

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4900 OF 2025

Shri Bhujgonda K. Kamble ... Petitioner

versus

The Municipal Commissioner,
Municipal Corporation of Greater Mumbai
and Others

... Respondents

Mr.Sanjiv A.Sawant with Ms.Samiksha S. Mane i/b. Mr.Samir
Suryawanshi for the Petitioner.

Mr.Girish Godbole, Senior Advocate with Mr.R.Y.Sirsikar for the
Respondent – Municipal Corporation.

Mr.Rajesh Kankal, Education Officer is present.

Mr.Mayekar, AO (Education) is present.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 8th May, 2025

P.C. :-

1. We have considered the submissions of Mr.Godbole,
the learned Senior Advocate, on behalf of the Municipal
Corporation and Mr.Sawant, the learned Advocate, on behalf of the
Petitioner.

2. Considering the earlier orders, the Municipal
Corporation has taken effective and urgent steps and has cleared

almost all the dues payable to the Petitioner. Hence, we are not required to pass a detailed order in this matter, save and except, on account of interest to be made payable and a certain amount which is still due to be paid to the Petitioner. Hence, with the consent of the parties, we are passing a short order.

3. The learned Senior Advocate for the Municipal Corporation has tendered dates and events for reference, which are as under :

*“1. 7.4.1995 -First appointment -otherwise termination
dt. 31.10.1998.*

*2. 10.3.2008- Labour Court- Reinstatement with
continuity and back wages. Therefore, W.P. No. 1012 of
2009 by BMC. Pg. 44-66.*

*3. 20.3.2009 - W.P. No. 1012 of 2009 by BMC admitted
but reinstatement ordered.*

*4. 2.7.2009- Actual reinstatement salary paid as fresh
Appointee.*

*5. 23.12.2023- W.P. dismissed Pg. 85. Therefore, SLP
(Civil) No. 29215 of 2024.*

6. 2.9.2024-SLP (Civil) 29215 of 2024 dismissed.

7. 31.5.2024 – Retirement.”

4. Insofar as the amounts that have been paid, would not require any mention in this order. Suffice it to say that the Petitioner superannuated on 31st May, 2024 and the gratuity became payable, irrespective of the litigation between the parties, with effect from 1st July, 2024. Hence, keeping in view the order of the Hon’ble Supreme Court dated 3rd March, 2025 delivered in Special Leave to Appeal (Civil) No. 4468 of 2022 (*Gagan Bihari Prusty versus Paradip Port Trust & Ors.*), the Municipal Corporation would pay 10% interest on the delayed payment of the gratuity amount, with effect from 1st July, 2024.

5. The SLP preferred by the Municipal Corporation was dismissed on 2nd September, 2024. Reasonably, the Municipal Corporation should have cleared the legal dues of the Petitioner by 31st December, 2024. The Petitioner should not have been compelled to approach this Court for the same. Hence, considering this reasonable period, we are levying interest @ 6% per annum on the pension amount and the leave encashment, with effect from 1st January, 2025.

6. For similar reasons, with reference to the difference on account of the application of 7th Pay Commission recommendations, similar interest @6% per annum would be payable to the difference of pay, with effect from 1st January, 2025.

7. To give time to the Municipal Corporation to make the aforesaid calculations and the payment, we record that such dues, as noted above, would be cleared by making the payment directly into the account of the Petitioner, on or before 15th June, 2025.

8. With the above directions and with the consent of the parties, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)