

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2013 of
2025****In F/LETTERS PATENT APPEAL NO. 6080 of 2025**

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BIPINCHANDRA H. GOHIL**Versus****COMMISSIONER WOMEN AND CHILD DEVELOPMENT DEPARTMENT &
ANR.**

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Appearance:**MR B B NAIK, SENIOR ADVOCATE WITH MR EKANT G AHUJA(5323) for
the Applicant(s) No. 1****MS SHRUTI DHRUVE, AGP for the Respondent(s) No. 1****MS DIMPLE A THAKER(6838) for the Respondent(s) No. 2**

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**and****HONOURABLE MS. JUSTICE GITA GOPI****Date : 02/05/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. The present application is filed seeking condonation of delay of 84 days caused in preferring the captioned appeal.

2. Pursuant to the order dated 09.04.2025, the applicant has filed further affidavit. Learned senior advocate Mr.Naik has submitted that delay may be condoned as the applicant is a senior citizen and his wife is not keeping well and hence, delay has occurred in preferring the appeal.

3. Learned advocate Ms.Thaker has opposed the application and has submitted that since delay is

perfunctorily explained, the same may not be condoned.

4. We have perused the averments made in the application as well as further affidavit, wherein the applicant has explained delay. The relevant paragraphs read as under:

"1. That the applicant was appointed as Accounts Clerk in Gujarat State Social Welfare Advisory Board on 14.03.1983. That it was thereafter that the applicant was placed under suspension from 05.07.1994 to 31.10.2006. That the applicant was reinstated only on 01.11.2006. That the applicant attained the age of superannuation on 30.04.2019. That the applicant remained without regular pay during suspension period for 12 years as the applicant was not in the headquarters during the time of his suspension.

2. That the applicant would also submit that initially applicant was receiving 50% of the amount as pay under suspension, thereafter applicant requested for 75% of pay, that in view of the departmental proceedings against the applicant only 25% of the amount of basic pay was being paid to the applicant which was to the tune of Rs.120/- per month only. That it was in this background the applicant was constrained to leave the headquarters as his wife was suffering from phycological problem since 1995 and she was taking treatment at Ahmedabad and his children were studying at Ahmedabad as he could not afford to maintain two houses one at Bhuj and another at Ahmedabad. That the applicant was shouldering the responsibility of wife, two daughters and son. That during this period he incurred heavy debt.

3. That the applicant would also submit that during his lifetime applicant got marriage of his two daughters and the applicant presently is residing with his ailing wife, son and daughter in law. That at the time of attaining the age of superannuation in the year 2019 the pension fixed of applicant was Rs.15,000/- per month and it is only in the year 2025

that the applicant is receiving Rs.18,000/- per month as pension.

4. That the applicant would also submit that the wife of the applicant is not keeping well and she is facing various ailments. That it is since 1995 that wife of the applicant is suffering from mental ailment and till date, she is undergoing the treatment for the same. That it is also pertinent to bring to the notice of this Hon'ble Court that in the year 2019 one kidney of the wife of the applicant was not functioning properly because of which post-surgery the kidney was removed and since ever wife of the applicant is surviving only on one kidney. That the wife of the applicant is also suffering frm heart ailments for which also she under Section undergoing treatment."

5. We find the aforesaid explanation satisfactory to condone delay.

6. Under the circumstances, the present application stands allowed. Delay of 84 days is hereby condoned. The Registry to give pakka number to the captioned appeal and list the same in *seriatim*.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(GITA GOPI,J)

NVMEWADA/27

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: NEHABEN VINODBHAI MEWADA(HC01571), PRIVATE SECRETARY, at High Court of Gujarat on 02/05/2025 16:29:31