



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6318 OF 2026

Pramod Murlidhar Hadkar

...Petitioner

V/s.

Tata Mills & Anr.

...Respondents

Ms. Nivedita Deshpande for the Petitioner.

CORAM: SANDEEP V. MARNE, J.

DATED: 09 JUNE 2026.

P.C.:

- 1) The Petition challenges order dated 19 January 2026 passed by the Industrial Court dismissing Complaint (ULP) No.322 of 2025. The Complaint was filed by the Petitioner seeking continuation in service till attaining the age of 63 years in terms of clause 20-A of the Standing Orders.
- 2) I have heard Ms. Deshpande, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by her.
- 3) Ms. Deshpande is not entirely wrong in contending that the learned Member of the Industrial Court has committed an error in not deciding the Complaint on merits and in dismissing the same as infructuous. Merely because no interim order was pressed and since the Petitioner has already crossed the age of retirement, the Complaint could not have been dismissed as infructuous. However, there appears to be a

better reason for dismissal of the Complaint. I am not inclined to interfere in the impugned order since remanding the Complaint for fresh decision on merits appears to my mind to be an exercise in futility.

4) Under clause 20-A of the Standing Orders, the normal age of retirement of an Operator is 60 years and in case the Operator continues to be efficient, he can continue upto the age of 63 years. Clause 20-A of the Standing Orders reads thus:

“20-A. An operative shall retire from service on attaining the age of 60 years, but a male operative shall be retained in service, if he continues to be efficient, upto the age of 63 years, provided that when retrenchment becomes necessary a person who has completed the age of 60 may be retired in preference to younger men”.

5) It is the case of the Respondent-employer that there is absolutely no work available for employees after the pandemic and lock-down with effect from 21 March 2020. It is further the case of the Respondent employer that the Mill has totally lost its business and that there are huge financial losses. It is also the case of the Respondent-employer that there is no continued utility of the Petitioner beyond the age of 60 years. It is otherwise matter of common knowledge that the Textile Mills in Mumbai City have closed their operations long since. Upon being queried as to whether any production activity is indeed happening in the Respondent-Mill, Ms. Deshpande is unable to give a concrete reply in that regard. In fact, after making a specific query about production activity, she did admit during the course of her submissions that after Covid pandemic, the manufacturing activities of the Respondent-Mill have actually come to an halt. In view of the above position, the issue that arises for consideration is whether the Petitioner has a right to continue in service beyond the age of normal retirement of 60 years and

whether the Respondent-employer can be put to further financial burden of paying wages to the Petitioner for three long years when there is no manufacturing activity happening in the Respondent-Mill. The answer to the question appears to be in the negative.

6) Also the word 'efficient' appearing in clause 20-A needs to be understood in the context of efficiency for the employer. Since no manufacturing activities are occurring in the Mill of the Respondents, there is no occasion for the Petitioner to demonstrate efficiency for the purpose of application of clause 20-A of the Standing Orders for continuation in service beyond period of 60 years. It appears that the Respondents were paying salaries to the Petitioner upto the age of 60 years (9 November 2025) without extracting any work from him. In such situation, the employer cannot be saddled with additional burden of paying wages for three more years.

7) In view of the above position, remanding the Complaint for decision on merits appears to be an exercise in futility. Petitioner has invoked jurisdiction of this Court under Article 227 of the Constitution of India, which need not be exercised to correct every error of law or fact. This Court is satisfied with ultimate outcome of the litigation. Therefore, this Court is not inclined to interfere in the impugned order. The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]