



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

WRIT PETITION NO.5367 OF 2021

Insar Khan Aziz Khan .Vs. The Akola Zilla Krushi Audhyogik Sarva Sewa Sahakari
Society Ltd. through its President and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.C. Chandrakapure, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 31/08/2023

1. The petitioner was relieved from service on attaining 50 years of age on 31.10.2001. According to the petitioner, the same amounts to change in service condition, as according to the petitioner, the age of superannuation is 58 years. Both the Courts below i.e. the learned Industrial Court as well as learned Labour Court have categorically held that the petitioner failed to establish how the respondents had effected change in service condition.

2. After going through the examination in chief of the petitioner, there is no whisper about the change in service condition or there is no mentioned about the model standing order or any rules in force on the date of joining of service of the petitioner and any change carried out to the same subsequent to the joining of the petitioner.

3. Nothing has been pointed out how the finding recorded by both the Courts below holding that the petitioner failed to establish as to how the change effected in service condition, is perverse or contrary to the evidence brought on record.

4. The learned counsel for the petitioner has placed reliance on the judgment of the Madras High Court in the case of *Ramaratnam K.S. And Labour Court and another* (in W.P. No.19198/1994 dated March 12, 2002).

5. After going through the judgment, it is evident that, it relates to the issue whether the ground which was not raised before the learned Labour Court or learned Industrial Court can be raised before first time before the High Court. Here the said issue is not involved and accordingly, the judgment is of no assistance to the petitioner.

6. In that view of the matter, the writ petition is **dismissed**.

JUDGE