rajbongshi

All are resident of Garigaon  
(Bezpara), P.O. – Garigaon  
P.S. – Jalukbari, Dist – Kamrup (M)  
Assam, Pin – 781012.

**...Misc. Applicants**

By Advocate: Mr. M.U. Mahmud & Mr. M. Ali

-Versus-

1. The Union of India  
Represented by the General Manager  
N.F. Railway, Maligaon, Guwahati – 11, Assam.
2. The Divisional Railway Manager (P)  
N.F. Railway, Lumding  
Dist – Nagaon, Asasm.
3. The Senior Divisional Railway  
Electrical Engineer, N.F. Railway  
Maligaon.

4. Smt. Gitanjali Baruah Rajbongshi  
D/O Sri Deben Baruah  
Age about 32 years  
R/O Lapatul Azara, P.O. & P.S. – Azara  
District – Kamrup (M), Assam.

**...Respondents**

By Advocate: None

### **O R D E R (ORAL)**

#### **MANJULA DAS, JUDICIAL MEMBER:**

This M.A. has been filed by Misc. Applicants under Section 5 of the Limitation Act, 1963 to condone the delay of 339 days in filing the O.A. No. 040/00280/2018.

2. The instant M.A. for condonation of delay is taken up along with the O.A. No. 040/00280/2018.

3. It was submitted by the learned counsel for the Misc. Applicants that applicant No. 1 Smt. Bharati Rajbangshi was a railway employee who declared unfit for all categories of Railway service due to medical incapacitation. Thereafter, her son Pradip Rajbonghis was appointed as helper under the respondent department on 12.05.2018 who died on 19.03.2015. It was admitted by the learned counsel that private respondent

No. 4 was legally married wife and no divorce order is passed although the matter is pending.

4. The very purpose for compassionate appointment is to get rid of immediate hardship of the family. Here, the applicant has approached this Tribunal after a reasonable lapse and as the respondent No. 4 who was legally married wife is alive, in view of that, I dismiss the M.A. for condonation as well as O.A. inasmuch as the fact that the private respondent No. 4 is alive and as per provisions of law, the Misc. Applicants/ Applicants are not entitled to receive the final settlement dues of the deceased employee Late Pradip Rajbongshi.

5. Consequently, the O.A. also stands dismissed in limine.

**(MANJULA DAS)**  
**MEMBER (J)**