

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

WRIT PETITION NO. 13803 OF 2025

Smt. Indubai Kisan Bagul,
aged about 84 years, residing at Clo Shri
Pramod Madhukar Kapadane, House No. 739,
Somwar Peth, Chandvad, Taluka: Chandvad, ... Petitioner
District Nasik

Versus

1. The State of Maharashtra through Principal
Secretary, Department of Finance,
Mantralaya, Mumbai - 400032
2. The Accountant General, Indian Audit and
Accounts Department, Pratistha Bhavan, 101,
Maharshi Karve Marg, Mumbai – 400 020
3. The Chief Executive Officer, Room No. 101,
1S Floor, Zilha Parishad Office, Palghar,
Boisar Road, Kolgaon, Taluka and District ... Respondents
Palghar Pin 4-1404

...

Mr.Naveen Khaire for the Petitioner.
Mrs.Nisha Mehra, AGP for Respondent Nos. 1 and 2, State.
Mr.Sandeep Mishra with Ms.Madhura Mulay for Respondent No.3.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : FEBRUARY 17, 2026

ORAL JUDGMENT (*Per : Ravindra V. Ghuge, J.*)

1. Rule. Rule made returnable forthwith and heard finally, by the
consent of the parties.

2. Considering the facts of the case, we find that there is no controversy. The Petitioner is the biological mother of Deelip Kisan Bagul. The father of Deelip Kisan Bagul has already passed away. Deelip was earlier married to Jaishree. Both were legally divorced. After the divorce, the deceased Deelip married Minakshi.

3. His legally wedded second wife, Minakshi, suffered a heart attack and died on 04.11.2017. As a consequence, Deelip went into a state of shock, suffered a heart attack on the same day, and passed away on 04.11.2017. This leaves only one surviving heir, namely the Petitioner, who is the biological mother of Deelip.

4. Insofar as Jaishree is concerned, she had already divorced Deelip. The son born out of the said marriage, namely Mayuresh, is now 21 years of age and has secured employment in the Health Department. The issue pertains to the pension of the deceased, Deelip, being paid to his legal heir.

5. This Court has delivered a judgment on 25.04.2025 in Writ Petition No. 18230 of 2024 at the Principal Seat, in the matter of ***Vasantrao Shamrao Deshmukh & Anr. Versus State of Maharashtra & Ors.*** In the said

judgment, this Court concluded that even the parents of a '*single*' government employee would be entitled to pension if he/she has no independent means of sustenance and was wholly dependent on the deceased.

6. Having laid down the said law in the light of earlier reported judgments, this Court (Coram: Ravindra V. Ghuge & Ashwin D. Bhobe, JJ.) directed that the parents of a deceased employee, who was single, would be entitled to the benefit of the Government Resolution dated 22.01.2015, and that pension would be payable to such parents.

7. In the present case, the Petitioner is the sole surviving parent and is approximately 84 years of age.

8. Deelip passed away on 04.11.2017. The Petitioner is entitled to pension from the date of death of Deelip, who died in harness. She would also be entitled to all retirement benefits. The sister of Deelip is already married.

9. In view of the above, **this Writ Petition is allowed** in terms of prayer clause (b), which reads as under:

“b. This Hon'ble Court be pleased to issue writ of Mandamus and/or any other writ, order, direction in the nature of mandamus, under Art. 226 of Constitution of India, directing the Respondent No. 1 to 3 to allow the Petitioner pensionary benefits by further directing the Respondent No. 3 to submit the proposal of the Petitioner for pension immediately.”

10. The Zilla Parishad, Palghar is directed to forward the proposal to ensure that all the retirement benefits of the deceased Deelip and arrears of pension along with 5% simple interest per annum and gratuity (with 10% statutory interest on account of delayed payment from the date it became payable), are paid to the Petitioner, Indubai Kisan Bagul.

11. The proposal shall be forwarded by Respondent – Zilla Parishad within a period of 30 days from today to Respondent No. 2. Respondent No. 2 shall clear the said proposal within a further period of 30 days thereafter.

12. Insofar as the issue of loan of Rs. 9,00,000/- taken by the deceased Deelip from Shivganga Sahakari Sanstha for the construction of a bungalow, and the issue whether Mayuresh desires to claim a share in the said bungalow, are left open. The Petitioner would be at liberty to repay the loan amount to the extent of her share from the death-cum-retirement

benefits of Deelip or face recovery proceedings for the loan amount in accordance with law.

13. **Rule is made absolute in the above terms.**

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)