

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

WRIT PETITION NO.4554 OF 2014

Bhausahab Tukaram Ananda Mali,
Gramin Bhigdar Sheti Patsanstha
Ltd., Lohara, Taluka Pachora,
District Jalgaon through its Chairman
Shri Subhash s/o Dashrath Ghongade,
Age 50 years, Occu.Medical
Practitioner, R/o Lohara,
Taluka Pachora, District Jalgaon

..Petitioner

Versus

Shri Nathu s/o Dagadu Mali,
Age 40 years, Occu.Service,
R/o Lohara, Taluka Pachora,
District Jalgaon

..Respondent

Mr S.B.Yawalkar, Advocate for petitioner
Mr P.B.Saunke, Advocate for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 24th February 2015

PER COURT

1. The petitioner-Co-operative Society suffered the observations on preliminary issue as regards tenability of the proceedings in relation to service conditions and the matter arising thereto of the respondent on the aspect of tenability of proceedings before the Co-operative Court. The said order was upheld in an appeal before the Co-operative appellate Court, as such the present petition.

2. Mr Yawalkar, learned Counsel for the petitioner - society sought to urge that this Court has laid down law on the issue of tenability of the proceedings before the Co-operative Court in relation to the order of termination, and not in the matter of suspension. If the

above contention made by learned Counsel for the petitioner is accepted, the same may take the judgment of this Court to anomalous situation, i.e. termination of petitioner, but not suspension can be challenged before Co-operative Court. Said submissions are wholly misconceived and the reliance placed by him on the judgment of this Court in the matter of **Pralhad Vithalrao Pawar Vs. Managing Director, Kannad Sahakari Sakhar Karkhana Ltd. and anr.**, reported in **1998 (3) Mh.L.J.214** is misplaced, as the said judgment supports the view taken by the learned Court below. As such, there is no substance in the petition. Writ Petition stands rejected.

(N.W. SAMBRE, J.)

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