

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

WRIT PETITION NO.10946 OF 2019

Smt. Sunauti Rajnath Rajbhar ... Petitioner
Versus
M/s Pradeep Metals Ltd. ... Respondent

**ALONG WITH
WRIT PETITION NO.11973 OF 2019**

Shri Mathura D. Yadav ... Petitioner
Versus
M/s Pradeep Metals Ltd. ... Respondent

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Mr. Mahesh Shukla a/w Mr. Niraj Prajapati for the Petitioners in both petitions.

Mr. V.P. Vaidya a/w Shraddha Chavan i/b Mahendra Agavekar for the Respondent in both petitions.

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CORAM : S.C. GUPTE, J.

DATE : 4 MARCH 2020

P.C. :

. Heard learned Counsel for the parties.

2 These two writ petitions, respectively, challenge two awards passed by the Labour Court at Thane on references made before it. The issue concerned *inter alia* the superannuation age of the two second parties before the court, who or whose heir, are the Petitioners in the present writ petitions.

3 After the matters are heard at some length, it is agreed between learned Counsel for the parties that the impugned awards passed by the Labour Court may be quashed and set aside and the references may be remitted to the court for a fresh hearing in accordance with law. The impugned awards dated 31 August 2018 in the two petitions herein are, accordingly, quashed and set aside and the respective references, Reference (ID) Nos.196 of 2013 and 193 of 2013, are remanded to the Labour Court at Thane for a fresh hearing in accordance with law. It is made clear that the Labour Court shall apply its mind to two issues in particular, namely, (i) Whether, in view of the record produced by the second parties at the time of their joining the employment of the first party, it was permissible to rely on the medical certificate issued by the Civil Surgeon, Thane, which states approximate age, based on appearance and own statement, as between 60 to 65 years and, (ii) whether the first party had complied with the requirements under the Industrial Employment (Standing Orders) Act, 1946 read with Model Standing Orders for change of superannuation age from 60 to 58 years.

4 The writ petitions are disposed of accordingly.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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