



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2166 OF 2026

APPASAHEB RAMBHAU GAGARE

VERSUS

TRUSTEE AND SECRETARY PRAVARA MEDICAL TRUST AT
LONI

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Mr. Laxman Vishnu Sangit, Advocate for the Petitioner.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th MARCH, 2026.**

P.C.:-

1. The present Writ Petition takes exception to order dated 10.06.2025 passed by Industrial Court, Ahmednagar in Revision (ULP) No.3/2019, thereby upholding order dated 07.01.2019 passed by Labour Court, Ahmednagar in Complaint (ULP) No.64/2016, whereby complaint filed by petitioner came to be dismissed.

2. The petitioner sought declaration that he has been illegally and improperly superannuated from his service w.e.f. 31.05.2016 at the age of 58 years instead of 60 years and prayed for reinstatement with continuity of service and full back wages. The Labour Court as well as Industrial Court found that services of petitioner are governed by Certified Standing Orders, which came into operation w.e.f. 15.04.2004 as per order dated 15.03.2004 passed by Deputy Commissioner, Labour.

3. The Certified Standing Orders shows age of superannuation for workman as 58 years. However, at the discretion of employer,

it is extendable to 60 years subject to mental and physical fitness of employee.

4. Apparently, Certified Standing Orders stipulates age of retirement as 58 years and it is only at the discretion of management it can be extended to 60 years considering mental and physical fitness of employee.

5. In present case, petitioner has been made to retire on attaining superannuation upon attaining age of 58 years. Although employer has discretion to continue services of employee up to age of 60 years, it cannot be said that employee has right to seek continuation of service beyond 58 years, nor can employer be compelled to extend such service beyond that age. The Labour Court as well as Industrial Court, after considering Model Standing Orders framed under Industrial Employment (Standing Orders) Act, 1946, have found that no unfair labour practice can be attributed to employer. Resultantly, rejected complaint. Thus, this Court finds no jurisdictional error in concurrent findings recorded by Labour Court as well as Industrial Court. In result, Writ Petition sans merit. Hence, rejected.

(S. G. CHAPALGAONKAR)
JUDGE