

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO.
1800 of 2026

In F/LETTERS PATENT APPEAL/9469/2026
In R/SPECIAL CIVIL APPLICATION/2947/2016

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SPECIAL SECRETARY REVENUE DEPARTMENT (APPEALS) &
 ORS.
 Versus
 RAJENDRAKUMAR AMBALAL BAROT

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Appearance:

MS.MAITHILI MEHTA, ASST.GOVERNMENT PLEADER for the
 Applicant(s) No. 1,2,3
 MS KJ BRAHMBHATT(202) for the Respondent(s) No. 1

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CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**
SUNITA AGARWAL
 and
HONOURABLE MR.JUSTICE D.N.RAY

Date : 23/04/2026

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)

1. This is a wholly misconceived application filed on behalf of the State appellants, with an inordinate unexplained delay of 1350 days, wherein one of grounds to seek condonation is that from the date of the impugned order, i.e. 09.06.2022, the appellants were engaged in 15th Gujarat Legislative Elections followed by Vibrant Gujarat Summit and subsequently, Lok Sabha Elections.

2. The further statement in the next paragraph itself is that on 26.09.2024, the office of applicant No.1, namely the Special Secretary Revenue Department (Appeals) sought permission from Legal Department for filing of appeal against the order dated

09.06.2022. This statement in two consecutive paragraph Nos. 4 and 5 of the delay condonation application itself is sufficient to reject the appeal, outrightly.

3. However, the most shocking fact is that the State authorities, namely the In-charge Collector, Gandhinagar, who is supposed to be an officer well-versed in legal proceedings, answers the Court about the delay in a manner that for two years, the entire State machinery was engaged in various other works other than pursuing litigation, where interest of the State supposedly is to be protected.

4. We fail to understand as to how the Legal Department of the State could vet this kind of explanation given to the High Court, which is not only casual but contemptuous in nature.

5. This apart, another astonishing fact brought to our knowledge is that the respondent, against whom the appeal is filed, who was the original petitioner, had died in the year 2022, before the judgment was rendered on 09.06.2022.

6. This shows casual approach of the Legal Department of the State in filing Intra-court appeal after a period of four years, against the dead person.

7. We also fail to understand as to how the State Litigation Committee granted permission for filing of the present appeal on 18.06.2025 as against the State Litigation Policy, framed upon intervention of this Court. It does not stand to reason as to why State officers and the Legal Department would burden this Court again and again with frivolous litigations in the shape of Intra-court appeals, when the State stating it as a responsible litigant, has framed policy not only providing for the timeline for filing but also fixing responsibility in case of delay in filing such appeals, in order to protect the interest of the State.

8. Time and again, in various orders issued by this Court, the officers of the State and the Legal Department are warned not to file such frivolous appeals with incomplete, incorrect and distorted facts but, no one listened. And today, we are faced with another frivolous appeal filed on behalf of the State again.

9. The State is supposed to be a responsible litigant. Any litigation initiated by the State not only burdens the docket of the Court but also results in a wasteful expenditure of public money. Repeated acts of the officers in filing frivolous appeals in a casual manner giving misleading facts before this Court compels this Court to initiate an inquiry.

10. We, therefore, issue notice to the deponent of the affidavit, namely the In-charge Collector, Gandhinagar to answer as to upon whose instructions, this appeal has been filed and further, the casual statements made in paragraph Nos. '4' and '5' of the application supported with his affidavit while explaining delay in the institution of this appeal.

11. It is also brought to the notice of the Court by Ms.K. J. Brahmbhatt, the learned advocate appearing for the deceased respondent upon advance notice, that against the compulsory retirement order passed on 31.07.2006, the deceased respondent had filed a writ petition, namely Special Civil Application No.455 of 2012, which was allowed vide judgment and order dated 22.06.2017, while quashing the order of the compulsory retirement passed by the District Collector and also the order of the Gujarat Civil Service Tribunal, Gandhinagar.

12. Against the said decision of the learned Single Judge in setting aside the compulsory retirement order and the direction to reinstate the petitioner in service with consequential benefits

including back wages, a Letters Patent Appeal No.2441 of 2017 was filed in the name of the District Collector, which has been decided / dismissed on 05.02.2024.

13. A perusal of the order passed by the LPA Court indicates that heirs of deceased respondent herein (the sole respondent therein) were duly substituted therein as respondent Nos. 1/1, 1/2 and 1/3. The copy of the judgment and order dated 05.02.2024 of the LPA Court in the matter of compulsory retirement placed in the Court is taken on record.

14. The deponent is also required to explain as to how appeal could be filed against the dead person.

15. We post the matter on **30.04.2026** to enable the officer concerned to file his personal affidavit in compliance of this order.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER