

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.262 OF 2021

Shobha Ashokkumar Salve

..... Petitioner

Vs.

India United Mill and Ors.

..... Respondents

**WITH
WRIT PETITION NO.879 OF 2020**

Shilpa S. Chandankar

..... Petitioner

Vs.

NTC Ltd. and Ors.

..... Respondents

**WITH
WRIT PETITION (L) NO.5296 OF 2020**

Sangeeta Suresh Kedia

..... Petitioner

Vs.

India United Mill No.5 and Ors.

..... Respondents

**WITH
WRIT PETITION NO.3796 OF 2021
WITH
INTERIM APPLICATION NO.188 OF 2022**

Priyanka Pradeep Chavan

..... Petitioner

Vs.

National Textile Corporation Ltd. and Ors.

..... Respondents

Mrs. Nivedita S. Deshpande i/b Mr. Sudhir N. Deshpande for the Petitioner in all WPs and for the Applicant in IA.

Smt. Uma Palsuledesai, AGP for Respondent No.2-State in WP 879 of 2020.

Mr. Kedar Dighe, AGP for Respondent No.2-State in WPL 5296 of 2020.

Mr. C.S. Joshi I/b. Mr. B.C.Joshi for Respondent No.1 in WP 879 of 2020, WPL 5296 of 2020 and for Resp. In WP 3796 of 2021.

Mr. Kedar Dighe, AGP a/w. Smt. Uma Palsuledesai, AGP for State in WP/262/2021.

Mr. P.M.Palshikar a/w. Mr. Anil D. Yadav for R.2 and 3 UOI in WP/879/2020 and WPL/5296/2020.

Mr. Anoop Patil for R.1 in WP/262/2021.

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 21, 2023

P.C.

1. Rule.

Rule made returnable forthwith. By consent of the parties, taken up for final disposal.

2. The Petitioner is challenging the standing order 11-A framed under the provisions of the Bombay Industrial Relations Act, 1946 (BIR) on the ground that the same discriminates between the male and the female employee.

The male employee is granted extension till 63 years of age whereas the same benefit is not made available to female employees.

3. We have heard the learned Counsel for the Petitioner and the Respondents.

4. It has been pointed out that the issue involved in the present petition is no longer *res integra* in view of the judgment of the Division Bench in the case of Writ Petition No.2689 of 2018 dated 19.08.2019. In the said judgment, Division Bench of this court declared that the provisions of standing orders 20-A and 11-A shall apply irrespective of the fact that the concerned employee is male or female employee.

5. This court while issuing notice had granted interim orders in favour of Petitioner.

6. In view of the fact that the said issue is already decided by this court, as referred to above, the Respondent no.1 shall consider the case of the Petitioner for extension beyond the age of 60 years upto maximum 63 years as per its policy.

7. The decision shall be taken by Respondent no.1 preferably within four weeks or till the Petitioner attains the age of super annuation whichever is earlier.

8. Till the decision is taken by Respondent no.1, the interim orders of this court passed on 15.05.2020 shall continue.

9. Rule accordingly made absolute. No costs.

10. Writ Petition No.262 of 2021 stands disposed of.

11. Place remaining Writ Petitions along with Interim Application on board on 05.04.2023.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)