



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.8039 OF 2025

MMP INDUSTRIES LTD., SHAHAPUR, THR. SENIOR VICE PRESIDENT
VERSUS
 SHAMRAO RAMCHANDRA BAWANE

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.B. Puranik, Senior Advocate i/b Mr. M.R. Puranik,
 Advocate for Petitioner.
 Mr. R.V. Bhanarkar, Advocate for Caveator/Respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 16th DECEMBER 2025

1. Heard learned Senior Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 11.11.2025, passed by the Industrial Court, Bhandara, by which the application filed by the employee is allowed and resultantly, the employee is allowed to work even after attaining age of 58 years.
3. Learned Advocate for the petitioner submits that the complaint filed by the employee itself was not maintainable for want of jurisdiction of the tribunal. In support of his submissions, he placed reliance on the judgment of the Co-ordinate Bench of this Court in the case of *Sunflag Iron and Steel Co. Ltd., Warthi Vs. Sunflag Iron and Steel Mazdoor Sabha, Warthi and Another, [2016 (1) Mh.L.J. 794]*. He also submits that the Memorandum of Settlement is in operation and the employer is acting in accordance with the Terms of Settlement. He, therefore, submits that the Terms of Settlement continues to be binding and accordingly, the employee was due to

retire on attaining age of 58 years. It is pointed out that, by virtue of the impugned order, the employee is continuing in service despite attaining age of 58 years.

4. Having regard to the controversy involved, issue notice to the respondent, returnable on 08th January 2026.

5. Advocate Mr. R.V. Bhanarkar, who appears on caveat, waives service of notice on behalf of sole respondent and seeks time to file affidavit-in-reply.

6. Time granted. Affidavit-in-reply be filed on or before returnable date.

(PRAFULLA S. KHUBALKAR, J.)

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