

GAHC010013962026



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

Case No. : I.A.(Civil)/210/2026

AROTI BASFORE AND 5 ORS
W/O RANJIT BASFORE, R/O-HOSPITAL QUARTER CAMPUS.P.O.-
JHAGRARPAPAR, P.S.-DHUBRIDISTRICT DHUBRI, ASSAM.PIN-783331

2: RAJU BASFORE
VILL-GARIKHANA ROAD
DHUBRI.P.O. P.S.-DHUBRIDIST.-DHUBRI
ASSAMPIN-783331

3: ABDUL KHALIL
R/O-KISMAT HASDAHA PART-IV.P.S.-DHUBRIDIST.-DHUBRI
ASSAMPIN-783301

4: MEHENYARA BEGUM
R/O-VILL.P.O.-JHAGRARPAPAR.P.S.DIST.-DHUBRI
ASSAMPIN-783301

5: RABINDRA NATH SARKAR
R/O-GAURIPUR WARD NO.2.P.O.P.S.-GAURIPURDIST.-DHUBRI.PIN-783301

6: GOPI BASFORE
R/O-POLICE RESERVE
DHUBRI GTB W/NO.9 ROAD.P.O.P.S.-DHUBRIDIST.-DHUBRI
ASSAMPIN-7833

VERSUS

THE UNION OF INDIA AND 9 ORS
TO BE REPRESENTED BY THE SECRETARY GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN, NEW
DELHI-110011

2:THE DIRECTOR GENERAL PH
DIRECTORATE OF HEALTH SERVICES GOVERNMENT OF INDIA

NIRMAN BHWAN NEW DELHI-110011

3:DEPUTY DIRECTOR ADMINISTRATION
DIRECTORATE GENERAL OF HEALTH SERVICES GOVERNMENT OF INDIA

NIRMAN BHAWAN NEW DELHI-110011

4:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HEALTH AND FAMILY DEPARTMENT
DISPUR
GUWAHATI-781006

5:THE JOINT SECRETARY TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE DEPT.
DISPUR
GUWAHATI-06

6:DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI
GUWAHATI-36

7:THE DEPUTY COMMISSIONER
DHUBRI.P.O. DISTRICT-DHUBRI
ASSAM
PIN-783301

8:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
DHUBRI DISTRICT
P.O. DIST.-DHUBRI
ASSAM PIN-783301

9:THE SUPERINTENDENT
DHUBRI CIVIL HOSPITAL
DHUBRIDIST.-DHUBRI ASSAM
PIN-783324

10:HOSPITAL MANAGEMENT SOCIETY
DHUBRI CIVIL HOSPITAL REPRESENTED BY ITS CHAIRMAN- CUM-
DEPUTY COMMISSIONER
DHUBRI
P.O.DIST.-DHUBRI ASSAM PIN-78330

Advocate for the Petitioner : MR. A Z AHMED, MR. A KHALEK

Advocate for the Respondent : DY.S.G.I., GA, ASSAM,SC, HEALTH AND F W

BEFORE
HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

08-05-2026

(Arun Dev Choudhury,J)

1. Heard Mr. A.Z.Ahmed, learned counsel for the applicants. Also heard Ms. K. Phukan, learned CGC, Mr. P. Sarma, learned Government Advocate, Assam and Mr. D.P.Borah, learned Standing counsel, Health and Family Welfare Department for the opposite parties/respondents.
2. The present Interlocutory Application is filed seeking condonation of the delay of **303** days in filing the connected writ appeal against the common judgment and order dated 28.02.2025 passed by the learned Single Judge in WP(C) No. 661/2020 & other connected cases.
3. The ground of delay is explained in paragraph No. 2 of the instant application.
4. Mr. Ahmed, learned counsel for the applicants/appellants, contends that it is evident from the paragraph No. 2 that the delay in filing the connected appeal was occurred beyond their control. It is further contended that there was no deliberate and/or intentional lapse on the

part of the applicants/appellants in filing the appeal within the prescribed period of limitation; a liberal approach may be adopted while condoning the delay, and this Court may not take too strict and pedantic stand which may result in injustice.

5. On the other hand, learned counsels for the respondents/opposite parties have vehemently objected to such prayer of condonation of delay. It is specifically pleaded that there are no sufficient ground to condone such delay inasmuch as, the applicants/appellants are nothing but fence-sitter and such application cannot be entertained after remaining silent and awaiting the litigation initiated by others.

6. Perusal of the pleadings discloses that the impugned judgment & order was delivered on 28.02.2025 and the present appeal was preferred after **303** days from the aforesaid judgment and order. The applicants/appellants were discontinued from their contractual service on 31.03.2021.

7. The only ground pleaded is that since 31.03.2021 when their services were discontinued, they had gone to the State of Kerala in search of their livelihood and lost the contact with their engaged counsel.

8. By now, the law is well settled that the law of limitation is substantive in nature and the limitation periods cannot be extended on mere equitable

consideration; the applicants/appellants must demonstrate reasonable, satisfactory and acceptable cause of delay. Though an inordinate delay, by itself, is not a bar to exercise its discretion; however, in the given facts of the present case, the explanation is vague, general and not sufficient. Therefore, we refuse to condone such delay.

9. They woke up from their slumber when some similarly situated persons were granted relief by this Court in WA Nos. 211/2025, 6/2026 & 7/2026.

10. We are in total agreement with the learned counsels for the respondents/opposite parties and we are of the opinion that the applicants/appellants have failed to show sufficient cause for condonation of delay of **303** days in preferring the connected appeal.

11. Accordingly, the present interlocutory application stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant