

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 355 of 2026
In R/SPECIAL CIVIL APPLICATION/14832/2012
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 355 of 2026

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NIMESHBHAI GANESHBHAI JHAVERI(DECEASED) & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AS ASTHAVADI(3698) for the Appellant(s) No.

1,1.1,1.2,1.3,1.4,1.5,1.6

MS. DHRUTI PANDYA, AGP for the Respondent(s) No. 1,2

MR CP CHAMPANERI(5920) for the Respondent(s) No. 3

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA

and

HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 09/07/2026

ORAL JUDGMENT

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. A charge-sheet was issued to the husband of the appellant in the year 2007. The charges were that though the appellant's husband had been converted to Christianity, he had nevertheless used his earlier status as a Scheduled Caste and had initiated proceedings under the SC/ST Prevention of Atrocities Act, 1989 and also obtained compensation from the Government.

2. During the pendency of this enquiry, the husband of the appellant retired on 31.03.2008.

3. After he retired, in the year 2012, on the conclusion of the enquiry in which the charges were held to be proved, a punishment of 100% pension cut was imposed on the appellant-husband in the year 2012.

4. This order was challenged by the husband of the appellant and by the impugned order, the learned Single Judge has set aside the order after finding that the appellant's husband was not notified before the punishment was imposed. The learned Single Judge has thereafter directed that the respondents to consider the reply to be submitted by the appellant, that is the widow of the employee, and after hearing her, an appropriate decision may be taken.

5. This appeal is filed contending that since the husband of the appellant was no more, the question of hearing the widow in order to take a decision regarding result of the employee would be a futile exercise. It is contended that on the death of the employee, the proceedings will have to be terminated and the punishment ought to be set aside in its entirety.

6. After arguing for some time, in order to bring an end to the litigation, we suggested to the learned counsel for the appellant that it would be appropriate that the widow gives up the claim for pension during the lifetime of her husband and accept family

pension from the day he passed away, that is from 2024.

7. Learned counsel for the appellant, on instructions, submits that the widow is agreeable to forego the arrears of pension and would be satisfied if the family pension is given to her from the date of her husband's death. He, however, submits that the pension of the appellant's husband may be revised taking into consideration the several Pay Commissions that have been extended and family pension may be computed accordingly.

8. In our view, this request is reasonable and taking into consideration that the husband of the appellant passed away in 2008 and the proceedings have lingered on for nearly 18 years, in our view, it would be appropriate to direct the respondents to terminate the proceedings against the husband of the appellant in view of her death and pay the appellant the family pension that she was entitled to on the death of her husband as if the punishment of 100% pension cut was not imposed on her husband.

9. The respondent shall also take into consideration the recommendations of the Pay Commissions that have been implemented and the benefits thereof extended to similarly placed employees, and compute the family pension on the basis of the revised pension that the husband of the appellant would have been entitled to as on the date of his death. This exercise shall be

undertaken and completed within a period of 8 weeks from today.
The appeal is accordingly disposed of.

In view of the disposal of the appeal, the Civil Application, if any, also stands disposed of.

Direct service is permitted.

(N.S.SANJAY GOWDA,J)

PARMAR CHIRAG

(J. L. ODEDRA, J)