IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2488 OF 2026
IN
REVIEW PETITION (ST) NO.4231 OF 2026

The Administrative Officer,
Kalyan-Dombivali Municipal
Corporation and Anr. ….Applicants

IN THE MATTER BETWEEN :

The Administrative Officer,
Kalyan-Dombivali Municipal
Corporation and Anr. ….Review Petitioners/
(Orig. Resp. Nos.1 & 2)

Versus

1. Shobha Suresh Dagale ….Original Petitioner

2. The Education Officer
(Primary) and Anr. ….Respondents/
(Orig. Resp. Nos.3 & 4)

Mr. A.S. Rao for the Applicants/Review Petitioners.
Mr. Digambar Deokar i/b. Mr. Sadik Pathan for Respondent No.1 in Review Petition/Original Petitioner in the Writ Petition.

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

DATE : 30th MARCH, 2026

P.C. :-

1. Heard at length. For the reasons set out, the delay is condoned, since it is neither deliberate, nor inordinate. **The Interim Application is allowed**.

2. The Review Petition is taken up for hearing, by consent of the parties. The learned Advocate for the Municipal Corporation has strenuously canvassed the grounds set out in the Review Petition to convince us that 5% interest granted on arrears of pension is exorbitant for the Corporation.

3. We have perused all the grounds canvassed by the learned Advocate in the backdrop of the fact that the husband of the Petitioner passed away on 6th March, 2011. She preferred a Petition in 2016. The Petition was listed in the Special Pension category cases board on 10th October, 2025, which this Bench has started on every 2nd and 4th Thursday of the month. The widow, who was 58 years of age and widowed at the age of 53, received a favourable judgment of this Court on 10th October, 2025, when she was 68 years of age. Our directions are set out in paragraph nos.10 to 13 of the Writ order, which read thus :

> 10. In view of the above, we find the following factors to be relevant for drawing our conclusion that the Petitioner is entitled for pension and gratuity payable by the Corporation :
>
> (a) the Petitioner was a permanent employee as an Assistant Teacher initially in the Zilla Parishad and then with the Corporation;
>
> (b) the Petitioner passed away on 6th March, 2011 prior to his date of superannuation, 1st

July, 2012;

(c) the deceased had put in qualifying service in order to be eligible for pension under the Rules;

(d) until his demise, the deceased was in the service of the KDMC, irrespective of the fact that he did not report for actual duties;

(e) the Petitioner continued in employment till his demise, as the Corporation neither dispensed with his service on the ground of abandonment, nor any disciplinary action was initiated against him.

11. In view of the above, this Petition is allowed. The Petitioner widow, being undisputedly the legal heir of the deceased, would be entitled for pensionary and gratuity benefits. We direct the Municipal Corporation, through its Commissioner, to ensure that the necessary papers/file/proposal of the deceased for pension, should be prepared within 45 days from today. We would not grant a single day extension of time. The papers shall then be forwarded to the Accountant General at Thane within 7 days from the date of preparation of the proposal. The Accountant General, Thane, would ensure that an appropriate order is passed on the proposal within 15 days of the receipt of the same.

12. We further direct that the arrears of pension shall be calculated along with simple interest at the rate of 5% p.a. from the date the pension became payable till it is actually paid. The gratuity with statutory interest, should also be calculated by the Corporation. The gratuity and interest shall be calculated after 30 days of the demise of the Petitioner, i.e., from 5th April, 2011 onwards. These amounts shall be paid to the Petitioner on or before 15th January, 2026.

> 13. The payment of regular pension shall commence from January, 2026. If there are any issues, the Corporation as well as the Accountant General, Thane, shall sort out the same in coordination with each other without wasting any time and without seeking extension of time.

4. Taking into account all the above factors and the grounds set out by the Corporation, we do not find that we have committed any error, much less an error apparent on the face of the order, by granting simple interest at the rate of 5% p.a. from the date the pension became payable till it is actually paid.

5. As such, **the Review Petition is rejected**.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**